

The Palestinians in Israel

Readings in History, Politics and Society

Second Volume

Edited by

Nadim N. Rouhana and Areej Sabbagh-Khoury

2018



Mada al-Carmel

Arab Center for Applied Social Research

The Palestinians in Israel: Readings in History, Politics and Society

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Mada al-Carmel–Arab Center for Applied Social Research
51 Allenby St., P.O.Box 9132
Haifa 31090, Israel
Tel. +972 4 8552035, Fax. +972 4 8525973

www.mada-research.org
mada@mada-research.org

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Palestinian Citizens of Israel - Evolution of a Name

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Palestinian Citizens of Israel - Evolution of a Name¹

Manar Makhoul*

Terminology in the Palestinian-Zionist conflict has a strong role in defining identity and discourse. A simple example can be seen in the naming of the territory under consideration in this conflict: Palestine, which the Zionist movement chose to call Eretz Yisrael. Names, toponyms, and code names serve the national-ideological goals of Zionism, essentially aiming to erase Palestinian existence from Palestine (Suleiman, 2004, 2011). This is true also with regards to the naming of the “Palestinian citizens of Israel.” For both Israel and the Palestinians, the way this community is named reflects political, national, and ideological orientations. In this essay, I will show how the terms used to refer to Palestinian citizens of Israel have evolved in the past six or so decades, and how this evolution mirrors the evolution of their identity.

In a bid to emphasize Jewish dominance in Palestine, Israeli-Zionist thought has an almost monolithic attitude towards Palestinian citizens of Israel. Zionist attitudes toward Palestinians vary in their degrees of toleration and perceived solutions for dealing with the “Palestinian/Arab problem.” However, there is an underlying common denominator that seeks to preserve Jewish dominance in Palestine. Evidence supporting this assertion can be found in the general approach among Israeli “liberals” who see the Palestinian demand to transform Israel from a Jewish state into a state of all its citizens as an “extreme” demand. As a result, Palestinians

* Dr. Manar Makhoul is the Networking & Advocacy Officer at BADIL Resource Center for Palestinian Residency and Refugee Rights. He completed his doctoral studies in the Department of Middle Eastern Studies at Cambridge University in 2012.

1. This paper is based on my PhD research on the evolution of Palestinian identity in Israel since 1948, through literature (Makhoul, 2012).

who carry Israeli identity cards are variously considered to be: “Arabs,” the “Arab minority,” “minorities,” or “non-Jews” (Rabinowitz, 1993, p. 144). These terms eliminate the national identification of Palestinians, as belonging to Palestine and being the indigenous population. The plethora of names associated with Palestinian citizens of Israel is directly related to consistent Zionist-Israeli efforts to eliminate the Palestinian identity, according to which all names are allowed *except* Palestinian. Over the years, such negative consistency (i.e., defining what is *not* allowed or acceptable) led to Palestinian self-censorship in Israel, manifested in a variety of acrobatic terminological manoeuvres devoutly avoiding “calling a spade a spade”—or a Palestinian a Palestinian. In other words, one would wonder why the rest of the Palestinians around the globe remained *Palestinians* for such a long time, despite living in so many countries and such a wide variety of political regimes and social environments. In this regard, it is interesting to note that the majority of post-colonial studies on Palestinian ‘hyphenated identity’ focus on this particular group of Palestinians (citizens of Israel), not on others.

Dan Rabinowitz addresses the inconsistency in terminology used to refer to the Palestinian citizens of Israel during the 1990s (Rabinowitz, 1993). Rabinowitz mentions an article by Azmi Bishara, in which Bishara used no less than 21 different name combinations to refer to Palestinian citizens of Israel—only 5 of which contained any variation of Palestinian. The “return” of the designation Palestinian in the 1990s is related to critical developments in the sociology of the Palestinian citizens of Israel (see the chapter “Introduction: Research on the Palestinians in Israel: Between the Academic and the Political” in *Volume I*). Simply put, at a later stage, Israeli sociology became more critical of the traditional attitude toward the Palestinian citizens of Israel. Therefore, critical Israeli sociologists resurrected the term “Palestinian.” However, as critical sociology in Israel focuses on the structure of the relationship between Israel and its Palestinian citizens, so these sociologists focus on the relationship in terms of minority-majority power relations. Thus, the term “Palestinian

minority in Israel” frames their status as a minority. “Palestinian society in Israel” seems to conform with the same mindset that denationalizes Palestinians, reducing them to a mere “society” within Israel. From this point of view, the designations “Palestinians in Israel” and “Palestinian citizens of Israel” seem to be the most neutral and descriptive.

In what follows, I would like to suggest that there has been an evolution of Palestinian self-identification since 1948 as a result of social, economic, and political factors. I studied the evolution of Palestinian identity in Israel as manifested in literary works, particularly novels and autobiographies. The study of Palestinian literature illuminates aspects of Palestinian discourse and self-identification that other research methods do not, primarily because literature provides a view into Palestinian discourse from within. It is possible to identify three stages in the evolution of Palestinian identity in Israel: 1948-1967, 1967-1987, and 1987-until the present. These periods also mark stages in Palestinian self-identification in Israel.

The first period: Adaptation and modernization (1948-1967)

The years of military rule—from 1948 until 1967—were crucial for Palestinians in Israel, as these were years of adaptation to the new reality created during and after the 1948 Nakba and the establishment of Israel. Palestinians who remained in Israel after the Nakba became a minority in a matter of a few months, having had the social, cultural, and political fabric of their society completely shattered as a result of the destruction of hundreds of villages and the consequent exodus of the majority of Palestinians.

In the earlier years of this period, we see a cautious Palestinian attitude, which indicates two things: First, the Palestinian narrative and Israel (as an embodiment of Zionist thought) stand in complete opposition to one another, manifesting their conflictual relations. Secondly, the Palestinian narrative recognizes that the balance of power between Israel and its

Palestinian citizens is tipped in Israel's favor. These trends are reflected in two novels written in 1958 and 1959 by the same author.

Memoirs of a Refugee or Haifa in the Battle (1958), by Tawfiq Mu'ammār, deals exclusively with the events leading to the occupation of Haifa, detailing the expulsion of its inhabitants in April 1948. In the general historical debate over the events of the 1948 War, the discourse presented in this novel resembles the Palestinian narrative before the Nakba, calling for Palestinian self-determination and rights on the land of Palestine (see for example, Falah, 1996; Khalidi, 1988; Said, 1979; Shlaim, 1995). In comparison, in his second novel, *It Will Be All Right* (1959), Mu'ammār focuses on Palestinian life in Israel during the military rule period. The way in which these issues are presented in *It Will Be All Right* conveys: First, that the struggle has been attenuated from one of national liberation to one of a variety of more mundane matters (such as travel permits, work, land confiscation, and so forth); and second, that this attenuation has occurred through a normalization of the relationship between Israel and the Palestinians based on the imbalance of power between them, namely the ambiguity and fears regarding the future of Palestinians in Israel during those years, which reflect their powerlessness.

The attenuation of Palestinian discourse is also evident in the transformation in the terminology used by Mu'ammār in reference to the Palestinian-Zionist conflict in comparison with his earlier novel. For example, Mu'ammār opens the introduction to *Memoirs of a Refugee or Haifa in the Battle* by saying that the novel "addresses important aspects of the 'Palestinian War' and the Arab struggle." In addition to this, the novel opens with the protagonist asking, "Who among us Palestinian refugees does not remember the bloody events of the early months of 1948 that preceded the departure of the Palestine Arabs?"

In comparison to this, the introduction to *It Will Be All Right* indicates that the novel is about the "situation of the Arabs in Israel." The attenuation in this novel is evident in what seems to be self-censorship relating to

the use of the word Palestine, which had become a politically charged term in Israel. Although Mu'ammār uses the word Palestine to refer to the geographical area, he never refers to Palestinian citizens of Israel as Palestinians in the same way he did in the earlier novel. In fact, in *It Will Be All Right*, Mu'ammār most frequently uses the term Israeli Arabs or the Arabs of Israel. The closest he comes to associating Palestinian citizens of Israel with Palestine is when he says, once, “We the people of Palestine (*iḥnā ahl falasṭīn*)” (1959, p. 49). While *ahl* in Arabic translates to “people” in English, it conveys the meaning of “residents,” or “those who live in Palestine.” In other words, “We, the people of Palestine” is an attenuated way of saying ‘We, Palestinians’ since anybody living in the broader geographical area of Palestine can be considered to be one of ‘*ahl falasṭīn*’.

Azmi Bishara arrives at a conclusion regarding Palestinian discourse in this period (1948-1967), according to which Palestinians in Israel developed an awareness of being a “discriminated-against people, which is difficult to define as national awareness” (Bishara, 1993). To put it bluntly, people who are fighting a national struggle for liberation do not complain about discrimination; only citizens fight against discrimination. In other words, because Palestinians started to perceive themselves as a “discriminated-against people,” this also meant that they had accepted that they were part of the state. Early studies of Palestinian self-identification in Israel portray a similar pattern among Palestinian citizens of Israel in this period (Rouhana, 1997). Therefore, in order to deal with their problems in Israel, Palestinians had to work within the framework allowed by the “system”—that of the Israeli authorities.

Palestinian novels in this period (1948-1967) show that the attenuation in Palestinian discourse in Israel was followed by a call from novelists for the “modernization of the Palestinians in Israel.” The rationale behind such a call lay in the idea that modernization would facilitate their integration into Israeli society. This Palestinian modernist discourse addressed the

aforementioned dimensions of Zionism: the political and the modernist. Modernization theory perceives “[...] the internal characteristics of Arab society, and particularly its traditional nature, [to be] the principal factors preventing the political participation and socio-economic mobility of Palestinian citizens, causing in that way their marginal position in Israeli society” (Rosenhek, 1998). Accordingly, Palestinian novels in the 1960s aimed both to reform their society and to promote peaceful coexistence of Palestinians with Jewish-Israelis. To achieve this goal, Palestinian modernists downplayed the political context of animosity and the inherent incompatibility of Palestinians and Zionism. In other words, because Palestinian modernization in Israel was promoted by, or at least derived from and operated within, Zionist discourse (which is both modernist and exclusivist nationalist), Palestinian denationalization and erasure were inherent to Palestinian modernization.

As a result of this, and due as well to the balance of power between Israel and the Palestinian community, Palestinian discourse in the years of military rule was attenuated. Attenuation in Palestinian discourse is clearly reflected in the terminology and identification used in novels. Many Palestinians refer to Palestine obliquely as “the country” (*al-bilād*) rather than to Palestine, or make reference to the Palestinian citizens of Israel as the more generic “Arabs.”

The second period: Double ‘contradictory identity’ (1967-1987)

The second period stretches until the outbreak of the first Intifada in 1987, witnessing major social and political transformations in the Palestinian society in Israel. Palestinians made efforts to deal with the implications of their modernization in Israel. After the 1967 war, the renewed contact with the Palestinians in the newly Occupied West Bank and Gaza Strip placed Palestinians in Israel in a perplexing situation.

Unlike those from the earlier years, Palestinian novels in this period

differentiate between the ideological-political and the modernist components of Zionism. Novels and autobiographies in the two decades after 1967 reject the exclusivist nature of Zionism. This transformation was noted by Rouhana (1997), who pointed to two contextually competing components to Palestinian self-identification: the civic and the national. According to such differentiation, novels in this period reflect a notion according to which there is a growing awareness among Palestinians in Israel that their initial aspirations for civic integration into the Zionist-Israeli framework cannot be realized, leading them in turn to reclaim their national Palestinian identity.

This transformation in Palestinian self-identification in Israel is reflected in two published works by Palestinian journalist and writer Fouzi el-Asmar. The first work is his autobiography *To Be an Arab in Israel* (1975). In this work, el-Asmar discusses the complex social reality between Palestinians and Jews in Israel. Note that the title of the book refers to Palestinian citizens of Israel as “Arabs”—as was the case in earlier years. However, a later article by el-Asmar is titled “Israel Revisited, 1976”. In this article, he talks about the transformations that took place in Palestinian self-perception and the increased political awareness that developed in those years (el-Asmar, 1977). In the following quotation from the article, he addresses the change in Palestinian political discourse and self-identification in light of Israeli efforts to eliminate and erase all traces of Palestinian national identity:

This change followed twenty-eight years of Israeli rule, during which the Israeli authorities tried to erase everything, whether cultural or political, pertaining to the Palestinian identity. We resisted these efforts to eliminate our national identity, although our yearnings were sometimes submerged by the struggle to define our *Arab* identity. Today the Palestinians in Israel have transcended this stage. They now proclaim their Palestinian identity openly (*italics in original*, el-Asmar, 1977).

If some Palestinians had any hopes to integrate in Israeli society through modernization, which “submerged,” or self-erased Palestinian national identity, this hope proved to be futile due to the inherent incompatibility of Palestinian presence with the Zionist enterprise.

Double contradictory identity means that Palestinians in Israel acknowledge that they are neither completely Israeli, nor fully Palestinian. This discourse reflects the political orientation of Palestinians of Israel in the 1970s and the 1980s. According to Nadim Rouhana, up until the first Palestinian Intifada in 1987, Palestinians in Israel subscribed to a tripartite consensus: “(1) unequivocal support for the establishment of a Palestinian state in the West Bank and Gaza Strip under the leadership of the PLO; (2) a demand for full equality as citizens of Israel; and (3) agreement that all forms of political activity be conducted within the limits allowed by Israeli law” (Rouhana, 1990). The first component of the tripartite consensus meant that Palestinians in Israel did not see themselves as part of the Palestinian liberation movement seeking self-determination; while the second and third components emphasized that Palestinian political activity should be conducted within the limits set by the Israeli political framework.

However, the first Intifada of 1987, the subsequent peace process, its failure, and the eruption of the second Intifada in the 2000s constitute a politically distinctive period in the life of Palestinians in Israel—a period in which they start to consider their future in light of a peace process that excludes them from the solution to the Palestinian problem.²

2. During the peace process, the two parties excluded Palestinian citizens of Israel from the solution to the Palestinian problem. In other words, two alien and alienating entities set out to design the future of Palestinians in Israel without including them in the process of decision-making. Both the PLO and the Palestinian National Authority (PNA) are alien to Palestinian citizens of Israel because neither body has representatives from Palestinians in Israel: Palestinian citizens of Israel were not included in the political movement that created them. The PLO and the PNA are, therefore, deemed to be alienating to the Palestinians in Israel because the former excludes them from its political agenda. Additionally, Palestinian citizens of Israel had excluded themselves from Palestinian political activity outside Israel (Rouhana, 1990, pp. 59-60). Israel was, moreover, alien and alienating to Palestinian citizens of Israel because of its exclusive discourse. Thus, Israel, too, excluded its Palestinian citizens from the political decision-making regarding the solution to the Palestinian problem.

The third period: Palestinian collectivization (1987-present)

Although Palestinians in Israel did not take part in the first Intifada, it caused them to undergo a profound transformation in their identification and begin to associate themselves with the Palestinian national struggle. This tendency continued during the years of the stymied peace process between Israel and the PLO, a process that excluded the Palestinians in Israel from the resolution of the Palestinian problem, further inducing them to reconsider their future collective status in Israel.

Palestinian novels in the period 1987-2010 convey shared Palestinian awareness, reflecting, thus, a process of collectivization that contrasts with processes of fragmentation and differentiation that were evident in earlier periods. Palestinian novels since 1987 stress a Palestinian identity that is linked to a Palestinian past and present, both inside and outside Israel—seeing the Palestinian citizens of Israel as part of the Palestinian problem, both in the past (the Nakba) and in the present. This is evident both in Palestinian rhetoric, terminology, and political participation. Almost half of the 37 Palestinian novels published in this period address the Nakba and the Intifada. Twelve novels in this period talk about the Nakba and its devastating impact on Palestinian society. Eight novels address Palestinian resistance to Israeli occupation in the West Bank and Gaza Strip. The two groups of novels present a combined narrative, which joins Palestinian past and present.

For example *Sorrows of the Holy Land* (1997), by Hanna Ibrahim, reflects the Palestinian historical narrative of the events of 1948. The novel describes the events of the 1948 War and the occupation of the village in a way that resembles testimonies and memories of Palestinians who witnessed and survived the events of the 1948 War. *Ululations of the Watermelon Fields* (1988), by Muhammad Watad, concerns the inhabitants of Khirbat al-Zbidi village in the West Bank and their resistance to Israeli occupation.

A study conducted by Ghanem (2002) shows transformations in Palestinian identification in Israel in this period. By comparing two surveys carried

out in 1995 and 2001, relating to Palestinian political orientations in Israel, Ghanem concludes that, “There has been a decline in the number of Arabs who see themselves as Israeli without a Palestinian component as well as an increase in the percentage of those who emphasize the Palestinian component of their personal identity” (Ghanem, 2002). Moreover, the surveys show a steep decline in the percentage of those who “recognized the existence of the state without reservations,” from 93.3% in 1995 to 50.7% in 2001 (Ghanem, 2002).

Palestinian discourse and self-identification in this period follow the pattern described above. Although there is no uniform term used by novelists to refer to Palestinian citizens of Israel, some of whom address the complexity and perplexity of Palestinian identity in these years, there is a growing tendency to stress Palestinian identity and Palestine as the homeland of Palestinians.

Summary

Terminology and naming are part and parcel of the political conflict in Palestine. We have seen that the Zionist-Israeli approach aims to diminish Palestinian existence and identity to consolidate Zionist control over Palestine. This has resulted in a plethora of names being used to address one group, which later was misconceived to be a result of the special circumstances of Palestinian citizens of Israel. The abundance of names for Palestinian citizens of Israel is, rather, a result of the attempted Zionist erasure of their national identity.

The identity of Palestinian citizens of Israel has undergone a long evolution since 1948. In earlier years, the defeated and weak Palestinians sought to recover from a disastrous war through modernization, which they believed would ultimately lead to integration within Israel as equals. However, Palestinians soon realized that their marginalization in Israel is not a result of their backwardness (as they were led to believe), but rather due to the

exclusivist nature of Zionism. Consequently, Palestinian discourse since the 1970s sought to redefine itself from a double contradictory identity, according to which Palestinians in Israel belonged to neither Israel nor Palestinian national movement. Since the first Intifada, Palestinian identity in Israel has emphasized the root causes of Palestinian predicament everywhere: Zionism as the main drive behind the Palestinian Nakba—the event that unites all Palestinians in the world.

Palestinian identity will continue to evolve in the future, in light of the ongoing social and political developments, as will Palestinian self-identification. In this article, I trace the development of Palestinian self-identification in Israel since 1948 in light of the evolution of Palestinian identity and discourse. My focus is on the internal perspective of Palestinians in Israel. However, there is a need for further, and more comprehensive, research on issues of terminology and naming of Palestinian society, especially in Israeli society, in the academic and political spheres.

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Thabet Abu Ras*

The events

On September 28, 2000, Member of Knesset (MK) Ariel Sharon, then head of the Israeli Likud party, provocatively visited the Noble Sanctuary (Haram al-Sharif) in Jerusalem escorted by police forces and border police. Thousands of Palestinians went out to protest such a provocative visit, in the plaza of the al-Aqsa Mosque (located on the southern side of the Noble Sanctuary) and in various Palestinian towns in Israel. Israeli security forces confronted the protests with force. On the next day, September 29, Israeli police forces entered the al-Aqsa plaza after Friday prayers and opened fire on protesters, leaving seven Palestinians dead and dozens injured.

On Saturday, September 30, the Higher Follow-Up Committee for the Arab Citizens in Israel (or the “Higher Follow-Up Committee”; see “The Higher Follow-Up Committee for the Arab Citizens in Israel” in *Volume I*) called for a general strike in Arab towns within Israel to commence the following day, October 1. The announcement of the strike, in solidarity with Palestinians who were protesting in the Occupied West Bank and Gaza, coincided with escalating confrontations, mainly due to the killing of Muhammad al-Durrah, a 12 year old boy trying to hide with his father from Israeli bullets, in the Gaza Strip. On October 1, thousands from Arab villages and towns within Israel joined in protest rallies. These protesters were confronted by Israeli policemen and border police using live bullets and snipers, in addition to rubber bullets. On that day, police forces killed four Arab citizens among the protesters, and wounded dozens. In light

* Dr. Thabet Abu Ras is a lecturer at Ben Gurion University and Sapir College.

of these events, and with the many killings that occurred in the Occupied Palestinian Territories, demonstrations escalated and spread the next day to other Arab towns and villages. Perhaps the most violent demonstrations took place in the al-Batuf area; five persons were killed on the second day; another on the third; and on the fourth day, another died from injuries that had been inflicted the day before (*The State Commission of Inquiry into the Clashes Between Security Forces and Israeli Citizens*, Chapter 2).

Despite an atmosphere of relative quiescence in Palestinian towns within the Green Line following the fourth day of October, incitement against Palestinian citizens flared. This incitement was led by the Hebrew media and by Israeli government leaders, blaming Arab protesters who had blocked some of the main roads in the Galilee and in Wadi 'Ara during the protests. On October 7, three Israeli soldiers were abducted on the Israeli-Lebanese border by Hezbollah, increasing the level of tension in the state. During that time, Jewish citizens, mainly in Jaffa and Tiberias, vandalized properties belonging to Arab citizens. On October 8, a group of Jewish citizens from Natzeret Illit attacked the Eastern neighborhood in the Arab city of Nazareth. When neighborhood residents tried to stop them, Israeli police fired live ammunition, killing two persons.

Many believe that the use of snipers to deal with unarmed protestors, as were used in the areas of Umm el-Fahm and al-Batuf in particular, proves that the security forces intended to commit premeditated murder. During the October uprising, and subsequent to it, 660 Arab citizens were arrested (*The State Commission of Inquiry*, Chapter 2). The police had placed checkpoints at entrances to Arab towns and villages and launched raids and night arrests for various charges, including throwing stones at police forces, blocking roads, and being present at places where events had occurred. The police also arrested 340 Jewish citizens for acts of violence against Arab citizens and vandalism (*The State Commission of Inquiry*, Chapter 2).

Events leading to the October uprising

There is no doubt that the fuse of the October uprising was lit on the day that Ariel Sharon "visited" the Noble Sanctuary. However, the uprising could not have happened without the accumulation of events and Israeli policies toward Arab citizens that preceded them. These policies primed Arab citizens of Israel for the demonstrations. As a large Palestinian minority living in a state that defines itself as Jewish and democratic, the status of Arab citizens in Israel is one of the greatest difficulties this community faces. This status contributed to the outbreak of the October uprising. The combination of the continued discrimination against Arab citizens since the establishment of the Israeli state and the suffering of the Palestinian people in the Occupied Palestinian Territories created the fertile soil in which the repeated confrontations between Arab citizens and various government authorities took root. Arab citizens did not hesitate to act in order to try to change their reality in the state. Their efforts included parliamentary work in the Knesset; popular activism such as the commemoration of Land Day, which took place in 1976 (see "*Yamm al-Ard* (Land Day)" in *Volume I*); national strikes on different occasions; and challenging the government and its bodies legally through appeals to the Israeli Supreme Court. Successive Israeli governments had perceived these various efforts as unjustified incitement against the state.

During the two years before the October uprising, there had been violent confrontations in which live bullets were used against Arab citizens. It is worth noting that the majority of these confrontations occurred because of the suffocating land and housing crisis faced by Arab citizens, resulting from land confiscations, discriminatory policies, and insufficient allocation of financial and other resources to overcome the crisis.

In May 1998, Israeli authorities demolished houses in Umm al-Sahaly village, near Shafa Amr. This act led to a violent confrontation between the police and residents of Umm al-Sahaly and other Arab villages. At the end of September 1998, the area of al-Rouha witnessed intense

confrontations following the attempt by the Israeli government to limit access to al-Rouha's lands for Arab farmers from Umm el-Fahm and Wadi 'Ara area in order to take it over using the pretext of claiming the area as a military zone. This prompted the mayor of Umm el-Fahm and the Public Committee for the Defense of al-Rouha to erect a protest tent in al-Rouha. Police forces demolished the tent and assaulted students and residents of Umm el-Fahm using live ammunition and rubber bullets, leading to more than 600 casualties. In addition, the Israeli authorities demolished a few homes in Lydda in May of 1999. In December of the same year, the crisis of Arab local authorities had reached its zenith (*The State Commission of Inquiry*, Chapter 2). Abuse against Arabs in the Naqab had also increased, particularly in villages unrecognized by Israel. The year 2000 saw a continuation of these conflicts. In that year, Land Day was the site of several major confrontations. A few days earlier, confrontations occurred in Isifiya and Daliyat al-Carmel in response to the erection of cell phone towers. During the month of April, confrontations broke out between students' movements and police in several Israeli universities. In addition, Minister Natan Sharansky's visit to Shafa Amr on Israel's Independence Day in May led to clashes with the police. Similarly, in September 2000, confrontations with police occurred in Ein Mahel and Natzeret Illit due to the land confiscations in what is called today the Har Yona neighborhood. Furthermore, the second Camp David summit, held in July 2000 between Israel and the Palestine National Authority (PA), concluded without results. Finally, without a doubt, Sharon's "visit" itself was the detonator for the October uprising. The holy site of al-Aqsa is significant to many Palestinian citizens, and Muslims in particular, tens of thousands of whom participated in the "Al-Aqsa at Risk Festival" on September 15, 2000.

Committee of the Martyrs' Families

Following the death of 13 Palestinians, the al-Ahali Association¹ organized the martyrs' families in a committee tasked with finding out the truth about their children's deaths; this committee was called the Committee of the Martyrs' Families. The al-Ahali Association accompanied the committee during the first few months of its work. Later, upon the establishment of an official commission of inquiry, the Committee of the Martyrs' Families worked in coordination with the Higher Follow-up Committee and Adalah—The Legal Center for Arab Minority Rights in Israel to prosecute the perpetrators. Each year since then, the Committee of the Martyrs' Families has worked with other organizations to commemorate the martyrs on October 1 in order to raise awareness and preserve the event in Palestinian collective memory.

Official commission of inquiry

In the aftermath of the events and popular demands to investigate the circumstances of the October uprising, on October 21, 2000, Ehud Barak, at that time the Prime Minister (PM), appointed a commission of inquiry to investigate the actions of the police during confrontations with Arab protestors. The Committee of the Martyrs' Families, academics, and Jewish and Arab institutions demanding the establishment of an official commission of inquiry with the legal authority to investigate the issue. This pressure and the fear of Barak's government and party that they would lose the Arab electorate in the then approaching parliamentary elections (scheduled for November 8, 2000), convinced the Israeli government to establish a commission of inquiry with complete authorization according to the Commissions of Inquiry Act of 1968 (Letter from Government Secretary Yitzhak, 2000). Judge Aharon Barak, President of the Supreme Court,

1. Al-Ahali – Community Development Center, an association established in Nazareth in 1999, aims to empower and organize the Palestinian society inside Israel. The Association strives for equality and solidification of national rights for Arabs in the state.

appointed a commission composed of Judge Theodore Or as the Chairman, together with Professor Shimon Shamir, former Israeli ambassador to Egypt and Jordan, and Judge Suhail Jarrah, Vice President of the District Court in Natzeret Illit.² In the mandate letter, the Or Commission of Inquiry was formally granted a large space for investigation and authorization to call witnesses and warn officials, as well as examine the behavior of those described as inciters among the Arab leadership. At the same time, the Higher Follow-Up Committee authorized Adalah to represent it as well as the martyrs' families before the Commission. From the outset, Adalah had been active—with the support of dozens of volunteering lawyers—working to contest the mass arrests and secure the release of the detainees. Additionally, Adalah demanded an investigation into the circumstances surrounding the killing of 13 Arab citizens. In mid-October 2000, Adalah called Arab lawyers for a meeting at its offices in Shafa 'Amr. In the meeting, attended by 140 lawyers, teams to defend Arab detainees were established from all Arab towns and villages. Adalah addressed the government Legal Adviser with the demand to order the police to investigate the killings of the Arab youth and the use of force against hundreds of others.

On February 27, 2002, after one year of hearings, the Commission issued formal warnings to former PM Ehud Barak, former Minister of Internal Security Shlomo Ben Ami, two police chiefs, and three Arab leaders: Dr. Azmi Bishara, a member of the Knesset at the time and then Head of National Democratic Assembly [NDA], MK Abelelmalek Dahamshe (then Head of United Arab List [UAL]), and Sheikh Raed Salah (Head of the Islamic Movement). In the letters, the Commission warned recipients that they were liable for the damage caused by their actions, attitudes, or statements. The warning letters were the peak of the first phase of the Commission's work. In the second phase, the Commission's work focused on the investigation into those who were possibly liable for the October uprising.

The Commission heard testimonies of academic experts called upon by

2. When Judge Jarrah resigned in June 2001 due to health reasons, Judge Hashim Khatib, head of the District Court, was appointed to replace him.

Adalah to testify, namely: Professor Nadim Rouhana, Dr. Danny Rabinowitz, and Professor Yoav Peled. In their testimonies, these experts touched upon the issue of relations between the state and its Arab citizens, as well as the suffering experienced by Arab citizens since the establishment of the state through discriminatory policies (*The State Commission of Inquiry*, Chapter 2).

The State Commission of Inquiry (Or Commission) Report and follow-up on implementing its decisions

On September 1, 2003, the Or Commission presented its first report. The report and its recommendation did not focus solely on the October uprising, but extended to cover relations between the state and the Arab citizens generally. Granting Arab citizens full and genuine equality with Jewish citizens was its top recommendation (*The State Commission of Inquiry*, Chapter 6). In addition, the report included an analysis of the reasons for the outbreak of the October uprising, and of the discriminatory policies that had been practiced by Israel's government for years. The Commission also claimed that religious fundamentalism and irresponsible actions of some of the Arab leadership were underlying reasons for the protests (*The State Commission of Inquiry*, Chapter 6).

The commission pointed out many grave flaws in the performance of the police, and its lack of preparedness to deal with such cases, particularly its use of live ammunition to disperse protestors, resulting in the unjustified killing of Arab citizens. The Committee recommended the resignation of some of the police commanders who participated in the events, and stressed that the way in which police dealt with demonstrations and demonstrators needed to change. Also, the report strongly criticized the political leadership, particularly former Prime Minister Barak and former Minister of Internal Security Shlomo Ben-Ami. The Committee recommended not assigning Shlomo Ben-Ami to the Ministry of Internal Security. Ben-Ami retired from politics after Barak government fell at the beginning of 2001 (*The State Commission of Inquiry*, Chapter 6). The report also criticized MKs

Azmi Bishara and Abdelmalek Dahamsheh, thus turning the victim into the accused. At the end of its report, the Commission expressed its hope that the report would contribute to improving relations between Jews and Arabs in the state.

The Or Commission failed to uncover the identities of the police officers who had shot the 13 martyrs and injured hundreds of Arab citizens. However, it did name two of the perpetrators: in the case of the death of a citizen of Jatt village, who was shot by a policeman named Rashid Morshad on October 1, and in the case of the death of a citizen from Sakhnin, who was shot by another policeman named Guy Raif.

On September 14, 2003, through its follow up on implementation of the Commission's recommendations, Adalah demanded that *Mabash* (the Department of Investigations of Police Officers) open investigations of the police officers who had taken part in suppressing the October uprising. After waiting six months for a response from *Mabash* and receiving no answer, Adalah send another letter demanding to know whether *Mabash* had adopted the Commission's recommendations and investigated the circumstances of the death of 13 Arab citizens (Adalah, 2005).

Almost 5 years after the October uprising, *Mabash* decided to close the investigation files due to the "lack of evidence" needed to bring policemen to trial. This decision conflicted with the Commission's findings, which stated that officer Alik Ron was responsible for the decision to use snipers and live ammunition in Umm el-Fahm without any justification, contrary to police instructions (Department of Investigation of Police Officers, 2005). The same applies to Officer Guy Raif, who used live ammunition without justification when shooting two residents of Sakhnin, leading to their deaths (Adalah, 2006).³

3. On October 15, 2006, Adalah submitted *The Defendants* report to the government Legal Adviser Mr. Mini Mazoz, demanding the latter investigate *Mabash*. The report is a list of accusations against *Mabash*, its ways of operation, and failure to perform its duties and to carry out serious investigations with police officers involved in the killing during the October uprising.

On September 14, 2003, the government set up a ministerial committee headed by Tommy Lapid, Deputy Prime Minister and former Minister of Justice, to implement the Or Commission's administrative recommendations. The government accepted the individual recommendations during its assembly on that same day. Although the recommendations were ratified at the beginning of the 2004, to this date, none of them have been implemented.

The impact of events on relations between Arab citizens and the state and the Jewish majority

The October uprising and its results destabilized Arab-Jewish relations in the state. From the perspective of Arab citizens, the October uprising was a peaceful act of protest carried out in solidarity with their compatriots in the Occupied Palestinian Territories in addition to a rightful act protesting against the practices of the Israeli government and Sharon's "visit" to the Noble Sanctuary. Arab citizens had not expected these demonstrations to deteriorate into violent confrontations, which occurred due to the provocative behavior of the police.

On the other hand, the Jewish majority perceived the Arabs' behavior as a "stab in the back," as the blockages of main roads and violent demonstrations in Arab towns and areas were perceived as a threat to security.

An unofficial boycott of Arab towns by various government departments and Jewish businesses and citizens was the direct result of the October uprising. Particularly, post offices and private companies such as telephone companies and banks operating in Arab villages refused to renew their work or reopen their offices to serve Arab citizens, citing "security concerns." Some major companies also refused to enter Arab towns to provide them with necessary products such as milk and Jewish citizens began boycotting Arab markets and restaurants, which they had previously frequented.

Consequent to the October uprising, tension in relations between Arab citizens and the Israeli establishment, including parties and politicians, increased. Barak lost a special election at the beginning of February 2001, a few months after the October uprising. The uprising was one of the causes, in addition to the failure of the Camp David negotiations, the outbreak of the al-Aqsa Intifada, and the increasing trend amongst Arab citizens to refrain from electoral participation.

Directly after the October uprising, a group of Arab and Jewish researchers from several Israeli universities submitted a report to the Prime Minister, entitled, *Beyond the Crisis: New Directions for Government's Policy Towards the Arabs in Israel* (Team of Researchers from Different Universities, 2000). The authors presented the state's attitudes towards its Arab citizens within the core issues, and recommended that the government develop a new policy based on full equality between Arab citizens and the rest of the state's citizens.

One of the most important international implications of the October uprising was the decision by key international bodies (such as the US State Department, the United Nations, the European Union, and international human rights organizations) to issue reports specifically on the Arabs in Israel.

Closing the October file

At the end of January 2008, the government's Legal Adviser decided to adopt the recommendations of the State Attorney and close the investigation files in the killing of 13 Arab citizens. In justifying his action, the Legal Adviser claimed a lack of evidence required to indict the accused members of the police force. The Israeli Attorney General, Shai Nitzan, had been appointed to conduct another investigation after *Mabash* decided not to hold policemen accountable for the killing of Arab citizens in the early days of the October uprising.

After the decision was made, the High Follow-up Committee called on the Arab public to carry out a series of protest actions, including approaching international bodies to demand prosecution of the accused. Hundreds demonstrated outside the Prime Minister's office in Jerusalem, and protest tents were set up in several Arab cities, including Nazareth, Sakhnin, and Umm el-Fahm. The Committee of the Martyrs' Families, following the decision, issued a statement, stating that the families of the martyrs will continue to seek accountability from the killers of their children wherever they are (Assenara, 2008).

Furthermore, Arab leaders severely criticized *Mahash's* decision, accusing it of racism and wasting the blood of Arab citizens. Adalah criticized the decision and pointed to the many contradictions between the Or Commission's and *Mahash's* reports (Arabs48, 2005).

In the meantime, the martyrs' families pursued the case in civil court. In October 2009, the District Court in Nazareth agreed to compensate 11 of the 13 families one million and one hundred new Israeli sheqels (NIS) per family. The martyrs' families reserved the right to sue the offenders in criminal court (Hassan, 2009).

Summary

The October uprising was a sharp turning point in the relations between the state of Israel and the Palestinian minority. The state, whose police forces killed its citizens, was not concerned with finding the perpetrators and bringing them to trial, thus lending legitimacy to the killing of Arab citizens.

The official Commission of Inquiry, known as the Or Commission, which was given a mandate from the government to identify the officers that killed each victim, was able to reach some recommendations, including continued investigations to find the killers. However, in January 2008,

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to close the October uprising file was officially closed without filing indictments against the police officers suspected of killings these martyrs "for lack of evidence."

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The Palestinians in Israel

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Family Reunification Legislation in Israel

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Arab Center for Applied Social Research

Family Reunification Legislation in Israel

Mazen Masri*

In 2003, the Knesset enacted the Citizenship and Entry to Israel Law (Temporary Order)–2003 (hereafter referred to as “the Citizenship Law”), which imposed sweeping prohibitions on family reunification in cases where Palestinians residing in the Occupied Palestinian Territories (OPT) are married to Palestinian citizens of Israel, effectively making it impossible for these families to live together legally in the country. The rationale put forth for this ostensibly “temporary” law, which only affects the Palestinian citizens of Israel, was that security concerns justified it. Since first introducing the law in 2003, the Knesset has consistently extended its validity—despite its designation as ‘temporary’, even as part of its name—making it a permanent feature of the Israeli legal framework on immigration. The law has also survived two constitutional challenges, despite strong evidence that it violates citizens’ basic rights to family life, as well as the right to equality, because it almost exclusively targets the Palestinian citizens of Israel (*Adalah v. Minister of Interior*, 2006; *Galon v. Attorney General*, 2012).

The implications of the Citizenship Law, however, go beyond the impact on those whom it directly affects. The law, the Supreme Court decisions upholding it, and the reasoning provided in these decisions reveal a disquieting picture about the nature of Israeli citizenship for the state’s Palestinian citizens and raise fundamental questions about the scope of their rights and the protection extended to them by the state as citizens. These questions cannot be divorced from the broader context of Israel’s self-definition as “a Jewish and democratic” state, and the various theoretical and conceptual justifications put forward to justify the definition and its contradictions.

* Dr. Mazen Masri is a Lecturer at the City Law School, City University London.

In this essay, I examine some of the broader implications of the Citizenship Law.

The Citizenship and Entry to Israel Law and its amendments

Before the enactment of the Citizenship Law, a non-Jewish foreigner married to an Israeli citizen or resident who wished to acquire resident status or citizenship in Israel had to go through what was called the “gradual process,” whereby he or she would “gradually” gain status in Israel starting with a temporary permit, then temporary resident status, then residency, and finally citizenship—depending on the status of the sponsoring spouse. The process takes at least four-and-a-half years for spouses of Israeli citizens and at least five years and three months for spouses of residents. Entering into the process and getting the resident status was contingent on extensive security and criminal background checks. The Citizenship Law changed this process for Palestinian spouses of Israeli citizens (which in effect means of Palestinian citizens in Israel). When it was first enacted, the law (which was first conceived as a government resolution in 2002, in the aftermath of a suicide bombing before it was turned into temporary legislation) imposed a comprehensive ban on applications for family reunification and temporary residence permits for the Palestinians from the OPT whose spouses were Palestinian citizens of Israel. In 2005, the law was amended, and some changes were introduced to make the law less sweeping and draconian. The amendment allowed for temporary permits to be issued for spouses who above certain ages—35 for males and 25 for females—based on statistics indicating that males younger than 35 and females younger than 25 were more likely to be involved in violent attacks against Israel. However, these temporary permits have to be renewed periodically and do not allow their holders either to drive a car in Israel or to access Israel’s health care system. The 2007 amendment expanded the prohibition to include citizens and/or residents of Iraq, Iran, Syria and Lebanon. The prohibition was also broadened to include, according to

Section 3D, anyone who could be seen as a security risk based on his or her residence in a state or an area where “activity that may risk the security of the State of Israel or its citizen takes place.” This amendment broadened the scope of the prohibition such that now, even if an applicant meets the age criterion for temporary permit, this section could be used to deny him or her the permit.

Constitutional challenges to the Citizenship Law

The Supreme Court rejected two petitions challenging the constitutionality of the Citizenship Law in its original form (*Adalah*, 2006), and after it was amended in 2007 (*Galon*, 2012). Both petitions were rejected in split decisions of six to five. Both decisions, especially the arguments for them by some of the justices, reveal a great deal about the state’s general approach to the rights of the Palestinian citizens and the rights associated with their citizenship.

In both cases, the petitioners’ families as well as several human rights organizations and a few Knesset members argued that the law violates the right to family life, liberty, and personal autonomy, as well as the right to equality, because the law affects mainly the Palestinian citizens. Those rights could be derived from the right to human dignity, which is protected under Israel’s Basic Law: Human Dignity and Freedom. For legislation that violates the rights mentioned in the Basic Law to be valid, it has to meet the requirements of the law’s “limitation clause,” which include tests intended to examine the proportionality of the violation.¹ Some of the petitioners also claimed that the real objective behind the law was demography, not security. In *Adalah*, six out of eleven Justices found that the Citizenship Law violates the rights to family life and equality, and that this violation is not proportionate. However, one of the six, Justice Levi,

1. The limitation clause is found in Section 8 of Basic Law: Human Dignity and Freedom, which stipulates: “There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required.”

despite this finding, joined the other Justices in rejecting the petition, because the Citizenship Law was a temporary one that was about to expire. Five of the Justices voting with the majority decided either that there was no violation of rights, or that any violation was justified, because the law meets the requirements of the limitation clause. Some of them based their opinion, *inter alia*, on the position that the right to family life does not necessarily mean the right to exercise this right *in Israel*. The fact that these individuals can enjoy this right elsewhere means, in these justices' view, that this right is not violated.

The *Galon* case, which was a challenge to the amended law, was also decided in a narrow margin of six to five. Five of the six majority Justices endorsed the position that the right to family life does not include the right to family life *in Israel*, and by extension the right to family reunification, which obliges the state to allow avenues for foreign spouses to acquire status in Israel. The Justices rationalized this distinction between the exercise of rights in Israel and the exercise of rights elsewhere (applicable only to the Palestinians citizens of Israel, not to Jewish citizens; Masri, 2013) using two main arguments. First, that the scope of the right to family life should not be construed to include the right to bring the foreign spouse into the country in order to avoid a situation where the right conflicts with state sovereignty (i.e., the state's power to determine limiting criteria for immigration). This position, however, ignores the fact that the very idea of constitutionalism entails imposing limits on state power. Further, it overlooks the fact that Israeli law accepts the limitation of executive discretion in the case of immigration, even to the point of limiting sovereignty, as in the case of the Law of Return-1950 where immigration is almost an absolute right for Jews and their family members. The broad scope of eligibility in the Law of Return also reflects the importance of the preservation of the family unit in the process of immigration. But this does not seem to be the case where family immigration of Palestinians is concerned. The state is willing to recognize the rights of Jewish immigrants who are *not yet* citizens, but it will not recognize these same rights for Palestinians who are *already* citizens.

At one extreme, the Law of Return almost eliminates the discretion of the executive, because there are few or no conditions under which citizenship would be denied to individuals from Jewish background and their families. At the other extreme, the Citizenship Law eliminates the discretion of the executive, because it is almost impossible for Palestinian citizens' spouses who live in the OPT to acquire status in Israel (Masri, 2013).

The second argument is based on comparative law. Five judges reviewed the question of family reunification in European Union, American, and British law, and paid special attention to the situation in the EU, because the European Convention on Human Rights deals specifically with the right to family life (Masri, 2013). The objective was to establish that the right to family *reunification* does not necessarily have the same protection as the right to family *life*. The use of comparative law here was also problematic. Two main trends should be highlighted. First, the Justices were selective in the choice of cases and quotations used to the extent that it misrepresented the legal situation in EU law and conveyed an inaccurate picture about the right to family life in the context of immigration. Second, most of the cases cited entailed situations in which foreigners were seeking to join long-term residents or naturalized citizens, not citizens by birth (Masri, 2013). This is especially clear in the fact that a number of Justices relied heavily on, and quoted extensively from, the ruling of the European Court of Justice in *European Parliament v Council of the European Union* (2006). This decision dealt with European Union Directive 2003/86/EC, which sets the policy for family reunification between foreign residents of EU countries and their foreign spouses. The judges essentially relied on cases that deal with long-term residents, refugees, or naturalized citizens, even though the Citizenship Law applies to Israeli *citizens* by birth who belong to a homeland minority. This interpretation renders members of the Palestinian minority *outsiders* whose citizenship status differs from that of Jewish citizens, confirming previous similar observations (Jabareen, 2002). Another significant observation from the *Galon* case was the open

discussion of demography as a legitimate consideration in devising immigration policy. Demography, or to be more precise, the need to maintain a Jewish majority, has always been an important issue in Israel, and the Supreme Court has emphasized several times that the Jewish majority is a major component of Israel's definition as a Jewish state (*Ben Shalom v. Central Elections Committee*, 1988; *Central Elections Committee for the Sixteenth Knesset v. Azmi Bishara*, 2003). In *Galon*, four judges openly discussed the issue of demography in the context of family reunification, which is a departure from the *Adalah* case, where it was discussed in an indirect manner (Ben-Shemesh, 2008). While the discussion was not conclusive, it seems that the judges who raised this question are inclined to accept that demographic considerations (read: maintaining Jewish majority) are legitimate considerations in devising immigration policy, even if this entails violating the individual rights of the Palestinian minority (Masri, 2013).

Equal citizenship in the “Jewish and democratic” state: Those who belong, and those who do not

The significance of the Citizenship Law and the Court decisions that confirmed its constitutionality is that they affect the citizenship of all Palestinian citizens of Israel, and not just those who are involved in a family reunification process. The discrimination inherent in this legislation, and the rationales that the Court provided, make determinations regarding the Palestinians citizens as a whole. More importantly, the Court seems to be following a trend in the academic literature that distinguishes—when it comes to the Palestinian citizens of Israel—between the existence of rights and where they are exercised.

Israel defines itself constitutionally as a Jewish and democratic state.² In

2. See for example Section 1A of Basic Law: Human Dignity and Freedom which provides that: “The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state.” Section 1A of Basic Law: Freedom of Occupation, and Section 7A of Basic Law: The Knesset also mention Israel's constitutional definition as a Jewish and democratic state.

the literature on Israel's definition and its interpretations, some authors, especially those who take a liberal nationalist approach, try to reconcile the contradiction between these two components by asserting that Israel is the nation state of the Jews—it is the place where they exercise the right to self-determination (Carmi, 2003; Gans, 2008; Gavison, 1999; Rubenstein & Yakobson, 2009). Ethno-national states, they argue, are allowed to favor members of the dominant national group in certain areas such as immigration, language policy, and public culture. Liberal nationalist writers justify this discriminatory approach by claiming that minority groups or individuals living in the nation state belong to other national groups that are favored in other nation states. This, for them, either eliminates this discrimination or at least makes it legitimate. Israel, therefore, is justified in giving Jews favorable treatment, for it is designated as the Jewish nation state. On the other hand, the Palestinian citizens of Israel are expected to enjoy full equality in terms of self-determination and favorable immigration laws in the *future Palestinian state*, not in the state of which they are citizens (Carmi, 2003, p. 54; Gans, 2008, p. 136; Gavison, 2003, pp. 86-87; Gavison, 2007, p. 107; Kasher, 2005, p. 174; Rubenstein & Medina, 2005, p. 406; Rubenstein & Yakobson, 2009, p. 156).³ The Palestinian citizens have to emigrate elsewhere in order to enjoy the rights that the state secures for Jewish citizens. The message here is clear; some citizens may, or even should, exercise some of their rights elsewhere. The position of five of the majority Justices in *Galon* that the right to family life does not include the right to enjoy family life *in Israel* as long as it could be exercised elsewhere is in line with the trend that legitimizes limiting some of the rights of the Palestinian citizens of Israel. The Court's heavy reliance on comparative cases that deal with immigrants or long-term residents, as well as the Court's discussion of demographic considerations in immigration policy strengthen this conclusion.

When the broader picture of the Citizenship Law and the Court decisions

3. It should be mentioned that Chaim Gans takes a more nuanced approach. He rejects the Citizenship Law and sees it as racist (Gans, 2008, p. 117).

is examined, it is hard to avoid the conclusion that what is at stake here is the very idea of citizenship and the protection of human rights that citizenship is supposed to confer. The Citizenship Law, the subsequent decisions upholding its constitutionality, and the reasoning provided in these decisions may reflect new hierarchical categories of citizenship that confer different levels of human rights protection to different groups of citizens of Israel. These categories of citizenship will be maintained through modes of thinking that emerge from the *Galon* and *Adalah* cases, which see the Palestinian citizens of Israel as long-term residents despite their holding formal citizenship, and through theoretical justifications that distinguish between the existence of rights and the location of their exercise.

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Palestinian Refugees' Property in Their Own Land: Politics of Absence and Alienation

Haneen Naamnih

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Palestinian Refugees' Property in Their Own Land: Politics of Absence and Alienation

By Haneen Naamnih*

The seizure of property rights in the land of Palestine constitutes the cornerstone of the Zionist colonial settler ideology. In addition to the eviction of its indigenous population, the policies of ethnic cleansing in Palestine could not be completed without the effective and permanent confiscation of the rights to Palestinian property and lands. As is typical in settler colonial regimes, laws and regulations play a central role in shaping the regime's discourse, which in turn help advance the regime's objectives. In other words, instead of being the expression of an existent culture, the law forms a culture in and of itself (Shamir, 1996, pp. 232-233).

The confiscation and sale of Palestinian refugee property, whether that of Palestinians living in the diaspora or those who carry Israeli citizenship, constitutes one aspect of Israel's legal, colonial, and settler culture. The legislative authority, as well as the judicial one, has been making persistent attempts to entrench the principle of exclusive collective property for Jews only in the land of Palestine (Kedar, 2000, p. 943). This principle reigns over all legislation and decisions related to land property through the creation of "legal" categories that redefine the legal status of the original landowners.

* Haneen Naamnih is a lawyer, she has received LLM from the London School of Economics (LSE)

The creation of a new category: The absentees

The systematic institutionalized seizure of Palestinian refugee property began immediately after the Palestinian Nakba (see “The Nakba” in *Volume 1*); that is, the eviction and forced displacement of hundreds of thousands of Palestinians from their homes to places outside or inside the borders of Mandatory Palestine.¹ The Zionist forces, and later the institutions of the Israeli state, carried out the confiscation of Palestinian land as they considered refugee property the “spoils of war” to be acquired by the victorious side. The emergence of arbitrary committees immediately after the fall of Palestinian villages and cities indicate the initial phases of this enterprise. Formed by the Haganah forces and later adjoined to other committees under the orders of David Ben-Gurion (Fischbach, 2003, p. 15), such committees were developed as a strategy to seize the, so-called, “abandoned” properties.

However, with the creation of Israeli state institutions, the emerging authorities began to enact laws based on the aforementioned land appropriation strategies (Fischbach, 2003, p. 19). Between June and December, 1948, a number of laws were enacted for this purpose (Fischbach, 2003, pp. 19-20; Peretz, 1958, pp. 149-150),² the last being the Emergency Regulations (Absentees' Property; December 2, 1948).³ Compared to the legal approach of the other emergency regulations, the enactment of the latter constituted a turning point through the creation of a new category: “The Absentees.” In contradistinction to the previous laws, which dealt with the property itself rather than its owner by defining the former as an “abandoned property,” now, the property owner her or himself was targeted through his or her classification as an “absentee” (Fischbach, 2003, p. 21). However, it should be noted that the dispensation of the refugee property was implemented prior to the enactment of the

1. For more on this subject, see Pappé (2006) and Morris (1988).

2. The major laws being the Abandoned Areas Ordinance; Emergency Regulations (Cultivation of Waste [Uncultivated] Lands); Emergency Regulations (Requisition of Property); and Emergency Regulations (Absentees' Property).

3. See the article “[Emergency Regulations](#)” in *Volume 1*.

aforementioned laws, thus, Zionist forces seized many properties without any legal basis (Peretz, 1958, p. 149). Later, in March 1950, due to the pressure exerted by several political forces (Abu-Sitta, 2009, p. 8; Peretz, 1958, p. 142), the Israeli parliament enacted the Absentees' Property Law and abolished the Emergency Regulations (Absentees' Property) as a temporary order. Now, a permanent legal basis has been established for the purpose of dealing with the "absentee property" and to legitimize all previous measures prior to the law's enactment (Fischbach, 2003, p. 23; Peretz, 1958, p. 142).⁴ The enactment of the law exasperated the world's superpowers, as well as the United Nations. Consequently, Israel issued a number of declarations in which it stated Israel's custody of the properties in question was temporary, lasting only until a peaceful solution concerning the refugee problem could be achieved.⁵ However, for the past six decades, Israel has in effect been seizing and confiscating these properties in a permanent manner and in violation of their owners' rights.

Absentee Property Law

According to Article 1(b) of the Absentees' Property Law (1950),⁶ an "absentee" is a person who, at any time between November 29, 1947 (that is, the day the partition of Palestine resolution was adopted by the UN)⁷ and the day on which a declaration is published that the state of emergency

4. See, in Hebrew, the protocol of the Israeli Knesset's session on Absentees' Property Bill (1950), second reading, from February 27, 1950—*Divrei ha Knesset* [Knesset Protocols], 3 (1950, pp. 867-872).

5. See the report issued by the United Nations Conciliation Commission for Palestine (UNCCP) from December 19, 1950, retrieved from <http://unispal.un.org/unispal.nsf/eed-216406b50bf6485256ce10072f637/6af9190487deb47c8525750100592136?OpenDocument> For example, see, the Knesset's session from February 27, 1950—*Divrei ha Knesset*, 3 (1950, pp. 867-872); and the Knesset's session from March 7, 1950—*Divrei ha Knesset*, 16 (1950, pp. 951-965).

6. See, in Hebrew, *Sefer ha Hukkim* [Book of Laws] 37 (1950, p. 86). An authorized English translation of the law is available online at the UN's UNISPAL Documents Collections web site retrieved from <http://unispal.un.org/UNISPAL.NSF/0/E0B719E95E3B-494885256F9A005AB90A>. The citations of the law in this article are from this source. For a list of discriminatory laws in Israel, see database by Adalah (The Legal Center for Arab Minority Rights in Israel) at <http://adalah.org/eng/Israeli-Discriminatory-Law-Database>

7. See United Nations General Assembly Resolution 181, retrieved from <http://domino.un.org/unispal.nsf/0/7f0af2bd897689b785256c330061d253>

in Israel has ceased to exist,⁸ was a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Transjordan,⁹ Iraq, or Yemen; or stayed in one of these countries or in any part of Mandatory Palestine,¹⁰ outside the state of Israel; or was a citizen of Mandatory Palestine and left his ordinary place of residence for a place outside Mandatory Palestine before September 1, 1948,¹¹ or for a place in Mandatory Palestine held at the time by forces which “sought to prevent the establishment of the state of Israel or which fought against it after its establishment.”¹²

The definition of “absentee” included not only the Palestinian property owners who became refugees outside the borders of the state of Israel, but also the internally displaced Palestinians (or IDPs; see “The Internally Displaced Palestinians in Israel” in *Volume I*)¹³—that is, those who remained inside the borders of the state of Israel and later became citizens in accordance with Article 1 of the Citizenship Law (1950) (Peretz, 1958, p. 152). The Israeli justification for considering the internally displaced as

8. The state of emergency, declared on May 19, 1948, remains in force until today. The state of emergency is renewed from time to time by the Israeli Knesset in accordance with Basic Law: The Government (see article in *Volume 1* on “Emergency Regulations”).

9. It is worth mentioning that the peace treaties that Israel signed with Jordan and Egypt respectively did not alter the definition of refugees as “absentees.” For example, Article 6 of the Implementation of the Peace Treaty between the state of Israel and the Hashemite Kingdom of Jordan Law (1995) states that that agreement does not change the status of any person who was defined as an “absentee” prior to the signing of the agreement. See, in Hebrew, *Custodian of Absentee Property v. Abu-Hatam* (2007).

10. Please note that the law, in Hebrew, refers to the territory in question as “*Eretz Yisrael*/Land of Israel,” not as Mandatory Palestine.

11. In his book, in Arabic, *Al-Muwatinun al-Arab fi Jabim Isra'il* [The Arabs in Israel's Abyss], Sabri Jiryis suggests that the Israeli legislator chose this date in particular because, until that date, the Arab forces were occupying large areas of the Galilee and the Triangle, occupied by Israel only later (Jiryis, 1966, p. 42). An English translation of the book was published in 1976 by the Monthly Review Press in New York, under the title *The Arabs in Israel*.

12. For further information on the judicial body's interpretations of the various categories that fall under the definition of “absentee” in accordance with the law, in addition to the possibility of classifying a person according to more than one category of “absence,” see, in Hebrew, *Unidentified v. Custodian of Absentee Property* (1953, p. 836).

13. In the context of this article, by the “internally displaced,” or only the “displaced,” we refer to the Palestinian refugees who later became residents or citizens of the state of Israel. In this regard, it should be noted that these displaced Palestinians were considered to form an integral part of the Palestinian refugee body in the diaspora, for they were placed under the administration of the United Nations Relief and Work Agency for Palestine Refugees in the Near East (UNRWA), providing them with aid and humanitarian assistance. In 1952, however, an agreement between the Israeli government and the UNRWA excluded them from being under the custody of the latter, thus handing over the administration of their affairs to the Israeli government (Jiryis, 1966, p. 60; Kohen, 2000, pp. 77-88).

such was twofold; it was either due to: (a) their having been present in, or visited, one of the “enemy” countries before the Nakba and later returned to an area inside the Israeli borders (despite the fact that, for the residents of Mandatory Palestine, these countries and their residents constituted a geographic, political, and social extension of their homeland); or (b) the presence of the internally displaced in one of the Palestinian villages or cities prior to its occupation by the Zionist forces, even if the territory became part of the state of Israel shortly after its occupation.¹⁴

The definition of “absentee” also extends to the descendants of the person in question. In other words, the definition does not include a statute of limitation; it is handed down from one generation to another.¹⁵ Furthermore, as a result of the dispersion of Palestinians during the Nakba, members of a single family found themselves classified under different legal statuses. Thus, there were cases in which certain family members became refugees, while the others became Israeli citizens. In such cases, the Custodian of Absentee Property became a “co-owner” of the land and the real estate just like any other family member or partner; the Custodian institution “inherited” its share from the “absent” family member, or any other co-owner, to whom these properties were out of reach for private custody or use. In a practical sense, the Absentee Property Law, as well as the previous Emergency Regulations (Absentees’ Property), created a

14. In this context, the case of the al-Draini family is worth presenting as an example. While living in Nazareth prior to 1948, the family had owned lands in Kawkab al-Hawa, a Palestinian village north of Baysan (Arraf, 2004, p. 496). However, due to his presence in Nazareth the moment that Jewish forces occupied Kawkab al-Hawa on May 18, 1948 (two months before the occupation of Nazareth on July 16, 1948), he became classified as an “absentee” in accordance with the Absentee Property Law, and his lands in Kawkab al-Hawa were thus confiscated by the state (*Al-Draini v. Ministry of Finance*, 2004). Another noteworthy case is that of the residents of the Triangle area, who became included under the authority of the state of Israel following the 1949 Armistice Agreement. For having had the misfortune to fall under the custody of an “enemy state” prior to the annexation of their territory to Israel, the Triangle residents were classified as “absentees,” even though the Armistice Agreement includes a clause that protects their rights (Kohen, 2000; Perets, 1958, p. 153; Schechla, 2001, p. 22). For further information on the political debate inside Israel regarding the impacts of the law on the internally displaced, please see Peretz (1958, pp. 172-177).

15. Naturally, during at least the past two decades, the majority of court cases that dealt with absentee properties, whether as an attempt to “liberate” them or to receive compensation, were being brought by the “absentees” heirs. See, for example, the *Al-Draini* case above (2004, fn. 14) and *Heirs of the Late Ibrahim Saba Babouth v. Development Authority* (2006).

new “legal category” that had not previously existed in the law and that ignores the living circumstances and the sociopolitical conditions, of the indigenous population thus excluding the Palestinians from their historic property rights on their lands.¹⁶

With respect to what these properties actually are, Article 1(a) of the law states that “property” includes “immovable and movable property, moneys, a vested or contingent right in property,¹⁷ good will and any right in a body of persons or in its management.” This interpretation of “property,” naturally, encompasses the Palestinian refugee properties of cultivated and uncultivated agricultural lands, as well as homes and real estate in Palestinian cities and villages alike, in addition to factories, shops, and workshops of any kind;¹⁸ private and religious endowment (*awqaf*), such as mosques, cemeteries, schools, orphanages, and others;¹⁹ movable property, such as the items of homes, factories, and warehouses, as well as bank accounts and commercial stocks; and Palestinian cultural heritage, such as paintings and public and private libraries.²⁰

In contradistinction to previous laws, namely the Emergency Regulations (Absentees' Property), which prohibited the sale of the property in question in any form, one of the major peculiarities of this law is that

16. The creation of such “legal” classifications and categories is one of the common practices of colonial legal systems (Kedar, 2000, p. 929).

17. On how the Israeli courts interpret the “contingent” right to property, see *Custodian of Absentee Property v. Ismat Baba'i* (2010, pp. 8-10).

18. For estimation of the area that these properties occupy, see (Abu-Sitta, 2009, pp. 4-5; Hadaawi, 1988, pp. 89-114).

19. Prior to the Palestinian Nakba, Islamic *awqaf* used to belong to the Supreme Islamic Council in Jerusalem. However, following the occupation of the city, the council was declared an absentee body whose properties were therefore transferred to the Custodian of Absentee Property (Fischbach, 2003, p. 39; see also the article on “The Appropriation of the Islamic Waqf” in this volume). In 1965, the Absentee Property Law was amended with respect to Islamic (and families') *awqaf*, granting the Custodian of Absentee Property the authority to administer the *awqaf* by virtue of their owners' “absence,” in addition to the right of managing the property without any restriction or limitation prescribed by any law or document. As is well known, however, one of the main properties of the Islamic *waqf* is the prohibition of its sale according to *Sharia*' law. Furthermore, this measure was implemented in a retroactive manner on *waqf* lands and real estates (see Article 4(1a)(1) of the Absentee Property Law; *Custodian of Absentee Property v. Sharia' Court of Appeal*, 2001, pp. 363, 370; Jiryis, 1966, pp. 44-46;).

20. Note that while the libraries' contents were first taken to the office of the Custodian of Absentee Property, they were later transferred to the National Library of Israel in Jerusalem (Amit, 2008, p. 7).

it allows the Custodian of Absentee Property to sell these properties to the Development Authority,²¹ a body that was created specifically for managing “absentee” property in the service of the state of Israel.²² The Development Authority, therefore, played a major role in the liquidation of the property of Palestinian refugees whether through its long-term lease or sale. One of the major transactions made by the Israeli government was with the Jewish National Fund (JNF), the *Keren Kayemet le Yisrael* (Fischbach, 2003, pp. 66-67; for more information see “The Jewish National Fund” in this volume).²³ The objective of the deal was to place as much land as possible under exclusive Jewish management, irreversibly transferring the managerial responsibility for the land from the state to private Jewish hands (Fischbach, 2003, pp. 59-60). Since the Nakba, for a period of over 60 years, all refugee property—property belonging to both refugees forced from Israeli territory and internal absentees—that was originally placed at the disposal of the Custodian of Absentee Property was transferred to the Development Authority.²⁴ Thus, the role of the Custodian became of a formal nature only, consisting of issuing formal provisions in the “absence” of the Palestinian real estate and property owners, and in accordance with Israeli political interests at any given stage.²⁵ Furthermore, in this regard, it should be noted that Article 17(a) of the Absentees’ Property Law grants immunity to property transactions

21. See Article 19 of the Absentee Property Law (1950).

22. See, in Hebrew, Development Authority Law (Transfer of Property), *Sefer ha Hukkim* 57 (1950, p. 23). Note that the Development Authority did not exist when the Absentee Property Law was enacted, but was later created to become the basic body that manages “absentee” property such as the construction of housing projects through companies like Amidar. In the practical sense, the Development Authority was being treated as a nongovernmental body. Separate from the state, the Authority was thus exempted from restrictions usually imposed on governmental bodies, especially the Custodian of Absentee Property, when it came to the sale of Palestinian refugee property. In this regard, see the resolution of the Israeli Supreme Court, according to which the Development Authority does not constitute a governmental authority; (*Development Authority v. Attorney General of Israel*, 1959, pp. 722, 725).

23. The area of Palestinian-owned lands that were transferred to the JNF as part of these deals is estimated to be 2.5 million dunums (for further information on this topic, see Palestine Land Society (2005); Peretz (1958, p. 181); and the article on “The Jewish National Fund” elsewhere in this volume).

24. See, in Hebrew, the protocol of the session of the Absentee Property Committee, subcommittee of the Knesset Finance Committee, from July 28, 1997 (p. 7).

25. Please note that the Custodian of Absentee Property, to this very day, continues to issue “certificates of absence” to Palestinian property owners, mostly their heirs.

in which the sale was based on the Custodian's testimony regarding the "absence" of a certain person or property, even if it was later proven that the person in question was mistakenly identified as such.²⁶

The present absentees

The case of the displaced Palestinians—that is, those who became citizens of the state of Israel—presents one of the major paradoxes brought about as a result of the Absentee Property Law. Even though they remained inside the borders of what became the state of Israel, Palestinian citizens who were displaced from their homes but remained inside the borders of the 'state' were identified by the law as being "absentees." Consequently, their property, in effect, became "absent" and their property rights as the original owners were confiscated.²⁷

The displaced embarked on their quest to recover their "absent" properties through legal channels, by submitting requests to the Custodian to "liberate" their property from the legal "custody" in accordance with the standards approved by the Absentee Property Law,²⁸ which allows anyone who was declared an "absentee" to present such requests. According to the law, the Custodian is granted the authority to "liberate" the property in question after consulting with a special committee that is established on the basis of Article 29 of the law, even though the final decision is that of the Custodian.²⁹ Over the years, many of the IDPs submitted such requests to the Custodian and the aforementioned committee, which dealt with a variety of cases. For example, while some submitted a request to recover their lands, others demanded the restoration of their bank account credit

26. See, in Hebrew, for example, *Custodian of Absentee Property v. Tabari* (2004, p. 577, clauses 18-21); *Diyab v. Custodian of Absentee Property* (1992, p. 789).

27. It is estimated that around 40% of the lands pertaining to Palestinians in Israel were confiscated based on the "absentee property" policy (Kohen, 2000, pp. 66-67; Peretz, 1958, p. 142).

28. Article 28 of the Absentees' Property Law. In this context, see, in Hebrew, *Ismat Baba'i v. Custodian of Absentee Property* (2002, clauses 18-21) and *Kokrun v. Committee Appointed under Article 29 of Absentee Property Law (1950)* (1980, p. 326).

29. During the session in which the bill was discussed, Tawfik Toubi, at the time a member of the Knesset, protested this article in particular. See, in Hebrew, the Knesset session of March 13, 1950—*Divrei ha Knesset*, 16 (1950, pp. 982-983).

or their shares in a commercial company.³⁰ However, no reliable data is available regarding the number of submissions of such requests to the committee, the percentage of the requests that were rejected or accepted, or the percentage of decisions that were appealed against in the relevant courtrooms.³¹

The question of proving one's absence/non-absence when filing a request for property recovery was the center of the legal argument as it appeared in the court petitions. Article 30(a) of the Absentees' Property Law states that where the Custodian has certified that a person is an "absentee," this person will be regarded as such as long as the contrary has not been proven; in other words, it is the responsibility of the displaced to certify that he or she is not an absentee (Peretz, 1958, p. 151).³² Moreover, unlike the usual practice in the legal cases of a civil character, the degree of proof that is expected from the "absentee" by the law is relatively high, thus allowing the court the ability to refute or cancel the claims more easily.³³

Furthermore, it should be mentioned that the Custodian is not required to notify the property owner that he or she has been declared an "absentee;" only at the moment in which he or she is requested to vacate the property, or during any other situation in which the Custodian seeks to take over the property, does the "absentee" become aware that he or she has been classified

30. This information is based on the protocols of the committees that were formed to deal with requests submitted by the displaced to recover their property. The protocols are available at the Israel State Archives under the title Special Committee Appointed under Article 29 of Absentee Property Law" (1958-1965, see, for examples, the files 17027/3).

31. According to Kohen (2000, p. 70), at the end of 1952, the Custodian declared the "liberation" of approximately 2,000 houses, mostly in cities. Following the 1967 occupation, East Jerusalem residents, in accordance with the definition of the Absentees' Property Law, are considered absentees, and in order to prevent them from claiming their ownership rights on properties in West Jerusalem, the Compensation Law was enacted to refute any ownership claims (Zamir & Benvenisti, 1998, p. 14). Enacted in 1973, the Absentee Property (Compensation) Law eliminated any possibility for the "absentee" to request the "liberation" of his or her property. However, the Israeli courts interpreted this article in a way that permitted the continuation of requests to release property on behalf of the "absentees" (see, in Hebrew, *Ismat Baba'i v. Custodian of Absentee Property*, 2002, clause 22).

32. This measure constitutes an example to the impediments that are imposed by the colonial regimes, whose goal is to prevent the indigenous population from realization of their property rights in their land (Kedar, 2000, p. 929).

33. See Article 20(b)(2) of the Absentees' Property Law, which decrees the refuting of a claim "if it has not been proved beyond all reasonable doubt" and *Kisari v. Development Authority* (2005, Article 6 of the Resolution).

as such.³⁴ In the meanwhile, when the Custodian certifies that a person is an “absentee,” the Custodian is not required to indicate the conditions and facts that led to his conclusion. Therefore, the law does not grant the “absentee” any real chance to contest his or her “absence” in an objective manner that corresponds to the legal norms that are usually adopted in proving claims. Moreover, the “absentee” cannot provide evidence from other parties during the legal proceeding, in addition to his or her inability to take any measures or procedures prior to the Custodian’s declaration of his or her “absence.”

There are many examples of absentee property cases in the Israeli courts in which the stated position is in favor of the Custodian. The broad, sweeping, and arbitrary definition of “absentee” and the fact that it is the responsibility of the “absentees” themselves to prove their own “non-absence” benefits the Custodian in court.³⁵ The displaced, therefore, are faced with many obstacles in proving their status. For example, there are many cases in which “absentees” lack the proper identification documents because they were lost under war conditions, or the documents can no longer be issued as they were issued under the British Mandate, such as birth or death certificates.

The case of Khalid Rabbah from the village of al-Furadiyya³⁶ illustrates this. Rabbah was declared an “absentee” by the Custodian, and his property in al-Furadiyya was therefore confiscated despite his death occurring before the declaration of Absentee Property Law. His descendants could not indicate the exact date of his death, which led the Custodian, and later the court, to declare the deceased as an “absentee,” as the definition of the “absentee” according to the Absentee Property Law is applicable

34. Article 5 of the Absentees’ Property Law allows such measures. According to the article, “the fact that the identity of an absentee is unknown shall not prevent his property from being absentees’ property.” In this regard, see the court resolution in *Darwish v. Custodian of Absentee* (1993, pp. 521, 525-526).

35. There are cases in which the court did cancel the Custodian’s declaration of a certain individual as an “absentee,” after the individual proved that the Custodian’s declaration was invalid. These cases, however, are the exception, not the rule. See, for example, in Hebrew, *Mukamwara Farm v. Ali Yunis Hassan* (1993, pp. 1, 10-16).

36. A displaced village east of al-Rama, on the border between Upper Galilee and Lower Galilee (Arraf, 2004, p. 482).

retroactively as of November 29, 1947.³⁷

The period following 2006 has been crucial, as well as transformative, in the history of Palestinian historic property in their homeland. The different actions and legislation during this period indicate that the Israeli establishment aims to remove all of the property from the “custody” of the state, and to transfer it to private individuals while ensuring exclusive Jewish ownership.

Privatization Law

In 2007, the Israel Land Administration began to publish a number of bids announcing the sale of “absentee properties” that had been previously transferred to this body. In order to justify its act, the Land Administration argued that Israel had never committed to return the exact same properties to their absentee owners. What Israel did commit to, the Land Administration claimed, is only limited to “returning the material value of the property.”³⁸ In 2009, the Israeli Knesset enacted the Israel Land Administration Law (Amendment No. 7)—2009,³⁹ which became known as the Privatization Law, allowing the Israeli government the sale of about 800,000 dunums of land that were registered at the time as government property and are zoned, in accordance with the law, as construction areas or areas intended for development according to master plans. The law included lands whose property was confiscated from Palestinian refugees or those who later became citizens or residents of the state of Israel. Even though there is no explicit mention in the law of “absentee property,” many of the lands to which the law applies are, in fact, the property of

37. See, in Hebrew, *Rabbah v. Custodian of Absentee Property* (2004, clause 6).

38. This quote is taken from the response of the government’s attorney general on August 27, 2009 to Adalah, after the latter’s request to revoke the Development Authority’s bids to sell absentee property. It is worth mentioning, however, that the Israel Land Administration, for many years prior to the enactment of the law, has been selling “absentee” properties in the private market through public bids. The properties in question are the ones located in the cities, whose sale is based on the Land Administration’s council Resolution No. 1 from May 17, 1965 (Article B(1)), which permits the sale of city lands on which “abandoned,” but used, buildings are located.

39. Enacted in the Knesset on August 10, 2009, *Sefer ha Hukkim* [Book of Laws] 2209 (p. 318).

Palestinian refugees—including internal refugees—especially in places like Jaffa, Haifa, and Akka, in addition to lands in the hundreds of Palestinian villages that Israeli forces evacuated and destroyed in 1948.

Preventing Sale of Lands to Foreigners Law

The aforementioned Privatization Law angered many Jewish individuals and bodies in Israel, especially from the Zionist right, due to the law's violation of the Zionist doctrine that forbids the sale or privatization of any Jewish land. Furthermore, some argued that the law betrays the Zionist doctrine, because it contests the Jewish right to the land of Palestine for time immemorial, as the law continues to allow “foreign” and non-Jewish individuals and bodies to purchase land.⁴⁰ Consequently, legislation was introduced in order to fill the gap that was created by the Privatization Law by preventing anyone who is not “Jewish” from purchasing these lands. In May 2011, the Israeli Knesset amended the Land Administration Law (1960), prohibiting any public or private body from selling lands or leasing real estate for more than five years, or bequeathing or granting private property rights registered in Israel to “foreigners,” that is, anyone who is not a resident or citizen of Israel, or anyone who is not Jewish who has the right to immigrate to Israel according to the Israeli Law of Return.⁴¹ However, the law includes an exception that allows the state to facilitate property sale in accordance with the standards specified by the Encouragement of Capital Investments Law (1959), or approving a certain sale after discussing the matter with the minister of foreign affairs and the defense minister. Notwithstanding, the ban on the sale of land to “foreigners” has been in effect since the 1980s, but only on lands registered to the state of Israel.⁴² This new amendment, however, expands the ban to include private property, Arab or Jewish, as well as the transfer of property

40. See, in Hebrew, the Protocol of the Constitution, Law, and Justice Committee session in the Knesset on amending the Land Administration Law (2010, p. 2).

41. Enacted in the Knesset on March 29, 2011. *Sefer ha Hukkim* [Book of Laws] 2291 (p. 754).

42. See, in Hebrew, Resolution No. 259 of the Israel Land Administration from May 2, 1982.

rights through inheritance or its donation by the owner to whomever he or she pleases.⁴³

This law exploits the “civil” status of the Palestinian refugees in exile—as well as that of the Palestinians in Israel, including the internally displaced—in order to impose the Zionist doctrine, which calls for the inalienable right of Jews to the biblical “Land of Israel.” On the one hand, the law uses Israeli citizenship and residency in order to enforce the aforementioned doctrine in both theory and practice on the Palestinians in Israel. Their lands are now intended for the exclusive disposal of Jews, and Palestinian citizens still in possession of their lands are prohibited by Israeli law from selling their property to non-Jews who are not residents or citizens of Israel. On the other hand, the law redefines the status of Palestinian refugees in the diaspora through the creation of a new legal category, that of “foreigners,” by employing neutral legal terms. Thus, the law imposes an apparent equality between the Palestinian refugees and anyone else who carries foreign citizenship, thus ensuring both an ideological and material profit.

This article has attempted to elucidate how the state of Israel treats the question of Palestinian refugee property through the review, and analysis, of its complex legal formulations; the legal formation of which introduced the use and articulation of “legal” concepts and methods of a pure colonial character for the service of the political and ideological interests of the Zionist movement in Palestine. Given the central place that property rights have in Palestine, in addition to their historical and political implications in the development of the current Israeli legal discourse, in my opinion, there exists an ongoing but variable codification process that is characterized by a dialectical relation between law and politics, in which the first compliments the second. Due to this, the issue of refugee

43. For further information on the goals and motives of the law, see the Protocol of the Constitution, Law, and Justice Committee session in the Knesset (2010).

property, from a Zionist point of view, cannot be separated or dealt with differently than the property of Palestinians who were not refugees. The complete elimination of the question of refugee property was therefore prepared for years and awaiting the right political atmosphere for its implementation. Accordingly, the concept of absence could not fulfill its full potential, because it also carries the meaning of diaspora, inevitably linked to the question of return or, at least, the recovery of historical property rights. Therefore, the new concept of “foreigners” was added, transforming the original owners of the land from being “absent” to being “foreign,” and thus exiling from any legal framework that could possibly ensure their historical right over their properties.

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The Palestinians in Israel

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Second Volume

The Jewish National Fund

Suhad Bishara

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Arab Center for Applied Social Research

The Jewish National Fund

Suhad Bishara *

This article deals with the key role played by the Jewish National Fund (JNF) in Zionist colonialism in Palestine before and after the Nakba in 1948. The JNF was actively involved in the Jewish colonialism in Palestine, including the ethnic cleansing that took place during the Nakba. The JNF also helped formulate Israel's land policy, which had a direct impact on the rights of the Palestinian people. The policy affected the property of Palestinian refugees, among them Palestinians who overnight had become citizens of the State of Israel; it also affected the lands that Israel occupied in 1967.

Historical background

The JNF was established by decision of the Fifth Zionist Congress, which was held in Basel, Switzerland, in December 1901.¹ The action followed the decision of the First Zionist Congress to establish a “Jewish national home” in Palestine and to create a “national fund” intended primarily to buy land in Palestine and “nationalize” it on behalf of the Jewish people. The JNF was first incorporated by law in 1907 in England as a subsidiary of the World Zionist Organization.²

Consequently, legislation was introduced in order to fill the gap that was

* Suhad Bishara is an attorney and director of the Land and Planning Department at Adalah—The Legal Center for Arab Minority Rights in Israel

1. The idea for establishing the fund arose earlier, in the First Zionist Congress, in 1887. Some say the idea was that of Herman Shapira, who, at the Katowice Conference, in 1884, had called for the establishment of a “national fund” (Holzman-Gazit, 2002; Lehn & Davis, 1988).

2. The JNF's articles of incorporation state its purposes as follows:

To purchase, take on lease or any exchange, or otherwise acquire any lands, forests, rights of possession and other rights, easements and other immovable property in the prescribed region (which expression shall in this Memorandum mean Palestine, Syria, any other parts of Turkey in Asia and the Peninsula of Sinai) or any part thereof, for the purpose of settling Jews on such lands. (Lehn & Davis, 1988, p. 30)

created by the Privatization Law by preventing anyone who is not “Jewish” from purchasing these lands. In May 2011, the Israeli Knesset amended the Land Administration Law (1960).

It could be rented or leased long-term, only to Jews. The reason, of course, was ideological, aiming to set the foundation of the land regime in accordance with the land law prescribed in the Torah and reflected the desire to control settlement on the land (Alexander, 1993). The decision to establish the JNF symbolized the transition from a mere declaration of intent to active colonialization in Palestine: purchase of land by fundraising, from Jews for the most part, and construction of agricultural communities for the settlement of Jews only.

And that is what happened. From the time it was founded until the beginning of the Nakba, the JNF became the principal Zionist tool for colonializing Palestine by buying land and settling Jews on the land. In its first 30 years of existence, most of the land the JNF purchased was in the center and northern parts of Palestine. After the British published the “White Paper” in May 1939, and placed restrictions on Jewish purchase of land in much of Palestine, the JNF began to buy land in the Naqab.³ During this period of land-purchase restrictions, the JNF was aided by, among others, Himnuta Ltd., which was established for this purpose—buying the land—in 1938.⁴

3. The British policy was expressed in the Transfer of Land Regulations of 1940, which came into force on May 18, 1939. The Regulations divided Palestine into three areas: areas in which Jews were forbidden to buy land; areas in which many restrictions were placed on Jewish purchase of land; and areas in which Jews were allowed to buy land freely (Lehn & Davis, 1988, pp. 61-62).

4. In the summer of 1938, the JNF established Himnuta Ltd. in accordance with the Companies Ordinance in force during the British Mandate in Palestine. The purposes of the company are, in part, “to purchase, lease, rent, or in another manner purchase, hold, manage, develop, parcelize, divide, cultivate, improve, lease, let, sell, exchange, pledge, build on or in another manner realize and in general to deal with land other rights in real estate and in moveable property and in any property or matter in the Land of Israel” (Alexander, 1993). The company was, therefore, established to aid the JNF in the purchase of land, in fundraising, and the like. Himnuta is an integral part of the JNF, which holds all the company’s shares. Himnuta works as the operational arm of the JNF, according to its instructions and on its behalf, in all matters regarding land transactions. This connection is evident also in the agreement signed by the JNF and Himnuta in July 1938. Under the agreement, Himnuta buys property on the instructions of the JNF, with the JNF covering the expenses of transferring the rights in the property. The agreement requires Himnuta to deal with the property only as the JNF directs, “Himnuta will transfer property it owns onto the name of the JNF in accordance with its first demand and without delay. Himnuta will not obligate itself to a third party without the prior consent of the JNF” (Katz, 2002, pp. 18-19).

JNF owned an estimated one million dunams [1,000 square kilometers] of land before the Nakba and the founding of the state of Israel, most of it farmland (Katz, 2002, p. 16).⁵ The JNF contends that the land it bought before 1948 established in large part the borders of the state.⁶ In 1948, at the time of the state's establishment, 233 Jewish communities had been built on JNF land in Israel.⁷ As of this writing, there are 500 Jewish communities that have been built on JNF land.⁸

Role of the JNF in the Nakba and land confiscations⁹

The JNF played a major role in designing and implementing ethnic cleansing by demolishing hundreds of Arab villages in Palestine. Its involvement arose primarily from the actions taken by the head of the JNF's Settlement Department, Yosef Weitz, who energetically sought approval for the transfer of Palestinians from areas Jews wished to occupy. Weitz viewed transfer as the basis of Zionist policy. This philosophy led, in January 1948, to the establishment of the Transfer Committee that he headed (Pappé, 2007, pp. 73, 240).

In January 1948, the Jewish leadership in Palestine decided to systematically attack Palestinian villages and force the villagers out. To do this, it was necessary to draw up a detailed list of the Arab villages. This job was given to the JNF and was assigned to Weitz (Pappé, 2007, p. 26). Attached to the list were topographic maps of the villages showing the precise location of each village and its access roads and springs; data on sources of income of the residents, types of agriculture and livestock that the villagers engaged in; composition of the farmland; socioeconomic data on the village and its residents, including political affiliation; number and type of weapons in the

5. The figure appears in: Jewish National Fund. History of the Jewish National Fund by decades – the fifth decade, 1941-1951. A paper dated January 10, 1948, prepared for the UN General Assembly, states that the JNF had more than 600,000 dunams of land. (UN Document A/AC.21/W.8).

6. Jewish National Fund, History of the Jewish National Fund by decades; see also section 129 of the JNF's response in *Adalah v. Israel Lands Administration* (pending).

7. Jewish National Fund, History of the Jewish National Fund by decades.

8. Section 144 of the JNF's response in *Adalah v. ILA* (pending).

9. This section is largely based on Pappé, (2007).

village; and a list of wanted persons in each village (Pappé, 2007, pp. 26-31).

In the course of the ethnic cleansing and attacks on the Palestinian villages, Weitz closely monitored the conquering of peripheral areas. He made sure to transfer control and responsibility for the villages to the JNF, as custodian on behalf of the state of Israel, leaving it to decide on division and allocation of the land (Pappé, 2007, pp. 242-240). By 1950, half of the confiscated land was under JNF control (Pappé, 2007, p. 244). Weitz was also appointed by Prime Minister David Ben-Gurion to serve on a committee (known as the Danin-Weitz Committee) that was appointed to determine what was to be done with the Palestinian property. The committee decided in principle to destroy all Palestinian properties and confiscate the lands (Pappé, 2007, p. 241).

In practice, the Settlement Department of the JNF was the body that determined the fate of the villages, whose residents were uprooted and their property destroyed, by establishing Jewish settlement on the villages' land or by turning it into forests (Pappé, 2007, p. 248). Later, the JNF had the job of demolishing the uprooted villages and planting the forests on the land (Pappé, 2007, p. 249).

Status of the JNF and its policy after establishment of the state

After the Nakba and establishment of the state of Israel, the JNF fought to solidify its status in the country and determine the land regime policies in the state. At a meeting held in September 1948, the JNF's Board of Directors decided to strengthen its position by making the JNF a unique body working to promote Jewish settlement, the largest landholder in the state, the authoritative and decisive entity in determining land policy in the state, have the power to expropriate land, and receive preferential treatment in obtaining, from the state, land not intended for development and in purchasing lands from it, including absentees' properties (Holzman-Gazit, 2002, p. 601). The JNF succeeded in achieving all these objectives,

ultimately by statute.

The legislative activity began with the enactment of the Jewish National Fund Law, 5714–1953, in November 1953.¹⁰ The statute changed the JNF's status from a British company to an Israeli company and transferred the company's land holdings in the state into its name.¹¹ For the JNF, the statute was a symbol of its special status in land matters (Holzman-Gazit, 2002, p. 619) and gave it the same status as the World Zionist Organization and the Jewish Agency, which a year earlier had been granted statutory status.¹²

As noted, the JNF did not settle for complete control and management of its land, but sought to influence how all land in the state was administered. It thus played a key role in drafting legislation in the first decade after the Nakba. It is this legislation that has shaped the state's land policy to the present time and has embedded the principle of the prohibition on selling the "nation's" land.¹³ This legislation ensured, therefore, the JNF's priority status in purchasing land from the state and from the Development Authority.¹⁴ The JNF also was given special status in setting land policy, inasmuch as its representatives accounted for half the Board of the Israel Lands Administration.¹⁵ It is this status that provides the JNF with decisive influence in determining land policy regarding all land administered by the Israel Lands Administration.¹⁶

In 2009, the Israel Lands Administration Law, 5720–1960 was amended and given a new name: the Israel Lands Authority Law, 5720–1960. In the

10. *Sefer Hachukkim* [Book of Laws] No. 138 (December 3, 1953), p. 34.

11. Properties outside the country remained those of the English company.

12. Status of the World Zionist Organization and the Jewish Agency for Israel Law, 5713 – 1952 (*Sefer Hachukkim* No. 112, December 2, 1952, p. 2).

13. Statutes of this kind include the Development Authority (Transfer of Property) Law, 5710 – 1950 (*Sefer Hachukkim* 5710 No. 57, August 9, 1950, p. 278); State Property Law, 5711 – 1951 (*Sefer Hachukkim* 5711 No. 68, February 15, 1951, p. 52); Israel Lands Law, 5720 -1960 (*Sefer Hachukkim* 5720 No. 312, July 29, 1960, p. 56); Basic Law: Israel Lands (*Sefer Hachukkim* 5720 No. 312, July 29, 1960, p. 56).

14. Section 2(6) of the Israel Lands Law, 5720 - 1960.

15. Section 4A of the Israel Lands Administration Law, 5720 – 1960 (*Sefer Hachukkim* No. 312, July 29, 1960, p. 57).

16. About 93% of the land in the country is owned by the state, the Development Authority, or the JNF (ILA web site, n.d.).

amendment to the statute, the JNF was guaranteed six of the fourteen members of the Israel Lands Council.¹⁷ The JNF was also given the power to expropriate land for a public purpose, a power similar to that given to local authorities.¹⁸

Transfer of Palestinian refugees' property to the JNF

Following the passage of UN General Assembly Resolution 194 on the right of return of the Palestinian refugees, and with the objective of thwarting, or at least reducing, the possibility of refugees returning to their homes, the Israeli government decided to create a new reality, in which the refugees' property would be handed over to Jewish hands for the use of Jews only. The fear was that if this property remained in the state's hands, it would have to allocate it equally among its citizens. The swiftest way to transfer the land was by handing it over to the JNF (Fishbach, 2003, p. 59; Golan, 1992, p. 122; Holzman-Gazit, 2002, p. 636). The first agreement—dealing with the transfer of one million dunams of land in the Galilee, the Jezreel Valley, the Jerusalem corridor, the Sharon, and the Naqab—was signed in 1949. In 1953, the state of Israel and the JNF signed an agreement for the transfer of an additional million dunams.¹⁹ In the two transactions, a total of 2,373,677 dunams were transferred to the JNF: 2,355,088 in rural areas and 18,589 in urban areas (Fishbach, 2003, p. 67). These lands accounted for more than one half of Palestinian refugees' lands, which were being held by the Custodian of Absentee Property in July 1954 (4,450,000 dunams, 3,310,000 of which was farmland, 1,000,000 dunams of inhabited Palestinian villages, and 150,000 dunams of urban land) (“Report on the State's Land Economy”, 1954).

17. Near the time of publication of the statute, the government issued an order directing a reduction, to ten, in the number of council members, two of them representatives of the JNF, pursuant to section 4(A1) of the Israel Lands Authority Law, 5720 – 1960.

18. Section 6 of the JNF Law and section 22 of the Lands Ordinance (Acquisition for Public Purposes), 1943, give the JNF the same status of a local authority with respect to expropriations.

19. In its response in *Adalah v. ILA* (pending) the JNF contended, *inter alia*, that the transaction for the second million dunams was not fully carried out.

Administration of JNF land and the covenant with the state of Israel

As of 2007, the JNF had 2,564,000 dunams of land registered on its name.²⁰ According to the JNF's web site, it now owns 2,800,000 dunams intended for settlement. Other estimates place the total of JNF-owned land at 3,570,000 dunams (Lehn & Davis, 1988, p. 114).

In November 1961, the "Covenant between the State of Israel and the JNF" was signed. The document provided that administration of the land owned by the state, the Development Authority, and the JNF would be centralized and under the responsibility of the Israel Lands Administration, now the Israel Lands Authority (ILA). The covenant emphasized that the land was to be leased and not sold, and that JNF land would be administered "subject to the memorandum and articles of association of the Jewish National Fund" (section 4), that is, in favor of Jews only. This principle of administration of JNF land later appeared also in section 27 of the Obligation of Tenders Regulations, 5753 – 1993, which states that:

In a transaction involving land of the Jewish National Fund that requires issuing a tender according to these regulations, the Israel Lands Administration is authorized to conduct the tender in accordance with the covenant agreed upon between the state and the Jewish National Fund on 20 Kislev 5722 (November 28, 1961).

Relying on the covenant's principles, the ILA marketed JNF land only to Jews.²¹ In 2004, Adalah petitioned the Supreme Court to nullify this policy.²² In response to the petition, the JNF contended that:

The JNF's trusteeship is not, and cannot be, given to the entire

20. There may be more JNF land, which has not been recorded in the land registry. Lehn and Davis (1988) estimate that the JNF owns 3.5 million dunams of land in Israel.

21. The tenders on JNF land included an explanation regarding the restriction: "The bidders are informed that the relevant land is owned by the Jewish National Fund (hereafter: JNF), to which the Covenant between the State of Israel and the JNF is binding, published in *Yalkut Hapirsumim* [the official gazette] No. 1456, of 11 Sivan 5728 (June 7, 1968) at page 1597" (Tender No. ZP/20904/198, for the marketing of 26 parcels for self-construction in Givat Macush b and c in Carmiel, July, 2004).

22. *Adalah v. ILA* (pending) . The petition was joined with a petition that was filed by the Association for Civil Rights in Israel, *The Arab Center for Alternative Planning v. Israel Lands Administration* (pending).

Israeli public. The JNF's trusteeship is reserved solely for the Jewish people—for it the JNF was founded and for it the JNF operates. Not only does the JNF not have the obligation to act for the benefit of all citizens of the state, it is the JNF's obligation to purchase land for the use of Jews. Handing over of land for the use of all the state's citizens directly contradicts the purposes of the JNF and the objective for which it exists. The JNF is prohibited from allocating land to all residents of the state. If the JNF is required to act, in allocating land, for the benefit of the state's citizens—it will mean the elimination and nationalization of its property.²³

As of this writing, the Supreme Court has not yet issued its decision on the petition.

Privatization of land and exchanges with the state of Israel

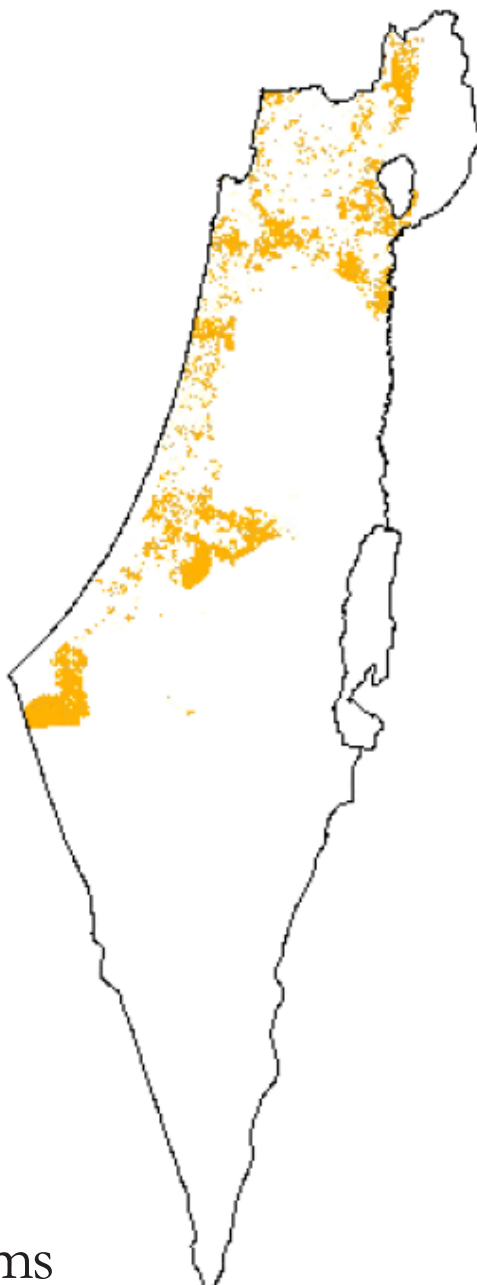
On August 10, 2009, the Knesset passed the Israel Lands Administration (Amendment No. 7) Law, 5769–2009, which enables the privatization of state-owned land that is developed and also land intended for development under approved master plans. In total, 800,000 dunams of land are expected to be privatized, some of it JNF-owned.

The JNF, of course, strongly objected to the privatization policy in general and to the privatization of its property in particular. Its objection was based on the principle established upon its founding, that the organization was entrusted with the property for the benefit of the Jewish people, so the property had to forever remain in the possession, and for the benefit, of the Jewish people.

The opposition of the JNF and other Zionist organizations led to negotiations with the state, which resulted in two outcomes.

23. Sections 7 and 220 of the JNF's response in *Adalah v. ILA* (pending). By contrast, the attorney general's response to the petition states his position that the Israel Lands Administration is obligated to act in accordance with the right to equality, also in its handling of JNF-owned land.

Map of JNF-owned land in Israel



2.5 million dunams

- **The first outcome:** Exchange of land between the state of Israel and the JNF, with the JNF transferring its property that is subject to privatization to the state and receiving, in its stead, land in the Naqab and the Galilee. The state and the JNF signed an agreement of principles on May 26, 2009. Under the agreement, 50,000 to 60,000 dunams of land would be exchanged, and the Israel Lands Authority would be responsible for administering the land. This agreement preserved JNF principles regarding its land—that is, preservation of the principle of marketing of JNF land to Jews only, by lease and not by transfer of ownership.
- **The second outcome:** Prohibition on transfer of rights to land to “foreigners.” In April 2011, the Knesset enacted the Israel Lands (Amendment No. 3) Law, 5771 – 2011, which restricted the granting and transfer of land rights to foreigners. The statute forbids the transfer of ownership rights or leasehold rights of more than five years to a person who is not a citizen or resident of Israel or is not entitled to “immigrate to Israel under the Law of Return, 5710 – 1950,” unless approval for the transfer is given by the head of the Israel Lands Council upon the recommendation of the subcommittee appointed for that purpose, and after consultation with the Minister of Defense, the Minister of Foreign Affairs, and other relevant persons specified in regulations.

These actions led, therefore, to the preservation of JNF principles regarding its land and prohibited, in practice, the leasing and transfer of the land to non-citizens/inhabitants or non-Jews by all citizens of the state who hold rights to land, whether by virtue of state lease or private ownership. The statute thus created a connection between Palestinian land inside the state of Israel and Jews throughout the world and compelled Palestinian citizens of the state to play an active role in accomplishing the complete realization of Zionist values on their land by not being able to sell lands to non-citizens or non-Jews.

The JNF and the land occupied in 1967

The territories that Israel occupied in 1967 certainly opened new channels of land acquisition for the JNF. However, due to the political sensitivity of the subject, and so as not to diminish financial contributions to the JNF, the JNF's activity in the Occupied Palestinian Territories (OPT) is concealed, and there is little official information on it. The occupation gave the JNF an opportunity to regain lands in the West Bank that had been purchased before 1948—15,000 dunams located primarily in three areas, the largest part lying north of Hebron, a smaller section near Qalandiya, and a small section in and around East Jerusalem (Lehn & Davis, 1988, p. 165).

The JNF became the owner of other land in the Jerusalem area, which it received from the Custodian of Absentee Property following the occupation in 1967. This property was transferred to the Elad nonprofit organization, which engages in Judaizing occupied East Jerusalem (Pappé, 2007, p. 254).

JNF activity in the West Bank is carried out mostly through the Himnuta company, which was registered as a limited liability corporation in the offices of the Registrar of Companies in Ramallah in June 1971 (an amended registration was requested in September 1975). The purposes of the company specified in the amended registration include the sale, exchange, leasing, and holding of land and of other immovable and movable property in the West Bank and in other territories under control of the Israeli army (Lehn & Davis, 1988, p. 170).

Because Himnuta is a JNF-owned company, operating solely according to the directions of the JNF, Himnuta is now operating in the West Bank, in practice, in the name of, and for, the JNF. Many questions have been raised regarding the JNF's activity in the OPT, and in recent years, the Israeli press has reported suspicions about JNF involvement in land theft and fraudulent transactions in the West Bank (Liss, 2005a, 2005b).

Conclusion

The JNF was founded, and still functions, as a Zionist organization whose aim is to ensure that Jews have sole use of the land of Mandatory Palestine. The key chapters of the modern history of Palestine—the period of the Mandate, the Nakba, and the occupation in 1967—offered an opportunity for the JNF to realize its aims and continue its colonializing activity in diverse ways, including through Israeli governmental institutions. Other than the government itself, the JNF is now the largest landholder in the state and has enormous influence over land policy.

In its actions to realize its principles, the JNF creates separate spatial areas—based on nationality or race—in Israel, both in the development of separate communities and of separate urban residential areas. This activity has led to a policy that implements JNF principles and beliefs. It does this through the state's executive bodies, including the Israel Lands Authority, and by legislative means.

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National Planning Policy in Israel

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National Planning Policy in Israel

Yousef Jabareen*

Israel is one of the few countries (among others are Japan and Holland) that uses national planning, a tool that allocates the use of land within the country's borders. The designated uses include housing, transportation, industry and trade, tourism and recreation, and national projects of various kinds, such as air and seaports. The outline schemes have, throughout Israel's history, helped shape the space of the country with respect to the environment, housing, the economy, and other spheres of life. This article presents the principal outline schemes in Israel and analyzes the policy underlying them. The article also examines the effects of the policy on the Palestinians, in particular the Palestinian citizens of Israel.

The planning regime in Israel

Urban planning in its present form, as practiced in Israel and most other countries, relies primarily on dividing the land and designating its use. For some persons, planning is defined as the ability to control the future by actions carried out by the planning authorities in the present. It is broadly agreed that urban planning is a reformist enterprise that arose on the background of modern western society. The planning was based on "scientific" and "rational" theories, which sought to improve the lives and living conditions of the country's inhabitants. Urban planning is also a tool for social and political change. In the case of Israel, the state uses outline schemes to alter the space and the demography, and not necessarily to improve the quality of life. British Mandate authorities

* Yousef Jabareen is senior lecturer in the Faculty of Architecture and City Planning, in the Technion – Israel Institute of Technology.

began to enact new planning statutes in Palestine in 1921. Israel adopted these statutes, which remained in force until 1965, when the Planning and Building Law was enacted (Reichman & Yehudai, 1984). The Planning and Building Law establishes the planning institutions, specifies their activities, and prescribes designated uses of the land, in a manner that balances the immediate and future needs of the population.

In addition to the planning institutions established by the Mandatory authorities, the Jewish Agency and the Jewish National Fund (JNF; see “The Jewish National Fund” in this volume) also set up institutional apparatuses for the planning and development of some of the Jewish towns and villages. These apparatuses continued to operate after the establishment of the state of Israel and greatly influenced the shaping of spatial planning in the country. This influence continues even today (Schechter, 1990).

The Jewish Agency acquired a formal status from the Mandatory government and was responsible for establishing a “national Jewish home.” To the Jews, the Jewish Agency had the status of a “shadow government”—prepared to assume control of the state in the making—and was given responsibility for initiating, planning, and establishing new Jewish communities. The JNF, which was the principal settlement tool of the Zionist movement and served as a powerful colonialist apparatus during the Mandatory period, bought land for purposes of Jewish settlement, took part in the spatial planning of agricultural villages, and occasionally also engaged in urban planning (Brutzkus, 1964).

National planning in Israel

The governmental regime in Israel is very concentrated. Central government officials have broad powers, including in matters related to spatial planning. Under the Planning and Building Law, the planning committees are hierarchical: the local planning committees are situated

at the bottom; above them, come the district committees that ratify the plans of the local committees. At the top of the pyramid is the National Planning and Building Council, which is responsible for drawing up national outline schemes (TAMA). The Council is composed of representatives of government ministries, the Israel Land Administration, local authorities, and other bodies. The national outline scheme requires government approval (Alterman, 2001).

The first outline scheme: Building on the ruins of the expulsion

On March 8, 1949, when presenting the country's first government, David Ben-Gurion stated that among the main goals of his government were rapid settlement and an even distribution of the population throughout the country. Ever since, population distribution has been a primary issue for every government and for the state's official bodies in matters dealing with planning and development. Immediately after the first government was sworn in, work began to draft a national outline scheme, which was referred to as the Physical Outline Scheme for Israel. Prepared by Ariel Sharon and his staff of 180 professionals, the outline scheme was completed in 1951. The scheme greatly affected the spatial distribution of the population in the early years of the new state (Alterman & Musri, 1993; Lerman, 1991; Lerman & Raphael, 1992).

On March 15, 1948, 360,000 Jews were living in towns in the country, 82% of them in the 3 major cities: Haifa, Tel Aviv, and Jerusalem. Only 7% of the Jews lived in the Galilee and in the Naqab (Sharon, 1951), after the expulsion of most of the Palestinians and the destruction of more than 410 towns and villages. Most of the country's towns and villages no longer had Arab inhabitants, and only 156,000 Arabs remained within the borders of the state in 1948. Most of the Palestinians were expelled to the West Bank, to the Gaza Strip, and to neighboring Arab countries. Arab land was expropriated in accordance with the various expropriation laws, particularly the Absentees' Property Law. Today, 93% of all land in

the country (excluding the Occupied Territories) is state-owned. The Arab population holds no more than 2.1% of the land in the country (Jabareen, 2013).

In the first outline scheme, spreading the Jewish population around the country included distributing Jewish residents amongst the destroyed Arab towns and villages. The outline scheme classified as “new” towns and development towns those towns that had become almost uninhabited after the Arabs were expelled from them. Intensive action was taken to populate the towns, and it succeeded. These towns included Tiberias, Beisan, Majdal, Lydda, Ramla, Yafa (Jaffa), and Beer Sheva (Bir Saba’). In addition, Jews went to live in dozens of destroyed villages in various areas of the country.

In the 1950s and 1960s, new Jewish immigrants—particularly those who came from North Africa (Arab countries) were sent to these villages to live as part of the population-distribution policy and to create an irreversible demographic-geographic and political reality. In doing so, the state authorities succeeded in settling the Mizrahi (Arab-origin) immigrants in the periphery. Some researchers contend that the Ashkenazi establishment preferred to settle the poor Mizrahi immigrants in fringe areas, far from the center of the country, rather than integrate them in the political, social, and economic life that was controlled by Ashkenazi Jews (Yiftachel, 1996).

From 1948 to 1955, Israel established 200 new Jewish communities, 90 of them kibbutzim and the others agricultural communities. Existing towns, in which Arabs had lived before they were expelled, were expanded. From 1948 to 1951, 700,000 persons, most of them poor, were absorbed and settled. Between 1950 and 1964, some half a million housing units were built. The government was responsible for most of the building initiatives and construction (Carmon, 2001).

Israel has settled tens of thousands of Jewish immigrants in the houses of Arabs who were expelled during the 1948 war (in Haifa, Jaffa, Lydda, and Ramla, for example). Most of this settlement occurred during the first

years of the new state and involved land belonging to Arabs who had been uprooted and expelled. This was how, from the start, a “new” place was built on the ruins of the “old” place.

The five million outline scheme

To continue the spread of the population around the country, the government ordered what was called *The National Outline Scheme for the Geographical Distribution of Five Million Inhabitants in Israel*. Preparation of the plan began in 1968 and the government approved it in 1975. The plan sought to distribute the population evenly geographically, and prevent concentration of the population in certain areas. It took special aim at settling people in the Galilee so as to “preserve the demographic balance,” that is, to increase the number of Jews in areas having a high concentration of Arabs. Jerusalem was another target area for increasing the number of Jews. Thus, many immigrants were directed to the Galilee and to Jerusalem.

The seven million outline scheme

In the Israeli establishment’s view, the period from the mid-1970s to the end of the 1980s was a “dry period” of Jewish immigration to the country. During this period, the *Seven Million Master Plan* was prepared, its objective being to increase Jewish settlement in the periphery and to thin out the population in the center of the country. Specifically, its aim, in part, was to reach a balance in which half of the state’s population live in the Galilee, the Naqab, and Jerusalem (State of Israel, 1985), with the other half living in Tel Aviv and the center of the country. The National Planning and Building Committee approved the plan, but the government did not. It seems that the government was involved, among other things, with increasing development of the settlement enterprise in the West Bank and Gaza Strip.

Accelerated Jewish immigration and TAMA 31

In 1989, Jewish immigration accelerated, coming from a surprise source: hundreds of thousands of Jews (and non-Jews), who arrived from the former Soviet Union. After many years in which Jewish immigration to Israel had slowed, state authorities—especially the planning institutions—had no plan to absorb such a large influx of immigrants. The immigration created the opportunity for a “geographic and demographic revolution,” by fulfilling the official planning goal: Judaization of Palestine. And that is what happened.

On July 3, 1990, the National Planning and Building Council approved the start of planning for the National Outline Scheme for Absorption of Immigrants—TAMA 31. The objective of the plan, which was approved in 1993, was “to develop Israel’s capability for absorbing Jewish immigrants in the short and long term” (National Outline Scheme for the Absorption of Immigrants No. 31, 1993) and “to integrate the new immigrants in the process of development of the country in accordance with its national objectives” (National Outline Scheme, 1993). One strategy of the “old-new” plan was “distribution of the population in all areas of the state, and in particular to strengthen the Jerusalem, the Naqab, and Galilee regions.” Toward this end, and “to change the demographic balance” completely, it was proposed to divide the development resources among these areas and to reduce the gap between them and the Tel-Aviv and central region. This outline scheme clearly ignored the needs of the Arab population, offered no solutions for economic, social, environmental, or spatial development of the Arab towns and villages, and failed to deal with the Arabs’ lack of housing and social services.

The latest outline scheme: TAMA 35

At the end of the 1990s, Israel began work on TAMA 35, which dealt with planning goals for the year 2020. The plan increased the population

distribution, especially in the “sensitive” areas: the Galilee, the Naqab, and Jerusalem. The state’s land area was divided into six types, based on the kind of permitted use: agriculture, urban, rural, integrated, landscapes, and green areas. They differed with respect to the intensity of development and preservation of the green spaces and agricultural lands. Under the plan, Jerusalem, Beer Sheva, and the Galilee (especially Carmiel, Tiberias, Afula, and Haifa) would have a broad urban tapestry, enabling it to absorb the new Jewish immigrants and improve the “demographic balance” in favor of the state’s Jewish majority.

Mechanisms to achieve population distribution

Responsibility for distributing the population was imposed on numerous official, and semi-official, bodies, among them the Ministry of the Interior, which was responsible for the local and district planning committees and the National Planning and Building Council; the Ministry of Industry and Trade; the Ministry of Agriculture-Settlement Division; the Ministry of Absorption; and the Ministry of Finance. Due to the many entities engaged in the matter, and given the lack of an apparatus coordinating them, the government established the Special Ministerial Committee for Population Distribution. The committee operated only from 1961 to 1966 (Alterman & Musri, 1993).

In addition to the activity of the governmental bodies, the Jewish Agency continued to function also after the state was founded, and it drew up plans that aided in building new communities. The Jewish Agency is now considered, to some extent, an official body. Although it is non-governmental, it was granted broad planning and building powers, and was given the green light to prepare settlement plans, in most cases without first obtaining approval from the competent governmental bodies. Even now, the Jewish Agency can be considered a “state within a state.”

The Jewish Agency’s control was evident in the project establishing the

hilltop settlements, which it planned and built without first obtaining approval of the state's governmental institutions; The Jewish Agency autonomously engaged in drafting legislation, planning, and executing the project. In a short period of eight months between 1979 and 1980, the Jewish Agency built 30 communities on the peaks of Galilee hills, most of which were constructed on Arab land. They were built because of the "fear that Arabs would take control of the land, and the fear of creeping (illegal) construction by the Arabs" (Alterman & Stav, 2001). The Jewish Agency has continued (particularly in the 1990s) to build Jewish communities in Arab areas, in the area of Wadi 'Ara, for example.

To summarize, despite the lack of coordination among the official and partially official state bodies regarding population distribution, these bodies share the same policy. To them, this policy arises from Zionist ideology, which dictates the state bodies' approach to the country's space and inhabitants—in particular, their attitude toward the land and the Arabs.

Results of the planning strategies

From the time it was formed to the time of the founding of the state of Israel, the Zionist movement succeeded in building 289 towns and villages, most of them very small. The principal objective in building them was to take rapid control of Arab land and to gradually build the Jewish "nation." In the years 1932 to 1939, 112 Jewish communities were built. From 1919 until the founding of the Jewish state, in 1948, an average of 9 communities were built annually. In its early years, the new state exploited the "abandoned" Arab towns and villages and resettled them—building new towns and villages for Jews on their ruins. In the first three years of its existence, Israel built 305 settlements.

Following the large wave of immigration in the 1990s, which improved the demographics from the Zionist view, and after the state gained control of the land, it became necessary to build new Jewish communities. In

the entire decade of the 1990s, only 15 towns and villages were built; by comparison, the annual number of newly built communities had averaged 15.5 a year from 1948 to the 1990s. Following expropriation of Arab-owned land, and, more significantly, the expulsion of most of the Palestinians, the Arabs were left with 2.1% of the lands in the country.

Conclusion

The state of Israel has adopted, throughout its history, several strategies regarding spatial matters: land control and preservation of the land at all costs; settlement in areas where small numbers of Jews live, especially in the Galilee, the Naqab, and Jerusalem, in order to reverse the demographics in those areas; settlement in frontier areas, in part for security reasons; and preservation of rare natural resources, such as farmland and water, by means of population distribution.

The state's population-distribution policy has been a great success in the eyes of Zionists and has enjoyed broad national support, on both the left and the right of the Israeli political spectrum. The policy has brought about the establishment of hundreds of towns and villages in the Galilee and in the Naqab. By expropriating the property of the Palestinian refugees who were expelled from their communities, and other Arab lands for the purpose of building Jewish towns and villages, the state implemented unprecedented geopolitical change. Ninety-three percent of state land belongs to the Israel Land Administration and the Jewish National Fund. The country's Arab inhabitants now hold only 2.1% of the land in the state.

Official governmental bodies, along with partially official bodies (such as the Jewish Agency), have succeeded in controlling the country's space and demographics. In doing so, they have devastated the Palestinians—the uprooted who remained in Israel and the refugees living outside the country—and have built the Jewish nation on the ruins of the Palestinians.

After gaining almost complete control of the land, the state's housing policy continues to intensify within both Arab villages and cities, trying to prevent the natural expansion of Arab communities, and make it impossible for the country's Palestinians to rebuild on the remains of the urban and social devastation of the Palestinian people. As a result, Arab towns and villages have become overcrowded, receive poor public services, and suffer from weak economic development and poverty. Israeli national planning policies have contributed to a reality where Palestinians became a people without a homeland and without a land.



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The Palestinians in Israel

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Israel's Seizure of Islamic Endowments (Awqaf)

Ahmad Natour

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Israel's Seizure of Islamic Endowments (Awqaf)

Ahmad Natour*

Islamic religious texts have, in general, afforded a special status to Palestine. According to the Holy Qur'an, Palestine is a blessed land,¹ and in the Hadith it is the land of congregation and resurrection (on the Day of Resurrection).² Endowments (*awqaf*, sing. *waqf*) increase the sanctity and blessings of an individual. Palestine is the most bountiful of the Islamic lands with regard to *awqaf* (al-Salahat, 2011, p. 13). The land of Palestine is itself considered a holy land and all of it is a *waqf* (al-Salahat, 2011). The caliph `Umar's conquest (15 A.H.) provided the opportunity to commence the establishment of Islamic *awqaf* in Palestine.³

There is a real difficulty in determining the size of Islamic endowments in Palestine and in enumerating their assets (*nakasim*). By some estimates, Islamic endowments represent between 16 and 17% of the total area of Palestine (al-Salahat, 2011, p. 34). The al-Aqsa Association has faced difficulty in arriving at an accurate estimate of *waqf* assets inside Israel. Its preliminary estimate is that it is no less than 652,000 dunums, but this number is likely to increase once the process is completed. This difficulty in enumerating *awqaf* properties within the Green Line goes back to the fact that Israel has seized not only the *awqaf* themselves, but also *waqf* records

* Dr. Ahmad Natour is the former president of the Islamic Shari'a Court of Appeal (1994-2014) and Associate Professor of law at the Faculty of Law at the Hebrew University of Jerusalem.

1. Surat al-Isra' 21:1; Surat al-Anbiya' 17: 81.

2. The Sunnas of Ibn Majah al-Qazwini, Hadith no. 1407, Section 196, p. 451, vol. 1 (Cairo: Dar Ihya' al-Kutub al-`Arabiyya, n.d.).

3. This article limits itself to the Islamic endowments without discussing Christian endowments, since the properties of the Christian communities have been largely excluded from the terms of the Absentees' Property Law, as that which was seized by Israel and has been released and returned to the patriarchates of the Christian denominations (see Dumper, 1992, p. 78).

and documents that had been held by official Palestinian institutions, such as the Supreme Muslim Council, as well as *shari`a* court registers. It is important to note that Israel openly refuses to disclose the extent of these properties. Indeed, it considers such disclosure to be a threat to its foreign relations—not only with regard to the Palestinians, but other parties as well—as was determined by the District Court,⁴ a decision then affirmed by the Supreme Court.⁵

Israeli researchers have disagreed as to the amount of Islamic endowments that Israel seized (Kupferschmidt, 1987). Shimoni and Baer assess them at between 8 and 10% of Palestinian lands (Kupferschmidt, 1987). Abrahamovich (1937), meanwhile, estimates that 15% of the rural Arab lands and 7% of the urban areas—excluding Beer Sheba—is Islamic *waqf*. Whatever the case, from the Israeli point of view, the retention of the Islamic *waqf* institution in non-Jewish hands—especially Muslim hands, considered by Israel to be the most hostile of the Arab minority—meant the existence of a series of Islamic areas, or separate Palestinian areas, ranging between 10% and 20% of the cultivated lands in Israel (Dumper, 1992, p. 64). If the *waqf* system were to be independent in its administration and governance, this would have meant the retention of these areas outside the influence of Israeli political and judicial authority (Dumper, 1992).

Since its inception, Israel has worked to strategically written laws to seize absentee property, including the Islamic *waqf* properties, and wrest it from its rightful owners. According to Peretz, under these laws, 80% of the total area of Israel has actually been seized from the Palestinians (Peretz, 1958, p. 142). Among the most important pieces of legislation are the Absentees' Property Law of 1950 and the Development Authority

4. See, Al-Aqsa Association for the Care of Holy Sites and Islamic Endowments, Palestine '48 (2002). We believe that this estimate is quite small, given that the Association did not conduct the original census.

5. Administrative Suit (District Court Tel Aviv-Jaffa) 1201/07 *Jaffa Association for Human Rights et al. v. the Custodian of Absentees' Property et al.*, 2010 (95) 88. HCJ 6788/10 *Jaffa Association for Human Rights et al. v. the Custodian of Absentees' Property et al.*, 34(106) (2011).

(Transfer of Property) Law of 1950⁶, which was promulgated just a few months later.⁷ Both were used to transfer the ownership of the property and Palestinian lands to Jewish hands and to keep them there. The Development Authority, through which properties and lands were seized, was restricted to selling the properties in its possession either to the state or to the Jewish National Fund, in accordance with section 1 of the Basic Law: Israel Lands (1960). It is worth noting that in August 2009, the Knesset amended the Israel Land Administration Law to authorize the privatization of 800,000 dunums, including lands administered by the Development Authority that had been transferred to it from the Custodian of Absentees' Property (see the article on Palestinian Refugees' Property in Their Own Land: Politics of Absence and Alienation in this book). Given that this Development Authority is an official body established by the government,⁸ if it ceased to function, the powers entrusted to it, and likewise its rights and obligations, would be automatically transmitted to the Minister of Finance. Through these laws, however, Israel has tried to give the appearance that the seizure of Palestinian properties was done lawfully and through secondary institutions rather than through the direct intervention of the state. This was an attempt to avoid the censure that might be provoked if Israel proceeded to confiscate these properties directly (Reudy, 1971, p. 133). As Abraham Granott, head of the Jewish National Fund at the time, described it: "The Development Authority was based upon a sort of legal fiction. It was not desired to transfer the abandoned land to Government ownership, as this would be interpreted as confiscation of the abandoned property" (Granott, 1956, p. 100).

The Absentees' Property Law paved the way for the creation of the Development Authority, which formed in turn a key tool to allow the sale of property after limiting the sale of the property that was entrusted to this authority. This is spelled out clearly in the text of the law, article 19

6. Absentees' Property Law (March 20, 1950) Book of Legislation, no. 37, p. 86.

7. Development Authority (Transfer of Property) Law (August 9, 1950), Book of Legislation, no. 57, p. 278.

8. Development Authority (Transfer of Property) Law, Article 2 (a).

(a), that the Custodian is not to sell property or otherwise transfer the right of ownership: “provided that if a Development Authority is established under a Law of the Knesset it shall be lawful for the Custodian to sell the property to that Development Authority.”⁹ The same approach is taken for leases exceeding six years.¹⁰

In 1953, after the establishment of the Development Authority, the Custodian of Absentees’ Property—who is the head of the Custodianship Council, appointed by the Finance Minister, and who has the right to sue and be sued and to be represented by the Attorney General—contracted with the Development Authority to sell it absentee properties that had been or would be entrusted to the Custodian according to the Absentees’ Property Law. Although we have no precise information about what was sold to the Authority under this agreement, we must point out that the Custodian was not authorized to sell at that time because it was not the owner of the properties but merely entrusted with the right to administer them.

The Custodian of Absentees’ Property and the Ministry of Religious Affairs—the ministerial body that includes Islamic affairs, such as the *shari`a* courts, imams, mosques, and cemeteries—reached an agreement stipulating that “all accessions received from secular and religious *waqf*, likewise the proceeds from the sale of *waqf* properties to the Development Authority, are allocated to fund Islamic religious services.” (Dumper, 1992, p. 26) In reality, however, these funds as a whole were introduced into the general budget of the ministry to be used for non-Islamic services as well, including Jewish services.

Israeli duplicity reached its peak with the third amendment to the Absentees’ Property Law in 1965, entitled the Release and Use of Endowment Property Law.¹¹ The term “release” here, in reality, means dropping all *shari`a* rules

9. Absentees’ Property Law, Article 19 (a).

10. Absentees’ Property Law, Article 19 (a) (2) (1).

11. Absentees’ Property Law (Amendment No. 3) (Release of Endowment Property) (1965), Book of Laws, no. 445, p. 58.

and restrictions on *awqaf* that pertain to them as a result of their religious status. Likewise, it withdrew the authority of the *shari`a* courts over them, as set out in Article 4 (1a) (1).¹² Although the state suggested that it intended to release the properties from the Custodian and turn them over to Muslims, and likewise that it intended, through this amendment, to release usurped properties, this was misleading and deceptive. Article 29 (a) (a), part of the amendment, used this term (“release”) in the context of the possibility of releasing the property that the Custodian had seized to the beneficiaries in the case of a family endowment or into the hands of the Boards of Trustees that was established by this amendment.¹³ Needless to say, this approach, in addition to the title of the amendment (“Release of Endowment Property”), illustrates the extent of disregard for Muslims who had continued to demand the release of their usurped endowments. In fact, this legislative step essentially eliminated the endowments, abolishing their existence as Islamic *waqf*: there no longer remained any *awqaf* for Muslims to claim. In this regard, Shlomo Nawi, the third director of the Islamic Department of the Ministry of Religious Affairs, citing the urgent need to enact the abovementioned Amendment No. (3), stated: “With this, we have shut the door on the efforts of Muslims to liberate their endowments.”¹⁴

The text of this amendment, essentially, transferred *waqf* properties to the Custodian’s ownership, and likewise all rights associated with ownership, which had previously belonged to the absentees. This happened automatically after they were stripped of any religious or *shari`a* character.¹⁵ In addition, the amendment made this acquisition retroactive to December 2, 1948 in order to legitimize the transactions that had already taken place in the past, when the Custodian did not have the legal cover to conduct them.¹⁶ It was stated explicitly that the transactions that were concluded

12. See also in this regard, HCJ 6452/96 *Custodian of Absentees’ Property v. Shari’a Court of Appeal*, Supreme Court Decision 55(4) (2001), pp. 363, 370.

13. Muslims did not consider these boards representative, and they were thus subject to doubts and suspicions. See Natour, 2012, p. 169.

14. Personal correspondence from Shlomo Nawi to the Minister of Religious Affairs, August 19, 1977 (held by author).

15. Absentees’ Property Law, Article 4 (a) (2).

16. Absentees’ Property Law, Article 4 (1a) (1).

before the amendment went into effect were not adversely affected by the new amendment. In other words, the transactions were legal despite being finalized before the Custodian was granted the right of ownership with the amendment's passage. In addition, but the rule governing the proceeds from these properties is like that governing the properties themselves—that is, the proceeds are also considered the property of the Custodian.¹⁷ What distinguishes this kind of transfer of ownership to the Custodian is that it is automatic and total and this approach has been confirmed by the Israeli Supreme Court, even before Amendment No. (3), in the statement: “It is clear from the text of Article IV that all the rights of the absentee before he was considered an absentee are transferred automatically to the Custodian as soon as he takes ownership of the property.”¹⁸

Custodian of Absentees' Property has the authority to consider a person or body 'absentee'. As soon as the Custodian certifies that a person or a body is an absentee, they are considered as such unless it can be proven otherwise.¹⁹ This means that the Custodian's authority to seize property, transferring ownership of properties to itself, is absolute. In addition, the burden of proof that a person or body is not an absentee falls upon the one who claims that he, she, or it was not absent.²⁰ The court described this situation thus: “As soon as the Custodian issues a certificate of absence, the burden of proof of non-absence [on the land], likewise the Supreme Islamic Religious Council, moves to who makes this claim, who is then obliged to prove the contrary.”²¹

As noted previously, the term “release,” which the amendment used, allows the Custodian to transfer properties to the Boards of Trustees, committees that the law called the “Boards of Trustees of Islamic *Waqf*” and which were appointed, in practice, in the five mixed cities: Lydda,

17. Absentees' Property Law, Article 4 (b).

18. Civil Appeal 58/54 *Habab v. The Custodian of Absentees' Property*, 10 PD 918 (1956).

19. Absentees' Property Law, Article 30 (a).

20. Absentees' Property Law, Article 30 (a).

21. Civil Case (Nazareth) 1044/99, *Israel Lands Administration v. Muslim Waqf of Shefa`Amr*, 1043 (2003), retrieved from www.takdin.co.il on July 8, 2015.

Ramle, Jaffa, Haifa, and Acre. Allowing the transfer of properties to these boards was also, in practice, a deception in order to achieve two things.

First, it allowed the establishment of a new “Islamic” administration to collaborate with the regime in governing *awqaf* (Dumper, 1992, p. 90), thus legitimizing the complete dissolution of *waqf* as an institution and the transfer of ownership of these properties. Second, it transferred ownership of these properties into Jewish hands. The state financed the existence of the boards through what is called “substitution funds” (*kesfi ha-tmura*)²² that the Custodian received from the sale of properties over which it took ownership through the law. This allowed Israel to circumvent the appearance of taking possession of the Islamic endowments and selling them to itself, instead presenting itself as having paid “the value” to the Muslims themselves through their representatives—in the form of the Boards of Trustees or by finding cooperative elites who will themselves implement Zionist objectives and goals (Dumper, 1992, p. 99). Such elites may themselves sell these properties into Jewish ownership, especially as the law conferred to them the right to dispose of these properties, freeing them of any restrictions, conditions, or consideration of *shari`a* except in the case of mosques.²³ Examples of this include the sale of the Tasu cemetery in Jaffa, the attempt to sell the al-Jammasin cemetery and other cemeteries by the Jaffa Board of Trustees, and the Istiqlal cemetery deal in Haifa (see Natour, 2012, p. 175).

The Custodian distinguished between two types of *waqf* properties: religious and secular (Dumper, 1992). The bulk of those properties released by the Custodian to the Boards of Trustees have been those of a religious nature, since these do not generate revenue and thus do not constitute a basis for power. This keeps them from being activated as intermediary or representative institutions enjoying greater authority (Dumper, 1992). As for the other part of these properties, it is inalienable, because the

22. The budgets of the Boards of Trustees are based primarily on the value of the endowments sold, allocated to them by the Ministry of Religious Affairs to finance their expenses.

23. Absentees' Property Law, Article 29 (c).

majority is subject to the provisions of leases in perpetuity (*bachira ledorot*) or they are occupied by renters whose rights are protected under the Tenant Protection Law (Consolidated Version) 1972. This law precludes the possibility of evicting the tenants except in specific circumstances.²⁴ It is also noteworthy that most of these properties were “released” while being rented under terms agreed upon between the Custodian and the tenant, so their release remains subject to these prior contracts.

Resisting the seizure of Islamic properties

Reviewing Israel’s process of seizure of Islamic endowments, one immediately finds that this process was not one of confiscation but of usurpation. This is because confiscation and nationalization are measures that might be taken by the ruler in order to achieve the interest of the nation (*umma*) according to the concept of delegated interest (*al-maslaha al-mursala*)²⁵ —in other words, maintaining public safety can lead to sustaining private harm.²⁶ Thus, the just ruler is entitled to intervene in private ownership, and even its deprivation, in the public interest. This is provided that the public interest is served or that public harm is occurring or has a high likelihood of occurring and provided that there is no alternative to achieve the public interest except through the deprivation of private ownership (al-Faqi, 2003, pp. 73–74). As for usurpation, it is taking that which belongs to another through conquest and domination (al-Zayla’i, n.d., p. 221), without right (al-Faqi, 2003, p. 22). According to *shari’a*, it is the removal of the rightful hand by the false hand (Ibn ‘Abidin, 1979, p. 177). Ibn Qudama defined it as “the seizure of another’s property without right, and this is forbidden by the Book [the Qur’an] and the *sunnah* and

24. Although it does not protect the right of a tenant’s heirs, it does afford his widow who has lived with him in the rented house for a period of at least six months protection from eviction. This is also given to his children if he has no entitled widow, and other relatives provided that they were living in the house for six months prior to his death.

25. “Delegated interest” (*al-maslaha al-mursala*) is a benefit that the sovereign extends to his people, to protect their religion, their souls, their minds, their descendants, and their assets. See, al-Buti, 1967, p. 23.

26. See Article 26 of the Ottoman Medjella (Baz- Al-Libnani, 1923).

by consensus [*al-ijma`*]" (al-Maqdisi, 1994, p. 374). That which is usurped can include anything belonging by right to a person, whether property or prerogative (al-Faqi, 2003, p. 23)—or their yields (*manafi`*).

The Arabs, Muslim and Christian, resisted the process of usurpation of *waqf* properties. Conferences and demonstrations were held in Nazareth, Acre, and other Palestinian cities in Israel. Many newspaper articles gave voice to the Palestinians' outcry as well as sustained demands for returning the *waqf* to them. The *shari`a* court judges remained largely silent (Dumper, 1992, p. 76), for reasons that we will not go into in this short article, until 1985, when a brief sent in their name demanding the release of Islamic *waqf* properties marked a notable change in their position. The response of the Ministry of Finance was to reject this demand, claiming that the state had a right to exert its authority over the endowments, just as is the case in the countries of the Arab world.²⁷ This was followed by successive demands formally issued by the Office of the President of the Shari`a Court of Appeal²⁸ and through meetings with ministers, leaders of the government, and heads of state.²⁹ Though Israeli authorities have, for the most part, made some promises in this regard, they have not been implemented on the ground.³⁰

Among the notable activities of the *shari`a* court judges, and marking a turning point in their approach, was a meeting of the *shari`a* court judges in Nazareth on December 1, 1986. At this meeting they issued, for the first time, a statement denouncing attempts to attack the al-Aqsa Mosque and demanding that the government release all Islamic *waqf* properties

27. Correspondence from Uri Mankevetz, Israeli Ministry of Finance, to the president of the Shari`a Court of Appeal, September 22, 1985 (held by author). The *qadi* of Jaffa at the time, Judge Natour, responded with detailed correspondence refuting the claims and demanding the release of the endowments.

28. Judge Natour served as the Court's president from 1994 to 2014.

29. In response to the demand of the President of the Shari`a Court of Appeal made during the commencement ceremony for shari`a judges, head of state Shimon Peres announced the necessity of relieving the damage done to Islamic holy sites and promised to end the inequities that they are subject to (*Haaretz*, 2009), but nothing has changed.

30. President Ezer Weizman, for example, promised to open mosques that had been closed, but, despite being presented with a list of dozens of mosques, did not follow through on this promise.

and return them to their rightful owners.³¹ In addition, *fatwas* have been issued since 1987 to verify the sanctity of Islamic holy places seized. These oppose the *fatwas* that were issued by the judges before that, which had allowed the demolition and disposal of cemeteries.³² These new *fatwas*, which forbade the selling of *awqaf* and prohibited the use of holy lands except for their religiously proscribed purposes, are a cornerstone in the popular and judicial struggle of the Arabs against the seizure of Islamic endowments in general and of holy places specifically.³³ Likewise, Judicial Decree No. (1), issued by the president of the Shari'a Court of Appeals with the acceptance of the *shari'a* court judges, which prohibited the issuance of *fatwas* allowing the use of holy lands and buildings for uses other than their essential purposes, has become a reference in numerous suits presented by Islamic parties against the disturbance of *waqf* sites.³⁴

At the judicial level, the orientation of the Arabs toward the Israeli courts was initially on an individual basis.³⁵ However, it has started to take an organized form after the establishment of civil, popular, and legal institutions, such as Adalah, the al-Aqsa Foundation connected to the northern branch of the Islamic Movement, and the al-Aqsa Association affiliated with the Islamic Movement's southern branch.

Conclusion

In an attempt to exploit the land for Jewish settlement on the one hand, and in order to remove it from Muslim Palestinian Arab hands on the other, the process of seizing Islamic endowments began immediately after the establishment of the state of Israel. The tools adopted by Israel were

31. This meeting was held in the headquarters of the Nazareth Shari'a Court.

32. For more on this, see Natour (2012).

33. See, for example, Civil Case (Kfar Saba) 6005/04 Magistrate's Court of Kafr Saba (2004) (decision unpublished); Administrative Suit (District Court Tel Aviv-Jaffa) 2298/2005 *al-Aqsa Company et al. v. Tel Aviv-Jaffa Municipality et al.*, District Court Decision, 1162 (62).

34. Judicial Decree No. (1), issued on June 21, 1994, disclosure of appeals decisions, Interdisciplinary Center, Herzliya, 1995. See, for example, HCJ 52/06 *al-Aqsa Company for the Development of Muslim Waqf Properties v. Simon Wiesenthal Center et al.*, Supreme Court Decision (2008).

35. See, for example HCJ 69/55 *Bulus Hanna Bulus v. Minister of Development*, 10 (1) PD 673.

legislative, most notably the Absentees' Property Law of 1950, through which a custodian of absentees' land and assets was appointed. The original function of the Custodian was to maintain these properties as a trust; its role did not extend to the acquisition of ownership of the properties.³⁶ However, the Custodian disposed of the properties as if it was their owner, even before the abovementioned Amendment No. (3).

The Custodian has undertaken transactions of sale and long-term lease for *waqf* properties and worked with the body that was established specifically for this purpose under the name of the Development Authority to sell them. With Amendment No. (3) to the Absentees' Property Law, Islamic endowments and their properties were stripped of their *waqf* status completely. The Custodian institution became their full owner, free to dispose of them as it sees fit, including selling them to Jews. In doing so, the Custodian has subjugated Islamic endowments in order to strengthen the project of Jewish settlement in Palestine. The Supreme Court, in turn, legitimized this form of usurpation, under the pretext of maintaining the property of the absentees. The desired goal, however, is to enable the state of Israel, through its various institutions, to assert total control over these properties and to systematically pass them into Jewish hands. The court ruled:

The court has long acknowledged that maintaining absentee property is a genuine goal of this law (Civil Appeal 58/54, *Habab v. the Custodian of Absentee Property*), but I cannot accept that this is its only goal, or even its primary goal, and that the law has no other purpose (or nearly no) other purpose. Without expanding on the matter, it is possible to say that it is nothing less than that the law is designed to achieve the necessities of keeping the properties on behalf of their absentee owners and maintaining their interests. It is designed to achieve the interests of the state through these properties: the ability to exploit them to develop the country while preventing their exploitation on behalf of the absentee

36. HCJ 69/55 *Bulus Hanna Bulus v. Minister of Development*, 10 (1) PD 673.

according to the indications in the law and the ability to place hands upon them (or exchange them) until political arrangements between Israeli and its neighbors have crystalized, from which the fate of the properties will be decided on the basis of reciprocity between the states.³⁷

It is thus clear that equating the process of full and total acquisition of the property on behalf of the Custodian, its sale, and even its elimination after its transfer to Jewish hands while asserting control over it for the purpose of exchange during peace arrangements is cynical and misleading. The seizure of property as a deposit entrusted until peace arrangements are reached is a matter totally different than the disposal of these properties and the transfer of their ownership, and consequently their subjection in the service of Jewish settlement.

Israel's interest in Jewish settlement in accordance with Zionist ideology contradicts the interest of the Palestinian refugees and displaced persons to prevent the settlement of others on their land. The Court indicates that the properties have been seized pending the conclusion of agreements with the neighboring states. This suggests a recognition of the need to return the properties to their owners, rather than allowing the Custodian or the Development Authority to dispose of these properties with absolute freedom, including destroying them or completely changing their features.

On the other hand, the attempt to disguise this process of usurpation on the state's part, through the establishment of artificial bodies called the *Waqf* Boards of Trustees, and through the "release" of some of the properties to them, is a legal fiction. These Boards were not able to acquire standing in Muslim society for reasons related to the reputation of some of their members and what some of them have done in terms of neglecting sacred places through suspect dealings (see Natour, 2012).

As a result, a review of the decisions regarding the fate of these properties illustrates that they were taken forcibly, through domination and aggression,

37. HCJ 4713/93 *Golan v. Special Committee under Section 29 of the Absentees' Property Law 1950 et al.*, 48 (2) PD 638 (1994).

and not as delegated interest, whose basis is the interest of Muslims, or to defend Muslims from real danger or to secure benefit for them. Likewise, they were not taken as confiscation or nationalization in the public interest in its modern conception or from the point of view of civil law. Rather, they were usurped or seized to serve Jewish settlement.

In sum, Israel seized Islamic endowments through a process of direct usurpation, through its various arms, to subjugate them in the service of the Zionist settlement project.

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The Palestinians in Israel

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Palestinians in Palestinian cities in Israel: A settler colonial reality

Areej Sabbagh-Khoury

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Palestinians in Palestinian cities in Israel: A settler colonial reality

Areej Sabbagh-Khoury*

A portion of the Palestinian population in Israel lives in what are known today as “mixed cities,” or Palestinian cities prior to the Nakba (catastrophe; for more information, see “The Nakba” in Volume I) before Zionist military forces expelled the majority of their inhabitants, turning those who remained into a minority. Conversely, the Jewish inhabitants of these cities—Haifa, Acre, Jaffa,¹ Lydda, and Ramle—and the Jews who flocked to them after 1948, become a clear majority.²

In this chapter, I refer to the five above-mentioned cities as “mixed cities” in quotation marks because while this term is commonly used today to describe these cities, it disregards their Palestinian history. In fact, the earliest mention of the term “mixed cities” was by a Zionist Jewish Labor

* Dr. Areej Sabbagh-Khoury is a research associate at Mada al-Carmel—Arab Center for Applied Social Research. Sabbagh Khoury is also a Postdoctoral Fellow at the Center for the Humanities at Tufts University and Assistant Professor at the Department of Sociology and Anthropology at the Hebrew University.

1. Today Jaffa no longer has the status of an independent city. Unlike the other “mixed cities”, it was merged with the Jewish city of Tel Aviv, thus becoming Tel Aviv-Jaffa.
2. In addition to these cities, there are two towns that are classified in the official annual Statistical Abstract of Israel as “mixed towns”: Nazaret Illit and Ma’alot-Tarshiha. The town of Nazaret Illit was founded in 1956 as a Jewish “development” town on the lands of Nazareth and its neighboring Arab villages (such as Kufr Kana, Reineh, and Ein Mahel), to geographically overlook Arab Nazareth and preclude its expansion. Huge gaps exist between Nazaret Illit and Nazareth in infrastructure, quality of life, standard of living, and the area of land that falls within their jurisdiction (see the chapter discussing “Jurisdictional Area of the Arab Communities in Israel” in this volume). Because of the shortage of land, especially the lack of land allocated to construction in Nazareth and the neighboring Arab villages, a few Arab residents of Nazareth and neighboring Arab villages moved to Nazaret Illit due its better quality of life. Issues and problems facing these Palestinian residents differ from those faced by Palestinian residents of other “mixed cities” which were originally Palestinian cities. Tarshiha is an Arab village that was merged with Ma’alot (a Jewish town) in mid 1960s. Thereafter, the town became officially known as Ma’alot-Tarshiha. It should be noted that Palestinian residents of the village of Tarshiha had objected to the official merging on a variety of grounds, including the fear that the village’s lands would be confiscated for the benefit of Jewish citizens living in Ma’alot.

politician in the 1940s in an attempt to describe the situation of a Jewish minority under Palestinian majority rule (Monterescu & Rabinowitz, 2007). Nowadays, Israeli Jews usually refer to these cities as Jewish cities, although the term “mixed cities” is sometimes used in Hebrew by official institutions and in statistical compendia to denote these cities as a group. According to Monterescu and Rabinowitz (2007), a systematic review of the Arabic daily newspaper *Al-Ittihad* from 1944 to 2007 unearths no mention of the term “mixed cities”; instead, they were referred to as Arab towns. According to the authors, Palestinians living in the “mixed cities” began to use the expression during the 1990s, resorting to the language of rights to address their needs vis-à-vis the state and the municipal authorities of these cities. The five above mentioned cities were all perceived as Arab cities. Although Monterescu and Rabinowitz found that these cities were referred to as Arab cities in *Al-Ittihad*, the memory of them as Palestinian cities and as Palestinian urban spaces became absent from Palestinians’ ‘official political discourse’³ with the state of Israel for many years.⁴ This is, in fact, a manifestation of settler colonial situations, in which the colonial authorities endeavor to erase the history and the memory of the indigenous population by employing mechanisms of continuous surveillance and control. It is worth noting that the memory of these cities as Palestinian cities has recently been revived in the ‘official political discourse’ and in the collective memory of the Palestinian political and cultural elites in Israel, a transformative process that can be described

3. By ‘official political discourse’, I mean the discourse of the political parties, the Palestinian political institutions, and civil society organization in the articulation of their political demands and the political agenda that these parties and organizations have developed in their relations with the Israeli state. It differs from the ‘unofficial political discourse’, by which I mean that which exists in the private sphere, in internal politics, in the family, and in literature, poetry, and art (Sabbagh-Khoury, 2010).

4. Hasan (2008) notes in this context, that the Palestinian city, its history, and its role disappeared from the collective memory of Palestinians in general. Additionally, she writes that the Palestinian national consciousness was generally founded on the rural memory. Hasan argues that because of the destruction of the cities, the urban life that existed in Palestine became absent in the consciousness of Palestinians in Israel. Instead, their consciousness became rural because they were left without a city and without a collective urban center. Hasan’s research broadly focused on the impact of the destruction of the Palestinian city on the status of women, and on gender relations among the Palestinians in Israel in light of the “absence of the city” and the existence of a rural consciousness.

as decolonizing the consciousness of the colonized.⁵

The majority of the Palestinians who remained in Palestinian cities after 1948 were the remnants of the original inhabitants—those who did not leave the cities during the Nakba. They were, however, displaced to certain neighborhoods within these cities, and hoped to return to their own homes once calm had been restored. The other Palestinian inhabitants of these cities had been displaced from neighboring Arab towns and villages and were not permitted by the Israeli authorities to return to their homes in their original towns (Kamen, 1998). In the 65 years since the Nakba, the number of Palestinians living in the “mixed cities” has increased as young, married Palestinian couples have relocated from the Arab villages in search of work and a better cultural and economic living standards. Many of them have chosen to live in the new Jewish neighborhoods. The Palestinians in Arab residential neighborhoods face various crises and forms of oppression as a result of the state’s policies of Judaizing the space and minimizing the number of the Arab residents in these cities.

Research conducted by the Galilee Society indicates that in 2010, 34.2% of the Palestinian residents of the “mixed cities” were Internally Displaced Persons (IDPs) (The Galilee Society 2011, p. 86; see "Internally Displaced Persons" in *Volume I*). A survey from 2004 indicated that 28.2% of Palestinian residents of “mixed cities” were IDPs, of whom, 85.9% had been displaced in 1948; compared to 10.3% who were displaced between 1949 and 1967, 3.2% who were displaced before 1948, and a small percentage, approximately 0.6%, were displaced after 1967 (The Galilee Society & Mada al-Carmel, 2005, p. 78).

5. It is worth mentioning that the history of displaced villages was also not collectively present in the ‘official political discourse’ until the mid-1990s (for more details on the evaluation of the collective memory of Palestinians in Israel see Rouhana and Sabbagh-Khoury, 2014).

Table no. 1: Palestinian population in the “mixed cities”- 2010

Note: Numbers in 1000s (unless stated otherwise)

City	Arab population	Jewish and other population	Total population	Percentage of Arab population
Haifa	27.1	240.9	268.2	10.1%
Tel Aviv-Jaffa	16.2	388.1	404.3	4%
Lydda	19.1	51.3	70.4	27.1%
Ramle	14	52.2	66.2	21.1%
Acre	13.88	32.72	46.6	29.8%

Retrieved from the Israeli Central Bureau of Statistics website (http://www.cbs.gov.il/webpub/pub/text_page.html?publ=58&CYear=2010&CMonth=1#100) on February 1, 2013.

By the end of 2010, the total Palestinian population in the five “mixed cities” (Haifa, Lydda, Acre, Ramle, and Jaffa) had reached approximately 90,280, i.e. around 10.55% of the total population of these cities and 7.2% of the total Palestinian population in Israel. The later population had grown to around 1,254,600 by the end of 2010, excluding the Arab population of Occupied East Jerusalem (which numbered 296,300), and the Occupied Syrian Golan Heights (which numbered 22,900).⁶

Israel’s settler colonial policy toward Palestinian cities and their Palestinian residents

Israel pursues settler colonial policies towards the Palestinians in Israel. Since the Nakba, the state of Israel has striven to erase the presence and the history of the Palestinian living in its territory. Wolfe’s (2006) observation that, “settler colonialism a structure rather than an event,” (p. 390), neatly sums up these policies. In my view, this description captures the nature of the Zionist project in Palestine, a project that began with the

6. Data retrieved from Central Bureau of Statistics web site on February 1, 2013: Table 2.1 (http://www.cbs.gov.il/shnaton63/st02_01.pdf); Table 2.7 (http://cbs.gov.il/reader/shnaton/templ_shnaton.html?num_tab=st02_07x&CYear=2011); and Table 2.15(http://www.cbs.gov.il/webpub/pub/text_page.html?publ=58&CYear=2010&CMonth=1#100).

Zionist movement and continues through the Israeli state. Israel's general policy toward Arabs living in "mixed cities" is not different from its policy toward other Palestinians in Israel (Bashir, 1998; Dabit, 2002; Zureik, 1997): they are politically controlled, the economic foundations of their community have been destroyed, and they have been made dependent in most areas of their—on Jewish localities (Bashir, 1998).

Given Israel's consistent Israeli policy of Judaization in these cities, Yiftachel and Yacobi (2003) refer to them as 'ethnocratic cities' and describe them as sites of ongoing ethnic conflict and instability (p. 674). Furthermore, despite the similarities between Israel's policies towards Palestinians living in the "mixed cities" and towards Palestinians in Israel in general, what distinguishes the former—apart from the oppression that all Palestinians in the country experience—is the fact that they are an Arab minority living in a society in which the Israeli establishment via its local institutions, dominates all aspects of public life. In the "mixed cities", the Jewish establishment dictates the parameters of the public space by defining the contours of the cultural, residential, social, economic, and political landscape. Although the Israeli establishment controls the public space in other non-mixed, all-Arab towns and villages via the planning process, construction, infrastructural maps, budgets, and master plans within their jurisdiction (see "National Planning Policy in Israel" in this volume), their Palestinian residents nonetheless enjoy some form of autonomy and control of some local institutions. They maintain sense of an Arab public sphere, albeit a limited or conditioned one. There is a sense of belonging to the general atmosphere of the town or village, and of an ability to influence the local governance and shape the general landscape. Despite chauvinism and internally-driven, clan-based and sectarian divides, there is some space for collective cultural practices to flourish. This relative autonomy, generally speaking, is unavailable to Palestinians in the "mixed cities," or in the best scenario is difficult to practice. The Israeli establishment implements a pursues an exclusionary policy towards them, attempting to tighten the stranglehold around them, and sometimes (in Acre, for

example) displaces them from their own homes, with the aim of Judaizing these cities.

The implementation of settler colonial projects in the Palestinian cities seeks to erase their Palestinian history and geography and turn them into Jewish cities. After the Zionist military organizations expelled the majority of the Palestinian people, the state of Israel began to pursue policies aimed at controlling and Judaizing the space by exercising its control over the land, minimizing residential areas in the Palestinian towns and villages, and, in other cases, by continuing the process of displacement (Massalha, 1997). Furthermore, the various Israeli authorities destroyed the majority of Palestinian villages and displaced their inhabitants, preventing the return of the displaced and seizing their land, property, and crops.⁷ The policy that was pursued in the Palestinian cities differed to some extent, insofar as they were not destroyed. Rather, the houses and buildings they contained were used to settle Jewish immigrants. According to Morris (2000), from the foundation of the Israeli State until 1949, 126,000 (66%) of the 190,000 Jewish immigrants who arrived in Israel were settled in 'abandoned' Palestinian houses in 'mixed cites' (cited in Yacobi, 2002, p. 175). Some of these homes and neighborhoods are still standing, either inhabited or under constant threat of demolition.⁸

The Nakba, which befell the Palestinian people in 1948, was one of the major components that shaped the collective experience of the Palestinian inhabitants of these major Palestinian cities, as well as their political, social, and economic circumstances. Following the Nakba, the Arab populations of these cities, along with the other members of the Palestinian community who remained in the Arab towns and villages,

7. With some exceptions, such as the village of Ein Haud, whose Palestinian homes and properties were retained after the Nakba and converted into an artistic village for Israeli Jews that is called, in Hebrew, Ein Hod (Slyomovics, 1998). On the demolition of Palestinian villages, see Golan (2001).

8. In this context, Golan indicates the need for buildings in the cities and their periphery due to the large number of Jewish immigrants settled in cities compared to those settled on Palestinian village land. For more details on the process of taking over Palestinian towns by the various Israeli institutions, see Golan, 2001).

were placed under military government (see “The Military Government” in *Volume I*).⁹ While the military government was imposed on most of the populated Arab towns and villages from 1948 to 1966, it was lifted from “mixed cities” in 1949, except in Acre, where it was lifted in June 1951 (Kaufman, Kabha, Ozacky-Lazar & Baumel, 2007, pp. 314-315). One of the goals behind the imposition of military rule was to prevent the Palestinians living in the Arab towns from returning to their original homes (Jiryis, 1973; Masalha, 1997; Masalha, 2003). In addition, imposing the military government aimed to concentrate the Palestinian population in cities within isolated areas, as demarcated by the Israeli authorities in each city. This policy of separation explains the contemporary residential distribution in these cities, where the majority of the Palestinian residents live in separate neighborhoods. The concentration and isolation of Palestinian residents was part and parcel of the general Israeli policy of separating off the Palestinian minority, who remained in their homeland after the Nakba, from the Jewish population (Yacobi, 2002; Zureik, 1979). From this perspective, these cities are not ‘mixed’ cities in the common sense of the word, since most Arabs and Jews live in almost separated neighborhoods and study in separate schools, with the exception of a small percentage of Arab pupils who study in Jewish schools. Social and cultural interactions between the Palestinian and Jewish residents of these cities likewise remain limited. Thus, the name “mixed cities” refers to the mere fact that Arabs and Jews in the same city, but does not reflect their present-day current cultural, economic, or political realities of these cities. Since its establishment, Israel has striven to prevent Palestinian geographical contiguity within its borders. This policy stems not only from its fears of potential demands by Palestinians in Israel for geographical autonomy, but also from a desire to hinder the political, social, economic, and cultural reconstruction of the Palestinian community as a national

9. The military government and the imposition of a military rule were confined to those areas in Israel that had a majority Palestinian population and were not applied in Jewish areas, despite the fact that laws themselves did not overtly distinguish between Jewish and Arab citizens (Jiryis, 1976; Masalha, 2003, pp. 150-156).

group. Geographical contiguity has been precluded by several means, such as establishing Jewish settlements in the areas between Arab towns and villages. Although the stated objectives of the military government did not include preventing continuity between the various sections of the remaining Palestinian community within Israel, the application of the military government led to the de facto isolation of the Arab residents of the “mixed cities” from the rest of the Palestinian population in the Galilee, the Triangle, and the Naqab. Such isolation was less acute in Acre and Haifa due to their close proximity to the Galilee region, where the opportunity for political, social, and cultural interaction with the Arab population in the Galilee reduced the intensity of their isolation. Although the military government ended in 1966, its impact continues to be felt to some extent even today, particularly regarding in the weakened connections between Palestinians in Israel living in the Galilee, the Triangle, the Naqab, and the coastal areas, and those Palestinians living in “mixed cities”. Naturally it is also continues to affect the lives of the Palestinian citizens living in the “mixed cities”.

At the level of national and local leadership, Israel implements its policy in all areas populated by Palestinians in Israel through drafting local and national plans for the state as a whole, and regional plans, such as its plans for Judaizing the Galilee, the Triangle, and the Naqab (Khamaisi, 2006; Masalha, 2003), and through the planning and building laws (Khamaisi, 2006). Israel also implements a policy of Judaizing the space vis-à-vis some Palestinians living in the “mixed cities” with the aim of reducing the number of their Palestinian residents, and sometimes of displacing them to neighboring Arab villages, employing various means to impede their development, such as preventing them from renovating homes that are on the verge of collapse. For example, the restrictive policies pursued against the remaining Palestinian residents in Acre have led some of them to leave the city for nearby villages such as Makr, Judeida, and Kafr Yasif). Yacobi (2002) reports similar policies of inhibiting development and encouraging Arab citizens to leave their places of residence in Lydda (p. 183).

Some experts assert that Israel is pursuing a policy of “cleansing the space” based on ideological considerations, coupled with the exercise of its control over the land, the population, and its citizens’ places of residence. The state justifies its policies of geographic division, land ownership, and state confiscation of land on the pretext of “public interest” or “security needs” (Zureik, 2001).¹⁰

Additional consequences of Israel’s settler colonial policies include the altering of Palestinian landmarks via various means, such as changing the Arab names of streets various means, such as changing the names of Arabic streets, demolishing the houses of Palestinian refugees and IDPs, or transforming them into Jewish neighborhoods, thereby Judaizing them and erasing their Palestinian history. Such is the case, for instance, in the artists’ quarter in Jaffa, and in the Wadi al-Salib neighborhood in Haifa where the Israel Land Administration (ILA) seeks to demolish many Arab buildings whose inhabitants were expelled during the Nakba in 1948 in order to construct residential homes, buildings and workshops for Israeli Jewish in their place.

Palestinians in the “mixed cities” share the same economic, political, and organizational space as their Jewish inhabitants; however, different level of services are provided to the Arab areas of these cities. This issue intersects with the general Israeli policy of imposing restrictions on the residents of some neighborhoods in an attempt to induce them to move away. In some cases, the Israeli establishment encourages Palestinian citizens to leave certain cities by offering mortgages to those who show willingness to relocate to an Arab village, in order to accelerate the process of expelling them from these cities (Bashir, 1998).

10. In Israel’s political discourse, the concept of “security” is used in the contexts of land control, IDPs and refugees, and “achieving” a Jewish majority. Rouhana (1997) states that the security threat is no longer exclusively limited to the military sphere; rather, the ruling political elite employ the term in social and political contexts, due to its mobilization capacities within Jewish society in Israel, which is deeply inherent to the origins of establishing the Jewish state in Palestine, in colonizing the lands of the Palestinian people and expelling the majority of them. When using “security” to justify their policies or actions, those elites draw upon the tragic history of the Ashkenazi Jews in European countries, in terms of the Holocaust, persecution in Europe, and anti-Semitic tendencies towards them.

It is important to note that no detailed demographic information on the Arabs living in “mixed cities” is made available by Israel’s Central Bureau of Statistic, including its annual publication on Local Authorities in Israel (which provides detailed demographic and socioeconomic data on towns and villages). This can be interpreted as an attempt to conceal the harsh living conditions of the Arab population in these cities and to portray them as Jewish cities with no significant collective presence of Palestinians, on the other. Thus, producing detailed data on the Palestinians in each “mixed city” may reveal a collective or representational presence that the Israeli establishment is currently trying to suppress.

The housing conditions of Arabs in the “mixed cities” and the legal status of the residents’ property

Arab areas in the “mixed cities” are typically overcrowded and contain poor housing (Bashir, 1998; Zureik, 1997). Some houses in these areas are on the verge of collapse and some of the roads are unpaved and beset with health hazards. The municipalities of these cities have neglected roads that are unpaved and hazardous. The municipalities of these cities have neglected houses in Arab neighborhoods, resulting in deteriorating conditions which have turned some into poverty-stricken neighborhoods.¹¹ Although there are some Arabs in these municipalities, their influence is limited and their role is marginal. Arab municipal councilors are excluded from planning processes, in a manner consistent with the state’s policy of excluding Palestinians from public planning and with the state’s general stance that the Arabs impedes the development of the Jewish demographic space (Jabareen, 2001).

As noted above, most of the Palestinians who remained in the Palestinian cities were expelled from their homes and forced out of their original

11. The Municipality of Acre categorized the Old City of Acre as having among the highest population densities in the world; approximately half of the families living in the Old City (which is inhabited by Arab citizens) live crowded together in a single room, with an average of eight persons per room (Zureik, 1997).

neighborhoods for various reasons. Under the “Emergency Regulations of Absentees’ Property of 1948” (see “Emergency Regulations” in *Volume I*), and in accordance with the “Absentees’ Property Law of 1950,” the state considered Arab property in “mixed cities” to be “Absentees’ Property,” (see “Palestinian Refugees’ Property in ‘Their Own Land: Politics of Absence and Alienation” in this volume,)), unless the owners of the property were able to prove they were not absentees in accordance with the definition contained in the law. However, Arab citizens have rarely succeeded in proving this in the Israeli courts (Jiryis, 1976; Munayer, 1998). Some of the Palestinians who remained in these cities moved into the homes of refugees who had been expelled from the city. They often had to pay rent to the Israeli Custodian of Absentee Property, but were not recompensed for the original homes that they were expelled from in the same city.

The Israeli authorities assign ownership of the majority of Arab houses and real estate in the “mixed cities” to housing associations affiliated with governmental institutions, invoking several laws to divest Arab citizens of the property or to impose restrictions on its use. The largest dispossession operation of land and property belonging to Palestinian refugees and IDPs, including the residents of the “mixed cities,” was achieved through the Absentees’ Property Law of 1950 (Masalha, 2003).

Munayer (1998) gives an example of the process of appropriating Palestinian property in the city of Lydda, where land and buildings were registered in the name of the Office of the Custodian of Absentee Property, which became known as the “Office of Abandoned Property.” After this office seized the properties, it began to refurbish them and make them suitable for habitation, and then to lease them out for a symbolic rental fee to families of Jewish immigrants. The land and property of the Palestinian IDPs living in Lydda was likewise considered to be Absentees’ Property, despite the fact that some of its owners had remained in the city. The Israeli authorities claimed not to know the identities of the

owners of this land and property, and argued that the burden was on the owners, if they could be found, to prove their ownership by furnishing the relevant paperwork. This requirement was not feasible for the people who had been displaced from the city of Lydda for several reasons. Some of them had been unable to bring these documents with them during their expulsion. In other cases, Jewish immigrants had moved into the houses, the documents had been lost, and their owners were unable to locate them. Furthermore, even in those cases where displaced persons from Lydda had been able to provide the required documentation and certificates for the payment of governmental taxes and to prove their ownership of their land and homes before the courts, by the time they had done,, several months had passed since Jewish immigrants had taken possession of their homes, which created a *fait accompli* (Munayer, 1988, pp. 143-144).

Approximately 70% of the Arab residents of the “mixed cities” rent their houses from housing associations affiliated with Israeli governmental institutions. In general, the leasing agreements made with Arab residents do not permit renovation or home improvements, except with prior approval of the housing association; requests submitted by Arab citizens are frequently rejected. In addition, with the absence of financial support, tenants find it difficult to save money for this purpose. Consequently, the housing conditions of the majority of the Arab population in the “mixed cities” have declined to their current state. Once these housing units become unsuitable for habitation, the Ministry of Housing usually seals them up or demolishes them. Sometimes the housing association refurbishes the buildings or demolishes them and then constructs new residences for Jewish immigrants in their place. There were many high profile cases of this practice in the early 1990s, particularly in the city of Acre following the influx of large numbers of Jewish immigrants from the former Soviet Union (Bashir, 1998). It should be noted that what is occurring in Acre is just an example of what is also happening in some of the other “mixed cities.”

Civil society, political parties, and the revival of the Palestinian cities

Due to the poor living conditions of Palestinian citizens living in the “mixed cities,” and the deliberate absence of state institutions, over the last three decades, civil society has begun to act through the existing associations in these cities¹² (for more information on the work of civil society organizations in the Palestinian community, see “Palestinian Civil Society in Israel” in this volume). These associations operate in the “mixed cities” in various fields, including education; housing; law; renovation of old houses; cultural activities (including music and theater); feminist action; research; preserving the Palestinian identity of the space; and submitting alternative planning proposals to those drafted by the planning institution. These associations offer assistance to Arab citizens in various areas, by helping them to formulate their requests to governmental and judicial institutions, and attempting to challenge the spatial and cultural Judaization plans of these cities.

In addition, some organizations are working to revive the memory of these cities, as Palestinian cities, following their absence from the “official political discourse” and from the collective consciousness of the Palestinians in Israel for various reasons that are beyond the scope of this chapter. As part of their effort to revive the collective memory of the Nakba and its consequences for the destruction of the space and culture of Palestinians in the Palestinian towns and villages, groups and organizations are now mobilizing to commemorate these cities as Palestinian cities in the collective consciousness in various ways. Examples of their activities are arranging tours to Palestinian neighborhoods in these cities in order to learn their history, and organizing commemorative days to mark their establishment. These activities are part of wider Palestinian activism for the revival and archiving of Palestinian history. Similar visits have begun

12. For example: the Social Development Committee (SDC) of Arabs in Haifa; the Committee of the Halisa neighborhood in Haifa; al-Yater Association for Social and Cultural Promotion in Acre; Acre Women’s Association—Dar al-Tifl al-Arabi; the elected Islamic Committee in Jaffa; the League of Arabs of Jaffa; al-Sabar Association, which is active in Lydda and Ramle; and other associations and civil society organizations.

to be made to the Arab neighborhoods of the mixed cities.

In addition, the last few years have seen the growing presence of Arab political parties in the “mixed cities”, where they have challenged Israel’s policy of demolishing Arab houses designated as ‘unauthorized’. The Arab parties are becoming increasingly interested in the issues and conditions of the Palestinian residents of these cities.¹³ The discourse on the history of these cities as Palestinian cities is also gaining traction among the leadership of some the political parties, as evidenced by the campaigns for the October 2013 local municipality elections, which raised the history of these cities as Palestinian cities.¹⁴

Since the end of the 20th century, several books on the history of Palestinian cities have been published within a series by the Institute for Palestine Studies under the general title Series of Palestinian Cities (see, for example, Ghanayim, 2005; Munayer, 1998; Saied, 2008; Seikaly, 1997), an area of study that had been relatively unexplored (Hasan, 2008).¹⁵ Mada al-Carmel: Arab Center for Applied Social Research contributed to this Palestinian endeavor by producing an issue on Jaffa for the Journal of Palestine Studies, which was published in Winter 2013 under the title of “Yaffa (Jaffa): Roots, Home, and Homeland.”¹⁶

Conclusion

In this chapter, I have offered a a glimpse of the experiences of those Palestinians living in Israel who live in Palestinian cities that have come

13. See, for example, Arabs48. (2007, February 1). “The National Democratic Assembly” (NDA) raises the issues of the mixed cites: Knesset member Zahalka: The governments change and the discrimination continues. Retrieved from arabs48.com/?mod=articles&ID=42757; and the study conducted by NDA, al-Ali, S. (2013, April 13). Tajammo’a initiative: A study day about the Prawar plan and the mixed cites. Retrieved from <http://arabs48.com/?mod=articles&ID=98978>.

14. See, for example, interview with the fourth nominee in the NDA list for the local municipality elections in Haifa on website of Bokra. (2013, October 11). “Nominee Afann Eghbaria to Bokra: The importance of the historical narrative of Haifa.

15. For more information, see Hasan, 2008.

16. See: Shalhoub-Kervorkian, N. (2013). A special issue released on Yaffa (Jaffa): Roots, home, and homeland. Retrieved from <http://mada-research.org/en/2013/01/25/a-special-journal-issuereleased-on-yaffa-jaffa-roots-home-and-homeland-arabic/>.

to be known as “mixed cities,” in order to cast light on the difficult living conditions they experience as a result of Israeli’s policies of settler colonialism. The Israeli establishment constantly strives to exclude Palestinians from these cities and to make their continued existence there difficult. In addition, I addressed Israel’s ongoing policy of Judaizing these cities, of exercising its control over them, and its attempts to remove Palestinians from them and erase them from their history. Because these cities have been absent as Palestinian cities from Palestinian “official political discourse” and collective consciousness, since the advent of the Nakba, so the role that these Palestinian cities had begun to play—along with the Palestinian middle classes that lived in them prior to the Nakba—in building and enriching the Palestinian national and cultural identity, was also absent for many years after 1948. I further contended that there has been a change in this regard. The Palestinian history of these cities has begun to reappear in the ‘official political discourse’ thanks to the work of Arab political parties and civil society organizations active in some of these cities.

Finally, this chapter could not broadly address the lives of Palestinians in “mixed cities” in detail, in areas such as construction, education, culture, living standards, housing, etc., a task that would require several more exhaustive studies evaluating each city separately. Rather, this chapter has attempted to highlight some of the common factors that unite the “mixed cities,” while remaining attuned to differences in the conditions of the Palestinian residents living in each of them.

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The Palestinians in Israel

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Jurisdictional Area of the Arab Communities in Israel

Yousef Jabareen

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Jurisdictional Area of the Arab Communities in Israel

Yousef Jabareen*

In Israel, the setting of jurisdictional borders, a principal tool of land policy, is designed to divide control of land among communities and according to national-ethnic affiliation, that is, between Jews and Arabs. The rapid expropriation of Palestinian land in the first years of the state of Israel was followed by a policy of setting the jurisdictional area in a way that creates the almost final institutionalization of control by Jewish communities—be they regional councils, municipalities, or local councils—on state land.

This article analyzes the jurisdictional area of Arab communities in Israel, by comparing it with the jurisdictional areas of Jewish communities in the state. A brief discussion of the problems inherent in the limited jurisdictional areas of Arab towns and villages follows, and the article concludes with recommendations on how to change current policy and set jurisdictional borders in a more egalitarian way.

The jurisdictional borders of a local governmental authority demarcate the land under its municipal control and administrative responsibility. Residents come within the jurisdiction of a given local authority if the authority grants them rights (such as the right to vote and to run for office) and imposes obligations on them (taxes and fees, for example) as set by law, or provides services to them in the framework of the jurisdictional area. Demarcation of the jurisdictional area is a major element in town planning and development: It generally affects the town's economy, employment, revenues of the local authority itself, residential development, social and cultural services, and the local environment.

* Professor Yousef Jabareen is a senior lecturer in the Faculty of Architecture and City Planning, at the Technion – Israel Institute of Technology.

The jurisdictional area of Israel's local authorities generally reflects the geopolitical conditions at the time the local authorities were shaped—the period following the 1948 War and the Palestinian Nakba (see “Nakba” in *Volume I*). It expresses, therefore, the balance of power between the two national groups: the ruling Jewish group and the Arab group that was devastated by the war, the expulsion, and the Nakba.

The vast majority of land in the state lies within the jurisdictional area of the local authorities. The boundaries were primarily shaped in the first two decades of the state, particularly at the end of the 1940s and in the 1950s (Hasson & Razin, 1990; Razin, Hasson, & Hazan, 1994). Geopolitical considerations determined, and continue to determine, the setting of the borders of towns and villages. The state's objective has been to limit the space of Arab communities, to maintain absolute control of Arab-owned land, and to expand, as much as possible, the jurisdictional area of Jewish communities at the expense of the livelihood of the state's Arab citizens (Falah, 1990; Yiftachel, 2006). The new state adopted a policy aimed at achieving rapid control over the spoils of war—the land of the Arabs and of Arab villages that were destroyed or were empty due to the Nakba.

Immediately after the founding of the state of Israel in 1948, a military government was imposed on the Arab population, which lasted until 1966 (see “Military Government” in *Volume I*). The military government had extensive powers: It could confiscate property, demolish buildings, towns, and villages, deport residents, and expropriate Arabs' land. Since the Arab population at the time had been devastated and was living under a military regime, wide-scale expropriation and dispossession could proceed easily.

The expropriation and dispossession continued until the 1970s, by which time the Arabs had lost most of their land, leaving them with 2.1% of the land in the state. It should be noted that, in 1948, the Arabs controlled most of the land; the Jews held a small percentage, despite their attempts to buy land and despite their settlement efforts. Today, some 93% of the land in the state is classified “Israel lands.” These lands include land

owned by the state (69%), by the Development Authority (12%), and by the Jewish National Fund (JNF) (12%) (see “The Jewish National Fund” in this volume).

In 1948, the JNF held no more than 6% of the land.¹ Most of the Arab land, therefore, was expropriated during the period of the military government, and it was during that period that the borders of the Arab communities—covering a much smaller amount of land than they had at the time the state was established—were set.

As a result of Israel’s geopolitical land policy, the jurisdictional area of Arab communities in the country does not include all the land owned by their Arab residents. This is especially true of the land bordering the towns and villages. In many cases, these lands are within the jurisdiction of Jewish regional councils. For example, land adjacent to the Arab town Umm el-Fahm is owned by town residents, but the land lies within the municipal jurisdiction of the Emek Yizrael Regional Council, and not within that of the Umm el-Fahm municipality.

Furthermore, the jurisdictional area of Arab communities includes, in addition to land owned by its residents, land classified as “absentee-owned land” or as “state land” that the Israel Lands Administration administers. These lands, which were expropriated from Arabs at the time of the state’s founding, have been used in recent years for public purposes and for the building of new residential neighborhoods, such as Build Your Own House projects in Umm el-Fahm, Fureidis, Fardis, and Sajur (Jabarin & Lu-Yon, 1998).

In Israel, the national government—in which Arabs are not represented and over which Arabs have no meaningful influence—must approve any change in the jurisdictional borders of a local authority. The minister of the interior has complete discretion in this matter, though he is required to hear the opinions of the relevant parties and must consider

1. The figures on the scope and ownership of the land are taken from Gavison and Grady-Schwartz (2004).

the recommendation of an ad hoc advisory committee for changes in jurisdictional area. When a request for a change is made, the minister may summarily deny it or may appoint a committee to examine the matter. The committee is required to provide its recommendations within a prescribed period of time (Ministry of the Interior, Government of Israel, 1998).

A few Arab authorities have managed, after campaigning for years, to expand their jurisdictional areas slightly; examples are Nazareth and Sajur. Other Arab communities have failed in their attempt to expand their borders, despite their deplorable condition due to the lack of land for development.

The land in the state of Israel is divided, with respect to jurisdictional area, into three municipal categories: municipalities, local councils, and regional councils. The regional councils account for only 9% of the state's population but control 81% of the land. These lands include farmland and industrial areas filled with factories that provide income for the regional councils.

For example, the Ramat Hanegev Regional Council, the largest regional council in Israel, covers 4,432,000 dunams [4,432 square kilometers]. In 2010, it had only 4,900 (Jewish) residents (Central Bureau of Statistics, Government of Israel, 2011). Its land area is 270 times greater than that of Nazareth, the most populous Arab town in Israel; in 2006, Nazareth's jurisdictional area covered only 15,600 dunams [1.56 square kilometers] and its population was 72,000 (CBS, 2011).

The second largest regional council is Tamar Regional Council, with 1,675,000 dunams [1,675 square kilometers] and a (Jewish) population of only 1,300 (CBS, 2011). The income of the regional council comes from Dead Sea enterprises, nuclear research, Dead Sea hotels, and other enterprises spread over its extensive land area.

The gap in size of jurisdictional area between Jewish and Arab communities is enormous, to the disadvantage of the Arabs (see Table 1). In 2005, Arab

authorities controlled only 3.2% of the land in Israel, while comprising about one-fifth of the country's population (CBS, 2006a, 2006b). It should be noted that land within Arab communities is not owned only by Arabs; some is state-owned. Thus, land inside Arab communities accounts for less than 3.2% of the land in the state.

Table 1: Division of jurisdictional area and population in Israel by ethnic nationality, statewide

[1,000 dunams = 1 square kilometer]

	Jurisdictional area in 1995 (dunams)	Jurisdictional area in 2005 (dunams)	Jurisdictional area in 1995 (percent)	Jurisdictional area in 2005 (percent)	Population in 2005 (percent)
Jewish authorities	18,695,947	18,738,874	90.6	91.1	79.5
Arab authorities	591,785	669,020	2.9	3.2	20.5
Areas without municipal jurisdiction	1,348,330	1,185,540	6.5	5.7	0.0
Total	20,636,062	20,593,434	100	100	100

Note: The data are based on the physical dimensions of the local authorities in 2006, as they appear in CBS (2006b).

In the Northern District, the situation of Arab communities in this regard is especially dreadful, because Arabs are the majority. In 2005, the Arab population accounted for 52.2% of the district's population (609,000 Arabs, versus 557,400 Jews). Despite this, Arab governmental authorities held only 12% of the district's land (see Table 2).

Table 2: Division of jurisdictional area and population in Israel by ethnic nationality, Northern District

[1,000 dunams = 1 square kilometer]

	Jurisdictional area in 1995 (dunams)	Jurisdictional area in 2005 (dunams)	Jurisdictional area in 1995 (percent)	Jurisdictional area in 2005 (percent)	Population in 2005 (percent)
Jewish authorities	2,784,900	2,778,788	83.8	83.9	47.8
Arab authorities	394,263	402,446	11.9	12.1	52.2
Areas without municipal jurisdiction	143,702	133,149	4.3	4.0	0.0
Total	3,322,865	3,314,383	100	100	100

Note: The data are based on the physical dimensions of the local authorities in 2006, as they appear in CBS (2006b).

In 2005, the Southern District was home to some 143,700 Arabs, more than 50,000 of them living in 10 unrecognized communities that predated the state (see “The Indigenous Palestinian Bedouin of the Naqab: Forced Urbanization and Denied Recognition” in *Volume I*). For years, the residents of the unrecognized communities had sought state recognition of their ownership of hundreds of thousands of dunams of Naqab land. Table 3 shows that the area of the Arab communities in the Naqab that are recognized by the state amounts to less than 1% of the state’s total land area, while 14.6% of the state’s population lives there. These figures testify to the depth of spatial discrimination in the state, particularly in the south.

Table 3: Division of jurisdictional area and population in Israel by ethnic nationality, Southern District

[1,000 dunams = 1 square kilometer]

	Jurisdictional area in 1995 (dunams)	Jurisdictional area in 2005 (dunams)	Jurisdictional area in 1995 (percent)	Jurisdictional area in 2005 (percent)	Population in 2005 (percent)
Jewish authorities	13,269,336	13,349,800	92.7	93.2	85.4
Arab authorities	51,472	114,101	0.4	0.8	14.6
Areas without municipal jurisdiction	999,314	861,260	7.0	6.0	0.0
Total	14,320,122	14,325,161	100	100	100

Note: The data are based on the physical dimensions of the local authorities in 2006, as they appear in CBS (2006b).

Conclusion

The relatively small jurisdictional area of Arab communities severely harms the state's Arab citizens, in part, by preventing the natural and desired development of Arab towns and villages, resulting in insufficient land for residential development. Further, the discriminatory land allocation practices drive up land prices, make it impossible to establish normal marketing of land in the towns and villages, prevent allotting sufficient land to the development of industrial and employment areas to combat the high unemployment in these towns and villages, hinder the dedication of sufficient land to cultural, educational, welfare, and social services, deprive communities of open space, and create overcrowded communities, in excess of their capacity, making development almost impossible. These problems are evident, for example, in Nazareth, which, as mentioned above, is the most populous Arab town in Israel.

The shortage of land in Arab villages is the main cause for the deterioration in their residents' quality of life and is primarily responsible for slowing down the social and economic development of Arab society in Israel. By comparison, the generous allocation of land for Jewish communities enables significant economic development and almost unlimited residential construction, utilization of main traffic arteries for commerce and employment, and more reasonable land prices than are found in Arab communities. The spatial discrimination in land policy creates economic gaps and gaps in social and cultural services between Jews and Arabs.

Since the founding of the state, Israel's Arab citizens have objected to Israel's land policy in an attempt to increase the land area of their communities and, particularly, to stop expropriation of their land. The collective struggle Arabs waged against the land expropriations reached its peak on the first Land Day, in 1976, which followed an increase in the pace of expropriation of Arab land in the Galilee. The struggle's most notable success was the stopping of direct expropriations of Arab-owned land in the Galilee, primarily in the Triangle.

The success did not extend to the Naqab. There, the struggle of Arabs to arrange ownership of land they have held for decades and to attain recognition of the dozens of unrecognized communities has not achieved its goals.

In recent years, the Arabs' collective struggle for land—especially attempts to expand the jurisdictional areas of Arab towns and villages—has waned. What was once a collective Arab struggle is now individual struggles of the local leadership and of the head of the Arab local authority.

Israel's land policy in general, and the way in which it sets jurisdictional borders, in particular, continues to discriminate against the state's Arab citizens. The discrimination is blatant. The way to correct it is by resetting the municipal borders in the state. Doing so will reduce the spatial discrimination against Arabs and diminish the distress of the Arab communities. It will also help bring about a just system for the distribution of public resources, including fairer allocation of land.

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The Palestinians in Israel

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Second Volume

The Limits of Electoral Politics: Section 7A of Basic Law: The Knesset

Mazen Masri

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Mada al-Carmel

Arab Center for Applied Social Research

The Limits of Electoral Politics: Section 7A of Basic Law: The Knesset

Mazen Masri*

While many democracy indices¹ classify Israel as a democracy citing periodical free elections and peaceful transition of authority, most overlook Section 7A of Basic Law: The Knesset.² This provision, enshrined in a Basic Law (a law that has constitutional status), imposes limits on the right to political participation. Enacted in 1985, Section 7A has been used consistently in attempts to ban parties representing the Palestinian citizens in Israel from participating in the elections for the Knesset. While these attempts have been unsuccessful and were thwarted by the Supreme Court (often in split decisions with a narrow margin), the very existence of the provision and its constant use in attempts to disqualify Palestinian parties and individual candidates poses serious limits on the right to electoral political organization. Not only does it reflect negatively on democracy in Israel, it also has implications for the nature of the citizenship held by Palestinians in Israel, their status as political actors within electoral politics, and the shaping of the broader political discourse.

* Dr. Mazen Masri is a Lecturer at the City Law School, City University London.

1. Such as the Freedom House (2012) index, available at freedomhouse.org.

2. Section 7A provides that:

“(a) A candidates list shall not participate in elections to the Knesset, and a person shall not be a candidate for election to the Knesset, if the goals or actions of the list or the actions of the person, expressly or by implication, include one of the following:

(1) negation of the existence of the State of Israel as a Jewish and democratic state;
(2) incitement to racism;
(3) support for armed struggle by a hostile state or a terrorist organization against the State of Israel.

(a1) For the purpose of this section, a candidate who has spent time in an enemy country in the seven years prior to the date of submitting the candidate's list, shall be seen as someone whose actions are considered support for armed struggle against the State of Israel, unless it was proved otherwise.”

The emergence of an exclusionary rule: from *Yardor* (1965) to Section 7A

Three main forces dominated the Palestinian political sphere in Israel in the 1950s and 1960s. Activists and Knesset representatives of the Communist Party, a dominant force, led many struggles against discriminatory Israeli policies. The party, however, was not an Arab party, but a Jewish-Arab party. The second force was made up of local figures that collaborated with the government. The government handpicked those figures to participate in the election as a part of ruling *Mapai* satellite lists. They often secured votes with the help of the local Military Governors. The third, less dominant force, was the Palestinian/Arab nationalist stream represented by *Al-Ard* movement (Jiryis, 1976). In the 1965 elections, a group of activists associated with *Al-Ard* movement formed the “Socialist List” and decided to participate in the elections. The movement was declared an “illegal association” months earlier because of its political activities and attempts to organize the Palestinians in Israel (*Yardor v. Central Elections Committee*, 1965) as part of a larger Palestinian collective and Arab nation. This was the first attempt by a Palestinian political group to participate in the elections as an Arab party, not a Jewish-Arab party.

The attempt to participate in the parliamentary election was thwarted by the Central Elections Committee (CEC)—a body comprised of representatives of the parties in the outgoing Knesset and headed by a Supreme Court judge. Despite the lack of statutory authorization, the CEC decided to ban the Socialist List from participating in the elections on the grounds that “it is an illegal association, because its initiators negate the [territorial] integrity of the State of Israel and its existence” (*Yardor v. CEC*, 1965, p. 369). The appeal to the Supreme Court produced one of the foundational decisions in Israeli constitutional law, the *Yardor* case.

The appeal was decided by a majority of two to one. The minority judge, Justice Cohen, loyal to the principle of the rule of law and reflecting the strong formalist approach of that era, ruled that with the absence of a

statutory provision, the CEC did not have the power to disqualify lists from participating in the election. The other two judges confirmed the ban, relying on what they called “defensive democracy” arguments. Then Chief Justice Agranat stated that in order to examine whether the CEC is authorized to bar the participation, a number of constitutional facts, or “constitutional givens” as Agranat called them, should be emphasized. Quoting the Declaration of Independence, he stated that Israel:

was created ‘as a Jewish state in Eretz Yesre’l’ because the act of its creation was done, first and foremost, by virtue of ‘the natural and historic right of the Jewish people to live, like all other peoples, standing in its own right in its sovereign state, this act embodied the ambitions of the generation to the redemption of Israel’. (*Yardor*, 1965, p. 385)

Based on this constitutional fact, Agranat concluded that no arm of the state could exercise its power in a manner that questions the existence or the eternity of the state, and therefore, the CEC was acting within its powers when it barred the list from participating in the elections.

This rule accomplished its objective, and no similar attempt was made for the next 19 years. In 1984, the Progressive List for Peace (PLP), a joint Arab-Jewish list headed by Mohammad Mi’ari, a former *Al-Ard* activist, sought to participate in the elections. Based on the *Yardor* precedent, the CEC banned the list from participating. The CEC also banned the Kach list, headed by the extremist Rabbi Meyer Kahane, because of its explicitly racist platform. Both groups appealed to the Supreme Court, which reaffirmed the rule that was first decided in *Yardor*, and accepted both appeals and allowed both lists to participate in the elections. But while it explicitly stated that the Committee was not authorized to disqualify candidates based on racism or anti-democratic platform, and thus allowed Kahane to participate, it stated that the rule decided in *Yardor* is still valid, and it only allowed the PLP’s participation because it lacked evidence that the PLP was a continuation of Al Ard. Some judges also recommended

that the Knesset regulate the issue of participation in the election in legislation (*Neiman v. Chairman of the CEC*, 1985).

Dissatisfied with the outcome, the Knesset enacted Section 7A of Basic Law: The Knesset in 1985. This section gave the CEC the authority to ban the participation of any list if its goals and actions, expressly or by implication, include “the negation of the existence of the State of Israel as the state of the Jewish people,” the negation of its democratic character, or incitement to racism (Rubenstein & Medina, 2005). The Knesset, thus, codified the *Yardor* rule and added more grounds for disqualification. The section was amended again in 2002, combining the first two grounds into one, “the negation of the existence of Israel as a Jewish and democratic state,” and adding new grounds: supporting armed conflict by an enemy state or a terror organization. In 2008, the Knesset added a new amendment that was especially tailored for Palestinian candidates. The amendment added a presumption that a candidate, who has, in the seven years prior to the election, spent time in an enemy country, would be presumed to support armed struggle against Israel, unless proven otherwise.

Interpretation of “Jewish and Democratic” in Section 7A

Although *Yardor* provided the foundational principle that the right for political participation could be restricted if the candidates are seen as a threat to the state’s Jewish nature, the rule that emerged from the case was ambiguous. The enactment of Section 7A did provide some clarification in that it provided specific grounds for banning parties, but the grounds provided were still vague and subject to interpretation. The job of interpreting the clauses “the state of the Jewish people” or a “Jewish and democratic state” was left to the Court. In *Ben-Shalom v. the CEC* (1988), which examined the issue of the PLP for the second time, the Supreme Court ruled that the meaning of “the state of the Jewish people” includes, as a minimum, the existence of a Jewish majority, preferential treatment for Jews in immigration (or return, as it was described), and a bilateral

relationship between the state and the Jewish communities worldwide (*Ben-Shalom v. the CEC*, 1988, p. 248). This was the majority opinion. While the minority opinion provided a close interpretation but highlighted that Israel is the “state of the Jewish people, and Jewish people only” (*Ben-Shalom v. the CEC*, 1988, p. 272), the main difference between the majority and minority was on the level of evidence required.

The *CEC for the Sixteenth Knesset v. Azmi Bishara* (2003) case provided a more concrete and elaborate discussion of the meaning the Jewish state in Section 7A. In this case, the CEC banned the National Democratic Assembly (NDA) and its head Dr. Azmi Bishara from participating in the 2003 elections on the grounds that the party’s political platform negates the existence of Israel as a Jewish and democratic state. Writing as part of the majority, then Chief Justice Barak stated that there are nuclear characteristics that shape the minimal requirements for a Jewish state. These characteristics:

...have a Zionist perspective and a traditional perspective at the same time... At their center stands the right of every Jew to make aliyah to the State of Israel, that in Israel Jews will be a majority, Hebrew will be the main official language of the state, and its main holidays and symbols reflect the national emergence of the Jewish people, the heritage of Israel is a central component of the state’s religious and cultural heritage (*Bishara v. the CEC*, 2003, p. 22).

This interpretation was acceptable to both the majority and the minority judges, but they disagreed on whether the idea of the “state of all its citizens” as put forward by the NDA party could be seen as a negation of the Jewish nature of the state. While the minority judges decided that it could be seen as a negation, the majority was of the opinion that while it bordered on negating the Jewish nature, it did not cross that line. Once again, the case was decided on the question of whether the evidence was sufficient. The decision in *Bishara* was confirmed again in *National*

Democratic Assembly v. the CEC (2009) when the Supreme Court dealt, once again, with the disqualification of the NDA.

Section 7A and Electoral Politics

While Section 7A does impose restrictions on the right to be elected (and the right to vote by extension), it has wider implications for the Palestinian minority and the political system in Israel. In essence, the Section subjects the political programs of the (mainly Palestinian) political parties to the scrutiny of the courts to examine to what extent they challenge the principles of Zionism. The result is that the Palestinian parties not only have to take into consideration the needs and wishes of their constituencies in devising their political programs, but also the wishes of the Jewish majority and the whims of the judges' interpretations. This is evident in the fact that even when the parties in question were allowed to participate, the judges added warnings that the parties or candidates were very close to crossing the red line, and at times implied that the parties' participation in the election is more a matter of grace rather than right (*Erlich v. Chairman of CEC*, 1999, p. 48).

The existence of Section 7A also affects the broader political discourse and the political sphere of the Palestinian minority. Some political groups cannot participate in the election because of the requirements of Section 7A, and those who participate are always preoccupied by the potential of a ban in the coming election. This is especially reinforced by the fact that Section 7A takes into consideration the goals and actions of the group, expressly and implicitly. Essentially, Section 7A dictates the margins of what the Zionist consensus sees as a reasonable and acceptable political discourse beyond which Palestinian politicians cannot go. The restrictions that Section 7A impose and the way the section was interpreted by the Supreme Court make it hard to devise a political program that could directly challenge the structural bias and the colonial reality embedded in and protected by the state's definition. While some parties try to do

so by challenging the different components of the structural problem and highlighting the citizenship discourse, equality, and individual and collective rights—which is sufficient to bring them in the scope of Section 7A according to some opinions in the Supreme Court—the political programs usually shy away from producing frontal attacks on components of the Zionist ideology such as the Law of Return or the Jewishness of the state as such. A political program, for example, that endorses a one-state solution or a bi-national constitutional arrangement for Israel would definitely be grounds for a ban.

While the interpretation of Section 7A leaves some grey area for maneuvering and challenging, which is used effectively by some parties like the NDA, it does not tolerate outright challenges. For example, in the *Erllich* and *Bishara* cases, one of the reasons that some judges provided for allowing Dr. Azmi Bishara and the NDA to participate in the elections was the fact that throughout Dr. Bishara's years in the Knesset, he did not propose legislation that would eliminate the Jewish character of the state.

In addition to the distortions that it creates, and the inequality inherent in it, the very existence of Section 7A and its constitutional entrenchment affect the Palestinian citizens as political actors. Democratic rule envisions that a political community would create the democratic rules of game for political actors to abide by—the political actors make the rules and play by them. Section 7A excludes the Palestinian citizens from creating the rules, and forces them to play by the existing biased rules that are meant to perpetuate the structural bias. The Palestinian citizens are therefore excluded from the constitutional rule-setting process.

This exclusion is only one of many levels of exclusion that are intended to consolidate institutional political power in the hands of the Jewish majority. Even if a Palestinian party passes the obstacles presented by Section 7A, representation in the Knesset does not permit challenging the basic tenets of Zionism or changing the definition of the state. Any legislative initiative could be thwarted by the Knesset's Presidium (the Speaker of the Knesset

and his/her deputies) which can decide to reject it without bringing it to a vote if the Presidium is of the opinion that the bill negates the existence of the state as the state of the Jewish people (Article 75(e) of the Rules of Procedures). Similarly, according to the current constitutional situation, even if a majority of MKs votes to amend the definition of the state as a Jewish state, this constitutional amendment, according the Supreme Court, will be considered an unconstitutional constitutional amendment, and therefore be null and void (*The Movement for the Quality of Governance in Israel v. The Knesset*, 2006, para. 74).³

Section 7A and similar provisions in Israeli law, therefore, block any chance of structural change using electoral politics. Participation in the electoral process provides some advantages and useful political tools, but it cannot lead to structural change. It is crucial, therefore, to look beyond electoral politics if the goal is to achieve structural change and meaningful equality.

3. See also Ben-Dor and Segal (2009, p. 144).

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Second Volume

The Al-Ard Movement

Leena Dallasheh

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Arab Center for Applied Social Research

The Al-Ard Movement

Leena Dallasheh *

Al-Ard (meaning “the land” in Arabic) is a political movement established in Israel in 1959 by a group of young nationalist/pan-Arab Palestinian citizens and was active until 1965, when the Israeli government banned the movement and imprisoned or internally exiled many of its members, banishing them from their homes. For a short time during this period, the movement published a biweekly newspaper, issuing 13 issues from 1959 to 1960. However, this movement was mostly consumed with waging legal battles to gain legal status within the Israeli system. In the period of the 1950s and 1960s, *Al-Ard* can be seen as a part of a wider ideological movement in the Arab world. Yet, it also had local concerns. The combination of the pan-Arab ideology with issues of specific concern to Palestinian citizens of Israel gave *Al-Ard* a unique character.

Background

Al-Ard was established in 1959, 11 years after the Nakba, the Palestinian catastrophe. The Nakba had led not only to the de-population of the majority of the Palestinian community within the boundaries of the newly established Israeli state, but also to the loss of the “political class,” composed of Palestinian leaders, intellectuals, and the urban population (Sayigh, 1997). In addition to the trauma of the Nakba, Palestinian citizens were still living under a strict military government that controlled all aspects of their lives and added enormous strain to community political life.

In the mid-1950s, Palestinian citizens increased their national mobilization, inspired by the 1952 coup d’état in Egypt of the Free Officers led by

* Dr. Leena Dallasheh is an assistant professor at the Department of History at Humboldt State University

Gamal Abdel Nasser. The revolutionary tide in Egypt revitalized Arab nationalism, particularly after the Suez War in 1956, through which Nasser came to be seen as the champion of Arab rights and anti-imperialism. In this context, a group of nationalist activists established *Al-Ard*, considering themselves part of this Arab “political awakening.” Under the banner of Arab nationalism and unity, they sought to advance pan-Arab mobilization and protect the rights of the Palestinian minority in Israel (“Al-Ard’s Address”, 1959a, p. 1). Initially, members of *Al-Ard* joined the Popular Front, an umbrella network formed in 1958 by Palestinian citizens in Israel as a response to the severe repression of Palestinian protests on May Day that year, when Israel celebrated 10 years of statehood. The Popular Front merged communist and nationalist activists, aiming to end the military regime and all forms of discrimination, including the extensive land confiscation, as well as to advocate for the right of return for Palestinian refugees. However, in 1959, the Front split because of tension between communists and nationalists in the Arab World, particularly between Egypt and Iraq (Dallaseh, 2010, p. 23).

The Movement

The nationalist members of the split Popular Front established *Al-Ard* at a meeting in Nazareth in April 1959. As a nationalist movement, it followed Nasserist ideology and “Arab socialism,” seeing Arab unity as the way to liberate Palestine (Qahwaji, 1978, pp. 56, 64). At that meeting, the members also decided to publish a newspaper to spread their views. They chose to name it *Al-Ard* (“The Land”, in Arabic), to symbolize the attachment of Arabs to their land (Baransi, 1981).

After repeated unsuccessful attempts to acquire a permit from the Israeli authorities to publish a newspaper, *Al-Ard* decided to exploit a loophole in the press ordinance that permitted the publication of single issues. They published several single issues, each with a unique title but still including the word “*Al-Ard*” and they invited a new editor for each one (Qahwaji,

1978). The content and language of the newspaper reflected the ideology of the movement as it sympathetically reported the events in Egypt, covered the Arab national project, imparted ideologically inspired analysis of the Cold War, and criticized Israeli policies—all done with a keen focus on the situation of the Palestinian citizens in Israel. Stressing oppression by the military government, the newspaper investigated actions by the Israeli government to repress and dispossess its Palestinian citizens, through land confiscation, restriction of movement, and violence against Arabs. In addition, the newspaper reported on the economic problems facing Arab industry and agriculture, the weaknesses of the Arab educational system, and the court trials that came as a consequence of encounters with the Israeli security forces. Finally, the newspaper analyzed Israeli elections, issued strong calls to boycott the elections, lambasted the Zionist parties, and harshly criticized the Israeli Communist Party (CPI) (“Al-Ard’s Address”, 1959b, pp. 1, 6).¹ After 13 issues, the Israeli authorities ordered the newspaper to cease operations and arrested and prosecuted six of its editors. The movement appealed the initial court decision in both the District and Supreme Courts, which rejected their appeals and fined each of the editors 750 to 1000 Israeli liras—significant amounts in the hard economic conditions of that period) All six editors were also sentenced to three months’ probation (*Qahwaji and others v. the Legal Adviser*, 1960, p. 1929).

The *Al-Ard* movement, which had among its membership intellectuals, lawyers, and law students, spent the next few years attempting to gain legal status in Israel. It established a commercial publishing house in 1960, then reapplied to publish a newspaper and established an association aimed at advancing its goals.² Eventually, *Al-Ard* founded a political party

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1. The CPI was the only non-Zionist political party to represent the Palestinians and advocate for their rights during the decade after 1948. By 1955, it had become the preeminent force in the Arab community. On the CPI, see Beinon (1990, p. 141).
 2. The Ottoman Law of Associations of 1909 was used by Israel and stayed in force until 1980. In Clause 1, an association is defined as “a group of people continuously joining their knowledge or activities in order to achieve a goal that is not aimed at making profit.” *Al-Ard* as a political group fell in this definition.

and attempted to run for the Knesset in 1965. Within those five years, members of *Al-Ard* appealed to the Supreme Court six times (Dallaseh, 2010).

In addition to its legal activities in Israel, *Al-Ard* appealed to international bodies, namely the United Nations (UN) and foreign embassies in Israel (Qahwaji, 1978, p. 33). In June 1964, the movement sent a letter to the UN detailing Israeli violations of the social and political rights of Palestinians within its borders and focusing on the treatment of the movement itself as proof of discriminatory policy. After elaborating on Israeli discrimination and the military regime's abuses of rights and freedoms, the letter concluded by requesting UN protection. Throughout the letter, *Al-Ard* alluded to the UN's responsibility stemming from the UN Partition Plan ("Letter from Al-Ard Company", n.d.).³

Although these legal activities exhausted most of *Al-Ard's* energy, *Al-Ard* still attempted to expand its support base through founding new chapters, holding meetings, and generating support by enlisting activists in its various outlets, such as the company it started. It established chapters in Jerusalem, including a very active chapter connected to the Arab Students' Committee of the Hebrew University in Jerusalem, as well as in various towns and villages throughout the Galilee and the Triangle (M. Miari, personal communication, August 8, 2005; Sigaut, 2001, p. 59). Through these activities, *Al-Ard* developed and reached a wide audience, although there is no record of its exact membership. The movement had a central core of about a dozen activists, including Habib Qahwaji, Mansur Kardosh, Sabri Jiryis, and Saleh Baransi, and around them gathered scores of activists (Dallaseh, 2010, p. 25; Sigaut, 2001, p. 63).

3. Although the letter didn't connect the demand for protection directly to the UN Partition Plan, the plan was referenced in the letter, both in stressing Israel's responsibility towards the Palestinian citizens and as part of the goals of the movement.

Government response

From its outset, *Al-Ard* raised worries in government circles. As early as September 1959, the government's Advisor for Arab Affairs recommended that the government disrupt the movement's activities before it became "a natural home for most of the Arab citizens in the country" (LPA 2-920-1958-18, 1959, p. 9, as cited in Bauml, 2001, p. 245). The government's response wasted no time; in 1959, it refused to grant the movement a license to publish a newspaper.⁴ When *Al-Ard* published the single issues anyway, the government closed down the newspaper, confiscated its equipment, and prosecuted its editors. The government also pressured members of the movement to cease their activities, threatening them with loss of livelihood and restricting their mobility—all to drive them away from their political activities (Dallaseh, 2010, p. 25; Sigaut, 2001, p. 63).⁵

The government also attempted to prevent the establishment of *Al-Ard's* publishing company, and the movement had to appeal to the Supreme Court twice to obtain its registration. Even with that victory, *Al-Ard* was still barred from publishing its newspaper, and the Supreme Court upheld the government's decision not to grant a newspaper license to *Al-Ard* (*Al-Ard Company Ltd. v. the District Commissioner of the Northern Region*, 1964, p. 340). In 1964, it also refused to grant *Al-Ard's* registration as required by law, another decision upheld by the Supreme Court. In the aftermath of the court ruling, the movement was condemned as an illegal organization, its members were arrested, banished from their homes, internally exiled within the country, and their houses were searched and their documents confiscated (*Sabri Jiryis v. the Commissioner of Haifa Region*, 1964, p. 673). Finally, when members of the movement attempted to run in the 1965 elections under the name, "the Socialist Party," the party was banned from participating in the elections and its members persecuted (Qahwaji, 1978, p. 39). They appealed their electoral exclusion before the Supreme Court,

4. See, for example, an open letter published by *Al-Ard* protesting the district commissioner's refusal to grant a license to their newspaper (Srouji, 1960, p. 5).

5. See some discussion of government policies towards movement members in: "Al-Ard's address" (1960, pp. 1, 6).

which again upheld the government's policy, contending that although there was no legal ground for the party's dismissal, the state had a basic right to defend itself from the threat of state subversion that *Al-Ard* posed. In this decision, Chief Justice Agranat stated that although freedom of organization was part and parcel of a democratic regime, "no free regime would lend its recognition to a movement that subverts that same regime" (*Yardor vs. Central Elections Committee of the Sixth Knesset*, 1965, p. 365).

The Supreme Court did offer limited support to democratic freedoms in some of its decisions regarding *Al-Ard*—particularly those cases of the status of *Al-Ard* Company—but the majority of its decisions on *Al-Ard*'s political activities demonstrated deep Israeli suspicion of Palestinian citizens. The court's decision denied the Palestinians protection of their basic political rights and allowed the government continued free reign over the minority.

Conclusion

Al-Ard exemplifies the political dissent and mobilization of Palestinian citizens in Israel seeking to protect their identity and rights, while they were still living through the shock of the Nakba and enduring the repression of the military government. Members of *Al-Ard* displayed great resilience and creativity, utilizing all available legal tools in their attempts to challenge Israeli claims of democracy and assert their Arab national identity and their citizenship.

Although *Al-Ard* represented its political agenda in legal and legitimate ways, because it sought to change Israeli policies democratically, the government perceived and treated it as a threat to Israel's existence. The state sought to eliminate any project that was inconsistent with the Zionist Israeli ideological project, so *Al-Ard*'s stance naturally contravened the government's order. The harsh treatment the movement faced did not emanate from any actual security threat, and to date no one has proven

that *Al-Ard* attempted to use violence or had any connections to other organizations undertaking armed attacks on Israel, such as Fatah, the Palestine National Liberation Movement, or the PLO. Rather, suppressing the movement was a part of the Israeli government's strategy of repression to maintain its control of the Palestinian citizens by preventing the realization of their political rights, the expression of their national aspirations, and their claims for citizenship.

Interestingly, the suppression of *Al-Ard* far exceeded that of the Israeli Communist Party, even though both groups shared many political positions: Both called for the right to self-determination for Palestinians; both demanded the right of return for Palestinian refugees; and both called for Israel to repudiate connections to colonial powers. Although the CPI members, particularly the Palestinians, were persecuted and suffered greatly, the party was allowed a narrow space for dissent. This can be explained by the Arab-Jewish composition of the party, which prevented its complete political exclusion, and by the CPI's particular caution in its actions and discourse.

Although *Al-Ard* was dismantled legally and institutionally in 1965, its founding ideology and political impact and inspiration have remained. *Al-Ard* raised national awareness, exposed Israeli oppressive methods, and helped infuse the next generation with young leaders who went on to be active in various national outlets. It is no surprise then, that many subsequent nationalist Palestinian groups and parties consider *Al-Ard* to be their ideological predecessor, including *Abna'a al-Balad* (Sons of the Land) and *al-Tajamoa* (see chapters on each in this volume), as well as other nationalist political movements.

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Second Volume

Sons of the Village Movement

Mohanad Mustafa

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Sons of the Village Movement

Mohanad Mustafa*

The Sons of the Village movement (*Abna' al-Balad* in Arabic)¹ was founded in August 1979 as one form of national Palestinian identity among Palestinians in Israel following the occupation of the Palestinian lands in June 1967 and abolishment of the military administration in 1966. The movement was established in Umm El-Fahm, where its founders lived. Some of its leaders, such as the movement's head, Muhammad Kiwan, were formerly members of *Al-Ard*, indicating a continuity of political thought in Sons of the Village after the High Court of Justice of Israel confirmed banning *Al-Ard* in 1965. But whereas *Al-Ard* was influenced by the Nasserite national movement in the Arab world, and had clear pan-Arabic tendencies, Sons of the Village was influenced by the growth of the Palestinian national movement, particularly its leftist wing (Kheidar, 1995).

The Palestinian question played a major role in the movement's discourse. The movement sharply criticized the Israeli Communist Party, contending that the ICP's ideology and actions enabled the assimilation, as Israelis, of Arabs in the state. In the circular *The National Alternative*, published in 1983, the movement writes: "In the midst of national Palestinian pride after 1967, the Israeli Communist Party continues to condemn Palestinian military actions and claims that these actions are injurious, and it offers a solution that perpetuates division of the people and the homeland...and that we are here inside, part of the Israeli people, and our fate is ultimately

* Dr. Mohanad Mustafa is a lecturer at Or Yehuda Academic College and at Haifa University. He is also a research associate at Mada al-Carmel – The Arab Center for Applied Social Research.

1. *Tnuat Bnei Ha'Kfar* (Sons of the Village) is the accepted translation into Hebrew, but many, both inside and outside the movement, believe the precise translation to be "Sons of the Land."

linked to the fate of the State of Israel” (quoted in Jibril & Wasef, 1990, pp. 128-129). Thus, the Sons of the Village movement believed that the ICP sought to create an Israeli identity for Palestinians in Israel and legitimize the colonialist state that gained control of parts of the Palestinian homeland. At the same time, the movement viewed itself as part of the Palestinian national enterprise, which strived to establish one Palestinian state on all the Palestinian lands. It believed that the Palestinians living in Israel were part of the Palestinian people; therefore, it was wrong to fragment their struggle or their identity by mixing Palestinian national identity with other identities.

In August 1972, the Sons of the Village movement was formally declared. The announcement was made in Umm El-Fahm at the same time the movement was to distribute its first public statement, signed by the Committee for Defense of Workers’ Rights. Its second public statement, issued later that year, focused on the rights of Palestinians who had been expelled and uprooted from their homes to return to their villages. This statement was signed by the Committee for Defense of Ikrit and Biram. The third public statement, a call to combat land expropriation, was signed by the Committee for Defense of the Land (Shaked, 2012, p. 152).

The movement focused primarily on Palestinian identity, and its political activities were aimed at developing that identity. It recognized the Israeli reality that arose following the establishment of the State of Israel, and accordingly was active in the municipal sphere. Sons of the Village found no contradiction in taking part in Arab local-council elections in Israel and the movement’s Palestinian identity, since the councils are led by Arabs and their objective is to serve Arab society. It viewed this activity as a political and community lever for the movement.

In 1972, the movement ran in a local election in Umm El-Fahm for the first time and won one seat, which Kiwan himself filled (Ghanem & Mustafa, 2009). Since then, the movement has continued to run in local elections in towns and villages in which Palestinians in Israel live. Despite its efforts,

it did not become a political force at the local level, as did the Democratic Front for Peace and Equality (*Hadash*) or the Islamic Movement, which began to run in local-authority elections in the late 1980s, so its achievements at the local political level were minimal (Mustafa, 2000).

While its success in local elections was limited, Sons of the Village played a dominant role on university campuses, especially the Hebrew University in Jerusalem. At first it operated among the students on its own, and then it joined forces with the National Progressive Movement (NPM). The group NPM began to operate on university campuses in 1979, following the loss suffered by The National Students group in elections to the Arab Students Committee at the Hebrew University (Mustafa, 2002). In its circular *The Challenge and the Commitment*, NPM described itself as follows:

The National Progressive Movement is an authentic leftist movement, based on a scientific reading of the reality. Understanding the issues involving the present transition period, with its contradictions and conditions, the movement is able to represent the concept of the left in the full meaning of the term, and to lead a popular struggle under the inspiration of the leftist perspective. It represents the true interests of the oppressed masses, of the workers, of the simple farmers, of those who live in poverty, Arabs and Jews, in seeking to create a society free of oppression and discrimination, and to improve the welfare of all, without exception. (National Progressive Movement, 1979, p. 11)²

NPM can be viewed as the student arm of the Sons of the Village movement (Kheidar, 2014, p. 24), but Sons of the Village operated beyond the university campuses. It made a point of appending NPM's name to it, even in public statements that were issued, prior to the 1990s, indicating the central role NPM played in Sons of the Village with respect to its

2. For further discussion of the students' movement, see the chapter on "The Student Movement and Palestinian Student Activism in Israel," in this book.

discourse, its activities, and even its leadership.

An argument can be made that the platform, activities, and publications of NPM were the first organized expression of the political thought by Sons of the Village. Sons of the Village's political philosophy did not change after it became involved with NPM. But NPM did have an effect on the movement's operational outlook, its primary contribution being in the phrasing of ideas and in presenting them to the Arab students. These ideas gained popularity among the students more than among the general Arab population, and they challenged the ideas and discourse of the ICP and of the Arab Students Front in the universities, which were controlled by Hadash. The movement's publications reflected its conflict with Zionism and its Zionist cohorts around the world, particularly in our region, and viewed it as an existential conflict, not a conflict over borders. NPM believed that Zionist colonialism contradicts the ongoing existence of the indigenous people. At the local level, it thought that, "the Palestinian masses within the 1948 borders are an integral part of the Palestinian people, and that their internal struggle is one of the forms of the Palestinian national struggle and does not contradict it" (NPM, 1979, p. 11).

Members of Sons of the Village agreed that the movement should run in the local-council elections, but they disagreed on running in the national parliamentary elections. The dispute erupted in 1981, with the approach of the elections to the Tenth Knesset. One stream of members wanted the movement to run, while the other believed that the authentic positions of the national movement toward Zionism and the State of Israel dictated that the movement should continue to boycott the elections. The controversy reappeared, in greater force, in 1983, regarding elections to the Eleventh Knesset, and led to the first split in the movement. The breakaway group called itself *Ibna Albalad – Haʿzīṭ Alanẓar* (Sons of the Village – The Supporters Front) and decided to run in the Knesset elections. Toward this end, the splinter movement teamed up against the Progressive Movement for Peace, headed by Muhammad Miari, by finding, ironically, a surprise

partner in the Israeli Communist Party. It may be that the common desire to oppose Miari's party brought Sons of the Village and the ICP closer to each other. On the one hand, the ICP viewed the Progressive Movement for Peace as a competitor in the Knesset elections, since their platforms were noticeably similar: Arab parties with Jewish members, supported by the PLO, promoting a national Palestinian discourse. On the other hand, Sons of the Village feared that the discourse of the Progressive Movement for Peace would provide a pragmatic alternative to its national discourse, given that the latter deals also with the daily matters that bother the Palestinian public in Israel.

Sons of the Village did not grow stronger in the 1980s; its achievements at the local level remained limited. The ideological and national discourse of the movement gained prominence and was adopted by some of the elites, due to the great emphasis of the Palestinian national project, on the one hand, and following the hostility of some of these elite groups toward the ICP, on the other hand (Ghanem & Mustafa, 2005). Despite this, the movement failed to understand the need to expand, by means of this discourse, its popular base, and most of its activity continued to focus on the university campuses. At the end of the 1980s, the movement's strength among the students began to weaken. The outbreak of the first intifada, in 1987, led to transformations in the movement's political program, which had, until then, called for establishment of a secular democratic state covering all of Palestine, as required by the Palestinian National Charter. The movement's platform, published in February 1988, expressed its readiness to accept a temporary solution. Section 10 states this explicitly:

We support any temporary solution that will hasten establishment of democratic society, and also support establishment of an independent Palestinian state. Nevertheless, it should be emphasized that the root of the problem lies in the imperialist hegemony over our region and in the racist nature of the Zionist colonialism. Therefore, action

should be taken to establish a democratic public force that will wage battle against the occupation and oppressive forces which are represented by Zionism and imperialism. These will never forgo their belligerent nature. (Sons of the Village, 1988)

Adoption of the solution in stages did not mean that the movement gave up on the one-state solution, which would remain part of the movement's discourse, and recently reached its full intensity in the past decade. Sons of the Village continued to boycott the national parliamentary elections and to participate in the elections at the local level. Section 16 of its platform states:

Past experience has shown that the parliamentary battle does not serve the interests of the Palestinian masses at the present time, given the lack of hope for change. At the same time, running in the local elections serves a vital need given the direct connection between the local authorities and the Arab masses. Taking part in the local elections is aimed at improving living conditions, and at exhausting routine rights. (Sons of the Village, 1988)

In 1989, Sons of the Village ran in the local elections in a new framework that it established – The National Action Front. The movement established such action fronts in twelve Arab communities, inspired by the model laid out by the ICP, which established alliances with local elements that were not necessarily identified with the party's political and ideological positions, the objective being to improve the Sons status in the run-up to the local elections. In adopting this model, the Sons of the Village attempted to end its isolation at the local and national levels (Kheidar, 1995, pp. 144). The attempt failed completely: not only did the movement not succeed in increasing its representation in local government, it also lost its representation in Umm El-Fahm, its historical stronghold. This decline may be connected to the participation of Islamic Movement (Northern Branch) in the elections for the first time, having achieved great

and unprecedented success (Mustafa, 2000, p. 34).

In the 1990s, the positions held by Sons of the Village underwent a gradual transformation on the subject of Palestinian society in Israel and of Palestinians in Israel representing a unique segment of the Palestinian people. The transformation led to cooperation with other parties active in internal matters, particularly the ICP, in elections to the Arab student committees. The movement believed that battles over issues to improve daily life did not contradict the national struggle to establish a Palestinian state. The movement also expressed its willingness to cooperate with Jewish democratic forces. It supported establishment of national institutions for Palestinians in Israel. However, its position against running in Knesset elections did not change (Mustafa, 2000).

Establishment of the National Democratic Assembly (*Balad*) in 1996 was an important crossroads for Sons of the Village. Many of its leaders switched to the new party, one of whose prominent leaders was Azmi Bishara (see the article on the National Democratic Assembly in this book). In the elections to the Fourteenth Knesset, in 1996, Balad ran on a joint list with Hadash, and put forward its defining, “state of all its citizens” concept. Joining Balad precipitated the second split within Sons of the Village. In 1998, the faction that opposed running in the elections from the start issued a manifesto in which it explained that the movement’s positions cannot be reconciled with Balad’s platform and announced the establishment of the National Extra-Parliamentary Front, calling explicitly to boycott the elections to the Israeli parliament (Kheidar, 2014, p. 34).

In April 1999, the movement issued a manifesto under the title, “We Erred, and We Will Correct the Error,” a document of self-criticism and a call to return to the ideas and concepts that Sons of the Village had historically proposed. The self-criticism dealt primarily with presentation of a political platform that called for re-adoption of the one-state solution, unequivocal opposition to running in Knesset elections, and demand for Palestinian autonomy in Israel. The platform, which the movement approved in 2000,

states, in part, as follows:

The Sons of the Village movement believes that establishment of a democratic state on all the Palestinian land is the ideal solution and will bring an end to the national oppression of the Palestinian Arab people, and of the Jewish masses, because it ensures their integration in the region in a situation of real peace, vastly different from the racism and discrimination and occupation, and saves them from the imperialist Zionist enterprise that seeks to enclose them within a “ghetto,” and also uses them as a tool for the imperialist interests in the region. (Sons of the Village, 2000, sec. 9)

Despite its return to its historical positions, Sons of the Village suffered greatly from the crisis which left it weaker than ever, in large part because most of its leaders remained in Balad. Then another split came, with Raja Agbariyah, from Umm El-Fahm, heading one faction and Muhammad Kananeh, from Arabeh, heading the other. The split continued until 2011, when the two factions re-united and formed a temporary collective leadership until the establishment of unified party institutions. In January 2011, the movement issued a statement specifying the details of the agreement between the two factions, which included the following:

The meeting [of the factions] was held on 3 December 2011 and taking part were representatives of all the relevant entities, the number and identity of the participants having been previously agreed upon. It was held at the house of Muhammad Kananeh, who is under house arrest and cannot leave his home. At the meeting, it was agreed that the meeting is the climax of the agreement in principle to bring together all parts of the movement. A declaration was made dismantling all the factions and their institutional bodies, in particular the faction of Muhammad Na’amneh, and the faction of Raja Agbariyah; therefore, there is no longer any justification for the

heads of the factions to remain in their posts, and the two of them declared that they resigned. It was also agreed that the participants at the meeting constitute the unified, expanded, and temporary leadership body. (Sons of the Village, 2011)

In December 2012, the movement convened an extraordinary national meeting under the heading “Unification and Rebuilding.” However, the unification was not completed, and no general secretary for the movement was elected.

Conclusion

The political positions of the Sons of the Village movement are influenced by its platform and by the discourse of the 1970s. It views Palestinians in Israel as an authentic part of the Palestinian people, and their national movement is an integral part of the Palestinian national movement. Sons of the Village continue to oppose running in Knesset elections and actively engage in boycotting these elections. The movement believes it is necessary to establish a parliament of Palestinians in Israel, to be elected directly by the Palestinians living in Israel. This parliament would replace the High Follow-up Committee for Arab Affairs in Israel. The movement returned to its original positions regarding the one-state solution, after having abandoned it in the 1980s in favor of pursuing portions the solution in stages. The one-state solution has consistently been mentioned in the movement’s political platform since 2008.

Sons of the Village advanced the political discourse of Palestinians in Israel in the 1970s, affecting it greatly. The movement also contributed to the reemergence of the Palestinian question and the question of Palestinian national identity to the center of the political arena. Despite this, the movement has been unable, from the time of its founding in the 1970s to the present, to leverage its ideological contribution to increase its public impact, and it remains a small movement despite the important moral role its political and ideological discourse plays in the lives of Palestinians in Israel.

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Aziz Haidar

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The Nationalist Progressive Movement

Aziz Haidar*

Introduction

The Nationalist Progressive Movement (NPM)¹ made a significant contribution to the development of Palestinian national and political thought via its role in the politics of Palestinian Arabs in Israel.² The NPM's uniqueness stems both from its view of itself as an integral part of the Palestinian Nationalist Movement, and as such, engaged in achieving a solution to the Palestinian problem, and also from its belief that Palestinian Arabs living in Israel are citizens who have the political weight to influence Israeli decision-making. The movement therefore attempted to achieve a synthesis between the general Palestinian struggle for the rights of the Palestinian people, and the struggle to preserve the national identity of the Palestinian Arabs in Israel and secure their individual and group citizenship rights. As a result, the NPM abandoned the space traditionally occupied by the Arab political parties and movements established after the Nakba, a space that, until then, had been of marginal significance in both Israeli and Palestinian politics. The NPM believed it was possible to function simultaneously as a part of the Palestinian national movement and as a natural player in Israel politics. This type of thinking, which developed in the 1980s, was novel to the politics of the Palestinian Arabs in Israel and

* Prof. Aziz Haidar is Professor of Israel Studies at the Institute for Area Studies of al-Quds University.

1. The movement is referred to by several names. In this article, I use "The Nationalist Progressive Movement" (NPM), which is the name that the movement used in its publications, particularly in the decisions of its General Convention. In its election campaign literature, the movement used the name "Progressive List for Peace" (PLP).
2. For the most part, I use the expression "Palestinian Arabs in Israel." The NPM itself used several different expressions in its literature, activities, and official party platforms when referring to this collective group. I also use these other expressions from time to time, especially when quoting others' work.

has left a lasting mark on their political thinking and activity.

This article briefly surveys the birth and development of the NPM in the 1980s, and its subsequent decline and ultimate demise in 1992. The focus falls on the movement's political philosophy, methods, and its handling of various events in the Middle East and in the Palestinian and Israeli arenas during its decade of activity.

Emergence of the Nationalist Progressive Movement and its parliamentary representation

The NPM came into being in the midst of the profound shifts that the Palestinian population in Israel underwent following the 1967 War. For Palestinians, it was the beginning of a new life that was characterized by rapid and radical changes in education, the economy, and in the social and class structure. These transformations generated new socio-political forces, accompanied by intensive political activity. These forces in turn produced new political movements and representative bodies that reflected the development of national consciousness and identity.

In 1973, some residents of Nazareth founded the Academics' Association (*Rabitat al-Akadimiyyin*) to run in the local elections. The Association reached an agreement to establish a broad front—known as the Progressive Nazareth Front—with the Communist Party (*Rakah*), the Committee of Merchants and Tradesmen, the Nazareth Students' Committee, and independents to compete in the municipal elections on a joint party list. The Progressive Nazareth Front won the municipal elections in 1975, and its candidate, Tawfiq Ziad, was elected mayor. Their victory prompted similar developments in other Arab communities, and the establishment of the nationwide Democratic Front for Peace and Equality (DFPE, or *al-Jabha*), which competed in the elections to the Knesset in 1977 (Haidar, 1990).

In 1981, a group of 77 members led by attorney Kamel Daher and Dr.

Rashid Salim split from the Progressive Nazareth Bloc to found the National Bloc in Nazareth. The split was prompted by their rejection of the Communist domination of over DFPE, the “lack of free expression” (Dibini, 1985), and a desire for “freedom of thought and independent decision-making” (Salim, 1990). In 1982, the National Bloc founded the Nationalist Progressive Movement and became politically active. It disseminated its ideas via the newspaper *al-Tadamun* (Solidarity), and later through another newspaper *al-Watan* (The Homeland) and the cultural journal *al-Mawakib* (The Procession). The NPM ran in Nazareth’s local elections in 1983, winning four seats. This success encouraged members to act at the national level, since the movement’s leaders believed that the disappearance of the Arab party lists affiliated with the Zionist parties had created a political vacuum. Absent in particular was a nationalist Palestinian faction that was ideologically independent of the Communist Party, the party that represented Jewish-Arab partnership.

The NPM ascribed its emergence to:

...objective conditions and patriotic convictions that have deepened in recent years, particularly in the absence of a committed Palestinian approach and a clear Palestinian vision among all the active political parties, especially regarding the national identity and belonging of the Palestinian masses (The Progressive List for Peace, 1988b).

In 1984, the NPM formed a new alliance named the Progressive List for Peace (PLP) with the radical leftist Alternative Movement, headed by two Israeli Jews who had split from the *Sheli* Party, Uri Avnery and Major-General (Res.) Matti Peled, and with the *al-Ansar* (The Supporters) Movement, which had itself broken off from the *Abnaa al-Balad* (Sons of the Village) Movement. However, the NPM was able to maintain its status as a unique and independent body.

Arabs comprised a majority of the PLP’s list and they insisted that their list of candidates for the Knesset elections should reflect this fact, i.e.

that an Arab should head the list and Arabs should comprise an absolute majority of its candidates. The party's platform called for full equality and national and civil rights for Palestinian Arabs in Israel. It also stipulated mutual recognition by Israel and the Palestinian Liberation Organization (PLO) of the rights of the two peoples (Jewish-Israeli and Palestinian-Arab) to self-determination, called for Israel's complete withdrawal from the Palestinian territories (including Jerusalem) occupied in 1967, and for the establishment of an independent Palestinian state alongside the state of Israel. The party urged that these demands be realized by means of negotiations between Israel and the PLO (PLP, 1984, p. 7).

The PLP ran in the Knesset elections for the first time in 1984, winning two seats that were held by Palestinian Attorney Muhammad Miari and Mati Peled. In 1986, organizational and political disagreements led 30 leading Arab members—most of them from the Triangle area—to leave the party. The majority of the party's Jewish leaders left in 1988. As a result, the PLP lost one seat in the 1988 Knesset elections, leaving Muhammad Miari as its sole representative in the Israeli parliament. In 1989, the PLP won seats in four municipal and local council elections (six of the party's candidates were elected) of the 12 elections in which it fielded candidates. In Nazareth, its municipal representation fell from four members to just two.

The socio-political philosophy of the Nationalist Progressive Movement

Two facts are of critical importance in analyzing the NPM's political thinking: First, the movement's socio-political platform was published before the founding of the Progressive List for Peace, and differed somewhat from that of the PLP. The NPM also maintained its independence within the coalition, and its members frequently expressed opinions and positions that differed from the PLP's official party line. Second, the NPM underwent various changes during its lifetime. For

example, some sections that appeared in its first political platform were altered in subsequent platforms or disappeared entirely. New sections were added to reflect shifts in the movement's positions over the years.

The comprehensive platforms of both the NPM and the PLP covered diverse socio-political issues, including the reality on the ground in Israel, the Palestinian question, the status of Palestinian Arabs in Israel, and the situation in the Middle East. Activity, however, focused on two issues: finding a solution to the Palestinian problem, and the status of the Arabs in Israel.

The NPM's platform consisted of ten sections. Nine sections outlined the movement, its goals, and its methods in waging its struggle. The tenth section contained eleven subsections, all of which addressed the demands of Palestinian Arabs in Israel. The NPM's general political stance was reflected in the platform of the PLP and in the political writings published in the Movement's official literature. The fundamental socio-political principles of the NPM were as follows.

Solving the Palestinian problem

The publications of the Nationalist Progressive Movement covered all aspects of the Palestinian issue. Three of these aspects are described briefly below.

In its political platforms for the 1984 and 1988 Knesset elections, the NPM stressed that the PLO was the sole legitimate representative of the Palestinian people (PLP, 1984, 1988b). The platform contended that the PLO represented all Palestinians; the Communist Party, by contrast, insisted that the PLO did not represent the Palestinians in Israel. The dispute over this point was one of the main sources of contention between the two parties.

Additionally, the NPM believed that a just solution to the Palestinian issue "must ensure recognition of the Palestinians' right to self-determination

and the establishment of an independent state on their homeland (*al-Watan*, 1983; PLP, 1983). This solution called for Israel to withdraw completely from all the Arab lands that it had conquered in 1967 including East Jerusalem and to recognize the right of return of the Palestinian refugees. The movement repeatedly emphasized the right of return of the Palestinian refugees (PLP, 1983), reiterating it during the movement's founding convention.

The NPM did not specify its desired borders for a Palestinian state, though the first section of the PLP's platform stipulated that this state should be established on the territories occupied in 1967, i.e., alongside the State of Israel (PLP, 1984). A dispute between the NPM and the PLP also arose over the question of the right of return: while the NPM's platform called for realization of the right of return, the PLP's added the words "or compensation" (PLP, 1984).

Finally, the NPM believed that a just solution was possible only within the framework of an international conference in which the Palestinians would participate as genuine partners, represented by the PLO (PLP, 1987).

The Nationalist Progressive Movement and the status of Palestinian Arabs in Israel

The NPM emphasized the Palestinian identity of the Arabs in Israel, using the slogan, "Palestinian roots, Palestinian aspirations, and Palestinian decision-making" (*al-Tadamun*, 1984). This approach was set forth from the outset, in the first two sections of the movement's constitution, drafted in 1985; in the symbolic use of the letter F (for *falasteen*, Palestine in Arabic) in the Knesset elections; and in the incorporation of the colors of the Palestinian flag in all its publications. At the movement's third convention in 1990, the NPM ranked belonging to the Palestinian people at the top of its list of identities (PLP, 1990a). It also considered the Arabs in Israel as a "national minority living on its land and in its homeland," implying that they also constituted an indigenous nation (Iraqi, 1985).

The NPM believed the Palestinians in Israel, like other members of the

Palestinian people, to be part of the Arab nation, and emphasized the fact that they were, by necessity, citizens of the State of Israel. The movement's priorities were presented as follows: "We are Palestinians at the homeland level, Arabs at the national level, and Israelis at the citizenship level" (Iraqi, 1985).

"Palestinian" national identity and belonging to the "Arab" nation were underscored in four sections and two subsections of the movement's platform. The NPM stated that one of its objectives was to sustain this identity and the Arabic language and heritage in all its activities—demonstrating the NPM's use of identity politics. Another objective of the NPM promoted liberal citizenship rights and the collective rights of the Palestinian Arabs in Israel. According to the PLP's definition of the conflict, there were two requirements to resolve the issue of Palestinian Arabs in Israel: the first requirement is that the solution should guarantee civil equality by implementing the "democratic constitution," which stipulates that, "Israel is a democratic republic for all its citizens" (PLP, 1988a, p.4). This section was included due to the influence of the NPM's platform and the movement's repeated demands for the state to be defined in that manner. Actually, the PLP's first party convention, stated that, "The State of Israel is the property of all its citizens" (PLP, 1988b). The second requirement is the recognition of Arabs as a national minority with the right to establish their own institutions and enjoy collective rights, the realization of which would ultimately lead to a binational state (Abdullah, 1987).

At its third convention, the NPM laid out its general vision for a solution, which included the establishment of Arab political, social, and cultural institutions, and self-administration of the Arab education system, including the establishment of an Arab university to strengthen Arab national identity and Palestinian nationalism. In addition, the movement called for Palestinians to assume the administration of Muslim *waqf* property, Palestinian charitable institutions, and the development of

Palestinian towns and villages. Notably however, the NPM stressed that it did not demand self-rule (PLP, 1990a).

Methods of struggle for the Nationalist Progressive Movement

The NPM strove to achieve the Palestinians' national goal of establishing their own state and for a shift in the status of the Palestinian Arabs in Israel. To this end, it adopted the following four operational methods:

Parliamentary struggle. The NPM believed that the Palestinian minority was a political force with the power to influence the course of events. Thus, the movement regarded voting in the Knesset elections as "a duty, to ensure that we feel that we have a say and that it is we who determine and steer our own fate" (Hallak, 1988). In calling on people to vote, the movement demonstrated conviction in its ability to influence "decision-making, and perhaps also the shape of the government" (Shehadeh, 1991).

The Arab representative institutions. The NPM viewed the Higher Follow-Up Committee for the Arabs in Israel and the "other non-party national forces operating in the political arena as an address and a genuine and adequate representative of Arabs in the state" (Daher, 1988). The movement was therefore active within these bodies and supported their demands for official recognition. However, it also called for the reform of these bodies and for establishment of additional institutions.

Political and popular struggle. The NPM believed Palestinian Arabs, who were citizens of the state, had a duty to act in all lawful ways "to end the occupation, and to force the Israeli government to recognize the rights of our people, not only in the service of the Palestinian people, but also of the Jewish people and others who seek peace around the world" (Daher, 1988). The movement also adopted strikes—such as protests in commemoration of Land Day—as a means of struggle and political expression.

The movement regarded these means of struggle as a way of complementing the struggles of Palestinians in the 1967 occupied territories and in the

Diaspora. The NPM gained special significance from the fact that it was able, together with progressive Jewish political forces, to become an active and influential player within the state (Daher, 1988).

After the outbreak of the first Palestinian intifada at the end of 1987, the NPM stated that the struggle of “internal” Palestinians differed from the struggle of Palestinians living in the 1967 occupied territories and in the Diaspora. The struggle inside the state’s borders has a political character, the NPM argued, and is waged within the framework of the law (Daher, 1988). The essential purpose of this struggle is to achieve “solidarity with the intifada, to support it by all available means, and to use all national occasions to deepen our connection with the Palestinian people” (*al-Watan*, 1989).

Emphasis on the importance of cooperation with the Jewish public, on new terms. The NPM emphasized the importance of cooperating with the Jewish public in all aspects of the struggle, especially at the parliamentary level, on condition that the movement would not operate under Jewish leadership (Abed Rabbu, 1988). The movement regarded its relationship with the Jewish section of the PLP as constituting “an alliance and not integration, with the Progressive Movement remaining an independent national institution that has its own vision, and that acts among the Arab masses while allied to the Alternative Movement, because therein lie the interests of both” (Kais, 1990a).

The decline and disappearance of the Nationalist Progressive Movement

The aforementioned internal disagreements and defections did not abate. Indeed, the situation deteriorated further when the Nazareth branch of the NPM decided to limit the tenure of members holding any position within the movement, including the party’s Knesset members, to two terms. In addition, repeated accusations of despotism were made against

the leadership of the movement and its head, Muhammad Miari (Salim, 1990). These disputes led many members to leave the movement, most notably Dr. Rashid Salim, one of its founders.

In keeping with its political ideology, the NPM supported the declaration of Palestinian independence in November 1988. It also backed the Iraqi invasion of Kuwait in 1990 (PLP, 1990b). The NPM justified its stance by citing the right of the Iraqis to recover land that had been taken from them by colonial forces (Makhoul, 1990; Salman, 1990). The movement also believed that the Iraqi invasion aided the liberation of Arab peoples from corrupt regimes and the advancement of Arab national unity (Abed Rabbu, 1990). It argued that acts of retaliation taken by any of the sides or movements involved were an internal Arab affair (Issa, 1990). Some of the movement's leaders viewed the Iraqi invasion of Kuwait as:

...a source of financial and strategic power for Iraq, one which can help it to overcome the technological and military superiority of Israel—the main reason for Israel's arrogance—and strike a blow to America's interests and influence, one which might compel it to wake up and adopt a fairer, more just, and more appropriate position towards Arab issues and rights, and especially towards the Palestinian question and recognition of the PLO, as well as the establishment of a Palestinian state alongside a lesser Israel. (Shahadeh, 1990)

The movement deemed the Gulf crisis to have resulted from the struggle between the movement for Arab national liberation against the United States, other imperialist states, and affiliated reactionary states (Kais, 1990b; PLP, 1991).

The NPM's stance on the Gulf crisis marked the beginning of the end of its cooperation with the Jewish forces in the Progressive List for Peace. The Alternative Movement, which supported the Americans, left the PLP (PLP, 1990b, 1991). When added to the internal disagreements and schisms described above, the dispute with the Alternative Movement led

to the disintegration and ultimately the demise of the NPM.

In the 1992 Knesset elections, the PLP did not meet the qualifying threshold. A year later, bitter disputes erupted between PLP leader Muhammad Miari and his supporters and other party members over Miari's criticism of the Oslo Accords, which were signed that year, and of Palestinian Authority policy. Another factor of these disputes was Miari's refusal to cooperate with the Arab political parties operating in Israel, especially the Democratic Front and the Arab Democratic Party (DFPE). As a result, the NPM did not run in the 1996 Knesset elections. In that year, a faction within the movement led by Miari joined the National Democratic Assembly (*Balad*) party. Another faction, led by Muhammad Zidan, who was a leading activist in the PLP and head of the Kufr Manda Local Council (and former chair of the High Follow-Up Committee for the Arabs in Israel), joined the Progressive Alliance (*al-Tabahuf al-Taquadumi*), which failed to meet the qualifying threshold in the Knesset elections. With this, the NPM finally disappeared from the political arena.

Conclusion

The Nationalist Progressive Movement's goals and activities centered on four basic demands: recognition of national identity, participation in decision-making, sharing in the distribution of resources, and self-administration for Arab institutions. These demands were based on the conviction that they could be met within the framework of Israeli rule. The movement rejected the existing regime, but believed it could be changed through the power that the Arabs wielded in the Knesset elections, and by cooperating with certain Jewish—even Zionist—political forces. These demands, and the methods adopted in pursuit of them, indicate that the NPM resorted to identity politics in order to achieve a more just distribution of the state's resources. While the NPM clearly did much in the attempt to resolve the Palestinian question, it maintained that the solution would not apply to Palestinian Arabs inside Israel.

The movement's demands, the way in which it defined itself and its methods were innovative in the political thinking of Palestinians in Israel. Its novelty laid both in its view of itself as a part of the Palestinian national movement—i.e., a part of the Palestinian political arena—and its belief that it had the ability to influence and alter political decision-making in Israel. Thus, it saw itself as an integral part of both political centers, and not as a marginal player in either. In this sense, the NPM was unique in the political history of the Palestinian Arabs in Israel. And although it disappeared from politics, the movement's philosophy left a deep imprint on the subsequent political development of Palestinians in Israel.

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Second Volume

Historical Development of the Israeli Communist Party

Mustafa Kabha

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Arab Center for Applied Social Research

Historical Development of the Israeli Communist Party

Mustafa Kabha*

Organized communist activity in Palestine began in March 1919, when a handful of Jewish immigrants from Eastern Europe established the Socialist Workers' Party. They had left the *Poalei Zion* [Workers of Zion] party, which was more leftist than the Zionist parties, following a dispute among *Poalei Zion* members over two important questions: first, whether to join the international communist body, and second, whether to join the Zionist General Congress. The dispute, then, revolved around joining an international anti-nationalism movement or working in the framework of a body actively promoting Zionism.

Given the opposing beliefs, the split was inevitable. It occurred when the rightist branch of the party joined the Zionist *Achdut Avodah* [Labor Unity] party and integrated in the activities of the Zionist parties, while the leftist, non-Zionist branch joined the Communist International (the Comintern). The vortex that arose as a result of these two paths was the principal cause of splits that the Israeli Communist Party experienced in all its manifestations, from its birth to the present time.

The Socialist Workers' Party did not last long; it broke up after the bloody clashes between Jews and Arabs in Jaffa and Petah Tikva in May 1921. As a result of the clashes, the party's two leaders returned to the Soviet Union (Yisraeli, 1953).

The Communist Party was established in the summer of 1921 on the ruins of the Socialist Workers' Party. At first, it was a uninationa Jewish party. It

* Professor Kabha is the chair of the Department of History, Philosophy, and Judaic Studies at the Open University.

continued in this form until the second half of the 1920s, when it began to draw young Arabs, who were attracted by the spell of the communist idea, particularly by its conceptions of social justice and socialism (Bashir, 1978). Among the first to join were Najati Sidqi (1905-1979), who was known as “Comrade Musa,” from Jaffa, and Mahmud Moghrabi, who went by the nickname “Alatrash” (1903-1980), also from Jaffa (Alsharif, 2004).

Other Arabs followed them and joined the party. The Comintern, which sought at the time to “Arabize” the party, encouraged the new membership. By joining, the new Arab members did not give up their sense of national belonging, as reflected in the events of 1929, which Palestinians refer to as the Alburraq Uprising.

Disputes broke out between them and the Arab and Jewish party members regarding the Alburraq Uprising. Most of the Jewish members viewed Arab acts in the uprising as “nationalistic and chauvinistic” and claimed that, “as loyal Marxists, they cannot support them.” The Arab members, on their part, emphasized that “this uprising is an anti-imperialist and anti-colonialist act” (Yisraeli, 1953, p. 119). Given the differences of opinion, some Jewish members left the party.

The results of the elections to the Comintern’s Central Committee encouraged continuation of the policy of Arabization; it became official Comintern policy in the summer of 1930. The process of Arabization reached its peak in 1943 with the appointment of Radwan Hilu as party secretary, the first Arab to hold this post in the Party. Hilu remained party secretary until the split in 1943 (Dotan, 1991).

During the 1936-1939 Palestinian revolt, disputes broke out between the two national groups, and within each of the groups. For example, most Arab members supported the revolt, viewing it as a revolution for freedom. Some of them (such as Fouad Nasser and Nimer Odeh) also took part in the battles waged by the revolutionaries. Other Arab members viewed the act as reactionary, and went to Spain to join the Republicans

and Communists in their battle against the Nationalist-Fascist camp under the leadership of General Franco (Dotan, 1991).

On the other hand, some Jewish party members objected slightly to the revolt and criticized the positions of the Arab members who identified with it. Other Jewish members strongly opposed the revolt, describing it as “nationalistic and chauvinistic” (Yisraeli, 1953, p. 119). Jews who remained in the party formed an independent group, *Majmuat Alhaq* [The Truth Group], like the name of the group’s journal. The Arab members interpreted this as a step toward leaving the mother party.

In 1940, the party faced another split. Leaders on both sides managed to avoid the split, but not for long. In 1943, with the prospective results of World War II gradually becoming clear, the notion of a split increasingly gained support; it was only a matter of time before it happened (Dotan, 1991).

The official reason given for the split involved a dispute over the position the party should take regarding the Jewish Brigade that the Allies had formed, and over the party’s cooperation with the *Histadrut* [General Workers Federation] in strikes and demonstrations. The Jewish members supported the Jewish Brigade and cooperation with the *Histadrut*. The Arab members opposed both initiatives, arguing that, “the Palestinian Communist Party is a patriotic Palestinian party with some Jewish members who agree to its national mission” (Dotan, 1991). The Jewish members insisted, in their declarations at least, that the party was binational, and its primary role was to disseminate the international idea (Dotan, 1991), though the positions they took could not hide their national inclinations.

The National Liberation League

When the two sides realized that they were unable to mend the rift between them, the Arab members left the party and established the National Liberation League as a means to express the political priorities of the group, which viewed itself as part of the Palestinian national movement

and positioned itself on the left of the political spectrum.

The movement's founding meeting took place in Haifa in February 1944. Representatives of the Association of Arab Intellectuals, the People's Club, the Rays of Hope Club, and the League to Combat Fascism took part. Also taking part were representatives of various Arab workers' unions and societies. The founders of the League included Abdullah Bandaq, Boulos Farah, Emile Touma, Mukhlas Amru, Emile Habibi, Musa Dajani, Fouad Nassar, and Khaled Zaghmuri (Alghoul, 1987).

The first popular meeting of the National Liberation League was held in Jaffa on April 20, 1944. The speakers expressed their agreement to enter into a coalition with the traditional leadership of the national Palestinian movement in a popular front that would be formed to conduct affairs of the country. Among the recommendations issued by the popular assembly was a call to the British Mandatory government "to cease Jewish immigration and to improve the living conditions of Arab citizens in every town and village" (Alghoul, 1987, p. 78).

The League began to publish *Al-Ittihad* on May 14, 1944 as its official organ. The newspaper was published in Haifa under the editorship of Emile Touma. He drew a respected group of Arab publicists from Palestine and neighboring Arab countries. Immediately, the newspaper became an important cultural staple, and many leftist intellectuals who had not joined the Communist Party began to write for it (Alghoul, 1987).

In 1946, the National Liberation League published its political platform. Other than on the issue of Jewish immigrants living in Palestine, the platform did not differ greatly from the platforms of the other Palestinian parties. The traditional parties were unwilling to accept the legitimacy of Jews who had immigrated to Palestine since the beginning of Zionist settlement there. However, League members were willing to accept Jewish immigrants who had already arrived in an independent democratic state, provided that Jewish immigration cease from then on. The League objected to the interference of the Arab League in Palestinian affairs, defining

that interference as “the expropriation of leadership” of the Palestinian national struggle. It also opposed the findings of the Anglo-American Committee of Inquiry, primarily its recommendation to partition Palestine, and contended that the recommendations were intended to divert the Palestinian people from its principal objectives: end of the British Mandate and achievement of Palestinian independence (Alghoul, 1987).

The League joined in discussions and efforts to revive Palestinian activity, which had diminished during the course of World War II. It objected to the Arab Higher Committee, which Jamal Al-Husseini founded, and took part in the formation of the Arab Higher Front along with other parties and entities that opposed the Al-Husseini lineage. The Arab Higher Front lasted for only a short time (Touma, 1974).

The partition decision: Major crossroads in the League’s history

The National Liberation League continued to oppose the partition plan and demanded establishment of an independent democratic Palestinian state at the conclusion of the Mandate and removal of foreign forces from Palestine. Most of the League’s leaders expressed this position at conferences, in press conferences, and in articles in *Al-Ittihad* (see, for example, the editorial in *Al-Ittihad* from November 9, 1947). This was the League’s position until Andrei Gromyko gave his famous speech at the United Nations, on May 14, 1947, where he stated the change in Soviet policy on the question of partition, indicating that the Soviet Union supported partition as a solution so that Palestine can avoid the fighting and horrors of war (Alghoul, 1987).

Gromyko’s speech created conflict in the League: the majority (headed by Emile Touma and Boulos Farah) continued to oppose the partition plan, while the minority (headed by Emile Habibi and Tawfiq Toubi) supported Gromyko’s stance and the partition plan. The dispute continued throughout the 1947-1948 war and the Palestinian Nakba, and became

evident in the balance of power among the Arab members, who would later join the ranks of the Israeli Communist Party (Alghoul, 1987).

Renewal of Arab-Jewish cooperation and the establishment of the Israeli Communist Party

With the end of the fighting in 1949 and the signing of the cease-fire agreement, the Jewish members and Arab members who had remained in the country rejoined forces in the Israeli Communist Party (known by its Hebrew acronym *Maki*). This time, the demographic changes and the geopolitical situation resulting from the war had their effect. The primary results were the establishment of a Jewish state, the abortion of the formation of an Arab state, and the almost complete destruction of Palestinian society. Arabs now comprised a minority and the Jews a majority in the new state, and a military government had been imposed on the Arab minority. It remained in force until 1966.

Maki, whose ranks were bolstered by the Arab members from the National Liberation League who supported the partition plan, was now a lawful organization (it had been banned by the Mandatory authorities). *Al-Ittihad*, which the authorities had closed in February 1948, reappeared in November 1948, this time as the mouthpiece of the Israeli Communist Party.

Overnight, *Maki* became almost the sole lawful framework for Palestinians in Israel who wished to protest the military government's discriminatory policy against them. As a result, the Israeli Communist Party became, for the first time in its history, a central actor in the political activity of Arab-Palestinian citizens, after having been, from the day it was formed until 1948, a marginal factor in the Palestinian national movement, and after Palestinian opinion had largely objected to communism.

At the political level, although the Arab and Jewish members adapted to the dramatic changes, there appeared from time to time differences of

opinion based on national belonging. These differences arose as early as the Eleventh Congress (the first after the establishment of the state of Israel), held in 1949. Two fundamental issues were in question for the Congress: the borders of the state and the right of self-determination of the Arab Palestinian minority in Israel.

Regarding the borders, the Arab members demanded that they run along the boundary lines of the partition plan the UN adopted on November 29, 1947. The Jewish members, on the other hand, thought the borders should be those set in the truce agreements that Israel and the Arab countries signed in the spring of 1949 (Rekhes, 1993). The issue was not determined; rather, the participants settled on an amorphous statement that did not object to return to the borders delineated in the partition plan, but did not explicitly demand it. On the question of the right to independent self-determination of the Arab minority, the Arab members demanded they be granted the right to self-determination, even if they chose to separate completely from the state and become part of the Palestinian state that would be established alongside Israel. The next two party congresses, the thirteenth in 1952 and the fourteenth in 1957, adopted resolutions emphasizing the Arab minority's right to self-determination. Most of the Jewish members opposed the resolutions and argued for greater integration of the Arab citizens in the state and its institutions and called for repeal of the two decisions; in 1961, their demand was met for the repeal of the resolutions (Rekhes, 1993).

Another split, and the founding of Rakah and Jabha

In 1964, threats of a split in *Maki* resurfaced. This time, the dispute did not involve relations between the Arab minority and the Jewish majority, but dealt with the Arab minority's ties with the Arab World. On September 20, a leader of *Maki* and mouthpiece of the party, Shmuel Mikunis, published an article in *Kol ha Am* [The Voice of the People], in which he criticized the Soviet Union for giving the Lenin Peace Prize to Ahmad Ben

Bella, the president of Algeria and the leader of the National Liberation Front. Mikunis claimed: "Ben Bella does not hide his obligation to destroy Israel" (Rekhes, 1993). *Al-Ittihad* refused to publish the article. A crisis arose, which led to the holding of two separate congresses. The Arab members and a few Jewish members, headed by Meir Wilner, split and established the New Communist List (*Rakah*, an acronym for the Hebrew name). Jewish members maintained *Maki* for a few years before the party disintegrated and returned to *Rakah*.

In 1975, a body was established that included communists and non-communists from the Jewish and Arab peace movements. The new entity was called the Democratic Front for Peace and Equality (DFPE; *Hadash* in Hebrew and *al-Jabha* in Arabic). *Rakah*, and later *Hadash*, mounted numerous battles against the oppression of and discrimination against the Palestinian Arab minority in Israel. *Rakah* opposed the military government, its methods, and its treatment of the Arab population, and struggled for equality at all levels and made great effort, together with other Arab organizations, to maintain Arab cultural identity. *Rakah* and *Hadash* also fought against land expropriation and played a critical role in shaping Arab discourse and in building institutions representing the Arab minority, such as the Regional Committee for the Defense of Arab Lands, the National Committee of Arab Mayors, and the Higher Follow-up Committee for the Affairs of the Arab Citizens in Israel.

The leaders of *Hadash*, particularly Tawfiq Ziad and Saliba Khamis, played a major role in Land Day in 1976, a national strike against land expropriation of Arab citizens (see chapter on Land Day in *Volume I*). This day is celebrated annually by all Palestinians. Party activists contributed greatly to building ties with Palestinians in the West Bank, the Gaza Strip, and in exile. *Hadash* fully supported official Palestinian positions during both the first intifada (1987-1993) and the second intifada (2000-2010) (Kabha & Caspi, 2011).

The split in 1964-1965 was the peak of the second era of Arabization in

the party. The Arabization proceeded gradually this time, growing from the bottom up. It began in the ranks of the voters and members, and then moved to the leadership echelon and the party institutions. The process was completed in the first half of the 1990s, when the Arabs constituted a clear majority in the party and its leadership (Rekhes, 1993).

In 1949, 68% of Communist Party members were Jewish, the number dropped to 31% after the split in 1964, and stood at only 20 percent in 1988 (Neuberger, 1998, p. 1010). From 1949 to 1961, Jews constituted half to two-thirds of the party's knesset members; since the split in 1965, the percentage has gradually dropped to 25%.

The relations between the two national groups comprising the party greatly affected its priorities and *Hadash's* priorities. The relations had an impact on the candidates' list to the Knesset and on the place given each candidate in the list. Drawing up the list was a point of contention between the different camps in *Hadash* in the 2003 and 2006 elections (see "Israel's Communist Party: At the Crossroads, 1948-2012" in this volume).

In recent years, there have been hidden conflicts between the old guard and the new leadership, the latter demanding change and reform. These controversies have affected relations between the two national groups. The impact is evident in two fundamental differences of opinion: one, on the question of two states for two peoples or one democratic secular state as the solution to the Palestinian-Israeli conflict, and the other, on the question of the party's position regarding the Syrian revolution. While the old guard opposes the revolution, many young members do not hesitate to support it, even if not openly. The issue of the relationship between the young and the old constituencies in the party will persist because of the dominant role that the Syrian conflict plays within the party.

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Israel's Communist Party: At the Crossroads, 1948-2012

Udi Adiv*

The history of communism has a tragic ending. What began with a shout, with great hopes, with a vision of egalitarian socialist society and the creation of a new man, ends in a whimper. The story of communism is one of never-ending ideological disputes, personal rivalries, and mass murder, which led, at the end of the twentieth century, to the collapse of the Soviet bloc and the disappearance of most of the world's communist parties.

This tragic tale has had a significant impact on the Israeli Communist Party (ICP, or *Maki* in Hebrew). The party was re-established—with enormous optimism and the vision of a new socialist state—the day after the declaration of the founding of the state of Israel. Shmuel Mikunis, Meir Wilner, and Esther Wilenska were among the first leaders of the Palestinian Communist Party (PCP), which, during the Mandate period, had rejected outright the Zionist idea of establishing a Jewish state in Palestine. Yet, in May 1947, in the wake of the speech by Andrei Gromyko, the Soviet delegate to the United Nations, they decided to support the idea of founding the state of Israel as the realization of the “right of the Jewish people to establish their state.”¹ Overnight, they became enthusiastic Israeli patriots. The Jewish communists adopted, in effect, the “binational” conception of the Zionist Left—an old-new concept according to which the establishment of the state was not a “must-be-ended” continuation

* Dr. Udi Adiv teaches politics at the Open University and publishes research on various aspects of Israeli society and politics relevant to the Israeli-Palestinian conflict.

1. The quotation is taken from the Declaration of Independence, which Wilner signed on behalf of *Maki*, on May 14, 1948, on the eve of the declaration of the establishment of Israel. Wilner was substituting for Mikunis, the party's general secretary, who was out of the country at the time.

of the colonialist contradiction between the Zionist Yishuv settler and the indigenous Palestinian people, but a new coexistence of two separate national groups acting individually.

The events of the 1948 war quickly refuted the party's great hope that the state would be socialist. "The Jewish state," which the communists, inspired by Moscow and with its approval, recognized and supported in 1948, did not end the clash between the two communities of Mandatory Palestine, but intensified it, as the new Jewish state just realized the Zionist goal. In retrospect, it is clear that the establishment of the "Jewish state" simply resulted in the handing over of government rule and authority to the Zionists. One consequence was that a segment of the Palestinian people—the Palestinians who remained in the newly formed Zionist state—found themselves a discriminated-against minority, without rights, and subject to the laws of the state.

In effect, *Maki* became the party of the Palestinian minority that remained in the country after the Nakba. From the 1950s to the present day, *Maki* has been at the forefront of all the major struggles of Palestinians in Israel: from the struggle to abolish the military government in the 1950s and 1960s; to the protests over the 1961 murder of three young Palestinians from Haifa; to the opposition to the occupation of the West Bank and Gaza in the 1967 war, and calling for the establishment of a Palestinian state alongside the State of Israel; to Land Day in 1976; to the establishment of the High Follow-up Committee for Arab Citizens of Israel; to the initiative to establish the Arab Congress, in 1981, which the then-minister of defense, Menachem Begin, prohibited; to the popular support for the first Intifada; to the signing of the Oslo Accords; to the October 2000 uprising following the murder of Palestinian demonstrators and the outbreak of the second Intifada.

Simultaneously, independent of the struggle of the Palestinian national minority, the Jewish-Israeli "faction" of *Maki* did not drop its goal of turning the state of Israel into a socialist workers' state, and was actively

involved in all the major social struggles and workers' strikes among the Israeli Jewish population.

As we see from the above, throughout its history, *Maki* has proceeded from one crossroads to another in its attempt to navigate between two extremes: At one end, the Jewish communists' struggle to advance social issues and workers' interests and turn "the Jewish state," which they fought for, into a socialist state; at the other end, the national struggle of the Palestinian communists.

The first crossroads: Founding of the Party in 1948

The first crossroads *Maki* faced resulted in its support for the "partition decision" and establishment of the new party the day after the state was founded, May 15, 1948. Leaders of the old Palestinian Communist Party, who throughout the Mandate fought on the side of the Palestinian national movement against Zionist settlement, were inspired by Gromyko's speech, and decided, in May 1947, to support the "partition plan" (Perach, 1993). A half a year later, they came out in support of Ben-Gurion's declaration of the establishment of the state of Israel as the "realization of the right of self-determination of the Jewish people" (Mikunis, 1972, p. 5).

The Jewish leadership of the party also stood on the side of the Zionist *yishuv* (the pre-1948 Jewish settlement in Palestine) in the 1948 war (Maki, 1951), and a few of the Jewish members served, at the directive of the party, in the newly created Israeli army (Bashan, 1961). According to Mikunis and Wilner, the Party's leaders, the "Jewish *yishuv*" was waging an anti-imperialist war against the armies of neighboring countries that had invaded Israel under the auspices of the British imperialists. Consistent with this approach, Wilner agreed, in a Knesset debate held in May 1950 that it had been "necessary to drive out, to the extent possible, the invading Arab countries and the British invaders from Eretz Yisrael" and opposed

“annexation of the Arab parts of Eretz Yisrael² to the Kingdom of Trans-Jordan” (Orr & Machover, 1999, p. 46). He did not address, in his comments in the Knesset debate, the issue of Israeli annexation of other parts of Palestine. A few years later, in May 1957, Mikunis, the general secretary of the Party, in his comments opening the Thirteenth Congress of the French Communist Party, welcomed its “action in rescuing French Jews from the Nazis... and its support for the struggle for independence of our people in 1948” (Maki, 1957, p. 10).

The second crossroads: The clash between Israeli patriotism, Arab-Palestinian nationalism, and proletarian internationalism

The second crossroads the party faced was the ideological duality, or triality, inherent in *Maki's* platform and in the speeches of its leaders, a phenomenon that continues to exist. For example, Resolution No. 8 of the Nineteenth Congress of *Maki*, held in 1981, states that the Party “is based on Marxist-Leninist principles” and simultaneously “expresses the common interests of the two peoples in the country” (Maki, 1981, p. 70). Wilner, when serving as the party's general secretary, stated that, “our communist party fought for the independence of the Jewish people” (Maki, 1981, p. 70), but also recognizes “the Arab-Palestinian population in Israel as a national minority, entitled to equal political, social, and cultural national and civil rights” (Maki, 1981, p. 44). Wilner's Israeli patriotism was apparently aimed at the Israeli public,³ just as the call to recognize the national rights of the “Arab-Palestinian population in Israel” was aimed primarily at the country's Palestinian citizens.

How, then, can the party that “fought in 1948 on the side of ‘the people of Israel’ for national independence” (Maki, 1981, p. 70) simultaneously

2. Areas that, under the partition decision, were intended to be part of the Arab state.

3. See Wilner's speech before the Knesset plenum after Israel invaded southern Lebanon in June 1982, in which he claimed that it was a “war against Israel's genuine interests, against the security of the Jewish people, against the chances for peace. This is a war that further damages Israeli society” (Hadaash [The Democratic Front for Peace and Equality or DFPE] website).

represent the “Arab-Palestinian population in Israel as a national minority?” *Maki* took on an impossible task, given its support for the establishment of the Jewish state in 1948. Its attempt to bridge the gap between the two national groups was consistent with *Maki* ideology, which waved the “proletarian internationalism” and “class struggle” banner as the supreme principle and utopian ideal that would bridge the conflicting aims of the two national identities.

The third crossroads: “Jewish-Arab brotherhood”

Maki’s leaders continue to be proud of the spirit of brotherhood and friendship in the party, which they refer to as “Jewish-Arab brotherhood.” Moreover, they contend that this spirit, which prevails in all the party’s districts and cells, is the secret of *Maki*’s advantage and superiority over the other Zionist parties. But a close, critical look reveals a different reality. Jewish and Palestinian communists indeed acted in concert in the framework of the Palestinian Communist Party (PCP) to promote “cooperation between the Arab and Jewish masses” during the Mandate period. On the contrary, the call for “Jewish-Arab brotherhood” was first made at the end of the 1930s by a group of students from the PCP’s “Jewish section,” which was formed in 1937. This group was active at the time at the Hebrew University in Jerusalem, working jointly with the Left Poalei Zion and Brit Shalom in the framework of the “League for Jewish-Arab Rapprochement and Cooperation” (Dotan, 1991, p. 274). It seems, then, that *Maki*’s call, following the founding of the state, for “Jewish-Arab brotherhood” was essentially a substitute for the unified Palestinian democratic vision of the PCP. This being the case, given the lack of a unified national democratic conception in Israel, *Maki*’s leaders exaggerated the importance of Jewish-Arab brotherhood as the only proposal it could offer in the political reality of sovereign rule over the country’s Palestinian citizens.

In the Israeli reality, “Jewish-Arab brotherhood” was, at the most, an expression of the genuine, but one-sided, feeling of the Jewish communists toward the Palestinian inhabitants. The Israeli communists’ feeling of brotherhood indeed granted them a sense of moral superiority; it connected them, ostensibly, to the Palestinian inhabitants and separated them from the Israeli master class. However, “Jewish-Arab brotherhood” became, with the passage of time, an ethical ideal underlying the actions of *Maki*’s Jewish members, a kind of awareness that has enabled them to be moral without giving up their hegemony in the party.

The fourth crossroads: The split in 1965

The split in *Maki*, in 1965, was undoubtedly a significant point in the party’s history. Ostensibly, the party’s Palestinian members revolted against the party’s patriotic Israeli leadership. The dispute arose following the reaction of Tawfiq Toubi, Emile Touma, and Emile Habibi, members of *Maki*’s political bureau, to the condemnation—voiced by the party’s delegation, under the leadership of Yair Tzaban, to the Democratic Youth Festival, held in Moscow—of the Soviet decision to grant the Lenin Prize to Ahmad Ben Bela, the charismatic president of independent Algeria.

The condemnation, approved by Mikunis and Moshe Sneh but not by the party’s institutions, exposed the internal contradiction that governed *Maki* from the day it was born—the contradiction between the Israeli Communist Party’s beliefs and the national experience of the Palestinians in Israel. The Palestinian communists, although they joined the Israeli Communist Party in 1948 unconditionally, did not abandon their Arab-Palestinian national views. Therefore, even if their speeches and articles in Hebrew repeated the Israeli patriotic slogans printed in *The People’s Voice* and *This is the Way*, the two Hebrew newspapers published by the party, when they spoke to the Arabic-reading Palestinian audience on the pages of *al-Ittihad*, they were always *the* patriotic Arab Palestinian party. The headlines of the lead articles in *al-Ittihad*, from the day the state was founded, have dealt almost

exclusively with the Palestinian problem. The party's Arabic literature has reflected the grave threat facing the Palestinians, as appears, for example, in the poetry of Mahmoud Darwish (2007) and the literature of Emile Habibi (1984).

Throughout the Mandate period, the Palestinian communists—like the communists in all third-world countries—had been an integral part of the national movement of their people struggling for independence and opposing the British rule, as was the case in Palestine. Their theoretical and political problem was to find a way to integrate the class perspective of the workers with the national perspective (that of the entire Palestinian people). The solution, according to communist theorists, lay in Marxist phenomenology or Lenin's theory of stages, both of which hold that nationalism is the first form, or the first stage, of class warfare, a means for achieving a communist regime.

This view suited the period of the struggle against British rule, but, according to Emile Touma, after the state was founded, "the problem was not properly and completely solved because imperialism, in collusion with the Zionist leadership and the Arab reaction, prevented the Palestinian people from realizing its right to self-determination and to establishment of its independent state."⁴ In other words, only the national Jewish objective was achieved, and it was accomplished in place of, and at the expense of, the Palestinian people, which did not gain its independence and did not receive its state. This meant that the Palestinian communists were supposed to continue their national struggle to the end—realization of the Palestinians' right of self-determination—while the Israeli communists were supposed to abandon Jewish nationality and move to the stage of internal class war.

4. From September 1964 until the time that the two separate congresses of *Maki* and *Rakah* [New Communist List] were held in August 1965, a stormy dispute was waged on the pages of the *Voice of the People* between the Palestinian communists, who presented what was then called "Opinion A," and the spokesmen of the Jewish section, who expressed "Opinion B." The quotation of Emile Touma is reiterated in various contexts and wording in all the polemical articles published during those months.

How was it possible to bridge the two struggles in the framework of a unified Israeli party, whose leaders swore their allegiance to the state of Israel and signed the Declaration of Independence? The solution was found, as noted above, in the dual consciousness that reflected the duality of the reality itself and the activity of Palestinian party members in Arabic. But duality in party life, as in the case of married life, cannot last long. Indeed, Mikunis and Sneh decided to end it, and prevent for once and for all the dual message of the Palestinian members, which contradicted the principles of the “patriotic party in Israel.” Editors of *al-Ittihad*, on their part, rejected outright Mikunis’s and Sneh’s attempts to prevent them from expressing their opinion. They argued, in accordance with the Leninist theory of stages, for their right to hold Arab and Palestinian national beliefs inasmuch as “the Jewish people succeeded in establishing its state, while the Palestinian Arab people’s state was stolen from it, and it has not yet succeeded in realizing this right” (Maki, 1957, p. 5).

The revolt of the editors of *al-Ittihad* was a step forward that enabled Maki to walk away from the dead end it had reached under the leadership of Mikunis and Sneh. However, the editors of *al-Ittihad* did not challenge the patriotic principles of the party’s platform. That being so, it is hard to find any significant differences between the Party’s platform that was adopted by the Thirteenth Congress, in 1957, and the platform adopted by the Nineteenth Congress, in 1981, with respect to the party’s Israeli patriotism. Section 4 of the two platforms was identical: “The Israeli Communist Party is the patriotic party in Israel, the party of proletarian internationalism” (Maki, 1981, p. 196).

The fifth crossroads: The fall of the Soviet Union

The fall of the Soviet Union, in 1989, should have been the final link in the chain of failures and crises that *Maki* had experienced since its founding. Surprisingly, the party managed to overcome this milestone event as well, even managing to gain strength from one election to another.

Maki's leadership continued to act as if nothing had happened, despite the internal criticism from some of the party's Arab leaders and members, and despite the loss of party members. The same leadership that had acted in consideration of, and inspired by, the Soviet regime continued in office after the regime collapsed, just as the light of a distant star reaches Earth after the star itself has ceased to exist.

In the absence of democratic traditions and debate, the leadership never provided its members with a true report on the mistakes it had made. Nevertheless, the fall of the Soviet Union weakened the power and influence of the party's Jewish leadership. Meir Wilner, David Hanin, and Tamar Gozansky, veteran party leaders, controlled the party by means of the ideological authority it drew from the Soviet regime. The regime's fall, therefore, was a harsh blow to their status and prestige in the eyes of party members; their world, essentially, collapsed on them. The leadership vacuum was filled by the middle generation of Palestinian leaders, the same leaders—such as Mohammad Barakeh and Mohamed Naffa—who drew their power from the citizens who voted for the party and no longer felt tied to the Soviet regime.

The revolt of the party's Palestinian members against the patriotic Israeli leadership, which had begun with a whimper with the split in 1965, intensified in the wake of the fall of the Soviet regime. In the 1990s, the veteran communist leadership gradually lost all the key positions to the young Palestinian leadership. The new leadership's main advantage was that it grew from within the Palestinian community and was no longer closely tied to the Soviet Union and to the Marxist model. However, along with the new Palestinian leadership, the Tel Aviv group of *Maki*, under the leadership of Dov Hanin and Tamar Gozansky, continued to operate independently and remained faithful to the old Israeli communist leadership. As a result, the new Palestinian leadership was unable to resolve the internal contradiction that divided and split *Maki* from the very start; indeed, the contradiction intensified.

To the credit of the veteran communist leadership, it should be said, they innocently believed in the communist ideology as the ultimate purpose of humanity, which, they thought, would abolish the borders and barriers between peoples and nations, and the Jew and Arab “*will beat their swords into plowshares. . . and the leopard will lay down with the calf.*” For example, Wilner said, “According to the class principle, Tawfiq Toubi is a member of my people” (Maki, 1981, p. 69). In comparison, the speeches and articles of Mohammad Barakeh, Mohamed Naffa, and Hanna Sweid do not mention “class supremacy,” and they deal almost exclusively with protection of the rights of the “Palestinian Arab minority in Israel.”

Without the class-socialist common denominator, what is the underlying basis that connects the Palestinian members and the Israeli members in the framework of “the communist party”? The clearest common denominator that connects the two sides is the demand of the Palestinian communists for establishment of a Palestinian state, comprising the West Bank and the Gaza Strip, alongside the state of Israel within the 1967 borders, and acceptance of the existence of the Palestinian minority within the “Jewish state.” These new leaders indeed recognize the Palestinians living in the occupied territories and in the neighboring countries, and even declare they are an integral part of the Palestinian people. But, in practice, they accept the separate self-determination of Palestinians in Israel as a national minority that is independent of the Palestinian people as a whole. Therefore, their principal struggle is taking place within the borders of the Israeli ethnocracy, on the podium of the Knesset, from which they demand “equal rights of the Arab minority in Israel.”

Conclusion

The *Maki* leadership, which exists in a world of Marxist theory, has not found a way to connect the Palestinian national struggle to the class struggle inside Israel. As a result, from the day it was founded, Maki has stumbled from one crossroad to another in its attempt to bridge the gap

between the two poles—the class and the national. In the end, it has fallen between the two and lost both of them. On the one hand, the Palestinian nationalism of *Maki's* Arab members within the Jewish ethnocracy accepts and reinforces the Palestinian national split (between Palestinians in Israel and other Palestinians); on the other hand, the struggle of the Israeli communists to advance socialism, by engaging in social and class issues, is being waged only in Hebrew, without any connection, and sometimes in total contradiction, to the Palestinian national struggle.

In conclusion, the comments in this article are made with the belief and hope that the young generation of Palestinians and Israelis will learn the bitter historical lesson of the only political party that truly and sincerely sought to bring together the Jewish immigrants and the indigenous Palestinian people, but in the absence of a unified national democratic conception found itself time after time, throughout its history, divided and split between the two rival sides.

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The Palestinians in Israel

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The Islamic Movement in Israel: Historical and Ideological Development

Nohad Ali

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The Islamic Movement in Israel: Historical and Ideological Development

Nohad Ali*

One of the major historical developments of the twentieth century is the religious awakening that has been conceptualized in academic research as a return to religion and religious-fundamentalism. These concepts undoubtedly grew out of the academic, public, and cultural perspectives that responded, with some degree of alarm, to the intense religious awakening that followed a period of rationalism that had seemingly eliminated religious fervor. Modernization and secularism were deemed inevitable and one-directional (Ali, 2006). This phenomenon is universal, crossing borders and cultures; it is not unique to a particular religion, and it is found in diverse cultures and countries in East Asia, Europe, the United States, and Israel (Pipes, 1983; Rabie, 1987).

Most of the research on religious fundamentalism focuses on Islamic fundamentalism (Arjomand, 1984). The interest in, and fear of, Islamic fundamentalism has mushroomed since the events of September 11, 2001. In the case of Muslims in Israel, religious fundamentalism and the return to religion are identified in the research and in public discourse with the rise of the Islamic Movement, which first appeared in the early 1970s. It has drawn the interest of politicians, the media, and researchers from academe and from state institutions. This interest has focused on the “radicalization of the Islamic Movement,” real or imagined.

The public debate on the Islamic Movement in Israel differs from the debate on Islamic movements elsewhere, as does the interest that they spark. The growth and development of the movement in Israel has drawn

* Dr. Nohad Ali is a lecturer at the University of Haifa and the Western Galilee Academic College.

significant attention and generated much controversy in the Arab and Muslim world. The Islamic Movement in Israel—or, as its leaders prefer to call it, the Islamic Movement on the Land of 1948—is puzzling to many people. On the one hand, there is consensus among its supporters and among its opponents that, since its establishment, it has taken on the historical function of preserving and protecting the Palestinians’ holy places, particularly those in East Jerusalem. On the other hand, critics are amazed that the movement sprouted in Israel and agreed to act according to one segment of the Israeli rules. Some critics have gone so far as to wonder how leaders of an “Islamic movement” agree to carry an Israeli passport and to compete for seats in the Israeli parliament (Ali, 2009; Al-Misbar Center for Studies and Research, 2009).

Most researchers of the Islamic Movement have viewed it as one bloc. They have ignored the organizational and ideological changes it has undergone, referring to it as “the wave of Islamic fundamentalism sweeping the Arab and Muslim world” (see Rekhess, 1991, 1997; Sivan, 1985). Most researchers ignored the local contexts and constraints, the sequence of events and crises, and the complexity of the relations between the religious, national, and political factors, local and regional (Israeli, 1992).

This article examines the Islamic Movement from another, more critical, perspective. I shall describe the historical beginnings of the movement and examine the methodologies and worldview of the bodies that fall under the rubric of “Islamic fundamentalism” in the context of Palestinian Arabs in Israel. The discussion will take place on a time axis, i.e., a historical narrative of the movement, and in light of the relations between the identities that define the movement: Islamic, Arab, Palestinian, and an “Israeli” identity that was created by the exigencies of the given reality.

As noted, the Islamic Movement in Israel emerged in the early 1970s. It was composed of a national and religious minority in a Jewish ethnic state. The movement’s early roots, though, lie in Palestinian society after World War I and the arrival of the British Mandate in Palestine—at the same

time as the establishment, in Egypt, of the Muslim Brotherhood, which already at its beginning had opened branches in Palestine (Awad, 1992).

Since the establishment of the state of Israel, the Islamic groups have undergone many transformations, the most important occurring in the 1970s. In the mid-1980s, the movement's public-political activity took place at the municipal level, where the movement achieved notable success in elections to local councils, managing to get their members elected to head six local councils (Paz, 1989). Following this success, some of the movement's leaders wanted to expand their activity to the national sphere, an ambition that once again raised the question of the national-Palestinian element in the movement and the complex question of the national and religious components of its members' identity. This question has engaged many movements seeking to resurrect Islam in the Arab and Muslim world (Abd al-Rahman, 1990; Ali, 1998; Malik, 1990; Miari, 1991).

The decision of some of the movement's leaders to participate in the elections to the fourteenth Knesset, held in 1996, led to a deep organizational split into two independent branches, referred to by the media as the Northern Branch and the Southern Branch, based on the geographical location where the heads of each branch lived (see Salah, 2007). As a result, since then, there have been two Islamic movements. However, the two branches draw from the same ideological sources, and most of their leaders were educated in the same religious schools in Hebron and Nablus (Ali, 1998; Meir, 1989). The media, politicians, and many Israeli researchers view the Northern Branch as dogmatic and the Southern Branch as pragmatic, based on its willingness to participate in elections to the Knesset and on the positions of the branches' respective leaders toward relations with the state (Ali, 2006). The Northern Branch, by contrast refuses to participate in the Knesset elections.

Researchers of the Islamic Movement in Israel argue that there are two main factors that have caused the rebirth of political Islam in Israel. One factor, internal to Israel, emphasizes modernization and urbanization.

This factor led to the partial disintegration of traditional frameworks (Meir, 1989; Rekhess, 1991), the search for unique identity, the interaction (since 1967), with other Palestinians under Israeli rule, the activity of the *W'atboon* (persons engaged in encouraging Muslims to return to religious practice) from the territories that were occupied in 1967, the access to holy Islamic sites in Jerusalem and Hebron, and the possibility to make pilgrimages to Mecca (Sivan, 1985; Stendhal, 1992).

The second factor, external to Israel, includes the great crisis in ideology that took place in the Arab world until the 1960s, the rout of Arab countries in the 1967 war, the victory (in Arab eyes) in the 1973 October War, and the impact of religious awakening in the region (Meir, 1989; Rekhess, 1991; Sivan, 1985). Many researchers objected to these explanations, in part on grounds that they reflect oriental thinking and ignore the uniqueness of the Palestinians in Israel (see Ali, 2006).

Some observers contend that the refusal of the Northern Branch to run in Knesset elections indicates its non-recognition of Israel. This argument gained strength after the Northern Branch stopped running in municipal elections in 2003, except for elections in Umm el-Fahm, where the Northern Branch's leadership is based. Many Israeli officials view the refusal to participate in municipal elections and the boycotting of national elections as a hardening of the movement's positions toward the state of Israel. In an interview with *Globes* on August 11, 1985, Yosef Ginat claimed, "These young people are extremely radical also in their rejection of the existence of the state, and they do not take part in any of the state's civic affairs" (quoted in Ghanem, 1992).

The movement's leaders rejected these claims. Some researchers think the refusal to take part in the elections is insignificant ideologically, but has practical significance. Aziz Haidar, for example, explained the Northern Branch's refusal to run in municipal elections as a symptom of the movement's weakness, albeit temporary, in some of the local authorities (see Ali, 2006). Haidar thinks that this refusal shows the distance the Arab

public is keeping from the Islamic Movement, especially from the Northern Branch, following the events of October 2000 and following the arrest of its leader, Sheikh Raed Salah. In Haidar's opinion, this distancing from the Islamic Movement indicates that the Arab public believes the Islamic Movement has gone too far in its "national-religious" positions. Haidar also believes the Arab public lacks interest in the attempt to present Islam as the spearhead in the global battle against the West, at a time when local Muslims are more concerned with their daily problems.

In interviews I held with Northern Branch leaders, they denied outright the claim that ideology and their non-recognition of Israel were the reasons for their abstention from Knesset and municipal elections. They claim their refusal is tactical and that they have nothing to gain by running, inasmuch as running increases the competition and the internal split that already exists among Arabs in Israel. Moreover, a decision to run would, in their view, make it more difficult to achieve a broad consensus on the movement's activities, especially in the social, religious, and cultural fields.¹

Historical development of the Islamic Movement in Israel

The literature on the Islamic Movement in Israel breaks down the movement's development into five chronological stages (Ali, 1998; Ali, 2004). The stages describe the change in direction and internal reorganization that contradict the movement's claim of continuity since prior to 1948, and to congruity with ancient Islamic sources. These changes reflect the movement's ideological-organizational metamorphosis. The major theme underlying the changes, discussed below, is the shifting political-national context in which the movement operates, and which is reflected in the names of the various stages. It should be noted that the movement has embraced a local Palestinian component within its identity from the start.

¹ Ali (2004). See also interviews with Sheikh Raed Salah (December 5, 2002) and with Sheikh Kamal Khatib (October 18, 2002), in Ali (2006).

1. The Egyptian stage, 1928-1948

After World War I and at the beginning of the British Mandate, Palestine became geographically separated from Greater Syria. Palestine began to be exposed to the values, culture, and ideologies then prevalent in Egypt, which was, like Palestine, under British occupation. As early as 1928, the year they were founded, Islamic youth organizations in Egypt had managed to establish branches in Palestine and throughout the Arab world.

Unlike the other Islamic movements, the Palestinian “Muslim Brotherhood” maintained close ties with communists and Christians. This cooperation showed the importance of the movement’s Palestinian-nationality component (Awad, 1992).

Following the Palestinian Nakba and establishment of the state of Israel in 1948, the branches of the Islamic Movement in all areas controlled by the Israeli army were closed. Although the closings devastated the movement, the leaders, some of whom were deported and others who left and went to the West Bank and Gaza Strip because of the war, established new branches there, similar to those that had been closed (Meir, 1989).

2. The stage following the Nakba and the state’s establishment, 1948-1967

The second stage was especially traumatic for the development of the Palestinian national minority in Israel, and for the Islamic groups in particular. Underlying this stage were the asymmetrical relations between the state and the remnants of the Palestinian majority, which became an oppressed minority living in a new political reality that arose following the Nakba, in 1948. The end of this stage concluded the passive phase in the development of the Islamic Movement.

From the time of the founding of the state of Israel to the late 1960s, no Islamic religious movement was established by Arabs living in Israel. Muslim clergy were limited to performing religious ceremonies and dealing

with matters of Islamic law, and with the personal status of Muslims (Al-Haj, 1997). The widespread cultural activity of the mandate period was curtailed, in particular, by Israel's taking over of the Waqf institution, whose leadership led social activism in the mandate period.

3. The Palestinian stage, 1967-1983

This is the most important stage in the unique self-identity of Arabs in Israel, and of the Islamic Movement in particular. Some researchers and some Islamic Movement leaders in Israel contend that 1967 marked the beginning of this stage, which lasted until 1983 (Ali, 1998; see also Salah, 2007).

In this stage, the Islamic Movement operated under the name “The Young Muslims’ Movement” (*Harakat al-Shabab al-Muslim* in Arabic). It was very active in social and cultural, as well as religious, matters. The movement emphasized the importance of social activism, a belief that the movement drew from the Muslim charity-giving tradition (*zāqat*), which could serve as a substitute for the relief apparatus provided by the welfare state (Malik, 1990).

The combination of religious and political activity is reflected in the development of all branches of the Islamic Movement. A major point of controversy was the relative importance of the political dimension. The rebirth of Islam did not arise uniformly, and those who sought to restrain the belligerent positions of the *Usrat al-Jihad* (the Jihad Family, or Holy Warriors), which operated in part as an underground military organization, eventually gained the upper hand (Meir, 1989). *Usrat al-Jihad* believed that the Zionists had stolen Palestine by force, so only force would enable liberation of the holy land (Meir, 1989.). The ideological national-religious line was reflected in the three-part slogan that was drafted as a kind of call to arms: “Palestine for the Palestinians—Homeland for the nationalists—Arab state for Muslims—Faith (in Arabic: *Falastin lil-falastininon watan, w'al-*

lekomiyan arabiyatan wa'lil-muslimin akidatan)” (Ali, 1998).

In late 1980, Israeli security forces uncovered *Usrat al-Jihad* and arrested many of its members. The arrests brought an end to an important stage in the development of the Islamic Movement in Israel.

4. The stage of adapting to political constraints created by Israel, 1983-1996

In 1983, Israel released most of the leaders of the Islamic Movement who had been imprisoned for their membership of *Usrat al-Jihad*, including its founder and head Sheikh Abdullah Nimer Darwish. The released prisoners began to reshape the movement, emphasizing its religious-social character. The stage in which the Islamic Movement in Israel began to adapt itself to political constraints started in 1983 and lasted until 1996. This acclimation was marked by pragmatism in two principal areas of ideology and political organization.

A principal feature of this pragmatism was an attempt to bridge the movement's ideological Islamic sources and the constraints of the political reality of living in Israel (Malik, 1990). Regarding ideology, the movement changed its political positions, emphasizing compliance with Israeli law and acceptance of the status quo of Israeli citizenship, and made an attempt to join the consensus beliefs held by Palestinians in Israel. In the political-organizational sphere, the Islamic Movement engaged in municipal affairs and in establishing frameworks for providing cultural, educational, and welfare services in various Arab towns and villages.

In the municipal elections held in 1989, the Islamic lists had successes in all the elections in which it ran (Paz, 1989). The Islamic Movement's success at the municipal level raised, again, the question of its national identity. This success, and the rumors that the movement would run candidates in the elections for the fourteenth Knesset in 1996, led Knesset members from the Right—the Likud and Tzomet—to take action to prevent it.

They argued that the Islamic Movement is a purely anti-Israel entity that might undermine the delicate and fragile relations between Jews and Arabs in the country (Ali, 2004). The banning of the Islamic Movement was widely discussed in the media and among decision-makers in the country. Knesset members and ministers, among them former ministers Tzachi Hanegbi, Moshe Arens, and Avigdor Liberman, demanded the ban on the floor of the Knesset. On September 10, 2001, the government discussed its policy regarding the Islamic Movement and heard reports from security officials on the movement (Ali, 2006), and on October 1, 2002, the Attorney General considered the matter upon the request of Knesset members from the Right and at the request of the *Shabak* (the General Security Service) (Ali, 2006).

Following the 1989 municipal elections and the Islamic Movement's impressive success in those elections, the movement became active within the Committee of Heads of Arab Councils and the Higher Follow-up Committee of Arabs in Israel. The strengthening of the national element of the Islamic Movement was further reflected by the efforts initiated by some of the movement's leaders to repeat the success of the municipal elections at the national-parliamentary level.

In the run-up to the fourteenth Knesset election, in 1996, the movement joined with the Arab Democratic Party (ADP) to establish the United Arab List (UAL). This decision led to a formal break between the two factions: One continued to act under the leadership of Sheikh Darwish, who had resigned from his position as the formal leader of the movement (however he retained his title as "spiritual leader") and was replaced by Sheikh Ibrahim Sarsur, who became a Knesset member and head of the UAL. On April 20, 2010, the Islamic Movement held internal elections, in which Sheikh Hamad Abu Dabes was elected head of the movement. Another faction began to operate under the leadership of Sheikh Raed Salah, who was mayor of Umm el-Fahm.

5. The stage of institutionalization of the split, 1996 to the present

The disagreements led to a deep rift in the movement. The media in particular treated the split as a result of a dispute between two ideological camps: one, viewed as dogmatic and rigid, under the leadership of Sheikhs Salah, Mahajneh, Khatib, and others; the other, pragmatic and compromising, headed by Sheikhs Darwish, former Knesset members Khatib and Dahamshe, and others. The controversy created two movements responding to the name “The Islamic Movement.”²

The nature of the activity of the Islamic Movement in Israel, particularly that led by Sheikh Salah, offers Palestinians in Israel a new alternative to social and political activism. The alternative seeks to establish a social infrastructure for Palestinians that can meet, on its own, the many needs that the state of Israel does not meet, either because it does not want to meet them or because its budget priorities and constraints place Palestinian citizens at the bottom of the ladder. As a result, the movement is engaged in building a partially independent Islamic community (see Ali, 2006).

The events of the al-Aqsa Intifada in October 2000 gave a real push to the attempt to establish alternative institutions and to fundraise in Israel and abroad. Leaders of the Islamic Movement explained this campaign as a consequence of the boycott of Palestinians in Israel by Israeli institutions. The movement’s leaders stated that, during the Intifada, Israeli emergency and ambulance teams had refused to enter Arab towns and villages, which resulted in the loss of life. The Islamic Movement's nonprofit organizations immediately took action to build health networks and hospitals.

The work of these nonprofit organizations and their declared objective of building an “independent community” (*mujtama' cisami*), to the extent possible, worried Israel’s security establishment and the state’s decision-makers. As a result, security forces carried out an action, allegedly on security grounds, at one o’clock in the morning of May 13, 2003 to deter

2 For extensive discussions of the split, see Ali (1998) and Ali (2004).

the movement's leaders from continuing their work.³ The security forces burst into the organizations' offices, including the offices of the al-Aqsa Fund for Building Islamic Holy Places, and into the homes of several of the leaders of the Islamic Movement (Ali, 2006).

In addition to seizing documents, personal computers, and digital and personal equipment, the security forces arrested 16 leaders of the Islamic Movement–Northern Branch. Among the detained leaders were Sheikh Raed Salah, who was arrested at the bedside of his dying father (who died the following day); Dr. Suleiman Aghbariya, who was the mayor of Umm el-Fahm at the time; Sheikh Kamal Khatib, vice-chairman of the Northern Branch; and Sheikh Abd al-Rahman, the organization's spokesperson, who was arrested at the airport on his way home from Germany. Most of the persons arrested were released on restrictive conditions within a few days. The detentions of five of them, including those of Sheikh Salah and Dr. Aghbariya, were extended. Ultimately, the detainees accepted a plea bargain and served a jail sentence for economic offenses, and not for harming state security. The arrests caused bitterness and disappointment among the Palestinian population, especially among supporters of the Islamic Movement. They expressed their frustration in demonstrations and in public actions and, most notably, in the “al-Aqsa is at Risk Festival” that is held annually at the Peace Stadium, in Umm el-Fahm.

An Israeli wave of incitement against the Islamic Movement and its leaders continued. Two particular events fanned the incitement and brought a wave of fiery statements by Israel public officials and politicians against the Islamic Movement and its heads: The participation of Sheikh Salah in the humanitarian flotilla to break the siege on Gaza, which sailed in May 2010, and the arrest of the sheikh by the London police on June 29, 2011 after Salah had been classified by British authorities as having “clear anti-Semitic tendencies” (Channel Two Radio News, June 19, 2011, as cited in Ali, 2006).

³ See an interview with the Minister of Public Security at the time, Tzachi Hanegbi, on May 13, 2003 (as cited in Ali, 2006). (Hebrew)

Members of the Islamic Movement were enraged by the arrest of Salah. “The arrest is political, and since he travelled to London on Saturday, the Jewish lobby in Britain has openly campaigned for the arrest and expulsion of Salah,” Attorney Zahi Zubeidat, spokesperson of the Movement, said in an interview with Channel Two Radio News on June 29, 2011. “The Sheikh was formally invited by the Muslim Forum in Britain, and also by Palestinian nonprofit organizations. He held a few meetings dealing with the occupation. Yesterday, we were told that he had been arrested. As far as I know, there was no prohibition on Salah from entering Britain” (as cited in Ali, 2006).

Following his arrest, there were calls from the Right in Israel to ban the Islamic Movement. In an interview with Channel Two Radio News, MK Alex Miller (Yisrael Beiteinu) party and MK Ofir Akunis (Likud) said: “They would speed up passage of the bills against the Islamic Movement and that bills banning the movement should be brought before the Ministerial Committee” (Channel Two Radio News, June 29, 2011, as cited in Ali, 2006).

The effect these arrests will have on the movement is unclear. However, it should be noted that leaders of the Islamic movement and many Palestinian leaders in Israel view the offensive waged by the Israeli establishment against the Islamic Movement as part of the Israeli establishment’s offensive against the Palestinian population in general, particularly against the movements and political parties that are challenging the definition of Israel as a Jewish state.

In the past two years, in particular after the election of Sheikh Hamed Abu Dabes as head of the Islamic Movement-Southern Branch, greater effort was made to mend the split in the movement. These efforts have not yet succeeded, but the two branches have expressed optimism that a way to conciliation will be found.

Conclusion

This article presented a historical narrative of the development of the Islamic Movement in Israel from the end of the 1920s to the present. I noted a few types of controversies in which the movement was involved. We saw that the Islamic Movement is not one bloc, and its development has continuously been marked by difficulty in decision making on the question of the place of fundamental political, religious, and national elements in its worldview and modes of action. The movement adapts dynamically to the shifting contexts and constraints it faces. On this point, the article discussed the constraints the Islamic Movement faces as a result of the fact that it operates within a Jewish ethnic state and due to the social-political-cultural-religious structure of the Palestinian minority in Israel.

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The Palestinians in Israel

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The National Democratic Assembly

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Mada al-Carmel

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The National Democratic Assembly

Nimer Sultany*

Goals and Emergence

The National Democratic Assembly (NDA) defines itself as “a national and democratic Palestinian-Arab party in its ideology and political goals, struggling for social justice.” The NDA makes a connection between national identity and democratic principles within the context of the Arab population in Israel and Israeli society in general. This is achieved through placing an emphasis on organizing the state’s Arab citizens as a national minority with collective rights, and implementing the concept of equal citizenship to confront the Zionist ideology and the sociopolitical system based on Zionism (National Democratic Assembly, 1999b).

The NDA perceives itself as an ideological convergence of the Arab National Movement, the Palestinian National Movement, the international Left, and liberal democratic ideals, which it aims to unite and enhance. The NDA’s primary demands and slogans since its establishment have been based on: demanding collective rights for the Arab citizens in Israel; transforming the state of Israel into a democracy for all its citizens; claiming cultural autonomy for the Arab minority so that it can run its cultural, religious, and educational affairs—but within a state of all its citizens (i.e., without being a substitute for equality); and instituting separation between religion and state. At the domestic level, the NDA believes that the Arab minority should be organized on a national basis, rather than on the basis of religion and social class (NDA, 1999b).

The NDA was formally established on March 30, 1995 in an attempt to bring together activists from political movements and students’ unions.

* Dr. Nimer Sultany is a lecturer in the School of Law at SOAS, University of London.

These activists had mostly come from *Mithaq al-Musawa* (the “Equality Covenant”) and *Abna’ al-Balad* (“Sons of the Land” movement), in addition to former members of the Progressive Movement for Peace and Equality (which failed to pass the vote threshold in the 1992 Knesset elections), the Arab students’ union of Tel-Aviv University (*Jafra*), former Communist party members, and other members in local movements like *An-Nahda* (from Taybeh) and *Abna’ Tira* (“The Sons of Tira”; from Tira).

The new movement was initially named the Thirtieth of March¹, with the publication *Al-Manar* serving as its mouthpiece. A conference was held on March 30, 1996 for electing the new party list, which was called the National Democratic Assembly (NDA). Later that same year, in Nazareth, a weekly newspaper was launched that bore the name of Averroes’ book *Fasl al-Maqal*. This paper became the mouthpiece for the fledgling party. Publication of the newspaper was disrupted following the 2003 elections due to financial difficulties; however, it resumed publication in January 2005.

Mithaq al-Musawa was the most prominent movement constituting the NDA. Following numerous gatherings and study days that lasted approximately one year, *Mithaq al-Musawa* was founded as an Arab-Jewish movement by a group of activists and intellectuals; its founding conference was held in Haifa on April 11, 1992. The movement issued a periodical entitled *Al-Bayan* setting out its ideology and goals. Many of the founding members, activists, and leaders previously affiliated with the Communist party and the Democratic Front for Peace and Equality (DFPE), and student movement leaders, had quit the Communist party in light of the controversies and the criticism which they raised within the party at the organizational, ideological, and political levels, and following the collapse of the Soviet Union and the Central and Eastern European socialist regimes at the end of the 1980s.

1. The date marks the anniversary of Land Day in 1976, on which demonstrations against land confiscations were met with a lethal response by Israel that resulted in the killing of six Arab citizens (see article, “*Yawm al-Ard* (Land Day)” in this volume). The party members choose this date for their main meetings in 1995 and 1996 as the text above shows.

Mithaq al-Musawa's ideology and principles constituted the basic nucleus of the NDA's ideology. In 1992, *Mithaq al-Musawa* decided not to run for the Knesset elections, and subsequently ceased to be active (The Equality Covenant, 1992).

Political positions

Following the Oslo accords, officially named the Declaration of Principles, which was signed in 1993, the NDA started its political activity by criticizing the "Israelization" process. The latter phrase was coined to signify a desire for assimilation in Israeli society against the backdrop of inequality and the absence of clearly defined national principles among the Arab population. Such behavior led to the production of a hybrid identity of an "Israeli Arab." This process was exemplified by the membership of tens of thousands of Arab citizens in Zionist parties, especially the Labor Party, which had led Israel to sign the Oslo Accords with the Palestine Liberation Organization. The prevailing sense among many Arab citizens was that the Palestinian issue had been resolved, or was heading towards resolution, and that it was time for Arab citizens to assimilate into Israeli society in order to attain equality. The NDA demanded equality without assimilation and decided to run in the elections in order to "take care of people's affairs," because "one cannot deal with the daily and elementary issues of people, and at the same time represent them politically without battling at the political and parliamentary levels," and because the NDA remained convinced that developing a national Palestinian project in Israel outside the framework of citizenship was unrealistic (Bishara, 2003, p. 68).

The NDA's political activity caused political controversy in the Israeli and the Arab arenas within Israel. It influenced the other Arab parties and the general political discourse through its new ideas, particularly attracting intellectuals and the youth. All the Arab parties later adopted the NDA's slogan of "a state for all its citizens." In addition, the NDA's discourse of the Arab citizens as an "indigenous people" became the dominant discourse

among the Palestinian minority. On the other hand, the DFPE (*al-Jabha*) strongly opposed the demand for cultural autonomy and considered it as an invitation for “insularity and isolation” from Israeli society. However, it is worth mentioning that this demand has become less salient in the NDA’s literature than it was in the party’s early years. (Rouhana, Saleh, & Sultany, 2004).

Additionally, the NDA called for reforming the Higher Follow-Up Committee for Arab Citizens of Israel to make it a truly representative body by holding direct elections among the Arab citizens (see “The Higher Follow-Up Committee for the Arab Citizens in Israel” in *Volume I*).

Since its establishment, the NDA has strongly attacked and criticized the Oslo process and the Palestinian National Authority (PNA), while the rest of the Arab parties supported the Oslo Accords. But this criticism gradually receded to enable rapprochement between the PNA and the NDA. The latter subsequently abstained from the Knesset vote on the Netanyahu government’s introduction of the Wye River Memorandum in 1998, which aimed to resume the implementation of the Oslo Accords. It also opposed Ehud Barak’s Camp David proposal in 2000 (unlike the other Arab parties) and abstained from voting on Ariel Sharon’s plan to unilaterally withdraw from Gaza. Moreover, the NDA criticized the attempt of the PNA to undermine Hamas’s rule after the latter won the Palestinian elections of 2006 (while other parties like the DFPE sided with Fatah and the PNA, and accused Hamas of “provoking a coup”). It’s noteworthy that the NDA repeatedly asserted “its impartiality regarding the ongoing conflict” between Hamas and Fatah and its “condemnation of the infighting” (*Arabs*48, 2007). The NDA also criticized Israel-PNA security coordination.

The NDA distinguished itself by supporting the Arab political prisoners, citizens of Israel convicted of security offenses, some of whom were serving life sentences (see “Palestinian Political Prisoners” in *Volume I*). It organized events to express solidarity with those still imprisoned and

celebrated the release of others. In its fourth conference, held in 2003, the NDA made an unprecedented gesture through electing Waleed Daqqah, a prisoner serving a life sentence, as a member of the NDA's central committee to symbolically emphasize that the prisoners' movement is an integral part of the national movement.

The NDA has considered the Arab world to be a natural historical space and cultural milieu for Arab citizens of Israel. It called for Arab citizens to reconnect with the Arab world in order to break their isolation inside Israel. The NDA refused to place this relationship between the Arab minority and the Arab world within the context of "normalization" (of the relationship between Israel and Arab states).² Therefore, it sided with the Syrian position with regard to the Arab-Israeli conflict and developed relations with the Syrian regime, which allowed the NDA to organize visits to Syria. Through organizing numerous group visits (particularly between the years 2000 and 2002), the NDA enabled many Arab citizens to visit their Palestinian relatives in Syria, from whom they had been separated since the *Nakba* (see "The Nakba" in *Volume I*) of 1948. While in Syria with an NDA delegation, its chairman, Azmi Bishara, eulogized Hafez al-Assad in al-Qerdaha on June 10, 2001 (Sultany & Sabbagh-Khoury, 2003, p. 12).

These relations resulted in harsh criticism being directed towards Bishara and the NDA by their political opponents and by many Syrian and Arab intellectuals. Although the NDA does not deem the Arab regimes democratic, it refrains from criticizing them, because—according to Azmi Bishara—"it is incapable and unwilling to play the role of the Arab opposition from within Israel; moreover, it's neither heroic nor courageous to raise the issue of democracy in Arab countries, whose lands are occupied by Israel, within the framework of the Israeli democracy. If the national stream does that, it would cause confusion." In addition, the

2. Normalization refers to the treatment of Israel as it is currently configured—a state that legally and explicitly privileges its Jewish majority at the expense of its minority groups—as a normal state in the region with which Arab states have regular political and economic relations.

NDA is “a relatively small movement and cannot be engaged in many battles... it should rather determine its priorities according to its agenda at the domestic level” (Bishara, 2003, p. 74).

This position changed following the revolutions that erupted in the Arab world in 2011. The sixth conference of the NDA, held in Shafa-‘Amr in June 2011, declared its explicit support for the Arab peoples against the authoritarian regimes, including Syria, and their demands for democratization (*Arabs48*, 2011).

Persecution of the NDA

Israeli authorities responded to the NDA’s call to transform Israel from a Jewish state into a democracy for all its citizens with harsh attacks and incitement. The authorities accused it of attempting to eradicate Israel and of being a menace to the Zionist project. The most prominent attackers were: Attorney General Elyakim Rubenstein, who is currently a Supreme Court justice; Israel’s former Shin Bet (General Security Service) chief Avi Dichter (July 17, 2001); and Ami Ayalon (December, 2000; see discussion in Sultany & Sabbagh-Khoury, 2003). These attacks intensified after October 2000, as the Israeli security and political elites concluded that the movement led by Azmi Bishara and the extra-parliamentary Islamic movement led by Sheikh Raad Salah were “dangerous” and “fanatic” (see “The Islamic Movement in Israel” in this volume). Israeli elites argued for many restrictions to be imposed upon these movements because they “incite” the Arab masses. This analysis was adopted by the Or Commission of Inquiry that was appointed to investigate the events of October 2000 (see “The October Rising” in this volume). It issued warnings to both leaders (in addition to Knesset member Abdulmalik Dahamshe representing the United Arab List) without issuing recommendations regarding legal actions against them in its final report.

On the other hand, Attorney General Rubinstein decided to file two

indictments against Bishara and his assistants for illegally organizing visits to Syria, and against Bishara for the speeches he delivered in al-Qerdaha and Umm el-Fahm, which—according to Rubenstein—demonstrated Bishara’s support for the “terrorist organization” Hezbollah.

On July 11, 2001, upon Rubinstein’s request, the Knesset revoked the parliamentary immunity of Azmi Bishara to permit his prosecution. But in April 2003, the Magistrates’ Court decided to cancel the indictment against Bishara with regard to the visits, and ordered light sentences for Bishara’s assistants, Ashraf Kortam and Musa Diab. On February 1, 2006, the Supreme Court decided that parliamentary immunity did apply to Bishara’s statements, and consequently halted the trial proceedings regarding these statements.³

But, in light of Bishara’s political moves, the Knesset made a series of legislative amendments, two of which were called in the media “Bishara’s Laws.” Despite that, Bishara made three visits to Lebanon in 2005 and 2006 to express solidarity with the Lebanese people during and following the 2006 Israeli war of aggression against Lebanon. He did that in defiance of the amendments that banned him from visiting Arab countries, which Israel deems enemy states.

In April 2007, Bishara took a historic and unprecedented step when he submitted his resignation from the Knesset while at the Israeli embassy in Cairo. His resignation coincided with the severe incitement campaign that was launched by the Israeli press against Bishara following a gag order banning detailed publication of police accusations against him. At a later stage, the Israeli police and intelligence revealed that they were accusing Bishara of helping Hezbollah during the 2006 Lebanon war by providing it with “security” information and establishing contact with a foreign agent in exchange for money. According to Israeli law, the potential penalty for these dangerous charges may be as severe as death by execution or life

3. Supreme Court 11225/ 2003 *Azmi Bishara v. The Attorney General* [2006]. Retrieved from <http://elyon1.court.gov.il/files/03/250/112/V08/03112250.v08.htm> on May 20, 2013.

imprisonment. These charges were altogether denied by Bishara and the NDA (Bishara, 2007).

The persecution of the NDA continued after Bishara's forced exile. The most remarkable among all these persecution campaigns was the one in 2010 that targeted NDA MK Haneen Zoabi following her participation in the Gaza Flotilla campaign that aimed to break the siege of Gaza in May of that year. Zoabi's presence on the *Mavi Marmara* ship, which was attacked by the Israeli commandos who killed some of the passengers, led to an Israeli incitement campaign against her, including attempts by some Knesset members to attack Zoabi physically to prevent her from delivering speeches in the Knesset. A Knesset committee decided to revoke some of Zoabi's parliamentary privileges for her participation in the Gaza Flotilla.

The NDA in the elections

When the NDA decided to run for the Israeli Knesset elections on May 29, 1996, it formed an alliance with the DFPE, because as a nascent party, the NDA could not pass the vote threshold if it ran in the elections on its own. The DFPE agreed to allocate the fourth position in its list for NDA's first candidate, Azmi Bishara. This joint list won 129,455 votes and was eligible to occupy five seats in the parliament.

But the successful alliance between the NDA and the DFPE quickly descended into the skirmishes and mutual accusations that were made public in *Al-Ittihad*, which was affiliated with the DFPE and was the only Arabic daily newspaper in Israel, and the NDA's mouthpiece, *Fasl al-Maqal*, an Arabic weekly. Thereafter, the coordination meetings between the NDA's representative and the DFPE's representatives stopped (Rouhana et al., 2004).

On May 17, 1999, the NDA fought its second electoral campaign under the slogan "a new phase, a new vision" and chose the uniquely Arabic letter "DD" as the party's logo. The NDA ran for the elections independently of

the DFPE and decided to ally with MK Hashim Mahmameed, who resigned from the DFPE and established an independent list. However, prior to the elections, Mahameed unexpectedly withdrew from the alliance with the NDA and joined the United Arab List (including the Islamic Movement and the Arab Democratic Party) due to its higher chances of success. In light of this, the NDA's political bureau decided, by a majority of one vote, to ally with Ahmad Tibi, who had established the Arab Movement for Renewal in 1996 without running for the elections. Tibi, who was closely acquainted with both Israeli and Palestinian leaders and served as the advisor to President Yasser Arafat after the Oslo Accords, was known as a mediator between Israel and the Palestine Liberation Organization (PLO). Certain Palestinian leaders urged the NDA leadership to ally with Ahmad Tibi (personal interview with Zreik, 2006). In forming this alliance, the NDA hoped to improve its chances of crossing the electoral threshold for the Knesset.

The decision to establish this coalition was reinforced following the vehement attack of the DFPE against the NDA, under the slogan "I will not burn my vote"—indicating that a vote for the NDA's list would be a wasted vote, given their low chances of passing the vote threshold to qualify for a seat in the Knesset. Moreover, the DFPE refused to sign the surplus vote agreement with the NDA; instead, it signed the agreement with *A'am Achad* (One Nation), an Israeli party headed by Amir Peretz, leading to an additional seat, fifth in total, to *A'am Achad*.⁴

The decision to ally with Tibi caused a heated controversy within the NDA; many activists and leaders objected to Tibi and abandoned the party. But the alliance succeeded in passing the threshold and earning 66,103 votes⁵ with two parliamentary seats, occupied by Azmi Bishara and

4. In the Israeli political system, the surplus vote agreement between electoral lists allows surplus votes to be combined after the primary distribution of seats between the lists that have passed the voting threshold, in order to enable members of a political party to enter the Knesset. Surplus votes belonging to one list are allocated to another list to help it gain an additional parliamentary seat. Therefore, this agreement prevents loss of votes.

5. Central Election Committee. *Knesset Official Website*. Retrieved from <http://main.knesset.gov.il/mk/elections/Pages/ElectionsResults15.aspx> on May 20, 2013.

Ahmad Tibi (NDA, 1999a). In addition, the NDA took an unprecedented initiative in 1999 when it nominated Azmi Bishara to run for the prime ministerial elections. To register its candidate, the NDA succeeded in collecting more than 65,000 signatures within a few days. However, Bishara withdrew shortly before election day following the withdrawals of the other candidates, Benny Begin and Yitzhak Mordechai, leaving Benjamin Netanyahu and Ehud Barak as the only two contenders. Ultimately, Barak won the election.

Bishara's nomination provided the DFPE and the other parties with an additional pretext to attack the NDA, claiming that the nomination was incompatible with the NDA's national discourse. (It is worth noting, however, that these same parties discussed names of several candidates to nominate for the 2003 prime ministerial elections.) Ultimately, the alliance with Tibi did not last long, and the NDA summed up the experience as an extremely harmful mistake (NDA, 1999a).

In the prime ministerial elections of 2001, the NDA was among the voices that urged the Arab population to boycott the elections and refrain from voting for Ehud Barak, because he and his government were responsible for killing 13 Arab demonstrators during the second Intifada in October, 2000. The vast majority of the Arab citizens indeed boycotted the elections (Jamal, 2002; Shefrman, 2009).

The NDA ran for Knesset elections of January 28, 2003 as an independent party and gained 71,299 votes (20% of the valid Arab votes) (Rouhana et al., 2004, pp. 59, 62). This translated to three seats for the NDA. These were occupied by Azmi Bishara, Jamal Zahalka, and Wasel Taha. This time, the NDA and the DFPE signed the surplus vote agreement, which helped the former to gain the third seat. The NDA's political opponents in these elections accused Lebanon and Syria of supporting the NDA, in light of the semi-direct support of Arab satellite TV channels for this party (Rouhana et al., 2004). For the first time, Attorney General Rubenstein, in addition to right-wing political parties, called for banning Bishara and the

NDA from running for election. To achieve this goal, Rubenstein recruited the Israeli General Security Service. This demand was based on the charge that the NDA denies the existence of Israel as a democratic and Jewish state and supports the armed struggle of a terrorist organization targeting Israel. On December 31, 2002, this request was approved by the Central Election Commission, which disqualified the NDA. The NDA and Bishara appealed the decision to the Israeli Supreme Court. They were represented by Adalah—the Legal Center for Arab Minority Rights in Israel. Ultimately, the Court reversed the commission's decision by a 7-4 majority (Sultany, 2003).⁶

The NDA ran for the elections of March 28, 2006 alone. The NDA's slogan in these elections was "Vote for the Arab Lists." In these elections, the NDA gained the support of Hashem Mahameed and Hassan Kana'an (former members of the United Arab List) who decided to refrain from running for election. The NDA won 72,066 votes and gained three seats.⁷ Again in these elections, a surplus vote agreement was signed between the NDA and the DFPE.

The NDA ran in the 18th Knesset elections on February 10, 2009, despite the repeated decision by the Central Election Commission to disqualify the NDA and the United Arab List from taking part in the elections, based on the claim that both parties opposed the Jewish nature of the state and supported the armed struggle of a terrorist organization against Israel. But the Supreme Court again reversed the decision and allowed the two lists to run in the elections, with a majority of eight judges in favor and one judge dissenting with regard to the NDA.⁸

6. Supreme Court 11280/2002 *Central Elections Committee for the Sixteenth Knesset v. MK Ahmad Tibi* [2003] Retrieved from <http://elyon1.court.gov.il/files/02/800/112/L09/02112800.l09.htm> on May 20, 2013.

7. Central Election Committee. *Knesset Official Website*. Retrieved from http://www.knesset.gov.il/elections17/heb/results/main_results.asp on May 20, 2013.

8. Supreme Court 561/ 2009, *NDA – The National Democratic Assembly v. Central Elections Committee of the Eighteenth Knesset* (2012). Retrieved from <http://elyon1.court.gov.il/files/09/610/005/n03/09005610.n03.htm> on May 20, 2013.

The NDA list won 83,739 votes and gained three seats, which were occupied by Knesset members Jamal Zahalka, Haneen Zoabi, and Said Naffaa.⁹ It is noteworthy that Haneen Zoabi was the first Arab woman representing an Arab party in the Knesset; there had previously been two Arab women representing two Zionist parties, Meretz and Labor (Rouhana, Shihadeh, & Sabbagh-Khoury, 2010).

However, several political and organizational disputes emerged between MK Said Naffaa and the NDA, leading to Naffaa's dismissal from the party (*Arabs* 48, 2010). The most prominent dispute was over Naffaa's refusal to implement the rotation agreement, which the NDA had signed with former member of the United Arab List Abbas Zakour.

The NDA's future

Since its emergence, the National Democratic Assembly has clearly influenced the Arab political discourse in Israel. It proposed a project that had a considerable impact on the consciousness of many minority members and has substantially challenged the political and constitutional structure of the state. There is no doubt that the NDA will enhance its role in the coming years; however, it is likely that we will witness more attempts by the state and its institutions to persecute this party and prevent it from participating in the elections. These authoritarian attempts may increase or even succeed, in light of the grip of the Zionist right-wing on the political system and the Supreme Court.

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The National Democratic Assembly: www.balad.org

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Azmi Bishara: www.azmibishara.info

The Supreme Court: <http://www.court.gov.il/heb/home.htm>

The Palestinians in Israel

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The Palestinian Women's Movement: Palestinian Feminism in Israel

Khawla Abu-Baker

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The Palestinian Women's Movement: Palestinian Feminism in Israel

Khawla Abu-Baker*

This chapter seeks to provide an overview of the development of Palestinian women's activism in national, political, and social life from the beginning of the twentieth century until the present day. It also aims to link the nature of women's activism to broader national, political, and economic conditions and to explore the impact that women's activism had on these respective conditions. The chapter concludes by discussing the nature of the use of the terms "women's" (*nisa'i*) and "feminist" (*naswi*) and their repercussions in the work of associations, movements, and organizations active in the field.

This chapter proposes several major arguments: First, since the beginning of the twentieth century, Palestinian men have prescribed the nature and limits of Palestinian women's activities within women's organizations. Women were called upon to join in national activity in fraught periods of Palestinian history, and then asked to step down and limit their activism to social and educational work in periods of national and political calm. Second, these organizations were not successfully transformed into social movements led by both women and men, and do not serve both women and men. Third, most Palestinian women's or feminist public discourse has embraced messages and action plans that have helped it to integrate into, and work within, the prevalent societal structures, and may thus be considered evolutionary rather than revolutionary. Fourth, the goals of Palestinian women's movements revolve around the provision of material,

* Professor Khawla Abu Bakr is a lecturer at Al-Qasemi Academy and Max Stern Yizreel Valley College. At the time of writing this chapter, she was a guest lecturer in the Center for Multi-cultural Training in Psychology at the Boston University, School of Medicine.

cultural, or consultative services to women and their children, while the goals of feminist movements strive to realize gender equality in society.

This chapter focuses on the work of feminists in Palestinian civil society rather than political parties or women's political bodies that were established within parties. The work of the latter has not yet been examined in a detailed way and merits an article in itself. Further, the dynamics of feminist work and struggle within the parties and in political frameworks differ from the dynamics within civil society organizations.

It is impossible to study women's movements and feminist movements in isolation from the political, social, and economic developments in the same community during the same period. There is a dialectical relationship between the phase through which any state passes, the changes experienced in society, and the situation of women in these contexts. A proper study of the status of women in any society should therefore entail studying the impact of the mutual intersections between three elements—state, society, and women—and the responses of each to the effects of the other two.

In the context of the Arab world, there were always women leaders and pioneers in areas considered to be the exclusive domain of men, but they always worked alone, as individuals (al-Haydari, 2003; Mernissi, 2000). The era of Muhammad Ali Pasha in Egypt is considered the beginning of the feminist movement in the Arab world and of activism by women as an organized social group, striving to change its status in a manner comparable to activism among men. Muhammad Ali's ideas contributed to changing the status of Egyptian women by encouraging educational and professional institutions to help women move into the intellectual, professional, and religious elites. Ali succeeded in introducing debates that effected change, modernization, and gender equality. This also contributed to the study of the status of women in the Egyptian family and in the Arab world (Abu Zayd, 2007).

A history of the Palestinian feminist movement: Social activism vs. political activism for Palestinian women

Palestinian women have been active in the private and the public spheres, depending on how national events unfolded in Palestine. (Jad, 2000). Yaqub (2003) dates the first public activism of Palestinian women to 1893, when Palestinian women emerged in Jaffa to protest the establishment of the first Jewish settlement in Palestine. The first women's association, known as the Orthodox Women's Association (Jammal, 1985) or by other accounts the Orthodox Poor Relief Society (Yaqub, 2003), was founded in Acre in 1904. This was followed by the establishment of a branch of the same society in Jerusalem in 1906, until the demise of the two associations in 1916 because of World War I. In 1910, the Association for the Support of Orthodox Orphans was founded in Jaffa for the rehabilitation and education of orphan girls of all religions.

In 1917, 200 Palestinian women from the Marj ibn `Amer region demonstrated against the Balfour Declaration, which expressed British support for establishing a national home for the Jews in Palestine. The political change resulting from the Balfour Declaration led to the establishment of women's associations and organizations active in raising women's political consciousness and in social reform (Yaqub, 2013). The Women's Union was set up in Jerusalem in 1921 by upper-class women, and Nabiha Nasir founded the Birzeit School (in Birzeit) in 1929, thus affecting the educational scene for boys and girls in the region.

Also in 1929, women took part in the al-Buraq Uprising, during which nine of them were killed. A women's conference was convened in Jerusalem on October 29, 1929 and attended by about 300 women from all parts of Palestine. The conference discussed the national cause and called for the support of the positions, decisions, and activities of the Palestinian Executive Committee. A sub-committee of women met with the British High Commissioner in his headquarters to deliver the conference resolutions to him. Upon their return, all the women drove

by car to the foreign consulates and sounded their horns in order to voice their complaints and demands (Abu-Baker, 1998). An Arab Women's Executive Committee (AWEC) was subsequently elected to implement and administer the conference's resolutions (Fleischmann, 2000). The women considered this conference to be the launching point for the establishment of the Palestinian women's movement. Among the stated objectives of the conference were the issue of gender equality; the encouragement of free trade and industry; the propagation of Arab culture in Palestine; and the establishment of contact with the women's movements in Egypt, Iraq, and Syria. Fleischmann points to the women's high level of organization and experience in political and social work and attributes it to the fact that most of the activists were the daughters, sisters, or wives of Palestinian intellectual, cultural, nationalist, and economic leaders, from both Muslim and Christian families, who were well aware of the women's movement and helped to shape it.

The next mass women's action was a conference in Jerusalem in 1936, attended by 400 women. One week later, a similar women's conference was held in Jaffa calling for the support of the general strike and the boycott of Jewish goods.

After the succession of national crises over Palestine, gender discourse was relatively silenced and the national/political discourse dominated women's activism. Branches of the Palestinian women's movement spread from Jerusalem to Acre, Gaza, Jaffa, Haifa, Nablus, Nazareth, and Ramleh. The Jerusalem branch served as the center of activity and the headquarters of the movement. There were attempts by men to assert control over the activities of the women's movement and the disbursal of funds collected to support the national effort—as happened in Nablus, for example. The movement announced that it would be restricted to women only, and no men would be admitted as members (Fleischmann, 2000).

This patriarchal trend was not only reflected in men's treatment of activist women, but also in elite urban women activists' attitudes toward peasant

women. Fleischmann (2000) indicates that peasant women were not invited to join the movement; rather urban women activists sufficed to listen to the problems of peasant women and to give them advice on how to improve their own and their children's situations. Rosemary Sayigh (1980) describes the Palestinian feminist movement as being composed of "personalities," or elite women, and "peasants." Unlike Fleischmann, Sayigh and al-Khalili confirm that Palestinian peasant women did participate in nationalist and women's activities, though they did not take part in ideological discussions or attend meetings or conferences. Instead, their role was in working directly in the field, participating in demonstrations, transferring weapons, and providing services to combatants (al-Khalili, 1981; Sayigh, 1980), as well as actively participating in armed activity (Yaqub, 2013).

A history of networking and cooperation, locally and in the Arab world

A rift in the Palestinian women's movement opened in 1938 as a result of the establishment of two movements: the Arab Women's Association (AWA) and the Arab Women's Union (AWU). There is a claim that this split reflected the tension that existed between the two rival national factions, the Husaynis and the Nashashibis, transposed onto the realm of women's activities. Another explanation asserts that the dispute was the result of debates over the movement's plan of action and its goals: Was it to be more nationalist or more feminist? There is a third view that contends that the rift developed because of the debate over expectations of the Arab woman: Was she to preserve her traditional way of life, goals, and clothing, or turn more toward the West? It so happened that the AWU, affiliated with the Husayni faction, became the more politically active of the two groups. Despite all this, any appearance of hostility between the two conflicting groups was avoided, at least in the public sphere, where women continued to work together (Fleischmann, 2000).

As for the development of relations between the Palestinian women's

movement and Arab women's movements, there is extensive documentation of the active involvement of Palestinian women in both private visits and as delegates to general Arab conferences in the Arab world, and in Egypt in particular, for which they received the blessings of the male leadership. Asfour (2000) mentions that Izz al-Din al-Qassam sent a delegation of women, including his daughter, to Hoda Sha'rawi, the president of the Egyptian Women's Union. This delegation requested that Arab women take action to stop the collusion between the British Mandate and Jewish settlement in Palestine. Palestinian women succeeded in convincing the Egyptian Union to raise the issue of the political injustice facing Palestinians during a conference held in Cairo in 1938 in support of the Palestinian cause. The Palestinian delegation included 27 women from among the cultural and social elite. The conference brought together, in addition to the Palestinian and Egyptian women, delegations of women from Syria, Lebanon, and Iraq. Through it, the Palestinian women succeeded in raising Arab and global attention to the question of Palestine and the danger of Jewish settlement there. Asfour (2000) claims that the conference laid the foundation for the Arab feminist movement as the first nationalist gathering of Arab women. In 1944, the first conference of the General Union of Arab Women was held in Cairo and sought to examine the situation in Palestine (see Abla Abu Abla in al-Jazeera, 2004).

The suppression of the Palestinian Revolt in 1939 led to the decline of the Palestinian national movement and with this the goals of the women's movement's activism changed from political to social. The women's movement set up health clinics and schools for girls, launched sporting activities and clubs to promote literacy, and worked to strengthen its relations with women's movements in the Arab world.

When the conflict between the Palestinians and the Zionist movement escalated, however, women returned to national and political activity. In this period, the leadership of the women's movement became institutionalized and they marched in support of the demands of the male leadership. The

movement supported the medical and material needs of combatants and considered the postponement of gender demands one of the necessities of national political action—a consideration influenced by the demands of the male leadership (Fleischmann, 2000).

With the Nakba of 1948 and the massive displacement that accompanied it, the Palestinian leadership, both male and female, was dispersed and scattered widely. Women activists were now occupied with providing for their families, struggling as refugees and for survival. The nature of activity thus moved from the public sphere to the private sphere of the family (Fleischmann, 2000).

The Palestinian Feminist Movement in Israel after 1948

After the establishment of the state of Israel in May 1948, the first institutionalized activity within a framework specifically for Palestinian women came from the Movement of Progressive Women. This movement worked immediately after the state began to provide social services to internal refugees (see “The Internally Displaced Palestinians in Israel” in *Volume I*) and then to provide educational and welfare services and political education for women. Also in 1948, the Women’s Renaissance (*Nahda*) Association was established and worked to recruit women for demonstrations against the military rule imposed on Palestinian residents of Israel immediately after the state’s establishment. In 1951, the Association was merged with the Movement of Progressive Women to form the Democratic Women’s Movement, which continues to work within Israel and whose members include both Palestinian and Jewish citizens of Israel (Abu-Baker, 1998).

The second framework for Palestinian women established within Israel was the Acre Women’s Association in 1976. This and other associations worked to provide for the cultural, educational, and social needs that the state failed to meet for the Palestinian community within Israel. The 1980s and 1990s witnessed a significant revival in the establishment of

women's organizations, movements, and associations that seek to provide the abovementioned services. Foreign, Arab, and Palestinian financial support that arrived from outside Israel contributed to encourage these organizations to institutionalize their work and to become professional and specialized. Subsequently, professionalization and specialization became the foundation upon which Palestinian civil society inside Israel was founded (Abu-Baker, 1998, 2003). An analysis of the nature of these organizations' activities indicates that some of them, such as Christian or Islamic associations, contributed to accentuating or reviving sectarian affiliation, and others, such as the groups that emerged from within Arab political parties or were implicitly or explicitly endorsed by them, contributed to developing political and nationalist affiliation.

Later, some of these cadres, movements, and associations began to network around a number of issues, including joint activity within a coalition of feminist and women's associations and movements to change the personal status law in 1995 and an initiative to prepare alternative documentation for the UN committee on the subject of human rights and the condition of women in lieu of that presented by Israel in 1997.¹

Abu-Al'assal (2006) sees that the strategy of working within this coalition reflected a lack of administrative coordination between the associations. The coalition, for example, failed to recruit all the groups to support its activities, as it failed to mobilize the field and to work to educate women about the importance of achieving a change in the personal status law. The party affiliation of activists played a key role in the success or failure to coordinate between organizations. In addition to local efforts to network, feminist and women's organizations have sought to network with their counterparts in the Arab world and exchange expertise, specialization, and support.

1. The documentation that was presented can be found here; The Working Group on the Status of Palestinian Women in Israel. (2006). *NGO report: The status of Palestinian women citizens of Israel*. Retrieved from http://www.adalah.org/eng/intladvocacy/pal_women1.pdf on February 5, 2015.

The distinction between women's activism and feminist activism

In a research study of 18 associations and organizations active in the field conducted by Abu-Al'assal (2006), it was clear that some of the organizations defined themselves in their literature as feminist (such as the Association of Women against Violence, and Kayan-Feminist Organization), while others defined themselves as women's organizations (such as the Childhood Center or the Acre Women's Association). There was a third group of associations and organizations that did not define themselves by a specific label (such as the National Emergency Helpline for Victims of Sexual Assault, the Association for the Advancement of Arab Women's Culture in the South, the Sidreh Association, and the Women's Association of Ara and Arara).

Some women's associations and movements, such as the Sidreh Association or the Lakiya Women's Association, work to empower women economically by teaching them a trade in order to enable them to provide for themselves and their families. Other groups, such as the Acre Women's Association or the Childhood Center, provide services for a fee while others, like the Association of Women against Violence or Kayan, provide free educational, welfare, and social work services. In looking at the nature of the services and their content, all of these groups work to raise women's awareness and to provide opportunities for them to have access to education or paying work (see also Abduh, 2008).

A number of activities for Palestinian women in Israel, such as the Democratic Women's Association, the National Hotline, or the Nisan Association, began as joint Jewish-Palestinian initiatives. Political and ideological differences, on the one hand, and differences between the needs of Jewish and Palestinian women, on the other hand, led the Palestinian branches of these feminist and women's groups to become specialized in the provision of services to Palestinian women (in Israel) only.

Feminist and women's discourse

The prevalent vocabulary of the Palestinian feminist movement, such as 'empowerment,' 'raising awareness,' and 'power relations,' describes the activities of feminist and women's groups. Although all the groups are based on the provision of services to women, only a small fraction of them define themselves as feminist. For example, Abu al-Asal (2006) emphasized that some of the feminist activists chose to define themselves as feminists in terms of their organizational identity, but took an approach of appeasement with regard to the public announcement of their general approach to the community within which they work. One association director stated to Abu al-Asal that she chooses to openly promote those of her organization's programs that find support within society, related to women's education and work, while engaging with issues such as "a woman's right to her body" quietly, because—in her view—society is not yet ready to accept this discourse. Another director of an association in the Naqab characterizes her work as "maneuvering": While the association's activities challenge the existing social structure, at the same time it refrains from advancing feminist slogans and trying to change existing customs and traditions, operating in a manner that she describes as "political," that is, based on manipulation and appeasement. Another organization described its activities to the public as being executed "in a feminist spirit" with the aim of being accepted by the widest public possible. Abu al-Asal (2006) explains this position as feminist organizations treating the feminist vision as a strategy and their approach to women in their work as a tactic.

Abu Hatoum (2013) describes the establishment of women's associations and movements as a process comprising two phases. The 1990s witnessed the establishment of women's organizations with a feminist political agenda, and their spread in the north and in the Naqab. These organizations called for breaking the silence toward violence in Palestinian society and the violence of the Israeli occupation. These organizations include Women Against Violence, the Childhood Center, the Nisan Association, Kayan,

the Lakiya Women's Association, al-Zahra, and the Association for the Advancement of Arab Women's Culture in the South. The second phase followed in the twenty-first century, with the establishment of organizations concerned with themes of gender identity and sexuality: such as the Gender Forum, Aswat—Palestinian Gay Women, and al-Qaws for Sexual and Gender Pluralism. In 2009, the Palestinian feminist organization al-Fanar was reactivated after years of dormancy. Al-Fanar was established in 1991 in Haifa and was active in a number of cities and villages. Al-Fanar linked social struggle, class feminism, and national struggle, and was among the first Palestinian and Arab feminist organizations to advocate against the crime of killing women. In 2012, a Palestinian Feminist Forum was announced, based in Haifa, with the aim of developing a Palestinian feminist movement working to advance Palestinian feminist thought and link feminist, social, and political issues. The forum aspires to realize life in a free society and to achieve social justice and equality among its members. This equality is inclusive of views on religion, class, gender, and sexual preference (*Bokra*, 2012).

The impact of feminist and women's organizations

Palestinian women's and feminist organizations are considered part of the structure of Palestinian civil society and a reflection of a specific national, political, economic, and social context (Jad, 2004). When Palestinian women in Israel try to improve their status, they face three obstacles: gender, as women in a patriarchal Arab society; class, because they are poorer and underemployed due to systemic political, economic, and social factors; and nationality, as members of a national minority within the state of Israel (Abdo, 2008; Abu-Baker, 1998; Najmi-Yusuf, 2012). Palestinian women's organizations in Israel were established as "resistance" to the oppression by men, to the ongoing abuse of classism in society, and to national oppression. These organizations generally operate as a reaction to the state's discriminatory policy toward Palestinian society, to the

policies of Jewish women's organizations toward Palestinian women, and to the repression from a male-dominated society. The majority of Palestinian organizations in Israel that define themselves, according to Abu al-Asal (2006) and Abdo (2008), as feminist or working from a feminist perspective, limit their activities to provision of services. They offer services to specific categories of women, not to the general public of women and certainly not to an audience of men. Thus, for example, they offer services for children, mothers, victims of violence, or lesbians. Examining the activities of each feminist or women's organization on its own, the concentration of service-related activities becomes clear: lectures, workshops, kindergartens, shelters for girls, shelters for women, sex education, treatment for victims of sexual assault, and so on. The value of such services is significant when considering the beneficiaries, such as distressed girls or Palestinian lesbians, who might not be able to receive the same crucial services elsewhere.

Undoubtedly, these groups also contribute to raising public awareness around these issues and try to change society's opinion about them, especially with regard to awareness on the prevention of violence against women. Likewise, they seek to change laws to better serve the needs and specific conditions of Palestinian women in Israel. However, they have devoted all of their time to providing services. The positive side of service provision is that it has succeeded to meet the needs of women on the ground and raised their levels of culture, income, or psychological and social wellbeing. Those organizations that offer paid services are less expensive than those offered by Israeli Jewish organizations and also tailor their services to the culture and needs of Palestinian society. However, by focusing on providing these services to such a narrowed group of beneficiaries, these organizations have not engaged in public education on gender issues from a feminist perspective. While targeted beneficiaries are educated through receiving feminist services, there is no education of an audience outside of these particular beneficiaries. For example, the

general public does not know about the Beijing Conference in 1995,² the United Nations' Committee on the Elimination of Discrimination against Women (CEDAW),³ the UN resolutions on the rights of women and children,⁴ the ongoing debate as a result of the UN demands on signatory states, and the Arab world's position on these agreements. These are just some of the issues on which Palestinian feminist groups in Israel focus.

In analyzing the intellectual and ideological debate that took place in the beginning of the twentieth century on the subject of women's equality with men, we find that it was led by pioneering men and women. Meanwhile, the Palestinian intellectual leadership in Israel—with the exception of a narrow minority (see, for example, Halabi, 2012; Za'afri, 2003)—has not been mobilized to activate the debate within society. The majority of the political and party-based leadership on a national level has not adopted the issue of gender equality, whether in their ideological proposals or in their practices (Abu-Baker, 1998; Najmi-Yusuf, 2012). This leadership did not, for example, play a positive role in the debate over women's representation in the Higher Follow-up Committee (see "The Higher Follow-up Committee for the Arab Citizens in Israel" in *Volume I*); Instead of facilitating the process of women's participation as part of the community leadership with a particular ideological position, decision-making was left in the hands of the traditional leadership. Women activists thus established a Coalition of Associations for Women's Representation in the Higher Follow-up Committee and the energies of feminist groups were spent debating their right to have their voice heard as representative leaders in local politics. Comparing this situation to the positions of Sa'd Zaghlul and other nationalist leaders in the 1920s, we find that genuine support on the ground for the feminist movement from the Palestinian

2. The Beijing Declaration and Platform for Action, approved in September 1995 at the Fourth World Conference on Women, is a global commitment to achieving equality, development, and peace for women worldwide.

3. CEDAW is an expert body established in 1982 and is composed of 23 experts on women's issues from around the world.

4. These resolutions concern such issues as equal rights, trafficking, rights of education and wellbeing, etc.

party and political leaders is lacking. This does not mean that some of the male leaders are not feminists. However, the strategy of this leadership is to be cautious about public expression of feminist thought and its practice in daily life.

As NGOs, feminist organizations in Israel, Palestine, and the Arab world receive funding and support, both professional and ideological, from foreign donors (Jad, 2004). This leads to accusations that these organizations' proposals are foreign to Arab values and to the national agenda (al-Muzayin, 2010; Muhammad, 2012; Nazzal, 2005). Their goals are described as "Westernization" and seen as "colluding with Zionist and foreign intellectual colonialism" in its plan to change the underlying Islamic values of Arab society and the traditional foundations of the Arab family (see, for example, Muhammad, 2012; Samara, 2006). These allegations are the same that Arab feminists were charged within the Arab world at the beginning of the twentieth century (Abu-Baker, 2001).

Likewise, the debate in the wider Arab world has had an impact on local Palestinian feminist debate on the redistribution of roles between the sexes, with regard to relations in the family and in society in various fields. Accordingly, debates over religious attitudes toward feminist thought and feminist attitudes toward religious thought are inevitable. Notably, the Arab and Islamic world reached a compromise in the 1990s regarding the development and adoption of Islamic feminist thought as a reference point for social change (Abd al-Wahhab, 1999; al-Muzayin, 2010). This approach is compatible with cultural sensitivities and respects them, but at the same time it gives rise to three structural problems in feminist thought. First, it rejects changing any social arrangement Islam approves of, such as men's guardianship of women or the unacceptability of homosexual relationships, and sometimes even shuts down debate about them. The second problem is the imposition of Islamic religious discourse over Christian or Druze activists. The third problem is the charge "infidel" (*takfir*) being leveled at types of "other" feminist thought that do not adopt

Islamic dogma.⁵ Upon reflection, we find that all these problems touch on the essence of feminist ideological activity for Palestinian feminists in Israel as well.

Summary and conclusion

This study can be summarized in six key points:

1. Most Palestinian feminist organizations in Israel have not described themselves expressly as feminist in order to “adapt to” or “cope with” the situation on the ground and in an attempt to “achieve change surreptitiously.” As it is in the interest of women to accomplish the desired change, they have tried to demand that their conditions and social status improve using the variety of techniques and approaches available to them at the time.
2. Most Palestinian women’s organizations in Israel can be described as service provision organizations, not revolutionary intellectual movements working with revolutionary tools. This description does not carry a negative judgment of the tools that these groups use, but is simply an assessment of the situation as it exists on the ground.
3. The activity of the feminist movement in the Arab world has been characterized, since the beginning of the twentieth century, by the impact of the dynamics of the prevailing national and political situation. Arab men encouraged women to take mass action in the public sphere when it served the national agenda and limited their activities when the political climate changed. It was during these periods that women returned their attention to social activism. In analyzing Palestinian civil society within Israel, we find that feminist activism is restricted to educational and welfare services, and activism that is described as “traditionally the preserve of women.” Other groups provide political,

5. See, for example, *Alettejah*. (2013, March 8). Muslim religious scholars’ condemnation of feminist activism in the Arab world. Retrieved from alettejah.net/news/5092 on August 5, 2013.

legal, and general medical services, activities that are “traditionally male” (regardless of whether some also engage women).

4. The Palestinian feminist movement in Israel has failed to recruit Palestinian men to their cause. Thus, the activism of these organizations has not transformed into an influential, comprehensive community movement.
5. Most Palestinian feminist and women's groups in Israel have not devoted themselves to the matter of public education on gender issues from a feminist understanding, instead limiting their efforts to a restricted subgroup of women.
6. Too often, Islam and Arab traditions are relied upon as references for individual behavior and social harmony. A number of feminist and women's associations and organizations fall within this constellation, whether by remaining within the realm of what is acceptable in terms of subjects of community discussion or by reinterpreting the religious and social constitution and adopting it. As for those organizations that do not work within this framework, their work is limited to narrow sectors within the major cities.

Finally, there is no empirical study examining the public attitudes of Palestinian citizens of Israel, women and men, toward Palestinian feminist and women's movements, associations, and organizations or the extent of their knowledge about their services. Such a study would contribute to a more comprehensive understanding of the extent of the impact of these groups in Palestinian society.

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Second Volume

The Student Movement and Palestinian Student Activism in Israel

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The Student Movement and Palestinian Student Activism in Israel

Mohanad Mustafa*

Overview

Global student movements emerged as active and organized political and social forces in the late 1960s. Despite the differences in the political, social, and cultural contexts that influenced student groups in the US, Europe, and Asia, by the early 1970s, the student phenomenon had occupied a distinct political space and become a common global phenomenon that encompassed all countries, despite their differences. The phenomenon attracted a great deal of interest both from the media and the public, as well as academic research, due to the transformative role it played within societies in that period. Here, the Arab Palestinian student movement in Israeli universities was no exception.

The history of the development of Palestinian student organization and activism in Israeli universities can be divided into four stages. **The first stage**, which lasted from the late 1950s to the early 1970s, consisted of the beginnings of organized action by Arab students in Israeli universities. **The second stage**, which lasted until the mid-1980s, saw the development of student action into an organized students' movement with a political, national, academic, and social agenda. In **the third stage**, the students' movement fell into apathy and decline due to both internal factors related to the movement itself and external political circumstances. This stage lasted from the mid-1980s until the late 1990s. During **the fourth stage**, which start in the late 1990s and is ongoing, a process of reformulating Palestinian student action and activism in Israeli universities was

* Dr. Mohanad Mustafa is a lecturer at Or Yehuda Academic College and at Haifa University. He is also a research associate at Mada al - Carmel – The Arab Center for Applied Social Research.

initiated.

The first stage: The beginning of organized Palestinian student action in Israeli universities

The initial formation of the Arab Palestinian student movement in Israel was influenced by the global climate that produced student movements in universities. The idea of organizing Palestinian student action first emerged at the Hebrew University of Jerusalem, the academic institution where most Arab students studied in the 1960s and 1970s. This initial idea led to the creation of the first Arab Students' Committee at the university in 1959 (Mustafa, 2002). The idea of establishing the committee cannot be disassociated from the impact of general political atmosphere in the region and within Palestinian society in the diaspora, where the Palestinian national movement had begun to organize within Arab or Palestinian student associations. In addition, the political and educational reality forced Arab students to create an Arab student framework that was independent of Israeli student unions in the universities, as the goals of the Arab students necessarily transcended local student issues, some of which were perhaps common to all; it was essential, however, to link the Arab student framework to larger political and national issues.

The Arab Students' Committee at the Hebrew University proposed an agenda, according to which Arab students' activity focused on improving their conditions within the university and on abolishing the national military government (see "The Military Government" in *Volume I*). The military government impeded the movement of Arab students, particularly through the issue of permits (required for them by the military governor), which prevented their participation in educational trips organized by the university, and denied them access to institutions of higher education. They also raised the banner of their struggle by demonstrating against the discrimination inflicted on the Arab public on the basis of their national belonging, and by demanding the abolition of the military government

(Mustafa, 2002). The Arab student representatives rose to prominence in the 1960s through their participation in popular protest meetings against the expropriation of lands and the military government, and because of the manifestos and petitions they published in that regard. Some Arab students who were active at the Hebrew University were also associated with political parties popular within Arab society, such as the Communist Party and the *Al-Ard* (The Land) Movement. The latter, despite its brief presence in the Arab political arena, enjoyed widespread representation among Arab students at the university, who suffered particularly badly, along with other students, from political persecution, which went as far as house arrests. As a result of political diversity, three years after its founding, the committee adopted a democratic system for electing its members. The first elections to the Arab Students' Committee were held in Jerusalem in the 1961-1962 academic year, with the participation of 92 of the 100 Arab students who were studying at the university at the time. These elections were the first held by any Arab organization in Israel (Mustafa, 2002).

Although the Arab students at the Hebrew University founded their own committee in the late 1950s, waged a political struggle for their demands, and published political and student manifestos, it cannot be considered to have been a highly developed, well-organized, or clearly defined movement among Arab students. Rather, it was a framework for a variety of student activities that did not progress to a stage of solid organization and establishment.

The second stage: The development of student action into an organized student movement

The 1967 War and the occupation of the West Bank and Gaza Strip led to a deepening of national consciousness and sense of Palestinian belonging among the Palestinians in Israel. Arab university students, and in particular those studying at the Hebrew University, were most affected by developments in the "Palestinian question," due to their

geographic proximity to the Palestinian territories and the Palestinian student movement at Birzeit University. In addition, a vigorous process of organizing the Palestinians in Israel began in the late 1960s and included the establishment of nationalist and nationwide institutions, such as the organization of the heads of local authorities. This process was also reflected in the organization of Arab students, and the establishment of Arab student committees in the universities. At Tel Aviv University, the committee was established in 1968. At Haifa University, attempts at organization commenced in 1970, and the first Committee was elected in 1973. The Arab Students' Committee at the Technion - Israel Institute of Technology in Haifa was founded in 1972, and its first elections were held in June 1973. In addition, an Arab Students' Committee was established at Bar-Ilan University in Ramat Gan in May 1974, and at Ben-Gurion University in 1975 (Mari, 1978; Mustafa, 2002).

In the context of our review of the development of Arab student action and its transformation into a student movement, three factors that contributed to the development and identity of this movement should be highlighted. The first was the guard duty that was imposed on students at the Hebrew University due to rise of the phenomenon of the Palestinian *fedayeen* after the 1967 occupation of East Jerusalem. The university demanded that students living in the university dormitories guard the buildings at night, fearing that Palestinians might target the buildings in *fedayeen* attacks. This issue defined the subjective national identity of the Arab students, and brought about the first confrontation between their position as students in an Israeli institution and their national belonging to the Palestinian people. Nevertheless, the Arab students decided in favor of their national belonging and refused to participate in guarding the Guildings, arguing that it would be akin to military service, and that they would not fight their own people. The second issue was that of accommodation, which played a part in determining the early characteristics of the Arab Students' Committee at Tel Aviv University. The committee was set up as a response to this issue, which had both a student dimension and a national dimension,

because a large number of Jewish apartment owners refused to rent to Arab students on the basis of their national identity. Furthermore, police persecution and surveillance of Arab students in their places of residence became a regular occurrence in Tel Aviv. The third issue was the increase in the number of Arab students admitted to Israeli universities in the 1970s. This numerical shift enriched student activism and provided it with a large target audience both within and outside the university.

These factors helped to crystallize the identity of Palestinian student action. In addition to the establishment of Arab student committees in the universities, there also emerged a need for an umbrella organization. The establishment of the Arab Students' Union in 1971 was the crowning achievement of this stage of Arab student organization in Israeli universities. The process of establishing a union for Arab students in 1971 was the most important attempt at organizing Arab students, via the foundation of the Union of Arab Academics in December of that year. Among the overall goals of the union was the creation of a framework for Arab graduates, which was in fact established at the initiative of the Arab student committees in Jerusalem and Tel Aviv. The names of the preparatory secretariat of the first conference of the union, held on December 18, 1971, reveal that, in addition to the architects of the union from the Hebrew University and Tel Aviv University, intellectuals such as Emil Toma (of the Israeli Communist Party [ICP]) and Muhammad Mi'ari (of the *Al-Ard* movement) were involved. The initiating students had various affiliations, and included communists, nationalists, and independents (Union of Arab Academics in Israel, 1971). The preparatory secretariat and the initiators of the union registered it as an Ottoman association and drafted a constitution and set of goals for it. The union carried the name of the Union of Arab Students' Committees until November 1976, when it was renamed the National Union of Arab Students. The National Union of Arab Secondary School Students was also established alongside it, as part of the process of organizing the Arab student movement in Israel.

On the organizational and political levels, these developments interacted with important transformations that were occurring in the Palestinian arena in Israel. In the universities, a political diversity emerged that reflected the political and ideological diversity within Arab politics. The university was the central arena for the activities of political organizations, such as the *Abna' al-Balad* movement, which was established in the early 1970s as a part of the evolution of the student movement and later developed into the Progressive National Movement. In addition, the student arena was an important political domain central to the ICP and the Democratic Front for Peace and Equality (DFPE, or *al-Jabha* in Arabic). Furthermore, in the early 1970s, there emerged a group that was known as within the student movement as 'The Nationalist Students.

Student and union issues continued to be the focal points of the student movement's agenda. However, these issues began to be pushed aside in favor of political agendas and ideological debates, as occurred in the 1970s, when political polarization among Arab students grew, on the basis of their political and ideological backgrounds, over how the Palestinians in Israel viewed the national issue and their relationship to the state of Israel. In the 1974-1975 academic year, the first seminar on the "Palestinian question" was held at the Hebrew University, and was followed by a similar event at the University of Haifa in the same year (Mustafa, 2002). The national issue came to dominate political manifestos and student platforms, while elections to the Arab student committees became political elections in all respects, focusing on political platforms.

Israeli universities became centers of political action and discourse that were far more nationalist and progressive than the political work carried out by the various parties and other bodies within Arab society at the time. The Arab Students' Committee at the Hebrew University pioneered protests against Israeli occupation, firstly due to its long history of Arab student action, and secondly because of its physical proximity to the suffering of the Palestinians in the territories occupied in 1967. The encounter between

Palestinian students at the Hebrew University and Palestinian students at Birzeit University, which was subjected, both as an institution and in terms of its students, to a sustained campaign of persecution and incitement, led to the creation of a unique congruence between the two student sectors. This was reflected in coverage of news from Birzeit University and in student publications at the Hebrew University. This interaction culminated in the establishment of the Committee for Solidarity with Birzeit University, which in fact was more than a solidarity committee, as it reflected the advanced level of political consciousness that the student movement attained during this period.

Two main intellectual currents emerged in an organized form within the Palestinian student movement in Israeli universities, as outgrowths of the political and organizational development of the student movement and the Palestinian public in the 1970s. The first was the Arab Students' Front, which was founded in 1977 at the Hebrew University as the first Arab students' political organization in the Israeli universities, and part of the DFPE. In December 1978, the DFPE published a booklet entitled, "Towards a comprehensive and unified formulation of our student movement," which stated that, "The Arab Students' Front has not adopted any one line of thinking, but rather unites among its ranks both Communists and non-Communists to promote the same interests: our national and social interests, and our interests as students" (Arab Students' Front, 1978). The second organization was the Progressive National Movement, an extension of the *Abna' al-Balad* movement in the universities that was formed in 1979 following the defeat of those referred to as the Nationalist Students in the elections to the Arab Students' Committee at the Hebrew University (Progressive National Movement, October 1979). The goal of the Progressive National Movement was to organize itself within a clear student framework, as an alternative to the Arab Students' Front. The platform of the movement was distinguished by its focus on political and national issues, and the Palestinian issue; student issues were listed at the end as final items. The movement's political discourse and

practice were similar to those of the *Abna' al-Balad* movement. The debate and political competition between the Arab Students' Front and the Progressive National Movement constituted one of the most important characteristics of the student movement in the late 1970s and early 1980s. The student arena witnessed an alliance between these organizations only once, in 1981. This period was also witness to a fierce conflict against Israeli right-wing forces within universities, despite their lack of strength. However, as a result of the ascendancy of the right in the Israeli political arena as a whole, this conflict grew more aggressive in the universities, where the student movement continued to "fight" the right wing until the mid-1980s.

The third stage: The student movement retreats into apathy

The period that followed the mid-1980s is considered to be one of inactivity and decline within the Arab student movement, on both the organizational and political levels. This decline was a consequence of internal factors related to the student movement itself, and external factors pertaining to overall political developments in the Palestinian and local arena.

In the mid-1980s other political currents entered the student movement, such as the Progressive Movement and the Islamic Movement; however, they remained peripheral to student activism. The mid-1980s saw a steep decline in the functioning of the two principal student organizations (the Arab Students' Front and the Progressive National Movement), due to developments that affected the Palestinian cause after the war in Lebanon in the summer of 1982 and the departure of the PLO from Lebanon.¹ Moreover, a series of splits within the *Abna' al-Balad* movement had an

1. Following Israel's invasion of Lebanon in 1982, one of the major aims of which was to strike at the Palestinian resistance in Lebanon, alongside other political goals, the Israeli forces reached Beirut and blockaded the city. They conditioned lifting the siege and instituting a cease-fire on the withdrawal of the Palestinian forces and the PLO from Lebanon. An agreement was made to this effect, and the Palestinian forces departed from Lebanon, thereby bringing to a close an important stage in Palestinian history, one in which Palestinian resistance reached the peak of its strength, and inaugurating another stage, during which the Palestinian resistance fell into a deep decline.

impact on the Progressive National Movement. The end of the right-wing's dominance in the Israeli student unions also played a part in the waning of the Arab Students' Front, which had based its student agenda on attacking the right wing and the "fascism" that was creeping into the universities. The situation throughout the 1990s was no better than it had been in the 1980s: the student movement remained lethargic and apathetic, aside from a few sporadic activities. No elections were held to the Arab student committees for many years. The local political atmosphere within Palestinian society, along with the prevailing climate that followed the signing of the Oslo Accords and its ramifications for the Palestinian question, both had a significant impact on Arab student activism.

The fourth stage: Pluralism

The situation of Arab student action in the late 1990s differed from that seen in the 1980s. This latter period witnessed a re-awakening of student activism in the Israeli universities, in which the crystallization of the Palestinian political discourse played a contributing role, as did a deepening sense of national belonging among the younger generation, which had lived through attempts of "Israelization" following the Oslo Accords. In addition, the entry of political and ideological movements into the student political arena gave an impetus to student activism, including the National Democratic Assembly (NDA or *Tajamo'a*) and the Islamic Movement, as well as the DFPE. This inaugurated an era of strong pluralism in the student movement, namely in the presence of three political currents—ideologically strong after a long period under one or two hegemonic powers.

Female Arab students have played an especially prominent role in launching the struggle during this period, leading and participating in student activism and rebuilding the Palestinian student movement in recent years (Abu-Baker & Rabinowitz, 2004). Women also pursued higher education in greater numbers, and by the late 1990s, the percentage

of women among the total number of Arab students in Israeli universities had climbed to 55% (Mustafa, 2006). Although there has been a process of reconstruction and reorganization within the student movement, beginning in the late 1990s and gaining momentum from clashes between Arab students and university institutions in 2000, it has yet to reach a stage of mature development, such as that achieved by the student movement in the 1970s. Although the Arab student committees resumed elections (even if not persistently) and organized activities around national demands and issues once more, the Arab student movements is still far from being an organized one.

During this period the Islamic groups, for the first time in their history, took part in elections to the Arab student committees, in 2007, a development that altered political alignments within the universities to a considerable extent. The Iqra student group had major successes in the elections held that year at the University of Haifa and at Tel Aviv University. In addition, the Islamic Message group scored a victory at the Hebrew University, taking a majority of the votes. For the first time, Iqra headed the Arab Students' Committee at the University of Haifa, in coalition with the National Democratic Assembly (NDA) party. The coalition agreement was based on an understanding that a member of the NDA would head the National Union of Arab Students; consequently, the Democratic Front for Peace and Equality party lost its leadership of the National Union in 2007, for the first time.

This period, which was a time of pluralism in Arab student politics, was also one of paralysis within the Arab student committees. It was not political pluralism itself that led to this paralysis, but rather the absence of a culture of teamwork between the various constituent elements of the student movement, which in fact mirrored a similar absence at the national level among the political parties. Political pluralism could have acted as a major stimulus for the Arab student movement had it been accompanied by a mutual understanding between these parties.

After 2008, elections were held only to the Arab Students' Committee at the University of Haifa, in 2011, for two reasons. Firstly, political pluralism did not give rise to a single faction strong enough to lead the Arab student committees singlehandedly, without the need to enter into an alliance with another grouping. Secondly, there was conflict between the political parties in the universities, and they were unable to agree about formulae for alliances within the Arab student committees. Furthermore, intense political competition and conflict between the political parties precluded the formation of Arab student committees after the 2008 elections. Following deliberations between the various student groupings in the University of Haifa, an agreement was reached to hold elections to the Arab Students' Committee at the university in 2011. Additionally, a mechanism was set up to activate the committee in case a single student bloc was unable to secure a majority of seats, or in case the student blocs failed to adopt a formula for a coalition between the winners. The mechanism further stipulated that the group with the largest number of votes was entitled to head the committee in case no coalition agreement could be reached between the various student groups. In fact, the elections at the University of Haifa resulted in a situation in which no one group was able to secure leadership of the committee alone. The Iqra movement and the Democratic Front student group won five seats each, while the NDA student group won three seats. Attempts to form a students' coalition between two or more groups ended in failure. As a result, the Iqra movement was given the opportunity to head the committee, as the grouping that gained the highest number of votes.

Conclusion

Organizing by Arab students within Israeli universities, which developed into a students' movement in the 1970s, undoubtedly contributed to the formation and consolidation of national awareness among Arab students and within Arab society at large. Student organizations made a contribution

to the national and political life of Arab society, playing an influential role. They also exerted a broad and deep influence on the political discourse of Palestinians in Israel; indeed, their discourse went beyond – in terms of its approach, vocabulary and vision – the general political discourse that was prevalent in Arab society itself. And one must acknowledge the part that students' movement (that was active in the 1970s and early 1980s) played in generating Arab political and community leaders who play a major role in the political, civil and academic life of Arab society in Israel today.

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Mtanes Shihadeh*

The concept of civil society

The term *civil society* resurged in significance in the 1980s, particularly in academic, research, and global politics fields, following the sweeping changes in Eastern Europe and, on the one hand, the failure of the welfare state in some Western countries; on the other, calls for structural changes in the socioeconomic order there.

While being aware of the debates over the definition of civil society, in this brief article, I address only a specific aspect of civil society among the Palestinians in Israel, which is the institutionalized aspect: the so-called non-profit organizations or community-based organizations, which are part of civil society (Godron, Bar, & Katz, 2004).

Civil society organizations in the Palestinian community in Israel

The establishment of organizations and associations in Palestinian society is not a new phenomenon. It can be traced back to the 1870s, when efforts to establish associations for various purposes emerged (Jamal, 2008; Zeidan & Ghanem, 2000). During the British mandate, different sectors began organizing in order to provide services to their members and to the general public; however, this process was confined to cities and to a small or specific group, relying on a sectarian-religion base (Nakhleh, 1990).

According to Zeidan and Ghanem (2000), the development of civil society among Palestinians in Israel can be divided into six stages: first, the establishment period, which lasted from the mid-nineteenth century

* Dr. Mtanes Shihadeh is a research associate and the Program Coordinator of Israeli Studies at Mada al-Carmel—Arab Center for Applied Social Research.

to the beginning of the twentieth century. The most obvious feature of that period was that associations and institutions were religion-based. Second, the growth period, which extended between World War I in 1914 and the Arab Revolt in 1936. This period was affected by the British mandate and the emergence of the Zionist project. Third, the period of decline, 1936 to 1947, a period that was affected by despair and national defeat and in which many of the existing institutions were dissolved. Fourth, after the establishment of the state of Israel and during the era of military government, from 1948 to 1967, which can be considered a period of collapse. The fifth period, 1967-1980, was a period of revival. Reconstruction was affected by the termination of the military government in 1966 and renewed relations with the larger Palestinian people as a consequence of the occupation of the West Bank and Gaza Strip. The sixth period, which started after 1981, was characterized by clear awareness of the need to establish civil society organizations on the part of the Arab community, and the initial crystallization of modern civil society institutions, with an increasing number of associations being formed; between 1980 and 1998, nearly 65% of the 1009 institutions were officially registered by 1998; of which, half were registered after 1993 (Zeidan & Ghanem, 2000, pp. 8-12). According to Payes, the latter period may be considered to be one of stability and dispelling illusion at the same time, whereby civil society institutions had matured to take on a path toward institutionalization while becoming aware of their inability to achieve substantial political goals (Payes, 2003).

Increasing the effectiveness of community-based work

At the end of the twentieth century, the number of Arab-registered organizations in Israel had reached approximately 1600, forming 4.5% of the total registered organizations in the country, of which nearly 300 are actually active. Eighty percent of these organizations were registered from 1998 onwards (Jamal, 2008; Zeidan & Ghanem, 2000).

Since the end of the 1990s, reasons for the increase in number of registered Arab societies varied. According to Zeidan and Ghanem (2000) the most significant reasons are: (1) the continuous distress of the Palestinian Arab population in Israel due to discriminatory and exclusionary policies practiced by the state and its institutions towards them; (2) an increase in young and educated segments characterized by sociopolitical awareness, and an increase in their capacities and willingness to take on initiatives and responsibilities, which contributed to the establishment of a large number of associations; (3) The law of association from 1980, and the government policy that had reduced the barriers and legal obstacles to registration compared with preceding periods; (4) the growing influence of Islamic movements in the world, and in the Middle East in particular, and the emergence of NGOs as a general global phenomenon; (5) the growing importance of NGOs as employment source for a new generation of academics; (6) the availability of various funders providing financial support (Zeidan & Ghanem, 2000, pp. 14-15).

Political scientist Amal Jamal (2008) identifies positive and negative external and internal factors that drove the growing number of NGOs in the Palestinian community in Israel. These are summarized in Table no. 1.1

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1. The availability of external funding has contributed significantly to the increasing number of Arab institutions due to the fact that Arab institutions do not receive substantial funding from the Israeli government. According to Godron et al. (2004), in the year 2000, 1460 organizations in Israel received Israeli governmental financial support, of which 47 (out of 1600) were Arab organizations, constituting 3.2% of the total organizations receiving governmental financial support.

Table no. 1

Factors driving the growing number of NGOs in the Palestinian community since the late 1990s

Factor Type	Positive	Negative
Internal	<p>Increase of individual autonomy within the Arab community</p> <p>Growing number of Arab academics and their professional capabilities</p> <p>The rising sociopolitical consciousness of the Arab population and its insistence on equal citizenship rights</p>	<p>Decline of traditional forms of social solidarity and mutual support</p> <p>Weakness of Arab political parties</p> <p>Lack of and inefficiency of social services in Arab municipalities</p>
External	<p>The globalization of human rights, minorities, and indigenous people discourses</p> <p>Growing importance of civil society and social movements in many parts of the world</p> <p>Increasing external financial funding</p>	<p>Ineffective Arab political participation in the Israeli Knesset (parliament)</p> <p>Lack of public social and economic services provided by the state</p> <p>Lack of economic opportunities matching the capabilities of educated Arabs</p>

Source: Jamal (2008)

Axes of activity of civil society and its functions

Since the 1990s, activities of Arab organizations and associations have been focusing on the following areas: human rights and defending the rights of the Palestinian minority in Israel; local and international advocacy; strengthening and empowering the Palestinian minority; and social, political, and economic empowerment for women (see Table no. 2).

In recent years, legal and research centers in fields of natural sciences, humanities, and social sciences were established. These centers work to protect and promote economic, social, political, and cultural rights of the Arab Palestinian minority in Israel, both individually and collectively, as well as their human and national development; and aim to encourage research on Palestinian society in Israel. In addition, Arab institutions and associations attempt to address the deliberate marginalization of the

Palestinian community practiced by the state and its institutions, and strive to improve their living conditions. This situation illustrates the beginnings of organized and legal collective action (Jamal, 2008; Payes, 2003). Some of these institutions use the official channels directed at state institutions and decision-makers in order to influence policies and improve the minority's living conditions of the minority. A few associations achieved some specific achievements, mainly through the judiciary, effecting some changes.

Table no. 2

Areas of activities of the Arab organizations in Israel, 2007

Area	Number	Percentage (%)
Culture and leisure	476	31.3
Education and research	295	19.4
Welfare	224	14.7
Religion	183	12.0
Social, political, and legal change	130	8.5
Housing and developments	90	6.0
Health	47	3.0
Philanthropy	37	2.5
Environmental NGOs	15	1.0
Trade unions	13	0.8
Commemoration	5	0.33
International NGOs	2	0.13
Total	1613	100.00%

Source: Jamal (2008)

The most significant activities are within the area of the relationship between the state of Israel and the Palestinian society, providing different interpretations of the reality of the Palestinian minority, presenting alternative discourse to understand its reality, and presenting solutions in an attempt to challenge the state's dominance. This aims at establishing that there are credible alternatives for defining the state of Israel as a Jewish state in line with the minority's demands, human rights, and democratic values.

Presenting suggestions for reframing Palestinian minority's relations with the state, and forms for a new system of government in Israel, are among the most significant attempts made by several civil society organizations. Those include: the *Future Vision* document issued by the National Committee of Heads of Local Councils;² the *Democratic Constitution* issued by Adalah—the Legal Center for Arab Minority Rights in Israel;³ and the *Haifa Declaration*, a visionary document issued by Mada al-Carmel—Arab Center for Applied Social Research, which also advanced a future vision of the Palestinian community's relationship with the state of Israel.⁴ In recent years, the fact that Palestinian civil society has also reached out to international public opinion and international bodies, including the United Nations (UN), is significant. This is done to recruit the latter as a means to pressure Israel, to unveil the discrimination faced by the Palestinian community, and to shed light on the contradictions of Israeli democracy, because sufficient internal mechanisms of pressure to influence policies otherwise are lacking, due to the weakness of civil society vis à vis the state. As some believe that Israel is more sensitive to international opinion, some organizations believe that such actions might contribute to Israel's responding to the needs and demands of its Palestinian citizens.⁵

In addition, reports and research published in English by Arab human rights and research centers, such as political monitoring reports issued by Mada al-Carmel since 2003, were used to address international public opinion and provide data and analysis on the status of the Arab minority in Israel. The participation of a few Palestinian civil society organizations, as part of

2. See <http://www.arab-lac.org/tasawor-mostaqbali.pdf>.

3. See <http://www.adalah.org/?mod=articles&ID=1140>.

4. See <http://mada-research.org/?LanguageId=2&System=Item&MenuId=106&PMenuId=21&MenuTemplateId=3&CategoryId=84&ItemId=57&ItemTemplateId=1>.

5. Among the significant examples: The previous activity of *Ittijah* (Union of Arab Community Based Associations) and its direct relations with European and international bodies; Adalah's work, which includes reporting to international human rights associations, European Union, and UN (see Adalah web site: <http://www.adalah.org/upfiles/Ra-ArabMinority-WEB.pdf>); Mossawa's international advocacy (see Mossawa web site: www.mossawacenter.org/default.php?lng=2&pg=2&dp=2&fl=2); and the work of the Arab Human Rights Association (HRA; see HRA web site: <http://www.arabhra.org/HRA/Categories/CategoryPage.aspx?Category=50>).

the Arab League delegation, in the first Durban Conference against Racism in 2001 and in the second Durban conference in 2009 (Arabs48, 2009) are among the clearest examples of actions that addressed international bodies. Some institutions have held study days and conferences aiming to disclose discriminatory policies practiced against the Arab Palestinian minority for interested audiences from various backgrounds, usually in the presence of foreign diplomats.

Palestinian civil society relations with the state of Israel

According to research conducted by Gopher (2003), the majority of Arab organizations in Israel may be defined as “external associations [founded] for ideological reasons.” This means that these associations are not bound by close relations with the state and its institutions, but mostly their relations are dominated by mutual mistrust and marginal state recognition, at best. This conclusion aligns with Yishai (2003), who found that most Arab organizations are characterized by weak relations with state institutions, and a lack of direct communication channels with state institutions and ministries; in particular, direct, friendly, or personal relations between Arab institutions and decision-makers in Israel are lacking. Apparently, according to Yishai, this reflects, on the one hand, a lack of confidence of the organizations in their ability to make a substantial impact on decision-makers and state institutions, and, on the other, hostility of the state institutions toward the Arab organizations. Therefore, Arab civil society actions are directed at challenging the dominance of the existing structure, striving to change institutions’ attitudes towards the Arab population, and reducing racism; however, according to Jamal (2008), with no success in changing Israel’s attitudes towards the Arab citizens or in making relations more democratic. According to Payes (2003), the state has tried to limit civil society’s actions and influence through bureaucratic means, including strict Registrar control on Arab organizations. Payes (2003) describes the state’s attitude towards Arab organizations as “effective exclusion,” where

Israeli authorities suspect and distrust the existence and goals of Arab organizations. Payes adds, Arab organizations are aware that the state can restrict their work, place obstacles in their way, even confiscate funds, or shut down associations under various pretexts, including security. Indeed, the state had previously implemented such a policy on the ground, when it shut down the Supporters of Prisoners Association in 2006 (al-Arabiya, 2006) and the associations of the Islamic Movement - Northern Branch, and outlawed the al-Aqsa Association and then closed it down in 2008 (al-Arab, 2008; Sultany, 2003, pp. 37-39.)

Such policies of suspicion and fear and restricting Arab and Israeli civil society's actions, which are not subject to the Zionist consensus, were translated in recent years through the enactment of bills in the Knesset. Among those:

- **Associations Law (Amendment—Exceptions to the Registration or Activity of an Association) 2010**, calling to amend Article 3 to allow shutting down any NGO suspected of providing information to foreign entities regarding legal proceedings abroad against senior Israeli government officials or military officers, for war crimes (Law proposal num. F/18/2456, submitted by 40 MKs in June 14, 2010; Shihadeh, 2010a)
- **Proposed Law—Disclosure Requirements for Recipients of Funds from Foreign Entities 2010**, which aims to place obstacles on civil society work through imposing strict requirements on reporting funding received from foreign states entities (proposal submitted by MK Zeiv Elkin and others, on February 8, 2010; Shihadeh, 2010b).
- **Association Law (Amendment—Prohibition on Foreign Political Entity Supporting Political Organizations in Israel) 2011**, which prohibits any “political organization” aims to influence the political or the security agenda of Israel, or organize activities of a political nature, and prohibits receiving funding that would exceed NIS 20,000 annually from any foreign country or institutions representing states

(Law proposal num. F/18/3312, submitted to the Knesset on June 13, 2011; Shihadeh, 2011).

- **Proposed Law—Associations Law (Amendment - Reservation on Registering Associations) 2011**, aiming to deny registration of organization negating the existence of Israel as a Jewish and democratic state (Law proposal num. F/18/3029, submitted to the Knesset on June 6, 2011; Shihadeh, 2011).
- **Associations Law (Amendment—Reservations for Registration of Associations Denying the Jewish Character of the State) 2011**, calling to expand sanctions on organizations that do not recognize Israel “as a Jewish and democratic” state, including the possibility for dissolving the Association (Law proposal num. F/18/3309, submitted to the Knesset on June 6, 2011; Shihadeh, 2011). This bill aims to ban registration of an organization seeking to “harm the Jewish and democratic character of Israel.” This means those who drafted the law do not settle for conditioning registration upon recognizing the Jewish and democratic character of the state but also demand banning registration, or dissolving an existing organization if its work is deemed to negate the Jewish and democratic character of Israel.

In addition to governmental policies and official attitudes toward Arab civil society, other obstacles limit the impact and work of Palestinian civil society in Israel, some of which relate to funding sources, and others to internal factors, within and among organizations. Regarding funding, we find that most organizations depend almost totally on international funds. As for the internal factors, Payes (2003) finds that Arab civil society suffers from weakness and internal constraints relating to their practices, especially in existing approaches for developing and presenting technical solutions rather than political solutions essential to combating the state’s policies, mainly when the balance of power favors the state and the majority group. This in turn reduces the pressure on the state, and weakens arguments that challenge the existing system (Payes, 2003). On the other hand, the absence

of coordination mechanisms, fundamental cooperation, and competition between institutions may be considered additional obstacles. Some claim that because leadership of these institutions is not elected, their legitimacy is adversely affected. Hence, their legitimacy stems from state recognition and operating according to the laws and codes of the state; limited internal sources of funding and dependency on foreign funding may determine the agendas of these institutions, in some cases (Payes, 2003).

Conclusion

According to the small number of researches working in this area, data presented in this article, and as a result of monitoring the daily realities of Arab institutions, the Arab civil society organizations in Israel are still in the process of mobilization, and have not matured sufficiently to move to a stage of institutionalization and become part of the permanent reality of the Palestinian minority. Mobilization is considered to be a phase of gaining legitimacy, developing work mechanisms for facing the existing state system, and presenting alternatives. Usually, such a phase follows a historic turning point or crisis, weakening the legitimacy of the existing regime, and may, therefore, encourage civil society to take on a more active role for change. However, in this case, future developments and civil society work approaches may not be predictable, for their evolution depends on various external and internal variables, *inter alia*: domestic politics, Arab citizens' relations with the state, and others concerning the regional situation (war and peace), global changes and civil society development, funding and donors' policies, and internal factors related to weakness and limitations.

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