Citizens without Sovereignty: Transfer and Ethnic Cleansing in Israel

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The term "ethnic cleansing" vaulted to international prominence in 1992, shortly after Francis Fukuyama proclaimed the end of history.[1] Popularized during the narrow window of optimism between the fall of the Soviet Union and the rise of Ussama Bin Ladin, the phrase was used to describe events in the recalcitrant states that had not gotten the message that liberal democracy was the way of the future. The product of a particular time and place—Yugoslavia in the contemporary era—ethnic cleansing was generalized into an analytic category, stretched across the globe and the twentieth century, and, on occasion, transformed into a transhistorical characteristic of humanity.[2] In this sense, the

[1] Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992). Fukuyama initially laid out his argument three years earlier in "The End of History?" *The National Interest* 16 (Summer 1989), 3–18.

[2] Norman Naimark has made the most cogent effort to defend ethnic cleansing as an analytic category. By differentiating ethnic cleansing from genocide, and showing how ethnic cleansing springs from the symbiosis of racialist nationalism and the modern state, he argues convincingly that ethnic cleansing is a twentieth-century phenomenon. His precision is a welcome corrective to studies that see ethnic cleansing as an inherent product of the state system, dating to the fifteenth century (Rae), or even less usefully, as a transhistorical phenomenon (Bell-Fialkoff). Norman Naimark. *Fires of Hatred: Ethnic Cleansing in the Twentieth Century* (Cambridge, Mass.: Harvard University Press, 2001); Heather Rae, *State Identities and the Homogenisation of Peoples* (Cambridge: Cambridge University Press, 2002); Andrew Bell-Fialkoff, *Ethnic Cleansing* (New York: St. Martin's Press, 1996).

For a comprehensive review of the literature on violence and the state that looks at the vagaries of the notion of ethnic cleansing, see Mark Mazower, "Violence and the State in the Twentieth Century" [review essay], *American Historical Review* 107, 1158–78. Mazower's skepticism about the explanatory power of broad categories is echoed by Rogers Brubaker, who holds that the notion of "forced migration" is "insufficiently differentiated": "The Aftermaths of Empire and the Unmixing of Peoples: Historical and Comparative Perspectives," *Ethnic and Racial Studies* 18, 2 (1995), 189–218, esp. p. 205. For an illustration of how the practices that are condemned as ethnic cleansing in one instance do not merit the same label in another, see Robert M. Hayden, "Schindler's Fate: Genocide, Ethnic Cleansing, and Population Transfers," *Slavic Review* 55, 727–48, and subsequent debate. On the need to disaggregate types of ethnic violence, see Rogers Brubaker and David D.

category of ethnic cleansing is too large: scholars and journalists have vitiated the term's explanatory power by grouping together sundry events.

In other ways, however, the category of ethnic cleansing is too small, premised on a reductive notion of power that cannot account for the variety of ways in which "ethnic unmixing"[3] takes place in the new millennium. First, ethnic cleansing obscures the fact that notions of ethnicity, race, and religion structure the use of force by liberal democracies. The practices of colonialism, like the subsequent violence perpetrated by formerly colonial powers, tend to be classified separately. Ethnic cleansing today stands in opposition to diversity[4]; it is multiculturalism's Other, the pathological outcome of "bad nationalisms"— Fascism, Stalinism, and their ethno-nationalist heirs—run amuck. How might we complicate the notion of ethnic cleansing so as to emphasize the relevance of ethnic unmixing in countries that tout their diversity and are governed by the formal structures of democracy? Second, the category of ethnic cleansing is limited to cases of violence and usually implies bloodshed. The use of the term has been surprisingly impervious to the by now banal observation that power does not grow (only) out of the barrel of a gun. If "ethnic cleansing usually involves an armed perpetrator and unarmed victim,"[5] how should we treat cases that bear a resemblance to ethnic cleansing but do not patently rely on force of arms? Third, ethnic cleansing connotes the displacement of groups over national borders. It is a term that implies bodily mobility, most often in trains or on foot. Might there be a type of ethnic unmixing that brooks the continued presence of its victims, even encouraging them to remain in their homes?

At its most instructive, ethnic cleansing elucidates important aspects of the bloody dissolution of empire and the violent processes of state formation in the era of nationalism. In this sense, events in the former Yugoslavia resemble those of the early to mid-twentieth century, when the Austro-Hungarian, Hapsburg,

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Laitin, "Ethnic and Nationalist Violence," *Annual Review of Sociology* 24, 423–52. On the variety of definitions of ethnic cleansing, see Patrick Michels, "Le 'Nettoyage ethnique': Definitions et implications," *Canadian Review of Studies of Nationalism* 25 (1998), 83–94.

[3] Brubaker, "The Aftermaths of Empire." Brubaker's wording can be traced back to Lord Curzon, who used the phrase "the unmixing of peoples" to refer to the mass restructuring of populations in the Ottoman Europe during the last half of the long nineteenth century (192). Brubaker problematizes the subsumption of "post-imperial ethnic unmixing" under the rubric of "forced migration" as "too narrow and misleading." He argues, to the contrary, that ethnic unmixing is a protracted process: "One should think about ethnic unmixing in the aftermath of empire not as a short-term process that exhausts itself in the immediate aftermath of political reconfiguration, but rather as a long-term process in which, according to political and economic conjuncture in origin and destination states, migratory streams may dry up altogether for a time, persist in a steady trickle, or swell suddenly to a furious torrent" (204). Brubaker is of course correct that the pace of, and reasons for, ethnic unmixing fluctuate over time, but we ought to keep in mind that the practices and meanings of unmixing vary as well.

[4] Naomi Mandel, "Fires of Hatred" [review], *Modernism/Modernity* 9, 2 (2002), 356–58. See also Akbar S. Ahmad, " 'Ethnic Cleansing': A Metaphor for Our Time?" *Ethnic and Racial Studies* 18, 1 (1995), 1–25.

[5] Naimark, *Fires of Hatred,* 186.

Russian, and Ottoman Empires were dismembered. In an effort to solve the "problem" of minorities and stateless groups, the human topography of these former empires was reconfigured so as to accommodate the physical topography of new nation-states. The War of 1948—known to Israelis as the "War of Independence" and to Palestinians as "The Nakbah [Disaster]"—partook of this *zeitgeist*.[6] Within a few years, 700,000 Palestinian Arabs were displaced and 450,000 Arab Jews were "ingathered" in Israel, partially unscrambling the region's own "belt of mixed populations."[7] The Palestinians, who emerged from the war without a state of their own, resembled the stateless peoples of Europe. Like other ethnic states that emerged in the Middle East and Eastern Europe in the first half of the twentieth century, Israel was (and is) marked by a lack of isomorphism between nation and state: the Israeli state defines the nationality of its Jewish citizens as "Jewish" while that of its Palestinian citizens is "Arab."

The weakness of ethnic cleansing as an analytic category stems from the fact that it is steeped in the same nationalist logic it seeks to explain. It assumes the unity of national territory and accords priority to the national border. In the new millennium, the importance of national frontiers has not been obviated, but there are other borders, other lines of fracture, which demand attention as well. Today in Israel as in other countries, the "unmixing of peoples," as Lord Curzon phrased it, no longer necessarily implies the violent, massive, and unidirectional displacement of bodies over national borders. In fact, the grip that ethnic cleansing has on our ethical imaginations has impoverished our analytical concepts, occluding the varieties of ethnic unmixing that occur in the absence of what "could be the central image of twentieth-century atrocities," namely,

[6] The literature on the Palestinian refugees is now vast, but the classic treatment remains Benny Morris' *The Birth of the Palestinian Refugee Crisis 1947–1949* (Cambridge: Cambridge University Press, 1987). One of the few scholars to argue specifically for ethnic cleansing in the Israeli-Palestinian context is Meron Benvenisti, although the way he delimits the war and haltingly uses the term indicates uncertainty. See his *Sacred Landscape: The Buried History of the Holy Land since 1948* (Berkeley and Los Angeles: University of California Press, 2000), especially chapters three and four. Nur Masalha argues that the displacement of the Palestinians was intentional, yet generally uses the more specific term "transfer": *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882–1948* (Washington, D.C.: Institute for Palestine Studies, 1992); and "A Critique of Benny Morris," *Journal of Palestine Studies* 21, 1 (Autumn 1991), 90–97. Laila Parson's work on the Druze during the 1948 War also suggests a certain (though lesser) amount of intentionality on the part of Zionists/Israelis: *The Druze Between Palestine and Israel, 1947–49* (New York: St. Martin's Press, 2000). On the significance of preventing the refugee's return, see Gabi Piterberg, "Erasures," *New Left Review* 10 (Jul./Aug. 2001), 31–46. As of 31 March 2003, the United Nations Relief and Works Agency (UNRWA) put the total number of Palestinian refugees at 4,055,758 (http://www.un.org/unrwa/publications/statis-01.html).

[7] Estimates of the number of Palestinian refugees produced by the 1948 War range from 550,000 to one million; 700,000 is a conservative yet realistic figure. 450,369 Jews immigrated from Asia and Africa from 15 May 1948 through 1956. S. N. Eisenstadt, *The Transformation of Israeli Society: An Essay in Interpretation* (Boulder: Westview Press, 1985), 295. The quotation is from Hannah Arendt, *The Origins of Totalitarianism* (San Diego, Calif.: Harcourt, Brace and Company, 1973), 276.

"freight cars packed with thirsty, starving, suffocating, refugees—the bodies of people already dead crumpled in pools of excrement on the floor."[8]

This article explores these limitations by investigating how the notion of "transfer"—often glossed as a Hebrew euphemism for ethnic cleansing—has been revived, transformed, extended, and mainstreamed in Israel since the outbreak of the Al-Aqsa Intifada in September 2000. While "ethnic cleansing [*ha-nikui ha-etni*]" and "expulsion [*gerush*]" have currency among Hebrew speakers, the culturally specific *transfer* is more commonly used, especially but not only with regard to Israel and Palestine; likewise, *transfer* is often used in English and Arabic when referring to the displacement of Palestinians, thus indicating a specificity, or excess, to the term that resists translation.[9] The term still evokes for many the events of 1948, when Palestinians fled and were expelled, their return blocked, and over 400 of their villages destroyed. To others, however, both Jewish and Arab, the meanings of transfer have proliferated, no longer containable within the context of 1948. Outrunning its historical precedent, transfer has irrupted, to an unparalleled extent and in unprecedented ways, into the Israeli urban fabric. Israeli Jews have added "stationary transfer" and the "transfer of rights" to their political lexicon, terms that do not necessarily imply the expulsion of Palestinians from their homes.[10] For many Palestinians, the notion of transfer has become even more plastic, referring to a process of dispossession that has rendered them superfluous within the Jewish state. Transfer, in these senses, does not necessarily denote a single event of cataclysmic finality but rather a set of ongoing practices that have progressively marginalized the Arab community. The term, in other words, has also come to mean differential inclusion *within*—not only expulsion *beyond*—the borders of the state. Since the term is characterized by ambiguity and even instability, reducing transfer to ethnic cleansing obscures how the logic of unmixing successfully operates in Israel.

This change stems from the transformations in Israeli cultural politics wrought by the Oslo Accords and the Al-Aqsa Intifada. Pinched between Israel's liberal democratic self-image and its settler-colonial heritage, Palestinian citizens were seen in Israel's early years as a fifth column and, more recently, have been treated as a "demographic threat" that imperils the state's Jewish majority. In the 1990s, the prospect of peace raised questions about the future of Palestinians in Israel, yet Israel's contested occupation of the West Bank and

[8] Naimark, *Fires of Hatred,* 186.

[9] Bowing to this convention, I will dispense with quotations marks and italics. While Palestinian citizens commonly use "transfer," other terms in Arabic are also current, including *al-tarhil* (especially in the case of Palestine) and *al-tathir al-ʿirqi* (more generally).

[10] "Stationary transfer" and "transfer of rights" are discussed below. The former refers to redrawing Israel's boundaries to exclude pockets of Palestinian citizens, including them instead in a future Palestinian state; the latter refers to re-assigning Palestinians citizenship in another state, usually Jordan. Since this article focuses on Israel proper, the unqualified term "Palestinians" should henceforth be understood as "Palestinian citizens of Israel."

Gaza Strip continued to overshadow the internal conflict between Israel's 5.3 million Jews and 1.4 million Palestinians. The situation of Israel's Palestinian citizens grew more urgent in October 2000, when many demonstrated, some violently, in solidarity with the Al-Aqsa Intifada; for Israeli Jews, these protests were tantamount to treason, proof of Palestinian hostility to Israel's very existence. Some would claim that the current sharpness of the inter-communal conflict taints any general conclusions drawn from it, but I would argue that to the contrary, the intensity of recent struggles provides an opportunity for analytic clarity. Yes, the Al-Aqsa Intifada constitutes a turning point, but at the same time, it enables us to distill long-standing trends by laying bare the normalized contradictions of Palestinian citizenship in the Jewish state. A complex mix of inclusion and exclusion has always marked Palestinian citizenship in Israel;[11] in the past decade and especially since September 2000, this mix has been recalibrated in a way that has simultaneously transformed the notion of transfer and made this transformation easier to discern. While some of the more draconian restrictions on Palestinian citizens have been removed since this piece was originally drafted, their marginalization within the state's political culture remains constant.[12]

My investigation of the fissures that divide Israel is comprised of four sections. First, I lay out the theoretical and comparative frameworks that inform my discussion of transfer. Second, I offer a brief history of how, from the earliest days of the state, legal measures and government practices have marginalized Palestinians within Israel. Third, I look at how the logic of unmixing operates in contemporary Israel. Finally, I explore how Palestinians have reacted to the campaign to exclude them from the country's social and political fabric.

GOVERNING THROUGH THE STATE OF EXCEPTION

The resurgence of transfer bespeaks a renewed attack on the Palestinian "right to have rights," which Hannah Arendt saw as the fundamental right, without which other privileges mean little and deprivations of humanity flow quickly and easily. For Arendt, the loss of this right was a defining attribute of the refugee. She elaborates:

The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective. . . . This extremity, and nothing else, is the situation of a people deprived of human rights. They are deprived, not of the right to freedom, but of the right to action; not of the right to think what they please, but of the right to opinion. Privileges in some cases,

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[11] Shira Robinson identifies this dynamic as a foundational element of the Israel state and the position of Palestinians within it. See her "Occupied Citizens in a Liberal State: Palestinians Under Military Rule and the Colonial Formation of Israeli Society, 1948–1966," Ph.D. diss., Stanford University, forthcoming.

[12] The final editing of this article took place in May 2005, an ambiguous period when the Al-Aqsa Intifada was both happening and not happening at the same time. The use of verb tenses in this article reflects that ambiguity.

injustices in most, blessings and doom are meted out to them according to accidents and without any relation whatsoever to what they do, did, or may do.[13]

These deprivations are made possible by the fact that refugees live in a "state of exception" characterized by the suspension of "the normal juridical framework and the legal limits and protections that are enshrined within it."[14] Palestinian refugees in the Occupied Territories have long existed in a state of exception, as Israel denies the applicability of the Geneva Conventions to the West Bank and Gaza, with well-documented consequences.[15] Within Israel proper today, new variants of transfer aspire to relegate Palestinian citizens to a similar anomie.[16] Conventionally, transfer has been considered the product of transient crises—for example, the wars of 1948 or 1967–but now looms as a strategy of management, shifting from a "provisional and exceptional measure" toward a "technique of government."[17]

The proximity between Palestinian citizens and refugees in the region is quite literal, with only a thin (Green L)ine separating them. When measured against the experience of Palestinians in the Occupied Territories, Israeli citizenship is a formidable asset. It affords Palestinian citizens manifold protections and offers indispensable tools in the struggle against injustice. Yet ironically, Palestinians in the Occupied Territories have achieved something that Palestinian citizens of Israel still lack: a recognized voice. Palestinian resolve and resistance have generated a widespread international consensus in favor of a Palestinian state, within which Palestinians would direct their own affairs. Within Israel by contrast, Palestinians enjoy greater security of life but have yet to win recognition as legitimate voices in determining the direction of their state and by ex-

[13] Arendt, *Origins of Totalitarianism,* 296. Others have also extended the notion of the "right to have rights" to groups other than the literally stateless. Gail Pheterson, "Critères sociaux pour un légitimité politique: La disqualification des femmes," in Marie-Claire Caloz-Tschopp, ed., *Hannah Arendt, les sans-Etat, et le "droit d'avoir des droits," Vol. 1: La banalité du mal.* (Paris: L'Harmattan, 1998), 239–46. Caloz-Tschopp offers the most compelling statement of the utility of Arendtian thought for understanding the plight of today's "*humain jetable*": *Les sans-Etats dans le philosophie d'Hannah Arendt: Les humains superflus, le droit d'avoir des droit et la citoynneté* (Zurich: Editions Payot Lausanne, 2000).

[14] Saul Newman, "Terror, Sovereignty and Law: On the Politics of Violence," *German Law Journal* 5, 1 (May 2004), 573. Newman is of course working here with Giorgio Agamben.

[15] The Israeli government claims that it *de facto* applies the humanitarian provisions of the Fourth Geneva Convention. For copiously documented dissenting views, see the reports by B᾽tselem, Al-Haq, Human Rights Watch, Amnesty International, UNHCR, and Physicians for Human Rights. Some Israeli Jewish legal scholars have begun to agitate for *de jure* acceptance of the Geneva Convention. The Israeli Supreme Court has recently begun to take greater account of international law in its decisions, but these trends are beyond the scope of this paper.

[16] Regarding the state of exception, it is worth pointing out that Palestinian citizens are not so much a latter day *homo sacer*—who, as Agamben explains, can be killed without being sacrificed—but rather a politically superfluous group within the state, excluded from the guarantees of liberal citizenship. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life,* Daniel Heller-Roazen, trans. (Stanford: Stanford University Press, 1998). On Palestinians in the Occupied Territories as *homo sacer,* see Agamben, *Homo Sacer;* Achille Mbembe, "Necropolitics," *Public Culture* 15, 1 (2003), 11–40.

[17] Agamben, "The State of Emergency" (http://generation-online.org/p/fpagambenschmitt.htm).

tension, their own futures. For Arendt, the refugee was the archetypical figure that revealed the contradiction between universal rights and national sovereignty. Today in Israel, Palestinian citizens play that role. While they enjoy parliamentary representation as well as a host of civil and economic rights, they are denied a meaningful voice in Israel's political community.

Government through the state of exception is not confined to Israel and Palestine. Giorgio Agamben's theorization of the suspension of juridical constraints is sophisticated but his conclusions are no longer recondite, since under U.S. leadership a global gulag has taken shape in the wake of 9/11. The detention of "enemy combatants" in Guantánamo Bay, the horrific torture at Abu Ghraib, the U.S. Justice Department's justifications of the ill treatment of prisoners and the PATRIOT Act's assault on civil liberties have led many to conclude, with Anthony Lewis, that "the Bush administration is really attacking a basic premise of the American system: that we have a government under law."[18] Other countries have joined in: Great Britain, Canada, Australia, and South Africa have passed their own versions of the PATRIOT Act.[19] Without the force of law to protect the invocation of rights, growing numbers of citizens the world over increasingly resemble Arendt's refugees. The new variants of transfer that target Israeli citizens not only stem from the specific circumstances in Israel and Palestine, but from the growing global legitimacy of exception.

I do not mean to deny the crucial, even life-and-death importance that citizenship can carry. Yet it no longer appears as the Holy Grail, a space of reciprocal rights and obligations adequate to secure basic needs and equitably apportion access to resources. In the wake of 9/11, Muslims and Arabs in the United States and elsewhere have been compelled to engage in the "politics of repudiation,"[20] proving they deserve an exemption from the state of exception by distancing themselves from the "evil doers" and "terrorists." Those who do not past muster are labeled as "extremist" or "radical," subject to the global gulag's arbitrary measures. The logic of security has become the most authoritative prism through which to refract difference so as to stratify subaltern groups. Commenting on George Bush's relationship with the Muslim community in the United States, anthropologist Yvonne Haddad writes: "The government now sought engagement with the Muslim community for a price. Not only did it demand their repeated denunciation of revolutionary groups overseas, it asked for what was perceived by Muslims as a rejection of some of the basic tenets of their faith, namely a restructuring of their Islamic organizations and a recasting of their faith as 'moderate Islam.'"[21]

"Moderate Muslims," by accepting the United States as a beneficent force in

[18] Anthony Lewis, "One Liberty at a Time," *Mother Jones* 29, 3 (May/June 2004), 74.
[19] Elaine Cassell, "Papa's Got a Brand New Bag (of Tricks)" (http://www.counterpunch.org/cassel11102003.html).
[20] Thanks to Elliott Colla for the pithy phrases "global gulag" and "politics of repudiation."
[21] Yvonne Yazbeck Haddad, "The Quest for 'Moderate' Islam," *Al-Hewar,* 2 Mar. 2004 (http://www.apomie.com/questforislam.htm).

the world, gain provisional acceptance in the American polity. In Israel, "loyal" is the equivalent of "moderate." For instance, Avigdor Lieberman, the former Transportation Minister and leader of the right-wing National Union Party, has generously conceded that Palestinians who "feel a connection" to Israel and are "completely loyal to it" will be permitted to remain in the country.[22] Labels such as "moderate" and "loyal" condescendingly strip Arabs and Muslims of the ability to set the terms of their own opinions, replacing universal legal protections with a sanctimonious benevolence predicated on fealty. Palestinians have introduced the expression "*ezrahut ʿal tnai*" [conditional citizenship] to describe these patronizing limitations on their political rights.

In Israel, citizenship has long been anything but equal, entailing different rights and obligations depending on religion, nationality, and ethnicity.[23] The recent introduction of the notion of citizenship to the scholarly literature on Israel has had the salutary effect of emphasizing the role played by Palestinians in the constitution of Israeli politics, society, and culture on both the material and ideological levels. This was a big improvement over earlier generations of scholarship—rooted in modernization theory and the dual society model—that relegated Palestinians to a separate (and backward) corner of the state. Critical Palestinian sociologists were among the first to criticize this scholarship,[24] although in doing so, they re-inscribed one of its central methodological tenets: a focus on the gap between Palestinian and Jewish Israelis. Recent critical works on Israel—including those rooted in split labor theory,[25] studies of identity,[26] political theory,[27] and citizenship studies—have reproduced this same tendency. Even the most sensitive studies measure the disadvantage of Pales-

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[22] *Haʾaretz,* 31 May 2004.

[23] Rebecca Kook, "Citizenship and Its Discontents," in Nils A. Butenschon, Uri Davis, and Manuel Hassassian, eds., *Citizenship and the State in the Middle East: Approaches and Applications* (Syracuse: Syracuse University Press, 200), 263–87; Gila Menachem, "Arab Citizens in an Israeli City: Action and Discourse in Public Programmes," *Ethnic and Racial Studies* 21, 3 (1998), 545–57; Zeev Rosenhek, "New Developments in the Sociology of Palestinian Citizens of Israel: An Analytic Review," *Ethnic and Racial Studies* 21, 3 (1998), 558–78; Zeev Rosenhak and Michael Shalev, "The Contradictions of Palestinian Citizenship in Israel," in Butenschon, Davis, and Manuel, *Citizenship,* 288–315; Nadim N. Rouhana, *Palestinian Citizens in an Ethnic Jewish State* (New Haven: Yale University Press, 1997); Gershon Shafir and Yoav Peled, *Being Israeli: The Dynamics of Multiple Citizenship* (Cambridge: Cambridge University Press, 2002); Oren Yiftachel, "The Shrinking Space of Citizenship: Ethnocratic Politics in Israel," *Middle East Report* 223, 38–44.

[24] Khalil Nakhleh, "Anthropological and Sociological Studies of the Arabs in Israel: A Critique," *Journal of Palestine Studies* 6, 4 (1977), 41–70; Elia T. Zureik, *The Palestinians in Israel: A Study in Internal Colonialism* (London: Routledge and Kegan Paul, 1979).

[25] Gershon Shafir, *Land, Labor and the Origins of the Israeli-Palestinian Conflict* (Cambridge: Cambridge University Press, 1989); Michal Shalev, *Labor and the Political Economy in Israel* (Oxford: Oxford University Press, 1992).

[26] Rouhana, *Palestinian Citizens;* Sami Smooha, *Arabs and Jews in Israel: Conflicting and Shared Attitudes in a Divided Society,* vol. 1 (Boulder: Westview Press, 1989).

[27] Alan Dowty, *The Jewish State: A Century Later* (Berkeley and Los Angeles: University of California Press, 1998); Asʿad Ghanem, *The Palestinian-Arab Minority in Israel, 1948–2000: A Political Study* (Albany: State University of New York Press, 2001).

tinian citizens in terms of their distance from the package of rights and obligations that characterize normative (Ashkenazi) Israeli citizenship. Charting this distance has been crucial, but in taking Palestinian and Jewish as the axes of analysis, these studies have sacrificed a certain cultural specificity: scholars also have much to gain from analyzing the categories, terms, and experiences that link Palestinian citizens with Palestinian refugees.[28] Studies of internal Palestinian refugees (within Israel) have partially addressed this issue,[29] yet they still tend to see refugees as a class apart.

In other words, the strength of recent studies about Palestinians (seeing them as part of Israel) turns out to also be a weakness (seeing them *only* as part of Israel). In one sense, I am calling for the extension of the "relational method"[30] to the study of Israel's Palestinians citizens[31] by showing how the polysemy of transfer is the product of communal interaction. But at the same time I wish to sound a cautionary note, insisting that we pay sufficient attention to what joins Palestinian citizens with Palestinian refugees, not only with other Israelis.

PALESTINIANS IN THE JEWISH STATE

In August 2002, after several Palestinians were charged with assisting in attacks against Jewish civilians, the Chief Rabbi of Safad called for the expulsion of all Palestinians from the city. Calling them *garei toshav*—a biblical phrase that translates roughly as "resident aliens"—he claimed that they were not fulfilling their obligations to live peacefully under Jewish rule. The phrase tapped into the longstanding sentiment, dating back to the establishment of the state, that Palestinians reside in Israel by Jewish sufferance, not inherent right. The country's Declaration of Independence, promulgated on 14 May 1948, ex-

[28] The nation-based character of social science itself has contributed toward the inability to situate Palestinian citizens in the same analytic category as Palestinian refugees. See Timothy Mitchell, "Deterritorialization and the Crisis of Social Science," in Ali Mirsepassi, Amrita Basu, and Frederick Weaver, eds., *Localizing Knowledge in a Globalizing World: Recasting the Area Studies Debate* (Syracuse: Syracuse University Press, 2003), 156. Dan Rabinowich seeks to escape this limitation by describing Palestinians as a "trapped minority," defined as a minority that stretches out over two or more states: "The Palestinian Citizens of Israel, the Concept of Trapped Minority and the Discourse of Transnationalism in Anthropology," *Ethnic and Racial Studies* 24, 1 (2001), 64–85.

[29] Meron Benvenisti, *Sacred Landscape,* 193–228; Hillel Cohen, *ha-Nifkadim ha-nokhahim: ha-plitim ha-falastinim be-yisrael meʿaz 1948* [The present absentees: The Palestinian refugees in Israel since 1948] (Jerusalem: Institute for Israeli Arab Studies, Van Leer Institute, 2000); Charles S. Kamen, "After the Catastrophe I: The Arabs in Israel, 1948–51," *Middle Eastern Studies* 23 (1987), 435–95; "After the Catastrophe II: The Arabs in Israel, 1948–51," *Middle Eastern Studies* 24 (1988):68–109.

[30] Zachary Lockman, *Comrades and Enemies: Arab and Jewish Workers in Palestine, 1906–1948* (Berkeley and Los Angeles: University of California Press, 1996); Joel Beinin, "Benny Morris, the New Israeli History, and the Limits of the Zionist Peace Movement," Paper presented at the Fifth Mediterranean Social and Political Research Meeting, Florence, March 2003.

[31] Works that have already done so include Shira Robinson, "Local Struggle, National Struggle: Palestinian Responses to the Kafr Qasim Massacre and Its Aftermath," *International Journal of Middle East Studies* 35, 3 (Aug. 2003), 393–416; Susan Slymovics, *The Object of Memory Arab and Jew Narrate the Palestinian Village* (Philadelphia: University of Pennsylvania Press, 1998).

presses the different sorts of rights that accrue to Arabs and Jews. The Declaration proclaimed that the Jewish people, based on their historic ties to the Land of Israel, had "the natural right . . . to be masters of their own fate, like all other nations, in their own sovereign State." Israel's Arab inhabitants, by contrast, were asked, "to participate in the building of the State on the basis of full and equal citizenship." The granting of citizenship was thus disconnected from sovereignty; at the very founding of the state, the "natural rights" of Palestinian Arabs went unrecognized. Instead, they were awarded the franchise in an act of Jewish magnanimity.

While individual Arabs had been displaced from their lands since the early days of Zionist colonization, Palestinian communal existence was not threatened until the War of 1948. At the conclusion of the major fighting, all but 156,000 Arabs had either fled or been expelled from the State of Israel. Included in this total were Palestinian refugees who fled their homes but remained within the borders of the state (*ha-nifkadim ha-nokhahim* in Hebrew, or "present absentees"). Credible estimates of the number of internal refugees in 1949 vary, ranging from 23,000 to 46,000. Their numbers grew in the 1950s, because Palestinians returned to Israel—mostly illegally but sometimes legally, through family reunification—to find their homes destroyed or occupied. In addition, Palestinians continued to be removed from villages and off their lands. In carrying out expulsions, Israeli officials drew little distinction between those who possessed Israeli identification cards and those who did not. In theory, those enumerated in the census were entitled to protections, but residents holding official documentation were also expelled.[32] Jews, both individually and in small groups, occasionally interceded to preserve Arab communities seen as "friendly"; relations with Jewish neighbors, not legal codes, often explain why certain Palestinian villages were permitted to remain.[33] Without the right to have rights, Palestinians were trapped in a state of exception, positioned as both citizens and enemies of the state.

Despite the Declaration of Independence's promise of "full and equal" citizenship, Palestinians were vulnerable. The Arab delegations to the United Nations complained about "a complete absence of security for the Arabs in areas under Israel [sic] control," and demanded that the United Nations Conciliation

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[32] Kamen, "After the Catastrophe I," 485, 493; Benny Morris, *1948 and After: Israel and the Palestinians* (Oxford: Clarendon Press, 1990). At least some of these expulsions were carried out by explicit order: "As regards the expulsions from the strip of territory along the Lebanese border in the week after Operation Hiram, including those from Iqrit and Birʿim, there is no doubt that they stemmed from one central, expulsive directive." Benny Morris, "Revisiting the Palestinian Exodus of 1948," in Eugene L. Rogan and Avi Shlaim, eds., *The War for Palestine: Rewriting the History of 1948* (Cambridge: Cambridge University Press, 2001), 54.

[33] Kamen, "After the Catastrophe I," 484, 488; "After the Catastrophe II," 103–5; Laila Parsons, "The Druze and the Birth of Israel," in Eugene L. Rogan and Avi Shlaim, eds., *The War for Palestine: Rewriting the History of 1948* (Cambridge: Cambridge University Press, 2001), 60–78; Robinson, "Occupied Citizens," ch. 4; Morris, *The Birth,* passim.

Committee investigate the expropriation of Arab property. On this basis, the U.N. denied Israel's initial application in December 1948. Ultimately, the Israeli government was more frightened by the prospect of refugees within its borders than offering Palestinians formal citizenship. Refugees were entitled to certain international guarantees, but by granting Palestinians citizenship, the Israeli state was able to skirt international oversight. In May 1949, Israel's second application succeeded after U.N. Ambassador Abba Eban affirmed Israel's "obligation to protect the persons and property of all communities living within its borders. It will discountenance any discrimination or interference with the rights and liberties of individuals and groups forming such minorities."[34]

The state nevertheless granted Jews preferential access to citizenship, in accordance with the Zionist project. The 1950 Law of Return permitted the immigration of "every Jew" to Israel and the 1952 Nationality Law granted citizenship to every person who entered Israel in accordance with this provision. The Nationality Law demanded that Palestinian Arabs, by contrast, produce proof of residency in order to obtain citizenship—but many Palestinians had lost their papers during the war or never thought it necessary to obtain them.[35] Children born in Israel to parents who could not produce the required documentation were themselves considered "foreigners" requiring naturalization. The Nationality Law, which gave the Interior Minister the right to decide who was eligible for citizenship, demanded that naturalized citizens (i.e., Palestinians) take oaths of allegiance to the state and possess a "reasonable" knowledge of Hebrew, conditions that were not required of Jews.[36] Only about 60,000 of the 156,000 Palestinians residing in Israel received citizenship immediately following the 1948 War; many were not nationalized until the law was amended in 1980.[37] Israeli officials justified this on the logic that those who had behaved like refugees by "[forsaking] their country while it was in flames" and "[fleeing] their homes" did not deserve citizenship.[38] Endorsing the Interior Ministry's parsimonious extension of citizenship, the Supreme Court held: "The Court asserts that a man who *wanders* freely and without permit within the defense [sic] lines of the state and within the offensive lines of the enemy does not deserve this Court's help and assistance."[39] By depicting Palestinians trying to return to their homes as refugees, the court justified their exclusion and naturalized their unassimilability into the new state.

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[34] Quoted in Ian Lustick, *Arabs in the Jewish State: Israel's Control of a National Minority* (Austin: University of Texas Press, 1980), 61–62.

[35] Don Peretz, "Early State Policy towards the Arab Population, 1948–1955," in Lawrence J. Silberstein, ed., *New Perspectives on Israeli History: The Early Years of the State* (New York: New York University Press, 1991), 96–97.

[36] Ilan Pappe, "An Uneasy Coexistence Arabs and Jews in the First Decade of Statehood," in, Noah Lucas and S. Ilan Troen, eds., *Israel the First Decade of Independence* (New York: SUNY Press, 1995), 623.

[37] Shafir and Peled, *Being Israeli,* 110–11.   [38] Quoted in Pappe, 622.

[39] My emphasis, quoted in Pappe, 623.

Arab members of Knesset complained that the Nationality Law undermined their position in Israel. Rustum Bastuni, a member of the MAPAM party, protested: "This is a law of clear national discrimination, but it cannot deprive us of our right to be citizens in our own country, in which we were born, on which land we lived for ages and continue to live. I want to remind the Knesset that article 6 [of the Nationality Law] in theory applies to strangers. Can you see the Arabs as strangers in this country . . . their natural right should be safeguarded."[40] His plea, however, went unheeded.

Despite Eban's 1949 promise, the rights of the Palestinian minority, including those who were granted citizenship, continued to be abridged on the basis of security. Eban acknowledged this to the United Nations: "The Government of Israel looks forward to the restoration of peaceful conditions which might enable relaxation of any restrictions on the liberty of persons or property."[41] Seen as a potential fifth column, the Palestinians were subject to military rule from 1948 to 1966. Arab freedom of movement and assembly were curtailed, economic opportunities limited, and land seizures accelerated.[42] Eban's words demonstrate that Israeli officials realized that military rule deprived Palestinians of specific rights, a privation that was possible because of the general agreement among Israeli Jews that Palestinians did not have the right to have rights in the Israeli polity. In Israel, as elsewhere, the ostensibly objective notion of security rests on tacit assumptions about whose rights are inalienable and whose rights can be abrogated.

Military rule was lifted in stages, with the final restrictions removed in 1966. The previous year, the Israeli government had formulated a general planning scheme known as the "Building and Construction Law of 1965."[43] The plan took into account only 123 Palestinian villages and ignored the rest, which were zoned as "agricultural" areas. Dwellings were not permitted in these locales, thereby rendering the homes that pre-existed the law—and in many cases, the state—illegal. Article 157A of the law, which forbids connecting any village without building permits to national utility networks, deprived the residents of water, health and sewerage services, electricity, education, and transportation. These villages became known as the "unrecognized villages," a designation that was formalized by the 1986 "Interministerial Commission Concerning Illegal Construction in the Arab Sector," better known as the Markowitz Commission.

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[40] Quoted in Pappe, 623. In this context, Pappe points out that citizenship was a "natural" right for Jews, but a "privilege" for Palestinians.

[41] Quoted in Lustick, *Arabs in the Jewish State,* 62.

[42] Shafir and Peled, *Being Israeli,* 112n. On military rule, see Lustick, *Arabs in the Jewish State;* Zureik, *The Palestinians in Israel;* Sabri Jiryis, *The Arabs in Israel* (New York: Monthly Review Press, 1976).

[43] The data in this paragraph is taken from Joseph Schechia, "The Invisible People Come to Light: Israel's 'Internally Displaced' and the 'Unrecognized Villages,'" *Journal of Palestine Studies* 31, 1 (Autumn 2001), 20–31; and "The Unrecognised Villages," Report by the Arab Association for Human Rights (www.arabhra.org/article26/factsheet4.htm).

The report labeled the Palestinians in these villages "violators," and called for the continued denial of services and demolition of more than 5,000 units, a number that has since mushroomed to over 30,000. Today, over 100 villages, home to more than 70,000 Palestinians, remain unmarked on official Israeli maps. Illegal Jewish building, by contrast, is not met with draconian measures. Currently, 155 Jewish villages fall outside of the statutory plans, yet are provided with full municipal services. As for home demolitions, they too mainly target Arabs: in 1998, Haim Miller, the Deputy Mayor of Jerusalem, expressed his government's policy forthrightly: "I don't sign demolition orders for Jewish homes, only for Arabs."[44] Unrecognized villages fall both inside and outside Israeli law: they do not exist on official maps and are refused state services, yet they are policed. Tens of thousands of Palestinian citizens live in a state of legal limbo, perpetually in the shadow of illegality.

After military rule was lifted in 1966, Palestinians were able to organize better. The Communist Party vociferously protested Jewish-Arab inequality, especially the land expropriations that aimed to Judaize the Galilee.[45] When Tawfiq Zayyad became Israel's first communist mayor in 1975, his victory inspired an "upsurge in political mobilization, a new sense of militancy and improved political organization."[46] The following year, on 30 March, the newly founded National Committee for the Defense of Arab Land organized a day of strikes and demonstrations during which six Palestinians were killed. The event further galvanized the Arab community, provoking sharper opposition to Israel's discriminatory policies and the Palestinian elites who had opposed the protests. Military rule had governed through a patronage system run by village notables, who dispensed, in Arendt's words, "privileges in some cases, injustices in most." Land Day prompted popular repudiation of this style of governance; from 1978 to 1993, there was a decline in pure clan-affiliated political lists and a concomitant increase in party and organizational pluralism.[47] In repudiating the "politics of the *mukhtar*s [village leaders]," a new generation of Palestinians, imbued with a newfound sense of political legitimacy, rejected what they saw as a history of passivity and subordination.

As Palestinians raised their voices against discrimination, the Israeli government undertook a review of its policies toward its "Arab minority." Six months after Land Day, Yisrael Koenig, the district commissioner of the Galilee, compiled a series of recommendations known as the Koenig Report. While

[44] From Amir Cheshin, et al., *Separate and Unequal: The Inside Story of Israeli Rule in East Jerusalem,* quoted at: http://www.rhr.israel.net/pdf/jerusalem_home_demolitions_fact_sheet.pdf.

[45] Oren Yiftachel, *Planning a Mixed Region in Israel: The Political Geography of Arab-Jewish Relations in the Galilee* (Aldershot: Avebury, 1992); Oren Yifatachel and Avinoam Meir, eds., *Ethnic Frontiers and Peripheries: Landscapes of Development* (Boulder: Westview Press, 1998).

[46] Joel Beinin, "From Land Day to Peace Day . . . and Beyond," in Zachary Lockman and Joel Beinin, eds., *Intifada: The Palestinian Uprising against Israeli Occupation* (Washington, D.C.: Middle East Research and Information Project, 1989), 209.

[47] Ghanem, *The Palestinian-Arab Minority,* 145.

the government repudiated his suggestions, they found favor with many public officials and rabbis.[48] Koenig worried that "the social and economic security" enjoyed by Palestinians granted them opportunities for education and "social-nationalist" activities. One solution, Koenig argued, was to deny Arabs time for such "leisure" activities by increasing their drop-out rate and encouraging them to voluntarily leave Israel: "Make trips abroad for studies easier, while making the return and employment more difficult—this policy is apt to encourage emigration."[49] When Palestinians mobilized massively to demand their rights, transfer quickly appeared on the Israeli agenda. In this light, the reaction of many Israeli Jews to the Al-Aqsa Intifada is unexceptional.

CONTEMPORARY MEANINGS AND PRACTICES OF TRANSFER[50]

While intermittent calls for the expulsion of the Palestinians have long punctuated Israeli political life,[51] the notion of transfer has attained an unprecedented valence in Israel during the Al-Aqsa Intifada. Calls for transfer are not limited to the extreme right: in a June 2004 survey, 63.7 percent of Israeli Jews said their government should encourage Palestinian citizens to emigrate.[52] These calls accelerated after the "October Events" of 2000, when Palestinians citizens held mass demonstrations in solidarity with the Al-Aqsa Intifada. Especially in northern Israel, Palestinians adopted techniques widespread in the West Bank and Gaza, hurling stones, rolling burning tires, throwing Molotov cocktails, and, in a small number of instances, firing weapons. Israeli security services also made recourse to familiar tactics including the use of deadly force against unarmed civilians, resulting in the deaths of thirteen Palestinians, twelve of them citizens of Israel.[53] The October Events indicate the blurring of the boundary between citizen and refugee: Palestinian citizens of Israel were the victims of the same indiscriminate violence suffered regularly by Palestinians in the Occupied Territories.[54]

[48] Lustick, *Arabs in the Jewish State,* 68.

[49] "The Koenig Report," *Journal of Palestine Studies* 12, 3 (1983), 195–96.

[50] This section draws on my article, "Living on the Edge: The Threat of 'Transfer' in Israel and Palestine," *Middle East Report* 225 (Winter 2002), 22–29.

[51] Nur Masalha, *A Land without a People: Israel, Transfer, and the Palestinians 1949–1996* (London: Faber and Faber, 1997), 135–75.

[52] *Haʾaretz,* 21 June 2004.

[53] "The Official Summation of the Or Commission Report" (http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=335594&contrassID=2&subContrassID=1&sbSubContrassID=0&listSrc=Y).

[54] The Or Commission, tasked with investigating the October Events, condemned the conduct of the Israeli police and government, pervasive discrimination against Palestinians, and the inflammatory rhetoric of Palestinian leaders. It was prompted by a sense of outrage on the part of many Israeli Jews at the police's violent response to the Arab protests. Yet not only has the government refused to implement many of the Commission's recommendations, but the very language of the report reinforces the notion that Palestinians are superfluous in Israel. The report called for "true equality [for Israel's] Arab citizens" in two senses. First, "the state must initiate, develop, and operate programs emphasizing budgets that will close the gaps in education, housing, industrial development, employment, and services." This language is typical of an Israeli Jewish discourse that

Meir Kahane, transfer's galvanic high priest, brought the idea of transferring Palestinian citizens into public debate in the 1980s. Seen as too extreme by the Zionist mainstream, Kahane's Kach Party was banned as anti-democratic in 1988. Rehavʿam Zeʾevi, who had founded the Moledet Party in 1986, succeeded Kahane as transfer's chief ideologue, sitting in Knesset from 1988 until his assassination in 2001. Zeʾevi emphasized that transfer ought not be violent but rather "by agreement"—that is, with the agreement of the Arab states, not the Palestinians—although Zeʾevi did not preclude other techniques: "I am not proposing to sit around and wait until we reach transfer agreements in the framework of peace agreements," he said, proposing that the government effect the "conditions of a negative magnet that will bring the Arab population to prefer to emigrate."[55] Zeʾevi's success in legitimizing the debate around transfer stemmed in part from his Labor Party pedigree, charismatic personality, and distinguished military career, but in addition, he limited his public support for transfer to a less controversial venue, the Occupied Territories, where human rights abuses had long been tolerated. Transfer continued to lurk within Israel proper as a solution to the "demographic problem," which became more of an issue when Yitzhak Rabin shook Yasser Arafat's hand on the White House lawn in 1993.

Transfer across the Zionist Political Spectrum

For a short period following the signing of the Declaration of Principles in 1993, Palestinians and Israelis seemed to be inching toward peace and reconciliation. Many Palestinians were optimistic that they too would benefit from the Oslo Accords: "Today we feel more and more that our future is very connected not just to our people but also to this state [Israel], and the governments are starting to realize this."[56] Under Rabin, the normalization of the Palestinians' position within Israel began to seem possible, if still remote. In 1994 Arab political parties, by providing swing votes in Knesset, played a crucial role for the first time in supporting a government coalition. Palestinian towns were included for the first time in industrial planning; Palestinian municipal budgets increased by 300 percent; the first Arab ambassador (to Finland) was named in 1995; and the post of Advisor on Arab Affairs was abolished, replaced by a Committee of Directors-General of Ministries, a change that allowed Palestinians to deal di-

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sets "true equality" for Palestinians within the framework of material gains. Second, the report acknowledges, "the role of the state in this issue does not include material issues alone; the authorities must find ways to enable Arab citizens to express their culture and identity in a dignified fashion within the public sphere." Cultural expression, however, is quite different than meaningful political participation. In fact, the Or Commission's recommendations are consistent with the continued political exclusion of Palestinians, in that it calls for them to "express their culture" in a public sphere not of their making. Quotations taken from: "Official Position Regarding the Or Commission of Inquiry Report," (http://www.adalah.org/eng/commission.php).

[55] Quoted in *Haʾaretz,* 8 Oct. 2002.

[56] Aida Toma-Suliman, et al., "Palestinian Rights in Post-Oslo Israel: Roundtable Discussion Held on 24 June 1996 in Nazareth, Israel," *Middle East Report* 201 (1996), 24.

rectly with governmental ministries.[57] For many Palestinians, however, piece-meal fixes were insufficient: "Arab participation in decision making, not just as individuals but as Arabs in the system, is necessary for the realization of group rights. But participation as a group is not just about adding more Arabs to the ministries . . . We have a deputy minister here or there, but this is not what we are demanding. We are asking to be part of broader budget and policy de-cision-making processes, not just with respect to the policies that affect the Arabs, although that is important. If we're speaking about real equality, we want full Arab participation in policy-making affecting all Israelis, both Arabs and Jews."[58]

By the end of the 1990s, Palestinian citizens had become a major "demo-graphic" concern. Maintaining a Jewish state within the parameters of Israel's electoral system necessitated a Jewish majority, and since the West Bank and Gaza seemed slated to pass to some form of Palestinian self-rule, the "demo-graphic debate" increasingly addressed Israel proper. In December 2000, the mainstream Herzliya Interdisciplinary Center sponsored the first of its annual conferences, bringing together top figures in the security, academic, media, and business establishments to generate recommendations for Israel's political leadership.[59] The conference's concern with maintaining a Jewish majority led it to make two related proposals.

First, the conference recommended demarcating Israel's final borders so as to situate the country's Palestinian population centers outside the state. Ideally, this would be done as part of a final settlement between Israel and the Pales-tinian Authority, but in the absence of such a settlement, Palestinians could be excluded from Israel through unilateral redeployment. In other words, Israel would simply move the border to excise its "undesirable" citizens. In March 2002, Labor Party stalwart and then Transportation Minister Ephraim Sneh pre-sented a plan, mirroring that of the Herzliya Conference, to cede an area of Is-rael known as the Little Triangle to the future Palestinian state. Sneh's plan would effectively transfer a substantial number of Palestinian citizens out of Is-rael without actually removing them from their homes—hence the term "sta-tionary transfer." Upon its release, Sneh's idea polled well among Israeli Jews, garnering 50 to 60 percent support. Palestinians, who were never consulted about the plan, evinced less enthusiasm; only 18 percent said they would agree.[60] Former Prime Minister Ehud Barak also expressed qualified support for the "exchange of lands" option. He counseled against openly championing it, but added that "it could be done only by agreement" and that it "makes demo-graphic sense and is not inconceivable."[61]

[57] Dowty, *The Jewish State,* 207–8.
[58] Toma-Suliman, et al., "Palestinian Rights," 25–26.
[59] "The Herzliya Conference on the Balance of National Strength and Security in Israel," *Jour-nal of Palestine Studies* 31, 1 (Fall 2001), 50–61.
[60] Arab Association for Human Rights, *Weekly Press Review* 95, 9 Oct. 2002.
[61] Nadim N. Rouhana and Nimer Sultany, "Redrawing the Boundaries of Citizenship: Israel's New Hegemony," *Journal of Palestine Studies* 33, 1 (Fall 2003), 18. Rouhana and Sultany's arti-

The Herzliya conference offered a second recommendation as well, concerning the Palestinians who would remain in Israel: "consideration should be given to granting Israeli Arabs a choice between full citizenship in the State of Israel and in the Palestinian state, with the rights of permanent residents in Israel." Palestinians, that is, would be given the choice either to confirm their second-class status in the Jewish state or to abandon their Israeli citizenship. At the same time, the report recommended, "Israelis who permanently reside abroad should be allowed to participate in Israeli elections by absentee ballot."[62] Pairing Palestinians residing in their own homes with Israeli Jews living in a foreign country illustrates how Palestinians are seen as strangers in their own land. In the clash between demography and democracy, the former has won out.

The Herzliya Conference's second recommendation closely mirrored Moledet's "peace plan." In the spring of 2002, former Tourism Minister Benny Elon—who had taken over as the head of Moledet following Zeʾevi's assassination—launched his campaign for the "transfer of rights." Palestinians who refused to declare their loyalty to Israel as a Jewish state would be stripped of their Israeli citizenship and issued citizenship in another country, presumably Jordan. Should Palestinians rebel against these terms—for instance, by demanding full equality with Jews in Israel—they would be expelled to "their" state. Unlike Elon, the Herzliya participants endorsed a Palestinian state in the West Bank, yet both plans recommended that Palestinians be given the choice to either leave Israel or accept the permanent denial of their right to have rights. While the Oslo accords appeared to represent a defeat for Zeʾevi and the extreme right, less than ten years later many on the Israeli left had accepted a version of his hawkish ideas. Palestinians gained ground in the 1990s, yet Israeli Jews never relinquished their belief that Palestinians ought to enjoy to civil liberties but not play a meaningful role in the political community.

Proposals for "voluntary transfer" are current as well. As a Likud member in the fifteenth Knesset (1999–2003), Michael Kleiner proposed offering immigration incentives to any Israeli who moves to an Arab country and permanently relinquishes Israeli citizenship or residency. "My proposal, unlike transfer, is not . . . racist," claimed Kleiner, "because it is not aimed only at Arabs. Any Jew who wants to move to Morocco would be eligible for the emigration incentive."[63] The Knesset legal adviser did not agree, dubbing his proposal racist and recommending its disqualification.[64] Legal maneuvers did not stop Kleiner—when running on the Herut Party ticket for the sixteenth Knesset—from airing campaign commercials that showed sand running through an hour glass as he proclaimed, "Arafat will beat us by using the womb of the Palestinian woman. . . . We need to set up a Ministry for Demographic Affairs. We need to

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cle, published after this one was drafted, makes an argument related to mine: that there is a new Zionist consensus to limit Palestinian citizenship. Notably, the authors observe, "the status of Arab citizens is now very much like that of noncitizen residents in democratic countries" (17).

[62] "The Herzliya Conference," 53–55. [63] *Haʾaretz,* 19 Mar. 2002.
[64] *Haʾaretz,* 22 Nov. 2001.

encourage immigration to Arab countries."[65] Kleiner's tactics might have been new, but Moledet has long offered scholarships for study abroad to Palestinians who sign an agreement never to return to Israel. Palestinians also report receiving phone calls from mysterious organizations that offer to facilitate immigration to the United States or elsewhere.

Conventional transfer—that is, violent expulsion—is still propounded vociferously. Uri Ariel, a member of the "Yisrael Beitaynu (Israel is Our Home)" Party in the fifteenth Knesset, verbally assaulted Palestinian Member of Knesset ʿIssam Makhul during parliamentary debate in 2002: "If you continue like this," Ariel ranted, "you [Palestinians] will wind up with things much worse than the revocation of citizenship, you will wind up with mass expulsions. If you don't stop this way of yours, the Jewish majority will simply scatter you to the winds."[66] In the sixteenth Knesset, Yisrael Beitaynu merged with Moledet and Tekuma [Revival] to form the National Union, which maintains, "It is time that the Arab population now inhabiting the Land of Israel begin the task of repatriation to Arab lands."[67] The party head, Avigdor Lieberman, presented his "Plan for the Separation of Nations," which calls for transferring 90 percent of Palestinian citizens, to Russian officials.[68] Benny Elon, for his part, has had several chances in Washington to peddle his proposal for the "transfer of rights" to U.S. lawmakers.[69]

While ultra-right extremists are the most vitriolic in their rhetoric, they are no longer the sole proponents of transfer. On the opposite end of the Zionist political spectrum, the Israeli left has its own transfer plans. Overall almost two-thirds of Israeli Jews support removing Palestinians citizens in one fashion or another. In sum, while Israelis Jews differ on where to draw Israel's final border, elements of the Zionist right, center, and left agree on the need to rid Israel of at least some Palestinians.

Transfer in the Urban Landscape

The transfer campaign has altered the country's urban and national landscapes. As calls for ethnic unmixing increased, so too did pressure on Palestinians in public spaces. Many Palestinians scaled back their participation in public life during the Al-Aqsa Intifada, and those who did not felt themselves under siege. In September 2002, a former commander of the Israeli Air Force, Eitan Ben Eliahu, said on an evening news magazine, "Eventually we will have to thin-out

[65] In September 2002, the Minister of Labor and Social Welfare, Shlomo Benizri, reconvened the Demography Council after five years of inactivity.

[66] *Maʿariv,* 11 Sept. 2002.

[67] See the website of American Friends of Israel's National Union (http://www.thenationalunion.com/AFINU/exchange.html).

[68] *Haʾaretz,* 31 May 2004.

[69] The senators in question insisted that they met with Elon in his capacity as Minister of Tourism and that the meetings should not be understood as an endorsement of his views. Yet, as critics pointed out, it is difficult to imagine a U.S. Senator accepting a meeting with a Palestinian politician who publicly promoted removing Jews from Israel.

the number of Palestinians living in the territories," yet with all eyes on the West Bank and Gaza, few seemed to notice that it was the presence of Palestinians citizens in Israeli public spaces that was "thinned out."

Moledet turned up the volume of its campaign in February 2002, covering surfaces of all kinds with its message. Walls, fences, traffic signs, dumpsters, and bus stops proclaimed, "Kahane was right" and "Expel the Arabs!" In summer 2002, tracks of posters declaring that "Transfer = Security and Peace" appeared throughout the country. A second wave of posters soon joined the first, announcing, "Jordan is the Palestinian State." Showing that anti-racist opposition was not completely moribund, some posters were defaced with "1941," most likely intending to equate transfer with Hitler's Final Solution.[70] Others were creatively vandalized so as to make them read "Palestinian State = Security and Peace."

The list of the ways in which Palestinians were excluded from Jewish space can be multiplied endlessly. Dozens of Israeli firms signed a pledge not to employ Arabs. An Israeli website offered employment for Jews only. Offices of Palestinian professionals practicing in Jewish towns were destroyed, in some cases repeatedly, by arson. Demonstrators echoed the Chief Rabbi's call to expel Palestinian college students from Safad, claiming that they "endanger the city's residents not only in terms of security, but also morally."[71] Flyers distributed in Haifa called on Jewish citizens to boycott Arab businesses. In Safad and Upper Nazareth, religious and city officials urged the Jewish population not to rent or sell apartments to Palestinians. An educator in Tel Aviv refused to administer a matriculation exam to Palestinian students.[72] Arabs were refused entry to the Israeli Ministry of Interior unless accompanied by a security escort.[73] The Arabic press carried regular reports about hate crimes against Palestinians; the Hebrew press, by contrast, rarely addressed the issue.

Not all Palestinians were cowed, but they sensed their situation was precarious. The older generations tend to be more fearful, having matured during the period of military rule when Palestinians were thoroughly disenfranchised. As one Palestinian teen remarked, "Our parents, justifiably, are afraid of terrorist attacks, and are also afraid that we will be attacked because we are Arabs. When they let us go out, they ask us not to speak Arabic in Jewish places, so that we won't stand out."[74] Assaults on Arabs following attacks against Jews are commonplace. Chants of "No Arabs, no attacks!" and "Death to the Arabs!" came to be standard background clamor during news reports of bombings and have been heard at Jewish-Arab soccer games as well. Even state representatives are not secure. Arab policeman and soldiers in uniform have been attacked by angry Jews at malls.[75] And says Palestinian Member of Knesset ʿAzmi Bishara: "It is very difficult these days for an Arab to sit in a cafe in Jerusalem and Tel

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[70] The Final Solution was actually approved in January 1942.   [71] *Kol Haʿir,* 16 Aug. 2002.
[72] *Haʾaretz,* 23 June 2002.   [73] *Kol Haʿir,* 30 Aug. 2002.   [74] *Haʾaretz,* 10 Feb. 2002.
[75] Rhoda Kanaaneh, "Embattled Identities: Palestinian Soldiers in the Israeli Military," *Journal of Palestine Studies* 37, 3 (2003), 12.

Aviv. I don't go to movies here. I don't feel comfortable in public places—you hear about people being beaten in entrances to discos."[76] With spaces of leisure transformed into cynosures of struggle,[77] the Al-Aqsa Intifada turned entrances to discos, malls, and cafes into threatening and dangerous spaces of encounter for Jews and Palestinians alike.

Ethnic unmixing is not only felt in Jewish areas. In the spring of 2004, 74 percent of Jews said they avoid entering Palestinian areas—which is not surprising given that 72 percent said Arabs were a danger to state security.[78] At the height of the Al-Aqsa Intifada, delivery trucks were known to leave goods on the road outside Arab towns and Jewish ambulance drivers sometimes forced sick Palestinians to travel to adjacent Jewish locales. In Jerusalem's Old City, the *International Herald Tribune,* published daily in conjunction with the *Ha'aretz* English edition, limited its delivery to the Jewish Quarter; residents of the city's other quarters—comprising almost 90 percent of the Old City's population—could not subscribe to the paper because, as one *Tribune* representative told a researcher in June 2001, "we do not control those areas." After the arrest of a number of East Jerusalem residents and Palestinian citizens on bombing charges in late July and early August 2002, the rhetoric targeting Arabs reached a fever pitch: "This is Not New" and "The Truth is No Surprise" pronounced the two most popular Israeli dailies. The Hebrew media's judgment was widely echoed among Jews: "I used to think that Israeli Arabs were different than Palestinians," one taxi driver commented to me, "but they're all the same."

While Israeli Jews justify ethnic unmixing through the language of security—that is, by folding Palestinian citizens in with Palestinians in the Occupied Territories—racist sentiments have simultaneously been dissociated from any pretense of security. The ultra-right, in fact, makes a virtue of its racism. In the elections to the sixteenth Knesset, the Herut Party aired a television advertisement that showed images of the Declaration of Independence and Law of Return superimposed with the world "racism" in red. "If this is racism," proclaimed the voice-over, "then we are racists too!" Linking such defiant racism to transfer, an elderly Palestinian resident of the village of Miʿilya remarked to me, "Transfer used to be the solution to a particular problem, like the demographic problem. Now the Jews want transfer because they want a pure state. That's what they say on television: 'We want a clean state.' How is that supposed to make me feel? That makes me feel dirty."

The exclusion of Palestinians from Jewish space sometimes reaches Jim Crow proportions, with Palestinians denied access based on accent and name. Separate lines for Jews and Arabs at certain public venues are perhaps the most

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[76] *Guardian,* 23 Mar. 2002.

[77] Rebecca L. Stein, "Israeli Leisure, 'Palestinian Terror,' and the Question of Palestine (Again)," *Theory & Event* 6, 3 (2002), accessed online at: http://muse.jhu.edu.proxy.lib.uiowa.edu/journals/theory_and_event/v006/6.3stein.html.

[78] *Ha'aretz,* 25 Apr. 2004; Rouhana and Sultany, "Redrawing the Boundaries," 15.

resonant parallel with the United States,[79] but in August 2002, I heard numerous other examples of casual discrimination from Palestinians in Jerusalem. Students at Hebrew University in Jerusalem complained that it had become even more difficult for them to rent apartments; one law student told me that she was rejected for more than fifty, usually on specious pretexts, although sometimes the landlords were more honest, telling her forthrightly, "We don't rent to Arabs." A Palestinian couple from Tayyibe related that after waiting to enter a club in Tel Aviv, the security guard engaged them in conversation at the door. Only after he heard their Palestinian accents did he turn them away, claiming, "We're having a private party tonight, the club is closed." A Palestinian woman from Jerusalem, who speaks Hebrew with an Ashkenazi accent, told me that when she called a Tel Aviv hotel, the receptionist initially told her there were plenty of rooms, but when the woman gave her name, the receptionist's response changed: "I'm sorry, I made a mistake. We have no rooms available that night." Another Palestinian, suspecting discrimination, complained on a radio talk show that he had attempted to rent a car and had been rebuffed. The Jewish host called the rental company, broadcasting the conversation on the air. She had no problem reserving a car.

The radio host's willingness to publicize this incident indicates that Israeli Jews do not uniformly endorse segregation. The Knesset has weighed in, passing a law in 2001 that explicitly criminalizes racial discrimination and mandates stiff financial penalties for violations. Institutions such as the Egged bus company have similar rules, yet enforcement, at both the national and institutional levels, is virtually non-existent despite court cases that have reaffirmed the illegality of discriminatory behavior. Pervasive, casual discrimination has become an accepted facet of daily life in Israel, no longer provoking outrage. As a result, Palestinians feel as if they live, in the words of Buthayna, a civil engineer from Ramleh, "on the edge [ʿala kaff al-ʿafrit]." When I asked her what she thought about the possibility of expulsion, she replied: "Everybody's talking about it, but no, I don't think it will happen." She glanced upward, considered for a moment, then repeated again, "But everybody is talking about it."[80] Her gesture was as striking as her words: the threat hangs heavy in the air.

PALESTINIAN PERCEPTIONS AND RESPONSES

The campaign for ethnic unmixing has extended into, and is sharply contested within, the realm of parliamentary politics. The Israeli government charged Members of Knesset ʿAzmi Bishara and Ahmad Tibi, as well as Salah Raʾid, the leader of the northern branch of the Islamic Movement, with various crimes and transgressions, including sedition, incitement to violence, denying the Jewish character of the state and supporting Hamas. These leaders are not only among

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[79] *Haʾaretz,* 26 May 2003.
[80] In 2003, 55.4 percent of Palestinians said they feared transfer (*Haʾaretz,* 25 May 2004).

the most vociferous supporters of the Palestinians' right to resist the occupation of the West Bank and Gaza; they have also advanced, despite their very different political ideologies, explicitly national remedies to the Palestinian predicament in Israel. National solutions are an anathema to the entire Zionist political spectrum, for which loyalty to the Jewish national project is trump. The organs of the state have mounted a counter-offensive, stripping Bishara of parliamentary immunity in 2001; attempting to ban him, Tibi, and the National Democratic Assembly (NDA) from the January 2003 parliamentary elections; and arresting the leadership of the northern Islamic Movement in 2003. While the Israeli Supreme Court reinstated Bishara, Tibi, and the NDA, allowing them to stand for election, many Palestinians interpreted the initial injunction against them as one more indication that they are *persona non grata* in the Israeli political system. This perception has some statistical support: in June 2004, 45.3 percent of Israeli Jews said that the right of Palestinians to vote and hold political office should be revoked.[81]

The "truth" or "falsity" of criminal and other charges against Palestinian politicians interests me less than the ways in which the charges have been understood, the effects they have had, and the responses they have provoked. For many Palestinians, parsing the exclusion of their legislators in the language of security does not obviate their sense that the Israeli state is delegitimizing their claims. In this sense, the moves against the legislators parallel the campaign to marginalize Palestinians in other public spaces. In this section, I explore how Palestinians talk about their exclusion, treating the legal system not as a neutral institution that objectively adjudicates claims of transgression, but rather as a player in the broader process of unmixing.

Many (but by no means all) Palestinians have followed the lead of ʿAzmi Bishara, reaching the conclusion that Israel must transform itself from the state of the Jewish people into a "state of all its citizens." He means by this not a secular democracy in which each individual has an unmediated relationship with the state, but rather a state that recognizes Palestinians as a national minority enjoying cultural autonomy and a voice in directing the affairs of the state as a whole. Contending that Palestinian citizens are caught in an Arendtian bind, Bishara maintains that only *national* rights for Palestinians within Israel can guarantee their basic *human* rights. The injustices Palestinians face, he believes, cannot be redressed by reversing specific instances of discrimination: "Individual equality in Israel cannot be attained without having group rights."[82] For Bishara, it is too late to create a unified Israel nationality, and as a result, if "we give up on or are confused about our national identity . . . we will become prenational. We will become the minorities Israel wants us to become—Druze,

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[81] *Haʾaretz,* 21 June 2004.
[82] "Equality for Arabs in Jewish State: A Goal Unrealizable," *Middle East Report Online,* 14 Dec. 1999 (http://www.merip.org/mero/mero121499.html).

Muslims, Christians—but not a nationality. And we must become a nationality. National identity is the only modern identity."[83]

Citizenship is useful in this struggle but is not a goal itself, since the formal trappings of citizenship mean little: "Arabs in Israel are not treated as second-class citizens, or third-class citizens, but as enemies. So the problem in time of crisis is not discrimination, but something else—exclusion." Bishara explains that in this context, "Citizenship becomes senseless,"[84] since it cannot guarantee rights. Siyam, the father of one of the thirteen Palestinians killed by Israeli security forces in October 2000, agrees with Bishara: "It is said that Israel is a democracy and that it belongs to us all. But we don't feel it. We are Israelis only in the sense of our I.D. cards. All the other rights and conditions are denied us . . . We don't feel like genuine citizens."[85] An accountant from Umm al-Fahm expressed the same idea, "I feel that we are not citizens of this country, the way they treat us."[86] The strategic planner of the Regional Council of Unrecognized Villages, ʿUmar al-Huzayl, offered a more acerbic assessment: "We are not citizens, but natives. We want to go from natives without land to citizens with a right to land."[87]

Citizenship, in other words, does not automatically confer "legitimacy," another of Bishara's catchphrases that looms large in Palestinian political discourse. When the Palestinian Members of Knesset were disqualified, a wide array of political leaders—including Bishara's Palestinian rivals—interpreted the ban as a strike against the legitimacy [*sharʿiyya*] of the Arab community as a whole.[88] Five months later, in May 2003, "legitimacy" returned to the Arabic press following the arrest of Salah Raʾid and fifteen other leaders of the northern branch of the Islamic Movement on charges of funneling money to Hamas and Islamic Jihad. The Islamic Movement had long acknowledged supporting charitable causes in the Occupied Territories, but now found itself charged with funneling money to military groups. The Islamic Movement denied the charges;

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[83] "Exhausting the Dream," *Al-Ahram Weekly Online,* 30 Apr.–6 May 1998 (http://weekly.ahram.org.eg/1998/375/reg0.htm).

[84] "A Double Responsibility: Palestinian Citizens of Israel and the Intifada," *Middle East Report* 217 (2000), available online (http://www.merip.org/mer/mer217/217_azmi_bishara.html).

[85] *Guardian,* 23 Mar. 2002.

[86] "Many Arab Voters Plan Not to Vote," Associated Press, 15 Jan. 2001.

[87] *Haʾaretz,* 28 Feb. 2002.

[88] To pick a few representative examples: Bishara himself commented: "We are not the products of the Israeli media, we have sprouted from the roots and soil of this land. . . . We do not derive our legitimacy [*sharʿiyya*] from [Israelis]." The Islamic Movement proclaimed: "We call on the political leadership and the Arab public to stand shoulder to shoulder against this devastating campaign in which we sense a return to the days of Military Rule and the stripping of the legitimacy of our existence." The National Consensus Committee urged: "The legitimacy of our representatives and electoral lists derive from the legitimacy of our people and not from racist, right-wing decisions." Interviews with people in the streets reflected similar sentiments: "Arab citizens in the Israeli state want to be partners in deciding [its] fate . . . Instead of responding to our demands and listening to us, it has worked to marginalize us and strip our legitimacy" (*Fasl al-Maqal,* 2 Jan. 2003).

Arab leaders, both religious and secular, condemned the Israeli government in the same terms used in January.[89]

In the Palestinian lexicon, legitimacy is the right to be seen, to be heard, to have an opinion, to mount effective action—in short, to have the right to have rights. When Ahmad Tibi commented, after Bishara was temporally disqualified, that "we are being told that we don't have the right to protest, to hold a different opinion,"[90] he was saying—in language that uncannily mirrored Arendt's—that fifty-five years after the establishment of the state, exclusion still defines the Palestinian experience in Israel. Many Israeli Jews freely admit that Arab opinions do not matter: 77 percent of Israeli Jews say that votes of crucial import to the state should require a Jewish majority; and only 31 percent support including Palestinian parties in governing coalitions.[91] Illegitimacy means political invisibility, a condition that is broken only when Palestinians commit crimes or otherwise transgress the rules that Jews set out for them.

The visibility accorded to Palestinian transgressions explains why the question of "loyalty" is of perennial interest to the Hebrew media: Palestinians are chiefly knowable insofar they are actual or potential offenders against state interests. As a Palestinian student at Hebrew University in Jerusalem told me, "Even though I've known certain Jews for years, I can see that they are never certain of what they think of me. They ask me the same questions over and over, as if we haven't worked together for years and spoken about these subjects many times." The Zionist right tends to castigate Palestinians by calling attention to the growing percentage participating in armed attacks, whereas the Zionist left often counters that only a miniscule percentage has engaged in such activities. Despite the differences that characterize these two positions, both locate Palestinians on a scale of criminality that doubles as an index of legibility.

Seen as potential threats—that is, as "illegitimate"—Palestinians have been placed in a state of exception in which standard legal provisions do not apply. Several Palestinians were stripped of Israeli citizenship in 2002 for participating in armed attacks against Jews, but in 2003, a more comprehensive attack on Palestinian citizenship was launched. Invoking security as well as demograph-

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[89] *Fasl al-Maqal,* the organ of the radically secular NDA, called the arrest an attack not only on a "legitimate political movement," but also on the "right [*haqq*]" of the "Arab masses [and their] leadership." The paper called the Islamic Movement "a legitimate movement that derives its legitimacy from its society . . . [and not from] Zionism and Israel" (15 May 2003).

[90] *Al-Ahram Weekly,* 2–8 Jan. 2003.

[91] Even before the Al-Aqsa Intifada, the number willing to include Palestinian parties in the government stood only at 56 percent. "Meded ha-demokratiya ha-yisraelit 2003 [The Israeli Democracy Index 2003]," 18. Full Hebrew text can be found at: http://www.idi.org.il/hebrew/article.php/?id=1461; and a summary of major findings in English at: http://www.idi.org.il/english/news.php?nid=29773543ee323b0d72ccc5763e07d294. These results are not an isolated instance, since polling data shows that Jewish Israelis have long looked askance on Arab civic equality. See Dowty, *The Jewish State,* 195.

ic concerns, the Knesset passed a temporary amendment to the Nationality Law that rendered Palestinians from the Occupied Territories ineligible for family unification and specifically excluded them from the naturalization process that leads to Israeli citizenship. The provision, furthermore, prohibits granting Israeli citizenship to children born to an Israeli citizen and a Palestinian non-citizen.[92] Denaturalizations, coupled with the proscription of Palestinian naturalization, recall Arendt's commentary on the *apatrides* forced from of their countries in the wake of national revolutions: "One is almost tempted to measure the degree of totalitarian infection by the extent to which the concerned governments use their sovereign right of denationalization."

Provisions for denaturalization, Arendt points out, were a general phenomenon: "there was hardly a country left on the Continent that did not pass between the two wars some new legislation which, even if it did not use this right extensively, was always phrased to allow for getting rid of a great number of its inhabitants at any opportune moment."[93] The amendment to the Nationality Law works to this end, targeting both Palestinians from the Occupied Territories and Palestinian citizens of Israel, of whom 21,000 can no longer live in Israel with their spouses.[94] Since Israeli citizens are prohibited from entering the Occupied Territories, the couples cannot live in either Israel or Palestine. Former Interior Minister Avraham Poraz, the official once responsible for enforcing the law, simultaneously acknowledged the legal norm and justified its suspension: "It would be best if the bill never made it to the law books, because an enlightened and humane society should allow reunification of families."[95] His colleague Gideon Ezra, also recognizing the unacceptability of the provision, supported it in the language of security: "This law comes to address a security issue. Since September 2000 we have seen a significant connection, in terror attacks, between Arabs from the West Bank and Gaza and Israeli Arabs."[96] The utility of the security-naturalization nexus for affecting a program of ethnic unmixing has not been lost on Palestinians. As Jaʿfar Farah, a human rights attorney, commented, "We see this law as the implementation of the transfer policy by the state of Israel."[97]

For the tens of thousands of Palestinians resident in Israel who can now be legally targeted for expulsion, illegitimacy implies a state of permanent limbo.

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[92] The Knesset, having extended the temporary amendment once, seems poised as of this writing (May 2005) to partially ease restrictions on family unification and to subsequently institute further-reaching changes to the Nationality Law (also known as the "Citizenship Law") writ large. While the details have yet to be settled, *Haʾaretz* reports, "There is broad agreement in the government and academia that the policy must be strict and make it difficult for non-Jews to obtain citizenship in Israel" (11 May 2005).

[93] Arendt, *Origins of Totalitarianism,* 278–79.

[94] Report of Mossawa: The Advocacy Center for Arab Palestinian Citizens of Israel (http://216.239.51.104/search?q=cache: eJuLgTm2qOQJ: www.boell.org.il/download_en/CitizenshipLaw.pdf+mossawa+israel&hl=en&ie=UTF-8).

[95] Jonathan Cook, "Racism Reinforced," *Al-Ahram Weekly,* 7–13 Aug. 2003.

[96] Associated Press, 31 July 2003.   [97] Cook, "Racism Reinforced."

An elderly Palestinian woman from Miʿiliya expressed this sentiment to me in a different context, "We cannot make long-term plans. The state is continually putting obstacles in front of us." Many Palestinians see the attacks on Palestinian political leaders in a similar fashion, as a way of creating instability that may ultimately lead to expulsion. ʿAbd al-ʿAziz Rantissi, the former leader of Hamas assassinated by Israel in April 2004, condemned Shaykh Raʾid's arrest: "This campaign comes to sequester the important political role that the Palestinians inside play and frighten the Arab masses. It possibly prepares the ground for uprooting the Arab masses from their country."[98]

Transfer, however, is more than the re-enactment of 1948. Although the war of 1948 is a defining moment of Palestinian history, it is less a rigid mold than a prism through which subsequent Palestinian experiences are refracted, producing an array of "transfers" that evoke the originary event even as they differ from it. The specificities of Palestinian life in Israel have been incorporated into the notion of transfer, giving rise to hybrid notions such as "political transfer," which couples political disenfranchisement with forced migration. As one commentator remarked before the Supreme Court reinstated the Palestinian Knesset Members' candidacies, "Preventing Bishara and the NDA from competing in the elections is the beginning of a political transfer that will lead to actual transfer. With this step, Israel is putting the Arab masses on the margins of the political map." Another drew a similar link: "[The ban on Bishara and Tibi reflects the] wish for political transfer after physical transfer failed."[99] In the summer of 2002 and beyond, more and more Arabs and radical Jews expressed their fears that "political transfer" would leave Palestinians with mass action as the only way to communicate their political ideas on the national scale. With the Supreme Court's reversal of the ban in January 2003, political transfer seemed to have failed. Yet as one Palestinian subsequently remarked on television news, "Every Arab now needs to think very carefully [yahsab alf hisab] before expressing his views. I'm scared now, and where there's fear, there's no democracy." The liberal daily Haʾaretz, for its part, applauded the Supreme Court's call "to show tolerance for a nearly unlimited spectrum of opinion, including views that challenge the basic truths of the national ethos." Yet at the same time, it affirmed limits on political speech and dangled the possibility of future political exclusion: "Even if from a legal standpoint no other decision was possible, it cannot be ignored that [Bishara] came dangerously close to the limits of tolerance in the statements that were attributed to [him]. Hopefully, [he] . . . will have learned the necessary lesson when [he] asks to be counted among the Knesset's members."[100]

Muhammad al-Bakri, one of Israel's best known Palestinian actors, spoke expansively about transfer following the detention of seven members of his ex-

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[98] *Kull al-ʿArab,* 16 May 2003.   [99] *Fasl al-Maqal,* 2 Jan. 2003.
[100] *Haʾaretz,* 10 Jan. 2003.

tended family for involvement in a bus bombing in the Galilee. At a press conference convened by the family to denounce the arrests, he accused the authorities of fabricating evidence:

> It is clear the authorities are using . . . propagandistic duplicity in order to falsify the accusation against all Arabs, without hiding the desire . . . for transfer, beginning with political transfer, then forbidding family reunification, then revoking identity cards and canceling citizenship, then speaking about destroying homes and proceeding to collective expulsion [*al-tard al-jimaʿi*]. Therefore this unfortunately creates a clear situation in which the authorities still treat the Arab presence in their country as a temporary situation. We are not just giving lip service [to the fact] that we are staying. We do not have another address; we will not have another address or another home.[101]

Bakri sketches out a chain of administrative and judicial measures—only the final element of which is collective expulsion—grouped under the label of transfer. As with the transfer of rights, voluntary transfer, and stationary transfer, the meanings of transfer among Palestinians have multiplied beyond the original conception of forced migration, yet unlike Israeli Jews, many Palestinians describe transfer as a process already underway.

The differences between Palestinian and Jewish Israeli notions of transfer were revealed at a meeting of the "Coalition against Racism," established after a spate of hate crimes against Arabs in central Israel. I attended the meeting in Kfar Saba in August 2002 with Omayma, a schoolteacher from the neighboring Palestinian town of Tayyibe. Omayma had been fired several years earlier from the local Jewish high school after the parents complained that "an Arab" was teaching chemistry. "We are allowed to teach Arabic to the Jews and nothing else," she lamented over lunch. When we arrived to the meeting, the initial small talk did not bode well. When Omayma announced she was a teacher, one of the Jewish participants asked, without the slightest trace of irony, "What do you teach, Arabic?"

When I raised the issue of transfer, Yaʿacov—a talkative Jewish Israeli also active in the mainstream Zionist group Peace Now—remarked, "It's worrisome that people are talking about it, but it won't happen." Yaʿacov's comment echoed the venerable voices of the Zionist left, such as author Amos Oz, who once patronizingly proclaimed, "Transfer is an impossible idea, since we won't let you do it." Transfer might be "impossible" for Oz, but it is not for many Palestinians, who resent the easy dismissal of both their concerns and the political roles that they play.

Yaʿacov's words did not sit well with Zaki, a Palestinian member of the group. Zaki spoke expansively about transfer, tying it to a sense of cultural dispossession. He told me that he had studied in Eastern Europe, where he had met Arabs with whom he can no longer communicate. "My friend in Aleppo, I can never see him," he complained, "that too is transfer." He explained that "trans-

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[101] *Al-Sinnara,* 8 Aug. 2002.

fer" can be cultural as well as physical: "Israel has transferred me from my culture, from my family, from my friends." Zaki's usage of the term was potentially offensive if understood to trivialize the suffering of refugees. His comments, however, were suggestive that for many Palestinians transfer not only denotes physical movement, but also a process of "creating, promoting and inculcating among Palestinian inhabitants a general mood (or mental state) of being outside the country. It implies that Palestinians belong and mentally exist more in the Arab world than in their own country, which is and will always be Jewish, for Jews only and not for anyone else."[102]

Many Israeli Jews do not recognize the discrimination faced by Palestinians in Israel,[103] much less the sense of exclusion that Palestinians feel from the Israeli polity. Well-intentioned Jewish liberals, who join the fight against specific kinds of discrimination, often miss that, for Palestinians, piecemeal reform is palliative at best. For this reason among others, political alliances between mainstream Jews and Arabs can be tenuous, and as Omayma rolled her eyes during the meeting, it was clear that she was not sanguine about the future of the organization. Her presence at the meeting indicated the significance she attached to cooperative efforts with Jews, but it is difficult to see how the tensions between Jews and Palestinians will recede so long as Palestinians lack the right to have rights. Leaving the meeting, I could not imagine how the coalition's campaign for curricular reform could succeed in the school that had fired Omayma simply for being Arab.

CONCLUSION

Transfer has often been seen as a marginal issue, the province of, on the one hand, a small number of ultra-nationalist Jewish fanatics and, on the other, shrill leftists whose alarmist warnings are tantamount to thinly disguised Israel-bashing. When a number of Israeli academics, followed by their colleagues worldwide, signed a petition that raised the specter of mass population transfer during the war in Iraq, the self-appointed guardians of Middle East studies dismissed their efforts as hyperbole.[104] Yet those who have sounded the transfer alarm bear some blame for the ease with which their words have been dismissed. Inattentive to the transformations in the notion of transfer, we have lost analytic acuity by assuming that transfer consists solely in the endless repetition of the same.[105] Our theoretical concepts have not kept pace with the ways that Israeli power is deployed and the manner in which Palestinians understand their own exclusion.

Transfer in the twenty-first century is no longer what it was during the War of 1948. The term has ramified among both Jewish and Palestinian Israelis to

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[102] Muslih Kanaaneh, personal contact, May 2003.
[103] Of Jewish respondents, 49 percent deny that Palestinians face any disadvantages vis-à-vis Jews in Israel ("Meded ha-demokratiya," 18).
[104] At: http://www.geocities.com/martinkramerorg/2002_12_20.htm.
[105] I use the inclusive pronoun "we" because I signed the petition.

refer to ongoing practices that, on both material and ideological levels, deny the Palestinian right to have rights. Pressures have been felt less in terms of statutory discrimination than through the energetic assault on the ability of Palestinians to challenge the terms of their exclusion from the Israeli polity. The "transfer of rights" and "stationary transfer," proposed by elements of the Zionist right and left, respectively, formalize and offer official sanction for this assault, suggesting that despite the nominal differences that mark the Zionist left, right, and center, all share an ethno-nationalist impulse. The resulting sense of disenfranchisement among Palestinians has given rise to notions of "political" and even "cultural" transfer. In the more than five decades since Israel's establishment, the notion of transfer has taken on a historical specificity that teaches us something about Jewish privilege and Palestinian disadvantage in Israel.

Although transfer no longer speaks solely to displacement over national borders, 1948 remains relevant. Stripping Palestinians of their "legitimacy"—that is, of visibility, of the right to hold a different opinion, of the right to mount effective action—renders them effectively absent even if their bodies remain present. In this sense, Palestinians today are being "absented," that is, turned into present absentees, as were tens of thousands of Palestinians during and after the 1948 War. Because the contemporary contours of transfer have not been mapped, there is little understanding of the logic that links together the varied practices detailed here, despite the fact they are no secret to anybody living in Israel, Jew or Palestinian. The Palestinian predicament has been reduced to isolated instances of discrimination that appear as lamentable, if understandable, consequences of Israel's own "war against terror." With the underlying strategy obscured, the Israeli establishment has been able to act without acknowledging its agency in promoting a multifaceted transfer agenda. In this sense, too, twenty-first century transfer mimics its forerunner in that the Israeli government has steadfastly refused to take any responsibility, even symbolic, for the creation of Palestinian refugees in 1948.

While Zionism is often seen as exceptional, its techniques of population management are far from unusual. In Israel as elsewhere, "the sovereign black hole, loophole or zone of legal limbo is foundational for the existing juridico-political order."[106] In its earliest Israeli incarnation, the "sovereign loophole" consisted of the exclusion of Palestinian Arabs from Israeli sovereignty, which was invested solely in the Jewish people. Today, as the foundational exception of Zionism emerges as an open strategy of management, Israel joins the United States, where the state of exception manifests itself in the Bush Administration's disregard for legal constraints in the "war against terror." Arendt argued that it was precisely this exclusion from the realm of law that marked the refugee, a liminal figure who destabilized the naturalized dyads of territory/

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[106] Scott Michaelsen and Scott Cutler Shershow, "The Guantánamo 'Black Hole': The Law of War and the Sovereign Exception," *Middle East Report Online* (http://www.merip.org/mero/mero011104.html).

sovereignty and nativity/nationality. In Israel today, Palestinian citizens play this role, caught in the paradoxical position of citizens without sovereignty. Prime Minister Ariel Sharon confirmed this paradox in a July 2002 Knesset debate: "All the rights *over* the Land of Israel are Jewish rights. In the Land of Israel, all the rights must be given to the people who live here. That is the difference between rights *over* the land and rights *in* the Land."[107]

The disadvantage of Palestinian citizens in Israel finds its obverse in the Occupied Territories, where Jewish settlers enjoy sovereign privileges on a territory outside Israel's international border. Just as Guantánamo Bay is situated at the limit of U.S. sovereignty—simultaneously inside and outside of U.S. jurisdiction—the Occupied Territories are also a liminal space, home to both the emergency of occupation and the legalities of Israeli domestic law. Israeli settlements operate under Israeli law and Jewish settlers, wherever they move in the Occupied Territories, are subject to the Israeli legal code, not the laws of occupation under which Palestinians chafe. Viewed together, Israel and the Occupied Territories compose a dystopic arrangement of "reciprocal extraterritorialities."[108] Israeli Jews exercise sovereignty in a territory that is not theirs, whereas over 100 unrecognized Palestinian villages are literally extra-territorial in that they do not appear on Israeli maps. More broadly, Palestinian citizens of Israel are commonly treated as aliens, akin to foreign nationals of an "Arab" country to which they "really" belong.

Rather than equating transfer with ethnic cleansing, we might instead re-interpret it through the lens of sovereignty as a process of pushing the Palestinians deeper into the state of exception. Understood in this way, transfer could be a single event of mass expulsion, but need not be. It can also be expressed as a renewed attack on the most fundamental of all rights: the right to have rights. When Palestinians talk about "political transfer" and being "stripped of their legitimacy," they are expressing the fear that someday they might confront what Arendt called "slavery's fundamental offense," which "was not that it took liberty away, but that it excluded a certain category of people from even the possibility of fighting for freedom."[109] Countervailing forces—including emboldened Arab representation in the Knesset and increasing cooperation between radical Jews and Palestinians—have mobilized to forestall this eventuality. But one should be wary of hopeful incantations that Israel's well intentioned activists will prevent their country from slipping over the brink, since the brink is no longer what or where it used to be. Transfer in the twenty-first century is not a singular train wreck that looms ominously down the tracks. It is a strategy of rule that is already upon us, a rising tide that too many have yet to notice.

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[107] Quoted in Rouhana and Sultany, "Redrawing the Boundaries," 16.
[108] The phrase is Agamben's, in "The State of Exception," although he uses it in a utopian context.
[109] Arendt, *Origins of Totalitarianism,* 297.