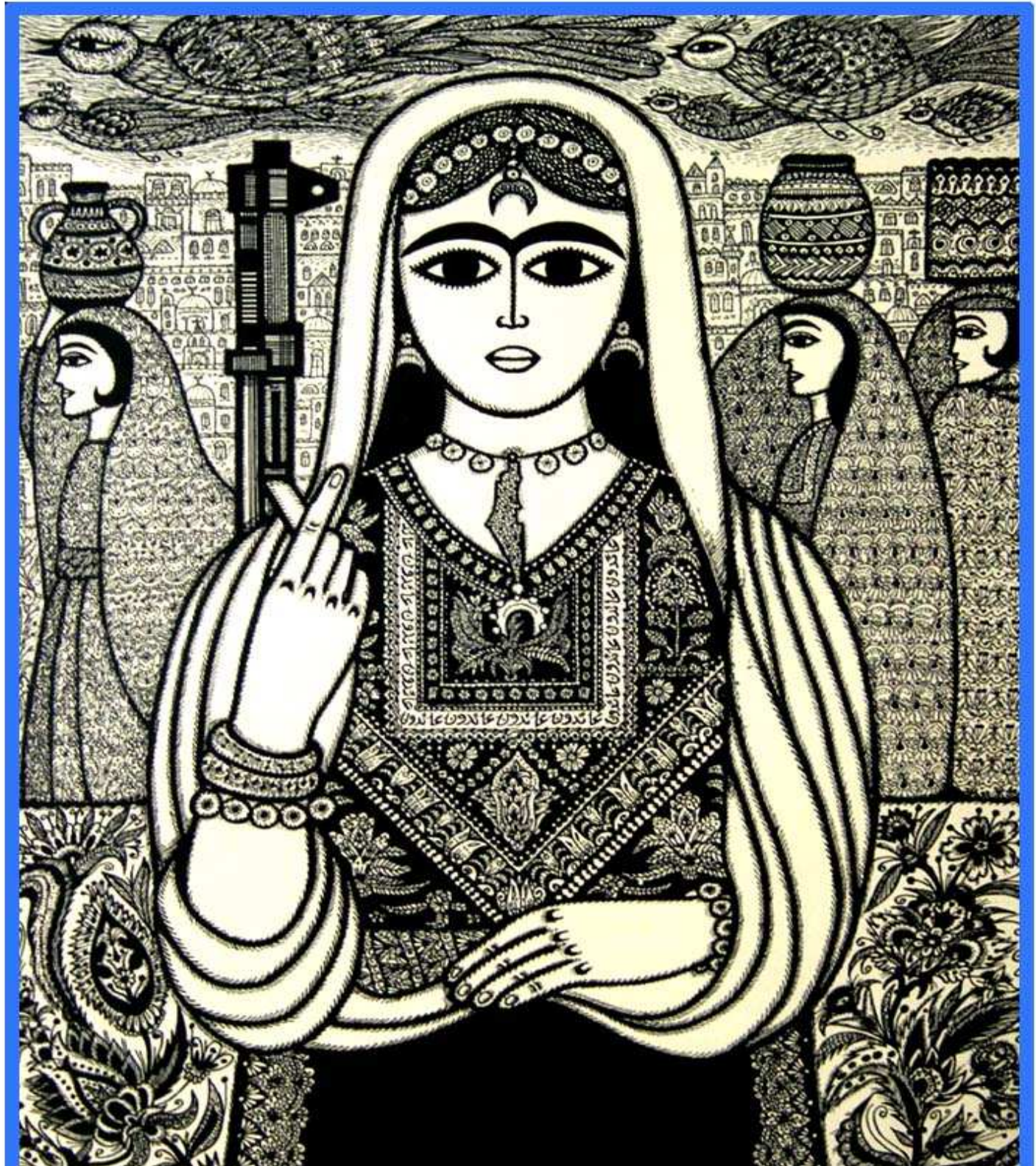




Commemorating the Naksa Evoking the Nakba

Spring 2008



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Maha Yahya

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Editor's Note

As the Berlin wall went down, what has been called Israel's largest construction project, "the wall", 8 meters high and 703 km long of concrete surrounding the West Bank and Jerusalem was going up. Consecrating a new reality on the ground, this wall, along with bypass roads, land confiscation and settlements have formed the tactical arm of a larger Israeli government[s] policy to insure the impossibility of a Palestinian state. It also signaled the existence of the last apartheid regime of the 21st century.

This issue, dedicated to commemorating 40 years of Naksa or the occupation of the West Bank, Gaza and the Golan and evoking 60 years of Nakba, or the establishment of Israel on Palestinian land and the subsequent "ethnic cleansing" that followed, attempts to analyze this 'reality on the ground' from different perspectives; the politics of occupation, the forms of resistance and possible ways forward. Israeli official policy has not only transformed the territories into massive incarceration camps, but has also ignored the reality of Palestinians as a people. Their rights are consistently violated at every level: from the most basic rights to health, education, housing and security etc. to their national right to recognition as a community rather than a group of deprived refugees.

Yet Palestinians have persisted transforming the most mundane daily activities into acts of resistance. Despite the different forms that Israeli occupation has taken and the harsh and inhuman conditions it has created, we cannot miss the remarkable resistance of the Palestinian populations (and I do not mean the suicide bombings that have caused considerable harm to all) and the different forms it has adopted. Going to school, traveling to work, producing art, promoting culture and other such activities signify the survival and persistence of a people against all odds.

These acts of resistance have remained invisible to a larger global community 'out there.' As Edward Said stated in 1992, "in the political economy of memory and recollections in the West, there is no room for the Palestinian experience of loss." Yet for much of the rest of the world the Palestinian narrative of loss and dispossession remains a central theme, particularly in the countries of the Middle East and larger Islamic regions. Not surprisingly the injustice done to Palestinians continues to fuel much of the conflict in the region and beyond.

To counteract these conflicts, an integrated attempt to reflect on and address this injustice must take place amongst policy makers and not just academics and in the wider public sphere. The Nakba and Naksa are not semi fictional accounts caused by no one in particular. They are the hard lived reality of more than 4.5 million Palestinians and their descendants in Palestinian territories and in refugee camps across the Arab region (close to 7 million) and the one million Palestinians living in Israel proper. No Oslo agreement or road map will bring peace to the region if the question of Palestine is not recognized as a fundamental question of justice and human rights and concrete steps are taken towards full restitution for historic and contemporary injustice. In this spirit, this critique of Israel's exclusionary politics is a demand for universal values and ideologies that can counter sectarianism and the narrow minded visions being propagated.

Finally, we would like to pay tribute with this modest effort to the memory of Edward Said, the most vocal proponent for Palestinians in the West, to all those dispossessed, and to all those who have died for peace and justice to prevail. Thank you Leila Farsakh for making this special commemorative issue happen.

Maha Yahya

INTRODUCTION

COMMEMORATING THE NAKSA, EVOKING THE NAKBA

*Leila Farsakh**

On June 5, 1967 Israel launched a “pre-emptive” attack on Egypt, Jordan and Syria. By June 10th the war was over. In just six days, the Israeli army had conquered a total area six times the size of Israel, destroyed the armies of major Arab states, and found itself in control of over one million Palestinians living in the West Bank and Gaza. In the Arab narrative, the Six Day War was a Naksa (calamity) compounding the 1948 Nakba, or catastrophe, when Palestine was lost to Israel and 750,000 Palestinians were expelled from their homes. It was also a major defeat for Arab nationalism and its leader, Gamal Abdel-Nasser. For the Jewish State, on the other hand, the 1967 war was a colossal victory, as important as Israel’s creation in 1948. Israel proved itself to be the most powerful state in the region, that it is here to stay. As Honaida Ghanim reveals in her paper in this volume, until 1967 Palestinians believed that the Nakba was potentially reversible. After the 1967 war, however, this dream was shattered. In a way, the Naksa proved to be as much of a defining moment as the Nakba, if not more, from a regional as well as a national point of view.

This volume is dedicated to the commemoration of the 40th anniversary of the Israeli occupation of the West Bank and Gaza (WBGS) whilst recalling the preceding 1948 war establishment of Israel on Palestinian lands. While aware of the regional importance of the 1967 war, it focuses specifically on the Israeli-Palestinian dimension which remains at the core of the Arab-Israeli conflict. This occupation was supposed to be short as Tamari’s contribution here reminds us, but it has not yet ended. It brought about major structural changes in Israeli-Palestinian relations as much as it did in the respective Palestinian and Israeli societies. While promising to bring an end to the occupation, the Oslo process actually reshaped (rather than destroyed) the pattern of Israeli domination and the nature of Palestinian resistance to it. Ending the occupation, though, remains central to any viable peace in the region. UN resolution 242, which became the basis for all peace negotiations since November 1967, affirmed the “inadmissibility of land conquest by war” and called on Israel to retreat from land it occupied in exchange for recognition by the states in the region which had hitherto refused to acknowledge its existence. It enshrined the principle of land for peace as the foundation for any viable resolution to the conflict. In 1978, this principle brought about peace between Israel and Egypt. In 1994, a peace agreement was signed between Israel and Jordan. Yet, 40 years onwards, Israel and Syria are technically still at war, as the Golan Height continues to be occupied. Lebanon, which has survived 5 massive Israeli wars and incursions into its territory, has yet to sign a peace agreement with Israel. The Israeli-

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Palestinian peace is nowhere in sight as 4.5 million Palestinians continue to live under Israeli occupation in the West Bank and Gaza. 4.3 million UNRWA registered Palestinians refugees continue to be dispersed around the world, mainly in refugee camps in neighboring countries, all waiting to return home.

Commemorating the Naksa today is all the more significant in view of what the year 2007 evokes. It is not just the 40th anniversary of the occupation, but also the 60th anniversary of the Partition Plan, or UN General Assembly Resolution 181, issued on November 29, 1947. UN Res. 181 is important in so far as it provided the international legal verdict for solving the Arab-Israeli struggle over Palestine, one that is based on the idea of establishing two states, one Arab and one Jewish. Although not mentioned in UN Res. 242, UN Res. 181 provided the legal basis for Israel's creation in 1948 and for the Palestinian Declaration of Independence issued on November 15, 1988. 2007 is also the 20th anniversary of the first Intifada, known as the Children of the Stones, which erupted first in Gaza and then the West Bank, on December 9, 1987. This uprising was a popular revolt against 20 years of Israeli occupation. It affirmed to the world the resilience, and territorial base, of the Palestinian struggle for independence. It paved the way for the Oslo peace process which brought about, for the first time since 1948, direct Israeli-Palestinian negotiations. The significance of this unarmed popular uprising was somewhat eclipsed by the eruption and violence of the second, or Al-Aqsa, Intifada in September 2000¹. Yet, the second Intifada would not have been possible without the first Intifada and the failure of the Oslo peace process to meet its demand: independence. By 2007 the Palestinians could not have been further away from having an independent contiguous state, despite all the international endorsement this state had received by then. Israel, meanwhile, although growing stronger economically and more defiant politically, has not become more secure, nor able to dispense with a peace process with the Palestinians, as the loss of 471 Israeli civilians over the course of seven years of al Aqsa Intifada reveal.² An understanding of the dynamic of the occupation, the different forms of resisting it, and the failure to end it, despite all ongoing peace processes, is thus most warranted at this particular juncture. It is all the more necessary as we are about to evoke the 60th anniversary of the Nakba which falls on May 15, 2008.

UNDERSTANDING THE OCCUPATION: WHAT IS IT ALL ABOUT?

Meron Benvenisti, ex-deputy mayor of Jerusalem, has recently remarked that “the Six-Day War was the final battle in 1948's War of Independence.”³ The papers included in this volume trace the continuity between the Nakba and the Naksa, from a Palestinian as well as Israeli perspective. They also analyze the specificity of the Israeli occupation of the West Bank and Gaza Strip, and its implications for the inhabitants as much as for the resolution of the conflict. As this volume shows, the peculiarity of this occupation, in relation to the Nakba, lies in the nature of the legal structure that defines it, and the way it enabled Israel to continue Palestinian dispossession. The Naksa also predicated that all attempts to solve the Israeli-Palestinian conflict would focus on the newly conquered 22% of historic Palestine and would translate into a state that would accept, rather than negate, the existence of Israel. Yet this state is far from becoming a reality, let alone able of addressing the legacies of the Nakba.

One of the first challenges in this attempt to understand the specificity of the Naksa is to define the meaning of the occupation as a system of domination. As the papers by Rema Hammami and Leila Farsakh here demonstrate, this is no easy task given the occupation's peculiar legal and political structure. According to international law, Israeli occupation is illegal and impermanent. It consists of an army ruling temporarily over a civilian population until a peace treaty is signed between the belligerent parties. The people under occupation are entitled to the provisions of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, which in principle protects their individual and property rights. According to international law, Israel has no right to change the demographic or territorial character of the land it occupies. It cannot annex any of the area it controls, appropriate its resources, or transfer any of its population.

Israel, however, has neither rejected nor abided by international law. Israel has turned the occupation into a system of domination that enabled it to expand its Zionist mission of acquiring maximum amount of Palestinian land but without incorporating its original inhabitants into its polity.⁴ Israel did not want and could not from an international legal point of view bestow on the occupied population its citizenship, since its presence in the WBGS was illegal and supposed to be temporary. It sought rather to control the 1 million Palestinians living in the Occupied Territories in 1967 by dispossessing them rather than by simply expelling them as happened in 1948.⁵ Whether by cooptation or by violence, Israel sought to prevent any Palestinian national resistance from developing while it established a claim over the occupied land. In June 1967 Israel annexed East Jerusalem, declaring it to be part of "its unified and eternal capital," but without giving Israeli citizenship to the city's then 100,000 Palestinians.⁶ The rest of the West Bank and Gaza Strip population came under military rule. Between 1967 and 1993 the Israeli army issued over 1000 military orders, and established a large military bureaucracy whose task was to control and pacify the population, while facilitating Israel's expropriation of Palestinian land.⁷ The army also created the infrastructure for the expropriation of 39% of Palestinian land, the construction of over 150 settlements by 2007 and the transfer of more 400,000 settlers into the West Bank, including East Jerusalem. It instituted a policy of demographic control and separation between Palestinians and Israelis while it pursued a policy of territorial integration into the Jewish state. As Delaney puts it, Israel's project in the occupied territories is "one of the most intensively territorialized control systems ever created."⁸

The pattern of Israeli military control though has evolved over the course of the past 40 years, in large part as a function of the pattern of Palestinian resistance, as Hammami and Grinberg reveal in their papers here. This, in turn, has brought about serious changes to both the meaning of the occupation and the ways to end it. While Palestinians in the 1970s and 1980s were pacified by being allowed to work in Israel, since 1993 and following the signing of the Oslo peace agreement, they have been controlled by a web of checkpoints, bypass roads and permits. Paradoxically, while the occupation of the WBGS in the 1967 war reconnected the historic land of Palestine as Palestinians from the West Bank could visit Haifa and Nazareth and work in Tel Aviv, Nablus, or Gaza, the process of implementation of the Oslo peace process transformed the landscape into one criss-crossed with wires and walls, long lines at checkpoints and ubiquitous, encircling settlements. Meanwhile, the burgeoning of over 200 Israeli settlements became ever more incorporated into the spatial and political reality of Israel. By 2007, the Palestinians were fragmented demographically, incarcerated geographically and split politically,

not only between Gaza and the West Bank but within each of the territories themselves. As Hammami puts it, “after 40 years of Israeli rule, Palestinians in the West Bank and Gaza now inhabit such a profoundly different spatial and political world than at its outset, that the very concept of ‘occupation’ no longer seems capable of describing it.”⁹

In this regard, academics and activists have been struggling to find an adequate framework of analysis for explaining the occupation and its evolving structure. Some find Agamben’s “State of Exception” best capable of describing the process by which Palestinians are being disempowered and dismembered in the name of “Israel’s security.”¹⁰ In this volume, Farsakh insists on the need to situate Israeli occupation within a colonial framework of analysis. Such a framework can help explain the paradox of the specificity of Israeli occupation, namely its quest for land in an international legal context that clearly forbids it to do so. It also allows for a careful consideration of the role of both political economy and the international community in bringing about this “state of exception”. Other scholars are looking increasingly to the apartheid analogy for clarity in understanding the occupation, an analysis long outcast in the US, as the outcry over Jimmy Carter’s 2007 book attests.¹¹ As Nancy Murray discusses in this volume, this analogy though has deep roots, given Israel’s historical, economic and military links to Apartheid South Africa. Currently, it is most clearly validated by the bantustanization of the Palestinian territories over the past 15 years and the institutionalization of the permit and checkpoint system, two strategies well-known to Apartheid South Africa.¹² The utility of the apartheid framework lies also in its ability to show a new way forward out of the present impasse in the peace process, even if it is a direction dreaded by many. As Israeli Prime Minister, Ehud Olmert, has himself put it alarmingly, “If the day comes when the two-state solution collapses and we face a South African-style struggle for equal voting rights...then, as soon as this happens, the state of Israel is finished.”¹³

THE CONTRADICTIONS OF OCCUPATION

The Naksa had a major effect on Israeli society and polity, not just on the Palestinians. It has strengthened the power of the military within its polity, but without bringing the Israelis closer to peace. As argued by Kimmerling in the early 1980’s ¹⁴ as well as by Ilan Pappé and Lev Grinberg in this volume, the occupation of WBGS was not a disruptive event in Israel’s creation, one that risks turning Israel- the Jewish safe heaven- into a colonial entity. Rather, the occupation is a continuation of Israel’s land conquest, but one that puts Israel’s determination to be a Jewish and democratic state at serious risk. This risk is not simply the result of Palestinian demographic growth or “threat”. It is the outcome of Israeli management of the occupation and the central role that the army came to play in it.

According to Lev Grinberg, the army created in Israel a ‘dual regime’, one defined as a “democratic occupation” but which is inherently contradictory. As the protector of Jewish Israeli citizens from Palestinian violence, the army defines the dynamics of opening and closing of space to the Palestinians in any economic, territorial or diplomatic interaction. It keeps the Palestinians external to Israeli democracy, yet the occupied territories’ land internal to it. It manages the WBGS Palestinians “over there”, outside the scope of Israeli civilian laws, and under the command of the Israeli military governor whose laws are not applicable to Israelis.

Yet, the Israeli polity, the democratic regime, is not immune to the intervention of the army in it, nor to the pervasiveness of the occupation. This is because the occupation is just not managed “over there,” through a military governor who is accountable only to the Prime Minister. Rather, it is managed through a massive political-military bureaucracy that permeates the Israeli state structure. Every Israeli civilian ministry, be it agriculture, labor, trade, education or local affairs is implicated in the occupation, whether out of concern for the settlements, their educational system and their voting rights as Israelis or out of anxiety regarding Palestinian “demography” and their effect on Israeli wages or Israeli agricultural competitiveness, let alone security. The army is the nexus that incorporates Palestinian land into the Israeli democratic space and protects Israeli settler citizens living in the WBGS while controlling the non-citizen Palestinians.

As Lev Grinberg explains, the military elites became crucial political actors, as they gained incredible prestige after the 1967 war. While they sought to project an apolitical image focused on safeguarding the security of Israelis, they became increasingly political, to the detriment of Israeli democracy. The army acquired a certain autonomy vis-à-vis the political elites and the state’s civilian elites, as it became a de facto corporation, managing and reaping the economic benefits of the occupation. Military elites played the role of a political party moderating between groups and citizens, and between these entities and the state, be they to the Right or to the Left of the Israeli political spectrum. They also continued to play a central role in the negotiation of the peace process and its management, sweeping the carpet from under the civilian politicians who initiated the peace process.¹⁵ The aggravation of the security situation during the Oslo years, particularly the rise in the number of suicide bombers inside Israel that led to the death of 180 Israelis between 1993 and 2000, only strengthened the hold of the army over the Israeli polity.¹⁶ This, however, does not mean that the army’s power and position went unopposed. The Lebanese resistance to Israeli occupation between 1982 and 2000,¹⁷ the First Intifada in 1987, and the 2006 war on Hezbollah in Lebanon all demonstrated the importance of civilian resistance, be it within Israel or in the occupied territories, in challenging the military and revealing the inherent contradiction of Israel’s ‘dual regime’. However, as the experience of Oslo reveals and the response to the second Intifada proves, the military was able to keep its hold over WBGS and expand its power in the name of security.

Probably the greatest challenge posed by the occupation to the Israeli polity is accentuating the irreconcilability of its claim to be both Jewish and democratic. The paper by Honaida Ghanim shed lights on this contradiction as it concerns the Israeli Palestinians, long forgotten in any discussion of the occupation and the struggle to end it. As she shows, the Naksa was a major turning point in these Palestinians’ relation to Israel, and the means available to them to define and defend their political rights. Whereas before June 1967, Palestinians inside Israel were under military rule and thus absent from Israeli discourse, after 1967 they became citizens in a state that discriminated against them but gave them more rights than their brethren in the West Bank or in some neighboring Arab states. Before 1967 Palestinians inside Israel refused to engage with the Israeli state, as they hoped that the Nakba could be reversible; they focused on affirming an essentialised Palestinian identity that precedes and can overcome Israel. After 1967, the 1 million Palestinian Israelis, who represent a fifth of the total Israeli population, engaged with the State, albeit ambivalently. Their challenge was how to affirm their right to equal citizenship in a state that negates their national identity

and defines itself as the state of the Jewish people. Ghanem traces for us the genealogy of what became Azmi Bishara's call for a state for all of its citizens, the attempt of Palestinians inside Israel to come to terms with both the Naksa and Nakba by asserting universal political rights. In one sense, thus, the evolution of the Israeli-Palestinians' position set the stage for rethinking the concept of citizenship and the role of nationalism in delineating its content. The alternatives it provided for rethinking the solution to the conflict threaten the very basis of Israeli democracy, as much as its 'dual regime'. The vehemence of the recent attacks on Azmi Bishara, the Israeli Knesset member, who has been accused of treason and is *de facto* exiled, clearly demonstrates how seriously this threat was taken by the mainstream Israeli establishment. It only further affirms the moral impossibility of an exclusively Jewish and yet simultaneously Democratic state. As Adi Ophir suggests in this volume, the phrase "Jewish and democratic State" has become an incantation, a mantra, something you might make true by repeating it often enough. It is an ideal, a utopia, many want to believe in and desperately hope for, but is its repetition sufficient to make it possible?

RESISTANCE AND STATEHOOD

The Naksa has also shaped the nature of Palestinian resistance. It focused it around the achievement of a Palestinian state, not the undoing of the Nakba and the right to return per se. As Alain Gresh shows in his paper here, the calamity of 1967 and the Battle of Karameh that followed it in March 1968 consolidated Palestinian nationalism to the detriment of Arab nationalism. The aim of the Fatah-led PLO was to reconstruct the Palestinian national movement by claiming the right to a Palestinian state, not simply Return.

This was by no means a simple task, given the regional and international constraints facing the PLO after 1968. UN resolution 242, which became the basis for all peace negotiations, calls only for a just solution to the refugee problem, without specifically mentioning the Palestinians, or acknowledging their right to self-determination. In no way was their right to a state acknowledged or mentioned, even in UN Resolution 181 which calls for an Arab (not specifically Palestinian) side by side to the Jewish State in historic Palestine. Israel, which toyed with the idea of a mini-state in the Occupied Territories in 1967, did not consider talking to the PLO. As Golda Meier insisted, "there is no such thing as a Palestinian people". In the Israeli narrative up until 1993 the inhabitants of the WBGS were Arabs, not Palestinians. Their fate was to be negotiated with Jordan, which controlled the West Bank before 1967, and claimed to represent them, in a process that came to be known as the Jordanian option.

It was thus no minor achievement when the Arab League acknowledged the PLO as the sole legitimate representative of the Palestinian people in 1974. That same year, the United Nations acknowledged the Palestinian plight by inviting Arafat to speak at its General Assembly and gave the PLO an observer status at the UN. The legitimacy of the PLO within the occupied territories was also confirmed with the municipal elections of 1976, which brought to power PLO supporters, not Jordanian sympathizers. While the core of Palestinian resistance up until 1982 was based in the Diaspora, among the refugee community in Jordan and Lebanon, the West Bank and Gaza Strip remained an integral part of it. Palestinian resistance in the Occupied Territories took various forms, expressing itself through the arts, as Nadia Yacub shows in this volume, or through feminist and grassroots activism, as

the article of *Islah Jad* reveals. It sought to assert an essential Palestinian identity that is bound up with the land of Palestine, but which is engaged and changing in line with the evolution of oppressive domestic and regional realities. It manifested itself in the politics of *Sumud* (steadfastness), in the reinvigoration of *Dabkah* as much as in the modern art of Vera Tamari and Sulayman Mansour, in the reclamation of Palestinian embroidery as much as the creative theatre of Ashtar and Hakawati. It was also evident in student activists fighting to keep Palestinian universities open and the struggle for the rights of Palestinian prisoners' held in Israeli jails as much as in the women's resistance movement that fought to assert women's political and economic rights, before and after Oslo, within and outside the nationalist discourse. Politically speaking, the voice of those "inside" was most clearly heard with the first Intifada in 1987. The uprising showed the vividness of grassroots mobilization and the importance of civil disobedience, if also its limitations in a military occupation that has become so powerful and all-pervasive, as Hammami points out. The first Intifada also ushered in the rise of HAMAS, the Islamic resistance movement, that has become a central element in Palestinian politics ever since.¹⁸

The history of Palestinian struggle over the past 40 years can be read as the struggle of giving up the liberation of Palestine for the sake of establishing a 'mini state' that ended being stillborn. Originally the PLO's solution to the Zionist project in Palestine was the idea of one democratic state that would be inclusive of Muslims, Jews and Christians. The call of the PLO's 1968 Charters for a democratic state in historic Palestine sought to eliminate the Jewish state but not the Jewish people. However, such a state had no regional or international reception. In 1974, the Palestinian National Council declared its aim to set up an "independent ...regime in every part of the Palestine territory which will be liberated." It thereby set the stage for providing the PLO's acceptance of the "two-state solution", which has been the only internationally-endorsed solution to the Arab-Israeli conflict since UN resolution 181 in 1947. After years of the PLO fighting Israel in Lebanon in 1978 and 1982, and then exiled in Tunis, the 1987 Intifada re-territorialized the Palestinian struggle for independence and statehood in the occupied Palestinian land for the first time since 1948. In 1988, the PLO declared the Palestinian state in exile, recognized Israel and accepted UN Resolution 242, indicating thereby that the contours of the Palestinian state would be in the territories occupied after 1967 or the West Bank and Gaza. The Oslo peace process set the stage for the first direct negotiation between the Israelis and the Palestinians who, in the words of Yitzhak Rabin, "are destined to live together on the same soil in the same land."¹⁹ By 2003, for the first time since the inception of the Israeli-Palestinian conflict, the international community, through the Quartet's Road Map, specifically called for the establishment of a viable Palestinian state in the West Bank and Gaza as the only solution to the conflict.

While no minor achievement, this Palestinian state has ultimately been trivialized and emptied of meaning altogether. The Oslo peace process, rather than bringing the Palestinians closer to independence, has redefined and expanded Israel's domination over them. It facilitated Israel's territorial expansion in the West Bank (including East Jerusalem) and Gaza, with Israeli settlements expanding and hosting a total of 460,000 settlers by 2006.²⁰ Although an elected Palestinian Authority (PA) was established, the Israeli military authority and its decrees were not dismantled. The PA was given civilian jurisdiction over the Palestinian people, but fragmented territorial jurisdiction on less than 20% of the land (referred to as

Area A). During 7 years of the peace process that was supposed to bring prosperity, Palestinians lived a total of 446 days of closure and saw their GDP per capita drop 30% compared to pre 1992 levels. The PA struggled to avoid falling into the trap of merely becoming Israel's policeman in the Occupied Territories as it clamped down on opponents to the peace process with a police force that formed over 15% of the Palestinian labor force.²¹

The Palestinian polity was unable to provide the basis for a viable citizenship as the article of Jad demonstrates, both as a result of the leadership's autocratic rule and its growing dependence on an international donor community which has de facto undermined the vibrant Palestinian civil society. The PA's ability to deliver basic goods and services has become a function of Israeli security policy and the generosity of the international community, which has poured on average \$750 million a year into the occupied territories since 1996. This is the equivalent of 20% of the WBGS' annual GDP.²² Farsakh argues that the occupation has been subcontracted to the international community as a result of the Oslo process, and thus seriously challenging its responsibility for holding Israel accountable to international law. The occupation has become ever more pervasive as Israeli soldiers become invisible, and Palestinian lives are fragmented into Bantustans out of which they cannot exit without an Israeli permit, imprisoned in a Swiss cheese geography delineated by indefinite checkpoints and unpredictable closures.

Nevertheless, Palestinian resistance has continued, evolving in a dialectical relation with changes in the pattern of Israeli rule. The use of suicide bombers inside Israel as a strategy of resistance, launched after an Israeli settler killed 29 Palestinians praying at the Ibrahim mosque in Hebron in 1994, shifted the terms of the debate over what is legitimate resistance and what are the means to end the occupation. The second Intifada erupted in 2000, as much against the Oslo peace process and the Camp David final status negotiations as against the PA's autocratic and corrupt rule. Unlike the first Intifada, it was not a mass based civil disobedience campaign since the structural changes brought about by Oslo made such a campaign increasingly difficult. It was militarized, in part as a result of the militarization of the PA and Palestinian society under Oslo, and in part because of the violence it met from Israel. However, its attempt to bring the war inside Israel through the waves of suicide bombers undermined the legitimacy of the Palestinian resistance in the eyes of the international community. The war on terror launched after the September 11th attacks, and the US's unequivocal support of, Israel further prioritized the concept of Israeli security over Palestinian rights to legitimate resistance and independence.

According to B'Tselem, a total of 4330 Palestinians and 471 Israelis have died over the course of the past 7 years.²³ Israel's invasion of Palestinian towns in April 2002, imprisoning Arafat, the head of the PA's authority, epitomized the trivialization of any project of Palestinian independence. Israel's unilateralism as seen in the disengagement from Gaza and the construction of 703 miles of a separation wall has further strangled the notion of any viable mass civil resistance. The election of Hamas in 2006, which re-emphasized the strength of Islamic politics in Palestinian nationalism, was the latest resistance act and the inevitable outcome of a failed peace process and a corrupt Fatah led authority. The international opposition it received further isolated and impoverished Palestinian society which found itself cut off from any international aid or trade relations with the outside world. The clash between Hamas and the PA in June 2007 that led to the political separation between Gaza and the West Bank has only confirmed the

implosion of Palestinian society and polity. The balance sheet of the 40 years of Naksa is another partition, not unification, let alone independence.

THE WAY FORWARD

Commemorating the Naksa inevitably evokes the Nakba. Any attempt to end the occupation necessitates addressing the Nakba, the original root of the Israeli-Palestinian conflict, as Karmi reminds us here. The Annapolis conference in the United States in November 2007 promised to provide a comprehensive peace agreement between Israel and the Palestinians by 2008. Its declared aim is the establishment of the Palestinian state which the Road Map had promised. Its successful conclusion should end the Arab boycott of Israel and provide Arab states' recognition of the Jewish State, as had already been proposed by the 2002 Arab League Peace Initiative declared in Beirut. The final status peace negotiations are supposed to address the core pillars of the conflict, namely the right of return for refugees, the status of Jerusalem, borders and settlements. The question of refugees is primary in this regard, as the paper of Akram reminds us. She points to the inalienable rights of 6.8 million Palestinian refugees to restitution, repatriation and compensation on the basis of UN resolution 194. The PA, from an international legal point of view, cannot dispense with this right or bargain over it in exchange for a state, for it remains a protected individual right. Israel, though, has repeatedly made clear that it will not acknowledge the Right of Return or its responsibility in the creation of the refugee problem. Refugees can only return to the Palestinian state which was supposed to have been created by 2005, as stipulated in the Road Map.

However, it is unlikely that the final status negotiations following Annapolis are anything other than an attempt to trade the internationally-protected rights of the Palestinians with the creation a Palestinian state with provisional borders. It is dubious that such a "state" can meet even minimum expectations, let alone resolve the core of the conflict. The separation wall is already absorbing 40% of the West Bank into Israel, leaving the Palestinians with a fragmented entity that has no sovereignty. The disengagement from Gaza did not produce independence, let alone security. Israel continues to invade Palestinian towns in the name of security against home made Qassam rockets and to strangle the Palestinian economy, where poverty rates stand at over 63% and unemployment rates at 38% in Gaza and 24% in the West Bank.²⁴ Gresh suggests that this present situation will only bring further calamity on both people. Hammami insinuates that the unbearable situation can last much longer, given the strength of Israel and the weakness of the Palestinians. The disarray of the Arab states, the war in Iraq, and the US's special relation to Israel is further evidence for this disheartening prognosis.

According to Pappé, however, there is a way out of this impasse—the one-state solution. He argues that the land between the river and the sea was always "One Palestine Complete". It was divided only for 19 years between 1948 and 1967. Since 1967, Palestine has been reunited under one ruling regime, coming under Israeli rule. Although Israelis inside 1948 are ruled differently from the Palestinians inside the West Bank, they are both under an exclusivist Zionist control. The disengagement from Gaza did not diminish this reality. Rather it only strengthened its pervasiveness. Pappé also argues that Israelis and Palestinians are living in a *de facto* apartheid reality that needs to be clearly revealed and dismantled, as Murray

suggests. This can only be done through the creation of a single state, for which a new resistance strategy is in the process of being elaborated, as Murray indicates.

The debate around the one-state solution has been gaining momentum in the past few years.²⁵ The origin of the one-state idea can be traced back to the works of Martin Buber and Judah Magnes in the 1920s who tried to promote it prior to the establishment of Israel in 1948 but to no avail.²⁶ Its attractiveness today lies in its moral claim to protect the rights of the current inhabitants as much as of the refugee population. It is inclusive of the Palestinians inside Israel, long forgotten in this struggle, as much as of post-Zionists who accept the concept of shared sovereignty over the land. It does not seek to negate the past but to propose a humanist agenda to the present. It takes into account the present realities and offers a redefinition of the concept of citizenship, and therein lies its attractiveness. It promises a new concept of statehood and civic participation in a region that desperately needs it.

However, the one-state project is far from being a clearly defined political project as yet. It is still a fluid concept that can take various forms; some call for a bi-national state, others for a secular democratic state. The content, form and scope of the one state still needs to be defined as much as the content of shared sovereignty. Its constitutional and legal basis are still to be formulated. It is yet unclear whether it is advocated more by people in the Diaspora than by those inside Israeli and Palestinian territories. Palestinians in the occupied territories find it unrealistic, if attractive. The majority of Jews in Israel find it threatening since it brings to an end the idea of an exclusively Jewish state. So far, no present political leadership has adopted it. The challenges facing the one-state option are huge, legally and regionally, as much from nationalists as well as from religious political movements. The one-state solution remains so far a vision. What stands in its favor is the fact that the two sides have tried for 40 years to implement a two-state solution and failed. This is by no mean a minor advantage, yet one that still needs to be capitalized on by a new leadership who would campaign for such a state. Time will only tell whether the moment for the one-state solution has finally arrived.

ENDNOTES

I would like to thank C. Heike Schotten for her valuable comments.

¹ The Second Intifada was ushered by Ariel Sharon's visit to the Temple Mount/Al-Aqsa Mosque accompanied by over 1000 Israeli security personnel. It was caused by the failure of 7 years of peace process to bring about economic growth and end the occupation as well as by the failure of the Camp David final status negotiations in July 2000 between Israel and the Palestinian Authority. (see Hammami and Tamari, "The Second Intifada: An End of a Beginning", *Journal of Palestine Studies*, 30, no.2: 2-35, 2001.

B'Tselem at <http://www.btselem.org/english/Statistics>, accessed on January 20th, 2008.

³ Meron Benvenisti, "The Case for Shared Sovereignty", *The Nation*, June 18th, 2007, accessed on December 4th, 2007 at <http://www.thenation.com/docpreml.html?i=20070618&s=benvenisti>.

⁴ See Ilan Pappé and Susan Akram in this volume, also Nur Masalha, *A Land without a People, Israel, Transfer and the Palestinians, 1949-1996*, (London: Faber and Faber, 1997).

⁵ A total of 300,000 have been expelled and displaced as a result of the 1967 war. See Nur Masalha, *A Land with a People: Israel, Transfer and the Palestinians, 1949-1996*, (London: Faber and Faber, 1997).

⁶ Over 230,000 Palestinians live in East Jerusalem in 2007. They have residence permits that entitle them to more rights than those given to their brethren in the WBGs. In 1981 Israel annexed the Golan height and gave its Syrian inhabitants Israeli citizenship.

⁷ Raja Shehadeh, *From Occupation to Interim Accord: Israel and the Palestinian Territories*, (The Hague: Kluwer Law International, 1997).

⁸ David Delaney, *Territory: A Short Introduction*, (London: Blackwell Publishing, 2005), p. 144, quoted also in Hammami's paper in this volume.

⁹ See Hammami's paper in this volume.

¹⁰ See Hammami's discussion in this volume.

¹¹ Jimmy Carter, *Palestine: Peace Not Apartheid*, (New York: Simon and Schuster, 2006).

¹² Leila Farsakh, "Independence; Cantons or Bantustans: Whither the Palestinian State?" *Middle East Journal*, Vol 59, no.2., Spring 2005, 230-245.

¹³ Aluf Benn et al. "Olmert to Haaretz: 2- State Solution or Israel is Dead" *Haaretz*, November 29th, 2007.

¹⁴ See Baruch Kimmerling, *Zionism and Territory* (Cambridge: MIT press, 1981) and *Politicide: Ariel Sharon's War against the Palestinians* (London: Verso, 2003).

¹⁵ See Raja Shahadeh, *From Occupation to Interim Accords: Israel and the Palestinian Territories* (London: Kluwer Law International, 2007).

¹⁶ Calculated from Btselem at http://www.btselem.org/english/Statistics/First_Intifada_Tables.asp (accessed on January 20th 2008). Half of those killed were Israeli security forces.

¹⁷ The Israeli army invaded South Lebanon in 1978 and again in 1982 when it reached Beirut. It continued to occupy the South, or nearly 10% of Lebanon, until 2000. It unilaterally withdrew from South Lebanon in May 2000 as a result of rising death toll amongst its soldiers and unpopularity of the war among Israelis.

¹⁸ See Khaled Hroub, *Hamas: Political Thought and Practice*, (Washington, D.C: Institute of Palestine Studies, 2000).

¹⁹ Statement by Israel's Prime Minister, Yitzhak Rabin, in "Statements by Leaders at the Signing of the Middle East Pact", *New York Times*, September 14, 1993.

²⁰ By end of 2006 there were a total of 460,000 Israeli settlers in the West Bank and Gaza Strip, including East Jerusalem, compared with 250,000 in 1993. Statistics calculate from Foundation for Middle East Peace data base, at www.fmep.org/statistics/ accessed December 12 2007.

²¹ MAS, *The Economic Monitor, 1994-2000*, (Ramallah: MAS, 2001)

²² Stanley Fischer, Alice Alonso-Gamo and Uli E.Von Allman, "Economic Developments in the West Bank and Gaza Strip Since Oslo" *Economic Journal*, 111, no. 472: 254-275, 2001.

²³ Calculated from B'tselem for the period from September 29th 2000 to December 31st 2007. <http://www.btselem.org/english/Statistics/casualties.asp>. (accessed January 20, 2008).

²⁴ See the Palestinian Central Bureau of Statistics, at www.pcbs.org/statistics/laborandwages (accessed January 10, 2008).

²⁵ See Meron Benvenisti, "The Case for Shared Sovereignty", *The Nation*, June 18th, 2007 at <http://www.thenation.com/doc/prem.mhtml?i=20070618&s=benvenisti>; Brian Klug, "The State of Zionism", *The Nation*, June 18th, 2007, at <http://www.thenation.com/doc/20070618/klug>, Ali Abunimeh, *One Country: A Bold Proposal to End the Israeli-Palestinian Impasse*, (New York: Henry Holt, 2006), and www.one-democratic-state.org, among others. See also the *One State Declaration* on www.electornicintifada.org.

²⁶ See Leila Farsakh "Time for a bi-national State" in *Monde Diplomatique*, March 2007, at <http://www.monde-diplomatique.fr/2007/03/FARSAKH/14565>

DYNAMICS OF OCCUPATION



Mahmoud Hammad, فلسطين عربية (Palestine is Arab), 1982 (Courtesy of owner Saleh Barakat)

TOWARD'S A SECOND PARTITION: RE-THINKING FORTY YEARS OF ISRAELI RULE

Rema Hammami
with
*Salim Tamari**

In 1967 the West Bank and Gaza were re-united by Israeli military rule. Two separate economies, legal systems and the varied ability for political expression that had evolved over 19 years, between 1948 and 1967, were now subsumed under a unitary set of Israeli control strategies and territorial policies. While gesturing to the existent legal systems in force in each area, these were overlain with a shared policy composed of three main tenets: severe political repression of Palestinian nationalism; subordinated integration of the two economies into Israel's; and more positively, the free movement of the occupied population throughout Israel and the newly conquered territories. West Bankers, Gazans and their brethren inside Israel, were for the first time since 1948, able to collectively interact on home ground. Work in Israel, though unprotected and exploitive compensated in part for the limitations put on the economic development of the occupied territories. While mobility into the West Bank and Gaza from the diaspora was severely contained, mobility within and between the two areas allowed for the re-unification of families, the access of Gazans to higher education in the West Bank, and access for all to Jerusalem whose special status provided a space to develop a thriving nationalist culture and identity.

Forty years later the West Bank and Gaza are once again two separate territorial entities segregated from each other, while East Jerusalem is now a third. Severe movement restrictions have meant that most Palestinians under the age of twenty have never even visited the other two territories of Palestine, let alone Israel. Most dramatic is the fragmentation of the West Bank into an archipelago of villages and towns—cantonized from each other and the surrounding landscape through a vast matrix of settlements, by-pass roads, checkpoints and the separation wall. Wage labor in Israel is now only a memory for two generations of men over forty, or the realm of the young willing to risk lengthy prison sentences. The Palestinian economy, such as it is, remains under Israeli macro-control, but now struggles under a severe regime of military and political sanctions, that with Hamas's electoral win, has garnered the active support of the international community. Even the one initially positive breakthrough of the past forty years – Israel's recognition of the Palestinian national movement and rights to political self-expression - has resulted in that movement's collapse into two contending and powerless "regional" governments; neither of them capable of embodying the national imaginary,

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mounting effective resistance or simply fulfilling the most basic functions of government.

In sum, after forty years of Israeli rule, Palestinians in the West Bank and Gaza now inhabit such a profoundly different spatial and political world than at its outset, that the very concept “occupation” no longer seems capable of describing it. In response there has been a veritable explosion of new and re-worked terminology by analysts simply attempting to put a name to the nature of Israel’s project in the occupied territories. “Apartheid” has become the favored term among activists but has also been taken up by analysts as divergent as Jimmy Carter (calling for a two state solution) and Virginia Tilley claiming that the time for two states has passed.¹ Various conceptions of colonialism are increasingly gaining currency amongst critical Israeli and international scholars; Tony Judt has deemed Israel’s status as a “colonial state” an anachronism.² Israeli architect, Eyal Weizmann now calls Israel’s project in the occupied territories, “late-colonial occupation,” building on post-colonial theorist, Achille Mbembe’s theorization of it as a “modern colonial occupation.”³ And in various attempts to conceptualize the process of spatial control, territorial transformation and their effects, we have scholars using concepts such as “Bantustanization”⁴; “carceral geography”⁵; “spacio-cide”⁶, “urbicide”⁷ and “politicide”⁸. That the nature of Israeli spatial strategies in the West Bank and Gaza is unprecedented is borne out by the interest it has garnered among non-Palestine specialists in issues of political geography. Thus, “Palisraelstine” is the case study for an introductory book on the concept of territory by David Delaney where he concludes that Israel’s project in the occupied territories constitutes; “one of the most intensively territorialized control systems ever created”.⁹ Alongside these attempts to find concepts that can more comprehensively characterize the nature of Israel’s relation to and strategies over Palestinian territory and society, we find Giorgio Agamben’s notion of the “state of exception” has been increasingly used by scholars attempting to explain the logic legitimating the sovereignty of Israeli violence in the West Bank and Gaza, and the incapacity of Palestinians to redress it through any political or legal means.¹⁰

What is suggestive of the range of attempts to simply find concepts that can explain the current situation, under which Palestinians live under Israel’s rule, is that in terms of their sophistication and magnitude, Israel’s strategies of control have reached a critical mass. At the same time, their logic as a political project has reached a critical impasse. Forty years of facts on the ground, premised on outmaneuvering a one or bi-national state solution have led to a situation in which Israel’s strategies have now reached far beyond a workable two-state option. Thus at this time, Palestinians and Israeli seem to face only two choices; a continuation ad-indefinitum of the current state of emergency or an exit in the form of an implausible “transitional state,” with the latter likely to be simply a diplomatic cover for some version of the former.

TERRITORIAL AMBITIONS: MAXIMALISTS VERSUS PRAGMATISTS?

Up to the present, the extent of Israel’s long-term ambitions in the occupied territories has been obfuscated by the dominant view that sees them caught in an ongoing conflict between Israeli maximalist and pragmatist camps. In this view, the only open point of consensus from the beginning has been on the “unification” of Jerusalem, with the early poles of Dayan (maximalism) and Allon (minimalism) dovetailing on it, as well as the later poles of Labor and Likud.

Twenty years into the occupation, Meron Benvenisti suggested that typifying Israeli policy this way, actually overlooked the point where there has always been fundamental consensus; that is "... (*on*) the irreversibility of the status quo vis a vis 50% of the West Bank area."¹¹ Thus debate between maximalists and minimalists views has always been about how much area to settle beyond this, which in actual geographic terms meant whether to expand settlement into the densely populated West Bank Highlands; "... a long narrow hump lying in between the boundaries of the 1970 Allon Plan and Western Samaria and cut off at the center by the broadening of the Jerusalem region".¹²

This is because since 1970, the Allon Plan has been the minimum core of this consensus. That plan in its original version envisioned annexing 35% of the West Bank, ostensibly based on a security doctrine – and set the framework for Labor's ensuing settlement project. By 1997, when Benjamin Netanyahu as Prime Minister unveiled Likud's maps for Final Status Negotiations, what he called "Allon-Plus" had expanded to a proposed annexation of 50% of the West Bank. Now forty years into the occupation the physical outcome of that consensus is embodied by the 38% of the West Bank taken up by Israeli infrastructure in a configuration that both encompasses and goes beyond Allon's original vision and continues to expand.

However, viewing Israeli ambitions towards the occupied territories this way, does not mean to ignore the ideological differences between Labor and Likud, nor their respective political and territorial strategies, but to recognize that for fifteen out of the past forty years, Israel has been led by national unity governments composed of these ostensibly opposed camps¹³. Nor does it mean to overlook the sharp breaks and about turns in strategies of rule over the past forty years. Instead, it suggests that the profound re-territorialization of the West Bank and Gaza that exists today is the product of the push and pull between maximalism and pragmatism settling into an attainable consensus on the ground. This consensus has been shaped by international constraints, as well as propelled by international inertia. It has relied on a discourse of respecting the status quo, while hiding the continued momentum of facts on the ground. And it is the overall complexity of this dynamic that helps explain why the discourse of territorial solutions and the spatial and demographic realities they refer to are so much at odds. But its achievement more than anything has relied on a vast apparatus of legal, military and bureaucratic control strategies over the subject population and their territory that despite having undergone various re-calibrations, have continued to evolve up till the present, despite seemingly radical reversals of overall policy, such as during the Oslo peace process.

In this sense, while the complex web of control strategies works to achieve territorial ambitions, they do not form a seamless whole, in step with each other. The occupation has come to involve a massive politico-military bureaucracy that cuts across countless state and para-statal institutions, weaves together diverse economic interests and social constituencies throughout Israeli society and beyond and links to a support network of influential transnational lobbies. Because this apparatus of control is deeply imbricated in the structures of the Israeli state and society (and in power centers far beyond), it has remained somewhat autonomous from the general territorial aims of any one political party at any given moment. It is as if, the apparatus of control has over forty years kept the patient chained and gagged to the operating table, allowing various surgeons to keep re-arranging limbs and transplanting organs in ways that allows the surgery to continue *ad infinitum*, all

the while averting the possibility of a final prognosis. As such, “Occupation” has always been a function of “Colonization” rather than the reverse.

This paper will focus on the evolution of Israeli control strategies over the subject population and territory since 1967.¹⁴ In order to undertake large-scale re-territorialization, in the absence of outright ethnic cleansing, Israeli control strategies have at core involved three main necessities: demographic containment; land alienation and colonization; and the subversion of Palestinian political independence. Regardless of which government has been in power these three have remained in various but often changing guises the basis of Israel's project of maintaining control in order to enable colonization, while simultaneously postponing the possibility of a final resolution of its status in the West Bank and Gaza. While the goals of these strategies have remained constant, their contours have undergone radical revision in response to two main challenges; Palestinian resistance and Palestinian demographics. While the former has at times stymied Israel's project in the occupied territories, more recently it has led to their quantum advancement. At the same time, demographic realities now, more than ever, set both contours and limits to an Israeli endgame.

THE FIRST DECADE: CREATING A FRAMEWORK

The foundations for long-term demographic and territorial control were laid by the end of the first year of the occupation with surveys of population and land and their legal and bureaucratic codification. Pivotal was the census undertaken in September 1967 that created the population registry which continues to determine to the present day the right to “legally” reside in the occupied territories as concretized through Israeli identity cards. At the time, the immediate achievement of the registry was the exclusion of anywhere between 182,000 and 355,000 of the population who had been actively or passively displaced during the war.¹⁵ By May 1968, the Israel Lands Administration and the General Staff's Settlement Department completed a land survey of the West Bank with various recommendations on what to do with Jordanian defined “state lands”.¹⁶ The survey came in the wake of a series of military orders that enabled the immediate seizure of government and private absentee property and allowed for further acquisition of land through the main mechanism later used during this period, “the seizure of private property for military and public use”.¹⁷ Through these means, approximately 20% of the West Bank was opened for settlement.

Regarding overall policy, this initial period is usually represented as a conflict of vision between the “segregationist”, Yigal Allon, and the “integrationist”, Moshe Dayan. In retrospect, it may be more apt to envision the difference as one of strategy and timing rather than fundamental ideology. The Allon Plan was an explicit statement of what territory Israel should settle and what areas should be ceded in a future peace agreement that would ultimately devolve Palestinian population centers back to Jordan under some form of autonomy. Territorially, the plan called for integrating large “strategic” areas including, the Jordan Valley (as a buffer with Jordan), a corridor between Jerusalem and Jericho (now the mega-settlement of Ma'ale Adumim) to entrench the hold over Jerusalem, and either annexing the Hebron region or creating a corridor from it to the Jordan valley “buffer”. This would have meant integrating/annexing approximately 35% of the West Bank into Israel. The plan also envisioned a security corridor with Egypt in southern Gaza.¹⁸ The basic guiding premise was maximizing Israel's control of land

while minimizing the number of Palestinians annexed to Israel thus not forestalling a “land for peace” agreement with Egypt and Jordan. Dayan, more sanguine about peace treaties and more vocal about Israel's historic rights in Judea and Samaria supported the establishment of settlements along the mountain ridge of the West Bank above the watershed line in three main blocks; Hebron, Jerusalem, and Nablus close to main populated areas.¹⁹ In Dayan's words; “the whole area should be regarded as one unit, so that in time the concept of the June 4th lines will be cancelled...yet this is to be an economic integration and not a political integration”.²⁰

In practice, elements of both visions won-out. Allon's approach to settlements (with a focus on the Jordan Valley, corridors around Jerusalem, and the Hebron hills) and Dayan's approach to control of the populace through “contained integration”. And although settlement construction according to Allon's map was the basis for practice, Dayan's open ended view towards the long term continued in principle.

For the ensuing 25 years, Dayan's policy of economic integration and open bridges was the cornerstone of Israel's strategy of control through pacification and what allowed this period to be deemed “an enlightened occupation”. One critical but overlooked aspect of this process was the integration of rule over the occupied territories into the entire spectrum of government bureaucracy – “running the occupation” was not housed in a special ministry, but was integrated across all existing government ministries, as well as the Israel Lands Authority.²¹ While main budgets and briefs may have gone to the ministries of defense and agriculture, the horizontal integration of rule made the occupation an organic component of the Israeli state.

DEMOGRAPHIC CONTROL

With the population register, a main cornerstone of demographic control was set in place. This was undertaken through the seemingly mundane working of bureaucratic procedure; accounting, identifying and thus emplacing sectors of the population with rights to “reside” in the territories while excluding others. However, for this to work, another mechanism had to be put in place -- sealing the physical boundaries of the territories -- to “illegal infiltration” by those not in the register. Thus border patrolling was a major concern of the military along the outside boundaries (with Jordan and Egypt) while internal borders were erased since they ran counter to Dayan's policy of “canceling of the June 4th lines”. In the policy discussions of the time, the idea of “demographic threat” referred mainly to a far abstract future -- rather than an immediate and impending reality. This is likely because the ratio of the Israeli to Palestinian population seemed relatively strong (almost 3:1) added to the fact that Israel had accomplished ridding itself of a few hundred thousand Palestinians under cover of war and through the census.²² As such, though highly criticized by bodies such as the Red Cross for not allowing all those displaced in the war to return, in this period Israel allowed the greatest number of individuals to return through the process of “family re-unification” than in all subsequent periods put together.²³

The issue of political containment of Palestinians was seen primarily in terms of countering “external threat” while promoting continued links to the Hashemite regime. Coming on the backs of the Jordan's suppression of nationalist political activity in the West Bank, organized political resistance was easily quelled

while military cells connected to the resistance movement in Jordan easily uprooted. In the Gaza Strip, the relatively more open political space before 1967 afforded under Nasserism and the presence of Palestine Liberation Army cadre, meant a more violent and protracted suppression of Palestinian resistance took place that lasted over three years -- one that perhaps defined the subsequent harder hand of the occupation in Gaza than in the West Bank for decades to come. But with the nascent Palestinian resistance movement based outside in Jordan and its lack of a mass base within the territories -- nationalist activity was seen and treated as a form of outside infiltration into a population that was perceived as largely quiescent.

For Palestinians, the system of control was experienced as a set of profoundly contradictory forces. On the one hand was their spatial and economic inclusion into Israel's while on the other was their fundamental exclusion from political rights. In simple terms, the obverse of control was not simply of being subordinate -- but of being existentially and totally dependent on a system that allowed no voice or agency. Thus, quiescence during this period was not only due to the immaturity of the national movement on the ground, or to the use of brute force (where and when necessary) but most overwhelmingly to the "life giving" power (or biopower) of Israeli governmentality over Palestinian lives. Health insurance, school certification, car licensing, applications for birth certificates and death certificates, permits to build or extend a house, tax receipts, permits for visiting relatives -- all the necessities of quotidian life compelled the residents of the occupied territories to depend on the bureaucratic apparatus of the military government (in the form of the Civil Administration). Thus much political suppression took place not through the visible threat of deportation, house or town arrest, but through threat of bureaucratic disenfranchisement.

THE SECOND DECADE: EXTERMINATING NATIONALIST CHALLENGE, MAKING COLONIALISM VIABLE

If the first stage of the occupation had been focused on building foundations of control and settling areas that might survive a long term peace agreement, the second phase was focused primarily on two projects: changing the demographic character of large parts of the West Bank to thwart an agreement that could lead to Palestinian independence and containing the growing strength and legitimacy of the Palestinian national movement.

The larger backdrop to the changes during this period can be sought in the complex political fall-out that emanated from the 1973 (Yom Kippur) War. Israel's "defeat" in the war, led three years later to a historic defeat of Labor Zionist control of the government and the coming to power of the Likud, and with it the ascendancy of the "Greater Israel movement". At the same time, the war led to the conclusion that the only way to defuse Egypt as the leader of the Arab military threat, was through a peace agreement. The other dimension was the growing threat of international legitimacy of the Palestinian national movement during this period. In 1974 following the 12th PNC and its implicit recognition of a two-state solution, the Arab League at the Rabat Summit recognized the independence of the movement and its sole right to represent the Palestinian people. Following on this, Yasser Arafat was invited to address the General Assembly, and the following year, the PLO was awarded observer status at the international body. This heightened diplomatic profile was matched by the growth of support for the national

movement within the occupied territories. Just prior to Likud's rise to power, in 1973 and 1976 Labor had allowed local municipal elections in the West Bank, in the hope of blunting and re-directing political aspirations away from the PLO. By the second election round, the populace overwhelmingly elected nationalist figures who began to coordinate as a block under the umbrella of the National Guidance Committee.

All of these challenges coalesced in the crucible of the Camp David I Accords formally signed in 1978. At the time, it seemed incongruous that the revisionist Zionist Menachim Begin entered into a land for peace deal with Egypt over Sinai, which included negotiations for Palestinian autonomy. However, Begin was able to take from the Accords strategic gains (a bi-lateral peace with Egypt) and simply dispense with strategic losses -- most notably any form of Palestinian autonomy. Ultimately, the Likud attempted to use the context of the Accords to physically destroy the Palestinian national movement inside and outside the occupied territories and to advance dramatically its re-territorialization of large areas of the West Bank. In retrospect, this was only the first time that a diplomatic agreement set the stage for an Israeli land rush and attempts at further containment of the Palestinian national movement. The pattern was reprised again following the Oslo Agreement, as well as in the Gaza Disengagement under Ariel Sharon.

In settlement terms, the first period of the occupation had accomplished creating the legal precedents and institutional mechanisms for the transfer of land and the building of "strategic settlements", yet the actual numbers of settlers had remained limited. Isolated, disconnected and mostly rural settlements could not form the basis of demographic change necessary to keep these areas in the long-term. When the Likud came to power in 1977, there were less than 4,000 settlers in the West Bank (excluding Jerusalem) -- the majority of them in the Jordan Valley and were dispersed across thirty four communities. With Ariel Sharon as Minister of Agriculture in the Begin government (from 1977 to 1984) a strategy to redress this was developed -- one that was to become a major turning point for the long-term future of the West Bank. Two principles of what was known as the "Droble Plan" were that while numbers were important, the physical configurations of settlement across territory could be just as significant -- specifically, settlements should be placed around densely populated Palestinian areas to obstructed their physical contiguity and should be placed in areas to attract a wider Israeli population base. In practice, the way to achieve both principles was through the creation of "suburban or bedroom settlements". Between 1977 and 1981, 40 new settlements were established, 22 of them suburban and six urban.²⁴ This meant creating mega-settlements with road infrastructure connected directly to Israeli metropolitan centers that could attract larger numbers of Israelis in search of a better quality of life. These would be placed both straddling the green line and around main Palestinian metropolitan centers. What this set in play, was the first step in the process of fundamentally transforming Palestinian territory into Israeli space. The profound innovation of Sharon was not simply a stepping-up of "facts on the ground", but of creating an infrastructure along with these facts that created a context in which Israelis living in the new suburban colonies would feel as if they were still located inside Israel proper. Settlements were no longer "over there", or for a political minority of ideological settlers. Settlements were now a new "neighborhood" within reach of Jerusalem or Tel Aviv where average Israelis could enjoy a better quality of life suddenly made affordable through generous government subsidy. Thus, by changing the spatial nature of settlements, and

naturalizing them as Israeli suburbs, it became possible to vastly widen the political constituency for them – by giving “mainstream” Israelis a stake in the settlement enterprise.

To free up large tracts of Palestinian land for settlements blocks and their infrastructure involved developing further legal frameworks. In 1979 a new legal definition was put into play that made available another 26% of the West Bank for settlement by defining “*miri*” lands as “state” land – bringing the total area of the West Bank made “legally” available for settlement up to a full 46% of the territory.²⁵ Significantly, the new legal definition involved a new mode of seizure; land could be expropriated without anyone being informed until physical work began – thus no one might know of a tracts changed “ownership” for years.²⁶ This strategy enabled long-term planning and development of huge tracts to be undertaken without invoking mass opposition. Indeed, five days prior to the signing of the Camp David autonomy talks the Begin government awarded the status of local and regional councils to the settlements -- providing them with the same rights as their counterparts in Israel. In addition, was the transfer of water resources to the Israeli water carrier, Mekorot and the connection of utility grids and road infrastructure into Israel's.²⁷ The aim was to empower the settlements as centers of governance and therefore long-term planning and growth -- as territorial extensions of the Israeli state. The implications of seizure without knowledge, however, go much deeper: the planning, building and re-shaping of the West Bank into Israeli territory depended as much on the power of knowledge and subterfuge as it did on bulldozers and an occupying army. Palestinian legal redress to land confiscation has always been a losing arena but one where at least the means and mechanisms and larger plans of disinheritance could be brought to public view. Here, was a new stage where the normative relationship of Palestinians to their geography had been profoundly transformed without their knowledge of it while settlers became equipped with full powers to envision and re-shape that same geography.

A LOOMING THREAT

The growth of a mass base for the national movement inside the territories developed in tandem with international recognition of the PLO in the regional and international arenas and in opposition to the 1978 Camp David Accords. The election of “PLO mayors” in 1976 and the subsequent mobilization of the population under the National Guidance Committee suggested that Israel could no longer conceive of Palestinian nationalism as simply the work of “external agitators”. More radical and comprehensive containment strategies were needed which came to focus on three main tracks. On the one hand was the destruction of the external organization of the national movement in Lebanon, while internally, was the destruction of its representatives, and in place of both was the attempt to develop a local class of quislings -- empowered by being middlemen to crucial services of the Civil Administration.

In 1980, the Begin government simply disbanded the National Guidance Committee and deported the nationalist mayors who had been elected in 1976 in what became known as the first “Iron Fist” policy. Mass arrests and deportations went in line with the blocking of access to external funds for Palestinian municipalities and other institutions, the closing of universities and extensive bans on the press²⁸. In same period, Menahim Milson as head of the Civil Administration established the Village Leagues in the six of the main West Bank districts. The

leagues were composed of collaborators from rural background headquartered in the main urban centers with the aim of undermining the power of the nationalist mayors. Though armed for protection and empowered with access to Israeli favors, their sponsors never allowed the Leagues the political resources that could enabled their development into a legitimate local power center.²⁹ Finally and most dramatically was the Israeli invasion of Lebanon and the ousting of the PLO from Lebanese soil in 1982. The total aim of the invasion in the form of the liquidation of the institution including its leadership and military and social infrastructure was not achieved. Instead, what was achieved was its organizational fragmentation. Not only was the leadership geographically segregated from its social and military base, but the various wings and faction were further fragmented across a number of host states.

INTO THIRD DECADE: THE IMPASSE OF CONTROL

In terms of Palestinians everyday lived reality, the preceding period had witnessed a major expansion of settlements within their territory and an active and brutal campaign of political suppression. At same time, despite their impressive growth³⁰ settlements were seen more than they were felt. Though a growing threat, the scale of settlements and their infrastructure had not reached a saturation level where they precluded Palestinian mobility or physically infringed on the expansion of Palestinian communities. Thus, settlements still remained for the majority of the population invasive enclaves into Palestinian space and symbolic threats to a sovereign future.³¹ And although there had been growing political resistance and intense political repression, at the same time the old mechanism of economic and bureaucratic integration remained strongly in place. So much so, that on the eve of the first Uprising, one Palestinian commentator summed up the consequences of this integration as follows:

Israel is not simply the Knesset. To think this is to be blind to the picture. Israel is...the long queues of women standing in front of the post office in Jerusalem to collect their social security...It is Zaki al Mukhtar on Radio One at your service. Israel is business licenses, the building permits, the identity cards. It is the value added taxes...It is also Dedi Zucker, Meron Benvenisti, Yehuda Litani and Amnon Zichroni commiserating with Palestinians at the National Palace Hotel. Israel is the Tambour paint used to scribble slogans on the walls attacking Hanna Siniora.³²

The main aim of the uprising that erupted in September 1987, was thus to de-naturalize this relationship of dependence, through active disengagement from the Civil Administration and a boycott of Israeli products. The spatial side of this resistance aimed at de-normalizing Israeli access to Palestinian space -- through blocking the army's ability to routinely patrol Palestinian communities (by building make-shift barricades at their entrances) as well as through stone throwing of military vehicles and yellow license plated Israeli cars traveling on Palestinian roads. But the limits to the strategy of "disengagement" were quite quickly realized. First was that without an alternative administrative and political apparatus -- complete disengagement from the Civil Administration (through destroying identity cards) would lead simply to self-imposed internal exile. And more importantly, with no

economic alternatives, attempts to stop workers from making a living in Israel would simply lead to their alienation from the national movement.

Between 1987 and 1991 the strategy of the mass insurrection generally defined the strategy of counter-insurgency. Thus the response was to send in the military to re-enforce the old routine -- by re-taking “liberated zones”, breaking open businesses engaged in the general strikes and forcing inhabitants to remove road barriers and paint out graffiti. In addition, were raids on private homes and businesses to enforce paying taxes to the Civil Administration. Violence was increasingly met with greater violence -- thus the policy of breaking the bones of stone throwers had by the end of 1989 become a shoot to kill policy. And given the mass nature of the Intifada, the old system of “weeding out” the instigators from the population now involved mass deportation of leaders to Lebanon and mass imprisonment of foot soldiers in the prison camps of Ansar II and Ansar III.

But by the early 1990s a consensus was growing among the Labor party and large parts of the Israeli populace that containing the intifada militarily could not continue. The violence of Israel's anti-insurgency methods by breaking the mass character of the uprising had quelled civic forms of resistance. But the outcome was that new forms of Palestinian resistance had simply become more random, violent and infinitely harder to control -- such as stabbings by lone Palestinians of Israeli's within the Green Line.³³ Gaza, in particular, became perceived as a deadly military theater -- where the IDF could no longer “police” the refugee camps, but only invade at night, or enter as undercover units to capture (or more commonly “liquidate”) wanted men. If a military approach seemed increasingly futile, a return to the old system of quiescence through the labor market and civil administration appeared utterly elusive. But even if a return to the old system was possible -- it had now also become undesirable given that a majority of Israelis were no longer willing to accept untrammelled access of Palestinians into their population centers.

Crucially, the dawning recognition of the inability to rule or control the population of the territories took place in the context of heightened awareness of their demographic weight. By 1987 the Palestinian population was estimated at about 1.5 million -- a one third growth over twenty years. Given the disparity in growth rates between the two populations, it was estimated that by 2000 there would be 4.2 million Jews and 3.4 million Arabs between the Jordan River and the Mediterranean.³⁴ In 1988, Palestinian demographics for the first time took center stage in Israeli political discourse, as a major theme in Labor's electoral campaign with Shimon Peres and Yitzhak Rabin using it to justify the need to “separate” from Palestinian population centers.³⁵

Thus, still under the national unity government, Israel in 1991 embarked on a major historical reversal in its strategies of control. For the first time systems of spatial containment began to take over from a key tenet of Dayan's integration approach -- the integration of Palestinian workers into the Israeli labor force. In practice this had begun in Gaza as far back as 1989, when men under the age 40 seeking work in Israel could only cross the Erez junction if they held a “magnetic card” -- a new layer of surveillance built on the identity card -- which granted the previous free movement only to those with a “clean” security record. In January 1991, as a seemingly temporary step in the context of the Gulf War -- Israel set up checkpoints at the main entryways from the West Bank into Israel -- now including East Jerusalem. After the war, these stayed in place and a permit system was instigated with differential impacts on various segments of the population. By the end of 1991, in law and effect the new policy had institutionalized the segregation

of the occupied territories into three cantons; the West Bank, East Jerusalem and Gaza.³⁶

While controlling the “illegal” entry of Palestinian workers into Israel from the West Bank remained difficult, access of Gazan's to Israeli labor markets was more easily and dramatically curtailed. An alternative for workers from the Strip (the brainchild of Israeli economist Ezra Sadan) was now to be the creation of border industrial parks in which Palestinian subcontractors would hire workers on behalf of Israeli firms without ever having to enter Israel.³⁷

What had been accomplished in Rabin's words was “taking Gaza out of Tel Aviv” by which he meant, the end of Palestinian mobility into Israeli space. ³⁸ But this was an incomplete solution -- a new system of rule for the still insurgent population needed to be found.

OSLO: RE-NEGOTIATING CONTROL

For those who believed that the Oslo Accords were from the outset, a means to deepen the occupation, Israel's endgame was clear from the start. In contrast, those who saw it as a “historic breakthrough” in Israel's attitude toward a Palestinian state, tended to view it as an open process; with its specific outcome unforeseen by its architects.³⁹ In retrospect, it might be more useful to see Oslo as a means through which Israel attempted to re-negotiate aspects of its hold over the West Bank and Gaza, in the face of this stalemate its modes of control had reached in the first intifada, and in relation to the growing threat of Jewish Palestinian demographic parity. In this view, Oslo was a war of maneuver – where one fraction of Israel's leadership attempted to hold on to the maximum of territorial gains, solve the immediate challenge to its rule, while attempting to preclude a demographic future in which the ethnic nature of its political system would become unsustainable.

And by the early 1990s, Israel's settlement project had achieved a population and therefore territorial watershed which suddenly came under threat. Over the preceding period, settlements had expanded according to the framework laid down by Sharon under the Drobles Plan but by 1986, the population of settlements (outside Jerusalem) was still a relatively low, 50,000. With Likud in power, between 1988 and 1992 ten new settlements were established but the government's emphasis was on expanding and populating existing ones – a policy which resulted in a 60% growth of the settler population in the West Bank to more than 100,000 with another 141,000 in East Jerusalem. ⁴⁰ But at the very moment of success, for the first time a US administration (the first Bush Senior administration) threatened economic sanctions if settlement activity continued apace. Thus, in entering the Oslo process, Labor hoped to consolidate what had been achieved on the ground by winning legitimacy for what could now be deemed settlement “blocs”.

But in the early 1990's the search for this new strategy had a most immediate motivation – the need for an exit from its stalemate in quelling Palestinian insurgency. Only a decade earlier the Israeli leadership had embarked on a war to annihilate the PLO as political entity. Now they undertook its exact opposite and brought the PLO out of its diplomatic isolation (following its stand in the First Gulf war), recognizing it as the legitimate political entity of the Palestinians and territorializing it as a governing body within the occupied

territories. These aspects of the agreement are what the Oslo optimists tended to focus on, while viewing the security arrangements as subsidiary. Pessimists, on the whole, also saw the security arrangements as a subsidiary outcome since their main focus of concern was the lack of a settlement freeze. But dealing with the challenge of Palestinian resistance was what had immediately motivated Israel's rehabilitation of the PLO. So instead of the public rhetoric of "land for peace", in practice, Israel's rigid calculus defined the agreements as "recognition for security". This meant territorializing the PLO was undertaken in a way that provided the Palestinian leadership with the maximum powers over the Palestinian population, while granting them the minimum amount of land necessary to do so.

As such, the PNA took control over its population within a geography strategically divided by Israel. First was the overall segregation of the occupied territories with East Jerusalem excluded from Palestinian rule. By further cantoning PA rule over the differing jurisdictions of urban (A), populated villages (B), and the remaining rural areas (C), the system ensured rule solely over population centers rather than contiguous territory. Through legal jurisdiction (Israel's right to "hot pursuit" of wanted men into Palestinian controlled areas) the autonomous areas would also be kept permeable to Israeli direct intervention. Then through their hold over Area C, Israel maintained its control, not only over the majority of land, but crucially over the internal contiguity of the occupied territories, as well as their external borders. In this way, all of the strategic elements of control would remain in their hands, while most of the burdens of occupation could be devolved to the Palestinian Authority. Thus territorializing the PLO within an archipelago of self-rule enclaves allowed continued Israeli hegemony over settlements along with planning and land use; water resources; population control at border crossings and also provided the spatial means to undermine any aspect of economic or political self-determination. At the same time, Israeli soldiers no longer had to daily police restive population centers, nor carry the burden of their well-being through the provision of health, education, social welfare and most crucially; economic livelihoods. And ultimately it was hoped that in the process of domesticating Palestinian nationalism, that is -- legitimizing its largely symbolic expression -- its strategic and sovereign implications might be adumbrated.

This architecture of "self-rule" introduced a quantum thickening of control mechanisms. The logic of different spatially-based jurisdictions, meant that Palestinians for the first time, slowly found themselves living in what had become a radically discontinuous geography -- the first signs of which were seemingly benign checkpoints marking the entrance to urban centers and positioned at strategic regional crossroads. But in 1996, following a series of bus bombings of Israeli civilians -- the hidden dimension of the geographic system suddenly became shockingly apparent -- when overnight myriad strategically placed checkpoints effected what became known as a "full internal closure". Suddenly, movement between city and town, or between the northern and southern West Bank and within Gaza could be completely paralyzed -- the geography of incarceration had shown itself fully for the first time. The system, described as a "matrix of control" was built on twenty years of strategic placing of settlements and their roads in relation to Palestinian population, a process that had been radically stepped-up during Oslo's interim period.⁴¹

Along with greater control over internal geography, external borders were also buttressed. By May 1994 Israel had re-deployed from 80% of Gaza and by the end of the summer had completed a 60km fence that effectively sealed Gaza's

border with Israel. ⁴² To leave Gaza, meant applying for a permit first to the Palestinian Authority who after reviewing it, would in turn hand over the application to Israel. Similarly in the West Bank, a dual permit system was emplaced for those wanting to enter Israel, while at the bridge with Jordan, PA border control were a veneer for Israeli soldiers still manning the critical computers.

Control of external borders had always allowed Israel the ability to shape Palestinian economic life -- but now, in the absence of direct internal control of the economy, borders became the pivotal mechanism of economic disciplining. And since Israel was no longer responsible for the population's welfare, nor interested in their economic pacification -- the full weight of border suppression could be exerted. This was not only in terms of Israel determining when, what amounts and types of goods could enter or leave the West Bank and Gaza, but critically -- direct leverage over the PA's economic sustainability was achieved through control of V.A.T. payments that accounted for 60% of PA revenues.

But perhaps the most un-precedented new layer of control -- was exerted by a third and new player in the everyday lives of the occupied territories; the "international shepherds of the peace process". Prior to Oslo, the PLO had been relegated to the margins of the international order and thus had been dependent on the vagaries of host state politics. Now having been granted international legitimacy, but without even the minimum components of sovereignty or economic viability -- the full weight of the Washington Consensus could be directly imposed on them. While locked into Israel's territorial, economic and military hold, the PA and the population were locked into the political hold of the global power-order. International aid in the form of direct monetary support or technical support, infrastructure creation, institution-building, the training and equipping of security services all entangled the PA and the population in new webs of not simply support -- but of dependence. Donor aid came with set agendas and often heavy oversight over their implementation. So much so, that the creation of PA slush funds through monopolies, it has been argued, was the only means the PA leadership could exercise its agency independently of the donor community. ⁴³ And on the level of diplomatic disciplining, the PA was compelled to undertake extremely unpopular and de-stabilizing crackdowns on Hamas and its charitable infrastructure not simply at the behest of Israel -- but in order to remain considered a "legitimate partner" by Oslo's international sponsors. Thus these new webs of power while offering diplomatic access and at a times buffer from Israeli power, were simultaneously a major leverage over Palestinian behavior.

NO OCCUPIER/ NO RIGHTS

That the PNA did not implode earlier under the weight of these forces may be testament to Yasser Arafat's genius for tactical maneuvering and the populations' genius for survival under immense constraints. But more fundamentally, what held the population and its leadership together, was the lack of any alternative political horizon for Palestinian independence. In contrast, it was Israeli governments that seemed incapable of surviving Oslo (with four elections and the outcome ping-ponging between Labor and Likud in a mere seven years).

But no matter what the Israeli electorate (or more specifically, the Israeli Right) believed, Israel reaped immense rewards through Oslo. The specific gains have already been discussed above, but viewed as a totality they added up to a major strategic achievement; of Israel succeeding to re-negotiate its status as an occupier.

Through Oslo, it was able to dispense not only with the burdens of an occupier, but largely with its identity as one by the international community. Thus, while settlements expanded at breakneck speed (a 54% expansion between 1993 and 2000)⁴⁴, within the hegemonic paradigm of the “peace process” these now became treated as crises and challenges to the ongoing political process rather than illegal acts of an occupier. In other words, Oslo had allowed for the occupation to be re-framed as principally a political dispute, rather than a territorial conflict based in international law. Interpretation of Israel’s behavior now rested in interpretation of the Accords, while its room for maneuver was further enhanced by the ever-expanding “interim” nature of the period. Addressing new facts on the ground would now be indefinitely postponed until the “two parties” were ready for final status negotiations.

With Israel no longer conceived as an occupying force over Palestinians, but as one of two parties in a territorial dispute, Oslo created a dangerous and myopic symmetry: in terms of responsibilities the PA was treated akin to an independent state, while its rights went little beyond that of a municipality captured in an Israeli power field. With international law no longer the salient paradigm, Palestinian “rights” no longer constituted a viable discourse. Instead, given the security-dominated understanding of the Accords, Palestinian “behavior” became the only means for the PA to inch forward on its agenda; or more constantly -- for Israel to thwart it.

IMPLOSION 2000

By the time of the Camp David 2000 the PA leadership was in need of an exit from the quicksand that had become the interim period, while Ehud Barak, needed an exit from the impending territorial concessions Israel would finally have to make if Oslo was indeed going to be a final peace agreement. Ironically, that is why Barak “rushed” in to the negotiations, while the PA attempted to postpone them; both understood that a breakdown at Camp David was likely, and that it would be catastrophic for the Palestinians. In contrast, a final agreement was likely to be catastrophic for any Israeli premiere who signed it. The Americans knew there was a chasm between the acceptable contours of a final status agreement for the Palestinians and an acceptable one to the Israelis but calculated that they could close it on the back of a weak and cornered Arafat. What they misunderstood was that to both leaders, “acceptable” meant “survivable”.

Arafat’s rejection and his ensuing vilification by Labor and the Americans is well known. The outcome of Camp David did initially prove win-win for Barak, who came out as the hero of “painful concessions” in the West and an uncompromising defender of Zionist red-lines in Israel. Barak’s main tactical mistake was in taking the vilification of Arafat too far; in claiming that he had “unmasked the true intentions” of the Palestinian leadership (i.e. the destruction of Israel) he pre-empted any positive effect of his own, Taba II negotiations, and more destructively set the stage for the ensuing, “no partner for peace” strategy of Sharon and his successors that has continued up until now.

Post Camp David, isolated and criminalized, Arafat’s one card left to play was a negative one -- refusal to undertake the sole function that had brought the PLO back home and allowed the whole edifice of a peace process to be generated -- security. Thus when Sharon ignited the al Aqsa intifada, rather than seeing it as a trap, Arafat saw an opportunity to let Israel experience life without PA security

cooperation and thus show his relevance. But he didn't stop there. Once the Taba II negotiations were underway, the logic became that resistance in the streets would provide greater negotiating leverage. And once, Sharon won the elections, the calculation changed once again – now ongoing Palestinian resistance would prove that only Arafat and not Sharon could deliver security to the Israeli public.

The problem was not the card, but how and in what context it was played. Allowing every variety of resistance resulted in a free for all with competing agendas working at cross-purposes. Stone throwing kids, mass peaceful marches echoing the strategy of the first intifada, and military attacks targeting the army or settlers in the occupied territories contrasted with Hamas suicide bombings inside Israel -- and then got overtaken by them. Not reigning in the latter before September 11th 2001, was already a huge miscalculation but after it -- one of catastrophic proportions.

For Ariel Sharon, the map created by Oslo, the failure at Camp David, the ascension of George Bush and the global war on terror, altogether created a remarkably opportune conjuncture of forces that Arafat's "sponsorship of terror" ultimately allowed him to translate into historic gains. In the immediate term he focused on unraveling the logic of "security for recognition" that had kept Oslo if only in principle, afloat. Simply de-legitimizing the Palestinian leader, couldn't ensure that upon his demise a Palestinian "partner for peace" would once again be found. But by de-legitimizing security cooperation as well, Oslo as a political process would suffer a much more enduring blow – if not complete obliteration. Once, this lynchpin of bilateralism was revoked, there was no longer a looming inevitability of a negotiated settlement to thwart translating the existing facts on the ground into a concerted move to consolidate the new, and more durable Israeli strategy of control. Thus the basic "matrix of control" that had become entrenched under Oslo, was now intensified with hundreds of checkpoints; large swathes of closed military areas and crowned by the building of the "Separation Wall".

The interim geography of Oslo now became, at once, a permanent geography of incarceration and an attempt at a unilateral territorial resolution in the West Bank – undertaken through military engineering of a monumental scale. But to ensure the long term viability of territorial entrenchment – Sharon had to provide it with a political process of similar magnitude to its historic proportions. Thus, at the cost of losing his settler constituencies and the unity and dominance of Likud, he undertook the Gaza "disengagement". That process garnered three major achievements; two of them openly expressed by his advisor Dov Weisglass in his now famous interview with *Haaretz*:

The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that's necessary so that there will not be a political process with the Palestinians... On the other hand, in regard to the large settlement blocs (in the West Bank) thanks to the disengagement plan, we have in our hands a first-ever American statement that they will be part of Israel... for the large blocs there is genuine political insurance. There is an American commitment such as never existed before, with regard to 190,000 settlers. ⁴⁵

Added to paralyzing any political process with the Palestinian leadership, garnering a historic reversal of US policy vis a vis West Bank settlement, was also the major demographic achievement of dispensing with more than 1 million Palestinians. By simply losing Gaza, the Jewish population of all the territory under Israel's control would jump from almost parity in the Jewish-Arab divide (50%) to

58% Jewish plurality -- ensuring the potential of a Jewish majority for another 20 years.⁴⁶

CONCLUSIONS: OCCUPATION, TERRITORY, AND INDEPENDENCE

The three cornerstones of Israel's control strategies in the West Bank; demographic and political containment and land alienation/settlement are the basis for the whole infrastructure of practices that we have named "occupation" for more than forty years. But the occupation has always been Israel's means rather than its ends. Its aim, through its varying modes of control has always been, not simply to settle -- but to radically re-territorialize large areas of the West Bank as Israeli sovereign territory. As such, the occupation has all along only been the apparatus of control necessary to achieve a territorial end. This is not an issue of semantics but a conceptual distinction that has had major ramifications

Israel itself, has always distinguished its apparatus of control over Palestinians from its control over Palestinian territory -- indeed this distinction is at the very core of its land alienation and colonization strategies. But it was the Oslo process that offered the opportunity to garner diplomatic legitimacy for this distinction--by claiming that no longer in direct control of most of the Palestinian population centers -- in effect, the "occupation" was now over. And indeed, during Oslo's heyday, the concept of occupation began to recede from dominant diplomatic parlance that celebrated the truncated archipelagos of Areas A and B as the "Palestinian Territories". While it did re-emerge with the series of "IDF re-occupations" of Area A in 2002 (especially Operation Defensive Shield) it has since largely remained as an expression of Israel's *external* control of PNA areas through checkpoints, but not as an expression of Israel's hold over the entire territories it captured in 1967. Following the Gaza withdrawal and Hamas election win, Israel with US approval has subsequently defined the Strip as both an "enemy entity" and "hostile territory" -- suggesting that even the notion of occupation as "external control" has begun to unravel. ⁴⁷ And beginning in Oslo, but crowned by the Bush Administration's "breakthrough" of calling for a Palestinian state -- we can see the radical disjuncture that has been accomplished between the notions of occupation, territory and independence. The occupation may end, but Israel may still control all entries and exits, as well as groundwater and airspace. The occupation may end; an "Independent" Palestinian state recognized and not a single settlement in the 40% of the West Bank that is now Israel territory will be touched. As such, "ending the occupation" in current geo- political terms no longer means the full liberation of Palestinian territory that was originally occupied in 1967. At the same time, it is becoming much less likely that this "independent" entity will have the fundamental attributes of sovereignty.

But for now, Israel does not seek even this "end" of its occupation of the West Bank -- at least not in the immediate future. This is because, although it has always officially refuted the term's applicability vis a vis its status in the West Bank and Gaza, the "state" versus the status has actually served it well. Defined as an occupation, Israel's grasp on the occupied territories could present itself and be accepted as a state of impermanence -- despite the overwhelming realities it has created to the contrary. Only as long as Israel's presence could continue to be treated as temporary could it ensure a permanent hold over the territory it desires. As such, it has constantly deflected every attempt at a permanent diplomatic

solution that would bring to an end the “temporary” status that enables it to make a permanent solution of its own.

This suggests a re-thinking of political strategies towards Israel’s project in the West Bank. For more than forty years, supporters of Palestinian self-determination have focused on getting (or maintaining) the recognition that Israel’s presence in the West Bank and Gaza constituted an occupation under International Law – in the face of Israeli claims to the contrary. This was based on the assumption that International Law was a powerful tool to challenge the legitimacy of Israel’s project – an assumption that proved correct when viewed through the myriad Security Council Resolutions that have been passed condemning aspects of Israel’s behavior since 1967. But none of these resolutions have been matched with a will to enforce them, and the more urgent role of international law -- as a mechanism for protection --has never been translated into action on the ground. ⁴⁸ The outcome has been Israel’s four decades long “temporary” license-to-build a territorial reality that bears no resemblance to the one whose borders is enshrined in Resolution 242. As such, international legality has remained at best, a repository of symbolic principles awaiting a new world order and at worst, a dusty historical archive of Israeli infractions.

This does not mean that the struggle to make international law relevant to the Palestinian case should end. It suggests that a new language and way of framing the case for full liberation from Israeli control, and full restitution of Palestinian land and rights must also be found. Such a language should seek to break out of the limited and captured terms that have ultimately become enabling of Israel’s territorial project. For instance, it would focus on modes of Israeli “control” in all its variety and totality, as the fundamental mechanism of disinheritance, rather than simply on “occupation”. But it would emphasize what control aims to achieve: the creation of a permanent Israeli colony that will precipitate another internationally sanctioned partition – this time of the remaining 22% of historic Palestine. It would seek ways to re-establish the priority of Palestinian’s territorial over political rights –given that since Oslo, the latter have hastened the undoing of the former. And it would not foreclose any alternative political future that meets the basic requirements of restitutive justice.

ENDNOTES

¹ Virginia Tilley, *The One-State Solution: A Breakthrough for Peace in the Israeli-Palestinian Deadlock* (University of Michigan Press, 2005); Jimmy Carter *Palestine Peace Not Apartheid*, (New York: Simon and Schuster, 2006)

² Tony Judt, “Israel: The Alternative,” *The New York Review of Books*, Volume 50 (16), October 23, 2003

³ Eyal Weizman, “Strategic Points, Flexible Lines, Tense Surfaces, Political Volumes: Ariel Sharon and the Geometry of Occupation,” in *The Philosophical Forum*, 35, no. 2 (2004), p.221–244; Achille Mbembe, “Necropolitics,” *Public Culture*, 15, no. 1, (2003), p.11–40.

⁴ “Bantustanization” has been taken up by Tilley, op.cit, Oren Yiftachel and by Leila Farsakh among others. See Leila Farsakh, “Independence; Cantons or Bantustans: Whither the Palestinian State?” *Middle East Journal*, Vol 59, no.2., (Spring 2005)

⁵ “Carceral geography” has been used by Derek Gregory. See his “Defiled Cities,” in *Singapore Journal of Tropical Geography* 24, no. 3 (2003), p. 307–326; also by Camille Mansour in, “Israel’s Colonial Impasse”, *Journal of Palestine Studies* 30, no.4 (2001), p. 83–87

⁶ See Sari Hanafi, “Spacio-cide and Bio-Politics: Israeli Colonial Project: From 1947 to the Wall” in *Against the Wall. Israel’s Barrier to Peace*, Michael Sorkin ed. (New York: The New Press, 2005)

⁷ See Stephen. Graham, “Lessons in Urbicide” in *New Left Review* 19 (2003), p. 63–77.

⁸ Baruch Kimmerling, *Politicide: Ariel Sharon’s War against the Palestinians* (London: Verso, 2003)

⁹ David Delaney, *Territory: A Short Introduction*, (London: Blackwell Publishing, 2005), p. 144

¹⁰ See Gregory, "Defiled Cities" and Mbembe "Necropolitics." See also May Jayyusi, *Subjectivity and Public Witness: An Analysis of Islamic Militancy in Palestine* (Available at: http://programs.ssrc.org/mena/publications/jayyusi-Final_Paper.pdf); also, Adi Ophir (2007) "The Two-State Solution: Providence and Catastrophe," *Theoretical Inquiries in Law*, Vol. 8 : No. 1, Article 7.

¹¹ Meron Benvenisti, *The Shepherds' War: Collected Essays* (1981-1989). (Jerusalem: Jerusalem Post Publishers, 1989) p.134

¹² Ibid, p.134

¹³ National unity governments ruled between 1967 and 1970, 1984 and 1990, 2001 and 2003, and then in Sharon's revised form of Likud as Kadima with Labor between 2004 and 2007.

¹⁴ The main focus here is on the West Bank, since Israel's hold on Gaza has for the most part been driven by its territorial aims towards the former.

¹⁵ W. W. Harris, *Taking Root: Israeli Settlements in the West Bank, The Golan and Gaza-Sinai, 1967-1980*, (New York: John Wiley, 1980).

¹⁶ Shlomo Gazit, *The Carrot and the Stick Israel's Policy in Judaea and Samaria, 1967-68*, (Washington, D.C.: B'nai B'rith Books, 1995), p.163.

¹⁷ Raja Shehadeh, *The Law of the Land: Settlements and Land Issues under Israeli military occupation* (Passia: Jeruslaem. 1993); and B'tselem, *Land Grab; Israel's Settlement Policy in the West Bank* (Jerusalem: B'tselem May, 2002)

¹⁸ See the discussion in Gazit, *The Carrot and the Stick*. p.156-157.

¹⁹ See the discussion in: James Metzger, M. Orth, and C. Sterzing, *This Land is Our Land: the West Bank under Israeli occupation* (London: Zed Press, 1983). Also see Gazit *The Carrot and the Stick*.

²⁰ Metzger *This land is our land*, p.89

²¹ Gazit, *The Carrot and the Stick*, p.163

²² The 1967 Israel census registered 985,600 Palestinians in the West Bank and Gaza, while it's own population (including 360,000 Palestinian citizens) at the time was 2,745,000. See Dov Friedlander and Calvin Goldscheider. "Peace and the Demographic Future of Israel" *Journal of Conflict Resolution. Vol.18, No.3* (Sep. 1974), p. 489

²³ A total of 45,000 between 1967 and 1972 see W. W. Harris, *Refugees and Settlers Geographical Implications of the Arab-Israeli conflict 1967-1978*, (Doctoral Thesis, University of Durham, 1978)

²⁴ See Meron Benvenisti, *The West Bank Data Project; A Survey of Israel's Policies*, (American Enterprise Institute, Washington. 1984), p.53. On the importance of the suburban settlement strategy see Benvenisti *The Shepherds' War*, B'tselem, *Land Grab*; Weizman, "Strategic Points, Flexible Lines."

²⁵ Miri lands in Ottoman land law are a form of usufruct lands, that only through legal sleight of hand that Israeli law was able to re-interpret as state lands. See Shehadeh op.cit. His critical legal analysis is also followed up in B'tselem op.cit. For the percentage of land in the West Bank made available for settlement see B'tselem *Land Grab*, p.53, and Metzger et.al. *This land is our land*, p.20

²⁶ See B'tselem *Land Grab*, p.55-56

²⁷ See Shehadeh *The Law of the Land*, p.91

²⁸ This followed on bombing attacks against a number of NGC leaders by a vigilante arm of the settler movement known as the settler underground whose links to the military remain murky.

²⁹ Salim Tamari, "In League with Zion: Israel's Search for a Native Pillar" in *Journal of Palestine Studies*, 12, no. 4 (1985), p.41-56

³⁰ According to B'tselem from 31 to 110 settlements and 4,500 to 58,000 settlers in the West Bank between 1977 to 1987. Add to this another 9 settlements and by 1990 a population of 120,000 settlers in East Jerusalem. See B'tselem, *Land Grab*, p.18 and Foundation for Middle East Peace, *Report on Israeli Settlement in the Occupied Territories*, (Washington D.C.:1993)

³¹ Two caveats to this were the settlements in Hebron's urban center and in the densely populated Gaza Strip.

³² See Nusseibeh quoted in Salim Tamari, "The Palestinian Movement in Transition; Historical reversals and the Uprising", *Journal of Palestine Studies*, Vol. 20, No. 2. (Winter, 1991), p. 57-70.

³³ For example the forcing an Israeli egged bus over a cliff while it was on route to Jerusalem by a Gazan passenger in revenge for the paralysis of his friend by IDF fire; the growing spate of knifing's of Israeli civilians within Israel by lone Palestinian operatives, sometimes bereaved friends or relatives of intifada martyrs, in other cases angry workers targeting their Israeli employers.

³⁴ The ICBS put Israel's population at 4.3 million in 1987 and that of the West Bank and Gaza, at 1.4 million. However, the Palestinian population of annexed East Jerusalem is counted as part of the Israeli population by ICBS. Given that they were estimated at the time to be approximately 150,000, the revised numbers, come out to approximately 4.1 and 1.5 million respectively. However, from an Israeli perspective the ratio was far more disturbing when accounting for population on the basis of ethnicity, regardless of the green line. In 1987, the Jewish population of Israel (including settlers) was

3.6 million and the “non- Jewish population” (as ICBS euphemistically refers to Arabs) was 2.1 million. See Jonathan Marcus, “The politics of Israel’s Security” *International Affairs*, vol.65, no.2 (Spring 1989), p. 233-245.

³⁵ See Marcus *ibid.* An independent group linked to Labour, “The Committee on the demographic problem” that included former intelligence chiefs, Shlomo Gazit and David Kimche was given the brief to raise awareness of the basic statistical problems.

³⁶ The new policy had an immediate impact on Gazan's, while in the West Bank the system was initially relatively lax but officially made the presence of West Bankers in East Jerusalem and Israel illegal.

³⁷ To effect this, a new military order was instated in 1991 (solely for the Gaza Strip) liberalizing the licensing of Palestinian firms -- predominantly of those who had subcontracting relations with Israel.

³⁸ See Neill Lochery. “The Politics of Israeli Disengagement, 1994-2006,” *Middle Eastern Studies*, Vol. 43. No. 1, (January 2007)

³⁹ For a discussion of both views see Rema Hammami and Salim Tamari. “The Second Uprising: End or New Beginning?” *Journal of Palestine Studies*, Vol xxx, no. 2. (2001),

⁴⁰ B’tselem *Land Grab*, p.15 and Eyal Weizman *Hollow Land; Israel’s Architecture of Occupation*, (Verso: 2007), p. 124

⁴¹ See, Jeff Halper, “The 94 Percent Solution: A Matrix of Control,” in *Middle East Report*, No. 216. (Autumn, 2000), p. 14-19. Also see the discussion in Weizmann, *Hollow Land*, p. 80-81

⁴² See Lochery, *The Politics of Israeli Disengagement*

⁴³ See Rex Brynen, “Donor aid to Palestine: attitudes, incentives, patronage and peace” in *Aid, Diplomacy and Facts on the Ground*, eds. M. Keating, Anne Le More, and Robert Lowe, (London: Chatham House, 2005)

⁴⁴ B’tselem, *op.cit* p.16

⁴⁵ See “The Big Freeze”, an Interview with Dov Weisglass, *Haaretz*, October 11, 2005

⁴⁶ See Donald Macintyre in *The Independent* at http://comment.independent.co.uk/commentators/donald_macintyre/article305302.ece

⁴⁷ It is telling that this political designation was undertaken in order to justify cutting Israeli electricity supplies to the completely dependent territory rather than to justify a “re-occupation”.

⁴⁸ For a discussion of the lack of implementation of UN security council resolutions in the occupied territories in comparison to similar conflicts see:

[http:// www.nad-plo.org/eye/Double+Standards+Report.pdf](http://www.nad-plo.org/eye/Double+Standards+Report.pdf)

THE POLITICAL ECONOMY OF ISRAELI OCCUPATION:

WHAT IS COLONIAL ABOUT IT?

*Leila Farsakh**

INTRODUCTION

The Palestinian economy of the West Bank and Gaza Strip is on the verge of collapse. By end of 2006, real GDP per capita has fell by 40% compared to its 1999 levels, unemployment touched 20-38% of the working labor force, and poverty reached 67% of the population.¹ The Palestinian economy lost potential income worth of \$6.3 billion dollars between 2000 and 2003, the equivalent of twice the amount of its yearly GDP output. According to the World Bank, the Palestinian economy would have been destroyed were it not for donors' aid, which amounted to yearly sums of \$800 million, or an average of US\$ 258 per Palestinian person.² The separation of Gaza from the West Bank in June 2007 only aggravated the economic disparity between the two Palestinian regions but did not alter their economic collapse.

The aim of this paper is to analyze the political economy of Israeli occupation and to explore the underlying structural mechanisms that brought about such a catastrophic result. It explores the way in which the Palestinian economy under occupation is a under a colonial structure of domination. The colonization perspective as an analytical framework for understanding the Israeli-Palestinian conflict has been addressed from a sociological point of view. However, it has not been dealt with seriously from a political and economic point of view. The work of Maxime Rodinson in 1973, of the "new Israeli sociologists" such as Baruch Kimmerling, Uri Ram, and Gershon Shafir among others, as well as of Ilan Pappé, among the "new Israeli historians", has been key in showing the importance of using the colonization perspective as a means for understanding Israeli society and history.³ They emphasize the centrality of analyzing the Zionist nationalist project as a colonial project that is tied to land acquisition and demographic control. They show how both the character of the Israeli State and the shape of its economy are the outcome of the specific forms of control over land, labor and demography that were pursued in order to create an exclusivist Jewish state. Palestinian academics, on the other hand, relied on the colonization perspective to explain the extent of Palestinian dispossession and exploitation under Israeli rule.⁴ They, like the Israeli new sociologists, also saw in the 1967 war a continuity, rather than a rapture, in Israel's colonization process. They, however, did not always frame the structural changes that occurred to the Palestinian economy specifically during the Oslo years within a colonial perspective, nor did they show how the colonial economic structure evolved and compromised all prospects for Palestinian statehood.

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The literature that has focused on Israeli-Palestinian economic relations in the West Bank and Gaza Strip avoids describing the occupied territories as living under a colonial regime. It prefers to describe the Palestinian economy as distorted, stalled, skewed, under-developed or de-developed.⁵ There has been an underlying assumption that the Israeli occupation, albeit a relation of domination and exploitation at times, is somewhat ephemeral, that it will go away once Palestinians take control over their economy and build a viable independent state. The Oslo process and the establishment of an elected autonomous Palestinian authority brought hopes to that effect which were only shattered. While studies documenting the deterioration of economic conditions have only increased, be it by independent scholars, international agencies or local institutions, most assume that once the political problem is resolved the economic hardships will be reversed. The political problem has often been defined as the lack of Palestinian sovereignty and the solution is the establishment of a viable independent Palestinian state in the West Bank and Gaza Strip (WBGs).

This paper argues that the economics of Israeli occupation is not ephemeral, nor simply tied to the absence of a viable political solution. It is rather a structural relation of domination that transformed the prospects for a future political solution. The paper seeks to explore in what ways the political economy of Israeli occupation has been colonial, and how the form of colonial rule evolved over the course of the 40 years, and especially during the Oslo years. In this respect, the paper will also shed light on the analytical usefulness of using such analytical perspective, a quite unpopular one amongst scholars especially in the US and among economists. This unpopularity has often driven many researchers to avoid using it, even if they insinuated it, for fear of being accused of anti-semitism or un scholarly bias. Yet invoking it is particularly important in any attempt to incorporate the role of power and domination, and in this case Zionism, in explaining the unsustainable structure of the Palestinian economy, its predicaments as much as its implication for a viable solution to the conflict. It also allows for a new insight into the role of the international community, particularly after Oslo, in inadvertently perpetuating the colonial structure of domination.

The central argument of the paper is that Israel's management of the West Bank and Gaza Strip has been colonial in so far as it expropriated Palestinian land and disarticulated the Palestinian economy, making it fully dependent on the Israeli economy, even after Oslo. However, it is also different from other colonial experiences, in so far as it did not seek economic exploitation *per se*. It rather sought to appropriate the land without the people. More importantly perhaps is the fact that the occupation was situated within a peculiar international legal structure that was not meant to be colonial. The Oslo peace process redefined, rather than demolished, the economics of the occupation. It did not bring about "partial decolonization", as some have argued,⁶ but rather sewed a new form of colonial domination. The Oslo agreements, and the process of their implementation, made the concept of Israeli security - and *not* its illegal occupation- the defining element of Palestinian political and economic life. The Al-Aqsa Intifada years further consolidated the dominance of Israeli security considerations. The institutionalization of Israeli security concerns has been colonial in two major ways. First, it allowed a continuous expropriation of Palestinian land as is best seen with the latest construction of the Israeli separation wall. Secondly, it sought to obtain an international endorsement, if not legitimacy, of the priority of Israeli security concerns over the illegality of its occupation

The first part of the paper will explore what is colonial about Israeli occupation. The second part will identify the important structural changes brought about by the Oslo peace process, which involved the institutionalized Israeli security concerns. Part three explores what is colonial about these changes and what their political implications are.

WHAT IS COLONIAL ABOUT ISRAELI OCCUPATION?

According to Osterhammel (1997), colonialism is a relation of domination by which an invading foreign minority rules over an indigenous population, often to the interest of a metropolis.⁷ Originating with the age of exploration, colonialism has come in various types. As Elkin and Peterson (2005) have argued, 17th and 18th centuries new world colonies differed from settler colonial projects of the 19th and 20th centuries, in so far as they relied on a mercantile capitalist structure and succeeded in eliminating the indigenous population. Settler colonialism meanwhile came in various variants, as the experience of colonial Algeria was not analogous to Japan's colonization of Korea, and the South Africa settler colonial project was different from Israel's creation in 1948.⁸ What is colonial about all these projects is that they involved a settler community seeking to dominate, and in some case eliminate, the indigenous population in order to create an exclusive polity. They fundamentally sought to expropriate land already inhabited by others. What is different about them is how they dealt with the three central elements to any colonial endeavor, namely:

- 1- The relation to the indigenous population, where questions of subordination or elimination of the indigenous population, as well as the issue of their legal representation and rights in comparison to the settlers, were central.
- 2- The relation to the metropolis and the international political and legal system, where questions of independence from the metropolis, if there is one, were important as was the issue of the international endorsement, or not, of the colonial settler project.
- 3- Thirdly, the economic structure of domination, particularly the way the colonial project dealt with land and labor questions. Colonial projects have typically been conducted in pursuit of economic gains and wealth, seeking to appropriate rich land as much as to exploit cheap labor.

It is not necessarily evident that by using these criteria Israeli occupation of the West Bank and Gaza Strip is colonial for two main reasons. First, is the question of Israel's intention and the extent to which it wanted to occupy the West Bank and Gaza Strip in 1967 and exploit their land and labor. Second, is the more important issue of the legal framework governing the occupation.

In so far as intentions are concerned, the Israeli official discourse has insisted that the 6 days war was a pre-emptive war that sought to defend Israeli's precarious existence and deter Arab countries from invading it. The Israeli cabinet at the conclusion of the war debated whether or not to annex the occupied territories, but decided not to in order to protect the Jewish character of the Israeli state.⁹ The Israeli military and political establishment regarded the territorial acquisitions of the 1967 war as bargaining chips to be used for diplomatic gains, namely the Arab countries' recognition of Israel's right to exist. While this stand has been challenged by a number of scholars who argued that Israel had provoked and

intended the 1967 war in order to expand its boundaries,¹⁰ there is no evidence to support that Israel was in search of new markets or intentionally wanted to exploit economically the Palestinian population.

However, it is difficult to establish the colonial foundation of the occupation, or any other form of domination, on the basis of intention. Non-economic intentions do not prevent colonial processes from being unleashed and to have economic dimensions to them, as the experience of France in Algeria or the Boars in South Africa, among other, reveals. The Israeli economy benefited from the Palestinian economy which was, up until 1993, was the supplier of cheap labor and its second export and import market, after the US. As will be shown below, the key question is to identify the economic elements in the structure of domination and the extent to which they locked the Palestinians into an Israeli dependency.

On the other hand, the international legal framework governing Israel's occupation of the West Bank and Gaza Strip was key in distancing this occupation from a typical colonial experience. The international community was neither compliant nor legitimizing of the occupation, the way that the League of Nation was with regards to the European mandate of Middle Eastern states in the 1920s, for example. The superpowers, as well as the UN, condemned the 1967 war and reaffirmed the inadmissibility of the acquisition of land by war. UN Security Council Resolution 242 in November 1967 did not bestow any legitimacy on Israel's occupation of the West Bank and Gaza Strip and called on it to retreat from occupied territories in exchange for peace. Israel did not, and could not, claim sovereignty over the West Bank and Gaza, and although it annexed East Jerusalem, this annexation was never accepted by the international community. Moreover, the 4th Geneva Convention applied to the WBGS (UNSCR 237, June 1967). This meant that Israel was not allowed to change the demographic, political or economic structure of the land it took under its control. While Israel only accepted the principle of the Geneva Convention in its humanitarian dimension, the international community has refused Israel's interpretations and contested many of its actions in the occupied territories, the latest example being the July 2004 ruling of the International Court of Justice against the construction of the Israeli separation wall in the West Bank.

The international legal framework thus sought to prevent the creation of a colonial relation between Israel and the Palestinian occupied territories. This being said, it is important to note that the international community did not *ensure* that Israel will be complacent. UNSC Resolution 242, which became the main reference for peace negotiations, does not specifically address the Palestinian right to self determination or make the usual reference to a UN resolution on Palestine, including UNGA resolution 181 which calls for the creation of an Arab state in Palestine. It is also unspecific to the land that Israel occupied which meant that Israel could have a margin of maneuver in its redefinition of the 1967 boundaries in any peace negotiation. Moreover, Israel was not faced with any threat of action for any violation, since UNSC resolution 242 was written under Chapter 6, rather than Chapter 7 of UN charter, which meant it was without implementation force. The ambiguity of such an important international resolution made it relatively easy for Israel to pursue its territorial ambitions without fearing major political or military repercussions. In fact, while the international legal framework sought to distance Israeli rule from being a classical colonial endeavor, a re-examination of Israeli policy since 1967 reveals that Israel's occupation has been colonial in so far as it consisted of a foreign entity dominating a large indigenous majority for the sake of

appropriating Palestinian land. It is, however, a *distinctive* colonial project because of the way Israel dealt with the three key elements to any colonial projects, namely the issue of land control, the relation to the indigenous population, and the economic structure of domination, in which the question of labor control was central.

MILITARY RULE: LAND WITHOUT THE PEOPLE

The first distinctive element about Israel's colonial structure of domination is the way Israel dealt with the population that came under its control in 1967. In the aftermath of the 1967 war, the Israeli military came in control of nearly 1 million Palestinian, which formed 30% of the total population under Israeli rule then. The Israeli government did not intend on incorporating them into Israel for fear of jeopardizing the Jewish character of the state. At the same time it could not mass expel them nor force them to leave as many did in 1948.¹¹ According to the 4th Geneva Convention, the military was the only entity allowed to rule over the population of the occupied territories until their sort was to be determined. The military had the mandate to ensure security, but not to change the demographic and territorial character of the area it came in possession of.

As is well documented by now, the Israeli government opted for a system of rule that allowed for maximum incorporation of the land while maintaining a societal separation between Israelis and Palestinians. In this regard, the military played a central role since it became *de facto* the tool that allowed territorial and demographic changes to take place, and thereby sowed the seeds of a colonial relation between Israel and the Occupied Territories. The Israeli military produced over 200 military orders between 1967 and 1970 and established a large civil administration which created a structure that separated Israelis from Palestinians while facilitating the expropriation of WBGS land. While such a large investment of the occupier's resources is not unique to Israel and can be seen in Japan's colonization of Korea or Taiwan for example,¹² it is original in so far as it was not conducted for economic purposes, but rather to expand Israel's 1948. The military became the conduit for land appropriation through its organization of the system of land expropriation and settlements construction. During the first decade of occupation, the military issued a number of decrees for acquiring land, mainly by declaring them state or absentee land, (military orders no. 58 and 59). It also established the high planning committee made of military officials that took control of land administration and planning in the occupied territories (military order no. 418), and created a special department for the transactions of land and registration of settlements (military order 569).¹³ Moreover, it prevented Palestinians from registering their land, and from investing in it without obtaining military approval. The military was thus able to take direct control of what was declared as state land, nearly 35-40% of the West Bank and Gaza Strip, declaring it as "public good". It was thereby able to supervise the whole settlement movement with whom it remains closely tied

As in other colonial processes, the Israeli military relied on settlements as a means to establish a territorial claim over an indigenously populated area. As Moshe Dayan put it in 1971, Israeli settlements in the occupied territories are essential "not because they can ensure security better than the army, but because without them ... the IDF would be a foreign army ruling a foreign population".¹⁴ While illegal under the 4th Geneva Convention and numerous UN resolutions, Israel built over 178 settlements between 1972 and 2003, and allowed the transfer

of 400,000 Israeli citizens into the occupied territories, half of which were transferred during the Oslo peace process years.¹⁵ The peculiarity of Israeli settlements as a central element in Israeli colonization of the WBGS stems in part from the fact that settlers did not come, or were brought in, to exploit the Palestinian or in search of economic gains. Unlike the settlers in Algeria, the whites in Kenya or Zimbabwe or the unionists in Northern Ireland, Israeli settlers did not make a living in the occupied territories as much as used it as a subsidized dormitory. Still in 2000, less than 48% of settlers worked in the settlements in the WBGS, with the majority commuting to Tel Aviv or Jerusalem.¹⁶

Yet, settlers remain a central pillar of Israeli colonial structure. They provide a means to create a claim over Palestinian land, as well as allowed the institutionalization of a legal system of segregation, which is a common feature of most colonial projects. The Israeli military instituted two different legal systems in the WBGS: one for the settlers and the other for the Palestinians. The settlers were governed by Israeli civilian law while the Palestinians were ruled by military law. The Israeli military ruled the Palestinians through a series of military orders that combined some aspects of international law governing populations in times of war with specific Israeli concern for settlements. The Israeli Military Governor allowed Israeli citizens to live and work in the West Bank after 1987, although the 4th Geneva convention forbids it.¹⁷ Israeli settlers were protected and accountable to Israeli law, while Palestinians were subject to military laws. Meanwhile, settlements became administered like any town in Israel, including rights to local planning, levy taxes, right of zoning and urban planning, which were all forbidden to Palestinians. Israel created a *de facto* institutionalised system of legal segregation between Palestinians and Israelis, albeit an original one. It was original in so far as Israel did not want, and could not from an international legal point of view, include the Palestinians into its polity as citizens or residents,¹⁸ even as second hand residents. At the same time, it kept their legal and political status unresolved, left to the outcome of the Israeli-Palestinian negotiations.

THE ECONOMICS OF OCCUPATION

The way Israel dealt with the Palestinian economy, and particularly with Palestinian labor, is also at the heart of the peculiarity of Israeli occupation as a colonial project. As is well documented by now, Israeli economic policy in the area was not based on any grand strategy for economic exploitation or investment. Chief economists consulted by the military at the end of the 6 days war argued that economic integration, based on free movement of capital and labor across the 1967 borders, would be most beneficial to both Israelis and Palestinians, in the long run. This is because it would have allowed an efficient allocation of resources between two economies with different resource endowments. This suggestion though was rejected for political and economic reasons. Economically, it was feared that integration would harm Israeli workers and cause a capital flight towards cheaper labour and resources in the WBGS and be detrimental to the Jewish sector domestic development.¹⁹ Politically, it would have threatened the interests of Jewish trade union and agricultural lobby as well as posed a complicated challenge to the issue of citizenship and its exclusivity.

Instead the military decided to incorporate, rather than separate, the Palestinian economy into Israel in a way that would facilitate maximum territorial incorporation of the land but without creating an Israeli dependency on Palestinian

labor. One of the main factors that prevented Israel from undergoing a South African Apartheid or a Zimbabwean colonial experience was its reliance on an economic structure that refused to rely on indigenous labor. Before 1948 less than 30% of the Jewish sector relied on Palestinian/Arab labor, and after 1948 the Israeli Arabs came to represent 15-20% of the Israeli labor force. After 1967, Palestinian labor from the WBGS represented less than 7% of the Israeli labor force.²⁰

Yet, the economics of occupation has been colonial in far as it was based on a system of economic integration that made WBGS' economy and labor dependent on Israeli demand and regulations, and unable to respond to local demand or to create the basis of a viable economy and an independent Palestinian state. While Israeli occupation was not conducted for the *purpose* of economic exploitation, it was *structured* to ensure Israel's economic and territorial domination. The economics of occupation relied on 4 main pillars which included:

- 1- First, an economic policy that was guided by a concern to pacify the Palestinian population economically while keeping Israeli control over the land and preventing any competition from Palestinians goods or factors of production.
- 2- Second, the integration of the Palestinian economy into Israel through the creation of a "one-sided" customs union that allowed Israeli products free access to the Palestinian markets but restricted the entry of Palestinian goods, particularly agricultural one, into the Israeli economy. This custom made arrangement enabled Israel to collect and appropriate tariff revenues on good destined to Palestinian areas, which amounted to approximately 12-21% of WBGS GNP between 1970 and 1987.²¹
- 3- Third, restricted investment and capital flows, something that would have logically flow from Israel into the occupied territories because of their lower labor costs. The Palestinian population was also taxed heavily but investment in local infrastructure remained low.²²
- 4- Fourth, the flow of Palestinian labor into Israel while forbidding the flow of Israeli workers into the territories, as stipulated by the 4th Geneva Convention.

As is well documented by now, the economic effects of the occupation between 1967 and 1987 has been the "paradoxical" income of rising Palestinian per capita income but diminishing productive capabilities.²³ Per capita income doubled between 1970 and 1987 and GNP grew by an average of 3% per annum. The rise in per capita income has been sustained thanks to the flow of Palestinian workers into the Israeli economy. Palestinian labor migrants became the key structural link ensuring the flow of this economic system of integration. Palestinian workers employed in Israel represented 45% of the Gaza labor force in the mid 1980s and 32% of West Bank workers. Their income represented 25% of Palestinian GNP and financed the trade deficit formed with Israel. Israel remained the market for 70% of Palestinian export and the source of 90% of its imports. Palestinian migrant workers to Israel were the main anchor of the Palestinian economic growth, a growth that relied principally on access to Israel.

THE OSLO YEARS

The Economic Protocol of the Oslo Peace Agreements sought to redress some of the inequalities imposed by Israel's economic management of the Occupied Territories. Its preamble clearly expresses the intention to have the Palestinian economy prosper and be guided by Palestinian interests. Yet, the Oslo agreements, just like UNSC Resolution 242, do not specify the right of Palestinians to a State or to economic independence. More importantly perhaps, it does not specify that its aim is to end the occupation. It rather promised to establish an interim Palestinian self-government authority that will work together with Israel on defining a final status agreement.²⁴

According to Arnon and Weinblatt (2001) the Economic Protocol was an incomplete contract in so far as it did not address the power imbalance between Israel and the Palestinians. It kept Israel in control of borders as well as of major economic decisions that would be of significant impact on the Palestinian economy, such as the scope of trade diversification, the size of labor flows to Israel and tax revenues that were to be refunded to the Palestinian authority. The literature on the economic records of the Oslo years debated for long whether the prospects for Palestinian economic success hinged on the weak implementation of the Economic Protocol²⁵ or on its structural flaws.²⁶ It refrained though from situating the Oslo economic structure within a colonial analytical perspective.

A closer look at the Oslo agreement reveal that the peace process reshaped, not demolished, the political economy of occupation. It created a new colonial structure of domination that was based on three new foundations. These include the institutionalization of Israeli security concerns as a governing principle for Palestinian political and economic activity, the creation of the Palestinian authority with limited autonomy, and the subcontracting of Israeli responsibilities as an occupier to the international community, something that did not exist before 1993. The institutionalization of Israeli security concern, while present before 1993, is peculiar in so far as it was done with *de facto* consent of the Palestinian authority, something that did not exist before 1993. It was rationalized in terms of Israel's defense against the rise suicide bombers and the political opposition to Oslo. Yet, while this opposition strengthened the hold of military considerations, security was embedded in the agreements signed. It was structured in the scope of jurisdiction that the Palestinian authority was given, in the way the territorial question was handled, and in the pattern of trade and labor relations created. What is colonial about this new structure is its ability to enable Israel to expropriate more Palestinian land and to control Palestinian mobility and economic conditions. What is new about it is its attempts to obtain an international endorsement of the precedence of Israeli military laws and security concerns over international law, in the management and conclusion of the occupation.

REDEFINING SECURITY AND MILITARY RULE

The military continued to play a central role in the colonizing process of the West Bank and Gaza Strip after 1993. While the Oslo agreements allowed devolution of Israeli rule to an elected Palestinian Authority (PA), it did not dismantle the Israeli military infrastructure. Unlike other cases where occupation ended, be it in East Timor, Kenya or Algeria, where the occupiers retreated, taking their troops, administration and laws, in the West Bank and Gaza the Israeli military

did not retreat but redeployed. Israeli laws were not abrogated but combined with limited Palestinian legislation. The Oslo agreements' *modus operandi* was to create an infrastructure of co-operation between the PA and the Israeli military, through the medium of the Joint Israeli-Palestinian committees which became the agencies for the transfer of authority from the Israeli civil administration to the Palestinian authority. Among the first stipulation of Oslo was the creation of a Palestinian police force which will ensure public order and will cooperate closely with the Israeli side on security issues (DOP article VIII, X; Oslo II Chapter 2, article XIII). The implication of this structure was to allow the Israeli military to have a say in every aspect of Palestinian life. The declared rationale behind it was Israel's security and means to protect its civilians until a final status agreement is reached with the Palestinians.²⁷

Security concerns were best institutionalized with the way the Oslo agreements dealt with legal claims over land as well as with the issue of closures, checkpoints and permits, all of which are key to any prospect for economic growth, let alone independence, in the occupied territories. The Interim Agreement kept Israel in control of 59% of the West Bank land, which came under area C (Article XI.c of the Oslo II). It further gave a legalistic endorsement of Israel's claim over the land as the PA accepted to respect the legal rights of Israelis in areas under its control as well as of Israel's sole jurisdiction over the settlements.²⁸ This endorsement, combined with the fact that settlements were left out of the interim agreement made it possible for Israel to colonize more Palestinian land. Between 1993 and 2004 Israel expropriate over 120,000 dunums,²⁹ build over 72 new settlements outposts as well as transfer a total of 209,000 new settlers into the territories.³⁰ While still illegal according to the 4th Geneva Convention, nothing in Oslo provides the Palestinians with the legal or political measures to stop Israeli expropriation

The institutionalization of Israeli security concerns is also seen in the way the Interim Agreement makes closure not a violation but an accepted prerogative of Israel. Article IX of the Protocol of Redeployment and Security Arrangements (PRS) clearly states that Israel alone has the right to close its crossing points, prohibit or limit the entry of persons into its areas, and determine the mode of entry of people into its areas (including areas C). It affirms Israel's right to intervene in any Palestinian area and at any time in case of perceived threat (including areas A and B). Between 1994 and 1999, Israel imposed 484 days of closures, the equivalent of 3 months per year and installed as many as 230 removal checkpoints that stalled all sustainable economic activity.³¹ While it is true that these closures were imposed as a result of growing number of suicide bombers into Israel by parties opposed to the peace process, the fact remains that the Oslo structure facilitated such restriction and offered no way out of them.

The institutionalization of Israeli security concerns has created a new form of colonial domination not only in so far as it facilitated the appropriation of Palestinian land but also in the ways it created new mechanisms for population control, creating thereby a situation that many described as analogous to the South African apartheid reality.³² In contrast to the pre-Oslo years where population movements across the 1967 border line were still possible, after 1993 population movements became regulated by the permit system. First introduced with regards to workers from Gaza in 1988, the permit system became institutionalized in the Oslo Agreement, particularly with the Protocol of Civil Affairs. Any Palestinian seeking to enter Israel for work needed to apply for a permit issued by the Israeli civil

administration after undertaking a security clearance (Article 11.2.3.4; Protocol III, Oslo II). The system was further extended in 1996, with every increase in suicide bombers inside Israel and after which the Israeli military made all movement contingent on having a permits. This applied to workers as much as to business men, to women as well as to men.

A CONSTRAINED INDIGENOUS AUTHORITY

The Oslo agreement allowed the creation of an elected Palestinian Authority (PA) but tied its jurisdiction to Israeli considerations. The source of jurisdiction of the Palestinian authority did not emanate solely from the Palestinian electorate, or international law, but rather remained tied to the scope of Israeli redeployment. In this regard the PA was given mainly functional, rather than full territorial, jurisdiction. The PA could thereby run the civilian and economic affairs of 93% of the Palestinian people, but could not fully control Palestinian land. It could neither abolish Israeli laws on land which it had no direct control over. Up until 2000, the PA had direct control, but no sovereignty, over only 20% of the West Bank land and 70% of the Gaza Strip (areas A).

Within this framework, the Palestinian Authority was given the responsibility of managing the Palestinian economy. Its ability to fulfill this role though was constrained not only by its limited territorial jurisdiction but also by the nature of the trade relations established with Israel. The Economic protocol of the Oslo II agreement did not abolish the *de facto* custom unions set in place, nor established a free trade agreement for fear that it might insinuate notions of territorial demarcations which were left to the final status negotiations.³³ It rather set a new customs union which allowed for the free movement of capital, gave the Palestinians limited leeway in monetary and trade policy,³⁴ and allowed them to trade directly with Arab and foreign countries for a limited list of goods.³⁵ However, Palestinian trade remained bound by Israel's trade policy, as Israeli tax rates (both direct and indirect) remained the governing guidelines, as were Israeli standards and import regulations. Israel, though, accepted to remit to the Palestinian economy VAT and custom taxes collected on goods specifically destined to the WBGS, something it never did before 1994.

In other words, Oslo restructured the nature of Palestinian dependency on Israel. Despite the importance of Palestinian migration to Israel to the Palestinian economy, the Oslo agreement did not promise to protect it. At the same time, it did not guarantee the smooth movement of foreign and domestic capital that would generate domestic employment. Meanwhile the Israeli military and its civil administration retreated from being the direct manager of the Palestinian economy to being the gatekeeper of Palestinian finance and access to the world. Custom revenues, collected by Israeli Ministry of finance on goods imported to the Palestinian economy, became the most important source of finance for the Palestinian authority. It represented 60-70% of the PA's revenues and 20% of Palestinian GNP.³⁶ The entity responsible for the transfer of fund was no longer the civil administration, but a committee composed of the Israeli Ministry of Finance, the Israeli Military and the Prime Minister's office. The Israeli National Security Council, not the Ministry of the Economy, was also directly involved in all meetings with the PA over custom revenues. Custom revenues became one of the major levers that restricted the PA's scope of action, one solely in Israeli hand. This new pattern of economic relation is colonial in so far as it facilitates the

appropriation of Palestinian revenues by Israel, controls labor movement, restrains Palestinian economic autonomy and ties Palestinian growth to Israeli military and territorial considerations.

THE DONOR COMMUNITY

The third major structural change brought by Oslo is the central role it gave to the international donor community in managing of the Palestinian economy, something it did not have before 1993. The World Bank, IMF and the Ad Hoc Liaison Committee (AHLIC) become the advisor of the PA, helping it formulate its economic policy as much as manage it. The IMF effectively has oversight of the Palestinian Finance Ministry, helping it plan the Palestinian taxation system as much as supervise its internal accounts. It also has become the interlocutor with the Israeli Finance Ministry, ensuring that custom revenues are being transferred to the Palestinian authority. The World Bank is the manager of the donor's funds, deciding its allocation by sector as much as by ministry. Between 1994 and 2000 the donor community disbursed 3.2 billion dollars; the equivalent of an annual WBGS GDP. This money was put in generating employment projects as much as paying the salaries of the PA employees and sustaining the PA's budget.³⁷

The international community has advisory power over the Palestinian authority and thereby on the economic direction that the latter can take. In this regard the World Bank and the IMF have been emphasizing the importance of sound fiscal policy and the rule of law. With regards to the former, it has been concerned with the PA overspending, especially with regards to public employment, the majority of which is going to security and inefficient administration. While aware that such employment is necessary to prevent a total collapse of income in view of Israel's restriction on Palestinian labor movement inside the green line, the imposition of closure by Israel, and rise of poverty, it poses a challenge to the World Bank's recommendation of fiscal restraints and the development of a vibrant private sector. This sector has seen its growth curtailed in part with the disintegration of the rule of law, especially after the second Intifada and with the rise of monopolies since 1994. The international donor agencies thus find themselves in a central, though, difficult situation of bailing out the PA and making it dependent on them while having to intervene with Israel as a central player. They have power over the PA, in so far as they can determine the amount and direction of the aid it gives. At the same time their ability to make the PA economically viable is constrained by Israel's willingness to cooperate. The international community meanwhile can neither dismiss nor challenge Israel, whose sovereignty is not called into question.

This strong international financial intervention raises the question of the extent to which the cost of the occupation is being subcontracted to the international community which has always refused to legitimize it. This can be all the more problematic if the international community leans towards accepting as given, rather than challenging, Israel's actions on the ground. The World Bank report on the Disengagement from Gaza, entitled *Stagnation or Survival? Israeli Disengagement and Palestinian Economic Recovery* (2005), does not mention the occupation as the source of Palestinian economic demise, but the issue of closure. It does not call for abolishing the closures but for finding ways to accommodate them. This is a significant development that reflects the way that the international

community might become compliant and indirectly legitimize a fundamental colonial relation based on land expropriation in the name of security.

ECONOMIC IMPLICATIONS

The economic implications of this new structural relation were massive. Income wise, the Palestinian economy and people suffered under Oslo. Real GDP per capita shrank by 18% between 1994 and 1996 and again by 36% between 2000 and 2004.³⁸ Poverty, defined as individual earnings of less than US\$2 per day, reached 23.2% of the total Palestinian population in 1998, touching 46% of those living in the Gaza Strip compared with 15.4% of households in the West Bank. It rose to cover 60% of the WBGS population between 2001 and 2006.³⁹ The economy became hostage to the closure and checkpoints system, growing when they are not in use and suffering when they are. It was prevented from collapsing thanks to donor's aid that amounted to 25% of WBGS GDP. Donor's aid replaced the role played by remittances from Palestinian employment in Israel in the pre 1993 era. As economic life became conditional on Israeli security consideration, three major trends developed.

First, public employment became important, especially in Gaza as workers could not access Israel. Public sector employment absorbed nearly 30% of the Gaza labor force compared with less 15% of the West Bank's between 1996 and 2000.⁴⁰ It replaced the role played by the Israeli labor market for Gaza workers in particular. Public sector employment was dominated by security forces which represented between 60,000-80,000 employees out of a total of 110,000-140,000 public wage earners.⁴¹ Their wage bill represented a significant drain on the PA's finance, one that was often bailed out by international organizations, who ironically opposed public employment.

Second, the Oslo economic and security structure facilitated the creation of monopolies, especially as they were more successful than individual companies in claiming and centralizing custom clearance. These monopolies included PA and private sector actors closely tied with the procurement of security services and other goods, and firmly linked with Israeli military companies or para-statal Israeli monopolies such as cement or tobacco. The development of rent seeking activities of such sort was unavoidable but highly costly for private sector development the donor community is keen on developing. They indicate a restructuring of economic dependency on Israel rather than its elimination. Israel remained the main source of imports and exports as well as the gateway to the outside world, while contacts between Israeli and Palestinian businessmen became solely mediated through few monopolies with close ties to the security establishments.

Third, the economies of the West Bank and Gaza Strip grew further apart and related differently to the Israeli economy as a result of the effect of closures and restrictions on people's movement. Trade between the West Bank and Gaza fell by 30% between 1993 and 1998 while Gaza trade with Israel shrank by 25%.⁴² Employment in Israel represented less than 8% of Gaza workers in 1999 and less than 2% in 2005, compared with 35% in 1992, indicating the separation of the Strip from Israel. The figures for the West Bank stood at 22% and 25% respectively. Still in 2006, and despite the Al-Aqsa Intifada, 55,500 Palestinians from the West Bank, or 12% of its employed force, worked in the Israeli economy, reflecting continuous integration of the West Bank into Israel.⁴³

THE ECONOMICS OF DISENGAGEMENT

This institutionalization of Israeli security concerns that further fragmented Palestinian land was consolidated by Israel's response to the Al-Aqsa Intifada. The violence of Palestinian response to the failure of Oslo and the continuous occupation was met by the Israeli decision to further sophisticate their security measures. These measures intended to finalize the separation of Palestinians from Israelis while incorporating the largest amount of land into Israel. They are best encapsulated in the construction of the Separation Wall, the consolidation of the checkpoint system, and the disengagement plan.

In June 2002 Israel started to build a separation wall between it and the West Bank, but one which is not along the 1949 armistice line. By end of 2006, 408km of the Separation Wall have been constructed, mainly in the Northern part of the West Bank, and including 89 km around East Jerusalem. Military order 378 in October 2003 has declared all West Bank land between the security wall and Israel closed military zone, and thus prone to confiscation. So far 479,881 dunums of land is trapped West of the Wall and thus is prone to confiscation, and 44, 273 Palestinians have been trapped in 1149 localities. Upon completion the Wall would leave 395,900 Palestinians (including 220,000 living in the suburbs of East Jerusalem) isolated outside the Palestinian enclaves that the "Separation Wall" would have created. This is equivalent to 10% of the Palestinian population. Meanwhile, the Wall will integrate 90% of settlers into what would become the borders of Israel. It would establish an Israeli unilaterally defined border that violates the 1967 boundaries, and leaves the Palestinians with control over less than 53% of the West Bank.⁴⁴ Although the International Court of Justice and the Israeli Supreme Court ruled against the route of the wall, its construction has not stopped. It seals a colonial endeavor of land expropriation that has been going on for 40 years.

The construction of the separation wall in the West Bank was carried out in tandem with Israel's Disengagement Plan from Gaza which was implemented in August 2005. This disengagement did not mean the end of occupation although Israel retreated physically from the Strip and removed the 8,500 settlers that were living in it. In fact, Israel still is in control of Strip's borders, airspace and economic resources. Gazans are still not free to move outside of the Strip nor reach the West Bank, let alone the outside world, without a permit from the Israeli security forces. Internal checkpoints and closures have been eliminated but those along the border of Israel have been consolidated. Meanwhile in the West Bank, Israel further transformed the up until then movable checkpoints into large bureaucratized entrenched entry terminals that can cater for buses as well as cars, people as well as goods and out of which people cannot go in or out without an Israeli issued permit. These terminals, be it at edges of Nablus or Ramallah, are now reminiscent of the processing facilities between Israel and the Gaza Strip (in Karni and Erez crossings). They seek to guarantee security by relying on magnetized searches, cameras, and invisible supervision rather than direct searches, thereby reducing the contacts between Palestinians and Israeli soldiers. Israel cut the West Bank in 8 disconnected Bantustans that are unsustainable economically and at the mercy of the Israeli army.⁴⁵

The economics of Al-Aqsa Intifada and disengagement consolidated the structure imposed by Oslo. It was based on the institutionalization of Israeli security concerns, confirmed the limits of Palestinian autonomy and saw the

enhancement of the role of the international community as a bailer of first, rather than last, resort. Checkpoints and disengagement further curtailed economic activity as trade and employment was further restricted. Unemployment by 2006 touched 40% of Gaza workforce and 23% of the West Bank's, and economic activity remained focused on petty trade of what came to be known as checkpoint economic.⁴⁶ Real GDP in 2006 fell by 10% compared to 2005, and is already 40% lower its level in 1999. The raids on the PA's offices in 2002 and the election of Hamas into power in 2006 led to a 61% fall in the PA's revenues. In March 2006 Israel decided to withhold custom revenues due to the Palestinian Authority, worth of \$555 million, the equivalent of 2/3 of its total revenues and 10% of the WBGS' GDP.⁴⁷

The Palestinian economy was saved from total collapse with the injection of over \$1022 million a year on average by the international donor community, double the yearly average donated before 2000.⁴⁸ Since the arrival of Hamas to power and the international boycott that was imposed thereafter, the international community actually increased its funding, but challenged it as emergency support to mainly to health employees and civil servants whose number increased to 160,000 employees. It reached a total of \$750million by end of 2006 compared with 380 million in 2005. Meanwhile, private sector activity is estimated to have shrunk by 60%.⁴⁹ Employment in Israel fell further to 44,000 workers on average, making a contribution of 7% to the WBGS GDP. The position that the international community has taken, one of bailer of first resort has compromised its impartiality and inadvertently deepened the new pattern of colonial relation. Despite its commitment to Palestinian state building, as declared through the Road Map, the international community has neither stopped the fragmentation of Palestinian land nor is fostering Palestinian autonomous development. It has not upheld international law and continues to adhere to Israeli security priorities to the detriment of its own commitment to democracy and self-determination.

CONCLUSION

It has been not been always evident to economists to situate Israeli occupation of the West Bank and Gaza Strip within a colonization analytical perspective, since the international legal structure governing the occupation sought to prevent a colonial relation from developing. It has also been politically inappropriate especially in the United States, to describe Israeli occupation as colonial. However, this incorrectness risks to accommodate, if not legitimize, a reality it is, or should be, critiquing. A careful consideration of Israeli territorial, legal and economic policies in the occupied territories indicate that Israeli occupation has been colonial, by default if not by design, by its consequences rather than by its intention, in so far as it is based on a structure of domination that enabled Israel to appropriate Palestinian land, maintain a political and economic hegemony over the Palestinian economic life, and prevent the Palestinians from becoming independent of Israel. This colonial structure witnessed an important transformation with the Oslo years, but was not brought to an end, even with the Israeli disengagement plan. It hinges today on the way Israeli security considerations has been institutionalized and dominate in every aspect of Palestinian lives, on the restraints put on the Palestinian authority, and on the subcontracting of Palestinian economic survival to the international donor community. The colonization perspective is analytically useful for its ability to explain the causes of the

“distortion” in the Palestinian economy and to identify the structural factors that prevent Palestinian independence. Above all, it is particularly insightful in showing how Israelis and Palestinians are embedded in a dynamic relation of domination that continues to evolve and has so far foreclosed any viable two-state solution to the conflict. It opens in turn the scope for analyzing what the new forms of power and resistance are and the inevitability of thinking of new alternative to the ongoing impasse.

ENDNOTES

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¹⁵ See Leila Farsakh, *Palestinian Labor Migration to Israel*, (London: Routledge, 2005), p.62-63 and FMEP, *Report on Israeli Settlements in the Occupied Territories*, at

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¹⁶ ICBS, *Labour Survey 2000-2001*, (Jerusalem, 2003)

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²³ Sara Roy, *The Gaza Strip*, p.4-8

²⁴ See Article 1 of the *Declaration of Principle on Interim Self-Government Arrangements* (Oslo I) and Background in *The Interim Agreement between Israel and the PLO* (Oslo II).

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²⁷ See Yitzhak Rabin's speech to the Knesset, September 21, 1993, in *Ha'aratz*, 22nd September 1993.

²⁸ See Articles 12, 16, 22 and 27 from Protocol III.

²⁹ MAS (2001), *The Economic Monitor, 1994-2000*, Ramallah, p. 161.

³⁰ FMEP, *Report on Israeli Settlements in the Occupied Territories*, at http://www.fmep.org/settlement_info/statistics.html.

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³² For a more detailed discussion of the apartheid analogy and its applicability to the Occupied Territories see Leila Farsakh, "Independence, Cantons or Bantustans: Whither the Palestinian State?" *Middle East Journal*, vol.59, no.2, (Spring 2005) and Leila Farsakh, "Israel: An Apartheid State?" *Monde Diplomatique*, (November 2003)

³³ See Kanafani, "Trade a Catalyst for Peace"

³⁴ In monetary policy, the PNA was not allowed to issue its currency, but was allowed establish a monetary authority. This authority was responsible for the management of banks and control of financial activity in the area. See Fischer et al, "Economic Developments"

³⁵ These include the lists A1, A2, B. Quantities to be imported under these lists are to be determined by some agreed estimates of Palestinian market needs. Imports of goods A1 and A2 were not subject to Israeli imports duties but were regulated by Israeli standards and regulations.

³⁶ World Bank, *Long-Term Policy Options for the Palestinian Economy* (Washington D.C: World Bank 2002)

³⁷ See World Bank, *Four Years*, p. 12-40

³⁸ World Bank, *Four Years*, p. 2 ; I. Diwan and R. Shaban, *Development under Adversity: The Palestinian Economy in Transition*. (Washington, D.C.: MAS-World Bank Joint Report, 1999), p.43

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⁴⁰ MAS, *The Economic Monitor, 1994-2000*, (Ramallah: MAS, 2001) p.xix-xx.

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⁴² Farsakh, *Palestinian Labour Migration*, p. 149.

⁴³ PCBS, *Labour Force Survey: Annual Report 2006*, (Ramallah: PCBS, 2007, Table 1.1).

⁴⁴ United Nations Office for Coordination of Humanitarian Affairs (OCHA), *The Humanitarian Impact of the West Bank Barrier on Palestinian Communities*, (Ramallah: UN, 2007), p 5-7.

⁴⁵ For elaboration on the Bantustans comparison, see Farsakh, "Independence, Cantons or Bantustans."

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⁴⁸ UNCTAD, *Palestinian War Torn Economy: Aid, Development and State Formation*, (Geneva, 2006).

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ISRAEL'S 'DUAL REGIME' SINCE 1967

*Lev Grinberg**

This article discusses the establishment of Israel's peculiar dual domination regime since 1967, claiming that the structure of this dual regime makes the military elites a crucial political actor. The dual regime is based on geographic separation between two distinct regimes of control and legitimization. On one side of the border Israel is defined as a democratic state, ruled by parties voted in general open elections based on universal citizenship. On the other side there is a military rule of a Palestinian population denied citizenship, which is defined as “temporary” and “external” to the democratic state. The borders between the two areas have been easily blurred due to the geographical contiguity between them, by creating direct economic dependency and by settling the occupied territories with Israeli citizens.

I will argue here that the 1967 war was a historical turning point, as it brought about the blurring of Israel's borders and the instalment of a dual regime that legitimizes the division of political power between the military and civilian elites that rule Israel/Palestine. My aim is to show the contradictions inherent to the dual regime of “democratic occupation” and thus shed light on the dynamics of political spaces regarding the occupied population: their opening, by recognition and negotiation, and their closure, by the use of violence.

Since the outbreak of the second *Intifada*, a growing amount of literature written by journalists, politicians, historians, sociologists and political scientists has addressed the IDF's influence on Israeli policy and on the political decision-making process.¹ However, they presupposed a formalistic approach to democracy assuming that the army is subordinated to the elected political authorities. I wish to present here a different paradigm, which views democracy as a dynamic process of opening political spaces for the representation and mediation of social conflict within the framework of a given territory. Democratic regimes are able to contain social conflict due to a balance of power between the ruling elites and the subordinated social groups.² In the absence of recognized geographic borders and social boundaries, the democratic process of opening political spaces is unable to contain social conflicts. As a result, a tendency to use violence develops and armed organizations become a central political actor, particularly if there is an uneven balance of power between the sides.³ It is clear that using military force to repress citizens within the borders of the state is contrary to a democratic process of opening political spaces. This is the case of the Israeli dual regime of “democratic occupation” and its incapacity to prevent and contain violence.

The political role of the army in the dual regime is defined as delineating the borders of the “democratic state” and controlling the Palestinian population in the West Bank and the Gaza Strip. This political role was institutionalized by the structural change that resulted from the expansion of the state's borders in 1967.

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The dynamics of Israeli politics can thus be understood as follows: as long as the actions of the IDF are perceived as carried out in order to defend the borders of the democratic state and its citizens, this political activity is interpreted as apolitical, namely as security-driven activity. However, when violence is used for expansionist purposes in areas that are not seen as part of the democratic state, and public protests are voiced against this use of violence, the army loses power and the need to open political spaces arises. As we shall see here, the political context is the decisive factor in interpreting the scope of violence and determining whether it is used for political or security reasons.

Venturing beyond Israel's recognized borders and the loss of soldiers' lives create civilian opposition to continued fighting. This is the basic difference between violence in Lebanon and violence in the West Bank or the Gaza Strip, where the borders are more permeable. The West Bank and the Gaza Strip are perceived as "security zones" in which the IDF operates with greater legitimacy, controlling the "external" borders (with Egypt and Jordan) and the "internal" borders (with Israel), but also operating within the "territories". Since the peace agreement with Egypt was signed and the IDF was neutralized from the vicious cycle of wars, its main function has been political, namely to enhance its control over the Palestinians in the occupied territories. I will claim here that the changes that have come about in Israeli policies towards the Palestinians result from this permeability of the sovereign state's borders, from the political context of the Palestinian struggle and from the perceived threat to Israelis.

THEORIZING THE ROLE OF THE ARMY IN DEMOCRACY: THE CASE OF ISRAEL

The first sociologist to address the limitations of the democratic regime in Israel was Yonathan Shapiro.⁴ He claims that democracy is a regime that facilitates public debate on state policies, thus producing alternative solutions to collective problems. The existence of opposition parties and open debate compels the ruling party to be responsive to critics; otherwise it can expect to be upstaged in democratic elections. According to this approach, democracy can exist only if a society has different centers of power that can counterbalance the ruling party. According to Shapiro, Israeli democracy was limited from the outset because the ruling party thwarted the dynamic potential of the democratic process by controlling all the centers of power. Therefore, he claims, Israel is merely a formal democracy, with elections and a multi-party system but without public debate and powerful citizens able to change their government. From Shapiro's perspective, the lack of democracy became even more evident after the *Likud* party rose to power in 1977, as political mobilization was based on a populist discourse and not on open debates about policy and on the presentation of alternative policies.⁵

In the 1990s, a different debate ensued over the major problem of Israeli democracy – the idea of a "Jewish and democratic" state that grants privileges to the Jews but discriminates against its Arab citizens.⁶ Smoocha claims that Israel represents a special type of democracy, namely an "ethnic democracy" in which the Jewish majority protects itself through the regime, although it grants civil rights to its non-Jewish subjects. Peled distinguishes between different types of citizenship, claiming that Arab citizens are entitled to liberal rights as opposed to the ethnic rights of all Jews and the "republican" rights of the ruling social elite. Yiftachel, in contrast, claims that the regime is not a democracy but an "ethnocracy" – a regime

that constantly extracts resources from the subordinated ethnic group, mainly their lands. However, I believe that the fundamental difference between these approaches lies in the definition of the state's borders: Smooha and Peled refer to the “democratic regime” in Israel within the 1967 borders, while Yiftachel also addresses the areas under military occupation as part of the ethnocratic regime.

I propose here to address the occupied territories as part of Israel's dual regime, and to focus on the political meaning of the distinction between military control on one side of the border and democratic control on the other. The existence of a legal border that differentiates between types of areas and citizens creates what I have previously termed an “imagined democracy” in which the army plays a central political role while retaining its definition as “apolitical”.⁷ Obviously, without military participation in the routine administration of the Palestinian population, the Israeli state would not be able to expand territorially, to remove the Palestinians from their lands and to build separate Jewish settlements.⁸ In order to analyze this peculiar regime, I will apply two central theoretical insights: 1) conceptualization of the army as an institution with distinct interests (a corporation), which tends to expand territorially and requires material and human resources in order to succeed;⁹ 2) the understanding that there is no “democratic solution” to territorial conflicts.¹⁰

At this stage, I can suggest an explanation to the limits of the Israeli democratic regime: since 1967, the Israeli political system has been ruling the Palestinians in the occupied territories and neglecting their civil and political rights. The denial of the Palestinians' rights is taken by most Israelis as a given, as a “security necessity” or as “the right inherited from the patriarchs”. Even the question of economic relations with the Palestinian population and the way in which these improve or worsen the condition of Israeli citizens is not subject to public debate. The absence of political debate about the relations with Palestinians has also penetrated the “internal” Israeli agendas and has prevented the organization of a political system able to represent different interests and opinions regarding “internal” conflicts.

Israeli sociologists concerned with the relation between the army and society have dwelled extensively on the ideological and sociological similarity between the elites of the security establishment and the political ruling parties, most of whom belonged to the same political stream as the Labor movement up to 1977.¹¹ These elites accepted the assumption that hostility was imposed on Israel “externally” by “enemies”, irrespective of the state's policies. Even Israeli control of the “territories” was interpreted as the result of continued “external” threats to the security of the country. Therefore, these scholars did not view the military corporation as a separate institution, with distinct features, interests and decision-making processes. However, after the *Likud's* rise to power, the peace agreement with Egypt and the first Lebanon War, this approach proved no longer satisfactory.

The next theoretical step was proposed by Uri Ben Eliezer,¹² who showed how the use of violence may serve the power interests of military elites by recruiting soldiers and civil support. By using violence, the military elites define and socially construct the cultural and political community as a “nation in arms”. Kimmerling¹³ claimed that a militaristic culture was being constructed by the civil society and the political echelons, and not necessarily by the army. The Israeli militarist culture shared by soldiers, citizens and politicians can explain the absence of political debate over the Palestinian subjects of military occupation. This culture has constructed the Palestinians as the “enemy”, one that must be repressed and does

not have to be granted democratic representation. It is, in fact, the use of violence, and the fear and hate that this provokes, that helps to justify and legitimize the continued occupation of the territories by a “democratic state”.

The question is how we can explain a dynamic process of opening political spaces for negotiation, if Palestinian resistance to the occupation is always interpreted as a security threat that must be suppressed with force. The theoretical framework for the dynamics of change and democratization is proposed by Helman, Ben Eliezer and Levy,¹⁴ and is based on the change in the attitudes of soldiers when they become reluctant to recruit, or when they openly refuse to obey orders. Although the explanations of the soldiers' motivations vary – political disagreement over the necessity of war (Helman), the development of a hedonistic market economy (Levy), or the reaction of professional echelons to the market economy (Ben Eliezer) – it is agreed that the difficulty in recruiting soldiers has become an obstacle to the army and a factor in military decision-making. However, these approaches still relate to the Palestinians as “external” elements to the theory, and the different types and locations of Palestinian resistance are not incorporated in the explanations of the soldiers' attitudes.

I claim that it is very important, from a theoretical and analytical point of view, to acknowledge the fact that the Palestinian occupied population has been incorporated into the state economy and subjected to the state rule with a special status of non-citizens. The Palestinian resistance is repressed by the Israeli soldiers; hence, the legitimacy of using violence against a civil population is crucial to the maintenance of the dual regime. The dynamics of opening and closing political spaces originate precisely in the internal contradiction of the dual democratic/military regime. Palestinian resistance and the soldiers' reactions are central factors in these dynamics.

My argument is that explaining the dynamics of political spaces requires analysis of the power struggle between dominating groups seeking to rule unilaterally and the resistance of dominated social groups that are denied equal rights. To understand these dynamics we must analyze the means of domination used by the ruling power and the means of resistance used by the subjugated group. The Palestinians under occupation are not passive entities that accept the denial of their rights; on the contrary, they fight on various fronts and with different methods in order to open a political space for their claims. The challenge facing the IDF is to maintain control over the subjects of the occupation; in order to do so, the IDF needs legitimacy for its actions from Israeli citizens, namely: the use of force must be interpreted in terms of “security”. The theory underlying the opening of political spaces proposes a framework that can conceptualize both the use of military force and the possibility of recognizing the claims of the subjugated groups fighting for their rights. Therefore, it creates a theoretical basis for explaining dynamic changes – the opening and closing of political spaces.

A democratic regime is fundamentally based on the institutionalization of the dynamic opening of political spaces. However, despite the formal institutionalization of democratic regimes, political spaces are still subject to a dynamics of expansion and contraction according to changes in the balance of power between dominant and subordinated social groups, in the ability of civil society to organize and mobilize, and in the capacity of political society to mediate and compromise. In the Israeli dual regime, the power relations between the dominant Israelis and the subordinated Palestinian non-citizens change according to

the perceived legitimacy of the use of IDF force in the eyes of the Israeli citizens/soldiers.

A basic pre-condition for the existence of a political space is agreement over the boundaries of the political community that contains the parties in conflict.¹⁵ This can be a geographic border or a symbolic boundary that recognizes the formal equality between the individuals contained within the framework of a certain community. In the absence of agreement over the boundaries of containment, namely over the question who the citizens with equal rights are, no political space can be institutionalized and the mechanism of mediation by means of representation and negotiation cannot function. In such cases, force becomes a means of achieving political goals, whether used by those rising up against their subjugation or by the regime, aiming to repress them¹⁶. One possible outcome of using violence is recognition by both the sides that coercion is ineffective, leading to the conclusion that the conflict should be resolved through negotiation. This means that political spaces can be opened by violence used by subjugated social groups, but legitimate compromises can be reached only after the rulers recognize the legitimacy of the claims of this subjugated population and their representatives. These claims always relate to the boundaries of the political community, whether they demand inclusion, through equal rights, or exclusion, in a separate territory.

In the model of European nation-states, the army controls and delineates the external borders of the sovereign territory, defining the borders of the political space for representation and negotiation between the citizens and the state.¹⁷ It is important to emphasize that military elites are always a political actor, and their attitude can also be one of refusing to use force against citizens inside the state. Armies tend to act as homogeneous corporations with their own interests,¹⁸ their central goal being to maintain and expand their material and human resources; to this end, they need prestige and an apolitical image. The dynamic theory of opening political spaces proposed here focuses on the balance of power between the citizens, the army and the political elites that are influenced by the boundaries of containment; the balance of power between dominant and subjugated social groups; and the degree to which the use of force is legitimized, assuming that the military and political elites are able to manipulate citizens by constructing feelings of “danger”.¹⁹

Within this theoretical framework, I propose to analyze the dynamics underlying the use or avoidance of force by the IDF and its effect on politics by changing contextual situations. Since 1967, the borders of the state of Israel have been blurred; the Palestinian population in the territories has become the subject of an occupying military regime. Structurally speaking, the IDF has become a crucial actor in the Israeli political arena by administrating the state vis-à-vis the occupied Palestinian population. Its ability to effectively control the subjects of the occupation has come to depend on the extent to which the use of force has been legitimate in the eyes of the soldiers serving in the army. This means that the army's influence on state decisions regarding the use of force, and its ability to recruit citizens to carry out its orders, depends on maintaining its image as apolitical. In this respect, the political context of the use of force, the identity of the ruling coalition and the type of resistance used by the Palestinians are decisive factors, both regarding the army's influence over policy making and the content of that policy: escalation or conciliation.

THE TRANSITION FROM A FORMAL DEMOCRACY TO A DUAL REGIME

Mapai did not develop as a democratic organization. Its political and institutional power accumulated under peculiar circumstances, characterized by the absence of boundaries between Jews and Arabs and a fragile Jewish population dependent on the support of Zionist institutions for satisfaction of its basic needs, spanning work, health, housing and defense. The strength of *Mapai* as a ruling party was based on its success in mobilizing resources and building separate Jewish economic and political institutions under British rule, and in providing Jews with the services of a welfare state.²⁰ The mutual hostility and hatred between the Jewish and Arab communities during the period of the British Mandate delineated the boundaries between them. The military organizations constituted the force that united the Hebrew national community, and they were associated principally with the Zionist Labor Movement.²¹

The transition to a sovereign Jewish state in 1948 created an institutional crisis. This was initially tied to the subordination of the military organizations, which were divided along party lines. Later on, the principle of universal citizenship created a challenge to the power of *Mapai*, due to the potential autonomy of civil society and claims for representation by as yet unrepresented groups. Indeed, when full employment was reached, the ruling party lost its capacity to control the population by dependency and was unable to represent the demands of civil society.²²

In the period between 1948 and 1967, the IDF was the chief delineator of national borders: the “external” border, in order to prevent attempts of “infiltration” by Palestinians²³, and the “internal” border between the Arab and Jewish citizens, within the framework of the military administration, which supervised the movements of Arab citizens inside the Jewish state.²⁴ However, following the cessation of “infiltrations” after 1956 and the absorption of Jewish immigrants into the labor market, the military administration was eased to some extent. Voices calling to dismantle the military administration increased among left-wing and right-wing parties, due to *Mapai*'s political use of the security services to gain votes.²⁵

The dismantling of the military administration and the weakening of the ruling party vis-à-vis the civil society was the direct political context of the 1967 war. When Nasser announced the closure of the Straits of Tiran, the IDF elites filled the vacuum of leadership left by *Mapai* and pushed the government to go to war.²⁶ The rapid six-day victory over three Arab armies gained the heads of the Israeli security establishment enormous prestige. The military corporation also succeeded in retaining control over the material gains of the war: it controlled the occupied population and their economy, as well as an increased security budget. No less importantly, it gained autonomy vis-à-vis the political elites and the state's civil administration. After the 242 UN resolution was taken, the government of Israel understood that the USA did not intend to pressure it to withdraw to its previous borders and the concept of two types of borders crystallized: the borders of the “sovereign democratic state” that had existed before the war and the new borders, including the Golan Heights, Sinai, the Gaza Strip and the West Bank, defined as “security borders”. Aiming to legitimize and consolidate their power, the military elites designed a new strategic doctrine according to which the territories that were occupied during the war would provide “strategic depth” for the sovereign state of

Israel, a concept that was related to the vulnerability of the borders of the previously “small-size” country.

The need to begin administering the occupied population arose immediately after the war. The IDF military administration apparatus, which was dismantled in 1966, received for its management just one year later a new, enlarged Arab population. This time, the Palestinian subjects of military rule were denied citizenship and their subordination to military rule was legitimized by the legal and geographic distinction between the occupied territories and the democratic state. However, following the closure of the external borders of the West Bank (with Jordan) and of the Gaza Strip (with Egypt), it became necessary to open the internal borders between Israel and the territories to the movement of goods and people. Within 10 days after the battles had ceased, the first meeting was held between military administration personnel and the heads of *Hevrat Ha'ovdim*²⁷ to discuss “the marketing of products in the occupied areas”.²⁸ The population of the occupied territories became a captive market for local Israeli products immediately after the war, with no public debate or long-term political planning. The reason is that in order to provide security to the Israelis, the IDF needed to provide the occupied population with both jobs and markets for their demand and supply of products. Otherwise, the occupied population was expected to sooner or later join the resistance organizations of the PLO. The most important political role of the army immediately after the war was to mediate the conflicting economic interests of different Israeli and Palestinian groups.

In the autumn of 1967, even before the government had begun to discuss the entry of workers from the territories into Israel, laborers had begun to be smuggled into the kibbutzim for fruit picking, with the army turning a blind eye²⁹. However, a blind eye was not turned to the entry of Palestinian merchandise into Israel, principally agricultural products, which could harm the interests of Israeli farmers. To prevent this, the military administration decided to take advantage of the sale of Palestinian goods in Jordan and a new policy of “open bridges” was established, in addition to cooperation with the Kingdom of Jordan for joint indirect control over the Palestinian population.³⁰ A coordinated policy regulating employment of laborers inside Israel was formulated only after one year of pressure by the Ministry of Security.³¹ Opinions and interests differed also over investment in the territories – namely, whether Palestinian or Israeli industrialists should be allowed to invest – and an agreement was reached to prevent investments in industry. This was a compromise between the interests of the Israeli industrialists, who did not want the Palestinians to produce industrial goods that would compete with theirs, and the “dovish” position in the Labor party, which wished to keep the image of the occupation as “temporary and external”.³² The declared political intention of the Security Minister at the time, who openly promoted and encouraged “economic integration” of the Palestinians, was to prevent the knot between the state of Israel and the West Bank from being untied.³³ The IDF became a key element in the administration of the expanded state: it ensured that the Palestinian workers, farmers and merchants would be able to earn a living, while protecting the interests of powerful groups in Israeli society – industrialists, contractors, merchants and employers, kibbutzim, moshavim and the *Histadrut* – to guarantee that they were not harmed by the economic integration with the territories. In the framework of the economic arrangements that were formulated, only Israeli workers who could potentially compete with the non-citizen Palestinians – peripheral populations of Oriental Jews and Arab citizens – ended up

being harmed. When a group of Oriental Jews (“the Black Panthers”)³⁴ took to the streets in demonstrations during the ceasefire of 1971-1973, they empowered the opposition *Likud* party, which advocated perpetuation of the occupation with emphasis on the privileges of the Jews. In other words, the occupation reshaped Israeli politics, halted the threat of democratization and the political opening of spaces of the 1960s, and channelled conflicts into a debate over competing myths that legitimized the occupation, between the “security” of the secular “left” and the “promise of land” of the religiously-oriented “right”.

What made the IDF the key political actor in the Israeli decision-making process was not the control of Sinai or of the Golan Heights. The decisive factor was ruling over a large Palestinian population, due to the need to administer their lives and, above all, to regulate the economic exchanges with Israelis. The policy towards the Palestinians has had a crucial impact on Israelis, and the guiding principle has been to facilitate the employment and livelihood of the Palestinians without causing losses to the powerful groups within Israel, preferably also enabling them to profit from the captive markets and workers. This approach has demonstrated political wisdom: should the occupation have harmed the interests of strong Israeli groups, the entire regime was liable to crumble. However, by doing so, the IDF played a key political role instead of the party system: it mediated the conflict of interests between groups of citizens, and between these groups and the state. The various political parties were concerned with tactical questions – how to legitimize the occupation and what coalition should do so – but there were no strategic differences between left and right. All parties supported the economic dependency of Palestinians on Israel, the prevention of Palestinian political representation or independence, and the extension of Israeli control over the territories by establishing settlements. The IDF played a central role in the construction of the settlements and supplying services and security, because it had an interest in their existence in order to justify its presence in all places within the territories and not just around them³⁵.

The first 10 years of occupation under the Labor alignment (*Ma'arakh*, composed of *Mapai*, *Rafi*, *Achdut Ha'avodah* and *Mapam*) were crucial to the institutionalization of dependent economic relations and to the legitimization of the military rule defined as “temporary” and “for security reasons”. Civilian militarism³⁶ and a militarist discourse served the interest of the army elites in shaping the nation.³⁷ This explains the absence of political debate over the turning point that took place in 1967: a transformation from a nation-state with sovereign borders and universal citizenship to a dual regime with two types of borders – political and security borders; two types of populations – citizens and non-citizen; two legitimization principles – democracy and security; and two ruling systems – by partisan elections and by military imposition. The formal legal annexation of the territories to the democratic state of Israel was unthinkable, due the expected outcome: the transformation of the Jewish state into a bi-national state. The dual regime of “democratic occupation” was the solution to the problem, and the international legal umbrella was provided by the US and the UN 242 resolution.

The rise in the standard of living in the territories after 1967, as a result of the economic exchanges with Israel, delayed the Palestinian desire and ability to organize and mobilize resistance for several years. The first acts of resistance against the occupation were initiated by the PLO based in Jordan, and later on in Lebanon, by means of violent armed activities, plane hijackings and infiltration into the sovereign areas of Israel. These actions merely strengthened the dual regime, the

belief in the “security” role of the army and the conviction that it was necessary to continue controlling the territories until a peaceful “partner” would appear. The internal contradiction between democracy and military rule became apparent after the *Likud's* rise to power in 1977 and the active blurring of the sovereign state's borders, which damaged the “temporary” image of the occupation. Within a few months, a group of reservist soldiers acting as citizens drafted the first “officers' letter”³⁸ and founded the “Peace Now” movement, making evident the link between military service and politics.

THE DESTABILIZATION OF THE IDF'S LEGITIMACY AND THE PALESTINIAN UPRISING

Palestinian resistance to the Israeli military rule led the security establishment to seek out partners for administering the population in the territories. The search was first oriented towards the Kingdom of Jordan, which had become a financial centre for the territories and an avenue for marketing the agricultural products grown there.³⁹ However, the PLO organizations were fighting pro-Jordanian elements, accusing them of collaboration with Israel. During Yitzhak Rabin's first term as prime minister, indirect contacts were already being made about holding democratic elections for local government in the territories. In 1976, PLO candidates ran for local government elections opposite candidates supported by the Kingdom of Jordan, and won. These elections served as the initial basis for the organization and mobilization of Palestinian civil society, which steadily increased until the *Intifada* broke out 11 years later.⁴⁰ The elections were the result of the military administration's need to find local powers that could run the daily lives of the population. However, this initial opening of political space for the population in the territories in 1976 was soon thwarted by the *Likud's* rise to power and the announcement of its intention to settle Jews in all occupied areas.

While the period between 1974 and 1977 saw the beginning of movement on the part of the military administration towards opening political space for the Palestinians, the *Likud's* rise to power created a turning-point that set the IDF on a collision course with the population in the territories. In contrast to the small political space opened by the Labor government in 1976, the Likud government sought to close that space, and the expansion of the settlements undermined the Palestinian vision of an independent state in the occupied territories. This subsequently led to an internal crisis among the reserve soldiers and senior officers, centering on the legitimacy of using force when it did not stem from security needs but from aspirations to expand and annex lands. Within “democratic” Israel, there was a consensus over defending the borders of the sovereign country, but not over the occupation or over the expansion of settlements, whose purpose was to perpetuate the occupation. In other words, the *Likud's* rise to power risked exposing the political meaning of the army's involvement in shaping and administering the regime of occupation. As mentioned, this found expression in the “officers' letter”, which constituted the basis for founding the “Peace Now” movement.⁴¹ The confrontation with civilians/soldiers was deferred for a number of years by virtue of the peace treaty with Egypt, but erupted in full force during the first Lebanon War in 1982. In contrast, the confrontation with the Palestinian population began immediately after they set up a national leadership composed of heads of municipalities democratically elected in 1976, within the framework of the National Guidance Committee.⁴²

The heads of the National Guidance Committee were identified with the PLO and received aid from it; thus, for purposes of de-legitimization, they were called in Israel “the internal PLO”, synonymous with the “eternal enemy”. However, the significance of the Committee's struggle was its aim to open a political space for the population in the occupied territories. The borders delineated by the military occupation created potential for opening a political space and for defining the Palestinian claim of independence. The peace treaty with Egypt enabled the *Likud* government to continue the dual regime despite its ideological commitment to annexing Judea and Samaria to Israel. The agreement promised elections for an Autonomy Council that would administer the daily lives of the Palestinian population for a period of five years⁴³. However, the implementation of this autonomy was rejected by Egypt, as the Israeli government demanded to apply it only to the administration of the population and not to the administration of the lands. The practical meaning of this was that the government intended to continue building settlements and blurring the border. The Palestinians in the territories and the PLO based in Lebanon struggled together against the implementation of the Israeli-Egyptian treaty, first and foremost to prevent the establishment of a “civil administration” that would normalize and legitimize the Israeli dual regime. The organizations in the territories received administrative and financial support from the PLO in Lebanon, as well as artillery assistance in the form of increased firing of Katyusha rockets on towns in the north of Israel. After Beirut was heavily bombed by the Israeli Air Force, a ceasefire agreement was reached for the first time, in July 1981, between the government of Israel and the PLO, with US mediation. The 11-month ceasefire allowed the IDF to elaborate and practice a very detailed plan to occupy southern Lebanon up to Beirut, with the aim of destroying the PLO headquarters⁴⁴. The Israeli government's fundamental problem with the PLO was not the firing of Katyusha rockets (which had indeed stopped), but the continued struggle of the population under occupation, which refused to accept the rule imposed by the army, termed “civil administration”. During February–April 1982, tens of demonstrators were killed, including youths, women and older people, in a wave of mass demonstrations that were a forerunner to the *Intifada*⁴⁵. The masses were sent out into the streets by youth movements, women's organizations, professional unions and local committees, which had laid the foundations of the civil society that would rise up five years later.⁴⁶ These activists were connected in one way or another with the PLO-affiliated parties, but began to open their autonomous political space.

A month and a half after the last IDF soldier left the Sinai Peninsula, a breakaway PLO organization headed by Abu Nidal provided an excuse for an Israeli invasion of Lebanon by attempting to assassinate the Israeli ambassador to London. The invasion was, as stated, well thought out and drilled, and every reserve soldier and officer was familiar with the military plans. At the same time, opposition to the war mounted steadily from the second week of fighting, climaxing in tens of thousands of demonstrators one month into the war, and hundreds of thousands following the massacre at Sabra and Shatila three months into the war. Civil protest in Israel was augmented by dissent on the part of soldiers and officers who had been called up, who not only disagreed with the goals of the war - first and foremost of which was the intention to enter Beirut – but also took issue with its very necessity and political logic. The public controversy penetrated deep into the army and manifested itself in refusal to obey orders, a position that was initially exemplified by Colonel Eli Geva and was later reinforced by the protest resignation

of Brigadier General Amram Mitzna. On a larger scale, soldiers united to protest at various levels, the most radical of the organizations being the “Yesh Gvul” (“There Is A Limit”) movement, composed of reserve soldiers who refused to enlist for the war⁴⁷. The protest was apparently sparked by the feeling that this was not a war of defence (popularly known as a “no-choice” war), but rather one whose goal was political – namely, to continue ruling the West Bank and Gaza, where the resistance to military occupation was supported by the PLO in Beirut. The official reason given for the war was security (rendering it legitimate) and the need to drive the Katyusha rockets to a distance of 40 km deeper into Lebanon; the fact is, however, that within a few days the IDF had reached the outskirts of Beirut.

Despite the protests against the war, its prime target was achieved and the PLO headquarters and fighters were forced to leave Beirut, after a siege on the city that lasted over two months. This military victory, however, only intensified confrontation with the Palestinian population in the occupied territories. The IDF's image became tarnished even in the eyes of the soldiers, as the lengthy sojourn in Lebanon – prolonged due to the government's inability to admit its mistake and withdraw – led to more and more losses. Only after a national unity government was established in 1984, headed by Shimon Peres with Yitzhak Rabin as Security Minister, the decision was made to withdraw the IDF from Lebanon.⁴⁸ During the Lebanon War it became clear that the IDF could lead an entire nation, including government and citizens, into a military adventure by escalating the confrontation. Withdrawal, on the other hand – whether unilaterally or by agreement – required democratic legitimization by the political leadership. Since 1967, the dual regime of “democratic occupation” has meant just this: the use of force requires only that the heads of the military corporation resolutely insist upon it, whereas restraint necessitates the intervention of an active civil society and a political system that represents it and mediates on its behalf. Here is the political dynamic of the dual regime: Israeli civil society organizes against military aggressive actions only when the borders are clear and it does not feel threatened within those borders.

The removal of the PLO from the northern border left the Palestinians in the territories alone in their struggle against the Israeli military rule, and they began to prepare for a civil uprising. When this uprising broke out in late December 1987, legitimization for repressing it was at a low. Israeli civil organizations began to massively criticize what many had come to view as an “occupation army”.⁴⁹ The implications were clear: if the IDF repressed the uprising, that meant it was not an “apolitical” corporation responsible for security; on the contrary, it was serving a political goal that not all Israelis supported. It is important to understand that this reaction was influenced by the non-violent nature of the *Intifada*, its confinement to the territories alone, and the virtual absence of casualties within the Green Line⁵⁰.

During the course of the 1980s, and particularly between 1982 and 1987, a balance of power of sorts was reached between the Israelis and the Palestinians, not so much because the IDF lacked military force but because part of its soldiers, fighters and officers did not identify with its political goals. Many researchers attribute this to the economic liberalization in Israel and to the fact that the officer cadre and soldiers from combat units belonged to the middle class, which had begun to enjoy the fruits of the market economy.⁵¹ Even if this factor was relevant to a certain degree, I argue that an equally important element was the undermining of the legitimacy of using force against the Palestinian population in the eyes of the soldiers. Many soldiers moved in familial and social circles that belonged to the “leftist” camp and did not identify with the aims of the army. As we shall see

further on, when the use of force was perceived as legitimate, after the second *Intifada*, support for repressing the Palestinians was widespread, as opposed to the sharp criticism that had led to the unilateral withdrawal from Lebanon only half a year earlier.

The army's head staff realized very early on that the IDF's repressive activity lacked legitimacy, and the Chief of Staff stated publicly that there was no military solution to the *Intifada*, implying that a political solution was necessary.⁵² Here is the analytical meaning of “political space”: although there was enough military force to repress the population, there was no legitimization to use it. The absence of such legitimization created a balance of power and in order to contain the conflict, it was necessary for a political space to open up: acknowledging differences, recognizing representatives, commencing negotiations and reaching political compromises. The army, which had imposed its rule on the Palestinian population, was the agency that opened the political space for dialogue; in 1989, the Security Ministry formulated a political plan and Minister Yitzhak Rabin presented it to the government. In the Israeli dual regime of democratic occupation, the army cannot use force without civil support and cannot initiate negotiations or withdrawals without the backing of the political echelon. By announcing that the solution should be political rather than military, the army sought to revert its political image created during the repression of the *Intifada*, although this in itself meant assuming a new, more moderate, political stand. Herein lies the meaning of the conditions of occupation, in which the army is structurally political: repression is a political act, and to avoid repression is a political act. So when can the use of force be perceived as apolitical? When the citizens feel threatened within the borders of the sovereign state.

OPENING AND CLOSING POLITICAL SPACE: OSLO AND THE SECOND INTIFADA

In 1992, the Labor party won the elections led by Yitzhak Rabin. This victory indicated both the opening of political space for the Palestinians by the army, and a desire on the part of Israeli citizens and politicians to open new spaces for debating “internal” questions that had been postponed until then, primarily socioeconomic issues. Rabin's discourse brought the two agendas together under the slogan “Changing Priorities,” promoting the reallocation of resources from the “territories” back into the “sovereign” state of Israel. The desire to clearly demarcate the borders of the sovereign state stemmed from security needs: personal security had become precarious as the *Intifada* continued to infiltrate into Israel, mostly in the form of knife attacks against Israelis. The IDF dealt with its inability to control the passage of Palestinians into Israel by declaring 'closure' over the [territories beyond the] Green Line, thus demarcating anew the borders of the state, which had grown increasingly blurred during the 1980s as the settlement enterprise had expanded. The purpose of opening a political space for the Palestinians, as proposed by Rabin, was first and foremost to provide security for Israelis, and only then to recognize the rights of the Palestinians. The principle underlying the legitimization of the dual regime remained intact: democracy and security. Democracy for Israelis and security for Israelis. Recognition of the Palestinians was considered important only because lacking rights, they harmed Israelis' feeling of 'personal security'; it was therefore necessary to “get Gaza out of Bat Yam”, as Rabin promised – but not necessarily to get the IDF out of Gaza.

While the political echelon went about “finding a Palestinian partner” in the form of Yasser Arafat, the army was kept entirely in the dark about the very existence of such negotiations.⁵³ Army officials were excluded from the discussions, apparently due to concern that should they become involved, they may disrupt the entire move. Indeed, the Chief of Staff responded immediately after the publication of the Declaration of Principles with sharp criticism, terming it “a Swiss cheese full of holes”. Although it was the army that had called for a political solution, recognizing Palestinian representatives and conducting negotiations with them required political leadership that would be able to think in terms of political dialogue and compromise, and not in terms of unilateral imposition.

The Declaration of Principles did indeed have one significant political and military “hole” in it that eventually led to the failure of the Oslo Agreement: the decision to postpone the final definition of borders until a permanent accord would be reached, in five years’ time⁵⁴. This is the reason why immediately after signing the Declaration of Principles, the army turned into the most important political actor in further negotiations. As the borders remained blurry, the army was attributed “overall responsibility” for security, i.e., controlling the borders of the territories and supervising movement within the territories. Under these conditions, it was natural for Deputy Chief of Staff Amnon Lipkin Shahak to be nominated the chair of the Israeli team for negotiating the implementation of the Declaration of Principles, and for the heads of the Palestinian military organizations, Muhamad Dahlan and Jibril Rajoub, to be the major agents for dialogue and cooperation on the Palestinian side. Cooperation on security issues became a litmus test for the success of the process – or for its failure⁵⁵. Leaving the permanent definition of borders to the end of the process and using the territories as a “bargaining chip” legitimised further expansion of the settlement enterprise as a pre-emptory step towards future negotiations. However, the Palestinians interpreted this as an act of violence on the part of Israel, taking advantage of its continued control over territories that did not belong to the state. Counter-violence ensued on the part of the Palestinian organizations that were opposed to the agreement, in accordance with the military logic of Oslo: the perpetrators came mostly from the areas that were under the “overall responsibility” of the IDF.⁵⁶

This responsibility led the IDF to delay the implementation of the agreement for over a year, from July 1994 to September 1995, due to the immense difficulty in providing security for each and every settler after Israel had withdrawn from the cities in the West Bank. That year saw the formulation of two concepts: constructing bypass roads for settlers and dividing Palestinian towns and villages into hundreds of isolated enclaves surrounded by IDF forces and settlements. Two levels of control came into play in this strategy: A areas were under Palestinian “security” control and were surrounded by the IDF, while in B areas, the IDF was in charge of security and the Palestinian Authority was responsible for “civil” matters. While the closure policy was created in order to provide security for Israeli citizens within the borders of the sovereign state, the division of the West Bank into enclaves and the policy of “encirclement”⁵⁷ of cities and villages was conceived in order to provide security for Israeli citizens living in the territories, in light of the difficult conditions of the interim agreement, which stated that no settlement could be dismantled. Although these conditions were determined by the political echelon and the political camp of “peace supporters”, they in fact served to strengthen the political role of the army.

In other words, the way the IDF interpreted and implemented the Oslo agreements both improved and legitimized the dual regime: it improved military capacity to control the movement of Palestinians and legitimized this as a democratic move, opening political spaces for “peace” negotiations. Within the borders of democratic Israel, it originated a process of democratization that opened spaces for representation of internal conflicts. The very notion of “peace” transformed the public agenda “inside” Israel, focusing attention on post-conflict agendas within the sovereign border, while little attention was paid to what was currently happening in the territories and to the “peace” negotiations. Current events in the territories became almost exclusively the problem of the security establishment. I termed this new political situation “imagined peace” and “imagined democracy”.⁵⁸

It was, in fact, after the assassination of Rabin and Netanyahu’s subsequent rise to power that the IDF’s direct involvement in politics became a central topic of public debate. As long as Rabin had served as Prime Minister and Security Minister, the political role of the army had been perceived as apolitical, as it was backed by the political elites and supposedly followed the orders given by them. When Netanyahu came into power, the IDF continued to advocate military cooperation with the Palestinians on security issues and political negotiation as stated in the Oslo Agreement. At this point, it became clear that the IDF was an autonomous ‘political’ actor that did not accept subordination to the political echelon. Netanyahu attacked the generals that defended the Oslo agreements, calling them “leftists”, and entered into a confrontation with the heads of the security establishment, including his Security Minister, who became the army’s representative in the government throughout Netanyahu’s entire term.⁵⁹

The clash between Netanyahu and the heads of the army manifested the difference between the democratic process inside sovereign Israel and the army’s autonomous decision-making process regarding the occupied territories under its control. From the IDF’s point of view, cooperation with the Palestinian police and continued dialogue with the Palestinian Authority were more efficient means of control than face-to-face confrontation with the Palestinian population. The heads of the IDF acted as a corporation whose interest was to enhance control over the territories, fearing that Netanyahu’s policy could jeopardize this control, especially should soldiers, officers and part of the public view the expected Palestinian uprising as a result of Netanyahu’s extremist policies. In my opinion, the IDF leaders faced the same problem that they had in the past – legitimizing the use of force in the Israeli public, due to the political context of the *Likud*’s rule. This had been a key consideration of the army since the first Lebanon War and the first *Intifada*. The IDF had come to view the way hostilities were perceived by the public and the way they were portrayed by the media as an inherent part of the “battlefield”⁶⁰.

Conducting political dialogue requires political leadership, since as long as Israel continues to maintain a dual regime with democratic elections within its sovereign borders, the army can administer the territories but does not have the authority to relinquish control over them. Therein lies the contradiction inherent to the dual regime: the IDF is democratically ordered by the Israeli political establishment to rule the territories in an undemocratic manner. As long as the public interprets this as a “security” issue, the legitimacy of the regime remains unshaken and IDF operations continue to be perceived as apolitical. To this end, having the Labor party in power helps the IDF maintain its apolitical image while

having the *Likud* party in power does the opposite, due to its declared ideology of retaining control over the territories, regardless of security considerations. In periods when the *Likud* is exclusively in power, the IDF is perceived as political in any case: whether it is serving the goals of the government, as in the first Lebanon War, or whether it opposes the government, as occurred after Netanyahu was elected in 1996. During the first *Intifada*, the IDF succeeded in sidestepping this contradiction and expressing its political stance by virtue of the fact that the Labor party was part of the government, with Yitzhak Rabin serving as Security Minister. However, the IDF could no longer exert its influence over the political echelon once Netanyahu was elected as Prime Minister; consequently, the heads of the army decided to revert en masse to direct political action, within the framework of the civil democratic system. This unique phenomenon, termed by politologist Yoram Peri “a democratic putsch”,⁶¹ consisted of two military cliques competing in the 1999 elections over which would succeed in toppling Netanyahu: “One Israel” headed by the Labor party and the former Chief of Staff Ehud Barak, against the “Center Party” composed of military officials who opposed the Netanyahu government from within – Minister of Security Itzik Mordechai and outgoing Chief of Staff Amnon Lipkin Shahak.

The oxymoronic term “democratic putsch” expresses the contradiction inherent to the dual regime in Israel, which rules by means of a “democratic army of occupation”. If the heads of the IDF cannot influence Israeli policy through their political connections and by shaping the security discourse, they must act in the democratic political arena within sovereign Israel in order to open a political space for the Palestinians. They can close this space directly by using force, without becoming involved in the democratic political system, but this depends on the legitimacy Israeli citizens give to the use of force, foremost among these being the soldiers and their close acquaintances.

The mass entry of military professionals into democratic politics emphasizes the difference between democratic politics and the military corporation, and the potential contradiction between them. The military corporation aims to maintain and expand control over resources and to recruit soldiers in order to rule the Palestinians and deter potential threats from beyond the border. The political echelon has different priorities. Even when politicians come from the security forces, caring about the good of the army and favouring forceful solutions over political ones, their principal concern is to be re-elected. They must consider civil acts of protest, popularity ratings, international constraints and possible coalitions with other parties. Thus, when Ehud Barak, Amnon Lipkin Shahak and Itzik Mordechai were in the army, they opposed unilateral withdrawal from southern Lebanon out of concern for the IDF's prestige vis-à-vis the Hezbollah; however, once they became ministers and were no longer in uniform, they favoured withdrawal.

The unilateral withdrawal from Lebanon in May 2000 enhanced the view held by the IDF leadership that Israel's major difficulty in maintaining its power of deterrence stems from a weakening of public belief in the necessity of fighting, with implications for the motivation of soldiers in service. Accordingly, presenting IDF suppression of the second Intifada as a defensive “no-choice war” to defend our “home” was essential to ensure public support for using military force. This was emphatically explained in numerous interviews held with Moshe “Boogie” Ya'alon, who was Deputy Chief of Staff during the outbreak of demonstrations and actively shaped public opinion regarding the significance of suppressing the second

Intifada as a “war of survival”. He claimed that the battle over the support of “the home front” was no less important than the battle against the enemy; thus, criticism of the army's actions, or holding political negotiations while fighting was raging, damaged chances of victory⁶².

Suppressing the second *Intifada* enabled the IDF to regain predominance in leading political moves vis-à-vis the Palestinians, under very convenient political circumstances and in a realm in which the army has exclusive control: escalation of violence. If opening a political space for dialogue requires legitimization and a supportive political coalition within sovereign Israel, closing this space and effecting escalation demands only legitimization from the Israeli public, as such a move forces the political echelon to toe the line with army policy. The political context that facilitated the legitimization of the escalation was the failure of the Camp David summit, at which Ehud Barak and President Clinton blamed Arafat for the failure of the talks.⁶³

Ya'alon repeatedly emphasized the importance of belief in “our narrative”, rejecting all criticism of the IDF and attacking politicians as “weak” for not believing in the fortitude of the “home front”. The IDF saw the negotiations that Barak continued to conduct during the second *Intifada* as a sign of weakness and leaked statements implying that the political echelon was trying to thwart IDF combat against the Palestinians. This led to the invention of the slogan “Let the IDF win”, indicating that the IDF was capable of winning and that it was the politicians who were impeding its victory by continuing to conduct dialogue during hostilities. In other words, the IDF claimed that the only solution to the second *Intifada* could be a military one and that talks must therefore cease until the *Intifada* was totally suppressed.

The second *Intifada* gave rise to a new military doctrine termed “low-intensity war” – an outcome of the political role the IDF played in controlling the territories and policing the Palestinian population. According to this doctrine, which held strong until it collapsed in the second Lebanon War, the enemy's aim in fighting was not to defeat the IDF but to achieve political goals. Therefore, IDF combat activity should be directed at weakening the determination of the other side, causing them to abandon political goals by means of physical, economic and psychological pressure.⁶⁴ In other words, the military doctrine since the outbreak of the second *Intifada* has prevented the opening of political space for conflict resolution, requiring that the Palestinians relinquish their political demands as a precondition to ending hostilities. IDF “victory” was dependent on the enemy's renouncing its political demands.

The IDF succeeded in gaining full public support for escalation thanks not only to the blame that Israel and the rest of the world were pinning on Arafat, but also to breaches of what were considered the boundaries of sovereign Israel, including: 1) demonstrations of solidarity by Palestinian Israeli citizens at the beginning of the *Intifada*, which were quelled with live fire as though the demonstrators were under military occupation in the territories; 2) exchanges of fire with Palestinian policemen and Tanzim activists who stood behind the demonstrators; and 3) attacks on 'settlements' that were perceived as part of sovereign Israel – mainly Jewish neighbourhoods in East Jerusalem, most prominent of which was Gilo. All these constituted a 'breach of boundaries', creating the anxiety and sense of threat necessary for gaining sufficient support and silencing all criticism over the excessive use of force, even when such criticism was present in the minds of military professionals and ministers who clearly understood

the IDF's contribution to the escalation and its sabotaging of attempts at a ceasefire⁶⁵.

In sum, the thwarted attempt to open a political space for engaging in dialogue with the Palestinians, the continued military rule over the territories, and the expansion of settlements, ended in a colossal outbreak of violence that rendered politics irrelevant, as center stage was now taken over by violence and the fear this created. Military activity dictated Palestinian politics, and the IDF dictated Israeli politics. The election of Sharon as prime minister between 2001 and 2005 expressed the support of Israeli citizens for continuing the fighting and for imposing almost complete silence over any issue that did not involve a call to arms against the enemy. The *Likud* received votes not for its political agenda but for its support for continuing the oppression until victory was achieved. In this sense, Israeli politics within the democratic borders of the state was recruited hook, line and sinker to continuing the IDF's imposed rule over the territories. The value of security took precedence over democracy, and army professionals were preferred to politicians.

CONCLUSIONS

In order to explain the complexity of the Israeli regime, political geographer Oren Yiftachel proposed the concept of “ethnocracy”, in which an ethnic group expands geographically and takes control of lands belonging to a weaker ethnic group. This concept, however, does not explain the political process, the means of intimidation, the legitimization of the regime, or the dynamics that develop in light of the subjugated population's resistance to the occupation. Aiming to explain all these, I have proposed here a dynamic theoretical framework of political spaces that open up for dialogue when a balance of power and clear-cut borders are achieved, and that close when borders become blurred and the use of force takes precedence. This framework conceptualizes the Israeli dual regime, in which military rule presides over the territories while democratic rule exists within the borders of the sovereign state, and highlights the importance of analyzing military responses within their political context. I argue that legitimizing the use of force is related to the way in which citizens perceive the borders of the state and the dangers that appear to threaten them. This, in turn, is tied to the type of action taken by the Palestinians, the identity of the ruling Israeli government, and the manner in which the IDF constructs reality by escalating or defusing the situation.

The occupation of the territories in 1967 was a turning point in Israel's regime, as the boundaries of state control were expanded to include Palestinian populations devoid of rights, as this control was defined as “temporary,” and as a border was maintained between the democratic state and the occupied areas. Under these circumstances, it was unavoidable that the IDF become a political actor, mediating conflicts both within the populations and between them and the state. The nature and dynamics of the army's involvement in politics were influenced by the identity of the ruling party and the pattern of Palestinian resistance. The degree of aggression that the IDF used against the Palestinians was determined by public opinion regarding the legitimacy of using force, as the support of society as a whole, and soldiers in particular, was necessary in order to initiate escalation. Thus, after the first *Intifada* (1988-1999), the IDF favoured a policy of appeasement even at the cost of a confrontation with the political echelon (Netanyahu); after the failure of the Camp David Summit (2000-2006), however, it

received public backing for a policy of initiated escalation, yet again at the price of confrontation with the political echelon.

The aim of this article has been to show that the considerations of the army - as a corporation that seeks to mobilize human and material resources based on the prestige it enjoys - differ from those of the political echelon. The existence of a dual regime of legitimization and rule in the territories on one hand, and within the state of Israel on the other, makes it difficult to initiate a coordinated and controlled step towards opening a political space for the Palestinians and ending the regime of occupation. Two fundamental components ensure that the dual regime will continue to exist: the blurred borders and the escalating levels of violence. However, one contradicts the other: although violence legitimizes a “security” regime “, the border blurring undermines the “democratic” legitimacy of Israel within the 1967 borders. It is within this contradiction that the dynamics of Israeli politics take place – in the conjunction of military and political considerations, along with the attempts made by Israeli citizens and Palestinian subjects to influence them.

ENDNOTES

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⁴⁷ S. Helman, “Negotiating Obligations, Creating Rights.” For the sake of transparency, I must mention here that I was among the founders of the Yesh Gvul movement and served as its spokesperson in its early days. The debate over the legitimacy of refusal and over the order to rule a population with no rights has no doubt influenced my way of thinking, as expressed in this article.

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⁵⁶ Meron Benvenisti, historian and researcher of Israel-Palestine relations, has discussed the nature of the Oslo Agreement as a military agreement – “Nobel Prize for Generals” in *Ha’aretz*, December 8, 1994.

⁵⁷ This is my suggested translation to the Hebrew term “keter” that refers to the total closure of borders of a city, town or village. While the closure (seger) policy was designed after the first Intifada and emphasized the 1967 borders, the encirclement was conceived after the Oslo agreements, blurring the borders between Israel and occupied territories.

⁵⁸ Grinberg, *Imagined Democracy*; Grinberg, *Imagined Peace, Discourse of War*

⁵⁹ Peri, *Generals in the Cabinet Room*; Grinberg, *Imagined Peace, Discourse of War*

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⁶⁵ The most detailed reports on the escalation of violence by the army and the inability of the political echelon to stop it were given by two pairs of journalists: Harel & Issascharoff, *The Seventh War*; Druker & Shelach *Boomerang*. Yoram Peri, author of *Generals in the Cabinet Room* received confirmation of their reports from interviews with politicians and army personnel.

DYNAMICS OF RESISTANCE



Abdul Rahman al-Mozqayen, Untitled, Courtesy of owner Saleh Barakat



Vera Tamari, *Going for a ride?*, Crushed Cars Installation, 2002, Courtesy of the artist. (available on http://virtualgallery.birzeit.edu/media/photo?photo_id=11831)

THE PLO AND THE NAKSA THE STRUGGLE FOR A PALESTINIAN STATE

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Translated by
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The Oslo Peace Process, initiated in 1991, raised high hopes for the establishment of a real Palestinian state. These hopes were dashed, paradoxically, by 2007, at a time when the whole international community, including the United States and Israel, have officially accepted the idea of a Palestinian state as the only way to reach peace in this century old conflict. Such an internationally acknowledged state, encompassing the West Bank and Gaza with East Jerusalem as its capital, though is very different from the state Palestinian freedom fighters dreamed of after the Six-Day War in June 1967. The revolutionary dream described by the writer Jean Genet has long since disappeared. “To accept a territory, however small it might be, where the Palestinians could set up a government, a capital, mosques, churches, cemeteries, town halls, memorials to martyred heroes, race courses, even an airstrip on which a detachment of soldiers would present arms twice a day before visiting heads of state, was so serious a heresy that even entertaining it as the only likely outcome was a mortal sin and a betrayal of the revolution. Ali – and all the *fedayeen* felt the same – only accepted the idea of a spectacular revolution taking the form of an immense fireworks display, with flames leaping from bank to bank, from one opera house to the next, from prisons to law courts, but leaving intact the oil wells which belonged to the Arab people”.¹

The aim of this paper is to trace the struggle for a Palestinian state within the discourse and actions of the Palestinian leadership within the PLO. It traces the difficult trajectory of making such a state, one that was to include only parts of historical Palestine (or the mini-state), an acceptable solution to the Palestinian tragedy of the Nakba and Naksa. Yassir Arafat, who became the main protagonist of such an idea, needed to convince the Palestinian people of the ability of such mini-state to fulfil their expectations of nationhood and identity, to answer to the needs of those on the West Bank and in Gaza, to those within Israel itself, and to the millions of refugees scattered around Lebanon, Jordan, Syria and elsewhere in the world. The idea of a mini state needed also to deal with, and supersede, the antagonism of Arab nationalists, particularly present among Palestinian activists in the 1940s and 1950s. Above all, it was necessary to why the option of a democratic state encompassing all of Palestine (or the bi-national state), that formed the core of Fatah strategy after the Six-Day War of 1967, was not workable. Political

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developments in the Palestinian political arena, and as much as in the regional and international contexts are key to understanding how the idea of a Palestinian state on part of Palestine became popular as much as increasingly impossible. They also help explain why we find the dream of a one state solution resurface today.

ARABS OR PALESTINIANS? ARAB NATIONALISM AND THE PALESTINIAN CAUSE

On 1 January 1969, at the fourth anniversary of Fateh's armed struggle, its central committee issued a statement proclaiming, among other things, that "The Fatah Palestinian National Liberation Movement is not fighting the Jews as an ethnic or religious community. It is fighting Israel as the expression of Zionism and colonialism, as a colonialist project based on a racist and expansionist technocratic system." It added that "the ultimate objective of its struggle is the restoration of an independent and democratic Palestinian state in which all citizens, of whatever religion, will enjoy equal rights".²

A month later, at the end of the fifth Palestinian National Council, during which Fatah took control of the PLO Executive Committee and Arafat became its Chairman, a policy statement was issued declaring that the objective of the Palestinians people was "to set up a free and democratic society in Palestine, for all Palestinians, including Muslims, Christians and Jews, and to liberate Palestine and its people from the domination of international Zionism".³ This statement, it should be noted, makes no mention of the content and boundaries of a Palestinian state. It was not until April 1969 that the PLO first mentioned the idea of a democratic state.⁴

Strange as it may now seem, the PLO at its start in 1964 did not set itself the task of creating a Palestinian state but the liberation of Palestine. There was a strong current of pan-Arab feeling, as embodied by the Egyptian president Gamal Abdul Nasser or by the Ba'ath party, among Palestinians until the Six-Day War. Pan-Arab Palestinians did not want an independent Palestinian state, because it would have confirmed the division of the Middle East, as sought by the history of colonial powers. Palestine, it was argued, was to be part of a great, unified Arab state, not a separate political entity.

There was nothing new about this pan-arabist vision. Indeed it goes back to the foundations of modern national identity in Palestine at the turn of the 19th century. Much like other peoples in the Middle East, Palestinian identity draws on diverse loyalties, which have fluctuated over time and overlapped with one another. As Rashid Khalidi points out, "it was characteristic of the period and place that the thinkers, writers and politicians active in shaping the first attempts at a Palestinian identity in the late 19th and early 20th century [...] should identify with the Ottoman empire, with their religion, Arab culture, their Palestinian homeland, their town or region, and their families without ever encountering the slightest contradiction or conflict of loyalty".⁵

The question of national identity was posed in new terms as a result of the First World War. It continued to oscillate since between its "Palestinian" and "Arab" aspirations. The occupation of Jerusalem by British troops and the Balfour declaration, on 2 November 1917, in which London confirmed the idea of a "Jewish national home" in Palestine, accentuated the national crisis. Many leaders in Palestine, worried about Jewish immigration to Palestine, turned first to Faisal, one of the sons of Sharif Hussein – the leader of the great Arab revolt against the

Ottoman Empire – who had seized power in Damascus. They declared Palestine as Southern Syria and called on him to include it in his Arab State. However, the arrival of French troops in Damascus on 25 July 1920 and the flight of Faisal made the Palestinians shelve their plans to be part of Greater Syria. The establishment of the British mandate in Palestine, in 1922, and the drawing of its borders were also instrumental in making the Palestinian political movement focus its attention on Palestine per se rather than on the Arab question. The resistance to the British mandate and Zionism further strengthened this focus which can be read as culminating with the great Arab Revolt in Palestine in 1936. This revolt though, despite its importance and duration for 3 years, ended in terrible defeat. Thousands were killed, hundreds were arrested and the nationalist movement lost most of its cadres, and above all its loose cohesion and political autonomy.

The Palestinian question from then on became an Arab issue. Public opinion in the Arab world was showing growing interest in Palestine. Moreover, Britain contributed to this development as it deliberately involved its Arab allies – in Egypt, Jordan, Iraq and Saudi Arabia – in its attempt to deal with the conflict in the holy land. Arab intervention was actually key in ending the six-month strike by Palestinians in 1936. In 1939 the British government issued a white paper which restricted Jewish immigration and the purchase of Arab land, and provided for the establishment, within 10 years, of an independent state in which the Jewish minority will not represent more than a third of the total population. Though a far from negligible success for the Palestinians, the 1939 white paper was largely the outcome of Arab intervention on which the Palestinians came to rely more and more, especially as their leadership was in exile.

The 1947-48 war, the failure to establish a Palestinian state in even part of Palestine, and the expulsion of hundreds of thousands of Palestinians further accentuated this dependence on Arab countries. The Higher Arab Committee – chaired by the *mufti* of Jerusalem, Amin al-Husseini – directed Palestinian operations but was never really able to establish an independent authority in the territories controlled by Arab armies. The rivalry between the various Arab governments and the ambitions of the Hashemite, who annexed the West Bank, soon wrecked the prospects of the All Palestine government established in September 1948 by the *mufti*. This government proved incapable of laying the foundations of any autonomous rule or leadership structure and soon collapsed, taking with it the idea of an independent Palestine.

As Yezid Sayigh explains⁶, the disaster of 1948, which led to hundreds of thousands of Palestinians being driven from their land and scattered in refugee camps, came as a terrible shock to the Palestinian society. The old elites were discredited and all that remained by the 1950s was a form of patriotism based on attachment to one's land or village. This feeling turned into proto-nationalism, moulded by the Palestinians' experience of being socially and politically sidelined. Nowhere did they enjoy the same rights as the natives, or were they welcomed, even when they were granted nationality (as was the case in Jordan). The massive education programme – made possible by the UN Relief and Works Agency – and the transformation of a peasant people into a people of officials encouraged the affirmation of their identity as Palestinians and not just Arabs. Yet this affirmation was not inevitably bound to lead to the emergence of a distinct form of Palestinian nationalism. This is largely due of the absence of a common political and institutional framework within which a Palestinian nationalism could emerge. According to Sayigh, the creation of the PLO in 1964 and Fateh's control of it by

1969, provided the much needed common framework for reconstructing the Palestinian political movement. This reconstruction, though, did not take place in isolation from what was happening regionally in the 1950s and 1960 and the place of Palestine in it.

The defeat in Palestine set in motion changes throughout the Middle East. Within 10 years the old order was totally transformed. The rise of Arab nationalism shook all regimes allied with the West. Nasser and the Free Officers seized power in Cairo in July 1952. Abdul Karim Qassim overthrew the monarchy in Baghdad in July 1958. The disastrous Suez expedition of 1956 dashed British and French dreams of renewed colonial conquest. The United Arab Republic formed between Egypt and Syria in 1958, created the belief that “Arab unity” was imminent. The impact of these developments on the Palestinian masses was enormous. They wholeheartedly espoused the revolutionary, anti-imperialist, non-aligned version of Arab nationalism, of which Nasserism was to become one of the most significant forms (but not the only one). Henceforward the majority of Palestinians came to believe that the liberation of Palestine depended on Arab unity. MAN, the Movement for Arab Nationalist, formed in Beirut in 1951 by number of Palestinians at the American University of Beirut, among which is George Habbash, espoused clearly this position. In their publication in *Al Tha’r* (Revenge) journal on March 25th, 1954 they clearly stated that “so long as a unified state including Iraq, Jordan and Syria is not established, our confrontation with the Jews and their western allies will be futile”. On December 22nd, 1954 *Al Tha’r* added that “a regionalist (*iqlimi*) approach to the question of the Arabs of Palestine is one of the causes of the Nakbah ...it distances the Arab masses from the Arabes of Palestine”. MAN never employed the term Palestinian people and rather referred to the Arabs of Palestine or the Arab refugees.⁷

THE PLO AND PALESTINIAN NATIONALISM

Meanwhile, though, Palestine, more than ever, became a trump card in the hands of Arab leaders, in their struggle to extend their regional influence. It was this rivalry, particularly between Nasser and Qassim, from 1958 to 1963, that led to the formation of the PLO. In September 1963 the Arab League co-opted Ahmad Shukairi to act as its Palestine representative, until the Palestinian people was in a position to elect their own representatives. He was also appointed head of the Palestine delegation at the United Nations. At the first summit meeting of Arab heads of state in Cairo, held at Nasser's invitation from 13 to 17 January 1964, Shukairi was given the task of paving the way for the establishment of a Palestinian *kiyan* (body) by consulting with various groups at home and abroad. The first Palestinian National Congress met in Jerusalem from 28 May to 2 June 1964 and announced the creation of the PLO.

What is striking about the texts adopted at the time – in particular the National Charter ⁸and the PLO Statutes, are the absence of any reference to the territorial sovereignty of the Palestinian people⁹ or of a Palestinian state. Article 24 of the Charter specifically states that the PLO exercises no “regional” (*iqlimiya*) jurisdiction over the West Bank, the Gaza Strip, or the al-Himma area (Palestinian territory occupied by Syria). It also specifies that the PLO is precluded from any military responsibilities or activities.¹⁰ The PLO, though, adopted these positions not only due to Arab pressure, but also due to the dominance of Arab nationalists among its intelligenzia and bureaucrats. The PLO Charter defines Palestine as “an

Arab homeland bound by ties of nationalism (*qawmiyya*) to the other Arab countries which, together with Palestine, constitute the greater Arab homeland” (Article 1). Only in Article 3 does the Charter refer to “the Palestinian Arab people [as possessing] the legal right to its homeland”, adding immediately that this homeland “is an inseparable part of the Arab Nation”.

However, not all those attending the first Palestinian National Congress held the same view with regard to the place of Arab nationalism in the struggle for liberating Palestine. Among those attending the PLO founding meeting in Jerusalem in 1964 were 15 to 20 representatives of al-Fatah.¹¹ Up until then, Fatah was an unknown organisation which emerged in Kuwait in 1959 and had so far had little success with its iconoclastic ideas. Fatah’s position, which it started to publicize by fall of 1959 often under pseudonyms, was that “the liberation of Palestine was primarily a Palestinian affair and could not be entrusted to Arab states. At best, Arab regimes could provide aid and protection, and if the occasion arose, they might also contribute their conventional armies. But Palestinians were to take the lead in the battle with Israel. The Algerian war of liberation was cited as an example of what might be done in Palestine”.¹²

The themes, propounded in the paper *Filastinuna* (Our Palestine) – published by members of Fatah in Beirut between 1959 and 1964 – clearly contradicted the prevailing pan-Arabist attitude among Palestinian and Arab figures. They were strengthened by the breakdown of the union between Syria and Egypt in 1961 and the victory of the Algerian revolution in 1962, which was taken as a model by Fatah leaders. Some Fatah statements were extremely hostile to established Arab regimes. For instance, one *Filastinuna* columnist wrote: “All we ask is that you [the Arab regimes] surround Palestine with a defensive belt and watch the battle between us and the Zionists.” Or, in a similar vein: “All we want is that you [the Arab regimes] keep your hands off Palestine”.¹³ Fatah went as far as to put a ban on non-Palestinians wishing to join it.

As Ehud Yaari put it: “Palestinianism’ is the cornerstone, both in terms of the date of its appearance and in terms of its theoretical basis, of Fatah’s political views [...] It is based on the belief that the conflict is above all a Palestinian-Jewish conflict and that the Arabs have only a secondary role in it. It is also based on their desire to facilitate a ‘national renaissance’ of the dispersed Palestinian people. It was only at a later stage that other elements were added to this principle, in particular the concept of People’s Liberation War”.¹⁴ From Fatah’s point of view it was necessary to popularise the notion of “palestinianism” before demands for an independent Palestinian state could be fulfilled. Fatah’s dissident position, though, was bound to prompt opposition from the Arab regimes. After its first military operations (in early 1965) the organisation was even accused of acting on behalf of the Central Treaty Organisation (Cento).¹⁵ Only with Syria, and only for a short period of time, was a degree of collaboration possible.

The collapse of the UAR in 1961, the breakdown of talks on union between Egypt, Syria and Iraq – and above all the Six Day war in 1967 - brought a profound blow to the dreams of Arab nationalism. These events have further strengthened the position of “regionalists”, who had banked on Palestinian independence and freedom of decision. The political vacuum left by the Naksa in 1967 was large enough for Palestinian groups advocating armed resistance – primarily Fatah – to grab the limelight in the Middle East. Fatah set up operations in Jordan and infiltrated Lebanon in the early months after the June war. The PLO needed to be re-invited. Shukairi resigned and negotiations opened with Palestinian

armed groups in order to bring them into the organisation. By the time the 4th Palestinian National Council met in July 1968, Fatah dominated it.

Fatah proceeded to change the National Charter and PLO Statutes, giving particular emphasis to the concept of armed struggle. Article 9 of the amended Charter specified that: “The Palestinian Arab people affirm [...] its right of self-determination [...] and sovereignty over (its homeland).” Article 1 defines Palestine as the “the homeland of the Palestinian Arab people” and repeatedly underlines the role of the Palestinians in its liberation. The PLO itself is redefined to “represent the forces of the Palestinian revolution, is responsible for the movement of the Palestinian Arab people in its struggle to restore its homeland, liberate it, return to it and exercise the right of self-determination in it.”

Fatah’s arrival at the head of the PLO allowed the crystallisation of Palestinian nationalism vis a vis Arab nationalism. The PLO affirmed that its “responsibility extends to all military, political and financial matters, and to all else that the Palestine issue requires in the Arab and international spheres.” Moreover, Fatah removed all previous limits put on the scope of the PLO jurisdictions, especially with regards to the West Bank and Gaza Strip. As with regards to the Arab states, Article 28 is particularly clear: “The Palestinian Arab people insist upon the originality and independence of its national (*wataniya*) revolution and rejects every manner of interference, guardianship and subordination.” Henceforward the Palestinian struggle hinged on demands for nationhood and a state, summed up by the call for a “democratic state”.¹⁶ Moreover, for the first time, Palestinians acknowledged the Jewish presence in Palestine. The PLO sought the destruction of the “Zionist entity” but called on Jews to coexist in a state that would accommodate Muslims, Christians and Jews, an idea not wholly unlike the binational state advocated by part of the Zionist left before 1948.

A PALESTINIAN STATE UNDER ISRAELI SUPERVISION?

Israel’s occupation of the West Bank and Gaza Strip in June 1967 presented Fatah and the PLO with a thorny problem. Unlike the rest of Palestine, these areas were not annexed by Israel. UN Security Council Resolution 242 clearly condemned the conquest of land by war and called on Israel to return to the situation prior to the 6 day war. Yet, it made no mention of the Palestinian people and their right to self-determination over these areas. The PLO needed to assert its presence on the national and international scene, especially at a time when Jordan claimed the West Bank to be under its jurisdiction. Meanwhile, the PLO did not want to enter into direct confrontation with King Hussein in Jordan where most of the Fedayeen had moved. Neither the Charter nor the minutes of the Palestinian National Council of 1968 contain any clear reference to the future of the territories occupied in 1967. Only in the political statement issued by the Council at the end of its meeting do we find a condemnation of any attempt to set up a “puppet Palestinian entity”. This was made in reference to what appeared then to be an Israeli ploy to establish a quasi independent political entity in the Occupied Territories.

Official records made available by the late 1980s reveal that the Israelis seriously considered establishing a Palestinian political entity in the Occupied Territories. While Israeli officials debated how best to deal with the areas they conquered, Moshe Dayan, the powerful minister of defence, advocated a policy of territorial integration and political separation. The envisaged giving the local

population autonomy in their civilian and political affairs while keeping Israel in control of the land.¹⁷ A ministry of defence memorandum describes this approach as one that would entail, in practical terms, enabling an Arab resident to be born in Arab hospital, certified by a birth certificate, allowed to grow up and receive an education, marry and bring up his children and grand-children until a ripe old age, all without the help of Israeli workers or government officials, and without it ever being necessary even to see them.

Deliberations within the Israeli war cabinet between June 16 and 19, 1967, with the war scarcely finished, reveal that Israel did not seriously consider handing back the West Bank and Gaza Strip in exchange for peace.¹⁸ Levi Eshkol, then Prime Minister, refused to negotiate the fate of the Palestinians with King Hussein whose future seemed uncertain. Yigal Allon, then minister of labour, raised the question of establishing a Palestinian state in part of the West Bank, one which he defined as “not [being] a canton, not a self-governing region but an independent Arab state, ... in an enclave surrounded by Israel and with some independent foreign policy.”¹⁹ Such a state would exclude the Jordan Valley which Eshkol considered the natural border of Israel. It was viewed as providing an optimal solution to the problem of nearly 1 million Arab living in the West Bank and Gaza. Although Eshkol hesitated on whether or not this political entity will be more semi-autonomous than independent, he was willing to grant it independence under Israeli supervision. Even the army did not seem hostile to these ideas and made various proposals to their effects. All proposals for such a Palestinian state, though, clearly excluded Gaza and Jerusalem from it. It also maintained Israel military defences along the Jordan and all around it.

The Israeli idea of a Palestinian state though was not that easy to implement, nor was it entirely in Israel’s interest. As Victor Cygielman explained at the time, “it would be difficult to persuade a small Palestinian state, trapped between Jordan and Israel, to make territorial concessions (Latroun, Kalkilia)”. Moreover, given that Amman would not be its capital, East Jerusalem would have been claimed as its capital, a claim that would receive support from a sympathetic international community. More importantly perhaps, was the fear of seeing a nationalist movement developed in the territories, one that “would not target Jordan, a relatively undeveloped fellow Arab state, but Israel.”²⁰

By 1968 the Israeli government shelved what was dubbed as the Palestinian option in favour of the Jordanian option, namely settling the fate of the Palestinian territories with Amman. Secret negotiations held with the King and his emissaries in 1968, particularly by Yigal Allon who presented his infamous Allon Plan for territorial compromise in the Occupied Territories. This plan put the two parties on the same wave length with regards to the future of the Palestinians.²¹ By 1970 Israel gave up all ideas of annexing the Gaza Strip into its territories after moving its refugee population to the West Bank. Henceforward, and until 1993, the Israeli government considered that the future of the West Bank and Gaza Strip must be negotiated with Amman.

STATEHOOD AS A POLITICAL STRATEGY

The concept of a Palestinian state proved to be central to Fatah’s, and the Palestinian resistance movement’s attempt to reconstruct the Palestinian national struggle. According to Sayigh the Palestinian resistance movement's prime objective was to build the missing state framework as a means for organizing the fragmented

and leaderless Palestinian population. The basic tentative framework for this state was established with the creation of the PLO, in 1964 by the Arab League. It was developed and structured by the very *fedayeen* who previously bitterly criticised this Arab League creation. As Naji Allouch, one of the leaders of Fatah's left wing, put it, the PLO under Fatah abandoned the revolution for the sake of turning the PLO into a state in exile.

The decision to focus the Palestinian struggle as a plight for statehood had its strength and its limitations. On the one hand, it offered an excellent organisational and legitimating tool. Indeed, the generation that took control of the PLO in 1968-69 was remarkably similar to the new elites taking power in Egypt, Syria, Algeria and Iraq between 1952 and 1968. Fatah, the most powerful *fedayeen* group, appointed its cadres to numerous executive posts and even made some of its own organisations (the Martyrs Foundation and Red Crescent) an integral part of the PLO. At the same time, it set up a myriad other organisations to create jobs for its supporters. It thus secured the loyalty of tens of thousands of officials. This was far from being unusual for states having recently gained their independence. But what was original in the case of the Palestinians was that this process was unfolding as part of a liberation movement that did not control even a part of its territory. The influx of financial assistance from the Gulf emirates and other Arab countries was a decisive factor in the construction of this quasi-state and the opportunities it afforded for buying votes. In the 1970s, the PLO became the base for all Palestinian organisations and more broadly for all Palestinians scattered across the globe. It had good reason to lay claim to being the sole representative of the Palestinian people, but in the sense that a state speaks for its citizens

The territorial boundaries of this quasi-state remained intentionally vague. Up until the Yom Kippur war, in October 1973, the PLO kept its official stand of wanting to create a secular democratic state in whole of Palestine, for all Muslims, Christians and Jews. After the war, and especially after the speech by Arafat at the UN in 1974, the PLO was recognised by almost all of the international community, apart from Israel and the US, as the representative of the Palestinian People. It moved to take then the decision to resort to diplomacy, rather than just armed struggle, as a means to achieve its state. It also started its move away from envisaging the solution to the war with Israel the creation of a one secular democratic state. After lengthy internal discussions within the Palestinian National Congress, the PLO adopted the position of establishing a Palestinian state on any liberated land of Palestine, a euphemism for accepting the idea the two states solution or a mini Palestinian state. It agreed to the establishment of a Palestinian State in Gaza and the West Bank, with Jerusalem as its capital. From then on, the PLO worked on preparing the Palestinians for accepting such an idea, as much as getting the US and Israel to acknowledge its willingness to negotiate on the basis of a two states solution.

Meanwhile though, the statehood framework was not without its serious constraints and dangers. Despite a degree of pluralism, the PLO displayed the same shortcomings as all the surrounding Arab states, from which it had taken its inspiration. There were no checks on its leaders who had little scope for self-criticism. Corruption ran rife, encouraging the pursuit of personal interests and accumulation of power. The PLO feared any autonomous initiative in civil society and remained extremely wary of groups in Gaza or the West Bank over which it did not have complete control. All the organisations, including those belonging to the

Palestinian left, accepted this state-oriented, vote-catching rationale, and negotiated with Arafat to obtain official posts and resources.

However the PLO was not actually a state and could not fulfil the corresponding functions, except for short periods of time, in particular during the 1970s in Lebanon. In their daily lives Palestinians depended primarily on the state in which they were living. Each time the PLO's state-like system was unable to operate effectively – particularly in helping its people with their everyday problems – Palestinians were forced to link their survival strategies to rival states (Amman, Damascus, etc.) undermining thereby Palestinian official nationalism. This was most notable when the PLO was driven out of Beirut in the summer of 1982. After taking refuge in Tunis, far from all the countries where Palestinians were living, the PLO found itself in dire financial straits, unable to pay its officials or help its refugees. The PLO's position further deteriorated with the Gulf War in 1990 and the disastrous decision to side with Saddam's Iraq war on Kuwait. The PLO's very existence was in doubt when negotiations between Arabs and Israelis opened at the Madrid conference, on 30 October 1991, in its absence and with only participation of non-official "Palestinians of the Occupied Territories". Arafat explained to his followers that the US wanted to humiliate and eliminate him, which was in his view tantamount to eliminating the PLO and all of its supporters.

But the secret negotiations in Oslo provided Arafat with a way out. Admittedly he agreed to a Declaration of Principles that fell short of the projects for self-government that had been tabled since the Camp David accords of 1978. But the main point for Arafat was that the declaration extended Israel's formal recognition to the PLO and provided for the transfer of the state organisation in exile to the occupied territories. It was the political survival of the PLO, more than any specific provision in the agreement, that represented a real guarantee of a future state.²² The Oslo declaration marked a turning point, with the PLO switching from being a national movement in exile to a government organisation established on its territory. The PLO's quest to protect its state institutions, territorialize its nationalism and foster roots in society became all possible in Gaza and the West Bank, or so it seemed.

A ROLE FOR EUROPE

Fatah and the PLO's idea of a Palestinian State was also influenced by international influences and configurations. Fatah's proposal for a democratic state came from its contacts with the European left, in particular after the opening of a representative office in Paris following the Six Day war, with Mahmud Hamshari as its first representative (he was subsequently murdered by the Israeli secret service). Europe's anti-Zionist left – certainly only a tiny minority – was keen to uphold the rights of Palestinians but also deeply affected by the Holocaust in Europe during the Second World War. It rejected the idea that the Jews were simply settlers who could return "home", much as France's *colons* had returned from Algeria in 1962.²³ Exchanges between Fatah and the European played an important part in the emergence of calls for a democratic state. It was in France that Fatah published a widely circulated text entitled "La révolution palestinienne et les juifs", recognising for the first time the right of the Jews to remain in Palestine.

Change was also encouraged by increasingly close links between the PLO and the Soviet Union, which started in the early 1970s after a rather tense phase (Moscow criticised the *fedayeen* for being adventurers). The USSR provided solid

support for the Arab side from 1967 onwards, even if it was the first state to *de jure* recognize the state of Israel in 1948 and provide it with military assistance in 1948-49. The USSR continued to support Security Council Resolution 242 which called for a solution based on the recognition of the state of Israel. The influence of Eastern bloc countries in the 1970s, in particular after the Yom Kippur war, and their links with organisations such as Fatah (but also the Democratic Front for the Liberation of Palestine), helped to convince the PLO that it should accept a diplomatic solution based on a two states solution, explicit in UN Resolution 181 and implicit in UN resolution 242. The Palestinian communists, who were influential on the West Bank and in Gaza, had long advocated such an approach.

Europe's position was particularly key for pushing the case for a Palestinian state under the PLO leadership. In the 1980s and 1990s Europe was in the forefront of western demands for recognition of the Palestinians' right to a state (ultimately winning over the US and even Israel). On 12 and 13 June 1980 the nine members of the then European Community adopted the Venice Declaration, which stated: "A just solution must finally be found to the Palestinian problem, which is not simply a problem of refugees." It added: "The Palestinian people ... must be placed in a position ... to exercise fully their right to self-determination. The PLO will have to be associated with the negotiation." On 23 February 1987, at a meeting of its foreign ministers in Brussels, the European Community decided to seek a solution based on the Venice declaration, through "an international peace conference to be held under the auspices of the United Nations". On 27 June 1987, at a meeting of heads of state in Madrid, Europe decided in favour of "upholding the right to security of all States in the region, including Israel, that is to say, to live within secure, recognised and guaranteed frontiers, and in upholding justice for all the peoples of the region, which includes recognition of the legitimate rights of the Palestinian people, including their right to self-determination with all that this implies."²⁴ This was the first, albeit implicit, reference to the right of the Palestinians to establish a state.

This political vision went hand in hand with increasing recognition of the PLO internationally. In October 1975 France authorised the opening in Paris of an information and liaison bureau. Arafat, despite persistent Israeli and US criticism, was able to develop significant personal ties with European leaders. In July 1979 the Austrian chancellor, Bruno Kreisky, welcomed him to Vienna (Austria was not yet a member of the European Community) in the presence of the former German chancellor, Willy Brandt. In 1988, following the proclamation of the Palestinian state by the Palestinian National Council at a meeting in Algiers, the PLO office in Paris became a General Delegation. In May of the following year President Mitterrand played host to Arafat in Paris for his first official visit to France, obtaining in exchange that the PLO president announce that his organisation's charter was no longer valid, given that it did not acknowledge the existence of the state of Israel.

European support for Palestinian national rights culminated in the declaration issued at the European Council meeting in Amsterdam on 17 June 1997, calling on Israel "to recognize the right of the Palestinians to exercise self-determination, without excluding the option of a state". This was soon followed by the declaration concluding the Berlin summit on 26 March 1999, affirming "the continuing and unqualified Palestinian right to self-determination including the option of a state". It added that this right was "not subject to any veto" and

declared “its readiness to consider the recognition of a Palestinian State in due course”.

In 30 years Europe made considerable progress towards recognising the right of the Palestinian people to nationhood and an independent state. In so doing it contributed to changes within the PLO, encouraging the advocates of a diplomatic solution. It also paved the way for changes in the US administration and Israeli government. Furthermore it played a key role in implementing the Oslo accords, becoming the main source of funding for self-government.

However, since the 1990s Europe has been retreating from exerting an influential political role for fear of upsetting the Israeli government. In the aftermath of the September 11 attacks and the Iraqi crisis, Europe changed course, for short-term and more deep-rooted reasons and with consequences that are still difficult to assess. In particular this change of heart weakened the role of the Quartet, reduced it to registering decisions taken elsewhere, and led to overall acceptance of the Israeli view of the conflict with the Palestinians. It will take longer to understand the causes of the change, but so far one can detect already a number of factors behind it, such as:

- The enlargement of the EU to accommodate 25 nations (27 since January 2007) brought countries into the EU that are not only aligned with the US and against Europe playing an independent role, but also countries, such as the Czech Republic, which are aligned with the Israeli right;
- The Rejection of the European Constitution by Dutch and French voters undermined the influence of European diplomacy;
- Lastly, most EU countries, despite certain misgivings, are prepared to support the war against terrorism (easily reduced to a war on “Islamic fascism”) in which the Israeli government is a perfect ally and Hamas the main enemy. Special mention should also be made of trends in French politics, in the build-up to the presidential election, with the main parties on both sides of the political spectrum increasingly inclined to accept Israeli views.²⁵

This policy shift became more noticeable after Hamas' victory in the January 2006 Palestinian legislative election. The EU suspended aid to the democratically elected government, setting three conditions for the resumption of payments: recognition of the state of Israel; an end to violence; and recognition of all signed agreements. None of these conditions were also asked of the Israeli government which still does not recognise the Palestinian state in its 1967 borders, has not stopped its attacks on the Palestinians, and have not at yet respected the letter or the spirit of all the agreements signed since Oslo.

CONCLUSIONS

Have we reached the end of a 40-year process, by which the PLO and the Palestinian national movement have moved from seeking the establishment of a Palestinian state, from the Jordan river to the Mediterranean sea, to accepting the idea of sharing their homeland, in the form of two states, one Jewish, the other Arab? The realities on the ground are undermining the two state solution, given the continuous growth of settlements and the construction of the wall. Is a Palestinian state on the West Bank and in Gaza still possible? The other option, that of a single

state for all its citizens does not look very realistic either. So are the two parties doomed to wage endless war or to commit collective suicide? Can the death of Samson, which ended in Gaza, be an allegory to where the two parties are heading? A blind and powerless prisoner, he was summoned to a Philistine feast. “And Samson grasped the two middle pillars upon which the house rested, and he leaned his weight upon them, his right hand on the one and his left hand on the other [...] And Samson said, 'Let me die with the Philistines'. Then he bowed with all his might; and the house fell upon the lords and upon all the people that were in it. Thus the dead whom he slew at his death were more than those whom he had slain during his life”.²⁶

ENDNOTES

¹ Jean Genet, *Un captif amoureux*, (Gallimard, Paris, 1986), p. 359.

² Quoted in GRAP, *Les Palestiniens et la crise israélo-arabe*, (Editions Sociales, Paris, 1974), p. 167-168.

³ Quoted in *International Documents for Palestine* (IDP), (Institute for Palestine Studies, Beirut, 1969), p. 589

⁴ *ibid*, p. 666

⁵ Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness*, (Columbia University Press, New York, 1997), p. 19.

⁶ Yezid Sayigh, *Armed Struggle and the Search for State. The Palestinian National Movement, 1949-1993*, (Clarendon Press, Oxford, 1997)

⁷ Quoted in Hisham Sakhnini, “Al-Kaya al falastini 1964-1974,” *Shu'un Falastiniya*, (January 1975), No. 41-42, p. 123

⁸ This charter (*qanuniyya*) was amended in 1968 to become the national charter (*wataniyya*). Though often translated with the same word, *qanuni* refers to Arab nationalism, whereas *watani* evokes a narrower view of nationalism.

⁹ See Faisal Al Hourani, *Al fikr al siyasi al falastini 1964-1974* (The Development of Palestinian Political Thought), (PLO Research Centre, Beirut, 1980).

¹⁰ These two points were laid down by King Hussein as conditions for his participation at the opening of the Congress.

¹¹ For the list of guests see Rashid Hamid, *Muqararat al majlis al watani al falastini 1964-1974* (PNC resolutions), (PLO Research Centre, Beirut, 1975). In particular he cites the names of Khaled El Hassan, Khalil El Wazir, Kamal Adwan and Yassir Arafat. But in fact Arafat was not there. According to Yezid Sayigh, there were between 15 and 20 Fatah representatives, Sayigh, *Armed Struggle*, p. 69.

¹² Quoted in William Quandt, Fuad Jabber, Ann Mosely-Lesch, *The Politics of Palestinian Nationalism*, (University of California Press, Berkeley, 1973), p. 56

¹³ Ehud Yaari, “Al Fath's political thinking”, *New Outlook*, November-December 1968.

¹⁴ *Ibid*

¹⁵ A pact comprising of Pakistan, Iran, Turkey and the United Kingdom, under the aegis of the US.

¹⁶ Contrary to an idea that appears in many works neither the PLO nor Fatah ever committed themselves to a secular state. For an account of the debate on the democratic state, see Alain Gresh, *PLO, The Struggle Within*, (Zed Books, London, 1988).

¹⁷ Louis-Jean Duclos, “Description de l'occupation militaire israélienne”, *Politique étrangère*, n° 4, (Paris, 1972).

¹⁸ This position contrasted with its stand towards the occupied territories belonging to Syria and Egypt (but not Gaza) which it was willing to return in exchange for peace. For further details on this question, see Gresh, *Israel-Palestine: Verites Sur Un Conflit* (Paris: Fayard, 2002)

¹⁹ See Reuven Pedatzur, “Coming Back Full Circle: The Palestinian Option in 1967,” *The Middle East Journal*, Washington, vol. 49, n°2, (Spring 1995). The author published an article on this topic in *Haaretz*, Tel-Aviv, 9 March 1990. All the quotes were taken from the Pedatzur article published in *The Middle East Journal*. See also, Charles Enderlin, *Paix ou guerres. Les secrets des négociations israélo-arabes 1917-1997*, (Stock, Paris, 1997), for detailed account of the meeting of the Israeli cabinet on 19 June 1967.

²⁰ See Victor Cygielman in *Le Monde diplomatique*, November 1970.

²¹ The Allon plan, finally adopted at the beginning of 1968, provided for Israeli control of a buffer zone 15 kilometres wide running along the Jordan. It also recommended occupation of various parts of the West Bank, in particular Jerusalem and certain territories, in particular the Etzion bloc and the

Hebron hills. Lastly the most densely populated areas would either be returned to Jordan or (if agreement could not be reached) granted a degree of self-government.

²² For an Israeli view on the negotiations, but which links up Sayigh's account, see David Makovsky, *Making Peace with the PLO. The Rabin Government's Road to the Oslo Accord*, (Westview Press, Boulder, 1996).

²³ It should be borne in mind that progressive elements in the National Liberation Front (FLN) and France's far-left had tried to gain support for an arrangement under which everyone could have stayed in Algeria, a notion that proved impossible when positions on both sides hardened between 1958 and 1962.

²⁴ For further details, see Alain Gresh, *Israel-Palestine*,

²⁵ See Alain Gresh, "Middle East: France joins the pack", *Le Monde diplomatique*, English language edition, June 2006.

²⁶ "The Book of Judges", chapter 16, *The Bible: Old Testament*.

THE DEMOBILIZATION OF THE PALESTINIAN WOMEN'S MOVEMENT IN PALESTINE

From Empowered Active Militants to Powerless and Stateless "Citizens"

*Islah Jad**

Palestinian women's movements in the Palestinian Occupied Territories are currently faced with two major tasks: continuing the national struggle and participating in state-building, while at the same time pressing for women's rights. Like women's movements worldwide, Palestinian women's movements are faced with both the "old" agendas of mobilization and liberation as well as the "new" ones concerning women's equality and empowerment. Under normal circumstances, it is difficult to straddle these two agendas; in the extraordinary situation in which the very existence of the Palestinian state and society are threatened by the Israeli Occupation, it is even more difficult, if not impossible.

The past nearly two decades since the conclusion of the Oslo Accords in 1993 have seen changes in local and national political and societal structures that have had a profound impact on the Palestinian women's movement, both locally in Palestine and in the wider exile. In particular, the establishment of the Palestinian Authority (PA) in 1994 and all the quasi "state" apparatuses that followed have had a formative impact on all aspects of the women's movement. In addition, the various traumatic developments such as the second *intifada*, the separation of Gaza and the West Bank and the construction of hundreds of roadblocks throughout the territories; the complete closure of Gaza; the construction of the Separation Wall; and the election of Hamas in 2006 have all contributed in some measure to the evolution of the women's movement. This paper takes a broad look at the Palestinian women's movement today to try and shed light on sweeping changes that have occurred in several important areas in this period: the legal contours of Palestinian citizenship and gender, the idealized image of women in official Palestinian discourse, forms of women's activism and participation in civil society, the ability of grassroots movements to mobilize, and the balance between secular and Islamist forces.

THE PALESTINIAN AUTHORITY AND GENDER: THE LEGAL CONTOURS OF PALESTINIAN CITIZENSHIP AND GENDER

With the establishment of the PA, Palestinian citizenship became a dilemma. The Oslo Agreements only granted the PA the right to issue a Basic Law.

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The first drafts of the Basic Law reflected the fact the Authority could not within the existing political framework define Palestinian identity according to the tenets of Palestinian nationalism. Rather than formalizing a separation between Palestinian nationality/identity and Palestinian citizenship, the first drafts of Basic Law¹ postponed the definition of citizenship to some future period of legislation.²

In the latest version of the Palestinian Basic Law (March, 2003), Article 12 specified the ways in which Palestinian nationality might be transmitted. Blood ties through the father, used as the criteria before 1984, were changed to include both parents under the pressure of the women's movement. For the first time in an Arab state, women were given the right to confer citizenship to their children.³ Earlier drafts of the Basic Law had already affirmed that Palestine recognizes and respects a whole set of universal agreements and declarations, including the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), which provide a basis for the adoption of universal conventions as sources for legislation. In the first four drafts, which were subject to popular discussion, *shari'a* was not mentioned as a source of legislation, nor Islam as the state religion. Under the pressure of the Islamists, both were later added by the Legislative Council, at the time composed mostly of secular members.

Despite the positive steps, there are some revealing passages in the Basic Law dealing with work and motherhood that suggest a less than full commitment to changing gender relations. Article 23, for example, declares that the "woman has the right to participate actively in social, political, cultural and economic life, and the Law will work to eliminate constraints that forbid women from fully participating in the construction of their families and society"⁴ However, the major dilemma of women's unemployment was not clearly addressed. Nor did the Article define clearly the obstacles and constraints that the Law will work to eliminate; it only said that they relate to the construction of the family and society. The same article also stated that "women's constitutional and *shari'a* rights (*hoqoq shar'yya*) are protected, and that the Law would stipulate punishment for any violations."⁵ Thus, the proposed Law uses an obscure language that suits all ideological inclinations, whether secularist or religious. Motherhood, child care, and the family, central to Palestinian nationalism, were dealt with in most PA legal documents as a duty of society but without any official commitment on the part of the PA to helping women to realize that duty.⁶ Child care and maternity services have traditionally been the task of women's organizations; the PA did not actually support them substantially enough to keep them functioning. In many laws, such as the Civil Law and Civil Service Law, women were depicted as being dependent on men. More importantly, changes in the laws were not translated into policies, and where financial support would have been required to develop policies and programs based on the new laws, it did not materialize.

Along with the unclear definition of citizenship, the PA lacks a coherent set of policies intended to enforce a rule of law as an important guarantor of citizens' rights. The most visible policy is related to the security responsibilities assigned to the Authority by the Oslo Accords. Accordingly, certain aspects of citizenship are severely undermined, especially in the PA's relationship with opposition parties in general and with the Islamic political movement in particular. Detention without charge, torture, maltreatment, and harassment are methods frequently used against the Islamic political opposition.⁷ A higher security court was established by a presidential decree as a parallel body to civil courts. Different security apparatuses are creating their own courts free of civil control.⁸

These repressive measures placed (and continue to place) women activists in a difficult dilemma. To criticize the PA's practices would invite similar repercussions. On the other hand, failure to take a position would discredit them, reducing their legitimacy in civil society.

Such discrediting in fact did happen to certain grassroots women's organizations linked to *Fatah*, the ruling party. The most notable among these was the General Union of Palestinian Women (GUPW). When the PA was established, the leadership of the GUPW—an organization that had been banned in the occupied territories up until the Oslo Accords—returned from exile and set up an official organizational infrastructure to supersede the local unofficial committees that had served this purpose when the entire West Bank and Gaza were solely under Israeli occupation. Conflict quickly arose between the returnee diasporic leadership and local leadership over a variety of issues. Additionally, while the GUPW tried to present itself as a non-governmental body, their actions and funding indicated otherwise. The organization was financially dependent on the PA, and the PA showered it with sometimes flagrant manifestations of favoritism. The GUPW leadership and its administrative staff, for example, received monthly salaries *from the PA* while the rent for their luxurious villas and offices was paid by the PA, a fact that eventually led the local leadership to challenge the Union's claim that it was an independent NGO. In the eyes of some, at least, the GUPW had become a mere hack for the PA. As a woman from the local group put it this way in an interview:

Every time we want to publish a leaflet or any political document, they [the GUPW returned-from-exile leaders] always insist that we have to add some glorifying sentences about the President; they ask us to display his photos. We are rebellious here; we are not used to that. Also, they objected to one of our leaders attending a conference in Amman because she was one of the signatories of a leaflet published by an opposition group criticizing the corruption in the PA. Of course we have to criticize the government. This is our right; we are not representing the government, we represent our people, our women.⁹

The GUPW returnees recognized the gender inequality being practised by the national leadership; however, they chose not to protest overtly against this inequality. As Agarwal put it, these women are compliant but not complicit with political hierarchy.¹⁰

Thus, changes in law reflected an ambivalent commitment to women's rights and equality, and even those laws that represented an improvement were not supported at the policy level. This placed women's organizations in a difficult situation vis à vis the political hierarchy.

THE IDEALIZED IMAGE OF WOMEN IN OFFICIAL PALESTINIAN DISCOURSE

In addition to changes in legal status, changes in image and idealized role also followed the establishment of the PA. In the historic discourse of the Palestinian national movement, women were portrayed either as struggling militants or as self-sacrificing mothers.¹¹ In the face of death, dislocation, rejection, and annihilation, Palestinian poets glorified the woman who had a large number of

children, especially male children.¹² However, national slogans like “the right of return” and “struggle” required a different model for women. The woman “freedom fighter” with a gun in her hand was an image glorified by different Palestinian factions, especially on the left. What has happened to these images of women under the PA? And what happened to the core idioms of “struggle,” “sacrifice,” and “suffering” that had constituted Palestinian national identity in the diaspora before the advent of the PA?

In her study of Palestinian nationalism, Helena Schulz underlines the “ambiguity of Palestinian nationalism and national identity.”¹³ In the new era of unachieved stillborn national independence that Oslo sought to create, “belonging,” “loyalty,” and “commitment” are the mots d’ordre for the new political regime around which the reconstruction of Palestinian nationalism is taking place. Belonging to Palestine is the main slogan, without specifying which Palestine or whose Palestine. Belonging to Palestine is also extended to mean belonging to Fatah, the main political party.

As part of this process, Palestinian media and propaganda signal the PA’s “sovereignty” through two key symbols: the flag and the President.¹⁴ Life-sized pictures of President Arafat in his military uniform as a symbol of the continuation of the struggle hang in the streets, in stores, and in all PA offices. “Struggle” has been replaced with the “symbolic militarism”¹⁵ reflected in many youth military marches. This symbolic militaristic orientation is enforced through the mushrooming of PA’s security apparatuses, each one in a different military uniform. This culture of symbolic militarism has come again to glorify the male fighter and to eclipse the old image of the woman militant that had been prominent during the years the PLO was headquartered in Lebanon.

As part of this change in idealized image, the idealized role of the noble Palestinian woman militant has also evolved. During the early years of the national struggle, one highly respected woman’s role was as that of the guerrilla fighter. Even then, the most successful and respected women activists were not those who simply organized other women, but rather those who got directly involved in the underground and militant activities of the political organization. In Fatah, there was always a clear distinction between the military wing and other mass-based organizations, including women’s organizations. Being a member of the women’s organization was not a sufficient criterion for inclusion in the higher ranks of Fatah. Those who joined the women’s organization were nominally considered Fatah members as part of Fatah’s attempt “to show our popularity,”¹⁶ but very few women were actually members in the Fatah political organization. In order to become an effective member, women had to prove themselves as “bint Fatah” (a daughter of Fatah).¹⁷ A real “daughter of Fatah” was constructed as masculine, tough, with short hair, simple trousers, long shirt with long sleeves, and, as Islamism became popular, a head scarf. She had to be discreet, speak little, and remain steadfast under interrogation. The few but well-known women who headed militant cells were given male pseudonyms. As ‘Aisha, a former militant, remembers:

I was known by the name of Abu Mohammad (Mohammad’s father).¹⁸ I talked, walked, and behaved exactly like men. If I showed my femininity, they (men) would take me as a weak, easy-to-crack person. I was tough, very tough. I had to show them that I was not less than them, as a tough strong man. I only realized that I am a woman and that I have to be proud of it after

the establishment of the PA, when I joined a conference on what our gender agenda under the PA should be.¹⁹

More recently, women have also projected an image of militants and fighters in the second *intifada*, when a number of women forced some militant groups to recruit them in their military actions. Lately, Islamist women, as did women in the PLO before them, have forced male leaders in their militant organization al-Qassam Brigades to recruit them.²⁰

In place of the image of the woman militant, the PA has promoted the ideal woman as fertile, self-sacrificing, and steadfast, giving rise to contradictory public discourses. In the national struggle, the fertile woman was deemed necessary because the outcome of the conflict was perceived to depend partly on the demographic balance between Jews and Arabs. Extending the ideal of the self-sacrificing mother is the official glorification of mothers of martyrs, an image exemplified by the poetry of the Palestinian icon Mahmoud Darwish. When the passive role of the wailing mother, the giving mother, who always provides for the resistance, is glorified, it is easier to overlook the fact that overwhelming Israeli violence and oppression have rendered men equally passive and helpless.

Palestinian mothers, sisters, and daughters of martyrs are also subject to contradictory messages from multiple discourses. While nationalist discourse glorifies women as mothers, uplifting their maternal suffering into national defiance and resistance, another, feminist discourse urges women to be themselves, to express their true feelings and grief.²¹ Feminist women's activism presents a new image for the woman as urban, professional, elegant, claiming her individual rights from the PA, society and her family, in summary the woman as "taker." At the same time, Islamist groups portray the model woman today, as in the past, as modestly veiled, patient, a pious caretaker for her husband and children. She is, most importantly, the bearer of male children sacrificed in order to continue the resistance; in short the woman is the selfless "giver."²² For its part, most Palestinian official discourse, prompted by the demands of foreign donors and the UN agencies to "mainstream gender" and to take it into account in all projects, employs up-to-date, gender-friendly language. These myriad and contradictory discourses, each projecting its own image of the ideal Palestinian woman, all co-exist in today's Palestine.

In sum, with the establishment of the Palestinian Authority, militarism has taken on an increasingly male complexion, and women have had to retreat from this domain but have received confusing messages about what their ideal role in society should be. As most doors closed on women's chances for militant action, women's activism in Palestinian society has taken new forms.

FROM 'SELF-HELP' TO 'SELF-GOVERNMENT': THE RISE AND FALL OF DIFFERENT FORMS OF WOMEN'S ACTIVISM

Under the Palestinian Authority, the NGO sector underwent a shift that left deep marks on the different forms of women's activism. Indeed, the changes in the NGO sector represent the most remarkable change of all those affecting the women's movement in Palestine.

Before the formation of the PA, Palestinian society (both inside and outside Palestine) was organized in and around political parties and grassroots mass organizations. NGOs were affiliated with these parties under the larger umbrella of the entire PLO, which encouraged and financially supported the parties and their satellite organizations. While Israel banned the PLO and its political parties, it allowed the satellite organizations to function to some extent, since they were seen as service provision organizations.

Women participants in these efforts belonged to what were known as “grassroots organizations”—the women’s committees that were branches of political formations that sustained the first Palestinian *intifada*. The success of the women activists lay in *organizing* and *mobilizing* the masses, and was based on their relationship-building skill in building relations with people. They succeeded because they had a cause to defend, a mission to implement, and because they had a strong belief in the political formations to which they belonged. It was important for the woman activist to be known and trusted by people, to have easy access to them, to care about them, and to help them when needed. The task required daily, tiring, time-consuming networking and organizing. These women activists knew their constituency personally and depended on face-to-face human contact for communicating with them.

The period from 1988 to 1994 witnessed a noticeable increase in feminist women’s organizations—women’s affairs centers in Nablus in 1988 and then in Gaza in 1989; and in Jerusalem, the Women’s Study Center in 1989 and the Women’s Center for Legal Aid and Counselling in 1991 and the Women’s Affairs Technical Committee in 1991, and the Women’s Studies Program at Birzeit University 1994.²³ The growing number of institutions propagated a new discourse on women and women’s status—but within the context of a steady decline in women’s mobilization and activism. An unpublished study of five women’s mass organizations found that membership declined by 37% after 1993 and that new enrolment in 1996 did not exceed 3%, with most of it occurring (probably due to patronage) in the *Fatah* women’s organization.²⁴

Between the end of the first *intifada* in 1991 and the Oslo Accords in 1993 the NGO sector in the West Bank and Gaza operated as the main channel of foreign aid that enabled service delivery at the grassroots level. Services included clinics, schools, kindergartens, and income-generating projects. The result was that these NGO actors became important and acquired even more power than their parent parties. When in 1991 the Madrid Conference initiated the state-building process, the role of NGOs in the West Bank and Gaza underwent a change that left deep marks on the different forms of women’s activism. Women’s movements were pressured to shift their agenda from one combining the national struggle with women’s emancipation to one that looked to the “state” (which really had none of the true authority or powers of an actual state) to fulfill women’s rights. Whereas before 1993, women’s movements had attempted to balance national struggle with efforts at women’s emancipation, now they began targeting the “state” (i.e., the Palestinian Authority) to deliver on women’s rights. In the process, many previously successful women’s grassroots organizations were transformed into NGOs or came under the growing influence of NGO practices. Within the women’s movement, power was granted to a new feminist elite working within civil society in NGOs or within the PA apparatuses, leading to the emergence of so-called “femocrats.” The result was a power shift within what must now be categorized as the secular Palestinian women’s movement, tilting it towards a more highly educated, middle-

class professional class at the expense of a female cadre of rural or refugee backgrounds.

The importance of the state-building dynamics cannot be underestimated. In fact, the dual dynamics of state building and NGO-ization have led to increasing fragmentation and demobilization of all Palestinian social movements for several reasons. For one thing, both the nature and the limited life cycle of projects induce fragmentation, rather than bringing about what Tarrow has called “sustainable networking,”²⁵ whereby ties made with members and organizations are nurtured and maintained on a regular basis. NGOs typically aim to advocate or educate a “target audience,” which is usually defined for and limited to the period needed to implement the project. Here the constituency is not a natural social grouping, but is artificially constructed. Also, the constituency is typically a temporary passive recipient rather than an ongoing active partner of the initiative. Along with this comes a cultural dimension, promoting values that favor dependency, lack of self-reliance, and new modes of consumption²⁶. NGO-ization as a process thus introduces changes in the composition of much of the women’s movement, bringing to the fore a middle-class, professional women’s elite at the expense of the rural and refugee women activists from grassroots organizations. Such a transformation²⁷ can result in a shift in power relations. Thus, NGOization shows a shift from “power to” women at the grassroots level to “power over” them by the new elite.

The composition of NGOs contributes to this tendency. Inevitably, fewer people are involved in an NGO than in a women’s movement. The typical NGO consists of a board of 7 to 20 members and a highly qualified professional and administrative staff, generally few in number, depending on the number and character of projects. The practical decision-making power frequently lies not in the hands of the board but with the director, who has to answer to the funders. The power of the latter stems from the ability to raise funds, to be convincing, presentable and competent, and to be able to deliver the well-written reports that donors require. Indeed, all administrative staff members are required to have highly professional skills. Facility with the English language and sophisticated communication skills become vital, since NGOs depend on modern communication methods such as media, workshops, and conferences, and use modern communication equipment (fax, computer, mobile phones). This reliance on globalized, rather than local, tools automatically limits the range of possible employees; and while it may not necessarily directly affect the relationship between an NGO and its local constituency, often it does.

As for the internal governance of NGOs, a survey of more than 60 Palestinian NGOs found that most of their employees do not participate in decision-making, due to “their passivity or their lack of competence.”²⁸ Nor do the target groups participate in decision- or policy-making. When NGO administrators were asked why this was so, they answered that they were part of this society, that they knew it, and that therefore they were qualified to decide about its needs.²⁹ In many women’s NGOs, the staff has nothing to do with the general budget of their organization, and do not know how it is distributed. According to Shalabi, the internal governance of the NGOs surveyed was “a mirror reflection of the Palestinian political system based on individual decision-making, patronage and clientelism,” and on a lack of rules organizing internal relations.³⁰

Each of these factors contributes to a significant difference between NGOs and social movements—two phenomena that are often conflated. Yet,

according to Molyneux, the term “women’s movement” implies a social or political phenomenon of some significance, due to both its numerical strength and its capacity to effect change, whether in legal, cultural, social, or political terms. A women’s movement does not have to have a single organizational expression, and may be characterized by diversity of interests, forms of expression, and spatial location. Also, it comprises a substantial majority of women, although it may not be exclusively made up of women.³¹ According to Tarrow, what specifically characterizes social movements is that “at their base are the social networks and cultural symbols through which social relations are organized. The denser the former and the more familiar the latter, the more likely movements are to spread and be sustained.”³² The same can be said of women’s movements, as distinguished from “women in movement.”³³ Tarrow adds,

“...contentious collective action is the basis of social movements; not because movements are always violent or extreme, but because it is the main, and often the only recourse that most people possess against better-equipped opponents. Collective action is not an abstract category that can stand outside of history and apart from politics for every kind of collective endeavor—from market relations, to interest associations, to protest movements, to peasant rebellions and revolutions.”³⁴

In effect, since the typical structure of NGOs bars them from serving as mobilizing or organizing agents, however much they proliferate, they cannot sustain and expand a constituency nor tackle issues related to social, political, or economic rights on a macro- or national level. A case in point is the effort by woman NGOs in 1998 to undertake a national initiative and establish a Model Parliament.

LEGAL REFORM AND SOCIAL CHANGE IN PROJECT FORM: THE MODEL PARLIAMENT EXPERIMENT

The project, titled “Palestinian Model Parliament: Women and Legislation,” was launched by a prominent West Bank women’s NGO, the Women’s Center for Legal Aid and Counselling, (WCLAC) in 1998. It aimed to achieve a defined set of goals including the endorsement of Palestinian legislation guaranteeing equality and human rights for Palestinian women, as well as participation in building a civil society based on justice and equality and on respect for human rights and the rule of law.

To launch a broad national campaign for this debate in which all social groups, whether male or female, in Palestinian society would be targeted, WCLAC invited individuals and institutions, including the religious establishment and activists in the Islamic movement, women’s organizations, government bodies, and various social groups, in addition to political parties and Parliament members to join the call for legal reform. All who accepted the invitation were considered members in the Parliament.³⁵

However, the WCLAC organizers were not attuned to the different contending discourses about Palestinian national identity and citizenship, and were therefore totally unprepared for either the range or the intensity of political, social, cultural sensitivities the project triggered. To many, it was not clear exactly what the project entailed. Some saw it as an exercise to train the public and the legislators on how to tackle women’s rights in the legislation and how to involve the public in

participating in this discussion.³⁶ Others saw it as a consciousness-raising practice to make the laws known to the broader public. Some others saw it as a litmus test to evaluate who is “with us” and who is “against us.” It soon became clear that there was no consistent view as to what the outcome of the project should be nor “anticipation as to its results.”³⁷ The rationales in the above-mentioned brochure changed over time, in particular after the Islamists attacked the project as a clear imposition of some “Westernized, donor-driven, Marxist feminists to change the law of *shari’a* for Muslims.”³⁸ The objective shifted to the more neutral and less polarizing one of realizing “freedom of expression.”³⁹

The Model Parliament elicited reactions covering the entire spectrum, both positive and negative. Probably the most serious involved a challenge from the Islamist clergy, who questioned the legitimacy of such a debate being undertaken by women or the public or even by elected members of the existing Palestinian Parliament. In other words, the *’ulama* (religious clergy) were claiming the prerogative of being the sole agency authorized to rule in such matters. The most violent reaction came from Islamists who focused on de-legitimizing women activists involved in the project as “inauthentic,” as a marginal non-Muslim minority (i.e., Christian⁴⁰ or atheist secular), and as a Western-initiated and funded ploy⁴¹ Interestingly, attackers distinguished carefully between the “new centers,” (i.e., NGOs), and the other pioneer women’s societies, which they said still deserved respect and appreciation (i.e., they still had legitimacy)⁴² The “new” women’s centers, especially WATC, were attacked by name in leaflets and in Friday sermons, thus catapulting the women’s movement into a highly contested public arena. In the end, Islamic discourse gained clear hegemony empowered by the failure of the PA to bring about national independence or social change, by a weak legal structure, and by flagrant efforts on the part of the PA to marginalize not only the Islamists⁴³, but *all* leftist parties and organizations.

As a result, some women activists had trouble resuming their networking and organizational efforts in poorer areas. Others, especially lawyers, had problems resuming their work with judges in *shari’a* courts. Many had to explain or distance themselves from what had happened. However, the project achieved important gains such as articulating a general agreement among Palestinians that existing “personal status laws need serious consideration.”⁴⁴ It also showed that ordinary people should be involved in changing laws and legislation; this should not be the task of legislators and experts only. The project was also useful for women to test their strengths and their weaknesses and to provide important lessons for better networking, mobilization, and organization. It also exposed the many contradictions in Palestinian nationalism and its relation to religion.⁴⁵

The hostile reaction to the Model Parliament project caused deep anxiety among the different women’s organizations. Some in the WATC coalition felt that they had been dragged into an overt confrontation with the Islamic movement at a time when they had neither desired nor planned for it. At the same time, they could not take a stand against the policy or the vision of WCLAC since many of them shared some of their objectives, if not their strategy for legal reform. Most importantly, the project left bitter feelings and a lack of trust among the different women’s organizations. It also led to clearer polarization between women’s NGOs and mass-based organizations. Far from creating a united women’s front, the project led only to further fragmentation.

FEMOCRATS: 46 BETWEEN PATRONAGE AND FEMINISM.

Along with the NGOs, a new category of women came into its own in the post-Oslo period with the formation of the PA. This is the category of women referred to as “femocrats”⁴⁷—although Palestinian femocrats are not necessarily feminist, nor are they “employed within state bureaucratic positions to work on advancing the position of women in the wider society through the development of equal opportunity and anti-discrimination.”⁴⁸ Most Palestinian femocrats, in particular those in high-ranking positions, are nominated through patronage relations and not for their feminist credentials. However, patronage per se does not necessarily mean that the women are anti-feminist or that they will not do their best to represent other women. Thus, while some may use the gender agenda and their political access to promote their own interests, others may work to develop a gender agenda despite the numerous constraints facing the PA and their positioning within it. At least, as Goetz observes from her experience in Uganda, patronage might lead to a situation whereby “high-profile appointments of women to senior civil service positions have significantly enhanced women’s presence in the administration.”⁴⁹

The locus of femocrats within the Palestinian quasi-state apparatus was the Inter-Ministerial Committee for the Advancement of Women’s Status [*Lajnet al-Tansiq al-Wizaria Leraf’a Makanat al-Mara’a*], hereafter referred to as IMCAW, until it was dissolved and replaced by the Ministry of Women. IMCAW consisted of women in key positions in their respective ministries, mostly nominated by the President and assigned to mainstream gender in their structures. Success in fundraising and capacity-building was seen as vital for women in IMCAW in proving themselves as professionals; they attempted, it seems, to imitate professional women in NGOs at the expense of their “old” image as militants. As the UNIFEM coordinator put it:

The members of IMCAW feel that they need lots of training on capacity-building, they feel they lag behind the skills in the women’s NGOs who all know how to fundraise, how to formulate a strategy, how to manage and communicate, [while] they used to be “mere” [*emphasis added*] freedom fighters. They did not need to fundraise, they used to get funds through money collections and donations from the Arabs or the Palestinians in the diaspora.⁵⁰

Thus NGO-ization set the model for the “old” militants and was their path to professionalization. Unfortunately, however, although assigned (in the Palestinian Development Plan, PDP 1996-1998)⁵¹ the task of “developing” women and mainstreaming gender, IMCAW was not allotted resources. Lacking the means to develop and pursue an overall goal for development, IMCAW femocrats tended to focus on technicalities, such as how many workshops were needed to develop a mainstreaming plan. In so doing, they fell into the trap Goetz describes—that of focusing on processes and means rather than ends, resulting in a preoccupation with the minutiae of procedures at all levels, rather than clarity or direction about goals.⁵² It is not surprising that the committee was heavily dependent on donor aid and working as an NGO (or in this case, a GONGO, a governmental non-governmental organization).

DEMOBILIZATION OF A GRASSROOTS ORGANIZATION: WCSW

Alongside the rise of the NGOs and the proliferation of femocrats came the gradual demobilization of grassroots organizations. The main grassroots women's organization was the Women's Committees for Social Work (WCSW), allied with *Fatah*. This was one of the women's committees, each connected to a political party, which together had played such an important role during the first *intifada*. WCSW, however, had a wider outreach than the women's organizations in the leftist parties. Like the Islamists, WCSW targeted villages and refugee camps and managed to organize the young educated women. One activist explained the reason for this popularity among rural and refugee women as follows:

We use a simple language the people can understand, we give each one what he or she would like to hear. If they are religious, we use religious language, if they are leftist, we use a leftist language. The most important thing was how to mobilize people to join the struggle, but for women, we paid special attention to providing services for them and their children. Women were lacking everything. In villages they have no services, no employment, and a striking level of poverty⁵³

For women from *Fatah*, the gender agenda was understood to equate to fulfilling women's basic needs—i.e., providing services, especially for poor women. Urban professional and academic women, for their part, were more inclined to join leftist organizations, seeing the WCSW as conservative and lacking a feminist vision.

With the establishment of the PA, many leaders of grassroots women's organizations faced a dilemma. If they joined the PA structure, they might lose the power base they had managed to build; if they didn't join the PA, they would leave the dividends of the process to the undeserving. It did not take long for almost all the women's leaders who supported Oslo to join the PA bureaucracy. Combining their new governmental posts with heading their non-governmental organizations caused the latter to suffer. Uncertain about the durability of the PA and its institutions, women leaders did not want to take the risk of leaving their base to alternative leading figures. The lack of internal elections made it easy for them to keep both posts, although the pressure on many of these leaders to prove themselves as professional femocrats meant they had little time for their own grassroots organizations. Rabiha Deyyab, for example, then head of the WCSW, was put under tremendous pressure to choose between that post or her position as general director in the Ministry of Youth and Sports; she had to fight to preserve both, "as men do." Thus, the women who had previously built the grassroots organizations were coopted, and their organizations were paralyzed by a lack of democracy.

When many women's leftist organizations and NGOs started making claims on the "state" for women's rights, the WCSW felt at a loss. The following words reveal the dilemma felt by many women activists in *Fatah*:

We in *Fatah* are not like women in the leftist organizations who raised the women's issues from the beginning of their work. We were more oriented to the national cause; we never dealt with or spoke about what should be the social status of women once we

have a state; that was delayed to after the liberation. When the PA was established we discovered our *matab* (impasse), now there is no national struggle, now it is a state-building era and we had no vision about what we have to do. We thought of enlarging the Executive Committee of the WCSW, we thought of adding more highly educated professional women to help us to draw up a mission statement and manage our organization. We have great women militants who sacrificed a lot during the struggle but they are not highly educated, they are not *motakbassissat* (professional). We had very little money we needed to fundraise for our organization, the PA did not help us financially and we were obliged to register as an NGO to fundraise for our own activities. We hoped that this might open new avenues and provide new contacts.⁵⁴

As WCSW oriented itself toward advocacy of women's rights, it became alienated from its previous vision and programs.

Meanwhile, events within *Fatab* were having a major effect on its women's organizations. Even before taking its place as the ruling party within the Palestinian Authority, *Fatab* had been subject to efforts on the part of the Palestinian leadership to control it. Efforts had ranged from nominating students linked to the internal security apparatus to sabotaging elections. Without elections, *Fatab* began to experience internal decay. The attempts of different groups, including returnees and supporters of the Oslo process, to build new power bases within *Fatab* led to further fragmentation. The main division was between those who supported the Oslo Agreement and those who opposed it.

Fatab's internal divisions were mirrored in the WCSW, which took a position critical of Oslo and was close to a local leader who advocated the path of "struggle" and "resistance" against Israeli oppression.⁵⁵ The response of the PLO leadership was an attempt to dilute the old WCSW leadership by enlarging its membership. The addition of more women seemed on the face of it to be an attempt to increase representation of women in decision-making bodies, but in reality it was an attempt to control and weaken the grassroots organization. Original WCSW members criticized the newcomers as follows:

The women they added have no political awareness, no organizational experience, and they almost know nothing about the political organization of women. Many other members were more deserving to be in their place, but they were chosen to create patronage and not for any personal merit; they wanted to control *Fatab* locally by using women.⁵⁶

The new enlarged WCSW "elected" a new leadership of 13 members, which did not include Rabiha Deyyab, then head of WCSW. Many criticisms by women reached the President, who assigned to the new incumbent the role of reorganizing women's participation in *Fatab*. This led to the creation of a new organizational body for women called *tanthim al-mar'a* (the Women's Organization). This new body was strongly contested by women activists in the WCSW. They perceived the change as a replacement of the militant activists who came mainly from villages and refugee camps by professional women who "never sacrificed their time and lives as we did."⁵⁷ The women also charged that "they wanted to put all women in a small hall to fight each other. The WCSW is the women's organization of *Fatab*, so why

create another body and this time isolated from its base? They just wanted to marginalize us.”⁵⁸

The attempt to create a parallel women’s organization ended with the eruption of the second Palestinian *intifada* in 2000, but by that time, the largest Palestinian women’s organization was already demoralized, divided, and losing its vision. At the time of writing, the WCSW has still not solved its dilemma. The women in the organization are highly political: They know if they hire professionals it might come at the expense of their own power to decide and might shift the organization in a direction over which they have no control. Yet at the same time they need professionals if they are to participate in the predominant lucrative trend towards NGO-ization.

In sum, while providing a forum in which to discuss democratization, human rights, and women’s rights, the relatively new forms of Palestinian civil society effectively weakened the capacity that Palestinian society had previously had to organize and mobilize different groups, and in particular, women’s groups aiming to combat the Occupation.⁵⁹ The extremity of the situation became undeniably apparent in March, 2002, when women leaders examined the possibility of pouring into the streets to stop the advance of the Israeli tanks reoccupying Palestinian cities. Their conclusion was simple but very revealing: “We are not organized.”⁶⁰ Meanwhile, the growing power of the Islamists—forces which are now taking on the mantle of a national struggle despite their being broadly viewed as undemocratic, fundamentalist, and not part of “true” civil society—has considerably complicated the possibility of forming a unifying agenda for combating the Occupation or achieving women’s rights.⁶¹

Furthermore, even though many scholars view the proliferation of NGOs in the Middle East as evidence of a vibrant civil society and as counter-hegemonic to Islamist discourse⁶² little work has actually been done to evaluate the impact of the proliferating NGOs on the actual empowerment of the different social groups they claim to represent, much less on their capacity as viable alternatives to Islamist groups. Nor are there attempts to verify whether NGOs in fact succeed in mobilizing or organizing different groups in pursuit of their rights. Indeed, few studies on the Middle East focus on how NGOs affect and interact with other forms of social organization—whether in the form of unions, political parties, or social movements involving students, women, or workers.⁶³

Ultimately, the transformation of Palestinian women’s organizations from grassroots organizations of mass mobilization into NGOs was disempowering in that it weakened the mobilizing potential of secular feminist women’s organizations and depoliticized their activism. This perspective contradicts the prevailing perception of women’s secular, feminist NGOs as modern and democratic “agents of civil society,” both in Palestine in particular, and in the Middle East in general.⁶⁴ It problematizes the unqualified and interchangeable use of the terms “NGO” and “social movement” in the Palestinian case, as well as in the Middle East as a whole.⁶⁵

Paradoxically in fact, the main force contesting the hegemony of this secular women’s movement are the Islamists. Despite the fact that they are seen by many of the secularists as undemocratic, fundamentalist, and not part of a “true” civil society, paradoxically, the Islamists have essentially taken up the mantle of national struggle and national service, thereby further complicating the possibility of forming a unifying agenda for combating the Occupation or achieving women’s rights.

THE CRIPPLING EFFECTS OF THE ISRAELI MILITARY OCCUPATION

The obstacles in the way of the development of an aware gender mainstreaming in Palestine are so enormous that international blueprints for women and development may simply be incapable of overcoming them. The blueprints assume a situation of political normality and stability, the existence of a state with functioning structures and a stable and well-defined civil society. Clearly, none of these exist in Palestine. The tendency of outside experts is to ignore the impact of structural and national instability and to pursue the implementation of externally designed projects of mainstreaming gender, despite the fact that the continuing military occupation and confiscation of land in the West Bank and Gaza render useless most development mechanisms.

The freeze in the expansion of the GUPW, for instance, is not only related to the power struggle between the returnees and the locals, it is also related to the facts on the ground created by Oslo. When Salwa Abu Khadra, head of the GUPW and the EC, was faced with persistent criticisms about the lack of new elections in the GUPW, she stated that:

What prevent elections from happening are very real and problematic issues such as the scope and location of the election. The members in the diaspora cannot all come unless the Israelis grant them permits, and the Israelis don't accept that because of the shaky political situation. We cannot organize in the diaspora as an issue of principle; the Occupied Territories are now the center of the headquarters of the leadership. Also it will be very costly to bring big numbers of women representatives from the diaspora, and the Union coffers are empty. And even if they restrict the election to the members living in the homeland in Gaza and the West Bank, the members in Gaza cannot join because of the siege.⁶⁶

On top of the absence of gender-related policies on the part of the PA, the very real repression enacted daily by the occupying power has also stifled any attempts to define or promote citizenship or to make progress of any kind in the West Bank or Gaza. Most Palestinian resources are hostage to Israeli control and punitive actions.⁶⁷ The infrastructure and most of the development projects of the nascent PA have been subject to ongoing, systematic destruction. The Separation Wall has cut off Palestinians from their own land and natural water resources, as well as from one another. Complete lack of control over land, sea and airspace, the inability of Palestinians to travel from town to town even in the "PA-controlled" areas, the continual raids, invasions, targeted assassinations, and killings—these and countless other aspects of the Israeli occupation—all make any kind of development utterly impossible.

Whatever the conflict and confusion within the PA and within the women's organizations, there is no denying that the Israeli military occupation has been and remains a primary actor in the shaping and in the eventual demise, of the Palestinian women's movements in the West Bank and Gaza.

CONCLUSION

The emergence of the PLO—a national, secular leadership, especially after the Arab defeat of 1967—played an important role in consolidating Palestinian national identity based on core elements of struggle, return, and sacrifice. The new construction of Palestinian nationalism constituted women in contradictory images of the traditional, sacrificing mother whose main role was to reproduce her nation by providing male fighters and of the revolutionary militant who should join the struggle hand-in-hand with her brothers to liberate the nation. This contradictory construction was contested by women activists, who started to challenge the prevailing gender order by pressuring their organizations for a more equitable legislation and policies to redress this inequality. The unstable political situations in which the Palestinians and their leaderships have existed since 1947 have always militated against any serious push by women for social change.

The “revolutionary” era in the diaspora and the Occupied Territories was an important phase in the development of the Palestinian women’s movement during which women’s activism was successful in bridging the gap between urban elite women, rural women, and refugees. This linkage was an important shift to wider organization and mobilization for women at the grassroots level and the recruitment of new women activists who, for the first time, did not come from a middle-class background.

The Oslo Agreement and the emergence of the PA triggered an ephemeral process in which civil society organizations shifted from sustaining their community into claiming their citizens’ rights. This shift brought back to the fore the professional urban elites at the expense of the rural and refugee leadership. The merger between the structures of the PLO with the PA led to the marginalization and fragmentation of all grassroots organizations and their elites. A process of NGO-ization supported by foreign funding added to the fragmentation and demobilization of all social movements in general and the national secular women’s movement in particular. The vacuum was immediately filled by new forms of activism, new forms of nationalism, and a new gender ideology developed by the Islamist movement and groups as detailed elsewhere.⁶⁸

ENDNOTES

Interviews: (all interviews were conducted in Ramallah, Gaza, Beirut and Cairo between October 2001 and July 2002)

(Some interviewees asked to keep their names anonymous; they were given the letters A and B)

¹Itaf Youssef, ex-militant and now editor for *Sawt al-Nissa* newspaper, WATC.

²Alya Al-Yassir, UNIFEM, Ramallah, *Ramallah*, 25/6/2001

Aisha Abu Maghassib, *Fatab* member and ex-militant, Cairo, 11-7-2001

Rema Tarazi, Head of the General Union of Palestinian Woman- West Bank Branch, Ramallah

(Salwa Abu Khadra, Head of the General Union of Palestinian Woman, General Command, Ramallah, 11/7/2001.

Rabiha Dyyab (Head of the union of Palestinian Woman for Social Work) and General Director in the Ministry of Youth and Sports, Ramallah, 11/7/2001

Khawla Azraq, *Fatab* activist, Beirut, 22/12/2002

Tami Rafidi, *Fatab* activist, Ramallah, 3/7/2001

¹ Since having a Constitution is a sign of sovereignty, the Oslo Agreement allowed Palestinians to have what is called a Basic Law to organize governance during the interim period (1993-1999) and stipulated that it “might be extended until the implementation of the new constitution of the

Palestinian State.” Article 106 of the Draft Basic Law cited in Gil Friedman, *The Palestinian Draft Basic Law: Prospects and Potentials* (Jerusalem, Palestine: The Palestinian Independent Commission for Citizen’s Rights, 1999), p. 2.

² Rema Hammami and Penny Johnson, “Equality with a Difference: Gender and Citizenship in Transitional Palestine,” *Social Politics: International Studies in Gender, State & Society* 6 (1999), p. 314-343.

³ Islah Jad et al., “Qiraah Nassaweyya le-Mosswadat al-Dosstor al-Falastini,” [A Feminist Reading of the Draft of the Palestinian Constitution], *Review of Women’s Studies* I.I: 8-12, (Palestine: Bir Zeit University, 2003), p. 9.

⁴ *ibid.*

⁵ *ibid.*

⁶ Islah Jad, Penny Johnson, and Rita Giacaman, “Gender and Citizenship under the Palestinian Authority,” in *Gender and Citizenship in the Middle East*, ed. Suad Joseph (New York: Syracuse University Press, 2000).

⁷ The Islamic Resistance Movement (Hamas), “The Practices of the Self-rule Authority against the Palestinian Civil Society”, A document distributed by Hamas, (May 20, 1996).

⁸ Jerusalem Media and Communication Center (JMCC), *Palestine: Report*, (February 23, 2000); Jerusalem Media and Communication Center (JMCC), *Palestine: Report*, (May 24, 2000); Jerusalem Media and Communication Center (JMCC), *Palestine: Report*, (June 14, 2000).

⁹ B, personal interview with the author. The interview took place in Ramallah on 9/4/2001, the interviewee asked that her identity not be revealed.

¹⁰ Bina Agarwal, “Bargaining and Gender-relations: Within and Beyond the Household,” *Feminist Economics*, 2, no. 1, (1997), p. 25.

¹¹ Julie Peteet, *Gender in Crisis: Women and the Palestinian Resistance Movement*, (New York: Columbia University Press, 1991); Islah Jad, “From Salons to the Popular Committees: Palestinian Women, 1919-1989,” in *Intifada: Palestine at the Crossroads*, eds. Jamal R. Nassar and Roger Heacock (New York: Praeger, 1990),

¹² One such example is the poem “Ahmed al-Za’atar,” by the famous poet Mahmud Darwish, which was written after the 1976 attacks by the Syrian army on the Palestinian refugee camp Tel al-Za`tar during the Lebanese civil war.

¹³ Helena Lindholm Schulz, *The Reconstruction of Palestinian Nationalism, Between Revolution and Statehood*, (Manchester: Manchester University Press, 1999), p. 156.

¹⁴ In a local television (Phalastine) interview on December 18, 1999 in the West Bank town of Jericho, after a physical assault in Jericho’s prison on MP Saleh Abdel-Jawad (also ex-minister of Agriculture), General Al-Tirawi, head of the Palestinian Intelligence Service Office, declared: “We have two sacristans, the President and the flag

¹⁵ I refer to it as “symbolic militarism” because when the Israeli troops invaded the PA area in April 2002, a national strategy for resistance, whether military or civil, was not on display. The political leadership denounced many local groups’ or individuals in resistance actions as acts of “terror.”

¹⁶ Tami, personal interview with the author, 3/7/2001

¹⁷ *ibid.*

¹⁸ In Palestinian culture, it is common practice to give the name the parents by the first male son. Thus, Abu Mohammad means the *father* of Mohammad. It is therefore an honorary *nom du guerre*. ‘Aisha was appointed to serve as the head of a local police station in Gaza but was later removed when a prisoner in her station escaped.

¹⁹ ‘Aisha [a pseudonym], personal interview with the author, Cairo on 11-7-2001.

²⁰ Palestine Media Centre, “al-Markaz al-Falastini lil I’lam, Qassamyoon wa Qassameyyat,” [Male and Female “Qassamis”], <http://www.palestineinfo.com/arabic/palestoday/reports/report2005/qassameyoon.htm> (accessed August 19, 2005).

²¹ In the second *intifada*, many women’s NGOs ran counselling programs for mothers and children so they could cope with the immense psychological stress of the Israeli violence.

²² Hamas issued many statements forbidding women from military activities since there are “enough men to continue the struggle.” See Islah Jad, “Islamist Women of Hamas: A New Women’s Movement?” in *On Shifting Ground: Muslim Women in a Global Era*, ed., Fereshteh Nouria-Simone (NY, NY: Feminist Press, 2005).

²³ Islah Jad, *Palestinian Women: A Status Report—Women and Politics*, (Palestine: Bir Zeit University, Women’s Studies Institute, 2000), p. 44.

²⁴ *ibid.*

²⁵ Sidney Tarrow, *Power in Movement: Social Movements, Collective Action and Politics* (London: Cambridge University Press, 1994).

²⁶ In advertisements in Palestinian newspapers, it is common to read about collective community actions, organized by youth groups, such as cleaning the streets, planting trees, painting walls...etc. followed by a little icon indicating the name of the donors who funded these projects. It is also noticeable that many of the NGO activities are held in fancy hotels, serving fancy food, distributing glossy material, hiring “presentable” youth to help organize the event. All this has led to the gradual disappearance of the traditional image of the casual activist with the peasant accent and look.

²⁷ Anne Marie Goetz, ed. *Getting Institutions Right for Women in Development* (London: Zed Books, 1997).

²⁸ Yasser Shalabi, *Al-Ta'thirat al-Dawleya 'ala Tabdid Ro'aa al-Monathmat Ghayr al-Hokomeyya al-Falastineyya wa-Adwareha* [International and Local impacts on the Visions and Roles of Palestinian NGOs], MA thesis (Bir Zeit, Palestine: Bir Zeit University, 2001), p. 52.

²⁹ *ibid.*, p. 152.

³⁰ *ibid.*, p. 154.

³¹ Maxine Molyneux, “Analysing Women’s Movements,” in *Feminist Visions of Development: Gender Analysis and Policy*, eds. Cecile Jackson and Ruth Pearson (London: Routledge, 1998), p. 226.

³² Tarrow, *Power in Movement: Social Movements, Collective Action and Politics*, p. 2.

³³ Rowbotham, 1992, as cited in *Feminist Visions of Development: Gender Analysis and Policy*, eds., Cecile Jackson and Ruth Pearson, (London and New York: Routledge, 1998).

³⁴ *ibid.*, p. 3.

³⁵ Zeyad Othman, “al-Barlaman al-Sowary, al-Marah Wal Tashri' Bayna al-Tajdeed wal-Qawlaba” [The Model Parliament: Women and Legislation Between Renewal and Preservation]. *al-Seyassa al-Falastineyya [Palestinian Politics]*, 19, 1998, p. 62.

³⁶ Hammami and Johnson, “Equality with a Difference: Gender and Citizenship” in *Social Politics: International Studies in Gender, State & Society* 6: p. 314-343.

³⁷ Randa Siniora, (2000) “Lobbying for a Palestinian Family Law: The Experience of the Palestinian Model Parliament: Women and Legislation,” a paper presented to the *International Conference on Islamic Family Law in the Middle East and North Africa, Theory, Practice and the Chances of Reform*, (Amman, Jordan, June 24-25, 2000), p. 2.

³⁸ al-Huda Association, *al-Mara' al-Falastineyya wa Mo'amrat al-'al-a'Maneyyat*, [The Palestinian Woman and the Conspiracy of Secular Women], (al Bireh: al-Huda Association, 1998). [Arabic]

³⁹ Many academics and women’s rights supporters who tried to defend the Mock Parliament used this argument. It was also used by the Governor of Ramallah, who came to read a message of support for women’s rights. The focus of the defense was the call for freedom of expression and women’s right to speak freely.

⁴⁰ It happened that the lawyer who reviewed the laws and submitted her recommendations, which included a civil family law, as well as the head of WCLAC and the project director, were all Christians.

⁴¹ al-Huda Association, *al-Mara' al-Falastineyya*, 1998, p. 4 & 6

⁴² *ibid.*, p. 3.

⁴³ Yazid Sayegh and Khalil Shikaki, “Independent Task Force Report,” *Strengthening Palestinian Public Institutions—Council on Foreign Relations*, (June 28, 1999); Aziz Kayed, “*Takrir Hawl Tadakbol al-Salabeyyat Fi Mo'assat al-Solta al-Wataneyya al-Falastineyya*,” [A Report on The Overlapping of Authority in the Palestinian National Authority], (Ramallah, Palestine: The Palestinian Independent Commission for Citizen’s Rights, 1999, at www.cfr.org).

⁴⁴ Siniora, *Lobbying for a Palestinian Family Law*, p. 6

⁴⁵ Hammami and Johnson, *Equality with a Difference*, p. 314-343; Lynn Welchman, “In the Interim: Civil Society, the *Shari'a* Judiciary and Palestinian Personal Status Law in the Transitional Period,” *Islamic Law and Society* 10, no. 1, (2003), p. 34-69.

⁴⁶ This term appears to have been an Australian neologism invented to refer to a feminist bureaucrat. It is the equivalent of the Scandinavian term “state feminist.” The term originally referred to women who are employed within a state bureaucracy to work on advancing the position of women in the wider society through the advancement of policies supportive of equal opportunity and anti-discrimination. This professionalization of feminism and its incorporation into the state administration have created significant points of tension for feminists who have tended to identify with a popular grassroots women’s movement, and who considered their ideological commitment to be uncompromised by either career advancement motives or by cooptation into agendas of a state which is still under male control. Femocrats are distinguished from female career public servants in non-femocrat positions because the former occupy career positions that feminism has legitimized, such as women working to mainstream gender in the national bureaucracy (Anna Yeatman, *Bureaucrats, Technocrats, Femocrats: Essays on the Contemporary Australian State*. (Sydney: Allen and Unwin, 1990) p. 65.

⁴⁷ On drawing on a similar situation in Africa, Amina Mama juxtaposes femocracy with feminism. In her view, feminism is defined as being the popular struggle of African women for their liberation from

various forms of oppression, and “femocracy,” described as “an anti-democratic female power structure which claims to exist for the advancement of ordinary women, but is unable to do so because it is dominated by a small clique of women whose authority derives from their being married to powerful men, rather than from any actions or ideas of their own” (p. 41). She questions whether “femocracy” can result in improvement of the status of ordinary women or be democratized, as well as whether state structures can act as vehicles for ordinary women's struggles or only serve the elite. See Amina Mama, “Feminism or Femocracy? State Feminism and Democratization in Nigeria,” *Africa Development / Afrique et Développement*, 20, 1995, 37-58.

⁴⁸ Yeatman, *Bureaucrats, Technocrats, Femocrats: Essays on the Contemporary Australian State*, p. 65.

⁴⁹ Anne Marie Goetz, “Women’s Political Effectiveness: A Conceptual Framework” in *No Shortcuts to Power: African Women in Politics and Policy Making*, eds., Anne Marie Goetz and Shireen Haseem (London and New York: Zed Books, 2003), p. 110.

⁵⁰ ‘Alya, personal interview with the author. Ramallah, 25/6/2001

⁵¹ Palestinian Ministry of Cooperation and International Relations, *Palestinian Development Plan (PDP) 1996-1998*, (Ramallah, Palestine: 1996).

⁵² Goetz, ed. *Getting Institutions Right for Women in Development*

⁵³ Khawla, personal interview with the author, *Beirut*, 22/12/2002

⁵⁴ *ibid.*

⁵⁵ Women were close to Marwan Barghouti, a popular *Fatah* leader and PLC member and who is currently serving several life sentences in an Israeli prison.

⁵⁶ Khawla, personal interview with the author. *Beirut*, 22/12/2002

⁵⁷ *ibid.*

⁵⁸ *ibid.* Khawla is an active member of *Fatah* and the WCSW from a refugee camp. Rabiha is from a poor village, as are most of women activists in the WCSW.

⁵⁹ Islah Jad, The ‘NGOisation’ of the Arab Women’s Movement, in (eds.) Andrea Cornwall, Elizabeth Harrison and Ann Whitehead, *Repositioning Feminisms in Development*, IDS Bulletin, Vol 35 No. 4, October 2004.

⁶⁰ Phone call to Amal Khreishe, head of the Palestinian Working Woman’s Society for Development (PWWS) on March 29, 2002.

⁶¹ Islah Jad, “Islamist Women of Hamas: A New Women’s Movement?” In Fereshteh Nouria-Simone (ed.) *On Shifting Ground: Muslim Women in a Global Era*, (Feminist Press, 2005)

⁶² Augustus Richard Norton, “The Future of Civil Society in the Middle East,” *The Middle East Journal* Spring 47, no. 2 (Spring, 1993), p. 205-16; Augustus Norton, ed. *Civil Society in the Middle East*, Vols I and II. (Leiden: E.J. Brill, 1995); S.E. Ibrahim, “Civil Society and Prospects of Democratization in the Arab World” in Augustus R. Norton ed., *Civil Society in the Middle East*, Vol. I. (Leiden: E.J. Brill, 1995); Mustapha K. Al-Sayyid, “A ‘Civil Society’ in Egypt?” *The Middle East Journal* 47, no. 2, (Spring 1993), p. 228-42; Valentine Moghadam, *Women, Work and Economic Reform in the Middle East and North Africa*, (Boulder, CO: Lynne Rienner, 1997).

⁶³ Sari Hanafi and Linda Tabar, “NGOs, Elite Formation and the Second Intifada,” *Between the Lines*, 2, no. 18, (October, 2002), p. 31-37. www.between-lines.org (accessed 17/7/2003)

⁶⁴ Valentine Moghadam, *Women, Work and Economic Reform*, p. 25. Amani Kandil, *Civil Society in the Arab World*. (Washington DC: Civicus, 1995).

⁶⁵ Azmi Bishara, *Mossabaha Fi Nakd al-Mujtam’a al-Madani [A Contribution to the Critique of Civil Society]*, (Ramallah, West Bank: *Muwatin*—The Palestinian Institute for the Study of Democracy, 1996); Aza S. Beydoun, *Nissa wa Jam’iyyat: Libnaneyat Bayna Insaf el-That wa Lbedmat al-Ghayr [Women and Societies: Lebanese Women between Self-Assertion and Caring for the Others]*, (Beirut: Dar el-Nahar, 2002); Mustafa Barghouti, “Munazamat al-Mujtama’ al-Madani wa Dawreha fil-Marhala al-Muqabela” [Civil Society Organizations and their Role in the Coming Era]. A paper presented at the conference, *On the Future of the Palestinian Civil Society*, (Bir Zeit, Palestine: Bir Zeit University, May 13-15,1994); Dawn Chatty and Annika Rabo, *Organizing Women, Formal and Informal Women’s Groups in the Middle East*. (Oxford: Berg, 1997); Yasser Shalabi, *Al-Ta’thirat al-Dawleya ‘ala Tabdid Ro’aa al-Monathmat Ghayr al-Hokomeyya al-Felastineyya wa-Adwareh*.

⁶⁶ Salwa, personal interview with the author. Ramallah, 11-7-2001

⁶⁷ Khan and Hilal, 2004.

⁶⁸ See for example: Islah Jad, “Islamist Women of Hamas”

ARTS UNDER OCCUPATION IN THE WEST BANK AND GAZA STRIP

*Nadia Yaqub**

There is no question that military occupation, in conjunction with displacement, has had a fundamental influence on Palestinian artistic production. Just as occupation and displacement have defined the Palestinian political and social experience since 1948, they have become inextricably imbedded as themes that paradoxically constrain and inspire Palestinian creativity. In addition, the social and political implications of 40 years of military rule have directly affected the nature and quality of institutions supporting the arts in the West Bank and Gaza Strip. Occupation has affected the accessibility and types of training artists receive, the availability and quality of venues for display and performance, and the accessibility of those venues to a Palestinian audience. It has helped to define the materials, both intellectual and physical, with which artists work. Indeed, occupation (again in conjunction with displacement) has impacted the construction, distribution, and interpretation of art as much as its content. Conversely, the various arts have provided Palestinians living in the West Bank and Gaza Strip with a framework for interpreting and responding to occupation.

At the same time, the Palestinian condition is such that the inevitability of working within a transnational as well as a local context is particularly evident in their arts. Artists, writers, and film and theater directors have addressed not only the quotidian challenges of occupation, but also the nature of Palestinian dispersal and its effect on their collective identity. Murid al-Barghuthi tells us that “our homeland is the shape of time we spent in it.”¹ If, as he says, “we have not lived together on our land and we have not died together,”² has statelessness become the single defining characteristic of a Palestinian identity? Indeed, the transnationalism that is integral to the Palestinian experience raises important questions about the term “Palestinian art” itself and the implications of defining creative work in nationalist terms. What is Palestinian art? Who is a Palestinian artist? What are the implications of attaching the word “Palestinian” to the work of artists who reside, are trained, and exhibit, publish, or perform around the world? Can Palestinian artists ever escape the political connotations of their Palestinian-ness? Must the national identity of an artist always be a factor in the reception of creative works? The term also raises questions about the role and responsibilities of artists within their communities, both local and international, questions that have consumed Palestinian artists.³

Being born Palestinian does not mean that an artist must take Palestine as her subject, but living and engaging with the Palestinian experience of occupation and dispossession makes it likely that Palestinian-ness will in one way or another emerge in her art. Palestinian artists are acutely aware of the fact that they have no state, and that “Palestine” is not a clearly defined entity. They understand the need

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for institution-building and their role in participating and commenting on that process. They work hard to build bridges between the diverse communities of Palestinians under occupation, in Israel, and in exile. Finally, within the Territories, the omnipresence of the Israeli wall, settlements, checkpoints, and roadblocks; the enormous amount of time that must be spent in transit or managing the simple tasks of survival; the immediacy of violence; and economic and political breakdown fill the consciousness of Palestinians with an immediacy that demands to be addressed in creative works.

In this article I will outline the ways Palestinian artists have attempted to address some of these issues, and how this in turn has affected their art. In particular, I describe the activist role they have played vis-à-vis institution building within the West Bank and Gaza; and the transnational context in which they operate; their participation in the reclamation of a Palestinian identity after 1967; the ways their art has changed in tandem with the changing structures of occupation; and the dialogic relationship that has existed between the cultural, the social, and the political in their works. The essay is necessarily incomplete, not only because it focuses almost entirely on artists who live and work mostly in the Occupied Territories (thereby excluding most of the work done by Palestinians in Israel and the diaspora who have played important roles in the development of art in the West Bank and Gaza), but also because it gives short shrift to the significant personal, aesthetic, and social work that Palestinian artists have done that is not directly related to issues of collective identity and occupation. A comprehensive appreciation of the artistic production of Palestinians in the West Bank and Gaza must consider these issues as well.

CONTEXT AND INFRASTRUCTURE: INSTITUTION BUILDING, TRANSNATIONALISM, AND AUDIENCE

The occupation has had an obvious impact on the construction of institutions supporting the arts in the West Bank and Gaza Strip. According to the Palestinian Central Bureau of Statistics (PCBS), there were 98 functioning cultural institutions in the Palestinian Territories in 2005.⁴ This translates into approximately one organization, gallery, theater, or center for every 60,000-70,000 residents of the West Bank and Gaza Strip, most of which are clustered in a few major cities.⁵ Moreover, because of travel restrictions, the majority of Palestinians do not have regular access to the production of their own artists. Opportunities for training in the arts within the West Bank and Gaza Strip are also limited. Al-Najah University in Nablus offers programs in music and plastic arts. Birzeit University houses the Edward Said National Conservatory of Music with branches in Jerusalem and Bethlehem, although the Conservatory does not yet offer a university level program. Both Birzeit University and the Islamic University in Gaza offer courses in broadcasting and Al-Quds University houses the Al-Quds University Institute of Modern Media, but there are currently no university-level programs in film, theater, or dance. The International Academy of Art Palestine is scheduled to begin offering higher education in the arts in fall 2007.⁶ Other opportunities for training are offered by foundations, performing groups, apprenticeships and other less formalized programs.

Many of the too few institutions that do exist see themselves as active participants in Palestinian nation building. The Palestine National Theatre (PNT), for example, seeks to “reflect the aspirations of the Palestinian people,”⁷ while

Palestinian ART Court—Alhoash (Hoash) declares as its goal “to form a core for a future Palestinian National gallery in Jerusalem.”⁸ El-Funoun Popular Palestinian Dance Troupe (Funoun) sees its work “as artistic articulations of Arab-Palestinian heritage.”⁹ Sabreen seeks the “development of the Palestinian modern song, reflecting the humanitarian and cultural reality in general, and the suffering endured from the political situation in particular,”¹⁰ while the Khalil Sakakini Cultural Centre aims to organize projects that “express intimately and creatively the Palestinian experience,” and “break the Israeli siege” that prevents Palestinian movement within West Bank.¹¹ Several prominent Jerusalem institutions (e.g., PNT, Hoash, Sabreen, Yabous Productions) have the decidedly political goal of maintaining a Palestinian cultural presence within that city.¹²

The emphasis these organizations place on nationalist endeavors and politics vis-à-vis Israel arises directly from Palestinian historical experience with occupation and the treatment by occupation authorities of the arts. Developments in the visual arts is a case in point. Shortly after the 1967 war, and in the absence of professional exhibition spaces, the League of Palestinian artists, which formed in 1973, began to organize exhibits in schools, libraries, government and union halls, and other public spaces. At first, occupation authorities ignored these events, instead focusing their efforts at control on more politically-oriented events. As a result, art exhibits, as one of the few cultural events that Palestinians could attend, became immensely popular, and in a context of censorship and political repression developed a strong political dimension in themselves. At some events flags or banned political pamphlets were displayed alongside works of art, or the colors of the Palestinian flag were deliberately inserted into paintings, a practice which then came to be banned by the occupation authorities. As a result of that ban, other images, often derived from Palestinian rural life, were invested with political meaning. As Palestinians turned increasingly to visual art as a means of expressing and maintaining a shared collective identity, the military government learned to treat it as political and to censor it, which in turn invested art events with still greater political power.¹³ Thus, art and occupation affected each other, and Palestinian arts institutions, simply by virtue of being Palestinian, were invested with a nation-building dimension.

While this dialogic relationship with occupation authorities has affected the development of Palestinian arts institutions in one direction, the involvement of international donors has exerted another type of influence, particularly in the post-Oslo period. Most Palestinian arts institutions are heavily reliant on international funding, which affects the types of activities they engage in. In a description of a performance by al-Ashtar Theatre for Production and Training (Ashtar), for instance, CARE emphasizes the role theater can play in dealing with trauma and conflict.¹⁴ A Swedish evaluation of that country’s support for Palestinian arts places special emphasis on gender equality and children’s programming.¹⁵ While these interests may well coincide with the goals of Palestinian activist/artists who seek this funding, their effect on the arts scene is not necessarily neutral.¹⁶ Currently many arts programs are directed solely at children or have goals involving the use of art to address specific social needs (e.g., both occupational and psychological therapy, training for the indigent and disabled, youth education).¹⁷

Another stated goal of Palestinian arts institutions is the facilitation of ties between Palestinian artists and the international arts scene. Again, the mission is both political and complex, encompassing the creation of an audience for international art among Palestinians; the education of international artists and arts

organizations around the Palestinian issue; and the “elevation” of Palestinian arts to an international level. For some, this type of engagement performs an important psychological function. Muhammad Ata, a founding member of Funoun, sees engaging with international dance as a way to “break through the strangulation and isolation which the Israeli occupation has imposed on us.”¹⁸

Engagement with the arts internationally fore-grounds the relationship between occupation and Palestinians’ creative work, for it is often precisely when they participate in international events that their stateless-ness is most evident. While this situation pertains to all arts, it is most obvious in film.¹⁹ When Elia Suleiman’s film *Divine Intervention* (2002) began to receive significant critical attention, producer Humbert Balsan considered entering it in the Academy Awards. However, he was told that the film was not eligible for entry because Palestine is not a country, the film had not been selected by an official committee from its own country, and it had not been screened for a full week in a cinema in Palestine.²⁰ Two years later the nomination for an Academy Award of another Palestinian film, Hany Abu-Assad’s *Paradise Now*, raised controversy, not only because of its sensitive subject matter, but because of its claim to be a Palestinian film. Critics argued that the director was not Palestinian but Arab-Israeli, and that the film was a “European co-production.”²¹

These anecdotes point most obviously to the inadequacy of the Academy’s national categories in the transnational context in which many films are created. However, they also illustrate the condition of Palestine filmmaking. The expense and complexity of producing a feature film are such that individuals are rarely able to operate without recourse to multiple public and private funding institutions.²² As a result, Palestinian filmmakers are forced to seek funding from non-Palestinian sources. For similar reasons there exists no infrastructure for training filmmakers or film production. Most well-known directors have learned their art in Israel, Europe or the United States, and most continue to live outside Israel/Palestine. Since there are almost no commercial cinemas in the Territories, there is no system for distributing films, either.²³ About the Palestinian film industry, actor-director Muhammad Bakri says, “Very simply, we do not have one. We have some very talented film-makers, but that’s about it. We have no film schools and we have no studios. We have no infrastructure because we have no country.”²⁴ That Bakri chooses to ascribe the lack of film infrastructure to Palestinian stateless-ness is significant. Of course, Palestinians are not the only people to lack a cinema infrastructure, and while it is true that the lack of a Palestinian state and the infrastructures that could be available under conditions of statehood make it difficult to create films, it is also the case that nation states and their attendant national cinemas are not necessary (or even always desirable), for the creation of feature films. However, by connecting film schools and studios to statehood, Bakri, like the composers of the mission statements of Palestinian arts institutions, alludes to the importance not just of a state to the creation of film, but of film (and other arts) to the eventual founding of a state.²⁵

The transnational context in which Palestinian filmmakers work has also affected the content of their films. Training and experience abroad give these filmmakers an exilic perspective which is only compounded by the fact that most continue to live overseas.²⁶ Moreover, funders may stipulate that their own nationals be hired, thereby internationalizing the film’s crew. Palestinian filmmakers must develop projects that are relevant to the interests of potential backers and are likely to do well in international distribution.²⁷ In this regard

filmmaking exemplifies on a large scale what is true for all the arts, namely that Palestinian artists who aspire to participate in an international art scene must address their work accordingly, a circumstance which immediately raises the question of audience. To whom does an artist speak and to what purpose? In the context of international funding, the question suggests not only the dichotomy between global and local, but issues of class as well, since internationally oriented art often finds its audience among the wealthy and well-educated.²⁸

Since the early 1990s Palestinians have become increasingly interested in international developments in the arts for a number of reasons. The political disappointments that followed the first Intifada, may have been a factor. Technological developments (internet and satellite television) of the 1990s connected Palestinians under occupation with the world in new ways, allowing them to engage virtually with artists outside of Palestine precisely when increasing restrictions on internal travel cut them off from each other. In addition, artists from the diaspora who were already active in international circles began to visit and work in the Territories *as artists*.²⁹ As activists who see their work as fulfilling vital political and social roles in the absence of a state, however, many Palestinian artists who engage internationally do so with an eye toward their local work. Ashtar, for instance, adapted methods originally developed by Augusto Boal in Brazil to create participatory performances that encourages audiences to discuss social and political issues. They have performed these pieces abroad, but since this theater addresses local concerns, the target audience continues to be largely local.³⁰

Integrating methods or ideas from the outside has been easier to achieve in some fields than in others. As an art form, theater is not viewed as specifically Palestinian, so experimentation and the introduction of forms and techniques from abroad have not been controversial.³¹ It can be harder for artists to play with art forms that have explicit ties to notions of Palestinian identity. The case of Funoun is illustrative. From its inception, Funoun defined its mission in nationalist political terms and its audience as the Palestinian masses. Nonetheless, beginning in the early 1990s the group began to engage with other forms of dance. They toured internationally on a regular basis and established relationships with other troupes, invited dancers from abroad to the West Bank, and added ballet and modern dance to their training. However, when the group attempted to incorporate what they learned from these encounters into their 1994 and 1996 performances, they failed. Audiences in the West Bank and Gaza found the new dance, which included less restrictive costumes and new body movements improper. Critics considered the dance inauthentic and dangerously commercial. Funoun responded by retreating in their 1997 performance to more traditional costumes and dance and a safely folkloric theme, the Palestinian wedding.³² Since then, the group has developed a bifurcated strategy such that it continues to improvise and experiment in the secluded space of the dance studio, but is much more conservative in its public performances.³³

Occupation lies at the heart of Funoun's struggle to serve its audience. Because the group continues to define its goals in terms of nation building in the face of continued Israeli encroachment it feels that it must reach a broad audience and perform Palestinian-ness for them. One of the group's choreographer's explains the situation thus: "We are still an occupied people. How can we in this state suddenly do something on stage that the people no longer recognize as theirs? We as artists speak for the nation and we fight with our art against the occupation."³⁴

PALESTINE AS AN ANCIENT AND RURAL LAND

The work of Funoun also exemplifies a particularly important development in Palestinian art, namely, the post-1967 reconstitution of a Palestinian consciousness rooted in folklore, myth, and what was viewed as an ahistorical agricultural heritage.³⁵ The late 1960s saw a surge of art activity and research focused on Palestinian rural culture both inside historical Palestine and in the diaspora. Inspired by poetry written by Palestinians in Israel,³⁶ this work, which continued into the 1980s, was seen as an effort not so much to document dying practices, but to transcribe and sustain a threatened living tradition.³⁷ In the absence of state institutions, creative representations were important to claiming a legitimate and natural history on the land.³⁸ The power of signifiers of rural Palestine (the olive tree, Jaffa orange, and za`tar [wild thyme]; the embroidered dress, *kuḥfiyya* [checked headscarf], and *dabka* [a line dance]) to act as signifiers of a Palestinian nation was enhanced by Israeli censorship policies prior to the first Intifada. Because Israel prohibited overt displays of Palestinian national identity (e.g., the flag or its colors) it unwittingly nurtured the investment of other images, artifacts, and practices with nationalist sentiments.³⁹

Visual artists in the West Bank and Gaza were actively involved in this project. Many of their works depicted rural scenes—villages of stone houses, olive orchards and open fields, and women and men in traditional garb surrounded by the artifacts of rural life such as water jugs, stone architecture, baskets, plows, olive presses, etc.).⁴⁰ Some, such as Sulayman Mansur and Nabil `Anani, were also active in researching Palestinian folk arts and local architecture, which in turn informed their paintings.⁴¹ Palestinian interrogations of rural folk art and practices during this period was not limited to representations, but also included the incorporation of aspects of that culture as building blocks for the creation of something new. Nabil `Anani, for instance, in addition to painting images of Palestinian embroidery, inserted the actual handiwork into his works. In *The Family* (1983), his image is created entirely through stitching. Although the work does not replicate the geometric patterns and cross-stitching of traditional embroidery, his choice of thread as a medium suggests the preeminent status of stitching as a Palestinian art practice.⁴² In other pieces he references the foundational role of traditional embroidery by using it either as an elaborate background or as a frame for his painted images.⁴³ Artists inserted conscious allusions to Canaanite myth into their rural images, thereby articulating Palestinian ties to this ancient culture.⁴⁴ Christian iconography is evoked by a number of artists through images of a Palestinian Madonna and child. Others incorporated Arabic calligraphy into their works, a practice that positioned both artists and the Palestinian images they created within a venerable Arab-Islamic tradition.⁴⁵

The development of Palestinian *dabka* was an integral part of this reconfiguration of the roots of Palestinian identity. *Dabka*, originally a folkdance performed at village celebrations throughout the Levant was not claimed by Palestinians as specifically theirs until after 1967. At that time, the performance of Palestinian *dabka* became an important component of Palestinian *sumud* [steadfastness].⁴⁶ It is within this context that Funoun was formed in 1979. In keeping with the political significance of *dabka* practice, Funoun initially strove to accurately reproduce authentic dance steps. The group soon learned, however, that translating a participatory folk practice into a staged performance required significant adjustments. Women participated in the troupe along with men. The

troupe performed folkloric scenes and narratives and incorporated more elaborate music into their works. By the end of the decade their performances differed markedly from the *dabka* still being performed spontaneously by men at village celebrations. Nonetheless, the steps, the songs, Palestinian village scenes, and the folktales that formed the bases for dance narrative were instantly recognizable to Palestinian audiences.⁴⁷ Funoun's relationship with *dabka* was complex; on the one hand, as a defining practice of Palestinian national identity, *dabka* was a precious art form to be protected from corruption and extinction. On the other hand, as a living tradition, it was theirs to manipulate and adapt to changing times. Like the visual artists who did not reproduce Palestinian crafts and artifacts, but artfully depicted them in their images, Funoun joined *dabka* with other recognizable features from Palestinian rural life in performances that affirmed the importance of that life to a Palestinian consciousness.

Over time, as the political consciousness of Palestinians changed within the context of continued occupation, the nature of Palestinian creative works began to develop in new directions.

In the context of a boycott during the 1987 Intifada on goods coming into the Territories from Israel, a group of Palestinian artists (Nabil `Anani, Taysir Barakat, Sulayman Mansur, and Vera Tamari) began to work with locally available materials such as mud, clay, wood, leather, straw, and henna. Since these materials were all products of the land, or in the case of mud and clay, *were* the land they were imbued with the qualities of authenticity and indigeneity that artists had sought to communicate in their paintings of rural Palestine. Moreover, in the context of this boycott, working with these materials became a political act, a gesture of independence and self reliance.

It is possible that these artists might have begun to work with new media independently of the boycott. Artists on the ground were already feeling the need for a change in the early and mid 1980s,⁴⁸ and Nabil `Anani's incorporation of embroidery into his paintings during this period can be seen as an early step in that direction. Whether or not this development was initially motivated by politics, however, the conditions of occupation under which these artists were working meant that the move inevitably carried political significance. As such, it illustrates what Sacha Craddock calls the double oppression under which Palestinian artists work: that of being physically and politically affected by occupation, and that of feeling pressured both within themselves and from their surrounding community, to make work about it.⁴⁹ Undertaken during the first Intifada, there was no escaping a possible reading of the move to new media in relation to that context. This is not to say that the artists in question rejected that reading, but rather that conditions of occupation denied them the *choice* of escaping it.⁵⁰

NEW ARTICULATIONS IN PALESTINIAN ARTS

The creative works depicting Palestinian rural life from the 1980s were hopeful imaginings rather than documentation. The villages depicted were mostly nameless and lacked the specificities that would allow the viewer to identify them with any real Palestinian places. The peasants and their way of life were, in Swedenburg's words, sanitized. Nonetheless, these works, in conjunction with scholarly projects in folklore, were attempts to define a current Palestinian experience. The artists themselves may not have been plowing fields or carrying water jugs from wells, but there were still Palestinians around them who were doing

so. One of the significant shifts in Palestinian arts in the late 1980s and 1990s was a new trend to document, claim, and interrogate the Palestinian way of life had been lost in 1948. In 1988, for instance, Sulayman Mansur produced a series of abstract images named after villages destroyed in 1948.⁵¹ Vera Tamari began to create images informed by old family photographs. Given intimate titles and sometimes depicting a decidedly sophisticated lifestyle, these works lay a highly personal claim to a pre-1948 cosmopolitanism that contrasts starkly with the images of Palestinian rural life of the earlier period. In *Nicola and Adele* (1994), for instance, a woman sits in an elegant armchair, her feet tucked to the side, her elbow on a slender armrest. Her body inclines gently toward the man in western attire who stands closely behind her. The background colors suggest a lush carpet, high ceilings, and a large window through which passes diffused light.⁵² Similarly, PNT's 1992 production *The Alley* includes scenes from pre-1948 Acre.⁵³ In these works a claim is made to pre-1948 Palestinian life as a component of Palestinian identity. Although this new development was not divorced from the work on Palestinian rural culture—it coincided, for instance, with scholarly projects excavating and documenting the more than 400 Palestinian villages that were destroyed in 1948—it added a significant new dimension to Palestinian conceptions of themselves.⁵⁴ The repertoire of Palestinian images now included a claim to a place in documented history as well as myth and folklore. Just as important, they laid claim to the urban, the cosmopolitan, and the modern as integral components of Palestinian-ness.

After the first Intifada, Palestinians began to examine not only pre-1948 life, but also the *nakba* itself as a defining event in Palestinian history. 1948 had been addressed very early on; among the best known early Palestinian paintings of the *nakba* is Isma`il Shammut's 1953 *Where to?* The painting depicts a man and three children in a barren landscape. The figures are gaunt and clothed in rags and the vegetation is brown. In the middle-ground is a small bare tree. The image does not tell us how or why this small, incomplete family is on the road, and as such it is utterly free of any accusatory gesture. Palestinian treatment of 1948 four and five decades later has differed significantly. In *Father* (1997), Taysir Barakat juxtaposes a vibrant pre-1948 Palestinian life against Israeli responsibility for its erasure. In Barakat's work a series of images from his father's life, beginning in his pre-1948 village and ending with his death as a refugee, are burnt into the wooden drawers of an Israeli army filing cabinet that had originally stored the records of Jewish settlers.⁵⁵ By referencing the Israeli army and early Jewish settlement in Palestine, Barakat's work explains Palestinian dispossession in a way that *Where to?* does not. At the same time, the work suggests the intimate intertwining of Palestinians, Jews, and Israel. Metonymically, the records of the Jews fleeing European anti-Semitism that were once encased in the cabinet suggest the enveloping protection provided those Jews by Israel and its army. At the same time, the burning of the Palestinian images into the wood of the cabinet point to the indelible effect of violence against Palestinians on the Israeli military. The records have disappeared, but the Palestinian images (and the injustices they communicate) will last as long as the cabinet itself. Works like these reflect a new confidence rooted in an understanding of the "unnaturalness" of the history that created the current condition. When Tamari speaks of her work with old photographs as imaginings of what might have been if the *nakba* had not happened, she conveys to us her understanding that history is not fate.⁵⁶

Simultaneous with this engagement with Palestinian history there developed a new understanding among Palestinian artists of their relationship to the

land. For decades, Palestine had been equated with Palestinian rural womanhood. She was the beloved, the bride, and the mother. She was nurturing, fertile and whole. With the political disappointments that followed the first Intifada Palestinian artists depicted the land differently. Now, they produced fragmented images in which scraps of embroidery, calligraphy, archeological objects, and paint were combined to suggest identities that were multifaceted, but no longer whole. Some artists used these methods not only to communicate the fragmentary nature of their selves, but of Palestine as well. Tina Sherwell's *Map of Palestine* (1990), for instance is a collage of scraps on which suggestive words and phrases are roughly sewn together. The overall effect is of a hasty and thoughtless patching together of unrelated elements. Over the whole is traced a delicate geographical map of Palestine whose familiar shape contrasts starkly with the chaos of the underlying scraps. Palestinian embroidery is also negatively evoked in the work's highly visible but intentionally slapdash stitching.⁵⁷ In Sulayman Mansur's 1996 map, *Shrinking Object*, Palestine is not only fragmented, but, shrinking. The shape of historical Palestine is carved out of dried mud and a smaller version of the same shape sits within the negative space. This shrunken Palestine has cracked into five discrete pieces. Two additional cracks in the center piece threaten to further fragment the image.⁵⁸

The nature of the land of Palestine was interrogated in still other ways after the Intifada. In *A Piece of Holy Land*, for instance, Sulayman Mansur questions the fetishization of Palestine by placing soil in an elaborate gilt frame.⁵⁹ Elia Suleiman addresses the same point in his film *Chronicle of a Disappearance* (1996) when he depicts the owner of a tourist shop filling small jars with dirt to be sold as soil from the Holy Land. In both cases it is the overdetermination of Palestine in a religious context that is addressed directly, but the ways in which the land has been fetishized in both Palestinian and Israeli national identity and politics is also suggested. In his latest feature films, Rashid Mashharawi goes even further, questioning the geographical basis of Palestinian identity. A running theme throughout his *Ticket to Jerusalem* (2002) is the homesickness Sana', the protagonist's wife, feels for her old home in a refugee camp in Lebanon. In *Waiting* (2005), the protagonists end their quest to find actors for the new national Palestinian theater stuck in a Lebanese refugee camp with no means of escape. The film suggests that, if the essence of Palestinian-ness is in the waiting that accompanies dispossession, then its purest manifestation can only be found outside the land of Palestine.

Palestinian artists also began to deconstruct their earlier artwork. In Sulayman Mansur's mud piece *Hagar* (1996), for instance, he revisits the connection between land and woman that he had addressed in the 1980s. The later work contrasts markedly with his 1984 painting *Salma*. *Salma* depicts a young woman in traditional dress holding a basket of fruit. Her eyes are oversized, like those of a Canaanite goddess. Beautiful, young, and bearing fruit, she is the image of fertility. *Hagar* is a very different image. As the mother of Isma'il, she is the mythical mother of all Arabs. Fashioned from Palestinian mud, her connection to the land is literal—she *is* the land. However, this land is dry, cracked and utterly barren. Her image is free of ornamentation—even her hair is not depicted—such that she, herself, cannot be identified with any particular nation or culture, but thin lines of red, green, black and white (the colors of the Palestinian flag) mark the picture's frame. Moreover, her name, conjures up not just her status as mother of all Arabs, but also the persecution and exile she suffered at the hands of Sarah, mother of the Jews.⁶⁰ The contrast in the conceptualization of Palestinian-ness and its relationship

to land in these two images is startling. In the first, culture and national identity are naturalized and celebrated. In the second, culture is absent and national identity is pushed to the edge of the frame. Fertility is replaced by barrenness, and the theme of Palestinian displacement is not only present, but mythologized. Just as Barakat's *Father* suggests to the inextricable ways in which Israeli and Palestinian history are intertwined, Mansur's piece alludes to the relationship (this time in mythological terms) between Palestinian Arab and Jew. Mansour also interrogates his own earlier work in his 1999 painting *Olive Pickers*. Here peasants perform the acts of olive picking (standing on ladders, reaching, bending, carrying, etc.) but do so in a grey space utterly devoid of trees or greenery. The image plays directly with his 1984 painting of the same name in which peasants perform nearly identical gestures, but in an orchard that communicates natural plenty.⁶¹

Other artists have approached the symbolism that was central to the earlier artwork with irony, either through satire or through a conscious and detailed exploration of the features of the objects that had been imbued with national significance. As Husni Radwan says, they began to use these images and artifacts not as symbols, but with an awareness of the symbolic meanings they carry.⁶² In filmmaker Rashid Mashharawi's short *Maqluba* (1999), a woman in Palestinian dress cooks this well known dish.⁶³ When the food is complete and turned out onto a serving platter, it flies out the window to hover in the Jerusalem skyline next to the Dome of the Rock. A number of Palestinian national symbols (the stone house, the woman, the embroidered dress, the cooking, the Dome of the Rock) are explicitly united in the film, but they exist in a vacuum. The woman is alone in the film—the house is empty and we never know whom she is cooking for. In the absence of community the symbols are meaningless.

West Bank artist Khalil Rabah has explored one of the most enduring Palestinian national symbols, the olive tree. *Grafting* (1995) consists of Palestinian olive trees transplanted to Geneva. Tree branches are wrapped in colored threads that suggest simultaneously traditional Palestinian embroidery and a bandage, thereby evoking the wounds of uprooted-ness.⁶⁴ In an expansion of this metaphor, the trees became part of a legal case in which Rabah sought the trees' repatriation to Palestinian soil.⁶⁵ In *Incubation* (1995) he explores the ability of Palestinian material objects to evoke their symbolic meaning when reduced to their most elemental forms. Rows of large spools of gilded barbed wire are juxtaposed against a tin platter of olive oil in which spools of colorful thread mimic the larger wire spools.⁶⁶ The instantly recognizable symbols of olive tree and embroidery are reduced to abstractions. In *Tatoo* (1997) Rabah makes a similar exploration into the materiality of the *kuffiya*. By pulling out the black threads that create the headscarf's signature checkered pattern and piling it on top of the scarf like a mass of hair, he reveals a well of femininity in the fabric of this icon of Palestinian masculinity.⁶⁷

These new images of the land, deconstruction of old symbols, and revisiting of 1948 and its consequences have important implications for Palestinian conceptions of self and nation. By expanding notions of what a Palestinian is, as well as the possible relationships that can obtain between a Palestinian and the land, they opened up new spaces for interaction between Palestinians under occupation, in Israel, and abroad, and for addressing the transnational nature of Palestinian-ness generally. Works like *Father* and *Hagar* are also significant in the way they suggest the inextricable entwining of Palestinian and Jewish and Israeli history.

AN URGENT NEED TO TELL STORIES

Palestinian artistic engagement with rural culture and the past have been important for the post-1948 explorations into a Palestinian identity. At the same time, however, engagement with the occupation as lived experience has inspired a different set of creative endeavors, one rooted as much in words as in images, and addressing the compelling need to process the experience of occupation—violence, curfew, roadblocks and checkpoints, imprisonment, Israeli settlements, the Wall—as it has occurred. This has been particularly true of theater which, due to its very nature, exemplifies the dialogic relationship between performance and the political. As a performance art that brings together large groups of people, theater challenges the occupation authority's attempts to restrict movement and assembly. In the pre-Oslo era, attempts by the military government to monitor, control, or prevent these gatherings naturally gave rise to Palestinian attempts to circumvent them. For the theater troupes, it was only a small step from creatively sidestepping these restrictions to incorporating this metaperformative dance between occupier and occupied into the performances themselves. The difficulty of moving around within the Territories has made it impossible for both theater and dance troupes to perform in many areas, and has restricted artists' abilities to interact with each other. In particular, men (who generally face the most stringent restrictions) who participate in performances often do so illegally by sneaking in and out of the towns and villages in which they perform.⁶⁸ Audiences are well aware of these conditions. Thus to perform (and to attend) becomes a political act, giving performances an added urgency and additional layers of meaning.

Palestinians began to produce theater under occupation almost immediately after the 1967 War. From the beginning theater groups were subjected to censorship, harassment, and restrictions on when, where and for whom they could perform. Of the 27 scripts that were submitted to Israeli censors for approval between 1977 and 1984, for example, only 17 passed, and even these had to be partially revised before they could be staged.⁶⁹ Performances were disrupted through curfews, closure of venues, and imposition of house arrest on troupe members. Nonetheless, theater troupes became increasingly productive during this period⁷⁰ In fact, Palestinians rightly saw their work in theater as political engagement. Francois Abu Salim, founding member of both the Balalin and Hakawati troupes makes the connection clear: "I did not go for military training in South Lebanon because I felt that creating theatre would be more effective in keeping our society intellectually awake during the long nation building process."⁷¹

Censorship also affected the nature of the material performed. The majority of original Palestinian plays during the pre-Oslo period were improvised, largely as a means of evading the censor. Often a version of a play would be written specifically for the censor, while the text used varied from performance to performance. Although a creative way of handling adverse circumstances, improvisation has repercussions for the development of a theatrical tradition; if most plays are improvised, then playwrights do not leave behind texts for future generations to work with or study, which has serious implications for institutionalization and the establishment of a historically informed Palestinian theatrical tradition. Censorship also led Palestinian playwrights to resort to symbolism, myth, and allegory as a means of addressing contemporary politics.⁷² In Balalin's participatory performance of *The Darkness*, for instance, a call to communal political action is communicated through exhortations to the audience to assist in

keeping the performance going (e.g., by holding candles to light the stage during a staged electrical outage).⁷³ In Hakawati's production of *The Birds*, occupier and occupied are allegorically represented in the characters of a hunter and two men who have trespassed on his land.⁷⁴ In *Antar*, discrimination against Palestinians is treated in a play about this pre-Islamic hero of a popular romance.⁷⁵

Theater has suffered during the post-Oslo period. Roadblocks and checkpoints have made it difficult for troupes to travel and perform outside their home towns. As a result, production has been effectively ghettoized; the larger troupes based in Jerusalem, Ramallah, and Gaza can only with difficulty reach audiences outside these cultural centers. Meanwhile, small troupes that have sprung up in other areas are highly localized and cannot benefit from the professionalism of the more established theater groups. Most destructive to the viability of these troupes are the closures that often fall suddenly and can last for months. At one point in 2002 members of the troupe Fikra were stranded in Gaza City for three months due to a closure. For similar reasons the group was forced to extend an animation workshop from one month to three.⁷⁶

Inevitably, the content of Palestinian theater has been directly affected by the conditions under which it is performed. Hala Nassar notes that adversity has led Palestinians to use "patchwork as a strategy for survival."⁷⁷ In addition to the often improvised works by Palestinian writers, theater groups borrow heavily from world drama both for plays and methods.⁷⁸ Susan Slyomovics stresses the dialogic relationship between Palestinian staged theater and the drama of Palestinian life under occupation. "Both theater and everyday life are fragmented, open-ended, works-in-progress..."⁷⁹ In each performance, she says, "the act of creating theatre is understood by author and audience as a political act entailing complex analyses of a seemingly hopeless situation,"⁸⁰ In fact, in its effort to simultaneously address artistic and political needs, Palestinian theater has faced challenges similar to those confronting Funoun. Radi Shehadeh, another Hakawati member describes it thus: "The challenge is to express the reality of a harsh and dangerous environment; to put one's fingers in the bleeding wound."⁸¹ As a result, the pressures of occupation actually "force actors and spectators to experiment constantly with performance spaces, environments, music, and texts. Diverse genres and sources are combined—performances draw upon vaudeville, television, commedia dell'arte, shadow theatre, traditional story telling, and the movies, as well as the street theatre all too familiar from daily life."⁸²

For Hakawati, the most prominent Palestinian theater troupe of the 1980s and forerunner to PNT and Ashtar, the politics of everyday life under occupation was a central theme in many of their major productions. Slyomovics describes a 1988 rehearsal for *The Birds* in which boys escaping arrest during a demonstration ran through the theater courtyard, followed by Israeli police. In the midst of tanks, smoke, and noise, a number of theater workers were arrested, but the rehearsal, in which three actors worked on a scene exploring humiliation and the discourses of power, was allowed to continue.⁸³ Thus, events from Palestinian lived experience are mimicked, repeated, commented upon onstage. Hakawati's members were also innovative in the way they brought the power of performance to the street. Radi Shehadeh, for instance, writes of touring a suburb of Jerusalem to announce an upcoming performance through a loudspeaker mounted on a car. "O people of Mukabber, by order of the Theatrical Governor, it is absolutely forbidden to remain at home..."⁸⁴ In this conscious imitation of the Israeli military's method of announcing a curfew, Shehadeh appropriates for himself the power to impose an

“anti-curfew,” thereby transforming occupation through performance. Other productions, such as *The Story of Kufr Shamma* about a Palestinian who searches in vain for the traces of his destroyed village, explicitly address the relationship of art to Palestinian identity. “If we do not tell the story, the story, like the village, will disappear.”⁸⁵

In fact, this urgent need to tell stories is expressed by a number of Palestinian artists. Steve Sabella makes this point in connection with his collaborative project *Kan Ya Ma Kan* which consists of five decorated boxes, each of which tells a story in moving images: “As long as there will be people who tell the story, the same story, the nation will continue to survive.”⁸⁶ These statements refer to one imperative to story telling that Palestinians face, that is, the importance of story telling (and other creative endeavors) for the sustenance of identity. The experiences of occupation may be painful, but they are the shared experiences of Palestinians in the West Bank and Gaza; they are, to return to Barghuthi’s words, “the shape of the time” that Palestinians have spent together. Thus, the telling of these stories is a way of acknowledging and confirming the collective nature of these experiences.

TRANSFORMING REALITY

There is, however, another compelling reason for Palestinian storytelling, namely the need to transform reality. This second urge is particularly visible in the works of filmmaker Rashid Mashharawi who has made more than 20 films, including four features, chronicling Palestinian life under occupation.⁸⁷ *Curfew* (1993) is about a family trapped in their apartment during a military-imposed curfew. In *Haifa* (1995) he addresses the refugees’ loss of dreams and hopes by mirroring in the personal tragedies of his protagonists the diminished aspirations of Palestinian negotiators during Oslo. His 2002 feature *Ticket to Jerusalem* focuses on problems of mobility and the sustenance of a Palestinian community in Jerusalem.⁸⁸ In *Waiting* (2006), a theater crew travels to refugee camps in search of actors for a new National Theater in Gaza. Nurith Gertz notes that Mashharawi’s films are characterized by intentional and mimetic repetition that effectively evokes life under occupation. Time has stopped in his films, and people’s lives do not change, except to grow more intensely constricted.⁸⁹ However, his films are not without a humor that relates to another theme that runs through his work, that of the redemptive power of art. Like the films of Elia Suleiman and Hany Abu-Assad, Mashharawi’s work is often self-reflexive, taking as their subject the efficacy of filmmaking and the filmmaker himself. Moreover, his characters draw, tell tales, dream, and show films, and their insistence on continuing to do so forms a sort of resistance.⁹⁰ The juxtaposition of these two motifs—the claustrophobia of occupation and resilient creativity is not accidental. Creation is an act of transformation, and as such it is a means of seizing control.

This need to transform lies behind many artists’ engagement with the apparatuses of occupation. Diverse needs and aims inform the transformational process. On an elemental level, artists feel a need to document for themselves the violence perpetrated against them, to communicate that perpetration to others, and to accuse their perpetrators. For some artists their work is a process through which they transform the anger and fear that arise from their encounter with occupation into something constructive and empowering. There can also be a didactic element to this process, an effort to prevent a Palestinian identification with this violence.

This last and perhaps most important goal is achieved through irony, the process of rendering occupation strange in order to open up a space for Palestinians to imagine other realities. How these needs are implemented can be seen in any number of Palestinian works of art, but I will limit my discussion to artistic responses to just two events, the 2002 Israeli invasion of Ramallah and the ongoing construction of the Israeli Wall.

Vera Tamari was driven to create her 2002 installation *Going for a Ride?* after the Israeli invasion of Ramallah during which 700 Palestinian cars were destroyed. For Tamari, the experience was personal: “[S]eeing my friend Liza’s Volks Wagon (sic) Beetle as I peeked from behind the shutters of my window one morning made me shudder. That quaint red car in which we often rode was visibly smashed. It was lying on its hood wheels up—almost like a real dead beetle.”⁹¹ In an empty field, Tamari built a short piece of road without beginning or end and placed along it several of the smashed cars, which she carefully polished and animated with decorations, news broadcasts, and music. Her impulse to create art out of this act of violence was direct and political: “I wanted to give those cars a voice - an ironic reflection on the unnecessary nature of violence whose authors were the Israeli occupation forces.”⁹² Moreover, the transformation of violence into art was meant not only for the Palestinians who had experienced the events of 2002; Tamari’s audience included the residents of an Israeli settlement that overlooked the site. Her art, then, was in part a performance for the Israeli gaze.⁹³

The power in Tamari’s work lies both in the absurdist idea of treating smashed cars as art and in her work to polish, decorate, and animate the vehicles with sound; both acts reveal the unnatural-ness of the cars’ destruction. Cars carry within them elements of both mobility and domesticity. They are designed to move people and things from one point to another. As privately-owned enclosed spaces, they also create small private spaces that their owners often embellish with features that connote home (curtains, boxes of tissues, decorations, music, etc.). By highlighting the impossibility of movement and the futility of adornment in her installation, she also highlights the ways in which occupation has rendered the Palestinian condition unnatural.⁹⁴

Another work, the collaborative exhibit *Eyewitness*, also consists of a transformation of the detritus of the 2002 invasion. Boullata writes of the exhibit, “The texts accompanying the irreparably damaged objects in *Eyewitness* sought to repair a metaphoric meaning from them. Ramifying the announcement that ‘the best days are yet to come’ the suggestive metaphors of the exhibition’s graffiti went beyond the observable object to call the viewer as a witness to what may be imagined.” However, in her review of the exhibit, Penny Johnson notes the wide variety in viewers’ reactions and interpretations.⁹⁵ Not all viewers took the artists’ encouraging and optimistic statements to heart, but many did use the occasion as a time to reflect and interpret their own experiences with the violence.

The massive barrier that Israel has been constructing to separate Palestinians and Israelis has been a particularly visible marker of occupation in recent years. As such it has engaged artists in a number of ways. Palestinians have grappled with how to deal with the materiality of the wall in their presence. They have debated whether to decorate the wall as a coping strategy or an act of defiant *sumud*, or to let it stand unadorned as monumental evidence of the injustices perpetrated against them.⁹⁶ The controversy underscores a dilemma inherent in the act of creating under conditions of violence, namely, how does an artist convey the

magnitude of that violence when the very act of creativity can, paradoxically normalize a monstrosity or suggest an ability to cope?

In his documentary *The Last Supper—Abu Dis* (2005) Issa Freij attempts to communicate the psychological and physical toll exacted on the residents of a village as it is encircled by the wall. Through images and interwoven personal narratives, the film illustrates the human impact of this act of violence. Photographer Rula Halawani's treatment is more intimately personal. She writes of her need to create images of the wall in response to its monumental ugliness:

I started documenting the wall almost from when they started building it, but each time I developed the pictures, all that showed was its ugliness and my anger. Then the wall reached Qalandia checkpoint. They started building it right in the middle of the road, my road to work. I had always fantasised that one day we would plant trees in the middle of that road. Once it reached Qalandia, the wall reached me and found my fear. They put down the wall's foundations, stopped for a while, and then put it up block by block along the middle of the road. I wanted to photograph the wall at night. Maybe to let it know I wasn't scared. I went. The wall was so ugly, and the land sad and scarred. There were only soldiers, heavy machines, and the sound of dogs barking. I was terrified and desolate. I took the photographs during the daytime, but my memory of that night was in them.⁹⁷

Halawani's photographs document both the wall and her anger at its construction. In every image, the concrete structure extends beyond the frame in a barren, unpeopled landscape. Puddles of standing water and the occasional broken tree branch suggest environmental neglect. An unsettled sky in one photograph, and the over-bright reflection of light on water that brings to mind a chemical spill on another heighten the sense that the structure is a violation of the natural order.⁹⁸

While Halawani's images are viscerally emotional, Artist Khalil Rabah's treatment of the same subject is ironic. As a part of his ongoing project the Palestinian Museum of Natural History and Humankind, he held an auction in 2004 of objects taken from the Wall's environment. "I was in Berlin three years ago. I was walking around and I saw the trace of the [Berlin] Wall. People selling these things. It was three years ago they started building the wall at home. What hit me was the absence of it. This presence can be absent. How do I deal with it? So then I said: I am going to sell the wall. I wanted to auction the wall because I didn't want it to be a natural institution where people paint on it. Let's sell it. Get rid of all of it."⁹⁹ Auctioning off artifacts from the Wall does not in and of itself bring about its removal, but claiming that agency, and connecting the Israeli wall with another historic wall places the Israeli wall within history, thereby confronting its monumental presence with the transformational nature of time.

CONCLUSION

I began by stating that occupation has both constrained and inspired Palestinian artists. On the one hand, it has thrown obstacles in the way of the development, practice, and dissemination of Palestinian creative works. On the other hand, it has engaged artists with its immediacy. What I hope to have shown

is the complexity of engaging in creative acts under occupation. Questions of audience—the responsibility artists feel to the local, transnational, and international; social engagement; the construction and critique of identities; and the process of state building in conjunction with an immediate need to process the violence that confronts Palestinians have both complicated the process of making art in the West Bank and Gaza and invested it with an unavoidable urgency.

ENDNOTES

The author thanks the anonymous readers of this article for their insightful comments and generous guidance.

¹ Murid Barghuthi, *I Saw Ramallah* (New York: Anchor Books, 2000), p. 41.

² *ibid.*, p. 163.

³ The artist Husni Radwan, for instance, prefers to speak of “Palestinian experiences with art” rather than of “Palestinian art.” For more details see *Paltel Virtual Gallery*, “Husni Radwan Interview,” <http://virtualgallery.birzeit.edu/media/video?item=71947>, (accessed 20 July, 2007).

⁴ *Palestine Central Bureau of Statistics*, “Number of Museums, Public Libraries, Cultural Centers, Theatres and Cinemas in Operation by Region, 1998- 2005,” http://www.pcbs.gov.ps/Portals/_pcbs/culture/cul2.htm, (accessed April 5, 2007)

⁵ PCBS figures suggest that by 2004 Palestinian institutions began to recover from the Aqsa Intifada, but they have not yet reached the level of activity of the late 1990s. See Palestine National Authority, *Palestinian Central Bureau of Statistics*, “Time Series Statistics,” <http://www.pcbs.gov.ps/DesktopDefault.aspx?tabID=3785&lang=en>, (accessed April 5, 2007).

⁶ International Academy of Art Palestine, <http://www.artacademy.ps/>, (accessed July 27, 2007).

⁷ *Palestine National Theatre*, “Mission,” <http://www.pnt-pal.org/mission.php>, (accessed July 26, 2007).

⁸ *Palestinian ART Court—Alboash*, “About Alhoash,” <http://www.alhoashgallery.org/aboutus.shtml>, (accessed July 26, 2007).

⁹ *El-Funoun Palestinian Popular Dance Troupe*, “The Vision,” <http://www.el-funoun.org/vision/vision.html>, (accessed July 26, 2007)

¹⁰ *Sabreen*, “Sabreen Group,” http://www.sabreen.org/about_sabreen.html, (accessed July 26, 2007).

¹¹ *Khalil Sakakini Cultural Centre*, “General Information,” <http://www.sakakini.org/aboutus/general.htm>, (accessed July 26, 2007).

¹² These goals arise not only from the city’s contested political status, but also from the increasing isolation Palestinian Jerusalemites feel as a result of the continued construction of Israeli settlements around East Jerusalem, the movement of settlers into Palestinian neighborhoods of the old city, the construction of the Wall, and increased restrictions that have effectively stopped Palestinian travel between Jerusalem and the West Bank. On the isolation of Arab Jerusalem, see Nazmi Al-Ju`be, “The Ghettoization of Arab Jerusalem,” *Jerusalem Quarterly File*, 16 (2002); Institute of Jerusalem Studies, <http://www.jerusalemquarterly.org/details.php?cat=2&id=160>, (accessed July 20, 2007).

¹³ Kamal Boullata, “Art Under Siege,” *Journal of Palestine Studies*, 33 no. 4 (2004), p. 71-2; Kamal Boullata, *Istihbar al-makan: dirasah fi al-fann al-tasbkili al-filastini al-mu`asir* (Tunis: al-munazamah al-`arabiyah li-al-tarbiyah wa-al-thaqafah wa-al-`ulum, 2000), Gannit Ankori, *Palestinian Art* (London: Reaktion Books, 2006), p. 69 & 228, n. 9.

¹⁴ CARE USA Marketing and Communications Department, “CARE USA 2004 Annual Report,” <http://www.care.org/newsroom/publications/annualreports/2004/2004annualreport.pdf>, (accessed July 26, 2007).

¹⁵ Kajsa Pehrsson, *Performing Arts Under Siege: Evaluation of Swedish Support to Performing Arts in Palestine 1996-2003*, (Stokholm: Swedish International Development Cooperation Agency, 2003), p. 11-12.

¹⁶ Indeed, international funding of Palestinian arts groups has affected these groups in complex and sometimes unexpected ways. Kaschl, for instance, describes how Funoun’s engagement with international funding sources not only led to further institutionalization of the group and encouraged its engagement with a global dance scene, but also was a factor in its contentious relations with the PA. Elke Kaschl, *Dance and Authenticity in Israel and Palestine : Performing the Nation*, (Leiden: Brill, 2003), p. 125.

¹⁷ See the mission statements of *Theatre Day Productions* (“Ayyam al-Masrah,” <http://www.theatreday.org/page1.html>, [accessed July 26, 2007]); *The Palestine National Theatre*, “Mission,” <http://www.pnt-pal.org/mission.php>, [accessed July 26, 2007]; *The Khalil Sakakini Cultural Centre*, “General Information,” <http://www.sakakini.org/aboutus/general.htm>, [accessed July 26,

2007)); and *Yabous Productions*, "Aims and Objectives," <http://www.yabous.org/>, [accessed July 26, 2007]).

¹⁸ Kaschl, *Dance and Authenticity*, p. 127.

¹⁹ See, for instance, Sandi Hilal and Alessandro Petti's experience at the 2003 Venice Biennale recounted in Christopher Hawthorne "The Venice Biennale's Palestine Problem," *New York Times*, (June 1, 2003), Late Edition [East Coast], <http://www.proquest.com/> [accessed July 26, 2007];

"Interview With Sandi Hilal," *Paltel Virtual Gallery*,

<http://virtualgallery.birzeit.edu/media/video?item=13620>, [accessed July 26, 2007].

²⁰ Judith Gabriel, "Chronicles of Dark Humor: Palestinian Filmmaker Snubbed by Oscar," *Al-Jadid*, <http://leb.net/~aljadid/features/0841gabriel.html>, (accessed March 20, 2007).

²¹ Xan Brooks, "We Have No Film Industry Because We Have No Country," *The Guardian*, <http://film.guardian.co.uk/features/featurepages/0,1752076,00.html>, (accessed March 20, 2007).

In fact, both Sulaiman and Abu Assad are originally from the Galilee, although both have addressed occupation directly in their films. The fact that the PA chose to submit Abu Assad's film for consideration rather than, say, Mashharawi's *Waiting* which was released the same year highlights both a conscious strategy of inclusiveness vis-a-vis Palestinians of all backgrounds and residencies, and the transnational force on Palestinian filmmaking generally; *Paradise Now* was released in the United States whereas *Waiting* was not, a circumstance that was surely a factor, although not a requirement, for the former's nomination.

²² Funding for Abu Assad's *Paradise Now*, for instance, was provided by Nederlands Fonds Voor De Film, Filmstiftung NRW, Eurimages, Medienboard Berlin-Brandenburg GmbH, Action Preparatoire 12I de la Commission Europeene, World Cinema Fund. Warner Brothers Independent Pictures, "Paradise Now," <http://wip.warnerbros.com/paradisenow/>, (accessed February 10, 2007).

²³ According to the PCBS there are three cinemas in the West Bank and Gaza Strip. See "Number of Museums, Public Libraries, Cultural Centers, Theatres and Cinemas In Operation by Region, 1998-2005," *Palestine Central Bureau of Statistics*, http://www.pcbs.gov.ps/Portals/_pcbs/culture/cul2.htm, (accessed April 5, 2007).

²⁴ *ibid.*

²⁵ Palestinians have begun to build a cinema infrastructure. Since 1996 filmmaker Rashid Mashharawi has run a mobile cinema that screens films in refugee camps in the West Bank. He also started the Cinema Production Center through which he has helped young filmmakers develop their first shorts. The Palestinian Audiovisual Project (PAV), another institution-building project is an ambitious program designed to train Palestinian filmmakers, educate Palestinians in the aesthetics of cinema, and facilitate the distribution of Palestinian films to a Palestinian audience. Since its founding in 2004, PAV has run workshops for aspiring Palestinian filmmakers; funded and provided AV equipment, films, and teacher training to Palestinian schools; and created cinema clubs throughout the region. The organization also plans to publish and distribute a number of Palestinian films. See "Palestinian Audio-Visual Project," *A.M. Qattan Foundation*, <http://www.qattanfoundation.org/pav/en/index.asp>, (accessed April 3, 2007).

²⁶ Hamid Naficy, *An Accented Cinema: Exilic and Diasporic Filmmaking*, (Princeton, NJ: University of Princeton Press, 2001).

²⁷ *ibid.*, p. 156-7; Omar Al-Qattan, "The Challenges of Palestinian filmmaking (1990-2003)," in *Dreams of a Nation: On Palestinian Cinema*, ed. Hamid Dabashi, (London: Verso, 2006), p. 128

²⁸ The intersection of international funding and class in the West Bank and Gaza is described in detail by Rema Hammami. See "Palestinian NGOs Since Oslo: From NGO Politics to Social Movements?" *Middle East Report*, No. 214, (Spring, 2000), p. 16-19, 27, 48.

²⁹ Muna Hatoum, for example, held her first exhibit on Palestinian soil at Anadiel Gallery in Jerusalem in 1996. See Kamal Boullata, "Art Under Siege," p. 73.

³⁰ Information about Ashtar's work is available in their various publications which are available at "Ashtar—Publications," *Ashtar for Theatre Production and Training*, <http://www.ashtar-theatre.org/publications/publications.html>, (accessed July 20, 2007).

³¹ Although there was a theater tradition in pre-1948 Palestine, these works have not survived. Moreover, as an urban rather than a rural art form, theater was never invested with the national authenticity that came to characterize dance. For more on early Palestinian theater, see Hala Nassar, "Stories from Under Occupation: Performing the Palestinian Experience." *Theatre Journal* 58 (2006): 15-37; Reuven Snir, "The Emergence of Palestinian Professional Theatre After 1967: Al-Balalin's Self-referential Play *Al-Atma* (The Darkness)," *Theater Survey* 46 no. 1 (2005), p. 5-29.

³² Kaschl, *Dance and Authenticity*, p. 130-7

³³ *ibid.*, p. 149.

³⁴ *ibid.*, p. 153.

³⁵ That this development was a reconstitution and not a creation *ab ovo* of a Palestinian consciousness must be emphasized. As the work of Rashid Khalidi makes clear, Palestinian identity existed well before the *nakba* and construction of the state of Israel. See *Palestinian Identity: The Construction of a Modern Consciousness*, (New York: Columbia University Press, 1997).

³⁶ Ted Swedenburg, "The Palestinian Peasant as National Signifier," *Anthropological Quarterly* 63 no. 1, (J1990), p. 20.

³⁷ *ibid.*, 20-1.

³⁸ *ibid.*, p. 24.

³⁹ Swedenburg, "Palestinian Peasant," p. 24.

⁴⁰ See, the works by artists from the West Bank and Gaza in Isma`il Shammut, *Al-Fann al-Tashkili Fi Filastin* (Kuwait: matba` al-quds, 1989), p. 171-193. Useful online sources for digital images of Palestinian art include the online library at the *Paltel Virtual Gallery* (http://virtualgallery.birzeit.edu/education_online_library); the Visual Arts page of the *Khalil Sakakini Cultural Centre* website (<http://www.sakakini.org/visualarts/visualarts.htm>); The *Alhoash Palestinian Artwork Collection Database*

(<http://www.alhoashgallery.org/index.php?action=dosearch&type=artwork>); the websites for the exhibit "Made in Palestine," curated at the Station Museum in Houston, TX in 2003 (http://www.stationmuseum.com/Made_In_Palestine/Made_In_Palestine.htm); and for the exhibit "Occupied Space – Art for Palestine" Palestine" curated at Gallery 27 in London in 2006 (<http://www.occupiedspace.org.uk/>).

⁴¹ Ankori, *Palestinian Art*, p. 67-8.

⁴² Shammut, *Al-Fann al-Tashkili*, p. 192.

⁴³ Ankori, *Palestinian Art*, p. 64. `Anani's use of embroidery also highlights a gendered appropriation of the images in Palestinian embroidery which had always been (and indeed continues to be) a feminine art. Once embroidery and the images created within it had been identified as emblems of a public Palestinian identity, male artists could participate in the task of creating those images.

⁴⁴ *ibid.*, p. 62.

⁴⁵ See, for instance, plate 1 in Isma`il Shammut on p. 192 and `Anani's mixed media image in the *Paltel Virtual Gallery*, http://virtualgallery.birzeit.edu/media/photo?photo_id=160481, (accessed July 21, 2007).

⁴⁶ *ibid.*, p. 102.

⁴⁷ *ibid.*, p. 103-10.

⁴⁸ Ankori, *Palestinian Art*, p. 230, n.27.

⁴⁹ Craddock, Sacha, "Palestinian Artists Are Oppressed Twice Over," *The Independent on Sunday*, (July 25, 2004), Look Smart Find Articles,

http://findarticles.com/p/articles/mi_qn4159/is_20040725/ai_n12757612, (accessed 24 July, 2007).

⁵⁰ In this regard the debate between Palestinian artists and German scholars that took place during the 2004 Goethe Platform, "Art and War" in Ramallah is relevant. Palestinians were challenged to move beyond the politics of victimhood. See "Round Table I" and "Round Table II," *Paltel Virtual Gallery*, http://virtualgallery.birzeit.edu/education_talks_and_seminars, (accessed July 21, 2007).

⁵¹ Ankori, *Palestinian Art*, p. 82.

⁵² The work can be seen at "Visual Arts Library: Nicola and Adele," *The Legacy Project*, http://www.legacy-project.org/index.php?page=art_detail_large&artID=734&num=1, (accessed July 21, 2007). More information on Tamari's work with family photographs is available at "Vera Tamari Interview," in *Paltel Virtual Gallery* http://www.legacy-project.org/index.php?page=art_detail_large&artID=734&num=1 (accessed July 21, 2007) [In Arabic].

⁵³ Nassar, "Stories from Under Occupation," p. 25.

⁵⁴ See Walid Khalidi's *All That Remains: the Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington, D.C.: Institute for Palestine Studies, 1992). For more on Palestinian memory books see Susan Slyomovics, *The Object of Memory: Arab and Jew Narrate the Palestinian Village* (Philadelphia: University of Pennsylvania Press, 1998).

⁵⁵ Salwa Mikdadi-Nashashibi, "Palestinian Artists Working Under Siege," in *Made In Palestine*, Exhibition Catalogue (Houston: Ineri Publishing, 2003), p. 71.

⁵⁶ "Vera Tamari," *Darat al Funun Khalid Shoman Foundation*,

<http://www.daratafunun.org/main/resourc/exhibit/vera/vera.html>, (accessed July 21, 2007)

⁵⁷ Ankori, *Palestinian Art*, p. 14.

⁵⁸ "Shrinking Object," *Paltel Virtual Gallery*

http://virtualgallery.birzeit.edu/media/photo?photo_id=11387, (accessed July 21, 2007).

- ⁵⁹ Tina Sherwell, "Topographies of Identity, Soliloquies of Place" *Third Text* 20 no. 3/4 (2006), p. 432, 434
- ⁶⁰ Ankori, *Palestinian Art*, p. 58, 61-2, 84-6
- ⁶¹ Tina Sherwell, "The Power of Place and the Representation of Landscape in the Work of Palestinian Artists," *Paltel Virtual Gallery*, <http://virtualgallery.birzeit.edu/media/artical?item=11773>, (accessed July 21, 2007). Both images can be seen at the *Paltel Virtual Gallery*, http://virtualgallery.birzeit.edu/media/index-m?col_id=11457&col_title=ARTISTS&author=Sliman+Mansour&start=0#, (accessed July 21, 2007). Ankori (p. 73) identifies the earlier painting as *Olive-Picking* (1987). I could not verify which title and date are correct.
- ⁶² "Husni Radwan," *Paltel Virtual Gallery*, <http://virtualgallery.birzeit.edu/media/video?item=71947>, (accessed July 26, 2007) [In Arabic].
- ⁶³ I do not have space here to address the treatment of food in Palestinian art, but it has been an important theme in both plastic arts and film.
- ⁶⁴ Ankori, *Palestinian Art*, p. 156-7.
- ⁶⁵ Sherwell, "Topographies of Identity," p. 436
- ⁶⁶ Ankori, *Palestinian Art*, p. 162
- ⁶⁷ *ibid.*, p. 165.
- ⁶⁸ Nicholas Rowe, "The Choreography of Occupation," *Counterpunch*, <http://www.counterpunch.org/rowe08302003.html>, (accessed March 7, 2007).
- ⁶⁹ Snir, "Emergence of Palestinian Theatre," p. 6.
- ⁷⁰ *ibid.*, p. 11.
- ⁷¹ *ibid.*, p. 13.
- ⁷² *ibid.*, p. 7.
- ⁷³ *ibid.*, p. 18.
- ⁷⁴ Susan Slyomovics, "To Put One's Finger in the Bleeding Wound: Palestinian Theatre Under Israeli Occupation," *The Drama Review* 35 no. 2 (1991), p.21.
- ⁷⁵ *ibid.*, p. 24.
- ⁷⁶ Pehrsson, *Performing Arts Under Siege*, p. 26.
- ⁷⁷ Nassar, "Stories from Under Occupation," p 16.
- ⁷⁸ Pehrsson, *Performing Arts Under Siege*, p. 10.
- ⁷⁹ Slyomovics, "To Put One's Finger," p. 20.
- ⁸⁰ *ibid.*, p. 34.
- ⁸¹ *ibid.*, p. 23.
- ⁸² *ibid.*, p. 34-5.
- ⁸³ *ibid.*, p. 20-1. *The Birds* is a political allegory focusing on the loss of Palestinian lands, the younger generation's rebellion, and the complicity of their fathers with occupation.
- ⁸⁴ *ibid.*
- ⁸⁵ *ibid.*, p. 33.
- ⁸⁶ Steve Sabella, "Kan Yama Kan," Jerusalem in Exile—Tangible Memories", <http://www.sabellaphoto.com/kan%20yama%20kan%20text.htm>, (accessed July 20, 2007).
- ⁸⁷ There are several other Palestinian filmmakers who have produced fictional feature films, including Hany Abu Assad, Tawfiq Abu Wa'il, Hanna Elias, Michel Khleifi, `Ali Nassar, and Elia Suleiman. However, all are Palestinians from Israel and reside in Israel, Europe, or the United States. Rashid Mashharawi, on the other hand, was born in a refugee camp in Gaza and currently lives in the West Bank.
- ⁸⁸ Nurith Gertz, "The Stone at the Top of the Mountain: the Films of Rashid Masharawi," *Journal of Palestine Studies*, 34 no. 1 (2004), p. 25-7.
- ⁸⁹ *ibid.*, p. 27.
- ⁹⁰ *ibid.*, p. 33-4.
- ⁹¹ "Going for a Ride?" *Paltel Virtual Gallery* <http://virtualgallery.birzeit.edu/media/artical?item=11776>, (accessed July 20, 2007).
- ⁹² *Ibid.*
- ⁹³ "Vera Tamari Interview," *Paltel Virtual Gallery* <http://virtualgallery.birzeit.edu/media/video?item=68138>, (accessed July 20, 2007) [In Arabic].
- ⁹⁴ There are other ways to interpret this work. Tamari's decoration of the cars can be read as an act of defiance. In this case, for both Palestinian and Israeli audiences, the installation communicates the indomitability of the Palestinian spirit. Tamari herself says of her installation that the Israeli occupation "cannot destroy our will to travel in our minds and feelings and to have joy in our dreams." See Penny Johnson, "Ramallah Dada: The Reality of the Absurd," *Jerusalem Quarterly File*, 16

[2002], Institute of Jerusalem Studies, <http://www.jerusalemquarterly.org/details.php?cat=5&id=164>, (accessed July 20, 2007). More sinisterly, the work can be read as an expression of Palestinian failure. These Palestinian cars are irreparably destroyed, and thus efforts to clean and decorate them are futile. Moreover, they are situated on a road that leads nowhere, perhaps a reference to the failure of Palestinian politics.

⁹⁵ *ibid*

⁹⁶ Amelia Thomas, "A Canvas for Protest and Peace," *Christian Science Monitor*, (September 21, 2005), <http://www.csmonitor.com/2005/0921/p13s01-alar.html?s=widep>, (accessed July 28, 2007)

⁹⁷ "Wall," *Paltel Virtual Gallery*, http://virtualgallery.birzeit.edu/media/photo?photo_id=45652, (accessed July 28, 2007)

⁹⁸ "Rula Halawani," *Paltel Virtual Gallery*, http://virtualgallery.birzeit.edu/media/index-m?col_id=11457&col_title=ARTISTS&author=Rula+Halawani, (accessed July 28, 2007)

⁹⁹ Stanley Milan, "Displacement and Re-placement," Cultureplace.net, <http://www.culturebase.net/artist.php?164> (accessed July 20, 2007)

DYNAMICS OF RESISTANCE: THE APARTHEID ANALOGY

*Nancy Murray**

As the Israeli occupation approached its 40th anniversary, the controversy surrounding *Palestine Peace Not Apartheid* has taken the occupation and its impact on the Palestinian people from the margins of public consciousness to the mainstream. Jimmy Carter's book has provoked a barrage of hostile op eds, full-page Anti-Defamation League ads in the *New York Times*, *Los Angeles Times* and *Washington Post*, Democratic Party denunciations, widely-publicized resignations from the Carter Center advisory board and a lively Internet debate, all of which have helped sweep the architect of peace between Israel and Egypt onto the best seller list. He has been accused of anti-Semitism and bigotry.

Some readers may have a hard time squaring Carter's praise for Israeli democracy and his repeatedly expressed concern for Israel's welfare with the vitriol that has been directed against him. But anyone familiar with the contours of "establishment" discourse on the Palestinian-Israeli conflict in the United States will understand why his mixture of memoir and blueprint-for-peace appears so explosive. Carter broke several taboos when he asserted that pro-Israel groups in the United States stifle debate, that US newspapers rarely present pro-Palestinian viewpoints, that Israel is a human rights abuser in its occupation practices and that "Israel's continued control and colonization of Palestinian land have been the primary obstacles to a comprehensive peace agreement in the Holy Land."¹ And never before has a former White House occupant been openly critical of "the condoning of illegal Israeli actions from a submissive White House and US Congress."²

However, it was not the overall content, but his use of the word "apartheid" that precipitated "a full-scale furor."³ Abraham Foxman, the national director of the Anti-Defamation League, declared that Carter used the word in the title to "de-legitimise Israel, because if Israel is like South Africa, it doesn't really deserve to be a democratic state. He's provoking, he's outrageous and he's bigoted."⁴ In the text, Carter described one of the options facing Israel as "a system of apartheid, with two peoples occupying the same land but completely separate from each other, with Israelis totally dominant and suppressing violence by depriving Palestinians of their basic human rights."⁵ He used the word only three times in the text and applied it only to the occupation (which he did indeed hope to "de-legitimise"), and not to Israel itself, which he held up as the embodiment of "the ancient culture and moral values of the Jewish people."⁶ He also shielded Israel from the charge of racism by making the questionable assertion that "the driving purpose for the forced separation of the two peoples is unlike that in South Africa – not racism, but the acquisition of land."⁷ In apartheid South Africa, 87 percent of the land was set aside for the minority white population, and racial

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ideology – perceiving the other as an essentially inferior “demographic threat” -- was not so much a “purpose” as a tool to achieve that end.

When critics like Foxman pin words like “outrageous” to Carter’s tentative use of the apartheid analogy, they imply that he has entered a wholly new terrain beyond the bounds of all reasonable discourse and hence must be stopped in his tracks. In fact, that terrain has been well-traveled by scholars and activists who have for decades examined both the parallels between apartheid practices in South Africa and Israel and the relationship between Israel and apartheid South Africa. What *is* new is the movement now taking shape behind an “anti-apartheid” banner: it is this that accounts for the intensity of the attack on the 82-year-old Nobel Peace Prize winner.

This paper will examine the historical context underpinning the apartheid analogy and the various factors that have given its use a renewed momentum in the 21st century. Premised on the assumption that there is a moral and political congruence between Israel’s current practices and those of the South African apartheid regime, the strategy of economic isolation is prompted by the failure of international law and institutions to effect a just resolution of the conflict. There are, however, emerging contradictions that must be overcome if a significant international movement against Israeli apartheid is to be created using the weapons of boycott, divestment and sanctions.

THE CONNECTION BETWEEN ISRAEL AND APARTHEID SOUTH AFRICA

One of the three times Jimmy Carter uses the word “apartheid” in his book is to report a discussion he had with General Yitzhak Rabin in 1973: “General Rabin described the close relationship that Israel had with South Africa in the diamond trade...but commented that the South African system of apartheid could not long survive.”⁸ Then the subject is dropped. A reader of *Palestine Peace Not Apartheid* would have no inkling of the close relationship with the State of Israel that helped apartheid South Africa evade international sanctions and develop its arms industry, nor of the relationship that Yitzhak Rabin and other Israeli leaders maintained with the apartheid regime through its State of Emergency of the mid 1980s.⁹

In order to understand the depth and complexity of the apartheid analogy and why it cannot be reduced to a check list of similarities and differences in the policies and practices of the two countries, this history must be recalled.¹⁰ Past connections also help explain why anti-apartheid activists and leaders in South Africa have had their sights on Israel since the 1970s and are today in the forefront of the campaign to create a movement against Israeli apartheid. In Nelson Mandela’s words, “We know too well that our freedom is incomplete without the freedom of the Palestinians.”¹¹

Essays and primary source documents published in 1976 – the year South African Prime Minister John Vorster¹² paid an official state visit to Israel – trace the affinities between Zionism and the “civilizing mission” of settler colonialism in South Africa and the role played by South Africa and the South African Jewish community in the establishment of the Jewish State.¹³ South African Prime Minister Hendrik Verwoerd, the principal architect of apartheid, regarded both Israel and South Africa as practitioners of ‘separate development’: “The Jews took

Israel from the Arabs after the Arabs had lived there for a thousand years. Israel, like South Africa, is an apartheid state.”¹⁴

Israeli professor Benjamin Beit-Hallahmi and other writers have described how fundamental similarities and a shared colonial outlook evolved into an intimate collaboration between the two regimes lasting more than thirty years – “a unique alliance...the most comprehensive and the most serious Israeli involvement anywhere in the world.”¹⁵ The ties binding South Africa and Israel together operated at many different levels – people-to-people, economic, and above all military.

In terms of personal connections, the wars fought by Israel in 1967 and 1973 cemented the relations between the two States, as South African Jews provided Israel with funds and volunteers and white South African society marveled at Israel’s victories over nations South Africa considered its enemies.¹⁶ In 1968, the Israeli government established a tourist office in South Africa, and hundreds of thousands of Israelis and South Africans subsequently visited each others’ countries. While tourism to South Africa from the rest of the world declined, tourism from Israel kept growing year after year. Israelis were frequent visitors to the “homelands” or Bantustans set up by apartheid South Africa to rid itself of a significant portion its native population whom it regarded (in defiance of the international community) as ‘citizens’ of these separate, sometimes fragmented, ‘states’. Israelis vacationed, ran businesses, invested and looked after security matters in the Bantustans, demonstrating a certain faith in the future of apartheid. The friendly relationship resulted in a network of sister-city agreements between South African and Israeli towns. For instance, Bisho, the capital city of South Africa’s brutal and corrupt Ciskei Bantustan, was linked with Ariel, the West Bank settlement which, in early 1989, was to order its Palestinian labor force to wear badges proclaiming them to be ‘foreign workers’. Sister-city relationships were formed between Tel-Aviv and Johannesburg, Haifa and Cape Town, Eilat and Durban, and Ashkelon and Port Elizabeth. As the apartheid regime was being increasingly isolated by the international anti-apartheid movement, the friendship between South Africa and Israel was expressed through regular cultural contacts, sports tours and exchange visits to universities and research establishments.

Economic ties were also strengthened by Israel’s success in its wars. In the aftermath of the 1967 war, an Israel-South Africa Friendship League was set up in Israel to promote trade. Trade with South Africa almost doubled in the aftermath of the 1973 Israeli-Arab war, and expanded significantly after Prime Minister Vorster’s 1976 visit to Israel. Although other countries helped South Africa evade sanctions, the Israeli connection offered special advantages. Under the guise of a bewildering web of joint ventures, dummy companies and middlemen, Israel supplied South Africa with needed technology and turned South African materials into finished products which were exported to Africa, the United States and Europe bearing a “made in Israel” label. The South African State of Emergency, which turned the world decisively against the apartheid regime, made the Israeli economic connection more vital than ever.¹⁷

But it was in their military relations that Israel rendered South Africa its greatest service, enabling it to evade the United Nations arms embargo and form what James Adams, the defense correspondent of London’s *Sunday Times*, called a “joint arms industry.”¹⁸ Professor Beit-Hallahmi estimated that 95 percent of the equipment for South Africa’s air force and 100 percent of its naval equipment originated in Israel while, according to Jane Hunter, South Africa financed Israeli

arms projects and bought the right to produce arms under Israeli license. Israel also gave South Africa's security forces advanced lessons in the control of "subversion," based on its West Bank/Gaza model. Intelligence agencies of both countries shared information and conducted joint operations. South African officers attended Israeli military schools, Israelis served alongside them in South Africa and Namibia and Israeli Defense Minister Ariel Sharon conducted a 10-day visit to South African forces in Namibia in 1981.¹⁹ An Israeli journalist wrote in a Labor Party newspaper in 1986 that Israeli officers in South African army camps "are busy teaching white soldiers to fight black terrorists, with methods imported from Israel."²⁰

Beit-Hallahmi sees nothing surprising about this intimate collaboration in security matters, which was regarded as "indispensable" by both sides: "The concept of Fortress South Africa, the survival strategy of the apartheid regime, parallels Israel's view of its own situation. The two countries predicate their survival on the achievement of complete military self-sufficiency, and on putting the need for survival above every other consideration."²¹

Both countries viewed their possession of nuclear weapons as the ultimate guarantee of their existence. By the 1970s, Israel and South Africa were collaborating in the development of their nuclear programs, and US intelligence reported evidence of a joint Israel-South Africa nuclear test taking place on September 22, 1979. The US government refused to investigate the nuclear relationship, despite the fact that neither Israel nor South Africa had signed the 1968 Nuclear Nonproliferation Treaty and refused to allow their nuclear facilities to be inspected. Given the long official silence, NBC "Nightly News" during the period October 25-27, 1989 must have caught viewers by surprise. On these successive nights, NBC Pentagon correspondent Fred Francis reported on the ten-year-long collaboration between Israel and South Africa to develop nuclear weapons and the evidence that Israel had transferred technology from the cancelled Lavi fighter bomber program to South Africa. "The development of the Lavi," Francis said, "was paid for largely by the US Congress with one-and-a-half billion dollars in aid to Israel....If Washington makes its evidence public, Israel would be in jeopardy of losing billions of dollars in US aid. So, the stakes are very high."²²

The 1986 Anti-Apartheid Act required the President to report to Congress any violations of the UN arms embargo of South Africa "with a view to terminating US military assistance to those countries." In March 1987 Israel – by then the only country to maintain strategic relations with South Africa - forestalled such a report when its cabinet decided that it could not afford to be out of step with the international community and would impose "measures" (not sanctions) on South Africa. South African president P.W. Botha reportedly responded by sending an angry secret letter to Israeli Prime Minister Shamir: "How could you do this to us, after so many years of friendship and alliance?"²³

Measures limiting trade, sports contacts and cultural ties were imposed by Israel in September 1987. Within months, Israel responded to the outbreak of the first Palestinian uprising by implementing Israeli Defense Minister Yitzhak Rabin's "force, might and beatings," underscoring the similarities between the repression in the occupied territories and the South African State of Emergency.

APPLYING THE APARTHEID ANALOGY TO ISRAEL AND ITS OCCUPATION

The close connection between Israel and apartheid South Africa made it inevitable that comparisons would be drawn between the structural underpinnings and policies of the two States. "Apartheid" has been applied to Israel and Israeli policies in four different ways.

First, parallels were drawn between apartheid South Africa and the State of Israel itself. Beginning in 1950, while the Nationalist Party in South Africa was institutionalizing white domination and control of land through such "pillars of apartheid" as the Population Registration Act, the Group Areas Act and pass system, Israel was passing a series of land laws that expropriated property from Palestinians and institutionalized Jewish domination. Nearly twenty years before Jimmy Carter outraged Abraham Foxman by coupling "Palestine" with "Apartheid" in the title of his book, the Israeli scholar Uri Davis published *Israel: an Apartheid State*.²⁴ Whereas Carter took pains to distance his use of the word from Israel within its pre-1967 borders, Davis set out to demonstrate that despite obvious differences with the apartheid regime in South Africa, key Israeli distinctions in birth certificates and legal mechanisms governing access to citizenship and land for the categories of "Jew" and "non-Jew" qualify as a "form of apartheid," as do the more than a dozen laws that privilege its Jewish citizens and ensure the supremacy of the demographic group that expelled some 700,000 of the land's indigenous inhabitants when it came into existence, and then prevented their return. Because 20 percent of Israeli citizens are Palestinians who, unlike Black South Africans under apartheid, can vote and participate in the Parliament, the discrimination they face in housing, education, health, the criminal justice system, economic opportunities and municipal services has been compared to the African-American experience under Jim Crow segregation.²⁵

Whether one calls its type of systemic discrimination a form of apartheid or something else, it is evident that the "Jewish State" has never been a state for all its citizens. And it is not moving in that direction. In 2003, the Knesset passed a law barring Palestinians with Israeli citizenship who marry Palestinians from the occupied territories from living with their spouses in Israel. Growing calls for demographic "separation" – which is what the word apartheid means in Afrikaans – are being fed by a deepening racism. A survey conducted in Israel in March 2006 revealed that two-thirds of Jews would refuse to live in the same building as "an Arab," nearly half would not allow an Israeli Arab in their homes and 40 percent believed "the state needs to support the emigration of Arab citizens."²⁶ Early in 2007 a law that would revoke the citizenship of Israelis who are guilty of a "breach of loyalty" to the State was making headway in the Knesset.

A second way the apartheid analogy was applied to Israel was by activists who may have had difficulty accepting the view of Israel as an apartheid state, but readily drew parallels between the ferocity with which the anti-apartheid movement was suppressed in South Africa and Israel's repression of the unarmed first intifada or uprising that began in December 1987. Many people in the international community discovered the brutality of the Israeli occupation of the West Bank and Gaza Strip for the first time in the late 1980s, when it was two decades old. Few were aware that the beatings, the mass arrests, the systematic use of torture, the raids on homes and school closures, the curfews, the house demolitions, and the expulsions were as old as the occupation itself, and that through its building of

settlements and military orders, Israel had been steadily removing the land of the West Bank and Gaza Strip from under the Palestinians who lived and worked on it, much as Black South Africans were being deprived of their land through forced removals. Archbishop Desmond Tutu drew these parallels when he told a New York synagogue in 1989, “If you changed the names, the description of what is happening in the Gaza Strip and the West Bank would be a description of what is happening in South Africa.”²⁷

Arguments for and against the application of “apartheid” to Israel itself, and to policies pursued by Israel in Jerusalem and the West Bank and Gaza Strip were discussed since the late 1980s in conferences and a range of publications.²⁸ But during the first intifada, the apartheid analogy took a back seat to an interpretation of the conflict that stressed Israel’s violation of provisions of the Fourth Geneva Convention of 1949 governing the behavior of military occupiers and the will of the international community embodied in the hundreds of resolutions passed by the UN General Assembly and Security Council. There was still hope that Israel could be pressured to abide by international law.

The third use of “apartheid” emerged in mid 1990s, when both South Africa and Israel/Palestine at first appeared to be moving towards a settlement based on negotiated compromise. But while South Africa dismantled its apartheid system and became a democracy for all its citizens, the Oslo Accords set up the structures for a new apartheid system in the occupied territories, complete with a dual system of documentation that resembled the South African “pass” system, a dual system of justice (one for settlers, one for Palestinians), and a dual road system, with Israeli-only bypass roads bisecting the territories. As Israel doubled the number of its settlers in the West Bank and Gaza Strip, the territories were increasingly being carved into enclaves that gave Israel control over the best land and water resources, severed “Greater Jerusalem” from the West Bank and increasingly ruled out the creation of a viable Palestinian state. One critic termed the 1994 Cairo Agreement that gave Palestinians “limited autonomy” over civilian spheres while maintaining Israeli military rule and the special privileges of settlers (including their wholly unequal access to water, separate roads, and separate legal procedures) “apartheid with joint patrols.”²⁹

By the collapse of negotiations at Taba in January 2001, the “Oslo process” was a spent force. While the US press was castigating Yasser Arafat for his refusal to embrace Israel’s “generous offer” of a state, an editorial in the British newspaper *The Observer* saw things very differently:

If Palestinians were black, Israel would now be a pariah state subject to economic sanctions led by the United States. Its development and settlement of the West Bank would be seen as a system of apartheid, in which the ‘indigenous’ population was allowed to live in a tiny fraction of its own country, in self-administered ‘bantustans,’ with ‘whites’ monopolizing the supply of water and electricity. And just as the black population was allowed into South Africa’s white areas in disgracefully under-resourced townships, so Israel’s treatment of Israeli Arabs – flagrantly discriminating against them in housing and education spending – would be recognized as scandalous too....Israel’s indefensible policy of apartheid must be condemned for what it is. Until then there can be only more distrust, hatred and violence.³⁰

An editorial like this would never have seen the light of day in a mainstream US paper at the turn of the century. But during the following years, several factors combined to make the apartheid analogy and the methods of “economic sanctions” used against South African apartheid the most promising non-violent strategy for activists to embrace in the new century. For one thing, appeals to international law appeared increasingly futile. Israel claimed it was acting in “self-defense” as it used tanks, F16s and Apache helicopters against Palestinian “militants” and civilians alike, killing, according to figures compiled by B’Tselem, more than 4,000 Palestinians by the end of January 2007, nearly a quarter of them children. (A thousand Israelis were killed in the conflict during the same period). The inaction following the July 9, 2004 ruling by the International Court of Justice (ICJ) ordering Israel to dismantle the Wall where it was being constructed illegally in occupied Palestinian territory demonstrated just how little could be expected from legal mechanisms. Although the advisory opinion is non-binding, the Court emphasized that the international law upon which it was based *is* binding. However, the US government immediately dissented from the UN General Assembly resolution accepting the ICJ ruling which had been embraced by 150 countries and Members of Congress passed a resolution deploring the ICJ opinion and supporting Israel’s violation of international law.

It was not just the framework of international law that was growing ever more tenuous. Following the attacks of 9/11, the very existence of an Israeli “occupation” was being airbrushed away in the prevailing US discourse, or made to seem as well-intentioned as that which the US military was imposing on Iraq. It was becoming increasingly difficult to interest Americans in what was being done with their tax dollars in the occupied territories when, with each suicide bombing in Israel, post 9/11 America was reminded of just how much the two peoples have in common and why they had to stand together in the battle against terrorism.

This is the context for the emergence of a fourth application of the apartheid analogy, one which dates back to November 30, 1973 when the UN General Assembly adopted and opened for signatures by member nations an International Convention on the Suppression and Punishment of the Crime of Apartheid (GA Resolution 3068). It entered into force in 1976, shortly after Prime Minister Vorster’s state visit to Israel.³¹ The Convention emphasized that the “crime of apartheid” -- which it defined as a “crime against humanity” -- was not exclusive to South Africa. Instead, it applied to policies and practices “similar” to those identified with the apartheid state of South Africa. The Convention defined the crime of apartheid as “inhuman acts” that were committed to establish and maintain domination by one racial group (“demographic group” in Israel’s usage) over another racial group, which was systematically oppressed. Significantly, the demise of the apartheid regime in South Africa did not lead the international community to abandon this universalized application of the term. The 2002 the Rome Statute establishing the International Criminal Court, which has been ratified by 102 countries, includes the “crime of apartheid” as one of eleven recognized crimes against humanity. It defines it as inhuman acts “committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”

As Israel’s supporters vigorously attack the apartheid analogy, insisting (as does Jimmy Carter) that the state of Israel bears no resemblance to the apartheid regime of South Africa, and arguing (like Carter) that Israeli practices are not based

on racism, they cannot dismiss out of hand the parallels between practices used against Palestinians in the occupied territories and the “inhuman acts” listed in Article II of International Convention for the Suppression of the Crime of Apartheid: the discriminatory denial of the right to life and liberty of person and murder; inflicting physical or mental harm; the use of torture or cruel, inhuman or degrading punishment; illegal arrest and imprisonment, the imposition of living conditions “calculated to cause its or their physical destruction in whole or in part”; denying participation in political, social, economic and cultural life of the country; restrictions on freedom of movement and residence and freedom of speech and assembly; restrictions on the right to work, to form trade unions, to have an education, to leave and return to the country; measures that “divide the population along racial lines by the creation of separate reserves and ghettos,” that prohibit mixed marriages and that expropriate landed property; exploiting the labor of members of a racial group; and depriving people and organizations of fundamental rights and freedoms “because they oppose apartheid.”

These “inhuman acts” are fully visible to those who chose to look, like the Israeli human rights group B’Tselem, which stated in 2002 that “the settlement enterprise in the Occupied Territories has created a system of legally sanctioned separation based on discrimination that has, perhaps, no parallel anywhere in the world since the apartheid regime in South Africa.”³² In a later report, B’Tselem again raised the apartheid analogy to describe Israel’s policy of restricting Palestinian movement: “In the regime operated by Israel, the right of every person to travel in the West Bank is based on his or her national origin.”³³

Nearly all of the “inhuman acts” can be found in the investigative work of a South African human rights law professor, the UN Special Rapporteur John Dugard. His September 2006 *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967* documents an “appalling” humanitarian situation in which Palestinians are subjected to “targeted assassinations” with the “inevitable ‘collateral damage’ to civilians;” the “indiscriminate use of military power against civilians and civilian objects;” new forms of “psychological terror;” the expansion of Israeli settlements and settler violence; an escalation in the demolition of houses (“It has now become the practice to destroy houses in the course of effecting arrests in policing operations”); the “iron fist” used by Israel in the administration of justice, with interrogation of arrested persons “accompanied by a mix of psychological pressure and physical violence; and the erection of as many as 500 West Bank checkpoints whose main purpose “is to make Palestinians constantly aware of Israeli control of their lives and to humiliate them in the process.” The report details the means by which Palestinian families are torn apart, citing the impact of the Wall, the restriction of visas and travel permits, and “the law on citizenship that prohibits Palestinians who marry Israeli Arabs from living with their spouses in Israel.”³⁴

Dugard frames this report in terms of occupation and the international law governing it, only to despair of its utility when he writes about Israel’s half-built Wall. “That the purpose of the Wall is to acquire land surrounding West Bank settlements and to include settlements themselves within Israel can no longer be seriously challenged,” he states. He estimates that at least 80 percent of the wall (which is intended to be more than 700 kilometers long) was built within Palestinian territory and in accordance with the advisory opinion of the International Court of Justice, was illegal and must be dismantled. But such has been the silence following this opinion that “it is as if no opinion had been given.” He is indignant at the

failure of the United Nations to establish a register of damages arising from the construction of the Wall as it had resolved to do in July 2004. The ICJ opinion, he writes, is “a definitive statement of the law as far as the United Nations is concerned, and it must guide the United Nations in the same way as the advisory opinion of 21 June 1971 on the legal consequences for States of the continuing presence of South Africa in Namibia guided the political organs of the United Nations in their handling of the Namibian question.” Dugard concludes on this pessimistic note:

It is pointless for the Special Rapporteur to recommend to the Government of Israel that it show respect for human rights and international humanitarian law. More authoritative bodies, notably the International Court of Justice and the Security Council, have made similar appeals with as little success as have had previous reports of the Special Rapporteur.... In these circumstances, the Special Rapporteur can only appeal to the wider international community to concern itself with the plight of the Palestinian people.

By the time Dugard reports again to the United Nations, in late January 2007, he has broadened his framework of analysis to include “colonialism, apartheid and foreign occupation,” stating that Israel’s occupation “contains elements of all three of these regimes, which is what makes the Occupied Palestinian Territory of special concern to the international community.³⁵ He references Carter’s book, briefly describes South African apartheid and then breaks new ground for a Special Rapporteur: “Although the two regimes are different, Israel’s laws and practices in the OPT certainly resemble aspects of apartheid, as show in paragraphs 49-50 above, and probably fall within the scope of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid....What are the legal consequences when such a regime has acquired some of the characteristics of colonialism and apartheid? Does it continue to be a lawful regime?” After suggesting that a new ICJ advisory opinion might be needed to examine these questions, Dugard finishes his report with a paragraph that calls into question the future of human rights:

“For years the occupation of Palestine and apartheid in South Africa vied for attention from the international community. In 1994, apartheid came to an end and Palestine became the only developing country in the world under the subjugation of a Western-affiliated regime. Herein lies its significance to the future of human rights. There are other regimes, particularly in the developing world, that suppress human rights, but there is no other case of a Western-affiliated regime that denies self-determination and human rights to a developing people and that has done so for so long. If the West cannot “demonstrate a real commitment to the human rights of the Palestinian people” the entire international human rights movement “will be endangered and placed in jeopardy.”³⁶

BUILDING A MOVEMENT AGAINST ISRAELI APARTHEID IN THE 21ST CENTURY

In 1971, a ruling by the International Court of Justice on South African violations of international law in Namibia pushed the United Nations into action and fueled the international movement to dismantle the apartheid regime. Decades later, the lack of action following the July 2004 ICJ ruling on Israel's Wall has given both moral authority and momentum to an international movement for "boycott, divestment and sanctions" (BDS) as perhaps the only remaining meaningful non-violent method of working for an end to the Israeli occupation and a just resolution to the Israeli-Palestinian conflict.

The initial call for a world-wide movement against Israeli apartheid using methods of resistance that had been successfully used during the first anti-apartheid movement came from NGOs at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held in South Africa in August - September 2001. Article 425 of the NGO declaration called for "a policy of complete and total isolation of Israel as an apartheid state."

Soon after, a group of Jewish South Africans published a "Declaration of Conscience on the Israeli-Palestinian Conflict by South Africans of Jewish Descent" which was written by a South African government minister, Ronnie Kasrils, and Max Ozinsky, a member of the Western Cape Legislature. It bore 220 signatures of prominent South African Jews, among them the writer Nadine Gordimer, Dennis Goldberg, who was sentenced to life imprisonment with Nelson Mandela at the Rivonia trials, Members of Parliament, some of the defendants in the 1956 Treason Trials and several younger activists who were detained for their anti-apartheid work. The document is unflinching in its language:

"We assert that the fundamental causes of the current conflict are Israel's suppression of the Palestinian struggle for national self-determination and its continued occupation of Palestinian lands. We do not dispute that certain sectors of the Palestinian population have resorted to terror and we condemn indiscriminate killings of civilians from whatever quarter. Yet this is not the root cause of the problem. The state of Israel was founded as a homeland for the persecuted Jews of Europe. It came into being as a result of a war of independence. The action of the British in assuming that Palestine was theirs by colonial mandate to dispose of, inflicted a great injustice on the Palestinian people. This was compounded by the subsequent Israeli rule of the Occupied Territories and the denial of the legitimate claims of the Palestinian refugees. Recognition of the fundamental causes of the ongoing violence does not constitute anti-Semitism. Rather, it constitutes an urgent call on the Israeli government to redress injustice, uphold human rights, and satisfy legitimate claims, without which peace negotiations will fail."

The Declaration goes on to quote from a fact-finding report drawn up by members of South Africa's Parliament who visited the region in July 2001: "It becomes difficult, particularly from a South African perspective, not to draw parallels with the oppression experienced by Palestinians under the hand of Israel and the oppression experienced in South Africa under apartheid rule."³⁷

Similar parallels were also being drawn by students at the University of California in Berkeley, who brought more than 400 students to the campus in February 2002 to plan a nationwide divestment from Israel campaign. Launched in April 2002, it soon spread to 50 universities. In the words of student organizer Will Youmans, the divestment campaign is “seeking American neutrality...to transform the United States from being overtly pro-Israel, to just being impartial...Divestment is fundamentally a strategy for peace.”³⁸

Attempts to use the tools of the South African anti-apartheid movement against Israel were given a significant boost in mid 2002, when South African Archbishop Desmond Tutu wrote in a widely-published piece that apartheid would not have ended peacefully without the pressure brought by the international divestment movement:

“Over the past six months a similar movement has taken shape, this time aiming at an end to the Israeli occupation....These tactics are not the only parallels to the struggle against apartheid. Yesterday’s South African township dwellers can tell you about today’s life in the occupied territories....If apartheid ended, so can the occupation, but the moral force and international pressure will have to be just as determined.”³⁹

The July 2004 ICJ ruling on the illegality of Israel's Wall ratcheted up international pressure. In Europe a campaign calling for the boycott of Israeli products and the severing of academic ties until the occupation was ended was already well underway. But in the United States, beyond the campus movement which had registered a “first” in April 2003 when Wayne State University's student council voted to recommend that the university’s board of governors immediately divest from investments in Israel, relatively little had been done. Attention was therefore focused on the Presbyterian Church USA when delegates to its General Assembly in July 2004 called on its Mission Through Investment Committee “to initiate a process of phases selective divestment in multinational corporations operating in Israel, in accordance to General Assembly policy on social investing” as a way of pressuring Israel to end its occupation. The Committee selected Caterpillar, Citigroup, IIT Industries, Motorola and United Technologies as a focus for its phased selective divestment policy. For two years, the Presbyterian Church came under relentless pressure to abandon its policy of corporate engagement. At its June 2006 General Assembly, delegates acknowledged “the hurt and misunderstanding” its policy had caused and redrafted its language, but did not – as widely reported – abandon using economic reassures to put pressure on Israel to end the occupation. It did not revoke or apologize for it as the mainstream press reported.⁴⁰

Meanwhile, major South African organizations, including the Congress of South African Trade Unions (COSATU), called for a comprehensive boycott of Israel in October 2004, and other organizations, universities and churches worldwide took up the call. In the United States, at its October 2004 national conference, the National Lawyers Guild voted to endorse divestment campaigns from Israel until Israel ends its occupation, begins full implementation of the Right of Return, complies with the UN Convention against Torture and the UN Convention on the Suppression and Punishment of the Crime of Apartheid, vacates its settlements and compensates Palestinian victims of “grave violations of human rights.”

More gains were made on US campuses. In January 2005, the Faculty Senate of the University of Wisconsin-Platteville passed a resolution to divest from companies, including Caterpillar, that provide Israel with weapons, and a month later the Student Government Senate of the University of Michigan-Dearborn unanimously called on the University's Board of Regents to investigate the university's investments in companies that "directly support and benefit from the ongoing illegal Israeli occupation." In April 2005, the delegate assembly of the Association of University of Wisconsin Professionals, representing the faculty and staff at all University of Wisconsin branches other than Madison, voted 24-2 to divest from companies that help Israel "perpetuate human-rights abuses against Palestinian civilians," citing Boeing, Caterpillar and General Dynamics among others. During the same month, the Association of University Teachers in Britain voted to boycott two Israeli universities that were targeted because of their support for the occupation. In May, a call for a boycott issued by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) was endorsed by the South African Council of Churches and more than a hundred South African academics. Palestinians like Omar Barghouti of PACBI were emerging as leaders in the growing BDS movement.⁴¹

After some hesitation, other churches began to follow the Presbyterian Church's example. In June 2005 the New England Conference of the United Methodist Church, which includes 550 congregations in New England, called for a committee to study divestment and the Anglican Church's international advisory body voted to urge the church to consider withdrawing its investment in companies supporting the occupation. Two years later, in June 2007, the Divestment Task Force of the New England Conference of United Methodists issued a report including recommendations for divestment from 20 companies it identified as supporting the Israeli occupation.

In July 2005 the fledgling BDS movement had entered a new phase when, to mark the first anniversary of the International Court of Justice's advisory opinion on the Wall, 171 Palestinian civil society organizations issued an urgent call to the international community and "conscientious Israelis" for boycotts, divestment and sanctions to be imposed against Israel until it ends the occupation and complies with international law and universal principles of human rights. This call was immediately endorsed by the United Nations International Conference in Support of Middle East Peace meeting in Paris, and solidarity groups across the US and elsewhere, as the pace of movement building quickened. In the United States, BDS was embraced by groups as varied as the Texas members of Veterans for Peace, the Green Party USA and the US Campaign to End the Israeli Occupation. The latter organization, with its 200 member groups, had targeted Caterpillar as the focus of its BDS activity in 2005. At its August 2006 annual convention, its member groups resolved to expand their BDS work within the framework of the International Convention for the Suppression and Punishment of the Crime of Apartheid.

In the international arena, BDS was endorsed in 2006 by the Ontario division of the Canadian Union of Public Employees, the governing body of the Church of England, Pax Christi and the 69,000 member-strong National Association of Teachers in Further and Higher Education in the United Kingdom, which called for an academic boycott of Israel in response to its "apartheid policies." In May 2007, the University and College Union Congress -- the largest academic trade union and professional association in the UK - voted at its annual convention to endorse a "comprehensive and consistent boycott" of Israeli

academic institutions and circulate its recommendation to branches and members for further discussion. Also on campuses, a coordinated “Israeli Apartheid Awareness Week,” initiated by Canadian students in 2005, spread to Britain in 2006 and New York in February 2007.

With the 40th anniversary of the Israeli occupation looming, sectors of the British trade union movement embraced economic pressure as a tool to force Israel out of the territories. A boycott resolution was endorsed in April 2007 by Britain’s National Union of Journalists. In June 2007, Britain’s largest trade union, UNISON, passed a motion calling for “sustained pressure upon Israel including an economic, cultural, academic and sporting boycott” and a mandatory UN arms embargo similar to that imposed on South Africa in 1977. In the same month, the Northern Ireland Public Service Alliance, the biggest trade union in Northern Ireland, unanimously passed all five motions on Palestinian solidarity, boycott and divestment. The British Transport and General Workers Union passed a similar motion at its annual conference in early July.

Meanwhile, the Palestinian call for a cultural boycott is beginning to bear fruit in Europe. It has received the backing of internationally-known academics, writers, film-makers and musicians (including John Berger, Arundhati Roy, Ahdaf Soueif, Brian Eno and Ken Loach), and film festivals in Edinburgh and Locarno dropped Israeli sponsorship.

It is South Africa that has kept pushing the pace. In January 2007, the Food and Allied Workers’ Union called for national supermarket chains to stop importing Israeli avocados. During the same month, the South African branch of the Sanctions Against Israel Coalition announced it was planning an international campaign targeting Israel’s diamond industry. And it is South Africans who are using their personal experience of apartheid and resistance to be outspoken in their denunciations of Israel’s practices. While Israel’s supporters insist, in Alvin Rosenfeld’s words, that “no serious scholar of history would argue that Israel’s actions warrant legitimate comparisons with the systematic cruelties of apartheid South Africans,”⁴² South African anti-apartheid activists, reacting to the intensity of repression and totality of control of movement in the tiny geographic area of the West Bank and the caged Gaza Strip, have roundly disputed this claim. Ronnie Krasils, the former head of the armed wing of the African National Congress who was once considered a “terrorist” by Israeli advisers to the South African army, stated after a visit in 2004 to the Palestinian territories:

“This is much worse than apartheid. The Israeli measures, the brutality, make apartheid look like a picnic. We never had jets attacking our townships. We never had sieges that lasted month after month. We had armoured vehicles and police using small arms to shoot people but not on this scale.”⁴³

Raymond Louw, another Jewish South African who was editor-in-chief of the *Rand Daily Mail* when it was critical of the apartheid regime, wrote of his visit to the Hebron District of the West Bank in 2001:

“This is a city under military occupation without any rights for the occupied. There was never a situation like this with apartheid. The control in the black areas was not so forceful... The Israeli soldiers appear to me to be more brutal than ever. There’s an atmosphere of power and domination and contempt.”⁴⁴

AN UNCERTAIN FUTURE

As the situation in the Palestinian territories dramatically worsened through 2007, there was little sign that BDS efforts would soon succeed in isolating the occupier either economically, culturally or in other ways. This is in no way surprising. It is often forgotten how long it took the first anti-apartheid movement to become a significant force, even though it never faced the kind of relentless, strident, orchestrated hostility that has been directed against activists for BDS. It had been founded in London in 1959 in response to an appeal by Chief Albert Luthuli for an international boycott of South Africa. After the Sharpeville Massacre of 1960, it took as its mission the total isolation of the apartheid regime and gradually grew into an international grassroots movement. But support for it did not dramatically increase until the Soweto uprising of 1976 and then again, the State of Emergency proclaimed by South Africa in 1985.

In the case of Israel, just the *threat* of isolation appears to be having at least an impact, judging from the furor against it in the United States and the response it is generating within Israel. Early in June 2007, the Israeli foreign and education ministers set up a joint public relations task force to counter the boycott movement in Britain. But while the BDS movement has been gaining momentum, it may be losing its sense of direction as contradictions at the heart of the apartheid analogy have surfaced that demand resolution. The bloody conflict between Fatah and Hamas and the West Bank-Gaza power split complicate an already confused situation.

Assuming the movement gets substantial traction, what is its ultimate goal? The apartheid analogy seems especially pertinent at a time when Israel is portrayed in the US as seeking a realistic peace solution even as it continues to expand West Bank settlements and build what Palestinians refer to as the Apartheid Wall in a process termed “Bantustanization” by Leila Farsakh.⁴⁵ As Jimmy Carter recognizes, the fragmented enclaves that might one day be dubbed “the state of Palestine” would represent nothing less than an apartheid solution with Israelis – like the apartheid rulers who designed the Bantustans in South Africa – maintaining ultimate control over the perimeter fences surrounding the population, much as they do in Gaza today. Is the immediate objective of the movement against Israeli apartheid to ensure that a Bantustan masquerading as an independent state will not be recognized by the international community – even if it is agreed to by portions of the Palestinian leadership? If a viable Palestinian state is ruled out by facts on the ground, what is the alternative?

Further complicating matters is the fact that the movement for BDS has lacked a direct, clearly defined demand, like the call for “one man, one vote” of the first anti-apartheid movement. It has focused on ending the Israeli occupation and pressuring Israel to comply with international law and universal principles of human rights. But what exactly does this mean? Palestinian civil society organizations had called for boycotts, divestment and sanctions until the occupation is ended, the Palestinian citizens of Israel have equality and the rights of refugees are respected. The full implications of these demands for Israel and Palestinians are only now beginning to be explored.

Today, the apartheid analogy is being mobilized in the uneasy debate about the future – and the past – of the region and Israel’s place within it as a “Jewish state.” Under prevailing circumstances of ongoing Israeli land expropriation and settlement expansion, many analysts and activists are finding it self-defeating and

illogical to draw parallels with the South African struggle for equal rights for all South Africans within a single state and stop short of the demand for equal rights for Palestinians and Israelis within some kind of a “one-state” democratic framework.⁴⁶

Two recent publications could have a profound influence on the debate and the direction of the anti-apartheid movement. The meticulously researched book by Israeli professor Ilan Pappé, *The Ethnic Cleansing of Palestine*, appeared within weeks of *Palestine: Peace Not Apartheid* and has also found readers in unprecedented numbers.⁴⁷ It documents how the ethnic cleansing of Palestinians was carefully planned by a group of eleven Zionist leaders in 1948, and then systematically implemented on a village-by-village, town-by-town basis. It is difficult to see how Israel's reputation as, in Carter's words, the embodiment of the “moral values of the Jewish people” can survive this devastating look at the origins of the state.

The second publication has been termed by some Israelis a “profoundly disturbing document”⁴⁸ that evokes “a sense of threat.”⁴⁹ It is *The Future Vision of the Palestinian Arabs in Israel*, written by 40 Israeli Palestinian academics and activists and published last December by the National Committee of the Heads of Arab Local Councils. This groundbreaking document calls on Israel to recognize Israeli Arabs as an indigenous group with collective rights, declaring that Israel discriminates in “symbols of state, some core laws, budget and land allocations.”⁵⁰ And it proposes that Israel become a state for all its citizens through proportional representation and power sharing in a “consensual democracy.” As Israel's occupation enters its 41st year, the demands and trajectory of the movement against Israeli apartheid are as unclear as the future of Zionism itself.⁵¹

ENDNOTES

¹ Jimmy Carter, *Palestine Peace Not Apartheid* (New York: Simon & Schuster, 2006), p. 208.

² *ibid.*, p. 209.

³ Julie Bosman, “Carter View of Israeli ‘Apartheid’ Stirs Furor,” *New York Times*, (December 12, 2006).

⁴ Quoted in Zeddy Lawrence, “Carter Writes to US Jews,” (December 18, 2006), www.TotallyJewish.com

⁵ Carter, *Palestine*, p. 215.

⁶ *Ibid.*, p. 112

⁷ *Ibid.*, p. 189-190.

⁸ Carter, *Palestine*, p. 30.

⁹ In his book *The Israeli Connection* Benjamin Beit-Hallahmi listed Yitzhak Rabin, Shimon Peres, Moshe Arens and Ariel Sharon as particularly close to South Africa in the mid 1980s (p. 173). Benjamin Beit-Hallahmi *The Israeli Connection: Who Israel Arms and Why* (New York: Pantheon Books, 1987).

¹⁰ The description of the relationship that appears above draws largely on the following sources:

James Adams, *Israel and South Africa: The Unnatural Alliance* (London: Quartet Books, 1984); Robert Ashmore, “Israel and South Africa: a Natural Alliance,” *The Link* (October-November 1988); Benjamin Beit-Hallahmi, *The Israeli Connection*; Abdelwahab Elmessiri and Richard Stevens, *Israel and South Africa: the Progression of a Relationship* (New Brunswick, New Jersey: North American, revised edition 1977); Jane Hunter, *Israeli Foreign Affairs, an Independent Monthly Research Report On Israel's Diplomatic, Military and Intelligence Activities Around the World* (Sacramento, CA: 1985-1993); Jane Hunter, *Israeli Foreign Policy: South Africa and Central America* (Boston: South End Press, 1987); Jane Hunter, *Undercutting Sanctions: Israel, the US and South Africa* (Washington DC: Washington Middle East Associates, 1987); Chris McGreal, “Worlds Apart,” *The Guardian*, (February 6, 2006); Chris McGreal, “Brothers in arms – Israel's secret pact with Pretoria,” *The Guardian*, (February 7, 2006); Jan Pieterse, “Israel's Role in the Third World: Exporting West Bank Expertise,” *Race & Class* (winter 1985); Israel Shahak, “Israeli Apartheid and the Intifada,” *Race & Class* (July-September 1988).

¹¹ Address by President Nelson Mandela at the International Day of Solidarity with the Palestinian People, issued by the Office of the President (December 4, 1997).

¹² Vorster had been imprisoned by the British for pro-Nazi activities that he never repudiated. In 1953 another South African, Prime Minister Daneil Malan, became the first head of state to visit Israel. During the 1930s, he had blocked Jewish refugees from Nazi Germany from entering South Africa.

¹³ See Elmessiri and Stevens, *Israel and South Africa*

¹⁴ *Rand Daily Mail*, (November 23, 1961). Verwoerd was criticizing Israel's support of a censure vote and General Assembly resolution criticizing apartheid in October and November 1961 when it was trying to improve its standing with emerging African nations.

¹⁵ Beit-Hallahmi, *The Israeli Connection*, p. 108.

¹⁶ Human ties also bound the two countries together. In 1948, the impending general election led South Africa's Nationalist Party to abandon its official anti-Semitism and seek the support of the Jewish community, which was at the time 118,000 strong and an important economic force in the country. For the largely timid response of South Africa's Jews to the apartheid system, see Gideon Shimoni, *Community and Conscience: the Jews in Apartheid South Africa* (Hanover, NH: University Press of New England, Brandeis University Press, 2003).

¹⁷ According to the *Financial Mail* of January 31, 1986, "Co-operation between South Africa and Israeli companies has reached a high point" with a free-trade agreement signed by Israel and the US permitting South African products to be re-exported duty-free to America "if they have 35% added value in Israel."

¹⁸ Hunter, *Undercutting Sanctions*, p. 52.

¹⁹ Drew Middleton, "South Africa needs more arms, Israeli says," *New York Times*, (December 14, 1981).

²⁰ Beit-Hallahmi, *The Israeli Connection*, p. 121.

²¹ *Ibid.*, p. 164-165.

²² Transcript, NBC "Nightly News," (October 25-27, 1989).

²³ Amir Mizroch, "Late South African President P.W. Boetha felt Israel had betrayed him," *Jerusalem Post*, (November 2, 2006).

²⁴ Uri Davis, *Israel: An Apartheid State* (London, Zed Books, 1987). Some Palestinian scholars in the 1960s and 70s drew similar parallels. See Sami Hadawi, *Bitter Harvest: Palestine between 1914 and 1967* (New York: New World Press, 1967); Edward Said, *The Question of Palestine* (New York: Random House, 1979). Said also stressed important distinctions between the cases of Israel and South Africa, including "the difference between white settlers in Africa and Jews fleeing European anti-Semitism" (p. 119).

²⁵ The discrimination they face routinely features in the US State Department's *Annual Country Reports on Human Rights Practices*.

²⁶ The survey was conducted by the Israeli organization Geocartographia. *The Guardian*, (March 24, 2006).

²⁷ Speech before Stephen Wise Free Synagogue, quoted in John Allen, *Rabble-Rouser for Peace: the Authorized Biography of Desmond Tutu* (New York: Simon & Shuster, 2006), p. 384.

²⁸ Speakers from Israel, Palestine and South Africa participated in two conferences organized in Boston by the Middle East Justice Network: "Apartheid's Arc and the Palestinian Uprising: Making the Connections," November 11, 1989; "From Occupation to Apartheid: Israel, South Africa and the 'New World Order'," November 16, 1991. Publications include many of those cited above as well as Ran Greenstein, *Genealogies of Conflict: Class Identity and State in Palestine/Israel and South Africa* (Lebanon, NH: University Press of New England, 1995); Daniel Lieberfeld, *Talking with the Enemy: Negotiation and Threat Perception in South Africa and Israel/Palestine* (Westport, CT: Praeger Publishers, 1999). For an assessment of the similarities and differences in the Israel/Palestine experience and apartheid South Africa, see Leila Farsakh in "Independence, Cantons, or Bantustans: Whither the Palestinian State?" *Middle East Journal*, Volume 59 (Spring 2005) and Leila Farsakh, "Israel: a Racist Apartheid State?" *Le Monde Diplomatique*, English monthly edition (November 2003). In the "Apartheid Analogy: Wrong for Israel," the Anti-Defamation League refutes comparisons between the apartheid system and "Israel behind the Green Line" as well as its practices in the West Bank and Gaza Strip (see www.adl.org).

²⁹ "The New Face of the Israeli Occupation: Apartheid with Joint Patrols," *Breaking the Siege*, Middle East Justice Network, (June-July 1994).

³⁰ "True Palestinian State is Essential," *The Observer*, (October 15, 2000).

³¹ By September 2006, 106 state parties had ratified it, but all the major western countries declined to do so.

³² *Land Grab: Israel's Settlement Policy in the West Bank* (Jerusalem: B'Tselem, May 2002), p. 7.

³³ *The Discriminatory West Bank Road Regime* (Jerusalem: B'Tselem, August 2004).

³⁴ *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, (September 5, 2006), United Nations General Assembly.

³⁵ *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, John Dugard*, (January 29, 2007), Human Rights Council (advance edited version), p. 22. www.ohchr.org/english/bodies/hrcouncil/docs/4session/A.HRC.4.17.pdf

³⁶ *Ibid.*, p. 23-24.

³⁷ <http://www.google.com/search?q=Ronnie+Kasrils+Not+in+Our+Names+Declaration+of+Conscience&hl=en&start=0&sa=N>

³⁸ *Palestine Chronicle*, (October 24, 2002).

³⁹ *The Nation*, (July 15, 2002).

⁴⁰ See David Wildman, "Why Divestment? And Why Now?" *The Link* (August-September 2006).

⁴¹ Omar Barghouthi answered the arguments against the use of BDS in "Boycotting Israeli Apartheid: Evoking South Africa's Legacy," *State of Nature* (Spring 2006), <http://www.stateofnature.org/boycottingIsraeliApartheid.html>

⁴² Alvin Rosenfeld, "Progressive Jewish Thought and the New Anti-Semitism," *American Jewish Committee*, (December 2006), p. 21.

⁴³ Quoted in Chris McGreal, "Brothers in arms – Israel's secret pact with Pretoria," *The Guardian*, February 7, 2006.

⁴⁴ Quoted in Gideon Levy, "Like the old days in South Africa," *Viewpoint: Exploring the Powerful Issues & Emotions of the Middle East*, (June 7, 2001).

⁴⁵ "Independence, Cantons, or Bantustans: Whither the Palestinian State?" *Middle East Journal*, 104, no. 2 (Spring 2005).

⁴⁶ See, for example, Ali Abunimah, *One Country: A Bold Proposal to End the Israeli-Palestinian Impasse* (New York: Metropolitan Books, 2006); Virginia Tilley, *The One-State Solution: a breakthrough for peace in the Israeli-Palestinian deadlock* (Ann Arbor: University of Michigan Press, 2005).

⁴⁷ Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: Oneworld Publications, 2006).

⁴⁸ Yossi Alpher, *Media Monitor*, (January 30, 2007).

⁴⁹ Isabel Kershner, "Noted Arab Citizens Call on Israel to Shed Jewish Identity," *New York Times*, (February 8, 2007).

⁵⁰ *Ibid.*

THE WAY FORWARD



Abdul Rahman al-Mozayen, *Untitled*, 1960, Courtesy of owner Saleh Barakat

THE BIRTH, DEMISE AND FUTURE PROSPECTIVE OF ONE PALESTINE COMPLETE

*Ilan Pappé**

According to both the Palestinian and Zionist narratives, a clear sense of 'Palestine' as a coherent geo-political unit dates back to 3000 BC. From that time onward, and for another 1500 years, it was the land of the Canaanites. In around 1500 BC the land of Canaan fell under Egyptian rule, not for the last time in history and then successfully under Philistine (1200-975), Israelite (1000-923), Phoenician (923-700), Assyrian (700-612), Babylonian (586-539), Persian (539-332), Macedonian (332-63), Roman (63BC-636CE), Arab (636-1200), Crusade (1099-1291), Ayubi (1187-1253), Mamluk (1253-1516) and Ottoman rules (1517-1917). Each ruling power divided the land in administrative ways that reflected its political culture and time. However, except for the early Roman period and the early Arab period which witnessed vast population movements in and out of the land, the society remained – ethnically, culturally and religiously – the same. Within what we recognize today as Mandatory Palestine this society developed its own oneness and distinctive features.

In modern times, some of the above periods were manipulated and co-opted into a national, or colonialist, narrative to justify the conquest of Palestine. This historical chronology was used, or abused, by the Crusaders and later by European colonialists and by the Zionist movement. The Zionists considered the historical reference as crucial for justifying their colonization of Palestine, which they termed as 'the Return' to or 'Redemption' of the land, that was once ruled by Israelites. Yet, as the historical checklist above indicates this is a reference to a mere century in a history of four millennia.

Putting aside the national narratives, we should say that Palestine as a geo-political entity has been historically a fluid concept. This is largely because historically the rulers of the country quite often were the representatives of an empire, and thus prevented any local sovereignty from developing. The question of sovereignty began to be an issue – one that would inform the land's history and conflict until today – once Empires started to disappear. This happened with the rise of nationalism and as indigenous people started claiming control over their resources. Where the vestiges of imperialism or colonialism refused to let go – such as in the case of white settlers' communities in North and South Africa –national wars of liberation lingered on. In places where the indigenous population was

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annihilated by the settlers' communities, the new settlers became the new nation, as happened in the Americas and Australasia.

Many theoreticians of nationalism believe that successful independence from disintegrating empires depended on the social and cultural cohesiveness of the colonized countries. Historically, the liberated countries varied in structure and composition: some had ethnic, religious and culturally heterogeneous societies and thus found it difficult to become a nation state. Others were fortunate to have a relatively homogeneous population – even if they had to deal with questions of economic polarity, social differentiation and a constant struggle between modernity and tradition. A liberated Palestine could have belonged to the latter model – one which developed in Egypt and Tunisia – and to a lesser extent in the more troubled cases of Iraq and Lebanon.

As we enter into the 21st century, we find that the political map of the world has consolidated in such a way that only in very few places is the issue of sovereignty still unresolved, and the process of nation building still open. Palestine is one of those few places, one that continues to distress the world at large and to destabilize it. The reason why this Arab land did not become another Arab nation state – as all the other states in the Middle East (including the smallest of the emirates in the Persian Gulf) - is a known story. What is quite often neglected is the fact that the present geo-political reality, while being depicted to the world as normal, is in fact a *Sui generis*. It runs contrary to the land's history and the wishes of its native population, who still constitute its vast majority. The gap between the external depiction of reality and reality itself, as it is perceived by the Palestinians, is a major source of conflict. Only attempts to tally the former with the latter have a chance of bringing reconciliation and peace to the torn country of Palestine.

The aim of this article is to stress the pattern of continuity in Palestine's modern history (beginning with the late Ottoman Period) as a geo-political entity with its own cultural cohesiveness and distinctiveness and to contrast it with the dominant mainstream Zionist perception of Palestine as made up of two units: one Jewish and one non Jewish (Jordanian or Palestinian, as the circumstances would have it). From this perspective, the paper seeks to show why a mini-state of Palestine established alongside Israel, which has been on offer as the only recipe for peace since 1967, is both unnatural and bound to fail. As the article will show, facts established by Israel on the ground have rendered that mini state of Palestine impossible. Furthermore, it is a proposal that counters the history of a one complete Palestine of the last two hundred years. For only nineteen years (1948-1967) were parts of Palestine annexed to Jordan and Egypt while the rest was ruled by Israel. Apart from this short period, Palestine was always under one control, be it foreign or indigenous.

PALESTINE IN THE LATE OTTOMAN RULE

A cursory journey into the past reveals that for the longest time, Palestine was ruled as a unitary political unit. The rise of ideologies such as nationalism, the intervention of European colonialism and the decline of Ottomanism contributed to a clearer conceptualization of what Palestine meant and stood for, both to its inhabitants and those coveting it from the outside.

Palestine in the late Ottoman Rule is the title of a book published by my own university in 1986. More than 25 historians, most of them Israeli Jews, reconstructed life in Palestine as a geo-political unit that was predominantly Arab in

ethnicity (more than 95% out of half a million population) while the old Jewish community considered itself to be Arab. It was only the few thousands Jewish settlers who arrived for the first time in 1882 who regarded their ethnicity, and not only religion, as Jewish.

Palestinian historians would have no problem with defining the land in 1882-1917 as Palestine in the late ottoman period. However, they would find it bizarre to learn from the book's introduction that in that period there were two communities, Jewish and Arab "which began aspiring toward national liberation" Even stranger is the claim that both groups were anti-Ottoman and that thus it was "only natural that much of their protest and grievances be directed against their Ottoman masters". The naive reader would think Palestine in late Ottoman period, and for centuries, if not millennia before, was the land of Jews and Arabs, equal in number, presence and claim, and who disliked each other as much as the Ottomans. In this typical Zionist narrative of the mid 1980s, Palestine is already partly Israel.

Yet, as Palestinian scholarship reminds us even in 1917, the vast majority of people in Palestine were Palestinians – 600,000 – with few thousand foreign settlers hoping to colonize the land on behalf of European Jewish nationalism or Christian millennialism. A year later Palestine was officially clearly defined for the first time as a single political unit, by the British imperial power which came to dominate it. For most of the Ottoman period, Palestine was divided administratively, but maintained certain cohesiveness, thanks to its common dialect, customs and people.¹ The country was composed of three principal Ottoman sub district; Acre, Nablus and Jerusalem, but these remained connected by historical and commercial bonds.² In the very last years of their rule, the Ottomans allowed the Arab elite to take a more active part in the politics of their land – turning its cities such as Jerusalem, Jaffa, Haifa and Nablus – into epicenters of social, and later even national, unity.³

Under the spell of rising nationalism, and like all the Arab lands around it, Palestine progressed into becoming a *wattan* – a geo-political locality – within a *qawmiyya* – the pan-Arabist sphere of belonging. The *qawmiyya*, the pan Arabist impulse and vision, was in fermentation for a while. Many dreamt already of a United Arab Republic and others of an Islamic Caliphate that would replace the Ottoman Empire in the Arab World. Yet, as the Arab world was carved into nation states by the European Colonial powers on the basis of Ottoman administrative divisions as well on the basis of the ethnic and religious identities of the area, the *wataniyya* [nationalism] emerged. This was a local patriotism that focused on identification with the new nation state that emerged next to, and at times at the expense of, a pan-Arabist vision. Since then, collective national identity seems to have evolved around these two reference points: pan-Arabism and local nationalism.

Following the end of World War I and the establishment of French and British Mandates in the region, the new rulers of Palestine, the British Empire, did not stop this process of self-definition or unison. They neither created a political structure that collided with the cohesiveness of the society and its uniqueness. But, they did lay the foundations of a new Palestine – one that deprived the Palestinians of their land – and transformed it into Israel.

The political elite of the native Palestinians conceived of its homeland as a unitary state. In fact, in the very early years of British occupation and nascent Zionist presence, they imagined the future more in pan-Arabist, rather than Palestinian, terms. The balance of forces on the ground, however, undermined the

dream of a pan-Arabist entity stretching from Morocco to Iran and damaged even less ambitious plans such as creating a Greater Syria out of the eastern Mediterranean countries. By 1922, the majority of Palestinian leaders conceptualized Palestine as the national homeland of the Palestinians lying between the river Jordan and the Mediterranean. They were aware, though, that they needed to put a clear claim on it, given encroaching foreign interests in the Levant. Their entry into the game of diplomacy in the post 1918 global arena however, was hesitant and ineffective, compared to the European based Zionist movement and its growing power base in the United States of America. Although the new system of nation states in the Middle East, under the guidance of the League of Nations, promised independence based on principles of democracy and self-determination, Palestine was not accorded such status. Had Palestine been treated by these same principles, it could have been today in a similar position to any other Arab nation state.

ONE PALESTINE COMPLETE

One Palestine Complete is the title of another book by the Zionist historian Tom Segev. Here too Palestinian historiography would not object to the title, but Segev's English title is misleading. The book was originally written in Hebrew and entitled *Eretz Israel in the Mandatory Period*, a typical Zionist parlance. "The One Palestine", is thus an aberration, almost a foreign occupation by a very civilized culture, which according to Segev enabled the native population – which here include too the Zionist settlers and colonialists, to live in relative peace and prosperity.

But Segev is right in arguing that Palestine became more complete, since the British completed the work of unifying the different provinces that Ottoman reformers had begun. The British combined the three Ottoman sub-districts into one geo-political unit.⁴ The making of a unitary mandatory state was a calm historical process that corresponded to the harmonious ethnic and religious fabric on the ground. It lasted until 1923, with the final stages devoted to the negotiation of the land's final border. Within the confines of these borders, the Palestinian national movement was able to find a clearer space to identify with but which Zionism sought to overtake. The British role in the creation of modern Palestine was key to showing how Palestine was meant to be one and at the same time how Zionism was deemed to partition it. It is the tragedy of Palestine that just as it was starting to crystallize as a typical Arab nation state; the Zionist movement used this crystallization to define the geographic boundaries of its Eretz Israel, and thereby sowed the seeds of partition of the Land.

As is well known, the international verdict about Palestine's future, in the form of the mandatory charter, actually included clauses that defeated the right of the Palestinians to their homeland. The Balfour declaration, with its ambiguous British promise to make Palestine a homeland for the Jews, was incorporated into the charter of the new state. Britain, however, up until 1937, visualized Palestine within a one state paradigm. The violent protests against the Balfour declaration that took place from 1922 onward forced British authorities to revisit their 1917 promises. In 1923, Britain proposed a single government on the basis of parity between Zionists and Palestinians. In a country that by then had a majority of Palestinians (85% of the population), the British must have felt triumphant when they succeeded in persuading the Executive Committee of the National Palestine

Congress – the *de facto* government of the Palestinians between 1923-1928- to share the land with the Jewish settlers. The idea was to build a state on the basis of parity – in the executive, legislative and judiciary system. It was a concept of a unitary state that was accepted by a Palestinian leadership – in a rare moment of unity in a polity that hitherto and afterwards was divided by clannish cleavages of prestige and ancestry.⁵

Such a state building approach was in line with overall British imperial thinking. In Iraq and in Sudan, as well as in Africa, their strategy was to unite ethnic and religious groups under one political structure. In a small country like Palestine, such a single political entity seemed even more reasonable. It was also an opportune moment to allow the two communities in Palestine to try and coexist within an acceptable political structure. But the Zionist leadership refused to partake in such a solution. Interestingly enough, the Zionist leadership officially supported the idea of parity within one state so long as it knew that the idea was rejected by the Palestinians. Once the intelligence unit of the Jewish Agency reported a change in the position by the Palestinian leadership, the Jewish leadership reversed its policy and rejected the idea of parity.⁶

The Zionist leaders wanted partition, with the hope of annexing more of Palestine when favorable conditions for such an expansion permitted it. Their adherence to the concept of partition was not strategic but tactical. In 1942, with the growing support of American Jewry to the Zionist cause, the Zionist movement felt emboldened enough to express its real intentions. This may explain why in that year in the Biltmore Hotel in New York, Ben-Gurion declared that the whole of mandate Palestine was coveted by the Zionist movement. This would remain his ambition. He still coveted it in 1947, but the circumstances led him, and his associates, to be content with ‘only’ 78% percents of the country.

When the future of Palestine was discussed once more in the wake of the British decision to leave Palestine in February 1947, the Zionist leadership, while representing a minority group of settlers, determined the peace agenda. A very inexperienced inquiry commission was appointed by the UN – the international body that took responsibility for Palestine after the British withdrawal. The new commission acted within a vacuum that was easily filled by the Zionist ideas. The Jewish Agency provided in May 1947 the inquiry commission, UNSCOP, a map that included the creation of a Jewish state over 80% of Palestine – more or less Israel of today without the occupied territories. The commission in November 1947 proposed to the UN General Assembly resolution 181 which reduced the Jewish State to 55% of Palestine. The Palestinians rejected the Plan, since they opposed any concepts of partition. The international body, adopted the option presented by the Jewish Agency, namely partition, imposing thereby the will of one party over the other. This was hardly a productive approach towards reconciliation. Rather than bringing peace to the torn land, the resolution triggered violence on an unprecedented scale in the history of modern Palestine.⁷ The almost forgotten chapter in this juncture is the reasonable counter offer put forward by a UNSCOP minority report. The three members of the UNSCOP committee suggested the creation of a unitary state in Palestine. The General Assembly voted for this suggestion too but did not adopt it. The minority report only received a parity of the votes, rather than an absolute majority, and thus, according to the General Assembly’s voting regulations, was defeated.

PARTITIONING OF PALESTINE, 1947-1967

The Jewish leadership was determined to adhere to its May 1947 map, irrespective of its moral or political implications. The map showed clearly which parts of Palestine were to be converted into the future Jewish state. The problem was that within the desired 78% of the land to be conquered, the Jews were a minority. They formed 40% of the total population (660,000 Jews among one million Palestinians). But this, according to the Yishuv⁸, was a passable hurdle. Ever since the beginning of the Zionist project in Palestine, the leaders of the Yishuv had been prepared for such an eventuality. They advocated the enforced transfer of the indigenous population so that a pure Jewish state could be established. On March 10, 1948, the Zionist leadership adopted the, by now infamous, Plan Dalet which ordered the Jewish forces to ethnically cleanse the areas regarded as the future Jewish State in Palestine.

The international community realized that the partition plan was more a vehicle for bloodshed than for a peace program. Five days after the 1948 war erupted, it attempted another reconciliation effort between the fighting parties. The mission was entrusted to the first UN mediator in the history of the post-mandatory conflict, Count Folke Bernadotte. Bernadotte offered two proposals to end the conflict by partitioning the land into two states. The difference between them was that in the second proposal he suggested the annexation of Arab Palestine to Transjordan. He was ambivalent on the question of Jerusalem. He envisaged it as an Arab capital in the first proposal but preferred that it be designated as an international city in the second. In both proposals, though, Bernadotte stipulated the unconditional repatriation of Palestinian refugees as a precondition for peace. He seemed to have placed the refugees and Jerusalem at the center of the conflict and perceived these two dilemmas as indivisible problems, for which only a comprehensive and just solution would do.⁹

After Bernadotte's assassination by Jewish extremists in 1948, the Palestine Conciliation Commission which was appointed to replace him pursued the same policy. The three members of this commission wished to build a future solution to the question of Palestine on three tiers: 1) the partition of the land into two states – not according to the map of the partition resolution but in correspondence with the demographic distribution of Jews and Palestinians, 2) the internationalization of Jerusalem and 3) the unconditional return of the refugee to their homes. The new mediators offered the three principles as a basis for negotiations. While Arab countries directly implicated in the conflict and the Palestinian leadership accepted these principles during the UN peace conference in Lausanne Switzerland in May 1949, the proposals were buried by the intransigence of David Ben Gurion and his government in the summer of that year. At first, the US administration rebuked Israel for its policy and exerted economic pressure on it. Later on, though, the Jewish lobby in the US succeeded in re-orientating US policy onto a pro-Israeli track, where it remains until today.¹⁰

Palestine was not divided. It was destroyed and most of its people expelled. The expulsion and the destruction has kindled the conflict ever since. The Palestine Liberation Organization (PLO) emerged in the late 1950s 1960s as an embodiment of the Palestinian struggle for return, reconstruction and restitution. But it was not particularly successful in its struggle. The refugees were totally ignored by the international community and the regional Arab powers. And yet, had

it not been for the PLO, the idea of a one state solution may have slipped into oblivion.

During the time when the PLO was being created, (1948-1967), a more systematic conceptualization of the idea of one state emerged. In the paper *Filastinuna* [our Palestine] several writers envisaged a secular democratic state as the only viable solution for the problem of Palestine. But a thorough reading shows that the concern was with an unidentified 'Palestinian entity' that would trigger the rebirth of the movement, rather than focusing on actual political models or structures.¹¹ The debate revolved around a pan-Arabist point of view, wishing to oppose what they called separatism from the *qawmi* (the pan-Arabist version of nationalism) future in the name of a Palestinian *watniyya* (nation-state territorialism). The nature of a future Palestinian entity was not seriously discussed in the regional or international arenas.

Internationally, there were little serious peace efforts in the 1950s and 1960s. Despite a number of proposed schemas such the Anglo-American Alpha program and the Johnston Plan,¹² the peace initiatives were mainly esoteric, almost all of them American, which adopted a business like approach to the conflict. This meant a great belief in partition according to security interests of Israel and its Arab neighbors. The Palestinians were cancelled as a political partner in this business like approach. They existed only as refugees whose fate was considered from the within the economic aspect of the American Cold War against the Soviet Union. Their problem was to be solved through a new Marshal plan for the Middle East. This plan promised American aid to the area in order to improve the standard of living of people as the best means for containing Soviet encroachment. For this reason, refugees had to be resettled in Arab lands where they would serve as cheap labor for the development of these lands. Simultaneously this scheme distanced them from Israel's borders and consciousness. Although the PLO showed enough resistance to these plans and encouraged Arab regimes to leave the refugees in their transitional camps, despite their perception as a destabilizing factor, it was not invited to the negotiation table. The association of the PLO with the Soviet Union excluded the Palestinians, wherever they were, from any prospective Pax Americana.

THE TWO STATES FORMULA AND ITS DEMISE, 1967-2007

In June 1967, following the second Arab-Israeli war, the whole of Palestine became Israel - a new geo-political reality that necessitated a renewed peace process. At first, it was the UN that took the initiative, producing UN Resolution 242 which called for returning land in exchange for peace. Soon though, the US policy makers took over the peace making efforts and sidelined the UN. The early architects of the Pax Americana had some original ideas of their own which were flatly rejected by the Israelis and hence remained on paper. Then the mechanism of American brokering became a proxy for Israeli peace plans. At the center of the Israeli perception of a solution stood three presumptions: the first was that Israel should be absolved from the 1948 ethnic cleansings by not mentioning the issue as part of a prospective peace agenda; second and consequently, negotiations for peace would only concern the future of the areas Israel had occupied in 1967- namely the West Bank and the Gaza strip, and third, the fate of the Palestinian minority in Israel would not to be part of a comprehensive settlement of the conflict. This meant that 78 percent of Palestine and more than 50 percent of the Palestinians were excluded

from the efforts of making peace in the land of Palestine. This formula was accepted unconditionally by the US and was presented as the best offer in town to the rest of the world.

At the heart of this formula stood an equation of exchanging territory for peace, produced by the Israeli peace camp and marketed by the Americans. It is a strange formula if you stop and think about it: on the one hand you have a quantitative and measurable variable, on the other, an abstract term, not easily conceptualized or even illustrated. It was less bizarre as a working basis for bilateral peace between Israel and its Arab neighbors where indeed it operated quite well for a while, as in the case of Egypt and Jordan. And yet we should also remember it produced a 'cold peace' with those two countries, as it did not offer a comprehensive solution to the Palestine question. And indeed what did this equation have to offer to the ultimate victims of the 1948 war; whose demand for 'justice' continues to be the main fuel kindling the conflict's fire?

This question is particularly acute if we revisit the long and winding negotiations road Israel and Jordan took before reaching the 1994 peace agreement. Ever since 1948, the Jordanian-Israeli collusion that had a dramatic edict on the outcomes of the 1948 war and continued to inspire endless attempts to conclude a peace treaty between the two sides. Each of these attempts were inevitably at the expense of the Palestinians. After Israel occupied the West Bank in 1967, sharing it with Jordan was the main pillar in Labour party policies towards the Palestine question. This was named the 'Jordanian Option' and king Hussein of Jordan was willing to try it until the outbreak of the first Intifada in 1987. In the 1980s he was thinking of joint PLO-Jordanian negotiations with Israel and in February 1987 an agreement was reached between the two sides on the return of the West Bank to Jordan. This proposal, however, was not implemented as it was rejected by the Likud party, who in those days formed a national unity government with Labor.

The architects of the Oslo accord thought the "land for peace" formula could still work. Hollow concepts such as Israeli recognition of the PLO and 'autonomy' for the Palestinians were meant to strengthen the business like approach to conflict resolution. Despite the dramatic discourse of peace that was displayed, the reality on the ground was that of a *de facto* one state, 22 percents of which was under indirect Israeli military occupation.¹³

I am not underestimating the progress made in Oslo, but one should not forget the circumstances of the accord's birth; they reveal why it was such a colossal failure. Dramatic changes in the global and regional balance of power, and an Israeli readiness to replace the Hashemites of Jordan with the PLO as a partner for peace, opened the way to an even more complicated formula of 'territories for peace'. Oslo was a celebration of the idea of partition: territories and everything else which is visible and quantifiable could be divided between the two sides. Thus the only non Jewish parts of post-1948 Palestine - 22 percents of the land - would be re-divided between Israel and a future Palestinian autonomous entity. Within this 22 percent of Palestine, the illegal Jewish settlements could be divided into 80 per cent under Israeli control and 20 percent under the Palestinian authority. At the same time, most of the water resources were given to Israel, and most of Jerusalem placed in Israeli hands. Peace, the *quid pro quo*, meant a stateless Palestinian state robbed of any say in its defense, foreign or economic policies. As for the Palestinian right of return, it was to be forgotten and erased, according to the Israeli interpretation of Oslo.

For the Palestinians the summit in Camp David in 2000 was meant to produce the final stages in the Israeli withdrawal from the West Bank and the Gaza strip (according to resolutions 242 and 338 of the UN Security Council) and prepare the ground for new negotiations over a final settlement on the basis of UN resolution 194 – the return of the refugees, the internationalization of Jerusalem and a full sovereign Palestinian state.¹⁴ The Israeli Left, in power ever since 1999, regarded the Camp David summit as a stage for dictating to the Palestinians their concept of a solution: maximizing the divisibility of the visible (evicting 90 per cent of the occupied areas, 20 percent of the settlements, 50 percent of Jerusalem) while demanding the end of Palestinian reference to the invisible layers of the conflict: no right of return, no full sovereign Palestinian state and no solution for the Palestinian minority in Israel. At Camp David an acceptable solution for the Israelis meant that Palestinians would have to succumb to Israeli dictate, or face occupation, exile and discrimination that would continue until they changed their position. With or without Ariel Sharon's violation of the sacredness of Haram al-Sharif in September 2000, the second uprising or *Intifada*, that broke out in the territories in late September and in Israel a month later, in October 2000, was to prove that Palestinians would not accept such an approach.

In first four years of the second Intifada, the concept of 'Territories for Peace' was absent from the peace negotiation table. The uprising spilled over into Israel itself, leading the Palestinian minority there to call for the de-Zionization of the Jewish state, allowing West Bankers to demand the Palestinization of Muslim and Christian Jerusalem, the inhabitants of Gaza to raise arms against the continued occupation and uniting refugees around the world in their call for the implementation of their right of return. What this last intifada made abundantly clear was that in the eyes of the Palestinians, the end of occupation was a precondition for peace and can not be peace itself.

The narrative provided by the Israeli prime minister at the time of the Camp David summit, Ehud Barak, was accepted widely by the peace camp. According to this version the Israeli leadership maximized the equation of 'land for peace' by offering most of the territories Israeli occupied in 1967, and the Palestinians stupidly rejected this 'generous' offer. This version was endorsed by the United States, although several European governments and personalities doubted its validity. This narrative delineated very clearly what was the final settlement in the eyes of the political camp led by the Labour party and its leader Ehud Barak would be. Such a 'comprehensive' solution was in essence an Israeli demand from the Palestinians to recognize the Zionist narrative of the 1948 war as exclusively right and valid: Israel had no responsibility for the making of the refugee problem while the Palestinian minority in Israel, that forms twenty per cent of its current population, was not part of the solution to the conflict. It also included an Israeli demand from the Palestinians to acquiesce to the new reality Israel created in Greater Jerusalem and the West Bank. A final peace settlement was therefore one in which the world recognizes the Jewish nature of the settlement encircling Jerusalem and planted at the heart of Palestinian cities such as Nablus and Khalil (Hebron).

This dictate was resurrected as a peace process in 2004 under the auspices of a new body, the Quartet – a committee composed of the most senior UN, American, European and Russian diplomats. They presented a 'Road map' – which was an international endorsement for the Israeli ideas of how best to divide the occupied territories between the Jewish state and a future Palestinian entity, that could be called, even according to the Israeli prime minister Ariel Sharon (who won

the elections of 2001 and 2003) a 'state'. When the two sides failed to move ahead toward the 'Road Map', for the same reasons they failed to reach an agreement in the previous 36 years of Israeli occupation, Sharon offered his own version of the Map. He suggested a unilateral Israeli withdrawal from the Gaza Strip and four settlements in the north of the West Bank. When the Quartet requested that this disengagement be part of the Road Map, Sharon did not care one way or another. He was motivated by an Israeli consensus that regards half of the West Bank (the big settlements blocs and Greater Jerusalem) as an integral part of future Israel in a solution that has no right of return for the refugees. In a way, Sharon, backed by the political center in Israel, was leading to the implementation of a one state solution that includes a Palestinian Bantustan (in fact two Bantustans: one in the Gaza Strip and one in the shrunk West Bank), but which the world would hail as a two states solution.

The Israeli elections of 2006 brought this Sharonite conception into full fruition. The idea begot a party – Qadima – which even without Sharon won a vote of confidence from the Jewish electorate. Qadima was an interesting phenomenon in this respect, as it was supposed to be the 'big bang' of Israeli politics: a whole new approach to ideology and strategies. In reality the story was very different. Hardly any new names were recruited out of the old system. It was a fusion of leading politicians of the Likud and Labour parties who exposed what was already known: that on the issue of Palestine there is a wide Zionist consensus which encompasses more than 80% of the Jewish population and a similar percentage of Knesset members.

Qadima brought to the fore recognition that there is already one state in Palestine: Israel and the two Bantustans. Qadima believed it had a way of persuading the world to accept it as a final solution. Qadima was later embroiled in the 2006 Lebanon war and was unable to push forward its ambitious strategy. It proved to be unable to guide Israel through the dire straits of a conflict with Hezbollah in Lebanon and may lose the next Israeli elections because of that. Nonetheless, it is noteworthy that Labor and Likud have a very similar view and strategy towards the prospective solution.

The One State with the Two Bantustans is the ideal Zionist solution according to the latest Israeli elections. It is a political vision accepted not only by Qadima, but also by Labor and all the smaller centralist parties. It is still marketed as a two states solution and a peace program, although the reality on the ground attests to a scheme that perpetuates the occupation of the whole of Mandatory Palestine by direct or indirect means. The 'Two States' Solution – once a major theme in Zionist strategy and Israeli ideology has been replaced by 'Ingathering' (Hitkansut), taking over 88% of historical Palestine and the isolation and imprisonment of the remaining 12%.

PRE-EMPTYING MEANING FROM PALESTINIAN STATEHOOD

The review offered hitherto of the 40 years long peace efforts indicate that all attempts to focus on the fate of the territories Israel occupied in the June 1967 war – territories which form 22 per cent of Palestine – did not provide peace. Even, Israeli offers to withdraw from most those territories (from Oslo, through Camp David 2000, the Ayalon-Nusseibah initiative, the Road Map and the Geneva accord) could not illicit a meaningful Palestinian consent to end the conflict. These offers had one thing in common: they emptied the concept of statehood from its

conventional and accepted notion in the second half of the twentieth century. These peace offers, without exception limited the future independence of the Palestinians in those 22 percents, accrediting Israel with an exclusive say in security, foreign and economic matters in the future mini-state of the West Bank and Gaza Strip. More importantly, the mini-state structure proposed to the Palestinians fails to offer a solution to the refugee question, one that is related to the internationally recognized Right of Return. It is also a political structure that has no relevance to the fate of the 1.4 million Palestinians who live inside Israel and who are subjected to formal and informal apartheid policies. Finally, the two states solution retains much of Jerusalem in Jewish hands and disables the Palestinians from having a proper capital there. The annexation of most of east Jerusalem has been tolerated by the international community for such a long time.

The unresolved status of these four central issues indicates that all peace efforts need to extend geographically and chronologically. Geographically, we are looking for a political structure that is different from the contemporary one. It needs to focus on all the areas of mandatory Palestine. Chronologically, we are looking for recognition of the significance of the 1948 Nakbah in determining the future chances of reconciliation. These two perceptions are built on a required recognition, globally and locally, of the lack of parity and injustice built into this conflict. More precisely, it means, that the whole process of reconciliation cannot be activated unless Israel acknowledges the ethnic cleansing it committed in 1948 and is willing to be accountable for it.

I have written elsewhere on the various possible mechanisms for such a process.¹⁵ Here I would like to associate the end of conflict and the question of a desirable political structure that should accompany such a process and eventually provide a resolution. I use the term accompany, as I believe the process of mediation and reconciliation between Israel and its Palestinian victims is a first precondition that should commence even before the construction of an appropriate political structure is achieved.

Both the outstanding problems and the mechanism of reconciliation have a better chance of being dealt with, once the idea of two states is abandoned, and the paradigm of parity is substituted with recognition of the imbalance between colonizer and colonized, expeller and expelled and occupier and occupied.

BUDS OF NEW THOUGHT CONTEMPORARY SUPPORT FOR THE ONE STATE

Reaching such noble objectives as a one state may rightly seem now sheer utopia. Such a way forward is vehemently rejected by most of the Jews in Israel and objected to by a considerable number of West Bankers (Palestinians residing in the West Bank). In the long run it may be, for better or for worse, the only game in town as recognized even by those who still are ardent supporters of the idea of two states, such as Mustafa Barghouti.¹⁶ In Israel, two long time comrades of Barghouti's struggle for two states, Haim Hanegbi and Meron Benvenisti, have also concluded by summer of 2003 that the time has come to forsake the two-state solution and think about a one state solution.¹⁷ The former sees it as a just solution to the conflict. The latter laments it as unfortunately the only feasible option given the range of Jewish settlements in the occupied territories, the unwillingness of any Israeli government to massively withdraw settlers and the growing demography of Palestinians inside Israel. However, both advocate the bi-national model, a kind of a

federation between two national entities which share the executive, legislative and constitutional authorities between them on a parity and consensual basis.

The more veteran advocates of the one state solution tend to prefer the idea of a secular democratic state for all its citizens. But also some of them regard the bi-national structure as a more feasible one, to begin with. As Tony Judt put it in the *New York Review of books* article on the subject¹⁸, it will be easier to win over those disappointed with the chances of a two-state solution to the notion of a bi-national state. A similar argument was made by two Israeli academics, a Palestinian and a Jew in 2004.¹⁹

Yet the political forces on the ground, be they in politics, the economy or the media – are still putting all their energies in consolidating a two-state solution in Palestine; each according to its own understanding. The political elite in Israel wishes for a structure that would shrink Palestine into oblivion; the Quartet asserts that it could convince Israel to allow a mini-state over 12% of what used to be Palestine and this Bantustan seems to satisfy some of the Arab regimes which are within the American sphere of Influence. Given such local, regional and global balances of power, can there be a return to political structures that would reflect more fairly and usefully the history, geography, culture and demography of Palestine?

The time has not as yet arrived for detailing the nature of the political structure that would replace the two state solution. The two models of the secular state and the binational state would still compete in the arena of theoretical discussions on the subject. In this regard, one way forward would be to continue the extrapolation of the concept of one state as the only sensible solution that can prevent a civil war in Israel, grant equal rights to the Palestinian minority in Israel and provide equitable solutions to the Right of Return and the status of Jerusalem. Much work is still to be done in this theoretical sphere beyond the stage of slogans and rhetoric. Moreover, there is a need to draw into the discussion other groups, such as feminists and ecologists, to widen the scope of the debate on how to structure this new political entity. Thus, we can begin with joint historiographical efforts that seek a non-ethnocentric, polyphonic reconstruction of the past and which can produce more reflective and humanistic attitudes towards the suffering of those victimized by structures of evil in the land. Such a historiographical endeavour is not merely academic, as it looks for a de-nationalized, as well as de-genderized and de-colonized history. This means that salvaging the deprived voices in the past requires giving them a voice today and in a different future.

However, to move from historical deconstruction to future reconstruction is almost an impossible task. The comparative historical lessons, one has to admit, are not very encouraging in this respect. Thus, while it remains important to continue the debate today between the proponents of the various ideal types of one-state solutions in Palestine, one has to assess the chances of arriving at the moment in which these theoretical broodings will become, inevitably reduced, real models on the ground. More urgently, is the deconstruction of the present political power with an aim to protect the life of newcomers, indigenous and the future inhabitants of Palestine. We need to move away from a power structure that suckles from an international system governed by ideals and motivations that seem to seek the perpetuation of the present reality rather than its change.

THE WAY FORWARD

Four processes have to be closely looked at, if one wishes to assess the chances for a new reality to emerge in Palestine. These processes are intertwined in a dialectical relationship that, as a whole, is likely to impact the reality on the ground in contemporary Palestine.

The first that needs to be considered is the nature of Israeli policy – with the backing of global powers such as the American industrial-military complex, Christian Zionists and the pro-Zionist Jewish lobbies in the world. This policy if unabated and unhindered will continue to destroy Palestine, in the name of two states.

Second is the growing resentment in the Third, Muslim and Arab worlds against the present reality. So far, this anger is only reflected in extremist fanaticism, which feeds and benefits Israeli policies, but it can grow into a far more lethal, effective, and even acceptable force countering Israel and its policies.

Third is the need for a fundamental change in Western public opinion and in what can be called, for lack of a better term, civil society. In July 2005, a survey showed that only 14% of Europeans and 42% of Americans showed sympathy and understanding of the Israeli position; and the trend is towards reducing these percentages even more. Against these statistics, one can appreciate the mushrooming of boycott, divestment and sanctions campaigns against Israel; reminiscent of the way the anti-Apartheid movements grew in the 1960s.

Fourth is a cautious emanation of desegregated spaces of coexistence, one based on parity, inside areas in Israel where Palestinian and Jews live in proximity, such as the Galilee. It is reflected mainly in the opening of joint kindergartens and schools, but it also beginning to pervade the business, judicial and municipal fields. These are too early days to assess the significance of the phenomenon, a drop in a sea of segregation. But if the three processes mentioned above are considered and thus have their impact, this may develop both as a refuge for people who wish to live differently than the reality around them, or even provide a model for a future Palestine.

ENDNOTES

¹ See Jamil Hilal, *The Making of the Palestinian Elite from the Emergence of the Palestinian National Movement until the Aftermath of the Palestinian Authority*, (Muwatin: Ramallah 2002) [Arabic]; Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900*, (Berkeley: University of California Press, 1995) and Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness*, (New York: Columbia University Press, 1997)

² These similarities have been recognized by the people themselves, which is why the people of Jabal Nablus had made every possible effort to remain connected to Jerusalem. When Nablus was officially annexed in 1858 to the villayet of Beirut, a protest movement arose, so massive that it turned into a bloodbath in which, according to the British consul in Jerusalem, 3,000 people were killed. He was, however, known to have exaggerated in the past, so the number could well have been much lower. For more details see Ilan Pappé, *A History of Modern Palestine; One Land, Two Peoples*, (Cambridge University Press, Cambridge 2004), p. 14-26.

³ Butrus Abu Manneh, 'The Rise of the Sanjak of Jerusalem in the late nineteenth Century' in I. Pappé (ed.), *The Israel/Palestine Question*, (London: Routledge, 1999), p. 41-52.

⁴ A smooth operation that went with great local satisfaction compared to the uneasiness that accompanied similar unifications in Iraq, where Kurds, Shiites and Sunnis were to become the Iraqi nation state under British rule

⁵ Eliakim Rubenstein, 'The Treatment of the Arab question in Palestine in the Immediate period after the 1929 events and the Establishment of the Political Bureau – Political Aspect' in *Jewish-Arab*

Relations in Mandatory Palestine: A New Approach in Historical Research, ed. Ilan Pappé, (Institute of Peace Research, Givat Haviva 1995), p. 65-102 [Hebrew].

⁶ Ibid.

⁷ This is detailed in Ilan Pappé, *The Making of the Arab-Israeli Conflict, 1947-51*, (London: I. B. Tauris, 1994) p. 16-46 as well as in Doumani, *Rediscovering Palestine*, and Khalidi, *Palestinian Identity*.

⁸ Yishuv is literally the Settlement and this refers to the Jewish community in Mandatory Palestine.

⁹ Ilan Amitzur, *Bernadotte in Palestine 1948: A Study in Contemporary Humanitarian Knight-errantry*. (Macmillan London 1989).

¹⁰ See Pappé, *The Making of Modern Palestine*, p. 203-243.

¹¹ Helena Cobban, *The Palestinian Liberation Organization: People Power and Politics*, (Cambridge: Cambridge University Press, 1984), p. 28-29.

¹² Avi Shlaim, *The Iron Wall: Israel and the Arab World*, (New York: W. W. Norton and Company, 2000), p. 109-110.

¹³ See Ilan Pappé, 'Breaking the Mirror – Oslo and After' in Haim Gordon (ed.), *Looking Back at June 1967 War*, (Praeger: Westport Connecticut and London, 1999), p. 95-112.

¹⁴ Even the US voted in favor of this resolution at the time and ever since

¹⁵ Ilan Pappé, 'Fear, Victimhood, Self and Other', *The MIT Electronic Journal of Middle East Studies*, May 2001, p. 4-14.

¹⁶ Mustafa Barghouti, 'Sharon's Nightmare', *Al-Abram Weekly*, 690 (13-19 May 2004).

¹⁷ Meron Benvenisti, "Which Kind of a Bi-national State", *Haaretz*, 8 August 2003.

¹⁸ Tony Judt, "Israel: the Alternative", *New York Review of Books*, 23 October, 2003.

¹⁹ See for instance, As'ad Ghanem and Sarah Ozacky-Lazar, 'The Status of the Palestinians in Israel in an Era of Peace: Part of the Problem But not Part of the Solution', *Israel Affairs*, 9/1-2 (Autumn/Winter 2003), p.263-289.

**BETWEEN NAKBA AND NAKSA:
PALESTINIAN INTELLECTUALS IN ISRAEL**

**ARTICULATING MEANINGS OF HOMELAND
AND CITIZENSHIP**

*Honaida Ghanim**

This article examines the effects of the 1967 war on the national discourse of the Palestinian intellectuals in Israel. It analyses the articulation of the meaning of “homeland” and “citizenship” through a comparative analysis of the Palestinian poets and writers’ works¹ before and after the 1967 war. The central aim is to illustrate how the national discourse of Palestinians in Israel went through a major transformation after the 1967 war. The paper shows that whereas the first generation following the nakba was concerned with articulating the meaning of homeland and national identity in a context of a colonizing state, the generation that followed the 1967 war was more concerned with articulating the meaning of citizenship within such a state. In this regard the relation to Israel was no longer based on it being a colonial entity, which needs to be dismantled, but as an occupier state, one that transgresses international laws and needs to be challenged. The national task of the Palestinians in Israel thus was transformed from one that refutes the state to one that seeks to negotiate with it.

This transformation, though, has not been without its contradictions; the Palestinians inside Israel needed to deal with a state that gave them citizenship but defined itself as the state of the Jewish people. It thereby excluded them from it. At the same time, the 1967 war and its aftermath revealed the resilience of the State Israel and the inevitability of working within it. This became all the more salient as soon as the Palestinians national struggle, as led by the PLO, shifted away from its call for the creation of a secular democratic state to the creation of a Palestinian state within the West Bank and Gaza. The Palestinians inside Israel were thereby trapped between a state that gave them limited citizenship but negated their national identity and a Palestinian national movement that *de facto* excluded them. It was only towards the ends of the eighties and the beginnings of the nineties that intellectuals started to suggest political formulas for overcoming this conundrum. Specifically salient among these formulas was the claim of turning Israel into a state of all its citizens, a political articulation which developed in the school of the intellectual Azmi Bishara².

The article is divided into three main parts. In the first part, I discuss the effects of 1948 war on the Palestinians in Israel, and the discursive tools poets used in order to conceptualize their sense of collective national identity within the context of what was defined as a colonial political reality. By national identity, I

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refer to a strict Andersonian sense of “imagined community”, and not to the political movement of national liberation as articulated by the PLO. In the second part of the paper, I analyze the effects of 1967 on the Palestinian national discourse and the gradual entrance of the reality of the state as a new referential framework and legitimate sphere for political actions. Part three summarizes the causes behind this discursive shift from the “homeland” to the “State”.

CONSTRUCTING A NATIONAL NARRATIVE AFTER THE NAKBA

During the war of 1948, and at the peak of the Israeli state-making, approximately 85% of Palestinians who had been living within the borders of what became the State of Israel were forced to leave their land.³ A residue of about 170,000 Palestinians (approximately 10% of the Palestinian population) found themselves living in the new State of Israel. The majority of them were peasants living in two main areas: the Galilee and the Triangle. A few Palestinian areas also remained in the coastal cities and in the Negev. Between 1948 and 1966, Palestinians inside Israel lived under strict military rule and “security” surveillance. Officially they were Israeli citizens, but practically they were subject to *de facto* colonial control. Those Palestinians were termed later by Emile Habibi as *albagia albagia*: the “remaining residue”. They remained within their homeland yet outside it, as the homeland had become the state of another, and the Palestinian landscape turned into ruins on which the new state had been built. Their experience was similar but not identical to the experience of Palestinians abroad, or to the Palestinians in the Occupied Territories in so far as they all lived dispossession and exile. However, it was also different in so far as they experienced exile and alienation while coming into contact the ‘other’“. From the ‘Nakba’ until 1967, Palestinians in Israel were ‘invisible’⁴, physically cut off from the Arab world at large and from the rest of the Palestinian people, and detached from the Jewish-Israeli society. They were also, to a large degree, ‘effaced’ from the Israeli civil and national arenas. The Israeli establishment viewed them as hostile citizens, “due to their common interests with the Arabs beyond the border”.⁵ At the same time, many in the Arab world and among the Palestinians viewed them with suspicion for fear of their “cooperation” with the Jewish state.⁶

The calamity of 1948 pushed Palestinian poets in Israel towards constructing their national collective identity as an essentialized and naturalized identity, one which is deeply rooted in the psycho-geographic landscape of the homeland. They enclosed their identity as a form of resistance against what they considered to be a temporal unjust and immoral colonizing state. Despite the fact that the Palestinians in Israel lived for two decades after the Nakba under a strict oppressing military rule, they kept the beliefs that their national calamity is temporary, *reversible*. Palestinian nationalist poets and persons of pen reflect this belief through their writings, where their main themes were centralized around the love of the homeland, the firm standing on the land (Sumud), and the anticipation of the liberation moment. The following discussion shows the tools and images used by the Palestinian poets to essentialize this collective identity in the context a colonial “other”, where the state and the Israeli Jew are one and the same.

ESSENTIALIZING IDENTITY

According to Spivak, minorities adopt essentialism as a technique to authenticate their existence.⁷ The moment they are subject to symbolic and real denial of their national and historical context, minorities tend to adopt essentialism to deal with the catastrophe. According to Hall, essentialism is an arbitrary closure of collective identity, which entails a dual process of inclusion and exclusion.⁸ In the case of the Palestinians in Israel, the process of inclusion/ exclusion was based on the reality of Israel as a Jewish state that excluded the Palestinians from the imagined “wanted citizens” and restricted them to specific areas under a strict surveillance of guarded borders.⁹ Palestinian collective identity was articulated in relation to what was defined as a bloody, negating, colonizing “other”. It sought to revivify an essential, vibrant, “self” that is integral to the Land, and above the calamity of the Nakba.

In 1958 Rashīd Ḥusayn, for example, we find that the boundaries of the Palestinian community are demarcated by death and blood, “enforced by the other”.¹⁰ He writes:

Our borders are jagged guillotines
Death is spilled into them from fortified positions

Yet, in reaction to this oppression imposed on him by the “other”, the national poet signals his collective identity as an essential identity, one which is all the more capable of being active, creative and proud. In his poem “A Lover from Palestine”, Maḥmūd Darwīsh, writes in 1964:¹¹

Indeed Arabs we are
And of this we are not ashamed
We know how to withhold a reaping-hook
And how the weaponless defends him!
We know how to build a modern factory
...a house, a hospital, a school, a bomb and a pistol!
We compose beautiful music and poems, polished and full
of sensation and thought.

Doubling the “I” as opposed to the “other” posits a total dichotomy. The “other” is employed by the Arab poets to construct their collective national identity. The solidified limits were not the result of a priori position that denied and negated the “other” on the basis of ethnic or racial differences. Rather, it is the result of the interaction with the oppressing “other” within the context of the national catastrophe that befell on the Palestinians. Thus Mahmoud Darwish writes in his poem “Identity Card”, composed in 1964:¹²

Record on the top of the first page
I do not hate people
Nor do I encroach
But if I become hungry
The usurper’s flesh will be my food...
Beware...
Beware
Of my hunger
Of my anger

Poets perceived the “other” as someone attempting to erase their past and suppress their nationality and culture, as one who denies the very existence of the collective Palestinian “I” and attempts to make it fictive. Thus the poet suspends the authenticity of the “other” as a way to empower the collective “I.” Darwīsh continues¹³:

As long as there is a judge of your own in the world,
 A judge according to your measurements of justice and
 truth
 And we are but a record that repeats our words.
 We will be fake
 Our birth certificate, our religion and contract are illusive
 Our grandfather will be fake
 Our mother illusive
 And our flesh and blood are a fake witness!

The Palestinian collective identity has been established as an essence not only through a process of inclusion and exclusion, but also through interweaving identity with local geography. Historically, identity has been presented as essential with the aid of metaphors extracted from the primary world of nature: an identity of harmony “similar” to that of pure nature. According to this way of thinking, harmony existed until it was interrupted by the outsider via an intrusive, unnatural process. The Nakba forced the articulation of identity around the experiences of loss, threats and displacement. National identity became interwoven around the pain of losing the imagined harmony between the collective “I” and the homeland. According to the poets, this harmony was interrupted by the artificial presence of the Zionist colonizer, and by violation of the non-mediated relation between the Land and its indigenous people. The poets use the metaphor of “roots” to articulate their presence as an organic presence and to symbolize identity as a-historical, part of nature that exists without mediation. Darwīsh writes in 1964:¹⁴

My roots
 Were entrenched before the birth of time
 And Before the opening of the eras
 Before the pines and the olive tree
 And before the grass grew

Within the frame of total harmony, the identity of the collective subject resembled nature and was embodied in it. Darwīsh continues in the same poem:

My father... descends from the family of the plough
 Not from a privileged class
 And my grandfather was a farmer
 Neither well-bred, nor well-born!
 Teaches me the pride of the sun
 Before teaching me how to read
 And my house is like a watchman's hut
 Made of branches and cane
 Are you satisfied with my status?
 I have a name without a title!

Identifications like identity cards, passports or passing licenses signal the loss of harmony and fragmentation of how the Palestinian used to live. When the

imagined harmony was violated by the colonizer and separation from nature occurred, the Palestinian started to conceptualize his identity in relation to the imagined harmonious past. The root mediates between the past and the present crisis, presented as an emergency reality and as an exception of the rule. The exception was supposed to be temporary and should end eventually, as Darwish wrote in 1964:¹⁵

If in September, a storm
Broke the trees
The roots of the figs
Are rooted in the depths of the rocks
Giving you new wings
And wings

The root remains in its place against the waning storm, and this is how its tenacity is recognized. This is a presentation of the dynamics between a natural a-historical identity and a storm, one which despite its strength is temporary and will pass by. In the context of the relationship between oppressor and oppressed, between storm and serenity, the Palestinian poets critical discourse centralizes the sub-identities within the totality of the “I” category, where identity is arbitrarily enclosed against the “other.” Identity is centralized around the root, which is survival. In Bachellard's words,¹⁶ the intellectual translates the experience of rooted collective existence into the statement: “I will be part of the universe/ despite it and in defiance of it, the issue here is not only existence but power, the opposite power.”

MORAL “PRESENCE ABSENCE”

The Palestinian poet organizes his conception of the colonized homeland after 1948 on the basis of a moral classification that employs the dichotomy presence/ absence within multiple significations. In this respect, he articulates the very fact of the unfair negation of the Palestinian as a declaration of their moral presence on the land. This moral presence stands in strong contradiction to the physical presence of the colonizer which indicates the latter's moral absence. In other words, the presence of the colonizer, which is built upon the erasure of the Palestinians as the indigenous inhabitants, can't be conceptualized as organic or authentic. According to the poets, the absence of the Palestinian indigenous who were thrown out of their homes, villages and cities is the sign of their “always already” presence, even if they are not physically there. Salem Jubran¹⁷ depicts this dynamics in saying:

Foreigner I am in Safad...
The houses bless me “ahlan”¹⁸
Her residents shout “keep away” Arab!
Arab I am wondering in the streets? Why!

The houses, as traces of the past, are the alibi of the Palestinian being. These houses, vivid and lively until the Nakba, now are turned into specters, witnessing the changes without being seen by the new residents, similar to a panoptical structure in Foucault's terms. Houses are unspeaking entities, although they reflect the silenced history, handling a dialogue with the “Arab”, “welcome ‘ahlan’”, whose appearance is so prominent to them. The dialogue with the house is

a dialogue that the poet makes with the “present absence” of the fresh past. The residents- i.e. the Israeli colonizers- articulate their presence through the act of speech, of violent intervention in the silent dialogue between the indigenous and the houses. Through the speech that combine between the command “leave” and the master signifier “Arab”, the resident wants to alienate the indigenous. This imagined or actual scene that includes the indigenous, the colonizer and the home, is the scene of possibilities of dialogues, where the colonizer cannot be a partner or even hear it. Jubran’s dialogue with the house is actually a dialogue with the alibis, whose presence, in the absence of any signs of the indigenous life, becomes a wandering spirit that only an Arab can see. This is a dialogue the “other” cannot see. This is a specter that probably cannot be concretized and embodied, or even hidden. Samih al- Qāsim depicts the feelings that emerge in his encounter with Jewish construction, founded on the ruins of the Palestinian landscape. He writes:¹⁹

Al-Hamra²⁰ Street turn to a new name, strange
Al-Mansour route turn to a new name, strange
And I am calling: bring back my beloved names.

Al-Qāsim also experiences with this new view the present absence of Palestinians, of the past that became ruins. The new presence is founded on the loss of the beloved names. The alienation from the homeland has turned into an experience of exile within the house and out of it. The desire is to resettle at home and not in exile, to normalize the abnormal and to undo the crisis. In this respect, the refugee becomes the negative of the confiscated normal life. He lives the memory of the “organic life” as an alibi of the confiscated normality. In his poem “A Letter from a Refugee to his Mother”, Rashīd Husayn writes²¹:

In the fiftieth tent on the left, here is my life
But what is my life? Paradises of memories
Stories of the colored house
The memory of my brother Sami, and the mischievous
pleasure
Memories of the odors of apricot and oats.

The evocation of this memory has two significant functions. First, the odors, the smell and the memories of the stolen pleasure are the only signs of identification the poet finds in order to claim that his life today could have been different had it not been stolen. Second, the refugee’s world becomes overloaded with denials: a denial of his right to return home, a denial of his reality by the Arab leadership, and even the direct or indirect accusation of his part in Nakba and the loss of homeland. Denial occurs namely on the synchronic horizontal level and gradually the past becomes the only context where he can obtain a double recognition: the past knows who and what I am. According to Bachellard, raising the memory of the past is raising the dreams that were embroidered in its shades.²²

THE PRESENT AS A TEMPORARY CRISIS

Another element in the Palestinian poets’ construction of Palestinian collective identity as sieged and rooted in the landscape of Palestine, is the way they dealt with the question of temporality. The Palestinian poets depict reality as a crisis that is to end, since it is a fall from paradise into the Catastrophe. They considered

their present as a temporary unnatural reality that will have to be overcome. This depiction is addressed not only to the Palestinian public who reads poetry, but to the Israeli who caused the Catastrophe by his mere presence. This is what Darwīsh writes:²³

You who founded yourselves houses on the ruins of my
house
Under the ruins revenge is emerging
If my race was victim of your axes,
My roots are a god preparing himself in heaven
Here am I, naked of all,
Except from a tomorrow in which shades I rest or be
crucified.

In Darwīsh's words, there is a dialectical statement presupposing that every new reality necessarily entails the forces that will bring its end- a utopian dialectic that extracts action from the silence, construction from the Nakba and prosperity from the past. In this context of the prosperous past and the disastrous future, the poet is the subject of the tidings of glory, similar to the glory of Christ's resurrection. As Salem Jubran writes:²⁴

I shall sit, on your lands my country, holding a flute, singing
for the spring
Telling those who weep: winter will die, so smile and never
bow.

In another poem Darwīsh writes:²⁵

The night will pass
Neither the detaining room will remain
Nor the chains
Niron died but Rome did not
It fights with its eyes!
And seeds of a dead oat
Fill the valley with oats

The idea of having a transcendental identity, one that outlives a transitional reality of the naqba is central to the formation of Palestinian identity between 1948 and 1967. At the end of the transition status there is light, a light that symbolized the normal life, one that follows the liminal state and restores the lost paradise. During this transitional period, the collective Palestinian subject in Israel is situated in a corridor, in an abandoned space, getting prepared to exit into the space of the normal universe, where there is harmony between nature, the subject and history. Hanna Abu Hanna writes:²⁶

Through the darkness of the tunnel
An eyes sprout
Hitting darkness, shattering it and destroying jails
Reflecting on my wondering wretchedness power and
confidence
And calls echoing in my heart
Be strong and never fear them, carry courage and stand with
them
Victory is for he who stands on his place

The metaphor of the tunnel or the corridor in Hanna Abu Hanna's poem indicates the way he perceives reality. The corridor is apparently a marginal part of the house; however its significance lies in its mere marginality as a mediating transition between other parts of the house. In Palestinian reality the corridor gathers together two universes: what was before Nakba and what will follow it (the glorious future). However, the corridor is inhibited with darkness and spirits, and symbolizes the primary instinctive fear of man from diving into irrational life, the abnormal. In "A Poem from Exile" from 1964, Darwish writes:²⁷

Mother, night is a hungry wolf
Chasing the stranger everywhere
Opening the horizon for the spirits

In his book *The Poetics of Space*, Bachellard is concerned with the connection between the human subject and the place.²⁸ According to him, the house where a person is born is not only a physical shelter; it supplies a basic sense of security. Bachellard makes an interesting analogy between the structure of the house and the human soul. The house consists of the basement and the roof, and lying in between is the central living space. The basement, he claims, represents the unconscious, the irrational and scary, whereas the roof represents the conscious and the rational. Carl Jung employs the double image of the roof and basement to depict the fears that attack a person who does not encounter his psychic complexes. As he states, "consciousness functions like a person who hears a suspicious sound in the basement and hurries up to the roof, and when he finds no rubbers he estimates that the sounds he heard were nothing but an illusion. In fact, this person is not brave enough to get into the basement".²⁹ The assumptions of Bachellard and Jung are brought here to shed light on a point that usually escapes the attention of researchers of poets in general and Palestinian poets in Israel in particular. Poets compare their lives after Nakba to obligatory lives in the basement, in a jail, in a corridor or a tunnel. This is a representation that implies a sense of fear. The poet experiences reality as an obligatory act of diving into the irrational. Yet, as Freudian and Lacanian psychoanalysts suggest, the unconscious is not subject to being civilized. Similarly, it is not possible to manage the irrational in a rational way. Life in a basement is so abnormal that it is only possible to cancel it, to remove and to banish it, but not to normalize it.

Yet, for the Palestinian poets the liminal life is similar to life in a tunnel and must be overcome. It is significant to observe the duality of the image itself: the basement and the tunnel are a dark space (unconscious) surrounded by light (the conscious) bursting through the basement door or the end of the tunnel. The bursting light, the dawn rising after night, is the post-liminal rational reality they are aiming at. Thus, crossing the darkness becomes an essential mission for the restoration of the psychological private and collective balance. It is the passage to the other bank, to the light, the rational and the normal. Samih Al- Qāsim, writes:³⁰

I will cross the miserable bridge
I swore, I swore by the birth at the depth of man
I will cross the miserable bridge
I will cross it, I will cross it to the other bank.

Palestinian intellectuals between the nakba and Naksa, thus, were articulating the collective identity as the experience of a life in a dark tunnel at the

end of which light is bursting. They were the “insiders” in this tunnel waiting for the inevitable way out. The elements of the collective identity were drawn from the geography of the homeland, the psychological experience of exile within the land, and the reality of negation by a colonial state. In this respect, the collective identity was being constructed without problematizing the Jewish state or engaging with it. The state is the “other”, the foreigner, the oppressor and the dispossessor. It is represented only as the accused, having almost no part in the inspirational role for the poet, who believes in its temporality. Notions such as “equality”, “a state of all its citizens” and “cultural autonomy” were not part of the intellectual discourse. They were irrelevant since the poet defined the collective experience as one that is based on a dichotomous essentialized distinction between the victimized “I” and the dispossessing oppressing “other”. Poets did not see themselves as part of the state and so had no expectations from it. Their expectation was a collective national liberation that would undo the nakba.

IN THE AFTERMATH THE NAKSA: AMBIVALENT REDEFINITIONS?

Seven years after the 1967 war, the Palestinian Israeli poets and journalist Fawzi El-Asmar published his autobiographical book “To be an Arab in Israel”. It is particularly significant for the way it depicts the tragedy, bitterness and discrimination experienced by Arabs in Israel between 1948 and 1970 through the trajectory of his own life. He starts with his view as a child seeing the waves of refugees forced by Jewish Zionist weapons into Jordan; his shock at the transformation of the cities of Lydda and Ramla from vivid into ghostly empty towns, where the only sign of life were ceaseless moving trucks transferring the violated property of Arabs into Jewish houses; through his adult experience staying in a Kibbutz for one year under a Jewish cover name³¹; and through his repeated arrests due to his political actions and false accusation of belonging to the Fatah organization. This life brought him finally to depart and settle in the USA, where he has been living since 1975.

Referring to the 1967 war, El-Asmar dramatically emphasizes the ambivalence he felt during the first years following of the war. El-Asmar claims:³²

During those days [of 1967 war], I felt that I must do something. But I realized that the wheels of history were turning rapidly and no man could stop them; that anything that I did would not be of any help. But despite this, I wrote a leading article in *Hadha al-A'lam* in which I condemned war. I said that this war, if it were to break out, would not resolve any problems, rather would complicate them. The truth is that my own attitude was rather ambivalent. My Jewish colleagues had gone to war, and before they left I told them that I hoped they returned safely home. I couldn't help thinking time and time again of the questions, ‘will they really return? And if they return, will we still be friends? I constantly pondered the questions. Whom did I really want to win? I couldn't decide. Different type thoughts began to develop in my mind. I understood that the important factor was not which nation would rule, but rather under which type of regime.

By positing the problem in political rather than in national terms, El-Asmar pushes the debate around identity into dramatically new terrains. He shifts the point of reference away from the essentialized national collective struggle, which was dominant during the years following the Nakba, to a new political focus centred around issues of citizenship. He proposes that the opponents of the ruling system gather in opposition to its supporters, not on the basis of national sentiments but on the basis of new political mobilisation; not so much to fight the colonialism of Palestine but rather the discrimination against the non-Jewish citizens of the State of Israel.

In the same year in which Fawzi El-Asmar's autobiographical book "To be an Arab in Israel" appeared, the journalist Atallah Mansour's autobiographical book "Waiting for the Dawn" (1975) was also published. In it the author describes his life experience as an Arab journalist in Israel. Mansour was the first Palestinian journalist to write for Ha'aretz, and he was their reporter on "Arab" issues for many years. He is different, though, from the other Arab technocrats and institutionalized intellectuals,³³ who were obliged to market the narrative of Israeli citizenship in its mystified and institutionalized version. This is because he tried to bridge the gap between the State and the Arabs in it. This position also distanced him from those Palestinian intellectuals who constructed the narrative of the State as a "colonial product" that has to be neutralized. Mansour questions neither the legitimacy of the State, nor the roots of the conflict. He rather attempts to present a "rational", "tolerant" and mainly mediating position, even if this "rationality" brought him eventually to question his national identity.

This is what he writes in discussing his identity:³⁴

From a normal point of view, Palestinians are my compatriots, I was born to the Palestinian society, and lived and grew up as a member of this community for eighteen years of my life. My childhood and adolescence were spent in a typical Palestinian village. I suffered the terror of being a refugee and also of being a citizen (Arab) of Israel. But could I identify myself as a Palestinian when today I am member of the Israeli Journalists and Authors' Union?

Sociologically speaking, identity is a product of social construction. It is not a primordial given or an essence that cannot be changed. This being said, different researchers have shown that ethnic and national minorities, or groups under threat, consciously chose to segregate their identity arbitrarily, as a means for self-protection and as a defense against the oppressive group.³⁵ Mansour's decision to present his Palestinian identity as ambiguous is particularly challenging in the light of the 1967 defeat. In the aftermath of the war, the mere term "Palestinian" was negated by the hegemonic culture³⁶. To claim it was going to be problematic choice, one that would not necessarily imply freedom or greater openness.

By freezing Palestinian-ism into the historic remains of childhood experience, Mansour turns his expectations towards the improvement of the status of Arabs within Israel. He hereby enters into a direct debate with the State, rather than avoids it as his predecessors did. We find him, in this regard, bitterly writing about his and other Arab youngsters' incapability to integrate in Kibbutzim during the fifties and the sixties. Mansour writes:³⁷

The Kibbutz, as we were always told, is a socialist institution, where all are equal. But we could not become real

Kibbutz people since we had to go back to our community and solve its problems, they told us. And how are we to do this? By the recruitments of the Arab population to the Arab section in the Workers' Union party (Mapam), they replied. The party which invited us to participate in the salvation of our community had to be convinced about accepting us as members. Later on they were convinced, but, they still have a special section for Arabs even today.

Despite this rejection, Mansour expresses a sense of appreciation for the Mapam and the Kibbutz people. He adds:³⁸

They told us that the majority of Jews in Israel did not have enough confidence in Arabs so as to let them live side by side to them, although they, members of Sha'ar Ha-'amaqim, were brave enough to take the risk. I think that we were even proud of the fact that we never caused trouble or damage in the Kibbutz.

Mansour tries to ascribe to himself a rational progressive position, one that is essentially distinct from the negative positions held by other Arabs. Here, for example, he writes about his estrangement when seeing a childhood friend who became a refugee and whom he has not met since 1948:³⁹

I had not seen my childhood friend for about 25 years. He discovered me by accident, when he read the article I wrote for New York Review of Book, on "Palestinian History". Will we meet again? I could tell him a few stories about Jews which would surprise him – especially if he got used to hearing the satanic stories told by the Arab League.

This estranged relationship to his fellow Palestinian presented by Mansour is also well reflected in the Emil Habibi's short story "Finally the Almond Flourished", written after 1967. In this story, Habibi described a dramatic encounter between two children, cousins from both sides of the green line, who met for the first time after the "opening of the borders". They were drawn into a fight following a visit by the cousins' family, who came from the West Bank, to see their relatives in Nazareth. Emil Habibi (1984, 10) writes:

"King Husayn is cursed."
"Your father is cursed."
"Jordan is cursed."
"Israel is cursed."

This wonderful fight occurred between Ratibah's son and Masoud's cousin, and it would have turned into a new six days war, were it not for the pacifying intervention of Abu Ibrahim, the owner of the grocery. The ambiguous situation into which the children were dragged, made them get lost *between hana and mana*,⁴⁰ without being able to decide on behalf of whom they were fighting.

REARTICULATING IDENTITY

The Palestinian intellectuals after 1967 were not simply ambivalent about their identity. They sought above all to construct a new one. Whereas poets who wrote in light of the Nakba and the military rule produced an essential identity, the discourse of contemporary poets is characterized by the deconstruction of this

essentialism. This discourse deconstructs the binary “I” versus “other” and divides the collective “I” into multiple subject positions. It is based on a retroactive process whereby the Jew is mixed with the Arab, and the pre-Muslim is mixed with cultures which follow it. The new discourse thus challenges both the pre-1967 binary Arab discourse and the colonization of the Arab identity by a-historical institutions of the Zionist State. Underlying this process is the construction of a complex, heterogeneous and multi-vocal identity.

Contemporary poets refer to the liminal positions of the Palestinian in Israel. They see a free space between the Palestinian arena and the Israel one, one that allows them to liberate themselves from the chains of essentialized nationalist identity.

Salman Masalha writes:⁴¹

Since I have no government,
With or without a Head,
And no vice president on my head,
I can in such facilitating conditions,
Allow myself sometimes,
To be slightly free.

Moreover, collective identity is no longer perceived as a monolithic identity. It becomes a heterogeneous space which includes distinct historical sub-identities, and various cultural languages and voices. This space becomes an exhibiting site that presents not only the similarities uniting the subjects, but also conflicts and contradictions. We are in a space that is capable of presenting the primordial ambivalence, the complex history, pertinence and alienation all simultaneously.

Salman Masalha writes:⁴²

Therefore, if you like I would obviously say:
I am an Arab poet
Who has spread his wings to the desert already before
Islam.
And I was Jewish even before Jesus went to the lake to walk
on the water.
And I was a crucified Arab for the morrow's shift.

The dichotomist articulation of the “I” and the “other” as two determined building blocks, which characterized the poetry and the literature of the fifties and the sixties as reflected in Darwīsh’s poem, “Register, I am Arab” written in 1964, is deconstructed. It is replaced by a complex mosaic of positions and identities which are not directed towards the protection of the collective “I”. The complex contradictions of liminality becomes a tool for breaking the traditional dichotomy between the “I” and the “other”, and for constructing an alternative reality in which the field of identities is based on ambivalence. The intermixed positions become a constituent of identity (Druze, Arab, Palestinian, and Israeli). The poet Nazih Kheir writes⁴³ (1993: 251):

Do not wonder
I am the strange contradiction
That between thousand opinions and thousand lies
In all the broken walls

I am the contradiction in the balance between the old and
new
The contradiction between foretelling and deed.

The poets turn the liminal position of the civic and national identity into a tool for the de-territorialization of the existing power centers: the Israeli-Jewish circle, the national Palestinian and the pan-Arab circle. The intellectuals, who up until the 1967 war segregated themselves within an essentialized Palestinian circle, began after the war to produce a new discourse that aimed to break down the hegemony of each of the circles. Through the appropriation of liminality, the intellectuals attempt to construct an alternative reality. Here the various identity positions – Israeli citizens, Palestinian, Arab - become combinatory constituents and not contradictory to one another. However, it should be emphasized that their combination is not automatically natural. Its success depends on national and political factors as well as on the willingness of the two sides to change.

By breaking the rigid categories of “us” and “them”, the Palestinian poets shift between the “now and here” positions and the imaginary past. This transition is best depicted by the poet Salman Masalha in his poem “A final answer to the question of how would you define yourself”. He writes:⁴⁴

I was Muslim on the land of Jesus
And catholic in the desert
Not that this changed anything
In the dusty ways
Only it's a fact I did not forget I was born in sands
And withered with the light,
Till I rested in the shade of the cursed knowledge tree
And ate of its fruit
My fate has been determined with no way back
Like water that flowed and never returned to the river

Already with the opening of the poem, the poet faces us with the question of representation, “I was...” as an answer to the question “who am I?”. His answer is extracted from the complex history of the collective in which he lives, a history where contradictions coexisted in an apparent harmony. The current political reality marks the absurd birth of contradictions within the present alienation from the past. However, the past is not only a reflection of the conflicting present in a different political context. It is also a representation of the “I’s culture” which could have prospered were it not for external intervention. The past is a witness of the existence of a tolerant civilization.

Masalha combines contradictions: a catholic in the desert, a Muslim on the land of Jesus, a foreigner at home, a Jew before Jesus floated on the Sea of Galilee. He manipulates the representation of the private “I” as a metaphor for the collective “I”. This manipulation is, in fact, a tool in the poet’s hands for creating strategies that challenge the self-protected space of action, which has been dictated by the hegemonic power of the dominant majority. The non-binary representation of identity requires the reduction of ethnic and racial contradictions between the “I” and the “other”.

Paralleled with the destructions of the dichotomous boundaries between the “I” and the “other”, poets also rearticulate the meaning of the homeland. In this regard, he distances himself from the essentialised national identity since it no

longer needs to be an alibi for articulating the meaning of homeland. Masalha, express this by reducing the homeland into a building made of individual apartments. He writes:⁴⁵

Within a line of trees a drowning stone,
Carrying men, women and dumbness.
Residents of a building called homeland.

In his poem "Father Also", Masalha re-emphasizes that homeland is the experience of "freedom"; an idea which might have lost its way in the case of the Palestinians in Israel. Yet, it echoes a humanist option, one that neutralized the chains of nationalism. Masalha writes:⁴⁶

My father who was born on top of the mountain,
And who watched the lake,
Never had a passport
And even not a passing card.
He crossed the mountains,
When the borders
Did not flow in the river.

Masalha presents the story of a father as that of a homeland before it was imprisoned within borders. Homeland is freedom, and the passport symbolizes the confiscation of freedom and satisfaction. Masalha continues in the same spirit:⁴⁷

My father never had a passport.
Not because he had no land and stamp.
Only because land always lived there
Satisfactorily at his hands.
And since land never escaped his hands
And traveled beyond the sea
My father also did not.

The deconstruction of the essentialized identity could open the space toward creating new identities. Yet in the case of the Palestinian in Israel, this deconstruction occurred without deconstructing the structural inferiority of the Arabs in Israel. It also occurred without deconstructing the Jewish identity as the master identity. It thereby created the problematic effect of accumulating contradictions but without being able to absorb them. These accumulations inevitably created a tough and cruel identity crisis, as Nazih Kheir, a Druze poet, writes:⁴⁸(1993: 251-252):

When I sleep in my Israeli belonging
And sometimes wake in my Palestinian sorrow
In my Arab crisis
In my Druze shock
Then what do you expect me to say,
That all these are my identity?

CONCLUSION: 1967 AS A TURNING POINT

The poets of the Nakba generation essentialized their collective national identity while contemporary poets post-1967 tend to deconstruct this essentialism. The latter present an underlying fluid identity, one which is subject to change and is

constructed of sub-identities. It is possible to explain this discursive transformation among the Palestinians in Israel as the result of development at the the national, political, civic and cultural levels.

On the national level, the shift of concern away from articulating the meaning of homeland and towards defining a relation to the Israeli state is in part attributed to the diminishing attractiveness of the Arab world. The defeat in the 1967 revealed the weakness of the Arab states and their incapability to keep up with the advances worldwide. Pan-Arab nationalism had collapsed and turned from an illusion into a nightmare. While until the Naksa intellectuals believed that the national political reality is but a temporary eventual crisis that could be reformed by the Arab states, the painful defeat of the 1967 war destroyed this perception. Many intellectuals were shocked at the military capability of Israel and the weakness of the Arab armies. This consciousness shattered the belief that the national crisis will be repaired by an external force. As Ghanimm puts it:⁴⁹

Although I was young, I still remember the 1967 war very well. We all had faith in the pan-Arab national vision represented by Jamal Abdul Nasser, but this illusion collapsed in front of us and we were shocked with a shameful defeat.

In the political sphere, Palestinians in Israel came to deeply believe that the Palestinian national struggle was being focused on the establishment of a Palestinian State in on territories occupied in 1967. The core of Palestinian national liberation did not focus on them but on the refugees in Jordan and Lebanon, as the PLO's experience in the 1970s and 1980s revealed. It also relied on the West Bank and Gaza during the late 1980s and early 1990s as the experience of the Intifada indicated. The Palestinians in Israel were not the main concern of the PLO's struggle for self-determination and statehood nor did they contribute to it. They had thus to redefine their space for political action.

On the social level, Palestinians in Israel saw their partial inclusion within the space of Israeli citizenship intensified after 1967. Israeli control over the Arabs was eased with the end of the military rule in 1966. Their space for economic, social and political mobility increased. At the same time, the Israeli state shifted its major military operation towards the Occupied Territories while keeping a hegemonic control over the Palestinians inside Israel. Many Arabs internalized the Israeli hegemony, and gradually started to change their discourse. Some of the intellectuals, who previously perceived the state as the ultimate evil, changed their views and even adopted ambivalent, if not contradictory, positions. A comparative reading of the writings of Salem Jubran in the shades of the Nakba and his writings today reveals this contradiction.

In his poetry on the Nakba, Jubran writes:⁵⁰

Oh, the spirits of the dead in the Nazi camps
The hanged man "an Arab like me my compatriot"
The Nazi-like of Zion hanging him
Oh, the spirits of the dead in the Nazi camps...
If you knew...if you knew

Later, Jubran depicted the status of Arabs in Israel as follows:⁵¹

Today, Arabs in Israel are more developed and modern than in the past: in their relation to democracy, to women, to children, equality and science, we are more modern, out of the

simple reason that we have been living for 50 years in an industrialized, democratic and western community.

Jubran depicts a scary reality after the Nakba, one in which he does not hesitate to compare the Jew with the Nazi. After the Naksa though, he changes his view, as he make the Israeli State an enriching experience. He presents it as democratic and developed entity, as a cultural model which could serve to “cultivate” the Arabs.

On the cultural level – the significance of the Naksa originates not only in the collapse of the Nakba generation poets’ belief that the national crisis will not be corrected. Above all it is revealed how different the Palestinians in Israel were from the Palestinians elsewhere. The Naksa made it possible for the Palestinians, for the first time, to encounter not just the cultural similarities they shared with their fellow Palestinians, but the *differences* that lie between them. Some intellectuals consider this realization as the beginning of the history of the Arabs in Israel, as a distinct group from the rest of the Palestinian people. Azmi Bishara writes:⁵²

In 1967 the real history of the distinction of the Palestinian minority in Israel from the rest of the Palestinian people began, because then it seemed that in addition to their better economic status, Arabs [in Israel] had better political and civic privileges than the inhabitants of the West Bank and the Gaza Strip.

The intellectual discourse reflects this transformation and even reproduces it in an epistemological turning point. It moves the debate from the conceptualization of the status of Arabs in Israel as subjects under colonial rule to one of “free citizens”, albeit of a second class. It also moves the focus of the resistance struggle from one centred around revindication of the homeland and national identity to one centred on the cruelty of the state. The state is now both a State that occupies the territories of “brethren Palestinians” and the State which discriminates against its citizens on basis of their religion. This articulation of the state’s double reality made Palestinians inside Israel push for greater equality and an end to the discrimination in the seventies and the eighties. It paved the way for the new intellectual discourse led most notably by Azmi Bishara, in the 1990s, and which called for consolidating the national and citizenship discourses through making Israel the State of all its citizens while at the same time protecting the Arabs’ cultural autonomy.

ENDNOTES

¹ I use the term Intellectual here in its wide meaning as defined by Robert J Brym, “Sociology of Intellectuals,” *International Encyclopedia of the Social and Behavioral Sciences*, eds. N.J. Smelser, P.B. Baltes (Oxford UK: Pergamon., 2001), p. 7631-7635. The term refers to all those, whose main occupation involves “producing or distributing culture”. Here it includes poets, journalists, novelists and other persons of pen.

² The article is based on in-depth interviews conducted with Palestinian intellectuals, and analysis of journalists’ and poets’ writings between 1948 and 1980. It is drawn from the PhD dissertation which I submitted to the Sociology & Anthropology department at the Hebrew University between 1999 and 2002.

- ³ See Walid Khalidi, *All That Remains: The Palestinian Villages Occupied and depopulated by Israel in 1948*, (Washington, D. C., Institute for Palestine Studies, 1992); Nur Masalha, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882-1948*, (Washington, D. C.: Institute for Palestine Studies, 1992); Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: Oneworld Publications, 2006).
- ⁴ Alison Jaggar, *Feminist Politics and Human Nature*. (Totowa, N.J.: Rowman & Littlefield, 1983).
- ⁵ Ozacky-Lazar, S. "Hamemshal hatsv'ae ckle shlita 'al ha'aravim beyesrael b'asur hareshun 1948-1958" (military rule as control tool on the Arabs in Israel at the first decade 1948-1958), in *yahase yehudem 'aravim baertz yesaerl-falasten* (Arab-jews relationship in Eretz Israel- Palestine), eds. in H. Gerber & A. Foda, (Jerusalem: Magnes, 2002) p. 103-132.
- ⁶ Azmi Bishara "Aravim beyesrael: eyonem beseiah polity shasoua" (Arabs in Israel: reflections on a cloven political discourse), in *ha-Shesa' ha-Yehudi-'Arvi be-Yisra'e (the Arab- Jewish clones in Israel)*, eds. Gabizon R & D. Haker, (Jerusalem: ha-Makhon ha-Yisre'eli le-demokratyah, 2000), p. 53.
- ⁷ G.Spivak, "Can the subaltern speak? Speculations on widow sacrifice" *Wedge* 7 (8): p. 120-130.
- ⁸ S. Hall, "New Ethnicities," *ICA Documents* (7), (1988), p. 27-31.
- ⁹ Cohen, 'Aravim tovim: ha-modi'in ha-Yisre'eli vaha-'Aravim be-Yisra'el: sokhnim u-ma'filim, mashtapim u-mordim, matarot ve-shieot (Good Arabs: Israeli intelligence and the Arabs; Agents and operators, collaborators and rebels, Goals and Methods), (Jerusalem: Keter: Ivrit 2006).
- ¹⁰ Rashid Husayn, *al-a'mal al-shi'riyah* (Poetry Collection), (al-Taybah: Markaz Ihya al-Turath al-Arabi, 1990), p. 322.
- ¹¹ Mahmud Darwish, *al-dewan al-she'ri* (Poetry collection, part1), (Dar al-aswar: Acre, 1988).
- ¹² *ibid*, p. 76
- ¹³ *ibid*.
- ¹⁴ *ibid*, p.75
- ¹⁵ *ibid*, p.97
- ¹⁶ Gaston Bachelard, *The Poetics of Space*, (Boston: Beacon Press, 1969), p. 86.
- ¹⁷ In Abdulilah Al-Kayyali, *al-she'r al-falsteni fe nakbat falasten* (Palestinian poetry about Palestine's Nakba), (Beirut: al-muassasa al-a'rabeiah llderasat., 1975), p. 389.
- ¹⁸ Arabic for "Welcome"
- ¹⁹ Samih Al-Qasim, *Dami ala kaffi*, (*My Tears in my Palm*) (Nazareth: Matba'at wa-Ufsat al-Hakim, 1967), p.73
- ²⁰ Name of street in Arabic
- ²¹ Rashid Husayn, *Poems Collection*, p. 166.
- ²² Bachelard, *The Poetics of Space*, p. 54.
- ²³ In Al- Kayyali, *al-she'r al-falsteni fe nakbat falasten*, p. 465.
- ²⁴ *ibid*, p. 427
- ²⁵ Darwish, *al-dewan al-she'ri*, p.13
- ²⁶ Hanna Abu Hannā, *Qasaid min Hadiqat al-sabr* (*Poems from the Cactus Garden*) (Haifa: Abu Rahmoun, 1988)
- ²⁷ Darwish, *al-dewan al-she'ri*, p.35
- ²⁸ Bachelard, *The Poetics of Space*, p. 55-56.
- ²⁹ *ibid*.
- ³⁰ Al-Qasim, *Dami ala kaffi*, p. 150
- ³¹ Since Jews would panic at the sight of an Arab name
- ³² Fawzi El-Asmar, *To Be an Arab in Israel*, (London: Frances Pinter, 1975), p.117
- ³³ This refers to the class of educated Palestinians who were employed by the Israeli State after 1948, in public services, such as teachers, journalists and clerks, and who were obliged to accept the official discourse of the State.
- ³⁴ Atallah Mansour, *Waiting for the Dawn: An Autobiography*. (London: Secker and Warburg, 1975), p. 128.
- ³⁵ Spivak, *Can the subaltern Speak?*.
- ³⁶ Golda Meier's statement in the early seventies that there is no such thing as "Palestinian" is all too well known.
- ³⁷ Mansour, *Waiting for the Dawn*, p. 33
- ³⁸ *ibid*.
- ³⁹ *ibid*, p. 132
- ⁴⁰ Arabic slang for this and that.
- ⁴¹ Salman Masalha, *Ahad mekan* (*One from here*), (Tel Aviv: A'm Oved. 2004), p. 45.
- ⁴² *ibid*.
- ⁴³ Nazih Kheir, "Zehut' (Identify) in Kheir, N. (ed.) *Mefgash v 'Aemut* (*Encounters and Confrontation*), (Haifa: al-Karma, 1993), p. 251.

⁴⁴ Masalha, *Abad Mekan*, p.54.

⁴⁵ *ibid*, p:62.

⁴⁶ *ibid*, p. 25

⁴⁷ *ibid*.

⁴⁸ Kheir, “Zehut”, p. 251-252.

⁴⁹ Honeida Ghanim, *The Role and Position of the Palestinian Intellectuals in Israel*, Ph.D. Dissertation, (Jerusalem: sociology Department, Hebrew University of Jerusalem, 2004), p. 138.

⁵⁰ Al-Kayyali, *al-she'r al-falsteny fe nakbat falasten*, p. 400.

⁵¹ Ghanim, *The Role and Position of the Palestinian Intellectuals in Israel*, p.138

⁵² Azmi Bishara, “Aravim beyesrael: eyonem beseiah polity shasoua”, p. 85.

MYTHS AND REALITIES OF THE PALESTINIAN REFUGEE PROBLEM:

REFRAMING THE RIGHT OF RETURN

*Susan M. Akram**

INTRODUCTION

This year, 2007, marks the fortieth anniversary of the Israeli occupation of the West Bank and Gaza. It is also the sixtieth anniversary of the expulsion of the Palestinian people from their homeland when the Israeli state was declared. The year continues the stalemate punctured by a long series of negotiation processes from Madrid to the failed Oslo interim agreements; the most recent Roadmap offered by the Quartet countries provides no hope for a just and durable peace in the foreseeable future. Meanwhile, the second ‘*intifada*’ [uprising] of 2000, the recent Israeli invasion of Lebanon, the construction of the massive separation Wall, ongoing occupation, land confiscation, oppression and ethnic cleansing of the Palestinian people are reminders of how urgent a just peace is for the people of the region. While the political discourse focuses almost exclusively on the need to combat ‘terrorism’ as the main cause of the intractability of the problem, the real root causes are ignored or deliberately omitted from the discourse.

One of the root causes of the ongoing conflict is the Palestinian refugee problem. The political power brokers in the Palestinian-Israeli negotiation processes, rather than address the refugee problem, have deliberately excluded it from the framework of negotiations. It is precisely this exclusion and the urgency of the issue that makes it important to clarify, and bring to the forefront, of public discourse. The intractability of the refugee problem, however, is not simply due to an absence of political attention, but also to ambiguous legal standards applicable to the Palestinian case. Palestinians, who have been denied critical aspects of international legal protection, comprise one of the largest and longest-standing refugee, or ‘refugee-like’ populations in the world—an estimated two in five refugees in the world are Palestinian.¹ Palestinians as a nationally-identifiable population are unique in that they comprise the largest global population of *refugees, internally displaced, and stateless persons*.

As this essay will discuss, elements of the Palestinian refugee problem are found in numerous mass refugee situations in Africa, Central America, Asia and Europe. What remains unique about the Palestinian refugee problem is the persistent and severe denial of international protection, the lack of access both to a durable solution and to the mechanisms for implementing a durable solution—minimum protection guarantees that are available over time to other refugee

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populations. There are three ways in which Palestinians are measurably worse off than other groups in protracted refugee situations: first, no state or recognized entity is legally required to provide international protection; second, the lack of state or international protection leaves Palestinians with no prospect for durable solution to their plight; and third, there is no access to any enforcement mechanism to implement their rights.² Contributing to the denial of protection to Palestinian refugees is a severe gap in understanding and implementing the key provisions of law applicable to the Palestinian case.

This paper describes the main legal issues underlying the Palestinian refugee question, examining and deconstructing several of the key arguments surrounding the rights and principles involved in the refugee problem. These arguments are broadly described, discussing the actual rights involved in more detail, along with their implications for a just and durable solution to this core aspect of the Middle East conflict.

THE HISTORICAL ROOTS OF THE REFUGEE PROBLEM, AND THEIR RELEVANCE TO LEGAL RIGHTS

The origins of the Palestinian refugee problem can be traced to the interests of powerful western states in the Middle East region during the inter-war and post World War II periods; the efforts to address resettlement of large numbers of Jewish and other refugees and displaced persons after the War; and the Zionist program to create a 'Jewish homeland' in Palestine. Much has been written about each of these contributing factors, but historians and social scientists disagree as to the exact causes of the refugee exodus, and why it has persisted.³

Competing narratives about the origins of the Palestinian refugee problem relate directly to the Israeli position that recognizing Palestinians as refugees imputes a Palestinian 'right' to return that negates a Jewish right of return to Israel. Intrinsically related to this position is the contention that the Partition Resolution was an affirmation by the international community of the establishment of a Jewish state, and that Israel has the right to maintain a state of exclusively Jewish character, or Jewish majority.⁴ Implicit in all of these arguments is a perception that recognizing Palestinian refugees with a concomitant right of return threatens the existence of Israel as a Jewish state.

The conflict's roots are traceable to the birth of the Zionist movement, from which emerged the program to create a 'Jewish national home' in Palestine. The Zionists succeeded in obtaining approval of the Balfour Declaration by the British government, proclaiming that the British government "viewed with favour the establishment in Palestine of a national home for the Jewish people...it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."⁵

The inconsistent British commitments of, on the one hand, administering Palestine under the post-War League of Nations Mandate for the benefit of its native population and, on the other hand, carrying out the Balfour Declaration commitment to establishing a 'national home for the Jewish people' spelled disaster in Palestine.⁶ These policies laid the foundation for competing claims between the immigrating Jewish community and the native Palestinian population, and fighting broke out between 1922-1948. The Zionist plan was further given purported legitimacy by the passage of the UN General Assembly Partition Resolution, 181 on

November 29, 1947 following Britain's unilateral declaration that it would quit its Mandate.⁷ Facing strenuous opposition by the Arab states and Palestinian leadership, 181 recommended the partition of historic Palestine into two states, one 'Arab' and one 'Jewish'. The Resolution passed 30-17, with 9 abstentions.⁸

The Resolution was a nonbinding recommendation by the General Assembly for a political solution to the British Mandate's termination, the massive outbreak of violence, and the seemingly irreconcilable claims of the communities in Palestine.⁹ The Resolution recommended the establishment of two states, Arab and Jewish, with economic union between them. The 'Jewish' state was to be established in 56% of historic Palestine, benefiting the less than 1/3 of the population which was Jewish that owned no more than 7% of the land; the 'Arab' state was to be established in 44% of Palestine, representing the 95% of the native Palestinian population which owned 93% of the land.¹⁰

Aside from whether the General Assembly had legal authority to recommend partition, let alone confer title to territory held by people unwilling to relinquish their land, 181 did not authorize establishment of an *exclusive* Jewish state. The Jewish area was to have 498,000 Jews and 407,700 Arabs, and the Arab area was to have 10,000 Jews and 725,000 Arabs. Jerusalem was to be an 'international zone,' with 105,000 Arabs and 100,000 Jews.¹¹ Thus, even the Jewish area would have a bare Jewish majority. Among the most important provisions of 181 are those on non-discrimination, which prohibited each state from discriminating on the basis of race, religion or national origin.¹² Neither did 181 authorize transfer of populations from one area to another, although provision was made to protect those who chose to move.¹³ Hence, the General Assembly through Resolution 181 gave no authority for an exclusive Jewish state, as such an action would be in fundamental violation of the UN Charter.

The organized Jewish community proclaimed the Israeli state on May 15, 1948.¹⁴ Following the passage of Resolution 181, and even before the Israeli state was declared, Jewish militias began expelling the non-Jewish population from its self-declared territory, continuing to expand into what was to constitute the Arab state. Months before the declaration of formal hostilities between Israel and the Arab states, armed and well-organized Jewish militias forced one-half of the Palestinian Arab population out of their towns, cities and villages. During the following war, the Zionist militias displaced the disorganized and primarily unarmed Palestinian population in large numbers, using a combination of tactics including armed attacks, massacres, looting, destruction of property, and forced expulsion.¹⁵

The majority of the refugees fled in 1948 under 'Plan Dalet,' the Zionist military plan to expel as many Palestinian Arabs as possible under the guise of necessity of war.¹⁶ One of the earliest documented massacres was in the village of Deir Yassin of April 1948, in which 250 Palestinian men, women and children were killed. Other massacres followed, including nine in October 1948 alone, in which hundreds of Palestinians villagers were killed and thrown in mass graves.¹⁷ The massacres terrorized the Palestinian population, and as more refugees fled or were expelled, Israeli forces systematically destroyed hundreds of villages. Israeli military forces carried out 'shoot to kill' policies to prevent refugees from returning. The Israeli government continued its expulsion policies, both within the cease-fire lines and outside, following the Armistice Agreements of 1949.¹⁸

Immediately following declaration of the state, Israel adopted measures to prevent return, which were incorporated in a plan called "Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel."¹⁹ Among the

implemented measures were destruction of Palestinian Arab population centers, settlement of Jews in Arab towns and villages, and passage of legislation to prevent refugee return.

Israel also passed a series of laws defining Palestinians who were forcibly removed from their lands or fled as ‘absentees,’ defining their lands as ‘absentee properties’ and then confiscating them.²⁰ Subsequent Israeli legislation converted vast amounts of confiscated properties for the exclusive benefit of Jews, and prohibited restitution of such land to Palestinian Arabs in perpetuity. These measures also extended to Palestinians who remained on their land and became Israeli citizens, depriving them of their properties through the legal fiction that they were ‘present absentees,’ and thus subject to the expropriation laws.²¹

Israel also enacted discriminatory nationality legislation. Prior to the creation of the Israeli state, Palestinians were nationals and citizens of the area known as Palestine under British Mandate, a status legally formalized by Mandate law. Israel’s Nationality Law of 1952 retroactively repealed Palestinian citizenship as recognized under the Mandate, and automatically granted every Jewish immigrant Israeli nationality, but placed such stringent conditions on the eligibility of Palestinian Arabs for Israeli nationality that few could qualify.²²

Through its laws of nationality, citizenship and land regulation, Israel denationalized the majority of Palestinian Arabs from their homeland, permanently expropriated Arab lands, homes and collective properties, creating an entire population of stateless refugees. The intent and effect of these laws was institutionalized preferencing of one group on the basis of ethnicity (‘Jewish nationality’) over another (Arab Palestinians), and legalizing discrimination against the latter.²³ This institutionalized discrimination significantly affected both the creation and maintenance of the Palestinian refugee problem.

Calculations differ as to how many Palestinians became refugees or internally displaced during the 1948-49 conflict, but the best estimates arrive at between 750,000-800,000 refugees, or about 85% of the Palestinian population from what became the state of Israel.²⁴ Today, there are three primary groups of Palestinian refugees. The largest group is Palestinians displaced from their places of origin due to armed conflict and the 1948 war, including refugees who are eligible for assistance from the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) and those who were also displaced in 1948 but were either ineligible for UNRWA assistance or did not register with the agency. The second group of refugees—usually termed ‘displaced persons’—comprises those displaced for the first time from their homes in the territories Israel occupied after the 1967 conflict. The third group includes those who were neither refugees from the 1948 nor the 1967 conflict, but who are outside of Palestine and are being denied the right to return due to Israel’s discriminatory residency, expulsion, and deportation laws.²⁵

There are two additional groups of Palestinians in ‘refugee-like’ condition. The first group comprises those who remained in the ‘recognized borders’ of Israel, who were expelled or forced to flee from their homes during the 1948 conflict or were transferred out of their home areas or otherwise displaced due to expropriation or demolition of their homes. The second group comprises persons who suffered similar Israeli actions within the 1967 occupied territories.

Although the historical record is overwhelming that Palestinian refugees were forcibly expelled as part of a systematic plan to make room for Jews, the opposite contention that they left on their own has no relevance to their main legal

rights as refugees: the right to return, the right to property restitution, and the right to compensation for real or personal property loss.

THE DEFINITION AND STATUS OF PALESTINIAN REFUGEES UNDER INTERNATIONAL LAW

The most important questions human rights and refugee law principles address are whether Palestinians are refugees or stateless persons under the international legal definition of those terms, and if so, what rights states must implement as a consequence of that status; whether they have a right to return to their places of origin, to restitution of property or compensation for losses; and what obligations states have to implement these or other rights in the search for a durable solution.

A. The Problem of Defining a Palestinian Refugee

According to the most recent *Survey on Palestinian Refugees and Internally Displaced Persons*, compiled by Badil Resource Center for Palestinian Residency and Refugee Rights, the global population of 9.7 million Palestinians includes some seven million persons who are refugees or internally displaced. The refugee figure includes 6.8 million of the original 1948 refugee population, of which 4.3 million are registered with the UN Relief and Works Agency for Palestine Refugees (UNRWA) for assistance; 834,000 refugees from the 1967 conflict; another 345,000 of the 1948 population internally displaced within Israel proper; and another 57,000 internally displaced within the 1967 occupied Palestinian territories.²⁶

Approximately 1.3 million Palestinian refugees are residents of 59 official refugee camps scattered throughout the West Bank, Gaza, Jordan, Lebanon and Syria, established and run by UNRWA.²⁷ The majority of residents are 1948 refugees and their descendants, while the rest are 1967 refugees and their descendants. UNRWA also operates another 17 ‘unofficial’ camps to house Palestinian refugees who can no longer be accommodated in the existing official camp locations.²⁸

These categories and figures are challenged by Israeli/Zionist historical and legal narratives, which frequently deny the existence of Palestinian refugees in various formulations: that they abandoned their homes and are not nationals of the state of Israel; that they found refuge in nearby states which are obliged to resettle them; that they have either *de facto* or *de jure* become nationals, citizens or permanent residents of the new states in which they reside, thus no longer having a refugee claim even if they once did; and that they are not ‘refugees’ in any legal sense.²⁹

The status of Palestinians as refugees is complicated because there are multiple definitions of ‘Palestinian refugee.’ The earliest UN discussion on record of how to define Palestinian refugees appears during the drafting of the General Assembly’s Resolution 194, which was passed on 11 December, 1948. Under Resolution 194, the General Assembly established the United Nations Conciliation Commission for Palestine (UNCCP) with a broad mandate to resolve both the conflict and the massive refugee problem; described the refugees for whom the UNCCP would provide ‘international protection;’ and in 194(III) paragraph 11, set out the required legal formula for resolving the refugee problem.³⁰

Although the language of Resolution 194 incorporates no clear definition of ‘Palestinian refugee,’ the UNCCP’s authoritative *Analysis of paragraph 11 of the General Assembly’s Resolution of 11 December 1948*, states that:

[T]he term “refugees” applies to all persons, Arabs, Jews and others who have been displaced from their homes in Palestine. This would include Arabs in Israel who have been shifted from their normal places of residence. It would also include Jews who had their homes in Arab Palestine, such as the inhabitants of the Jewish quarter of the Old City. It would not include Arabs who have lost their lands but not their houses, such as the inhabitants of Tulkarm.³¹

This definition was accepted by the drafters of Resolution 194 to define the entire group of Palestinians entitled to the protection of the international community.³²

As will be discussed below, this definition differs from the universally-adopted definition of ‘refugee’ appearing in the important international instruments, but is consistent with the general legal understanding that a refugee is an individual meeting certain criteria and lacking protection of his/her state of nationality or origin. It is the lack of protection that places the burden on the international community to provide ‘international protection’ for refugees.³³ This concept also underlies international protection of persons who are not recognized nationals of any state as a matter of either law or fact (stateless persons), and persons who are internally displaced when the state of origin or nationality fails to provide protection.³⁴ By including the internally displaced Palestinians who had lost their homes and lands but remained in Israel in this definition, the UN drafters recognized that such individuals, like the ‘refugees,’ were not receiving the protection of the Israeli state.

The definition of ‘Palestine refugee’ for purposes of international protection and UNCCP’s mandate differs from the definition used by UNRWA, the agency providing need-based assistance to refugees. UNRWA coverage extends to registered Palestine refugees residing in its areas of operation in the occupied Palestinian territories, Lebanon, Jordan and the Syrian Arab Republic only.³⁵ UNRWA defines ‘Palestine refugee’ as 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.”³⁶ Palestine refugees eligible for UNRWA assistance are mainly persons who fulfill the above definition, and descendants of fathers fulfilling the definition.³⁷ This definition of refugee is restricted to those eligible to receive aid, as it explicitly states that the refugee must have lost both home and means of livelihood to be eligible for registration. In contrast to UNRWA’s needs-based definition, the term “Palestine refugee” in Resolution 194(III)--defining those eligible for refugee repatriation and compensation--has a quite different, and far less restrictive meaning.

The third relevant definition is incorporated in two provisions of the 1951 Convention Relating to the Status of Refugees (Refugee Convention); Articles 1A(2) and 1D. The Article 1A(2) definition, which is referred to as the ‘universal’ definition of refugee due to almost-universal adoption by states, has been widely misunderstood in reference to Palestinians, and in relation to Article 1D’s reference to Palestinians as a category of refugees. This ambiguity is used to support the position that Palestinians are not ‘refugees’ in the universal sense of that term.

Article 1A(2) of the 1951 Refugee Convention incorporates an individualized definition of refugee prohibiting state parties from returning or sending any individual to a state where the refugee risks persecution for reasons of race, religion, political opinion, nationality or social group.³⁸ Article 1D of the Convention has very different definitional criteria, and, without mentioning any particular group, was meant to apply exclusively to Palestinian refugees. Article 1D states that the Refugee Convention “shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees [UNHCR] protection or assistance.” Its second sentence states: “when such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with [relevant UN resolutions] these persons shall *ipso facto* be entitled to the benefits of this Convention.”³⁹ Article 1D’s two clauses have been subjected to widely divergent interpretations, with the general result that Palestinians are denied most of the minimum protection guarantees of the Refugee Convention. The most widely-held interpretation is that 1D is an *exclusion* clause, preventing Palestinians from being recognized as refugees since UNRWA is assumed to be providing them with international protection.⁴⁰

Two other provisions apply to Palestinians as subjects of international law: Article 1 of the Stateless Persons Convention, and Paragraph 7(c) of the UNCHR Statute.⁴¹ Both incorporate language similar to the first sentence of Article 1D, thereby precluding extension of UNHCR’s mandate towards Palestinians as refugees, and application of the benefits of the Stateless Persons Convention. This interpretation has had severe consequences for Palestinians seeking benefits as refugees, stateless and displaced persons worldwide. Palestinians have been precluded from many critical aspects of international protection, both in the day-to-day exercise of their human and civil rights, and in their longer-term desire for protection, intervention, and mechanisms for obtaining a durable solution to their condition.

B. The Palestinian ‘Protection Gap’ and its Consequences

Lack of a recognized legal status integrally relates to the deplorable physical and human conditions faced by the majority of Palestinian refugees.. Although conditions on identifiable criteria vary significantly country by country, Palestinians worldwide are measurably worse off on the whole compared to their fellow non-Palestinian refugees or stateless persons.⁴² Conceptually and legally, conditions of Palestinian refugees can be viewed in terms of their day-to-day physical security and human needs and their prospects for realizing and implementing durable solutions to end their stateless status. These two aspects also vary in two global regions: in the Arab states, where the majority of Palestinian refugees are located, and in the non-Arab world.

Physical security, human dignity and basic needs of Palestinian refugees within the Arab world vary dramatically. In the Arab regions where UNRWA operates, registered refugees obtain benefits for basic survival needs. UNRWA administers housing, allots food and clothing rations, establishes and runs primary schools, and operates medical facilities within its mandate.⁴³ Other rights and benefits outside UNRWA’s mandate and within the realm of ‘international protection’ are left to the discretion of the host state, as neither UNHCR nor any other international agency has authority to provide such protection to Palestinians

within the Arab world. Thus, no state or agency has the authority to intervene to protect the refugees' physical security, or to guarantee (or prevent violations of) their core human rights.

Particularly in the Arab world, Palestinian refugees are extremely vulnerable. Most states in the Arab League are not signatories to international instruments guaranteeing the rights of refugees and stateless persons. The most relevant document is the 1965 Casablanca Protocol of the League of Arab States, which requires Arab state signatories to guarantee to Palestinians in their territories the same treatment in employment, freedom of movement between Arab states, granting and renewing travel documents, freedom of residence, and rights to leave and return as they give their own nationals. Compared to provisions of international instruments, like the Refugee Convention, the Casablanca Protocol provides more guarantees in a number of ways.⁴⁴ Nevertheless, the degree to which Arab states comply with these obligations depends primarily on the political environment affecting Palestinians in their territories, rather than on compliance with treaty standards. Generally most Palestinians in Arab states are treated like foreigners, in that they are denied permanent residence status or any security of residence, even if they marry female citizens of the country or have children born in that Arab state. Movement between Arab states is extremely restricted because of lack of travel and residency documents. Employment is restricted in many states, as is housing, access to education beyond primary school, and family reunification. Using these criteria, Palestinians in Lebanon suffer the worst conditions--restricted to overcrowded, substandard, unsanitary, and often dangerous refugee camps. They are denied the right to work in over 60 professions as well as the rights to quality education and family reunification. Palestinians in Syria, on the other hand, enjoy quite favorable conditions in terms of day-to-day rights. Although they are not eligible for Syrian citizenship, they receive most of the same residency, social, education, employment and civil rights as Syrian citizens.⁴⁵

The lack of basic rights has had devastating consequences for refugee/stateless populations. Without security of residence, Palestinians are subjected to repeated expulsion and dispossession. Aside from the expulsions from historic Palestine/Israel and the occupied territories, almost every decade since 1948 has brought mass expulsion of Palestinians from one Arab state or another. Palestinian refugee families have suffered multiple displacements within the Arab world due to lack of access to a nationality or citizenship.⁴⁶

In the non-Arab world, where over 500,000 Palestinian refugees reside, their physical and human condition directly relates to the host state's interpretation of the relevant provisions of refugee and stateless persons instruments. UNHCR has recently formalized its position that in the non-Arab world it may exercise its protection mandate towards Palestinians, depending on the attitude of the host state.⁴⁷ Most states in the Western world are either signatories of the Refugee Convention, one of the two Stateless Persons conventions, or some combination of these instruments. Nevertheless, most states do not apply Article 1D at all, misinterpret it as an exclusion clause, or apply the individualized refugee definition of Article 1A(2).⁴⁸ The result is that Palestinians are unrecognized, either as refugees or stateless persons, in most of the Western world, where they are also vulnerable to multiple displacements due to their 'nonreturnability.' In many cases, Palestinians are subjected to prolonged detention because there is no state of nationality or habitual residence to which they can be returned. Nor do states provide them residence in fulfillment of obligations to reduce statelessness. States

frequently identify Palestinians as being of ‘unknown origin,’ or ‘unclear nationality,’ rather than identifying them as stateless or Palestinian refugees in order to preclude the application of the stateless and refugee conventions.⁴⁹

The legal ‘protection gap’ for Palestinians is most acute in terms of implementing durable solutions. Since Palestinians are considered excluded from the provisions of the major refugee instruments, they are excepted from the norms and mechanisms by which other refugees can realize the right of return and other rights. In contrast to UNHCR’s role as the primary agency working to implement these rights for other refugees and stateless persons, it does not, for the most part, exercise this role for Palestinian rights. Most important, UNHCR does not intervene with the state primarily responsible for causing Palestinians to be refugees and stateless persons—Israel—in seeking implementation of their right of return, the solution preferred by the refugees and the international community in general. UNRWA, having no protection mandate, is excluded from such a role with the effect that the key international mechanisms for implementing refugee return and related rights are unavailable to Palestinians.⁵⁰

THE RIGHTS OF PALESTINIAN REFUGEES, AND STATE OBLIGATIONS TOWARDS THEM UNDER INTERNATIONAL LAW

What refugee rights Palestinians have under international law relates to whether they are considered refugees as a legal matter,—a more complex question than for other refugees. The international legal definition of refugee is, at its core, a determination about who is unable or unwilling to obtain national protection, and deserves the protection of the international community. Under the main international provisions defining refugees and others ‘deserving of international protection,’ Palestinians clearly qualify.

Recent research into the drafting history of the interrelated provisions in the Refugee and Stateless Persons Conventions and the Statute of the UNHCR reveals that interpreting these provisions to exclude Palestinians is incorrect. According to the *travaux préparatoires*, the UN delegates drafting these provisions reached an overwhelming consensus that Palestinian refugees deserved (and required) both protection and assistance for several critical reasons, namely: their large-scale persecution and expulsion as a people; the UN’s complicity in creating the refugee problem; and the consensus already embodied in UN Resolutions that the durable solution for Palestinians was repatriation and not resettlement.⁵¹

The purpose of these provisions was to establish a separate regime specifically to protect Palestinian refugees—manifested in the creation of two UN agencies: the UNCCP and UNRWA—and not to dilute UN’s responsibility towards them. This is why they were not initially included in the resettlement-focused Refugee Convention/UNHCR regime. Article 1D was intended as a *contingent inclusion* clause that would automatically bring all Palestinian refugees under the coverage of the Refugee Convention should either prong of the special regime fail.⁵²

Because the majority of Palestinians are considered outside the Convention’s refugee definition, and are specifically excluded from UNHCR’s mandate by its Statute, they are presumed not to be ‘refugees’ for purposes of eligibility for international protection. But the drafting history of the instruments and the mandates of the agencies relevant to the Palestinians reflect that

international protection was of utmost concern to the UN. Of the two entities established by the UN with responsibilities for the Palestinians, the UNCCP and UNRWA, the former clearly had the UN's attention in its efforts to resolve both the refugee problem and the wider Palestinian-Arab-Israeli conflict. The UNCCP had an indefinite mandate, while UNRWA was initially established for only three years.⁵³ The reasons behind UNCCP's diminished role as the instrument of international protection are not entirely clear, but by 1952, the UNCCP had been reduced to no more than a small office to maintain records of Palestinian refugee property holdings. A partial explanation is that when the UNCCP was unable to implement any aspect of the durable solution required by Resolution 194 the UN determined that UNCCP was no longer able to fulfill its mandate and decimated the agency through a series of budget reductions. Although UNRWA's valuable services have provided subsistence needs for Palestinian refugees for five decades, it is legally constrained from providing the main international protection guarantees to the refugees that could bring their plight closer to a permanent resolution.⁵⁴

Related to the contention that Palestinians are not refugees is the position that they have no legal right to 'return' to Israel that Israel is obligated to respect. Opponents of a Palestinian right to return argue that Palestinians were displaced during a defensive war, that Israel has no obligation to allow them to return since they left voluntarily, that neither international human rights or humanitarian law incorporates a right of return for war refugees, and that even if there were such a right, it applies only to the return of individuals and not to mass return. Opponents also argue that Israel as a successor state had the right to define its 'nationals' to include or exclude any groups it chose and since Palestinians became 'non-nationals' under Israeli law, they had no right to return. Opponents further claim that key UN resolutions such as Resolution 194 are nonbinding, that they do not, in fact, create a right of return, and that even if they did, they condition it on certain factors which have not been met.⁵⁵ Each of the above positions negating a Palestinian right of return has been countered with significant legal authority, analysis, and state practice. Only the key points of these arguments can be summarized here.

First, under humanitarian law, there is no distinction between forcible or non-forcible displacement in guaranteeing war refugees the right of to return after displacement. Critical humanitarian law provisions, such as Article 49 of the Fourth Geneva Convention and Article 43 of the 1907 Hague Regulations, forbid the forcible transfers of individuals or groups of people from territories taken during war, and as requiring their repatriation 'back to their homes' as soon as hostilities have ceased, and as necessitating the restoration of their area to the normal community life existing before the outbreak of conflict. These underlying principles are widely considered binding customary humanitarian law.⁵⁶

Second, human rights provisions underlying the right of refugees or displaced persons to return to their places of origin are found in the Universal Declaration of Human Rights (Art. 13), and the International Covenant on Civil and Political Rights (Art. 12). Other provisions are repeated in many other international and regional human rights instruments. Although there is some contention about whether these provisions oblige a state party to implement return of a non-national of that state, the universal instruments—UDHR and ICCPR—grant a returnee the right to return to his/her precise place of origin regardless of current nationality or citizenship status by deliberately using the term 'right to return to his own country.' instead of 'to the country of his nationality.' Moreover,

these instruments make no distinction between individual or mass return, and the drafting history of their provisions does not indicate that the drafters intended the provisions to apply only to individuals.⁵⁷

Third, such a reading accords with requirements of the law of state succession, a core principle of which is that ‘the population follows the change of sovereignty in matters of nationality;’ thus, the new state must grant nationality to all original inhabitants. Although a state has almost unfettered discretion in defining its citizens and nationals, it cannot violate certain recognized principles of international law, such as by arbitrarily excluding the original inhabitants of the territory it acquires, or defining its citizens/nationals on a discriminatory basis. The principle of non-discrimination is fundamental, found throughout human rights law.⁵⁸ Israel is a party to all the universal rights instruments referenced here, and the Israeli Supreme Court has ruled that the 1907 Hague Regulations are binding on Israel. Moreover, Israel has made no reservations limiting the application of these instruments on the Palestinian right of return.⁵⁹ Thus, Israel’s massive denationalization of Palestinian Arabs on the basis of their national/ethnic origin was prohibited under these principles from the outset, and constitutes a continuing violation of their rights.

Fourth, there are hundreds of both UN General Assembly and Security Council Resolutions dating back more than fifty years affirming and re-affirming the *right of return for refugees* to their homes worldwide.⁶⁰ In every part of the globe, the right of refugees to return to their homes and lands of origin is incorporated in peace treaties and recognized by all states. In fact, the right of return is one of the most, if not the most, widely-implemented and recognized right in refugee law. From state and international practice alone, it is evident that under international law refugee return is the rule, and non-recognition of Palestinian refugees’ right to return is an aberration.⁶¹

The language of Resolution 194, the earliest resolution insisting on Palestinian refugee return, must be understood in light of the state of international law existing at the time, and clarifications made by the UN drafters. The Resolution embodies a three-pronged solution in hierarchical order: return, restitution of properties, and compensation. Paragraph 11 of that Resolution states 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...compensation should be paid for the property of those choosing not to return and for loss or damage to property which, under the principles of international law or in equity, should be made good by the Governments or authorities responsible...[The UN] instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation...”

That this language meant the Palestinian refugees *must* be permitted to return *if they so chose* is made clear both in the intentions of the drafters, as well as in the discussions by the UN delegates when 194 was passed. Paragraph 11 also makes return, restitution, and compensation equally enforceable, according to the refugee’s own choice.⁶²

This reading of 194 is the most consistent with refugee law principles as recognized and implemented by states and international organs. UNHCR implements three forms of durable solution for refugees: return to place of origin,

host country absorption and third-state resettlement. While return is the preferred solution for the overwhelming majority of refugees, UNHCR's implementation of any durable solution is driven by the principle of *refugee choice*. International burden-sharing for refugees is meant to create meaningful and reasonable choice for refugees among safe and voluntary return, absorption, and resettlement--to the extent the latter two options are available in any particular refugee crisis. At the same time, only return is an absolute obligation on states, since no state is required to absorb or resettle a refugee--despite the Refugee Convention's encouragement to do so. In most instances of mass refugee flows since the 1970's, all three options have been available to some degree, and resolutions of mass refugee flows have been most successful when all three were meaningful choices for the refugees themselves. All of these principles have strengthened since 1948 when Resolution 194 was passed, in that implementation and codification of return, restitution and compensation have become more widespread. Until recently, the General Assembly also reaffirmed Resolution 194 annually.⁶³

THE RELEVANCE OF A LEGAL FRAMEWORK FOR SOLUTIONS TO THE REFUGEE PROBLEM

The international community created the 'protection gap' that leaves Palestinians outside the well-recognized framework of human rights applying to other refugees and displaced persons. Lack of clear application of rights standards to Palestinians applies also to the right of return; hence, the position that there is no right of return for Palestinians seems perfectly consistent with the exceptionalist discourse vis-à-vis Palestinian refugees.

Separating political positions from substantive legal rights helps clarify the absurdity of the exceptionalist discourse as a legal matter, and challenges the notion that widely-recognized rights are not also guaranteed to Palestinians. Legal arguments challenging the right of return present a strange dichotomy: on the one hand, such arguments do not challenge the right of return *per se*, but challenge it as it applies to the Palestinian case; on the other hand, they maintain that there is no Palestinian right of return while insisting on a Jewish 'right of return' as the basis for Jewish nationality in Israel. Aside from the question of whether Jews possess a distinct 'nationality,' it is extremely difficult to argue that Jews possess a right to 'return' to Palestine after some 2,000 years while Palestinians cannot exercise such a right after approximately 60 years. Thus, the debate about the source of a Palestinian right of return focuses more on how a Palestinian right of return could be realized without jeopardizing the 'Jewish state' than on whether a right of return for Palestinian refugees exists as a matter of law. This leads to the question of whether there is an internationally recognized 'right' to a Jewish state, and the deconstruction of that concept into underlying legal terms.⁶⁴

Understanding how and why the Palestinian refugee problem was created, the response of the UN and the international community to the problem, and how that was incorporated into rights instruments applicable to Palestinians is critical to insisting upon the selfsame rights standards for Palestinians as all others in protracted refugee situations. Even though it should be clear that Palestinians are entitled to the same rights as others in refugee and refugee-like situations, the instruments and agencies created to apply those rights to them have failed to guarantee them. Where, then, does this leave those concerned with a just solution

to the Palestinian problem and the wider Middle East conflict, in light of the lack of political will to bring it about?

Civil society has a great role to play in redressing the legal and political lacunae applicable to Palestinians: lobbying and other civil initiatives directed at many global players and in the UN must focus on specific demands. A range of strategies have been discussed by commentators and academics, including reviving the broad protection role of the long-defunct UNCCP, or incorporating a specific protection mandate to the assistance role of UNRWA. Specific strategies to ameliorate the Palestinian protection gap have also been proposed, such as the use of boycotts, divestment and sanctions to put pressure on Israel to change its policies and the call for UN intervention through protection forces on the ground.

Since these options have been discussed at length elsewhere, only a few points need be made here. First, any change in specific language or mandate of international instruments or agencies such as UNRWA, UNCCP or UNHCR, will require a UN General Assembly Resolution, the merits of which remain to be debated. Second, because of the complexity of the underlying issues, a great deal of education remains to be done to pursue any of the options—a task which itself faces formidable barriers from the Zionist lobbies and their sympathizers. Third, although there have been some promising international campaigns, such as the ‘Boycott/Divestment/Sanctions (BDS)’ campaign, a truly global civil society campaign for reasserting a framework of international legal rights on behalf of Palestinians has yet to be implemented. Perhaps rather than simply commemorate the ‘anniversaries’ of Palestinian disasters, 2007 may be the year in which such a global campaign for renewed commitment to implementing Palestinian rights becomes reality.

ENDNOTES

A version of this paper appears as the author’s contribution to the *Encyclopedia of the Middle East Conflict*, forthcoming, Lynne Reiner & Sons (Cheryl Rubenberg, ed), and draws on prior published work co-authored with Terry Rempel.

¹ See Badil, *Survey of Palestinian Refugees and Internally Displaced Persons 2004- 2005*, (Bethlehem: Badil, 2006), p. 46. For Badil’s explanation of its refugee calculations, see

<http://www.badil.org/Refugees/facts&figures.htm> (accessed December 10, 2006). See also, Susan Akram and Terry Rempel, “Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees,” *Boston University International Law Journal*, 22, no. 1, (Spring 2004) p. 7.

² For further explanation of how Palestinians are measurably worse off than other refugees and stateless persons, see Susan M. Akram, “Palestinian Refugees and Their Legal Status: Rights, Politics and Implications for a Just Solution,” *Journal of Palestine Studies* 123, (Spring 2002) p. 36-51.

³ Among the key works on the causes of the Palestinian refugee problem are; Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon, 1988); Benny Morris, *The Birth of the Palestinian Refugee Problem 1947-1949* (New York: Cambridge University Press, 1987).

⁴ The claims that the ‘Jewish people’ are an internationally-recognized ‘nationality’ entitled to self-determination is analyzed (and refuted on legal grounds) in W.T. Mallison, “The Zionist-Israel Juridical Claims to Constitute ‘The Jewish People’ Nationality Entity and to Confer Membership in It,” *George Washington Law Review* 32, (1964), p. 983.

⁵ For a detailed analysis of the Balfour Declaration and its legality, see Mallison, “The Balfour Declaration: An Appraisal in International Law,” in *The Transformation of Palestine*, ed. Ibrahim Abu-Lughod, (Evanston: Northwestern University Press, 1971) p. 61; W.T. Mallison and Sally V. Mallison, “The Juridical Bases for Palestinian Self-Determination,” *The Palestine Yearbook of International Law* 1. (1984).

⁶ For the text of the Mandate of July 24, 1922, see UN Special Committee on Palestine [UNSCOP], *Report to the General Assembly*, U.N. GAOR, 2d Sess. Supp. No. 11, at 18-22. U.N. Doc. A/364 Add.1 (9 Sept. 1947).

⁷ Future Government of Palestine G.A. Res. 181(II), U.N. GAOR, 2d Sess., 128th plen. mtg., at 131-32 (29 Nov. 1947).

⁸ For the text and voting on the resolution, see *ibid.*; for background on passage of UNGA Res. 181, see Mallison and Mallison, *An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question*, UN Doc. ST/SG/SER.F/4 (1979), p. 9-17.

⁹ John Quigley, *The Case for Palestine: an International Law Perspective* (Durham, Duke University Press, 2005), p. 37.

¹⁰ See Report of the UN Special Committee on Palestine [UNSCOP Palestine Report], *General Assembly Official Records*, 2d Sess, Supplement No. 11, September 3, 1947, UN Doc. A/364, vol. I, p. 35.

¹¹ See UNSCOP Palestine Report, *ibid.* Chapter VI, Recommendations (II).

¹² G.A. Res. 181, Part III C 12(a), at 149.

¹³ G.A. Res. 181, Part 1B (8), at 134.

¹⁴ For the Declaration of the State of Israel of 14 May 1948, see *Israel's Written Constitution: Verbatim English Translations of the Declaration of Independence and of the Basic Laws* (3rd ed. Haifa: Aryeh-Greenfield-A.G. Publications, 1999).

¹⁵ See Morris, *The Birth of the Palestinian Refugee Problem*; see Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: Oneworld Publications, 2006); see also Salman Abu Sitta, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine* (London: Palestinian Return Center 2001).

¹⁶ Morris first revealed the existence of 'Plan Dalet' and the 'Transfer Committee' comprising the key Jewish leaders who organized the expulsion, see, Morris, *The Birth of the Palestinian Refugee Problem*. See also Walid Khalidi, "Plan Dalet: Master Plan for the Conquest of Palestine," *Journal of Palestine Studies*, 28, (1988) p. 1; and Ilan Pappé's, *Ethnic Cleansing*.

¹⁷ For a thorough description of Israeli massacres of Palestinian populations, based on a wide range of sources, see Abu Sitta, *The Palestinian Nakba*. For the most complete assessment of the Deir Yassin massacre, see Daniel McGowan and Matthew C. Hogan, *The Saga of the Deir Yassin: Massacre, Revisionism and Reality* (Geneva: Deir Yassin Remembered, 1999).

¹⁸ Benny Morris, *Israel's Border Wars 1949-1956* (Oxford: Clarendon Press, 1993).

¹⁹ This plan was submitted to then-Prime Minister of Israel, David Ben-Gurion, in a 3-page memorandum drafted by one of the key proponents of mass 'transfer' of the Palestinian population, Joseph Weitz. The plan was adopted by Ben-Gurion as a means to solve the 'Palestinian problem.' See Morris, *The Birth of the Palestinian Refugee Problem*, p. 136.

²⁰ Hussein Abu Hussein and Fiona McKay, *Access Denied: Palestinian Access to Land in Israel* (London: Zed Books, 2003); George Bisharat, "Land, Law and Legitimacy in Israel and the Occupied Territories," *American University Law Review*, 43, (1994), p. 467.

²¹ Jeremy Forman & Alexandre Kedar, "From Arab land to 'Israel Lands': the Legal Dispossession of the Palestinians displaced by Israel in the Wake of 1948," *Environment and Planning D: Society and Space* 22, no. 6 (2004), p.809-830.

²² See Anis Kassim, "Legal Systems and Developments in Palestine," *Palestine Yearbook of International Law*, 1, (1984) p. 19. For the text of Israel's nationality law, see 1952 Nationality Law, 5712/1952, 93 Official Gazette 22 (1952).

²³ For examples of UN reports that Israel's systematic discrimination against Palestinians grossly violates its international treaty obligations, see Concluding Observations on the Covenant on Social, Economic, and Cultural Rights, 31st to 33rd Meetings, 17-18 November 1998; see Concluding Observations on the Elimination of All Forms of Racial Discrimination, 52nd Session, 2-20 March 1998; see also, Concluding Observations on the Covenant on Civil and Political Rights, 63rd Session, 15-16 July 1998.

²⁴ See figures cited in *Final Report of the United Nations Survey Mission for the Middle East*, UN Doc. A/AC.25/6; Janet Abu-Lughod, "The Demographic Transformation of Palestine," in Ibrahim Abu-Lughod (ed.), *The Transformation of Palestine* (Evanston: Northwestern University Press, 1971), p. 159.

²⁵ Badil Resource Center, *Survey*, p. 47.

²⁶ See *ibid* and Table 2.1, p. 47.

²⁷ UNRWA's figures give its registered refugee populations as of December, 2005 as 1,795,326 in Jordan; 401,071 in Lebanon; 426,919 in Syria; 690,988 in the West Bank, 969,588 in Gaza. See Badil, *Survey*, p. 48. UNRWA statistics reflect only those Palestinians defined as 'refugees' who voluntarily register with the agency in order to obtain need-based relief assistance. The majority of Palestinian refugees, as the numbers reflect, do not live in camps. See Badil *Survey*, p. 63.

²⁸ Badil, *Survey*, p. 57.

²⁹ For these arguments, see, for example, Ruth Lapidoth, “The Right of Return in International Law, with Special Reference to the Palestinian Refugees,” *Israel Yearbook of Human Rights* 16, (Tel Aviv: Tel Aviv University, 1986) and Donna Arzot, *Refugees Into Citizens: Palestinians and the end of the Arab-Israeli Conflict* (New York, Council on Foreign Relations Press, 1997).

³⁰ GA Res. 194, U.N. GAOR, 3d Sess., Resolutions at 21, U.N. Doc. A/810 (1948). See *Progress Report of the United Nations Mediator on Palestine*, submitted to the Secretary General for Transmission to the Members of the United Nations, UN GAOR, 3rd Sess., supp. No. 11, UN Doc. A/648, 16 September 1948, Part One: The Mediation Effort, V. Refugees, para. 8; see also UNCCP, *Analysis of Paragraph 11 of the General Assembly’s Resolution of 11 December 1948*. U.N. Doc. W/45, 15 May 1950.

³¹ *Ibid*, *Analysis of Paragraph 11*.

³² See *Addendum to Definition of a “Refugee”* under paragraph 11 of General Assembly Resolution of 11 December 1948 (prepared by the Legal Advisor), UN Doc. W/61/Add.1, (29 May 1951).

³³ On the nature of international protection as a substitute for national protection for refugees, see generally, Guy Goodwin-Gill, *The Refugee in International Law* (2d ed., New York: Oxford University Press, 1996).

³⁴ See Guy Goodwin-Gill, *International Law and the Movement of Persons Between States* (Oxford: Clarendon Press, 1978), p. 46-9.

³⁵ See UNGA Res. 302 (IV), U.N. Doc. A/1251 at 23 (1949).

³⁶ See UNRWA Consolidated Registration and Eligibility Instructions (CRI), 1 Jan. 1993, para. 2.13. For discussion of changes in the UNRWA definition of Palestine refugee, see Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (New York: Oxford University Press, 1998), p. 68-83.

³⁷ See UNRWA (CRI); see also *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2003-30 June 2004, UN GAOR, Sixtieth Session, Supp. No. 13 (A/59/13), 2005 para. 67, p. 19.

³⁸ Geneva Convention Relating to the Status of Refugees, 189 UNTS 137 (July 28, 1951), art. 1A(2).

³⁹ *ibid*, art.1D

⁴⁰ For a review of interpretations given to this provision, see Badil Resource Center for Palestinian Residency and Refugee Rights, *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention (1D Handbook)*; see also Susan M. Akram and Guy Goodwin-Gill, “Brief Amicus Curiae,” *Palestine Yearbook of International Law* 11, (2000-2001) p. 187.

⁴¹ See Convention Relating to the Status of Stateless Persons, (1954 Convention), Sept. 1954, 360 UNTS 117, art. 1; see also Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR Statute), G.A. Res. 428 (V), UN GAOR, 5th Sess., U.N. Doc. A/1775 (1950), at para. 7(c).

⁴² See Akram, “Palestinian Refugees and Their Legal Status.”

⁴³ See *Assistance to Palestine Refugees*, UNGA, A/RES/60/100, Sixtieth Session, 16 January 2006. On UNRWAs assistance functions in policy and practice, see Badil *Survey*, chapter 4.

⁴⁴ For a detailed description of the Arab state parties to the relevant human rights conventions, and a comparison of guarantees under these conventions and the Casablanca Protocol, see Akram and Rempel, “Temporary Protection,” p. 6-8, 28-30.

⁴⁵ For a thorough review of the treatment of Palestinian refugees in the Arab host states, see *ibid*.

⁴⁶ For an overview of Palestinian displacement from 1948 until today including those listed here, see Badil, *Survey*, 32, chapter 1, *Historical Overview*, and sources cited.

⁴⁷ See UNHCR *Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, Office of the United Nations High Commissioner for Refugees (UNHCR) (October 2002), available at www.unhcr.org.

⁴⁸ For a thorough empirical study and description of state and international interpretations, see Badil, *1D Handbook*.

⁴⁹ *Ibid*. See also Akram and Rempel, “Temporary Protection.”

⁵⁰ For further comparison of UNHCR and UNRWA’s roles in the Palestinian case, and a comparison with other mass refugee flows, see Susan M. Akram and Terry Rempel, “Recommendations for Durable Solutions for Palestinian Refugees: A Challenge to the Oslo Framework”, *Palestine Yearbook of International Law* 11, (2000/01) p. 1.

⁵¹ For a thorough discussion of the drafting history of Article 1D and the drafters’ intentions in the special provisions regarding Palestinians as refugees and stateless persons, see Takkenberg, *Palestinian Refugees*, p. 86-123. See also Akram and Rempel, “Durable Solutions.”

⁵² See Akram and Goodwin-Gill, “Brief Amicus Curiae.”

⁵³ See texts of Resolutions establishing UNCCP and UNRWA, notes 39 and 44, respectively.

⁵⁴ For a thorough history of the UNCCP, see Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict* (New York, Columbia University Press, 2003); for a thorough history of UNRWA, see Benjamin Schiff, *Refugees Unto the Third Generation: UN Aid to Palestinians* (Syracuse: Syracuse University, 1995).

⁵⁵ See legal arguments cited in note 38; see also Yoav Tadmor, "The Palestinian Refugees of 1948: the Right to Compensation and Return," *Temple International and Comparative Law Journal* 8, no. 2, (Fall 1994); see also, Lewis Saideman, "Do Palestinian Refugees Have a Right to Return to Israel? An Examination of the Scope of and Limitations on the Right of Return," *Virginia Journal of International Law* 44 (Spring 2004)

⁵⁶ See John Quigley, "Displaced Palestinians and a Right of Return," *Harvard International Law Journal*, 39, no. 1 (1998); see also Gail J. Boling, *The 1948 Palestinians and the Individual Right of Return: An International Law Analysis*, (Bethlehem: Badil Resource Center, Jan. 2001); Eric Rosand, "The Right to Return under International Law Following Mass Dislocation: The Bosnia Precedent?" *Michigan Journal of International Law* 19, (Summer 1998), p. 1091

⁵⁷ See Kathleen Lawand, "The Right to Return of Palestinians Under International Law," *International Journal of Refugee Law* 8, no. 4, (1996) p. 532; Takkenberg, *Palestinian Refugees*, p. 232-250.

⁵⁸ See Convention on the Elimination of All Forms of Discrimination, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 article 5(d).

⁵⁹ See Boling, *Individual Right of Return*.

⁶⁰ For a review and lists of UN Resolutions affirming the right of return of refugees, and Palestinian refugees specifically, see Akram and Rempel, "Durable Solutions," p. 52-53; and Akram and Rempel, "Temporary Protection," p. 18.

⁶¹ For a list of return/repatriation provisions in peace and other agreements worldwide, see Akram and Rempel, "Durable Solutions," p. 54-55.

⁶² See *Analysis of Paragraph 11*, note 39.

⁶³ G.A. Res. 2535 B(XXIV), U.N. GAOR, 24th Sess., Supp. No. 30, at 25-6, U.N. Doc. A/7630 (1970); see also G.A. Res. 3236 (XXIX), U.N. GAOR., 29th Sess., Supp. No. 30, at 78 (1974) (reaffirming the right of Palestinian people to self-determination and the right of refugees to return to their homes). Since then, the U. N. has reaffirmed annually the right of the Palestinian people to self-determination and to return to their homes of origin.

⁶⁴ See note 5. For an excellent discussion of the ramifications of the recognition and maintenance of a Jewish state as a political entity today, see Virginia Tilley, *A One State Solution* (Ann Arbor, The University of Michigan Press, 2006).

EPITAPHS



Samia Halaby, *The Cypress in my Grandmother's Garden in al Quds*, Courtesy of owner Saleh Barakat

A Frozen Fragment of History

*Salim Tamari**



In June 1967 Myrtle Winter was commissioned by UNRWA to take photographs and video recordings documenting the impact of the war on Palestinian fleeing from the devastation of war. She took some of the most poignant of these shots on the bombed and twisted skeleton of the Allenby Bridge, then as now the main crossing point between the two banks of the Jordan. Within few days hundreds of thousands of refugees were fleeing the West Bank from the advancing Israeli troops. Their faces reflecting the impact of humiliation of defeat and panic, in a repeat performance of the 1948 war. Unknowingly Winters while shooting a short film of that episode she captured a moment of lost innocence—the grimacing face

of a young women, hardly 19 years old, fleeing for her life who was about to enter history from a dubious portal.

Janan Harb belonged to one of Ramallah’s leading families. For those of us who grew in that sleepy town in the early sixties, she became the object of our teenage fantasies. Her sleeveless cotton dress hugging her nubile body passing daily from her family *pension* on Radio Street, through Manara Square, and down post office road to school. Then she suddenly disappeared from the lives of those who remained in the country. Unknown to us, her last departure was recorded for posterity by the movie camera of Winters. One and a half minute of the 16mm film. 88 frames. All that remains of that dramatic moment, to be resurrected again. In these shots Janan first appears as a lost figure among scores of older men, and mothers dragging their children and hurriedly collected personal effects. Then a gun appears in the frame, next to her shoulder, suggesting the determination to resist. But then the viewer becomes aware that the gun belongs to one of the Israeli soldiers overlooking the multitudes leaving east, making sure that the panic surrounding them will not turn into



Janan June 11, 1967—Myrtle Winters

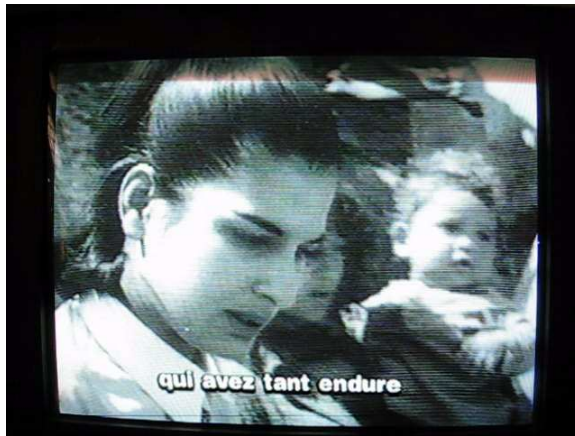
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acts of collective wrath against the new lords of the land. Forty years later she had this to say about her leaving Ramallah (and Palestine) in an interview with the Mail on Sunday:

Ramallah was too conservative for me, too small. At the first opportunity, I left. It was 1967 and I was 20. The Israelis had just occupied the West Bank and I was part of the exodus of Palestinians. I had just \$100 in my pocket and there is film footage of me crossing the temporary bridge into Jordan in my miniskirt. My mother was crying because she might never see me again but I wanted to go. My intention was to go to Beirut and study nursing at the American university and then go on to America. I never imagined I would end up in Saudi Arabia. At that time, it was a stone-age country, particularly if you were a girl. (Mail on Sunday, July 9, 2006)

Janan went on to greater glories. She became companion extraordinary to Prince Fahed of Saudi Arabia, and then his consort, and then later again, after a stormy career, as his divorced ex. But even then she maintained her rightful place in the gossip papers as the widow of the King, the mother of his (illicit) daughter, and inheritor of his English villas. Most recently, in 2005, she resurfaced in the English tabloids as the 58 year old litigator against his estates. Yet all of this is forgotten in this frozen moment. It captures three forgotten moments: the devastating defeat (of a nation reflected in a fleeing girl's eyes); of the possibilities of exile (conventional girl ascends to royalty—sort of); and the tentativeness of occupation (whoever thought that this moment—midday sun, June 11th, 1967 would seal our fate for the next half a century, and more?

These few frames evoked the merger of the general devastation of war with the personal loss of childhood memories. 1967 was the year that triggered a gradual exodus of Palestinian seeking escape from occupation with the search for better life in Jordan, the Gulf states, and further afield. It created a wedge between those who remained and those who escaped.



As I remember her during her school days

From the Naksa Back to the Nakba: The 1967 War and the One-State Solution

*Ghada Karmi**

In a history replete with dramatic events, the 1967 war without doubt must rate as one of the most seminal in the annals of the modern Middle East. This war re-shaped the map of the region and UN Resolution 242 that flowed from it, became the context of all peace proposals thereafter. This resolution, though never implemented, has had the most profound and lasting effect on all subsequent peace proposals and is still with us today. By limiting the parameters of the conflict to the swap of conquered Arab land for peace with Israel, resolution 242 also confined the peace process to a negotiation over the fate of the 1967-conquered territories, and by implication legitimised Israel in its 1948 borders. This was an extraordinary achievement for the Jewish state: in less than 20 years from its establishment, and in the face of tremendous Arab resistance and hostility, it had been awarded a prize of instant conversion from regional pariah to regional legitimacy and acceptance, with the Palestinians excluded as a humanitarian problem of refugees awaiting a ‘just solution’, whatever that meant. Of course the Palestinian cause did not disappear, and subsequently became central to peacemaking. Yet, the task of returning the debate to the Nakba of 1948 and the uncompensated Palestinian dispossession it caused was made infinitely more difficult by the resolution’s narrow interpretation of the origins of the conflict.

The 1967 war was a seminal event in my own life too. Up until then, I had been largely apolitical, shielded from the memories of our flight from Jerusalem in 1948 by a preoccupation with adjusting to life in the country of exile, England. I had studied medicine, and in June 1967 was working as a trainee doctor in a Bristol hospital, quite remote from the turmoil of the Middle East. While seeing patients on that first day of the war, I heard that war had broken out between Israel and Egypt and that Israel was already winning. It gave me a strange lurching feeling in the stomach and I could not wait to rush to the hospital’s TV room to find out more. And it was there that I saw unforgettably the painful story of Arab defeat unfolding before my eyes.

“Good for Israel!” cried my colleagues, raptly staring at the screen. Many of them were supposedly friends of mine and, yet, as the next few days were to show, not one was on my side. All gawped with admiration at Israel’s accumulating victories, and an equal contempt, as it seemed to me, for its Arab adversaries. Along with them I too watched in fascination the scenes of wild rejoicing as Israeli crowds swarmed all over the Wailing Wall on the war’s fifth day. Israel’s leaders announced that Jerusalem would be theirs forever. What a curious, disturbing sight, I thought, to see the gleaming Dome of the Rock, one of Islam’s most magnificent shrines, become the backdrop to this alien horde of black-coated rabbis and soldiers. To my horror, the Israeli flag was hoisted over the top of the Dome, the most sacrilegious,

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most inflammatory act of all. Even they could see that and it was brought down after a few hours.

Memories, dormant for years, of visiting my aunt's house in the Old City and playing with other children in the giant forecourt of the mosque on hot, still afternoons stirred inside me. The vast tiled courtyard in front of the Dome of the Rock used to make a perfect playground for hopscotch and the historic arches, pillars and holy sanctuaries were ideal for games of hide-and-seek. Since there were no parks or open spaces in the Old City for children to play, the mosque compound was the only place available. As the memories came back, I felt a dull ache, as if an ancient wound which was thought to be long healed had just been re-opened. I had a sense of deep dismay and the first stirrings of anger at what had befallen us.

At home in London, our family and friends were in a state of shock. I telephoned them every day during the war to find consternation and a deep sense of shame. "The Arabs are like a house of cards", they said. "At the first push, they all came tumbling down." No one had anticipated that the war would last only six days and end in total defeat for the Arab side and jubilant victory for Israel, and their overwhelming feeling was one of shame at the Arab armies' abysmal performance. In Britain, matters were aggravated for us by the florid, public display of pro-Israeli popular acclaim and anti-Arab sentiment which appeared in the wake of the war. Numerous adulatory descriptions and editorials extolling Israel's bravery and military skill appeared in the newspapers. They applauded Israel's victory as 'the triumph of the civilised' - over the hordes of Arab barbarians, presumably.

Until then, I had little understood the depth of sympathy which Israel evoked amongst people in the West. Its image of brave vulnerability as it faced annihilation from superior Arab forces, (an image, in fact, very far removed from reality), touched people's hearts. The sufferings of the Jewish people at the hands of the Nazis were fresh in the public mind and made what the Arabs were allegedly trying to do all the more insupportable. "Jews have endured enough" was a common view, and as the enemies of these persecuted people, Arabs became the villains of the piece. They were scorned and derided just as if the years of pent up hatred for Nasser since the Suez war of 1956 and the fear of the threat he had posed could now find release in a virulent derision of all Arabs. There was public delight at the humiliation which Israel had inflicted on him and the Arab armies. Cartoonists in British newspapers published caricatures of Arab soldiers, depicting them as shifty, cringing and cowardly. By some mad psychological inversion, the Arabs had taken the place of the Jews in popular scorn and what had been an ancient tradition of European anti-Semitism was now converted into a racist anti-Arabism.

On June 9, Nasser announced his resignation, taking full responsibility for the Arab defeat. As I looked at his haggard face and drawn features on TV and heard the start of his halting words, a lump came into my throat and I was filled with unutterable sadness. When, even before he had finished his resignation speech, it was reported that the people of Cairo were pouring out of their houses in hysterical grief at his departure, begging for him to stay, no one in Britain could understand it. But I did. For Egyptians and all Arabs, he was the man who had taken back the Suez canal in 1956, had stood up to foreign domination and had given Arabs a sense of national pride which had reached out even to those such as I, growing up in a foreign country, far away. I could see that to lose him now, whatever his mistakes, would spell the demise of the Arab world's unique historical

opportunity to achieve independence and would offer the ultimate succour to its enemies.

And I too would lose an opportunity, to lead a normal life, to lay down the historical burden of the loss of their land that all Palestinians bear. The war, brief as it was, had made me realise that I was alone. My community of English friends, as I had thought of them, no longer existed, perhaps had only ever existed in my wishful imagination. I wanted them to understand and accommodate my sense of dual loyalty, to being English but also to being Arab. And more than anything, I wanted an acknowledgement of the wrongs committed by Israel against me and, by extension, all Arabs.

It was the worst time for such feelings. Following the Six-Day War, a new Israeli self-confidence became evident. I saw it spread to England in the atmosphere of glowing public pro-Israeli approbation, which rose to a crescendo immediately after the war. Jewish people in England 'came out'. They were now overtly proud of their Jewishness and their links to Israel as never before; gone was the nervousness which had caused many to assume English surnames and English identities before the war. There was a noticeable increase in the number of Jewish men wearing skullcaps, and the identification of British Jews with Israel was striking. Thereafter, and though Israel's occupation of Arab land acquired in that war was internationally declared illegal, any question over its right to exist in what had been Palestine was heresy. The concept of 'Israel proper'-- meaning the state within the 1948 borders -- was born to affirm this Israeli title to the country; any notion of Palestinian rights to the same land was absurd; and any criticism of Israel was anti-Semitic

And this legacy has blighted the search for a solution to the conflict ever since. Israel's obdurate manoeuvrings in the aftermath of the 1967 war became the pattern for the future. It insisted on direct negotiations with the Arab states, one by one, without preconditions, such negotiations to lead to full peace agreements. The calculation was always the same and served Israel's strategy well: that the Arabs would not agree to such bilateral deals because they implied recognition of the Jewish state for no guaranteed reciprocal benefit, and in the ensuing hiatus, Israel could continue to hold on to and settle Arab land, with resolution of the Palestinian issue deferred. The international community did little effective to counter these Israeli ploys -- rather it has been persuaded to collude with Israel's position. No international mechanism was ever established to compel Israel to withdraw from Arab land and none to enjoin its compliance with a realisation of Palestinian political and human rights.

In the 40 years since 1967, the prevailing notion has been that that the conflict dates from then and hence, resolving the issues arising from the war would ensure a final peace. That became the central motif of the 'peace process' and preferred reading of history that Israel and its Western sponsors have adopted. It was been responsible for the progressive erosion of Palestinian rights and aspirations that made the Oslo Accords possible. The idea has grown that gaining a state of their own on the 1967 territories is the pinnacle of Palestinian ambition, and to ask for anything more would be churlish and ungrateful. For, by dealing with the symptoms, this strategy avoids having to confront the cause of the conflict. The creation of Israel in 1948, a state whose *raison d'être* was to achieve a Jews-only enclave in the heart of the Arab region was that cause. The subsequent wars, including 1967, the crises, turbulence and latterly, terrorism, all stem from that original event. It could not have been otherwise, for a state based on notions of

racial exclusivity that discriminated against non-Jews while insisting on living in their midst could only have been imposed on them by force and coercion, and the resistance this aroused was inevitable.

Thus, even if the 1967 Israeli occupation of Arab land were to be reversed, (on past evidence a most unlikely event), that would solve only part of the problem. It would still leave the consequences of the original event in 1948 unresolved: the refugees, the inequitable division of Palestine's land and resources to Israel's massive advantage, and most seriously of all, a state whose ideology had originally led to the conflict and kept it alive intact. Under such conditions, there would be no end to the cycle of violence and revenge.

To resolve the tragedy of Israel/Palestine, and thus bring peace to the region, there is only one way. That is to return to the roots of the problem, to return the country to the single unit it had been before 1948. While the place of my childhood can never return, its approximation so far as possible would be better than the situation of today. In a single entity of Israel/Palestine, the two peoples would live together without borders or partitions. It is the only solution which addresses all the basic issues that have perpetuated this conflict: land, resources, settlements, Jerusalem and the refugees, in an equitable framework. As such it answers to the needs of common sense and justice, without which there can be no durable peace settlement. And if that had happened the 1967 war would take its natural place as a landmark in Middle Eastern history but not its defining event.

The Miraculous Phrase

*Adi Ophir**

A three words phrase has become very popular recently in Israel. It is widely used in many different contexts, in legal, political, educational, and even “security” related discourses, and it is always pronounced as if something very essential, even urgent is at stake. Often, people say it with a sense of anxiety, or anger, or threat. And yet the phrase always designates or implies a certain public consensus, a Jewish consensus, obviously, a kind of common ground that persists despite all political disputes and ideological cleavages. When people use that phrase they appeal to that presumed shared understanding and assume that their audience share it too, and if they don't they should, and if they refuse nevertheless, then something must be deeply wrong with them. The phrase is a two word attribute attached to a noun: “Jewish-Democratic State” (JDS). The reference is Israel.

Recently, so it seems, anyone who considers him or her self to be someone – politicians and journalists, teachers and judges, soldiers and policemen, people of the word and people of the sword – say the three word phrase. The speech act may vary. One may simply pronounce it as a fact: Israel **is** a JDS. But this fact already prescribes a value that justifies facts: if it won't be Jewish-Democratic Israel would lose its *raison d'être* as a State. The prescriptive phrase therefore pronounces a telos and a vocation: Israel must remain (or become) JDS. Recently the phrase has also been used as a way to set a limit: when a person denies the existence or vocation of Israel as a JDS he or she commits a transgression. The deviant excludes him or her self from the national community, marginalizes him or her self, and may even risk violating the law; some people, including high ranking officials, say that he or she should be pursued as an enemy. Avraham Diskin, the head of the Security Services (Shabak) said recently that people who struggle to unpack the link between the two adjective and change the nature of the relation between the state and its non-Jewish citizens should be “taken care of” and that his organization should stop them even if they do not violate the law.

The statement was directed against a group of intellectuals, lawyers, and politicians who have recently published in a number of documents reasoned calls for the democratization of the Israeli regime and turning the JDS into “a State of and for all its citizens.” Azmi Bishara, a charismatic intellectual and political figure who had coined this term, laid its philosophical foundation and translated a political vision into practice was personally targeted. A few weeks after that statement had been made he was forced to leave the country fearing arrest and trial for treason after charges against him were announced by the Security Services.

In one sense, the fact that the head of the security services has joined the chorus chanting JDS is quite unusual. It is usually not the business of agents in the security services to stick their neck in public debates and mingle with judges, university professors, politicians and journalists who usually take the floor in such debates. But on a second thought the move was quite natural. After all, almost

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everyone in the chorus feels that he or she touches on matters of security when he or she chants the phrase. Isn't the distinction between Jew and Arab a matter of security? Shouldn't the selector at every checkpoint, in Israel and the Occupied Territories alike, know to distinguish a Jewish from an Arab face? And isn't it the case that the severe "security measures" taken in the Occupied Territories to prevent terrorists attack are justified because a democracy has a right and duty to protect itself? Isn't democracy one of our main advantages over our enemies, in fact one of our strategic assets? In our enlightened fortress both the Jewish and the Democratic are matters of security indeed, and there is wonder that those at the top of the security apparatus of the state would be concerned with it. The Jewish-Democratic is a wall in this fortress, protecting the JDS from those who wish to undermine its Jewishness and from those who threaten to expose its undemocratic nature. The speech act that chants JDS is nothing but a work of construction and maintenance, for recently it seems that the wall is constantly falling apart.

It works more or less like this: one says JDS and then reiterates the phrase several times. Some speakers smuggle it into their speech regardless of its exact context and content. Often during a heated political debate, when a person is speaking enthusiastically, or during an interview in the media, in a graduation sermon or a speech delivered in some official or semi-official ceremony, one may take a deep breath and then, with a change of voice, whispering or almost shouting, wrapping it with a moment of silent, one would say the JSD. JDS is an incantation. People whisper it as if they were saying to themselves: if we would only say it often enough, properly, gently but assertively, with conviction and devotion, the disgrace of forty years of Occupation would disappear and with it there would disappear three and a half million Palestinians who fight for a state of their own; the disgrace of the martial regime within the 48 borders will be forgotten together with all those "present absentees" and their "unrecognized" villages and the civic struggle for equal citizenship and collective rights of a million and a half Palestinian citizens would be but a background noise, or better of proof for the vigor of Israeli democracy; all those phenomena of Jewish racism and fundamentalism that cast a shadow over JDS would be marginalized; and above all, all that bad conscious, guilt, and bad faith would go by the whispering wind. We shall be once again innocent and righteous and descent people.

People reiterate the JDS in order to exorcise demons. The need to exorcise demons has become urgent recently. The demographic demon whispers: "soon there would be no Jewish majority." The racist demon chants: "Death to Arabs, expel them, vote for transfer." And the post-Zionist demon whispers: "it is no longer democratic, if it has ever been". And indeed, when one whispers it often enough, with the proper intention, in the proper context, the spell works and a kind of miracle happens. Suddenly, everything which is not democratic and not Jewish in the State of Israel evaporates. Several demons have been exorcised: the demographic demons first and foremost (the Jewish majority has been guaranteed); the racist demon (democracy stops racism); even the little post-Zionist demon has been silenced (JDS is both a fact and a value, those who try to deconstruct it are enemies, and in any case it is not deconstructable, it can only be destroyed through another Holocaust – are you sure you want to join the genocidal forces?...). A wall has been constructed. It is not an apartheid wall but a wall against apartheid, and it is not built on the West Bank hills but in the political imagination. It separates us, who are descent people, after all, from the Occupation and its evils, from racist discourse and its discriminatory and humiliating effects.

JDS is not a smoke screen. Its role is not to conceal reality but to create it. The work this phrase does is not precisely ideological in the Marxist or Althusserian sense of this term. There is nothing to uncover or decipher here. For now everything is on the surface, plainly visible. The phrase does mean to deceive but to enchant. One summons reality to be other than it is, till finally it is transformed. Everything remains the same, of course, but all those things that prevented our miraculous phrase from accurately describing the political reality are not to be thought, counted, and accounted for any longer. The non-Jewish, non-democratic aspects of the State are not counted either because they belong to a remote past (e.g., the martial regime), or because one speaks from the point of view of the future – that future which will start after the end of the Occupation, a moment which is sure to come. Everyone knows, with a kind of strange certainty, that the Occupation is temporary and that it is about to come to an end. It is only a matter of time: the formula of the solution is already there, all we need is a reliable partner, the people of Israel has already voted (in public opinion polls) for “separation” and “disengagement”, for withdrawal from most of the territories and for evacuation of some of the settlements. And we have already ended the Occupation in Gaza, haven't we? We shall end the Occupation in the West Bank as well. This certainty about the future enable speaking about the present as if the future is already here, as if the Occupation has already been terminated, for the will is there, and with the help of that will, and of this confidence, this faith in a rational progress toward the inevitable, Israel can be seen again as both Jewish and democratic.

If the trick does not work and the future seems a little less certain, in those relatively few occasions in which the Occupation has to be addressed in the present, the temporal denial is replaced by a spatial one. The Occupation is a hindrance, indeed, a burden, sometimes even a shame, but it is not really part of “us” and “we” are not really part of it. When it comes to the political imaginary the Occupation is always on the outside, beyond our imaginary border, external to what constitutes us as a nation, a project in which we are doomed to take part (because Palestinians are such uncompromising enemies), never the other half of our democratic regime.

However, like other symptomatic expressions, this expression too contains more than a grain of truth. For after all, the short phrase expresses succinctly a fundamental truth. The truth is that in the present condition at least, a true Jew is a democrat-Jew minus the democrat, and a true democrat is a Jewish democrat minus the Jew. This is a well known formula. In *The Man Without Qualities*, a great picaresque novel located at the last days of the Austro-Hungarian Empire, Robert Musil defines the Austrian as an Austro-Hungarian minus the Hungarian and the Hungarian as an Austro-Hungarian minus the Austro. But at least the Austrian and the Hungarian were two of the same kind, two nationalities. Jew and democrat belong to two different kinds: nationality and regime. How should one combine them? Is it at all possible? Here emerges the second truth that the phrase betrays: Jewish and democratic are linked by nothing but a hyphen, which is precisely what separates them. The hyphen creates a link which is deconstructable as much as it links. The hyphen gives presence to the difference which it is supposed to blur. The link it creates is durable and lasting just like any 'and' and 'or'; it comes with a mouth breath, the movement of the plume or the touch of a finger, and with a plume or a finger it would one day be gone.

In the meantime, due to the hyphen, every anxious Jew can afford being a democrat: he or she is assured that the Jewish component in the formula would protect his state and regime from an excess of democracy. In the same vein, a

worried democrat can afford being Jewish and rest in peace: he or she is assured that the democratic component in the formula would protect his State and regime from excessive Jewishness. The symmetry is perfect, so is the mutual constraint. A measure against measure.

Well, but what about the Arabs? How an Arab citizen of Israel is supposed to be part of this JDS, let alone join the rituals where it is chanted? Does not the Jew in the Jewish-democratic exclude her? The answer is clear: she finds refuge with the democrat (if she could only manage to become a subject of the Israeli regime in 1948 and has not waited for Israel to embrace her in 1967. The democrat in the formula is the Arab citizen's refuge, after being excluded from the other half of the formula. We (democrat Jews) give her citizenship not simply because she was born here and has rights but because **we** are decent democrats. But the formula is symmetrical and well balanced. If Arabs (i.e., non-Jews) find refuge in the democratic half who finds refuge in the Jewish part? The answer is clear: non-democrat Jews. We (Jewish democrats) forgive racists, fascist, theocrats, and messianic visionaries simply because **they** are Jews. These two types of refuge have a price. Arab democrats should not dare change the Jewish nature of the state; Jewish racists should not change its democratic nature.

Hence Israeli Arabs have to accept the fact that they live in a state which is not theirs, and that many of those to whom the state truly “belong” are not its citizens (Diaspora Jews). If they ever wish to work for changing this situation they would have to drop their dream. And Jewish racists, what dream they would have to drop? This is precisely the point where the symmetry ends. When Arab democrats dare to speak in public about a possible change of the Israeli regime and the transformation of Israel into “a state of all its citizens” they are declared enemy of the Jewish state and the formula marks the limit of their participation in the political game. When racist Jews act (and not only speak) in order to perpetuate the master-slave relations with the Palestinians in the Occupied Territories and impose limits on the citizenship of Palestinians within Israel “proper” no one threatens or restrains them. On the contrary – they are offered government offices and provided with the necessary resources.

On a second thought, however, even this is contained in the phrase. Israel is Jewish-Democratic indeed and not only because its apparatuses make possible a democratic political game for Jews. It is Jewish-democratic also because this is a democracy geared to achieve the vocation of Jewish nationalism as it is conceived by the right wing Zionists without losing the support of more liberal and leftists Jews. Being established in a territory inhabited by others, this democracy offers a limited participation for its Palestinian citizens living in its backyard, and hell to its Palestinian non-citizens living on its frontiers. The democratic nature of the Israeli regime is a crucial element in the ongoing effort to mobilize Israeli citizens (Jews and Arabs alike) to join actively or at least accept tacitly the Occupation project with its two contradictory components: colonization and separation. The occupation itself is not to be conceived as part of this regime; rather, it has to be grasped only as a project, the convoluted perhaps but inevitable extension of the Jewish struggle for national liberation; it is not to be understood as a *sui generi* regime, a distinct political form in which so many Jews function as the rank and file of a colonial power that sprang out of their democracy.

Good Zionists who speaks about the right of the Jewish people to have a state of its own stick to the JDS formula as if the was no Occupation, or as if the Occupation was a temporary, external nuisance and not a structural component of

the Israeli regime, and its sure end is already visible through the “two states solution” that almost everybody has already accepted. In the meantime, however, a Jewish-democratic state in which the *demos* consist of the ensemble of the governed people and the governed people are equal citizens is not a description of political reality but a day dream, or, at best, a political vision, an innocent, utopian fantasy. It is a description that ignores some basic facts: almost half (46%) of the people living in the territories under Israeli control are not Jews; a third of the population who live under the Israeli control system are not citizens and they are directly and daily exposed to oppression and violence of all kinds; most non-Jews who have Israeli citizens are deficient citizens in one way or another; the last four decades – two third of this regime's 60 years – have been devoted to ruling another people, depriving millions of their basic rights and seizing their land, while the lands of its own Palestinian citizens were confiscated in the regimes' two first decades.

A Jewish-democracy which is linked to the Occupation, and for which the Occupation is a constitutive project is no less utopian than the “vision documents” recently proposed by Israeli Arab intellectuals, who call for “a state for all its citizens” that would serve equally its two nations. It is no less utopian than the dream of a bi-national or multi-national state between the Mediterranean Sea and the Jordan River. The problem, however, is that the “Jewish-Democratic State” does not appear as a utopia. It pretends to describe reality. And this is precisely the moment in which the phrase becomes an incantation.

**THE PALESTINIAN ISRAELI CONFLICT
A CHRONOLOGY (1947-2007)**



Burhan Karkoutly, *Jerusalem is ours*, circa 1977, Courtesy of owner Saleh Barakat

A CHRONOLOGY OF CONFLICT 1947-2007

Leila Farsakh

November 29, 1947: UN General Assembly Resolution 181 (the Partition of Palestine)

Calls for the establishment of two states in Palestine: A Jewish and an Arab State

- The Jewish State would include 56% of British Mandate Palestine (although Jews owned 7% of the land and represented 33% of the population)
- The Arab State would include 43% of British Mandate Palestine (although the Christian and Muslim Arabs in Palestine owned 93% of the land and represented 37% of the population)
- Jerusalem was to be *corpus separatum*, i.e. under international administration.

May 14, 1948: The State of Israel is declared.

May 15, 1948, the British Mandate is ended and war erupts between the Zionist forces and the Arab armies of Egypt, Jordan, Lebanon, Syria and Iraq.

September 1, 1948: Formation of All-Palestine Government in Gaza. It collapsed by December 1948

December 11, 1948: UN Gen. Assembly Res. 194 (III) which confirmed the right of Palestinian refugees to return, restitution and compensation.

February- July 1949: Rhodes armistice agreements, signed between Israel and Egypt, Jordan, Lebanon and Syria. Israel had by then captured 78%, and not 54%, of British Mandate Palestine.

April 24, 1950: Annexation of the West Bank and Kingdom of Jordan; The Gaza Strip comes under Egyptian administration.

October 29, 1956: The Suez Crisis: Tripartite invasion into Egypt by Israel, Britain and France: Israel retreats from the Sinai and Gaza by March 1957

January 1959: Fatah is established by Yasser Arafat and Khalil al-Wazir [Abu Jihad]. It issues in Lebanon the clandestine Fatah magazine *Filastinuna* [*our Palestine*]

June 2, 1964: Palestine Liberation Organization (PLO) Fatah is founded.

January 1, 1965: First military operation of Fatah inside the armistice line.

June 5, 1967: The Six Day War: Israel attacks the Egyptian, Jordanian and Syrian armies in a “pre-emptive war”.

June 10, 1967 ceasefire announced: **Israel occupies East Jerusalem, West Bank the Gaza Strip and the Golan Heights.**

November 22, 1967, UN Security Council Resolution 242: It enshrines the principle of “land for peace” for peace talks between Israel and its Arab neighbors. It does not include any direct reference to the Palestinians. The West Bank, Gaza and the Golan Heights are under military Occupation.

March 21, 1968: Al-Karameh Battle: Fighters of the Palestinian resistance and Jordanian army confront and force the retreat of the Israeli army in the village of Al-Karameh in the Jordan River Valley.

January 1969: Fatah proclaims its objective of creating a **democratic, secular state in Palestine.**

February 1969: Yasser Arafat is elected chairman of a new executive committee of the PLO. The Palestinian resistance [al-Muqawama al-Filistiniya] becomes the predominant component of the PLO institutions.

December 1970 Roger plan: US Sec. of State William Rogers outlines US proposal for an Israeli-Arab peace settlement based on indirect negotiations for the recognition of Israel by Arab states in exchange for land return.

October 6, 1973: October war: Ramadan War/ Yom Kippur War.

October 22, 1973: UN Security Council Resolution 338: Called for direct negotiation on the basis of 242 (242 does not mention direct negotiation).

December 21, 1973: First Geneva peace conference: Included Egypt, Jordan, Israel, the US and USSR (excluded Syria who refused to participate, as well as the PLO). Negotiations collapsed after one day.

Oct 28, 1974: Rabat Arab League Summit recognises the *PLO as the sole legitimate representative of the Palestinian people.*

Nov 13, 1974: Arafat addresses the UN General Assembly.

April 13, 1975: Lebanese Civil war erupts.

April 12, 1976: *First West Bank municipal election* under Israeli occupation. A sweeping victory for nationalist/PLO supporters list.

March 16, 1977: United States President Jimmy Carter endorses the idea of a “Palestinian homeland”. He seeks another international Mid-East conference in Geneva.

July 17, 1977: President Anwar Sadat of Egypt announces willingness to accept Israel after signing a peace treaty.

November 19, 1977: President Anwar Sadat visits Jerusalem. During this first decade of the Naksa a total of 35 settlements were built in the West Bank and Gaza including East Jerusalem, hosting a total of 38,000 settlers.

March 14, 1978: Operation Litani: Israel invades South Lebanon

March 19, 1978: UN Sec. Council Res. 425 calls for an immediate Israeli withdrawal from Lebanese territory and establishes a UNIFIL force to be dispatched to southern Lebanon.

March 22, 1979: UN Sec. Council Res. 446 calls on Israel to dismantle settlements “having no legal validity” in Occupied Palestinian Territories, including Jerusalem.

September 17, 1978: Camp David Peace Accords: They consisted of 2 agreements based on UN resolutions 242 and 338. The first dealt with the future of the Sinai and peace between Israel and Egypt. The second was a framework agreement establishing a format for the conduct of negotiations for the establishment of an autonomous regime in the West Bank and Gaza.

March 26, 1979: A Peace Treaty is signed between Israel and Egypt. Egypt was subsequently dismissed from the Arab League.

December 14, 1981: Israel annexes the Golan Heights.

June 6, 1982: Israel invades Lebanon in “Operation Peace for Galilee” leaving close to 20,000 civilians dead. On August 21st 1982 the PLO starts to retreat from Beirut and moves to Tunis. Between September 16 and 18 the Sabra and Shatila Massacre take place. More than 2,000 residents of these Palestinian Camps are believed to have been killed.

September 1982: Reagan Peace Plan: called for peace in the area on the basis of the Camp David accords and proposed “self-government for the Palestinians in the West Bank and Gaza in association with Jordan”.

September 1982, Fez Peace Plan Announced at the Fez Arab League Summit: It offered implicit Arab recognition of Israel in exchange for:

- Israeli withdrawal from all the Occupied Territories
- Dismantling of settlements established on Arab territories after 1967. At the time they amounted to a total of 92 settlements in 1982, up from 35 in 1977.
- The declaration of a Palestinian state, with East Jerusalem as its capital.

December 9, 1987: First Intifada erupt in Gaza and the West Bank against 20 years of Israeli occupation. By the end of 1987, **a total of 131 Jewish settlements**

had been built in occupied Palestinian Territories with a total population of **190,000 settlers**.

December, 1987: Hamas is formed by Sheikh Ahmad Yassin of the Gaza wing of the Muslim Brothers in the Occupied Territories.

July 31, 1988: King Hussein announces disengagement from the West Bank.

November 15, 1988: Palestinian Independence Declaration at the 19th Palestinian National Council, Algiers.

December 3, 1988: PLO leader, Yassir Arafat, denounces terrorism and accepts UN resolution 242 and 338 at the UN General Assembly that convened in Geneva. The United States opens direct negotiations with the PLO in Tunis.

August 2, 1990: Iraqi troops invade Kuwait.

January 17, 1991: US invasion of Iraq in “Operation Desert Storm”. Israel imposes a territorial closure policy for the first time on the West Bank and Gaza.

October 29, 1991: Madrid Multilateral Peace Negotiations launched under the auspices of the US and Russia, with the participation of Israel, its Arab neighbours and a joint Palestinian-Jordanian delegation.

September 13, 1993: The Israeli-Palestinian Declaration of Principles (DOP) is signed at White House ceremony by Israeli FM Peres and PLO official Mahmoud Abbas (Abu Mazen). A hand-shake between Arafat and Rabin symbolically launches the Oslo Peace process, based on UN resolution 242 and 338. It excludes all talks on final status issues and focuses on what came to be known as interim status issues. These entailed the establishment of an elected Palestinian authority and the gradual redeployment of the Israeli army from Palestinian areas.

By end of 1993, a total of **149 settlements** had been constructed in the Palestinian occupied territories (including east Jerusalem) with a total population of **162,000**.

February 25, 1994: Hebron Massacre: 29 Palestinian killed by US-born settler Baruch Goldstein who opens fire on Muslim worshippers at Haram al-Ibrahimi mosque in Hebron.

April 6, 1994: A car bomb explodes at bus stop in Afula, killing 8 Israelis and injuring 44. Hamas claims it was in reprisal for the Hebron Massacre. This marks the beginning of suicide attacks against Israeli civilians inside Israel.

July 1, 1994: Arafat returns to the Palestinian homeland crossing the Rafah border.

October 26, 1994: A Peace Treaty is signed between Israel and Jordan.

September 28, 1995: The PLO and Israel sign the Interim Agreement, known also as “Oslo 2” Agreement on the second stage of Palestinian autonomy.

January 20, 1996: First Palestinian elections take place in the West Bank, Gaza and East Jerusalem.

January 17, 1996: The Protocol Concerning the Redeployment in Hebron is announced.

October 23, 1998: Wye River Memorandum between Israel and the Palestinian Authority to implement the Interim Agreement

July 2000: Final Status Negotiations in Camp David, between Israeli Prime Minister Ehud Barak and Palestinian Authority’s Chairman Yasser Arafat. The negotiations fail.

The number of settlements has reached a total of **178 settlements** with a total of **360,000 settlers**, up from 162,000 settlers by end of 1993.

September 29, 2000: eruption of Al-Aqsa Intifada.

March 28, 2002: Beirut Declaration on Saudi Peace Initiative: The Arab States’ offer official recognition of Israel in exchange for Israel’s full retreat from to pre June 4, 1967 lines and the establishment of a Palestinian State with East Jerusalem as its capital.

April 30, 2003: A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict is announced. It specifies the steps that the two parties need to implement to reach a full settlement of disputes, and a timeline for doing so, under the auspices of the Quartet - the United States, the European Union, the United Nations, and Russia

June 24, 2002: US President Bush Rose Garden Speech which is the first US official stand on a “vision of two states living side by side in peace and security” as a solution to the Israeli-Palestinian conflict.

August 15, 2005: Israeli Disengagement from Gaza.

November 11, 2004: Arafat dies in Paris after suffering from brain hemorrhage and coma.

January 26, 2006: Hamas wins parliamentary elections in the West Bank and Gaza and is democratically elected as the government of the Palestinian Authority.

July 12, 2006: Sixth Israeli war on Lebanon. A UN brokered ceasefire goes into effect on August 14, 2006.

June 14, 2007: Hamas takes over Gaza and Palestinian Authority President, Mahmoud Abbas, dissolves the government and the power sharing agreement between Fatah and Hamas.

November 27, 2007: Annapolis Middle East Peace Conference.

SOURCES

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Useful Websites for primary documents and data:

- Foundation for Middle East Peace, at www.fmep.org
- United Nations Information System on the Question of Palestine at <http://domino.un.org/UNISPAL.NSF/>
- PASSIA at www.passia.org
- Israeli Ministry of Foreign Affairs at <http://www.mfa.gov.il/mfa/peace%20process/reference%20documents/>

RELEVANT DOCUMENTS:

UNITED NATIONS RESOLUTIONS

THE BEIRUT DECLARATION



**General
Assembly**

A/RES/181 (II) (A+B)
29 November 1947

**Resolution 181 (II).
Future government of Palestine**

A

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

Having constituted a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

Having received and examined the report of the Special Committee (document A/364) 1/ including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking action which might hamper or delay the carrying out of these recommendations, and

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B 2/

The General Assembly

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

*Hundred and twenty-eighth plenary meeting
29 November 1947*

[At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution [181 A], elected the following members of the United Nations Commission on Palestine: Bolivia, Czechoslovakia, Denmark, Panama and Philippines.]

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future constitution and government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of The Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold

elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three

members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

General Provision

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Chapter 1

Holy Places, religious buildings and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

Chapter 2

Religious and Minority Rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

8. 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

Citizenship, international conventions and financial obligations

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for

citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. International conventions. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. Financial obligations. (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

Chapter 4

Miscellaneous provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration

shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to economic union and transit. This undertaking shall be drafted by the commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

- (a) A customs union;
- (b) A joint currency system providing for a single foreign exchange rate;
- (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and port and airports involved in international trade and commerce;
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;
- (e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the

customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that--to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources--each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

- (a) The expenses of the customs service and of the operation of the joint services;
- (b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's export fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each state and the City shall control residence within its borders.

Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the international Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

Boundaries 5/

A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of `Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part

of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of `Ilut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan'. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Ara, and thence proceeding

south-south-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramle village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezim to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary lines run north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Es Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrif. From there it joins Wadi El Zaiyat in just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this Wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lassan to the point where Wadi Lassan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Miqve Israel lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern) Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish Section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-

Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include 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 Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. *Government machinery; special objectives.* The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of a special town units consisting respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which

will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. *Administration of justice.* The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. *Economic union and economic regime.* The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decision of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. *Freedom of transit and visit; control of residents.* Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. *Relations with the Arab and Jewish States.* Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. *Official languages.* Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship.* All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. *Freedoms of Citizens.* (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights

and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or

would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. *Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine.* (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

PART IV

CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

* * *

Notes

1/ See Official Records of the second session of the General Assembly, Supplement No. 11, Volumes I-IV.

2/ This resolution was adopted without reference to a Committee.

3/ The following stipulation shall be added to the declaration concerning the Jewish State: “In the Jewish State adequate facilities shall be given to Arab-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration.”

4/ In the declaration concerning the Arab State, the words “by an Arab in the Jewish State” should be replaced by the words “by a Jew in the Arab State”.

5/ The boundary lines described in part II are indicated in Annex A. The base map used in marking and describing this boundary is “Palestine 1:250000” published by the Survey of Palestine, 1946.

Annex A**Plan of Partition with Economic Union****Annex B****City of Jerusalem****Boundaries Proposed By The Ad Hoc Committee On The Palestinian Question**

**UNITED
NATIONS**

S



General Assembly

A/RES/194 (III)
11 December 1948

**194 (III). Palestine -- Progress Report of the
United Nations Mediator**

The General Assembly,

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To 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;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the

General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 1/ and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

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 Karim (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 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;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration 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;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation 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;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards to the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

* * *

At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of the above resolution proposed that the following three States should constitute the Conciliation Commission:

France, Turkey, United States of America.

The proposal of the Committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.

1/ See Official Records of the Security Council, Third Year, No. 126.

**UNITED
NATIONS**

S



Security Council

S/RES/242 (1967)

22 November 1967

**Resolution 242 (1967)
of 22 November 1967**

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;
4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting.

SOURCE:

<http://domino.un.org/UNISPAL.nsf/b792301807650d6685256cef0073cb80/7d35e1f729df491c85256ee700686136!OpenDocument>



**Security
Council**

S/RES/338 (1973)
22 October 1973

**Resolution 338 (1973)
of 22 October 1973**

The Security Council

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. *Decides* that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

*Adopted at the 1747th meeting
by 14 votes to none. 1/*

1/ One member (China) did not participate in the voting.

SOURCE

<http://domino.un.org/UNISPAL.nsf/2ce9468747556b2d85256cf60060d2a6/7fb7c26fcb80a31852560c50065f878!OpenDocument>

THE BEIRUT SUMMIT DECLARATION

Beirut Declaration on the Saudi Peace Initiative March 28, 2002

Following is an official translation of the full text of a Saudi-inspired peace plan adopted by an Arab summit in Beirut on Thursday:

The Arab Peace Initiative

The Council of Arab States at the Summit Level at its 14th Ordinary Session, reaffirming the resolution taken in June 1996 at the Cairo Extra-Ordinary Arab Summit that a just and comprehensive peace in the Middle East is the strategic option of the Arab countries, to be achieved in accordance with international legality, and which would require a comparable commitment on the part of the Israeli government.

Having listened to the statement made by his royal highness Prince Abdullah bin Abdul Aziz, crown prince of the Kingdom of Saudi Arabia, in which his highness presented his initiative calling for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the land-for-peace principle, and Israel's acceptance of an independent Palestinian state with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with Israel.

Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the council:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.

2. Further calls upon Israel to affirm:

I- Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights, to the June 4, 1967 lines as well as the remaining occupied Lebanese territories in the south of Lebanon.

II- Achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194.

III- The acceptance of the establishment of a sovereign independent Palestinian state on the Palestinian territories occupied since June 4, 1967 in the West Bank and Gaza Strip, with East Jerusalem as its capital.

3. Consequently, the Arab countries affirm the following:

I- Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.

II- Establish normal relations with Israel in the context of this comprehensive peace.

4. Assures the rejection of all forms of Palestinian patriation which conflict with the special circumstances of the Arab host countries.

5. Calls upon the government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab countries and Israel to live in peace and good neighbourliness and provide future generations with security, stability and prosperity.

6. Invites the international community and all countries and organisations to support this initiative.

7. Requests the chairman of the summit to form a special committee composed of some of its concerned member states and the secretary general of the League of Arab States to pursue the necessary contacts to gain support for this initiative at all levels, particularly from the United Nations, the Security Council, the United States of America, the Russian Federation, the Muslim states and the European Union.

SOURCE

www.fmep.org/resources/official_documents/the_beirut_declaration.html - 12k -

BOOK REVIEWS

CONTEMPORARY HISTORY

Joel Beinin and Rebecca L. Stein (ed.),

The Struggle for Sovereignty: Palestine and Israel 1993-2005.
Stanford, CA: Stanford University Press, 2006.

Reviewed by *Amir Asmar**

Joel Beinin and Rebecca L. Stein have made a prominent contribution to academic literature on the Palestinian-Israeli peace process in their 2006 volume *The Struggle for Sovereignty: Palestine and Israel 1993-2005*. Likely the most comprehensive work on the context, mechanics, and ultimate failure of the Oslo peace process, the essays in this volume are thoroughly researched analyses of various aspects of Oslo. Most of the chapters were updated after publication in *Middle East Report*. Beinin and Stein argue in their chapeau that “the Oslo process failed to create the necessary conditions for a just and lasting peace in the region, thus paving the road for political turmoil and continuing conflict...” (2). Each of the authors in this compilation details one or more of the many shortcomings—in concept or implementation—of the Oslo process that made its failure all but inevitable. The editors also situate Oslo’s failures within a longer history of Zionist colonization in conflict with a Palestinian struggle for self-determination.

The authors, including Beinin and Stein, are scholars or journalists “whose approach to the Arab-Israeli

conflict has been formed by years of residence in the region, knowledge of Arabic and/or Hebrew, and empathic understanding of both the principal communities...” (2); they resist the temptation to re-articulate the false macro narrative already familiar to observers of the Middle East, namely that after years of incremental and irregular progress, Israel offered Arafat generous peace terms at Camp David in 2000, which he rejected in favor of renewed violence—which Israel characterized as terrorism in the context of the post-9/11 US-led Global War on Terrorism, whether or not it targeted civilians.

After articulating their central objectives for the compilation, Beinin and Stein devote the remainder of their introductory chapter to the briefest historical overview of the decades of the Palestinian-Israeli conflict from the 1918 defeat of the Ottoman Empire to the secret early 1990s Oslo negotiations. But this history is not an attempt to educate the neophyte or generalist; the analysis of Oslo in this compilation clearly presumes a great deal of knowledge on the part of the reader.

The main body of *Struggle* consists of 35 articles grouped into five parts. The first of these, “The Political Economy of Peace,” highlights the economic underpinnings of Oslo’s failure. Beinin provides a more detailed history of the Israeli, Palestinian, and regional circumstances leading up to Oslo. He describes changes in Israel’s economic outlook in the late 1980s, away from Labor Zionism and in favor of an export-led, profit-driven economy that included privatization of public enterprises and a focus on free markets. Israel’s new capitalist class, which aspired to economic integration with Europe, understood the need to resolve the conflict with the Palestinians, what Yaov Peled calls “decolonization.”

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Citing the Arab boycott's effect of limiting foreign business in/with Israel, Peled explains the emerging Israeli business class's advocacy of political normalization with the Palestinians to support the new capitalist economy. Also, the outbreak of the Palestinian Uprising or *Intifadah* in December 1987 heavily disrupted Israel's use of the territories as captive markets and sources of cheap labor, further demonstrating the conflict's potential to disrupt Israel's economic activity and profit. Nonetheless, Israel's pursuit of the twin policies of liberalization (the move from socialism to capitalism) and decolonization (the end of the conflict with the Palestinians) generated effective opposition from a coalition of Israelis, including settlers and their nationalist supporters, and Israel's lower economic classes, dependent as they were on the welfare state. Their opposition to Oslo, combined with the process's significant shortcomings from the Palestinian perspective, led to failures along the way and breakdown after the 2000 Camp David summit and the subsequent Taba meeting. These failures and the outbreak of the second, more violent Al-Aqsa *Intifadah* propelled the return of the anti-Oslo Likud Party to power in 2001, effectively ending the process.

Beinin explains how Oslo's failure to advance Palestinian economic interests—largely due to insufficient support from the international community and to Israel's continuing control and repeated closures of the Occupied Territories, in response to terrorist attacks—led to popular disillusionment and loss of support for the process on the Palestinian side. The unevenness of the 1993 Declaration of Principles (DoP), Oslo's first agreement which was signed on the White House lawn with great fanfare, reflects and underscores Palestinian weakness, and stipulates continued Israeli control over much of Palestinian economic and political life. As Emma Murphy reports, in the economic arrangements that

followed the DoP, "Israel retained control or veto power in the more strategic areas of water, energy, financial development, transport and communication, trade, industry, labor, media, and international aid," leaving much of the Palestinian Authority's success or failure in Israeli hands (55). This Israeli hegemony is further discussed in the last article of the book's first section, "The 94 Percent Solution," which describes Israel's plan to relinquish a majority of the Occupied Territories, while maintaining effective control of the aspects of Palestinian life and the portions of Palestinian territory it deems necessary to continue much of the hegemony it exercised previously. This first part of the book informs the volume's title, essentially making the argument that while Israel may have been willing to relinquish territory and municipal-level control, it never intended to relinquish the critical elements of sovereignty.

The second and third sections of *Struggle* deal with the Palestinian and Israeli situations respectively. Part 2, "Inside Palestine: Occupation, Social Movements, and Governance," reiterates the severe flaws in the DoP which permitted Israeli control of the Palestinians to be exercised "with greater vigor than at any time since the occupation began in June 1967" (76-77). Separate articles explored the changing role of non-governmental organizations and women's groups, and the rise to political prominence of the Palestinian Islamic Resistance Movement (HAMAS) during the Oslo years. An early interview with Marwan Barghouti, now in an Israeli prison for allegedly promoting violence during the Al-Aqsa *Intifadah*, poignantly captures some of the Palestinian hope of the early DoP years, with regard to peace and democracy, while two pieces on refugees highlight the difficulty this issue presents to Palestinian and Israeli leaders.

The piece on HAMAS's rise to prominence is particularly interesting given the movement's early 2006 electoral victory in the Palestinian legislative elections and subsequent takeover of the Gaza Strip. Charmaine Seitz describes how the movement, a staunch opponent of Oslo, benefited from Oslo's numerous failings, particularly continued Israeli settlement activity—such as the construction of the Har Homa/Jabal Abu Ghneim housing complex to separate Bethlehem from Jerusalem—and smaller than stipulated Israeli withdrawals from Palestinian territories. Seitz argues that “Israeli intransigence and the structure of the accords themselves created mounting discontent among the Palestinian public, which increased support for HAMAS's periodic armed activities against Israel” (116). In the violent early months of the *Al-Aqsa Intifadah*, Seitz argues that Israel's strategic goal was “to crush the national aspirations of the [Palestinian National Authority] and impose by force the kind of limited ghetto autonomy that Palestinians had rejected at Camp David.” HAMAS justified its attacks as part of the broader narrative which valued armed struggle over negotiations, while the ruling Fatah party justified armed activity as leverage for pressuring Israel into resuming meaningful negotiations (121).

The seven articles in part 3, “Inside Israel: Militarism, Citizenship, and Struggle,” begin with Ilan Pappé's discussion of the “post-Zionist” debate in Israeli scholarship, media, and the arts that questions Jewish self-image and the mythologies of Israel's founding, legitimating in the process the national claims of the Palestinians as well as the outcry of Israel's non-European Jews at the oppression they felt at the hands of the Zionist movement and the Israeli state. Oren Yiftachel addresses the interrelated concepts of citizenship and democracy in Israel, arguing that Israel is an “ethnocracy” rather than a democracy (164), given the ethno-

religious underpinnings of the country's citizenship concept. Non-Jews and non-European Jews are Israeli citizens in concept only, suffering systematic discrimination by the European Jewish-dominated state apparatus. Other articles deal with Israel's settlement policy in the Palestinian territories; the longstanding concept of transfer, which argues that Israel must retain its Jewish identity by physically expelling or politically disenfranchising Palestinians; Israeli violence against its own Palestinian citizens; and dissent in Israel by a variety of groups, with an emphasis on soldiers who refuse to serve and the feminist movement.

Anchored by an interview with the Palestinian poet Mahmoud Darwish, part 4 reviews popular representations of the conflict on both sides; graphic art, anecdotes, fashion, posters, poems, and television capture, among other things, dissent and ‘fear of the other’ on the Israeli side and love of the land, steadfastness, and violence on the Palestinian side. An interesting piece that seems out of place in this section is a discussion of the popular rejection in Egypt of the peace with Israel, largely because it is seen as strengthening the regional power of Israel and its American superpower patron at the expense of Arabs. This rejection is largely manifested by the near-complete absence of normal cultural and intellectual exchanges between Egypt and Israel. Part 5 is the volume's attempt to consider where the present circumstances may lead, examining the dynamics of Palestinian resistance—violent and non-violent—the Gaza withdrawal, the “demographic problem,” and the two-state solution and its resurgent alternatives. It also explores the mechanisms of Israeli occupation with an emphasis on curfews and closures, land expropriation and use, and the Israeli-constructed barrier. The authors persuasively argue that in constructing the barrier, Israeli leaders seek no less than the permanent

damaging of Palestinians' economic and social fabric to force them to accept Israel's limited concept of statehood as a permanent settlement. In contrast, a piece on the international dimension of the conflict concludes that "a peace process guided by the rights of the parties under international law would look dramatically different than Oslo and other initiatives." (322)

In the volume's final essay, Catherine Cook and Adam Hanieh condemn the future Oslo as wrought as no different from Israel's longstanding plans for the Occupied Palestinian Territories; many similar plans from the early 1970s Allon plan to Begin's Village Leagues, Barak's "generous offer" in 2000, and Sharon's 2005 separation have the same objectives, Israeli control of significant West bank territory, a Palestinian existence on minimal territory—broken up into Bantustans—surrounded, divided, and controlled by Israel.

David Commins

The Wahhabi Mission and Saudi Arabia

London and New York: I.B.Tauris, 2006, 276 pp.

Reviewed by Itzhak Weismann*

The Wahhabiyya is one of the best-known yet least-understood movements of the pre-modern and modern Islamic world. Its name comes up time and again in religious and scholarly literature owing to the central role it played in defining the identity of Saudi Arabia, and even more because it has been appropriated by various Islamic fundamentalist currents. Still, there is much confusion about the basic

Wahhabi doctrines since, as David Commins points out in the preface to his book, the movement is entangled in a controversy that has divided Muslims for more than two centuries. The debate pitted its detractors, for whom it was nothing but a deviant sect, against adherents, who were fascinated by its zeal for pure monotheism. Its very label is a misnomer, as Wahhabis themselves prefer to be regarded as simply *muwahhidun*, professors of God's unity, or *salafis*, strict followers of the forefathers of Islam.

Commins' book explores the evolution of the Wahhabi movement and the doctrinal stands of its scholars, as well as their rivals, from its inauguration in the mid-eighteenth century to the present. His narrative is constructed along two main axes. One is the politico-religious alliance between the Wahhabi ulama and the Al Saud dynasty. The fortunes of the Wahhabi mission closely followed the political vicissitudes of the Arabian Peninsula and its relations with the Muslim world at large and with the West. The other axis is the debate between the Wahhabis and their adversaries, which Commins finds to be remarkably static. The set of arguments and counter-arguments that emerged during the lifetime of the founder have remained basically the same to this day.

The first chapters of the book demarcate the four major phases in the trajectory of Wahhabi history. Each chapter recounts the major political developments of the time and delves into the typical debates of that phase. The Wahhabiyya emerged in the 1740s out of the calling of Muhammad ibn Abd al-Wahhab, scion of a scholarly family from the Arabian oases who had studied in the Hijaz and Iraq and was influenced by the writings of the medieval Hanbali theologian Ahmad ibn Taymiyya. Ibn Abd al-Wahhab's famous alliance with amir Muhammad ibn Saud facilitated the gradual spread of the movement throughout the Arabian

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Peninsula. So it was until 1818, when the conquest of the Holy Cities, Mecca and Medina, by the Ottoman wali of Egypt brought it down. The Wahhabi mission recovered under the second Saudi amirate. Its mission, however, was curtailed by the rejuvenation of the Ottoman Empire and by internal strife within the Saudi dynasty, which led to its surrender to the Rashidis of Hail in the latter part of the nineteenth century.

The third phase of Wahhabi history covers the long reign of Abd al-Aziz ibn Saud (1902-1953), founder of the present kingdom of Saudi Arabia. Abd al-Aziz restored the Al al-Sheikh to their place of prominence in the religious landscape of his domain, while appropriating the prerogative to pursue his own course in state affairs. When in the 1920s the zealous Ikhwan challenged his authority in the name of doctrinal purity they were crushed. Abd al-Aziz's successors have used the growing petroleum revenues to modernize the kingdom, thereby giving birth to a new stratum of liberal-minded technocrats susceptible to the modern ideologies of Arab nationalism and socialism. Still, Wahhabism has remained the official Saudi creed, and it maintains its control of the law, education and morality of the kingdom.

The seminal treatise of Wahhabism is Ibn Abd al-Wahhab's *Book of God's Unity (Risalat al-tawhid)*, basically a selection of Qur'anic verses and hadiths which marked the beginning of his mission. Commins suggests that the most distinctive facet of the book is "the insistence that proclaiming, understanding, and affirming that God is one do not suffice to make one a Muslim, but that one must also explicitly deny any other object of worship." Ibn Abd al-Wahhab maintained that seeking the help or intercession of any being but God amounts to idolatry, which means forfeiture of one's blood and property. From early on anti-Wahhabis such as the Najdi scholar Ibn Suhaym were alarmed by the divisive implications of

such teaching, which in fact made every Muslim who did not agree with its position an unbeliever. Among the early critics was the Sheikh's brother, Sulayman, who regarded him as incompetent to undertake *ijtihad* and based himself on the writings of Ibn Taymiyya to refute his views of *takefir*.

During the nineteenth century the major authorities of Wahhabism were the founder's grandson, Abd al-Rahman ibn Hasan, and his son Abd al-Latif. Both had studied at al-Azhar while in exile. Living during the enfeebled second Saudi amirate, these scholars lacked the means to spread their call beyond Najd; instead they engaged in enforcing inner doctrinal conformity and guarding against any idolatry that might infiltrate from neighboring Ottoman lands. One of the major anti-Wahhabi polemicists of that time was the Baghdadi scholar and Naqshbandi sheikh Da'ud ibn Jirjis, who defended the customs of visiting saints' tombs and supplicating the dead. Commins analyzes the biographical dictionary of the Hanbali scholar Muhammad ibn Humayd to show that opposition remained strong in that quarter too. Ibn Humayd reviles Ibn Abd al-Wahhab and his movement for deviation, killing of enemies, and deficiency in polemics and diplomacy. In the course of the twentieth century polemics gave way to the fortification of the Wahhabi establishment within the Saudi state.

In what is to my mind the most important and innovative part of his book, Commins sets out to define the historical relationships and doctrinal affinities between Wahhabism and modern Islamic revivalist trends. The Salafis of late Ottoman Iraq and Syria shared with the Wahhabis a keen interest in the works of Ibn Taymiyya. They also agreed on the permissibility of *ijtihad* and the need to eliminate innovative practices within the Sufi orders. But it must be stressed that for modern Salafis *ijtihad* came to mean rational deliberation, while most of

them accepted orthodox Sufism and rejected the Wahhabi positions on the idolatry of Muslims. For religious as well as political reasons, the two reformist trends drew closer after the rise of Abd al-Aziz ibn Saud, as is shown in Commins' analysis of the writings of Mahmud Shukri al-Alusi of Baghdad and of Rashid Rida, editor of the Salafi journal *al-Manar*.

A closer affinity existed between Wahhabism and the Indian Ahl-i Hadith movement. As Commins points out, in addition to the primacy they gave to Prophetic traditions, their desire to revive Ibn Taymiyya's teachings, and their call to eliminate visits to saints' tombs and intercessionary prayers, the Ahl-i Hadith also concurred with the Wahhabis in regarding Sufis and Shiites as unbelievers and in being intolerant of other Muslims. On the other hand, the Ahl-i Hadith rejected the four legal schools, including the Hanbali school which the Wahhabis followed, and like the Salafis espoused a rationalized form of *ijihad*.

For the revivalist movements of the twentieth century Wahhabi theology proved to be of little religious or political relevance. The founder of the Muslim Brothers, the Egyptian Hasan al-Banna, espoused an inclusive definition of the community of believers and regarded Sufism as an essential part of Islam. The Jamaat-i Islami leader, Abu A'la al-Mawdudi, devised an original plan for an Islamic state based on a gradual process of education and persuasion. Sayyid Qutb, the ideologue of the radicalized Muslim Brothers under Nasser's regime, called for a revolution led by an Islamic vanguard to overthrow un-Islamic governments, including the Saudi one. The points of agreement between such modern thinkers and movements and Wahhabism were confined to the negative side: fighting Western cultural influences, rejection of unorthodox Sufi practices and, in the case of Mawdudi and Qutb, regarding contemporary

Muslims as living in a state of *jahiliyya*. Only in the face of the West were the Wahhabis and revivalists ready to join forces and cooperate.

Finally Commins proceeds to examine the challenges that the Wahhabi religious hegemony faces within the contemporary Saudi state. He singles out two factors that diminish its credibility: the dependence of the Wahhabi establishment on the government and its conflict with the radicalized Muslim revivalist movements. The tensions were first manifested in 1979 in the seizure of Mecca's Grand Mosque by millenarian zealots influenced by the Muslim Brothers' ideology. They were augmented following the Iraqi invasion of Kuwait in 1990-1991, which led the Saudis to invite US troops to defend the country. This move turned the Jihadist tendency under the leadership of Osama Bin Laden against the government and its Wahhabi supporters. Bin Laden, as Commins rightly stresses, was not a Wahhabi. Al-Qaeda's 11 September 2001 attacks on the USA, which were carried out mainly by Saudi nationals, forced the government to relax constraints on public discussion and allowed liberal demands for democratization to be heard again.

David Commins' book makes a major contribution to our understanding of the Wahhabi movement during the more than two and a half centuries of its existence. Lucid and highly readable, it successfully combines a wide-ranging view of its evolution within the successive Saudi emirates and a meticulous analysis of primary sources, some of them untackled before, relating to its polemics with other religious thinkers and movements. The set of pictures interspersed in the text serves to illustrate the human face of the Wahhabis. Commins' book will help scholars locate Wahhabism within the larger pre-modern and modern reform trends in Islam and better assess its

fortunes on the contemporary Saudi and Middle Eastern scenes.

URBAN CULTURES

Mark Mazower

Salonica, City of Ghosts: Christians, Muslims and Jews, 1430-1950

Vintage Books (New York, 2006), 490 pp.

Reviewed by Eleni Gara*

Salonica/Thessaloniki is a city surrounded by many myths. Dubbed the “nymph of the Thermaikos Gulf”, Salonica is perceived by modern Greeks as the *par excellence* Byzantine city, while it is also closely associated with the kings of Macedon; it has been called in books and songs “the capital of the refugees” or “the motherland to the poor”, and is widely known—for rather obscure reasons—as “the erotic city”. This popular imagery of Salonica does not have a place for the city’s rich Ottoman past, which is remembered only in negative terms, nor for its once numerous Jewish and Muslim populations. With his *Salonica, City of Ghosts*, Mark Mazower has added yet another layer to the myth of Salonica; this time, however, by focusing exactly on this suppressed past of the city.

Salonica, City of Ghosts, an elegantly written volume of almost five hundred pages, relates the history of the city from 1430 to 1950. Part One, “The Rose of Sultan Murad”, is concerned with the emergence and the vicissitudes of Ottoman Salonica from its conquest to the end of the Tanzimat reforms. Part Two, “In the Shadow of Europe”, treats the advent of modernity and its impact on urban environment and city life during late Ottoman times. Part III,

“Making the City Greek”, deals with the transformation of Salonica, as part of the Greek nation-state, from its annexation in 1912 to the aftermath of World War II and the genocide of its Jewish population. A short introduction and an equally short conclusion, entitled “The Memory of the Dead”—both written in a very personal tone—connect the city of past times to that of modern Salonica and raise the issue of historical memory and its uses.

Salonica, City of Ghosts, covers—in larger or smaller detail—all issues one expects to find in a history of the city from the Ottoman conquest to the aftermath of World War II, including less widely known aspects, such as popular religion in Ottoman times or the early twentieth-century labor movement. Its central theme is the successive transformations of social life, urban environment and, above all, of the relations between the various groups that compose the city’s population. The narrative is structured around major turning points in Salonica’s history, though in an unconventional way. First, despite following a timeline format, the book is mainly within the tradition of social history. Secondly, only the most prominent events of local history, for instance the arrival of the Sefardim, the great fire of 1917, or the Jewish genocide, are treated in separate chapters; the rest are dealt with as part of general issues or developments. This is a happy choice, since it enables the reader to better understand the context of specific events and not construe them as local peculiarities.

Take, for example, the subchapter on the *ma’min*, the community of Judeo-Spanish-speaking Muslims that came into being in the second half of the 17th century through the conversion of Messiah Sabbatai Zevi and his followers (72-76). Officially registered as Muslims and commonly known as *dönme* (turncoats), these people, who called themselves *ma’min* (the Faithful), were regarded with

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suspicion by outsiders, who thought of them as Jews of a sort. The conversion of Sabbatai Zevi and his followers is a significant event in both the history of the city and early modern Jewish history. Mazower, however, discusses the matter from a different perspective. He deals with the *ma'min* community in a general chapter (ch. 4), entitled "Messiahs, Martyrs and Miracles", that concerns attitudes to religion, as well as issues of conversion, apostasy and heterodoxy in the Ottoman Empire. Examined against this broader background, the *ma'min* emerge as neither crypto-Jewish nor pseudo-Muslim: they appear to be instead a community that "developed a kind of mystical Islam with a Judaic component not found in mainstream Muslim life" (73) and that "[was] evolving over time into a distinctive heterodox Muslim sect, much influenced by the Sufi orders" (74).

There are many ways to write the history of a city. Mazower, a historian concerned with how grand history affects the everyday life of people and is in turn affected by their actions, has chosen to relate Salonica's past through the experiences of its population. Mazower's Salonica is above all its inhabitants and the delicate urban fabric constantly recreated and transformed by their interaction. His analysis brings out as historical subjects not only religious or ethnic communities but also social groups, both prominent and obscure. Mazower does not neglect events or historical developments; in his narrative he takes up all major issues of early modern and modern Balkan history, most notably the transformation of the Ottoman Empire, the Eastern Question, the emergence of modernity, and the impact of nationalism (including Ottomanism and Zionism). These issues, however, are explored "from the bottom up", through their repercussions on the lives of the townspeople, who are actively involved in historical change and give to it concrete meaning with their actions.

Salonica, City of Ghosts, offers a reading of the city's past that centers on urban life, on the relation of townspeople to each other and to their city. Demographic changes and local politics emerge as key issues in Mazower's analysis. His Salonica is a city created and transformed by the incessant coming and going of people. These are not only immigrants, merchants or travelers, but also armies, state officials, and above all refugees, both immigrant and emigrant. The impact of each wave of refugees on urban life, environment, and politics is profound and every time results in the transformation of the city. This in itself is not a novel approach. Mazower, however, is concerned not only with the city's Jews and the Christians from Eastern Thrace or Asia Minor, but also with less known refugee populations, such as the Muslim refugees of 1912-1914 and the Muslims who had to leave Salonica in the course of the exchange of populations between Greece and Turkey.

Local politics is another key issue in *Salonica, City of Ghosts*. Mazower shows how urban life, both in Ottoman and Greek times, is constantly recreated by the negotiation of power between religious, ethnic or social groups, by the activities of local interest groups, by the complex and uneasy relation between local concerns and priorities and those of the central state. Decision making on the local level, rivalry or cooperation, grievances or common interests are shown to have a more powerful effect in shaping the realities of everyday life and the experience of the people than orders coming from Istanbul or Athens. In *Salonica, City of Ghosts*, there are no convenient villains from the outside; it is usually the townspeople who shape events with their actions.

This is nowhere as obvious as in the events surrounding the extinction of Salonica's Jewish population (392-411). The ghettoization and subsequent deportation and extermination of the

city's Jews in the death camps were a policy introduced and rigorously pursued by the Nazi authorities. Nevertheless, as Mazower shows, its success depended on many factors, including the involvement of local officials, the propaganda of quisling press, even the attitude of Chief Rabbi Koretz. The Final Solution unfolded "not only through instructions from Berlin, but also via the accretion of local initiatives taken by authorities such as the German army, their civilian labour contractors and politically astute local officials" (395-96). Above all, it was the complete impassivity of the local Greek middle and upper classes, as well as that of the Church, that helped the German administrators proceed without obstruction to the fulfillment of their goal. The anti-Jewish measures presented a city that already had an atmosphere of "[r]eligious anti-Semitism and a sense of ethnic rivalry and competition" (391) with an unanticipated possibility: the immediate effacement of the Jewish community (although probably no one had realized that this would involve the physical extinction of its members). This resonated well with many groups of the local society: nationalists, who wanted a Salonica without a population they thought of as alien; the municipal authorities, who coveted the site of the Jewish cemetery; businessmen, who rejoiced in the opportunity to get rid of rivals; speculators and profiteers, who wanted to enrich themselves with Jewish properties; even impoverished families, who hoped to find better housing. It was largely because of the "different priorities and sentiments of the elites in Greece's two main cities" that in Salonica "less than 5 per cent [...] escaped deportation compared with perhaps 50 per cent in the Greek capital a year later" (411).

Salonica, City of Ghosts is a book written in a reserved and sober tone that consciously refrains from distinguishing between heroes and villains, even when

dealing with emotionally charged subjects such as the Genocide.

Mazower takes pains to make clear that historical realities have many aspects and to show that events could have taken a different course. This may be a matter-of-course for most professional historians, but will undoubtedly leave much of the book's readership perplexed and unsatisfied; for it is within the framework of national history (Greek, Turkish, English, American or whichever), whose very essence is the distinction between "us" and "others", that modern societies conceive the past. In order to counteract the stereotypes of national histories, *Salonica, City of Ghosts* emphasizes tolerance, syncretism, cooperation and peaceful coexistence between the various "us" and "others". Mazower does not paint a rosy picture. He does not eschew talking about violence, suffering, exploitation or repression, nor does he suppress sectarianism, ethnic, and national conflict or social struggle; but he puts them in perspective. Thus, Ottoman Salonica emerges as a plural society, where tolerance largely prevailed, despite tensions leading at times to riots and massacres. Also after 1912, when national ideology and the concerns of the Greek nation-state made life difficult for minorities, peaceful coexistence and cooperation was rather the norm than the exception, especially after the departure of the Muslim population. Relations between Greeks and Jews were difficult in the interwar period, but "after the tensions of the post-1922 crisis decade", which culminated in the "Campbell riot" of 1931, "the steam was going out of organized anti-Semitism" (388). "Left to themselves, Greeks and Jews might well have sorted out their differences" (391).

Mazower's aim is to "show unfolding" a history "of forgotten alternatives and wrong choices, of identities assumed and discarded" that departs from the view of national history (439). In order to convey this

more effectively, he uses as a means personal stories of both prominent and common people. Almost every page is populated by past inhabitants or travelers to the city. Mazower's narrative is also full of quotations from contemporary sources, mostly personal accounts. Sometimes this is taken to extremes, as in the first two-and-a-half pages of chapter 10 (192-94), which contain no less than 17 quotations from 12 different authors. Although from time to time this flow of quotations weakens the analysis, they are admittedly used to great effect in conveying the contemporaries' views, aspirations, disappointments or inconsistencies. On the whole this methodological choice serves Mazower well in highlighting the plurality of the past and doing away with a linear view of Salonica's history.

Mazower's concern for the forgotten or the suppressed, his interest for the marginal or the uncommon, his delight in colorful accounts of personal experiences, is understandable. There is hardly a social historian who would resist the temptation to include personal stories such as that of John "Jackie" Abbot, the powerful "king of the leeches" who took the liberty to invite the visiting sultan to his country estate (147-49), or accounts such as that of *rembetika* song-writer Markos Vamvakaris concerning the police chief's close ties to the underworld (368). On the other hand, his narrative technique sometimes makes Salonica look picturesque and exotic, especially in the Ottoman period. Nevertheless, this effect would have been a minor evil had the publisher not emphasized it for marketing purposes. It is an unfortunate choice, that does injustice to both the book and its author, that the front cover features not only illustrations with a distinctive exotic aura (Ottoman Jewish men and women in local costume, dancing dervishes, a *rembetika* trio) but also a quotation from *The New York Times* praising the author for

reconstructing "a society of dazzling ethnic complexity and exoticism".

This notwithstanding, *Salonica, City of Ghosts*, is a book of great interest and profound scholarship, as well as fascinating reading. Mark Mazower has the rare gift of being able to convey the complexity of social life without losing any of his analytical power. On the whole, Mazower is able to strike a balance between the general and the specific, the common and the unique, as well as between synthetic historical analysis and anecdotal evidence. *Salonica, City of Ghosts*, is more than just the detailed biography of a city in Southeastern Europe; it is a reflective account of the successive transformations of a Balkan locality, first from Byzantine town into Ottoman city, then from pre-modern into modern urban center, and lastly from imperial province into national territory. Above all, it is a thought-provoking book engaging its readers in a discussion about the writing of history, the invention and transformation of historical memory, and the uses of the past. "Other futures may require other pasts", says Mazower (439). This is exactly what *Salonica, City of Ghosts*, offers; and it is no minor achievement.

Heghnar Zeitlian Watenpaugh

The Image of an Ottoman City: Imperial Architecture and Urban Experience in Aleppo in the 16th and 17th Centuries.

Leiden and Boston: Brill, 2004, xxi+278 pages. ISBN: 90 04 12454 3

Reviewed by Çiğdem Kafescioğlu*

Heghnar Zeitlian Watenpaugh introduces *The Image of an Ottoman City: Imperial Architecture and Urban Experience*

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in Aleppo in the 16th and 17th Centuries by highlighting a set of blank spaces in the scholarship on Ottoman Aleppo, suggesting the presence of such gaps in the scholarship on urban and visual culture of the Ottoman provinces at large. Modern nationalistic notions of architectural patrimony, alongside scholarly and linguistic barriers, have rendered cultural products as well as large tracts of scholarship on the Ottoman center and provinces irrelevant, or else inaccessible to scholars on the opposite sides of present-day national frontiers. Turning to Ottoman studies and particularly to work on Ottoman Aleppo, Watenpaugh makes note of another gap: urban and architectural history of the empire has largely followed the lines of mainstream Ottoman historiography, where the seventeenth century has until recently been evaluated as a period of decline, and has remained little studied compared to the ‘classical era.’ Offering a critique of operative concepts that have shaped the study of Ottoman architecture and cities in present-day Syria, Watenpaugh offers a novel conceptual framework for the study of the visual and urban culture of the empire’s provinces at large. She replaces a model of center-periphery relations whereby (subsequent to the formation of a ‘classical’ architectural idiom and the means for its dissemination) standardized forms created at the imperial center were used to propagate a sense of identity at the periphery. Instead, she foregrounds the metaphor of encounter. The framework of encounter highlights dynamic exchange between center and periphery, and the bearings of local contexts and actors on the uses of forms imported from the center. Simultaneously it allows for views of the center as it was affected by the periphery.

A diverse range of archival and narrative sources, endowment deeds of pious foundations, imperial decrees, geographic, historical, and biographic

literature in Ottoman and Arabic, European ambassadorial and archival records, travelogues, and ultimately, the shape of the city and its architecture are scrutinized to reveal the urban processes that gave shape to Ottoman Aleppo. The use of imperial and local documents in Ottoman and in Arabic, until recently a rather rare occurrence in the study of the empire’s Arab-speaking provinces, helps redress the priority given to imperial actors in studies of provincial architecture, as the expanded range of sources allows the author to highlight the ways in which local agency informed the construction and workings of imperial foundations.

Central to the conceptualization of the study is the notion of Ottomanization offered by Irene Bierman in earlier work on Crete, which defined an Ottoman manner of integrating cities into the imperial structure, signaling and enforcing the center’s hegemony over the province. Watenpaugh notes the highly flexible but recognizable nature of this process, delineating, in the case of Aleppo, the recontextualization of the extant urban fabric, particularly the commercial center in the sixteenth, and residential quarters and suburbs in the seventeenth century. The most visible aspect of this process was the creation of a carefully crafted skyline through the construction in the city center of monumental mosque complexes that radically altered the image of late medieval Aleppo, while relatively smaller charitable and commercial foundations of the Ottoman elite, too, contributed to the city’s Ottomanization. The reuse, modification, or erasure of the city’s past layers, its Roman layout as much as its Mamluk visual idiom, were central to the process of constructing an Ottoman city in this ancient locus.

Ottomanization thus entailed the appropriation of the past, through interventions to, and uses of, the city’s pre-Ottoman monuments and configurations.

An overview of late Mamluk and early Ottoman interventions to the cityscape sets the stage for the major projects of the later sixteenth century. Highlighting urban patterns emerging in the city center through the late Mamluk era and aspects of the late Mamluk visual idiom, Watenpaugh turns to the four successive commercial complexes built along the ancient city's *cardo maximus*, which radically restructured the space and image of Aleppo through the very decades that saw its rise to become the major center of long-distance trade in the Levant. These projects, founded by the city's governors and one grand vizier, had a significant role in Aleppo's Ottomanization, as they created a new monumental corridor and a distinctive skyline marked with Ottoman style mosques that referred unmistakably to the imperial capital. Simultaneously, they reoriented the urban center towards the central commercial district and created a new ceremonial route that traversed it, rendering obsolete the north-south ceremonial artery of the Mamluk city. Their formal and spatial configurations largely followed imperial models, while particularly the caravanserais displayed quotations from Mamluk forms. Watenpaugh distinguishes between uses of Mamluk and Ottoman forms in sixteenth-century religious and commercial structures, and traces the making of a new visual language through the eventual expansion of Mamluk ornamental conventions to Ottoman religious buildings.

The rededication of property at the city center as *waqf* is underscored as an important trend of the period. The proliferation of endowments represented the legal dimension of Aleppo's Ottomanization. Often administered from Istanbul, the foundations simultaneously integrated Aleppo into an imperial network, with connections to other provincial centers where parts of their income might derive from, or be directed to. Through stipulations in their endowment deeds,

several founders secured the future prosperity of their families as local notables, demonstrating one of the contexts in which the periphery became crucial for the imperial center.

Following and contributing to a revisionist trend in Ottoman historiography, Watenpaugh asserts that the seventeenth century was an era of urban growth and dynamism for Aleppo rather than one of decline. The two chapters on this period trace shifts in patronage patterns, mainly in the types of institutions patronized by the Ottoman elite and the sites chosen for these. Urbanistic interventions were directed mostly at residential districts and the city's outskirts, where complexes growing around dervish lodges through successive, relatively minor acts of patronage became nuclei of newly developed settlements. In the factional political environment of this era, particular Sufi lodges became sites where local inter-Ottoman power struggles were played out. The book's chronological span allows the author to trace the formation and transformations of urbanistic and architectural practices in Ottoman Aleppo; and to delineate the formation, in the seventeenth century, of a distinctive Aleppine Ottoman idiom in architecture through the appropriation and recontextualization of Mamluk forms. No longer crowned by a monumental mosque in the Rumi style, new foundations became sites where "a recognizable local style that built on motifs of the past" emerged, visible in the grand complex of Ipshir Pasha featuring one of the most elaborately built coffeehouses of the early modern Middle East, or the Vezir Khan, the grandest and the most richly decorated of Aleppo's caravanserais. The chapter on "the Ottomanization of the past" underlines deliberate Ottoman uses of Mamluk forms and configurations, as well as interventions to the city's important early Muslim monuments such as the Great Mosque and the Madrasa Hallawiyya. Here and elsewhere

in the book, Watenpaugh judiciously demonstrates the complex and varied responses of sixteenth- and seventeenth-century builders to the city's equally complex historical layering.

The constructions of the Ottoman city's image is an issue central to Watenpaugh's analysis of the urban process, and is explored in the contexts of various Ottoman interventions to the city's fabric and skyline. A final chapter turns from the space of the city to related, yet distinct media of representation: its images inscribed in pictures and texts. Watenpaugh's focus on depictions of Ottoman Aleppo and Aleppine society in a diverse set of Arabic and Ottoman literary texts and one painting displays correspondences and differences between the image of Aleppo as it was constructed through the period of study and its representations, underlining the multiplicity of urban meanings produced in various contexts and media. She highlights the ways in which representations of the city and its monuments, as well as urban life and notables in texts and pictures produced in Aleppo and Istanbul, helped foster distinct areas of knowledge on the city. Local and imperial authors' perspectives and objects of interest vary, while the city remains a central area of inquiry for Aleppines and Istanbulites alike.

Some of the conceptual categories and theoretical assumptions of the book might have been further elucidated. One wishes that the book offered more than the passing reference to the "debate on the orientalist concept of 'the Islamic city,'" given that the loaded notion comes up with some frequency in reference to the image of Aleppo, as well as to the legal frameworks imposed on its spaces by Ottoman foundations. Legally, we read, the Mdīneh became a communal Islamic space through the radical increase here of endowed property; elsewhere the same area is defined as extraterritorial to the rest of the city through a lively

portrayal of the highly heterogeneous community and practices it housed. Possible connections between the two phenomena remain to be addressed. The notion of a communal Islamic space remains similarly vague, and the argument for it rather unconvincing, in the case of the Ipshir Pasha foundation. Criticizing André Raymond and Jean-Claude David for their emphasis on the non-religious functions of the Ipshir Pasha endowment and similar motivations of the founder, Watenpaugh rightly argues that the foundation is fully a product of Islamic legal and cultural practices. She then goes on to assert that this complex (located in a predominantly non-Muslim district, its property dedicated predominantly to trade and socialization—the latter, of an expressly non-confessional form), constituted "a communal Islamic space" mainly on grounds that it was a *waqf* that also housed a well-endowed mosque and *maktab*. The absence of an elucidation of the author's perspective on this contentious issue is rendered all the more visible against the fact that the essentializing notion of the Islamic city problematized, rejected, or revised since the 1960s refers, in one sense, to the very image of Aleppo, since Aleppo was one (and perhaps the most photogenic) of the few Syrian and North African cities that constituted the models for the prototypical Islamic city constructed earlier in the twentieth century.

Ottomanization, as a prism through which to view urban interventions of the sixteenth and seventeenth centuries, poses problems in some respects. Perhaps reflecting still prevailing balances in scholarship, Watenpaugh's notion of Ottomanization appears to be constructed largely in response to a phenomenon of the latter half of the sixteenth-century, which lends a centralist bias to her analysis of the seventeenth century 'decentering.' While Watenpaugh underlines shifts in patronage patterns in the 17th century

and carefully scrutinizes the diverse and dispersed projects of this period, her evaluation of the nature of Ottoman involvement with the city seems to remain predetermined by the mechanisms and major interventions of the preceding era, and a congruent assumption of the continuity of “a highly centralized, complex, and self-conscious structure that integrated into the Ottoman system all aspects of urban life in the provinces” (p. 185). The architectural and archival material she analyses suggests that a clearer differentiation of sixteenth- and seventeenth-century career and patronage patterns, interrelationship between imperial and local actors, and architectural practices may lead to a more nuanced view of the urban process with respect to transformations in center-periphery relations.

On the whole, *The Image of an Ottoman City* constitutes a substantial contribution to the study of Ottoman architecture and urbanism, offering a meticulously researched, multifarious portrait of the making and workings of Ottoman Aleppo through the two centuries it focuses on, simultaneously calling for a revision of established conceptual frameworks and methodologies that have shaped, and at times hindered, the study of architectural and urbanistic practices in the Ottoman provinces. It represents a significant step towards a more integral and complex grasp of the workings of Ottoman architectural and urban culture, with implications for the study of imperial architectural and urbanistic practices in the larger pre-modern world. Simultaneously, the book expands a recently growing body of work on provincial capitals in the Ottoman empire, within which urban processes and representations through the Tanzimat era have figured more prominently compared to the early modern period.

OTTOMAN HISTORY

Caroline Finkel.

Osman's Dream: The History of the Ottoman Empire.

Basic Books (New York, 2006), 554 pages

Reviewed by Jane Hathaway*

Anyone who has ever taught a survey of Ottoman history is familiar with the frustrating lack of a single text in English covering the empire's entire six-century span, apart from Jason Goodwin's simplistic *Lords of the Horizons* (New York: Holt, 1999) and Lord Kinross' dated, declinist *The Ottoman Centuries* (London: Cape, 1977). While the book under review may not fill the bill perfectly, Caroline Finkel's achievement in crafting a readable yet scholarly overview of the Ottoman phenomenon cannot be overemphasized. One of the world's leading experts in pre-nineteenth-century Ottoman military history, she has brought her formidable reservoir of knowledge of things Ottoman, military and non-military alike, to bear while at the same time marshaling information from a wide range of secondary sources in order to provide full coverage

This enormous book is divided into sixteen chapters ranging from roughly twenty to forty pages, with no subheadings; this format may possibly limit its utility to the average undergraduate. Although the narrative proceeds chronologically, each chapter centers on a particular theme; thus, “An Imperial Vision,” “The Sedentary Sultan,” “Revenge of the Pashas,”

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“From the ‘New Order’ to the ‘Re-ordering,’” and so on. As the chapter titles suggest, Finkel has elected to craft a predominantly political and military narrative, in keeping with her expertise. Ottoman engagements against the empire’s traditional European enemies, the Habsburgs and the Russians, between the sixteenth and eighteenth centuries are particularly well-covered. And while certain social and economic topics receive rather short shrift, the author provides very telling accounts of, among other things, religious developments under Süleyman I, whose messianic projections are nicely described; intellectual trends at the end of the sixteenth century; the effects of the life-tenure tax farm known as *malikane* during the eighteenth century; the artistic and architectural trends characteristic of the so-called Tulip Age (*Lale Devri*); the often-overlooked new religiosity of the mid- to late eighteenth century, which resulted in new restrictions on women and non-Muslims; and the cultural innovations introduced by Sultan Abdülaziz (r. 1861-76).

Although historiographical issues only rarely come up in the narrative, the author proves herself to be fully up-to-date when they do arise, as in her appraisal of how the court historian Mustafa Naima misrepresents the conditions under which Köprülü Mehmed Pasha accepted the grand vizierate in 1656 (p. 328) or her knowledgeable discussion of different perspectives on Sultan Abdülhamid II (r. 1876-1909) (pp. 488-9). Explication and contextualization of key political, military, and social events and trends are likewise particularly effective at numerous points: for example, the Celali Rebellions (pp. 180ff.), the 1622 murder of Sultan Osman II (pp. 196-202), the wave of Sunni stringency known as the Kadızadeli movement in the middle decades of the seventeenth century (pp. 213-15, 254-5, 277-81), the 1703 Edirne Vak`ası and the downfall of

Chief Müfti Feyzullah Efendi (pp. 329-33), the 1730 Patrona Halil rebellion and the deposition of Ahmed III (pp. 351-57), the 1821 Greek independence uprising (pp. 428-32), the destruction of the Janissaries in 1826 (pp. 432-39), the rise of the Young Ottomans in the later nineteenth century (pp. 474-79), and that of the Young Turks at the end of the century (pp. 504ff.), although the ideology of the latter could have been presented in greater depth. In a general discussion of late nineteenth-century developments, the author very sensibly places the nascent Armenian independence movement in the context of Sultan Abdülhamid II’s authoritarian policies and other ethno-regional nationalist movements of the period, notably those sweeping the empire’s Albanian population and the inhabitants of Crete. In addressing the World War I-era “Armenian question,” she provides a balanced and informative overview of the problems dogging historical investigation and interpretation of this supremely vexed topic, and concludes that “what is clear...is that the issue of the ‘Armenian genocide’ not only continues to bedevil Turkish foreign relations around the world but consigns Armenia...to a wretched existence” (p. 536).

Perhaps the chief weakness of this book is its coverage of the Ottoman Arab provinces, which are repeatedly depicted as “physically and culturally far-distant” (p. 399) from the Ottoman “heartland” -- this despite the enormous prestige accruing to the sultan from custodianship of Mecca and Medina and the economic, political, and spiritual importance of the *haji*; the enormous quantities of tribute and commerce that arrived in the imperial capital from Egypt; the centrality of Syria and Iraq to the front against the Safavids and, later, Nadir Shah; the political symbiosis between southeastern Anatolia and northern Syria; and the numerous postings to the Arab provinces that Ottoman officials

routinely received. Three pages of the forty-three-page chapter 11, rather vaguely titled “The Perils of Insouciance,” are devoted to developments in Syria, Egypt, and North Africa, described as “far to the east and south of Istanbul, beyond the core territory of Anatolia” (p. 358), during the first half of the eighteenth century. A later chapter, “The Power of the Provinces” (chapter 12), allots five pages to the best-known late eighteenth-century grandees of the Arab provinces, notably Zahir al-Umar of northern Palestine and southern Lebanon; Cezzar Ahmed Pasha, his successor in these territories; Bulut Kapan Ali Bey of Egypt; and the Georgian mamluk households of Baghdad and Basra, whose ethnic identity is, however, not mentioned, and who are misleadingly labeled the “al-Da’ud household” after Ömer Pasha al-Da’ud (tenure 1764-75). More generally, opportunities are missed to connect the seventeenth-century rebels Canbuladoğlu Ali Pasha and Fakhr al-Din Ma’n (briefly covered on p. 179) in northern Syria and Lebanon, respectively, with the widespread unrest of the Celali Rebellions and the later Celali governors, and to link the *ayan* of the Arab provinces during the eighteenth century with those of Anatolia and the Balkans, who are treated in far more detail. Given that the influence of key Anatolian *ayan* families, notably the Çapanoğulları, extended into northern Syria, these associations seem historiographically natural and necessary. *Osman’s Dream* is, of course, hardly unique in its treatment of the Ottoman Arab lands; if anything, Finkel has made far more serious attempts, based on a careful reading of secondary literature, to include them than the authors of numerous other “centrist” works of Ottoman history. Nonetheless, it is regrettable that this almost ritualized marginalization of the Arab provinces is still routinely accepted in the Ottoman field.

Overall, this is a very well-produced, as well as dexterously written, book for which both the author and the press deserve a great deal of credit. Factual errors appear to be few and (by most people’s standards) minor, on the order of an incorrect Gregorian date for the Lesser Occultation of the Twelfth Shi’ite Imam (p. 95) and confusion of Öküz (a.k.a. Kul Kıran) Mehmed Pasha, who crushed a soldiery revolt in Egypt during the early 1600s, with Hadım Mehmed Pasha (p. 180). Obviously beyond the author’s control is a puzzling diacritical malfunction on p. 57, which the press must correct in future editions. Where conceptual matters are concerned, one should note the potentially confusing effects of labeling the Köprülüs “grandees” when this term is conventionally used for provincial notables, or *ayan*.

Inevitably, a book this sprawling and diverse will draw different reactions from virtually everyone who reads it, including Ottoman specialists. While some may quibble with the relatively brief space devoted to key non-elite populations, notably non-imperial women, peasants, and artisans, others may argue that a straightforward and knowledgeable narrative of political and diplomatic developments is just what an historical survey requires. The book is enhanced by a list of Ottoman sultans, noting depositions and executions; a political chronology arranged by the tenures of grand viziers; a substantial bibliography; five maps; and a section of judiciously-chosen black-and-white illustrations.

The reception that *Osman’s Dream* has already received is evidence enough of the need it fulfills in Ottoman studies. In addition to this American edition, which appeared following the work’s initial publication by London-based John Murray in 2005, the book has appeared in paperback and also in a Turkish translation that, by the author’s own account, “is selling like hotcakes.” It is well on its way to becoming the

standard reference work on Ottoman history and is already regularly cited in doctoral dissertations and even monographs. Caroline Finkel deserves our gratitude for having taken on and succeeded at this herculean yet indispensable task.

Iris Agmon

Family and Court: Legal Culture and Modernity in Late Ottoman Palestine

Syracuse, NY: Syracuse University Press, 2006, 264 pp, including notes. ISBN: 0-8156-3062-X.

Reviewed by Lisa Pollard*

Titles often obfuscate more than they illuminate. This is partially true of Iris Agmon's *Family and Court, Legal Culture and Modernity in Late Ottoman Palestine*. While the book is ostensibly about family history and legal culture, it also offers students of (and specialists in) the history of southwest Asia several windows through which to view the history of the Ottoman Empire, the history of Palestine and the historiography of what we label the Modern Middle East. Indeed, as Peter Gran indicates in his Foreword to the text, which forms part of Syracuse University Press' "The Middle East beyond Dominant Paradigms" series, *Family and Court* very quickly defies nineteenth-century Zionist and Orientalist imagery. Palestine emerges from the text not as a stagnant, backwards region waiting for Zionist and British restructuring, but as a dynamic, changing region, in the process of local and imperial reforms. Haifa and Jaffa, whose legal systems Agmon interrogates, surface as vibrant port cities, circulating peoples, goods, ideas

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and Ottoman personnel. At the same time, the Ottoman legal system appears as one that adapted to, accommodated, and promoted change, challenging Weber's vision of kadi-under-the-tree justice. Additionally, the history and historiography of Ottoman Palestine emerge as connected to several sub-fields in Middle Eastern history thanks to Agmon's rehearsal of the scholarship on family, gender and legal history. *Family and Court* can thus be read as historiography, urban history, Palestinian history, family history, law—indicative, indeed, of the number of issues and institutions that the book addresses.

Family and Court is an important addition to a growing body of literature on the family in modern Middle Eastern societies. The text also joins a body of scholarship on the Middle East that has, for the last several decades, relied increasingly on *shari`a* court records as archival evidence. Agmon's goal is to illustrate that the family (in nineteenth-century Palestine as in other times and other places) was a cultural and social construct. She demonstrates how men and women used the courts to deal with each other, and at the same time reveals how the courts themselves rose to the challenges of a changing society, accommodating and transforming the family in the process of accommodating greater reforms and transformations. The book's strength lies in the author's use of court records, not as a "bank of historical data," (7) but, rather, as historically contextualized evidence of the power of courts and of the people who used them.

Family and Court is organized into four sections and eight chapters. Each section is designed to represent the various stages in the process of using a *shari`a* court (claims, negotiations, solutions) much as a nineteenth-century resident of Haifa and Jaffa would have (a visit that ultimately takes the reader back to the daily routines of those who brought their

problems before a judge). In Part One, “Entering a Sociological Arena” (Chapters One and Two), Agmon sets two stages. The first is that of history and historiography; of change in the Ottoman Empire and in Ottoman Palestine and of changes in the ways historians have examined both. The second is that of Islamic law, family law and families. Both chapters are rich in examples of Ottoman-era institutions and of scholars’ approaches to them.

Part Two, “Presenting Claims” (Chapters Three and Four), illustrates the interactions between families and courts in Jaffa and Haifa. Chapter Three examines the implementation of new Ottoman legal regulations and illustrates their impact on court culture. Agmon narrates how Tanzimat-era judges from Istanbul interacted with and reacted to local scribes. She shows how local scribes mediated between mandates from above and local exigencies, revealing the kinds of legal cultures and family systems that emerged in the process. In Chapter Four, Agmon recounts the procedures through which court users interacted with local and outside officials, illustrating traditional legal practices and legal innovations, as well as locals’ responses to them. Part Three, “Negotiating Versions” (Chapters Five and Six), continues Agmon’s illustration of the interactive legal process, showing how the courts responded to crisis and change through the creation of new institutions such as the orphan funds. In Chapter Five, she argues that when the state intruded into the familial domain in order to protect minor children (as per the case of the orphan funds), it both strengthened the conjugal family and reinforced patrilineality. She thereby challenges images of timeless and unchallenged Middle Eastern familial organization. Chapter Six illustrates the rise of a new, professional attorney class, and the ways in which that class used changing legal notions of

“family” to make the courts accessible to an increasingly wider range of people.

In Part Four, “Reshaping Solutions” (Chapter Seven and the Conclusion), Agmon places the courtroom back into the arena of “real life,” where she revisits earlier cases in the contexts in which families who brought cases before a judge lived. She uses middle-class neighborhoods in Jaffa and Haifa, and middle-class living spaces to illustrate changes in Ottoman and local ideas about family, living space, relations between the sexes, domestic relations and neighborhood functions. The result is a vivid portrait of law in practice, and of middle-class domestic and familial habits in two nineteenth-century Palestinian cities.

If the strength of *Family and Court* lies in its thorough use of and innovative readings of court materials, its weakness lies in its organization. Agmon’s conceptual plan is novel. But I found it difficult to negotiate between the structural layers of the courts—as Agmon presented them—and the procedures (claims, negotiations, solutions) that took place in them. If her goal was to illustrate shar`ia courts as rational and navigable spaces, the results were less than ideal. My difficulty in negotiating a creative organizational structure notwithstanding, *Family and Court* is an excellent book. It provides models for research and interpretation that will find an enthusiastic and appreciative audience among students and specialists alike.

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Boğaç A. Ergene

Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)

Leiden and Boston: Brill, 2003, 211 pages, appendix, index.

Reviewed by Najwa al-Qattan*

Boğaç Ergene’s study of justice in the Ottoman empire is an important contribution to our understanding of legal practices in the provincial Ottoman court. The study is focused on two north Anatolian *sanjaks* in the seventeenth and eighteenth centuries-- Çankırı and Kastamonu-- whose *sijills* Ergene extensively, critically, and creatively uses in conjunction with other sources, both local and Western, in order to study the processes of dispute resolution in the Ottoman court.

Ergene brings a variety of approaches to the *sijills*, paying as much attention to long-term patterns and structural continuities as to the detail of a passing utterance in a single case, at the same time stopping to textually analyze the documents, and all along, never wavering from his central concerns: the court, local society, and justice. In so doing, Ergene highlights a number of fruitful distinctions/categories that enable him to bring into relief the various operations of the court and the kind of place it had in local society. Knowing very well the limitations of the court records, Ergene also puts to wonderful use official and European sources, against which he reads the records in ways that both illuminate and complicate our understanding of the court and the kadi.

Ergene begins by drawing a clear distinction between the

administrative/notarial functions of the court and its judicial activities —a distinction he also makes between courts, whose workloads may have greatly differed, as appears to be the case for Çankırı and Kastamonu. Whereas the Çankırı court was predominantly a “conduit” between local society and Istanbul, the Kastamonu court, with its greater involvement in local dispute resolution, was a forum in which local power arrangements played themselves out. Ergene does not dwell long on the intermediary role of the court; instead he focuses on the court as a local forum in order to document the significant role that provincial society played in dispute resolution and to explore the extent to which justice was co-opted by local notables (*ayan*).

In addition to their short tenures and foreign origins which made the kadis dependent on local connections in order to function, the court’s personnel, who performed significant functions, were local, long-tenured, and dominated by some of the same notable families. In addition, statistical analysis of court litigation practices suggests that *ayan* tended to use the court more than common people and, more often than not, to win against them—unless, that is, the latter acted collectively. Ergene takes into consideration the fees that the courts charged, and suggests that they were prohibitive enough to further privilege local elites. He also shows that there was a significant degree of “client competence” which enabled local people, individually and collectively, to determine whether to use the court, and to do so successfully when they did. In addition to legal competence, social networking and collective solidarity on the part of the court’s users, the kadi’s discretionary authority and his willingness to act as arbitrator rather than adjudicator meant that the practice of the law was “flexible” and oriented towards reaching compromises rather

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than verdicts—thus allowing for the intervention of those who had access to networks, wealth, or willing witnesses. Ergene also discusses alternative avenues of dispute resolution, the existence of which affected the court and limited its total co-optation by the locally powerful. In other words, the process of dispute resolution in any locality involved a rather large group of individuals and formal as well as informal institutions and means such that influence was dispersed and justice was locally made.

This is not to say that kadi discretion was absolute: kadis were willing to resort to extra-legal tools in the process of adjudicating or negotiating settlements—whether in accepting bribes or using their legal knowledge in order to privilege certain outcomes; but they also abided by the letter of the law. In pursuing this Ergene raises the question of the relationship between law and legal practice. Having stressed the role of local communities, he returns to the kadi and insists that kadi discretion and arbitration, local embroilment and corruption, notwithstanding, the courts were not sham institutions of justice: they were not arenas for consistent discrimination against villagers, women, and the poor; and neither did the kadi blindly follow local custom. Rather, kadi discretion and local intervention were precisely what made the courts accessible and user-friendly. But at the end of the day, the kadi—at least on paper in the *sjill*—did not break with the letter of the law and social prerogatives took back seat to legal imperatives. Local practice, in other words, lay at the intersection of local history and legal structure and cannot be understood in isolation from either.

The book is divided into ten chapters and an epilogue. In Chapter One, Ergene describes his sources and positions his study vis-à-vis the literature on the Muslim court. His sources include a total of 25 court records from

Cankiri and Kastamonu, fiscal surveys, and document collections from the Prime Ministry Archive in Istanbul. His position is against state-centered analysis which privilege the court's imperial function and authority and for one which focuses on the court's place in provincial society. Although Ergene does not deny the kadi and the court the authority that they accrued thanks to Istanbul, his aim is to challenge the view that the court was primarily an enabler of justice and a legitimizing presence in provincial towns. Rather, according to Ergene, the court was neither just nor legitimate, at least not in the way conceptualized in the literature; and rather than being above the mundane affairs of urban politics, the court “reflected” local power arrangements and, generally, sacrificed the individual to the collectivity, and the common people to the *ayan*.

In Chapter Two, Ergene introduces the reader to Çankırı and Kastamonu and to their courts and court officials. This is a local view—all the more so because the context is mostly derived from the text of the *sjills*. Admitting that the court records hardly convey a complete picture of the political economy of those regions, Ergene nonetheless argues that the records provide clear statistical evidence that, notwithstanding his partaking of imperial and religious authority, the kadi was profoundly dependent on local connections. This local influence is visible in the court's personnel—its scribes, assistants, and “expert witnesses”—many of whom were urban titled men who held financial and administrative power.

Chapter Three argues that, whereas all Ottoman courts were “dual-faced” (insofar as they all dealt with administrative/notarial business as well as dispute resolution), individual courts had “character”—to be distinguished in accordance with their most pervasive responsibilities. Ergene's comparative statistical analysis of the court records of

Çankırı and Kastamonu indicates that in Çankırı the former business (most of which was generated outside the court) overshadowed judicial functions (i.e. dispute resolution), unlike Kastamonu whose court's judicial (and local) activities predominate—suggesting that courts were differently used, the latter as a local forum and the former as a “conduit.” As an intermediary the court drafted for local petitioners documents addressed to imperial authority; at the same time the kadi's personal endorsement of local contenders carried weight in Istanbul.

In Chapter Four, Ergene uses the statistical approach first to shed light on the kinds of disputes brought to court and in order to comparatively analyze the socio-residential status of litigants in relation to legal outcome. He concludes that, notwithstanding the remarkable number of amicable resolutions to disputes, as far as litigants were concerned, urban male plaintiffs (whose legal success he structurally connects with the importance of the witness) dominated. In addition, elite (title-holders) dominated in disputes with regular people, unless the latter acted collectively. In other words, the court reflected the local balance of power.

In Chapter Five, Ergene looks at the cost of court usage. Comparing data from *sijill* records with *kanunname* lists, he argues that court fees were higher than official allowances and prohibitive for most people. He speculates that inflation and brevity of tenure in a competitive business were responsible. Again, he underscores the courts' biases towards elites.

In Chapter Six Ergene shifts his focus to individual cases in order to address two issues: the question of how people used the courts and the issue of the kadi's proverbial corruption. He asks the following: if the Ottoman kadi had been critical to state legitimacy in the provinces and if he were as “corrupt” as his reputation has it (and he was, Ergene

insists *pave* Gerber), then why did the Ottomans not experience a “legitimacy crisis” before the nineteenth century? Ergene's answer is that despite (and sometimes because of) their corruption, provincial kadis (and courts) were flexible and attractive to individuals and groups for certain legal purposes. But the court was not the only site for dispute resolution, and certainly not viewed as the home of “ultimate justice.” However, rather than dwell on the question of corruption, Ergene shifts the focus to ask questions about the uses to which local communities put their courts. Using the sixteenth century memoirs of a German merchant who had a three-year embroilment with the law in Tripoli, Ergene argues that the process of dispute resolution could and often did involve far more than the records ever make evident: extensive use of social networks; the kadi as “the cunning intelligence”—i.e. an expert at manipulating the law (its loopholes and its letter); and the kadi as arbiter rather than adjudicator. In other words, the kadi's discretion was quite wide.

In Chapter Seven, Ergene stresses the limitations of the *sijill* as a source for legal practice. Citing Jack Goody, he argues that the court recorders “discriminated” against, or struck from the record, so to speak, the incidental, body language, and non-verbal acts. This is not to say that litigants' voices (and screams) were totally silent. In Ergene's *sijills* (as in Leslie Peirce's Aintab court records), litigants often speak directly, although Ergene is right to remind us of the legal translation that such voices often underwent. Court records chronicle events as if outside real time—ignoring, for example, the interruptions and lapses that must have inevitably occurred such as in the procuring of evidence in the form of witnesses and documents. More importantly, in them the agency of the kadi remains “hidden” for events appear to flow in streamline fashion towards an inevitable

conclusion. Regarding this, Ergene perceptively notes that, in the act of translating, the court actually “reconstructs the language of the litigants in order to legitimize” its decisions (p. 135). He might have added that what took place was the rendering of a process into a single event.

In Chapter Eight, Ergene returns to the processes of litigation in order to determine the degree to which individuals and groups were competent at using the legal system. He shows that individual litigants were quite competent: not only did they exploit loopholes, but they repeatedly used the legal principles of “the passage of time” (*murur al-zaman*) and “choice at puberty” (*khiyar al-bulugh*) as well as *fatwas* to argue their cases. Communal competence is also evident against individuals, especially in cases collectively organized and witnessed against “fomenters of trouble.” In such cases, Ergene suggests, the kadi’s legitimacy appears to have been almost totally rooted in bending to communal will. Yet communal domination was not absolute, and individuals who could avail themselves of social networks, legal knowledge, and group support were able to win in court.

In Chapter Nine, Ergene argues that whereas expense, fear of bias, and privacy considerations may have discouraged some people from going to court part of the time, they also had access to alternative official and non-official sites that were sometimes used together with courts so that communities had choices and a flexible legal system.

In Chapter Ten, Ergene suggests looking at Islamic legal practice (and at the scholarship of this practice) using the Court and Bargain models of legal scholars. He concludes that the court used a combination of both suggesting “legal pluralism” and flexibility. He concludes with an Epilogue which succinctly summarizes

his main points and urges *sijill* historians towards more comparative efforts.

At the heart of Ergene’s study is a question that has preoccupied students of Ottoman legal practice for sometime; namely the relationship between the imperial center, provincial society, and the *shari’a* court. Conceived as the linchpin in the classic Ottoman provincial administrative system of checks and balances, the court had long been considered the site at which sultanic and *shari’a* authority intersected to give us a kadi who partook of political and religious legitimacy. In addition, studies concerned with the structural forces of the Ottoman system have rightly viewed the court from the point of view of state legitimacy and power. Ergene’s study shifts the focus away from structural as well as functional understandings of the court/kadi in order to give center stage to local actors, but perhaps in the enthusiasm of revisionism he takes the process a little too far—an issue he appears to be aware of when at the end of his book, where he raises questions regarding kadi discretion and legal practice.

Ergene is by no means alone in interrogating the local context of the court. Over the past decade a number of scholars have also addressed this question, albeit differently. Using a variety of archival sources and in pursuit of other agendas, Judith Tucker, Beshara Doumani, Iris Agmon, Leslie Peirce, and Hülya Canbakal have argued both for a more flexible kadi and legal practice and have in various ways reinserted the local accents into their readings of the law. In this respect, Ergene’s argument for the significant role played by the court’s users is compelling, yet the picture that emerges of society’s co-optation of legal practice is somewhat mechanical. Although Ergene does not advocate an instrumentalist view of the law, he often gives the impression that the court merely reflected the local distribution of

power in provincial society. As a result the dynamic and mutually constitutive relationship between the court and local society is often eclipsed and the more subtle processes which inflected law with its local accents and were in turn reinscribed on the social tapestry are overlooked. And whereas Ergene's discussion of "client" agency and competence is fascinating, I found particularly troublesome his willingness to lump together the collective action of the common people against officials with strategies collectively used against "fomenters of corruption," and his occasional conflation of some of the very distinctions he himself enunciates regarding cases/documents: whether they were externally/internally generated, administrative-notarial/judicial; criminal/civil; under sultanic/*shari'a* authority. In this context, I would suggest that much of the administrative/notarial functions of the court—such as the registration of business and familial contracts, which were internally generated—can also tell us much about local arrangements and discourses. This is particularly significant insofar as Ergene is absolutely right in his insistence that individual courts had specific "characters," orientations and users and in his call for more collaboration among scholars of Ottoman legal practice. In this regard, Ergene's own contribution is most welcome. It is well-researched, tightly organized, and a pleasure to read.

Maurits H. van den Boogert

The Capitulations and the Ottoman Legal System. Qadis, Consuls and Beratlis in the 18th Century.

Brill (Leiden, Boston, 2005), p.323.

Reviewed by Katerina Papakonstantinou*

In his new book, M. van den Boogert offers interesting research on the capitulations and the legal position of Western merchants in the Ottoman Empire in the 18th century. In his introduction he examines previous works on the subject and finds little in the way of original research. He points out that "despite the fact that several authors had personal experience with the capitulatory system, references to practice are scarce. The discussions of consular jurisdiction generally remain abstract, and the descriptions of the system tend to be normative" (p.6). The author tries to explore the legal aspect of capitulations and the way they regulated the Ottomans' contacts with foreigners within the Ottoman Empire.

His methodology focuses on two aspects: the texts of the capitulations in Ottoman language and in European translations; and the *fermans* issued by the Porte concerning different cases, including several legal cases in which consuls had to intervene. He tries to explore, on the one hand, the differences in Ottoman and European translations of the capitulations and the different perceptions of them by the different societies and political systems. On the other hand, he focuses on the practical adaptation of those texts to the

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legal system of the empire; he tries to discover the legal position of the Westerners and their protégés, and the Ottoman interpretation of the capitulations within the Ottoman legal system.

In the first chapter van den Boogert examines the legal framework of the capitulations and the political and economic conditions that led to their imposition. He uses not only the texts of the capitulations, but also the correspondence of ambassadors and consuls. He tries to find out the way the Western representatives on the one hand, and the Ottoman authorities on the other, interpreted the capitulations. Various interpretations were possible, depending on the use that each party sought to make of them. Usually ambassadors and consuls were familiar with Ottoman realities and tried to make use of that textual ambiguity. The author discusses the issue of *fermans* and *berats*, which often included articles that were not in the capitulations and cases in which the Porte could revoke the privileges of foreigners and their protégés, such as piracy or war. Van den Boogert also mentions the case of non-Muslim protégés of the European nations, their tax exemptions, and consular jurisdiction. On this last issue, he discusses cases that fell under the jurisdiction of both Ottoman judges and European consuls.

The first chapter analyses different aspects of the capitulatory systems that one must have in mind in trying to follow litigation. He remarks that “only if we dig deeper do traces appear of the ways in which the apparent gap between the European’s expectations and the Ottoman perception of their privileges was bridged” (p.24). The main argument of van den Boogert is that the capitulations were part of the Ottoman legal system and were not in opposition to it; many Europeans thought that the capitulations created a domain within which they could be considered

autonomous, but the Ottoman texts “clearly delineated the boundaries of this domain”(p. 60).

In his second chapter he examines the protection system that the capitulations offered to the European merchants, and for the most part, to their Ottoman protégés. He tries to examine all the myths regarding the protection system: for example, the number of protégés each European nation had in the Ottoman Empire. The *berats* issued to the protégés of the European consuls were limited and became in some cases objects of commercialization or investment for persons or families. The growth of Ottoman trade in the 18th century is related to the presence of the European merchants in the Ottoman Empire and the use of non-Muslim protégés of the European nations as intermediaries. Armenians, Jews, and Greeks made use of the new situation and made their fortune as middlemen and brokers. Throughout his book van den Boogert confirms that interpretation. The legal cases he examines involve very often a protégé of the Dutch, French or English nation. He also argues that the protection system was an integral part of the Porte’s administration of the foreign communities in its domains (p.97), and for the 18th century, cannot be characterized as an instrument of imperialism.

Chapter Three examines ambiguities within the Ottoman legal system, in cases that the Europeans called *avantias*. By examining European and Ottoman sources he finds out that this word was used only by the Europeans; most cases were examples of different interpretations of the rights and duties of Europeans in the Ottoman Empire. The author reads parallel Western and Ottoman sources, trying to shed light on both sides in order to find the lines of communication between them. In many cases the different political and legal systems did not allow

their members to understand the ways of thinking of the other side.

In Chapters Four to Six, van den Boogert examines cases in which European protégés and European merchants were involved and the consuls or the ambassador had jurisdiction over them. In those cases, the Ottoman *qadi* was often involved because the litigants were not satisfied by the adjudication of the European representatives. Those cases referred to the division of estates, bankruptcy, and theft. Van den Boogert follows the cases, explains the limits of consular jurisdiction, and tries to interpret the attitude of the European protégés and the Ottoman authorities. He examines the function of the capitulations and their position in the Ottoman legal system. He then investigates the relationship between European merchants and the Ottoman legal system, thereby confirming his thesis that the capitulations were part of the Ottoman legal system and not opposed to it.

This book puts the Ottoman Empire in the world system, and explains why treaties such as the capitulations were issued at different times. The author mentions a change in the balance of power between the European powers and the Ottoman Empire during the 19th century. But he also admits that the peace treaty of Küçük Kaynarca of 1774, which was followed by the Interpretative Agreement of 1779, introduced a new type of protection, different from the capitulations issued to other European countries some years earlier (p.104). The Treaty of Passarowitz of 1718 can also be regarded in a different light since it was followed by a commercial treaty that referred to the presence and activity of Ottoman subjects in the Habsburg Empire. It marked the beginnings of Ottoman commercial activity in Habsburg territory. We can suppose that already during the 18th century the

balance of power showed signs of change.

Van den Boogert in his book analyses the Ottoman legal system, and explains terms and everyday practices. He unfolds his method and his sources as simply as possible. The book is very comprehensible, and even an uninitiated reader could follow the arguments and the interpretations of Ottoman realities that the author proposes. It will be a very useful tool for researchers, and illustrates the fruitful possibilities for historical scholarship when both Western and Ottoman sources are combined.

IRANIAN STUDIES

Hamid Dabashi

Iran: A People Interrupted

New York: The New Press, 2007, 324 pages

Reviewed by Kouross Esmaeli*

If a good book is one that overcomes its own contradictions then Dabashi's *Iran: A People Interrupted* is one of the best books written on Iran since 2001 during this period of heightening US military pressure in the Middle East. Weaving a narrative based on his personal memories as well as Iranian intellectual, literary and political histories, Dabashi's book offers a fresh perspective on Iran's modern history. The book's importance lies in its attempt to open an intellectual space to imagine Iran outside of the ever-tightening confines of the political and ideological polarization between the Islamic Republic and the American project to re-define the Middle East in its own image. Dabashi is also equally damning of the various nationalist

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readings of Iranian history as he is of the paradigms of Westernization and modernization. *Iran: A People Interrupted* is a must read for anyone looking for alternatives to the well-worn clichés of Iran as a society stuck between modernity and tradition, or a people torn between their “Persian” and “Islamic” roots.

For Dabashi, Iran’s modern experience is one of a paradox generated by the fact that “the European Enlightenment modernity that was meant to liberate Iranians from darkness ... denied them that very agency by bringing the Enlightenment message to them through the gun barrel of colonialism” (45-6). The significance of this definition of modern Iran has wide ranging repercussions, which Dabashi further elaborates through his idea of “anti-colonial modernity.” In this perspective, modernity is not a European-led march of progress; rather it is a “self-raising/other lowering project ... to benefit the small fraction of the world’s population code-named Europe” (250). What this dynamic has produced is a modernity shared by perpetually rich nations, perpetually poor nations, and, in the case of Iran, perpetually resisting nations: “We are a nation by virtue of our collective will to resist power, and we are a modern nation by virtue of an anticolonial modernity that locates us in the defiant disposition of our current history” (25).

Much to Dabashi’s credit, he consciously avoids a reactive nationalism while outlining the intellectual and artistic foundations for this anti-colonial modernity. In fact, in his introduction, Dabashi questions the bases of modern Iranian nationalism when he claims “Iran is a fusion of ‘facts’ stuffed under the artificial and meaningless construct called a nation’.” (19) Dabashi goes on to dismiss the traditional milestones of Iranian nationalist myths from the Ancient Persians to the various post-Islamic dynasties right up to the Pahlavis. For

Dabashi—and this is one of the most important contributions of this book—“what holds Iranians together is a literary humanism that by its very nature is diffused, disperse, disparate and itinerant”(20). It is in the fertile soil of the humanism developed in medieval Persian poetry (throughout the Eastern Muslim nations) that modern Iranians began to imagine themselves as subjects and actors in the contemporary world. Eventually, this humanist ethos developed into the anti-colonial modernity, which led Iranians to resist imperialism and its various cultural manifestations. The major thrust of Dabashi’s book is the outlining of this literary and intellectual development.

Studying Iranian history through its artists and writers, Dabashi generates the concept of *cosmopolitanism* to describe the culture of Iranian modernity. Since Dabashi never actually defines it, this word also carries the bulk of the theoretical and historical problems in his analysis. On one hand, *cosmopolitanism* in this book signifies the pluralism of the modern Iranian political culture irreducible to any single one of its Islamist, nationalist or socialist components(125). More generally, Dabashi describes the intellectual life that nurtured him in the 1960’s and 1970’s: “There was a cosmopolitan worldliness in the air when I was growing up in the Pahlavi period, a deeply cultivated sense of our global whereabouts – a catholicity of learning that knew not where ‘the West’ was or where ‘the East’ began on the bipolar axis of power...” (133).

However, the importance of world literature, *Nueva Cancion* music, European art cinema and the many other cultural components of twentieth century Iranian intellectual life is not in and of itself indication of a *cosmopolitan* culture. In fact, to many who actively participated in Iranian intellectual life, being called “cosmopolitan” would have seemed like a belittling of their intellectual, artistic and political

aspirations. Dabashi conflates the consciously *internationalist* nature of the pre-1979 political life of Iran with the *cosmopolitanism* of his own early twenty first century New York milieu. And he fails to take seriously the susceptibility of the period's political internationalism to fall into its national nativism which is precisely what the Iranian Communist Party and the myriad other secular left movements did when they formed a popular front with Khomeini until their systematic eradication in the early 80's. The most prominent example of this oversight is Dabashi's short analysis of Jalal Al-e Ahmad's iconic *Westoxification*. As laid out in detail by Mehrzad Boroujerdi in his *Iranian Intellectuals and the West: The Tormented Triumph of Nativism* (Syracuse: Syracuse University Press, 1996), Al-e Ahmad was the secular thinker who normalized the obsession with "cultural authenticity" amongst the Iranian intelligentsia. He also took the extra step of placing Shiism as a predominant factor in the Iranian national psyche. (Boroujerdi, 72) It is strange that while describing Iranian modern culture as multi-faceted and *cosmopolitan*, Dabashi is so diffident toward Al-e Ahmad. In fact, Dabashi goes as far as placing *Westoxification* in this cosmopolitan culture, claiming that after the publication of that book, "modern Iranian political culture entered a whole new phase, in which socialist, nationalist and Islamist components were urged to become part of united ideological front against both US and Soviet imperial influences..." (129). This down playing of Al-e Ahmad's role in normalizing religion as 'authentic native culture' within the secular left imagination is indicative of Dabashi's unresolved attitude to the question of nativism and cosmopolitanism.

As pointed out by many authors from the right and the left, nativism is the looming alter ego of anti-colonial cultural criticism. Whether it is the underbelly of *any* cultural resistance to

imperialism, or when culturalist anti-colonialism leaves the academy and enters the streets, Dabashi's writing does not even consider this debate. Although Dabashi consciously maps a non-nativist history of resistance, the fact that the plurality of nationalist, socialist and Islamist politics in Iran did give way to the nativist Islamic Republic needs honest analysis. Dabashi falls back on the standard explanation that the left has been telling itself: the Revolution "was outmaneuvered from us" (146) by a more organized and organically rooted mosque-centered religious establishment (149).

This contradiction is further evident by the fact that Dabashi continuously calls the secular intellectuals "inorganic" (56, 58, 149) while calling the Islamists "organic" (149, 225). Yet, how can this political culture be called *cosmopolitan* if those who embodied it were alien to their society? If the secular intellectuals who participated in the revolution were inorganic to that society, then who defines that society other than the Islamists? In 1979 Iran, this question played out through defining anti-imperialism in culturalist terms, the left had no way to provide an alternative to the Islamists' definition of resistance. Dabashi's notion of Iran's cosmopolitan political culture fails to explain *how* the left fell under the influence of that same nativism that eventually devoured it. Since resistance was to be undertaken in a *culturally authentic* form, the secular left could offer no clearer way to resist capitalist commodification of women than through the violence that forced *hejab* on all women. There was no better way to resist Western culture's flooding of the Iranian social life than through the banning of foreign movies and music. There was no clearer way to resist Soviet influence than dismantling the independent workers councils and replacing them with Islamic Associations.

In order to understand how Dabashi compensates for this problem in his analysis, one has to look at one of the unresolved questions of the book: who is its intended audience? Is it Iranian intellectuals who will find familiar names and events re-formulated in a new perspective? Or is it an audience who has little prior knowledge of Iran other than what gets filtered through the mass media? Dabashi claims to be writing for the latter whereas the book's unresolved gestalt could be best grasped by the former. There is an impenetrable distance in the book styled in a language that seeks too hard to impress its audience. Dabashi's Manichean sensibility creates a narrative that is at heart an episode in a moralistic tale of an eternal battle of imperialist evil versus the good resistance. As such, the book is weakened by his need to constantly position himself at the forefront of opposition to the forces of imperialist evil at every twist and turn. Dabashi's book is significant enough political intervention that it is apt to expect its style, language and general readability to at least match those of its claimed adversaries. If he wants to reach a general audience, Dabashi needs to work more closely with an editor who can safeguard the spirit of his ideas while toning down the hyperboles, the superlatives and the repetitive sentences each laid out as if it is the first time being expressed. Dabashi is writing a Wagnerian opera aimed at a pop audience.

Dabashi's real audience is the Iranian intellectuals whose history he has ingested and reformulated with a fresh eye. And it is his internal dialogue with this audience that saves the book's overall intellectual project. There are very few other Iranian secular intellectuals who are engaging with the history and culture that produced the 1979 Revolution as an ongoing participant in its ideals. It is to those who were engulfed by the trauma of watching the Revolution turn into the

Islamic Republic that Dabashi writes this "effective history:" in effect calling on them to recover that past by an "understanding of history [which] must be informed through the contingency of [our] presence and not by pretending to have overcome it." (111) Dabashi at once embodies and overcomes the mental block that the Iranian left has suffered since 1979. On one hand he posits an "organic" versus "inorganic" dichotomy in the intellectual life of Iran, but if stripped of its moralism, his analysis that Iranian modernity is fundamentally defined by anti-colonialism should serve as the most basic definition of Iranian political culture. Put in simple terms: whereas some Iranians are moved by promises of "political Islam", others by "democracy" and yet others by "social equality", what holds them all together is the mistrust and instinctive resistance to foreign interests in their country. It is important for anyone who wants to remain relevant to Iranian society to understand this fact, especially at a time when the US government is waving millions of dollars to - in effect - buy Iranian intellectuals.

Dabashi's short discussion of Venezuela and Hugo Chavez as a possible source for "restoring Iran's cosmopolitan political culture" (236) might seem at first remote and abstract. But it further deepens Dabashi's relationship to his true audience. If the Islamic Republic survives this period of direct external threat, Dabashi is very correct to argue that Chavez (or, I would argue, what Chavez represents) holds a true alternative for Iranian intellectuals. Dabashi is writing at a time when the increasing open and honest dialogue seen in various "anti-globalization" movements or the various World Social Forums have made little dent on the intellectual life within Iran. Save for a few strands within the feminist movement, there is little indication that there is a viable dialogue between Iranians and intellectuals from

other anti-colonial nations. Iran, because its anti-colonialism materialized into an autocratic and paranoid Islamic Republic, has been devoid of today's open experimentations in alternative political and social formations that are happening vibrantly in other ex-colonial countries. Thus, Dabashi's analysis speaks directly to intellectuals who need to create localized politics to resist, on one side, an Islamic Republic that self-servingly imposes (through brutal force) its own definition of anti-colonialism and, on the other, a creeping globalization that aims to bring freedom (once again) through the barrels of a gun.

Iran: A People Interrupted is an important book because it succeeds in creating a sensibility that harbors no apologia for the Islamic Republic while avoiding the incentive to posit Iran in the shadows of a neo-liberal utopia. Although Dabashi's language and tone keep the book aloof from his intended audience, he manages to create a much-needed revision of modern Iranian history. His book anticipates the kind of cultural and political possibilities that will arise as (or if) the world sees a de-centering of American hegemony and as Iran opens up to other nations of Latin America, Africa and Asia.

Rudi Matthee

The Pursuit of Pleasure: Drugs and Stimulants in Iranian History, 1500-1900.

Princeton: Princeton University Press, 2005. vii+ 346 pp. (Cloth), ISBN 0-691-11855-8

Reviewed by Babak Rahimi*

With eloquent exposition and an astonishing grasp of ancient and early

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modern Iranian history, Rudi Matthee's intriguing book, *The Pursuit of Pleasure*, depicts the importance of drugs and stimulants in shaping Iranian society from the early sixteenth-century Safavid to the nineteenth-century Qajar periods. He probes the complicated socio-history of psychoactive agents such as coffee, drugs, tea, tobacco and wine, and the complex ways in which throughout Iranian history the consumption of these stimulants has involved the creation of diverse social spaces, wherein a hedonist culture of stimulant pleasures and *shari`a*-minded moral religiosity have intermingled in a wavering realm of economic and political realities.

By giving us a complicated picture of Iranian social history, Matthee challenges and questions a reductive picture of modern Iran, primarily offered by Orientalist historians and social theorists, who identify the Iranian past as essentially puritanical and simplistic in its application of social norms in terms of Islamic law. He demonstrates how the religious norms that the Shi'i clerics and a number of Iranian kings advanced since the 1500s did not necessarily correlate with the actual, everyday practices of ordinary Iranians. Even elite circles defied certain religious norms, including the royals who observed diverse traditions, rites, and festivities in the consumption of drugs and stimulants that ranged from alcohol, opium, and cannabis (widely practiced in ancient, pre-Islamic Persia) to the more modern stimulants, namely coffee and tobacco.

In a theoretical sense, Matthee is successful in showing how the lived practices of drug and stimulant consumption can defy prescribed moral boundaries that sustain a fixed pattern of practices and discourses. The main contribution of this fascinating book is its masterful depiction of the cultural traits of everyday life, revealing how "messy" and incongruent historical trajectories can be (and perhaps should

be) the basis of historical analysis, rather than merely a peripheral concern.

The main body of the work is composed of two parts with ten chapters that do a great service by illustrating some of the most detailed accounts of the history of drugs and stimulants in Iranian history since the rise of the Safavids to power in early sixteenth century. The first section covers the history of Safavid Iran, with the first chapter setting the stage of early modern Iranian history under the Safavids, who emerged as a mystical-messianic movement in the Anatolian region in the early fourteenth century and later, in the early sixteen century, established the first Shi'i Islamic empire since the fall of the Fatamids in 1172. This chapter is lucid and well-written, covering the history of Iran from the Safavids to the final decades of Qajar rule in the late nineteenth century.

Chapters Two and Three cover the history of consumption in Safavid elite circles and illustrate how the consumption of alcohol continued in the form of royal rituals under the Safavids. These secular practices originated and combined pre-Islamic Persian, Central Asian, and Caucasus traditions, and defied religious ordinances issued by the *shari'i*-minded clerics. Chapter Two is intriguing for its depiction of the history of wine consumption as one of the most popular stimulants consumed since the pre-Islamic era and its continuous impact on the Iranian people and especially the royalty in modern times.

Chapter Three presents the most remarkable account on the politics of wine consumption. Relying on a number of primary sources, mostly European travel reports and Persian texts, Matthee describes here the complex relationship between clerical activism and royal secularism, and the monarchy's often ambivalent policies in both sanctioning and permitting the consumption of wine in court and public domains. These two chapters

provide the history and the politics behind the consumption and injunctions against wine in the Safavid social order, and it is worth a careful study by those interested in the relations between clergy and state.

Chapter Four seeks insight into the history of drugs, particularly cannabis, opium, and hashish under Safavid rule. Unlike wine, drugs were consumed by many Iranians, and this chapter successfully shows how drug excitants were a noteworthy aspect of routine of daily life and the fabric of Iranian society. Chapter Five deals with tobacco as one of the more recent stimulants, introduced to Iran with the commercial revolution of the early modern period. The most interesting part of this chapter is the depiction of the history of water-pipes and their popularity among ordinary Iranians since the late sixteenth century. The sixth chapter looks into the history of coffee as an important product of trade and consumption in the Safavid era. For those interested in the history of coffeehouses, Matthee offers a detailed account of various traditions and cultural practices associated with spaces of coffee consumption which deserves serious attention by social historians and cultural theorists.

The second half of the book focuses on the Qajar period. Throughout this part, Matthee highlights the historical trajectories of continuity and discontinuity in the use of drugs and stimulants under the Qajars from the late eighteenth to the early twentieth century. The key theme in this section is the impact of state patterns of modernization on the everyday cultural and religious life of Iranian society, with an eye to transformations undergone in social spaces where drugs and stimulants were consumed.

Respectively, Chapters Seven and Eight explore the evolution of wine, opium, and tobacco in post-Safavid history. In Chapter Seven, the

consumption of wine outside court circles emerges as something fashionable, 'a sign of adherence to the values of the modern world' (p.206). In light of the rise of a modern sensibility, the consumption of wine by the Qajar elites is described here as an act of defiance against the insularity and the intolerance of the clerics. Switching the focus on the negative impact of these products, Chapter Eight considers the problems caused by the popular consumption of opium as an addictive substance that created a number of economic and social problems for Qajar society and state. This chapter also examines the significance of tobacco as not only an economic asset for the country, but also a source of political tension between the Qajars and the clerical establishment, spear-headed by high-ranking Shi'i ulama based in Najaf, Iraq. The famous case of the Tobacco Revolt (1891-92) that saw the direct role of the clerics in opposition against shah Nasr al-Din's tobacco concession, when a British company was granted the right to the sale, distribution, and export the product in 1890, is indicative of the symbolic significance of stimulant products in modern Iranian history.

Chapters Nine and Ten survey the importance of coffee and tea. Chapter Nine is interesting for offering a detailed account of the waning popularity and disappearance of the coffeehouses after the fall of the empire in 1722. Accordingly, Chapter Ten continues the narrative of drink consumption with the rise in the popularity of tea and the re-emergence of "tea-purveying coffeehouses" in mid-nineteenth century Qajar society, and also the role of class and modern taste in the proliferation of tea consumption in Iran.

These ten chapters are quite illuminating in that they use a variety of archival materials from European travel reports and Persian primary sources as well secondary source material. What make these chapters so fascinating is the

depth of research and the richness of historical findings with regard to the development of psychoactive agents and their impact on Iranian economic, political, and social life.

However, the main problem of an otherwise excellent work is the missed opportunity in exploring the origins of the Iranian public sphere in relation to the development of the socio-cultural life of drug and stimulant consumption, a topic which has been largely overlooked by many historians and analysts. Since this work directly deals with the social history of early modern Iran and the formation of diverse social spaces that reproduced cultures of pleasures and spaces of "vice" in the context of a complex history of state-independent publicities, it is disappointing to see Matthee fall short of a more sophisticated theoretical interpretation of his historical findings.

On the possibility of an early modern Iranian public sphere, the author writes, 'to be sure, we must be careful not to push the analogy with developments in Europe too far. After all, the Safavid coffeehouses spawned no debates leading to treaties advocating social and political reform, nor did it contribute to the emergence of a modern press or a novel political consciousness, much less foreshadow 'norms later associated with nineteenth-century liberalism and its attendant model of civil society' (p.296). The problem here is that such a statement employs cookie-cutter applications of theories and concepts predetermined by European and Anglo-American examples and conceptual models, mainly advocated by Jürgen Habermas, as the yardstick for assessing the history of the Iranian public sphere. Matthee's uncritical and non-analytical definition of the term "public sphere" carries a serious conceptual difficulty since he fails to acknowledge various theoretical models of publicity advanced by a number of feminist, post-colonial, and historical-sociological theorists, and how

these different models can provide us with an alternative depiction of a non-European public sphere which would obviously differ, historically, politically and socially, from the (Western) European ones. Indeed, it is with a more daring theoretical approach that one can begin to speak of an early Iranian public sphere not by “default”, but as a dynamic social process with its distinct political significance.

Still, this is a minor quibble with a distinguished piece of scholarship. Magisterial in its command of the sources, beautifully written, scientifically documented, and unusually detailed, *The Pursuit of Pleasure* is truly path-breaking in ways historical and substantive, and could set the standard for the social history of early modern Iran. This stimulating work will be welcomed by historians and social theorists, and anyone interested in the history and social dynamics of stimulants. A work of eloquence and originality, it is one of the most distinguished and informative historical works to have appeared in recent times. *The Pursuit of Pleasure* is a stunning achievement.

HISTORIES OF SEXUALITY

Afsaneh Najmabadi. *Women with Mustaches and Men without Beards: Gender and Sexual Anxieties of Iranian Modernity*.

Berkeley: University of California Press, 2005. xiv + 364 pp. Illustrations, notes, bibliography, index, ISBN 0-520-24262-9; \$24.95 (paper), ISBN 0-520-24263-7.

Reviewed by Ranin Kazemi*

There are two significant, complicated, and interconnected processes that Afsaneh Najmabadi

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documents in this book. Both of these are part of a larger societal transformation, and together they display “gender and sexual anxieties” of Iranians in the course of this disjuncture: from the late eighteenth century through the first decades of the twentieth and arguably even up to the present. The subject of the first six chapters is the first of these processes, the trajectory of gender becoming “the template for the legibility of sexuality” (238). The second process, the formation of the Iranian women’s movement first through the active undertaking of men and later through the participation of women themselves (chapters 6-8). Both of these were informed by the cultural and intellectual exposure to the West. The author’s constant reference to the development in the discourse among the nineteenth- and twentieth-century intellectuals, of whom most had acquired their education in Europe and sought to modernize the country, about what it meant to be “modern” is indicative of this imbalance in the profound sociocultural dialogue between Iran and the West. The author, however, makes it clear that she narrates not a “causal” story—causal in the sense that the contact with the West produced these entangled processes and their concomitant anxieties—but rather a “contingent” one—meaning that the cultural traffic flowed in more than one direction (5-6).

The first of the changes noted above was the transformation that occurred in esthetic sensibilities: the shift from *amradparasti* (loving *amrads* or boys) among male Iranians in the early Qajar period/nineteenth century to heterosexual romantic love in the early twentieth century. Pederasty was informed by the homosocial sensibilities among men and women in Iranian society. Although same-sex practices among women have not been treated sufficiently (due to the paucity of sources), Najmabadi suggests that such

practices did exist as a sociocultural reality. Tracing this heteronormalization of the Iranian sensibilities through a range of media, she conducts a complex study of the sun and lion in the official emblem of the state, analyzes the feminization of the homeland in the concept of the beloved/mother *vatan*, and probes the anxieties engendered by certain social groups' drive to look like *franagis* (those from the West). And she contends that nationalism contributed directly to this "binarization of gender and the heteronormalization of sexuality" (97).

The second sociocultural phenomenon is the genesis of the women's movement, which began with demands for civil rights, then "parity" with men, and ultimately civic equality. By linking the same-sex sensibilities of Iranians with "gender segregation and more particularly the veiling of women," modernists in the last decade of the nineteenth and the early decades of the twentieth centuries began to call for the unveiling of women in public space (150). The veil had thus become a sign of backwardness and of the country's state of pre-modernity. Furthermore, modernists romanticized heterosexual romantic marriage and used it for the nationalist/modernist project of the polis. They called for elementary and, later, secondary education of women, so that they could in turn contribute to the production of an educated male citizenry. Finally, they began to campaign for the equality of women, but women as wives and only later as *women* of the nation.

Nor was the shift from homosocial to heterosocial public a linear progressive development. This complicated transition took place in stages and was exposed to retardations and syncopations. There were times when "the daily experience of bodily harassment on the streets confirmed that men did not intend to give up the masculinity of public space....When a man pinches a woman's bottom or

grabs her breast on the street, modernity's heterosocial promise has become a nightmare" (155). Nonetheless, the process and the newly redefined public slowly and ultimately contributed to the mobility, employment opportunities, and public and political activities of women in the later decades of the twentieth century.

Najmabadi's textured narrative should be read on different levels. The central theme of the book is the contention that certain gender and sexual anxieties were produced by Iranians' modernization efforts. What were these anxieties? It was first the anxieties of a traditional society with homosocial, homoerotic sensibilities that was increasingly referred to by a progressive Other as backward and pre-modern. It was moreover the disturbing embarrassment of male Iranian intellectuals when questioned, often by those from Europe, about their wives or their romantic habits and customs, or when they themselves compared Iranian society with those of the West in order to trace the "roots" of Iran's backwardness. This early discomfiture was transmitted to the later generations of men and women who sought to forget *amrad* and *amradnuma* (one who looks like an *amrad*) even while they were constantly reminded of both in the persons of the *farangi'ma'ab* dandy (the superficially modernized or Westoxicated man) and the *fukuli* (the bow-tied man). Because of this same disconcertion, modernists have used a number of strategies to explain away *amrad(numa)* of pre-modern Iran. These devices include: the "heteronormative presumption that homosexuality is frustrated heterosexuality" (240), "emphasizing the gender ambiguity of the Persian language" (241), the "allegorization of homoerotic love into neo-Platonic or Sufi divine," and making distinction between pre-modern poetry and pre-modern reality, or separating "poetical discourse on male homoerotic love from 'what actually

happened between men” (241). Najmabadi asserts that even “[t]he figure of Westoxicated woman as the focus of a cultural critique of prerevolutionary Iran ... had [by then] come to act as a masquerade for amrad(numa),” and that the hypervisibility of the veil in today’s Iran “has compounded the erasure of that other excess figure of Iranian modernity [namely, the fukuli]” (241-242). It is this conscious historical amnesia that the book critiques and engages.

This book opens up an important analytical window in Iranian history in that it provides an excellent example of how one may read the sources in spite of themselves and analytically use the information provided about men to write a narrative of gender relations that would tell us about the intellectual culture and the position of women in society. It is moreover a welcome addition to the growing list of historical studies about women in the Middle East.

Khaled el-Rouayheb.

Before Homosexuality in the Arab-Islamic World, 1500-1800.

University of Chicago Press (Chicago and London, 2005), 210 pages

Reviewed by Amal Ghazal*

Khaled el-Rouayheb’s book, *Before Homosexuality in the Arab-Islamic World*, is a unique book, not only in the field of male homosexuality in Muslim societies but also in the field of pre-modern Islamic intellectual history. It fills a gap in these two fields, sets the record straight on homosexuality in the pre-nineteenth century Arab-Islamic world and probes aspects of that world’s cultural life.

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The thesis of the book, well-articulated and well-argued, is that the concept of male ‘homosexuality’, as categorized nowadays in the West, was non-existent in the pre-modern Arab-Islamic Ottoman world. Rather than a homogeneous concept of male homosexuality, there was rather a range of behaviors that elicited a range of attitudes. These are discussed in detail in three chapters, each elaborating on one cultural strand that defined those distinctions.

The introduction situates the book against the backdrop of two intersecting historiographies: one ‘orientalist’, making sweeping generalizations about ‘tolerance of homosexuality’ in the Islamic world and another oscillating between an ‘essentialism’ and ‘constructionism’, treating ‘homosexuality’ as a self-evident fact across space and time or emphasizing the historically conditioned nature of sexual categories, respectively. The author argues for a more nuanced approach that illustrates the distinctions in male sexual behavior that the term ‘homosexuality’ fails to elucidate, and he stresses the possible conflation of certain phenomena within the Arab-Islamic culture with our modern definition of ‘homosexuality’. A successful analysis necessitates textual evidence from a range of genres rather than a selection of one or two particular ones. Relying on biographical dictionaries, medical treatises, poetry, Sufi handbooks, belletristic literature, Quranic exegesis and works of jurisprudence, Khaled el-Rouayheb weaves together a provocative yet corrective interpretation of male homosexual behaviors and categories in the pre-modern Arab-Islamic world.

Chapter One, “Pederasts and Pathics”, elaborates on a cultural strand that differentiates between an active male (with an insertive role) and a passive male (with a receptive role), with the latter stereotyped as effeminate or suffering from a pathological condition.

Thus, the culture at the time, from a social standpoint, differentiated between two categories of male homosexuality, considering the one on the receptive end to have transgressed gender roles. The act itself “distinguishes the dominant from the dominated, the dishonorer from the dishonored, and the victorious from the defeated” (p. 15). This distinction was evident in the lack of a common term for both, hence the word *luti* for the active male and *mukhannath* or *ma'bun* for the passive one. While the former was depicted as morally dissolute, often compared to someone drinking wine, the latter was viewed as a pathetic, suffering from a disease, *ubnah*, and “perceived as being at odds with the ideal of masculinity” (p. 21). The latter would also usually be young and beardless, heterosexual and preferred and desired by adult men for whom the idea of preferring fully developed men to teenage boys “seems not to have been seriously entertained” (p. 33). This age-structured and trans-generational male homosexuality was present in specific social contexts represented in the realms of education, mystic orders, slavery, coffeehouses and public baths.

Chapter Two moves readers to a different cultural realm, defined by the belletrist literature in the pre-modern Arab world. Such a literature, generally speaking, sanctioned passionate love of boys (and of women alike), associating it with aestheticism and sensitivity to human beauty. In this context, the lover is not described as a ‘pederast’ but rather as an ‘aesthete’ with a redefined character that appreciates beauty. Thus, while ‘inclination to boys’ and ‘inclination to beauty’ described the same behavioral pattern, the former terminology was used more often “to ameliorate, if not remove completely, the negative connotations associated with the phrase ‘he inclines towards boys’” (p. 56). The author’s literary critique of the belletrist genre refutes the claim that belle-lettres lacked historical

relevance and had a fictional context. The author attributes such a dismissive tone to a desire “to avoid a stark contrast between an apparent ‘tolerance’ characteristic of the religion to which the belletrists and scholars were committed” (p. 79). This skeptical assumption stems from the belief that there existed a uniform concept of ‘homosexuality’ under whose rubric fell all acts and behaviors of homosexuality. This, again, was not the case since those same belletrists, poets, and scholars idealized chaste love between males while condemning any sexual intercourse. Moreover, while love overturned the social order by submitting a lover to a beloved one from a lower status, or a master to a slave or a Muslim scholar to a Christian boy, sexual roles “as a rule mirrored nonsexual relations of power, the sexually dominant (the penetrator) also being the socially dominant (the man, the husband, the master)” (p.90). Much of that chaste love underlined a mystical aestheticism that associated passionate love and admiration of human beauty (of boys and women alike) with an appreciation, even experience, of the Divine beauty.

Chapter Three focuses on another cultural strand expressed through Islamic law. The previous chapters set the stage for a better appreciation of legal idioms dealing with ‘homosexuality’. Works of jurisprudence not only distinguished between different behaviors but also formulated laws accordingly. Islamic jurisprudence did not operate with a concept of homosexuality but in response to a variety of behaviors and acts, with a tendency to being lenient towards chaste love, gazing at boys or any other behavior or act that did not amount to sexual intercourse. Proper definitions, as well as appropriate punishments, for homosexual behaviors were a matter of continuous debate among jurists of the different *madhabib*. The author surveys the rulings of the Hanafi, Shafii,

Hanbali, Maliki and Imami Shii schools of law concerning *liwat*, the term usually referring to anal intercourse between men, followed by a summary of the debate whether *liwat* was permissible in Paradise or not. Since the harshest punishment befell those committing *liwat*, and not all other homosexual behaviors, the term was subject to an extensive discussion in order to clearly characterize it. Unlike *liwat*, falling in love with a boy or composing pederastic love poetry were grey areas, subject to debate among jurists, most of whom did not find it objectionable. As the author reminds us, the austere branch of the religious-juridical strand that prohibited or discouraged pederast love did not prevent the latter from permeating the popular culture. "It is certainly legitimate to speak of a divergence between the austere ideals expounded by religious jurists and the less austere ways of society at large," the author explains (p.151). But it was a society that was aware of the significant distinctions between the different homosexual behaviors and where transgression and punishment lay.

The conclusion sums up the arguments of the foregoing chapters and offers an additional provocative thesis still in need of further elaboration. Explaining modern changing attitudes in the Arab-Islamic world towards homosexual categories and the erosion of tolerance towards previously accepted behaviors, such as the passionate love of boys, the author traces nineteenth and early twentieth century European Victorian influences on the educated Arab elite. The twentieth century in particular seems to have witnessed an obvious shift towards adopting a Western definition of homosexuality whereby the distinctions held in previous centuries started to collapse.

In addition to the book's pioneering contribution to the field of homosexuality in Islamic history, it is a goldmine of literature that offers a rich

and complex portrait of pre-modern Arab-Islamic intellectual life. That period is not only under-researched but also under-rated as intellectually 'stagnant'. El-Rouayheb, being one of the few with a commanding knowledge of the literature of that period, provided us, through this study, with new windows into an intriguing world of scholarship and lively debates indicative of a flourishing intellectual culture. *Before Homosexuality in the Arab-Islamic World* is corrective not only of the topic it tackles but also of the period it covers.

ISLAMIC HISTORY

David A. King

In Synchrony with the Heavens: Studies in Astronomical Timekeeping and Instrumentation in Medieval Islamic Civilization.

(Leiden: Brill, 2004 and 2005), 2 vols.

Reviewed by Robert Morrison*

Astronomy in Islamic civilization began in full force in the eighth century with the translation of scientific texts from Pahlavi, Sanskrit, and Greek. Significant innovations in Islamic astronomy continued into the sixteenth century and the practice of astronomy and the composition of texts endured long after that. Some histories of Islamic astronomy focus on important observations and notable advances in the physical models developed to explain those observations. Studies of scientific timekeeping and instrumentation show us, instead, regional variations in the breadth and depth of the practice of astronomy. The

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over 2000 oversized, brand-new pages of evidence before us show, quite directly, that Islam posed questions and created applications that only enhanced the enterprise of astronomy in Islamic civilization.

This massive (don't try to carry it in your briefcase) work of erudition comes to us from David King, a scholar who has done more than anyone else to present and explicate the sophisticated solutions to the difficult scientific applications that Islam and Islamic civilization required. This review (Charles Burnett¹ and George Saliba², among others, have already reviewed this book) will attempt to address the question of how a reader new to the subject might navigate through this *magnum opus*. My aim is to communicate to a general reader what would be immediately clear to a specialist: this is outstanding research. These two volumes, as King acknowledges (p. x) are a series of studies, several of which could have been published on their own as books. The individual studies are well-organized and King has supplied each with detailed tables of contents. But King grants that one reading the book straight through would notice some repetition.

Volume One of *In Synchrony with the Heavens*, subtitled *The Call of the Muezzin*, focuses on timekeeping (*'ilm al-miqat* or *miqat*), an area that David King's career has established as a full-fledged area of specialization within Islamic studies. A conceptual strength of this book is that it organizes its presentation of the wide range of timekeeping methods, from the highly mathematical to the approximate, around the question of 'what time is it'. When explaining his English translation of *miqat*, King makes the important point (p. 16) that certain times, the times of prayer, were defined; it was up to Muslims to keep those times. The questions were then, how the times were defined and how one was to keep the times. Readers new to the subject may

want to commence reading volume one at the beginning of Part Four, where King describes the historical and religious origins of the problem of timekeeping. Though the five daily prayers had been defined by the eighth century, the questions of when the *'asr* (afternoon) and *zubr* (noon) prayers began and ended presented outstanding complexities. There were (pp. 549-50) two ways to answer the question: one arose from a folk tradition that relied on visible phenomena; the other (*'ilm al-miqat*) relied on mathematical astronomy. Part Three of *In Synchrony* is a previously-published study of schemes of shadow-reckoning, a folk technique that was very important because *badith* and *fiqh* literature about prayer times referred to the lengths of shadows (see the figure on p. 469). Shadow reckoning involved seasonal hours (dividing daytime and nighttime into twelve equal divisions; see Chapter Eight of Part Four) and not equal hours (fifteen degrees on the sun's daily path about the earth). The attention paid to non-technical methods of timekeeping is a real asset of this book, particularly for readers interested more in the broader context of timekeeping.

And though the folk tradition was more widespread, by the thirteenth century, the position of mosque-timekeeper (*muwaqqit*) had emerged. Regardless of how widespread that office was, its existence is evidence for the increasing application of science to religious life. Part Five describes the offices of *muwaqqit* and *muezzin* (*mu'adhdhin*) in pre-modern Islamic civilization and paints an important picture of the people who developed and consumed the science that King's work analyzes. One such *muwaqqit* in Damascus, Ibn al-Shatir (d. 1375), has become famous for his theoretical astronomy, aspects of which are the same as what would appear later in Copernicus' *De Revolutionibus*.³ By the eleventh century, there were clearly tension (see pp. 560-4 and 635-6)

between advocates of the two approaches to the times of prayer. It was unclear (p. 550) whether certain religious authorities approved of what the *mumtaqqits* were doing. In fact, King writes, “Daily life in medieval Islam was more often regulated by the prescriptions of the scholars of the sacred law, and not one is known to me from over a millennium who said that one should consult an astronomer on any aspect of religious law.” (p. 859) Of course, some later religious literature, such as the *Qur’an* commentaries of Nizam al-Din al-Nisaburi (d. c. 1330) and Fakhr al-Din al-Razi (d. 1210) found science to be applicable to religious questions.⁴ King’s underlying point, nevertheless, supported by pages and pages of description and analysis is that *miqāt* was geographically widespread and that it continued to develop with the passage of time.

Comparisons with Judaism and Christianity are never far from King’s mind, particularly in the portions of Part Four that describe the emergence of Islam’s times of prayer. There was certainly transmission in both directions.⁵ Part Eight (*Aspects of Practical Astronomy in Mosques and Monasteries*) is of interest, then, to scholars beyond historians of astronomy because it investigates the impact of the science of timekeeping on real life. There, King brings his expertise to bear on a critique of Jean Léon Gérôme’s 1865 painting *Prayer on the Rooftops*. The artist’s interest in including the crescent moon in the painting compromised the verisimilitude of the *qibla* and the alignment of the houses in the background. In the Latin West, King found that there is material evidence for scientific timekeeping, though on a level less sophisticated than that found in the Islamic world. Monks occasionally used astrolabes and/or primitive sundials for keeping prayer times. Although timekeeping in Europe became much more sophisticated by the fourteenth century, and although King is optimistic

that there are important discoveries yet to be made in the history of European timekeeping, one cannot help but be struck by the overwhelming gap in quantity and quality between what is known about the Latin West and the Islamic world.

Moving to Part One of *In Synchrony*, a study of timekeeping tables and the relevant mathematical techniques which is one of the longest studies in this volume, one should keep in mind that the modern time zones are merely constructs best suited for an era of mechanical clocks. In reality, when one keeps time from the position of the sun (during the day) or stars (during the night), the local time will change once the latitude and/or longitude changes. Noon is when the sun reaches its highest altitude on a given day; thus, the time of noon varies with the change of the observer’s location. And, as King explains (p. 29) at the beginning of Part One, all other times are calculated with respect to local noon. More specifically, the central question of timekeeping is to measure the arc between the sun’s position and its position at noon. Fifteen degrees of that arc is one hour. Calculated tables that provide the time corresponding to a given solar position at a given location on a given date would be much more convenient than constantly computing the time from scratch. In many cases, such as at any time before the sun reaches its highest altitude for the day, calculations would be necessary. There were other important calculations in these tables, too, such as that of the horoscopus, the point on the sun’s path through the zodiac—that is, rising over the local horizon at any particular moment. Part Nine of *In Synchrony* explains nocturnal timekeeping by means of stellar positions. The tables that served as the basis of that study, Kennedy (one of King’s mentors) concluded, were for astrology, not religious timekeeping.

Part Two of *In Synchrony* surveys the tables that yielded prayer times

throughout the year, according to the solar position, for a given locale. Such tables appeared by the tenth century. Chapter Two of Part Two also describes treatises that espoused folk methodologies. As the years went on, universal tables emerged. The 1411 tables of the Damascus *muwaqqit* al-Khalili solved, for all latitudes, many of the timekeeping problems, including prayer times, that King outlined at the beginning of Part One. Such a movement towards universalized solutions, a trend for which there is a parallel in instrumentation, indicates that scientists were thinking creatively about the timekeeping problems that Islam presented and the ease of applying the solution; they were not relying simply on what earlier figures had done.

Another challenge that Islam presented was determining the direction of prayer (the *qibla*). As was the case with timekeeping, King did not presume the dominance of any single method of *qibla* determination. Rather, because certain buildings had to be aligned with the *qibla*, the alignments of those buildings would tell one much about how the *qibla* was determined in that part of the Islamic world. Parts Seven-A and Seven-B find that the widely varying orientations of religious buildings must mean that there were various methods for determining the *qibla*, not that there was a single method that the builders failed to master. Indeed, research in the history of *fiqh* has shown that legal scholars proposed (pp. 802-7) a variety of methods and allowed individuals latitude in their determination. Sure enough, King surveys (pp. 766-70) *qibla* orientations throughout the Islamic world and finds significant regional variations. Moreover, King's study of a table related to the orientation of the ventilators of pre-modern Cairo found (pp. 789-91) that they were positioned according to astronomically-determined wind directions, the same wind

directions upon which certain non-mathematical *qibla* solutions relied.

Even in light of the substantial attention paid to the relationship between all types of architecture and *qibla* determination, the level of detail on scientific solutions to the *qibla* problem is nevertheless impressive. Scientists developed mathematical methods, in two and three dimensions, to determine the *qibla*, and this enterprise led to improvements in spherical trigonometry. King describes these solutions (pp. 759-66 and pp. 692-4) with reference to his earlier authoritative publications on the subject. Engraved metal world maps that yielded the *qibla* were the subject of King's hefty (over 600 pages) 1999 *World-Maps for Finding the Direction and Distance to Mecca*. Part Seven-C discusses another such map and relevant texts, illuminating the mathematics behind the engraved maps that have come to light since the publication of *World-Maps*.

The second volume of *In Synchrony*, subtitled none-too-subtly *Instruments of Mass Calculation*, is a survey of instruments for timekeeping. King's stated goal is to make scholars of pre-modern European scientific instruments more aware of the possibility that certain European instruments had Near Eastern origins. In the introduction, King speaks also (p. x) of the richness and variety of these scientific instruments. At the very least, these instruments (and King's book covers only a fraction of them) bespeak an appreciation for the production of precision instruments. These instruments reflect, apart from any particular innovation or achievement, the profound importance of the practice of astronomy in Islamic civilization. While texts on theoretical astronomy do tell us a great deal, King's work on instruments tells us what was in astronomers' hands.

Instruments of Mass Calculation is much easier to read in order and begins with a survey of medieval Islamic

astronomical instruments. The astrolabe is, in my opinion, the most ingenious of all of these instruments and it occupies much of the volume (see pp. 347-56 for more details about their construction). Part Thirteen-B covers the oldest known astrolabe, from eighth-century Baghdad. Part Thirteen-C catalogues other early astrolabes from Iran and Iraq. Part Thirteen-E is an inquiry into the history of the etymology of the astrolabe (according to Islamic sources).

Key to any astrolabe's operation is the plate which is a projection of the sphere of the heavens into a plane. That is, picture the heavens as a globe with latitude and longitude lines on it. At the North Pole, the projection of the latitude lines into the plane would result in a series of concentric circles. At other latitudes, the problem is more complex.⁶ As one's latitude decreases, one can imagine how the projection of circles into the plane would yield curves that would look less and less like concentric circles. Again, with the astrolabes as with mathematical timekeeping, the trend in innovation went toward universalization. According to my description of astrolabe plates so far, the projection of the celestial sphere into the plane would be restricted to a given latitude. But the *shakkāzī* quadrant, which originated in the eleventh century (pp. 164-8), allowed the astrolabe to function at any latitude. Though there are many examples of universal plates for astrolabes, only recently did King discover a simple universal astrolabe (seventeenth century- Lahore), the subject of Part Fourteen-G. Other applications of astrolabes were not standardized. Part Sixteen looks at the geographical information, generally the boundaries of the climes, found on some astrolabes.

Once again, King is attentive to the differences in precision between various approaches to timekeeping. For example, sundials were less precise for

timekeeping than computations based on solar observations, but sundials were widely used and King devotes much space to them.⁷ Because the sun is at a different range of altitudes at different latitudes, the curves on horizontal sundials are localized and give the time in seasonal hours. Vertical sundials can be inclined to work at any latitude. Following the trend towards universalization, universal sundials appeared; one section, pp. 153-61, describes some universal horizontal sundials, many of which are due to the fourteenth-century scientist Najm al-Dīn al-Miṣrī.⁸ Universal horary quadrants, which provide an excellent approximation of the time, also in seasonal hours, are the subject of Part Twelve. Part Twelve-A provides a text from ninth or tenth-century Baghdad relevant to the origins of this instrument for timekeeping.⁹ These quadrants were often found on the backs of astrolabes (both European and Islamic); a thread would be positioned vertically and the thread's shadow would indicate the time on the quadrant's scale. Part Twelve-B takes up the case of the English timekeeping instrument (that resembled a ship) known as *navicula de Venetiis*, with the recent discovery of three new specimens. King hypothesizes that the instrument originated in ninth-century Baghdad with Habash al-Hasib. Pointing out that "from the sources currently available, there was no milieu in medieval Europe for the invention of the horary markings of the *navicula*." (p. 317) King's argument covers the origins of the mathematics underlying the horary quadrant and the history of early European timekeeping instruments.

The book's high-quality paper, numerous color and black-and-white photographs, and elegant binding parallel the diligence with which scientists and artisans crafted astronomical instruments and the importance of the practice of science in Islamic civilization. The general bibliographies placed fortuitously, given

the weight of the book, at the beginning of each volume, are themselves mines of information and lengthy enough to be stand-alone publications.

The eminently necessary level of detail in this book has the potential to be mind-numbing. Fortunately, King's quirky footnotes and heartfelt dedications give one a rich sense of the human being behind the data. In one such dedication, to A. I. Sabra (vol. 1, p. 627), King remarks that he chose not to take Professor Sabra's advice to write on the philosophical aspects of Islamic science. Those of us who do write on the philosophical aspects of Islamic science can be thankful that, having ducked the impact of David King's productivity and devotion to his subject, we still have unstudied material. Given the references throughout this book to masses of unstudied material, we probably have not heard the last from David King.

ENDNOTES

¹ *The Medieval Review*

(<http://name.umdl.umich.edu/baj9928.0504.002>)

² *Journal for the History of Astronomy* 37(2006): 231-8.

³ Willy Hartner: Copernicus, *The Man, The Work, and Its History*, in *Proceedings of the American Philosophical Society* 117(1973): pp. 413-22.

⁴ On Razi and Nisaburi, see Ahmad Dallal: *Science and the Qur'an*, in Jane McAuliffe (ed.):

Encyclopaedia of the Qur'an (Leiden: E. J. Brill, 2004) vol. 4: pp. 540-58. For more on Nisaburi, see Robert Morrison: *Islam and Science: The Intellectual Career of Nizām al-Dīn al-Nisaburi* (Routledge, 2007). The opposition to scientific timekeeping could not have been monolithic. Ghazali, in *Deliverance from Error*, famously acknowledged the value of mathematics for computing prayer times.

⁵ Stephen McCluskey: "Gregory of Tours, Monastic Timekeeping, and Early Christian Attitudes to Astronomy," in *Isis* 81(1990): p. 21. "The studies of Gerbert of Aurillac (later Pope

Sylvester II) connect this interest in Hispano-Arabic science to the tradition of monastic timekeeping." See also McCluskey's *Astronomies and Cultures in Early Medieval Europe* (Cambridge and New York: Cambridge University Press, 1998).

⁶ To arrive at the solutions, King refers the reader to Willy Hartner's publications, e.g. "Asturlab," in *Encyclopaedia of Islam, Second Edition*.

⁷ For details about how to draw the curves on a sundial, see King's article *Mizyala*, in *Encyclopaedia of Islam, Second Edition*.

⁸ Najm al-Din al-Misri (c. 1330) is the subject of a book by François Charette: *Mathematical Instrumentation in Fourteenth-Century Egypt and Syria* (Brill, 2003).

⁹ King points out (p. 20) that the instruments themselves do not always reflect what texts on instrument construction say.

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