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CULTURAL HERITAGE IN PALESTINE CONTESTED AND NEGLECTED HERITAGE. A PALESTINIAN POSITION

Nazmi Al-Ju'beh

Introduction

Cultural heritage in Palestine was, and still is, a very sensitive, ideologically and politically tainted issue. This is because heritage research in Palestine has been intricately tied to the region's historical development since 1850. Thus, it is essential to review this context in order to properly assess the current status and its perspectives for the future. The aim of this assessment is not just to reflect the shortcomings, failures, and successes of past efforts, but also to trace the history of those tendencies which led towards today's more scientific, objective and modern cultural heritage, which still struggles to free itself from the ideological pressure and influence of political conflicts.

1. Historical research in the Late Ottoman Period (1850-1917)

After the end of the Egyptian invasion of Palestine in 1840, the Ottoman Empire implemented a string of changes, later known as the Ottoman Reforms (*tanzimat*). These reforms were an attempt to modernize Ottoman societies through new legislation, but also a reaction to growing European pressure on the Empire. This coincided with the commencement of European consular and religious missions to the "Holy Land" in general, and to Jerusalem in particular, and the introduction of foreign working groups in the fields of geographical, archaeological and historical research studies. This movement of foreign work groups in the field of archaeology adopted an Orientalist approach dominated by a conservative school of thought derived from fundamental Christian beliefs in Old Testament texts.

2. The British Mandate Period until 1948

The First World War resulted in the collapse of Ottoman rule in Palestine and the onset of the British Mandate. The British Mandate sent British specialists to Palestine to establish a department of antiquities (initially the British School of Archaeology in Jerusalem) where

they implemented various excavations and archaeological surveys. In the 1920s a Department of Antiquities was created, and in 1929 the Antiquities Law came into action. There were few Palestinians then working in the Palestinian Department of Antiquities, and those who did worked mostly as clerics since they did not possess the competence for research. The exception was Dimitri Baramki, who worked as an inspector at the Department of Antiquities, and published numerous articles in the Department's Quarterly Journal. He later became professor of archaeology at the American University in Beirut.

3. Palestine between the Establishment of Israel and the Jordanian Regime (1948-1967)

In the aftermath of the collapse of Palestinian society following the 1948 war (*al-Nakbeh*), and the establishment of the State of Israel, sovereignty over Mandatory Palestine was divided between three countries, Jordan (in the West Bank and East Jerusalem), Egypt (in the Gaza Strip) and Israel (the rest of Mandatory Palestine). The recent history of Palestine, as marked by the political events of 1948 and 1967, triggered the destruction, dissemination and dispersal of many aspects of Palestinian Cultural Heritage. The expulsion of Palestinians from their homeland in 1948 led to the expropriation of hundreds of towns and villages by the state of Israel. Israel's attempts to acquire a political, historical and cultural legitimacy in Palestine resulted in the exploitation, destruction and manipulation of Palestinian cultural heritage. Thus in a deliberate attempt to minimize all memory of the history and existence of Palestinians on their land, scores of villages with their typical Palestinian architectural character were demolished or even eradicated. Most of the physical aspects of Palestinian life and tradition such as houses, furniture, personal belongings, photographs, documents, etc. were lost. In the rush of expulsion, people left behind households and public places full of belongings and memories, which evidenced centuries of the tastes, beliefs and social life of Palestinian society.

4. Israeli occupation of the West Bank, East Jerusalem and the Gaza Strip (1967-)

During this period, there was an official yet "undeclared" Israeli policy to dominate archaeological activities, and to discourage the development of local expertise in this field. Restrictions were imposed on Palestinians preventing them from carrying out local excavations, while Israeli archaeologists had a free hand in exploring specially any historical site that asserted the Biblical history of the Jewish people in Palestine. It is worth mentioning that international laws and regulations prevent any archaeological excavation under occupation. The only exception that the international laws offer are salvage excavations in sites that are endangered. Even Israeli government ministers were involved in illegally excavating archaeological sites; the best known is Moshe Dayan. In the process of these "focused" digs, much archaeological evidence from periods succeeding those of interest to the Israelis was mainly neglected: namely the Islamic, Byzantine, Classical etc… It is also true that this school of thinking in Israel has become less dominant in recent years, as more and more Israeli archaeologists manage to free themselves from the official narrative.

Still Israeli archaeologists are asked to redefine the terminologies that are used, including rewriting a new scientific and objective chronology of the history of Palestine. This is still in need of hard, comprehensive and objective work.

Since the 1967 occupation there has been a rekindling of national interest among the Palestinians in preserving material culture as a way to affirm "national identity" and attach-

ment to the land. This "Palestinian awakening" arose in the 1970s to safeguard what remained of the local heritage: i.e. historical buildings, monuments, archaeological sites and ethnographic remains, personal belongings, art objects etc. This awakening managed to lay down some foundations, but its fruits were not impressive. It is very difficult to talk about a school of archaeology that emerged in Palestine, but rather a reaction to the Israeli exaggeration in using archaeology as a tool for national identity or as an instrument in the national conflict.

5. The Palestinian National Authority (PNA) (1994-)

With the establishment of the Palestinian Authority, the situation required urgent programs and structural actions. Both the Ministry of Tourism and Antiquities, and the Ministry of Culture (Directorate of Cultural Heritage and Museum Department), since 2003 part of the Ministry of Tourism and Antiquities, sought to make plans to invigorate research. Strategies for the promotion and safeguarding of cultural properties under the jurisdiction of the Palestinian Authority were also considered. Some of these initiatives reached the level of feasibility studies, and consultations for establishing a National Museum to house vestiges of the past. Inventories and lists, and other data were collected as a way of starting a national inventory. Hence the British Mandate Antiquities laws are still the base of current semi-implemented legislations, which are very old and in need of reform to meet modern needs for protecting cultural heritage and new proposed modern and internationally-oriented legislations are under discussions. Also, new administrative structures are proposed to change the whole approach to dealing with cultural heritage.

It will be very difficult for this new approach to have any chance given the last two years of political development. It is very likely that the priority of the PA will be something else rather than cultural heritage and its protection.

6. The archaeological and architectural heritage

Palestine's rich heritage encompasses innumerable archaeological and historical sites, renowned architectural monuments, and typical rural and urban buildings and constructions. Moreover, Palestine's folk heritage, including craft-making, oral traditions, music and customs, is part of the national wealth.[1] However, many factors threaten the survival and continuity of the cultural heritage in Palestine.

In spite of the problems we face in understanding the archaeological history, methodologies, intentions and objectives, Palestine (the West Bank, the Gaza Strip and East Jerusalem) is still exceptional in having approximately 10,000 archaeological sites, many of them known internationally. Some of these sites have helped to change historical assumptions and theories, and add new aspects to international cultural history. Most Palestinian cities, towns and villages have archaeological sites beneath or close to their historic centers that reflect their cultural continuity. The same can be observed in most of the holy shrines regardless of their religious affiliation.

Unfortunately, the architectural heritage in Palestine has faced alarming deterioration, destruction, and negligence resulting mainly, but not only, from the construction boom that took place in 1995-2000 in "areas A and B". As a result of this the urban, as well as rural and natural landscapes, have changed in an unprecedented manner. Almost 50% of buildings in most Palestinian towns and villages were constructed during this time. The other 50% were built in previous centuries.

7. The existing legal regime for the Protection of Cultural Heritage

There is no unified legal code in the Palestinian territories. Different laws are applicable in the territories, because Palestine has been subject to different rulers since the end of the 19th century. The British Mandate, Jordan, Egypt, and the Israeli occupation have all issued large amounts of legislation, some of which is still applicable in the West Bank and Gaza Strip. The Palestinian Legislative Council (PLC), inaugurated in March 1996, also issued legislation on different areas of life in the Palestinian territories. However, the differences in sovereignty of the Palestinian Authority in the West Bank and the Gaza Strip (areas A, B, and C), the continuing application of Israeli military orders in area C, the Israeli occupation and application of Israeli law in East Jerusalem, and the reoccupation by Israeli troops of the PA areas put serious constraints on the legislative role of the PLC, the role of the judiciary, and the executive role of the PA to enforce this legislation. The present legislation concerning cultural and natural heritage in the Palestinian territories is the British Mandate Law of Antiquities from 1929 (applicable in the Gaza Strip only), the Jordanian Law of Antiquities of 1966 (applicable in the West Bank), and the Israeli laws of 1978 in East Jerusalem.

The Palestinian Basic Law of 2003 contained a paragraph relevant to Heritage Protection; the President swears, "[...] to be faithful to the homeland and holy places, to the people and its national heritage [...]." This is currently the only reference to heritage, limited as it is, in the draft constitution. Since there is not yet an approved Palestinian constitution, the protection of cultural and natural heritage remains, until today, without a solid constitutional basis. The modern notion "cultural heritage" is not mentioned in any of the existing laws. The only terms used are "antiquities" for both movable and immovable heritage, and "historical buildings" and "historical sites". As it stands today the Constitution is in its fourth reading. The major deficit of the 1966 Law of antiquities is the definition: "Antiquities is any movable or immovable remains or any part of it that was constructed, or formulated, or decorated, or inscribed or built in any form or any addition by a human being before 1700 AD. Antiquities also include human or animal remains prior to the year 600 AD. It also includes any structure built after 1700 AD, which is declared by the Director of the Department of Antiquities to be ancient antiquities". This clearly excludes any archaeological sites (including historic buildings) and artifacts (movable objects), which postdate 1700 AD, as well as religious buildings and natural sites. Neither architecture (groups of buildings, monuments) nor movable objects are defined or included as separate categories in these two laws.

8. A vision for archaeological science in Palestine

Treating the history of Palestine starts with abstaining from deliberately marginalizing or even erasing the history of others. I believe one particular Palestinian strength resides in its traditional cultural and religious pluralism that shaped its history in the past. Accepting the concept of pluralism, a balance in historical research becomes possible. This understanding, of course, includes a critical assessment of the written sources on which research relies, and which present the country's history as a mere history of generations of sovereigns governing Palestine. Modern history, in contrast, considers the history of large social groups with varying cultures. For the sake of greater precision, the history of cities and countries cannot be reduced to kings and dynasties; it is also the history of collective social groups including ethnic, religious and political minorities.

When Western researchers arrived in Palestine 150 years ago, the concept of a cultural landscape did not exist. Since the researchers worked in the framework of historical geography, places were only linked to historical or religious events. Discoveries in the cultural landscape of Palestine started with the Palestinian Excavation Fund, and the Survey of Western Palestine. Palestine was divided into 27 sections of maps with a 1:100000 scale; cultural and geographical landmarks were referred to by their local and biblical names. Various other surveys were implemented parallel to this one, the most important being carried out during the French Invasion of Palestine in 1799. The problem with these surveys however, is that they failed to produce realistic maps. Instead, they indicate geographical and cultural landmarks without linking them to geography, sea level, or scale maps. In addition to the surveys, many of the foreign missions wrote of their travels in accounts that interwove documentation of Palestine from geographical, ethnic or historical concepts.[2] The value of these texts relies on their depiction of the cultural landscape of Palestine prior to 20th century technology.

The focal point for research gradually moved from that of the cultural landscape to the historical, and cultural sites. It came about for the following reasons: 1. The main interest was on historical sites connected with Old Testament events; 2. The influence of urban archaeology, which studies cultural civilizations living in the same area from antiquity to the present, through studying change indications in pottery. Thus, a site's connection to its environment, its cultural landscape, was neglected. The field of cultural landscape remained relatively intact, and was influenced to a certain extent only by the Bible. This makes it a key for future development in archaeology and other sciences of history, in view of the development in modern scientific technology, and theories connected to the sciences of cultural landscape, especially geology, which enabled the expansion and increase in its areas of study.

Examination and documentation of the cultural landscape including all actors who have influenced the landscape, regardless of nationality or religious groups and regardless of the period, is the right way to understand the objective history of Palestine. In this way, I propose to my Palestinian friends working in the field of cultural heritage that we move from the ideology of exclusiveness to the ideology of inclusiveness. It is inappropriate, in historical contexts, to exclude any culture, period, social class, and religious group.

Notes

1. Cf. the multi-volume classic: DALMAN, Gustav, *Arbeit und Sitte in Palästina.*

2. Cf. SMITH, George Adam, *The Historical Geography of the Holy Land, Especially in Relation to the History of Israel and of the Early Church*; ROBINSON, Edward, and SMITH, Eli, *Biblical Researches in Palestine, Mount Sinai and Arabia Petraea*, John Murray, London 1841; id., *Later Biblical Researches in Palestine and the Adjacent Regions: A Journal of Travels in the Year* 1852, John Murray, London 1856.

THE BUREAUCRACY OF THE OCCUPATION: AN INTRODUCTION TO THE PERMIT REGIME

Yael Berda

The Israeli occupation in the occupied territories is based on violence,[1] since the prerequisite of the legal category of "occupation" is an existence of a war or national conflict true in any country. In the Occupied Palestinian Territories (OPT) it is founded on the basic asymmetrical capacities of the Israeli armed forces to inflict violence by physical or technological power. This can be agreed upon regardless of our ideological standpoint on the Israeli-Palestinian conflict. Physical violence administered by the Israeli armed forces includes targeted assassination, arrests, beatings and daily encounters of Palestinians with the army. Bearing semblance to other national conflicts, these represent physical, direct violence, which pose a threat to life and the body. On the foundation of this first layer of violence, spatial violence is constructed. Ranging from the building of settlements, the annexation of land, the division of the West Bank into "cells of territory", the construction of the "separation wall" and the omnipresent checkpoints produce the second layer of spatial violence that superintends the possibility of movement in the OPT.

These first two layers of violence – physical violence and the transposition and control of space – provide the building blocks for a most potent, concealed and pervasive form of social control: the bureaucracy of the occupation. Obscured to those outside the occupied territories, and prosaic to those who suffer daily from the enveloping system of the permit regime, the bureaucracy of the occupation has remained in the shadows of international and Israeli criticism. In these next few pages, I attempt to offer a glimpse into the world of "procedural bare life" and the "security theology": terms that I suggest as possibilities to decipher and describe the regime that upholds the military and civilian bureaucratic apparatus. I argue that the bureaucracy of the occupation is an executive mechanism that has retained the administrative memory of colonial bureaucracies in the Middle East.

I will first describe the permit regime briefly, then continue to the existing sociological critique of liberal bureaucracies, based on the classical work of Max Weber, and offer an alternative critique of the bureaucracy of the occupation, based on the features of the colonial bureau offered in the works of Timothy Mitchell and Yehouda Shenhav. I will describe the historical chronology of the permit regime and subsequently offer a case study of Palestinians who are denied entry into Israel by the secret service (*Shabak*) and the Israeli police.

The core of the bureaucracy of the occupation can be discovered in the permit regime, a regulatory system that requires every Palestinian wishing to cross into Israel (including East Jerusalem), travel from the West Bank to Gaza or in the West Bank itself, to obtain a permit issued by the branches of the civil administration. The permit regime is intrinsic for every human and social need that requires freedom of movement in the occupied territories: permits for work (in Israel or the settlement), for commerce, medical treatment, university education, visiting family, agricultural permits to one's land in the "seam zone" and more. All permits are subject to the discretion of the military commander of the territories, the secret service and the Israeli police.

If we are to use Michel Foucault's conceptualization in his *Security, Territory, Population*, (FOUCAULT, 2006, p. 108), it is the acts of sovereignty of spatial control exerted by the Israeli army, by monitoring territory with the threat of physical force (such as the checkpoints and wall) which constitute the fundamentals of the practices of governmentality that attempts to direct the apparatus toward the control and monitoring of the population, both as individuals and as a collective. The permit regime is perhaps the prevailing weapon in stifling Palestinian society, way beyond the issues of freedom of movement. Its implications have altered the relationships between communities and within them, as well transformed marital patterns and social and economic class, based on the individuals' ability to cross the bureaucratic labyrinth of the permit regime and obtain the documents needed for movement.

The permit regime supplants much of the need for physical violence, and as such is does not pose a threat to life and the physical body, but rather a denial of the conditions needed for life. If we are to articulate it in the language of Giorgio Agamben, who has juxtaposed sovereign power with the creation of "bare life" (AGAMBEN, 1998, 2005), human life that is stripped from its human rights by the State of Exception, in which the sovereign suspends the law through the law itself, the permit regime creates a procedural "bare life", where bureaucracy denies individuals and collectives, on the basis of race, the basic conditions needed to sustain life. Procedural bare life takes its effect in its creation of uncertainty, denying the individual of their decision making power, as well as devastating social, economic, cultural and political life, since it obstructs, primarily, a potent power of a population – its ability to organize.

Following this introduction, which conjugates Kafkaesque metaphors alluding to any bureaucratic system, we may ask at this point, in what ways does the permit regime differ from other forms of bureaucracy? What are the distinguishing features of the permit regime that can classify it apart from the "ideal type" of liberal bureaucracy? Under what conditions does a bureaucracy fail to conform to the liberal model of bureaucracy?

The liberal critique of bureaucracy

As early as Max Weber's constitutive writings on bureaucracy (1968, 1970, 1978) he warned of the dangers of confusion between means and ends, diagnosing bureaucracy as having an inherent disparity between efficiency and morality. Both conservative and critical thinkers

criticized bureaucracy; the critique can be divided into two major sociological avenues. One path is the critique of the dysfunctional patterns of bureaucracy, such as Thomas Merton (1940) and Michel Crozier (1964), whose method of research in his groundbreaking *Bureaucratic Phenomenon* was to attend to dysfunctionalities of bureaucracy in order to decipher its apparatuses. The second track was the one that diagnosed bureaucracy as harboring a permanent moral flaw. In the *Dialectic of Enlightenment*, (1969) Adorno and Horkheimer follow the path of Max Weber's warning of the indistinguishability of means and ends, resulting in an organizational system's preservation of itself while omitting its own initial values and goals. Frantz Neumann (1944) distinguishes between the rule of law and the rule by law, rule by bureaucratic administration, focusing on the practices of the Nazi bureaucratic regime. Hannah Arendt (1951) viewed bureaucracy as a banal form of evil, one that constituted the basis for totalitarian regimes. Sigmund Bauman follows in her footsteps, while tracing the road to the human extermination machine through the bureaucratic order and paperwork of the Nazi regime. This line of criticism views bureaucracies as containing an inherent flaw, part of the DNA of modernity, that inevitably will lead to the immorality of the system and the loss of the ability of its agents to discern and act on the basis of liberal morals and values.

However, another type of bureaucracy has existed in the colonies, which Arendt points to, when she traced one of the origins of totalitarianism in the imperial administration (Arendt, 1951). In her chapter on race and bureaucracy, Arendt focuses on English colonial bureaucracy and its view on the rule of subject races. She maps the thinking of the Lord Cromer, than viceroy of Egypt. In the two books written by him in 1908, Cromer uncovers the basic structures of colonial bureaucracy. As Yehouda Shenhav explains: "Cromer devised a form of bureaucracy for the governance of 'the subject races' in societies which allegedly 'could not be mapped' into the catalogue of modern nation states. This model – which was part of the British philosophy of indirect rule and which diverged from Weber's ideal type of bureaucracy (see Shenhav 1999; 2003a) – was conducive to imperial expansion as well as to the denial of national aspirations among the so-called 'subject races'. Cromer's work was discovered in the late 1940s by Hannah Arendt (1951) who used his case to draw a link between 19th-century imperial expansion and 20th-century state violence exerted by totalitarian regimes. Arendt argued that 'race thinking' and bureaucratic rule could unleash extraordinary power and destruction". (Shenhav, 2005). As can be asserted from the works of Cromer, an executive official theorizing his own policies and administrative practices, in lieu of liberal bureaucracy's reliance on rules, stability, hierarchy, accountability, efficiency and speed, colonial bureaucracies tenets are secrecy, flexibility, ever-changing rules by military decrees, personalized governing and total discretion.

This article is an invitation to investigate the inner workings of the bureaucracy of the occupation. I argue that the bureaucracy of the occupation, and specifically the permit regime is based on the administrative memory of colonial bureaucracy, whose fundamental elements differ greatly from the model of liberal bureaucracy. I suggest that the liberal critique of bureaucracy, be it the critique of its dysfunctionality or the critique of the growing disparity between moral values and administrative functions, still complies with the basic formula of Weberian bureaucracy. A deeper investigation into the apparatuses of colonial bureaucracy reveals that its basic organizing foundations are the very dysfunctionalities and exceptions of the liberal bureaucratic model. Thus, its deviations from the liberal model are not deviations at all, but the inherent and fundamental foundation of a bureaucratic system.

The fundamentals of the permit regime

The bureaucracy of the occupation relies on the organizational elements of the colonial permit regime that was implemented against the Palestinian citizens of Israel, during the military rule of the Arab population between the years 1949 and 1966. However, it introduces a new element, where the bureaucracy is not simply based on the racial hierarchy that existed in all colonial regimes, separating the rules that applied to locals from those that applied to the imperial ruling class, but rather one which merges the category of race with the category of "security threat", producing what I have named as "security theology". In the rest of the paper I wish to map the basic sprawling administrative apparatus of the bureaucracy of the occupation, its multiple departments and organizational bodies, and describe the control of the secret service of apparatus through the ongoing creation of a "security theology" which provides the regime of justification for its practices. I will focus on the permit regime and specifically, permits allowing workers to enter Israel, since this type of permit describes the regime as one of privileges and, according to international law, a sovereign state has an uncontested prerogative to deny or allow entry into its territory.

The permit regime is a separate administrative system that has developed organically through its administration, without direct decision-making by government or army officials. The regime is one where the bureaucrats bear colossal discretionary power while remaining nameless, free of administrative responsibility and accountability. Since this separate system remains out of the limelight of public debate in Israel, it does not encompass modes of restraint. There are no options for appeal, critique or intervention in decision-making.

The permit regime is comprised of a wide array of administrative bodies and departments, headed by the civil administration of the Israeli military and realized by the liaison offices established by the Oslo Accords, representatives of the general secret service (*Shabak*) and the Israeli police, the investigation units of the border police, the Ministry of Interior, the Labor Ministry, the office for foreign workers, the command of the coordinator of government action in the territories and the military courts. What I have referred to as "procedural bare life" manifests as a result of daily administrative practices of these competing and collaborating departments, mainly since it lacks most features of classic liberal bureaucracy, which include some form of appeal, critique and accountability. The system is secret; its rules are unknown to those who are not administering it directly, in their own field of operation. Its decision-makers are unknown and it is infested with conflicting decisions and what may seem like acute managerial inefficiency. However, all these features epitomize the effectiveness of the regime in preventing Palestinians from entering Israel as workers. These features and the bureaucratic mayhem they create for seekers of a permit, become powerful tools for population control and offer many an opportunity for intervention and mass recruitment of informers by the secret service, a subject that I will elaborate on later. In this system, space and time, uncertainty and fear of the discretionary power of the secret service become power tools of procedural violence against the Palestinian population, turning their lives into "procedural bare life", which does not pose a direct threat to physical existence but denies the basic conditions needed for daily life.

I will offer a basic outline of this system that is constructed by a patchwork of authority, states of exception, departments and military decrees that create the apparatus of the management of life. I have had the opportunity to peek into this apparatus following my daily legal work as a defense lawyer of Palestinians from the West Bank and East Jerusalem, which

has provided the means for information through the daily legal interaction with the various authorities.

But first, I wish to return briefly to the ideal type of bureaucracy Max Weber contracted as being "quick and exact, clear, stable and known". The bureaucrat operated by published and acknowledged rules, knew the law and was responsible for keeping a clear connection and distinction between means and ends. Weber viewed uncertainty as the source of inefficiency, which in turn, would limit the possibility of the applicant to plan their life, as well as fail the system in its search for standardization and effective supervision.

As Hannah Arendt shows in the origins of totalitarianism, racially based imperial bureaucracies were the administrative foundations of totalitarian regimes. Arendt traces those origins to the disparity between bureaucratic practices in the metropolis, based on the liberal set of values, and their extreme transformation in the colonies, where bureaucracy was carried out differently through the hierarchy of race. As I claimed earlier, the bureaucracy of the occupation draws its inspiration from the colonial bureaucratic model, which was used as a complementary weapon to physical violence in order to control the subject races under imperial occupation. In the works of Timothy Mitchell (2002), Yehouda Shenhav (2005) and Stoller and Cooper (1997), we can derive the organizational foundations of colonial bureaucracy which are secrecy, administrative flexibility, instability and uncertainty, complete discretion and the lack of accountability of the administrative authority, provided by the anonymity of decision makers.

I assess the bureaucracy of the occupation is an evolved form of colonial bureaucracy, that has created an effective, racially based form of control that reduces the need for physical violence. Since its foundations are the exceptions and deviations from liberal bureaucracy, those attempting to aid Palestinians, be they human rights organizations, lawyers or workers' unions, simply synchronize the bureaucracy and structure it administratively, through the making of new exceptions in specific cases, which remain exceptions to unknown rules. In this way, the bureaucracy of exception gains more power and control over the lives of the Palestinian population, since the permit regime itself gains power the more it is acknowledged, contested and actually legitimized. In order to better understand the inner working of the apparatus, it is helpful to understand the historical construction of the permit regime.

The Oslo Accords – the sketch of bureaucratic control

In 1972, five years after the occupation of the Palestinian territories, Israeli defense minister Moshe Dayan declared a policy of "open borders" between Israel, Gaza and the West Bank. In 1981, Government Executive Decision 106 established the civil administration of the Israeli military in order to separate the military actions of the army from the management of Palestinian civil life as required of the occupying force by international humanitarian law. One of the first administrative actions of the nascent civil administration was conducting a population census, which would, decades later, prove to be the most powerful tool of the permit regime.

During the first *intifada*, the Israeli Army began to announce and enforce curfews and closures on West Bank villages. But only in 1989 can we mark the birth of the current permit regime, when the army demanded workers from Gaza to carry a magnetic card as a prerequisite of obtaining permission to enter Israel. In 1991, during the Gulf War, the first closure on the territories was enforced. Checkpoints and barricades were set up to enforce the clo-

sure, which lasted over one month. Dayan's general permit of entry that had been granted for two decades was cancelled and a new military decree required Palestinians to obtain individual permits for entry into Israel, allowing the military commander of the occupied territories full discretion in distribution of permits. In 1993 the first closure without an end date was announced. It was a first operation of what was to later become the main feature in population control, used as a political, military and economic tool against the Palestinian population. In May 1994, the interim agreement (Gaza-Jericho Agreement) was signed between Israel and the PLO, first dividing the West Bank into three areas and then designating the transferring of authority in the civil spheres (besides land issues) from the civil administration to the Palestinian Authority. This was promulgated by delegating areas A, B and C to the Palestinian Authority, the Israeli armed forces and the civil administration with a patchwork of varying authority over security and civil issues. The civil administration, once an employer of over 30,000 workers, was reduced to 500 bureaucrats, soldiers and civilians. The reduced civil administration was responsible for coordination and liaison with the Palestinian Authority, the administrative control of Palestinian movement into Israel and between the West Bank and the Gaza Strip and the governing of the Jewish settlers that remained in area C (approximately 60% of the land in the OPT). The second annex of the agreement established the District Liaison and Coordination Offices (DCLs) in seven Palestinian areas (to date, there are 10 liaison offices which comprise the main administrative spaces of the permit regime). The DCLs have become sites of permanent waiting for Palestinian individuals seeking permits of every kind in order to travel (work permits, access to medical care permits, education permits for students and faculty, agricultural permits, family unification permits, seam zone permits and permits to drive a car within various land cells of the OPT). The waiting is joined by a perpetual uncertainty, hope and despair in achieving the task of completing the bureaucratic labyrinth. The organizational change in the civil administration bared implications not only on the size and effectiveness of operations, but was a focal point in the shifting of the governing paradigm – from one focused on organizing and managing civilian life in the OPT to a security paradigm whose main goal was the separation of the Palestinian population from the Israeli population. This was also the event in which the secret service ceased to be an advising body, and became a main decision-maker concerning Palestinian freedom of movement.

The law (rules and decrees) that govern Palestinian movement are racially based, negating the fundamental principal of territoriality, which asserts that one law apply to all population within a specific territory. The prevention of movement is applied to Palestinians only, while the Jewish settler population is not restricted regarding freedom of movement. Jointly using the Israeli population census database, a double-headed bureaucracy was erected, where Israeli and Palestinian coordination and liaison offices administered work permits for Palestinians who worked in Israel. The structure of the double bureaucracy was still in the process of precarious administrative construction, when the structure crashed due to the political changes and the turbulent security situation in Israel and Palestine following the civilian bus bombings of 1996 in Israeli cities. The crash of the double-headed bureaucracy left the Palestinian DCLs to function as extremely slow post offices, most of the time delaying further the request of individual Palestinians to the Israeli DCLs. The Israeli DCLs continued to function until October 2000, the days that have come to be known as the el Akza uprising (*intifada*). The DCLs severed their connection with the Palestinian Authority admin-

istrative bodies and the permit regime was implemented draconically. The work permits for West Bank Palestinians became political tools in the hands of the defense minister and the labor and commerce minister, used in negotiations with the Palestinian Authority. The building of the separation wall, the establishment of the border police units of the "Jerusalem Envelope" of the wall, the legislation and implementation of high penalties and jail sentences for Israelis employing or driving Palestinians without permits weighed heavily on the smaller independent employers who had for decades relied on Palestinian labor. Over 50% of Palestinian workers lost completely their sole source of income, their only remaining option to work illegally with the risk of being beaten or jailed for illegal entry. At this point, the permit regime was severely enforced at all levels, while a yearly average of 1,000 Palestinians served jail sentences for illegal entry into Israel in the military and civil Israeli courts. The permits and magnetic cards became the single most important issue in one's ability to sustain the conditions needed for life for residents of the West Bank. As the wall was completed and the checkpoints became permanent, the permit regime gained powerful control over movement and patterns of Palestinians in the West Bank. After October 2000, 200,000 Palestinians were classified as "Denied entry into Israel for security reasons",[2] preventing them from obtaining a magnetic card, a prerequisite for requesting a permit of any kind. The Israeli police categorized another 70,000 Palestinians as "denied entry" by secret, internal regulations that were published for the first time in May 2007.

Effective inefficiency – the creation of uncertainty and "procedural bare life"

As described earlier, the apparatus of the permit regime is inefficient, cluttered by conflicting orders, departments and issues, where there is no certainty, administrative or other, nor a process of appeal, right to plea or be granted a hearing, or need for administrative argumentation or accountability.

The applicant, usually in urgent need of a permit, is sent from one department to the next, where there is no connection between the official making a decision and the official who actually signs the permit. The closure policy,[3] physically preventing movement of those with permits as well as a crackdown on illegal workers, created an administrative block by calibrating all permits without warning, compelling the to restart the entire bureaucratic process of obtaining permits by the employers *de novo*. The process of obtaining a permit for a Palestinian worker is a rigorous one. Employers wishing to employ Palestinian workers must first prove to the Ministry of Labor that no Israeli can work in their business: usually a process that takes a few months. They are then given an allotment of Palestinian workers. With this allotment form they must go to the payment department of the employment service, request specific workers and pay the equivalent of $250 a month in taxes per worker. The department forwards the requests to the DCLs in the civil administration of the occupied territories.

As I mentioned, a prerequisite to obtaining a permit is that the worker possesses a biometric "magnetic card" indicating that he has not been categorized as a "security threat" by the secret service or a criminal threat (on traffic tickets as well) by the Israeli police. I will elaborate further on the subject of the classification as "denied entry for security reasons" later. Another prerequisite for entry into Israel is that the worker meets the criteria, be at least 30 years old, married and the father of children. The age criteria changes based on the decisions of the defense minister. Criteria changes are not announced to the public, and remain

unknown until they come into effect. Most workers and employers are informed of the changes when they are stopped at the checkpoints, even when bearing permits, because they are underage. I will not go into the results of the age criteria, which has stratifying implications on young men's unemployment and the difficulties of the construction industry that relies on workers over the age of 35. Workers in the settlement areas can be married with children, 21 or 28 years old, depending on the administrative assessment of the "security situation". Permits arrive at the DCLs in the locality of the worker and between four days to two weeks. Most of the permits allow for workers to be in Israel from 5 am to 7 pm. Due to the long lines at the checkpoints, workers will gather from 3 am at the checkpoints.

The system allows some unpublished exception to the basic internal regulations. For instance, there exists an option for exceptional permits, which allow for longer work hours such as a permit from 5 am to 2 am. The 24-hour permit, a rarity allowing maximum freedom of movement, is given to employers after passing a Special Committee for Exceptional Permits, which convenes once a month at the headquarters of the civil administration. Any request of the employment department of the civil administration is lengthy, usually accompanied by degrading treatment, long waiting periods and general uncertainty about the hours that the department functions, who the officials responsible for decision-making are, and what their area of responsibility is. Because of the variety of workers that includes military officers, low-ranking soldiers in compulsory service and civilians, who tend to specific tasks, time is spent mostly on finding the right department or person to process the request. An application or request to different administrative bodies in the local district liaison offices, in the civil administration, the Department of the Coordination of Government Actions in the Territories (Cogat) or commanders in the field, will render the applicants with several conflicting answers to the same question. Peeking over the shoulder of the military bureaucrat shows that the only exception to the uncertainty is that the applicant has been classified as "denied entry for security reasons", which is undefinable by any administrative body excluding the secret service.

The category of "Denied entry for security reasons" and the apparatus of recruiting informants

If we are to use Carl Schmidt's "Political Theology" (1922) as a theory of sovereignty, it can facilitate the understanding of the secret service's use of a "security theology", the regime of justification that underlies the bureaucratic apparatus of the permit regime. As Shenhav explains "Schmitt pointed an accusing finger toward liberal political theory which allegedly incapacitated the sovereign by forcing him to rely on, and be restricted by, the legal rule of law. He criticized liberal law and democratic parliamentary institutions for lack of "decisionism" and for neglect of the exception, namely how the legal system suspends itself in light of political threats (Schmitt 1922/1988, p. 14). Instead, he suggests that all significant concepts of modern theory of the state are secularized theological concepts, arguing that the omnipotence of the modern lawgiver is derived from theology. In *Political Theology* the "Sovereign is he who decides on the exception" (Schmitt 1922/1988, p. 5), suggesting that the exception in jurisprudence is analogous to the miracle in theology (Schmitt 1922/1988, p. 36)" (Shenhav and Berda, 2007).

In the bureaucracy of the occupation, the category of "denied entry for security reasons", applied to almost one third of young Palestinian males, serves as the sovereign's "mir-

acle". The "security threat" serves as a ubiquitous category, one that enables the secret service to suspend all other legal and administrative procedures, published or unpublished. This security paradigm, views every Palestinian as a potential threat, and the only objective certainty on this scale is the denial of entry. I will shortly relay the various cases, which my research has produced as indications for the reasons that one is classified as "denied entry". Since the classifications and categorization by the military civil administration are secret and unpublished, the only way to assess the reasons is by the grouping into categories of the 300 cases I have represented in. as I mentioned earlier, the "denied entry" category prevents one from obtaining a magnetic card which is a prerequisite for requesting a work permit. In 2006, there were 200,000 Palestinians who were classified as "denied entry for security reasons" and another 70,000 who were classified as "denied entry for criminal reasons" by the Israeli police. In the summer of 2007, another 12,000 Palestinians were classified as denied entry by the police (denial of entry by the police includes people who have pending cases in criminal or civil courts, cases opened by the police but never investigated, or who have served jail sentences for any charge, and are denied for two to five years after they are released, and those who have not paid their traffic tickets). Only through the database of the civil administration can one obtain the knowledge if they are denied entry by the police or by the secret service. In the computer system of the Ministries of Interior and Labor, all denials of entry are classified as security reasons.

The criteria and rules for denial of entry are not published, since according to the military legal advisor of Judea and Samaria[4] the publishing of the criteria would create a security threat in itself, since terrorist organizations would then gain information that would aid them in evading the permit regime. From the experience of hundreds of applications through lawyers and human rights organizations we can deduct the reasons for classification:

1. If a family member of the applicant for a permit was killed or injured by Israeli forces, the entire family will be classified as "denied entry", for the fear of revenge. This classification applies to all family members, including women, and people over the age of 80.

2. If a family member of the applicant is serving a sentence in an Israeli jail on a security offence (including being part of a political organization deemed illegal by military decree) or is currently in administrative detention.[5] There are exceptions to this rule, but we have no knowledge of the reasons or constancy for these exceptions.

3. If the secret service has received information about the political or military activities of the applicant. In many encounters, a family or neighborly dispute is the background for the information passed to the secret service. (In tens of cases, it is a common threat in labor disputes between Israeli employers and Palestinian workers that if the workers will not comply with the employer, the employer will relay information to administration and will prevent the worker from entering Israel.)

4. The applicant resides in a village that has been classified a security threat, a classification that includes all residents of a specific locality.

5. If an applicant has refused a proposition by the secret service to work as an informer for the secret service or the police, he will be classified as denied entry, until he chooses to comply.

The bureaucratic labyrinth of the permit regime constitutes many possible entry points for the intervention of the secret service in the administrative procedure. These interventions usually include an offer to work for the secret service and in return receive a magnetic card and a permit. (These propositions have been used also in urgent cases, such as a family member who needs a life-saving operation in Jordan, will be denied exit into Jordan – a severe violation of international human rights law –, if the family member does not agree to serve as an informer). The applicant who is denied entry is ordered to come to the offices of the secret service, usually located in caravans or buildings behind the DCL offices. The applicant fills out a form, called an "*Istirham*" (request for pardon). In many cases, people denied entry arrive early in the morning, give their identification cards to a guard and are told to wait, sometimes until sundown and than sent home. Some applicants wait for months and years, daily, outside the offices of the GSS is order to speak to a "captain" in the attempt to remove the classification of "denied entry". In almost every case I have knowledge of, during an interview with the representatives of the secret service, the applicant is offered "work" with the secret service in exchange for the abatement of the classification and receiving a permit. In some cases, cash payments are offered as well. In the cases that the applicant who refuses to "work" with the secret service is of high interest to the secret service, his decline to accept the offer will create the factor for the continuation of the denial of entry. There are exceptions to this rule, in which applicants have declined the offers, and did receive a permit after the classification was removed from the administration's database. We cannot know what the reasons are for these exceptions, or their actual numbers.

The recruitment of informers who are part of a protected civil population, by the forces of the occupying power is completely prohibited by article 31 of the 4th Geneva Convention. However, the widespread violation of this customary international law through the recruitment of informers by bureaucratic means, since the establishment of the permit regime, 15 years ago, has created great suspicion and atomization in Palestinian society, including a very limited trust within the nuclear family, for fear of the pressures of the secret service. Hannah Arendt describes this situation succinctly:

> The effectiveness of terror (alluding to government terror) depends almost entirely on social atomization. Every kind of organized social opposition must disappear before the full force of terror can be let loose. This atomization – an outrageously pale academic word for the horror it implies – is maintained and intensified through the ubiquity of the informer who can be literally omnipresent because he is no longer merely a professional agent in the pay of the police but potentially every person one comes in contact with. (Arendt, 1951, p. 253)

However, the "denial of entry for security reasons" is not conclusive, or irreparable. In some cases, requests and complaints to the foreign affairs department, or the international organizations liaisons department in the command of the coordination of government action in the territories can produce an "exceptional permit" or a "special exceptional permit given

in spite of the classification as denied entry". There is an array of exceptional permits with names similar to those above, but they are difficult to obtain. The only possibility of appeal of the classification as denied entry, is recruiting a lawyer who will appeal to the legal advisor of Judea and Samaria, the legal department in charge of advising the military commander in the occupied territories. In 75% of the appeals the answer, given one to two months later, is laconically similar: "following secret information that exists in his case, the applicant is classified as denied entry for security reasons. You may appeal again in one year." I do not know of any case where a reason was given for the denial of entry, and after some conversations with soldiers and officers in the office of the legal advisor, I came to the conclusion that they simply do not know the reasons, and the answer is dictated by the secret service with no process of assessment and critique of the secret service decision. The only possible appeal at this point is a petition to Israeli High Court that demands financial resources and is deeply feared by much of the Palestinian population. In 75% of the cases petitioned to the Supreme Court in 2007 (60 cases), the classification was lifted before a court hearing, through negotiation with the state attorney who, in turn, negotiates with the secret service, which they represent in the Supreme Court. In the remaining cases, the state attorney replies to the court that there is no legal grounds for the petition, since there is no right to enter Israel, and it the prerogative of the sovereign state to accept or deny anyone into its territory. Usually, even in the answer to the court, the applicant does not know what is held against him. The answer will include a phrase such as "the applicant has ties or connections to terrorist organizations". When a court hearing takes place, the representatives and legal advisor of the secret service show the judges (usually three) secret evidence, which the applicant and his defense counsel cannot see. There is no point when the information can be contested since during the entire legal procedure the reasons for the classification remain secret and unobtainable to the applicant or his lawyer. In some cases, the Supreme Court has denied appeals without a hearing based solely on the secret service assessment. This practice did not continue in 2007.

The classification of denial of entry is justified by the coordinator of government action in the territories[6] by the fact that the state cannot distinguish between "friend" and "foe". These definitions return us to Carl Schmidt, whose major critique of the liberal polity was the constraints it drew on the executive power in its ability to distinguish between friend and foe within the borders of a state's territory. (SCHMITT, 1922, p. 24)

The security threat and security theology

"The government of Israel does not know of a process of classification named 'Denial of Entry'" wrote the spokesman of the prime minister's office in a letter to attorney Limor Yehouda, from the Association for Civil Rights in Israel.[7] The prime minister's office is responsible ministerially for the operations of the secret service. The security threat, the theological miracle of the bureaucracy of the occupation, creates an island of complete discretion of the secret service. The security paradigm's view on population management since the Oslo Accord has formed an administrative sphere where inside every Palestinian, regardless of their profession, class or age, hides the phantom of the terrorist, which, in turn, allows the secret service uncontestable decisions and a separate institutional field of power. The practices of the permit regime create a dynamic of exponential power, necrotized and unsupervised, that opens a sphere where the law is suspended and the daily bureaucratic and physi-

cal reality of people are controlled by unknown administrative bodies and officials, who are the actual "phantom sovereign".

The system does not allow a free flow of information to the elected or delegated decision-makers, and in this way disconnects the system's ability to change and shift policy. Another look beyond the shoulder of the military commander of the occupied territories or a Supreme Court judge reveals an inherent anxiety and fear to contest the decisions of the secret service. Because of the security expertise of the secret service, contesting such a decision could involve the responsibility of a real security threat and therefore this freezes the ability of any individual in the system, regardless of administrative or legal position in the hierarchy, to make changes in the bureaucracy that is erected upon "security theology". The procedure of secret information in the courts, and the inability to contest evidence, create a space of virtually total control and uncertainty, where the only possibility for certainty is the existence of a security threat in itself. This process turns security-based decisions into a "security theology", to a belief, that those who contest it, are deemed as heretics that can bring a calamity. This belief justifies and gains power as it proceeds daily, through an omnipresent control of the bureaucratic system.

The permit regime, as I argue, is inefficient, but extremely effective. It replaces physical violence, with sterile administrative control, backed by the dynamo of the security threat. It is built upon the spatial reorganization of the territories, and relies on technology and documentation in order to administer racially differential rules of movement. The procedural bare life of the Palestinians does create the fear of death, but rather denies the conditions for life. The security theology provides the moral justification as well as the organizational foundations of decision-making in the field of Palestinian population management and the denial of freedom of movement. The bureaucracy of the occupation is vast, complex, and constantly changing and reforming. Its potent power is undeniable, forming and controlling the lives of individuals and collectives through administrative violence. This article is an invitation to explore the bureaucracy of the occupation, offering possible ways of deciphering the apparatuses of population control in the Palestinian territories, and in other forms of colonizing regimes, where a hierarchy of race defines the legal and administrative operation of population control.

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Notes

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2. Interview with Brigadier General (Res) Ilan Paz, former head of the civil administration in the occupied territories during the years 2002-2005, Tel Aviv, December 2006.

3. For a history and analysis of the closure policy, see HASS, Amira, "Israel's Closure Policy: An Ineffective Strategy of Containment and Repression", *Journal of Palestine Studies*, issue 123, 2002, pp. 5-20.

4. Interview with Liron Alush, head of the population registry department in the office of the legal advisor to Judea and Samaria in the civil administration in the occupied territories, November 2005).

5. Administrative detention is a procedure under which detainees are held without charge or trial. No charges are filed, and there is no intention of bringing a detainee to trial. By the detention order, a detainee is given a specific term of detention. On or before the expiry of the term, the detention order is frequently renewed. This process can be continued indefinitely.

6. Letter of Colonel Daniel Beaudoin, head of the Foreign Relations Branch, coordination of government activities in the territories, Israel Ministry of Defense, to Physicians for Human Rights, 4 June 2004.

7. November 2005.

THE OCCUPIED-OCCUPIER RELATIONSHIP IN THE CONTEXT OF WATER RESOURCES IN THE OCCUPIED PALESTINIAN TERRITORY

Fadia Dabes

Historical background

A great deal has already been written about the historical evolution, beginning in the early 1900's, of the Arab-Israeli water conflict. The overwhelming majority of authors and researchers agree that water has always been considered an important strategic element in terms of the Israeli policies, plans and regional development. Many would state that the root of the Arab-Israeli water conflict can be traced back to the Sykes-Picot Agreement in 1916. Under this particular document, which divided the regions of the Middle East between British and French control, no direct mention was made of water rights. The Sykes-Picot Agreement would most certainly have left the watersheds in the region divided in a most convoluted manner; the Litani and Jordan headwaters just south of the Huleh region would have come under French control, while the Lake Tabariyya would have been split into two, with one part coming under international control and the other under French control. The Yarmouk Valley, meanwhile, would have come under both British and French control, while the lower stem of the Jordan River would have found itself under international control on the West Bank and British control on the East Bank. Throughout the 1930's and the 1940's, the West further manipulated the affairs of the Middle East in order to control the resources of the region and then to create a Jewish homeland in an area long considered central to Arab nationhood. However, despite the promise of a "national home" in the Balfour Declaration of 1917, the Zionists were displeased with the land and water resources granted to the Jews by the British in 1919 and consequently embarked on a strategy of acquiring land as Israeli property in order to promote agricultural colonization based on Jewish labour. The following attempts to summarize Israel's obligations as a "belligerent occupier" in relation to the water resources in the OPT.

The water resources and their utilization

The sources of water in the West Bank are those renewable waters of the Mountain aquifer that rises and outcrops in the West Bank but extends across and below the territories of Israel. The main recharge acceptance area is located in the core of the West Bank. The overall bal-

ance in the West Bank is estimated to be 679 million cubic meters (mcm)/year, of which 483 is used by Israelis outside the West Bank and 75 mcm used by the Israeli colonies within the West Bank.

The Gaza aquifer, which is a classical coastal aquifer, represents the sole water source of the Gaza Strip covering an area of 360 (km^2) with a total recharge of approximately 60 mcm/yr. The Gaza aquifer is threatened by seawater and salt ground water intrusion due to over pumping, and by pollution, especially nitrates from the overuse of fertilizers and infiltration of sewage.

The Jordan River has an average annual flow of 1,300 mcm. It is shared between Jordan, Syria, Lebanon, Israel and the OPT. Since 1967 Israel has been the dominant power in the Jordan River Basin. Of the 1,300 mcm annual flow, Israel utilizes 640 mcm. Also, since 1967, the Palestinians have been denied access to their legal entitlement from the River's water, which was estimated by the Johnston Plan of 1956 at approximately 259 mcm.

ISRAELI VS. PALESTINIAN UTILIZATION FROM THE SHARED WATER (MCM/YR)

Aquifer basin	Annual recharge	Israeli water use	Colonies water use in the West Bank	Palestinian water use	Total water use
Western aquifer	362	340	10	22	372
Northeastern aquifer	145	103	5	42	150
Eastern aquifer	172	40 from wells	50	54	144
Gaza aquifer	60	0	5–10	110	115–120

The rights and obligations of Israel for the OPT water resources

The international community regarded the status of the Palestinian territory occupied by Israel as a result of the 1967 war as an occupied territory subject to the laws of belligerent occupation, namely the provisions of both the Hague Convention of 1899 (II) and 1907 (IV) and Geneva Conventions of 1949.

The Hague Convention is widely believed to codify customary international law and contain rules legally binding on all nations, including Israel. The essence of these rules focuses on humanitarian concerns, as they emphasize the obligations and responsibilities of an occupying power towards the local population, as well as various rights relating to state and privately owned property. Additionally, the Regulations consider the occupying State as the guardians over natural and other resources, but do not entitle them to the right of ownership, to disposal or to transfer to its own state. This right of guardianship has its own limitations in terms of the amounts being used from these resources.

The Fourth Geneva Convention, which was concluded in 1949, and Protocol I added to it in 1977 are also relevant to this discussion. According to Article 55 of Protocol I, the occupying State shall be regarded only as the administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct. The Convention requires that an occupying State take full responsibility for meeting the needs of the civilian population under occupation. Care shall be taken in warfare to protect the natural environment against widespread

long-term severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended, or may be expected to cause, damage of the natural environment and thereby to prejudice the health or survival of the population. Wanton destruction of properties is considered a grave breach for which individual criminal responsibility can be attributed by virtue of Article 147 of the IV Geneva Convention. The following sections describe how Israeli policies and plans have constantly violated the rights of the occupied people in terms of their water resources, and what impact these policies have on the status of and prospects for Palestine's development.

The Parties' position on the water conflict

The Israeli position

In order to support their claims regarding the waters currently being utilized by Israel, Israeli legal experts have usually relied on the doctrine of "Prior Use" or "Historical Rights" when dealing with regional water resources. Moreover, they have persistently referred to all "existing uses" as non-negotiable and constantly raised the issue of the availability of "alternatives of comparable value" (desalination, wastewater reuse, and the importation of water from neighbouring countries) as a means to supply Palestinian needs. What this means is that Israel's official position in terms of its water dispute with its Palestinian neighbours is based on its objection to sharing the available water resources in a fair and equitable manner, as has been revealed time and time again in the Israeli style of negotiating over the past seven years. In short, although Israel is prepared to discuss the need to meet some of the immediate Palestinian needs, it nevertheless does not appear to consider the water issue as requiring a permanent solution.

For proof of the official Israeli position regarding the water issue, one has only to consider the statements of Israeli officials and political leaders. For example, David Ben Gurion said in 1956: "We have a water war with the Arabs, the fate of the Israeli State depends on whether we lose or win this battle. If we lose it, we lose everything."

Menahem Kantour the Director General of Tahal Water Company in 1979 was quoted in the *Jerusalem Post Supplement*, 4 May 1979: "Against each dunum irrigated in Palestine there is one thirsty dunum in Israel".

The former Israeli Minister of Agriculture, who in December 1990 was quoted by the *Ma'ariv* newspaper as stating the following: "It is reality and need which created the Israeli control over the water resources; it would be impossible to give up a drop of water in the West Bank."

As for the former Israeli Water Commissioner Meir Ben Meir, he has repeatedly declared the following positions: "(i) The Palestinians can solve their water problem through pursuing non-conventional sources or through purchasing from Israel; (ii) Although Israel is prepared to discuss allocations and rights pertaining to the uses of water with the Palestinians, it refuses to discuss sovereignty over the available resources; (iii) International Law does not apply in the case of the Palestinians since Palestine is not recognized as an independent state".

Finally Writing about the 1967 Six Day War in his 2001 memoirs, Israeli Prime Minister Ariel Sharon said that "while the border disputes between Syria and ourselves were of great significance, the matter of water diversion was a stark issue of life and death." "People generally regard 5 June 1967 as the day the Six Day War began", Sharon later told the BBC in 2003. "That is the official date. But, in reality, it started two-and-a-half years earlier, on the day Israel decided to act against the diversion of the Jordan [River]."

The Palestinian position

Of relevance to the overall discussion with respect to the Israeli Palestinian water conflict, is the Palestinian position on international law in solving the current conflict. This analysis is made to assess the willingness of the Palestinians to accept solutions that are based on the rules of international law. The Palestinians have continuously considered the notion of permanent sovereignty over natural resources as the legal background for their claims to water rights. Over the years, this position has been reflected in the writings of Palestinian experts and politicians and was reaffirmed in the recently adopted formal position from the water resources in a document entitled "Legal Framework of Permanent Status Negotiations: the Palestinian Water Rights". This position builds on the spirit of international law, and it confirms that the first step for the Palestinians is to regain their limited territorial sovereignty over their water resources. However, the Palestinians have also acknowledged that the principle of equitable and reasonable utilization should govern the relationship between Israel and Palestine over the utilization, development and protection of shared water resources. According to this position, the Palestinians demand equal amounts for "Vital Human Needs" as the Israeli consumption. Furthermore, the water needs for economic and social development shall be determined based on methodologies that are to be agreed upon by both parties. As for the proposed solution to desalinate or treat wastewater as means of supply for the Palestinians, these shall be possible when the equity applies and reallocation of existing utilizations is implemented

The problems created by the occupation

Asymmetry among the Parties

Asymmetry appears to be in favour of Israel, and it exists at many levels and in different forms. It is the view of the author that unless the below-mentioned asymmetries are addressed and remedied, the plea of Israel to have a real Palestinian Partner in "Water and Environment", will never materialize. The first level of asymmetry concerns the utilizations from the Mountain Aquifer. Whilst around 3 million Palestinians have access to 16% of the Mountain Aquifer's renewable waters, Israel, – besides all the other surface and groundwater resources available for its use – has control over the remaining 84% of these waters. The major challenge is how to achieve an equitable, mutually beneficial arrangement for the Parties in conflict despite the current relations and inequity in the power structures.

Asymmetry of information and knowledge regarding the trans-boundary groundwater resources is another important problem. At the one end; there is an abundance of data and information on the Israeli side, and at the other, a paucity of data and information on the Palestinian side. By and large, the Palestinians were and still are recipients of data from the various Israeli or international organizations, due to the unilateral control over research and development in the field of hydrology and water resource development. This fact is serious, and would require great efforts in order to verify existing information and reproduce national Palestinian figures and statistics.

The third level of asymmetry concerns the parties' interests in resolving the conflict. Israel, being the powerful party, does not appear to envision the benefits from achieving an equitable and reasonable solution based on the rules of international law. However, the Palestinians have failed so far to build confidence among the Israeli politicians and negotiators concerning their intentions towards the shared trans-boundary groundwater resources. The challenge is how to reach a balance between the parties' interests at the table of negotiations to ensure that the solutions pursued are equitable.

Fourthly and finally, the level of development in the field of water infrastructure and services is far less developed in the Palestine Territories compared with Israel. After the establishment of the PA and especially after the take-over by the Palestinian Water Authority, many projects have been implemented to construct new water networks or to rehabilitate existing ones. This is considered to be a time consuming task that requires commitments from the Palestinians and Israelis, supported by the international community.

Parties' emphasis on positions

The Israeli position not to give up a drop of its existing use, and its persistent arguments concerning the need to develop new and additional water resources including desalinated water and reused wastewater need serious reconsideration. The Palestinians, on the other hand, confirm their rights to permanent sovereignty over their natural resources and rely on the principles of international law as the basis for resolving the conflict. These two extreme positions will never meet unless there is a mutual acknowledgement for the need to cooperate and build confidence in this vital field.

Resistance to international law

To date international law has had limited role in resolving the water conflict between Israel and Palestine. The existing inequitable utilization of the international watercourses – including trans-boundary groundwater – has been considered "de facto" as establishing water rights and the "no harm" rule appears to be the overarching principle embraced by at least the Israeli negotiators. From this researcher's perspective, it is established that Israel is unlikely to be ready for a binding agreement relating to trans-boundary groundwater on the basis of international law. This justifies their hesitancy to conclude the issue of water in the 1995 Israeli-Palestinian Interim Agreement. The resistance on the side of Israel to conclude a legally binding agreement on the Mountain Aquifer is linked to three main reasons: (i) The great dependence of Israel on its waters; (ii) Israel's undeclared recognition that their current utilizations of the shared groundwater resources violate the principles and rules of international water law, and (iii) Any future legal arrangement that builds on the rules and principles of international law and relevant best practice threatens Israel's absolute control over the shared groundwater. As for the Palestinians, it is believed by this researcher that they have accepted the Interim arrangement on water for two main reasons. Firstly, given the transitional nature of these arrangements, the Palestinians expected that the final status negotiations will bring equitable solutions for them; secondly, the Interim Agreement is the only official document whereby Israel recognized the Palestinian water rights and therefore constituted – they hope – the first real step towards cooperation and agreement in the field of water. The realities proved that the signed agreements do not provide an adequate framework for the regulating the relationship of parties as far as the Mountain Aquifer is concerned. The next section further elaborates on the question whether or not, in the context of the Mountain Aquifer, the signed treaties brought mutual benefits to the Parties.

The inadequacy of signed agreements

The obligation to cooperate contained under the relevant regional treaties appears to serve mainly the objectives of the Israelis – namely protecting their existing uses. The Interim Agreement of 1995 provided a merely temporary solution for this eternally complicated conflict. The Agreement emphasizes the Israeli recognition of Palestinian water rights in the

West Bank, but gives no definition of these rights. Only additional supplies to serve the urgent water needs were allocated to the Palestinians under Article 40; these are to be developed from the Eastern Aquifer Basin and any other agreed sources. Furthermore, there is no agreement on the overarching legal principles that will govern the rights and obligations of both parties. The negotiations on these rights were postponed for the permanent status negotiations. According to the Interim Agreement these should have commenced in 1998, three years after the signing. However, to date, the unstable political environment within the region has hindered the commencement of any serious negotiations on water. If one compares the agreements with what has actually been achieved, there is a strong indication of the complexity of the situation and the inequality of the power structures that appears to favour the Israelis. The existing joint mechanisms and institutions – namely the Joint Water Committee – completely failed to fulfil their obligations. On a technical level, the essential projects for development were delayed, rejected or put on hold due to unjustified reasons.

Lack of vision on cooperation

Although one would argue that Israeli/Palestinian cooperation on water-related matters became active after 1993, the author's research in that regard reveals that genuine cooperation on the utilization, development and protection of the trans-boundary groundwater resources is still lacking. This is true because the magnitude of the problems outpace any effort for comprehensive management. Existing cooperation efforts don't operate within a comprehensive cooperative framework, rather they are scattered, fragmented and often lacking the long term vision. Additionally, little if any of the existing cooperation addresses the cross-border environmental and water issues of genuine pressing concern, as they involve solutions that are political in nature and require long term commitment. The current situation of ad-hoc and non-sustainable cooperation has widened the gap between the parties and deepened the mistrust in all respects and at all levels. The continuation of the *status quo* in relation to the imbalance in utilization and the uncoordinated management of trans-boundary groundwater are not in the interest of both parties. Any further delays in taking serious steps towards genuine co-operation will lead to a more deteriorated water situation and to inflation in the water crises, thus causing harm to the present and future generations and to the groundwater resources themselves.

Palestine's water institutions and good governance

The newly established Palestinian Water Authority (PWA), is empowered to regulate and manage all water resources for Palestine, including trans-boundary water resources. The mandates of PWA are not fully achieved, and will not be, unless the sovereign rights of the Palestinians over the trans-boundary groundwater are respected and recognized. The PWA is facing many obstacles in its efforts to rehabilitate, build and operate new systems and structures. There is a need for investment in the water sector. Building the water institutions together with the required infrastructure will require huge investments to accomplish it. This need calls for a genuine commitment from the international community and Israel to help establish strong institutions of comparable capacities to those in Israel, in order to pave the way for co-operation. Nevertheless the Parties were expected to start cooperating in 1993, 1994 and 1995, when they signed three consecutive formal legal arrangements. Presently, the emphasis on positions rather than interests on both sides continues to intensify the problem and amplify the complexity of the water conflicts.

Lack of donor coordination

There is a lack of strategic thinking and a lack of good programs to support. This is not to be blamed on the donors alone, but rather more on the recipient parties. The lack of a comprehensive vision for the cornerstones of successful cooperation described above, and the fact that most of the projects were of financial benefit, reflected on the donors and their programs. Accordingly, there is a tendency by donors to favour ad-hoc projects, as they are easy to implement and monitor. The impact of donor funding for multilateral and bilateral projects over the last 10 years has been poor and at best incoherent. For many years donors were acting out of mere "solidarity", but now the time has come for a more professional approach.

The lack of proper coordination is a significant problem, with regard to coordination between Palestinian institutions and between donors. All donors have their own political agendas and particular reasons for funding joint projects. These agendas only converge to some, often limited, extent. The support is primarily politically motivated from the donor side, targeting the "democratic", secular, "progressive western-minded", often left-leaning organizations without any overall common strategy or deeper analysis of the factors determining the real political developments in the Palestinian community and within Israel.

Potential remedial and corrective strategies

This section introduces a range of potential remedial and corrective strategies ranging from the most difficult but most important to the less difficult, but might ultimately lead to success.

Putting an end to the occupation

Given the prevailing politics and the imbalance of power structures, this scenario is considered to be the most legitimate for the Palestinian people, but obviously the most difficult to achieve in the short term.

Raising the issue of compensation

According to Thomas Stauffer (1999), if Israel is to compromise on its control of water resources, it will do so only with compensation, as was the case with Israel's withdrawal from the Sinai after the 1967 war. To estimate the value of this water for compensation purposes several factors must be taken into account. The process of valuation is not unlike that used by Jewish activists seeking compensation for Nazi crimes.

Calling for the intervention of a third party

The need for third party intervention then arises, particularly to address the issue of power inequity. The third party is recommended to consist of one member nominated by each party, plus one member that does not share the nationality of any of the parties, whom the nominated members who shall serve as chairpersons will choose. It is recommended that the team's expertise is diverse and includes a lawyer, a hydro-geologist and an economist. The third party team could help the process by identifying aspects of the problem, the actors, and they could also act as an advocate not just for compromise, but also for ensuring the accuracy and reliability of facts and information. This stage must emphasize the universal need for reliable data and information, because without it the rational management of aquifers at any level is impossible.

Start by satisfying the vital human needs

It appears that "vital human needs" is a first call on water. The Committee on Economic, Social and Cultural Rights adopted the General Comment on the Right to Water in order to provide greater interpretive clarity as to the intent and meaning of the Covenant. The 2002 General Comment used the term "personal and domestic uses" rather than "vital human needs". This term is broader in definition and content, and emphasises that the right to water takes precedent over all other water needs. The General Comment confirms that, although the adequacy of water required for the right to water may vary according to different conditions, some factors apply in all circumstances. The "vital human need" factor includes availability, quality, physical and economic accessibility, non-discrimination and information accessibility. Hillel Shuval, an Israeli water specialist and a professor at the Hebrew University in Jerusalem proposed estimates for the minimum legitimate baseline water needs of the Israelis and Palestinians. This amount is required to ensure a reasonable minimum standard of living in a semi-arid area suffering from serious water shortages. He has defined this as the Minimum Water Requirement (MWR). In 1991, at an Israeli/Palestinian meeting, he came with the suggestion that the ultimate MWR allocation for domestic, urban, and industrial use for Israelis and Palestinians alike should be about 125 cubic meters/person/year (CM/P/Yr).

The second call for states is to examine their economic and social development needs and the extent to which the available resources can meet all their needs without compromising the sustainability and long-term safe yield of the resources. The results of this study might recommend the reconsideration of water utilizations among the parties and therefore a decision in response will be crucial. If the results reveal that even under an equitable and reasonable utilization scenario, the existing resources are not adequate to compensate for the regional shortage, the parties are required to create options for mutual benefits, and to plan together for the valuable regional water resources in order to ensure their sustainable development. They could also cooperate in the areas of developing unconventional water resources, such as desalinated water or regional development projects. Linkages could be made to provide the Israelis with goodwill benefits while providing the Palestinians with technical assistance that could raise the level of knowledge in the Palestinian Authority concerning water resources in the Middle East to the level of the other parties. There is no real reason to build another water database in Israel, which no one in Israel uses, while there is a tremendous need for the Palestinian Water Authority to build its own water database.

Assessing the Parties' equitable and reasonable utilization

For the evaluation of what is equitable and reasonable, the parties are recommended to adopt a unified method of evaluation that is commonly developed and accepted. The success of such evaluation depends mainly on the availability of accurate and reliable information to be shared by the parties. The study shall address the questions of how to implement the customary rule in international law on "equitable and reasonable utilization" in the case of transboundary groundwater, and how to best inform and influence decision-making. This will be done by examining the type of data needed to incorporate existing legal, technical and social science requirements as well as needs for the future. What is the format for data collection and presentation to allow exchange and easy access? How dynamic is the process?

What are the triggers for the reassessment? Is there a generic model that could be implemented in cases of trans-boundary groundwater aquifers? The denied access to their share in Jordan River water has to end as soon as possible. This will secure some additional 200 mcm/yr available fresh surface water resources that are not accessible to the Palestinians at the present time.

The final conclusions of such a study will offer guidance to the parties on how to determine their legal entitlement from these shared resources. The study shall assess the quality and adequacy of the available data to identify gaps and needs for data improvement. The long-term vision must be a unified comprehensive database that incorporates all water data and related information pertinent to the development utilization and protection of the shared water resources. If it is practically difficult to carry out the assessment jointly, the determination of the factors and their relevance to the trans-boundary groundwater can be done separately, the results of which can be discussed jointly to reach an agreement with a reasonable outcome. Logically, following this unified method of evaluation is expected to yield results that are not significantly different and, therefore, reaching consensus becomes easier. Although employing the Legal Assessment Model paves the road for more proactive steps, the process for completing the assessment is essential.

Harmonizing interventions by the international community

The requirements of international co-operation cannot be accomplished unless there is a strong commitment from the multilateral institutions and governmental donor agencies to fund such activities. This commitment must derive from the governments' genuine intention to end the conflict between the Parties peacefully and amicably. It is true that current investments in the water sector in Palestine and Israel are huge; it is however believed that in the field of international co-operation these investments are improperly planned.[1] The reason for that is obvious, since as of today there is no unified donor coordination policy towards the water conflict and the means for its resolution, and accordingly projects are not planned procedures that ensure no duplications and over-investment. There is a need for the harmonization of donor policies and strategies towards the water problems and more intensified efforts.

Conclusions

A major conclusion of this paper provides that although international law continues to apply under the belligerent occupancy, Israel appears not to have intended to employ these rules and principles to resolve the existing water conflict. Accordingly, Israel has obligations that have to be fulfilled, including but not restricted to the safeguarding of the natural resources including water. The relative national and international management of water is essentially a matter for the applicable rights in times of peace. However, due to the importance of water for everybody, humanitarian rights dedicate some arrangements decreed in all times and places. Therefore the study confirms that the principle of equitable and reasonable utilization applies in times of peace as well as under occupation.

It has to be stated that the signed protocols, declarations and agreements to date concerning the water conflict have been dealt with separately from the principles of international law. The existing inequitable utilization of the international watercourses has been considered "*de facto*" as establishing water rights and the "no harm principle" is the overarching

principle by at least the Israeli negotiators. The international legal rule of equitable and reasonable utilization is not the guiding rule in any of the agreements, and is not found specifically in the interim agreement. The proposed approach to the solution lies entirely in the reallocation of the current uses on the basis of equity and principles of international law.

Given the current evidence of Palestinian water requirements, the legal entitlements of the Palestinians are estimated to be four times the current Palestinian utilizations. The increase in the Palestinian utilization must be secured from the available fresh water resources or any other sources of comparable value based on the principle of equitable and reasonable utilization.

Agriculture will continue to be the most important sector for the Palestinians. Even with the recent decrease in its contribution to the GDP or percentage of external exports this fact is not expected to change. If adequate amounts of water are secured to this sector and restrictions over export are lifted, these sectors will recover and revitalize. Additionally, there will be an inevitable increase in industrial water demand in the coming 20 years as a logical consequence of revitalizing this sector.

One of the issues that were confirmed within this study is that the available assessment of existing resources is not accurate. For more than 35 years now there has been no comprehensive study on the hydrology/hydrogeology of the WB. Most of the significant studies are in the Hebrew language and are not available for the Palestinians.

Notes

1. Of the main donors funding the Multilateral Water Resources Working Group on Water are the USA, European Union, Japan, Canada, Norway, and France.

ISRAELIS AND PALESTINIANS: CONTESTED NARRATIVES

Mohammed S. Dajani

Introduction

Israeli scholar Yossi Klein Halevi begins the introduction of his book, *At the Entrance of the Garden of Eden, A Jew's Search for God with Christians and Muslims in the Holy Land*, published in 2001, by saying: "In early winter 1998, I set out to discover *my country, the Holy Land*."[1] A Palestinian scholar embarking on reading this book would take issue by the proposition *my* preceding the word *country* that describes Halevi's attachment to the Holy Land. This sense of belonging to the Holy Land by an Israeli clashes with the similar sense of belonging by a Palestinian, illuminating the crux of the Palestinian-Israeli confrontation and struggle.

Historically, the conflict began with the assertion: "This land is mine", and ever since the struggle focused on the question: "To whom does this land belong?" The way the question is constructed is in itself conflictual – "The land belongs to one and not the other!" This assumption gave rise to diametrically opposed conflicting national narratives that presented the claims of one against the other.

This paper aims at confronting the Israeli and Palestinian constitutive historical clash of national narratives and their significance in shaping identities of "self" and "other" in the conflict and in constructing obstacles to conflict resolution. It looks into the historic junctions of decision-making and appraises processes that left their imprint on collective memory and perceptions. Some of the major themes and histories will be analyzed and explained within their own historical context in order to deconstruct demonized images. The emphasis on the 1948 episode and Jerusalem is meant to bring about deeper awareness of the events that play a role in shaping individual and collective consciousness of two highly controversial issues. It is hoped that the mutual exposure to each other's insights and perspectives will serve the purpose of further educating us about our own narrative as well as the other side's narrative in the conflict.

Constructing national narratives

Narrative as a term is new. It implies that the story being told by one side is not identical to the story told by the other side. Narratives are designed to support certain positions. Once endorsed by a critical mass of people, then they become national narratives. Whenever a conflict arises, narratives diverge. The sharper the conflict, the wider the narratives diverge. There is more than one competing narrative in a conflict. Moreover, the prevailing narratives may change, evolve, and fluctuate in time, particularly in crisis situations. The past narratives rekindle future narratives. "Whoever controls the past controls the future; whoever controls the present, controls the past", wrote George Orwell in his novel *1984*.

Narratives are not mutually exclusive and one side may have more than one narrative making the resolution of the conflict more complex. The way that narratives are fashioned and disseminated in society through political leaders and the media may result in the perpetuation of the conflict. Some narratives change over time while others remain static. Both Israelis and Palestinians have maintained static narratives because what their historians and leaders tell them makes sense to them. Both people have a living memory of their own narratives and it becomes taboo to change the narrative and public debate is not accommodated. There has been an absence of a common sense approach to the issue of narratives but rather the emotional approach dominated the discourse and the structure of the narrative.

Memory and history should not be taken as one thing. The construction of collective memory and narrative is very difficult to compose. One of the biggest impediments in changing tracks from war to peace is the collective memory that stands as an impediment to peace. The question is: How to overcome this hurdle to conflict resolution?

Constructing perceptions

In his classic study of Western perceptions of the Orient, *Orientalism*, the late Palestinian-American intellectual Edward Said describes the life cycle of a mind-set in a graphic way. "Fictions", he observes, "have their own logic and their own dialectic of growth and decline". Learned texts, media representations, any supposedly authoritative body of knowledge have a reinforcing tendency. Having gained a certain perspective from something they have heard or read, Said maintains, audiences come to have particular expectations that in turn influence what is said or written henceforth.

Israeli commentator Meron Benvenisti, in his 1995 book *Intimate Enemies: Jews and Arabs in a Shared Land*, notes that national myths, made up of a mixture of real and legendary events, are "the building-blocks from which a society constructs its collective self-image" and, once absorbed, "become truer than reality itself".

Similarly, the late scholar of the modern Arab world, Malcolm Kerr in his book, *America's Middle East Policy: Kissinger, Carter and the Future* (1980), identifies "two elements as constituting the conventional wisdom relating to the Palestinian-Israeli conflict: (a) the notion that Palestinian national claims are "artificially and mischievously inspired" and thus may be ignored; (b) the notion that the only real issue in the Arab-Israeli conflict is an unreasonable Arab refusal to accept Israel's existence – not, as Arabs contend, a real grievance against Israel arising from the Palestinians' displacement.

This perception that the Palestinians have no rational basis for their hostility to Israel and no legitimate national claim to the land of Palestine is fundamental to the misconceptions surrounding this conflict.

The Palestinians have consistently contested the Jews' inherent right to exist in Palestine and maintain that they as a native population with centuries of residence and title deeds to the land have their own claim to patrimony in Palestine.

The assumption that the Palestinian position was "mischievously inspired" has constituted the frame of reference within which the conflict has been contained. The frame of reference defines and sets boundaries around thinking on Palestinian-Israeli issues. It is Israel-centered, approaching the conflict generally from an Israeli perspective and seldom recognizing the existence or the legitimacy of a Palestinian perspective. As Edward Said once wrote, "Palestinians long ago lost to Zionism the right even to have a history and a political identity".

The 1948 conflicting narratives

No doubt, the Palestinian narrative of the 1948 episode contrasts very sharply from the Israeli narrative. Both blame each other as to who is responsible for launching the hostilities that evolved into the 1948 war and who is guilty of starting the war. Neither would admit that perhaps both parties might be equally guilty in wanting conflict in 1948. Both traditions have virtually nothing in common and each reflects a passionately partisan perspective that neither makes any effort to hide. The most serious dispute relates to the 1948 establishment of Israel, the simultaneous uprooting of the Palestinians, and the thwarting of their right to self-determination. While the birth of Israel in 1948 is widely understood, the destruction of Palestine that this birth required remained for quite sometime dimly perceived.

From the start, the Palestinian scholars, as well as others sympathetic to their perspective, have challenged the Israel/Zionist interpretation of what happened in 1948. Their efforts benefited from the revisionist history of 1948 published since the mid-1980s by such Israeli historians as Benny Morris, Tom Segev, Simha Flapan, Avi Shlaim, and Ilan Pappé.

Let me begin by addressing the question: Why does the Palestinian narrative conflict and contrast sharply from the Israeli narrative? Then due to the time limitation I will confine myself to looking at two of the most controversial central issues of the 1948 episode: The Arab Invading Armies, and the Palestinian Exodus.

The Exodus narrative

The dispossession and dispersal of the Palestinians in 1948 has always been and to a great extent remains "an unrecognizable episode", even for most informed scholars – unrecognizable in the sense not only that the dispossession has been forgotten but also that it is seldom recognized to be the ultimate cause of the conflict.

Furthermore, terminology played a major role in shaping perceptions of the 1948 events. Terminology has become basic for constructing the framework through which we view any situation, shaping our cognition and patterns of thinking. For instance, the term Palestine is in dispute. The Palestinians, among them historian Aref al-Aref, call the 1948 dispossession *al-nakba*, *al-karithah,* the calamity, the catastrophe, the disaster, in recognition of the national tragedy caused by their expulsion and flight from their Palestine homeland. The Israelis, and even third party scholars such as Bernard Reich, in his book *An Historical Encyclopedia of the Arab Israeli Conflict*, call the 1948 war, the War of Independence.

In his article "The Debate about 1948", the well-known Israeli historian Avi Shlaim remarks that history is in a real sense "the propaganda of the victors", and because Israel won the contest for Palestine, Israel's version of that contest, of the rights and claims that underlay

it, and of the justice of the outcome, has prevailed in most international discourse. For most Israelis, the Palestinians have never had a history and they have never had a just cause, and were responsible for all the tragedy that has been inflicted on them. Their conventional wisdom holds that the conflict originated in 1948 not because Palestinians lost land, homes and national identity but because they hate Jews and do not want to coexist with them. That over seven hundred thousand people were displaced from their homes and native land was blamed on others, particularly the Arab states.

MYTH 1: the Arab invading armies

Palestinian Professor Walid Khalidi in *From Haven to Conquest* maintains that the Arab capitals had neither the will, nor the intention, nor the force to destroy the newly-born Jewish state. The long-awaited Arab states' "invasion" of Palestine began on 15 May; the invasion backfired with further disastrous territorial losses. Among the invading armies Trans Jordan had the largest, best trained, and most strategically placed Arab army of about 4,800 men, in addition to nearly 10,000 Arab troops (4,000 Iraqis, 3,000 Egyptians, 2,000 Syrians, 1,000 Lebanese) under no unified command, to destroy more than 50,000 troops of the *Haganah.* Military experts confirm that this three-to-one ratio suggests troops needed to defend the territory allocated to the Arabs rather than to invade the Jewish state, and even this responsibility they performed very poorly, since a good part of the territory designated by UN Partition Resolution 181 for the Arab Palestinian state was wrested from the Jordanian Arab Legion, and the Egyptian and Syrian armies.

Moreover, the Arab armies at times undermined the Palestinian guerrillas. Avi Shlaim in his 1988 book *Collusion Across the Jordan: King Abdullah, the Zionist Movement, and the Partition of Palestine,* states that a senior intelligence officer in the Haganah gained a tacit agreement from Fawzi al-Qawukji, commander of the Arab Liberation Army, to stay aloof from Haganah attacks on rival Palestinian guerrilla forces. That agreement facilitated the Haganah offensives against Jaffa and the Jerusalem corridor in April 1948.

MYTH 2: the 1948 Palestinian exodus

The 1948 Palestinian exodus was used by Israel to demonstrate that the Palestinians' attachment to their land and homes was weak, that by clearing the way for Arab military forces to "drive the Jews into the sea" Palestinians showed that they were bent on Israel's destruction, and that in the end Israel bore no responsibility for the Palestinians' displacement and homelessness.

Why did the Palestinians leave? One major example of fiction becoming actual history through the process of constant repetition is the widely believed but untrue story that Palestinian civilians left their homes in 1948 because the Arab governments and the Palestinian leadership broadcast instructions over the radio that they leave in order to give Arab military forces a clear field to drive the Jews out of Palestine. In fact, no broadcast orders from any Arab or Palestinian authority were ever issued to the Palestinians to leave their homes.

The first major challenge to conventional wisdom about Israel's birth and Palestine's destruction came from the Irish journalist Erskine Childers, in his famous article that appeared in *The Spectator* on 12 May 1961, which refuted the broadcasts myth. Childers asserts that he found no evidence of any broadcasts or blanket orders from Arab governments or Palestinian leaders calling on Palestinians to leave their homes. But his was a lonely voice in the wilderness.

Dan Kurzman in his 1970 book, *Genesis 1948: The First Arab-Israeli War*, recounts the events of 1948 as seen by both Arabs and Israelis. He searched Israeli military archives and the British Broadcasting Corporation's radio monitoring files and found no record of either Arab military communications ordering a civilian evacuation or any broadcast radio instructions.

Among the Palestinian scholars, Nafez Nazzal, in his book *The Palestinian Exodus from Galilee, 1948* (1978), relates the expulsion narrative from a Palestinian perspective, asserting that the Palestinians were expelled from their homes. Confirming this, Elias Sanbar, in *Palestine 1948: The Expulsion* (1984), perceives the eventual eviction of the Palestinians in 1948 as a logical consequence of the triumph of Zionism in Palestine. He asserts that for Zionism to achieve its goal, it had to take Palestinian land without the Palestinian people, and thus fulfill Israel Zangwil's premise of "a land without a people for a people without a land".

However, it was in 1987 that three detailed accounts appeared that challenged cherished myths of the 1948 events: One was *The Palestinian Catastrophe: The 1984 Expulsion of a People From Their Homeland* by the American scholar Michael Palumbo, who demonstrates the absurdity of the myth. Palumbo tells the story how the Zionist conquest of Palestine involved not only the occupation of the territory and the displacement of its people, but also widespread plunder and looting of the property of its Palestinian Arab inhabitants, not only their land, but also their shops, their homes and the possessions within, and the women's jewelry.

The second was *The Birth of Israel: Myths and Realities* by the late Zionist sociologist Simha Flapan who concludes that Israel's statement about Arab and Palestinian culpability for the refugees is simply a myth.

The third was *The Birth of the Palestinian Refugee Problem, 1947-1949* by Israeli historian Benny Morris, who concludes that no Arab authority issued "blanket instructions, by radio or otherwise, to Palestine's Arabs to flee", that Palestinian flight was induced to a great extent by a "general sense of collapse" that permeated Palestine, and that a "small but significant proportion" of the flight resulted from explicit expulsion orders issued by Jewish forces. Using declassified Israeli archival material, Morris discusses Operation Dani to take over Ramle and Lydda. He notes that when Allon asked: "what shall we do with the Arabs?" Ben Gurion made a dismissive, energetic gesture with his hand and said: "Expel them (*garish otam*)".

Palestinian scholars maintain that the massacre of Palestinian civilians at the village of Deir Yassin in which 240 people were brutally murdered played a major role in the Palestinian exodus. Others give much weight to the devastating impact of the death of Palestinian leader Abdel Qader Al-Husayni on Palestinian society. (Palestinian historians maintain that Husayni died "as he led a successful counterattack at Castel", while Israeli historians maintain that "he was shot by a Jewish sentry as he approached Castel, which he apparently believed was already in Arab hands".) In my view, the horrors and ravages of war and the war psychology of fear are the principle causes of the Palestinian civilian population's search for safe haven.

In an article which appeared in *The Transformation of Palestine*, published in 1971, Professor Ibrahim Abu-Lughod states: "In the case of Palestine, had the world not been confronted with a familiar yet bizarre interpretation – that which attempts to demonstrate the culpability of Arab leadership in the removal of the Palestinians […], as well as the individual responsibility of the Palestinians for being refugees – it would be sufficient to call the attention […] to the fact that a bicommunal war occurred and that, as in all such wars, some people were dislocated as a result."

Conflicting narratives over Jerusalem

The conflict over Jerusalem has given birth to a number of conflicting narratives – Jewish narrative, Christian narrative, Moslem narrative, Israeli narrative, Arab narrative, European narrative, etc. This raises the question: how do all these narratives diverge from one another and why? The current conflict over Jerusalem is a classic case of two competing national narratives – the Jewish narrative that God promised the Jews the land of Israel and the Palestinian narrative that they have settled on the land since the Canaanites settled in Palestine – and the interpretation of these conflicting narratives brought the present conflict over the city.

Conclusions

In conclusion, the question one may pose is: will or can an authoritative interpretation of the 1948 events emerge that would be acceptable to both Israelis and Palestinians?

Simha Flapan, in the introduction to his book *The Birth of Israel: Myths and Realities*, indicates that his principle purpose is to "debunk a number of Israeli myths, not as an academic exercise but as a contribution to a better understanding of the Palestinian problem". He adds: "I am restricting myself to an analysis of Israeli policies and propaganda structures. I choose to do it this way not because I attribute to Israel sole responsibility for the failure to find a solution […], the Palestinians, too, were active players in the drama that brought upon them the calamity of defeat and the loss of their homeland. But a review of the contributing Arab myths and conceptions, […] must be done by an Arab. […] Certainly the ideal way to fulfill this undertaking would have been a joint project by an Israeli-Palestinian Historical Society. I hope this is not wishful thinking, and that some day such a common effort will produce a study free of the deficiencies and limitations of this one."

However, as the late Palestinian Professor Ibrahim Abu-Lughod maintains, even with the best of intentions, control of the data, and skilled analysis, it is doubtful that Palestinian and Israeli scholars – as well as third party scholars – can arrive at a consensus either on the facts or on their interpretation. The difficulties are not only those of national identity and perspective; nor are they of language and skills, or access. They are much more complex and relate simultaneously to values, beliefs, attitudes as well as the national and historical experiences of both people.

It is of considerable value to look back on the 1948 traumatic events from both standpoints, from the standpoint of the victor – the Israelis –, as well as from the standpoint of the vanquished – the Palestinians. Why? Because attempts to resolve the conflict would remain futile and doomed to failure as long as the way we look at the conflict is understood or misunderstood.

Also, the lesson we may learn from the 1948 episode is that the tactical and strategic inflexibility of the Palestinians led to the catastrophic confrontation with Israel, and the tactical and strategic inflexibility of the Israelis led to losing the opportunity of peace with the Arabs.

Why do the Palestinians object to the Jewish aspiration of having Jerusalem as their eternal capital? Is there a solution to the conflicting claims and is this solution attainable peacefully and without force and violence?

The first step for conflict resolution is for each party to examine and evaluate and be critical of all its dominant narratives. The second step is for each to have the courage to dis-

card the false perception, myth and fiction from the reality. The third step is to acknowledge, understand and appreciate the genuine narratives of the other, particularly those of religious origins, though one may not agree with it. Thus, the Palestinians need to understand the Jewish attachment to the Promised Land and the Israelis need to appreciate the Palestinian roots in the Holy Land since bridging narratives in a conflict is essential to conflict resolution.

In his classic work, *Democracy in World Politics*, published in 1955, Lester Pearson concluded that humans were moving into "an age when different civilizations will have to live side by side in peaceful interchange, learning from each other, studying each other's history and ideals and art and culture, mutually enriching each other's lives. The alternative, in this overcrowded little world, is misunderstanding, tension, clash, and catastrophe".

More than four decades later, Samuel Huntington affirms in his highly controversial book, *The Clash of Civilizations and the Remaking of World Order*, published in 1997: "The futures of both peace and civilization depend upon understanding and cooperation among the political, spiritual, and intellectual leaders of the world's major civilizations."

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Notes

1. My italics. PECDAR published a tourist guide entitled: *Palestine: The Holy Land* while the Israeli Ministry of Tourism published a tourist pamphlet entitled: *Israel: The Holy Land*.

EFFECTS OF OCCUPATION ON ISRAEL'S DEMOCRACY: A COMPARATIVE OUTLOOK

Edward Kaufman

Introductory background

This paper assesses the impact of the occupation of the West Bank and Gaza on Israel's democratic institutions and societal values. Examining events from a chronological and, for comparative purposes, global perspective can provide insights regarding the unique character of the occupation, its impact, and trends over time. Through analysis of the public discourse of Israel's political elites, we should be able to identify any modifications to previously identified trends pointing to a deterioration of democratic standards in Israel.

Revisiting Kaufman's "The Effect of War and Occupation on the Israeli Society"[1] after a 15-year hiatus, we may well ask whether there is a new awareness concerning the importance of democracy in the public statements of that nation's political leadership. The task requires interpretation of the text – and, equally important, any tacit subtext – of former Prime Minister Sharon's repeated assertions that majority rule requires "painful concessions" and a concurrent evaluation of the implications of Prime Minister Olmert's pre-*Lebanon II War* locution, "convergence".

In the first observation in the late 1980s, he wrote, with a measure of concern, of the prospective impact of occupation on Israel's democracy, including the possible nexus between a developing colonial situation[2] and the possibility of warfare following in its train.[3] I was once counted among those who believed that the concepts of the Declaration of Independence, the social-democratic tenets of leadership and the characteristics of a "benign occupation" provided some temporary economic welfare to the Palestinians with, at most, modest levels of repression, perhaps a necessary step toward an eventual peace agreement. But even before the first *intifada*,[4] this view had become untenable, given the Jewish settlements' rates of growth and the shifting of the electorate towards more annexationist policies . When the

Palestinians moved from passive steadfastness (*Summud*) to an active, albeit mostly non-violent rebellion, the true face of occupation became all too apparent. That is even more the case after the armed rebellion of the second *intifada*.

We wanted to ascertain the impact of that occupation at the level of formal government institutions (i.e., judiciary, executive, and legislative), as well as in the context of society at large. The 1993 article concluded that Israel's long-term occupation of another nation, while withholding civil rights (including voting rights) from the affected population, has implicitly undermined the normative standards of Israel's democracy. This evaluation reflected more the values expressed by the national leadership and prevailing public opinion than any observable diminution of the authority of state institutions or independence of non-state-controlled media. Polls on values at the level of leadership and public opinion showed readiness to neglect Arab minority rights, extending even to condoning expulsion. Kahanism[5] was in the process of becoming legitimized at the popular level, despite the fact that the Kahanist party was not permitted to participate in the electoral process. There was manifestly less public tolerance for unconstrained freedom of the press; accusations of treason were made against peaceful dissenters; and the preference for majority rule at the expense of constitutionally mandated respect for individual and minority rights was awarded *de facto* precedence.

The most affected Jewish groups in terms of anti-democratic trends were youth (understood as a cohort at the age of first military service), the Orthodox (that included a militant religious component), and "Orientals" (minority ethnic, socio-economic component). Their greatest intolerance was expressed toward aspects of pluralistic democracy, rather than the concept in general, with a more intense animosity expressed toward the peace groups and "left-wing Jews", Israeli Arabs, and professional groups such as journalists, academics, the judiciary and the police.[6]

Our conclusions identified three trends that pointed to the erosion of democracy. First, there was a lagging commitment to and respect for the rule of law, not only among extra-parliamentary groups such as the hard core of the settlers (who favored supremacy of divine law), but also among a minority of legislators. Second, increasingly confrontational attitudes, accompanied by increased polarization within active sectors of society, extended to carrying the threat of violence of Jews against Jews – a warning that was followed, tragically, by the assassination of Prime Minister Rabin.[7] Third, and finally, these dissatisfied Israelis sought a stronger leadership position, one from which they could use authoritarian – even extra-constitutional – powers to curb perceived external and internal threats.

Nonetheless, the article ends describing these developments on a more optimistic note. "In some ways, the security dilemma contributes to the continuing strength of Israel's democracy. The acute controversy over the peace-war issue has indirectly helped in shaping Israel's civil society into a highly participatory community. This tendency for mobilization – some would say even hyper-mobilization – was demonstrated then not only in the consistently high turnout for elections but also in the continuous engagement of a significant segment of the Israeli public opinion in demonstrations, picketing, and other extra-parliamentary activities that are the lifeblood of any democracy."[8] An updating to the current situation seems to point towards a weakening of the pluralistic civil society elements, a fatigue and depletion of the "peace camp" and a growing insularity of the younger liberal element into career and family.

Methodological considerations

Finding common ground

The collaborative Israeli/Palestinian effort 15 years ago examined the relationship between democracy and war in the context of occupation – the first such effort of its kind – and looked beyond the prevailing political parameters in hopes of establishing a general theoretical proposition, one which might prove useful in developing a "thinking outside of the box" perspective. This effort grew out of the impasse that prevailed after Prime Minister Yitzhak Shamir's[9] government banned any official contacts with the Palestine Liberation Organization. (Such contacts were forbidden despite the 19th Palestine National Council's 1988 Statement of Algiers, which opened the way for negotiations with Israel towards a two-state solution.) Furthermore, there was disappointment as the first *intifada* turned into an "*intrafada*", one in which Palestinians were killing Palestinians in numbers as great as those slain by Israeli troops during the uprising.

Issues beyond the control of the disputants

This rift between the Israeli government and PLO leadership was aggravated by a factor beyond the control, or even influence, of either party: the 1991 military occupation of Kuwait by Iraqi armed forces (with the goal of absorbing Kuwait politically as an Iraqi province) and the consequent effort by the United States-led coalition to expel those same forces, thereby preserving Kuwaiti independence. "Lateral thinking" at that time fostered the fashionable "democratic peace" proposition, to wit, democracies do not make war against each other. Reintroduced as a reinterpretation of Kant's eternal peace,[10] it was elaborated thereafter, supported by systematic data gathered and analyzed by Rummel[11] and Weart.[12] Democracy is defined as a multi-party electoral system, and war is established as conflict generating one thousand or more casualties per year.[13] The International Crisis Behavior data set[14] provided us with only four exceptions when all wars between 1918 and 1990 were tabulated. Two of these related to Israel and Lebanon (the 1948 and 1982 conflicts relating to border definition).[15]

Prospects for sustaining democracy in Israel

Accepting the tested validity of the proposition, we formulated an initial working hypothesis that, if Israel could remain a democracy, and if the Palestinians could engage in a process of transition to – and consolidation of – democracy, these conditions would constitute as good a foundation for a stable peace as well as any other strategic/security territorial considerations. Hence Israeli withdrawal from the occupied territories, allowing room for consolidation of a Palestinian democratic state, became a major desideratum for a lasting peace.[16] But we reversed the dependent variable (that democratic states do not make war with each other) and the independent variable (peace). Kaufman cautioned that the lack of progress toward peace might well both erode the standards of democracy in Israel and delay – or even reverse – the democratization process in the Palestinian territories. (The recent Hamas[17] electoral victory appears to be just such an unwanted complication in that democratization process.)

This was the paradigmatic framework of the analysis during the period of the research effort and their findings can be compared with the declared and practical policies that currently are in effect.

Initial steps at finding common ground

We evaluated the subject of the prolonged occupation of the West Bank and Gaza during the Israeli/Palestinian encounter at Barcelona in 2006 under the auspices of the Centre de Cultura Contemporània de Barcelona. Developments at this conference provided an opportunity to address the effect of occupation on Israel's democracy, within a global context. Again relying on lateral thinking, established analogs for the specifics of the Palestinian territorial occupation. (Comparative description is not limited to identifying similarities; it also entails establishment of unique patterns. As a consequence, evaluators are better able to put conflict-specific events into a larger perspective, in terms of both in time and space.) Israel's singularity can still be identified as a unique case of late colonialism, one still in functioning in the 21st century. Nonetheless, context distinguishes it from similarities and salient differences, especially with respect to the impact on democracy in the metropolis in the history of other colonial cases in the past. The wide spectrum of historic cases, in conjunction with an historical period that embraced more than a century, required a major research effort. At this time, we are limited to drawing some initial observations, in the expectation that they will be more fully explored in coming years by scholars concerned with the same general issues, as well as the specific issue of a future resolution of the Israeli/Palestinian conflict.

Defining parameters

At the outset, we suggest an examination of Israel's presence in the West Bank in terms of two modes of government largely by administrative fiat: colonial rule and military occupation. We examined the old definitions of "colonial rule"[18] and concluded that most apply to the Israeli situation (to wit, the dominant power controlling the "colonized" territory does not provide full civil rights to that territory's native inhabitants). The prevailing power imbalance likewise facilitates, and may even encourage, Israeli citizens to establish separate settlements within the occupied territory, settlements that, for practical purposes, enjoy a status virtually indistinguishable from extraterritoriality. A corollary outcome of this political subordination is, for practical purposes, the relegation to Israel of such local government responsibilities as infrastructure development and the provision of services incident to the state's police powers (e.g., health care, public safety).[19]

Kaufman likewise examined the nature of military occupation as a stratagem for exercising authority over other nations in a post-colonial, democratic world, one in which, in theory at least, formalized abridgement of individual rights, based on the asymmetrical power relationship would be otherwise unacceptable. The temporary nature of such control can be justified in terms of the Geneva Conventions, or as the temporary suspension of enjoyments of full rights in emergency situations as allowed in the International Covenant on Civil and Political Rights. In the past, such restrictive provisions could stretch for decades under international legitimization, as the British and French mandates in the Middle East, or, for that matter, those United Nations trusteeships in the Pacific and certain Caribbean islands that effectively legitimized foreign occupation extending in duration over a half century.

After World War II, Germany and Austria were administrated by the victorious Allied Powers for less than a decade. The Soviet Union militarily occupied the Baltic States in 1945, and, to some extent, "Russified", them, essentially colonizing them with Russian nationals, contrary to the desires of local populations. This unilateral population transfer policy,

however, lasted only four decades. Nonetheless, it created social tensions that persist to this day and, for that matter, appear to resist amelioration.

Stratagems for maintaining occupational superiority

Given current standards of legitimate government behavior, while a military occupation cannot be legitimized unilaterally, such a presence can be legitimated by assuming the structure of an international presence, one that is subject to periodic review and renewal by higher international authority and has a humanitarian purpose (e.g., the protection of beleaguered local populations in East Timor or Kosovo). Even the American military presence in Iraq was formulated as a component of a group of nations designated "coalition forces", and whose initially stated purpose was stopping the allegedly developing Iraqi nuclear threat – afterwards determined to be without foundation – but which later mutated into the public goal of installing a democratic regime in that nation.

We are now approaching four decades of Israeli administration in the West Bank, the longest military occupation of recent vintage.[20] The conquest of Sinai in 1956 did not lead to the establishment of settlements. However, after Israel's victory in the 1967 Six Days War, matters were otherwise. In 1979, in an effort to make peace with Egypt, Israel reversed Moshe Dayan's[21] dictum – "better Sharm Al Sheikh to Peace" – to its mirror reverse. The 1982 Lebanon War, the outcome of which established Israeli military domination of Lebanon's southern region, did not result in any efforts at Israeli civilian settlements. And, for that matter, even the annexation of the Golan Heights in 1981 had more the nature of a border dispute, one in which resolution was secured when international boundaries were shifted eastward. Full citizenship was granted to the Height's Druze population, totaling a mere 17,000, and Kuneitra, the main urban center on the plateau, had been returned to Syria under the terms of separation of forces truce agreement. In the Palestinian Territories, however, the military occupation has assumed a long-term colonial dimension. Israel's official policy of referring to these lands as "militarily occupied territories" (per Geneva Convention rubrics) keeps available residual options extending from continuing the status quo, to overt annexation, or, even, to a forced "ethnic cleansing" – all of them acts abhorrent to prevailing international community standards. This distinction between the colonial and military aspects of occupation is relevant for the current policies of Ariel Sharon[22] (and now Kadimah)[23] of keeping the settlement blocs near the Green Line[24] (with at least 10% of the West Bank) and in the Jordan Valley, and to maintain a military presence.

Shifting loci of popular Israeli perspectives

Kaufman took into consideration those mutations in Israeli standards of democracy incident to other trends/variables, e.g., (1) transitions of leadership from founding fathers to the third generation; (2) wealth generation and economic growth (3) policy shift; (4) demographic changes brought about through immigration (e.g., Russians, Ethiopians) or ethnic-specific birth rates, (5) modernization and development, and (6) such international processes as globalization.[25]

A final methodological observation relates to longitudinal two-point comparisons: i.e., to what extent is choice development over what may appear to be arbitrarily selected periodization influenced by the dominant paradigm? When do we start counting: from the formative stages of Israel prior to 1948, when the return to the land of the ancestors was

known as the *Yishuv* (Jewish settlement)? Or, alternatively, from 1967, when *de facto* military occupation without *de jure* annexation took shape? Before the Six Day War, the overwhelming majority of Israelis were ready to settle on peace at the existing borders, even with a divided Jerusalem. Victory in a war that was not initially welcomed and that was waged to preserve the existence of the Israeli state,[26] resulted in a polarization of the Jewish citizenry. Occupying the two opposing poles were the Greater Israel supporters and their Peace Camp opposites. The issue of occupation was legitimized through a process of colonization,[27] some such efforts being ostensibly temporary in nature (*heachzuiot*), but clearly (if tacitly) aimed at creating the fact of permanent Israeli presences on specific terrains in question. Therefore, a double process was at work – occupation either for short term bargaining purposes (as implied by Moshe Dayan) or establishment of an ostensibly permanent, irreversible situation – a process that further complicated the original proposal of a "land for peace".

Perspective of the early idealists

Yehoshafat Harkabi[28] recalled the capacity of the pre-1967 Zionist leadership to separate realistic minimalist objectives from grand designs, whereas the Arab-Palestinian leadership remained wedded to unrealistic maximalist objectives. However that thinking underwent evolutionary change in the post-1967 political environment: pragmatism increasingly prevailed in the Palestine Liberation Organization (PLO), leading gradually to the acceptance of Israel,[29] while, at the same time, on the Jewish side, dogmatism prevailed (exemplified by the annexation policies relating to Judea and Samaria). Yet another justification for defining the adoption of an Israeli "colonialism" policy commencing in the aftermath of the 1967 War and not earlier is the very effect on Israeli democracy described in this study. While in the pre-1948 state formation period the main *Yishuv* leadership's concern was acquisition of territory as a refuge for Jews (while at the same time minimizing suffering and damage to the local population), after 1967 the spirit of expansionism effectively ignored the grave costs of its implementation. Therefore, it appears that a new analysis is merited, if only because both Israel's political leadership and the public at large now manifest a clear preference for ensuring a Jewish majority over the physical topography.[30]

Impact of the intifada

Reflecting on work already accomplished and on studies of more recent and immediately relevant historical milestones, we determined to ascertain the impact of occupation on Israel's democracy in a first take in 1991 (after the first Palestinian uprising, or *intifada*), and in a second take after the second *intifada* (triggered, at least in part, by Muslim reaction to Sharon's visit to Al Aqsa[31] in 2000).[32] Yet another way of looking at the matter involves asking ourselves how we Israelis became embroiled in what appears to be the high-risk (and politically self-defeating) venture of establishing settlements in all parts of Palestinian territories (and, as a corollary, finding some answer to questions relating to an appreciation by Israelis of the benefits accruing to Israel through withdrawal from occupied territories, in much the same manner as has already occurred in Gaza). With these thoughts in mind, we believed that changes in public perceptions and attitudes occurring during the interim between these two points in time can be established. Furthermore, the differences between the Israeli experience and ostensibly similar cases can likewise be established.

Thesis desiderata and the implications for resulting conclusions

Establishing an algorithm to define attitude evolution

Moving on to the present, we have asked ourselves what constituted the nature of the evolution of attitude change as that period progressed. What were the implications of Oslo? Of Geneva? Of Gaza?[33] We choose the present day for comparison with 1991, because, after a long period of continuity, we entered one of flux, the first *intifada* being a watershed, an event of a magnitude comparable to the 1967 War, and one having an impact at the both the level of leadership policy formation and of shifting societal trends.

Does the policy of PM Ariel Sharon and his successor, PM Ehud Olmert,[34] of partial pullouts from the occupied territories and separation from the Palestinians originate in an awareness of the importance of democracy and individual rights? Perhaps, sad to say, as a practical matter, decisions relating to decolonization are more often a function of cost-benefit analysis rather than obeisance to moral and ethical imperatives. Open discourse in Israel seems to be no exception to the general rule. Justifications are promulgated in terms of self-interest, and concern about what occupation is doing to Israelis, with considerably less regard for its impact on Palestinians. In the face of such desiderata as the global dimension of human rights, self-determination and the quest of democracy, Israel's ruling elites have historically preferred to accentuate the "demographic time-bomb", one potentially no less damaging than its physical counterparts. A prevailing subtext of democracy recognizes the requirement for a "one-person-one-vote" system. But those who wish to maintain unchallenged Israeli control over the territories – no matter what the price – have yet to come to terms with the fact that any such effort at least tacitly presupposes an abandonment of democratic norms.

Shifting Israeli attitudes

Growing support for an evacuation of the occupied territories, or at least most of their area, likely signals increasing Israeli public awareness of that cost, a development perhaps related to the traumatic experience of the second *intifada*'s suicide bombing campaign. But it possibly signals as well an ongoing redefinition of the soul of the country, its vision, and its dreams. A couple of quotations relate to the limits of absolute power exercised by a democracy. "The disengagement will give us a chance to look inside ourselves" (now called by Olmert in Hebrew *Hitkansut*, or convergence). The domestic agenda will change with the end of occupation, according to Labor party leader Amir Peretz.[35] "Economic policy will find the time to address closing social gaps and a real war on poverty."

There even is a self-serving recognition of the Palestinian suffering: "If to prevent the huge explosion, the Palestinians with [the perspective] that life 'without any horizon of hope' [are no more than] a 'prescription for turning human beings into walking bombs'. Separation barriers are popular. They are crowded into especially densely populated refugee camps, in poverty and suffering, in hothouses of increasing hatred."[36] Sharon himself has employed expressions such as "we cannot occupy another nation". General Amiram Levin stated, "Ruling over another nation brings deterioration, stagnation, dirtiness."[37] And he added, "The impact of occupation [is] particularly negative on [the] Israel Defense Forces, officers [now being] afraid to tell the truth to policy makers… Democracy and a moral society cannot be victorious over a conquered nation, conquered by force."[38] The morale of the troops and parents of soldiers are lower than at times of war against armed enemy.

Prospective solution alternatives

While Israel's democratic discourse is now increasingly connected to abjuring responsibility for the bulk of the Palestinians, we concluded that they needed to ascertain, if possible, a reigning subtext, one behind the more popular and overt expressions emphasizing Jewish self-interest. In brief, we examine the components of the discourse pertaining to the occupied territories, those that describe current policies and, thereafter, determine to what extent former assumptions remain relevant for current and popular policies, ones that implicate, tacitly or otherwise, Israel's understanding of and commitment to democratic ideals. Suggested alternatives to occupation include:

Two-state solution: The principle of self determination is arguably the most important collective right (preference over one bi-national state), albeit one not normally formulated in terms of universal rights, collective self-determination, individual rights, or one person-one vote in a democracy. "Occupation is becoming more of a burden for us Jews ([in terms of] human and financial cost). In a content analysis of leadership discourse, Sharon only once mentioned human rights" (Akaba speech with the then Palestinian PM Abu Mazen[39] and President George W. Bush).[40] However, domestic Israeli discourse only rarely extends to self-determination as a fundamental Palestinian entitlement.

Disengagement, separation (*Hitnatkut*), rather than withdrawal, (*Nesigah*): The terminology has changed, if only because it is embarrassing to speak publicly about a pullout in the face of Palestinian militant fire. The term "withdrawal" is considered problematic by the Israeli establishment and perhaps the locution "re-deployment" was preferred, if only because it implied a pullout, not necessarily to the pre-1967 border but only from certain areas of the West Bank. The motivating understanding, as expressed by Ehud Barak,[41] was, "We are here and they are there", two worlds apart. Israelis are seeking to keep Arabs away, not to coexist. The danger is that separation will not just be from territories, but a concomitant abandonment of the principle that Israel as a nation may include Arabs that are Israeli citizens, as now being advocated by Israel Beiteinu.[42]

Prospective "hot buttons" in the naming of the fence/wall/security barrier: The emphasis of the Israeli government on security highlights the issue of the route of the wall/fence currently building. Unlike the previous border with Jordan (the Green Line), the new fence on the Israeli side includes not only additional territory, but also additional Palestinians. Setting final borders may entail the construction of additional walls/fences. In other cases (Spain, the United States) it does not seem to have seriously affected democracy. In the case of Israel, however, the fence places Palestinians on the Israeli side of the "security barrier", a people to be deprived of voting rights (as in East Jerusalem), and likewise facing dimmed prospects for family reunification. Furthermore, on the other side of the barrier (in the West Bank), let alone in Jerusalem, it curtails Palestinian rights of movement, work, and education.

Conversely, the pullout from Gaza did not affect democracy so negatively, if only because it did not leave Gazans in Israel devoid of civil rights. Indeed, if Israel is to grant the right of passage from Gaza to the West Bank, it would not be considered an entitlement but rather a concession, one subject to negotiation and, prospectively, to denial. As PM Sharon real-

ized early on (and, as now, does the Kadimah party), the limited planned control of 10 to 20% of Palestinian territory to include the big settlements on the Western side of the fence/wall still imposed significant colonial costs on Israel.

There is a growing awareness of the ongoing threat to peace inherent in keeping small Jewish settlements in the midst of a hostile Palestinian majority population. Likewise, there is a growing consensus that personal security cannot be enhanced through reliance on oppressive tactics. However, those same realizations have yet to find formal expression in the Legislative or Executive decision-making bodies.[43]

Unilateralism: The mantra that there was no partner for negotiation became a commonplace during the late Yasir Arafat's heyday. Nonetheless, negotiations with Abu-Mazen were viewed as a possibility, at least subsequent to dismantling of terrorist groups. Now, however, that mantra has reemerged in full force, a function of the intransigence of the Hamas government.

While the new Israeli government states now that it has reversed previous decisions and will be willing to negotiate with Abu-Mazen, it may well be the case that this is no more than a posture. Setting the final Israeli borders unilaterally appears the preferred option of the Kadimah leadership. Negotiated agreement may not have a chance along the minimalist lines of the Israeli "center" (keeping 15-20% of the West Bank). Hence the logic is to impose borders rather than define policies in terms of rights. The government's understanding of past experiences, is that it took 40 years for Arafat to accept the contested 1949 borders, recognized initially only as temporary ceasefire lines. As Ze'ev Jabotinski,[44] the militaristic Zionist leader, urged early in the 20TH century, let's try now to have an "Iron Wall".[45]

So once more, what matters is what the Jews do and not what others say, and unilaterally defining the permanent limits of Israel may well mean waiting another 40 years until the Arabs will recognize these new borders. Those who predict a continuation of the conflict do not mention restrictions on the Palestinian population caused by structural violence, or the suffering and killings on both sides during the last 50 years.

Dividing Jerusalem: The annexation of Jerusalem with the Jewish settlers within the Muslim quarter of the Old City and some of the adjacent Arab communities, let alone the construction of entire satellite neighborhoods, can be described a species of urban colonialism. However, this turn of events is now being questioned – at least conceptually – by some of the Israeli establishment leadership. Indeed, according to a recent public opinion poll, 63% of Israelis anticipate that the city will be divided and that the Arab neighborhoods will be *Al Quds*[46] and that city will become the new Palestinian capital.[47] Again, the reasoning is demographic: excluding Arabs from Israel proper. Nonetheless, under the anticipated rubrics, given the geography of existing Israeli security infrastructure (notably, the dividing wall), 200,000 Arabs would remain under Israeli jurisdiction, albeit with a measure of civil rights. (Under the terms of Israeli legislation, since repealed, resident Arabs were eligible for full citizenship and all associated civil rights.) As a practical matter, the dilemma for Israel is how to proceed unilaterally on this underlying issue: continued occupation will likely preclude a peace agreement. But, at the same time, ceding portions of Jerusalem's Old City to establish *Al Quds* and recognizing unquestioned Muslim jurisdiction over the *Haram al-Shariff* [48] may

not be sufficiently politically palatable to a majority of Israelis to permit enactment of enabling legislation, at least in the absence of a *quid pro quo*.

Hitkansut (Convergence): This locution was employed by Kadimah in the recent electoral campaign to symbolize the need to re-deploy and consolidate the Jewish population and look inward. It is an ethnocentric term and appears to have been used as a means of attracting the support of more militant Israelis – in the recent election the Kadimah slate listed no Arab candidates to the Knesset – and it, at least tacitly, anticipates isolation (and, perhaps eventually, exclusion from Israel).

Attitudes towards Hamas: The Hamas party received a plurality of votes in the Palestinian Authority's recent election. The development, in turn, poses the question whether a democratically elected government – one now dominated by a political party nominally dedicated to the destruction of the Israeli state – can be accepted as a negotiating partner. As it happens, most Hamas leaders (and the Hamas prospective political program) during and, for that matter, after the electoral campaign, stressed the end of the post-1967 occupation. It was largely silent about the previous appeal for the destruction of Israel.[49]

Comparison of Israel's
occupation of the West Bank and Gaza with other colonial situations

Each of the following comparative analyses calls for further research. At this one can reach only tentative conclusions, based, as they are, on working assumptions that remain to be fully validated. However, examination of these variables may establish what amounts to a checklist, one pointing to the unique character of Israel's relationship with the occupied territories, specifically by disaggregating the correlates of what amounts to a colonial situation in a post-colonial world.

From the perspective of securing and maintaining their own democratic norms, why should Israelis concern themselves with the normative values of Palestinians? In a more expanded historical context, to what extent did colonialism have an impact on normative democratic values in metropolitan countries? In the 19th and first half of the 20th century, did their respective colonial practices generate concerns for the durability of democratic government among political leaderships in London, Paris or Brussels? Should there be a comparable lack of concern in Jerusalem?

To answer these (and related) questions, we determined to ascertain to what extent governments' colonial practices had an impact (if any) on respective national populations' attachment to democratic norms. Further, we explored yet another issue: Are there any long-term lessons to be drawn from historical experience that may realistically be applied to the Israeli case? To answer these questions, we must first appreciate both similarities and differences in comparison with other, ostensibly comparable dyadic instances.

Establishing variables and applying them in the Israeli context

To accomplish this objective, we have established 12 variables relating to both settlements and military occupation, variables that may reasonably be expected to have an impact on democratic practice in Israel. The categorical variables are both mutually exclusive and comprehensive (e.g., including such categories as political, geopolitical, economic, normative religious values, and the like).

Geographic location: The proximity of the colonial territory may generate different dynamics. The closer to the metropolis the location of the colony, the more that the colonizer may aspire to make the occupation permanent, perhaps even extending to political annexation. In the case of overseas colonies (e.g., India for Great Britain, and Indonesia for the Netherlands) apprehensions flowing from two-tier treatment regimes for citizens and non-citizens did not arise all that much in the political center. However, in the later stages of empire (and, for that matter, after the political independence was achieved), these dual treatment regimes generated conflicted relationships for empire immigrants to metropolitan countries. They were often marginalized in what was, for them, all too often an unaccommodating cultural environment.[50]

Perceived geopolitical limitations imposed by established borders in Central Europe contributed to the impulse toward conquests on other continents.[51] As a practical matter, past colonizers were not concerned with native numerical majorities. Proximity, however, was a factor for France. Its efforts to contend with revolt in Algeria, at only a modest distance across the Mediterranean, had political echoes in metropolitan France. The need for strong leadership, in the person of General Charles De Gaulle, was required to reorder the constitutional structure of the French Republic, to bring the Algerian business to a close. This, in turn, led to his dramatic change towards Algerian self-determination and his ability to implement such policy. (Some parallels were drawn with Ariel Sharon, but his comparable experiment was truncated, incident to declining health.)

In Israel, before the 1967 War, the distance between Palestinian Tulkarem and the Mediterranean Sea resort of Nathaniah was less than 10 miles, a geographic bottleneck in the middle of Israel. Jewish Jerusalem was surrounded on three sides by Jordan's West Bank. But the fact that we are talking about possible annexation of adjacent territories makes the Israeli case more a policy of expansionism, the search for additional territory, vital space (in German, *Lebensraum*[52]*)* necessary for future growth. Under modern economic conditions, land is not in itself worth acquiring at high human cost. Particularly in a democracy, the electorate will not tolerate a high number of casualties, unless the gravity of the situation – e.g., national survival – warrants. The assumption that war has traditionally changed borders – perhaps especially applicable in the case of the 1967 War, essentially one of self defense against an unprovoked attack – could be a rationale for Israeli expansion. But only in the case of the Golan Heights do the *Druze*, the native inhabitants still resident in the occupied territory enjoy the same rights as any other Israeli citizen.

Length of the violent conflict: The level of security threat to the metropolis is particularly evident in the protracted – and seemingly intractable – Israel-Arab dispute, especially in comparison with other colonial situations or, for that matter, military occupations. Often, in the history of Israel, periodization has been made according to the wars, a war each decade. Nearly 100 years of violence: wars in 1948, 1956, 1967, 1973, 1982, and 1991; two *intifadas* (1987 and 2000); "riots" prior to independence (1921,1929,1935-7), and, between wars since national independence, a succession of incursions and retaliations – attrition warfare, in essence.

In most cases Israelis saw these wars as a necessary evil, ones fought in response to threats to its national security. As described *supra*, the 1967 War that resulted in the occupation of the West Bank and Gaza, the Golan Heights and Sinai originally was not fought for conquest but for self-defense – in effect, a "no choice" war. The premise of "land for peace" ini-

tially prevailed. No such long history of violent confrontation has occurred in other colonial situations, even over centuries of colonial rule. Colonial rebellions, with the arguable exceptions of Algeria and Vietnam, were much shorter and did not threaten civilian populations in metropolitan countries. In contrast, Israel has taken on the attributes of a garrison state – arguably a modern Sparta – emphasizing national security, at the expense of democracy, when and if necessary.

The quest for a "strong" leader and the active participation of former high-ranking military in politics – perhaps one reminiscent of France's De Gaulle – appear to be direct results of security interests as leading concerns for citizens. Strong rulers such as De Gaulle and Sharon, both of whom received massive popular support for putting an end to fragmentation and internal dissent, were likewise catalysts for abrupt changes of policy toward the occupied territories. As welcome as such outcomes may be, the quest for strong, even authoritarian, leadership may well negatively impact the practice of government in what is otherwise a liberal democracy.

At a time of adopting the policy of "most territory" for "no war", in lieu of withdrawal from all occupied territories in return for the promise of peace, the public put its faith in General (and, later, Prime Minister) Sharon. To the extent that reliance on a single individual is deemed essential in giving birth to a particular policy, the venture is inherently risky. In the case of Algeria and De Gaulle, negative outcomes (at least insofar as the specific policy change was concerned) did not materialize. Such proved not to be the case in Israel, where Sharon's declining health vitiated his strategic peace initiative.

The changing nature of warfare: With rigorous keeping of peace with Egypt – militarily, the strongest Arab country – and with Jordan – with whom Israel shares its longest border – the existential threat to Israel at its immediate borders has been significantly reduced. However, even as the threat of military assault has receded in the past decade, a new threat, in the form terrorism, has emerged.

The issue of occupation is no longer so much national as it is personal security. Suicide bombings reach into Israel's coastal cities. Missiles launched from Gaza threaten towns in the surrounding areas, with the threat envelope expanding as effective missile range increases. Homes, shops, and workplaces have assumed the characteristics of a "home-front" – one in some respects little different from a battlefield environment. Herein lies a fundamental difference in comparison with past colonial independence movements. In similar situations, metropolitan residents considered themselves immune to attack in their capitals; conversely, for years Israelis have been apprehensive as they have gone about such activities as visiting coffee houses, riding public buses, or shopping in main street markets.[53]

At present, Israeli fear of terrorism can be compared with the American public's fears after the September 11, 2001 attacks. The latter events led to military intervention in Afghanistan and, at the least, contributed to a justification for military action against Iraq. One-time bloody events in cities such as in New York,[54] London,[55] and (to a lesser extent) Madrid[56] have to some extent implicated traditionally accepted norms respecting individual freedom. The current preoccupation extends to what might be termed "impositions" on civil rights within the United States (interception of personal communications, profiling, interrogation procedures).[57]

The much greater challenge in Israel, with persistent monthly and weekly explosions in civilian venues, are likely to have resulted in a blank check policy for the Border Police, or

Israeli Defense Force in the occupied territories. There is concern with restrictions to the freedom of movement and the dearth of consideration for Palestinians' human rights (and, for that matter, personal dignity, especially at public security check points) as a response to the threat of terror, not only for altruistic reasons but also because, as a practical matter, such activities may contribute, however indirectly, to increased domestic violence and criminality within Israel. The effect of occupation on democracy in times of violent conflict particularly affects youth, on both sides, a group over-represented in the tally of victims and victimizers. Comparison of young soldiers' concerns with humanity towards an armed Arab enemy in the aftermath of the 1967 War,[58] and at present, in dealings with unarmed civilians, points to an erosion of basic values.

Depth of democratic roots: Colonial domination over long periods of time did not affect the centuries-long transition to democracy in Western Europe. While there were no strong anti-colonial movements, the demand for the respect of citizens' rights grew independently of the fact that such rights were not granted to large numbers of individuals overseas under the same government control. Israel is a new country, and, although inspired at its birth by democratic and egalitarian ideals, most of its founders and, for that matter, post-independence immigrants, came from countries in Eastern Europe and the Middle East, regions in which democracy was hardly normative. Nonetheless, most of the immigrants who arrived from non-democratic countries before the establishment of the Israeli state were, however, ideologically committed to democratic governance.

The pre-state leadership shaped majority rule or consensual decision-making in community life, an underpinning that provided a strong foundation for establishing and maintaining democratic institutions, even under adverse circumstances. Yet, the shallowness of democracy was seen in the societal values, as large segments of the population did not fully endorse equal rights for all citizens, or respect for minorities. Later waves of immigrants, particularly after the 1967 occupation, not only came from countries in which a democratic tradition was absent, but also in Israel absorbed an understanding that inequality of rights was both rampant and even tacitly accepted and, further, the validity of a subtext of superiority of one nation over another. These perceptions often underlie the official discourse of certain political leaders and their recent settler supporters within Israel proper.

There is the growing concern that, unlike citizens of the United Kingdom, Belgium, or the Netherlands, many Israelis are not fully socialized into democracy. Hence, the threat to democratic ideals incident to ever-lengthening occupation is arguably higher. Furthermore, and aggravating this development, is recognition of a demographic reality: the "one person-one vote" principle, coupled with the substantially higher Arab birth rate, in comparison with that of the current Jewish majority – would have produced an Arab majority government in Greater Israel by the year 2010. This recognition has served as a wake-up call for most of the Israeli leadership and public.

Ideological "zero sum" paradigm: The Israel/Arab conflict, unlike other colonial conflicts, was perceived in the past as an existential conflict (both *jihad*/Hamas and Jewish settlers respectively dispute the whole of "Historic Palestine" versus the whole of the "promised land"). As a result, and based on perceptions of the worst intentions from the enemy, the issue, rather than becoming tractable, becomes one of life or death.

However, it now appears that for the Palestinians the end of occupation is a matter of conflict resolution. All their lives are daily affected by the occupation. But for the Israelis, the pullout from Gaza and the West Bank was one of conflict amelioration, if not outright dissolution.[59] Following the withdrawal from Gaza, Israelis managed to forget the fact that they had only recently controlled the Palestinian population, and, for that matter, the resulting psychological trauma for those 8,000 Jewish settlers now in the process of being relocated in Israel proper. In the past, and especially during the *intifadas*, Israelis – with the exception of settlers directly involved – refrained from visiting the West Bank, Gaza, or even East Jerusalem, and could likely reframe their lives with no more than a modicum of difficulty, even in the absence of guaranteed access to those areas.

Bridging the gap between the maximalist "zero sum" game – the all-or-nothing dream – and a more practical and reachable reality, a long-term vision of a practical and temporal two-state solution that is combined with a "one-state super-structure, that can satisfy the maximalist aspirations of both sides". In his study of the social impact of colonialism, Memmi wrote about the "Nero complex": the more the colonialist oppresses the colonized, the more he realizes the atrocity inherent in the role he has chosen. His hatred of the usurped grows. He wants the colonized to disappear because their very existence leads him to act the role of usurper. The rise of maximalist views among an Israeli minority has likewise exacerbated latent anti-democratic feelings among Israelis.

In our assessment, a resort to ethnic cleansing (or, if possible, voluntary population transfer) would be the settlers' preferred solution. Frustrated by the uprising and growing lack of governmental support, a Jewish underground group's recent acts of violence and vandalism visited on native Palestinians and their property. However, ongoing settler confrontations with the Israeli armies, by and in illegal outposts, appear to have finally brought the majority of the Israeli public – those within the Green Line – to marginalize the Israeli settler population. Their being perceived as troublemakers and fanatics, as well as their often manifested lack of respect for governing statutes that impede the achievement of their goals, have put considerable distance between them and the majority public.

The religious component: Colonialism has often encouraged religious conversion and assimilation (Memmi) to its culture (e.g., flag, holidays). But this is not the case with Jewish settlers, who stress residual differences in order to maintain a separate existence – no intermarriage and discouragement of conversion from Islam to Judaism or vice versa. Particularly relevant to the case in point could be a comparison with the practice of *apartheid* [60] in South Africa, where justification for the Boers' assumption of superior status included the concept of a promised land and chosen people with more rights than obligations to the "Other". (Justification extended back at least to the 18TH century and was usually predicated on biblical exegesis.) The geographic reality of the post-1967 occupation has transformed the previously symbolic adherence to the "promised land" of Israel's biblical 12 tribes into a more thoroughgoing sense of impending messianic times, at least among a minority of Israelis.[61] This, in turn, has presented Israelis with a conundrum: Does one compromise the ostensibly divine endowment of the same land to the people of Israel – understood as "the People of the Book" – by separating the declaratory adherence to all "our" land from a pragmatic recognition that such a dream must be deferred, at least until some future messianic times?

Normally, colonizers consider themselves as expatriates living in exile, but the Temple Mount in East Jerusalem, Judea (Abraham's tomb) and Samaria are perceived as the core of the historic Jewish nation. The colonizers' sense of homeland and natural rights – even if many of the settlers were born in the United States or elsewhere – is exclusively ethnocentric, ignoring any ostensible rights of native-born Arabs. Our national conflict has thus evolved into more of a religious conflict, for the Jews after 1977 (when the Likud party gained power on a Greater Israel platform) and for the Palestinians increasingly after the first *intifada* and, more recently, Hamas' electoral victory.

As outlined *supra*, resistance to the withdrawal from Gaza and from the illegal West Bank outpost at Amana were solely the province of the *kipot srugot* ("knitted yarmulkes") – factions of militantly chauvinist Orthodox Jews. Such groups are increasingly perceived as being divorced from political reality by the majority of Jews in Israel.

Specific Jewish traumatic historical experience: The Holocaust affected the polarization of Israel in two camps, ones that drew very different lessons from what was arguably the most grievous level of suffering ever visited upon any nation. Jews regularly say "never again" – often, for that matter, intending the reach of that assertion to encompass all of humanity. No comparable trauma comprises the history of any other colonialist metropolis. The experience of the Inquisition, pogroms, ghettos, and in particular the Holocaust has seared into Jewish collective memory the perception of Jews as victims.[62]

Today's unconstrained behavior, however much it may be related to a grim collective memory, and while it certainly poses a challenge to moral justification, may nonetheless be put into an understandable context. We can appreciate the psychological concern for survival and the lack of trust in other nations. However, in the face of recent Islamists' declarations favoring not only the eradication of the Jewish state and its inhabitants, but also the recent resort to the anti-historical negation of the Holocaust, Israelis may well see their own behavior and ostensible intransigence as not only justified but also prudential.

Does this present threat justify some underlying unwillingness to respect the otherwise inherent rights of persons whose only offense appears to be no more than belonging to the same nationality as the anti-Semitic Islamists? How does the victim become a victimizer? Does applying the motto "never again" presuppose that Jews learn from history only about themselves as Jews? Or can it extend to other victims of oppression – in this case the Palestinians? Defining the Holocaust as a uniquely horrible episode in modern history establishes in many Jews a reluctance to place it within the larger spectrum of other genocides, albeit almost certainly as the most extreme case. The perception of that single historic event can also be used to justify acts with the ancillary effect of causing suffering in others that is of substantially lower magnitude than that visited upon Jews in the past, relying on such an argument to undermine the legitimacy of Palestinian demands for equality of treatment.

Time difference: While colonial rule was widespread when the Zionist movement first facilitated Jewish immigration to the ancestral homeland, the Jewish immigration nonetheless remained exceptional in then-contemporary politics. A process of decolonization started soon after the Balfour Declaration. In the Middle East the process of decolonization already begun by the League of Nations legitimated Mandates "A", "B" and "C" for the former colo-

nial possessions of the First World War's defeated Central Powers. Some mandated territories (e.g., Iraq, Syria) became independent before the outset of World War II.

It was this latter conflict that eventually proved a watershed, one that saw the establishment of popular acceptance of the notion that basic human rights (including, especially, respect for the integrity of the individual) – and proactive efforts at their assurance – were normative international requirements and intimately related to the post-war decolonization effort. Indeed, Israeli independence was seen to be part of the decolonization process of the British Empire then in progress, in much the same way that India's independence comprised a part of that effort. Soon afterward, a major wave of decolonization continued in Sub-Saharan Africa, and Israel was perceived to be a partner in development.

The further expansion of Israel after 1967, and the encouragement of establishing settlements in "Judea, Samaria and Gaza", came a century late, and was clearly ahistoric. Reactionary Israelis posed the question: Why not replicate with the Arabs what the Americans did to the native inhabitants of that continent during their national expansion period? Realistic Israelis answered: The human rights regime has become central to the world's ethics, with principles such as legal equality and one-person-one-vote. If we agree with a premise of "progress in international relations",[63] that the world has changed to the extent that comparable behavior is no longer an acceptable option, and, further, that such notions are not solely the province of the political left but, rather, pragmatic observations about the way the world works in this day and age, then we must conclude that such an option for dealing with the Palestinian minority is simply not available.

There hardly remain in today's world other examples of self-determination, in which independence resulting from secession is denied while at the same time the option of full citizenship in the metropolis is refused. Nowhere else does there exist some intermediate status of semi-autonomy – one with municipal rights but without concurrent national rights, including therein the right to vote for the national government.[64]

Economic exploitation: Colonialism usually entails economic benefits for the colonizer.[65] Profit results from the exploitation of human and/or natural resources (the latter not being the case in the West Bank and Gaza). A colony is "a place where one earns more and spends less",[66] and that was quite true in Israel during the period called "benign occupation", when cheap Palestinian labor was used not only in the metropolis (Israel within the Green Line) but even for infrastructure construction in settlements in the occupied territories. But the abrupt change from steadfastness (*summud*) to popular uprising (*intifada*) brought that era to an effective close. In other colonial experiences, "the colonialist realizes that without the colonized, the colony would no longer have any meaning".[67] Still, in the Israeli case, the colonization process continued with the new "globalization", as foreign workers replaced local, low-salary workers, particularly in agriculture and construction.

In other colonial systems, exploitation included such practices as slavery and servitude. When obliged to share political power with officers appointed from the ranks of the native population, such colonial systems have often become corrupted.[68] It has been argued that occupation corrupts, that it erodes the faith in democracy. If top government officials are corrupt, so the popular thinking goes, it follows that their subordinates will be comparably venal. Experiences of this kind stand in sharp contrast to the frugal lives of Israel's historic bi-partisan leadership, including such luminaries as David Ben Gurion, Golda Meir, Menachem

Begin, Yitzhak Rabin and Yitzhak Shamir. While one should not single out occupation as the sole, or even primary, cause of such behavioral change, when rules are subject to flexible interpretation (rather than remaining normative), it is perhaps to be expected that such patterns of behavior may find their way beyond the occupied territories and into Israel proper.

Civilizing mission: Generally speaking, the dissonance arising from the recognition of their role as usurpers and of their privileges as illegitimate can be mitigated by the colonizers' self-image of having a civilizing mission. They may come to believe that they are demonstrating the merits of a superior culture and the possibility of improving the livelihood of the native population.[69]

Israel has portrayed itself as the Western outpost in the Middle East and was able to present this image elsewhere, for better or for worse. While accepted in the United States and (to a perhaps less extent in Europe) as a participant in an expanded Judeo-Christian civilization, Israel has become isolated from the Middle East not only as the result of Arab rejection, but through its efforts at self-segregation. In some respects, however, this is an anomalous development.

Israel's technical, scientific, agricultural and economic achievements should have gained it at least a measure of legitimacy in the region. During the difficult Oslo negotiations between Israel and the Palestinians, at the multi-lateral tracks of the Madrid Conference, the potential benefits of the Jewish state's incorporation into the region was seen, at least tacitly, as a "win/win" for all the region's countries on issues such as water, environment and economic development. At that time, Shimon Peres[70] envisaged a "New Middle East"[71] in which Israel would play an important role in building regional networks. The potential for such an approach was there, even if there was some fear of neo-colonialist domination. Such contributions toward social, economic, and scientific development do not meet real objections in the Arab world, if they were to occur under conditions of equality rather than domination. Clearly, a military occupation is not consistent with such vision. And the settlers' presence in the territories is a bad example for a mutually beneficial relationship. The settlements have had the undesired effect of reinforcing a Muslim perception of Jews as the instrument of the "new Crusaders", agents of a clash of civilizations – the West versus the rest.[72]

Israel was considered for many years the "only democracy" in the Middle East. Now, with ambivalence at the thought of losing that unique status, some Israelis have been preaching that the Arab world would accommodate Israel in the region[73] when they become democracies themselves. The conditions and limits put on Palestinian elections, particularly the last one that brought Hamas to power, have undermined prospects for this erstwhile, anticipated expansion of democracy in the region.

Late nation building: In the late-19th century, the formation of centralized states in Italy and Germany, out of separate smaller units, was interpreted as a unifying drive, one that would be followed by continued expansionism overseas or into adjacent territories. The power of the new state was enhanced in a sense of "folk", a sense of purpose, one that led to the support of expatriates in the newly acquired territories, a colonial paradigm legitimating the late formation of the state. Israel is a new country, calling for the ingathering of exiles. (As a corollary, for many years, Zionism tacitly delegitimized continued Jewish existence as a Diaspora.)

Since the formation of the World Zionist Organization, the *Yishuv*, the organized Jewish community under the British Mandate in Palestine, was already a state in the making. The establishment of the state of Israel some 30 years later was undoubtedly a "success story".

For most citizens, the most important post-independence objective was the achievement of peace with regional neighbors – Egypt, Jordan and then the Palestinians – a prospect then appearing a realistic goal. But after the 1967 Six Days War, in the eyes of a growing number of Israelis, "state building" remained an unfinished enterprise, one that needed to be continued by attracting most of the remaining Jews of the Diaspora to immigrate and establish themselves within the nation's now-expanded geography. The consolidation of a Jewish nation-state was considered still in a premature stage, Israel's borders were not yet historically defined, and its political culture was still evolving.

Over nearly six decades since independence, Israel flourished within the Green Line for only about the first one third of those years; for the remainder of its history, Gaza, Judea, Samaria, East Jerusalem and the Golan Heights have been under Israeli rule and associated settlement policies. The political discourse for a large sector of the Jewish citizenry demanding annexation of all territories has been "Hebron's faith is Tel Aviv's, the Arabs make no difference", often corroborated by extreme Arab statements about reconquering the entire land. The goals of expansion for state building, namely "no right to Jaffa-Tel Aviv if no right to Hebron", and revanchism seem to have reached their historic apogees.

In the aftermath of the second *intifada*, the majority is no longer willing to pay that steep price. Some Israelis warn that the lack of an external common enemy will undermine the cohesiveness of the Jewish society and, further, that domestic strife will then threaten to destroy the state from within. The prediction is unfounded, if only because "late nation building" states – even those suffering major defeats – have survived the loss of empire and even adjacent territories.[74] The dilemma of holding the occupied territories, with its attendant moral and human costs, now has become a particularly divisive issue. Before 1967 there was a national purpose, and it is likely to emerge again within the borders of a smaller Israel. If and when peace prevails, or at least the occupation is ended, there is likely to be a focus on economic progress (e.g., seeing more Israeli citizens move above of the poverty line). The huge financial outlays incident to the establishment of Jewish settlements (and related infrastructure development in the West Bank) and the ongoing cost of the military protection they require, can be diverted to the neglected parts of Israel. This argument was present before the 2006 electoral campaign. It will likely remain an issue in future elections.

Israel's diverse ethno-political make up: The image of Israel as an "outpost of Western civilization" has had an impact within the domestic realm as well. One of the outcomes of Zionism in action – and likely an unanticipated one – included the immigration of large numbers of Jews from non-European areas, to the extent that Israel's population is no longer so homogenous a group as were the initial settlers. These "Oriental" Jews often had markedly different perspectives in matters relating to normative political and social values, at least in comparison with their Ashkenazi counterparts. Whereas it is possible to look at Israel's demographic makeup as a strict demarcation separating Jews from non-Jews (as in the Central Bureau of Statistics census), a new sociological approach disaggregates the concept into one of "graduated citizenship", "the existence of multiple levels of formal legal rights and obligations occupied by different groups in the state".[75]

The socio-economic status of the more marginalized groups – both Jewish and Arab – improved after 1967, with the growth of the economy and with the new working class coming from the occupied territories. But further examination of the dynamic effect of occupation up to the present "shows their status over time to be fluctuating, impacted among other factors by the colonial character of the state and nation".[76] Arabs, as a marginalized ethno-political group, have been unable to overcome practical rules of exclusion established by hegemonic groups.

The most direct impact of graduated citizenship is on the Arab minority in Israel: 20% of the population, those affected by a "state fighting their nation" situation. To a large extent, this situation differs markedly in comparison with homogenous colonial powers. Under these circumstances, Israel is, in a certain sense, a "multicultural" colonizer, with a significant minority identifying with the aggrieved colonized population.

If Israel's goal now is separation, will that goal eventually translate into separation from this minority, as well? Some geographers and the leadership of Israel Beiteinu – the predominantly Russian immigrant political party – are suggesting just that as the way to rid Israel of its resident Arabs by forcing them to become citizens of the new Palestinian state. They suggest ceding predominantly Arab-inhabited territory to Palestine, in exchange for Israeli annexation of those sectors of the West Bank containing the larger Jewish settlements blocks.

Meanwhile the already uncertain status of Israeli Arabs is deteriorating further. This underscores the difficulty of separating the domestic from the international elements of conflict. This difficulty may eventually affect Israel's democratic values. The conception of Israel as a Jewish state has an inherent exclusionary connotation.[77] The element of racism that comes across so clearly in the Palestinian territories is antithetical to the pledge of equal rights to all in Israel (quoting the Declaration of Independence, 1948), as often upheld by the Supreme Court of Justice.[78] Unequal access to opportunities is a policy rationalized by many of Israel's Jews because of their Arab co-citizens' shared traits with their enemies in the region.

The concept of "graduated citizenship" can be applied to Jewish sub-groups as well. "*Mizrachi*" Jews from Middle Eastern countries (commonly called "Arab Jews") have been treated by descendents of Israel's Ashkenazi founders as no more than a source of "manpower, revenues, and other forms of support, while restricting their entry into the halls of power".[79] They have suffered discrimination, while at the same time have been expected to assimilate, adopting the European "*tzabra*" image, rather than be accepted as a component of a diverse society. Discriminatory policies have affected the relationship of the "Oriental" towards Arabs in general, shifting the collective memory of the Oriental Jews away from a status of being accepted and tolerated to one of being victims (albeit minimal in comparison with the Jewish experience in Europe), a history that can now be redressed.

Concluding remarks

In sum, we have asked why was it important to learn from these similarities and differences over time? What is the impact of occupation on Israel's democracy as learnt from the 12 explanatory variables? If we assess the rather negative impact of occupation in each separately, we can see it to be overwhelmingly negative in all of the variables. The cumulative strength of such impact could have caused further erosion of societal democratic values. Nonetheless, existing democratic institutions remain by large unshaken.

Lately, however, they have encouraged a rethinking on the part of the Israeli population of the prospect of accepting a smaller Israel, even without peace. At this time, expectations have been lowered from a "lasting peace" to a "no war" situation. While we have said in our previous 1993 study that a regime's democratic character is not a precondition for its living in peace with its neighbors, this type of relationship has been described as a minimalist "negative" peace.[80] The expression can refer also to the ongoing "cold peace" prevailing between Israel and bordering Egypt and Jordan.

Looking to the future

In the long run, consolidation of the democratic experience among the Palestinians has the potential to provide a further guarantee for a stable peace, with positive transactions, not only with Palestine, but also with the larger Arab world. The recent elevation to power of Hamas – the first Islamist fundamentalist group to come into power through democratic elections, and, ironically enough, under foreign military occupation – tests the limits of this assumption. In addition, existing preferences for security over democracy may find an even more favorable hearing among the Israeli populace in the face of the elevated threat of violence. A 2002 public opinion poll showed that an overwhelming 78% of Israeli Jews questioned believe that Palestinians have a legitimate right to seek a Palestinian state, provided that they use non-violent means to achieve it. Likewise, 56% concur with the Palestinians' right to oppose the expansion of the settlements, if such opposition is conducted peaceably. Thus it appears that if the Palestinians were to move from violent to non-violent forms of protest, a majority of Israeli Jews would favor making concessions to the Palestinians.[81]

Recent developments reflect support for the prevalence of a Jewish majority within a smaller but more homogenous democratic state. The emerging demographic threat likely triggered a realization that any prevailing grand dreams of Israel's "fanatic fringe" must be set aside, even at the cost of internal political strife and, conceivably, their resort to violence.

Defining a new paradigm

Clearly, a colonial situation is an anachronism. The few actually still functioning (e.g., Gibraltar and the remote Falkland/Las Malvinas Islands, which remain allegiant to Great Britain, as functions of self-determination by local populations) are exceptions to the rule. On the other hand, nations that fought for secession from existing states (e.g., successful East Timor, unsuccessful Chechnya) have had the alternative option of full citizenship with the metropolis (Indonesia and Russia, respectively). Palestinians, however, remain in limbo, in a status arguably not all that far removed from *apartheid* rule in South Africa. As a consequence, it is no wonder that the world has had difficulties understanding Israeli official reasoning, save in terms of self-defense and national security.

The challenge is not in analyzing the evils of occupation and colonialism but, rather, in translating a sober analysis into a democratic discourse accessible to all. Electoral democracy and abiding by majority rule seem fully acceptable to the majority of Israeli Jews. But what is not deeply entrenched is the popular understanding is that democracies are not measured once in several years at the polling stations but in the everyday defense of individual rights for all, and the respect of minorities.

Is all this too little, too late? The objective of this analysis is for Israeli policy makers and civil society to shed light on the negative effects on Israel's social fabric incident to main-

taining its grip on to the Territories. This realization should not be neglected. For the peace forces, there may be room for a tactical short-term alliance with the concept of unilateral pullouts, while maintaining strategic long-term opposition to partial outcomes that are not equivalent to negotiated solutions. While the agenda for a just Palestinian/Israeli peace includes negotiations based on already established common ground – in essence, the Clinton parameters – an incremental approach would be at this stage to isolate the political forces that have pledged to keep all Jewish settlements. *Within the peace camp in Israel, we should not dissipate energy among our component groups, fighting each other's positions over what amount to minutiae*. By analogy, if different groups were driving on a wide highway, our "cars" would be going in the same direction along parallel, distinct lanes. The vehicle models and their respective speeds are different. But, nonetheless, we can try to accelerate as much as possible without losing sight of the spoilers in peace-building: e.g., the "settlers' movement" or the *jihadist* fighters.

Are we asking too much from the Israelis? Historically, the Middle East has shown itself to be all too often an inhospitable environment for religious minorities. Perhaps, as in other forums, the more convincing arguments emphasize self-preservation, self-interest, and national interest, in preference to such normative values as morality and humane and humanitarian principles. Ethnocentrism is strong everywhere, and it is certainly not lacking among Jews, a nation proud of its long history and distinct identity. And yet, we believe that we may have a bit of both, that the legitimacy of the acts of our state (and ourselves as individuals) is still a function of pragmatic self-interest, idealism and altruism – national characteristics that we believe to be part and parcel of our national identity. Nonetheless, this struggle for hearts and minds remains far from resolution.

Notes

1. At a moment of political impasse these propositions are discussed by five Jews and five Arabs in KAUFMAN, E., "The Effect of War and Occupation on the Israeli Society", in KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L. (eds.), *Democracy, Peace and the Israeli-Palestinian Conflict*, Lynne Rienner Publishers, Boulder (CO) 1993.

2. SIVAN, Emmanuel, "The Intifada and De-colonization", *Middle Eastern Review*, winter 1989/1990, pp. 2-6.

3. BARZILAI, Gad, "Democratic Regimes During War and Post-War Periods: Israel from a Comparative Outlook", *International Affairs*, vol. 54, no. 1, pp. 20-36.

4. Civil uprising (literally, 'shaking off'). Palestinian residents in Gaza and the West Bank, chafing under Israeli administration of these predominantly Arab areas, began demonstrations and more violent civil commotions in 1987. These have continued sporadically.

5. Kahanism is the term of art used to describe the political ideology of certain right-wing religious Zionists. The term derives from U.S.-born Rabbi Meir Kahane, who argued that Israel should be governed according to biblical tenets and, further, the full citizenship should remain exclusive to Jews.

6. For an extensive analysis, see KAUFMAN, Edward, "War, Occupation & Israeli Society", in KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L., op. cit., pp. 91-114.

7. Yitzhak Rabin (1922-1995), career soldier and statesman, late in his career pursued a policy of accommodation toward Israel's Arab minority. He was assassinated by an Israeli opponent of the peace process underway at the time.

8. Ibid., p. 115.

9. Yitzhak Shamir (b. 1915), soldier and statesman, was a prime mover in efforts to facilitate Russian Jewish immigration to Israel. He regularly opposed peace proposals that involved the surrender of Israeli-controlled territory as a *quid pro quo* for promises of peace.

10. GEISMANN, Georg, "World Peace: Rational Idea and Reality On the Principles of Kant's Political Philosophy", in OBERER, Hariolf (ed.), *Kant. Analysen - Probleme - Kritik*, vol. II, Königshausen und Neumann, Würzburg 1996, pp. 265-319.

11. Professor Rummel has used several sources of data (George Modelski and Gardner Perry III, in "Democratization in Long Perspective", Ted R. Gurr and associates' POLITY II, and Freedom House; for all the different tables and analysis, Q & A, etc., visit the most comprehensive website on democratic peace at http://www.hawaii.edu /powerkills/DP.CLOCK.HTM).

12. WEART, Spencer R., *Never at War: Why Democracies Will Not Fight One Another*, Yale University Press, New Heaven (CT) 1997.

13. SINGER, J. David and SMALL, Melvin, *The Wages of War, 1816-1965: A Statistical Handbook*, John Wiley and Sons, New York 1972.

14. WILKENFELD, J. and HEWITT, J., op. cit., 1991.

15. The other two exceptions to the proposition of democratic peace were rather borderline cases in terms of the definition (Guatemala 1954 and Cyprus 1975), see KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L., op. cit.

16. KAUFMAN, E. and ABED, S., "The Relevance of Democracy to Israeli-Palestinian Peace", in KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L. (eds.), op. cit., pp. 41-60.

17. Hamas is the largest and most influential Palestinian political party. More a militant movement than political organization, it gained considerable popularity as a provider of social services. In the January 2006 Palestinian Authority legislative elections, Hamas defeated the reigning Fatah Party and has maintained a policy of non-recognition of the Israeli state.

18. The definition of "colonial" relates to "colony", among others, as (1) a body of people settled in new territory, foreign, often distant, retaining ties with the motherland or parent state; (2) a settlement in a new country; (3) the body of descendants of settlers wholly or partially retaining their ideology and organization; (4) settlement made in hostile, newly conquered, or unstable country as a means of facilitating established occupation and governed by a parent state; and (5) a settlement in a new territory enjoying a degree of autonomy or semi-responsible government without severing ties with the parent state and without attaining the more free status of a dominion", *Webster's Third New International Dictionary*, G. & C. Merriam Company, Springfield (MA) 1971, p. 447.

19. The author was much inspired in their research by the work of Albert Memmi, notably *The Colonizer and the Colonized*, Beacon Press, Boston 1991. Memmi examined the colonized/colonizer relationship in the specific context of France and Algeria. Some of his observations are relevant, indeed, to the Israeli presence in the West Bank and, until recently, in Gaza.

20. The specifics of this issue are addressed *infra*.

21. Moshe Dayan (1915-1981) was a major military figure in the Israeli independence movement. Considered somewhat of a political maverick, he was variously at odds with and in support of Israel's centrist political parties. In the last years of his life he adopted a stance in favor of Palestinian accommodation, even to the extent of forming a political party (*Telem*), which advocated unilateral withdrawal from territories acquired or controlled since 1967.

22. Ariel Sharon (b. 1928), a controversial military and political figure (and recently prime minister until felled by a stroke in January 2006), favored peace efforts that did not entail any territorial transfer. He was succeeding in office by fellow Likud Party member and deputy, Ehud Olmert, in April 2006.

23. The Kadimah [literally, 'Forward'] Party, founded by Ariel Sharon after a split with the conservative Likud, won a plurality of seats in the Knesset in the March 2006 elections. The party favors territorial concessions in order to maintain a geographical area in which Jews will be in the majority for the foreseeable future. However, at the same time, Kadimah favors maintaining strict Israeli control over a significant portion of the West Bank.

24. The Green Line refers to the 1949 Armistice line separating Israel from its opponents during the war for independence. It takes its name from the green pencil coloration used to draw the defining map. It is popularly employed to describe the enclosed region in which Jews constitute an absolute majority of the population.

25. In this essay, the author concentrates on analyzing the discourse used toward Palestinians and evaluate the extent to which it reveals concern about Israel's democracy. Hence, the author does not concern himself with expressions of concern relating solely to the indirect impact of occupation on domestic Israeli issues, however much they may limit the state's democratic nature (e.g., welfare policies, religion and state, inter-ethnic relations, immigration and foreign workers, etc.).

26. Quote from Avi Shlaim's *The Iron Wall* and/or Rabin's memorable speech at Mount Scopus in the aftermath of the Six Day War.

27. GORENBERG, Gershom, *The Accidental Empire: Israel and the Birth of the Settlements, 1967-1977*, Times Books, New York 2006.

28. HARKABI, Yehoshafat, *Israel's Fateful Decisions*, I.B. Taurus, London 1988. The notion of a separation between dogma and reality is also advocated by Mohammed Dajani in his article "Big Dream / Small Hope: a Peace Vision", in RAMONEDA, J., VILANOVA, P., SALEM, W. and KAUFMAN, E., *Breaking the Wall,* CCCB, Barcelona 2005, pp. 133-142.

29. HASSASSIAN, Manuel, "The Process of Democratization in the Palestinian Liberation Organization", in KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L., op. cit.

30. See especially Y. Yonah's article in this book. As mentioned by S. Kanafi in this book, the Kadimah party's policy of keeping most of the land (of the West Bank and Jerusalem) but with fewer people (the native Palestinians) has effectively replaced the Zionist leader Israel Zangwill's slogan of "land without people for a people with land."

31. The al-Aqsa Martyrs Brigades are a group of Palestinian militias operating largely in the West Bank and affiliated with the Fatah movement. Evidently influenced to some extent by Hezbollah, the Shiite Lebanese militia, al-Aqsa has committed a number of suicide bombings in Israel proper.

32. Relying on these two events has the added benefit of establishing one benchmark before the Oslo peace process effort began and a second one after its failure to bring about a lasting peace.

33. These all reference various peace initiatives.

34. Ehud Olmert (b. 1945), lawyer, journalist, and longtime prominent political figure, succeeded Ariel Sharon to the office of prime minister after the latter was felled by a stroke in January 2006.

35. Amir Peretz (b. 1952) a Moroccan-born immigrant and active in Labor Party politics for almost three decades, won an upset victory over party chairman Shimon Peres to assume control of the party in 2005. He currently serves in the Israeli cabinet as Minister of Defense.

36. STRASSLER, Nechemia, *Haaretz*, 18 August 2005.

37. In the sense of personal corruption

38. *Ha'aretz*, 7 October 2005, p. 5 (Hebrew). Quoted by Akiva Eldar, reporting on a Checkpoint [*Machsom*] Watch discussion at the Van Leer Institute.

39. *Nom de guerre* of Mahmoud Abbas (b. 1935), a founding member of Fatah, Abbas has figured as the leading Palestinian negotiator in various peace efforts. He has long maintained contacts with Israeli leftists and is generally regarded as something of a Palestinian dove. He signed the 1993 peace accord with Israel in September 1993, on behalf of the PLO.

40. KAUFMAN, E., "Are human rights good for the top-dog", in NEWMAN, David and DAJANI, Mohammed D. (eds.), *Israel-Palestine: Concepts* (Book I), Issues (Book II), *Middle East Peace and Security Series,* Taylor & Francis (Routledge Imprint) 2006. In the same study, we found out that Y. Arafat often employed the locution "rights", but always restricted it to "the Palestinian people."

41. Ehud Barak (b. 1942), career soldier and tenth prime minister of Israel (1999-2001).

42. This political party represents close to ten percent of the Israeli electorate (mostly Russian immigrants). It came close to being legitimized as a government coalition party. While Israel Beiteinu wants to retain as much Palestinian territory as practically feasible, at the same time it wishes to establish what amounts to a *cordon sanitaire*, physically separating Israelis from Palestinians.

43. Only Israel's Supreme Court of Justice has called for recognition of the requirement to adjust the security borders to avoid curtailment of rights of affected Palestinians.

44. Ze'ev Jabotinski (1880-1940), a talented orator and political polemicist, immigrated to Israel in 1903, becom-

ing prominent in the Zionist movement. He organized Jewish military formations to fight alongside British Army units in World War I engagements against the Turks, who then governed the Levant.

45. Quoted in SHLAIM, Avi, *The Iron Wall*, Norton and Co., New York 2001.

46. The Arab name for Jerusalem

47. The results of a poll conducted by Dr. Aharon Fein and the Tazpit Institute, published in *Ha'aretz*, 19 January 2006, p. 5a.

48. Literally, the Noble Sanctuary, the 35-acre area encompassing the Temple Mount, and including the al-Aqsa mosque. At present, this area functions under the jurisdiction of a Muslim *waqf*, although this organization's authority is legislated and, therefore, subject to modification or, even, outright elimination.

49. This, of course, raises a fundamental question. If, indeed, democracies do not fight each other, what are the chances of peace with the new government if occupation and settlements are brought to an end? The question itself elides over a particularly important consideration: Do fairly conducted, contested elections always point to an underlying popular appreciation of liberal democratic norms of behavior, including respect for the integrity of individuals of different race and ethnicity? Given recurring popular expression among Palestinians of hatred for Jews (and, for that matter, of the inferiority of Christians and individuals of other religious persuasions), Israelis may well question Palestinian attachment to democracy's normative values and, therefore, the possibility of long term benefits flowing from any negotiation initiative.

50. By the same token, many such immigrants were likely self-marginalized, if only because they had entered an alien social environment, one with normative values very much at odds with those prevailing in the traditional societies whence they came.

51. Historians have proposed a number of underlying incentives that encouraged European nations to engage in empire-building. Financial incentives, while always prominent, were hardly exclusive. German political leaders during the late-19th-century Bismarck period spoke of Germany's "place in the sun." And, Italy, like France, considered its ventures in both North Africa (Libya) and the Horn of Africa to be a *mission civilatrice*, as well as an activity reminiscent of classical Rome's empire achievements. The Berlin Conference (1878), which divided Africa into colonial spheres, granted the bulk of control of that continent to Britain and France. Germany and Italy received rather little, although Portugal gained control of large tracts of southern Africa. In China, spheres of interest were divided among colonial powers. Although formal national sovereignty was sustained, to at least some extent national integrity was compromised incident to the establishment of extraterritoriality in the case of western residents.

52. A locution, of course, replete with unwanted associations with the odious Hitler regime.

53. According to Hofnung, "the inability of the Israeli society to solve or to reduce the internal security pressure, in spite of the reduction in the external threat, is a source of continuous danger to Israeli democracy and the maintenance of the rule of law." HOFNUNG, Menachem, *Israel-Security Needs vs. the Rule of Law*, doctoral dissertation submitted to the Hebrew University of Jerusalem, September 1989, English abstract, p. 8.

54. The September 11, 2001 attacks, however, were preceded by a similar effort – one using planted explosives – to bring down the twin towers of the World Trade Center in 1993. That effort resulted in substantial damage and the deaths of several individuals. Other terrorist events (e.g., the 2000 attack on the *USS Cole*, an American destroyer, the 1988 bombing of Pan Am Flight 103) certainly had an effect on American public opinion.

55. The July 2005 terrorist attack on the London municipal transportation system claimed 52 victims. Since then, Scotland Yard investigators and government counter-terrorism experts have uncovered a number of planned terrorist activities before they could be brought to fruition.

56. The March 2004 attacks on Madrid's commuter train system claimed 191 lives and over 2000 wounded. This event shifted Spanish public opinion away from the conservative government – then actively participating in operations in Iraq – and resulted in the election of a leftist government. That government withdrew Spanish military forces from Iraq. In this respect, the terrorist attack arguably achieved a major aim. Thereafter, Spain has adopted a much more accommodating attitude toward even the most militant of its resident Muslim factions.

57. All of these are highly controversial, with many of the facts still in dispute. All three have been standard police practice, albeit ones that have been challenged by civil libertarians, at least under certain circumstances.

58. LOCHAMIM, Siach, *The Seventh Day, Soldiers talk about the Six Day War*, Deutsch, London 1970.

59. BAR-TAL, D., KRUGLANSKI, A. W. and KLAR, Y., "Conflict termination: An epistemological analysis of international cases", *Political Psychology*, vol. 10, no. 2, 1989, pp. 233-255.

60. Apartheid – racial segregation practiced under the euphemism of "separate development" – was established under South Africa's Malan Government in 1948. It codified existing social practices, often in minute detail, to assure white racial superiority over the much larger black population.

61. Such maximalist drive also grew up to be very popular among Palestinians in the post-Khomeini expression of Arab political Islam, calling the Middle East "Dar el Islam", with no room for rulers of other faiths, including Christians in Lebanon and Jews in Israel.

62. The author does not necessarily infer that the historical memory of such cruel mistreatment is necessarily an abstract "good." Indeed, the case may be made that such collective ethnic memories, at least in certain instances, have done more net harm than good. The murderous rampages in Rwanda of both Tutsis and Hutus – targeting each other – is a case in point, as was also (albeit to a much lesser degree), in the very recent past, the tit-for-tat murders and other forms of reciprocal violence visited by Catholic and Protestant gangs on their respective religious opponents. However, to argue that such collective memories should be – or, for that matter, can be – erased is fatuous. They persist and political planners must take them into account.

63. ADLER, Emanuel and CRAWFORD, Beverly (eds.), *Progress in Post-War International Relations*, Columbia University Press, New York 1990.

64. It may be argued that the inhabitants of various dependencies of the United States (e.g., Puerto Rico, American Samoa) enjoy local, municipal rights but are denied other rights (e.g., to vote in national elections or to be fully represented in the national legislature). However, those same individuals remain American citizens are free to migrate to and settle in the United States, thereby automatically gaining any otherwise denied citizen privileges.

65. There is a body of evidence that certain colonial powers (e.g., Germany before World War II) never profited financially from their colonial ventures.

66. MEMMI, Albert, op. cit., p. 5.

67. Ibid., p. 66.

68. However, this was certainly not always the historical case. The British Indian Civil Service is considered to have been a model of incorruptibility and, indeed, provided the model for India's much-respected present-day civil service.

69. MEMMI, Albert, op. cit. p. 52.

70. Shimon Peres (b. 1923), originally prominent in the Labor Party, shifted his allegiance to the newly formed Kadimah Party in 2005. Peres served as Israel's prime minister in the 1980s and 1990s and is now a member of the cabinet.

71. PERES, Shimon, *The New Middle East*, 1995.

72. HUNTINGTON, Samuel P., "The Clash of Civilizations", *Foreign Affairs*, vol. 72, no. 3, summer 1993, pp. 22-28.

73. SHARANSKY, Nathan, *The Case for Democracy: The Power of Freedom to Overcome Tyranny and Terror*, PublicAffairs, New York 2004.

74. An excellent example is modern Germany. Its eastern territories appear to be irrevocably lost, yet the nation is prospering to a degree unimaginable to Germans of only a half-century ago. This, of course, points to the increasing distance between territorial acquisition and national wealth, an outcome of economic conditions in the post-industrial period.

75. MIGDAL, Joel S., "Whose State Is It, Anyway? Exclusion from the Nation? Exclusion within the Nation and the Construction of Graduated Citizenship in Israel", Department of Sociology, University of Washington, unpublished paper, March 2006, p. 2.

76. SHAFIR, Gershon and PELED, Yoav, *Being Israeli: The Dynamics of Multiple Citizenship*, Cambridge University Press, New York 2002, p. 15.

77. ROUHANA, Nadim and GHANEM, As'ad, "The Democratization of a Traditional Minority in an Ethnic Democracy: The Palestinians in Israel", in KAUFMAN, E., ABED, S. B. and ROTHSTEIN, R. L., op.cit., pp. 163-188.

78. Interview with Y. Gorni, in DAYAN, Aryeh, "We Racists", *Ha'aretz*, 27 December 1991. "Our aura of masters that accordingly everything is permissible to us, only because we are Jews, is dangerous."

79. MIGDAL, Joel S., op.cit., p. 17.

80. KACOWICZ, Arie, op.cit.

81. Search for Common Ground, Middle East Program, public opinion poll, press release, November 2002 (www.sfcg.org).

THE POLITICS OF MISRECOGNITION

Ishai Menuchin

… I's taught and brought up there / The laws to abide
And that land that I live in / Has God on its side.
Oh the history books tell it / They tell so well
The cavalries charged / The Indians fell
The cavalries charged / The Indians died
Oh the country was young / With God on its side.[1]

As national identities evolve, national forces in the public spheres put great emphasis on the quest for, as well as the institution of, collective basic values and common motivating narratives. Bob Dylan (1974: 136) describes such a common motivating narrative in his cynical lyric "With God on our side".

When common values and narratives are not enough for the construction and re-construction of the national identity, the promoters of the new emerging or reshaped national identity invest immense efforts in identifying and widening the differentiating features between their identity and the "Other's" identity.

Later, when national identity is secure and the public sphere is more mature, the importance of these values, narratives, and separating features as political activators decreases. There is more recognition of the "Other's" identities and of the contributions of the "Others" to one's own national identity.

For generations, the "founders" and the promoters of the Israeli national identity have invested hard work in excluding the "Others" – new "Others" and old ones, Jewish "Others" and Palestinian ones – and thus widening the difference between the Israeli identity and the identities of the rest of the world. Looking at the process of the Israeli national identity

reconstruction and its enmeshment with Jewish identity, raises questions about the maturity of this national identity and the prospect of seeing a decrease in the significance of these separating features and symbols.

1. Us and the rest

Looking into the history of the Jewish-Israeli community, it is clear that two main ideas took part in shaping and sustaining it throughout the millenniums: the *politics of non-recognition of the "Others"*, and the idea that *"the world is against us"*. Needless to say that these are not specific Jewish-Israeli community narratives, as they can be observed in many national discourses. In this paper, I will focus my observations on my own community.

The traditional narrative of not recognizing the "Others" is present throughout Jewish history – it is present in the holy scripts, the external books, interpretations of the Bible, Jewish history books, etc. It is one of the main historical Jewish narratives since Abraham who, according to the Bible's author, received the divine promise: "I will make of thee a great nation, and I will bless thee, and make thy name great; and thou shalt be a blessing." (Genesis: 12: 2)

Since this divine promise, Jewish selectiveness has become a religious value, a common religious-national narrative and a differentiating feature between the new sons-of-Israel and the "Others" – the pagans. Not to recognize the otherness of the "Other" has been, and still is, an effective national narrative construction and reconstruction tool.

The traditional narrative of "the world is against us" has also been present throughout Jewish history. In biblical times it was explained sometimes by the Jews' status as "the chosen ones", sometimes by their obedience to God's commands, sometimes as a punishment for their disobedience to God's commands. Since that time, the antagonism towards the "against-us Others" has become a common national narrative that justifies non-recognition and misrecognition, by over-emphasizing differentiating features and symbols between the Jews and the "Others", first in the land of Canaan, and later in Europe, Asia and other environments. Unfortunately, in many cases, the "Others" provided the Jews with "good" reasons to hold on to those narratives because they too were antagonistic to all the "Others" – in many cases Jews were at the top of the "Others" hate list.

Alongside the negative impact, those narratives were factors in Jewish national survival over generations. The Jews' otherness in their eyes and in the eyes of the Egyptians, Persians, Greeks, Romans, Christians, Muslims and all the other non-Jews is one of the major forces that preserved their religion and national identity throughout history.

One of the most poetic manifestations of this cluster of narratives is in the Passover manuscript that most Jewish families for centuries have been reading once a year – it is an educational tool for collective narratives. It is a religious duty to tell the story and "all those who dwell on the story of the Exodus are surely to be praised." The text is basically about the exodus from Egypt and the liberation of the sons-of-Israel from slavery, but it is bluntly clear that "For not one man only has risen up against us, but in every generation there are those who have risen against us to destroy us. But the Holy One, blessed be He, has delivered us out of their hands!"[2]

2. Nationalism and the Holocaust

The "Enlightenment" brought more secularism into western tradition, including national identity. The dramatic changes in western political traditions put emphasis on emancipation,

religious and political tolerance and the separation of state and religion. The different religions lost much of their power and influence. Thus, for more Jews, the non-recognition of the "Others" and the conviction that "the Others are against us" became less powerful as a national theme. Many Jews assimilated in other communities, and the forces that kept the less religious or secular Jews as a distinctive group were the rising nation-state ideology of the 19TH century.

But it is not only 19TH-century nationalism that changed the Jewish national identity; the ongoing traditional anti-Semitism, the new national anti-foreigner sentiments and the eastern-European pogroms encouraged the emigration of the Jews to the "New World" and to the "old homeland" for a better future.

With the Holocaust, the systematic industrialized racist genocide of more than six million Jews together with millions of Roma people, homosexuals and others, extremely consolidated the old narrative "the Others are against us" and ushered in the narrative of "never again". Not to trust the "Others" became a pivotal theme in the Israeli public sphere. One example of the many voices that were raised against the dependency on "Others", bystanders included, was that of Aba Kovner's. He wrote (1988): "… the Germans and their accomplices murdered six million Jews, among them a million and a half children. Imprisoned in their ghettos the victims fought desperately for their lives while the world stood by in silence."[3]

Even though remembrance of the Holocaust was not the foundation of the narrative "the others are against us", it soon became its basis and a proof about the willingness of "Others" to get rid of the Jews or to be indifferent to their sufferings. The "others are against us" and "never again" have become part of the core of the education system, and every Jewish-Israeli youngster is affected thus.[4]

While emphasizing, for nationalistic instrumental reasons its national exclusive significance, the universal significance of the Holocaust and its non-Jewish victims were ignored. Universalism is not a good tool for the promotion of a national identity.[5] For nationalists, including the "Other" victims in the memory of the Holocaust, learning about their sufferings or connecting the Holocaust to the broader trends of racism, could divert the focus from the Jew's sufferings.

3. Non-recognition of "Others"

Charles Taylor (1994) begins his essay on "the politics of recognition" with the observation that

> a number of strands in contemporary politics turn on the need, sometimes the demand, for recognition. The need, it can be argued, is one of the driving forces behind nationalist movements in politics […] the demand for recognition in these latter cases is given urgency by the supposed links between recognition and identity […] the thesis is that our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.[6]

Recognition, non-recognition and misrecognition by others have important roles in determining one's identity. Sometimes, the construction and re-construction of national identities put great emphasis on widening the gap between the national identity and the "Others'" identity. One of the common nationalistic ways to do this is by developing collective narra-

tives that ignore the "Others". It should be clear to us that non-recognition of the "Others" is one of the basic excluding tools that both Israelis and Palestinians have been using in the last dozens of years in developing narratives for the reconstruction of their imaginary past, political present and the education of the future generations.[7] Both hegemonic national forces define the "Other" as the "ultimate Other" and its non-recognition plays a significant role in their identity reshaping processes.

Gur-Ze'ev and Pappe (1999: 99) argue that the formation of the Israeli and Palestinian national identities is a dialectical process that assigns a special role for the negation of the "Otherness" of the "Other". Each side fosters collective basic values and narratives, and by non-recognizing and misrecognizing the other side, widens the gap between them. For the Zionist movement, since Israel Zangwill's late-19th-century infamous declaration about Zion as a "land without a people for a people without land", one of the main themes of the Jewish people is to "make the wasteland bloom". A more recent example is Naomi Shemer's (1967), "Jerusalem of gold", the 1967 war hymn that emphasizes "How the cisterns have dried / The market-place is empty / And no one frequents the Temple Mount In the Old City."[8] Another one, was Israeli Prime-minister Golda Meir's (1969) notorious affirmation that "There is no such thing as a Palestinian people [...] It is not as if we came and threw them out and took their country. They didn't exist."[9]

The Palestinians have used the same non-recognition device. The most infamous expression is the Palestinian Covenant that declares: "Judaism, being a religion, is not an independent nationality. Nor do Jews constitute a single nation with an identity of its own; they are citizens of the states to which they belong." The Hamas Covenant's (1988) notorious declaration that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it […and] the land of Palestine is an Islamic Waqf consecrated for future Moslem generations until Judgement Day."[10] Another recent example is Azmi Bishara's (1998) declaration that he "thinks that Judaism is a religion and not a nation, and that the Jewish public in the world doesn't have any national status."[11] It seems that both Israelis and Palestinians have tried to reshape their identities by not recognizing the other side to the conflict.

4. The politics of misrecognition

Robert Frost (1915) wrote in "Mending wall":

> "… Before I built a wall I'd ask to know
> What I was walling in or walling out,
> And to whom I was like to give offence…"

Conflict over the same land and its history has made the Israeli and Palestinian narratives antagonistic to each other. It has been almost impossible to recognize the "Other" but it is not possible to totally exclude the "Others" from one's own narratives either. The "Castel" for Palestinians and "Mevaseret Ziyyon" for Israelis, each name carrying a different story; the same holy place is for Muslim Palestinians "Haram-ash Sharif" and "the Temple Mountain" for Jewish-Israelis, each name bearing a different religious tale; and the same historical event is the "independence war" for Israelis and the "Nakba" for Palestinians.[12] The use of parallel labels brought more contradictions into this language-game. Even though these con-

tradictory national narratives and names were built on identifying the "Others", they misrecognized them, diminished their story, their geography and erased, as much as possible, their positive parts in the "right" people's stories.

These names and concepts that correspond to national ideologies play a significant role in defining everyday realities and social activities. Using the national biased language makes the misrecognition of opposing national narratives part of the ideological background in almost every political thought, social interpretation and societal action in everyday life.

When Alina Koren (1997: 549) analyzed the Israeli media's description style of the 1976 "Land Day", she observed that the media coverage was focused on security issues and on trying to: "Connect the strike to the social unrest in the occupied territories […] It placed the protest in a context familiar to the public and gave it sense in terms of an old known problem, namely: a security problem of disturbances, riots, incitement and not a political problem."[13]

Neiger, Zandberg, and Abu-Ra'iyeh (2001) analyzed the coverage of the October 2000 violent clashes between the police and Israeli Arab citizens and found out that the:

> Israeli media contributed to the enflaming of passions and to increasing the sense of fear and danger to the State's existence […] The reporters who covered the events were military/police/defense reporters and were fed by defense establishment sources […] As a result, the Hebrew media's coverage of the October 2000 events was frequently directed against Israeli Arabs. The presentation of the events as a violent protest by Arab Israelis that endangers Israel's existence, thus returning the State to the time of the War of Independence, gave symbolic approval to the killing of Arab Israelis.[14]

The national language – the language that describes what we perceive, how we get around in the world, and how we relate to other people – is politically biased. Our national narratives play a central role in defining our everyday reality or perception of reality. Our analysis and interpretations of the past, present and future, are based on narratives that lead us to see and understand our situation in certain ways.[15] I will borrow Gareth Morgan's (1986: 12) description that "the use of metaphor implies a way of thinking and a way of seeing that pervade how we understand our world generally"[16] to describe the nature of national narratives.

5. Concluding remarks

When Umberto Eco (2001: 22 - 23) discussed ethics he emphasized that "The ethical dimension begins when the other appears on the scene […] it is the other, it is his look, that defines and forms us. Just as we cannot live without eating or sleeping, we cannot understand who we are without the look and response of the other."[17]

Edward Said (2005) wrote about Freud's view of Moses as an insider and outsider at the same time – as an Egyptian and as the leader of the Jews.[18] Contrary to Freud's attempt to open the Jewish national identity to the "Others", for many years the promoters of the Israeli national identity worked hard to close it to them – to exclude new "Others" and old ones. They labored to connect it to its ancient sources in the biblical story and to neglect past and present "Others" and their contributions to national identity.

Even though our global human history demonstrates that every idea on earth is influenced by other ideas – that ideas have a global influence, promoters of nationalistic narratives try to convince us otherwise. They try to convince us that their story is the only "right" story and

that "the Others" have no part in their community's identity; alternatively, that "the Others" have only a reduced or bent part.

Today between the Mediterranean Sea and the Jordan River, the importance of the "Others", their authenticity, the moral value of their otherness and the ongoing reciprocal influence are neglected by the majority of both societies. All paths towards an end to the Israeli-Palestinian conflict will have to find a way to recognize the "Other" and reconstruct the national narratives in a way that will recognize the otherness of the "Others" and will include their part in the national identities. Nowadays I sense that in Israel and Palestine there is a growing recognition of the "Other's" identities, the similarities between the identities and the contribution of the Israeli and the Palestinian national identities to each other. I hope that soon we, Israelis and Palestinians, will be more self-confident and our public sphere will be more mature, and that the influence of national values and narratives will be diminished.

Notes

1. Dylan, Bob, "With God on our side", *Bob Dylan Writings and Drawings*, Granada 1974, p. 136.

2. *The Wolloch Haggadah - Pessach Haggadah In Memory of The Holocaust*, Goldman's Art Gallery, Haifa, Israel 1988.

3. Kovner, Aba, in *The Wolloch Haggadah - Pessach Haggadah In Memory of The Holocaust*, Goldman's Art Gallery, Haifa 1988.

4. Although the Holocaust was unique, national catastrophes happened all over our region and every national identity promoter has a catastrophe that is linked to the theme that the "Others are against us". The Palestinians have their 1948 "Nakba", the Armenians have their 1915-1917 genocide. The western colonial states of the 19th century left many memories of massacres and repression for societies throughout the Middle East.

5. On the other side of the Israeli-Palestinian conflict, the Palestinian traditional national attitude was total negation, indifference to the moral significance of the Holocaust. For more details, see Gur-Ze'ev, Ilan and Pappe, Ilan, "The Palestinian control on the Holocaust and Nakba memories", in Gur-Ze'ev, Ilan, *Philosophy, Politics and Education in Israel*, Haifa University Press, Haifa 1999 (Hebrew).

6. Taylor, Charles, "The Politics of Recognition", in Taylor, Charles et al., *Multiculturalism*, Princeton University Press, 1994, p. 25.

7. Gur-Ze'ev, Ilan and Pappe, Ilan, op. cit. p. 104, for example, claims that "control of the collective memory and the elimination of the memory of the 'Other' became central elements in each rival education system".

8. Translated by Yael Levine, http://www.jerusalemofgold.co.il.

9. *The Sunday Times*, 15 June 1969.

10. http://en.wikisource.org/wiki/Hamas_Covenant.

11. Shavit, Ari, *"The Citizen Azmi"*, *Ha'aretz*, 29 Mai 1998.

12. Those are the antagonistic narratives, not the "Holocaust" versus the "Nakba" as some researchers and politicians tend to contrast.

13. Koren, Alina, *"The coverage of 1976 land day in the Israeli press"*, in Herman, Tamar (ed.), *Social Movements and Political Protest in Israel*, 1997, pp. 542-555.

14. Be'er, Yizhar and Karniel, Yuval, "Letter to the State Commission of Inquiry into the Conflict between Israeli Arabs and the Police in October 2000", 2001. Based on Neiger, Motti, Zandberg, Eyal and Abu-Ra'iyeh, *Civil or Ethnic Media? An Evaluation of the Coverage of the October 2000 Violent Clashes between the Police and Israeli Arab Citizens*, Keshev Report, March 2001.

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INTERNALIZATION AND EXTERNALIZATION: PALESTINIAN JERUSALEMITES ADAPTATIONS TO INTERNAL OCCUPATION

Walid Salem

The literature on Jerusalem, and the problem

Studies on the Palestinian Jerusalemites' social, communal and psychological ways of coping with the Israeli occupation of the city are rare. The result of this absence is a problem, because it leaves space for different claims over the political orientation of the Palestinian Jerusalemites, none of which is based on scientific evidence. These claims are divided between those who claim that the Palestinian Jerusalemites would choose to join Israel in the event that they were asked freely to express their options, and those who claim that the Palestinian Jerusalemites prefer the Palestinian Authority and have no complaints about it.

Neither claim tries to explain the impact of occupation on the Palestinian Jerusalemites, either at social or communal level. And neither tries to examine systematically how the Palestinian Jerusalemites perceive their current and future relationships with Palestinians in the West Bank, the Gaza Strip, and in the Diaspora; or how the Oslo process, which postponed negotiations on Jerusalem to a later stage, has influenced these perceptions.

Beyond these two contradictory positions is the "sovereignty paradigm" that has characterized most of the discussions about Jerusalem so far. Under this paradigm, each side takes a defensive position to prove its sovereignty over the city, and therefore to prove the other side wrong. Consequently the needs of human beings, of the people themselves, are not considered or studied sufficiently. This has also left the two sides in antagonistic positions, which causes problems when asking questions such as: Why are only a minority of Palestinian Jerusalemites participating in both the Israeli city municipal elections and also the Palestinian legislative council elections? This low participation might demonstrate the fact that both of the positions mentioned above, and the sovereignty paradigm that lies at their root, are incapable of recognizing the issues facing Palestinian Jerusalemites, and therefore also of providing solutions and policies to resolve them.

Within the sovereignty paradigm, hundreds of studies, papers, documents, reports and articles have been produced about Jerusalem by Palestinian and Arab writers (most of them

in Arabic)[1] in the last four decades, including a majority that can be categorized as political scenarios, such as those produced by PASSIA (Palestinian Academic Society for the Study of International Affairs), or IPCRI (Israeli Palestinian Center for Research and Information), or IPCC (International Peace and Cooperation Center) among many others.[2]

The second type of study can be categorized as: descriptive studies of what is happening on the ground in Jerusalem concerning Israeli settlement expansion and Judaism in Jerusalem, as well as studies describing the status of the social, economic and educational sectors in Jerusalem. These include studies of the Arab Studies Society, the Multi-sector review of the East Jerusalem project, the MESC (Middle East Studies Center, Jordan), PASSIA studies and Arab Thought Forum Studies, Berzeit University Studies and this writer's previous studies.[3]

The third type of study are legal studies comparing Israeli polices in Jerusalem with international law, mainly on annexation and citizenship issues. Some of the PASSIA publications and the Institute of Palestinian Studies fall into this category.[4] Then there are the Defense of Human Rights and Advocacy studies and reports published by some Palestinian NGO's or joint Israeli-Palestinian NGO's, that call for equal rights for Palestinian Jerusalemites as for Israelis, or the implementation of the rights that Israeli law gives to the Palestinian Jerusalemites without violations in practice.[5]

The fourth type of study are the historical studies which document the history of the city, and the history of its neighborhoods and institutions. The *Jerusalem Quarterly* file in its 26 volumes published by the Institute of Jerusalem studies, beginning from 1998, is an example of this type.[6] The fifth type are those studies on urban planning issues such as those of the IPCC (International Peace and Cooperation Center).[7]

Aside from these hundreds of studies/papers and reports, not many were written (the sixth category maybe) about the people's needs and adaptations, and among these, few in this field are written about the needs of young Palestinian men and women. Some focus on young Palestinian people in general, including Jerusalemites, while others look at young Jerusalemites in particular. There are also some studies about women and the elderly, but these are still mostly descriptive reports that do not delve deeply into analysis of the types of adaptations that exist.[8] Moreover, the attempt to prove the sovereignty of one side against the other is the main driving issue in most of the studies in the six trends mentioned.

The approach

The point of departure of this paper is that unless the issue of citizens' sovereignty versus formal sovereignty is tackled, people's adaptations to occupation cannot be analyzed. Moreover, "formal sovereignty can only be tackled effectively when needs, emotions and the requirements for dignity and equity have been met. A need-based approach that is comprehensive and concrete may pave the way for new directions, find openings, currently ignored, and ensure the security and control to which both sides are entitled."[9]

The approach of this paper is moreover one of the issue of human security,[10] aiming to analyze the human situation on the ground on one hand, and to suggest ways to resolve it on the other hand. In this regard the paper will begin with the characteristics of Israeli policies towards the Palestinian Jerusalemites. It will then make comparisons between the characteristics of reactions of the Palestinian parties to occupation in Jerusalem, with those of the people themselves, assessing if there is a gap in this regard. Finally the paper will present a conclusion that includes suggestions for policies and steps to be taken.

The type of questions this paper addresses includes: What type of occupation exists in Jerusalem? How does its machinery function? How are the Palestinian political parties and the Palestinian Jerusalemites adapting or coping with this occupation? What are their strategies for survival and their means of self-protection/self-defense as human beings? What are the policies needed in order to deal with these adaptations?

The word "adaptation" is used in this context to include all those types of voluntary and compulsory (i.e. forced, or imposed) actions taken by the Palestinian Jerusalemites in regard to their relations with Israeli official authorities in the city.

Wondering if it is merely an occupation?

Palestinian studies have always claimed that the Palestinian Jerusalemites are under occupation, and that they are therefore entitled to sovereignty as part of a Palestinian state. The question is whether it is merely an occupation in Jerusalem, and therefore does the solution merely concern "sovereignty" and the end of the occupation.

Israeli policies have led to the above-mentioned Palestinian response: Israeli calls for unilateral sovereignty over a United Jerusalem as a capital of Israel, and the desire for Jerusalem to be united as that "capital of Israel", rather than a city of equality for all its citizens and residents, has lead to the Palestinian counter-response calling for Palestinian unilateral sovereignty over Jerusalem.

Consequently both sides have become concerned with the issue of who exercises formal sovereignty, rather than the issue of human beings' needs and security. Legal studies on each side are used accordingly to justify exclusive, unilateral, formal sovereignty on paper, while the issue of the actual human suffering on the ground remains unresolved. One example of the legal claims for Israeli sovereignty is as follows: "The Israeli claim to Jerusalem is based on the fact that in 1948, Britain left the area and a vacuum of sovereignty ensued."[11] But what about the people who stayed in Jerusalem, or left it in 1948, why were they not asked? And why was the issue of sovereignty not resolved by means of a majority vote? Palestinian claims for Palestinian unilateral sovereignty over Jerusalem follow similar logic, using the justification that it is an Islamic *Waqf* (endowment). The question in this case would be: What about the Jews who live in the city? And what about the equal rights of the Christians living in the city?

The notion of Israeli unilateral sovereignty over Jerusalem, and all the policies that result from it, go beyond military occupation to include political claims and events: for example, the belief that the Jews have historical religious attachments to Jerusalem; that the Jews have returned to their capital after it had been taken over by aliens; and that those aliens have no citizenship rights within the city, except those granted to them by Israel.

Israeli practices within the city include neocolonial actions, such as the economic annexation of Jerusalem to Israel and the prevention of Palestinian goods entering the city; however, some practices go beyond neocolonialism to the Judaization of the zone. For example, denying Palestinian Jerusalemites rights to the zone by considering them to be "Jordanian citizens residing permanently in Israel";[12] the displacement of some Palestinian Jerusalemites through laws and procedures that promote ethnic cleansing;[13] the separation of Palestinians from Palestinians by the building of the wall; the displacement of Palestinians inside and outside the city with Jewish settlers and settlements;[14] the displacement of Palestinian institutions out of Jerusalem; and finally the marginal role given to those Palestinians who do choose to stay in Jerusalem.

So what should we call a phenomenon that includes direct military occupation, neo-colonial actions, spacio-cidal actions[15] and ethnic cleansing, combined with historical and religious claims to the land? One might suggest calling it an "internal occupation" until another appropriate term is discovered.[16]

In the West Bank, Israeli policies include a systematic marginalization of Palestinians economically, demographically, socially and culturally, while simultaneously expanding the presence of Jewish settlers in the areas that Israel is looking to annex. In Salfit, Hebron, and the Jordan Valley areas, these policies are going even further, including ethnic cleansing in areas inside and outside each of these regions.[17]

The Israeli writer Adi Ophir described the Israeli policies in West Bank as policies aiming to create a very detailed and sophisticated regime of movement that relies on a thoroughly fragmented space, " the local and daily aspect of suspension, consisting of the temporariness of any rule, permit, or roadblock, of many check points, of most outposts, and even of settlements and roads". The Palestinian in this situation is "neither a citizen, nor even a subject of the Israeli sovereign, but a 'non-citizen' whose political existence is reduced to the status of an object of power, its target […]. His very presence, let alone his attempt to speak back to power, is conceived as a form of resistance. He is not punished because he transgresses the law, he is oppressed because he is present where he is not supposed to be".[18]

The last paragraph touches upon the issue of the Palestinian Jerusalemites, who live in fragmented spaces with a feeling of temporariness, since the Jerusalemite always needs to prove to the Israeli authorities that he/she is still "residing" inside the city and has not left it. Israel, having annexed the area of East Jerusalem, has implemented a systematic demographic policy that will keep the Palestinian Jerusalemites as a minority in the city, while creating a Jewish majority.[19]

In addition to ethnic cleansing procedures, various other methods have been used to keep the Palestinian Jerusalemites as a minority in the city. These methods include: excluding a lot of Palestinian Jerusalem areas from the city;[20] non-approval of zoning plans;[21] house demolitions;[22] preventing those refugee Jerusalemites who came back to Palestine with the Palestinian Authority (PA) from returning to Jerusalem; preventing PA institutions from working in Jerusalem in violation of Shimon Peres' (the Minister of Foreign Affairs of Israel at that time) letter to the Norwegian Minister of Foreign Affairs, Johan Jorgen Holst, about this issue, dated 11/10/1993;[23] Israelization of a minority of the Palestinian Jerusalemites;[24] settlement expansion in Jerusalem as stated earlier, including in the Old City of Jerusalem; isolation of Jerusalem from the West Bank and Gaza, and the prevention of Palestinian Jerusalemites traveling to the West Bank and Gaza;[25] imposing high taxes on the Palestinian Jerusalemites, while they get fewer services than the Jewish sector;[26] preventing the West Bank and Gaza Strip Palestinians from entering Jerusalem; annexing the West-Bank-located Israeli settlements to Jerusalem while excluding Palestinian Jerusalem villages from Jerusalem; marginalizing the economic sector in Jerusalem, including preventing the building of new hotels in the city from 1967;[27] and enclosing the Palestinian Jerusalemites in a big prison that is accessible from Israel, but not from the West Bank or Gaza.

Accessibility is limited to Israel alone according to a particular justification, namely security. So for example Palestinian Jerusalemites are subjected to a special search when

they travel from the Israeli Ben-Gurion airport using their Israeli travel documents,[28] since they are considered by Israel to be Jordanians, they are required to leave their Identity cards at the bridge when they leave to Jordan. It is interesting in that regard that the Jordanian government offers them temporary Jordanian passports with green cards attached to help them travel until the establishment of a Palestinian state; thus they are not considered Jordanian citizens. The result is that the Palestinian Jerusalemites are stateless.[29]

Imposed inclusion versus integration

There is also another facet to Israeli policy towards the Palestinian Jerusalemites, which includes imposed inclusion without integration into Israeli society. So, starting in 1967, the Palestinian Jerusalemites were given "rights" to participate in Jerusalem municipal elections. Then in 1980, the municipality created what in Hebrew is called *minhalot* or "neighborhood councils".[30] Moreover the Palestinian Jerusalemites were asked to join the Professional Israeli Trade Unions, in order to be able to work with Israeli institutions in Jerusalem. Also schools that were administrated by the Jordanian Government before 1967 were transferred to administration by the Israeli Ministry of Education, and in the Israeli municipality of Jerusalem, Parents Committees were formed in these schools, which were non-elected but appointed like the neighborhood councils.

After Oslo, the imposed inclusion process took a further step. Firstly, Jerusalem was separated from the West Bank a few months before the declaration of the Oslo Declaration of Principles.[31] Secondly, the process of annexing Palestinian professional institutions in Jerusalem to Israeli institutions gained new momentum, leading to the situation that all Palestinian Hospitals in East Jerusalem lost their independence and were attached to Israeli Health Funds. Also, all the Palestinian professional institutions became meaningless for their Jerusalemite members, because these institutions could not offer their members the possibility of earning a living in Jerusalem, so in order to do so, they need to work with the Israeli professional institutions.

In conclusion to this section: Israeli policies towards the Palestinian Jerusalemites were both exclusive and inclusive. The inclusive part may be considered humiliating for the Palestinian Jerusalemites, for two reasons: the first is that the Palestinian Jerusalemites were forced to abandon their own national institutions and join the institutions of their occupier; and secondly: the Palestinian Jerusalemites were not given the same rights as the Israelis, with the justification that the Palestinian Jerusalemites are not citizens of Israel. This element may be considered one of exclusion.

The next section will analyze how the Palestinians adapted to these inclusion and exclusion policies.

Palestinian Jerusalemites adaptation strategies

Roughly speaking, the Palestinian Jerusalemites adaptation strategies with regard to the internal occupation went through two stages. One was the pre-Oslo period from 1967 to 1993, when the Palestinian Jerusalemites (people, factions and political leadership) were adapting while resisting; and the second was from 1993 to 2006, when the Palestinian Jerusalemites (people, factions, and political leadership) practiced adaptation more than resistance. It is not known if the 2006 Palestinian Legislative Council elections lead to a third stage under Hamas leadership in the city.

The combination of resistance and adaptation (1967-1993)

The Canadian writer Anne Latendresse divided this period into four sub-stages: Preservation of the Arab institutions (1967-1974), *Sumud* (Steadfastness) versus popular resistance (1974-1987), the Intifada (1987-1991), and the Negotiations (1991-1994).[32] Walid Salem divided them similarly in his previous mentioned studies.

Without going into detail of what happened in each one of these sub-stages, the outcome of the popular resistance of teachers, school students and national personalities in the period up until 1974 was the preservation of Jordanian curricula taught in schools in Jerusalem,[33] as well as the preservation of the independence of the Islamic and Christian *Waqf* (Endowments), and also independence of other Institutions such as the House of Commerce, the Jerusalem Electricity Company, Al-Maqasid Hospital, the professional Trade Unions and transportation companies. These successes were achieved through a combination of the struggle of the city's political elite, who were connected to either the PLO or to Jordan, and the peoples non-violent struggle, mainly among school students and teachers. The National Guidance Committee of 1967-1969, and the National Front of 1973-1976 were the Jerusalem-centered leaderships of that non-violent resistance.[34]

The period of 1974-1987 witnessed the growth of PLO influence in Jerusalem, and the continuation of cooperation with those who were loyal to Jordan. The main characteristic of this period was the *Sumud* (steadfastness) strategy, with financial support coming from the Jordanian Palestinian Committee and also from Christian organizations which provided support that was spent mainly on housing.[35] During this period the Palestinian Jerusalemites also began resistance in order to preserve their lands from confiscation for Israeli settlement expansion on land in East Jerusalem; and the Palestinian Jerusalemites also began establishing new national institutions in the city.[36]

In addition to its success in preserving Palestinian institutions in Jerusalem up to 1987, the Intifada that began in that year succeeded in separating East Jerusalem from West Jerusalem, and showed through its activities against Israeli institutions in Jerusalem[37] that Jerusalem is not a united city under Israeli authority. This development was probably the driving force which led Israel to accept negotiations with the Palestinians about Jerusalem in the Oslo agreement, even though it postponed these negotiations on autonomy until the third year.[38] It was also possibly the driving force for Israeli acceptance of the Palestinian Jerusalemites' participation in the Palestinian elections of 1996, with all the restrictions imposed.[39] Moreover the Oslo process was accompanied by a letter from Shimon Peres about preserving Palestinian institutions in Jerusalem.

Alongside these success, failures during this period included the fact that the Palestinians were not able to prevent confiscation of their lands for the establishment of settlements in Jerusalem. Also the Jerusalem Electricity Company began to lose its independence from 1970, when it began buying electricity from the Israeli electricity company, after Israel prevented the company from buying new generators.

In summary, this was a period of resistance and preservation of Palestinian institutions, it also showed that East Jerusalem is not part of Israel, but on the other hand it featured coping and adaptation measures, such as those adopted by the Electricity Company in order to maintain its presence, as well as by those who worked for Israeli Institutions during this period, such as the municipality and the police. The most significant coping aspect of this period was the related to the failure to prevent land confiscations and settlement expansion in East Jerusalem.

During this period there were no gaps between the political leadership and the average Palestinian Jerusalemites, who both worked and acted together.

From resistance to adaptation (1993-2006)

The move from resistance to adaptation with the Israeli internal occupation of Jerusalem happened in two sub-stages during this period, one during 1993-2000, and the second from 2000 to 2006.

The sub-stage of 1993 to 2000 witnessed first the failure of the institutionalization of Palestinian life in East Jerusalem, and second the move from the previous participation process between the leadership and the Palestinian Jerusalemites to a situation in which the Jerusalem leadership began working *for* the people and not *with* the people. The third characteristic of this period was elitist confrontation with occupation procedures in Jerusalem. This was confined to the late Faisal Hussieni along with involvement of a few others (except for events in 1997), when a people's uprising erupted as a response to the digging of a tunnel under Al-Aqsa Mosque by the Israeli authorities. Finally the fourth characteristic was the increase of Palestinian Jerusalemite adaptation to occupation.

1993 was the year when Faisal Hussieni tried to establish the so-called "Jerusalem National Council (Palestine)", with a structure that included committees for housing, health, tourism, trade and all the other sectors in Jerusalem.[40] The process of establishing this council included NGO's and factions in Jerusalem, while a community-based process with popular participation was also involved.

After was, Yasser Arafat considered Faisal Hussieni to be a threat to his leadership, and considered of Faisal Hussieni's Orient House to be in competition with the PLO Negotiations Department.[41]Consequently Arafat abstained from offering Faisal Hussieni the financial resources needed for the development of Jerusalem, which led to a failure of the project. After this, Faisal attempted to produce a multi-sector review of the East Jerusalem process, with a team of experts, who prepared a developmental plan for Jerusalem with a budget of 143,353,198 dollars over five years 2003-2007,[42] but he failed to get funding for it. In addition, Hussieni raised the idea of establishing the Jerusalem Development Company, in which each Palestinian Jerusalemite of 18 years old and above would be a shareholder. In this way it would have been a development company on one hand, and a shadow Municipality on the other hand, but this company never came into existence.[43]

In 1993-2000 the factions also began to work differently: from 1967 until 1987 they were busy recruiting Palestinian Jerusalemites to their membership, and also to the grassroots organizations that they established.[44] From 1987 to 1991, they participated with the people in the Intifada. After 1991, the PLO left wing organizations were weakened severely because of the collapse of communism in the Soviet Union, while Fatah as the biggest PLO organization moved from resistance to what Fatah literature calls "reaping the harvest". They thought that with the signature of the Oslo agreement, they could begin building state institutions in Jerusalem. so during this period they abstained from continuing the resistance process, and the recruitment process was transformed to become dependent on getting mainly financial benefits that were transferred directly from Arafat's office to the beneficiaries. While this was happening, Fatah activists in Jerusalem supported Faisal Hussieni in his attempts to institutionalize and develop Jerusalem, and also worked as mediators between needy Jerusalemites and President Arafat's office, in order to secure financial aid from Arafat for

them. As a result, participation from the populace evaporated, and the resistance process was limited to Faisal Hussieni and the Orient House staff around him, whose aim was to develop Jerusalem, and also to free it from the occupation.

Once people stopped being consulted by the Jerusalem factions about their views, they began to look after their own interests in a very atomized way. In this regard the collapse of the role of Fatah as a collective identity was not replaced by an increase in liberal democratic individuals who believe and practice diversity, but by fragmentation and atomization. In this atmosphere four types of adaptations developed among the Palestinian Jerusalemites, some of which were already in existence:

First there is forced adaptation, or imposed adaptation: For example: the process of being obliged to pay municipal taxes to the Israeli municipality without getting enough services in return; adapting to affiliation to the Israeli Professional Trade Unions in order to get a license to become a recognized lawyer or engineer, for instance; joining the Israeli health system in order to be able to continue running a clinic as a doctor, or to continue the work of a hospital; adapting to Israeli laws prohibiting any relations between Jerusalem NGO's and the PA; or voting in Palestinian elections with Israeli limitations.

Secondly, voluntary affiliation with Israeli structures in order to get benefits, such as joining a neighborhood committee or parents committee in a governmental school; joining the Histradut in order to get privileges; applying for Israeli citizenship; voting in the Israeli municipality, or running in its elections.

This second adaptation model is controversial among Palestinians. Some consider it to be obligatory, while others say that those who join Israeli organizations are collaborators.

This model also includes working in Israeli factories in order to get good wages, in the context of absence of work opportunities in East Jerusalem.

Third is the type of adaptation aiming to avoid the negative influence of Israeli exclusion policies. This includes registering an NGO according to Israeli law; running it according to Israeli law; paying fines that one considers unfair; hiring a lawyer in order to get family reunification for a family member, or in order to avoid a demolition order. Or abstaining from voting in Palestinian elections due to the fear that this will lead to confiscation of Jerusalem identity papers.

The fourth type of adaptation is through rejection. For example by joining a PLO or Islamic faction as an activist; or through the practices of the average Jerusalem Palestinian citizen, the majority of whom refuse Israeli citizenship, or acting to preserve the independence of *Waqf* and the education curricula imposed by Israel; returning to Jerusalem as a response to Israeli confiscation policies; building Palestinian organizations coordinating with the PA despite Israeli prohibition; extending building without municipality permits; and participating in the PA elections outside Jerusalem municipal boundaries.

The first and the third adaptation models include all Palestinian Jerusalemites, the second is the choice of a minority, while the fourth group suffers from the following: the absence of national structures, absence of strong institutional networks, and as stated earlier, atomization in the search for solutions for individual problems instead of building a liberal democratic solution.

The atomization process of Palestinian Jerusalemites who found themselves obliged to find individual ways to cope with the realities in Jerusalem was accompanied at the end of this period and during the following period (2000-2006) by a process of depriving Jerusalem

of its institutions. This occurred through the closure of these institutions, annexing some of them to Israeli one, and the voluntary departure of some of them to the city of Ramallah, which became the de facto Palestinian capital instead of Jerusalem. In this regard all PLO and PA institutions including Orient House were closed, the House of Commerce was also closed, Al-Maqasid Hospital was linked to Israeli health funds, and the Professional Trade Unions moved their main work to Ramallah in order to be able to serve their members, while their office in Beit Hanina was almost paralyzed and ceased all activity.

The result of this was that the Palestinians lost the institutions that they had struggled for from 1967 to 1974, with the exception of the Islamic-Christian Waqf Institutions, which represent the last garrison that the Palestinians still have in the city, and the continued use of Palestinian in the city's schools, which started to replace the Jordanian curricula after the establishment of the PA.

Given this collapse, Jerusalem almost did not participate in the second Intifada, which began in September 2000 after Sharon's provocative "visit" to Al-Aqsa Mosque. At the same time, it began to be completely encompassed by the separation Barrier which will locate it on the Israeli side, separated from the Palestinian territories, except for Ramallah, where Palestinian Jerusalemites continue to go in order to work at the PA institutions, to the extent that this work continues to be possible.[45]

Hamas and the possible Salah Eddin Al-Ayyoubi

The collapse of PLO organizations and institutions in Jerusalem, the creeping Judaization of the city's land and the Israelization of some of the Palestinian Jerusalemites, who became like fragmented atoms each trying to cope individually with realities on the ground without any institutional protection, all created an atmosphere for the appearance of other alternatives which would not need the western model of organization in order to develop. It is enough for them to have mosques in order to be able to grow. Therefore with the collapse of civil society dependent on the PLO factions, a domestic society revolving around the mosques filled the vacuum. The mosques became not only religious places, but also community institutions that collected Zakat monies and distributed them to the needy, through special Zakat Committees; organized Quran lessons, and also lessons for school pupils in English or mathematics; and also organized sports training and other types of community activities. Therefore with the absence of PLO institutions, mosques were built as alternative institutions, and consequently you can find mosque buildings that include a place to pray, with also a library, rooms for education, halls for cultural activities, and other halls for sports training. Together they illustrate the way mosques have become central to real civil society, working with the mainstream, in contrast to the collapse of the PLO organization, and the modern NGO's which provide services but do not offer physical support at the same time.

In addition to this methodology of using mosques, Hamas also runs house visits, in which they knock on every door, and meet with people at their homes, or invite them to religious lessons in the mosque. When the Israeli authorities prevented Hamas from running electoral campaigns in Jerusalem during the January 2006 elections, Ahmad Attun, one of Hamas's candidates, said: "We moved among the people, we went door to door to explain our positions. All our members volunteered and we covered 30 districts in Jerusalem. We did not need the media and we did not need the posters. We worked hard, and we were disciplined."[46]

Conclusion: the need for Palestinian autonomy in Jerusalem

Beyond the political rhetoric stating that the Palestinian Jerusalemites will join Israel, and the opposing rhetoric stating that their situation is fine, and that they will join the PA, this paper has tried to analyze the dynamics that exist among Palestinian Jerusalemites, and how they cope with these dynamics, whether they are political activists or not. Through this analysis, it should be clear that Palestinian Jerusalemites suffer from both Israel and PA intervention, but the nature of their suffering is different in the two cases: In the case of Israel, they suffer from land expropriations, settlement expansion, the wall, the daily oppression, and discrimination in service provision. As a protest that expresses this suffering, their participation in the Israeli Jerusalem municipal elections has not exceeded 7% in any of the terms of elections since 1983, while it was between 15%-20% from 1967 to 1983.[47]

With regard to the PA, the Palestinian Jerusalemites suffer exclusion from the Palestinian national agenda, their issue has been postponed to the final stage in negotiations, support for them has taken the form of slogans more than actions, they have been the victims of corruption, and they have been excluded from a place in participatory decision making processes. The challenge today is that Hamas, with its close work at grassroots level, might help solve this problem, and create a type of respected leadership that the Muslims among them will follow.

Where are the Palestinian Jerusalemites heading? In the last 15 years, young University graduates have found work in the PA Ministries and Departments in Ramallah. Some of them have also worked with Palestinian NGO's, while the main Jerusalem labour force continues to work in West Jerusalem and Tel-Aviv as manual workers. Now with the closure of Ramallah, or at least the fact that movement to it will become very difficult with the erection of the wall, and with international sanctions on the PA which make it unable to pay salaries to its employees as a punishment against the Hamas government, the young Jerusalem generation will be left exposed, without a clear future, which might also create fertile soil for extremism. Other victims include shopkeepers, who suffer from harsh Israeli taxation regimes, and all the university students who have difficulty traveling to study in Ramallah and Bethlehem, with all the checkpoint problems, in addition to suffering from all the issues of house demolitions, the absence of zoning plans, ID confiscations, and the problems of family re-unification. All those who suffer difficult circumstances will be more susceptible to growing extremism unless another path is created in the city which is democratic, participatory, and community-based.

In this regard, Hamas succeeded in implementing a community-based approach in Jerusalem that other PLO factions had called for previously without failed to enact. Hamas managed this approach in its own way. Now the question is whether a secular, democratic, community-based alternative process can take place in the city? The answer looks as if Fatah cannot be the leader of such a process because it is in disarray, as are the left-wing factions of the PLO.

One possibility might be through unifying a group that includes the main bulk of Fatah, along with all the Jerusalemite Liberal democrats (both Islamists and non- Islamists) together in a continuous, bottom-up, community-based campaign in two stages: Stage one will be by working through a campaign for Palestinian autonomy in the city in the short term, through a process of creating elected neighborhood committees that will design developmental plans for their neighborhoods and create a network between them, with the right to create what-

ever links and relations that they decide to establish both inside and outside the city. This autonomy will also require re-opening of the Palestinian institutions in the city, ending the ethnic cleansing process, and releasing zoning plans.[48]

This short-term process might be vital in helping to create a democracy in the city, absorb tension, and create a bottom-up process for future sharing of sovereignty in the city through two capitals for two states, instead of continuing to wait for political negotiations – which might not materialize – to find a top-down (and therefore possibly un-sustainable) solution for the city.

On the other hand if this is not done, it is difficult to predict what type of violence the city will suffer, and it is only a matter of time before it begins.

Notes

1. See a review of some of these studies in *MSR Annotated Bibliography*, Multi-Sector Review of East Jerusalem, Arab Studies Society, 2002. In this book 183 studies about Jerusalem are reviewed in 259 pages. These studies are distributed according to subject: Urban planning, housing and infrastructure, tourism, indicators, statistics, development and planning, economy, social issues, health and charitable organizations, education, culture and heritage, and legal status.

2. PASSIA (Palestinian Academic Society for the Study of International Affairs) books on scenarios include for instance:
Molinario, Enrico, *Negotiating Jerusalem, Preconditions for Drawing Scenarios Based on Territorial Compromises*, PASSIA, Jerusalem, April 2002.
Albin, Cecilia, *The Conflict Over Jerusalem: Some Palestinian Responses to Concepts of Dispute Resolution*, PASSIA, Jerusalem, October 2004.
IPCRI (Israel-Palestine Center for Research and Information) books on scenarios include:
Baskin, Gershon, *New Thinking on the Future of Jerusalem. A Model For the Future of Jerusalem: Scattered Sovereignty*, IPCRI plan, vol. III, no. 2, Jerusalem, June 1994.
Israeli-Palestinian Roundtable Forum on the Future of Jerusalem, *A Model for the Future of Jerusalem*, working draft no. 2, February 1993.
Segal, *Jerome M., Is Jerusalem Negotiable?*, Israel-Palestine Center for Research and Information, Final Status publications series, IPCRI, Jerusalem, July 1997.
Baskin, Gershon and Twite, Robin, *The Future of Jerusalem*, Proceedings of the First Israeli-Palestinian International Academic Seminar on the Future of Jerusalem, IPCRI, Jerusalem, March 1993.
Other Examples for books on scenarios about Jerusalem are:
Shlomo, Hasson, Eetta, Prince-Gibson, Nimrod, Goren, Yaakov Garb and Yifat, Maoz, *Jerusalem in the Future: Scenarios and a Shared vision*, International Peace and Cooperation Center, Floersheimer Institute for Policy Studies and Friedrich Ebert Stiftung, Jerusalem 2005.
Khamayseh, Rasim and Nassrallah, Rami, *Jerusalem: The City of Lost Peace, Geo-Political Proposals from the beginning of the 20th Century until the Unilateral Convergence Plan 2006*, The International Peace and Cooperation Center, Jerusalem 2006.

3. The Multi-track review book in this regard is: *Study projects for the Multi-Track in East Jerusalem*, Arab Studies Society, Jerusalem 2003.
- MESC book is: Abu Jaber, Ibrahim, *Jerusalem issue and its future in the Twenty first century*, Middle East Studies Center, Jordan 2002.
- PASSIA studies on this include: Hodgkins, Allison B., *The Judaization of Jerusalem, Israeli Policies since 1967*, PASSIA, Jerusalem, December 1996. Also Hodgkins, Allison B., *Israeli Settlement Policy in Jerusalem: Creating Facts on the Ground*, PASSIA, Jerusalem, December 1998.
- Arab Thought Forum studies include: *Population Status in Jerusalem and the Israeli Settlement Policy*, 1992. Also Dakak, Ibrahim, *Jerusalem in Ten Years*, Arab Thought Forum, Jerusalem 1981 (in Arabic) and Dakak, Ibrahim, *Israeli Annexationist Policy in Jerusalem*, Arab Though Forum, Jerusalem 1977.

- Birzeit University study in this regard is: ABED AL-JAWAD, Dr. Saleh, *Na'hwa Estrategeieh Falestiniyeh Tejah Al-Quds*, Birzeit University, Ramallah 1998.
- Walid Salem studies in this regard include:
SALEM, Walid, "Notes on National Palestinian Activities in Jerusalem", presented at the 4th Seminar on Jerusalem, Al-Najah University, 1998, annotated bibliography, p. 95.
SALEM, Walid, "Towards a Vision of Jerusalem as an Open City and a Capital for Two States", 2000 (unpublished paper).
SALEM, Walid, "Jerusalem Political Future", in *New Palestinian Strategic for Jerusalem*, Birzeit University, Ramallah 1998, pp. 217-245.
SALEM, Walid, "Towards a vision of Jerusalem", *Magdes Istrateigiyyah Magaizen*.
Also there are many studies which describe the situation of education, tourism, economy, health, etc. in Jerusalem (see the annotated bibliography, SALEM, Walid, op. cit., 1998)

4. PASSIA legal studies include for instance: *Documents on Jerusalem*, PASSIA, Jerusalem 1996.
HALABI, Usama, *The Jerusalem Arab Municipality*, PASSIA, Jerusalem 1993.
ABDUL HADI, Mahdi, "The Ownership of Jerusalem-A Palestinian View", in PASSIA meetings 1992-1998. Speech delivered at the International Campaign for Jerusalem Conference on the current status of Jerusalem and the peace process, School for Oriental and African Studies (SOAS), London, 1995
- The Institute of Palestinian Studies legal studies include:
HALABI, Usama, "Revoking Permanent Residency: a Legal Review of Israeli Policy", in *Jerusalem Quarterly* file, no. 9, 2000, pp.40-49, published by Institute of Jerusalem Studies.
HALABI, Usama, *The Legal Status of Jerusalem and Its Arab Citizens*, Institute of Palestinian Studies, 1999.

5. These include the reports of the Jerusalem Center for Economic and Social Rights, Jerusalem Center of Women, and the Palestinian NGO's Coalition for Jerusalem, among others.

6. See Institute of Jerusalem Studies, *Jerusalem Quarterly* files, volume 1 to 26, and also see for instance TAMARI, Salim, *Jerusalem 1948: The Arab Neighborhoods and their Fate in the War*, Institute of Jerusalem Studies, Jerusalem 1999.

7. On urban planning, two IPCC books are relevant: NASRALLAH, Rami and FRIEDMAN, Abraham (eds.), *Divided Cities in Transition*, Jerusalem Berlin Forum, The International Peace and Cooperation Center and Jerusalem Institute for Israel Studies, Jerusalem 2003. BROOKS, Robert D. (ed.), *Envisioning the Future of Jerusalem*, The International Peace and Cooperation Center, Jerusalem 2003.

8. On Jerusalem's young people and women, see for instance: JA'ABARI, Mazen, *Review for youth issues*, Arabic Studies Society, Jerusalem 2002.
About the elderly see: HASSANEIN, Suheil, *The Elderly: Conditions, Needs and Support Sources*, Hamilat Al-Teeb El-Orthodoxieh and Al-Atta' Services, 2001.

9. BELL, Michael, BELL, John and others, *The Jerusalem Old City Initiative Discussion Documents, New Directions for Deliberation and Dialogue*, University of Toronto, Munk Centre for International Studies, Toronto 2005.

10. The Human Security approach centers on the belief that all human beings should have equal access to freedom from fear and freedom from want, and therefore it concentrates on the security of people and not of the regime, mainly when the latter becomes an impediment to the security of people. More on that on: SALEM, Walid, *Human Security from Below: Palestinian Citizens Protection Strategies: 1988-2005*, Free University, Amsterdam (forthcoming) .

11. LAPIDOTH, Ruth, *Israel and the Palestinians: Some Legal Issues*, The Jerusalem Institute for Israel Studies, 2003.

12. On 28 June 1967 Israel decided to annex East Jerusalem after expanding it 12 times at the expense of the West Bank area (from 6 square kilometers to 72 square kilometers), while it decided to consider the status of the Palestinian Jerusalemites as "Jordanian citizens residing permanently in Israel". This legal status did not change after the Jordanian disengagement from the West Bank in 1988, while the Jordanian Government continued to give temporary Jordanian passports to the Palestinian Jerusalemites, which state that they are not Jordanians. This all mean that they are stateless. See more on HALABI, Usama, "Revoking Permanent Residency: a Legal Review of Israeli Policy", in *Jerusalem Quarterly* file, no. 9, 2000, pp. 40-49, published by Institute of Jerusalem Studies; HALABI, Usama, *The Legal Status of Jerusalem and Its Arab Citizens*, Institute of Palestinian Studies, 1999.
13. Israeli laws "offer" Israeli identity cards and Israeli travel documents to Palestinian Jerusalemites provided they stay in the city. The latter states in the Nationality Category that the nationality of a Palestinian Jerusalemite is "Jordanian". In view of this, if the Palestinian Jerusalemites leave Jerusalem for seven years or more, the Israeli authorities gave

itself the right to withdraw their residency rights in Jerusalem and to confiscate their Jerusalem ID. See more in HALABI, Usama, "Revoking Permanent Residency: a Legal Review of Israeli Policy", in *Jerusalem Quarterly* file, no. 9, 2000, pp. 40-49, published by the Institute of Jerusalem Studies.
The other example of ethnic cleansing relates to family re-unification policies, which ended in 2002 by freezing all files beginning from 12 May 2002 in order to prevent an increase in the number of Palestinians in Jerusalem (for full details on this issue see: www.adalah.org)

14. Outside the Old City of Jerusalem, 179,303 settlers lived in 12 settlements in East Jerusalem with its Israeli Municipal boundaries of 2003, in addition to another 38,008 in the settlements located inside the Palestinian Jerusalem Governorate living in 15 settlements, making a total of 2,173,111. To those one should add another few thousand living inside the Old City. At the same time, there were 228,700 Palestinians in East Jerusalem in the same year.
KHAMAISI, Rassem and NASSRALLAH, Rami, *Jerusalem on the Map*, International Peace and Cooperation Center, 2005, pp. 25, 45 and 46.

15. About accepting being considered aliens in their city, "resident but not citizens of it", and all the practices that result from this with regard to travel procedures and benefits. See for instance: VITULLO, Anita, () "Israeli Social Policies in Arab Jerusalem", *Jerusalem Quarterly* file, vol. 2, 1998 p. 11 and 30 published by the Institute of Jerusalem Studies.

16. See Sari Hanfi paper's in this book for the Spacio-cidal aspect of Israeli Policies in Jerusalem, the West Bank and Gaza Strip.

17. The ethnic cleansing in these areas takes place by different means, such as by land expropriation, by attacks on sellers, by the prohibition on freedom of movement, and even sometimes by evacuation for security reasons, as happened in different cases in the Jordan Valley area.

18. See OPHIR, Adi, "Ruling by Suspension", in *Comparative Occupations: Chechnya, Iraq, Palestine, Governing Zones of Emergency*, 2006, p. 25-26, a workshop at the Kennedy School of Government, organized by The Middle East Initivative Kennedy School of Government Harward University, The Van Leer Jerusalem Institute, The Government Initiative in the Middle East, and Human Rights in Haward.

19. From 1967 Israeli Policy aimed to keep the Palestinian Jerusalemites under 30%. Now they are around 33%, which led the Israeli Government to decide to restrict "the center of life policy" with regard to Palestinian Jerusalemites, who have to prove that they are living in the city. The Israeli authority also stopped family reunification procedures in May 2002. On the future of these demographic policies, see MARGALIT, Meir, *Discrimination in the Heart of the Holy City*, The International Peace and Cooperation Center, Jerusalem 2006, p. 156-161.

20. When the Israeli authority decided to widen Jerusalem to 72 sq. kilometers in 1967, they did so in a way that will exclude a lot of Palestinian neighborhoods that are part of the Jerusalem Governorate from Jerusalem, such as Abu Dees, El-Ezarryeeh, Z'ayyim, A Shieckh Sa'ad, Anata, Hizma, Old Beit Hanina, and Beit Iksa, among others.

21. Israeli Municipality zoning plans were made quickly, going from zero settlers in East Jerusalem in 1967 to 220,000 settlers in the Governarate of Jerusalem today, while for Palestinians, only a few zoning plans were passed, while the majority of areas are still suffering the absence of approved zoning plans from 1967 until today. See details on NASSRALAH, Rami and KHAMAISI, Rassem, *Jerusalem city of peace*, IPCC, Jerusalem 2006 (in Arabic).

22. On house demolition see MARGALIT, Meir, *op. cit.*, p. 17 and 99.

23. PASSIA (Palestinian Academic Society for the Study of International Affairs) newsletter on Jerusalem .

24. There are different estimations of the numbers of Jerusalemites who have Israeli Citizenship. But conditions include knowing fluently, and not having a security file, among others.

25. Travel to Gaza for the Palestinian Jerusalemites is almost impossible, one has to apply for a permit to go to Gaza, which is usually rejected, therefore Jerusalemites and Gazans can mostly meet together only when traveling abroad.

26. See MARGALIT, Meir, *op. cit.*, p. 109-111. Here Margalit shows that Palestinian Jerusalemites received services representing 11.72% of the municipality budget, while they constitute one third of the city's population, and pay more in taxes to the municipality than they receive.

27. No permits have been given since 1967 to build any new Palestinian Hotel in East Jerusalem. While 3 Israeli Hotels have been established in East Jerusalem (Shieke Jarrah area) since 2000.

28. Travel documents are valid for two years. Nationality on them is defined as Jordanian. After two years it is possible to extend it by two more years, although this is theoretical because after two years, and even some-

times earlier, all the few pages of travel documents will be stamped, so holders will need a new travel document. This document presents its holder as different to Israelis at Ben-Gurion Airport, by first requiring holders to stand in the queue for Foreigners and not the queue for Israelis, and then to be subject to a special search.

29. See footnote no. 12.

30. LATENDRESSE, Anne, *Jerusalem Palestinian Dynamics, Resistance and Urban Change* 1967-1994, PASSIA, Jerusalem 1995.

31. The closure around Jerusalem began on 31 March 1993, while the Oslo Declaration of Principles was signed on 13 September 1993.

32. LATENDRESSE, Anne, *op. cit.*, p. 27 and 55 and SALEM, Walid, "Notes on National Palestinian Activities in Jerusalem", presented at the Seminar on Jerusalem, Al-Najah University, 1998.

33. The outcome of this struggle was that private schools in Jerusalem continued to teach the Jordanian curricula throughout, while Israel was obliged to accept teaching the Jordanian curricula in governmental and municipal schools in Jerusalem, beginning in 1976. After Oslo, the new Palestinian curricula also began to be taught in schools in Jerusalem.

34. See the statements of these two leaderships in the PLO annual books on the Palestinian problem of those years.

35. LATENDRESSE, Anne, *op. cit.*, p. 43.

36. That period witnessed a struggle for the preservation of the land of the village of SurBaher, and also a "battle" to preserve the Hospiea Hospital in the Old City of Jerusalem. At the same time, the Palestinians established new organizations in this period, such as different newspapers, a national theatre, organizations for women and students, among others.

37. The Intifada obliged Israeli to close its branches in Jerusalem for that time, and also obliged Palestinian policemen to resign from the Israeli police authorities. Israeli products were boycotted for some time by the Palestinian Jerusalemites.

38. Oslo postponed negotiations on Jerusalem to the third year of negotiations, while they accepted the Palestinian Jerusalemites' participation in the PA Legislative Council Elections, with some restrictions.

39. See footnote no. 38.

40. HALABI, Usama, *Jerusalem Arab Municipality*, PASSIA, Jerusalem 1993, p. 48-60.

41. The words of several speakers at the Panorama Center study day on Jerusalem: Its future in the eyes of Faisal Hussieni at the Grand Park Hotel, Ramallah, 16/7/2005.

42. This team worked at the beginning of 2000, and prepared a five-year plan for the development of Jerusalem 2003-2007, which was published in a book (see footnote no. 3).

43. See the plan of this company, "Developing Palestinian East Jerusalem: A plan for Preparing Palestinian Jerusalem for Palestinian Municipal Government Control", The Orient House (unpublished paper)

44. Every faction established its own grassroots organizations of women, students, youth workers, health workers and agriculture workers.

45. With International sanctions against the Palestinian Hamas Government, Jerusalemites working for PA institutions also lost their salaries there.

46. KARMI, Omar, "Understanding Hamas, Victory in Jerusalem", *Jerusalem Quarterly*, no. 26, 2006, p. 6-11, published by Institute of Jerusalem Studies.

47. HALABI, Usama, *Jerusalem Arab Municipality*, PASSIA, Jerusalem 1993, p. 48-60.

48. See the proposal of Shlomo Hasson on this issue: HASSON, Shlomo, *The Struggle for Hegemony in Jerusalem: Secular and Ultra-Orthodox in Urban Politics*, The Floersheimer Institute for Policy Studies: Jerusalem 2002, p. 102-105. While this paper's approach is different to that of Shlomo Hasson, it is about transformation of Sovereignty in a bottom-up process.

TREASON OF THE INTELLECTUALS? ISRAELI SOCIOLOGISTS AND THE COLONIAL OCCUPATION IN THE PALESTINIAN TERRITORIES

Yehouda Shenhav

The oft-quoted term *treason of the intellectuals* was first coined by French philosopher Julien Benda in the 1920s.[1] Benda's book – in which he criticized his contemporaries, including university professors, authors, or religious leaders for their nationalist political sentiments – is certainly a product of its historical era. Noticeably, the term *treason of the intellectuals* has been twisted, since then, and has become an idiomatic-phrase that signifies the exact opposite: the silence of intellectuals and their "neutrality" vis-à-vis the major political issues of their period. It addresses persons-of-letter who choose to remain silence, or aloof to political immorality, usually hiding behind the pale banner of political "neutrality". This is certainly a notable characteristic of the intelligentsia today. In order to bring Benda up to date I believe that we need to turn around two of his assumptions. First, to narrow down his definition of "the intellectual". Benda's categorization includes every possible person who may be defined potentially as an intellectual: academics, authors, journalists, and artists. I will show that such a definition is anachronistic and is not sufficiently dynamic, as it identifies an intellectual according to her a-priori position in a society, rather than according to her revealed action. Second, Benda encouraged intellectuals to adhere to a norm of disinterestedness. In contrast, I argue that under certain conditions, intellectuals cannot entertain the privilege of political or moral "neutrality". As one man-of-letters told his daughter who claimed to have been not interested in politics: "you may not be interested in politics, but the political is interested in you". According to this re-formulation, intellectuals are not necessarily those who occupy positions in the university, or in the literary sphere for that matter, but rather those who use their authority and skills in their own fields of knowledge in order to make significant interventions in morally urgent matters outside their area of expertise. Such were Emil Zola, John Dewey, Bertrand Russell, George Orwell, Franz Fanon or Edward Said – to use the great exemplars of recent intellectual history.

In the following I look at the state of Israeli sociology in the light of the political reality in the Middle East. First, I examine the extent to which Israeli sociologists function as intel-

lectuals, that is, the extent to which they have responded to pressing moral issues in their surrounding reality. I will show that most Israeli sociologists refrain from taking public positions on these moral issues, usually hiding behind the banner of academic neutrality. In the context of these results, I will argue that whereas it is essential to protect sociology from the tyranny of politics – as Weber firmly believed – it is equally important to protect politics from the neutrality of sociology. Second, I will focus on the flip side of this phenomenon, examining the extent to which the Israeli occupation of Palestinian territories has shaped the research and teaching agenda of Israeli sociologists. Here I will show that despite its durability and dominance, the occupation never emerged as a central paradigm, or at least as a central topic of investigation, in Israeli sociology. I will finally show that there is a common thread that ties (a) the absence of sociology from political reality; and (b) the absence of political reality from sociology. I start with a brief description of the political reality in the occupied Palestinian territories.

The political reality in the occupied Palestinian territories

Out of its 58 years of existence, the state of Israel has exercised direct occupation of Palestinian territories in the West Bank and Gaza for 39 years. During this period over 4 million Palestinians, devoid of the rights of citizenship, have been subjected to military rule while their towns and villages have been surrounded or sealed off.

Approximately 2,700 Palestinians have been killed by the Israeli army since October 2000, 20% of them children under the age of 18. At least 150 Palestinians have been assassinated by Israeli military squads without a trial. Some 11,000 houses have been demolished or sealed since 1967, 570 of them in the last 3 years, mainly as a form of punishment. Amnesty reports that many Palestinians are malnourished, some even in a state of starvation.

While Israel attempts to describe its military action as legitimate self defense in the face of horrifying anti-Israeli suicide terrorist attacks – the history of the occupation reveals a long term demographic project which includes territorial expansion through settlement building and ethnic cleansing. To be sure, ethnic cleansing is not genocide.[2] It is a systematic territorial project by which one ethnic group is driven out of its territory by the use of military force, violence, and the on-going threat of violence.[3]

This long-term project is supported and legitimized by an ideology of Jewish supremacy. While one might debate the nuances of underlying ideological beliefs, it is an undeniable fact that the Jewish state backs paramilitary squads of settlers who harass the Palestinians on a daily basis and massively supports both their expropriation of land and expansion. They drive them off their lands, cutting off their water supply and bulldozing their orchards and vegetation.

In the last two decades alone, the Jewish settlers have destroyed 70,000 dunam (one dunam is 1,000 square meters) of agricultural fields and appropriated approximately 100,000 dunam for the expansion of their settlements. It is not uncommon for the settlers to redirect their waste pipes into Palestinian villages, which receive them as open sewage. I have witnessed some of these events first hand.

The ethos expressed by the Israeli Zionist left is founded on a misleading distinction between “us” and “them”. From the typical liberal point of view, “them” are the “bad guys”, the settlers who live “out there” on Palestinian lands; and the “us” are the “good guys” who

live within the boundaries of the green line and oppose the occupation. True, many of the settlers' behavior is indeed repulsive and many Israeli liberals mean well. But, sociologically speaking, the distinction between "us" and "them" is simplistic and often hides the extent to which "We" support, by omission or commission, knowingly or not, the occupation. It is "We" who send our kids to the army, it is "We" who teach soldiers in the universities, it is "We" who consume industrial products produced in the territories. Anybody who pays a visit to a Jewish settlement today would notice how naturally the Israeli business community – which often espouses liberal positions with regard to the occupation – provides the infrastructure that keeps the occupation machine going: telephone lines, TV cables, gas, electricity, water, internet connections, food supplies, architecture. This kind of support has become a taken-for-granted set of practices that fuel the occupation. Tacit support for the occupation is not limited to the business community. It has penetrated into academic institutions as well. Only recently, a choir from a West Bank settlement performed in a Tel-Aviv University graduation ceremony. Thus, the distinction between "Us" and "Them" once embodied by the green line, is like the green line itself, increasingly blurred. The occupation has increasingly become part and parcel of the society in Israel, not a remote and separate reality.

To make myself perfectly clear, let me emphasize that I believe that the suicide bombings of innocent Israeli civilians – several hundreds of them have been killed in the last 5 years – are crimes against humanity, if one is to use the same legal terminology applied to the practices of the occupation. I also think that suicide bombings are detrimental to the Palestinian cause. One reason, among many, is that they create the appearance of symmetry between Israeli and Palestinian violence. Such symmetry, however, is false. While Israel is a sovereign state, the Palestinian struggle is fragmented, desperate and decentralized, even if at times it is supported by countries such as Syria and Iran. All democratic regimes rest their authority on the power of a sovereign sword which monopolizes the means of violence. The Israeli government, if anything, deliberately crushed the Palestinian Authority and curtailed its ability to monopolize the means of violence within the Palestinian authority. The frailness of the Palestinian Authority was particularly evident after the pull-out of the Israeli army, and of the Jewish settlers, from the Gaza strip in the summer of 2005. It serves the Israeli government to claim that "there is no partner" for negotiation, to legitimize the Balkanization of the West-Bank into three, Bantustan-like entities and to annex the Jewish settlements into the sovereign territory of the state of Israel.

Do sociologists have a role in such political reality?

Do sociologists have a role in this political reality? Are they obliged to respond to it? To study it? To understand it? The answer, I would like to argue, is a resounding Yes.

The relationship between sociology and politics pushes the boundaries of the discipline to the limit. Cohorts of sociologists have stayed away from politics in order to protect their work and the core of their discipline. Robert Proctor's excellent book *Value- Free Science?* [4] describes in detail the genealogy of the dangerous liaisons between sociology and politics. Nevertheless, generations of sociologists also criticized "objectivity" and "neutrality" as the ideology of alienated or politically homeless sociologists.[5] This has been argued time and again by sociologists such as C. Right Mills, Alvin Gouldner, Lewis Coser, and Zygmunt Bauman, not to mention critical theorists such as Theodore Adorno, Max Horkheimer, or Walter Benjamin.

Recently, Michael Burawoy, president of the American Sociological Association, made an appeal to expand the role of sociologists to include engagement with public issues in the US and beyond.[6] It seems that Burawoy is not very explicit about the role of public sociologists facing moral issues, particularly when they do not fall within the boundaries of their expertise. Burawoy does not make it explicit that sociologists ought to intervene in morally urgent matters. When he refers to "the political" it seems to denote politics of redistribution and politics of recognition – issues of class and identity.[7] Whereas I do not deny the importance of these issues – which in themselves represent a big leap in the propensity of the discipline to deal with political issues – the pressing moral issues seem to remain outside the scope of sociologists' discourse. In particular, I am not sure that Burawoy provided sufficient consideration – in defining the role of public sociologists – to situations like the one in the Middle East today, in which crimes against humanity have become an everyday practice. I believe that the definition of public sociology should be sharpened and made explicit, to respond to what Franz Fanon called, in the context of the Algerian war, "the exigency of the situation". Moreover, the definition of public sociology does not seem to preclude sociologists from supporting or collaborating with problematic or even immoral state practices. For example numerous Israeli sociologists – the Israeli version of American Neocons – provide professional services, as public sociologists, to governmental agencies and defense-related organizations. The political ramifications of their actions are often masked by the technocratic parlance and their expertise.

In contrast, I believe that under some political conditions like the one in the Middle-East today, sociologists ought to take action under the banner of public intellectuals in order to respond to morally disturbing events. While admittedly rooted in a romantic vision of "the intellectual", public intellectualism continues a rich tradition that grants individual scholars the legitimacy to speak out and intervene in critical issues of their time, those that lie beyond the narrowly-defined fence of expertise. Only a continuous belief in the tradition of public intellectualism, which suspends the dogma of academic neutrality, can provide a significant moral role to sociologists in those situations.

As said, there are multiple definitions of "the intellectual". Lewis Coser has suggested that intellectuals are those who manufacture and disseminate cultural symbols.[8] Namely, an intellectual is a producer of symbols, a person who can name-and-frame a situation. Such a definition, however, is too similar to Benda's, since they employ an *a priori* definition which assumes *a priori* who is an intellectual. Unlike Benda, or scholars such as Mannheim, Gramsci, Shils, Coser, Collins or Foucault,[9] I do not hold an a-priori definition of the intellectual. Rather, I prefer a tautological one, defining intellectuals after the fact, according to their revealed preferences and action.

According to this definition, a person is defined as an intellectual only when she makes a leap from his or her own field of expertise, to the rather risky field of morality and ethics. Thus, sociologists, writers or scientists are not intellectuals because they are sociologists, writers or scientists. They become intellectuals only when they cross the boundaries and are willing to engage in morally urgent issues. This occurs when they are ready to leave "the warm cradle of national consensus" as Orwell put it, or to "confront orthodoxy and dogma in Edward Said's words".[10] The late Yeshayahu Lebovitz and Israel Shahak were such individuals. In the American context one can name individuals like Albert Einstein, Hannah Arendt, Noam Chomsky,[11] and more recently Toni Judt who admirably criticized the opression of Palestinians,

the political uses of the Holocaust to justify violence, the Israeli assassination squads, and the rather disturbing unconditional support of many American Jews for Israel.[12]

The definition I offer is founded on three complementary components: (a) The subject; that is, who can be named an intellectual? (b) The field; that is, what is the terrain in which intellectuals act? (c) Representation; that is, who is represented by the intellectual? Let me start with the question of the "subject". The previously discussed definitions are plausible, but they do not take into account their engagement (or lack of) in the moral field. I define an intellectual not according to their *a priori* position but rather according to their revealed action. An intellectual can be named as such if she occupies a position in one field (literature, academia, poetry, law, science) and acts to transfer her symbolic currency into another: the political and moral field. In order to position herself as an intellectual, a person needs to be able to cross the lines, to use her reputation in order to act in matters of ethics and morality. A true intellectual is a traveler. She travels around, observes, speaks out, often finds herself in eternal homelessness. Like any other definition, this too is a tautological one. We will be able to name an intellectual only after they have acted or spoke out. Such definition keeps – at the same time – one's position in their own respective field of expertise. If she is a physicist or a sociologist, we do not expect her to politicize physics or sociology. They maintain the separating fence between their regular field of action and the moral field into which they migrated temporarily.

The second component is the "field". There needs to be a space from which one can speak out and act freely. The quintessential example is the court jester, who often risked his life for stating the truth. The university should have been such a site for intellectualism, but often is not. Reasons are ample. Partly this reflects on the positivist ethos which dominates the humanities and the social sciences and funnels them into the apolitical track which the natural sciences have paved for themselves. Partly it is to protect the sciences from politics and to keep "science" and "values" separate. The third reason is fear. In the late nineteenth-century, for example, German sociologists withstood the state's attempts to shut down university departments. In order to legitimize sociological research in the eyes of the political regime, German sociologists refrained from engagement with the three pressing political issues of their period: socialism, feminism and eugenics. Thus, amid the struggle for survival, sociologists articulated a new rhetoric of neutrality. As Ferdinand Tonnies put it most succinctly: "As sociologists we are neither for nor against socialism, neither for nor against the expansion of women's right, neither for nor against the mixing of the races. In each of these, however, we do find questions for empirical social research: in social policy, social pedagogy, and social hygiene. In this, sociology finds its proper boundaries without taking upon itself the task of furthering, or obstructing, particular ideas or movements."[13] Value neutrality was an ideology of sociologists under siege. Thus, intellectual life necessitates a field, a space, from which they can speak out and act. It requires autonomy vis-à-vis politics and vis-à-vis the state, it requires a legitimate position within civil society. Jacques Derrida believed that such autonomy would be reached only in "cosmopolitan cities", urban and legal settings which can become safe havens for intellectual activity.

The third component is "re-presentation". It focuses on the question of who – or what – is represented by the intellectual. As opposed to accepted conventions, I do not believe that an intellectual needs to represent an existing constituency or a group of people.

The intellectual may represent a possibility, an option that does not exist in reality, a utopia. As such, he provides an alternative direction, or a new moral roadmap. Under these circumstances the intellectual may have zero followers, and he may remain in eternal solitude. An intellectual idea should not be judged according to the extent of public support. On the contrary, most intellectual thought was perceived as heterodox, as heresy, when it was first conceived. Robert Musil puts it most concisely in his description of man-without-qualities: "If one wants to pass through open doors easily, one must bear in mind that they have a solid frame: this principle, according to which the old professor had always lived, is simply a requirement of the sense of reality. But if there is such a thing as a sense of reality – and no one will doubt that it has its *raison d'être* – then there must also be something that one can call a sense of possibility […]. So the sense of possibility might be defined outright as the capacity to think how everything could 'just as easily' be, and to attach no more importance to what is than to what is not."[14] The intellectual is thus accountable not only to what is, but also to what "ought" to be, according to her best judgment and vision of the good society. She is refuting teleological narratives (such as "we need to take security measures in order to defend our lives") and marks the road not taken.

In the light of this discussion, I ask to what extent do Israeli sociologists function as public intellectuals? Do they capitalize on their position and use their intellectual skills, power of reasoning and interpretation – to speak out and act against the Israeli occupation of the Palestinian territories?

To answer this question I created a database of all Israeli sociologists at 5 major universities. I searched for people who made at least two public appearances in the media (Israeli newspapers, foreign newspapers, TV, radio, public demonstrations) and criticized (or for that matter supported) the occupation, the construction of the wall, the assassination of Palestinians or supported refusal to serve in the army, including those who were against refusal. Any sociologist who met one of the criteria on this rather minimal list was defined as a public intellectual.

I then went on to look for other indicators of political involvement such as signing petitions, or being members of protest organizations. Whereas these are not measures of plain public intellectualism, it provides information on the extent to which Israeli sociologists are willing to use their name and prestige to make political statements.

Israeli sociologists in practice

Table 1 presents ethnic, national and gender characteristics of Israeli sociologists.

Table 1 / **Israeli sociologists by ethnicity and gender**

	ALL FACULTY MEMBERS	PALESTINIAN	MIZRAHI WOMEN	MIZRAHI MEN	ASHKENAZI WOMEN	ASHKENAZI MEN
Tel Aviv University	29	1	1	3	6	18
Hebrew University	35	0	2	1	8	24
Haifa University	29	1	1	1	8	18
Ben Gurion University	16	0	1	2	5	8
Bar Ilan University	24	0	1	1	8	14
Total	133	2 (1.5%)	6 (4.5%)	8 (6%)	34 (26%)	83 (63%)

Table 2 presents the involvement of Israeli sociologists as public intellectuals.

Table 2 / **Iraeli sociologists as public intellectuals, N=133**

	PUBLIC INTELLECTUALS	MEMBERS OF PROTEST ORGANIZATIONS	HARDCORE MEMBERS	SIGNED AT LEAST ONE	SIGNED AT LEAST TWO
Number	8	22	6	24	7
Percentage	6%	17%	4%	18%	5%

Table 3 compares sociologists to historians and philosophers.

Table 3 / **Sociologists, philosophers and historians as public intellectuals**

DISCIPLINE	PUBLIC INTELLECTUALS	SIGNED A PETITION SUPPORTING REFUSAL	N
Sociology	8 (6%)	17 (13%)	133
Philosophy	8 (9%)	22 (24%)	91
History	13 (6%)	25 (13%)	204

Only 6 percent of Israeli sociologists perform the role of public intellectuals and voice their opinions publicly. As a comparison, 9 percent of Israeli philosophers exert commitment to moral and political issues. I leave it to you to decide whether these numbers are high or low.

What are the reasons for what I perceive as low participation? One general reason is provided by Richard Posner in his book *Public Intellectuals*. Academic neutrality, backed by the tenure contract, makes the university career safe and comfortable. And this breeds aloofness and complacency on moral issues. Not only do academicians feel comfortable where they are, some of them sometimes vilify public intellectualism in order for it to justify their own choice.

In the Israeli context, there is strong pressure from senior colleagues, self-nominated gatekeepers, who use their position of power to intimidate young faculty, particularly those without tenure, who are troubled by the political situation and wish to respond publicly to it

Pressure comes from outside the university as well. For example, on March 31, 2004, the president of Ben-Gurion University of Beer Sheba received a 6-page letter from the Zionist Organization of America (ZOA): "We are writing to express our concerns about the vehemently anti-Israel actions of one of your lecturers, Dr. Neve Gordon. In researching Dr. Gordon's publications, we have not uncovered a single article in which he sympathizes with Israeli victims of terror, or with Israel's efforts to protect its citizens. He has called Israel a 'fascist' and 'terrorist' state, repeatedly compared Israel to apartheid South Africa, and endorsed general boycotts against Israel, at a time when the country is dealing with a battered economy brought about in part by the terrorist onslaught [...]. We are alarmed that, given his obvious contempt for Israel as the Jewish homeland, Dr. Gordon is being awarded with a continued teaching position at a university that was named after one of the fathers of Zionism who helped realize the long-cherished dream of a homeland for the Jewish people [...]. We intend to make our members – many of them are supporters of Ben-Gurion University – aware of Neve Gordon's activities and of his position on the faculty of the University". To be sure,

this is not an unusual or one-time incident. They take place on a regular basis. On April 2004, the Israeli Education Minister sent a strongly worded letter to the President of the university, saying that she intended to boycott the university and the university's board of governors meetings as long as Prof. Lev Grinberg – an Israeli sociologist who regularly writes against the occupation – continues to serve as a lecturer at the university.[15]

Two years ago the same minister asked the attorney general to consider the possibility of prosecuting Hebrew University lecturers who signed a petition supporting the right of IDF soldiers to refuse to serve in the territories. At the same time the education minister also called for the establishment of a committee headed by a retired judge to look into why on Holocaust Remembrance Day, the head of the David Yellin College allowed Arab students to stand in a minute of silence in memory of Palestinians killed in IDF actions.

The Minister of Education is not alone. Intimidation comes from donors, and the public at large. Such was the case with Lord George Wiedenfeld, chairman of the board of trustees of Ben-Gurion University, and one of the biggest philanthropists in the British Jewish community, who told a reporter that although the Minister of Education should not have imposed sanctions on the university, he finds it dismaying that the university is disseminating such views as those of Dr. Grinberg.[16]

Whereas I do not have exact numbers on people denied tenure because of their political views, these examples attest to the organizational culture in Israeli universities today.

The colonial occupation as a research paradigm: sociology of denial

Given the fact that sociologists do not respond publicly to the political reality around them, a second related question is to what extent they address aspects of the political reality in their sociological work. To that end, I examined to what extent the occupation has become a research paradigm, or to what extent aspects of the occupation figure centrally in the work of Israeli sociologists. The results are even grimmer.

Table 4 / **Teaching and research interest in the occupation among Israeli sociologists, N =133**

	TEACH A DIRECT COURSE ON THE OCCUPATION	CONDUCTING DIRECT RESEARCH ON THE OCCUPATION	CONDUCTING INDIRECT RESEARCH ON THE OCCUPATION
NUMBER	1	6	13
PERCENTAGE	0,70%	4%	10%

As table 4 clearly suggests, Israeli sociologists almost completely ignore the occupation in their research and teaching. This is troubling evidence on the priorities of Israeli sociologists given the permanence of the occupation and its dominance in every aspect of Israeli society.

Liberal myopia

To be sure, postcolonial theory has offered sufficient insights to be used in the study of Israeli society in general and the occupation in particular. In fact in the early 1990s this option was almost materialized with the work of Gershon Shafir, Ilan Pappé, Uri Ram, Avishai Erlich, Baruch Kimmerling and a few others. But unfortunately, many scholars' acceptance of the Oslo accord and its epistemology redirected this effort into a paradigm which accepted, indeed took for granted, the notion of separation and a two-state solution. The imagined bor-

ders of Israeli society remained the 1949 borders during the 38-year period in which the Israeli state slowly but systematically adopted and applied the notion of a "greater Israel".

It is evident that most Israeli sociologists have been regarding the occupation as ephemeral, as an accident or as a detour in the trajectory of the country's history. Already in the late 1980s Baruch Kimmerling suggested extending the category of "Israeli society" to include the Israeli domination system in the occupied territories.[17] So did geographer Oren Yiftachel. But researchers, mainly liberals with good intentions, apparently hoping that the occupation would one day disappear, stubbornly continued to conceptualize Israeli society within the 1967 borders. Paradoxically, their anti-occupation political position resulted in an ongoing avoidance of dealing professionally with the reality of the occupation.

The second reason has to do with the dependency of Israeli sociologists on the American academic reward structure.

Dependency on American sociology

The shortcomings of Israeli sociology have been discussed in the past, particularly its inability to develop a local theory and language appropriate to its object of study.[18] The academic system in Israel encourages participation in the American reward system and supports acceptance and use of its theories, terminology, and rules of conduct.[19] Many Israeli sociologists do their graduate studies in the United States and throughout their career use databases which pertain to the US. Some Israeli sociologists, in fact, have never written an article in Hebrew. This inevitably leads to alienation from the local Israeli context. Gideon Kunda's reflexive account offers a case in point.[20] In the context of his own published work, he shows how in order to get published in the United States, sociologists systematically strip their studies of any local relevance.[21] He shows how his selective interpretation of his data produced a description of subjects that could be found in any Western metropolis, be it in NY, Chicago or Boston.

Similarly, Leah Shamgar Hendelman examined the accumulative knowledge about "the Israeli family". Reviewing 450 bibliographical items she shows that such a category was never addressed directly, since Israeli researchers found it hard to publish indigenous studies in the US. Thus, Israeli researchers tend to use ready-made conceptual frames that are produced in the American literature.

To conclude, I envisioned a sociological community which is capable of opening debates and deliberations over crucial moral issues and violations of human rights, not avoiding them. Be it the war in Iraq, the administrative detainees in Guatanamo, the exploitation, by Coca Cola, of 8 year-olds employed in sugar fields in El Salvador, or any other form of racism or anti-Semitism. At this very moment, the materialization of this vision seems farther away then ever.

Notes

1. BENDA, Julien, *The Treason of the Intellectuals*, W. W. Norton and Company, New York 1928. Benda has used a wider definition than merely intellectuals and included "all those who speak to the world in a transcendental manner" including clergymen and representatives of religious institutions.

2. For the distinction between genocide and ethnic cleansing see: WEITZ, Eric D., *A Century of Genocide: Utopias of Race and Nation*, Princeton University Press, Princeton 2003, p. 10; WEISS, Yfaat, "Ethnic cleansing, memory and property: Europe 1944-1948", *Historia: Journal of the Israeli Historical Society*, 13, 2004, pp. 43-74 (in Hebrew). For

a different position see: NAIMARK, Norman M., *Fires of Hatred: Ethnic Cleansing in the Twentieth Century Europe*, Harvard University Press, Cambridge 2001.

3. For the concept of *suspended violence* see: AZOULAY, Ariella and OPHIR, Adi, "The economy of violence", paper presented at the conference "The Politics of Humanitarianism in the Occupied Territories", The Van Leer Jerusalem Institute, 20-21 April 2004.

4. PROCTOR, Robert, *Value-Free Science? Purity and Power in Modern Knowledge*, Harvard University Press, Harvard 1991.

5. GOULDNER, Alvin, *The Coming Crisis of Western Sociology*, Basic Books, New York 1970, p. 103.

6. See, for example, BURAWOY, Michael, "Public sociologies and the grass roots", *SWS Network News: The Newsletter of Sociologists for Women in Sociology*, XX, no. 1, Spring 2003, pp. 13-14.

7. FRASER, Nancy, "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age", *New Left Review*, vol. 212, 1985, p. 68-93.

8. COSER, Lewis, *Men of Ideas*, Free Press, New York 1965.

9. For a review see KURZMAN, Charles and OWENS, Lynn, "The Sociology of Intellectuals", *Annual Review of Sociology*, vol. 28, August 2002, pp. 63-90.

10. Quoted in POSNER, Richard, *Public Intellectuals: A Study of Decline*, Harvard University Press, Cambridge 2001, p. 30. See also: HEVER, Hannan, "Notes on the position of the Israeli intellectuals", in OPHIR, Adi (ed.), *Real Time: Al-Aqsa Intifada and the Israeli Left*, Keter, Jerusalem 2001, pp. 191-196.

11. In 1948 a group of Jewish intellectuals made a collective statement asking the United States and Jewish leaders to boycott the head of the Israeli "Freedom Party", Menahem Begin, who was about to visit the US. They made the link between him and European fascism and pointed to his relation with the massacre of 240 Palestinian men, women and children in Dir Yassin: "It is inconceivable that those who oppose fascism throughout the world, if correctly informed as to Mr. Begin's political record and perspectives, could add their names and support to the movement he represents." Among these intellectuals were: Hannah Arendt, Albert Einstein, Zelig Harris, and Sidney Hook. See: ABRAMOWITZ, Isidore and others, "Attack on Arab Village", *New York Times*, 4 December 1948.

12. JUDT, Toni, "Israel: The Alternative", *New York Review of Books*, October 2003. See also: SHERMAN, Scott, "The Rebirth of the NYRB", *The Nation*, 7 June 2004, pp. 16-21.

13. PROCTOR, Robert, *Value-Free Science? Purity and Power in Modern Knowledge*, Harvard University Press, Harvard 1991, p. 92.

14. MUSIL, Robert, *The Man Without Qualities*, Secker & Warburg, London 1953/1979, p. 12.

15. LAVIE, Aviv, "Not for the faint-hearted", *Ha'aretz Weekly Supplement*, 6 May 2004.

16. Idem.

17. KIMMERLING, Baruch, "Sociology, Ideology, and Nation Building: The Palestinians and their meaning in Israeli sociology", *American Sociological Review*, vol. 57, no. 4, August 1992, pp. 446-460.

18. For a recent discussion see SHENHAV, Yehouda, "Is there an Israeli Sociology?", *Israeli Sociology*, 4, 2000, pp. 675-681 (in Hebrew).

19. Nachman, Ben-Yehuda, "The Dominance of the External: Israeli Sociology", *Contemporary Sociology*, vol. 26, no. 3, 1997, p. 271-275.

20. KUNDA, Gideon, "Criticism on Probation: Ethnography and Culture Critique in Israel", *Theory and Criticism*, 2, 1992, pp. 7-24 (in Hebrew).

21. KUNDA, Gideon, "Ideology as a System of Meaning: The Case of the Israeli Probation Service", *International Studies of Management and Organization,* vol. 16, no. 1, 1982, pp. 54-79.

JUSTIFYING OCCUPATION: ISRAELI IMAGES OF "THE ARAB" AND THE DISCOURSE OF OCCUPATION'S LEGITIMIZATION

Yaacov Yadgar

Occupation needs to be justified, legitimized, so as to justify its apparent evils. It is simply too violent and unjust a reality to ignore and accept as "a given" or "obvious", especially when the occupied resists occupation, and demands acknowledgment of the wrongs inflicted on it. One (surely not the sole) way of justifying occupation is the imagery, symbolic construction of the occupied as not only deserving but even as calling for or needing occupation.

Such imagery construction consists mainly of (re-)presenting the occupied as an "Other", toward whom "we" should implement different criteria of judgment, understanding and identification than those we implement on our fellow, equal human beings. "We", in other words, *should* occupy them, since "they" are different from us in ways that not only threaten us, but also make their occupation by us their own redemption. To put it differently, somewhat more bluntly: we do them a favor when we occupy them. Under this construction, occupation then becomes not a violent act of negating freedom, but rather a benevolent act of redemption and liberation.

Edward Said's analysis (1978) is not the only, but surely one of the most convincing, analyses of the ways in which such construction of the occupied – the "East" in this case – is constructed by the occupier – the "West" – is positioned as what we can call, paraphrasing Said, "strategic inferiority" that not only justifies, but even necessitates the East's occupation by the superior West. That is, the West's superiority over the East not only legitimizes but even demands that the West occupies the East in the name of the most basic human values. After all, it redeems the East, bringing it the gospel of Progress, Modernity, and Humanism.

What I am interested in here are the ways in which the Israeli political culture legitimized, if not made necessary, the occupation of the Palestinians. I argue that an important organ of this legitimization discourse was the construction of "the Arab" as the Israeli ultimate, significant Other (Triandafyllidou, 1998), whose culture, "collective traits" and "character" justifies, legitimizes and indeed, demands, that "we", Israeli Jews, occupy "them", the collec-

tive personified as "the Arab". These "collective traits" of the occupied are of course highlighted by opposing them to the occupier's identity as an enlightened and humane people.

I will also investigate the ways in which the Israeli political culture legitimized over time what at the beginning seemed like an impossibility: the rehabilitation of "the Arab" and the reconstruction of its image as to allow for negotiation and compromise with it. As I would claim, such rehabilitation did not consist of "understanding" that we were wrong and that images of "the Arab" were distorted, racist images, but rather on reconstructing what was later exposed as a fragile image of the Arab as renewing himself in our own image. In this way, peace and the compromise it necessitates are constructed not as an issue of confronting our notions and "otherness" but rather as an internal Jewish-Israeli issue, focused mainly on "us". The end of occupation was thus justified not on the basis of realizing the evils of occupation (which are directed mainly but not solely towards the Arab), but rather on the basis of "our" own well being.

My analysis will be focused on the Israeli political discourse as it was constructed in the mainstream Hebrew press from 1967 to date.[1]

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One possible starting point for my discussion can be the self-image of the Israeli collectivity as voiced in the articles of its spokespeople in the press. The self-image has continuously been one of a humanistic, peace-loving people. As put by one journalist, "We are a people that pursue peace. This is the one blessing, the most sacred and ancient of blessings, reserved for us." (Lev, 1967a).

This same love of peace, inherent in the collectivity, is seen in this construct of identity as the basis for other key national values, such as national unity: "All amongst us carry peace in our hearts […]. Divided we may be on almost every other question, but when it comes to peace – we, all of us, are one body and one soul […]." (Rosenblum, 1977).

In this light, peace and humanism are presented as the guiding spirits of Israeli-Jewish political behavior, and serve as the prism through which to view Israel's political and military moves and to explain the behavior of the individuals that make up the Israeli collectivity. In other words – it also explains why "we" occupy "them".

Humanism and the pursuit of peace served again and again to demonstrate the sublimity and ethical uniqueness of "the People of Israel". In the special context of war and violence, the image which served to express this symbolic system was that of the Israeli soldier as an "enlightened conqueror", whose ethical behavior was guided by commitment to the "purity of arms".

Thus, the exceptional ethics and humanity of the Jewish-Zionist state are reinforced by the very reality of occupation. This is done through the (re-)presentation of the moderate, positive, almost loving way in which the Jewish-Israeli soldier related to the Arab inhabitants of the areas conquered by the Israeli army during the Six Day War of 1967: "Israel's army is not an army of conquest. The Israeli man is a good man, an ethical man, who loves his fellow-creatures, a conscientious man. He is a soldier returned from battle, whom the children of the conquered do not fear, around whom the children of the conquered cluster, smiling at him as he smiles at them; he mingles with men and women, they surround him with no fear, they talk to him about the lessons of the war – such a soldier is not part of an army of

conquest [...]. Who else has such soldiers, who fight like madmen, and bring flowers to children?" (KEINAN, 1967). Furthermore, as befits a trait planted in the nation by history, perhaps even by cosmology, this national morality is not an ephemeral thing: "It seems that the Jews will never succeed in becoming an army of conquest in the style we have known in other armies. Hidden within us is a fine thread that restrains us from any idea of brutality. Within us is a truth, the truth of a people that has learned by its own bitter experience, through years without end, what it feels like to be a refugee." (LEV, 1967b).

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The image of "the Arab" stands as the explicitly contrasting background, against which our image as an enlightened people is highlighted. By contrast to the violent image of the Arab soldier as a hate-filled beast which longs for violence, the Israeli soldier, the ultimate representative of the Jewish state, is presented as one who "[...] first and foremost, is loving. He loves his country [...] and the hope of his people," (BASHAN, 1967), and "makes it his business to bring justice and moral order into the lives of his enemies, too." (LEV, 1967b). Consequently, the victory of the Israeli army is the victory of "the might that represents justice" (*Ha'aretz*, 6 June 1967, p. 4). And the violent action of war becomes one more element to buttress the fact that "[...] its heart [of the Jewish people] is not given to vainglory, its heart is not given to the heady wine of might, [...] it wishes for peace, a true peace, not for armed glory. The people that gave birth to such an army, to such officers, is not militaristic. And this is one of its fine and wonderful characteristics." (EVRON, 1967; also EVRON, 1977).

This image of the Arab has been a mainstay in the repertoire of Jewish-Israeli national images. For example, studies of the image of Arabs in the eyes of Jewish-Israeli youth during the two first decades of Israel's independence found that the image held of the "Arab person" was explicitly negative: "very old, heavy, stiff, hard, ungrateful, egoistic, unpleasant, bad, colorless, out-of-date, ugly, twisted, low, slow, passive, unsuccessful, irrelevant, fickle and sentimental" (BENYAMINI, 1980). Against this image stood the "Israeli", the "new Jew", the antithesis of the Arab (BAR-TAL and ZOLTAK, 1989; BENYAMINI, 1969 and 1980).

One can hardly over-emphasize the place assigned to the Arab as an "other" in the Jewish-Israeli national identity construct as it appeared in the analyses of Israeli journalists during June 1967 and October 1973. The various writers meticulously charted the individual as well as collective and/or national characteristics of "the Arab", against which they reaffirmed and clarified the Jewish-Israeli collective self-image. "The Arab" in the Israeli press of this phase – a critical phase in the construction of a discourse that not only explains, but also justifies a reality of occupation – is first and foremost aggressive, driven by what seems to be an inherent destructive instinct that is directed towards the peace-loving Israeli (Jewish) nation.

The Arabs, "possessed by hatred and an extermination instinct", force their wars upon the Israelis-Jews, seeking to remove them from their rightfully owned land and altogether annihilate Jewish-Israeli national presence. The Arab enemy is but a new, updated version, of the gentile oppressor, equivalent to the Nazi exterminator.

Thus, for example, it was stressed that during the Six Days War the Arab armies had explicit plans to exterminate the state of Israel, massacre its inhabitants, and put them into gas chambers and crematories (SHAMIR, 1967); that the Arabs were motivated by "an actual endeav-

or to exterminate the last remnants from the Holocaust camps that gathered in Israel" (Selpater, 1967); and that they were ready to use poisonous gas as a weapon against those who survived Hitler's gas chambers (Selpater, 1967). Therefore, the war between Israel and the Arab countries is not a "normal" struggle between states, but "a stage in the endeavors to exterminate the Jewish people, which are characteristic of our time." (Livneh, 1973b).

In this framework of identity as a binary construct, the political reality is understood as one in which Jewish existence and Zionist nationalism collides with Arab nationalism in a zero sum game. "We", a humanistic and peace-loving nation are unwillingly dragged into the war; but once we find ourselves there, we fight fiercely for our very right to exist: "Indeed, we did not want the war […]. But once it was forced upon us by them, we must crush the skull of the Arab imperialist viper […]. We are explicitly dealing with an attempt at genocide: their aim is to totally exterminate us." (Rosenblum 1973).

And once "we" are drawn into this campaign against those who wish to push the regenerated Jewish nation back into the historical sequence of violence and abuse of the (old) Jew, we are enjoined to be as determined as possible: "[…] to break them. To forcefully hit, smash, eliminate, demolish and kill – in order to break the backbone of their national will. We must shatter the psychological shield that protects the Arabs from acknowledging Israel's presence." (Lapid, 1973). In contrast to the humane and gentle image of the Israeli soldier as an "enlightened occupier", the image of "the Arab aggressor" (*Ha'aretz,* 6 June 1967, p. 1) embodies boundless viciousness, accompanied by explicit egoism and immorality, as befits his violent, tyrant character. Not only does he lack empathy or mercy for his rival; he also lacks this trait in his relations to his family, unknowingly forcing the Israeli soldier, the ultimate representative of the Jewish-Israeli nation, to take on the role of implementing universal justice and morality (Lev 1967b; Amir 1967).

One of the most outstanding flaws of the Arab Other is his lack of a "Western orientation", in contrast to the "natural" and successful integration of Israel into the modern West. This narrative-interpretive attitude found some of its most explicit expressions in a series of articles published under the title "We and the Arabs" (Bar-Yosef, 1967a; 1967b; 1967c), in which the writer takes upon himself the task of analyzing "the Arab national character" as an instrument for interpreting political and historical reality. The main problem, explains the writer, is the collision between the healthy rational character of the Israelis and the romanticism and fantasy at the core of the pathologic character of the Arab: "The reality here is not that of Western rationalism. The Arab mind-set and the ways in which they react are totally different from those demanded by Western rationalism of every sober person." (Bar-Yosef, 1967a). Instead of complying with those dictates of logic, the "Arab character" is ruled by fantasy: "It is a very romantic character, subject to abstract concepts of family, tribal or national honor; these abstract concepts are much more important to him than any actual reality. […] His imagination dictates his behavior. He does not correlate imagination with reality, but rather reality with imagination. In this sense, he is our complete opposite. His emotional life dictates everything. Honor, respect, pride (usually baseless), vengeance, etc. – all these are typical national characteristics, deeply rooted inside the heart of every Arab. […] In order for him [the Arab] to accommodate to the demands of the modern market, he must go through a process that we, like the Europeans, have undergone for at least two hundred years. […] Viciousness on the one hand and sentimentality on the other are the two axes of the experiential reality of the Arab soul." (Bar-Yosef, 1967a).

From this perspective, the war between Israel and the Arabs is a local manifestation of an all-encompassing war between two civilizations, one that accentuates the essential differences between "us" and "them" (Hefer, 1973). The struggle, which initially appears local and national, is in fact a universal struggle, in which the Jewish-Israeli nation functions as the spearhead of the civilized world against the Arab hordes (Livneh, 1973a). What started out by the killing of Jews is a harbinger of the coming violence directed against Western civilization.

The same dichotomy of Israel=modern West vs. Arab=backward East confirms the identity of Arab-Israeli citizens as members of an alien collective, among us yet foreign to us, a kind of (potential) internal-external "significant other", whose unique encounter with progressive Jewish-Israeli society emphasizes the Arab backwardness. The following story of an Arab student, as told by one writer as a preface to her discussion on Arab-Israeli citizens, typifies this attitude: "He enjoys a stipend and is acquiring higher education for free, something he would never have dreamt of if the village [where he lives] had not been part of the State of Israel. He saw himself sitting in the library as an equal among equals […]. Saw himself during the weekends in the beautiful houses [of his Jewish peers], filled with books and understanding. But he also saw himself going back to his village, to this awful bleakness, despite the electric lights, of binding tradition that forces him to marry Fatma, his ignorant cousin. He eats and enjoys the wonderful, intricate dishes his mother made for him, but misses the plates and flasks, forks, tablespoons and teaspoons [which he saw] in Jewish homes. And where would he go with all his education? […] To raise the village up to the level of the Israelis – the whole village is not ready for this at all […]. (Elyagon, 1667).

If there is a single word that encapsulates the image of the Arab "other", it is the seemingly innocent term, *fallah* (Arabic for farmer). Its connotations encapsulate the duality of the narrative attitude towards the Arab, in which the craving for authenticity, for the novelty of agricultural work and the unambiguous attachment to the Land of Israel collides against the loathing of the barbarism, primitiveness, viciousness and irrationality that are all assigned to the mythic character of the Arab "other" (Keinan, 1967).

The supposed ignorance of the *fallah*, his enslavement to imagination at the expense of logic, also penetrates in images of Arab soldiers and Arab armies. And again these images are contrasted with the absolute superiority of their Israeli rivals. One writer, commentating on the Six Day War, informs his readers that "the amazing victory of the Israeli Defense Force over the Arab armies, which surprised the whole world and ourselves, would not have been so staggering and surprising had the viewers of this spectacle focused their thought on the nature and character of the Arab as an individual and as a group." (Bar-Yosef, 1967b). This is true since against "[…] an Israeli army organized in accordance with the finest modern technical thinking; against a commanding rank that is honest and loyal and purposeful and wholly dedicated to its calling; against a soldier who is consciously disciplined and marvelously coordinated in his martial organizational framework; against an excellent Israeli technician, who knows how to handle any complicated instrument with a touch and a sharp mind and methodical knowledge; against an Israeli reservist, who sees the full picture and its important details in sober eyes and based upon precise information; against the citizen who fought for his and his family's life. Against all these stood [Arab] armies that were only nominally organized, in outdated patterns; corrupt commanders, who care only about themselves; a worthless technician who can not tell left from right due to the mysteries of modern-day

weapons technology; a stupefied soldier who does not comprehend what is happening around him and who lacks any notion of the overall picture beyond his place within it; a soldier who is fed by deceptive and baselessly arrogant propaganda; a soldier who truly does not know what he was fighting for." (BAR-YOSEF, 1967b).

It should be stressed that this commentator, like his colleagues, does not consider his subject – the Israeli army's success – to be the outcome of Arab negligence or any particular external obstacle. Rather, this victory is a profound articulation of the collective Arab persona.

Another image that arises as essential for the construction of the Arab Other is the well known "few against the many". The quantitative advantage of the enemy has been repeatedly presented as the main factor explaining the relative success of the Arab armies during the Yom Kippur War. The Arab villain is described as engulfing the Jewish-Israeli nation from all sides, ready to storm the country in overwhelming numbers (DOR, 1973; *Ma'ariv*, 19 October 1973, p. 5). Obviously, the same unfair imbalance spotlights the Jewish-Israeli qualitative superiority over the swarms of enemy Arab soldiers of whose leaders are willing to sacrifice millions, to achieve their murderous aims.

Such an analysis of the military reality is based on the same pseudo-anthropological (not to say racist) "overall view" of "essential Arab traits" – which are synthesized within the image of the Arab soldier. The explanation of the relative success of the Arabs must thus be a quantitative one, since these "essential traits", like any other law of nature, are unchangeable. *Fallahness* has always been the fitting title for this composite: "[…] After two weeks of fighting [in October 1973] it seems that there is no essential change in the essential traits, both positive and negative, of the Egyptian soldier, as we have come to know them […]. On the positive side – he excels in physical shape, in the remarkable endurance of the *fallah*, and in noticeable discipline in obeying orders. On the negative side – he lacks sufficient personal intelligence, he is unremorseful, and dependent." (SELPATER, 1973).

Other "essential traits" often mentioned by journalists are deceptiveness, inhumane viciousness, imbecility and even insanity (CAROZ, 1973; LIVNEH, 1973a and 1973c).

The Yom Kippur war – especially during its early stages, when the Arab armies gained some substantial victories in the battlefield – had a profound impact on the Jewish-Israeli collective identity. To ease the dissonance caused by the acknowledged success of "ragtag" *fallah*-soldiers an easy solution was found: this success was ascribed to an external force, the villain in the metanarrative of the American-dominated West, the Soviets (GOLDSTEIN, 1973; TEVET, 1973; SHAMIR, 1973; SELPATER, 1973). However, the more significant implication of the dissonance discussed here is articulated in a second solution: a new hesitant show of respect towards the Arab, involving the implicit abandonment of Israeli contempt for him, a central element in the image of the Arab "other". To a large extent, the image of the villain is further empowered, for he is now portrayed not only as quantitatively superior, but also as capable of running complex organizational endeavors and meticulously planned military maneuvers – for which he deserves the hesitant show of respect (HAVER, 1973; ZARAI, 1973; DAN, 1973).

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The peace process between Israel and Egypt, and Israel's controversial war against the PLO in Lebanon are two of the major events (or processes) that spurred the weakening of Arab otherness. The confrontation with Arab willingness to make substantial concessions for peace and of Israeli overwhelming – but not unbeatable – military might, accelerated wide-reach-

ing processes that are generally assumed to have begun with the Yom Kippur War. These processes largely deal with the substantial weakening of some major cornerstones of the Jewish-Israeli collective worldview, including fundamental elements of its national identity and meta-narrative.

One of the most salient articulations of this identity crisis was the journalistic elite's difficulty – or even conscious refusal – to offer its readers an unequivocal hero, or a genuine "villain" in its coverage of the Lebanon War: Israeli soldiers, who traditionally personified national heroism, went through a process of "de-deification", while the image of the Arab was going through a process of "de-demonization".

Surely, several writers did try to preserve the known image and identify the Arabs as the ultimate "other". Nonetheless, they assigned otherness mainly to the distinct and rather limited circle of Palestinian terrorist organizations, while refraining from tagging the entire Arab population as aggressors. In this framework, "the PLO assassins" (Be'eri, 1982), "the murderers among the Arab students of Hitler" (Rosenblum, 1982) are presented as "the scum of mankind" (Be'eri, 1982), spillers of Jewish blood who do not trample to hurt the young and innocent under the clogs of their struggle for national liberation. We are also told that as Arabs, the only language these terrorists can understand is brute force (Selpater, 1982; Haelyon, 1982).

However, this voice, loud and clear as it was, was but one in a cacophony of voices, the vast majority of which negated in one way or another the otherness of "the Arab". The war in Lebanon exposed two separate groups of Arabs: the PLO terrorists and inhabitants of southern Lebanon (including the Palestinian refugees), in whose backyard Israel's fight against the PLO was being waged. Many writers emphasized the distinction between these two groups; by sympathizing with the second group they furthered humanization of the Arab "other".

Moreover, this "rehabilitation" of the Arab Other also influenced the image of the first group, the terrorists. Most journalists presented a somewhat more "neutral" stance, from which they were able to address "clean" issues such as the organizational structure of the PLO, its capabilities, and its operative efficiency in an allegedly professional, almost indifferent matter. Thus, for example, one military analyst praised "the PLO fighters" for showing "distinguishable bravery, cleverness, [and] resourcefulness in the battle field" during the Lebanon War (Haver, 1982; see also Caroz, 1982; Cohen, 1982; Lev, 1982; Mor, 1982).

The rehabilitation of the Arab "other", a process closely related to the strengthening of humanism and universalism in the Israeli meta-narrative and collective identity, peaked as these values – under the label "peace" – became dominant in the national identity construct.

The signing of the Oslo accord can be viewed in the framework laid here as an articulation of this new valuative dominance, and of transformation of the Arab otherness accompanying it. In this spirit, Yasser Arafat and the PLO were also rehabilitated, under the banner of "you make peace with your enemies' (*Yediot Aharonot - Musaf*, 15 September 1993, pp. 12-13; see also Gefen, 1993), in a process mainly aimed at compromise through overcoming past inhibitions (*Ha'aretz*, 25 August 1993, p. b1; Rosenblum, 1993).

Nonetheless, what is discussed here is not the emergence of a totally "new PLO". Many journalists, seeking to present the PLO as an organization that had abandoned terrorism in favor of pursuing peace, chose not to ignore the organization's past image. They acknowl-

edged this image, stressed its components, and openly called for Israelis to abandon it; like all myths, this image was viewed as an obstacle to peace (SAMMET, 1993; SHALEV, 1993; PLOTZKER, 1993a and 1993b). Moreover, some writers even protested the foreign media's failure to identify the fundamental change that the PLO had experienced, in the face of the media's embrace of the violent (and deceptive) image of the PLO and its members: "the demonstrations, the incitements, the stones [thrown], the veils, the flag burning, and angered faces are all very photogenic. But this message is false." (PLOTZKER, 1993c; see also BECHOR, 1993; SHIFF, 1993).

The most common method of presenting the rehabilitated image of PLO members entailed their assignment to the "peace camp", the updated "us". Within the confines of this new image, PLO members (through the organization's leaders, with whom the journalists had established personal contacts) were portrayed as moderate, men of the future who had abandoned their violent past; people who truly longed for peace, believed in the present and the promise of the future, freed from the claws of history (KEINAN, 1993; ABRAMOVITCH, 1993; *Ha'aretz*, 2 September 1993, p. b1).

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The outbreak of the second *intifada* marked a sharp retreat from this discursive-representative imagery, as the PLO, as well as Arafat and the Palestinians as a whole, were "re-gaining" their image as an ultimate Other, who presents an existential threat to the Jewish-Israeli people. Israeli political culture was characterized by a reawakening of such images, as the horrifying pictures of terrorism dominated the public sphere. If anything, such a reawakening of these images of Arab otherness showed how fragile and fickle this "rehabilitation" of the Arab other is, or, to use the reverse view, how strong and predominant are the images of the Arab as an ultimate significant other.

The discourse surrounding Ariel Sharon's "disengagement" plan is telling in this sense. Only rarely was Israel's withdrawal from Gaza presented as an act of bringing an end to occupation in the name of righting its evils; the plan has not been advocated as a humane act of easing the pains inflicted on the Palestinians by the occupation. Instead, the disengagement was constructed as a security measure, driven mainly by the urge to distance – indeed, to disengage – "ourselves" from them. In this sense, the "disengagement" plan is a testimony not to Israeli culture's acceptance of its others, but as a unilateral move driven by the same old fear and disregard of the Arab Other.

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Notes

1. This paper draws on my previous research on Israeli political culture. See mainly Yadgar (2003a and 2003b).

PALESTINIANS AND ISRAELI JEWS: DIVIDE AND SHARE THE LAND

Said Zeedani

I. Winning and losing[1]

In this singular almost century-old conflict between Palestinian Arabs and Israeli Jews, there is no ultimate winner or ultimate loser. It is not even clear what it means to ultimately win or lose. In this perennial and bloody confrontation between the two parties, the human and material losses have been enormous; but neither Israel celebrates victory nor do the Palestinians entertain defeat. They have both been losing. It is unfortunate that the option of winning together has not been seriously or sincerely tried.

It is possible to destroy and defeat the army of the enemy. Israel had done so in 1967. It is also possible to defeat a regime (corrupt or otherwise) or to crush armed resistance to occupation. It is less clear, however, how it is possible to defeat a nation struggling for freedom or independence. In its attempts to defeat the Palestinians, Israel has resorted to a variety of means and methods: displacement and dispossession in 1948, occupation of the West Bank and Gaza since 1967, invasion of south Lebanon in 1982, discrimination and depravation against its own Palestinian citizens for more than 55 years, etc. But ultimate or final victory is not hovering over the horizons.

In the course of "Operation Defensive Shield" of April 2002, Palestinians in the West Bank had been placed under curfew for weeks. Israeli tanks and armored personnel carriers were in every city, village and refugee camp, and Mr. Arafat's compound was besieged and almost totally destroyed. But no white flags of surrender were raised. Israel's military superior power was there to see and acknowledge: relentless, merciless and overwhelming. But despite spreading fear and trembling, ultimate victory was not within reach. It seems there is mysterious power in powerlessness that even the best equipped army cannot crush. The moral of the story is: it takes more than military power to ultimately win. This "more" has something to do with consciousness, with breaking the resolve or will of the weaker party. That you are more powerful does not mean or entail that your enemy or adversary is less ready or deter-

mined to resist and continue the fight. In this particular clash, even occupation of the whole territory and subjugation of the whole native population does not amount to final victory.

This inability of either side to ultimately win is closely related, in my view, to the singularity of the Palestinian Israeli conflict.

II. Singularity of the conflict

The Palestinian Israeli conflict is *singular* in many respects. Its singularity is the result of the special interplay or mix of politics, religion, history, culture, nationalism, morality, and attachment to territory. Fundamentally, of course, it is a conflict over a piece of land and over sovereignty in this piece of land. But in the conflict over the land, all the other factors are involved. To say that the conflict is singular is not to deny that it shares many important features with other (kinds of) conflicts or situations. Firstly, it exhibits most of the characteristics of the generic conflict between immigrants and natives, where the former created and sustained states. Secondly, it shares obvious features with the conflict in Northern Ireland as well as with the conflict over the apartheid regime in South Africa. Thirdly, it is similar in many respects to the more typical conflict between colonizers and colonized. Fourthly, it is said to share some features with the encounter between Muslims and Crusaders many centuries ago. Finally, it shares most of the main characteristics of the relationships between occupiers and occupied. But in spite of these many similarities, the Palestinian Israeli conflict remains a type with one token, in the non-trivial sense. It is no accident, then, that it has been depicted as an existential conflict between two national groups, two religions, two cultures, two moral arguments and two irreconcilable historical narratives.

This singularity of the Palestinian Israeli conflict derives primarily from the singularity of the Jewish people (their religion, their attachment and historical claims to Jerusalem in particular and historic Palestine in general, their experience in Europe which culminated in the Holocaust, and their disproportionate influence in the US). This singularity has also something to do with the fact that the majority of Palestinians still reside inside or close to the borders of their country, as well as to the moral, political and material support of over a billion Arabs and Muslims .

Given this construal of the conflict, it becomes less difficult to explain two main things. First, the fact that it has been related to or contaminated by the major world conflicts for many decades. Second, that it has resisted so many attempts to resolve it peacefully. Compromise is not the magic word or an easily embraced idea when it comes to the treatment of a singular conflict understood in *existential* terms. When they understand their conflict in existential terms, the contending parties are either engaged in war or preparing for one. It is not an exaggeration to claim that the majority of both Palestinians and Israeli Jews subscribed to some version of the existential conflict until the late 1970s or early 1980s. It is only during the last generation or so that such notions as fair compromise or historic reconciliation have become fashionable. Prior to that, believers in reconciliation had been in the minority, some had been discredited and in extreme cases assassinated.

III. Further characterization of the conflict: moral, religious or political?

The Palestinian Israeli conflict is not essentially a *moral* conflict, though it has a strong moral component. Similarly, it is not essentially a *religious* conflict, though it has a strong religious component. Stripped to its bare essence, it is a *political* conflict, a conflict between two dis-

tinct national groups over ownership and control of the one piece of land. What Zionists always wanted is to establish and sustain an independent state over this land, a state with a clear majority of Jews as its citizens. Palestinians always resisted, not because of their innate resentment to the Jews or their religion. They always resisted because they grasped from the outset that the realization of the Zionist idea would be at their expense.

The founders of the Zionist movement and the Israeli state were the secular Jews of central and Eastern Europe. Similarly, those Palestinians who initiated and led the resistance to the Zionist project were the nationalist, not the religious fundamentalists. On both sides, religious sentiments, no doubt, nurtured the conflict. In any case, it is not the supposed clash between Islam and Judaism or the clash of civilization that is to blame for the creation or the perpetration of the Palestinian Israeli conflict. Nationalism, not religion, is the "original sinner". Needless to say, settlement activity in the occupied Palestinian territories since 1967 was initiated and encouraged by a secular Labor-led government, intoxicated and blinded by victory in the Six Day War.

Just as the conflict is not essentially religious, so it is not essentially moral. It is not essentially a conflict of justice with justice or right with right or a conflict between two peoples who have equally valid moral claims to the same piece of land. The conflict of right with right thesis expresses the perspective of the detached spectator, not the perspective of either party to the conflict. Saying that should not mean or imply, however, that moral considerations are not important or relevant either to its description or to its resolution. As a matter of fact, both Palestinians and Israeli Jews and their respective supporters have been raising moral questions, advancing moral claims, making moral arguments, and voicing moral complaints. They have also been appealing to the sense of justice of their respective constituencies and the international community at large. However, it is evident that they have been doing so not only to score moral points, but mainly to advance political claims and schemes. Morality is of course relevant in many ways to such claims and schemes.

As far as the relevance of morality is concerned, there are three easily identifiable sets of relevant questions to reflect on:

a) Who has a moral right to what in Palestine/Israel? How can one argue that the two parties have equally valid moral claims to the same land? And to what extent these rights are commensurable? What does moral philosophy have to say about the whole issue of the "historical rights" of the Jews in Palestine, taking into account the passage of two thousand years or so?

b) Who morally wronged whom in this almost century-old conflict, and who is to be held therefore morally responsible for the wrongs committed as well as for the righting of these wrongs? Is it really possible to restore any moral balance when so many people are personally affected over an extended period of time? And what about the rights of dead innocent people who lost their lives, property and dignity, in the course of this prolonged and bloody conflict?

c) Is a just solution to the conflict possible? What theory of justice can generate the relevant principles or maxims for a just or fair solution to the major problems?

The above perplexing and tormenting moral questions, and many others, have been raised and debated by intellectuals and lay people over the years. But the fact remains that neither Zionism nor Palestinian nationalism is a movement for moral reform or moral revival. Neither is dedicated to the pursuit of moral truths or to the search for moral solutions. They are what they are and nothing else: two national / political movements with two conflicting sets of political or national goals. For both, moral considerations, important as they are, are only part of political concerns; at times, in the service of political actions, decisions and objectives.

In the case of Zionism, morality was in the service of political acts or actions in two ways: in providing justification to the creation of Israel, and in justifying those practices, policies and plans of the state which manifestly give priority to Jews over non-Jews. Similarly, morality was invoked to serve the Palestinian cause in at least two ways. Firstly, to show that the creation of Israel was at the expense of the Palestinian people. Secondly, to justify acts and means of resistance to the Zionist project. For Palestinians, their moral superiority as the indigenous victims of the immigrant state is not in question. But they are struggling in order to achieve political goals, not only or mainly to realize moral values and moral principles or prove that justice is a prime virtue.

The singularity of the conflict, and its special mix of politics, morality and religion, have played a distinctive role in determining the respective identities of both Palestinians and Israeli Jews.

IV. Proposed political configuration

After three Arab Israeli major wars and a series of Palestinian intifadas (the first of which dates back to the late 1920s), there is no ultimate winner or loser. Neither were the Israeli Jews drowned in the sea (as the Palestinians wished) nor did the Palestinians disappear in the distance (as Israeli Jews wished). They continue to face each other, to kill and harm each other, to challenge and embarrass each other, and to compete with each other for moral superiority as well as for the sympathy of world public opinion. After these wars and intifadas and the resultant weariness and recognition processes, and given the singularity of the conflict mentioned before, the two parties are slowly coming to the realization that a political compromise is both possible and desirable, and that it should take seriously into account the following elements:

1) The determination of the vast majority of Israeli Jews to continue to live in an independent democratic state which will continue to have a clear majority of Jews as its citizens.

2) The determination of the Palestinians to rid themselves of the yoke of occupation and to create an independent democratic state that can also accommodate the majority of the displaced Palestinian refugees.

3) Respect for the attachments of both Palestinians and Israeli Jews to the whole country or to special parts of it.

4) Respect for the commitments and attachments of both non-Israeli Jews and non-Palestinian Arabs and Muslims to the city of Jerusalem and its holy shrines.

5) Compensation for lost property as well as for undeserved suffering.

6) Non-discrimination or equality of democratic citizenship in either state.

The most interesting question remains the following: What is the political configuration that is reasonable, feasibly realizable, and accommodative of the above listed elements or concerns? It is my firm conviction that the most reasonable political configuration is one that creatively combines a) political separation, b) equal democratic citizenship (which bans discrimination), c) sharing (the things that cannot or should not be divided), and d) compensation for any private property that cannot be restored to its rightful owner or owners. The political configuration I envisage is one that combines, among other things, the two seemingly incompatible components of political separation and far-reaching sharing or partnership. It entails one land or country *shared* by both peoples, but *politically* divided into two independent states. The element of sharing assumes special significance here for a variety of reasons, foremost of which the strong attachments of both peoples to the whole country or to particular places in it, and the demographic reality in the city of Jerusalem (which should remain open, shared, though politically divided). According to this political configuration, what applies to Jerusalem should also apply, *mutatis mutandis*, to the whole country.

As I conceive of it, *sharing* the one country or the one homeland by the two concerned peoples involves and requires much more than the free passage of people, vehicles and commodities; that is to say, it is much richer than the creation and enjoyment of a common market. It is the partnership or sharing that makes it possible for me to feel and think that the whole country is mine, though I am a citizen of one of the two states to which it would be politically divided. In the *other* state, I am much more than a tourist, a passer-by or a guest worker. On the one level, there are things that the two states can or should have or manage jointly or together such as airports, seaports, historical sites, natural reserves, the Dead Sea resorts and other tourist attractions, environment and water resources, transportation, communication, electricity, and health systems, and so forth. On another, no less significant level, there are special rights and privileges that can be conferred upon and enjoyed by the citizens of the other state such as residency rights, social security entitlements, property ownership rights and labor rights, among others. On a third level, possibilities for dual citizenship and even some form of autonomy or internal self-government for certain populations on both sides of the political divide should be seriously explored. One thing is crystal clear, however: physical separation between the two states, whether by a fence or a wall or any other repulsive barrier is inconsistent with the core of the idea of sharing I have in mind. Needles to say that discrimination on the basis of religious or national affiliation is incompatible with the humane idea of sharing I have in mind.

It is the idea of sharing or partnership that best responds to the challenge concerning the competing attachments and moral/historical claims of both sides to the whole country.

It should not escape our notice that hard nationalism and the current hard notion of state sovereignty are clearly not conducive to or favorable conditions for the realization of the twin ideas of political separation and far-reaching partnership or sharing. As a matter of fact, the realization of such a vision poses very serious challenges to hard nationalism as well as to the prevailing notion of state sovereignty. The realization of the proposed vision requires a political configuration that steers a middle way, a sort of a golden

mean, between the two sovereign states on the one hand, and the one bi-national or federated state on the other. It helps create a new situation and a new reality which entitle each Israeli Jew and each Palestinian to say and mean what he or she says: this is the state I am a citizen of (the part), but the whole country or land of Israel/Palestine is mine. This is the kind of situation and reality that the die-hard nationalists and the staunch proponents of state sovereignty would not like to face or embrace.

Guided and structured by the proposed vision concerning the preferred or desirable political configuration, political separation would be less difficult to achieve or stomach. This is mainly because the proposed vision entails a shift in attitudes and a revision of positions and priorities, from the obsessive concern with the acquisition of and control over territory to the emphasis on respect for individual and collective rights and personal attachments. According to the proposed vision, one needs to reiterate, political separation is only one part of the deal or package. And because separation is only one part of the package, the quarrel over each and every inch of land and each and every grain of sand would lose much of its significance and steam.

Finally, the proposed political configuration is a kind of a Hegelian synthesis. The unitary state for both Palestinians and Israeli Jews (thesis) has been rejected by the majority of both sides. Israeli Jews rejected the single "secular democratic state" proposed by the PLO; Palestinians rejected any version of exclusive Israeli sovereignty over the whole land. And the bi-national state is not a viable or preferred option. Furthermore, the two states solution (antithesis) still encounters formidable difficulties. It is being challenged by the majority of the Palestinian refugees, by the majority of Jewish settlers and their supporters, and by the emotionally loaded issue of Jerusalem and the holy places in it. Further, it has no special appeal to the more than one million Palestinians who are currently citizens of Israel. It is the option of last resort. The element of sharing added to the two states solution is intended to overcome most of these difficulties. The proposed synthesis of political separation and far-reaching sharing, it should not escape notice, implies a modified version of the 1947 Partition Plan. One can argue that it is a reasonable and feasibly realizable solution. But whether or not it is the truly just or fair solution to the Israeli Palestinian conflict is not easy to tell or judge.

Notes

1. A revised version of a paper submitted at one of the sessions of the 21st Congress of Philosophy, held in Istanbul, Turkey, 10-17 August 2003.