

EDITORIAL

Of Rights and Exceptions

As this issue of the *Jerusalem Quarterly* goes to press, Shaykh Jarrah remains a neighborhood at its boiling point. At the heart of Palestine's turbulent summer of 2021 (see Nazmi Jubeh's "Shaykh Jarrah: The Struggle for Survival" in *JQ* 86), Shaykh Jarrah's Palestinian residents continue to live under the threat of eviction and face daily disruptions from Israeli settlers, including the Jewish supremacist member of Knesset Itamar Ben Gvir, who set up a temporary "office" in a tent outside the home of the Salem family, one of the families whose eviction is before the Israeli courts. Ben Gvir's provocation predictably set off protests by residents of the neighborhood and their supporters and brought harsh repression by Israeli police and security forces. Even the normally timid Biden administration asked the Israeli government to avoid further escalation and the Jerusalem Magistrate Court suspended the eviction of the Salem family, but not without forcing them to pay a hefty sum as a guarantee pending a ruling on their appeal.

The case of Shaykh Jarrah is broadly indicative of Israel's settler-colonial drive, which seeks to absorb Palestinian land and displace Palestinian people. Beyond this, though, the particularities of the case expose the socio-legal complexities of ownership in Palestine, which shape Palestinians' efforts to maintain their presence on their land, and which Israeli authorities seek to manipulate to produce the opposite effect. Reductively and flippantly described by Israeli officials as a "real estate dispute," the attempt to displace Shaykh Jarrah's inhabitants raises questions about

the legal relevance and interpretation of Ottoman, British, and Jordanian property regimes in Israeli courts; the rights of refugees (and others) in occupied territory; the tensions between Zionism as a project that approaches territory in ethno-national terms and the language and logics of a real estate market; and how and whether it is possible to acknowledge that those who live in a place make it their own through the daily interactions that produce a community. These were among the questions posed and addressed by the New Directions in Palestinian Studies workshop held at Brown University in March 2020, and titled “Who Owns Palestine?” Articles by Elizabeth Bentley and Kjersti G. Berg published in *JQ* 88 emerged from this workshop, and this issue features two further NDPS contributions.

In “Evolving Regimes of Land Use and Property in the West Bank: Between Dispossession and Resistance, and Neoliberalism,” Fadia Panosetti and Laurence Roudart explore various strategies – “neither fully isolated and spontaneous, nor fully organized and coordinated” – that Palestinians have employed to stave off (further) dispossession in the villages of al-Walaja and Wadi Fukin. Both villages, which lie to the south of Jerusalem, lost significant agricultural lands in 1948 and are hemmed in by Israeli settlements and the 1949 armistice agreement line (the Green Line). In the 1970s and 1980s, economic circumstances and the threat of land expropriation led villagers in al-Walaja and Wadi Fukin to shift away from seasonal crops toward olive cultivation, which required less intensive upkeep, and to adopt informal systems of land borrowing within extended families, which allowed land to remain under cultivation even as its legal owner sought employment outside the village. In recent years, however, the authors also note the devastating impact of Oslo on the Palestinian political economy and the concomitant turn to increasingly individualized tactics of land use, fracturing collective efforts and leaving land in villages like al-Walaja and Wadi Fukin vulnerable to the twin menaces of the market and the settler-colonial state. Perhaps the clearest manifestation of this double-barreled assault is in al-Walaja, part of which Israel annexed within the expanded Jerusalem municipality, thereby driving up real estate prices to a spectacular degree while threatening dozens of buildings with looming demolition orders.

Kinship is a central component of the Palestinian strategies to resist dispossession examined by Panosetti and Roudart, and it also lies at the heart of the property relations between Palestinians (and, in particular, Palestinian Christians) in Jerusalem’s Old City and the Orthodox Church, the subject of Clayton Goodgame’s “Custodians of Descent: The Orthodox Patriarchate of Jerusalem and the Family Waqf.” Goodgame argues that the Ottoman categorization of Church property as family waqf has structured the relationship between the clergy and the laity in the Old City, including refugees from 1948 and their descendants, who became “protected tenants” in Church property. Palestinian Christians within the Old City walls thus became part of an extended Church “family,” while recognizing that the Church’s position as the ultimate owner guaranteed their relationship to the land. Attending to these affective dimensions of property relations allows insight into Old City Christians’ support for the Church, including their willingness to will privately-owned property to it, despite

recent scandals – including those involving selling or leasing Church property to Israeli groups. As Goodgame notes:

The interesting question is thus not why people give property away – clearly, the settler threat presents an incentive to avoid selling to individuals or investors – but why they give to the Orthodox Church in particular, rather than an NGO, the Palestinian Orthodox Club, or a more trustworthy church? Here, security is not the only explanation. Palestinian donors do not blindly trust the patriarchate. Rather, they usually have a longstanding relationship with it, to the extent that donating their property may not feel like giving it away at all.

Palestinians' resistance to dispossession and displacement – in the Old City, Shaykh Jarrah, al-Walaja, and throughout Palestine – inevitably mobilizes a multifaceted machinery of repression. Surveillance and policing have a share in the spotlight in this issue of *JQ*, spanning a period from the early 1920s under the British Mandate until the present time. Mahon Murphy's review of Seán William Gannon's *The Irish Imperial Service: Policing Palestine and Administering the Empire, 1922–1966* highlights how the Palestine Police Force came to represent a paradigm for imperial policing as a whole. He highlights Gannon's challenge to the prevailing view that Irish contributions to the administration of the British Empire ceased after 1922 with independence, and shows how Irish recruits were part of the imperial project and the "imperial ruling caste."

On a general level, the logic of policing is the same whenever there is an imperial or colonial power that attempts to maintain its control over the population through practices of containment, tracking, disciplining, violence, and various forms of punishment. Palestine has served as a laboratory of this kind of logic, from the days of the British Mandate, especially during the suppression of the Great Revolt, to the present day.

Of more immediate concern today are the longer- and shorter-term implications of the aggressive surveillance, tracking, and tracing practices that have been introduced in Israel during the coronavirus pandemic. Elia Zureik and David Lyon's essay in this issue of *JQ* argues that we are in the midst of "the second major state of exception, after 9/11, within which legal and regulatory safeguards have been suspended to allow surveillance under the guise of safety." They discuss the involvement of the General Security Services (Shin Bet) in high-tech surveillance practices, particularly in the early months of the pandemic, and of the role played by the notorious NSO and Elbit Systems, part of the edifice of control at Israel's disposal. They conclude their essay by warning:

It is clear that strategies to contain COVID-19 are unevenly distributed on racialized lines, in Israel/Palestine. Preexisting public healthcare disparities that disproportionately disadvantage Palestinians have become vividly visible in the time of coronavirus. Decisions about who

may live and who is allowed to die may be obscured by bureaucratic regimes and contact-tracing algorithms, but their effects are all too physical. Meanwhile, in the process of dealing with COVID-19, the same forces of racialized biopolitics strengthen their hand by ensuring that emergency measures can become routinized, permitting even greater surveillance and thus control over populations.

On a more local level, the politics of COVID-19 are present in other aspects of daily life experienced by Palestinians in the West Bank and Gaza. One area has been variously called “vaccine apartheid” or “medical apartheid” by analysts and commentators, whereby Israel has refused to acknowledge that it has a responsibility to provide vaccines for Palestinians under its rule. In January 2021, a consortium of Palestinian human rights organizations declared that the Israeli vaccine policy was implemented in a discriminatory, unlawful, and racist manner by completely disregarding its obligations to Palestinian healthcare. International media have also highlighted the irony of Israeli offers of vaccines to political allies while ignoring the needs of most of the Palestinians under its rule.

COVID-19 politics entailed other features provoking insecurity and distress among Palestinians. Anxiety was the order of the day in February 2021 when Israel opened a window for vaccinations at the Qalandiya checkpoint separating Jerusalem from the northern West Bank. Ostensibly set up to serve Jerusalem’s Palestinians living outside the Wall as well as Palestinian workers in Israel, the vaccination station attracted throngs of anxious hopefuls from the vicinity, leading to extreme congestion and thus the creation of optimum conditions for the transmission of the virus. Rumors of the smuggling of well-heeled Palestinians from the West Bank to East Jerusalem vaccination facilities by middlemen became part of the folklore of the pandemic in the days before free vaccines became widely available in the West Bank.

One of the more troubling aspects of COVID-19 politics has been the lack of transparency in the Palestinian Authority’s acquisition and administration of vaccines, including of supplies received through or from Israel. There are strong suspicions and some evidence, including admissions by government officials reported by the Associated Press, al-Jazeera, and other local and international media, of corruption favoring sectors of the security and political apparatus in the allocation of vaccines. This was particularly relevant in the first few months of the pandemic, when the supply of vaccines was scarce and a heightened state of concern prevailed among Palestinians eager to travel, work, and carry out essential functions.

There also continues to be wide public criticism of the abuse of the controversial and contested state of emergency declared by the Palestinian Authority in early 2020 to carry out arrests of journalists and human rights and other activists, partly through the monitoring of social media accounts, in both the West Bank and Gaza Strip. The Palestinian prisoner rights organization Addameer reported that the pursuit of Palestinian political activists was enhanced after the declaration of the state of

emergency. The issue remains in the public eye and is being closely monitored by Palestinian and international organizations.

Of particular concern was the danger of coronavirus contagion in cramped and unsanitary Palestinian detention facilities and in vehicles used to transport detainees to court, as well as the postponement and delay of court sessions dictated by outbreaks of the virus. There was also great concern for the safety of Palestinian prisoners in Israeli detention centers and prisons, where several coronavirus outbreaks have been recorded.

The issue of the implications for civil liberties of the continuing state of emergency is likely to remain in the public sphere for some time to come; heeding the warning issued by Zureik and Lyon, we must be mindful of the implications of expanded surveillance activities, even beyond the pandemic. This is equally relevant to Palestinian citizens of Israel and to the population of the West Bank, including Jerusalem, and of Gaza. Indeed, it has come to light recently that the telephones of several employees at the six Palestinian civil society organizations declared “terrorist” organizations in the West Bank in October 2021 had been targeted by Israeli spyware.

Finally, in this issue, the first under our editorship, we would like to recognize the efforts of Salim Tamari, the founding editor of *JQ*, and Beshara Doumani, *JQ*'s co-editor since 2019, who along with the editorial committee, editorial staff, and many contributors, have worked to make the *Jerusalem Quarterly* an invaluable forum for addressing Palestinians' historical and ongoing experiences in and beyond Jerusalem. As we look to the future, we plan to build upon these foundations and continue *JQ*'s work of bringing new and important perspectives to its readers.