



Struggle for Existence

Acts of Subjecthood as Contentious Claim-Making in the West Bank

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I would like to thank my interview partners who shared their stories with me, provided me with detailed and often very personal information, and helped to connect me with further activists and initiatives. Nowhere have I encountered as much kindness and hospitality as during my stays in the Palestinian territories. Unfortunately, it is possible to analyze only a fraction of the existing Palestinian claim-making endeavors within a study like this. Yet, my research shall draw attention to organizations' activities and the various challenges they encounter – not only in Israel/Palestine, but elsewhere as well. Within the context of continuing smear campaigning against Palestinian claim-making in Israel/Palestine (and in other countries such as Germany) and continuous external pressure on 'pro-Palestinian' NGOs and activists, making one's claim merely heard is a herculean task.

Lastly, I would like to thank my husband Samuel not only for proofreading my thesis, but also for his continuous support in all other areas of life.

Rebecca Burkert, Berlin, October 2021

To my daughter Ayumi, my niece Laila, and my nephew Malik

Abstract

In this project, I sought to understand how Palestinian claim-making in the West Bank is possible within the context of continuing Israeli occupation and repression by the Palestinian political leadership. I explored the questions of what channels non-state actors use to advance their claims, what opportunities they have for making these claims, and what challenges they face. This exploration covers the time period from the Oslo Accords in the mid-1990s to the so-called Great March of Return in 2018.

I demonstrated that Palestinians used different modes and strategies of resistance in the past century, as the area of what today is Israel/Palestine has historically been a target for foreign penetration. Yet, the Oslo agreements between the Israeli government and the Palestinian leadership have ended Palestinians' decentralized and pluralist social governance, reinforced Israeli rule in the Palestinian territories, promoted continuing dispossession and segregation of Palestinians, and further restricted their rights and their claim-making opportunities until this day. Therefore, today, Palestinian society in the West Bank is characterized by fragmentation, geographical and societal segregation, and double repression by Israeli occupation and Palestinian Authority (PA) policies. What is more, Palestinian claim-making is legally curtailed due to the establishment of different geographical entities in which Palestinians are subjugated to different forms of Israeli rule and regulations.

I argue that the concepts of civil society and acts of citizenship, which are often used to describe non-state actors' rights-seeking activities, fall short on understanding and describing Palestinian claim-making in the West Bank comprehensively. By determining their boundaries, the concept of acts of subjecthood evolved as a novel theoretical approach within the research process and as a means of claim-making within repressive contexts where claim makers' rights are curtailed and opportunities for rights-seeking activities are few. Thereby, this study applies a new theoretical framework to the conflict in Israel/Palestine and contributes to a better understanding of rights-seeking activities within the West Bank. Further, I argue that Palestinian acts of subjecthood against hostile Israeli rule in the West Bank are embedded within the comprehensive structure of settler colonialism. As a form of colonialism that aims at replacing an indigenous population, Israeli settler colonialism in the West Bank manifests itself in restrictions of Palestinian movement, settlement constructions, home demolitions, violence, and detentions.

By using grounded theory and inductive reasoning as methodological approaches, I was able to make generalizations about the state of Palestinian claim-making. These generalizations are based on the analysis of secondary materials and data collected via face-to-face and video

interviews with non-state actors in Israel/Palestine. The conducted research shows that there is not a single measure or a standalone condition that hinders Palestinian claim-making, but a complex and comprehensive structure that, on the one hand, shrinks Palestinian living space by occupation and destruction and, on the other hand, diminishes Palestinian civic space by limiting the fundamental rights to organize and build social movements to change the status Palestinians live in.

Although the concrete, tangible outcomes of Palestinian acts of subjecthood are marginal, they contribute to strengthening and perpetuating Palestinian's long history of resistance against Israeli oppression. With a lack of adherence to international law, the neglect of UN resolutions by the Israeli government, the continuous defeats of rights organizations in Israeli courts, and the repression of institutions based in the West Bank by PA and occupation policies, Palestinian acts of subjecthood cannot overturn current power structures. Nevertheless, the ongoing persistence of non-state actors claiming rights, as well as the pop-up of new initiatives and youth movements are all essential for strengthening Palestinians' resilience and documenting current injustices. Therefore, they can build the pillars for social change in the future.

Zusammenfassung

Das Ziel der vorliegenden Dissertation war es zu untersuchen, wie palästinensisches *claim-making*, also die Artikulation von Forderungen bzw. die Geltendmachung von bestimmten Rechten, vor dem Hintergrund der anhaltenden israelischen Besatzung und Repressalien durch die palästinensische politische Führung im Westjordanland durchgesetzt werden kann. Dabei soll der Frage nachgegangen werden, welche Kanäle nichtstaatliche Akteure nutzen, um ihre Ansprüche geltend zu machen, welche Möglichkeiten sich ihnen dafür bieten und vor welchen Herausforderungen sie stehen. Der Untersuchungszeitraum erstreckt sich dabei vom Osloer Friedensprozess Mitte der 1990er Jahre bis hin zum sogenannten *Great March of Return* im Jahr 2018.

Die im Gebiet des heutigen Israel/Palästina lebenden PalästinenserInnen bedienen sich in Zeiten ausländischer Einflussnahme, z.B. während der britischen Besatzung im vergangenen Jahrhundert, verschiedenster Widerstandsformen und -strategien. Jedoch haben die Osloer Abkommen zwischen der israelischen Regierung und der palästinensischen Führung die dezentrale und partizipative Mobilisierung der palästinensischen Gesellschaft erschwert, die andauernde Enteignung von PalästinenserInnen begünstigt und ihre Rechte bis zum heutigen Tag weiter eingeschränkt. Die heutige palästinensische Gesellschaft im Westjordanland ist daher durch Zersplitterung, geografische und gesellschaftliche Segregation und doppelte Unterdrückung durch die israelische Besatzung sowie die Palästinensische Autonomiebehörde gekennzeichnet. Zudem führt die Etablierung verschiedener geografischer Entitäten, in denen PalästinenserInnen unterschiedlichen Formen israelischer Herrschaft, Regularien und Eingriffsrechten unterworfen sind, dazu, dass palästinensisches *claim-making* auch formalrechtlich eingeschränkt ist.

Um die Aktivitäten nichtstaatlicher Akteure in diesem Kontext beschreiben zu können, werden häufig das Konzept der Zivilgesellschaft oder das der *acts of citizenship*¹ herangezogen. In der vorliegenden Arbeit wird jedoch argumentiert, dass diese Konzepte nur bedingt auf den Status Quo im Westjordanland anwendbar sind und palästinensisches *claim-making* nicht hinreichend verstehen und beschreiben können. Im Laufe des Forschungsprozesses hat sich daher das Konzept der *acts of subjecthood* als neuer theoretischer Ansatz herausgebildet, der *claim-making* in repressiven Kontexten beschreibt, in denen nichtstaatliche Akteure

¹ *Acts of citizenship* begreift das Konzept der Staatsbürgerschaft nicht als rein rechtlichen Status, sondern als Praxis. Nach diesem Verständnis besteht Bürgerschaft also nicht nur aus verliehenen Rechten und Pflichten, sondern aus dem aktiven Einfordern von Rechten gemäß den Bedürfnissen und Interessen von BürgerInnen und Nicht-BürgerInnen wie MigratInnen oder Geflüchteten. *Act of citizenship* wird definiert als: “act of struggle against subjecthood, and practices of citizenship engender effective citizenship even where no formal status has been granted” (Preminger, 2017, p. 95).

nur geringen Handlungsspielraum haben, ihre Forderungen durchsetzen zu können. Durch diese „Theorie-Brille“ ermöglicht meine Forschung einen neuartigen Blick auf den israelisch-palästinensischen Konflikt und trägt auf diese Weise zu einem besseren Verständnis von *claim-making*-Aktivitäten im Westjordanland bei. Darüber hinaus bettet die vorliegende Arbeit *acts of subjecthood* in den größeren Kontext des Siedlungskolonialismus ein. Dieser beschreibt eine Form des Kolonialismus, die darauf abzielt, eine einheimische Bevölkerung durch die der Kolonialmacht zu ersetzen. Im Westjordanland manifestiert sich der israelische Siedlungskolonialismus in der Einschränkung der Bewegungsfreiheit von PalästinenserInnen, dem Bau von Siedlungen, der Zerstörung von Häusern, Gewalt und Inhaftierungen. Die Verwendung der Grounded Theory und des induktiven Denkens als methodische Ansätze ermöglichte es, verallgemeinerbare Aussagen zum Zustand palästinensischen *claim-makings* treffen zu können. Diese Verallgemeinerungen beruhen auf der Analyse von Sekundärquellen und Daten, die im Rahmen von Interviews mit VertreterInnen nichtstaatlicher Organisationen in Israel/Palästina erhoben wurden. Die durchgeführte Analyse macht deutlich, dass nicht eine einzelne Maßnahme oder Bedingung palästinensisches *claim-making* behindert, sondern eine komplexe, vielschichtige und zielgerichtet implementierte Struktur. Diese verringert einerseits den Lebensraum von PalästinenserInnen durch Besatzung und Zerstörung und schränkt andererseits den zivilen Raum ein, indem sie ihnen grundlegende Rechte und fundamentale Freiheiten verwehrt. Obwohl die konkreten Auswirkungen palästinensischer *acts of subjecthood* marginal sind, tragen sie dazu bei, den Widerstand gegen politische Unterdrückung zu stärken und fortzusetzen. Angesichts der Verletzung von Völkerrecht und der Missachtung zahlreicher UN-Resolutionen durch die israelische Regierung, der Niederlagen von Menschenrechtsorganisationen vor israelischen Gerichten, der Unterdrückung von Institutionen im Westjordanland durch die Palästinensische Autonomiebehörde und die Besatzungspolitik können *acts of subjecthood* die derzeitigen Machtstrukturen nicht aufbrechen. Dennoch sind die anhaltende Beharrlichkeit nichtstaatlicher Akteure, Forderungen zu artikulieren und Rechte einzufordern und die Gründung neuer Initiativen und Organisationen essenziell für die Stärkung gesellschaftlicher Resilienz sowie die Dokumentation von Ungerechtigkeiten und Rechtsverletzungen. Diese Akteure legen so den Grundstein für einen möglichen gesellschaftspolitischen Wandel in der Zukunft.

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List of Abbreviations

ACRI	Association for Civil Rights in Israel
BDS	Boycott, Divestment and Sanctions Movement
CAQDAS/QDA	Computer-Assisted Qualitative Data Analysis Software
DoP	Declaration of Principles
DFLP	Democratic Front for the Liberation of Palestine
EAPPI	Ecumenical Accompaniment Programme in Palestine and Israel
ESCWA	United Nations Economic and Social Commission for Western Asia
HCJ	High Court of Justice
HRW	Human Rights Watch
ICAHD	Israeli Committee Against House Demolitions
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTs	Information and communication technologies
IDF	Israel Defense Forces
IHL	International humanitarian law
INGO	International non-governmental organization
ISM	International Solidarity Movement
MBOs	Membership-based organizations
NGO	Non-governmental organization
NIF	New Israel Fund
OCHA	UN Office for the Coordination of Humanitarian Affairs
OPT	Occupied Palestinian territories
PA/PNA	Palestinian (National) Authority
PACBI	Palestinian Campaign for the Academic and Cultural Boycott of Israel
PCPSR	Palestinian Center for Policy and Survey Research
PFLP	Popular Front for the Liberation of Palestine
PHROC	Palestinian Human Rights Organizations Council
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organization
PNF	Palestinian National Front
POS	Political Opportunity Structure
PSCC	Popular Struggle Coordination Committee
RTM	Right to Movement

SSR	Security Sector Reform
TIPH	Temporary International Presence in Hebron
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
USAID	United States Agency for International Development
WCC	World Council of Churches

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We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.

Martin Luther King

- from 'Letter from Birmingham Jail', April 16, 1963

1. Introduction

On March 30, 1976, thousands of Palestinians throughout Israel participated in a general strike protesting the Israeli confiscation and expropriation of Palestinian-owned lands. Ever since, this so-called Land Day is an annual day of commemoration that today is not only marked by Palestinian citizens of Israel but by Palestinians all over the world.

On March 30, 2018, over 30,000 Palestinians in the Gaza Strip marched near the Gaza-Israeli border to protest the ongoing blockade on the Gaza Strip. They called for the Palestinian refugees' right to return to the villages they were expelled from after the founding of the state of Israel in 1948. These protests were supposed to last until May 15, when Palestinians commemorate the *Nakba* (in English catastrophe), the displacement and dispossession they experienced in 1948. However, the demonstrations of this so-called Great March of Return did not stop before December 2019. On May 14, 2018, the United States, under President Trump, opened its embassy in Jerusalem, which has been relocated there from Tel Aviv despite international condemnation.² Thereby, the US recognized Jerusalem as the capital of Israel, although Palestinians also claim the city as their capital. Unsurprisingly, the embassy's opening coincided with one of the bloodiest days of the protests, with more than 60 Palestinians killed and thousands demonstrating in the occupied West Bank (Morris and Eglash, 2018).

This Great March of Return and the protests occurring around the relocation of the US embassy present only the latest of Palestinian mass protests against expropriation and deprivation of rights. Yet, Palestinian claim-making is not a phenomenon of the 21st century, but a reoccurring theme throughout Palestinian history. It has been shaped by the appearance and demise of foreign domination, such as the Ottoman Empire, British occupation, and the establishment of the Israeli state. Today, Palestinians live under distinct forms of Israeli rule.

² Israel annexed the Eastern part of Jerusalem in 1967 and has encouraged the building of Jewish settlements in this area ever since. According to international law, these settlements are defined as illegal. Although Israel proclaimed the undivided city of Jerusalem to be its capital, Israeli sovereignty over Jerusalem has never been recognized internationally.

They are geographically and socially fragmented and enjoy different rights and permissions dependent on the IDs they hold. While Palestinian mass mobilization is relatively limited, many non-state actors, such as activists, initiatives, and organizations, have devoted their actions to encounter marginalization, dispossession, and legal discrimination.

One of the mainstays for this status quo are the Oslo Accords of the mid-1990s, a series of agreements made between the Israeli government and the Palestinian leadership at that time. Within these agreements, the Palestinian Authority (PA)³ was founded as an interim self-government body intended to exercise partial civil control in the occupied West Bank and the Gaza Strip⁴. Permanent status talks that were supposed to be held after five years have never taken shape, and while the PA was supposed to receive powers from Israel gradually, Israel remains the de facto ruler in the Palestinian territories until today. Due to the establishment of the PA, administrative authority was centralized, political parties were institutionalized, and Palestinian non-state actors, such as popular committees⁵, women's associations, initiatives, workers' and student unions, which used to present the backbone of the struggle against Israeli domination and provided a social infrastructure lacking under occupation, lost their significance and influence. Moreover, within the Oslo agreements, a single economic zone with a common currency in Israel and the Palestinian territories was established, and Palestinian trade with foreign countries was determined to be controlled by border crossings operated by Israel or dealt with through Israeli sea- and airports, making Palestinian economic life fully dependent on its occupying power. Further, it was ruled that the West Bank was to be divided into three types of areas: Area A, exclusively administered by the PA, Area B with shared administration, and Area C, which makes up the largest part of the West Bank with over 60 percent, solely ruled by Israel. As will be outlined in-depth later on, the Oslo agreements, consequently, have further reinforced Israeli rule in the territories occupied, grown inequality, promoted continuing dispossession and segregation of Palestinians, and further restricted their rights until this day. These developments give rise to several important questions: how is Palestinian claim-making possible within this precarious status quo? Through what channels can non-state actors advance their claims? What are opportunities for them to make these claims and what are challenges?

³ Also referred to as Palestinian National Authority (PNA).

⁴ In 1967, Israel launched successful military campaigns against Egypt, Jordan, and Syria also known as Six-Day War. After less than a week of fighting, Israel seized the Sinai Peninsula, the Gaza Strip, the Golan Heights, and the West Bank, and took control of the Eastern part of Jerusalem.

⁵ So-called popular committees are independent village-based groups across the West Bank. They coordinate nonviolent resistance against Israeli occupation and, e.g., organize strikes and protests.

1.1 Theoretical Approach

This study aims to shed light on non-state Palestinian claim-making with a geographical focus on the West Bank. It covers a time period from the Oslo Accords in the mid-1990s to the initially introduced Great March of Return in 2018. The methodology used to answer the preceding questions includes conducting interviews with relevant non-state actors and an analysis of secondary materials, such as legal texts and findings of research institutions working in or on Israel/Palestine⁶. By building on existing research in the fields of settler-colonial studies (e.g., Pappé, 2013; Veracini, 2013; Wolfe, 2006), contentious politics (e.g., Tilly, 2006; Tarrow and Tilly, 2015), civil society (e.g., Cohen and Arato, 1997; Abele, 2006), and acts of citizenship (e.g., Isin, 2008; Isin, 2015; Hammett, 2014), I am proposing a new theoretical approach to make sense of today's Palestinian claim-making in the West Bank. My study is thus a combination of testing existing theory and demonstrating the potential for its enhancement while, at the same time, describing and explaining historical developments. In addition, it has a policy-relevant dimension, as I will be drawing general conclusions for third-party intervention in Israel/Palestine on the level of civil society. Through historical reappraisal and the process of conducting interviews, my research demonstrates, firstly, that opportunities for claim-making in the West Bank have been shrinking continuously within the reference period and, secondly, why this is the case. This 'shrinking space' has two distinct yet closely related meanings. On the one hand, 'shrinking space' describes a spatial constraint with regard to dispossession, occupation, and destruction of Palestinian living space (Hanafi, 2009). On the other hand, the term denotes a diminishing civic space that limits Palestinians' fundamental rights to organize and build social movements and political groups to express views and opinions. While this thesis argues that today's situation can only be adequately understood from a settler-colonial perspective, Palestinian claim-making neither fully fits the theoretical concepts of civil society nor acts of citizenship, although both prove to be helpful theoretical approaches to better understand rights-seeking activities in the West Bank. The term civil society

describes and anticipates a complex and dynamic ensemble of legally protected nongovernmental institutions that tend to be nonviolent, self-organizing, self-reflexive, and permanently in tension, both with each other and with the governmental institutions that 'frame', constrict and enable their activities (Keane, 2010, p. 461).

It is a sphere of organized social life between the state and the market and comprises autonomous, freely created, and self-organized groups and non-governmental organizations

⁶ When speaking of Israel/Palestine, I am referring to all geographical entities: the West Bank, the Gaza Strip, East Jerusalem, and Israel proper.

(NGOs). Further, it is based on a specific culture or civic ethos and depends on the rule of law in a legitimate political system. Palestinian civil society⁷, however, is not bound to the occupied territories due to the scattering of Palestinians all over the region. Moreover, civil society in the West Bank is neither autonomous nor freely created, which is why it is debatable whether this terminology applies here at all.

Acts of citizenship, as a derived notion of the concept of citizenship, refer to events through which actors, such as individuals, non-governmental organizations, legal or quasi-legal entities or persons, constitute themselves as political subjects. An act of citizenship “is an act of struggle against subjecthood, and practices of citizenship engender effective citizenship even where no formal status has been granted” (Preminger, 2017, p. 95). While citizenship has classically been understood as membership of a nation-state, it is transforming into an umbrella term for practices of becoming claim-making subjects. Therefore, acts of citizenship are practiced by activist citizens who – in contrast to active citizens –

do not hold the status of but act to make claims to be citizens, claim the right to a right, and those (with or without the status of being a citizen) who make claims to justice that may disrupt or challenge state power and conception of citizenship (Hammett, 2014, p. 620).

While active citizens participate in formal, routinized, and instituted social actions like voting or taxpaying, acts of citizenship transform courts, streets, media, and borders into new sites of contestation for citizenship and thereby contest the meanings of citizenship from below (Isin, 2009; Hammett, 2014). In the West Bank, Palestinian acts of citizenship are wide-ranging and cut across gender, social class, and political or religious affiliation. Due to societal fragmentation and repression by both Palestinian and Israeli authorities, occupation policies, and the lack of formal citizenship, demanding a right as a Palestinian means finding alternative ways of claim-making outside a given catalog of rights within a nation-state framework. While the essence of an act as an expression is “the need for being heard” (Isin, 2009, p. 379), Palestinian acts of citizenship and thereby their opportunities for being heard are shrinking continuously. Structural conditions such as the existence of a dual legal system for Israelis and Palestinians both residing in the West Bank, discriminatory and restrictive laws adopted by both Israeli and Palestinian rule, or delegitimization of resistance lead to the conclusion that claim-making in the form of acts of citizenship has become ever less possible. Consequently, Palestinian acts of citizenship do neither disrupt or challenge state

⁷ The term ‘Palestinian civil society’ is used frequently throughout this study for reasons of simplicity. However, it is debatable whether the concept of civil society is applicable to Palestinians in the West Bank as I will argue later on.

power, nor do they question prevailing conceptions of citizenship.

As rules and their conceptualization are considered to be social and negotiated between the state and its citizens (Eckert, 2011), or those striving to become citizens, it becomes apparent that this is not the case for the rules applying to Palestinians in the West Bank. Eckert claims that citizenship struggles are born when the law in place is continuously violated and that, even though those in power violate the law, only the law itself forms the basis for identifying infringements and alternatives (Eckert, 2011, p. 315). In the Palestinian case, however, while much of the political struggle in the West Bank is directed against Israeli laws and regulations, it is not the violation of these laws that gives rise to resistance but rather these laws' discriminatory and racist essence. Isin claims that acts of citizenship "are those acts through which citizens, strangers, outsiders and aliens emerge not as beings already defined but as beings acting and reacting with others" (Isin, 2008, p. 39). What becomes apparent in the analyzed case of Palestinian claim-making, however, is that these acts present less an interplay with others but rather a *reaction* to their increasing legal, social, and political restrictions that seek to abolish Palestinian acts of citizenship altogether. Consequently, neither the concept of civil society, as outlined initially, nor that of acts of citizenship is helpful to adequately analyze and describe Palestinian claim-making, as they rely on preconditions that the situation in the West Bank does not meet.

A subject "becomes a citizen by participating in the formation of a people to come, a people that has not yet been imagined or invented" (Isin, 2012, p. 565). Therefore, the development of political subjects "either with the right to have rights or making rights claims" is an "essential component of the juridico-legal institution of citizenship" (ibid., p. 568). The term subject itself derives from the Latin *subjectus* and means 'laying under or near' or 'inferior'. Therefore, a subject is a person who is under the control or dominion of a ruler or government, because "the subject who is constituted as subject – who is 'subjected' – is he who obeys" (de Carvalho, 2016). Hence, I introduce the term acts of subjecthood – as a derived form of acts of citizenship – because Palestinians in the West Bank are subjected to Israeli rule, and related non-state actors' claim-making against this rule can, in turn, be identified as such acts of subjecthood. Acts of subjecthood are those acts through which people exposed to hostile dominion and control emerge not solely as subjects of this rule but as actors acting within this status quo, aiming to break free from their status of subjecthood eventually. In the West Bank, these acts are embedded within the comprehensive structure of settler colonialism. With territoriality as its defining element and the intention of occupying permanently, settler colonizers "come to stay" (Wolfe, 2006, p. 388). Israeli settler-colonial strategies include

policies of erasure and appropriation, as well as criminalization and delegitimization of critical voices. In the West Bank, these practices manifest on the micro-level in restrictions of Palestinian movement, settlement constructions, home demolitions, violence, and detentions which will be described in detail later on. As a result, this thesis further argues that rights-seeking activities altogether can only be carried out within a specific socio-political framework. However, within the political, economic, and social status quo within the framework of Israeli settler colonialism in the West Bank, claim-making opportunities are approaching zero.

1.2 Research Interest and Contextualization

When looking at the developments taking place in the West Bank since the Oslo agreements in the early and mid-1990s, a fragmentation of Palestinian society, limitations on its mobilization, alienation, and marginalization can be observed. The institutionalization manifested after the Oslo Accords – notably the establishment of the Palestinian Authority – shifted people’s participation, civil society activities, and social movements to a merely organizational level and, as a result, limited popular participation in nonviolent action:

The PA’s pragmatic political position, the absence of a vision for a self-reliant economy, and the prioritization of the Israeli security demands resulted in a number of outcomes: a gradual erosion of the PA’s legitimacy, a complete dependency on international aid, a forced dependency on the Israeli economy, and an authoritarian trend in the PA’s character and in the operations of its security forces (Tartir, 2015, p. 469).

Mobilization of Palestinian society in the West Bank has been relatively limited in the post-Oslo context, as it faces constraints on both the local and national levels. On the local level, fragmentation is caused by divisions among activists and within (civil) society as well as physical barriers like checkpoints and roadblocks that limit public gatherings. Furthermore, the lack of a unified movement leadership, the absence of a charismatic leader (or her⁸ imprisonment or deportation out of the occupied territories by Israel), and numerous popular committees contribute to this fragmentation. Frequently, these popular committees lack a common goal since they are not seldom focused on village-based resistance and, by this, tend to cause disputes between activists. The mismanagement of funds, the professionalization of NGOs, and the impression of many Palestinians that activism increasingly became a profession with fixed salaries contributed immensely to a fragmentation of society. This prevented the emergence of a lasting and cohesive movement

⁸ For reasons of simplicity and in order to ease the reading flow, only female pronouns were used throughout this text. They include both men and women alike.

other than the Great March of Return, where protestors' demands were not fulfilled and where over 180 Palestinians lost their lives and 23,000 thousand were injured (UN OCHA, 2018b). On the national level, the establishment of the PA, the absence of transparency, corruption allegations, and the centralization of power, which limited the role of alternative institutions less dependent on donor money, have further increased disenchantment with formal politics.

Despite the outlined fragmentation of society, political stagnation and standstill, we can still observe a claiming of rights by individuals, groups, and/or organizations. Many of them operate away from familiar and well-known channels and shift former practices against the backdrop of the briefly described societal fragmentation. In 2001, during the second intifada⁹, several attempts in the United Nations Security Council were made to pass a resolution calling for the establishment of peacekeeping forces to protect the civilian population in the Palestinian territories. However, the United States have vetoed these calls (Wright, 2009, p. 135). Thus, churches in Jerusalem called for civil society organizations worldwide to engage in the occupied territories. This call was answered with the recruitment and deployment of volunteers within the frame of the newly established Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI). Same as the International Solidarity Movement, also founded in 2001, or the International Women's Peace Service in Palestine, these organizations are committed to nonviolence, offer protection from soldiers or settlers through the physical accompaniment of, e.g., Palestinian children on their way to school, visit houses occupied by the Israeli army to deliver food or medicine, and, overall, offer international presence (Dudouet, 2009, p. 130). Also, there has been a dramatic increase in the popular resistance in several Palestinian villages against the impacts of the building of the Israeli West Bank barrier constructed in the early 2000s. This barrier does not run along the Green Line, the pre-1967 border, but mainly inside the West Bank itself, isolating many Palestinians and their land from the rest of the West Bank. Yet, only a few cases achieved legal victories against the barrier's planned route because it cuts off several rural communities from farmland and water resources. Weekly demonstrations took place in West Bank villages such as Bil'in or Nabi Saleh, grassroots campaigns like Stop the Wall emerged, and grassroots organizations like the Israeli-Palestinian Ta'ayush were established during the outbreak of the second intifada to oppose violent action and end the Israeli occupation through nonviolent strategies. Active popular committees that echo the nonviolence already

⁹ *Intifada* literally translated from Arabic to English means 'tremor' or 'shake off' and is used to describe an uprising or rebellion. Here, it refers to two uprisings of Palestinians against Israeli occupation: the first intifada that took place from 1987-1993 and the second intifada from 2000-2005.

omnipresent during the first intifada were created in the neighborhoods of Silwan or Sheikh Jarrah in East Jerusalem out of continuing attacks by settlers, and alternative news agencies like Ma'an News Agency, or the Palestine News Network came into being to provide alternatives to the coverage of mainstream media. In 2005, the Boycott, Divestment and Sanctions Movement (BDS) was initiated by Palestinians as a strategy for people all over the world to take part in the struggle for "freedom, justice and equality" (BDS movement n.d.) in Palestine. Over 170 Palestinian non-state organizations endorsed the BDS campaign's call of confronting Israeli policies by employing boycotts, sanctions, and nonviolent resistance.

Another major symbol of Palestinian resistance presents the aforementioned farming village of Bil'in, located 12 km west of Ramallah and inhabiting approximately 1,700 people. The planned route of Israel's West Bank barrier would have cut the town off from 500 acres, 60% of its agricultural land, while at the same time allowing the neighboring Modi'in Illit settlement to expand (Norman, 2010, p. 39).

As the fence began to take shape and the residents realized that more than the half of four thousand dunams they still owned would be cut off on the other side (most of their land had been lost in the war of 1948), the village underwent a metamorphosis. From a sleepy farming community with scant political activism, Bil'in turned into a vibrant hub of resistance to the occupation, and the methods it used were novel (Sfard, 2018, p. 319).

Hence, since 2005, weekly demonstrations have been taking place to protest the barrier's construction and continuing land confiscation, initiating the formation of a local popular committee working in cooperation with political parties and non-state organizations. The committee has been supported by a considerable number of international and Israeli activists, the International Solidarity Movement, and Israeli initiatives, such as Gush Shalom, and, consequently, gained massive attention from media beyond the region. In 2009, former US-president Jimmy Carter and Archbishop Desmond Tutu visited Bil'in, and due to efforts made by the Israeli organization Yesh Din, the Israeli Supreme Court heard a petition on the case of Bil'in on September 4, 2007, who ordered to redraw the route. Though the villagers were supposed to receive 100-140 hectares of already confiscated land back, Israeli authorities took no action to do so. On September 5, only one day after the order to redraw the barrier's route, the Supreme Court upheld the legality of the Mattiyahu East neighborhood, a part of the Modi'in Illit settlement that was built on village land (Norman, 2010, p. 41). It was not until 2011 that the dismantling of a section of the barrier was relocated along an alternative route. Despite Bil'in's legal victory, its weekly protests continued because the demonstrations "neither stopped nor subsided because the cause went

to court – they might have even been fueled by the parallel fight. The intifadas did not wait on the High Court” (Sfard, 2018, p. 438).

Despite the cases of Bil’in or the even smaller village of Nabi Saleh, where large numbers of Palestinians, Israelis, and internationals also demonstrated weekly, popular committees have remained fragmented and localized. In 2009, the Popular Struggle Coordination Committee (PSCC) was founded as a common platform for all existing popular committees. On the one hand, it, e.g., provided training in social media, legal and financial support for detained activists, or distributed experienced organizers through its networks. On the other hand, the PSCC has tried asserting itself over the committees and, after registering as an official NGO, received funding from the PA and foreign donors what curtailed its independence (Carpenter, 2019, pp. 98-99). In the Bethlehem area, the so-called Palestine Solidarity Project was formed through several committees as a platform to link local and international activist networks. It aimed to expand global solidarity and, in contrast to the PSCC, remained financially independent from the PA and international donors – one reason why its work was of relatively small range (ibid., p. 100). The repression of civil society by the PA, as will be outlined in detail later on, resulted in the restriction of the work of popular committees in the major cities and towns of Areas A and B. At the same time, this enabled committees to form relatively free in Area C of the West Bank and in East Jerusalem since both areas are out of range of PA action (ibid., p. 102). Despite the obstacles of financial dependency and political repression to a future bottom-up, decentralized, and participatory struggle, Carpenter concludes:

In the summer of 2017, mass prayer protests in Jerusalem reversed Israeli security policy at the city’s holy sites. Over the winter, global solidarity with village based resistance in the West Bank surged when a well-known activist [Ahed Tamimi] was arrested from her home in the middle of the night. And in the spring of 2018, the Great March of Return forced the world to contend with the ongoing injustice of the Gaza blockade and the plight of Palestinian refugees. Each of these developments prompted new voices to speak out in opposition to Israeli policies and extended new platforms for solidarity work. Palestinians were not new to popular struggle; their traditions predated Israel (ibid., p. 162).

The lack of democratic legitimacy and trust in the Palestinian leadership, the ongoing Israeli nonadherence to international laws, and the international community’s lack of action to penalize these violations have further promoted the development of acts of subjecthood as a form of contentious claim-making. By taking a gander at the concept of acts of citizenship and the derived notion of acts of subjecthood in the West Bank, this study not only applies a new theoretical framework to the conflict but contributes to a better understanding of rights-seeking activities within Palestinian society itself. Instead of focusing on the national/governmental or the international level, the actions of non-state actors and their

interaction take center stage within the research. As objects of investigation, the study explores organizations' and initiatives' activities concerning claim-making. By the endeavor of examining these practices in the West Bank, the aim is to explore actors' motivation, objectives, and impact. This ultimately allows for making general statements about the state of Palestinian society in the West Bank and its claim-making opportunities.

The status quo in the West Bank is characterized by a gradual erosion of the PA's legitimacy since the 2006 elections¹⁰, the lack of legitimate representative leadership relating to that, dependency on international aid, the ongoing political divide between Gaza and the West Bank, professionalization of activism, fragmentation, and localization of resistance, as well as double repression of civil society activities by Israel and the PA. These developments have aggravated in the past two decades and had an immense effect on Palestinian society in the West Bank by shifting people's participation in nonviolent action to a merely organizational level. Against the backdrop of the sheer fact that within this status quo, Palestinian acts of citizenship cannot generate new sites and scales of struggle (Isin, 2008), a contextual progression of this concept to, what I call, acts of subjecthood is needed. Therefore, as agents of change, organized and institutionalized claim-making of non-state actors is the main research object.

The above-listed major obstacles prevent the emergence of a closed, cohesive movement and simultaneously demobilize large parts of Palestinian society. Nevertheless, one might conclude that the increasingly important role of the so-called global civil society – reflected in a broad range of educational and public awareness campaigns, the mobilization of solidarity groups like academic circles and church groups, national lobbying and its effect on, e.g., EU politics, the development of alternative news agencies, and the use of participatory media (videos, photography, etc.) – has contributed to a transformation of the conflict situation. On the contrary, this study argues that since the mid-1990s, opportunities for Palestinian claim-making have been continuously diminishing. Looking at the societal development and the state of claim-making through the lenses of acts of subjecthood allows for drawing several conclusions. Acts of subjecthood have to be understood as a bottom-up approach by Palestinian individuals, groups, and organizations in the West Bank and as a dimension of conflict transformation from within Palestinian society itself. By rising against erstwhile rays of hope such as the Palestinian leadership or the international community as

¹⁰ In the 2006 legislative election, Hamas won a majority of the seats in the Palestinian Legislative Council (PLC) but due to the fear of future sanctions by Israel, the US, and the EU and concerns that Palestinian aid would be in jeopardy with a Hamas-led government, PA Chairman Mahmoud Abbas strengthened a de facto unlawful Fatah-led government.

change agents, those entities make demands on the ground without relying on high politics as a catalyst for change.

1.3 Chapter Overview

In this research project, I sought to identify what kind of claim-making opportunity structures exist for non-state actors in the West Bank. I aimed to identify their challenges and the channels through which claims are being made.

In the present chapter, I describe Palestinian claim-making in the West Bank as the main object of research, put recent developments within the area in a broader historical and political context, and outline the primary questions for research. Further, I introduce the study's most important terms and concepts, such as settler colonialism, contentious politics, civil society, and acts of citizenship. By reconceptualizing acts of citizenship, I establish and introduce the notion of acts of subjecthood as a novel approach to comprehend and analyze Palestinian claim-making in the West Bank.

Chapter 2 gives an overview of the most crucial historical developments that took place in what today is Israel/Palestine. In the 19th century, these developments included foreign penetration of the region, such as large-scale pilgrimage and mass tourism, the arrival of Zionist settlers and their building of towns, colonies, and related infrastructure, followed by the issuance of the British Mandate of Palestine, and the founding of the State of Israel in 1948. The chapter further outlines Palestinian resistance against British occupation, Jewish mass immigration, and land grab at the turn of the century, and today's continuous Israeli repression. Due to the structural changes initiated by the Oslo agreements in the mid-1990s, the decentralized and bottom-up social governance of Palestinian society and its participatory infrastructure found its transitory ending. Building on these developments, chapter 2 shows why today, Palestinian society in the West Bank is characterized by fragmentation, geographical and societal segregation, and double repression by Israeli occupation and PA policies.

The third chapter investigates the legal framework for Palestinian claim-making. In light of the establishment of different geographical entities (the West Bank, Israel including East Jerusalem, and the Gaza Strip) and the development of two legal systems (one for Palestinians and one for Israeli citizens both residing in the West Bank), the chapter argues that Palestinians are subjugated to divergent forms of Israeli rule, enjoy different rights and permissions, and are legally discriminated against. The chapter further investigates how the international community's inertia to hold Israel accountable for its violations of international

law and human rights and the reliance on foreign grant-giving influence Palestinian claim-making today. It shows how these developments have contributed to the structural fragmentation of Palestinian society and compromised non-state actors' claim-making opportunities.

Chapter 4 sets forth the theoretical framework of the present study and outlines the concepts of civil society, citizenship, and acts of citizenship in detail. The chapter discusses why these terms fall short on understanding and describing Palestinian claim-making in the West Bank comprehensively, and determines their boundaries. Building on this discussion, acts of subjecthood are outlined as an alternative approach to analyzing claim-making within an authoritarian setting characterized by a settler-colonial system within which related activities occur.

The fifth chapter takes up on this overall repressive context in which acts of subjecthood take place. It describes settler colonialism and a state of exception, examines how both concepts manifest in practice, and explains how they apply to the West Bank's status quo. Defined as the collective making of claims by one group on another group, the chapter also sets forth the theoretical approach of contentious politics. As Palestinians' collective claim-making in the West Bank is characterized by restrictions on people's repertoires of collective action, acts of subjecthood can be identified as an expression of contentious claim-making within the prevailing settler-colonial context.

Chapter 6 introduces the methodology used for the study. It outlines the overall approach to conducting, analyzing, and interpreting the interviews with claim-makers that were conducted for this study and the general evaluation procedures. Thereby, the chapter provides context on the type of data, the methods used for collecting it, and how categories were identified during the evaluation process. Through this evaluation, the most crucial challenges for non-state actors' claim-making activities crystallized.

Chapter 7 focuses on the empirical findings of the conducted research and deals with these major obstacles. They include the Israeli occupation and the Israeli legal system, the Palestinian Authority and societal fragmentation, smear campaigns, and the international community and foreign aid role. Altogether, these obstacles influence the working areas of non-state actors and severely restrict their claim-making repertoires up to the point where there are no generic opportunity structures left to assert rights.

On these grounds, chapter 8 summarizes the research findings and their theoretical implications on acts of citizenship, acts of subjecthood, and claim-making repertoires in a settler-colonial context. Further, the chapter points out the study limitations and describes

avenues for future research.

2. Historical Orientation

2.1 The Origins of Palestine

The term ‘Palestine’ has been the conventional name for the geographic area between the Mediterranean Sea, the Jordan River, and adjoining territories. As outlined comprehensively in Nur Masalha’s *Palestine: A Four Thousand Year History*, the term was first documented about 3200 years ago in the Late Bronze Age. While Palestine did not fit the modern concept of a nation-state, it has evolved over thousands of years as a country and geopolitical unit and a mainstay for Palestinian identity and culture (Masalha, 2018, pp. 1-3). Masalha argues that

until the advent of anachronistic European political Zionism at the turn of the 20th century the people of Palestine included Arab Muslims, Arab Christians and Arab Jews. Being a rendering of the Israeli Zionist/Palestinian conflict, historically speaking the binary of Arab versus Jew in Palestine is deeply misleading (ibid., p. 5).

How the distinction between Arab as an ethnic marker and Christian or Jew as religious ones inscribed itself on modern discourses is also raised by Gil Anidjar in his book *The Jew, the Arab: A History of the Enemy*. Anidjar particularly criticizes the use of the terms Arab and Jew as polarized identities where Arab functions as an ethnic or linguistic marker and Jew as a religious one, depriving people of defining themselves as both Arab and Jewish. Thereby, religion is increasingly being transformed into an ethnicity since ethnicity – contrary to religion – cannot be changed by an act of conversion (Anidjar, 2003).

Palestine, as a home of Muslims, Christians, and Jews, existed as a province and an administrative unit for over a thousand years: as, e.g., the Roman province of ‘Syria Palaestina’ or as ‘Jund Filastin’ after the Muslim conquest of Palestine until the Latin Crusader invasion (Masalha, 2018, p. 6). In the 19th century, the region became a popular travel destination for European tourists, travelers, and pilgrims whose “accounts and maps made a clear distinction between ‘Palestine’ and ‘Syria’ and treated historic Palestine/Holy Land for all practical purposes as a separate country” (ibid., p. 243). In 1853, Palestine was populated by about half a million Arabic-speaking people, most of which were Muslims, as well as around 60,000 Christians, and 20,000 Jews, while an estimated 50,000 Ottoman soldiers and officials and 10,000 Europeans lived in the country at that time (Pappe, 2006, p. 14). The 1856 Treaty of Paris, which ended the Crimean War between the Ottoman Empire, its allies, and Russia, allowed for European investment in the Middle Eastern provinces of the Ottoman Empire. The agreement enabled foreigners to purchase land and property, and “pilgrimage societies became flourishing real estate and banking businesses. Foreign bankers, merchants

and other agents of economic transformation followed the flow of capital to Palestine, seeking easy profits” (ibid., p. 22). In the 1860s, a group of biblical scholars, scriptural geographers, and military and intelligence officers founded the British Palestine Exploration Fund to carry out surveys of the ethnography and topography of Ottoman Palestine. This British endeavor

to present European colonialism as a continuation of an ancient Jewish ownership of the land meant that place names in Palestine became a site of fierce contest between the European Zionist settler-colonisers and the indigenous Palestinians. Palestinian Arab names were (and continued to be) ‘unnamed’ and Hebraicised by the Zionists using a colonising strategy based on Old Testament names. Local Palestinian place names were deemed ‘redeemed’ and liberated when they were rendered from Arabic into Hebrew (Masalha, 2018, p. 257).

These processes of renaming sites and places laid the groundwork for Israeli toponymic projects after 1948 and the de-Arabisation of what then became the State of Israel.

During Ottoman rule, several developments affected the administration of Palestine or the Holy Land – a term that has increasingly been used as a synonym throughout the 19th century. These included, among others, large-scale pilgrimage and mass tourism in Palestine, the building of novel road systems to adapt to the increasing numbers of visitors, the production of knowledge on the region, such as mapping, ordinance surveys, and archaeological excavations, and the establishment of diplomatic and clerical missions (ibid., pp. 265-266). These developments, however, did not cover up the fact that a distinct Palestinian culture and territorial nationalism had existed long before foreign meddling within Palestine/the Holy Land. With reference to several scholars, such as Ilan Pappé or Rashid Khalidi, Masalha argues that, in the late 19th century, a local Palestinian national identity had been detached from political Zionism (ibid., p. 268). While over 3,000 books and travelogues were written on Palestine by its European visitors, they vastly painted a picture “of a primitive Palestine waiting to be redeemed by Europeans” (Pappé, 2006, p. 34). The Zionists migrating to Palestine were perceived not very different from other kinds of European settlers by the local population, but

whenever they tried to push into new territory, such as building an Anglican school in Nablus, or claiming land in the valleys [...] local resentment would appear in the form of demonstrations or petitions to the government, and only in extreme cases of physical attacks on the newcomers (ibid., pp. 49-50).

Simultaneously, Zionist settlers continued to arrive, built towns and colonies, imposed taxes, and established a monetary system that allowed for the flow of capital into Zionist projects in Palestine (ibid., p. 55).

Due to a rise in secular schools throughout Palestine, increased literacy, and the overall spread of modern education, Palestinian cultural nationalism evolved gradually and long

before territorial and political aspirations (Masalha, 2018, p. 269). Additionally, “resistance to Zionist immigration and settler projects from the late Ottoman period onwards played a large part in the national conceptualisation of modern Palestine” and crystallized before the First World War (ibid., pp. 278-279). The Ottoman Empire joined the war as an ally of Germany and Austria-Hungary, and lost its territories in the Middle East due to their defeat in 1918. These territories then fell under French or, in the Palestinian case, under British rule. While Palestinians demanded autonomy and equal citizenship from their Ottoman rulers before World War I, their demands shifted to a struggle for liberation and independence from the subsequent British Mandatory power. Institutionalization of this resistance has not only occurred as commonly believed after 1948 but already in the 1930s with, e.g., the establishment of the Palestine Arab National Fund that discouraged land sales to Zionist national institutions in Palestine (ibid., p. 293).

Western colonialists often identified land legally deemed as uninhabited or unoccupied as *terra nullius*, as ‘nobody’s land’. *Terra nullius* is usually traced back to the Roman law term *res nullius*, which means ‘nobody’s thing’ and referred, e.g., to a lost slave who could be taken as property. On this basis, *terra nullius* describes a principle or doctrine that shall justify a foreign power’s acquisition of a particular territory. Palestine also was considered to be *terra nullius* by its British Mandatory rulers, which is why

[w]hen in the late 19th century European ‘Zionism nationalism’ arose as a political force calling for the settler-colonisation of Palestine and the ‘gathering of all Jews’, little attention was paid to the fact that Palestine was already populated (ibid., pp. 307-308).

This Zionist settler colonialism, rooting in European colonialism, disregarded the existence of the indigenous Palestinians as reflected in several Zionist declarations such as the Basel Program, which did not mention the people currently living in what was intended to become a home for the Jewish people. Zionist pioneers, however, “did not mean that there were no people in Palestine, but that there were no people worth considering within the framework of the notions of racist European supremacy that then held sway” (ibid., p. 308).

The efforts of European Zionist lobbyists mounted in the Balfour Declaration of November 2, 1917, which expressed support of the British government for establishing a Jewish homeland in the area of later Mandatory Palestine. The document was issued by Arthur James Balfour, the UK’s Foreign Secretary, who sent it as a letter to a famous British Jewish supporter of the Zionist movement. Not only did this declaration unveil Zionism as a settler-colonial project backed by European powers, but also British Judeophobia and Balfour’s fear of Eastern European Jews’ mass immigration to Britain. Triggered by an ongoing disintegration of the Ottoman Empire, Western powers, such as Britain, perceived Palestine as a

target for foreign penetration. In 1922, the British Mandate of Palestine was issued by the League of Nations. It included the entire text of the Balfour Declaration, aiming to establish a 'national home' for the Jewish people.

The key to understanding the contribution of Britain to the Palestinian Nakba (catastrophe) of the mid-20th century lies in the intensity with which some British Christian restorationists embraced the project of a 'Jewish homeland' in Palestine; [...] and generally the extraordinary appeal political Zionism had in the West. Although the Balfour Declaration was partly motivated by First World War calculations, it was not issued in an ideological vacuum. Its content reflected the Christian Zionist prophetic politics which became deeply rooted in 19th century imperialist Protestant Britain (Masalha, 2018, p. 315).

Within British colonial rule, the Zionist leadership constructed the infrastructure required to establish a Jewish state in Palestine. Not only were Zionist settlers relatively independent in developing their own health and legal system, but also in their autonomous education. By 1929, the Jewish Agency in Jerusalem ran Zionist politics as a quasi-government, transforming the Zionist movement into a competing colonial movement to British rule in Palestine (Pappe, 2006, p. 94). In 1936, Palestinian Arabs rose against this British rule, unrestricted Jewish immigration and land acquisition, and demanded independence. They joined a general strike and participated in nationwide demonstrations, e.g., in Jerusalem, where over 2,000 protestors came together inside the Old City. Today, this uprising is known as the Great Revolt.

In 1937, the British Peel Commission recommended the partitioning of Palestine, the annexation of a majority of Palestinian lands to Transjordan, the maintenance of direct British presence in certain areas, and the establishment of a future Jewish state in a small portion of Palestine (ibid., pp. 105-106). However, Jewish immigration continued, and so did the Zionist purchase of more land and the erection of new settlements. Yet, the British government was without the necessary resources and willingness to halt immigration or evict settlers. Accordingly, Pappe concludes that "not one fragment of Palestine would have remained outside Jewish control" had "it not been for the military intervention of the Arab armies on 15 May 1948" (ibid., p. 120).

2.2 The Israeli-Palestinian Conflict and Palestinian Nonviolent Tradition

Throughout the 1930s, non-Jewish Palestinian acts of resistance against an increasing Jewish migration expanded and manifested in demonstrations, local strikes, tax withholding, or consumers' boycotts of British and Jewish goods. British occupation forces answered these acts with collective fines and mass arrests. However, by February 1947,

Britain had had enough. It had more soldiers in Palestine than on the Indian subcontinent, and had been constantly involved in direct clashes with both political leaderships. The number of British casualties had also risen, mainly due to a terror campaign waged by Zionist extremists, the most notorious being the Stern Gang. This terror campaign peaked with the blowing up of British headquarters in the King David Hotel in Jerusalem in 1946 (Pappe, 2006, p. 121).

Consequently, the United Nations was tasked with the situation in Palestine in February 1947 and recommended the partition of Palestine into two distinct states within Resolution 181 (II). Followed by a deteriorating situation between Palestinian Arabs and Zionist migrants, the expulsion of Palestinians began only a few days after the adoption of the UN resolution and transformed into “an ethnic cleansing operation [...] which resulted in the loss to Palestine of much of its indigenous population” (ibid., p. 127). The disintegration of the British Mandate and the withdrawal of British troops led to a power vacuum, Zionist militias soon took advantage of. On May 14, 1948, the state of Israel was declared. On May 15, Egyptian troops crossed the border between the Sinai and the Negev, followed by border crossings of Syrian, Lebanese, Transjordanian, and Iraqi forces, which Israeli troops successfully repulsed. In 1949, Israel managed to occupy all of the Negev and gained complete control of Palestine – except for the Gaza Strip and the West Bank.

Between March and October 1948, more than 750,000 Palestinians have been expelled from their homes – either by direct attacks of Zionist militias, such as the Haganah, the Irgun, or the Lehi, or fled due to extreme insecurity to Lebanon, Syria, the Egyptian-controlled Gaza Strip, or the Jordanian-controlled West Bank. The 150,000 Palestinians who remained within the newly established State of Israel, which then controlled not the 55% assigned to it by the UN partition plan, but 78% of former Mandatory Palestine, were subjected to martial law (Khalidi, 2006, pp. 1-3). Thereby, Palestine transformed into three new geopolitical entities. Two of them,

the West Bank and the Gaza Strip, were ill-defined, the first fully annexed to Jordan, but without the population’s consent or enthusiasm; the second in limbo under military rule, its inhabitants prevented from entering Egypt proper. The third entity was Israel, bent on Judaizing every part of Palestine, and building a new living organism, the Jewish community of Israel (Pappe, 2006, p. 140).

In the West Bank, Jordan played a huge role in weakening societal organization and a future Palestinian leadership. From 1948 onward, it encouraged people to leave the West Bank by favoring industrial and infrastructural investments in the East Bank, primarily contained in Jordan, and fragmented the West Bank by decentralizing social services and public institutions (Frisch, 1998, pp. 28-30). In June 1967, Israel preemptively launched an airstrike against Egypt, which had moved its troops towards the border on the Sinai Peninsula, and led successful ground offensives against Jordan and Syria. After its Blitzkrieg, Israel then

seized the Sinai Peninsula, the Gaza Strip¹¹, the Golan Heights, and the West Bank and took control of the whole of Jerusalem, which was supposed to be under international jurisdiction according to the UN Partition Plan.

Subsequently, the Palestinian Liberation Organization (PLO)¹², founded in 1964, considered armed struggle in the Palestinian National Charter, adopted in 1968, as

the only way to liberate Palestine. Thus, it is the overall strategy, not merely a tactical phase. The Palestinian Arab people assert their absolute determination and firm resolution to continue their armed struggle and to work for an armed popular revolution for the liberation of their country and their return to it (Greenstein, 2014, p. 132).

The Palestinian leadership, including Yasser Arafat, Chairman of the PLO and president of the latter PA, lived separately from its population and lacked the experience of living under occupation for the largest part of the pre-Oslo period (Möller and Schierenbeck, 2014, p. 150). Yet, the newly established Palestinian Liberation Organization, initially designed as a government in exile, became the most influential institution of resistance, providing a political and organizational structure that was well suited for possible nation-building strategies. The ‘Seven Points’ passed by the Central Committee of Fatah¹³ in 1969 stated that “the final objective of its struggle is the restoration of the independent, democratic State of Palestine, all of whose citizens will enjoy equal rights irrespective of their religion” (Fatah, 1969, Article 5 quoted in Möller and Schierenbeck, 2014, p. 135). Also, the second-biggest organization after Fatah, the Popular Front for the Liberation of Palestine (PFLP), considered armed resistance as the “only effective method that must be used by the popular masses” (Greenstein, 2014, p. 133). It aimed to “establish a democratic national state in Palestine in which both Arabs and Jews will live as citizens with equals rights and obligations” (ibid., pp. 134-135).

The war in 1967 made free political activities in the newly occupied territories impossible. Founded a few years later, the Palestinian National Front (PNF) started fighting land confiscations and detentions, provided social services, strengthened local economic institutions, and supported not only the families of detainees but also guerilla activities. As

¹¹ Israel withdrew its troops from the Gaza Strip in 2005. Yet, it still exercises effective control over the area. See United Nations Human Rights Office of the High Commissioner (June 24, 2015) *Report of the detailed findings of the Commission of Inquiry on the 2014 Gaza Conflict*. Available at: <http://www.ohchr.org/EN/HRBodies/HRC/CoIGazaConflict/Pages/ReportCoIGaza.aspx#report> (Accessed: September 9, 2016)

¹² The PLO functions as official representative of the Palestinian people and enjoys observer status at the United Nations since 1974.

¹³ The party Fatah (in English Palestinian National Liberation Movement) was founded in 1959 by Palestinians in the diaspora. In 1967, the party joined the PLO and became the dominant force in Palestinian politics by providing an infrastructure that helped sustain Palestinian life under Israeli occupation and simultaneously allowed for carrying out armed struggle against it.

a result, activists were detained, their activities restricted, and Israel completely banned the PNF in 1982 (ibid., p. 143). The appearance of local activists happened, consequently, through the PNF. Thus, it can be seen as “the first territory-wide coalition of forces to organize within the territories for the purpose of resisting Israeli rule through political collective action” (Frisch, 1998, p. 22). After 1967, Jerusalem became the center for Israeli expulsion policies, with authorities confiscating Palestinian private property and re-zoning it as Jewish neighborhoods (Pappe, 2006, p. 194). In the occupied West Bank, a different kind of re-zoning projects involved the mass confiscation of Palestinian lands: first, for meeting the needs of the Israeli army, and later for the large-scale construction of Israeli settlements: “By 1972, Israel had confiscated over 1.5 million dunams of land, almost 28 per cent of the West Bank, and by 2000 this had risen to almost 42 per cent” (ibid., p. 200). Although Palestinian resistance by youths and young adults occurred repeatedly, the Israeli army nipped protests and dissents in the bud.

In 1974, the Palestinian National Council, the PLO’s legislative body, announced that it would ‘liberate’ the occupied Palestinian territories (OPT)¹⁴ and establish a national authority. This hope of establishing an independent Palestinian state in the West Bank and Gaza was raised as an alternative to the ‘liberation’ of all of former Mandatory Palestine. As a result, this interim solution excluded Palestinians in Israel and the surrounding countries from its state-building endeavor. In the 1970s and 1980s, coordinating committees formed in major West Bank cities like Ramallah, Tulkarem, or Qalqilya to organize Palestinian civil society and build social organizations and networks. Many of them were women’s organizations providing a cultural and political infrastructure lacking under Israeli occupation and establishing social services, such as offering child care (Norman, 2010, p. 22). In the mid-1970s, there were 38 women’s organizations alone, not to mention voluntary work committees and student movements, especially at Birzeit University but also throughout the West Bank in Nablus, Bethlehem, and Hebron. They served as “a way to preserve Palestinian identity, establish a sense of nationalism, reclaim land, and, ultimately, struggle nonviolently against the occupation” (ibid., p. 23). These organizations and committees supplied services to many communities in the West Bank and served as cornerstones for the following institutionalization of the first intifada. It lasted from 1987 until the signing of the Declaration of Principles (DoP) in 1993¹⁵ and is described as a

¹⁴ The term ‘occupied Palestinian territories’ (OPT) refers to the West Bank, including East Jerusalem, and the Gaza Strip.

¹⁵ The Oslo I Accord is officially called the Declaration of Principles on Interim Self-Government Arrangements.

massive popular uprising that unified Palestinians in the occupied Palestinian territories. Israel's "creeping annexation" (Pappe, 2006, p. 231) led to the gradual incorporation of Jerusalem and the West Bank into Israel, the establishment of its rule in these territories, and the integration of cheap Palestinian workforce into the Israeli economy. "By the beginning of 1987, it was clear that no outside factors" – neither the Arab World nor the international community – "would help extricate the people from their harsh situation" (ibid., p. 230). Combined with a feeling of geopolitical abandonment, the killing of four Palestinians in December 1987 by an Israeli truck at a Gaza checkpoint catalyzed the subsequent uprising. The funeral processions were accompanied by clashes with Israeli security forces, leading to more fatalities and, subsequently, larger protests which endured over several years (Carpenter, 2019, p. 42). Within a year after the outbreak of the intifada, the PLO issued the Declaration of Independence of the State of Palestine on the basis of UN General Assembly Resolution 181¹⁶ and broke with its prior tactic of armed struggle. The intifada consisted of strategies of civil disobedience, such as boycotts of Israeli Civil Administration¹⁷ institutions and Israeli goods, refusals to pay taxes, and organizing strikes and demonstrations. These strategies resulted in the fact that for the first time, Palestinian nationalism was largely being defined from the inside, not the exile (Möller and Schierenbeck, 2014, p. 152). Therefore, the focus of Palestinian resistance shifted from the diaspora to the occupied territories themselves.

The intifada's civil-based nature has been documented by numerous scholars (e.g., Norman, 2010; Khalidi, 2006; Dudouet, 2015). Acts of defiance, such as waving the Palestinian flag or wearing the Palestinian *kufiya*¹⁸, took place all over Gaza and the West Bank, and Israeli mass arrests were answered with hunger strikes in prisons or the refusal to work in Israeli factories and farms. Although certain actions were indisputably violent, such as attacks on Israeli civilians or the stabbing of soldiers, they can be defined as isolated acts compared to the massive and closed nonviolent movement in which the vast majority of Palestinian

¹⁶ UN General Assembly Resolution 181 recommended that an independent Arab and a Jewish State should come into existence. It further called for an international regime for the city of Jerusalem administered by the United Nations. See United Nations General Assembly (November 29, 1947) *Resolution 181 (II). Future government of Palestine*. Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253> (Accessed: January 15, 2017)

¹⁷ The Civil Administration is the Israeli governing administrative authority in the West Bank.

¹⁸ *Kufiya* is a traditional Middle Eastern headdress and scarf. In the 1930s, it became a symbol of Palestinian nationalism and resistance against an increasing Jewish immigration to Mandatory Palestine. In the 1960s, it gained popularity when Palestinian politician and later chairman of the PA, Yasser Arafat, adopted it.

society engaged.¹⁹

The entire population [...] took it upon themselves to challenge the status quo that had paralyzed the region, not through violent rebellion or militant opposition, but through intifada, a literal ‘waking up’ of the people and ‘shaking off’ of both their oppressor and their own quietude (Norman, 2010, p. 27).

Although Carpenter defines it as trivial compared to Israeli military occupation, stone-throwing presented the major exception to the characteristically nonviolent Palestinian intifada (Carpenter, 2019, pp. 48-49). Yet, he states that even a low level of violence exercised by Palestinians hardened the Israeli public’s opposition to the movement. Further, he raises the question of whether a majority of Israelis could have been

persuaded even by a completely nonviolent movement to relinquish a quarter of the country to Palestinian claims of sovereignty? Many Israelis regarded *any* Palestinian resistance, even perfectly nonviolent, as something like an existential threat (ibid., p. 50).

The achievements of the intifada were a fully mobilized Palestinian population and the fact that worldwide attention and sympathy for the Palestinians’ plight was won, as well as the creation of popular and ad hoc committees that can be counted as innovations of the intifada (Segal, 2015). Therefore, the intifada is often perceived as a nationalist movement **for** Palestine rather than a resistance movement **against** Israel (Norman, 2010, p. 27). Pappé, moreover, underlines the resemblance of the first intifada to the 1936 revolt. Same as in the 1930s, participation was most widespread in rural areas. Half of all deaths during the intifada came from the villages and most of the houses demolished were based in the rural areas, where also the most dreadful acts of Israeli retaliation against Palestinian resistance were committed (Pappé, 2006, p. 235).

In the complete absence of a state, the first intifada demonstrated a widespread and participatory popular struggle. The work of vast numbers of organizations on a regional level combined with dense networks across the territories provided a decentralized, pluralist, ad-hoc, and bottom-up infrastructure of social governance. Through this governance, originating at the beginning of Israeli occupation in 1967, Palestinians began “the long struggle of building independent governance bodies in order to provide for social needs and become less dependent on Israeli institutions and more resilient against Israeli repression” (Carpenter, 2019, p. 40). The reconciliation of the major political parties Fatah, PFLP, the Democratic Front for the Liberation of Palestine (DFLP), and the Palestinian Communist Party, Carpenter claims, substantially improved the coordination and cooperation across movements and institutions. This was due to the fact that these major Palestinian political

¹⁹ Approximately 90% of young males and 80% of young females participated in some form of activism in the first intifada (Norman, 2010, p. 27).

parties cut across all social sectors and could not have been separated from the popular organizations. Yet, the committees responsible for organizing the so-called intifada of the stones did so

under threat of ten-years prison terms. Many tens of thousands of activists were arrested or detained, hundred deported from the country. Hundreds of thousands of Palestinians were regularly put under military curfew, whole towns, cities, and regions at once, and at times, every school and university in the West Bank was ordered closed, for their reputations as subversive nationalist hotbeds (ibid., pp. 45-46).

However, the former decentralized popular committees essentially lost their significance with the structural changes during the subsequent Oslo process, where administrative authority was centralized and popular struggle found its provisional ending.

2.3 Oslo's 'Matrix of Control' and today's City Enclaves

The Oslo Accord of September 1993 presented the formal ending of the first intifada. As a declaration of principles on interim self-government arrangements, it was negotiated by Israeli Prime Minister Yitzhak Rabin and PLO negotiator Mahmoud Abbas. Within the framework of the Oslo Accords, the PLO recognized Israel's right to exist, and the Palestinian Authority was established as an organ through which the Palestinians would gradually receive powers from Israel. Permanent status talks were supposed to be held after five years on the issues of borders, refugees, and the status of Jerusalem. However, the agreements made were "dictated by the Israelis, and tailored according to their perception of security" (Pappe, 2006, p. 242) and

represented the Israeli conception of the conflict's nature and substance. The agreement dealt only with problems emanating from the 1967 war, as if that was the basis of the situation, and everything preceding it was irrelevant to a peaceful resolution of the conflict (ibid.).

Therefore, the Oslo I Accord underlined the fragmentation of the Palestinian national movement. It was seen as a hardening of Israel's occupation regime, a maneuver to stabilize the status quo and to better manage the occupation. As a result, the declaration was rejected by Hamas²⁰, Islamic Jihad²¹, and several members of the PLO who resigned from its executive committee. After the establishment of the PA, "state building was increasingly characterized by 'authoritarianism in decision-making, the anti-institutional personalization of power, and the pervasiveness of violence in the system'" (Möller and Schierenbeck, 2014,

²⁰ The party Hamas (in English Islamic Resistance Movement) was founded in 1987 after the outbreak of the first intifada as a branch of the Egyptian Muslim Brotherhood. After its electoral win in the 2006 Palestinian legislative election, it became the de facto governing authority of the Gaza Strip.

²¹ The Palestinian Islamic Jihad movement was founded in 1981 by Palestinian activists in the Gaza Strip.

p. 154). The intellectuals who supported the Oslo agreement reframed the Israeli-Palestinian conflict around negotiations and were accused of thereby “robbing resistance to the occupation of its legitimacy” (Allen, 2006, p. 290). Simultaneously to the talks taking place, Israeli settlements continued to expand and more Palestinian land was seized. After the conclusion of the Oslo agreements, the Israeli regime involved movement restrictions, permit systems, checkpoint closures of the Jerusalem area, and the construction of Israeli-only bypass roads linking settlements. What is more, not only did settlements expand but also the extensive infrastructure of electricity, water, and phone lines needed to sustain them. Thereby, Israel violated several of the agreements made within the DoP such as Article 31, clause 7, stating that neither side is allowed to take measures that change the status of the West Bank or the Gaza Strip until permanent status talks are held. However, within one year after signing the Oslo document, Israel constructed new settlements and extended previous ones. Moreover, Article 10, clause 1 called for establishing a safe passage between the West Bank and the Gaza Strip to allow for the movement of people, vehicles, and goods. It further outlined that Israel has to ensure that travel through this passage is possible for no less than 10 hours per day. Yet, in contrast to these agreements, Israel did not create a safe route to allow for movement between the West Bank and the Gaza Strip and restricted Palestinian movement within the West Bank itself even further (Pappe, 2006, pp. 243-244). While “Palestinians assumed that securing a state through negotiations was only a matter of time,” in effect, “nothing of the kind was happening” (Khalidi, 2006, p. 198). This “matrix of control” (Halper, 2006), rigorous occupation forces, the loss of faith in PA activities due to corruption allegations, and a decade of reneged promises combined with Israel’s later prime minister Ariel Sharon’s provocatively perceived visit to Temple Mount, the third holiest site in Islam, triggered a second intifada starting in September 2000.

Characterized by a sharp increase in the use of violence, thousands of Palestinians were imprisoned. Villages were reoccupied, and another 10% of Palestinian land was annexed under cover of the Israeli West Bank or ‘security barrier’ built virtually within the West Bank.²² Its construction began in the early 2000s, amid the uprising. Thereby, the seizure of Palestinian land, including water resources, was made possible and, as a consequence, separated farmers from their livelihood. Replaced by frustration and anger, the hope and

²² Human Rights Watch states that around “85 percent of the barrier’s route falls within the West Bank, isolating 11,000 Palestinians who are barred from traveling to Israel and who must cross the barrier to access livelihoods and services in the West Bank, and separated Palestinian farmers and landowners in 150 communities from their land.” See Human Rights Watch (2013) *World Report 2013: Israel/Palestine. Events of 2012*. Available at: <https://www.hrw.org/world-report/2013/country-chapters/israel/palestine> (Accessed: November 20, 2016)

optimism of the first intifada faded, and Palestinian activities increasingly consisted of violent actions and included suicide bombings and rocket attacks (Norman, 2010, p. 30). The more direct violent Israeli strategy included raids, assassinations, curfews, and home demolitions, turning the intifada into a cycle of massive violence between Hamas, Islamic Jihad, Al-Aqsa Brigades²³, and the Israel Defense Force (IDF). This involvement of several armed groups caused low public participation as most Palestinians stayed away from direct confrontations (ibid., p. 31). Palestinians “wearing explosive belts blew themselves up on buses and in cafés, restaurants, shopping centers, and main streets in Israel. At the height of the intifada, these unfathomably cruel attacks were a daily horror” (Sfard, 2018, p. 257). Between 2000 and 2005, almost 700 hundred Israeli civilians and 3,300 Palestinians were murdered, making both Israelis and Palestinians live in constant fear. Subsequently, the ‘security barrier’, that was supported by 80% of the Israeli public in 2004 was being built “under the guise of a measure taken solely for security and to protect Israeli citizens” although its route was designed with settlement objectives in mind (ibid., p. 260). As a result, the barrier’s construction dispossessed thousands of Palestinians of their land and annexed parts of the West Bank. Its consequences were not only the physical erection of a concrete wall but – considering the permit system explained in detail later on – of legal nature as well. The first petitions filed by the Jerusalem Legal Aid Center against the wall’s route were submitted in early 2002 but were dismissed shortly after. This formed a catalyst for third-party involvement and a fight against the wall on an international level. The 2003 report of the UN Human Rights Commission’s Special Rapporteur on the Palestinian Occupied Territories concludes that the fence and its repercussions portray a project of annexation rather than security. It further claims that the barrier was unlawful for three reasons: “the de facto act of annexation; the grave harm to Palestinian human rights; and the absence of a legitimate military need to deviate from the Green Line, given the illegality of the settlements” (ibid., p. 281).

Resistance or civil society action of the second intifada differs significantly from the first intifada because it faced challenges at various levels: first, the institutionalization of major political parties during the Oslo process, the establishment of the PA, and abolishment of distinct movements for which the PLO served as an umbrella; second, the rising influence of Hamas that militarized the struggle and; third, an NGO-ization²⁴ or professionalization of

²³ The Al-Aqsa Brigades were founded in 2000 as a coalition of armed Palestinian groups operating in the West Bank.

²⁴ The term ‘NGO-ization’ describes the development of professionalized advocacy actors that contribute to politicizing discourses within civil society and practices of social movements.

activism which limited mass mobilization. Also, Israeli policies of separation – ranging from checkpoints, roadblocks, and the wall construction – restricted opportunities to engage directly with the Israeli population, making advocacy-based action and a reliance on media coverage to appeal to the international community necessary for creating these opportunities (Norman, 2010, pp. 13-15). Not only do societal activities face the listed concrete, tangible constraints, but ideological challenges as well. When discussing the Israeli-Palestinian conflict, buzzwords like ‘empowerment’ or ‘participation’ have found their way into the discourse since the 1990s. They are accused of having replaced ‘resistance’ or ‘steadfastness’ (*sumud*²⁵) and having shifted the way organizations relate to Palestinian society and its national cause (Dana, 2015, p. 199). What used to be perceived as a national liberation struggle appeared to many Palestinians as a “Western-guided peacebuilding process” (ibid., p. 195). Thus, Dana accuses these buzzwords of disregarding the structure of oppression by focusing solely on achieving individual access to economic gains and resources and of, thereby, representing the Western logic of liberal individualism. He summarizes:

Far from being deployed for emancipatory objectives, the power of individualization naturalizes the exclusionary politics of the system, and, while fostering fragmentary tendencies in society, it eventually serves the existing power structure by leaving the status quo unchallenged (ibid., p. 202).

As a result, these Eurocentric perceptions on politics, society, and culture have eroded the roots of the briefly summarized long history of Palestinian nonviolent resistance.

With the signing of the 1995 Oslo II Accord, another highly relevant arrangement that influences the status quo in the West Bank to this day came into being: its division into three distinct types of areas. The so-called Area A is exclusively administered by the PA, and Area B by the PA and Israel. Both areas are

dotted throughout the West Bank in 165 disconnected ‘islands’. The remaining 61% of the West Bank were designated Area C – the land mass surrounding Areas A and B, where Israel retains full control over security and civil affairs, including planning, building, laying infrastructure and development. This artificial division, which was meant to remain in effect for five years only, does not reflect geographic reality or Palestinian space (B’Tselem, 2017a).

The territorial division initiated by the Oslo Accords, the creation of Area A, B, and C, combined with settlement expansion and comprehensive control over the Palestinian economy, vividly illustrate the Accords’ disempowering effects for Palestinians and their state-building endeavor (Seidel, 2019, p. 48). Area C is the West Bank’s only contiguous territory. Although it contains “the majority of Palestinian agricultural and grazing land as well as land reserves that could be used for future economic development” (ibid.), it is under

²⁵ The Arabic term *sumud* means ‘resilience’, ‘steadfastness’, or ‘steadfast perseverance’. In the Palestinian context, it is used to describe a political strategy of resisting Israeli oppression.

complete Israeli control.²⁶

Israeli historian Ilan Pappé defines two reasons for the failure of Oslo: first, the primacy of territorial partition as an exclusive mainstay of peace and, second, the exclusion of Palestinian refugees from the negotiations and the denial of their right of return (Pappé, 2017, p. 197). While the Oslo II Accord incorporated the mentioned geographical partitioning of all Palestinian areas into small cantons, it did neither call for Israel's withdrawal from the occupied territories nor for the concrete establishment of a Palestinian state. Unsurprisingly, Pappé claims, the ensuing hopelessness for many Palestinians contributed to the outburst of the second intifada in 2000. He continues:

While the partition principle reduced 'Palestine' to the West Bank and the Gaza Strip, under the Oslo Accord, the exclusion of the refugee issue, and that of the Palestinian minority inside Israel, shrunk the 'Palestinian people' demographically to less than half of the Palestinian nation (ibid., pp. 200-201).

Moreover, the establishment of Area C has further led to the downsizing of the Palestinian population in those territories. While in 1967, around 300,000 Palestinians lived in (what is today defined as) Area C, the number declined to 50,000 Palestinians in 2017. In contrast, the Jewish population in these areas increased from around a thousand in 1967 to over 400,000 nowadays (ibid., pp. 208-209). According to data provided by B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, as of November 2017, the Israeli Civil Administration has approved some building plans for Palestinian communities in Area C. However, the plans covered less than 1% of the area, most of which is already built on anyway. This blocking of Palestinian development in Area C is not only exercised through the granting of construction permits (or rather their rejection) but also through the declaration of entire areas as state land, firing zones, nature reserves, and the allocation of land to settlements (B'Tselem, 2017a). Combined with looming demolition orders against Palestinian structures and the lack of infrastructure to fulfill daily tasks, a migration away from Area C and towards major West Bank cities lying in Area A can be observed. Therefore, the policies in Area C practically and severely affect the “'islands' of Area A- and B-land that are home to the major concentrations of population in the West Bank” (B'Tselem, 2013).

Yet, this extensive fight over territory in Palestine, which has become far more intricate and entangled through the agreements made within the Oslo process, arose long before the founding of the state of Israel as has been demonstrated in-depth. The increase of Zionist

²⁶ Nevertheless, and as the example of Bil'in shows, village-based resistance in these agricultural areas is to some extent 'more fruitful', as they cannot be entered by PA security forces and are largely out of their control.

immigration throughout the 19th and early 20th century and the establishment of a distinct social, political, and economic infrastructure combined with British efforts to preparing the ground for the creation of a Jewish state in Palestine have fueled conflicts over land in the decades before 1948. Today, the status quo in Israel/Palestine is characterized by the annexation and exploitation of large parts of land in the West Bank, the Judaization of Jerusalem²⁷, the blockade of the Gaza Strip – one of the most densely populated areas in the world where almost 2 million Palestinians live in poverty – and the socio-political, economic, and legal discrimination of Palestinians in Israel. While Palestinians within these geographical and political entities enjoy distinct rights and are subordinated to different Israeli judicial regimes, they all face a similar trend: a continuing and profound deprivation of their rights.

²⁷ The term ‘Judaization’ refers to efforts made by Israeli authorities to transform the physical and demographic landscape of Jerusalem in order to enhance its Jewish character and increase the Jewish population share of the city.

3. The Legal Framework for Claiming Rights

In July 2018, the approval of the Israeli *Nation-State Basic Law* by the Knesset, Israel's parliament, not only caused fierce protests in Israel itself but also attracted attention abroad. The law, capable of overriding other legislation due to its constitutional status, enshrines the identity of the state of Israel as the nation-state of the Jewish people. With no acknowledgment of existing minorities or any reference to equality, it safeguards the ethnic-religious character of the state as exclusively Jewish. While Palestinian Israeli members of the Knesset characterized the law as the "death of democracy" (Beaumont, 2018), a spokeswoman for EU foreign affairs chief Federica Mogherini expressed the EU's concern about its enactment (Reuters, 2018). Hostovsky Brandes claims that the law not only serves as a pretext for discrimination and violates the rights of non-Jewish citizens of Israel (first and foremost its Palestinian minority), but that it also hinders the development of all-encompassing social solidarity in the country (Hostovsky Brandes, 2018). Article 4, for example, demotes the status of the Arabic language and enshrines Hebrew as the official language of the state. While Arabic used to be defined as a second official language, it now only holds special status within the new law. Moreover, Article 7 of the *Nation-State Basic Law* states that establishing Jewish settlements in the West Bank is of national value and that the state shall encourage their development. In December 2020, more than two years after the law's passing, the Israeli High Court held its first hearing on more than a dozen petitions made against it. While the hearings continue throughout 2021, it is rather unlikely that the High Court will repeal a basic law due to its constitutional status.

In 2018, the Association for Civil Rights in Israel (ACRI) published an *Overview of Anti-Democratic Legislation Advanced by the 20th Knesset* in which the organization lists a variety of laws that undermine democratic values. These laws were suggested by members of parliament, discussed within the Knesset, or passed by it after 2015. The document states that in recent years, one can witness "a disturbing trend toward the erosion of democratic values in Israel and the promotion of anti-democratic initiatives" (Gild-Hayo, 2018, p. 2). These developments include, for example, legislation intended to restrict the actions of human rights organizations and other NGOs, that harms the status or the rights of Israel's Arab minority, or legislation that violates the freedom of expression. This deprivation of rights, however, is not a new phenomenon of the 21st century but goes back to the early 1950s when three basic laws were enacted that have served as a basis for the discrimination of Palestinians until today: the *Law of Return*, the naturalization law or officially known as the *Citizenship Act*, and the *Jewish National Fund Law*. According to Pappé, these citizenship laws

gave precedence to Jewish immigrants, even Jews who were only potential immigrants, over indigenous Palestinian citizens in almost every sphere. In property, they created an apartheid-style system of land transactions. They were used to legalize retrospectively the expropriation of land, and the prohibition of selling to Palestinians state land (still most of the land available in Israel) or even absentee land (Pappe, 2006, p. 159).

But above all,

the laws defined most of the land for sale in Israel as the exclusive and perpetual property of the Jewish people. The result was that almost all Palestinian-owned land was taken by the government and turned into state land, to be sold or leased only to Jews (ibid., pp. 159-160).

As a result, over 90 percent of the country's land fell into Jewish hands eventually, and although the Palestinian population has increased tenfold by today, no additional land has been allocated to it.

In the West Bank, Palestinians' rights are mainly restricted due to the ongoing Israeli military occupation. In its 2019 report *Born Without Civil Rights*, Human Rights Watch (HRW) outlines several areas in which rights are repressed by Israeli military orders. Among these violations of civil rights, the report focuses on breaches of the right to peaceful assembly, the right to freedom of association, and freedom of expression. Many of the military orders legitimizing the violations in place are "written so broadly that they violate the obligation of states under international human rights law to clearly spell out conduct that could result in criminal sanction" (Human Rights Watch, 2019). In East Jerusalem, contrary to the West Bank, Israeli domestic laws were applied after its annexation in 1967. In 1980, the Knesset passed the *Basic Law: Jerusalem, Capital of Israel*, ruling that the whole and united city of Jerusalem is the capital of Israel. However, the UN Security Council condemned the move as a violation of international law and ruled the law null and void. In the Gaza Strip, Israel dismantled its military government in 2005, which has existed since 1967. Nonetheless, to this day, its residents suffer from an ongoing land, air, and sea blockade that Israel and Egypt have imposed in 2007. This blockade has led to the impoverishment of large parts of the Gazan population, the scarcity of water and electricity, and an almost complete dependency of the region on international assistance. Within each of the created three geopolitical entities – the West Bank, Israel including East Jerusalem, and the Gaza Strip – Palestinians are subjugated under divergent forms of Israeli rule and enjoy different rights and permissions. As this study's focus lies on Palestinian claim-making in the West Bank, the legal situation of Palestinians in the Gaza Strip and partially the one of those in Israel and East Jerusalem are left out of the presented legal framework. As Palestinian claim-making in the West Bank is inextricably linked to the Israeli occupation of these territories, the occupation's legal implications will be outlined hereinafter.

3.1 The Israeli Occupation and its Dual Legal System

The illegality of Israeli occupation in the West Bank has been affirmed by numerous UN resolutions (e.g., Security Council Resolution 446 and most recently Security Council Resolution 2334). Generally, an occupation means nothing other than the establishment of a foreign and hostile authority over a part of a territory. According to Longobardo, the laws of occupation were a by-product of the 1948 Peace of Westphalia, which many scholars identify as the beginning of the modern state system and the foundation of territorial sovereignty. But it was not until the Congress of Vienna²⁸ in 1815, which nullified the annexations taking place during the Napoleonic wars, that the distinction between annexation and occupation became acknowledged as law. Within the occupation laws, European powers strove to preserve their sovereignty in an armed conflict when parts of their territory were lost to a rival (Longobardo, 2018, pp. 21-23). As a result, until today, the occupying power may solely exercise effective control over that territory to be identified as an occupant but does neither conquer nor acquire sovereignty over the respective area. Even if the occupying power does not deploy any troops in the territory, a condition of occupation rather depends on the degree of authority exercised (ibid., p. 35). In the Gaza Strip, for example, Israel exercises absolute control over its borders, its sea, its airspace, and the residents' water and electricity supply and, therefore, holds effective control over the territory and can be identified as an occupant. What is more, the laws of occupation not only regulate the land occupied, but equally its people. As Israeli lawyer Michael Sfard states, they have been codified in two major conventions: the 1907 *Fourth Hague Convention Respecting the Laws and Customs of War on Land* and the 1949 *Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Sfard, 2018). Their basic principles can be summed up as follows: an occupation does not mean sovereignty; it is only temporary and implies a trusteeship by the occupier for the occupied. Due to security reasons, the rights of those under occupation are restricted. Yet, some of these rights remain irrevocable: e.g., the prohibition on confiscating the property of the occupied, expelling them outside the territory, or transferring the occupying power's population into the occupied territory (Sfard, 2018, pp. 43-44). Sfard states that whenever a Palestinian leadership developed under Israeli occupation – whether on a smaller or larger scale, whether mayors or *sheiks*²⁹ – Israeli deportation orders and the transfer of those leaders outside the West Bank should ensure that Palestinians had no

²⁸ After the French Revolution and Napoleonic wars, the Congress of Vienna was supposed to contain France and future French aggression and restore old boundaries within Europe to ensure long-term peace.

²⁹ The term *sheikh* is used to describe the chief or head of an Arab family or village or the leader in a community or organization. In English, *sheikh* can literally be translated as 'elder'.

political guidance. He sets forth that “when it comes to legal norms one cannot pick and choose. Either the norms apply or they do not. And if the laws of occupation do not apply, what is the new law that governs Israel’s military rule in the Occupied Territories?” (ibid., p. 45).

When it comes to forming a government under a status of occupation, there are only a few examples where its establishment is considered legitimate. The PA, for example, was formed under occupation and within the framework of the Oslo Accords. However, several Palestinian parties like Hamas, Islamic Jihad, and various members of the PLO rejected the Accords’ subsequent declaration and resigned from the PLO’s executive committee. Moreover, unlike the PLO, which was internationally considered to be the sole representative of the Palestinian people (and accepted as such by the Palestinians themselves), the PA was neither viewed as representing Palestinian refugees and their descendants nor those residing in Israel. The phenomenon of the formation of a legitimate government under occupation is, consequently,

viewed with some suspicion in international relations since the occupying power may create a puppet regime in the attempt to free itself from the duties under the law of occupation. Accordingly, there is a presumption against the independence of local governments created pendente occupation (Longobardo, 2018, p. 41).

Thus, the legitimacy of the Palestinian Authority and its independence from Israel as an occupying power has to be called into question.

Due to the legal distinction between annexation and occupation and the related prohibition of annexation, the United Nations Security Council did not recognize Israel’s annexation of East Jerusalem in 1967, and the International Court of Justice (ICJ) urges every state not to recognize the situation created in the occupied territories (ibid., p. 49). Same as Sfard, the International Committee of the Red Cross (ICRC) also states that the 1907 *Hague Regulations* and the *Fourth Geneva Convention* are the most important principles governing occupation as they outline the duties of an occupant. Major rules of these laws that apply in case of occupation are not only that the occupying power does not acquire sovereignty over the respective territory, as outlined by Sfard, but that it must respect the laws in force – “unless they constitute a threat to its security or an obstacle to the application of the international law of occupation” (International Committee of the Red Cross, 2004). The *Hague Regulations* and the *Fourth Geneva Convention* further constitute that collective punishment, the confiscation of private property by the occupant, and the destruction or seizure of enemy property are prohibited unless “required by military necessity during the conduct of hostilities” (ibid.). Moreover, collective or individual forcible transfers of the population from and within the occupied territory and the transfers of the civilian population

of the occupying power into the occupied territory, regardless of whether forcible or voluntary, are prohibited (ibid.). In December 1982, the United Nation General Assembly's Resolution 37/43 reaffirmed "the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle" (UN General Assembly, 1982). Although international law does not consider armed resistance against an occupying power to be a right, it recognizes its legitimacy as long as its conduct follows international law. Claim-making, not only as a form of armed but also civil resistance, therefore, also depends on the legal framework in which it is taking place.

With Israeli occupation originating in 1967, two separate judicial regimes operating on an ethnic-national basis developed in the West Bank. Palestinian neighborhoods were subject to Jordanian law and Israeli military orders, while Israeli civil and administrative laws were increasingly applied to Israelis residing in the West Bank. Consequently, slowly but surely, a development proceeded in which the Israeli legislation was applied to settlers in the occupied territories virtually in its entirety. Simultaneously, Palestinians were subjected to military legislation, which differs significantly from the Israeli legislation applying to settlers and discriminates against Palestinians in almost every aspect of life. As a result, the enclave laws, the import of Israeli law into the West Bank, gave and still gives Israel comprehensive bureaucratic administrative powers in the settlements (Ben-Naftali, Sfar, and Viterbo, 2018, p. 52).

[T]he cabinet, but also various authorities including the Israel Defense Force (IDF), the Israel Security Agency, the police and the border police, as well as the Civil Administration (operating in the West Bank), are all executive authorities that can issue decrees and provisions which, although outside the official law as enacted by the Knesset, actually become the laws governing the lives, movements, and freedoms of Palestinians under occupation [...]. These decrees and provisions enable exceptional measures – including incarceration, torture, raids, mass arrests, brutal policing of nonviolent demonstrations, administrative detention, house and village demolitions, the detention of minors, and extrajudicial executions – directed at racialized populations and facilitating the racial state (Lentin, 2018, p. 31).

As a result, the legal distinction between Palestinians and settlers is not only restricted to security or criminal matters. This institutionalized discrimination, or "institutionalized racism" (ibid., p. 37), also implies that Palestinians are tried in military tribunals also for minor thefts like traffic violations. Yet, the differences between the two legal systems – one for Palestinians and one for Israeli citizens both residing in the West Bank – are especially apparent in criminal law. When, for example, two residents of the city of Hebron have an altercation and are arrested,

[o]ne of them, a Jewish resident of Kiryat Arba, is taken to a nearby police station, is immediately interrogated by a police officer and is brought within 24 hours to a hearing before the Jerusalem Magistrates Court. In this hearing, the judge decides to order his release on condition of bail; this is not a very severe case, and the defendant pleads self-defense. The second person, a Palestinian resident of Hebron, is arrested for 96 hours before being brought before a military judge. He is de facto interrogated only once during this period of time, under suspicion of committing an assault based on nationalistic motivations, which is deemed as a security offense, and he is tried before a military court, where he faces a penalty of extended incarceration (Dahan, Feldman, and Re'i, 2014, p. 31).

The 2007 *Law for Amending and Extending the Validity of Emergency Regulations (Judea and Samaria – Jurisdiction in Offenses and Legal Aid)* formally allowed for the extension of Israeli criminal law to Israeli citizens residing in the West Bank. Thus, the courts in Israel were granted jurisdiction over Israelis committing crimes in the occupied territories. What is more, while the Israeli Civil Administration, the civil-military body that solely operates in the West Bank, oversees Palestinian authorities in Area C, the oversight of Israeli settlements is the same as that of authorities within Israel itself (Dahan, Feldman, and Re'i, 2014, p. 21). Although the portrayed two legal systems are operating in the occupied Palestinian territories and disfavor Palestinians living in the West Bank, Palestinian citizens of Israel are also legally discriminated against. While, for example, since the 1980s, all Israelis who were trialed before military courts were Palestinian citizens or residents of Israel, none of the requests of transferring their case to a court in Israel was accepted (ibid., p. 39). Throughout the years, investigation materials, evidence, and indictments have not been translated to Arabic, and several offenses incorporated into military legislation, such as stone-throwing, do not portray a felony in Israeli legislation. Consequently, when it comes to criminal law, the discrepancies between the two legal systems and their influence on people's fundamental rights are most apparent:

The national identity of the suspect or defendant determines which law will apply to them and who will have legal authority over them. In every stage of the procedure – starting with the initial arrest, through the indictment and ending with the sentence – Palestinians are discriminated against compared to Israelis (ibid., p. 75).

Even the basic right of freedom of expression is virtually nonexistent for Palestinians in the West Bank. As they lack representation within the Military Commander as ruling sovereign body, they have no chance of influencing the decision-making processes which determine their daily lives. Moreover, vigils and demonstrations in the OPT are defined as illegal assemblies by military laws, which is why most of them are violently dispersed by Israeli security forces (ibid., p. 82). Even when held in a person's home, obtaining a permit for every demonstration of more than ten people (when it involves a subject that could be construed as political) is required by military law. Thus, holding an assembly without

obtaining a permit in advance constitutes a felony that can be punished with a penalty of up to ten years in prison (ibid., p. 84). Beyond the imposition of such disproportionate high sentences, Palestinians are further sentenced to considerable fines. These fines are an “integral part of the West Bank military court system, and as such help finance the occupation” (Lentin, 2018, p. 38).

The two operating legal systems for Israelis and Palestinians also show themselves in the realm of territorial property. The 2017 *Regularization Law* retroactively legalizes the expropriation of Palestinian land in the occupied territories, on which Jewish settlements were established. Even though the law does not grant the settlers’ ownership of the land, it allows them to remain while denying Palestinian owners the right to claim possession (ibid., pp. 41-42). Similar discrepancies between the legal systems become visible when it comes to planning and building rights as the establishment of settlements in the West Bank, and simultaneous Palestinian dispossession, was made possible mainly through three legal measures: the confiscation of Palestinian owned land for so-called military needs, expropriation for public needs, and the declaration of land as Israeli state land (Dahan, Feldman, and Re’i, 2014, p. 94). By altering Jordanian law, the *Order Concerning the Law for Planning Cities, Villages and Buildings (No. 418)* was issued by the Military Commander in 1971. The order laid the foundation for a West Bank planning system that excluded Palestinians from participation by abolishing former local planning committees and transferring their powers to the High Planning Council and its subcommittees, overseen by the Military Commander (ibid., p. 95). According to figures of the Association for Civil Rights in Israel, so-called Special Outline Plans were prepared by the Civil Administration for around 400 Palestinian towns and villages between 1989 and 1995. ACRI claims that “in some cases, buildings that had already existed when the plans were approved were left outside of their delineation, thereby reinforcing their ‘illegality’” (ibid., p. 99). Beyond that, the plans limited constructions for Palestinians in so-called Area C to around 0.5% of its area. Further, since 2009, it is stated that the Civil Administration did not lay down any new plans for Palestinian neighborhoods but approved over 8,500 construction commencements for Israeli settlers. Accordingly, this policy encourages further settlement constructions while at the same time freezing development in Palestinian communities and thereby contributing to a high residential density. Since the beginning of 2014, 65 kilometers of West Bank roads were designated for the almost exclusive use of Israelis and Israeli settlers in particular, while Palestinian movement is limited by checkpoints and road obstructions (ibid., p. 105).

The permit system that regulates Palestinian movement is also based on the outlined two

distinct legal regimes. This permit regime is said to have turned

the Palestinians in the Separation Fence [the West Bank barrier] enclaves into illegal residents in their own homes and land, and it severely violates their basic rights – first and foremost their freedom of movement, their right to earn a living and to a dignified existence and their right to a family life (ibid., p. 112).

With reference to numbers conducted by the UN Office for the Coordination of Humanitarian Affairs (OCHA), ACRI states that in 2012, around 7,500 Palestinians resided within the seam zone, the area locked between the separation wall and the Green Line, the pre-1967 border. According to their predictions, another 23,000 Palestinians will be living in similar enclaves after the completion of the separation barrier (ibid.). Thus, an even bigger number of Palestinians will depend on the permit regime to cultivate their lands in the seam zone, while, at the same time, these restrictions on accessing and remaining in the area are irrelevant for Israelis. For Palestinians, obtaining a permit to reside in the West Bank is a complex process that has grave consequences for their human rights. This bureaucracy undermines Palestinians ability to choose their place of residence, travel abroad and move freely, and realize their right to health and education services. For Israeli citizens, on the other side, incentives have been provided to relocate to the West Bank in recent years. Therefore, ACRI describes the prevailing dual legal system as “not specific or technical discrimination, or individual decisions, but rather a system that entrenches institutionalized discrimination through legislation and governing institutions” (ibid., p. 121) and as a violation of international law, “because its very existence contravenes the basic principles of modern law and severely undermines equality and human dignity as moral and legal principles” (ibid., p. 122).

Through transforming Palestine into Israeli space, complete with resettling depopulated Palestinian villages and urban neighborhoods, ongoing home and village demolitions, Hebraizing place names, and population transfers, Israel’s lifelong project, though ultimately a function of constructing Jewish insecurity, is an ongoing project of racial branding, of setting apart as racially distinct, and of enabling the guiltless extinction of a whole group at least politically if not physically (Lentin, 2018, p. 29).

The de facto annexation of the occupied territories, through the described institutionalized rule, applies to Palestinian lands only, not to its residents (Ben-Naftali, Sfard, and Viterbo, 2018, p. 2). Thus, while various laws and regulations increasingly restrict Palestinians’ rights and freedoms, Israeli authorities create legal certainty for Israelis residing in the West Bank. The laws of occupation and the two legal regimes in the West Bank play a decisive role when analyzing Palestinian claim-making and the structures that enable or restrict these rights-seeking activities. In Israel/Palestine, several of the duties of an occupying power, like the prohibition to confiscate private property, as outlined by the ICRC, are infringed upon on an

almost daily basis. Taking this reality into consideration allows for gaining a comprehensive understanding of the existing opportunity structures to claim rights and discover obstacles to their realization. When taking the described negligence of international legal requirements and the exercise of two different legal systems for Israelis and Palestinians into consideration, the initial questions about the possibility of claim-making within this status quo and the channels through which claims can be made have to be discussed from different angles and multilayered perspectives. Thus, when asking about people's agency, the legal framework within which they operate must be taken into account. This legal framework and the status quo can best be summarized as follows:

The occupation rests on three legs: the gun, the settlements, and the law. Take out one and the regime topples over like a two-legged chair. The gun is the foundation [...]. It repels resistance from the occupied people [...]. The settlements clinch the hold on the occupied territory [...]. Last, the law. It formalizes the systems of control and colonization, anchors them in an organized framework, and gives them legitimacy (Sfard, 2018, p. 379).

Therefore, the law provides the occupation's DNA (ibid.). The two legal systems existing in the West Bank, ACRI claims, are a unique and particularly severe characteristic of the protracted Israeli occupation. At the same time, the gravity of this discrimination "is manifested in the extent of its legal institutionalization" (Dahan, Feldman, and Re'i, 2014, p. 144).

3.2 The Failure of International Law and Foreign Intervention

Today's inertia of the international community to hold Israel accountable for its violations of international laws and human rights – which will be outlined in detail later on – goes back to the state's founding. In 1948, the unwillingness or inability of the British, respectively the international community, to implement the UN Partition Plan led to a power vacuum in Mandatory Palestine and the subsequent proclamation of the State of Israel. After the country's founding,

more than 350 villages would vanish, [Palestinian] urban life would all but evaporate – war and exodus reducing Jaffa's population from 70,000 - 80,000 Palestinians to a remnant of 3,000 – 4,000 – and 500,000 to one million Palestinians would become refugees. [...] The experience of exile – of a tragedy perceived as both personal and national would overshadow all else for this generation (Kimmerling and Migdal, 1993, p. 127, 128).

The dispersion of Palestinian refugees all over the Middle East and their ensuing and continuing experiences of exile became the defining elements of a collective Palestinian identity. At the same time, Jews were also made refugees, when "beginning in 1948, between

800,000 and 1,000,000 Mizrahi³⁰ and Sephardic Jews³¹ either fled from their homes or were expelled from Middle East and North African countries, namely Iraq, Iran, Morocco and Egypt” (Spitka, 2016, p. 136). In 1991, the disintegration of the Union of Soviet Socialist Republics implied a change in international dynamics and power relations, as it paved the way for the US to become the primary intervener in the Israeli-Palestinian conflict. In the past decades, agreements of foreign administrations, predominantly European and US-American, were based on a consensus on a two-state solution, a settlement freeze, and an overall comprehensive peace settlement. In practice, though, the lack of implementation of any of those agreements has been characterizing external intervention (ibid., p. 140). Considering the Norwegian initiative, the so-called Oslo Process, Spitka states:

The Accords were based on an incremental strategy, allowing for future Palestinian elections, the establishment of the Palestinian Authority, cooperation on security and economics, and a timetable for reaching final status talks. With no accountability, and no improvement in the daily lives of Palestinians and Israelis, it did not take long before the process began to unravel (ibid., p. 142).

With the dissolution of the Soviet Union and the end of its financial support to the Palestinian leadership, the US-led Western intervention in the region faced only slight headwind from other nations.

The Oslo Accords, and related to them the neoliberal development aid headed by the US, have further contributed to a settler colonization of the OPT. Through the collapse of economic activities in the Palestinian territories, a tightening of the occupation, and increasing restrictions on Palestinian movement, “donor aid became the lifeblood of Palestinian economic survival” (Wildeman, 2019, p. 157). While international consensus used to demand the Israeli withdrawal from the OPT and East Jerusalem as well as the establishment of a distinct Palestinian state, the Oslo process left the refugee issue and the status of East Jerusalem undetermined and demonstrated that the Western donors “had little appetite for Palestinian demands that might upset Israel” (ibid., p. 161). As a result, from the beginning of the Oslo process,

Western policymakers pushed the Palestinians into a customs union between Israel and the oPt. Referred to as the Paris Protocol, it formalized a union of Israel and the oPt into a single economic zone with a common currency [...]. Trade with other countries would continue to be handled through Israeli seaports and airports, or border crossings controlled by Israel (ibid., p. 165).

This donor policy has remained unchanged ever since. The subsequent failing of the Camp David Summit in 2000 as well as the 2002 Middle East Quartet composed of the US, Russia,

³⁰ So-called ‘Mizrahi Jews’ are the descendants of Jewish communities in the Middle East.

³¹ The term ‘Sephardic Jews’ refers to the Jewish communities originating in Spain and Portugal.

the EU, and the Secretary-General of the UN that drew up a road map, a three-phase plan aiming at a final agreement and a viable Palestinian state, and the 2002 Arab Initiative of 22 Arab countries vividly show the failure of international intervention in Israel/Palestine.

After the war in Gaza in 2008 (Levy, 2010), a UN Fact-Finding Mission – the so-called Goldstone Report – accused the IDF of having committed war crimes, crimes against humanity, and violations of international law. Although these accusations were not only made by the UN but by several other organizations as well, the Palestinian Authority, Spitka claims, did not take any action. The former UN special rapporteur on human rights in the occupied Palestinian territory, Richard Falk, stated that, by this, the Palestinian leadership betrayed its people while the international community endorsed the allegations of war crimes (Spitka, 2016, p. 153). Spitka further comments:

Washington persuaded the Palestinian leadership to shelve their complaints to the UN and international legal forums, contributing to the plummeting credibility of the moderate leadership. [...] The Palestinian public responded in uproar and disillusionment. Protests were held across the West Bank and Gaza, once again weakening the moderate leadership and strengthening the extremists (ibid.).

A growing disenchantment on the Palestinian side was also fueled by the West Bank barrier, or separation barrier, whose construction began during the second intifada and that annexed large parts of land in the West Bank. As a result, the devastating situation in the OPT, “the separation barrier and the build-up of the settlements, has only heightened Palestinian disillusionment with the peace talks and the potential of an international proposal of a two-state solution” (ibid., p. 157). Many activists further argue that most conflict resolution initiatives aim at a so-called normalization, meaning that the occupation of Palestinian territories is understood as a reality to which every action has to be adapted.³² In line with this definition, also the Oslo Accords – as a classic top-down conflict resolution process facilitated by external actors – have been seen as not only reflecting normalization but, what is more, as having worsened the situation for Palestinians:

they [the Oslo Accords] have contributed to a deepening of the occupation, the increased securitization of Israeli and Palestinian political culture, growing inequality between Palestinians and Jewish Israelis, and the continuing dispossession of Palestinian refugees (Sanchez and Sellick, 2017, p. 82).

The failure of international intervention in Israel/Palestine to ensure the enactment of just

³² Normalization is defined by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) as “the participation in any project, initiative or activity, in Palestine or internationally, that aims (implicitly or explicitly) to bring together Palestinians (and/or Arabs) and Israelis (people or institutions) without placing as its goal resistance to and exposure of the Israeli occupation and all forms of discrimination and oppression against the Palestinian people.” See Palestinian Campaign for the Academic and Cultural Boycott of Israel (October 31, 2011) *Israel's Exceptionalism: Normalizing the Abnormal*. Available at: <http://www.pacbi.org/etemplate.php?id=1749> (Accessed: December 15, 2016)

and actually implemented agreements between the Israeli and Palestinian leadership in line with international law and UN resolutions became evident through the implications of the Oslo Process, and even today, by continuing disagreements and contradictory strategies of interference.

3.2.1 NGO-ization and International Solidarity

Over the past decades, external intervention in Israel/Palestine has intensified issues within Palestinian society: an increased and nearly exclusive reliance on family ties has evolved, a sense of resignation, a distancing from institutions, and a mistrust of others (Nanetti, 2017, p. 132). When it comes to the work of international organizations in Israel/Palestine, several obstacles to their activities – such as the hardship of enforcing international law – can be observed. As a result, these organizations lost credibility and their right to exist in the eyes of many Palestinians. The enduring lack of adherence to international humanitarian law (IHL), for example, is illustrated by the expansion of settlements, destruction of private property, denial of access to land and natural resources, forced displacement, and recurring hostilities – which present only a few of the daily violations the occupying power is committing that harm the population it is supposed to protect (Godziejewska, 2017, p. 249). On top of that, representatives of several international bodies active in Israel/Palestine face fundamental dilemmas. For example, one UN official raises the question of what one can do to address an Israeli rights violation in the first place, because “the violation is the demolition [of property]; therefore, providing services after the demolition [...] is almost like saying it is in line with IHL” (ibid., p. 253). Similar problems also arise in Gaza and East Jerusalem. In Gaza, international organizations continuously rebuild and reconstruct housing units that have been damaged by Israeli military operations, while at the same time condemning these harsh military actions. In East Jerusalem, international organizations provide legal aid to Palestinians who face a demolition order from Israeli authorities, although “according to IHL, Israeli jurisdiction and control over East Jerusalem is illegal based on the area’s annexation in 1967” (ibid., p. 254).

Despite these challenges, the fast-growing number of international initiatives and the deployment of activists in the region are intended to strengthen Palestinian claim-making opportunities. This assistance emerged in the wake of changing global perceptions on Israel/Palestine and, in particular, Palestinian suffering under occupation and the massive nonviolent mobilization during the first intifada. Likewise, after the second intifada, different international organizations emerged in Israel/Palestine which made use of

nonviolent strategies and set about working on four primary areas of struggle: “landlessness, settler colonization, restrictions on freedom of movement, and the curtailment of personal freedoms” (Checa Hidalgo, 2017, p. 115). Summed up, the engagement of international organizations and global civil society institutions has generated interference in fields like protest, solidarity, humanitarian aid, and conflict resolution. Groups that became active in the occupied territories were Christian Peacemaker Teams, EAPPI, the International Solidarity Movement (ISM), the International Women’s Peace Service, or Kurve Wustrow – to name only a few. Many of them share common strategies, such as physical accompaniment and presence, civil diplomacy, the spread of alternative information, and the strengthening of local partners who experience direct violence (ibid., p. 121). Their establishment was made possible by the development of new information and communication technologies (ICTs) and their rapid spread. On the one hand, these ICTs increased people’s sense of belonging in terms of nationality or religious affiliation and further strengthened the collective and opposed identities in conflict. On the other hand, the development of ICTs was beneficial to Palestinians as it allowed public and cross-border mobilization and self-organized networks to be proactive. Independent media outlets emerged that connected movements and provided alternatives to mainstream media information. At the same time, the increasing availability of mobile devices paved the way for organizing protests, demonstrations, and other forms of activism. Thus, mobilization could occur easily and almost immediately (Morrison and Rabayah, 2017, p. 150).

The classical key hypothesis that claims conflicts could be resolved through a peace process has proven itself to be problematic concerning Israel/Palestine:

Funding mechanisms, international intermediaries, and representatives from local elites have done little more than normalize what can only be described as a demeaning and miserable existence for millions of Palestinians in the occupied territory and in places of refuge in neighbouring countries and beyond (Özerdem, 2017, p. 279).

Concerning the prevailing asymmetry of power between the Palestinian grassroots and their leadership but also between the PA and the Israeli government, a bottom-up strategy of conflict engagement and a long-lasting outcome can only be achieved by changing the power relations between the conflicting parties and, consequently, by creating a new balance of power (Darweish, 2017, p. 229). This balance of power has somewhat further gotten out of whack not only by substantial intervention, but more so by financial support.

The 2006 conflict between Fatah and Hamas altered the types of grant-giving by Western donors. At the expense of development assistance, an increase in emergency aid for Palestinian NGOs can be observed. While in 1999, foreign assistance to these organizations

amounted to US\$ 48 million, it increased to US\$ 257 million in the year of 2008 only (Gerster and Baumgarten, 2011, p. 2). As the amount of foreign aid increased, so did the number of organizations that receive this funding. In reference to figures conducted by the Israeli organization NGO Monitor, the German newspaper *Der Spiegel* claims there were 1,196 NGOs in the West Bank in 2007, primarily based in Ramallah (Schlosser, 2012). In 1999, however, a combined number of only 500 NGOs existed in the West Bank and Gaza, according to a UN report (United Nations, 1999). Gerster and Baumgarten claim that the Palestinians who work for these NGOs have been described as depoliticized and de-radicalized in several studies and define them as “yuppies” – young urban professionals: young in age, urban, and 90% of them with academic degrees (Gerster and Baumgarten, 2011, p. 7). Through external aid, this NGO elite has emerged as a new form of middle class that makes up around 10% of jobs in the Palestinian territories. Although this development helped prevent a brain drain of academics from the OPT, it often forces so-called economic survivors to work in the NGO sector, leaving them with no alternatives to earn a comparable living (ibid., p. 10).

Before the 1990s, it has been common for Palestinians to participate in popular committees and volunteer in charitable organizations. Although voluntarism is still incorporated into today’s NGO system, resisting occupation and supporting Palestinian society has primarily transformed into an employment with fixed salaries. According to Gerster and Baumgarten, the process of NGO-ization has, moreover, contributed to the fact that donors promoted and implemented their Eurocentric perceptions of civil society, their cultural values, and pushed through their agendas while ignoring existing political realities on the ground (ibid., p. 8). During the Oslo process, the Palestinian economy deteriorated, and the resulting dependency on foreign donors has since then severely weakened Palestinian grassroots and fragmented its society. In consequence, NGOs have contributed to a fostering of the status quo. Meinzer, however, argues that the organizations benefiting from foreign aid also find ways to oppose its depoliticizing effects (Meinzer, 2019). She claims that education encouraged by donors has contributed to the further cultivation of resistance. Here, Meinzer speaks of so-called solidarity donors, which mainly consist of smaller European or American cultural foundations, like the German Friedrich-Ebert-Stiftung, Konrad-Adenauer-Stiftung, or Deutsche Gesellschaft für Internationale Zusammenarbeit, which are committed to a bottom-up approach (Meinzer, 2019, pp. 176-177). She claims that these solidarity donors ensure long-term and not only project-based funding – assertions that, however, contradict statements made by my interview partners outlined in chapter 7. Meinzer identifies

membership-based organizations (MBOs) that are not dependent on foreign funding and exist alongside the major NGOs' aid regimes. These MBOs are said to reject donors that impose "political conditionalities on their funding, which they regard as disrespectful and against Palestinian self-determination" (ibid., p. 181). Meinzer gives the example of a theater NGO whose international non-governmental organization (INGO) donor objected "to the NGO's use of the terms 'occupation', 'apartheid', and 'colonialism' in a play. [...] The NGO ultimately removed the donor's logo from the production at the donor's request, which allowed them to keep their funding *and* retain the controversial terms" (ibid., p. 184). While an MBO, in general, is not 'more grassroots' than an NGO, it is much less dependent "on the amount of aid it receive[s], and more on the organization's efforts to sustain a pre-Oslo mass-based approach to social mobilization, despite [its] dependence on aid" (ibid., p. 187). This partnership approach, often resting on material support and training rather than solely grant-giving, has ultimately, and nevertheless, only little to no impact on the overall aid system.

3.2.2 *The International Aid System*

The overall reliance on foreign grant-giving combined with a process of NGO-ization following the Oslo Accords have contributed to further structural fragmentation of Palestinian society. Equally, even efforts intended to create governmental structures that allow for the development of sovereign statehood have likewise advanced the development of a shrinking civil space for rights-seeking activities within Palestinian society. The Security Sector Reform (SSR), for example, that has been implemented after Salam Fayyad became Palestinian Prime Minister in 2007, is perceived as an essential component of Palestinian state-building as it allows for the establishment of effective security forces over their territories.³³ According to the International Crisis Group, however, the SSR's objectives also included monitoring Hamas and Islamic Jihad activities and containing "Fatah-affiliated militants through co-optation" (Tartir, 2019a, p. 206). Yet, Alaa Tartir argues that

the overarching goal of the SSR, in general, and the security campaigns, in particular, was to criminalize resistance against Israeli occupation and to silence opposition to Israel's colonial dominance. As a result, the campaigns can be seen as the early stages of the PA's authoritarian transformation, manifest in the excessive use of arbitrary detention and torture in PA prisons as well as the narrowing of space for opposition voices or resistance inside Palestinian polity (ibid., p. 207).

When the security forces of the Palestinian Authority entered the Balata and Jenin refugee

³³ Generally, a Security Sector Reform aims at establishing effective and accountable security forces that respond to a population's security needs. In the West Bank, however, this reform process is constrained by Israeli occupation and the absence of an independent Palestinian state and a democratically elected government.

camps, for example, they arrested individuals, confiscated weapons, raided homes, and committed several human rights violations by publicly humiliating people, torturing, or detaining them without charge. Tartir claims that the PA criminalized resistance against the occupation and fueled tensions between the leadership and the Palestinian people by demonstrating their monopoly of violence and coordinating security actions with Israel (ibid., pp. 212-214). Thus, he concludes that the security forces support the transformation of the PA into an authoritarian regime rather than protecting Palestinians from Israeli military occupation (ibid., p. 220). With substantial financial support from the EU, “the security sector consumes more of the PA’s budget than the education, health, and agriculture sectors combined” (Tartir, 2019b, p. 228) and, thereby, helps sustain colonial rule. As outlined in the Oslo Agreements, the creation of a Palestinian police force urged the Palestinian Authority to halt violent Palestinian resistance and prove its commitment to security cooperation with Israel. Under Mahmoud Abbas, who has been the PA’s president since 2005, and especially under Fayyad, efforts were made to suppress Palestinian opposition and safeguard Israel’s security. By demonstrating the security forces’ capacity to ensure order and the monopoly of the use of force within Area A, Fayyad intended to pave the way for Palestinian statehood. Yet, these measures, closely coordinated with and supported by the US and the EU, have contributed to an extensive network of security forces policing today’s Palestinian enclosures (Clarno, 2017, pp. 168-171). Due to severely high unemployment rates, working within these security forces has become a major opportunity to afford one’s living. This socio-economic structure has successfully secured the PA’s supremacy, which is further sustained through coordinated arrests, interrogations, torture, arbitrary violence, and attacks on opposition groups and initiatives. So-called back-to-back arrests are a common strategy of the PA’s security forces’ intelligence gathering. When, for example, a Palestinian is released by Israel, but the knowledge gained during her interrogation is not shared with Palestinian authorities, Palestinian security forces may subsequently detain the former prisoner again to find out what has been exposed to Israeli interrogators (ibid., p. 174).

Apart from this, both Israel and the PA target leadership networks, educational institutes, and media outlets of opposition groups:

Going beyond organized political factions, the security network targets opponents of Fatah and critics of the Oslo process. Demonstrations are the primary site of repression [...]. For many Palestinians, this raises serious concerns that the PA is collaborating with the Israeli military to suppress not only armed struggle but also all forms of resistance and opposition (ibid., pp. 175-176).

With the PA’s budget depending on taxes levied by Israel and funds from donor states, this financial reliance is used to enforce their political, economic, and security-related interests.

Therefore, Clarno claims, the ultimate goal is to depoliticize the Palestinian population (ibid., p. 180).

Nevertheless, there are several sources of tension between the Israeli military and Palestinian security forces. Sometimes Palestinian forces are informed when Israeli troops enter Area A; sometimes they are not. Even in Area A itself, where the Palestinian security forces are allowed to operate, the PA does not have jurisdiction over Israelis or foreign nationals, but only over Palestinians from the occupied territories themselves (ibid., pp. 182-184). For Israel, security coordination means ensuring the status quo and better managing its occupation, while the PA perceives (or perceived) security coordination as a pathway to statehood. Yet, Palestinian security forces function as agents of Israeli security concerns inside the West Bank's Area A. As a result, many of its officers "find themselves squeezed between two forces – charged, on the one hand, with not doing enough to protect Israel, and, on the other, with being traitors to their people" (ibid., p. 186).

By encouraging the PA to engage with Israel through foreign aid, the international community does not treat the Palestinian Authority as an equal foreign state's government. While the Palestinian people do not democratically elect the PA, it is solely legitimized by international acceptance and by being a cooperation partner for Israel and the international community. The international community's impact on developments within Palestinian society, foreign intervention, and the development and strengthening of an occupying NGO sector have been stabilizing the status quo and the ruling systems in Israel/Palestine and continue to do so today. What is more, the ongoing violations of international law by Israel remain without sanctions. They include the confiscation of land, exploitation of water and other natural resources in occupied territories for the benefit of its citizens³⁴, the construction of the 'security barrier'³⁵, the occupation itself³⁶, supporting the building of settlements for

³⁴ See International Committee of the Red Cross (October 18, 1907) *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land*; esp. Art.55. Hague Regulations. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/195> (Accessed: August 27, 2021)

³⁵ The International Court of Justice declared the barrier as a violation of international law. See International Court of Justice (July 9, 2004) *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Advisory Opinion*. Available at: <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf> (Accessed: February 27, 2019)

³⁶ UN Charter Article 2(4): "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." See Charter of the United Nations (1945). Available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> (Accessed: February 27, 2019)

a non-indigenous population on occupied territory³⁷, measures of collective punishment³⁸, or forbidding a civilian population the right to return to their homes following the end of armed conflict³⁹. The non-adherence to international laws and regulations as well as the unwillingness of third-party states to hold the Israeli government accountable for its failure to comply is a recurrent theme throughout the past decades. These circumstances give rise to a variety of related questions: how can Palestinians in the West Bank, within the portrayed legal framework, demand their rights? How can they be capable of acting? And how can we unravel and comprehend their actions?

³⁷ See International Committee of the Red Cross (August 12, 1949) *Convention (IV) relative to the Protection of Civilian Persons in Time of War*; Geneva Conventions Article 49. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument> (Accessed: February 27, 2019)

³⁸ See Geneva Convention (IV) Article 33: “No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”

³⁹ See Geneva Convention (IV) Article 45 and UN Resolution 194 (III) resolving “that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.” UN Resolution 237 also calls upon “the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.” See United Nations General Assembly Resolution 194 (III) (December 11, 1948). Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/C758572B78D1CD0085256BCF0077E51A> and United Nations Security Council Resolution 237 (June 14, 1967). Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/E02B4F9D23B2EFF3852560C3005CB95A> (Accessed: February 27, 2019)

4. Theoretical Concepts

Palestinian claim-making occurs on two major levels: on the micro-level, where it includes activities by individuals and activists, and on the meso-level, where it includes collectively organized activities by formal and informal organizations, initiatives, and associations. Due to the existence of many organizations and initiatives in the West Bank, easy access to information about their work, and the fact that they can articulate and call for certain claims more efficiently than individuals, this study's focus lies on the meso-level. Moreover, within repressive regimes, such as the Israeli occupation and PA rule in the West Bank, organizing collectively to make one's claims heard protects individuals and activists better. Therefore, looking at the meso-level is particularly relevant to understand Palestinian claim-making.

In order to answer the preceding questions and to grasp and apprehend people's claim-making activities sociologically, different theoretical approaches may be of help. Therefore, I will outline the concepts of civil society, citizenship, and the notion of acts of citizenship. Although these terms are used occasionally throughout my research, approaching Palestinian claim-making within their concepts falls short of understanding and describing it as the main object of investigation in its entirety. I will describe the essence of these concepts while demonstrating their boundaries and inadequacies concerning claim-making activities in the West Bank. Although this research focuses on meso-level actors involved in claim-making activities, the concept of civil society as a social system theory cannot sufficiently help to comprehend the motivation of relevant actors, their scope of action, and overall activities. Even though the concept of acts of citizenship emphasizes actors and their claim-making activities, employing it to rights-seeking activities in the West Bank is impracticable for a variety of reasons outlined in detail in the following subchapters. While the concepts of civil society and citizenship appear to be promising for analyzing Palestinian claim-making in the West Bank at first glance and are valuable tools to elaborate on a novel theoretical approach, their application falls short of fundamental conditions such as the lack of a nation-state in the West Bank that serves as a framework for both concepts to apply. Starting conditions, such as limited governmental autonomy of the Palestinian leadership and hostile rule in the respective territory, call for the development of additional theoretical models to comprehend claim-making in this context. On that account, I will develop a sociological perspective and formulate a new concept of Palestinian claim-making activities within such a restrictive framework. I will re-conceptualize the notion of acts of citizenship and introduce acts of subjecthood as an unconventional and inventive concept that shall provide a theoretical approach to sufficiently describe claim-making activities in the West Bank.

4.1 Civil Society

Civil society, the so-called third sector of society (Anheier and List, 2005) – besides the state and the economy – is the mainstay of a democratic political system and has become the center of attention both in academic research and public reporting: the (re)building of civil society institutions in Central Europe after the second world war, the (re)building of a corresponding mindset, or, more recently, the organization of civil society to protest against the political leadership in Belarus in 2020 or the military’s takeover in Myanmar in early 2021. Regarding the work presented in this study, it is of great importance to analyze and explore the definition and limitations of the concept of civil society, and to evaluate to what extent it can be applied in the context of Palestinian claim-making.

4.1.1 *The Institutionalization of Civil Society as a Carrier of Rights*

Jean L. Cohen and Andrew Arato’s monograph *Civil Society and Political Theory* presents a significant contribution to the history of philosophical and political ideas on civil society. They outline the most important scholars and their works on civil society and stress the need for extracting from these ideas to describe the practical transformation of civil societies on the ground one can witness today. Thus, their work serves as a basis for the subsequent description of civil society and its contentual development.

For the first time, the concept of civil society appeared in Aristotle’s writings as *politike koinonia*, political community, or as its Latin counterpart, *societas civilis*. These terms described a public community consisting of equal citizens who act within a legal ruling system. Regarding the American Bill of Rights and the French Declaration of the Rights of Man and Citizen, Cohen and Arato describe a development in which the society became the “sole source of legitimate authority” (Cohen and Arato, 1997, p. 89). German philosopher Immanuel Kant redefined the concept of civil society as based on universal human rights and introduced the term ‘citizen society’ (or *staatsbürgerliche Gesellschaft* in German), while Talcott Parsons later defined the societal community as an integrative subsystem of society. Its differentiation from the political, economic, and cultural subsystem, he claims, has been achieved through the industrial, democratic, and educational revolutions:

1. the coming of religious plurality and toleration, which differentiated religion and the state from one another while to some degree freeing the societal community from a religious definition of full membership;
2. the establishment of purely economic relations through a market economy freed of social, if not yet political, restraints;
3. the development of an aristocratic form of representative government that differentiated government and its constituency (primarily the aristocracy and the gentry) and stabilized their relations through parliamentary representation; and

4. the development of a form of law that helped to carve out a societal sphere not open to arbitrary intervention even by the state itself (ibid., pp. 120-121).

For Parsons, citizenship represents the evolution of a societal community and its rule of law. It involves equal rights for everyone holding citizenship and guarantees them spaces for independent action within a nation-state. All rights outlined in a constitution serve to stabilize the differentiation of the societal community and the state (Parsons and Sciortino, 2007). The social components of citizenship, Parsons states, “consist of the ‘resources and capacities’ required for implementing rights, for ‘realistic’ rather than merely ‘formal’ opportunities for their equal utilization” (Cohen and Arato, 1997, p. 129). Along similar lines as Parsons, argues American sociologist Craig Calhoun. He claims that with the fall of communist regimes in Eastern Europe, a discursive shift from civil society towards citizenship as a means of participation and social organization took place (Calhoun, 1993, p. 268).

The idea of civil society has entered philosophy in order to describe a political community’s ability to organize itself free from state control. On the one hand, Calhoun claims, states define a political community’s boundaries, but, on the other hand, this political community increasingly presents the source of the modern nation state’s legitimacy (ibid., pp. 270 et seq.). Jürgen Habermas argues that civil society, or the initially mentioned *bürgerliche Gesellschaft*, refers to the sphere of the private economy and “grew out of a specific phase of bourgeois society” (Habermas, 1964, p. 74) while Hegel, in a broader sense, understands civil society as all of society’s spheres opposed to the state (Cohen and Arato, 1997, p. 219). Either way, rational and meaningful discourse about shared societal concerns within a society always depends on its public sphere, which provides the arena for this discourse. Where a public sphere exists and successfully works as a democratic institution, it represents the potential for those who are organized in civil society to change their conditions of existence through rational, critical discourse. Therefore,

the ‘identity politics’ common to ‘new social movements’ is thus a normal and perhaps even intrinsic part of a successful, democratic public sphere. Even the very identity of the political community is a product, not simply a precondition, of the activity of the public sphere of civil society (Calhoun, 1993, pp. 279-280).

Hannah Arendt famously claimed that only within this public space can a public opinion merge, and a fulfilled human existence be guaranteed (Arendt, 1963). Citizens’ rights, Arendt claims, can only be protected, secured, and guaranteed within a political body, namely by the constitution created by the modern nation-state. Therefore, she points out that it is one’s membership in this nation-state that provides the basis for holding “the right to have rights” (Arendt, 1968, p. 298) in the first place. Within modern civil society, rights are not only

moral responsibilities, but they also empower the members of this civil society. Therefore, Cohen and Arato argue that rights not only individualize but also function as a medium of communication and solidarity: “They do not necessarily depoliticize; they can also constitute a vital connection between private individuals and the new public and political spheres in society and state” (Cohen and Arato, 1997, p. 297). According to German sociologist Niklas Luhmann, modern civil society is associated with rights to property, privacy, equality before the law, and publicity, like free speech and associations, and consists of the following elements:

1. plurality: families, informal groups, and voluntary associations whose plurality and autonomy allow for a variety of forms of life;
2. publicity: institutions of culture and communication;
3. privacy: a domain of individual self-development and moral choice; and
4. legality: structures of general laws and basic rights needed to demarcate plurality, privacy, and publicity from at least the state and, tendentially, the economy (ibid., p. 346).

These components are said to guarantee the institutional existence of a modern, differentiated civil society. However, the notion of civil society is nowadays even more complex as it incorporates aspects of a broader range of rights, citizenship, and solidarity. Its strong linkage to mobilization and new collective identities makes it hard for given theoretical considerations to explain these phenomena in their entirety:

A civil society in formation, being molded by movements and other civic initiatives (as in Eastern Europe recently), may for a time have to do without a settled structure of rights. We would argue, though, that the index of their success in institutionalizing civil society is the establishment of rights, not just on paper but as working propositions (ibid., p. 440).

Consequently, it is the institutionalization of civil society, not only the establishment of modern nation-states, that allows for its members to hold certain rights. Yet, there are several interpretations of the notion of civil society that have contradictory views on its composition and essence. These include, for example, the liberal interpretation, which equates the civil with the bourgeois. Supporters of this liberal model claim that civil society always contains a cultural reform that expresses itself in particular values and forms of conduct. These values and behavior patterns derive from the liberal market, which, in turn, influences governing institutions themselves. Therefore, Emel Akcali describes (neo)liberal globalization as a political project related to power rather than economics, and that “consolidates the interests of local and global class forces rather than those of the subaltern groups” (Akcali, 2016, p. 6). Concerning liberal governmentality in the Middle East, civil society has become a key component through which neoliberal discourses penetrate local societies. Akcali summarizes:

With its engagement with the Arab revolts [or the so-called Arab spring], the EU governmentality has targeted civil society actors and NGOs, and, through tenders and grants, it has selected and empowered particular civil society actors who adhere to liberal values, rather than, say, egalitarian, Islamic, or welfarist organizations [...], and made them policy partners (ibid., pp. 8-9).

The existence of various – often antagonizing – actors within civil society vividly illustrates the vertical alignment of its concept. Civil society consists of mediations between social and global political institutions, social institutions and groups, and between those groups and individuals. Hence, Cohen and Arato argue that foremost social movements can realize the favorable potential of modern civil societies (Cohen and Arato, 1997, p. 478, 492). Therefore, civil society has become the critical place where actors come together, organize, and mobilize – and disintegrate when political goals have been accomplished. These actors also always depend on financial assets or political power. Only then can they mobilize masses within a system in which movements are primarily brought forward and carried on the back of professionalized organizations. Those groups or movements, however, that lack political influence or economic impact often cannot keep pace with the organization and professionalization of these NGOs. But even when

‘success’ is defined in the standard terms of resource mobilization theory, as political inclusion of formerly excluded groups or as increased material benefits, it would be impossible to understand the successes of the civil rights movement [in the US] if influence were confused with power and if the targets of influence were reduced to potential patrons or political adversaries [...] Patronage and professionalization did indeed occur in the civil rights and other new movements, but this process did not initiate, control, quell, or coopt the movements. Rather, they played an important role in following up on their victories (ibid., p. 507).

Hence, civil society and the major movements taking place within its framework do not solely live off established and professional organizations, but rely on the involvement and contributions of smaller movements and informal alliances. While social movements occur within and between different branches of civil society, civil society itself presents the domain of those struggles: “It comprises the social realm in which the creation of norms, identities, institutions, and social relations of domination and resistance are located” (ibid., p. 515). New issues are raised within the domain of civil society, such as environmental sustainability or local autonomy movements. These topics and the collective actors carrying related interests are shifting the boundaries between private, social, and public life – which, however, are all vulnerable to state penetration and control. As a result, the modern state itself and its power to intervene in social, cultural, or economic issues have become a major target for social movements. These social movements, on the other hand, do not only protect the autonomy of civil society against the state; moreover, they “strive to defend and democratize all those institutions of civil society in which discrimination, inequality, and domination have

become visible and contested” (Cohen and Arato, 1997, p. 516). Therefore, civil society, within which social movements take place, became the locus of both democratic legitimacy and rights claims. However, genuine citizen participation in public life is – according to realist, elite models of democracy – rare. Instead, these models leave politics to the professionals in political society – an understanding of civil society engagement that is also reflected in Palestinian NGO-ization, where professionalized advocacy actors depoliticize discourses and movements within civil society. Within this framework, collective action involving civil disobedience moves between

the boundaries of insurrection and institutionalized political activity, between civil war and civil society. By definition, civil disobedience is extra institutional: A legal right to engage in civil disobedience is self-contradictory. But it does not thereby violate the principles of civil society. Rather, direct political action in the form of civil disobedience keeps the utopian horizon of a democratic and just civil society alive [...] (ibid., pp. 566-567).

As an expression of legitimate citizen action, civil disobedience is a crucial instrument to safeguard the responsiveness of politicians and institutionalized civil society organizations to public opinion. American philosopher John Rawls argues that injustice may arise when laws differ from people’s understanding of justice, or when this understanding is in itself inadequate. Hence, he claims that civil disobedience addresses the public opinion of civil society and appeals to its majority’s sense of justice. Therefore, “the citizenry is the final court of appeal,” and

even if the majority left the constitution alone, even if it were properly interpreted by a Supreme Court, no constitution could institutionalize all the moral rights that citizens have. There can, in other words, be no point in time at which one could say that all fundamental rights have been established and are protected, because the very meaning, interpretation, and range of fundamental rights develops over time (ibid., pp. 576-577).

As a crucial source for establishing rights, civil disobedience intends to influence public opinion in civil, political, and economic society. Ultimately, it is the key to placing democratic legitimacy and rights within a vibrant civil society. Within civil society, actors come together, organize themselves free from state control, and change their conditions of existence. Although the institutionalization of civil society ensures one’s right to have rights, civil society itself is a normative and contested concept. Therefore, applying the idea of civil society very much depends on its geographical, historical, and socio-economic context.

4.1.2 Civil Society's Dimensions

Civil society is used as a term that anticipates and describes a group

of legally protected nongovernmental institutions that tend to be nonviolent, self-organizing, self-reflexive, and permanently in tension, both with each other and with the governmental institutions that 'frame', constrict and enable their activities (Keane, 2010, p. 461).

Yet, civil society consists of more than formally structured non-governmental and self-organized organizations as, beyond that, it relies on particular patterns of behavior, moral qualities, and values (Abele, 2006, p. 16). Christine Abele, who examined civil society assistance in Poland and Slovakia, defines civil society as a normative concept. She emphasizes the role non-governmental organizations play in providing (social) services and stresses their efficiency in better fulfilling certain tasks compared to the state or the market. Further, she leads over to the mostly beneficial influence of civil society on democracy and identifies its seven essential functions: first, civil society's protective function that includes the ability to create a space independent of and protected from the state; second, the control function, the ability to build a countervailing power, inhibiting the centralization of state powers, and third, the coordination and mediation function, meaning civil society's ability to represent various interests of society, act as an intermediary between the state and the individual and provide conflict resolution mechanisms. Fourth, civil society also has a communicative function that includes communicating people's concerns to the public sphere and, fifth, a socialization function, namely its ability to teach democratic behavior and mobilize society. Sixth, it has a solidarity function, meaning the ability to build identity and solidarity. Lastly, civil society's service function, meaning its ability to fulfill specific tasks more efficiently than the state and the market (ibid., p. 37).

Beyond that, Abele differentiates between the structural and cultural dimensions of civil society. She summarizes that civil society, for one thing, consists of formal non-state organizations and associations but, apart from that, requires "a respective cultural basis, a civil ethos or '*Sittlichkeit*' without which the concept remains hollow and fails to live up to its normative ideal" (ibid., p. 26). As indicators for civil society's structural dimension – the y-axis in the diagram shown hereinafter – can be counted size, inclusiveness, and plurality, which are reflected in the absolute number of organizations, organizational membership, and various fields of activity as well as the regional distribution of organizations.

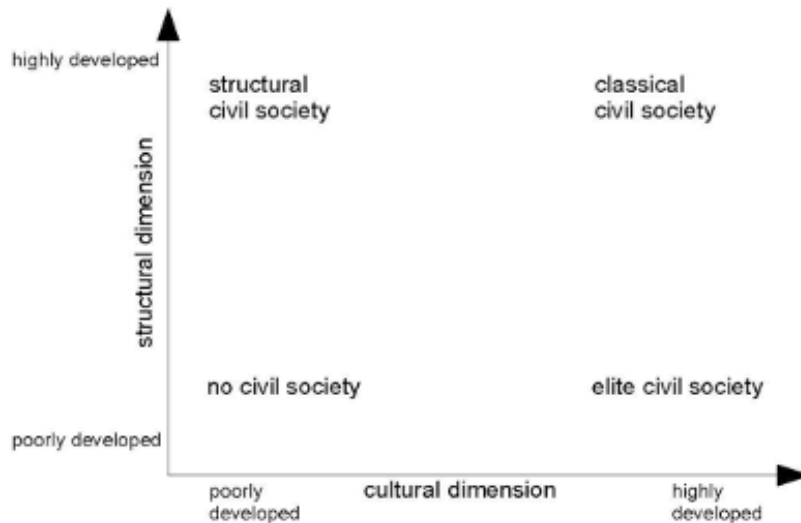


Figure 1: Ideal Types of Civil Society Development (ibid., p. 45)

The cultural dimension of civil society, on the other hand, cannot be categorized as easily as this structural dimension. Characteristics of civil society's cultural dimension, which have become relevant in Abele's study on Poland and Slovakia, are civic participation and volunteerism, the type of horizontal relationships between NGOs, and the type of relationship between self-organized forms of social life and political leaders. Societies with large numbers of non-governmental organizations and, for example, a high amount of civic participation are considered to be classical civil societies. When there is only little volunteerism, but still many civil society initiatives and institutions, one speaks of a rather structural civil society as illustrated by the previous figure. The following table further differentiates both dimensions and divides the structural one into quantity (the number of civil society organizations), plurality (their regional and content-related distribution), and inclusiveness.

Table 1: Civil Society: Indicators for Research (ibid., p. 50)

Dimension of civil society	Parameter	Indicators for Research
Structural Dimension	Quantity	Number of civil society organizations
	Plurality	Regional distribution of NGOs Distribution according to area of activity
	Inclusiveness	Membership
Cultural Dimension	Civic participation	Volunteerism Trust in NGOs
	Horizontal relationship among NGOs	Networks, cooperative ties, umbrella organizations Common action, campaigns
	Vertical relationship between NGO actors and state actors	Consultation / Information or Inclusion of NGO actors in decision making processes Willingness on behalf of state actors to provide a fruitful legal environment for NGOs Public funding opportunities for NGOs NGO actors trust in democratic order and accept state actors as legitimate

This structural dimension of civil society, consisting of voluntary, formally established, and self-organized groups, corresponds to what is also known as the third sector or the NGO sector. The cultural dimension, characterized by a civic ethos like specific behavior patterns, is crucial to amplify the beneficial influence of civil society on a democratic system. Habermas claims that people do neither organize themselves in the civil sphere to make a profit, as is the motive of economic actors, nor to achieve power, as is the key motivation of political actors. On the contrary, by grouping together, people aim to commonly solve daily issues without the need to rely on state action (ibid., p. 40). In sum, civil society can be understood as a sphere of organized social life between the state and the market. It comprises autonomous, freely created, voluntary, self-organized, formally established associations, groups, and non-governmental organizations, based on a certain culture. However, civil society depends on a political system with a legitimate order and rule of law to flourish.

When looking at Palestinian civil society in the West Bank, it becomes apparent that its quantity mainly characterizes its structural dimension. In 2016, the Palestinian Ministry of Interior counted 3,600 associations (charitable as well as community foundations) that are registered at the NGOs Department of the Ministry. 2,800 of them are based in the West Bank and 800 in Gaza (The International Center for Not-For-Profit Law, 2019). The German Rosa Luxemburg Foundation listed 1,230 Palestinian NGOs in 2004 and almost twice as many, around 2,400, in 2010 (Gerster and Baumgarten, 2011). Further, Gerster and

Baumgarten remark that within the framework of Oslo, former grassroots movements and popular-based initiatives underwent a process of professionalization and institutionalization by obtaining official offices and hiring employees with “appropriate educational backgrounds” (ibid., p. 2). Since almost all of these professionalized organizations depend on foreign funding, they have found themselves vying for grants. Consequently, the benchmarks posed by external donors to access funding introduced a hierarchy and fueled competition between organizations on the ground. The outlined cultural dimension of civil society, consisting of civic participation, trust in NGOs, or public funding opportunities for NGOs in the West Bank, is, as a result, hardly developed. The fourth of civil society’s functions outlined earlier described its communicative function, meaning its ability to communicate people’s concern to the public sphere and stabilize and widen both civil society and the public sphere itself. This public sphere is the resource which connects citizens with the democratic regimes in the states they live in and, thereby, “serves as a mediator between the citizenry and its elected officials” (Hulgard, 2015, p. 209). By double repression through Israeli and PA policies and societal fragmentation, this public sphere is shrinking continuously for Palestinians in the West Bank. With civil society being defined as freely created and autonomous, applying the term and conception of civil society in the Palestinian case is implausible and debatable at best. Hulgard further argues that all transactions in society are a zero-sum game. Consequently, when the state becomes increasingly important and its institutions grow in number, as has been the case after the establishment of the PA and related institutionalization, this inevitably leads to the diminishing of the voluntary sector, civil society, as well as civic responsibility (ibid., p. 210).

The sociologist Farhad Khosrokhavar states in his article *The Civil Sphere and the Arab Uprising: On the Universality of Civil Society* that every society can develop a civil (or public) sphere on account of the impact of the promotion of human rights issues through communication networks and educational institutions (Khosrokhavar, 2015, p. 145). This civil sphere requires feelings of internalized dignity among citizens without which people feel discouraged, gloomy, and psychologically diminished. As a result, a robust civil sphere relies on empathy and a composed attitude towards one another, allowing democratic movements instead of resentment-laden campaigns generating violence, to develop (ibid., pp. 148-149). Referring to the so-called Arab Spring, consisting of demonstrations, riots, and coups in Northern Africa and partly in the Middle East, Khosrokhavar claims: “In the ‘dignity movements’ [...], in contrast to the previous nationalist or Islamist movements, the West loses its centrality as the culprit, and its symbolic function changes from being the devil

to being a witness” (ibid., p. 150). Within these uprisings, activists used new communication technologies that shaped people’s dignity through social media. Thereby, these

new civil sphere movements had thus ‘indigenized’ the issue of human rights, the notion no longer being a Western emanation but reflecting the aspiration of the citizens themselves. They learned to use the international as well as the diaspora’s civil sphere to gain legitimacy (ibid., pp. 162-163).

This ‘Arab’ civil sphere formed not merely on a national and regional, but on an international level as well – including the diaspora but also the Western civil sphere as a component. Inspired by the Arab Spring, between 2011 and 2012, mass demonstrations against the PA’s economic policies and increasing living costs took place all over the West Bank. However, these protests have not been perceived as part of the wider movement defined as Arab Spring. As the primary focus of Palestinian claim-making has been and continues to be ending the Israeli occupation, calls for a governmental change, as was the case in Egypt or Libya, did not find broad support within the factionally and geographically segregated Palestinian society. Considering the title of Khosrokhavar’s contribution, the question remains whether the concept of civil society is universal or not. From analyzing the emergence and development of the Arab Spring, he summarizes that every society has a capacity for a civil sphere that, however, can only function under an open political system:

Civil spheres can push toward more pluralistic political regimes: they develop under autocratic governments despite repression and denial of freedom as in the case of the Arab uprisings, and they burst into the open when the situation is propitious from the viewpoint of social actors (ibid., p. 170).

As an arena where individuals come together to discuss issues of their society and shape political action, the public or civil sphere relies heavily on the cultural dimension of civil society: solidarity and empathy among its members. While the civil sphere can, to some extent, develop under authoritarian regimes such as PA rule and Israeli occupation in the West Bank, there cannot be a ‘functioning’ civil society when the administration does not change accordingly and allows for autonomous and self-organized groups and non-governmental organizations to flourish.

4.1.3 Is there a Palestinian Civil Society?

In 2020, the non-governmental organization Freedom House ranked the West Bank as being not free and appointed it with a score of 25 out of 100, with 0 being least free and 100 being most free. Although Israeli military occupation and its adverse impacts on Palestinians’ freedom are the key reasons for this poor ranking, the PA’s authoritarian leadership is an additional cause for Palestinians’ limited political rights and civil liberties. Severely impaired media freedom, heavy-handed PA forces, arbitrary detentions, and state despotism

all contributed to a climate of fear and the fact that civil society in the West Bank is profoundly constrained. Barely one of the functions civil society is supposed to fulfill in theory can therefore be accomplished by the Palestinian society in the West Bank. Here, civil society is, for example, neither capable of creating and protecting independent spaces from the state nor of building a countervailing power, inhibiting the centralization of state powers. What is more, Palestinians are scattered all over the region, which is why Palestinian civil society might not be limited to the OPT alone but extends across borders. Therefore, the Palestinian demand for “official recognition as an indigenous people entitled to collective rights that should be translated into self-government (...) extends beyond the constraint formal political arena” (Ben-Borat and Turner, 2011, p. 19). As the United Nations Economic and Social Commission for Western Asia (ESCWA) states, civil society in the West Bank is “a strong society that previously substituted the State and its institutions on many occasions” (United Nations Economic and Social Commission for Western Asia, 2011, p. 16). Yet, it is also “a weak society which lacks a full-fledged political authority supporting its activity with clear public policies” (ibid.). It is characterized by internal divisions, instability caused by the lack of sovereignty of the PA, a general unstable political environment, and a culture of resistance to occupation that contributed to its formation. Consequently, Palestinians in the occupied West Bank are closely tied to each other through the obstacles and experiences faced in the past decades. But are they a community that is much different from Palestinian collectives elsewhere? Where do the social, political, and geographical boundaries of civil society begin, where do they end? Or put in other words: can we even speak of a common Palestinian civil society?

Between 1948 and 1964, Palestinian civil society was dispersed with only a few separate instances of civil actions taking place in the Jordanian-controlled West Bank, the area West of the Jordan River, and the Egyptian-controlled Gaza Strip. After its creation in 1964, civil society was led by the PLO and characterized by a considerable number of related voluntary work committees, youth organizations, as well as non-governmental health and education organizations (Salem, 2012, p. 20). After the first intifada, new grassroots organizations that served as main actors of resistance came into being, and with the initiation of peace talks during the mid-90s, the importance of NGOs grew. They were rich in number and dealt with questions of democracy, institution building, or human rights violations. This transformation of civil society triggered by the massive increase in foreign-funded NGOs is a general phenomenon in post-colonial societies (Dana, 2015). After Oslo, foreign-funded projects of profuse technical character replaced the previous political mobilization of the grassroots

initiatives. However, these projects have failed to contribute to any considerable progressive change in the political or social sphere due to their “short-term measurable outcomes” (Dana 2015, p. 204). Tariq Dana concludes that after over 20 years of a

futile ‘peace process’, the incapacity or ‘unwillingness’ of local organizations to challenge the status quo portrays the extent to which the forces behind the process of structural transformation effectively have managed to abort Palestinian civil society from its potential to inflict a profound political and social change (ibid.).

The election of the Palestinian Legislative Council (PLC)⁴⁰ in 2006, followed by Hamas coming into office in Gaza the year after, caused a split within the Palestinian government and civil society. The break between Fatah and Hamas created two camps in the public sphere and caused more division within society. The dependence of civil society **on** and its linkage **to** the PA as a state-like institution have further contributed to the fact that organizations lost their capacity to launch social movements (United Nations Economic and Social Commission for Western Asia, 2011, p. 29).

To create these social movements, three requirements need to be met. First, there need to be widespread grievances within a population; second, free spaces need to exist as autonomous places relatively free of state control and, lastly, a cross-class coalition of people wishing for change has to develop (Nepstad, 2015, p. 91). National movements consist of either nation-building, meaning the creation of identity that can occur in the diaspora, or state-building, meaning the formation of institutions to govern. Therefore, the Palestinian national movement that formed and used to act in exile had to territorialize to legitimize its claim to independence. In the case of Palestinian nationalism, its rise and spread “chronicles a complicated dialectic between the diaspora and the homeland, ranging from Lebanon to the Gulf States, from Europe to North Africa, and from the West Bank to Gaza” (Frisch, 1998, p. 2). Due to the expulsion of three-quarters of a million people, autonomous Palestinian institution-building began in the diaspora. Yet, this changed especially with the proceedings of the first intifada:

It was the dispossessed refugees, in diaspora, rather than the oppressed Palestinians within Palestine, who most avidly evoked the Palestinian tragedy. [...] Only during the intifada was ideology fully territorialized, as the local stone-thrower emerged more glorious than the guerilla, and the local, rather than the Lebanese, refugee camp became a bastion of Palestinian heroism (ibid., p. 25).

Both the first and the second intifada took place within the OPT and, therefore, had been carried out by those residing in the West Bank, Gaza, and East Jerusalem, irrespective of their legal status. The role of Palestinian actors in the diaspora, however, has eroded

⁴⁰ The Palestinian Legislative Council serves as parliament and acts as legislative body of the Palestinian Authority. In addition to their legislative function, the 132 members control the budget of the Palestinian Authority and supervise the cabinet.

gradually over the past decades.

Palestinians in Exile

Palestinians are scattered in many states where their legal status varies widely, while a majority of about 5.5 million people are officially registered as refugees. Therefore, Palestinian national identity was, at least initially, shaped to a vast extent in exile where most Palestinians resided. Helena Lindholm Schulz claims that deterritorialized communities, such as the Palestinian one, seek their identity in their lost territory. In the Palestinian case, “[i]t is in the placeless space of exile that the political struggle has been mounted” (Lindholm Schulz, 2003, p. 2). The situation for Palestinians in exile is characterized by the hope of return, a lack of prospects in the host countries, and, as a result, only little desire for integration. However, the Oslo process in the 1990s was marked by the disregard of the refugees, and Palestinians in exile have since been absent from subsequent state-building endeavors. For exiled Palestinians, the so-called homeland functions not merely as a territorial or topographic entity, but also as a “moral destination” (ibid., p. 10). Lindholm Schulz remarks that the meaning of a place is situated in its capacity to separate an inside from an outside which, consequently, explains the preoccupation of nationalism with territory and its sense of historical continuity and territorial rootedness (ibid., p. 15). Refugees, she claims, represent an unnatural condition and a problem to be solved, as they are considered to be a manifestation of the forced separation between a land and its people. Therefore, the homeland is often used as a unifying symbol for displaced people. When defining the Palestinian diaspora, though, the question arises who is to be included in this category: the Palestinian refugees from 1948, 1967, and/or those who faced internal displacement ‘only’ (ibid., p. 20)? The problem of alienation from land and place, Lindholm Schulz claims, defines the lives of most Palestinians in different regards. As a result, the lives of Palestinians in Israel, the West Bank, the Gaza Strip, and East Jerusalem are all together and, to some extent, defined by diasporic conditions (ibid., p. 22).

After the establishment of the State of Israel in 1948, several actions were taken to prevent Palestinian refugees from returning, e.g., the destruction of Palestinian villages and towns due to massive Jewish immigration and an urgent need for housing. This destruction, the loss of property, and the policy of clearing areas consequently became part of the refugee problem (ibid., pp. 34-35). The instructions of the United Nations Relief and Works Agency for

Palestine Refugees in the Near East (UNRWA)⁴¹ concerning registration and eligibility defined Palestinian refugees as those persons “whose normal place of residence was Palestine during the period 1 June 1946, to 15 May 1948, and who lost both their homes and means of livelihood as a result of the 1948 conflict” (ibid., p. 36). In consequence, this definition excludes several thousand Palestinians, e.g., Bedouins, as they live nomadically, or those Palestinians who fled to Egypt, where UNRWA did not operate and where people could not be registered. Many of those fleeing after the so-called Six-Day War in 1967⁴² were refugees from 1948 “who had until then resided in refugee camps in the West Bank and who now fled for the second time” (ibid., 39). Altogether, around 320,000 Palestinians fled, were expelled, or were unable to return because of the 1967 war. Ever since, the two political ways of relating to the homeland, namely longing or staying, have guided political strategies and Palestinian modes of resistance against displacement and oppression – both inside Israel/Palestine and outside. Consequently, Lindholm Schulz claims that Palestinian identity is closely related to the existence of the Palestinian diaspora, as the

PLO political project measured up to the idea that Palestinian identity and political goals were embedded in refugeeship and camp life. A distinct Palestinian identity would be lost should that status be changed. Thus, there was a certain clinging to camp life and refusal of integration that served a functional purpose of underpinning Palestinian political demands (ibid., pp. 115-116).

Although operating from exile, the PLO as a quasi-governmental apparatus constructed a civilian infrastructure including hospitals, schools, and research institutions in the West Bank. It established a taxation system, a charter, and an anthem and, by this, made the Palestinian case an archetype of “nation- as well as state-building in and through the diaspora” (ibid., p. 132). Therefore, the institutionalization of this deterritorialized state-building is in itself a form of struggle against Israeli oppression. The refugee question, which used to represent the core of the Israeli-Palestinian conflict⁴³ and an ultimate baseline for PLO politics, has disappeared slowly but steadily in the discourse from the 1980s onward, particularly with the events taking place around the first intifada that moved global public attention away from the exile. As a result, the peace process taking place in the early 1990s “implied a cementation of the fragmentation between the diaspora and the ‘inside’” (ibid., p. 146). However, the widespread and large-scale mobilization of the Palestinian people in the diaspora in the decades before the 1990s peace process can be explained by the fact that Palestine has also been the center of life for many who lived in exile. Nevertheless, today it

⁴¹ UNRWA was established in December 1949 by General Assembly Resolution 302 (IV) in order to provide relief and works programs to Palestine refugees.

⁴² Palestinians refer to the Six-Day War as *naksa*, which means ‘relapse’ or ‘setback’.

⁴³ Ibid.: p. 140. See also UN Resolution 194 (III)

has, for many, “faded away into abstraction, while new relationships with new places have been molded”, making homeland merely transform into a symbol (ibid., p. 183). For others, the homeland constitutes a collective memory and a defining feature of ongoing political demand, namely the so-called right of return (Obeid, 2013, p. 368). For the younger generations, who did not experience life in Mandatory Palestine itself, this idea of ‘returning’ became the “miracle solution to all problems” (Lindholm Schulz, 2003, p. 184).

The ambivalence of Palestinian nationalism shows itself in the fact that it is created out of displacement and life in exile while, simultaneously, having a territory as a focal point. Yet, this territory remains unattainable for most Palestinians. Thus, returning to the homeland

has represented something larger than a demand or a political aim; it has served as a complete ideological system and a vision for the future. To the Palestinian refugees spending generations waiting for a life in dignity, return has been a chief purpose in life and a prime source of meaning-construction (ibid., p. 205).

Consequently, the importance attached to Palestine as a homeland has transformed Palestinian identity into something hybrid or hyphenated, Lindholm Schulz claims (ibid., 228). Returning to the homeland represents a collective concern passed on from one generation to the next and functions not only as an aim and purpose, but as a worldview as well. Nevertheless, including the refugee issue in the 1990s peace process – and in related agreements made with Israel ever since – has been unsuccessful until today. As the relationship between Palestinians in Israel/Palestine and those outside of it has deteriorated, the prospect of mobilizing Palestinians in the diaspora to become a pro-active force within Palestinian claim-making in Israel/Palestine seems rather unlikely.

Palestinians in Gaza

In the Gaza Strip, 1.9 million Palestinians, including 1.4 million refugees, inhabit an area of 360 square kilometers, making the area one of the most densely populated places on earth. After the Hamas electoral win in 2006 in the Palestinian legislative elections and their government takeover of the Gaza Strip in 2007, Israel and Egypt imposed a land, air, and sea blockade that is still in place today. Closing the borders around Gaza and restricting the transportation of people and goods in and out of it had a severe impact on the region’s economic situation and has contributed to a drastic increase in unemployment rates as access to agricultural land and fishing waters is highly restricted. Due to the blockade, Palestinians are also unable to connect to the global market, which significantly limits their economic development:

This is proving to be even more problematic to address, considering that Palestine is in deep conflict with the country through which most of its international trade flows. This leaves Palestinians dependent upon Israel's economic infrastructure and occupational policies for much of their trade, services, and employment (Abu-Ras and Mohamed, 2018, p. 362).

Until today, the unemployment rate in Gaza has increased to over 50 percent, including 70 percent among the youth, while 80 percent of the total population depends on international assistance to make a living. The availability of electricity is restricted to sometimes as few as four hours per day, and the fact that almost all Gazans do not have access to clean water affects the provision of health, sanitation, and medical services (United Nations Relief and Work Agency, n.d.). Palestinian children, especially those living in Gazan refugee camps, are not only affected by poverty but also experience chronic malnutrition. Unsurprisingly, Michael Lynk, the UN Special Rapporteur on human rights in the Palestinian territories, claims that Gaza has become “unliveable” (United Nations, 2018b). Occasional violent confrontations between Hamas and the Israeli army account for further destruction of Gaza's infrastructure, displacement, and human loss. The military operation launched by Israel in 2014 in the Gaza Strip, for example, left over 2,000 Palestinians dead, including nearly 1,500 civilians, many of whom were children. In 2018, resulting from this hopelessness and the deteriorating socio-economic situation for Palestinians in Gaza, over 30,000 Palestinians participated in the initially described Great March of Return, protesting the blockade and demanding the right of return for Palestinian refugees.

However, not only do Gazans suffer from the blockade imposed by Israel and Egypt, but also by the Palestinian regime in power. According to Human Rights Watch, Hamas arbitrarily arrests critics, such as journalists, individuals who criticize the authorities on social media platforms, demonstrators, or students – often without them having committed a cognizable offense. The Hamas police are further said to punish and deter activists and torture and abuse those held in custody without being held accountable by authorities (Human Rights Watch, 2018). In a report published in early 2019, Saleh Higazi from Amnesty International states that

[t]he crackdown on freedom of expression and the use of torture in Gaza has reached alarming new levels. Over the past few days, we have seen shocking human rights violations carried out by Hamas security forces against peaceful protesters, journalists and rights workers (Amnesty International, 2019).

The failure of the two major Palestinian political parties, Fatah and Hamas, to reach a deal to share government power after the 2006 elections resulted in the split of the PA in 2007 and an ongoing conflict between the parties ever since. While freedom of movement has

always been limited, since 2007, Palestinians in Gaza remain isolated from their direct neighbors and cut off from the West Bank as they can neither enter via Israel nor Jordan. This circumstance has further contributed to the disintegration and fragmentation of Palestinian society in Israel/Palestine. In Gaza, non-state activities are mainly organized by social welfare institutions active in a variety of fields, such as education, health care, and housing. In the past decades, Islamic social institutions in Gaza have largely compensated for the government's lack of handling widespread poverty (Roy, 2011). Political activities of non-state organizations, on the other hand, are highly restricted and only possible as long as they do not criticize and take issue with the Hamas-led government.

Palestinians in Israel

Palestinian citizens of Israel make up a minority of around 21 percent of the Israeli population. They enjoy formal Israeli citizenship but are to some extent denied equal access to social rights, such as social security or education, and economic rights, like access to land. The Haifa-based organization Adalah – The Legal Center for Arab Minority Rights in Israel lists over 65 Israeli laws that explicitly or indirectly discriminate against Palestinians based on their national belonging. These laws limit the rights of Palestinians in all areas of life and touch upon education rights, land and housing rights, citizenship, political, cultural, and religious rights (Adalah, 2017b). The 2011 *Admissions Committee Law*, for example, allows for the establishment of so-called admission committees in more than 300 Jewish-majority communities in the Negev and the Galilee. Due to the law's passing, they are entitled to reject applicants for residency who do not meet vague social suitability criteria or do not fit the community's "social and cultural fabric" (Human Rights Watch, 2011). Consequently, the law legalizes the rejection of Palestinian citizens of Israel or other marginalized groups based on, e.g., their race or religion. The *Admissions Committee Law* is only one of many legal measures that make it apparent that Palestinian citizens of Israel do not enjoy the same rights as their Jewish counterparts do. In those areas in which Palestinian citizens of Israel, on the other hand, **do** enjoy the same rights and are able and willing to participate in Israeli society fully – and when this participation implies their assimilation –

the oppressed person [the Palestinian citizen of Israel] is caught in an irresolvable dilemma: to participate means to accept or adopt an identity one is not, to try to participate means to be reminded by oneself and others of the identity one is (Young, I.M, 1990, p. 165 quoted in Meital and Rayman, 2018, p. 97).

Shourideh Cherie Molavi, congruently, states in her monograph *Stateless Citizenship. The Palestinian-Arab Citizens of Israel* that "it is through the granting of Israeli citizenship that Arabs are deemed stateless; it is through inclusion within the Israeli citizenship regime that

they are excluded” (Molavi, 2013, p. 181). Palestinian citizens of Israel are not only excluded from Palestinian nationalism, which increasingly developed into a state-building project for the West Bank and Gaza only; they are, moreover, also excluded from the project of building a Jewish state. In Israel, a vast number of those 65 discriminatory laws listed by Adalah limit the freedom of expression of Palestinians, like the 2011 *Anti-Boycott Law*⁴⁴, the *Budget Foundations Law (Amendment 40)*, also known as *Nakba Law*⁴⁵, or the *Law of Political Parties*.⁴⁶

During the 2014 Gaza war (Blumenthal, 2015), many Palestinians took to the streets to demonstrate and vent their anger.⁴⁷ The war presented a huge event that provided an impetus for Palestinian citizens of Israel, Palestinians in the West Bank, and the wider region to organize protests in solidarity with those living in Gaza. Nevertheless, despite a common political identity, “distinct forms of Israeli rule – military rule in the West Bank as opposed to a form of democracy within Israel’s 1948 borders – create different modes of political expression and kinds of subalternity” (Bishara, 2016, p. 306). As Palestinians in Israel and the West Bank live under Israeli sovereignty but with different legal statuses, this fact is also reflected in their repertoires of contention. The prevalent forms of Palestinian protest in Israel were vigils and marches, while in the West Bank, the most visible form was stone-throwing and clashes with the Israeli army (ibid., p. 307). Consequently, forms of contention revealed themselves in a different manner for those in Israel compared to those in the West Bank. While in Israel, mainly vigils and processions and only a few confrontations with the police took place, Palestinians in the West Bank pushed for upfront confrontation with the Israeli army. The inability for Palestinians to express themselves collectively across these two groups entails that distinct repertoires of contention emerge:

Fragmentation – in geography and political culture – is a key factor producing Palestinian subalternities [...]. The more general point, then, is that state-produced divisions between related polities affect conditions for group expression. [...] It is also that the naturalized sense of separation between people into different polities – in this case, Israel and the West Bank – acts as another limit on expression (ibid., pp. 324-

⁴⁴ The *Anti-Boycott Law* prohibits the promotion of boycott by Israeli citizens against Israeli institutions.

⁴⁵ The *Budget Foundations Law or Nakba Law* authorizes the reduction of state funding to any institution that commemorates Israeli Independence Day as a day of mourning and implicitly refers to the Palestinian *Nakba* commemorations.

⁴⁶ The *Law of Political Parties* prohibits political parties that “deny the existence of the State of Israel as a Jewish and democratic state” (Bishara, 2016, p. 310).

⁴⁷ The 2014 Gaza war was a violent conflict between Israel and the Hamas-led Gaza Strip. According to figures provided by B'Tselem, 63% of the 2,202 Palestinians killed by Israeli security forces between July and August did not take part in the hostilities. Almost 600 of those killed were children under eighteen years of age. See B'Tselem (July 20, 2016) *50 Days: More than 500 Children: Facts and figures on fatalities in Gaza, Summer 2014*. Available at: https://www.btselem.org/press_releases/20160720_fatalities_in_gaza_conflict_2014 (Accessed: May 15, 2021)

Palestinians in the West Bank

While Palestinians in Israel make up a minority of Israeli society, Palestinians in the West Bank account for the largest group in these territories. About three million people live in the West Bank, including over 400,000 Israeli settlers (excluding East Jerusalem). While today Palestinians in the West Bank are politically and geographically segregated, in the 1970s and 1980s, political and social movements, consisting of women's associations, labor unions, and student organizations emerged and mobilized the Palestinian people to political ends (Jamal, 2007, p. 34). Nevertheless, following the Oslo process and the establishment of the PA, political corruption has limited democratic development, and Palestinian society has become increasingly polarized because

there were those who had access to the clientelistic and patron networks of the PNA, and there were those who did not. This selective representation had undermined the legitimacy of the PNA as a governing institution; hence, support for the regime declined gradually since the signing of Oslo (ibid., p. 42).

In systems characterized by a lack of democratic institutions, like it is the case in the West Bank, civic engagement generates attitudes and behaviors that “either reinforce the prevailing political status quo or distance citizens from the regime in power” (ibid., p. 17). During the Oslo period, for example, Hamas mostly refused clientelist ties to the Palestinian Authority and aimed to continue mobilizing its support at the level of civil society. In the West Bank, it thus became “readily apparent that involvement in pro-PNA associations offers better benefits and perquisites than involvement in non-PNA-supporting associations” (ibid., p. 18).

The Palestinian Legislative Council, intended to serve as a parliament and act as the legislative body of the Palestinian Authority, has been unable to meet and govern since 2007 on account of the conflict between Fatah and Hamas and the indefinite postponing of elections by the PA. Therefore, it has remained nonoperational until today. This conflict also contributed to the fact that associations and organizations were not mainly politicized along factional ties as they used to, but found themselves in a new environment which reshaped their programmatic initiatives and financial opportunities: “for many associations, gaining political access to the PNA was a financial necessity – not a luxury” (ibid., p. 49). The electoral victory of Hamas in the PLC elections in 2006 is, accordingly, closely related to the lack of support for the PA from large parts of the Palestinian society, the lack of support for Fatah itself, and the prevailing clientelism. It was a direct result of the shattered Palestinian expectations for any improvements in their living conditions, growing corruption

among members of Fatah, and a damaging of its reputation (ibid., pp. 74-75). On these grounds, when discussing Palestinian civil society in the West Bank, the large number of associations is not a significant factor in shaping civic attitudes. Instead,

they are shaped by the nature of associations' ties to the ruling government. An increase in the number of associations in the West Bank will not increase support for democratic institutions, because the existing political environment will segregate these associations into either pro- or anti-PNA camps (ibid., pp. 94-95).

The question from the beginning of this chapter, whether we can speak of a common Palestinian civil society, has to be answered as no. There is no connected and intertwined civil society due to the geographical scattering of Palestinians, but we can hardly speak of a joint civil society even in the West Bank itself. As has become apparent through the brief description of Palestinians living in the diaspora, the Gaza Strip, Israel, and the West Bank, their relationship has deteriorated in the past decades. As those in Gaza, Israel, and the West Bank suffer from distinct forms of Israeli rule, they also make use of different modes of political expression (Bishara, 2016).

4.1.4 Conclusion

Including the concept of civil society in the examination of Palestinian claim-making might only, to some extent, be helpful, as the main focus of the dissertation project lies on fragmented actors. Therefore, operating with the concept of civil society under Israeli occupation and PA rule is only of limited help for analyzing and describing these actors' claim-making opportunities. Opening up new perspectives and generating a more profound knowledge on Palestinian societal activities, as a result, can solely be achieved when looking at them through different theoretical glasses than those of civil society alone. Also, the concept of civil society within a post-colonial framework refers, according to anthropologist Partha Chatterjee, to elite and bourgeois groups only (Chatterjee, 1998). In the Global South and Palestine in particular, civil society includes only a small and educated part of the country's population. In these contexts, people's participation as citizens is generally limited to acts of voting, while Palestinians are neither citizens nor able to have a say in their ruling. As a result, the presented research shall help to direct scholarly attention to a variety of different practices of engagement without embedding them in civil society.

How can these practices of engagement manifest within environments of weak civil society organizations, as is the case in the West Bank? In her 2019 monograph *The Revolution Within. State Institutions and Unarmed Resistance in Palestine*, Yael Zeira claims that in such contexts, they can, in fact, develop within state institutions instead. In a context of repression and media censorship within authoritarian environments, nonviolent resistance against

oppressive governments differs greatly from contentious collective action in more liberal regimes. As a result, the integration of resistance into state institutions like schools or prisons, as she demonstrated by analyzing the Palestinian case, provides a better opportunity for anti-regime resistance than restricted civil society organizations do. Since students can more easily assemble and assess the risk of protests in school rather than outside this institutional safety frame, they can do so without facing the state's compulsory measures. Therefore, "organized protests often begin from schools and universities, which allow for a 'critical mass' of protestors to form before marching out into the street" (Zeira, 2019, p. 26). Like schools, prisons also serve as spaces of assembly, which is why mass imprisonment might further provoke resistance rather than alleviating it. With relatives and friends visiting the prisoners and attending court sessions, "this process also connects prisoners' loved ones in new interfamilial networks of prisoners' families, which cut across existing, more parochial lines of interaction and affiliation" (ibid., p. 29). How imprisonment of friends and relatives triggered the resistance and politicization of Palestinians in the West Bank is also captured at length in Maya Rosenfeld's *Confronting the Occupation: Work, Education, and Political Activism of Palestinian Families in a Refugee Camp* in 2004. Accordingly, more repression – including mass incarcerations – leads to more resistance and produces more actors inventing new, innovative ways to make their claims. Although Zeira demonstrates in her study how institutions in repressive regimes facilitate mass protests, she does underline that they themselves cannot sustain a nationwide uproar. A strong network of civil society organizations is inevitable to connect disparate protests into a national protest movement (Zeira, 2019, p. 32). In the 1980s, before the first intifada, this national protest movement was carried on the back of student groups, unions, and grassroots organizations which replaced administrative offices and municipalities as major sites for mobilization. However, today, it is hard for a network of civil society organizations to gain strength in the context of continuing occupation, double oppression by Israeli and PA rule, and economic downfall in the West Bank. Since the mid-1990s and the establishment of the Palestinian Authority, "state institutions are not suited for anti-regime protest as this resistance would be directed not only against the Israeli occupation regime, but towards Palestinians' own quasi-government, the PA, as well" (ibid., pp. 179-180).

Although the institutionalization of civil society has led to the creation of rights, the concept of civil society alone provides no sufficient explanation to answer the posed research questions. Neither is it autonomous nor freely created. Palestinian civil society, if insisting on this terminology, is characterized by segregation and fragmentation, with Palestinians

being scattered around the world, where their legal status varies widely. As the mentioned distinct legal statuses are of high importance when it comes to Palestinians' opportunities for making their claims, looking at the concept of citizenship, as **the** legal status of a person under the custom of state or local jurisdiction, might explain better how and what claim-making is possible for citizens or those striving to become citizens.

4.2 Citizenship and Acts of Citizenship

While not all people that live in a particular nation-state enjoy citizenship rights, e.g., immigrants, they can reasonably be part of its civil society (Mackert, 2000). Jürgen Mackert, therefore, claims that citizenship is increasingly detaching itself from the modern nation-state as is happening in the European Union, where European citizenship complements national citizenship and further provides its holders with additional rights. Citizens of a European member state, for example, have the right to live and move freely within the EU, to vote in EU elections, and, while being abroad, they enjoy the consular protection of the authorities of any other EU member state in the absence of their own embassy. Therefore, Mackert identifies citizenship as a much broader concept than that of civil society. However, citizenship is not only a means of inclusion for some individuals but “also a powerful instrument of social closure that triggers processes of exclusion” (Mackert and Turner, 2017, p. 1) for others. While there are ‘proper’ citizens within today’s nation-states on the one side (although holding citizenship, in general, does not say much about someone’s living conditions), there are many others with an uncertain status or those who live in a country illegally on the other side (ibid., p. 5). Due to the existence of different people not holding citizenship of the country they live in, such as refugees, asylum seekers, or migrant workers, new boundaries to the conception of citizenship have appeared. These changed circumstances are crucial for the way citizenship operates today (ibid., p. 11). However, citizenship is dynamic and fluid, always in flux and open for reinterpretation and adaptation. Exploring the classical concept of citizenship and its modification of acts of citizenship and applying them to Palestinians in the West Bank is the focus of the following subchapters.

4.2.1 From a legal Status to a Practice of Claim-Making

“The ideology of citizenship assumes a stability not only of personal identity via documents and laws that assign citizenship but also of borders, as well as the coincidence of genetic, legal, and de facto families” (Lawrance and Stevens, 2017, pp. 3-4). This is how Jacqueline Stevens and Benjamin Lawrance sum up the classical key assumptions on citizenship theory

in their monograph *Citizenship in Question. Evidentiary birthright and statelessness*. They illustrate how citizenship used to be understood as a mainly legal identity. As an abstract concept, citizenship is moreover defined as the cornerstone of any political society as a membership organization. With the ascription of inheritable status identities, such as citizenship or race, “it is as if we were born with certain prepolitical characteristics” (ibid., p. 6). Citizenship, understood as a fluid and shifting concept, lies at the center of discourses on nation-building and statehood. It relates to membership of, a sense of belonging to, and participation in a political community or “in other words as status, feeling and as practice” (Hammett, 2014, p. 618). To acquire citizenship, one can differentiate between *jus soli*, acquiring citizenship by birth or literally translated from Latin: right of soil, *jus sanguinis*, by blood (right of blood), and *jus domicile*, by naturalization (right of residence). Bridget Anderson defines citizenship as a “process of constructing relations, in which all can be directly engaged including those who are formally excluded from the polity” (Anderson, 2009 quoted in Preminger, 2017, p. 92). Acts of citizenship, on the other hand, can be described as confrontations, as the legalization of one’s own or a collective group’s status and its rights-seeking activities. The concept of acts of citizenship, in contrast to citizenship, allows us to approach people’s claim-making activities as an “institution mediating rights between the subjects of politics and the polities to which these subjects belong or with which they identify or affiliate” (Isin, 2014, p. 521). Moreover, citizenship reflects the superordinate identity “through which claims to political being are enacted” (Nyers, 2008, p. 162), and one might even argue that the very act of demanding a right itself can be considered an act of citizenship. An act of citizenship as a contentious practice of claim-making,

is an act of struggle against subjecthood, and practices of citizenship engender effective citizenship even where no formal status has been granted. In this view, citizenship is comprised of various dimensions, an axis (or axes) of greater or lesser status as opposed to an ‘either/or’ formal belonging (Preminger, 2017, p. 95).

As citizenship is a normative and contestable concept, it can also be understood as an act of struggle, as outlined above. Linked to this ‘struggle’ are often also terms such as resistance, protests, or clashes – or in short: violence. In his study on *Suicide bombing as acts of deathly citizenship*, Charles T. Lee describes violence, with reference to Frantz Fanon, seized by a collective body

as a moment to capture their critical agency and live out their subjectivity – even if it implicates their own deaths – towards a radical renewal of their life conditions, symbolic and/or material. Whether they actually win or lose is less a matter than the fact that they are acting, since to act is to initiate a possibility of change (Lee, 2009, pp. 147-148).

In a modified form, claim-making is frequently also associated with the use of violence. Although closely related, Charles Tilly defines terror not as a form of violence, but rather as a strategy characterized by the deployment of violence or threats of violence against an unequal target.⁴⁸ Terror's inequality can run in one of the following directions: either a weak political actor strikes against a strong political actor or a powerful political actor deploys violence and threats of violence against a relatively weak political actor (Tilly, 2006, p. 138). Moreover, Tilly underlines that every definition of terror excludes some individuals or groups and their actions because "it usually helps your cause to use the term 'terror' for actions of which you disapprove, and to exempt actions of which you approve" (Tilly, 2005, p. 18). However, those activities defined as acts of citizenship by countless scholars, such as protests of migrants in major European cities (e.g., Barbero, 2012, Darling, 2013), are practically all nonviolent in essence. Engin F. Isin defines acts of citizenship as those acts that transform modes (citizens, strangers, outsiders, aliens) and forms (orientations, strategies, technologies) of being political by creating new actors as activist citizens (claimants of rights and responsibilities) through the generation of innovative sites and scales of struggle (Isin, 2008, p. 39). Resistance, on the other hand, is defined by Paul Routledge as

any action, imbued with intent, that attempts to challenge, change, or retain particular circumstances relating to societal relations, processes, and/or institutions. These circumstances may involve domination, exploitation, subjection at the material, symbolic or psychological level. Resistances are assembled out of the materials and practices of everyday life, and imply some form of contestation, some juxtaposition of forces (Routledge, 1996, p. 415).

Resistance is directed against dominant forces of power, and, therefore, every activity challenging these forces can be counted as resistance. When looking at the West Bank, "the failures of the national struggle have imbued Palestinian nationalism with a culture of resistance and a momentum of sociopolitical transformation" (Hassassian, 2000, p. 246). Therefore, resistance is also linked to the concept of acts of citizenship because claims that are made by citizens or aspiring citizens for the realization of their rights may also "be seen as 'uncivil' and involve direct action or resistance in and across concrete and virtual worlds" (Hammett, 2014, p. 622). While resistance is directed against dominant forces of power, acts of citizenship aim to transform power relations, disrupt habitus, and shift established

⁴⁸ In theory, the four main forms of violence include public violence, symbolic violence, everyday violence, and private violence. For Tilly, terror is not a particular form of violence itself but rather a strategy because "most uses of terror actually occur as complements or as byproducts of struggles in which participants – often including the so-called terrorists – are engaging simultaneously or successively in other more routine varieties of political claim making" (Tilly, 2004, p. 6).

practices, status, and order (Isin, 2008, p. 10). Yet, acts of citizenship can often not be clearly separated from acts of resistance. The present research project, however, occupies itself with nonviolent claim-making activities only, as all portrayed organizations and initiatives are made up of non-state actors who are dedicated to nonviolent activities. Therefore, these entities found alternative ways of practicing resilience towards repressions by Israeli authorities and the PA within the framework of a foreign-funded NGO system. Here, nonviolence does not mean turning away from extremities or avoiding them, as Balibar suggests, but has the same meaning as the term ‘antiviolence’ – the conscious opposing and acting against violence (See Balibar, 2015, pp. 23 et seq.).

Since the late eighteenth and nineteenth centuries, citizenship has been interpreted as a purely occidental concept. It was understood as a contractual arrangement among sovereign citizens who are able of collaborating in a system of the developing capitalist economy:

Where the origins of ‘city’, ‘democracy’ and ‘citizenship’ are etymologically traced to the ‘Greek’, ‘Roman’ and ‘medieval’ cities and affinities between ‘ancient’ and ‘modern’ practices are established and juxtaposed against oriental societies - Indian, Chinese and Islamic - as societies that failed to develop citizenship and hence indigenous capitalism (Isin, 2013, p. 117).

Hence, this orientalism divided the world into two blocs, one that has become rationalized and secularized and is therefore modern, and another bloc that has remained religious and is thus traditional (ibid., p. 116). Consequently, citizenship has often been assigned to the first bloc as a feature of a modern and ‘civilized’ society. Yet, with citizenship being broadly defined as an institution regulating the relationship between subjects and governors, its meaning very well applies to all societies independent of them being characterized as secularized, modern, or traditional. Moreover, one could even argue that acts of citizenship have been practiced outside the ‘Western world’ already during Ottoman times – with the Islamic gift-giving institution of *waqf*⁴⁹ as a prime example (ibid., p. 118). As political theory should find “alternative forms of thought to the imperialism that permeates it” (Isin, 2015, p. 8), eventually, a discourse on the concept and application of citizenship is much needed.

Engin F. Isin argues that

those ‘brown men from whom brown women should be saved’ to whom Gayatri Spivak drew our attention more than 25 years ago, figure as a constitutive ‘bad other’, that is, as the ineluctable condition under which any ‘good other’ can emerge. [...] If

⁴⁹ *Waqf*, as described by Isin, is considered to be a gift-giving practice or an act of piety through which many Ottoman social services were provided. According to the Duhaime’s Law Dictionary, *waqf* is defined as property that is dedicated to charitable purposes: “A wakf [waqf] is an unconditional and permanent dedication of property with implied detention in the ownership of God in such a manner that the property of the owner may be extinguished, and its profit may revert to or be applied for the benefit of mankind except for purposes prohibited by Islam.” See Duhaime’s Law Dictionary: *Waqf* Definition. Available at: <http://www.duhaime.org/LegalDictionary/W/Waqf.aspx> (Accessed: December 22, 2016)

‘non-Western’ people are willing to part ways with those actions, practices, and markers of identity that appear antagonistic to desired freedoms that are already available in Western societies, then they are considered to be making the right choices (ibid., p. 27, 28).

This logic, Isin claims, presents the basis of a hegemonic politics of citizenship that divides those who deserve citizenship on account of having made the right choices and those who do not deserve citizenship on account of having chosen the wrong direction. Therefore, turning to Israel/Palestine means exploring practices and acts of those who constitute themselves as political subjects “not in terms of the dominant figure of the citizen and its orientalizing perspective but as a challenge to them” (ibid., p. 5).

Beyond the Western perspective on citizenship, or citizenship’s overall conception as a Western term, lies the problem of its scope. Balibar, for instance, argues that modern citizenship – with its product being the citizens as actors – is a universal right, even though it is instituted within certain borders. Therefore, he speaks of a “community without community” (Balibar, 2015, p. 144) which allows and secures the collective construction of reciprocal rights. Consequently, “there must be a moment of civility in politics, over and above citizenship, in order to introduce the demand for antiviolence or resistance to violence into it” (ibid.). The community of citizens is said to exist solely within narrow social boundaries and under constant provisional conditions. Its historical dynamic, albeit, “stems from a strictly subjective process: what Lefort calls ‘democratic invention’ and Rancière calls a demand ‘for a share by those who have no share’” (ibid.). Also, Hannah Arendt famously claimed that the right to have rights comes into being when individual resistance to oppression “intersects with the collective affirmation that human existence has a ‘public’ dimension: the point where the institution is born. [...] The community of citizens [is] the only concrete realization of the ‘human’” (ibid., pp. 145-146). It is this community of citizens that provides the basis for the ownership of rights. Therefore, one could conclude, claim-making is only possible through the establishment of a community, e.g., the initially outlined civil society and its institutionalization. On the other hand, the institutionalization of citizenship used to be traditionally attributed to Western nation-states, such as the US, Canada, or France, and was interpreted as a purely occidental concept. However, citizenship has earlier been defined as a process of constructing relations and as an institution regulating the relationship between subjects and governors. Therefore, this broad definition allows for citizenship’s application to other geopolitical contexts as well. Citizenship, traditionally understood as a person’s mere legal status within a nation-state, is today perceived as an umbrella term and a practice of claiming rights through various sites and scales.

4.2.2 Citizenship and Territoriality in Israel/Palestine

In Israel/Palestine, citizenship dates back to the 1920s and, thus, long before the establishment of a country with delineated boundaries and other features of a modern nation-state in the area. A monopoly of the legitimate use of force within a particular territory is **the** central character of the modern nation-state (Weber, 1965). Maintaining public order, however, relies not only on functioning state institutions but also on the daily practice of related social actions. Consequently, the shaping of individuals' public behavior has resulted from the institutional setting of this modern statehood – a development described by Norbert Elias as a civilizing process (Elias, 1978). When it comes to modern state formation in the Middle East, an additional factor that has to be taken into consideration is the linkage to its colonial past:

The modern state as an institutional setting and as a membership condition for the 'international society of states' was eventually not the result of intense bargaining processes between regional state-makers with their respective populations, but conditioned by the interests of international powers and implemented by the rules of decolonization (Jung, 2009, p. 5).

The case of Israel/Palestine presents a remarkable example, since Israeli institutions as well as those of the nascent Palestinian state have primarily been created without immediate contact to a territory or a population:

The Zionist movement imported its organizational structure into a country with a population which was excluded from its state-building efforts. Some decades later, the Palestinian Liberation Organization (PLO) almost copied the Zionist example and erected state-like institutions in exile. [...] The bargain took place between state-makers, international organizations, transnational groups and other states, largely bypassing the respective populations (ibid., p. 6).

Hence, these developments have led to the interference of international, national, and regional actors as well as a militarization of the area. In contrast to their European counterparts, Middle Eastern states did not fight in major state-building wars since large parts of the region have been penetrated by external interference. Yet, despite unique characteristics, such as Zionist mass immigration or ongoing Israeli occupation, the mechanisms of claim-making in a post-colonial environment like Israel/Palestine remain the same as in other political surroundings.

Claims become collective when political identities are created – through a boundary formation of 'us' and 'them'. "Political identities take their meaning from contentious interaction: we make claims on them. They (whoever 'they' are) often respond with counterclaims" (Tarrow and Tilly, 2015, p. 81). In identity politics in general and Israel/Palestine in particular, the mechanisms of boundary activation are omnipresent because existing boundaries became more salient as a benchmark for collective claim-

making. In this train of thought, identity politics have been a major catalyst for nationalism as a claim in itself. As McAdam, Tarrow, and Tilly point out:

In its most general terms, nationalism involves the twin claims that distinct nations have the right to possess distinct states, and that rulers of distinct states have the right to impose national cultural definitions on inhabitants of those states. [...] A nation is a body of individuals who claim to be united by some set of characteristics that differentiate them from outsiders, who either strive to create or to maintain their own state. A nation-state is a political entity whose inhabitants claim to be a single nation and wish to remain one (McAdam, Tarrow, and Tilly, 2001, p. 229).

Therefore, nationalism is not, as commonly defined, solely a belief or a sentiment but also a type of claim-making. It is a claim made by a group of people who already constitute a nation or intend to do so and consists of national sentiment, an ideology, and a national myth. In terms of contentious politics, it is a struggle between those who favor a nationalist ideology and those – very often already well-established states – who oppose these claims (*ibid.*, p. 230).

Besides nationalism's claim-making capabilities, Balibar unravels its relationship with racism. He claims that the drawing and redrawing of borders and the impermeability of populations between, e.g., rich and poor or north and south, between

‘superior’ and ‘inferior’ species of human beings, armed or not, ‘televisualized’ or not – has become both the testing ground for a ‘new world order’ and a point of fixation for institutional forms of violence and their more or less spontaneous individual or collective by-products (Balibar, 2015, pp. 14-15).

While he claims that nationalism is increasingly becoming a function of racism on the one hand, it is an important source for the emergence of the citizenry and the development of rights on the other hand. As a catalyst for the development of the modern nation-state, nationalism is, in consequence, also intertwined with citizenship. In Palestine, citizenship has its origin in the Treaty of Lausanne of August 6, 1924. The agreement stipulated “that those Ottoman nationals who were ‘habitually residents’ of Palestine will become (...) nationals of that state” (Kassim, 2000, p. 203), and a further provision stated that the mandatory power is obligated “to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine” (*ibid.*). As a result, the first Palestinian citizenship order enacted on July 24, 1925, provided a legal definition of who a Palestinian was and granted citizenship to any applicant, irrespective of race, religion, or language. After May 14, 1948, when the State of Israel was declared a Jewish State, non-Jewish Palestinians either remained in Israel, became refugees in surrounding countries, or remained/relocated in the Gaza Strip and the West Bank. Thus, Palestinian citizenship was terminated (*ibid.*, p. 205).

Manifestations of citizenship in Israel/Palestine, as everywhere else, have at least one thing in common, namely a relationship between territory and a sovereign state: “Ownership of a passport is the hallmark of citizenship, permitting an individual to move in and out of a territory with the support of a state” (Ben-Borat and Turner, 2011, p. 5). Without political borders and in the absence of an independent and internationally recognized state, citizenship in the occupied West Bank, the Gaza Strip, and for many Palestinians residing in Israel, remains “a virtual identity” (Nasser, 2011, pp. 197-198), turning the question of Palestinian citizenship into an enigma (ibid., p. 176). The linkage between territory and citizenship is vividly reflected in the established ID system in the OPT and Israel itself. This system is constructed in such a way that it does not grant citizenship to some and forbids particular groups of persons from entering certain territories. The following table of Helga Tawil-Souri also includes the differences being drawn between ethnic affiliation and citizenship within the ID system:

Table 2: ID system in Israel and the OPT⁵⁰ (Tawil-Souri, 2011, pp. 74-75)

ID color	Nationality noted on card	Citizenship noted on card	Citizenship status	Permitted to reside in	Permitted to travel to	Travel document	Permit required to visit, travel through, work, and/or live in East Jerusalem?
Blue	Jewish	Israeli	No terms or limitations	Israel, settlements (and illegal outposts)	Israel, settlements (and illegal outposts), majority of the West Bank	Israeli passport	No
Blue	Arab	Israeli	No terms or limitations	Israel	Israel	Israeli passport	No; Impossible for Arab citizens to relocate to/live in East Jerusalem; no limitations on visiting or working
Blue; Issued to Arab residents of East Jerusalem only	Arab	Blank; Listed as Jordanian until 2002	None; Small % have Israeli citizenship; none permitted Palestinian citizenship	East Jerusalem only; Increasingly subject to eviction	Israel	Israeli travel permit or temporary Jordanian passport/ travel permit	No; Must have exit permit renewed if leaving city for prolonged time
Green West Bank	Arab	None listed	Palestinian; Only for those residing in the West Bank prior to 1993 or born to parents who are already citizens	Parts of the West Bank only	Parts of the West Bank only	PA passport, Jordanian temporary passport or travel document	Yes; Under no circumstances is a West Banker permitted to (legally) live in East Jerusalem
Orange Gaza Strip	Arab	None listed	Palestinian; Only for those residing in the Gaza Strip prior to 1993 or born to parents who are already citizens	Gaza Strip only	Gaza Strip only	PA passport, Egyptian laissez-passer	Yes; Travel in/out of Gaza closed since 2005; open only to exceptional cases (e.g., medical condition)

⁵⁰ Contrary to the table, 'nationality' (or rather 'ethnic affiliation') was removed from Israeli IDs after the Israeli Supreme Court instructed the Ministry of Interior in 2002 to register anyone as Jewish who has undergone a reform or conservative conversion abroad. In order not to list people as Jewish who are not considered to be so anymore, the ethnic affiliation is not listed on IDs any longer.

The table does not include Druze, Bedouins, or other inhabitants of Israel. It states four different types of IDs: an Israeli ID with Israeli citizenship, a so-called blue ID for Jerusalemites without any citizenship, a West Bank or so-called green ID, and an orange ID for residents of the Gaza Strip – both also without citizenship. West Bank and Gaza residents depend on the Israeli state apparatus for authorization to move across certain spaces inside and between the OPT as well as for the obtainment of special permits to enter Jerusalem. After the establishment of the Palestinian Authority in 1994, reintegrating Palestinians into one citizenship body became one of its major challenges. The *Election Law No.15* of 1995 defined an elector as every Palestinian inhabitant of the Gaza Strip, the West Bank, and Jerusalem. According to Art.7, a person is defined as being Palestinian if she

- (a) was born in Palestine, as defined by the British Mandate, or could have the right to Palestinian citizenship according to the laws in force during that period;
- (b) was born in the Gaza Strip or in the West Bank, including Jerusalem;
- (c) irrespective of his place of birth, has one of his ancestors who meets the requirements in paragraph (a) above;
- (d) is the spouse of a Palestinian who meets the requirements mentioned above; and
- (e) has not acquired Israeli citizenship (Kassim, 2000, p. 219).

However, these definitions leave out the situation of many Palestinian refugees and their descendants and insufficiently include the legacy of Palestinians in Israel (where many acquired Israeli citizenship) and those in surrounding countries registered at UNRWA. Consequently, they turn citizenship, in effect, into “a privilege and not an inherent right” (ibid., p. 221). Moreover, the PA’s endeavors to re-integrate Palestinians into one citizenship body can best be understood as symbolic politics. Under the Oslo Accords, the PA remains an administrative branch without holding legal power to practice sovereignty over the West Bank or the Gaza Strip and their natural resources, let alone enforcing citizenship laws (Nasser, 2011, pp. 182-183). Nonetheless, within social sciences, the concept of citizenship has evolved dramatically over the past decades. Today, it not only describes structural conditions and expectations imposed from a state but likewise includes the agency of those claiming and contesting the significance and content of citizenship from below (Hammett, 2014).

4.2.3 *Are there Palestinian Acts of Citizenship?*

When thinking about citizenship today, scholars often distinguish between active citizens who undertake routine social actions requested by a state, like exercising their right to vote, and activist citizens (e.g., Isin, 2009; Hammett, 2014). Activist citizens make claims to be citizens and, with or without the status of being a citizen, make claims to justice. Acts of citizenship, may they be civil or uncivil, then contribute to efforts to realize (social) justice

and challenge injustice (Hammett, 2014, p. 620). In consequence, today, citizenship is linked to resistance strategies against the “dominant narratives of belonging” (ibid.). Necessary networks that lie beyond state control increasingly involve social media platforms that provide spaces for participation and organization. Moreover, new social media developed as essential forums to promote social injustice campaigns, report on human rights abuses, and support the mass mobilization of acts of citizenship (ibid., p. 624). These acts of citizenship produce actors that did not exist before and, in turn, create citizens and their others. Peter Nyers states that “(i)n a deeply paradoxical way, to self-identify as a non-status person is to engage in an act of citizenship” (Nyers, 2008, p. 163) and continues by claiming that people widely move in and out of a certain status and between different degrees of legal status: “To speak of non-status in a legal sense is to consider a number of grey areas. The point, however, is that all these areas are political” (ibid., p. 165).

The development of new information and communication technologies has, to some extent, contributed to the changing nature of how citizenship is defined and conceptualized. For example, recent protest movements are, almost without exception, based on ICTs for coordination and mobilization. Venetia Papa and Dimitra Milioni claim in their article *Active Citizenship or Activist Citizenship? A Framework for Studying Citizenship in New Social Movements and the Role of ICTs* that the internet produces alternative civic resources. These resources are available to citizens and can, thus, easily generate channels for civic engagement and participation, engendering new forms of civic identities (Milioni and Papa, 2013, p. 23). They further suggest that the appearance and rapid expansion of new media outlets have led to new kinds of different practices. Old social movements that appeared mainly in the mid 20th century were characterized by social and political attributes, e.g., class, the same ideological beliefs, or similar political demands, such as equality of rights. New social movements, on the other hand, occurring after the 1960s, frequently deal with transnational issues, while their social basis does not consist of local groups only. Today, collective action can quickly spread through social networks without depending on formal institutions or actors. Although the traditional character of citizenship, manifested in voting or military obligations, is still relevant today, alternative forms of civic participation have emerged (ibid., pp. 24-26). Milioni and Papa refer to German Sociologist Ulrich Beck’s observation of the non-institutional renaissance of the political (Beck, 1994). They suggest that “citizenship is being rethought as a kind of unofficial, subjective, meso level activity, taking place in a variety of sites (bodies, courts, streets, media etc.) and performative actions (protesting, organizing, blogging, volunteering etc.)” (Milioni and Papa, 2013, p. 27). In this

context, they claim, activist citizens – in contrast to active citizens – call the law into question “and may, sometimes, break it” (ibid.).

When theorizing the observations on citizenship, four axes can be identified: membership, participation, engagement, and norms and values (Svensson, 2011 in Milioni and Papa, 2013, p. 29). Membership includes the rights and obligations of individuals and, by this, turns them into legal actors. Therefore, membership represents a specific status in a nation-state, bounded by its territory and related to feelings of civil commitment. In consequence, membership can be viewed as something not empirically given but rather as something constructed, since actors constitute themselves to a certain extent. Participation takes place in a community’s social and political life and can be defined as a repertoire of collective action. The third axis, engagement – whether active or passive – is defined as a will or feeling and consists of engaging in direct political activities or fulfilling a rather formal duty. Norms and values, the last one of the four axes, are considered the “backbone of citizenship” (Milioni and Papa, 2013, p. 33) and are related to a civic culture and democratic ideals. Combining what was previously stated about social movements and citizenship, Milioni and Papa summarize that movements are the prime site where citizenship can be produced and enacted. Acts of citizenship are “deeds that contain several overlapping and interdependent components. They disrupt habitus, create new possibilities, claim rights and impose obligations” (Isin, 2008, p. 10). Most of all, they “are the actual moments that shift established practices, status and order” (ibid.). As a practice of claim-making, acts of citizenship take place in various spaces: on the streets, in the media, or in court as will be relevant when looking at rights-seeking activities in Israel/Palestine.

Generally, citizenship provides a source of national unity and contributes to the creation of a shared identity. Thus, “the development of citizenship and the development of the nation are inextricably linked” (Kook, 2000, p. 268). Although part of a nation and living under PA rule, Palestinians in the West Bank do not hold any formal citizenship due to the lack of a state. In his article *Democratization, citizenship, Arab unity, and Palestinian autonomy: A critical reading of the new Middle East*, Israeli civil rights activist Uri Davis states that

autonomy is conventionally considered to be an option for self-determination (self-government) of a given communal or regional grouping, whose members are citizens of a state composed of a variety of such groupings. [...] The DOP⁵¹ and subsequent accords stipulated ‘autonomy’ (‘self-rule’) without citizenship for the Palestinians [...]. It is ‘autonomy’ only in name (Davis, 2000, p. 235, 236).

Even though the Palestinian Authority established within the Oslo Accords functions as a

⁵¹Also known as the Oslo I Accord of 1993.

quasi-government in the West Bank under Israeli occupation, Palestinians do not hold citizenship – neither a Palestinian one, as they are ruled by the PA, nor an Israeli one as their overall occupying power. During the 2004 landmark case on the separation barrier, a former member of the Palestinian legal defense team before the International Court of Justice suggested that

to be a Palestinian means not to have a formal citizenship [...]; the legal status of a Palestinian in the Middle East is always in doubt and left to the political exigencies of each host country; and the absence of an internationally recognized State of Palestine will make this agony last indefinitely (Kassim, 2000, pp. 202-203).

Similar statements are made by Hassan Jabareen, Palestinian human rights lawyer and founder of Adalah, who argues that since the beginning of Israeli control in the Palestinian territories occupied in 1967, “Palestinians living in the OPT, unlike those residing within the Green Line, are denied one of the most fundamental citizenship rights in a democracy: the right to elect and to be elected” (Jabareen, 2014, p. 190). Notwithstanding, Jabareen claims that both groups, those in the OPT and those within the Green Line, “belong to the same people, with the same original claims to territorial belonging” (ibid., p. 197).

Through a process of NGO-ization, which we can observe in the Palestinian context, the emergence of acts of citizenship has further been encouraged. As in many post-conflict states, the appearance of externally funded and apolitical professional organizations that focus on policy and governance led to the development of alternative forms of activism outside of a professionalized NGO sector. Therefore, these foreign-funded organizations have been accused by many scholars of having “colonised the civil society space” and of having “killed off political activism and any vestige of radicalism” (Fagan and Sircar, 2017, p. 1337). Consequently, acts of citizenship, symbolic politics, and other forms of non-formal collective action crystallized. They resist notions of a weak civil society and can be summed up by the term ‘infra-politics’, namely, “forms of activism that are often dismissed as occurring ‘below the parapet’” (ibid., p. 1338), and that barely have an impact on the formal political sphere. Contrary to common notions, these forms of everyday activism are not a notion of civil society in an infancy stage, but as evidence of participation beyond the networks of an occupying NGO system. This activism suggests that there are counter-spaces apart from a formal civil sphere, where people influence the everyday on a micro-level, distancing themselves from high politics. For these forms of infra-politics,

‘capacity-building’ (training), the availability of material resources (project grants), and access to elites (policy consultations and round table negotiations) all become less relevant. Making demands on the state, challenging it, and seeking to influence political elites is not absent or lost, but the vertical interaction between activists and the state is merely one dimension of these forms of action (Fagan and Sircar, 2017, p. 1343).

Consequently, the actors claiming citizenship or those demanding to be included within it constantly challenge the concept of citizenship (Preminger, 2017, p. 86). In 2007, a decision of the Israeli High Court of Justice extended Israeli labor legislation to the Palestinians in the occupied territories working for Israeli companies. This ruling not only extended statutory protection over workers beyond the Green Line, the pre-1967 border, but made the organizing of Palestinians in Israeli trade unions possible, despite not being citizens of the State of Israel. Contrary to the Military Administration Palestinians were put under after 1948, this landmark decision helped Palestinians achieve or being granted “limited integration through incremental incorporation into the economy, but exclusion from any significant political frameworks” (ibid., p. 91). Nevertheless, the High Court’s ruling included Palestinians within a legal framework they used to be left out of. Hence, citizenship can be viewed as a process of constructing relations – one in which also those who were formally excluded can participate in:

The very act of demanding a right is in itself an act of participation, an act of shaping the conditions in which the demanders live [...]. So, in pushing their case in the Israeli courts, the Palestinians are ‘not simply passive recipients of citizenship, but, in rejecting the state’s denial of rights, effectively forge [these rights] as a collective project,’ to borrow Anderson’s words (Anderson, 2009, p. 63 quoted in Preminger, 2017, p. 92).

However, the extension of Israeli labor legislation to Palestinians in the occupied territories is not unproblematic. Although Palestinian workers benefit from the High Court’s decision, applying Israeli labor law beyond state borders might undermine Palestinian self-determination and enshrines Israeli control over the West Bank (Paz-Fuchs and Ronen, 2012, p. 622). Despite this consideration, extending Israeli labor law can be viewed as a move towards decoupling citizenship rights from national belonging and, thereby, as strengthening Palestinian claim-making.

Citizenship is a generic term for practices of becoming claim-making subjects and, therefore, includes the agency of those contesting its meaning as outlined previously. As a scarce public good distributed by a state, citizenship functions as a source of collective identity, on the one hand, and as an instrument of political control, on the other hand. In the case of Israel/Palestine, the power of citizenship “is probably best known by those who are denied it: the right to carry a passport and to be protected by a state” (Butenschon, Davis, and Hassassian, 2000, p. 5). However, rights do not solely arise from citizenship but go far back in history and are found in all societies as Margaret Gilbert states in her comprehensive monograph *Rights and Demands. A Foundational Inquiry*. She gives the example of two people having agreed on traveling together, so person A has a right to person B traveling

with her and person B has a right to person A traveling with her. Both are parties to an agreement and understand themselves as having pertinent rights against each other – independent of whether they use corresponding words to our understanding of a right (Gilbert, 2018, pp. 3-5). Gilbert describes rights to be valuable possessions throughout human history: “people have fought and died for the sake of what they have spoken of as their rights, or, indeed, the rights of others, and the very reference to rights has surely had a galvanizing effect” (ibid., p. 8). Today, rights codified as human rights entail a list of specific rights indispensable for a person’s dignity. Further, in recent years, rights have increasingly been ascribed from people to a variety of domains: to future generations, members of other species, or nature. Rights contain the demand for a particular action from someone: “one has a demand-right when one has the standing to demand an action” (ibid., p. 13), which is why demand-rights are considered to be rights par excellence. Moreover, Gilbert associates demand-rights with claims because

there is reason to echo [American jurist Wesley Newcomb] Hohfeld when he was speaking of rights generally and refer to these rights as claims in the strictest sense. For it is natural to think of one who demands an action of another as claiming that action and, in that sense, ‘enforcing against another claim’ (ibid., p. 61).

Having a demand, then, does not mean creating a demand-right, the same as asserting a right does not construct someone’s ownership of a right. Claiming a right or making a demand presupposes that someone is already in possession of the right in question. Gilbert congruously summarizes that asserting a right is demanding “what one has a right to” (ibid., p. 76). Rights can further be divided into two spheres: institutional and moral. Institutional rights, defined as instruments of institutions, are systems of rules and function as guidance for human behavior. The existence of moral rights, on the other hand, is built on moral arguments. Because moral rights always entail normative implications, and institutional ones do not, Gilbert reasons that moral rights are more powerful than legal rules (ibid., p. 46). Some theorists define agreements and promises as exemplary sources of rights, while others only see law – and similar institutions – as their sole source. Independent of whether human rights are viewed as moral or institutional rights, they are, either way, demand-rights who are grounded in joint commitments. Gilbert summarizes:

If we want human beings, persons, or bodies of persons to have the relevant demand-rights against other human beings, persons, or bodies of persons, then the only means to achieve this may well be the creation of joint commitments that do not yet exist. To say this is not to decry the current practice of human rights. It is, rather, to focus on one way in which it may need to evolve (ibid., p. 342).

In its essence, the rights-term, which will be used throughout this study, means nothing else than a moral or legal entitlement to have or to do something. Demanding a right as an act of

participation and an act of citizenship is intended to shape the condition the demanders live in. Although Palestinians in the West Bank lack formal citizenship, they organize in non-formal collective action, demand an action from their antagonists, and claim that action. Demanding a right from a state power, either from Israel as occupying power in the West Bank or from the PA as quasi-government, is only one dimension of many. Palestinian claim-making also addresses the international community, media, and civil society actors locally and abroad.

Can we, to go back to the chapter heading's question, really speak of Palestinian acts of citizenship after what we now know about the concept? When theorizing citizenship earlier on, four axes have been identified: membership, participation, engagement, and norms and values. Although membership is constructed to a certain extent by the actors themselves, it still represents a specific status in a nation-state, bounded by its territory and related to feelings of civil commitment. Further, participation, which takes place in a community's social and political life and has earlier been defined as a repertoire of collective action, is very much limited due to repression by the Israeli occupation and PA policies. Also, Palestinian engagement in the West Bank is restricted, which is why many Palestinians withdraw from direct political action due to fear of repressions as the conducted interviews presented later on will demonstrate. Considering the fourth axis, norms and values, current political rule in the West Bank, reflected by the territories' poor Freedom House ranking, rests far from democratic ideals. Ultimately, Palestinians lack formal citizenship due to the absence of a nation-state and an autonomous government. I argue that acts of citizenship, described as the agency of those claiming and contesting the significance and content of citizenship from below, do not apply to Palestinian claim-making in the West Bank. These rights-seeking activities neither contest the meaning of citizenship nor do the actors themselves (formal and informal organizations, initiatives, and associations) demand to be included within a citizenship regime. Against the backdrop of Israeli occupation – which has been in place for over 50 years and has become ever more entrenched – calling for citizenship seems to be far-fetched for most Palestinian claim-makers. While organizations and initiatives provide, e.g., “first aid” legal help (Interview 20, 2018), document rights violations from both Israeli and Palestinian security forces, or are involved in many other (often less political) activities, it is quite evident that the rights Palestinians in the West Bank demand from their rulers within the status quo do not result in them becoming proper and formal citizens of a nation-state – neither by being incorporated into the Israeli nation-state nor by the declaration of an independent Palestinian one.

4.2.4 Conclusion

Civil society is a public community of equal citizens within a ruling system and based on (universal human) rights. It is the site where actors come together, organize and mobilize. According to Luhmann, civil society is based on legality, meaning that the laws and rights in place demarcate civil society's other characteristics (plurality, publicity, and privacy) from the state and the economy (Cohen and Arato, 1997, p. 346). For civil society in the West Bank, however, rights, as well as plurality, publicity, and privacy, are curtailed. As the activities of formal and informal groups and voluntary associations are restricted, the development of plurality is hindered, and free expression within the public sphere and individual self-development within the private sphere are limited. Therefore, Palestinians in the West Bank cannot organize themselves free from state control as would be the purpose of a working civil society. Citizenship, in turn, is a dynamic and fluid concept. Traditionally understood as a person's mere legal status within a nation-state, it is today perceived as a practice of claim-making and more broadly defined as an institution regulating the relationship between subjects and governors. In Israel/Palestine, there are different types of IDs, namely an Israeli ID with Israeli citizenship and IDs for Palestinians living in Jerusalem, the West Bank, and Gaza who do not hold citizenship. These IDs forbid West Bank residents to move across certain areas within the territory itself and to enter East Jerusalem or Israel without applying for a permit in advance. Consequently, citizenship remains "a virtual identity" (Nasser, 2011) for Palestinians in the West Bank, Gaza, and many within Israel proper due to the lack of an autonomous and internationally recognized state.

Acts of citizenship, however, are detached from the formal characteristics of citizenship and refer to events through which actors, such as individuals, NGOs, legal or quasi-legal entities or persons, constitute themselves as political subjects. Therefore, Milioni and Papa claim that "citizenship is being rethought as a kind of unofficial, subjective, meso level activity, taking place in a variety of sites (bodies, courts, streets, media etc.) and performative actions (protesting, organizing, blogging, volunteering etc.)" (Milioni and Papa, 2013, p. 27). Due to societal fragmentation and repression, occupation policies, and the lack of formal citizenship, demanding their rights means that Palestinians need to find alternative ways of claim-making outside a nation-state framework. While the essence of an act as an expression is "the need for being heard" (Isin, 2009, p. 379), Palestinian acts of citizenship and their opportunities for being heard are shrinking continuously. Structural conditions such as the existence of a dual legal system for Israelis and Palestinians, discriminatory and restrictive laws adopted by both Israeli and Palestinian authorities, or delegitimization of resistance

lead to the conclusion that claim-making in the form of acts of citizenship has become ever less possible. What is more, most studies dealing with the concept of acts of citizenship concern themselves with those acts of citizenship made by refugees, asylum seekers, and immigrants within Western democratic states (e.g., Barbero, 2012 who focuses on migrant protests in Spanish cities or Darling, 2013 who concentrates on asylum seekers in the UK). Palestinian claim-making in the West Bank, however, takes place within an authoritarian and not a democratic setting and is characterized by double repression by both Israeli occupation and PA leadership. As rules and their conceptualization are considered to be social and negotiated between the state and its citizens (Eckert, 2011), or those striving to become citizens, it becomes apparent that this is not the case for the rules applying to Palestinians in the West Bank and especially to those rules regulating the rights and duties of people towards their government and the privileges they should be entitled to as members of a community. Consequently, the concepts of civil society and acts of citizenship do not provide adequate assistance in order to describe and explain Palestinian claim-making in the West Bank. Therefore, a new theoretical approach is needed that does not assume the existence of statehood, a free civil society, and/or a democratic framework (in which claim-making takes place) as a precondition for its application. Rather, this novel approach shall take the actual circumstances for Palestinian claim-making in the West Bank into account that vary from these two well-established concepts.

4.3 Acts of Subjecthood

In contrast to the ideal-typical characteristic of civil society that presupposes a civil sphere free from arbitrary intervention by the state that provides a site for societal discourses to take place, the West Bank's civil sphere is severely restricted, rights-seeking activities are limited, and the merging of an independent public opinion is hindered. How can Palestinians in the West Bank, to go back to the initial research question, demand their rights within this context? How can they be capable of acting? And how can we unravel and comprehend their actions? To respond to these questions and apprehend people's claim-making activities, civil society, citizenship, and acts of citizenship have been applied to the Palestinian case. However, I argue that these theoretical approaches are only of limited help to analyze and describe Palestinian claim-making in its entirety, as they have preconditions that the situation in the West Bank does not meet. Palestinian claim-making activities are wide-ranging and cut across gender, social class, and political or religious affiliation. Opportunities for Palestinians in the West Bank to make and demand their claims through acts of citizenship,

however, are continuously shrinking. Generally, the concept of acts of citizenship is applied by scholars who focus on claim-making of marginalized groups within democratic states. In contrast, Palestinian claim-making in the West Bank takes place within a totalitarian setting and under Israeli military occupation. Due to these discrepancies, approaching Palestinian claim-making in the West Bank through the concept of acts of citizenship falls short of understanding and describing it adequately. Besides, the concept of civil society is also not sufficient in realizing this undertaking as Palestinians are scattered all over the region, and civil society in the West Bank – if insisting on this terminology – is neither autonomous nor freely created. Yet, both concepts are used as helpful tools to describe Palestinian claim-making activities in the West Bank. However, I will demonstrate the potential for enhancing the notion of acts of citizenship by reconceptualizing and adjusting it to my research context and by developing and introducing the term acts of subjecthood.

According to Isin, a subject “becomes a citizen by participating in the formation of a people to come, a people that has not yet been imagined or invented” (Isin, 2012, p. 565). Therefore, the development of political subjects “either with the right to have rights or making rights claims” is an “essential component of the juridico-legal institution of citizenship” (ibid., p. 568). And just like citizenship, also subjecthood is a concept of belonging. In his 2016 article, *The Making of the Political Subject: Subjects and Territory in the Formation of the State*, Benjamin de Carvalho seeks to understand how a group of individuals transforms into a group of political subjects who owe their allegiance to a ruler or the abstract notion of a state. While throughout European history, the term subjecthood used to refer to people’s allegiance to their monarchs, today, it describes a unitary concept that owes its allegiance to a nation-state. With an emerging awareness of the people being a particular group within the state they live in, the identification of being only subjects of their rulers diminished, and subjecthood evolved as an allegiance to the state one was living in. Through this subjectification, “states became compulsory associations into which one was born without the need to give active allegiance, and from which there were but a few ways out” (de Carvalho, 2016). The term subject itself derives from the Latin *subjectus* and means ‘laying under or near’ or ‘inferior’. Therefore, a subject is a person who is under the control or dominion of another; usually of a ruler or government. With reference to Foucault, de Carvalho claims that when confronted by a power that is the law, “the subject who is constituted as subject – who is ‘subjected’ – is he who obeys” (ibid.). Subjectification, the making of the political subject, also allowed for the emergence of the idea that crimes against the abstract notion of a state are possible. Ultimately, this became “the state’s ultimate

weapon for securing the allegiance of its subjects, but allowed the state to deploy its legal apparatus to ensure compliance on a broader set of issues” (ibid.) while penalizing non-compliance. In Israel/Palestine, several legislations target such non-compliance. One of the most recent ones is the amendment to the *Entry into Israel Law* passed by the Knesset in March 2018, which legalizes revoking the permanent residency status from Palestinians residing in Jerusalem. This revocation is based on the vague criterion of a ‘breach of allegiance’ that includes, e.g., committing, participating, or incitement to commit a ‘terrorist act’ which “could be widely applied to any Palestinian from Jerusalem” (Al-Haq, 2018b). Yet, the revocation of residency from Palestinians, the human rights organization Al-Haq claims, has long been used as a tool to expel Palestinians from East Jerusalem by force. Through the amendment passed in 2018, this is now based on legal grounds, although the application of Israeli law to East Jerusalem as occupied territory is illegal since it contravenes international humanitarian law standards (ibid.). Several organizations in Israel/Palestine protested against the passing of the amendment. Al-Haq, for example, called on the international community to condemn the legislation, pressure Israel to suspend the legislation, and reaffirm the illegality of measures that alter the legal status and the demographic composition of Jerusalem (Al-Haq, 2018a). HaMoked, an Israeli human rights organization assisting Palestinians of the occupied territories, petitioned the Israeli High Court of Justice (HCJ) and demanded it to repeal the amendment. However, both petitions HaMoked filed were dismissed by the HCJ. These efforts made by organizations to target coercive Israeli policies legally well fit the concept of acts of subjecthood. These acts are characterized by the fact that they take place within a repressive and authoritarian context intended to narrow the space for rights-seeking activities – not only in Jerusalem, but also in the West Bank.

When the subject is she who is subjected, we can conclude that while living under military occupation, being geographically and legally segregated and deprived of fundamental rights, Palestinians in the West Bank are subjects of Israeli rule. They underlie the dominion or control of Israel as occupying power and the PA as quasi-government, although not democratically elected. I therefore introduce the term acts of subjecthood – as a derived form of acts of citizenship – because Palestinian claim-making in the West Bank takes place under the extensive superstructure of occupation and settler colonialism. Thereby, Palestinians are subjected to Israeli rule, and their claim-making activities directed against this dominion can, in turn, be identified as such acts of subjecthood. However, the term subjecthood also has a double meaning. It contains not only Palestinian domination by the Israeli occupation as the

ultimate authority in the West Bank but also Palestinians' allegiance to their own state-building endeavor and their claim to independence. In this context, a subject is not necessarily subjected to someone else's control but an actor herself, the one who takes action. A Palestinian as a political subject is simply a 'we' – "the subject of a political enunciation" (Tarizzo, 2012). And "when we are asking 'how does a political subject emerge?', we are asking a Christian question" (ibid.), because the question of emergence implies that a past time has existed in which this emergence had not yet happened, a time before the Advent, the 'coming' of Christ into the world. Therefore, "to this question we will always answer, more or less, in a Christian way: a political subject 'emerges' by the act of naming, that is by revealing" (ibid.). By introducing the term acts of subjecthood, I therefore neither invent nor discover these acts within Palestinian claim-making activities in the West Bank but am solely naming something we can observe on the ground. Palestinian claim-making in the West Bank, within a context of settler colonialism outlined in the following chapters, means first and foremost fighting for one's right to have rights and for securing one's "bare life" (Agamben, 1998), the minimal biological life (Street, 2013). It contains activities intended to reverse the status of subjecthood and of being subjected to external Israeli rule, to be heard (Isin, 2009), and, eventually, to have a say: "Any political act is a speech act. Human beings [...] and the political speech is the one that ties us together into a single political body, into a single political community" (Tarizzo, 2012). Therefore, it is due to speech that a political subject emerges and exists. In contrast to the term subject, which is associated with the subject's political powerlessness and her being a passive object of management, the notion of citizenship is qualitatively different from that of a loyal subject. Citizenship is associated with ideas of a new life, "in which a person becomes a legally free person, not only having the right to participate in political life but also actively participating in her" (Bokov, 2019, p. 4).

Acts of citizenship are those acts that transform modes and forms of being political by creating new actors as activist citizens through the generation of innovative sites and scales of struggle. They have earlier been defined as "those acts through which citizens, strangers, outsiders and aliens emerge not as beings already defined but as beings acting and reacting with others" (Isin, 2008, p. 39). Acts of subjecthood, on the other hand, I will define as those acts through which people subjected to hostile dominion and control emerge not solely as subjects of this rule but as beings/actors acting within this status quo and reacting to it. Their ultimate goal is to break free from their status of subjecthood eventually. While acts of subjecthood as a derived notion of acts of citizenship are similar to those acts, they differ in

several respects, such as the political/societal context they take place in, their goals, and their mode of action as outlined by the following table.

Table 3: Comparison between acts of citizenship and acts of subjecthood

	Acts of citizenship	Acts of subjecthood
Political and/or societal context	Democratic states with functioning civil society institutions or states in the process of democratic consolidation (e.g., former Soviet Bloc states)	Authoritarian setting; claim-makers are under the control of a hostile ruler or government; repressive legislation and practice narrowing the space for rights-seeking activities
Actors	Marginalized groups that constitute themselves as political subjects/actors	Marginalized groups that constitute themselves as political subjects/actors
Goals	Be included within a citizenship regime by either becoming citizens of the respective state, and/or obtaining equal rights, and/or improving one's legal status	Reverse the status of subjecthood; obtaining the "right to have rights" (Arendt, 1968, p. 298)
Mode of action	Disrupt or challenge state power by generating new sites and scales of struggle; transform power relations by seeking confrontations and shifting established practices, status, and order (Isin, 2008, p. 10).	Repertoires are oriented towards given restrictions and are therefore limited

While both acts of citizenship and acts of subjecthood are practiced by marginalized groups to make their claims, the differences between the two concepts are profound. Acts of citizenship usually occur within democratic states where the marginalized group's goal is to change and improve its legal status. For this reason, these actors use new sites of struggle, such as courts, streets, or media, and make use of performative actions, e.g., protesting, organizing, blogging, or volunteering (Miloni and Papa, 2013, p. 27). Acts of subjecthood, on the other hand, take place within repressive political contexts. In the Palestinian case, this

context is characterized by the lack of a nation-state and autonomous government, settler colonialism, and military occupation (Mamdani, 2020; Dana and Jarbawi, 2017). Those who practice acts of subjecthood are subjected and exposed to hostile control and/or a regime that restricts their rights and limits their freedom of expression. Since civil society activities are restricted and basic civil rights are suspended, these actors have only limited repertoires for their claim-making. Therefore, I will further argue that, in the Palestinian case, these acts take place within a state of exception (characterized by the sovereign's absolute power and the suspension of rights), which will be outlined in detail in the following chapter (Mbembe and Meintjes, 2003; Agamben, 2005). Nevertheless, other than perceiving Palestinians in the West Bank as being simply victims of the political status quo, approaching their claim-making through acts of subjecthood allows for analyzing their rights-seeking activities from the perspective of the actors themselves (and their options for action – even if limited) while at the same time acknowledging the restrictive context in which these acts take shape.

In theory, the relationship between a state and its citizens goes two ways; from the top-down, which includes the government's policy enforcement from the macro- to the meso- and micro-level, and from the bottom-up, which includes citizens' expectations of and feedback to their government. This government is tasked with delivering services to the respective population, operating transparently, and being accountable for its actions, while the laws in place should reflect the common good. In the West Bank, residents (rather than proper citizens) are ruled by Israeli occupation and authoritarian PA policies, while Palestinians do not have a say in the top-down decision-making process. When it comes to protecting basic human rights, law enforcement is insufficient and non-state entities, such as NGOs, take on responsibilities both rulers do not assume and aim at filling this gap and improving the legal situation for Palestinians in the West Bank. While ideal-typically a state should provide legal certainty for its citizens, Palestinians in the West Bank suffer from the arbitrariness of public authorities and a restrictive and discriminatory legal system. While ideal-typically civil society, as society's third sector, should operate free from state control, civil society activities in the West Bank are controlled and monitored by the PA, which targets and even shuts down organizations that are critical of its policies. Therefore, Palestinian claim-making in the West Bank well fits the outlined properties of acts of subjecthood. As I will demonstrate in the empirical part of this study, this claim-making takes place within a totalitarian setting characterized by repressive legislation that narrows the societal (and geographical) space for these activities. While the actors in question intend to reverse their status of subjecthood, the repertoires to achieve this purpose are oriented towards the restrictions in place and are

largely shaped by outside forces. With an initial research focus on rights claiming and the existing opportunity structures to do so, the interviews conducted for this study, outlined in-depth in the empirical part in chapter 7, have elaborated on these questions. While the double meaning of subjecthood also appeared within the interviews (being subjected to Israeli domination, on the one hand, and being an actor and allegiant to the Palestinian cause of ending its occupation, on the other hand), it became clear that Palestinians' claim-making activities are determined by the encountered challenges rather than by potential opportunities. The obstacles faced by nearly all interviewed representatives of a variety of organizations, initiatives, and associations can be summarized as follows:

- the Israeli legal system that increasingly restricts non-state activities seeking to strengthen Palestinian rights;
- smear campaigns and 'character assassinations'⁵² that discredit and delegitimize human rights work in the occupied Palestinian territories and Israel itself;
- the Palestinian Authority that slowly, but steadily, narrows the space for civil society activities independent of its influence and its monitoring;
- societal fragmentation;
- the international community's inertia to hold Israel accountable for violations of international law and human rights;
- aid dependency; and
- a decrease in organizations' financial assistance.

These challenges shape and guide Palestinian claim-making which, thereby, fits the concept of acts of subjecthood. Those practicing acts of subjecthood in the West Bank are subjected to hostile control (which are the Israeli occupation forces) as well as an authoritarian regime that restricts their rights (which is the Palestinian Authority). Therefore, the acts of subjecthood of the actors in question are severely limited as the listed obstacles illustrate. As civil society activities are widely restricted, many organizations and initiatives increasingly focus their field of work on soft areas, such as youth or women projects, and distance themselves from any political or religious activity. Consequently, acts of subjecthood are very much influenced by outside factors. I argue that in the West Bank, within a context of settler colonialism and a state of exception in which Palestinians are no legal entities, claim-making is only possible in the form of acts of subjecthood. While according to Carl Schmitt's observation that the sovereign is he who decides on the (state of) exception (Schmitt, 1922),

⁵² The term 'character assassinations' frequently appeared throughout the conducted interviews. As a form of defamation, it refers to deliberate efforts of vicious personal verbal attacks on an individual in order to destroy her reputation and credibility.

we can easily conclude that Israel as occupying power is the actual sovereign in the West Bank. By demonstrating how settler colonialism operates in practice in the West Bank, I will show the political and societal context within which acts of subjecthood take place. Within the empirical part of my research, I will further present the actors making claims on the meso-level, their goals, and their mode of action.

5. Conceptual Frame of Reference

In chapter 3, I have argued that Palestinian claim-making in the West Bank occurs within a legal framework that restricts related activities rather than enabling them and is characterized by a dual legal system and the non-adherence to international law. In the following chapters, I will further argue that Palestinian claim-making in the West Bank is embedded within a context of settler colonialism and a state of exception that serve as a framework within which claim-making in the form of acts of subjecthood takes place. I will introduce both the concepts of settler colonialism and state of exception and show how and why they apply to the West Bank's status quo. In order to better comprehend Palestinian claim-making in the West Bank, I will further set forth the theoretical approach of contentious politics and outline its most important terms as introduced by Charles Tilly and Sidney Tarrow. In their works, contentious politics refers to the collective making of claims by one group on another group and calls attention to the political context within which contentious claims emerge. By describing this concept, I will clarify the agency of claim-makers, why people mobilize, how they can make their claims, and what external factors, such as the type of regime and overall political system, affect their claim-making efforts. In the West Bank, contentious Palestinian claim-making is significantly shaped by the settler-colonial structures in place that influence rights-seeking activities in every respect.

5.1 Settler Colonialism and a State of Exception

Colonialist countries seek to extend their authority over alien territories and people to rule over and dominate them economically. Contrarily, settler-colonial efforts intend to erase this external constituency “for the purpose of replacing it with another sociopolitical body, as it happened, for example, in the US, Canada, Australia and New Zealand” (Veracini, 2013, p. 2). In contrast to colonialists, settler colonialists seek to populate the indigenous' land and become the indigenous themselves rather than exploiting the local population (Degani, 2017, pp. 353-354). They aim at replacing an indigenous collective with an exogenous one which is why a settler-colonial project is “only ultimately successful when it extinguishes itself, when the settler ceases to be defined as such, becomes a ‘native’, and his/her position is normalised” (Veracini, 2013, p. 5). Mohammad Chaichian as many other scholars (e.g., Lentin, 2018; Lloyd, 2012; Pappé, 2013; Shalhoub-Kevorkian, 2015; Shihade, 2012; Wolfe, 2006), characterizes the State of Israel as a 20th-century settler-colonial project. Chaichian claims that all settler-based colonies, irrespective of initial motivations for immigration, have been historically preoccupied with territorial interests and the further absorption of as much

territory as possible. With regards to the Jewish immigration waves to Palestine from the beginning of the 20th century, Chaichian states that while

the predominantly Palestinian Arab population was living under the Ottoman rule as imperial subjects and lacking a sense of national identity; Zionism solidified a sense of Jewish nationalism based on a non-existing and yet-to-be created Jewish state (Chaichian, 2014, p. 253).

The large-scale acquisition of land by Jewish immigrants led to the development of a landless Arab class in Palestine. Increasing Arab resistance to increasing Jewish immigration, violence between both parties, and attacks against the British forces led to an escalation of the situation. The 1937 appointed royal fact-finding commission to Palestine, the Peel Commission, concluded that a viable solution to the conflicts would be a partitioning of Palestine into two separate states with Great Britain remaining in power in Jerusalem as well as in its corridor to the port of Jaffa (ibid., pp. 262-263). After the formal founding of the State of Israel on May 15, 1948, armies from the neighboring states of Egypt, Lebanon, Trans-Jordan, and Iraq invaded what had just ceased to be the British Mandate of Palestine. Following a short-lived ceasefire,

an all-out Israeli military offensive swept through Palestine and wiped out the meager resistance pockets by Arab forces; and by the end of 1948 Israel not only reclaimed all territories allocated by the UN plan for the future Jewish State, but also took over additional territories set aside for the Palestinian state (ibid., p. 273).

Thereby, over 78% of the former Mandate of Palestine was put under Israeli control, over 700.000 Palestinians were displaced and many, who fled the newly established State of Israel, were denied the right to return to their homes. The land owned by the remaining Arabs has since been an appealing target for confiscation to meet Israel's need for housing. It has been legalized through a variety of legislation, such as the 1950 *Absentee's Property Law* that legalized land grab by declaring the Arab owners of many properties as absentees. However, settler colonialism not only involves such territorial interests but is, moreover, characterized by policies of erasure and appropriation, criminalization and delegitimization, and neoliberalism and marginalization.

The decades after the founding of Israel have been characterized by internal policies of further Palestinian displacement and destruction of Palestinian villages. The 1967 war, for example, opened new paths for Israeli expansion through the administration of the newly occupied territories. However, unlike 1948, Chaichian claims, "this time Israel's military aggression and territorial acquisitions did not sit well within the international community" (ibid., p. 277). Especially the first intifada, beginning in 1987, challenged Israeli rule in the occupied Palestinian territories. However, a major turning point in Israel's territorial expansion present the Oslo agreements in the 1990s, as they

allowed Israel's continued control of East Jerusalem that was a prelude to its complete annexation into Israel proper. But more importantly, they made 60 percent of the West Bank territories negotiable. [...] [The Oslo agreements] effectively carved out the West Bank cities, villages and territories into separate entities similar to South African Bantustans under the Apartheid regime. This was a conscious, premeditated effort on the Israeli government's part to create a geography of territorial control by using the old colonial strategy of 'divide and rule' (ibid., pp. 282-283).

In a settler-colonial context, as in the case of Israel/Palestine, the ultimate goal is to replace the indigenous societies being encountered. Therefore, settler colonialism is not a single event but a comprehensive structure. With territoriality as its defining element and the intention of occupying permanently, settler colonizers „come to stay” (Wolfe, 2006, p. 388). This structure has been stimulated through the Oslo process, as those agreements have depoliticized the situation of social conflict in Israel/Palestine. Within the framework of Oslo, a neoliberal order has tremendously impacted the Palestinian state-building project. Hence, since the mid-1990s, “the rule of power has been displayed through institution-building agendas and commitments, expressing itself in terms of humanitarianism, foreign aid, and dependency as well as political economic and security sector terms” (Seidel and Tartir, 2019, p. 4). Accordingly, the Oslo Accords have turned out to be a venture of both governmentalization and dispossession. With the utilization of Palestinian labor for settlements and Israel proper, the use of settlements as enclaves of production and consumption, and the dumping of Israeli agricultural and industrial products into the West Bank, “the occupied territories were no longer a matter of foreign policy but rather an integral part of Israeli economy” (Chaichian, 2014, p. 305). Moreover, the 1994 Paris Protocol did not only establish a customs union but enabled Israel to unilaterally determine the terms of trade and tariffs, the taxation of imported goods, the approval of Palestinian trade with other countries, and laid the foundation for a monetary union controlled by the Bank of Israel (ibid., p. 307). Consequently, for foreign agencies like the World Bank and the United States Agency for International Development (USAID), the PA's role has since been “to ensure security for foreign and Israeli investments and their neo-liberal development projects” (ibid., p. 315). Concerning neoliberal governmentality in Israel/Palestine in particular, one can observe similar socioeconomic developments in both 'states'. Andy Clarno argues that working-class Israelis experience cuts to their social welfare and Israeli labor unions are being attacked, while Jewish Israeli business elites have been enjoying enormous prosperity. Simultaneously, a substantial majority of Palestinians face unemployment, land confiscations, and poverty, while a small PA-affiliated elite is accumulating immense wealth (Clarno, 2017, p. 2). Beyond these similarities linked to neoliberal governmentality, Clarno unravels the connection

between racialization and the described phenomenon of accumulating capital. Both mutually constitutive processes are inextricably linked and rearticulate the relationship between class and race and inequality and poverty. Therefore, Clarno understands Zionism not only as a settler-colonial project but as a neoliberal project as well. He summarizes that the latter does not replace Zionism as a hegemonic ideology. Rather,

neoliberal restructuring – or neo-liberalization – is a context-specific process of social change in which market-based projects attempt to transform entrenched patterns of social organization. Neoliberalization, therefore, is an uneven and contested process that is never complete (ibid., p. 12).

Thus, settler colonialism has to be understood as a process of consolidating control through displacement, expropriation, and settlements – a process firmly attached to neoliberalism’s generation of marginalization and racialized exploitation. Concerning Israel/Palestine, Clarno argues that people invest their hopes in the appealing promises of neoliberalism and the apparent stability provided by low-wages jobs

to the exercise of domination over family members, neighbors, strangers, and racialized Others. Yet the poor also develop innovative and exhausting strategies to survive. They move between precarious low-wage jobs, long-term unemployment, and a host of tactics - often dangerous, degrading, and unsanctioned - to make ends meet. They build homes without permits, provide support for one another, and push back against the forces of marginalization (ibid., p. 15).

Although Palestinians are subjected to various types of Israeli rule, all of them grapple with the same colonial enterprise. Despite the fact that, for example, elites in the West Bank do not face similar economic hardships as do their non-elite counterparts, they are physically restricted to the same enclaves. It is this commonality that has not produced spaces of concentrated poverty in the West Bank, but rather spaces of concentrated inequality “where the rich and the poor live side by side” (ibid., p. 41). Because economic grievances function as motivational catalysts in nonviolent resistance, Israeli authorities have been using economic well-being – or at least the fulfillment of basic financial needs – as a key factor in ensuring Palestinian quietude. While undermining the development of an independent national economy, Yael Zeira summarizes, Israeli policies intend to promote individual prosperity as a means towards social stability (Zeira, 2019, p. 9). Clarno further argues that Israel uses five major strategies designed to fragment the Palestinian population and prevent its resistance to ensure Israeli rule: first, the fragmentation and enclosure of the Palestinian people in the West Bank, including the creation of Area A, B, and C, as well as the construction of the wall, fences, checkpoints, and bypass roads; second, the regulation of Palestinian movement through permits, closures, checkpoints, and segregated lanes; third, acquiring knowledge through high-tech surveillance equipment and a comprehensive network of informants to collect intelligence; fourth, measures of punishment like the

invasion of enclosures to carry out detentions, using military courts and employing administrative procedures, and applying collective punishment like curfews, closures, and home demolitions; fifth, establishing a bureaucratic system, including permits for building roads, digging wells, and visiting hospitals or religious sites in Jerusalem (Clarno, 2017, pp. 163-164).

The 2011 *Budget Foundations Law (Amendment 40) – Reducing Budget or Support for Activity Contrary to the Principles of the State* presents one example of how attempts have been made to control public debate and how practices of erasure manifest. Unlike its original version, the law does not punish individuals who organize ceremonies in memory of the *Nakba* with imprisonment of up to three years but penalizes municipalities, organizations, and public institutions for doing so. The fabrication of such regulations

and officializing control tactics concerning collective and individual memory over the loss of the homeland marks yet another perilous episode in the lives of Palestinians. [...] It [the Budget Foundations Law] institutionalizes the desire to target the memory of Palestinian history and suffering as an expression of power, and uses officialized colonial strategies to penalize those who desire to guard and commemorate their history, essentially attacking the Palestinian collective and individual memory (Shalhoub-Kevorkian, 2015, p. 82).

This criminalization of commemoration ceremonies through the *Budget Foundation Law* has been defended by arguing that *Nakba* memorial services mark the date of the establishment of Israel as a day of mourning. Amir, however, claims that any act of resistance (or commemoration) made by Palestinians and “no matter how minute” is referred to as posing an existential threat to Israel by its political leaders (Amir, 2017, p. 372). Palestinian societal activities and campaigns against discriminatory laws, as was the case with the *Citizenship and Entry into Israel Law (Temporary Order)*, are framed as campaigns of delegitimization. The law bans family unification where one spouse is an Israeli citizen (practically almost all of whom are Palestinians) and the other a resident of the occupied territories. The passing of the law was followed by a huge mobilization of Palestinian citizens of Israel and international condemnation. Framing such mobilization as campaigns of delegitimizing Israel aims, “in fact, to delegitimize these very campaigns [themselves], as it disassociates them from struggles for freedom, for human rights or for historical justice, and associates them with attempts to eliminate the Israeli state” (ibid.).

The comprehensive permit system that regulates Palestinian movement throughout the West Bank and into Israel and Jerusalem has been viewed by many scholars as harassment imposed on the West Bank population. Amir further argues that this permit regime also has to be understood as a crucial factor in weakening

the political vitality of Palestinian rule and in ensuring that it remains deprived of any actual political power. [...] [B]oth the PA and a large number of non-governmental organizations participate in the governance of different aspects of Palestinian life in the West Bank. However, they all function within the limitations set by Israel and are very much dependent on it (ibid., p. 380).

Accordingly, the checkpoints' actual contribution to Israel's security is questionable at best while its political effects are quite concrete: a fragmentation of Palestinian space in the West Bank into small enclaves that subordinates every movement to the checking procedures (ibid., pp. 379 et seq.). This "matrix of control" (Halper, 2006), including its permit regime, aims at the politicide of Palestinians (Mann, 2005; Kimmerling, 2006). Here, politicide refers to the destruction of the capacity to (re)produce a polity with the eventual aim of eliminating the political identity of an ethnic group. Thereby, politicide allows for justifying harsh occupation policies by portraying Palestinian resistance as aiming to liquidate the State of Israel (Amir, 2017, p. 370). Consequently, it is not Palestinian resistance itself that poses a threat to Israel, but, in fact, the political aspirations it contains. According to classical citizenship theories, resources are opened, citizens emerge, and they are given/demand certain rights and obligations. Yet, in Israel/Palestine, we can observe quite the opposite: a constructed hierarchical system that divides Palestinians into separate (legal) subjects. These developments can best be understood within the framework of (post)colonial theories as helpful explanatory tools, aiming at examining the social and political power relations that sustain such a system. Embedding the status quo in Israel/Palestine in a broader theoretical and superordinate context such as that of settler colonialism helps to understand related Palestinian claim-making better.

As an expression of settler-colonial structures, describing the concept of a state of exception shall provide further knowledge on rights-seeking activities in the West Bank (Schmitt, 1922; Agamben, 2005). This so-called state of exception describes a sovereign's ability to exceed the rule of law and extend its power in the name of the public good. The Italian philosopher Giorgio Agamben developed this concept further by theorizing it in a historical context and setting out how the state of exception, intended to be a provisional measure only, became a common paradigm of government throughout the 21st century (Agamben, 2005). Agamben defines the state of exception as a suspension of the juridical order itself and claims that several countries adopted its policy implicitly in the fight against terrorism (Street, 2013). According to his theorizing, the state of exception is characterized by the sovereign's holding of absolute power. At the same time, its 'victim' has no agency of resisting as rights and "laws are suspended and all notions confused" (Abujidi, 2009, p. 273). Therefore,

what manifests itself in a state of exception is the process of shifting indeterminate power to a sovereign rule, which has the ability to transform or suspend any legal or constitutional benefits that the ‘abandoned’ groups have. [...] It is [...] a relation of power over the oppressed, as the sovereign decides what constitutes these exceptional circumstances, and in doing so, has complete control over life or indeed death of any of those in the zone of exception (Street, 2013).

The shifting of power towards an absolute monopoly of the sovereign and the transformation of the constitution is completed when the laws of exception turn into the norm. With these acts beginning to be viewed as ‘normal’ and usual, people’s lives on the other side of the continuum are reduced to the “lowest form of biopolitical living” – bare life (ibid.). Bare life, the minimal biological life or sacred life, has an eminently political character from its beginning. Despite the common notion according to which bare life is defined as mere physical existence, John Lechte argues that there is no bare life as such and that there is no bare life “that is not – or does not evoke – a *way* of life” (Lechte, 2018, p. 3). Lechte continues stating that it is today’s view that people can only fully participate in a political body when their economic needs have been fulfilled – a perspective one also finds in T. H. Marshall’s analysis of social rights for the general development of citizenship rights (Marshall, 1950). Referring to Hannah Arendt’s *The Origins of Totalitarianism* (1968), Lechte argues that the concept of human rights is insufficient for stateless people, as they do not find protection outside of a political community. Therefore, to be treated as fully human requires a person to ‘have’ a civil status (Lechte, 2018, p. 19). Bare life, or rather life in general, is therefore not a biological or scientific idea but rather a philosophical and political one. “The human, in short, cannot be reduced to bare life as a purely material nutritive substance” (ibid., p. 28).

When looking at Israel/Palestine through the lenses of a state of exception, it appears that the extension of power in the name of the (Israeli) public good and the alleged fighting against terrorism resemble some of its characteristics. Palestinians living in the West Bank are subjected to juridical orders that the State of Israel imposes without being represented in its legislation. Thus,

[t]hey are politicised by the external sovereign, but excluded from the polis at the same time. [...] Israel exerts constitutional authority over the Occupied Territories, and wields unprecedented control over every aspect of life. While the PA or Hamas claim to represent the people, and cater to their needs, their actions are inherently limited by the oppressing force of the external sovereign, which at any time can rescind certain legislations or enforce harsher and more brutal measures (Street, 2013).

Therefore, Israeli researcher Alina Korn claims that Palestinians in the occupied territories endure “the exercise of limitless state power” (Korn, 2008, p. 123). Amid the absolute power of Israeli authorities within the West Bank, resistance and people’s attempt to take life into

their own hands has been answered with an “onslaught of harsher daily living conditions, violent military campaigns, and a further slip into a pure state of exception” (Street, 2013). This might lead to the assumption that, in the West Bank, resistance in the form of bare life results in reinforcing those conditions (ibid.). In this context, acts of subjecthood become particularly relevant when describing societal activities in the occupied Palestinian territories. They have earlier been defined as those acts through which people subjected to hostile dominion and control emerge not solely as subjects of this rule but as beings/actors acting within this status quo and reacting to it. Their ultimate goal is to break free from their status of subjecthood eventually. In a state of exception, when demanding one’s rights from a sovereign with absolute power is barely feasible, resilience mainly occurs through continuing daily activities, commemoration, and rebuilding (Abujidi, 2009, pp. 287-288). Hence,

[t]o change things is to appear, but to appear is to be violent since that group’s appearance is illegitimate. Violence in this sense need not be a physical imposition. It need not be a consequence of guns and other weapons of destruction. It needs to be simply appearance (Gordon, 2007, p. 11).

A state of exception – and its process of shifting indeterminate power to a sovereign rule with the ability to change or suspend any legal benefits of a particular group (Street, 2013) – can also encourage the emergence of acts of subjecthood. In a political and social environment where marginalized groups have little or no influence on the policies which rule their lives, new practices of becoming claim-making subjects are likely to form. Nadera Shalhoub-Kevorkian also situates Israeli policies in the occupied Palestinian territories within a colonial context – with colonialism classically defined as the attempt of controlling colonized people and lands. She equates Israel with other colonial states and claims that it uses emergency laws and regulations to maintain fear among its residents to allow for land grabbing and dispossession (Shalhoub-Kevorkian, 2015, p. 9). This politics of fear, she claims, is reflected in current debates on security issues, where the displacement or elimination of some groups are presented as necessary for the protection and well-being of others:

The political economy of fear, exclusion, death and collective punishment, characterized by a fundamentally unequal power relationship between Israel and the Palestinians, leads to violence, counter-violence and erasure. This creates an escalating vicious cycle in which the imbalance of power forges an ever-widening gap between the powerful and the powerless. I argue that in colonial contexts in general, and in the case of Israeli settler colonialism in particular, the industry of fear aims at sociocide, which attacks the social fabric and daily life of the colonized, their land, their property and their politics of truth (ibid., p. 10).

Settler colonialism as a structure is reinforced by daily practices of erasure and appropriation

over time. They are performed through legal, political, economic, social, and cultural institutions. The related power structures are reflected and produced through economic, political, and social spheres, while the Palestinian presence is eliminated through their incorporation “into the polity as threatening Others who must be placed under constant surveillance and control [...]” (ibid., p. 5). Surveillance and control strategies, regulations, and laws are said to have manifested the political power of the colonizer by inscribing relations of force “through visible and invisible modes, institutions, bureaucracies and language” (ibid., p. 26). The changing of Palestinian topography, which has its origin in the 19th century when European settler-colonizers started renaming and Hebraicizing sites and places in Ottoman Palestine, today includes its classification into zones of destruction, demolition, and unpredictability. Changing rules and regulations, new bureaucracies, the unknown destiny of one’s home, and permanent uncertainty of living under threats of demolition all aim to discourage Palestinians from confronting this violence (ibid., p. 111).

5.2 Settler Colonialism in Practice

How do the previously described characteristics of settler colonialism, such as territorial expansion or policies of erasure and marginalization, manifest on the ground? Here, the issues of freedom of movement, settlements, and home demolitions, violence, detentions, and civilian casualties shape the current situation for Palestinians in the West Bank to a large extent. Describing how settler-colonial structures manifest in practice helps comprehend opportunities and obstacles to Palestinians’ claim-making efforts, puts their aims in a broader socio-structural context, and outlines the circumstances of their endeavors.

5.2.1 Freedom of Movement

One of the most prominent characteristics of the Israeli occupation is the two separate legal regimes in the West Bank outlined in chapter 3. They influence Palestinians’ freedom of movement to a great extent as they impact where a person can live, how fast that person can reach, e.g., a hospital, or whether family members are allowed to visit. Although Israeli citizens are forbidden to enter the 18% of Area A, settlers can move relatively freely in the West Bank and into Israel. In contrast, Palestinians face massive restrictions to, from, and within a district of the West Bank due to the Israeli West Bank barrier, roadblocks, inspection checkpoints, and the like (Sela, 2016, p. 32). In 2002, so-called special security areas were established, encompassing the external borders of several settlements and forbidding Palestinians who own agricultural land in these areas to enter without prior coordination and

permission. The year after, in 2003, a seam zone⁵³ emerged with the construction of the ‘security barrier’. Here also, a permit system for Palestinians was adopted, whereas Israelis are allowed to reside in and travel through this zone freely. Through an amendment to the *Military Order for the Prevention of Infiltration* and an amendment to the *Security Provisions* in 2010, it was ruled

that everyone in the West Bank without a permit from the military or state authorities would be classified as an infiltrator and subjected to imprisonment even if their permanent place of residency was the West Bank. The result of this policy was the unwilling transformation of tens of thousands of Palestinians into criminals (ibid., p. 35).

As of January 2017, B’Tselem counted 98 checkpoints in the West Bank. 59 of those were permanent checkpoints and 39 staffed checkpoints, functioning as entry points into Israel, although mainly located several kilometers into the West Bank itself. Additionally, there were 2,941 so-called flying checkpoints along West Bank roads from January until September 2017 only, established unannounced and lasting only short-term. As of January 2017, there were 476 unstaffed physical obstacles like concrete blocks and fenced-off segments along West Bank roads. Accordingly, this restriction of movement is one of Israel’s main tools to enforce its regime of occupation (B’Tselem, 2017b). Besides these listed concrete movement restrictions for Palestinians, the initially mentioned permit system requires Palestinians living in the OPT to obtain certain authorizations to enter Israel and East Jerusalem. Purposes for acquiring a permit mostly include work, medical care, or family visits and are almost entirely denied to Gaza residents. B’Tselem states that, when attempting to obtain permits, Palestinians face a non-transparent and arbitrary bureaucratic system. There are no standards that might help to assess whether an application is likely to be approved or not, and many are denied without explanation. The ones granted can further be easily revoked without justification, resulting “in a life of constant uncertainty for Palestinians, making it difficult to perform simple tasks and plan their lives, and obstruct[ing] the development of a stable economy” (B’Tselem, 2017b). A Secretary-General’s report to the United Nations Human Rights Council published in 2016 states that there are long-standing restrictions on free movement between Gaza and the West Bank and within the West Bank itself. It further claims that during the reference period, many of these restrictions were in contradiction with previous agreements as well as international law. Similar to statements made by B’Tselem, the Secretary-General’s report also underlines how movement restrictions rupture social, economic, and family ties. They are described as a

⁵³ The term ‘seam zone’ refers to the section of Palestinian land located between the wall and the 1949 armistice line, or Green Line. It was declared closed following the construction of the wall.

“complex and multilayered system of administrative, bureaucratic and physical constraints that permeate almost all facets of everyday life” (UN Secretary-General, 2016). Combined with the expansion of Israeli settlements and their infrastructure, Palestinians cannot move freely – not only abroad – but within the West Bank itself. Over the past decade,

tens of thousands of Palestinians who have sought to enter Israel, Israeli settlements and the ‘seam zone’, or to go abroad through the Allenby crossing to Jordan, have had their permits rescinded or their applications rejected after being blacklisted by the Israel Security agency. No reasons are given for the rejection, and restrictions are usually instituted without prior warning (ibid.).

The report concludes by acknowledging that the protection of (Israeli) national security may justify some restrictions on peoples’ freedom of movement in specific circumstances. However, it refers to the restrictions on Palestinian movement as constituting a fundamental breach of the *International Covenant on Civil and Political Rights*: “Freedom of movement is a human right, yet the individual permit regime makes it a privilege to be granted or denied by Israeli authorities as an exception to the norm” (ibid.).

The report counts 490 closure obstacles during the reporting period, consisting of fixed checkpoints and hundreds of flying checkpoints throughout the West Bank. These restrictions on the freedom of movement of Palestinians are often presented as a means to protect settlers. They allow for settlers’ movement throughout the West Bank, while denying Palestinians access to their own private land and certain roads. One example of how movement restrictions correlate to Israeli settlements presents the West Bank city of Hebron. According to the 1997 Hebron Agreement (*The Protocol Concerning the Redeployment in Hebron*), the city was divided into areas H1 and H2. The PA took control over area H1, where the vast majority of Palestinians resided, while Israel retained responsibility for security matters in area H2, including Hebron’s Old City (B’Tselem, 2011). In his 2016 report, the Secretary-General to the UN states that vehicular and pedestrian movement of those 6,000 Palestinians that live in area H2 of Hebron has been restricted for the past 15 years due to the erection of 95 physical obstacles, such as permanently staffed checkpoints.

Consequently, access to educational and health-care institutions has been severely impeded, many Palestinian shops, as well as the city’s main vegetable and wholesale markets, which are located in the closed areas, have been shut down and thousands of Palestinians have been compelled to move out of their homes (UN Secretary-General, 2016).

In 1994, the civilian observer mission Temporary International Presence in Hebron (TIPH) began – pursuant to UN Security Council Resolution 904 – “to guarantee the safety and protection” of Palestinians after the massacre of 29 people in Al Ibrahimi Mosque by an

Israeli settler (UN OCHA, 2019a).⁵⁴ TIPH's monitoring and reporting efforts were intended to maintain everyday life in Hebron and, altogether, to create a sense of security for Palestinians in the city. The observers ended their work in the area due to the Israeli government's unilateral decision not to renew its mandate beyond January 2019. The United Nations Office for the Coordination of Humanitarian Affairs claimed – with reference to the Israeli newspaper Haaretz – that

a leaked TIPH report covering 20 years of information and based on over 40,000 recorded incidents, found that 'the city is more divided than ever, due to the actions of the Israeli government and Israeli settlers.' It also found that Israel is in 'severe and regular breach' of the right to non-discrimination and of the obligation to protect the population living under occupation from deportation, while 'radical Israeli settlers' make life in the Israeli-controlled area difficult for its Palestinian residents (UN OCHA, 2019a).

OCHA, therefore, speaks of a shrinking humanitarian space for Palestinians in Hebron and situates the Israeli authorities' actions in the city within the "wider context of continued pressure on human rights defenders marked by arrests, detention, harassment and legislation aimed at constricting humanitarian and civil space" (ibid.).

Besides Israeli settlements, the West Bank barrier, whose construction began in 2002, constitutes another major obstacle to the freedom of movement for Palestinians. In its 2004 Advisory Opinion, the International Court of Justice recognizes those sections of the wall that depart from the Green Line as illegal. However, "[t]o date, [...], approximately 64.2 per cent of the projected 712 km-long wall has been completed, 85 per cent of which runs through the West bank" (UN Secretary-General, 2016). The Secretary-General's report further underlines the exceptional circumstances for Palestinians living in or traveling to East Jerusalem, which is isolated from the West Bank. Those residing in East Jerusalem are required to hold Israeli-issued ID cards, which account for them to be so-called permanent residents – a policy that solely applies to Palestinians, not Israelis residing in the city. If Israeli authorities determine that Jerusalem has been terminated to be the 'center of life' to the holder of such an ID card, her residency can easily be revoked. It is estimated that since 1967 more than 13,000 Jerusalem ID cards have been confiscated, forcing people either into exile or to live in their homes illegally (Status 2011; Halper, 2011, p. 77).

Apart from Israeli settlements, the separation barrier, and the difficulties that arise due to the special status of East Jerusalem, Palestinian movement is also restricted when it comes to

⁵⁴ On February 25, 1994, American-Israeli Baruch Goldstein opened fire on Palestinian Muslims praying inside the Ibrahimi Mosque in Hebron during Ramadan. The massacre triggered mass protests throughout the West Bank and was followed by the mentioned UN Security Council Resolution 904 titled *Measures to guarantee the safety and protection of the Palestinian civilians in territories occupied by Israel*.

travel between Gaza and the West Bank. In 1999 and according to the Oslo Accords, a safe passage was opened, which allowed more than 10,000 Gazans every month to travel to the West Bank. Due to the outbreak of the second intifada, the route was closed in 2000. Israeli settlements in Gaza were evacuated and by 2005, travel from Gaza to the West Bank declined by 98 percent. After Hamas' government takeover in Gaza in 2007, Israeli permits became even more challenging to obtain and were limited to, e.g., individuals in need of emergency or medical evacuations only (UN Secretary-General, 2016). The subsequent and ongoing land, air, and sea blockade imposed by Israel and Egypt on the area and its residents remains a form of collective punishment, undermining civil, political, economic, social, and cultural rights.

All these described restrictions on Palestinians' movement also adversely affect their right to education, health, family life, and work. For Palestinian communities in the seam zone or near Israeli settlements, access to education is severely affected. According to figures provided by the UN, one in five students in the West Bank passes a checkpoint to reach school while frequently being subjected to body searches, harassment, and verbal intimidation by Israeli soldiers (ibid.). Many schoolchildren residing in outlying parts of Area C have to walk up to 10 km to reach a school due to movement restrictions, displacements, and demolitions. The UN Children's Fund "documented 247 cases of attacks on education, including physical assault, detention and checkpoint harassment and delays, affecting 32,055 children" (ibid.) during the reporting period from June 2015 to May 2016. Movement restrictions affecting higher education are especially severe in Gaza, where, since the outbreak of the second intifada, all travel requests for study purposes have been rejected. Consequently, the limited access to obtain higher education in the West Bank or abroad impacts people's livelihoods and leaves them with a lack of prospects.

When it comes to Palestinians' right to health, movement restrictions affect their access to medical care as well. Palestinians residing in Gaza or the West Bank who require treatment or surgery in East Jerusalem, Israel, or abroad have to apply for permits. According to figures provided by the UN, 15-30 percent of applications are either delayed or never approved, while the overall permit process is reportedly slow and obscure. As checkpoints control the access to East Jerusalem, West Bank Palestinians are unable to enter several hospitals that provide treatment unavailable in the West Bank. Beyond that, Palestinian staff members who have to cross these checkpoints are sometimes delayed for work or unable to reach a hospital entirely, further preventing patients' treatment (ibid.). With extremely high unemployment rates in both Gaza (54 percent including 70 percent among youth) and the West Bank (about

32 percent as of 2018), Palestinians are dependent on working in Israel (or Israeli settlements). Hence, they need to obtain permits to enter and work in Israel, which can be arbitrarily revoked anytime.

Moreover, the described permit system also affects people's family relations. One of the most severe changes in legislation, which has intensified the situation for many Palestinian families, is the previously mentioned 2003 *Nationality and Entry into Israel Law*. The law forbids Palestinians from Gaza or the West Bank, who are married to citizens or residents of Israel, to obtain any resident status, whether in East Jerusalem or Israel. As a result, family unification is banned almost entirely. In 2007, the law was expanded to residents of Iran, Lebanon, Syria, and Iraq and, so far, forced thousands of Palestinian families to move abroad, split, live apart from each other, or in constant fear of deportation. According to Amnesty International, Israel, thereby, violates a series of international laws and regulations, such as the absolute prohibition on discrimination set out in Articles 2 and 26 of the *International Covenant on Civil and Political Rights*⁵⁵, Article 1 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, Article 2 of the *Convention on the Rights of the Child*⁵⁶, as well Article 2 of the *International Covenant on Economic, Social and Cultural Rights* (Amnesty International, 2017). This herein described extensive fragmentation of Palestinian territorial integrity by Israeli national and occupation policy has, for decades, been undermining a broad range of human rights and produced a life of continuing unsteadiness for Palestinians, preventing them from carrying out daily tasks or planning their futures.

5.2.2 Settlements and Home Demolitions

Almost immediately after the beginning of the occupation in 1967, the Israeli government began establishing settlements in the newly occupied Palestinian territories. According to

⁵⁵ Article 26, for example, states: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." See United Nations Human Rights Office of the High Commissioner (December 16, 1966) *International Covenant on Civil and Political Rights*. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (Accessed: February 2, 2017)

⁵⁶ The article states that: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." And further: "States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members." See United Nations Human Rights Office of the High Commissioner (November 20, 1989) *Convention on the Rights of the Child*. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (Accessed: February 2, 2017)

figures of the UN General Assembly’s report of the independent international fact-finding mission to investigate the implications of the Israeli settlements since 1967, more than 250 settlements, being inhabited by an estimated amount of at least 520,000 settlers (320,000 in the West Bank and 200,000 in East Jerusalem) were created (UN General Assembly, 2013). According to figures of B’Tselem, by the end of 2017, there were 131 settlements and about 110 outposts⁵⁷, being home to a combined 413,400 settlers in the West Bank and 209,270 in East Jerusalem – making a total of 622,670 settlers (B’Tselem, 2019a). Due to a yearly average growth of the settler population of 5.3%, compared to just 1.8% in Israel itself, the total number of settlers is estimated by the UN to increase drastically within the following years. What is more – referring to Uri Misgav’s article in the Israeli newspaper Haaretz of March 2017 – all major Israeli economic industries are involved in the settlement enterprise:

The Electric Corporation provides electricity, the Mekorot national water company supplies water, the National Roads Company looks after roads and the National Lottery erects and manages public buildings. Factories, businesses and services operate there without limits, including schools and a university that are under the Ministry of Education’s supervision. State-funded cultural institutions are compelled to perform in every settlement (quoted in White, 2019, p. 25).

The aforementioned fact-finding mission concludes that despite all applicable and relevant United Nations resolutions declaring the existence of the settlements as illegal “and calling for their cessation, the planning and growth of the settlements continues of existing as well as of new structures” (UN General Assembly, 2013, p. 21).

Israeli lawyer Michael Sfard claims that no other Israeli policy in the OPT has had a similarly disastrous effect as its settlements. Their erection not only consumes Palestinian land, but also fuels the plundering of resources and the restriction of Palestinian movement. Combined with the escalation of settler violence, which includes “daily attacks on Palestinian property (setting fire to fields, damaging agricultural vehicles, and the widespread practice of uprooting olive trees – the symbol of Palestinian farming), physical assault, stone throwing and shooting”, Israeli authorities “remain criminally passive in the face of this widespread violence” (Sfard, 2018, p. 125). Sfard concludes that the reality of Palestinians as rightless subjects living alongside their “masters” (ibid.) has led to systematic and institutionalized discrimination through practice, policy, and legislation. In 1991, the Israeli organization Peace Now submitted a petition to the Israeli High Court to try the legality of the settlements. However, the Court did not hear the plea, as it did not see itself responsible for a legal decision on this issue. Therefore, “[t]he settlements had been granted asylum in the shape of

⁵⁷ In contrast to settlements, so-called outposts are not (yet) authorized by the Israeli government. They can retroactively be legalized and, thereby, are considered to lay the basis for the establishment of settlements.

nonjusticiability. They officially became the only entity in Israel that is neither above nor beneath the law but beside it” (ibid., p. 192). Concerning the growing number of settler violence against Palestinians, the UN General Assembly’s report of the independent international fact-finding mission states that the responsible persons for this violence are known to Israeli authorities. It further claims that the motivation behind this violence and “the intimidation against the Palestinians and their properties is to drive the local populations away from their lands and allow the settlements to expand” and continues stating that the

existence of the settlements has had a heavy toll on the rights of the Palestinians. Their rights to freedom of self-determination, non-discrimination, freedom of movement, equality, due process, fair trial, not to be arbitrarily detained, liberty and security of person, freedom of expression, freedom of access to places of worship, education, water, housing, adequate standard of living, property, access to natural resources and effective remedy are being violated consistently and on a daily basis (UN General Assembly, 2013, pp. 21-22).

While the expansion of Israeli settlements precedes the systematic demolition of Palestinian houses within the occupied territories and Israel, it also continues until today. Particularly noteworthy is the situation in East Jerusalem, where Palestinians are confined to small enclaves. According to Jeff Halper, former director of the Israeli Committee Against House Demolitions (ICAHD), its residents often cannot acquire or afford permits to build on the almost 90% of the East of the city they own, resulting in a massive lack of housing units and therefore raising prices of buying and renting (Halper, 2011, p. 76). Hence, thousands of Palestinian families see themselves forced to leave the city and move to the more affordable West Bank or build on their land illegally due to a lack of permits. Moreover, even building structures that have previously existed can retrospectively be declared unlawful by the city’s authorities. When, in consequence, families receive demolition orders for their houses (or building extensions), these orders can be applied the day after, months after, or even several years later. Accordingly, due to this deterrence factor, thousands of houses are not built by Palestinians on their own land out of fear of demolition (ibid., p. 78). Further, Halper states that between 1967 and 2010, an estimated 40,000 to 50,000 housing units in 13 new settlements were built in East Jerusalem for Jews – most of them with government subsidies – while none were built for Palestinians with public financing (ibid., p. 79). According to ICAHD, between 1948 until the 1960s, Israel systematically demolished around 531 Palestinian villages – two-thirds of the total number – and eleven urban neighborhoods inside the newly declared state. Right after the Six-Day War in 1967, a minimum of 6,000 houses had been demolished, and demolition policies were further carried across the Green Line into East Jerusalem, the West Bank, and Gaza, where until 2009, more than 24,000 Palestinian homes had been destroyed (Halper, 2018). During the first intifada, at least 2,000

houses were destroyed in the OPT and another 1,700 during the Oslo peace process. Since the beginning of the second intifada in the year 2000, between 4,000 and 5,000 homes have been destroyed in the West Bank and more than 2,500 in Gaza, while tens of thousands of homes were left uninhabitable, and around 50,000 people became homeless.

Hundreds of shops, workshops, factories and public buildings, including all the Palestinian Authority ministry offices in all the West Bank cities, were also been destroyed or damaged beyond repair. [...] Wells, water storage pools and water pumps which provided water for drinking, irrigation and other needs for thousands of people, were also destroyed, along with tens of kilometers of irrigation networks (Schaeffer, Halper, and Epshtain, 2012).

Adding to these figures, the Israeli Civil Administration demolished about 900 Palestinian homes for lack of proper permits. More than 628 were destroyed as a measure of collective punishment and deterrence, which affected the families of Palestinians known or merely suspected of being involved in attacks on Israeli civilians. Although “the Israeli government insisted that it pursued this punitive measure to ‘deter’ potential terrorists, 79% of the suspected offenders were either dead or in detention at the time of the demolition” (ibid.). In the four and a half years of the second intifada, 60% of all demolished Palestinian homes in the occupied territories had been destroyed as so-called military clearing operations, 25% for not having permits, and another 15% were destroyed as a measure of collective punishment. The invasions of Gaza in 2008/09 and 2012 demolished altogether almost 5,000 homes and left 15,000 uninhabitable. Additionally, today, between 60,000 and 70,000 people living in Bedouin villages in the Negev are suffering from constant threats of demolition. As a result, it is unsurprising that although Arabs make up about 20% of the total Israeli population, they are confined by law and policies to as little as 3.5% of the land (ibid.). Shalhoub-Kevorkian summarizes that home demolitions are an intrinsic part of a settler-colonial project, which aims to delete old boundaries and mark new ones by physically declaring the state’s power. In practice, home demolitions expose the forceful changing of Palestinian geography and topography and the “deletion of Palestinian homes from the maps” (Shalhoub-Kevorkian, 2015, pp. 113-114).

5.2.3 Violence, Detentions, and Civilian Casualties

In 2020 alone, 854 structures throughout the West Bank were demolished by Israeli authorities and, thereby, displaced more than 1,000 Palestinians (UN OCHA, 2021). For comparison, in 2018, 459 Palestinian structures throughout the West Bank were demolished or seized by Israeli authorities. Most of the incidents took place in Area C due to a lack of building permits – which are, as described already, virtually impossible to obtain (UN OCHA,

2018b). As a result, in 2018 alone, 472 Palestinians were displaced, half of them being children. Additionally, around 8,000 trees and approximately 620 vehicles belonging to Palestinians were vandalized by Israeli settlers, making incidents of violence by Israeli civilians against Palestinians and their property a daily occurrence throughout the West Bank. The Israeli organization Yesh Din further claims that 91% of cases of settler violence reported to authorities between 2005 and 2019 were closed following an investigation with no indictment filed (Yesh Din, 2020). After monitoring the handling of complaints from Palestinian victims by Israeli law enforcement agencies for 15 years, the organization states that “the State of Israel betrays its duty to protect Palestinians from those who would harm them and, in fact, leaves them to face assault and harassment defenseless” (ibid.). The British non-profit group Oxfam describes this failure of pursuing accountability as “institutionalized impunity” (Oxfam, 2020, p. 12) and as a culture of impunity for Israeli settlers which contributes to “a hostile environment for Palestinians, particularly for those who live in Area C and East Jerusalem” (ibid., p. 6). Beyond that, the Israeli Civil Administration itself demolished around 655 non-residential structures like fences, cisterns, roads, or farming buildings in the West Bank (excluding East Jerusalem) from January 2016 to March 31, 2019, only (B’Tselem, 2019b). Besides this destruction of property, the physical well-being of many Palestinians is in perpetual danger. OCHA claims that Palestinians in the OPT are constantly subjected to

threats to their lives and physical safety from conflict-related violence, and from policies and practices related to the Israeli occupation, including settler violence. [...] Throughout the oPt, concerns have been raised over excessive use of force. Although the specific contexts in which civilians are killed or injured varies, there is a pervasive crisis of accountability, with no effective remedy for the vast majority of alleged violations of international law, to ensure justice for the victims and to prevent future violations (UN OCHA, n.d.).

According to the Ramallah-based human rights organization Al-Haq, international law is also violated concerning Israel’s use of administrative detention. These arrests of individuals without a legal proceeding present a breach of the right to a fair trial, as outlined in Article 14 of the *International Covenant on Civil and Political Rights*, and the internment conditions described in Article 78 of the *Fourth Geneva Convention* (Al-Haq, 2018c). While administrative detention was already being used during the British Mandate period, the frequency of its use fluctuated throughout the past century. In Israel, it is almost exclusively used to detain Palestinians from the occupied territories and is legalized by Article 285 of *Military Order 1651*, as part of the military legislation applying in the West Bank, and the

Internment of Unlawful Combatants Law (ADDAMEER, 2017b).⁵⁸

Since 1967, more than 800,000 Palestinians have been arrested altogether (ADDAMEER, 2016). The following table by B’Tselem illustrates the number of Palestinian detainees held in Israeli prisons since 2008. Every block up to the first horizontal line represents 2,000 prisoners while the high-point in 2008 counts 7,950 detainees.

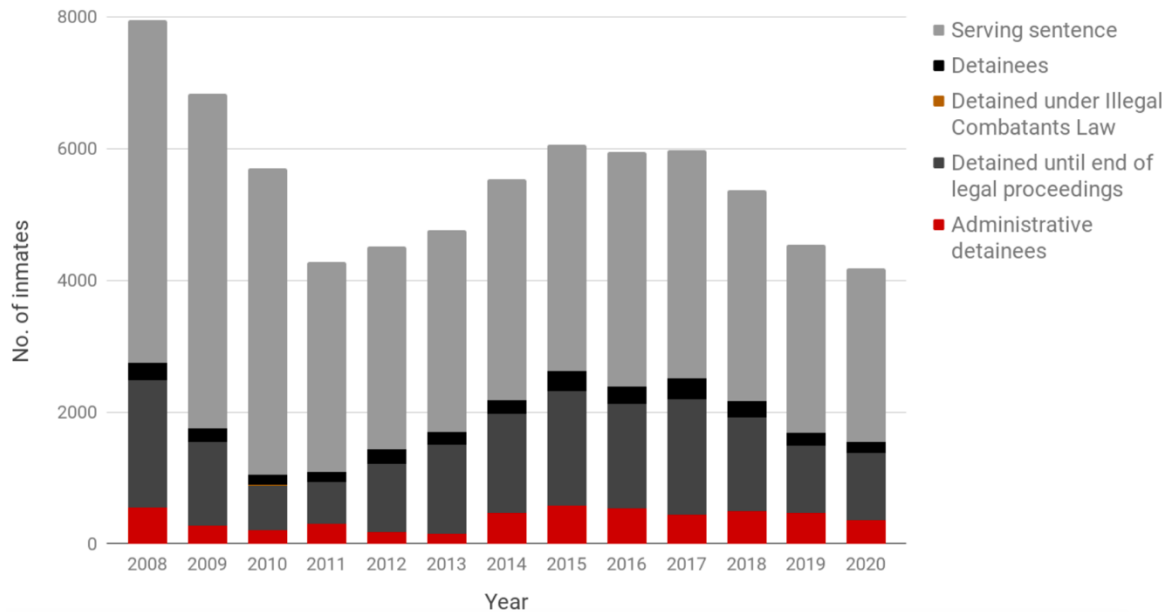


Figure 2: Palestinian inmates by time and year (B’Tselem, 2021)

According to this data, at the end of September 2020, 4,184 Palestinians were held in Israel Prison Service facilities as security detainees and prisoners, including 254 from the Gaza Strip. An additional 545 Palestinians, 8 of them from the Gaza Strip, were held in prisons for being in Israel illegally (B’Tselem, 2021). However, the numbers collected by B’Tselem for the year 2020 remain incomplete, as the Israel Prison Service stopped providing the organization with data since October. In accordance with a report by the Secretary-General of the UN on children and armed conflict, the number of Palestinian children detained and prosecuted by juvenile military courts in the West Bank increased in 2015. In the same year, a total of 860 children were arrested in East Jerusalem alone, of which 136 were between seven and eleven years of age. Furthermore, six children were placed in administrative detention (UN General Assembly Security Council, 2016). In total, 500 to 700 Palestinian children each year are being incarcerated and indicted in the Israeli military court system, mostly for the charge of stone-throwing (Defense for Children International – Palestine, 2020).

In 2018, the most recent and medially accompanied escalation of the Israeli-Palestinian

⁵⁸ The *Internment of Unlawful Combatants Law* was enacted by the Knesset in 2002 and is used against residents of the Gaza Strip since 2005.

conflict occurred with the so-called Great March of Return. This series of protests was launched within the Gaza Strip, near its borders to Israel, and was supposed to last for six weeks until May 15, the so-called *Nakba* Day, when Palestinians commemorate the displacement and dispossession of several hundred thousand people in 1948. However, the protests continued until October of the same year. The demonstrators demanded the right of return for Palestinian refugees and their descendants, and protested the Gaza Strip's blockade as well as the moving of the United States Embassy in Israel from Tel Aviv to Jerusalem, which was officially opened on May 14, 2018.

On that day alone [May 14], Israeli forces killed 59 Palestinians, in a horrifying example of use of excessive force and live ammunition against protesters who did not pose an imminent threat to life. [...] While some protesters have engaged in some forms of violence including by burning tires, flying incendiary kites or throwing stones and Molotov cocktails in the direction of Israeli soldiers, social media videos, as well as eyewitness testimonies gathered by Amnesty International, Palestinian and Israeli human rights groups show that Israeli soldiers shot unarmed protesters, bystanders, journalists and medical staff approximately 150-400m from the fence, where they did not pose any threat (Amnesty International, 2018).

In 2018, almost 300 Palestinians were killed, and over 29,000 were injured by Israeli forces. These figures present the highest number of injuries since UN OCHA kept records of casualties in the occupied territories in 2005. Moreover, they exceeded the number of injuries during the Gaza conflict in 2014 when over 11,000 Palestinians were wounded and over 2,200, including 1,462 civilians, were killed (UN OCHA, 2015). OCHA states that about “61 per cent of the fatalities (180 people) and 79 per cent of the injuries (over 23,000) were in the context of Gaza’s ‘Great March of Return’” (UN OCHA, 2018b). Across the Palestinian territories, 57 of the Palestinian fatalities and around 7,000 of the injuries were under 18 years of age. Due to these clashes, only 74 of 335 exit permit applications have been granted by Israeli authorities and enabled only a few casualties to seek medical treatment outside of Gaza (UN OCHA, 2018a). According to information provided by Amnesty International, at least 115 medical workers and paramedics were injured by live ammunition or tear gas inhalation, and three have been shot and killed during the demonstrations while working and being identifiable as medics. Another two journalists have been shot dead, “despite both wearing protective vests that clearly identified them as members of the press” (Amnesty International, 2018). Jihad Abusalim argues in his 2018 article *The Great March of Return: An Organizer’s Perspective* that the march represented an exceptional opportunity for Palestinians in the Gaza Strip to reclaim a factionally controlled political sphere. Within a context in which Fatah and Hamas dominated all forms of political participation, the Great March of Return embodied a welcomed disruption of the political status quo in Israel/Palestine in general and in the Gaza Strip in particular. For the

young generation in Gaza, it opened up “a space to express themselves outside the traditional frameworks of factional pursuits of power” (Abusalim, 2018, p. 98). Despite having suffered from a decade

marked by fragmentation, blockade, constant Israeli military and settler aggression, and political stalemate, Palestinians have nevertheless managed to express some degree of dissidence and defiance, whether vis-à-vis their occupier, Israel, [or] their own governments (ibid., p. 91)

as is happening in the form of acts of subjecthood. The exhaustion of both armed resistance, which would lead to further immiseration, and fruitless political negotiations “eventually created the conditions for Palestinians on the margins of traditional politics to welcome an outside-the-box notion”, such as that of the Great March of Return (ibid., p. 94).

5.2.4 Conclusion

Despite the fact that the Great March of Return can be interpreted as a novel expression of collective claim-making, the preceding chapters describe the overall settler-colonial structures within which Palestinian claim-making in the West Bank is embedded. It was shown how settler colonialism is being reinforced through daily practices of restrictions on the freedom of movement, settlement constructions, and home demolitions, violence, detentions, and civilian casualties. Initially, settler colonialism has been described as being characterized by territorial interests and policies of erasure, appropriation, criminalization, and marginalization. These features are reflected within the above-listed practices and implemented through legal, political, economic, social, and cultural institutions. The established permit system and the two separate legal regimes in the West Bank, for example, are pivotal for ensuring the containment of Palestinian movement and the related limited access of Palestinians to medical care or education. The ongoing expansion of Israeli settlements and systematic demolition of Palestinian homes contribute not only to an increasing Israeli consumption of Palestinian land, but also to the acquisition of related resources. While incidents of violence by Israeli civilians (and government authorities alike) against Palestinians and their property have been identified as a daily occurrence throughout the West Bank, perpetrators remain protected by “institutionalized impunity” (Oxfam, 2020, p. 12). Due to the restrictions on the freedom of movement for Palestinians and the implications that settlement expansions, home demolitions, violence, detentions, and civilian casualties have on Palestinian society in the West Bank, it is unsurprising that a majority of people is dissatisfied with its overall living conditions as well as its government, which fails to offer protection. In its public opinion poll of September 2018, the Palestinian Center for

Policy and Survey Research (PCPSR) claims that 50% of Palestinians perceive the PA as a burden on the Palestinian people. 75% of the public say that conditions today are worse than in the pre-Oslo era, while 66% believe that Oslo has harmed Palestinian national interests (Palestinian Center for Policy and Survey Research, 2018). Although more than half of the Palestinian public supports a two-state solution based on the 1967 borders with East Jerusalem as its capital, almost 60% believe that settlement constructions have made its realization impractical while a similar percentage believe that it is Israel's long-term goal to expel Palestinians. These figures demonstrate people's huge discontentment with their living conditions in the West Bank and Gaza and the PA leadership in particular. Accordingly, a vast majority of three-thirds of Palestinians, both in the Gaza Strip and the West Bank, believe that there is corruption within the institutions of the PA, and around 60% of people think that one cannot criticize the authorities in the West Bank without fear. The PCPSR identifies four major issues in its opinion poll, which people perceive as the most fundamental problems of Palestinian society: the spread of unemployment and poverty, the continuation of occupation and settlements, the spread of corruption in public institutions followed by the maintenance of the siege and blockade of the Gaza Strip and the closure of its border crossings (ibid.).

Settler-colonialist projects have earlier been defined as seeking to populate the indigenous' land and to replace the indigenous collective ultimately. By outlining the issues concerning freedom of movement, settlements expansions, home demolitions, violence, detentions, and civilian casualties, I demonstrated how settler-colonial practices manifest themselves in Israel/Palestine. Through the establishment of a comprehensive permit regime intended to control and restrict Palestinian movement, Palestinians in the West Bank are confined to small enclaves where they are allowed to reside in or travel to. Their movement to East Jerusalem and Israel is only possible with the prior permission by Israeli authorities within a non-transparent and arbitrary bureaucratic system. Within the West Bank itself, Palestinian movement is further restricted due to roadblocks and checkpoints, while Israeli settlers can move relatively free throughout the territories. Confining Palestinians to certain areas to pursue their day-to-day life while creating more living space for Israelis in East Jerusalem and the West Bank settlements vividly depicts settler-colonial practices of erasure and marginalization and the intention to replace the indigenous people. By remaining passive in the face of widespread violence and intimidation by Israeli civilians against Palestinians and their property throughout the West Bank, Israeli authorities aim at driving the "local populations away from their lands" (UN General Assembly, 2013, p. 22). Consequently, the

Israeli settler-colonial project aims at removing old boundaries by changing Palestinian geography and topography. This “deletion of Palestinian homes from the maps”, in its essence, “aims at eliminating the history and presence of Palestinians in their homeland” (Shalhoub-Kevorkian, 2015, pp. 113-114). In this context, Palestinian claim-making in the form of acts of subjecthood contains activities intended to reverse Palestinians’ status of subjecthood and of being subjected to external Israeli rule. As a marginalized group, Palestinians in the West Bank living within a settler-colonial framework, therefore, make their claims within the outlined status quo by being subjects of this rule, on the one hand, and actors acting within (and against) it, on the other hand. Due to external Israeli control, restricted freedoms, and limited rights, Palestinian claim makers in the West Bank have only limited repertoires for their claim-making. How then, within this status quo, is Palestinian claim-making in the West Bank possible at all? How can we even define claim-making? And how do claim-makers mobilize and organize?

5.3 Contentious Politics

To answer the preceding questions and comprehend the theoretical principles of what claim-making is and how the actors themselves approach their claim-making activities, the concept of contentious politics of Charles Tilly and Sidney Tarrow serves as a basis. Tilly and Tarrow’s works have proven to be of profound usefulness for explaining and analyzing contemporary and historical movements and broader forms of collective action, which will help examine current developments in the West Bank. In general, contention describes an individual’s or a group’s making of consequential claims on another individual or distinct group. To put in other words, it is a claim-making that bears on someone else’s interest, while one party is a subject, a maker of claims, and the other an object, the receiver of claims (Tarrow and Tilly, 2015, p. 4). When claims become collective and public, at least one of the involved parties functions as a political actor, and governmental agents will be affected as monitors, regulators, or implementers, these claims ultimately become political. Following this thought, it can be concluded that contentious politics is a public, collective, and episodic interaction among the claim-makers and the claim-receivers (McAdam, Tarrow, and Tilly, 2001, p. 5). It occurs “when connected clusters of persons make consequential claims on other clusters of persons or on major political actors, just so long as at least one government is a claimant, an object of claims, or a third party to the claims” (Tilly, 2006, p. 21). Put in simple terms, contentious politics can be equated with a collective political struggle. Contentious politics is what happens when collective actors merge and confront elites,

authorities, and opponents with their claims and/or the claims of those they claim to represent (Tarrow, 2012, p. 4). This chapter draws upon the related theoretical frameworks and categorizes acts of subjecthood as an expression of contentious Palestinian claim-making in the West Bank.

5.3.1 Opportunity Structures for Claim-Making

In the West Bank, as within every other region ruled by a government (or quasi-government), this governmental action influences the character and distribution of activities and resources within the respective territory. The extent of this impact is called capacity. When, for example, a high-capacity government intervenes in contentious action, it has a major influence, whereas low-capacity governments have only little effect. Capacity becomes of greater interest when analyzed in combination with the dominant form of government: states can be high-capacity undemocratic (e.g., China or Iran), low-capacity undemocratic (e.g., Somalia or Sudan), high-capacity democratic (e.g., Australia and Norway), or low-capacity democratic like Belgium and Cyprus. Here, democracy is being defined as

the extent to which people subject to a given government's authority have broad, equal political rights, exert significant direct influence over government personnel and policy [...]. A regime is undemocratic to the extent that political rights are narrow and/or unequal, consultation of citizens is minimal, and protections are fragile (Tarrow and Tilly, 2015, p. 55).

As a process, democratization occurs in part as a result of contention and, at the same time, generates it. Thus, Tilly labels a supposedly “peaceful maturing into orderly democracy” as a “crippling myth” (Tilly, 2006, p. 61). When it comes to governance in the West Bank, several indices indicate that one cannot speak of a democratic regime. According to the 2020 Freedom House Index, freedom (measured by the degree of exercise of political rights and civil liberties) in Gaza and the West Bank reaches a score of 25/100 with 0 being the least free and 100 being the freest. The primary reason for this ranking is the Israeli military occupation of the West Bank, which entails restrictions on Palestinian movement, demolition of homes and infrastructure, and its constraints on political and civil liberties. Moreover, media freedom remains under severe obstruction since journalists and local reporters are regularly subjected to arrests, detentions, and interrogations by Israeli forces, the PA, and Hamas. Combined with the lack of a representative leadership, the suspension of elections, limited political rights, and the inability to protect Palestinians from dispossession and expulsion, one can speak of a low-capacity undemocratic regime in the West Bank with regard to the PA (while Israeli rule in these territories can be identified as high-capacity undemocratic).

When examining the agency of Palestinian claim makers in this described political and social environment, one can differentiate between their performances and repertoires. Contentious performances are standardized and comparatively familiar ways in which one set of political actors makes collective claims on another. They are materialized expressions of both circumscribed and partially reinvented tools, while the available sets of tools and actions are also known as repertoires. A repertoire is encouraged by the interaction of everyday social organization, cumulative experience with contention, and regime intervention that promotes the clustering of claim-making interactions “in a limited number of recognizable performances” (Tilly, 2006, p. 43). In other words, contentious repertoires are areas of/and constituted by performances at present known and available within a group of political actors (Tarrow and Tilly, 2015, p. 11). These performances link at least two actors, a claimant and an object of claims, e.g., a Palestinian human rights organization presenting a petition to the Israeli High Court. Analyzed against the backdrop of, firstly, the familiarity of previous performances and, secondly, the likelihood of appearing again, the relation between performances can range from no relationship to perfect repetition (Tilly, 2006, p. 39). Repertoires, on the other hand, vary from time to time and place to place. But generally speaking, when making collective claims, people innovate within certain limits determined by the repertoires established for their time and place (ibid., p. 35). These repertoires can range from nonexistent, weak, strong up to rigid. Hence, Tilly claims that they live off the organizational forms, identities, and social relationships that lay the foundation for everyday social life: “From those identities, social ties, and organizational forms emerge both the collective claims that people make and the means they have for making them” (ibid., p. 42). The evolving interaction of everyday social organization, enduring experience with contention, and regime intervention produce increasing changes in contentious performances. To cite McAdam, Tarrow, and Tilly:

Performances innovate around inherited repertoires and often incorporate ritual forms of collective action. Innovative contention is action that incorporates claims, selects objects of claims, includes collective self-representations, and/or adopts means that are either unprecedented or forbidden within the regime. [...] Repertoires evolve as a result of improvisation and struggle. But at any given time, they limit the forms of interaction that are feasible and intelligible to the parties in question (McAdam, Tarrow, and Tilly, 2001, p. 49).

A regime’s political history generates not only claim-making repertoires but, moreover, a Political Opportunity Structure (POS). POS refers to qualities of governments and institutions that enable or prevent political actors’ collective action, and to changes in those qualities that include opportunities and threats. To this environment of political opportunities and threats created by existing regimes and institutions, claim-makers respond. A Political

Opportunity Structure consists of:

1. The diversity of independent centers of power within the regime,
2. The openness of the government to new actors,
3. The instability of current political alignments,
4. The availability of influential allies or supporters for challengers,
5. The extent to which the administration represses or facilitates collective claim-making, and
6. Decisive changes in items 1 to 5 (Tilly, 2006, pp. 43-44).

Every change in at least one of these components affects the facility or complexity of mobilization, the viability of programs, costs and benefits of collective claim-making, the outcome of performances in the available repertoire, and, as a result, the support of distinct collective action strategies. Summed up, every change in POS affects the actors. Furthermore, the political history of a regime influences claim makers' repertoires and POS itself. Here, Tilly proposes three major hypotheses: first, the location of a regime within the capacity-democracy space influences its rulers' approach to creating and controlling contentious politics. Second, from the bottom-up, the performances group into repertoires. These repertoires describe the forms of claim-making available to any particular group of political actors and the probable consequences of making such claims. And third, some contentious performances, repertoires, and episodes have symbolic (not causal) coherence "in the sense that naming them is a consequential political act" (Tilly, 2006, pp. 211-215).

The term 'opportunity structures', used frequently throughout this study, means that the chance of articulating and asserting one's claim is shaped by external structures. Therefore, opportunity or obstacle structures are broadly defined as external factors that either empower or weaken collective actors. Working with the concept of a Political Opportunity Structure shall, first and foremost, function as an explanatory attempt to make sense of Palestinian claim-making in the West Bank and help to understand the structural conditions of the actors' strategies on the meso-level. POS differentiates between an open or closed and a strong or weak political system, between assimilative and confrontational strategies of social movements' actors, and between their procedural, substantive, and structural impacts. Thus, POS is highly dependent on the state and the effectiveness of a political system. In an open and strong political system, non-state actors' strategies are mostly assimilative, meaning they make use of its functioning bureaucracy through, e.g., lobbying, elections, petitions, or the like. In a rather closed and weak political system, strategies are primarily confrontational, take place beyond formal structures, and include protests, demonstrations, or civil

disobedience (Caruso, 2015, p. 3). POS presents, accordingly, the structural framework of a political system to which strategies of non-state actors adopt. As a result, the Political Opportunity Structure affects what claims are possible. Moreover, every government classifies known claim-making performances into prescribed, tolerated, and forbidden. The available repertoire strongly limits the kinds of claims people can make in any particular regime (Tarrow and Tilly, 2015, pp. 83-84).

The perspective of the political opportunity approach, claiming that non-state actors' chances of advancing their claims are highly dependent on their outside world and related political context, has not been without critique. It has been criticized as promising to explain too much, neglecting the importance of the actors' agency and, therefore, as offering solely a "mechanistic understanding of social movements that does not apply to many cases" (Meyer, 2004, p. 126). Further, the emphasis on structural factors alone can easily underrate the active choices of movement actors, which might have more influence on mobilizing supporters than given political opportunities attest to them. What is more, "factors generally considered unfavorable to movements, such as state repression, lead in several cases to an increase in mobilization" (Caruso, 2015, p. 4). As a result, solely focusing on a Political Opportunity Structure in the case of Palestinian claim-making is insufficient for analyzing actors' claim-making efforts. To gain an understanding of their actions and agency, interviewing civil society actors and describing both opportunities and obstacles to their claim-making in depth is inevitable.

In addition to the described problems that arise when solely relying on POS, major developments in social movements and their relation to the respective government have drastically and globally changed in recent years. They have severely weakened a regime's influence on people's mobilization because, first,

we are witnessing a new centrality of collective action with a local basis, which is linked to the crisis of political centralization. Second, because of their weakness, their lack of autonomy in respect to supranational, economic and corporate interests, and their closing towards collective mobilizations and social conflicts, the State, institutions and parties lose prestige and authority and they are not considered as interlocutors by movement actors (ibid., p. 25).

The chances for non-state actors to advance their claims are, as a result, not only dependent on external conditions. They are also influenced by the fact that the formal political institutions within the countries in which non-state actors' claim-making takes place lost their significance in both promoting and impeding people's mobilization. Therefore, the actors' agency in pushing their demands further should not be underestimated. Although contentious claim-making includes a wider range of performances in undemocratic regimes,

such as in the West Bank, than under democratic administrations, claims often remain local and short-lived due to the described obstacles Palestinians face when coordinating wide-ranging collective action.

5.3.2 *Actors' Agency*

The coordination of collective action among the claim-makers very much determines the actors' agency. By stating 'we citizens', 'us women', or the like, boundary mechanisms emerge, and political identities appear (Tarrow and Tilly, 2015, p. 9). In turn, the claim-makers constitute themselves as political actors. The collective claims these actors are making can be divided into three categories: identity claims, standing claims, and program claims. Identity claims suggest the presence of a substantial collective actor. They declare that an actor, e.g., an indigenous group, exists. Standing claims state that this 'we' not only exists, but that it holds a particular position within the regime. This 'we' then claims that it, as an actor, belongs to an established category within the regime and, as a result, deserves certain rights. Program claims, on the other hand, call for their object to act in a certain way, adopt a policy, or commit itself to a change (ibid., pp. 81-82). All three claims can have immediate and long-term effects and are built in rough order: "without a recognized identity, it is hard to demand political standing, without political standing, it is hard to voice support for a program" (Tilly, 2006, p. 32).

Central to analyzing contentious politics and its collective claim-making are also episodes, mechanisms, and processes. Episodes can be described as bounded sequences of continuous interaction, including collective claim-making, while events are their central units of observation. Episodes of contention begin locally and develop in either a downward scale shift (the coordination of collective action at a rather local level) or an upward scale shift (at a higher regional, national or international level) (Tarrow and Tilly, 2015, p. 94). A scale shift, generally, is defined as a change in the level and quantity of coordinated contentious actions which leads to broader contention and involves a broader range of actors while, at the same time, "bridging their claims and identities" (McAdam, Tarrow, and Tilly, 2001, p. 331). Mechanisms of contentious politics are defined as "a delimited class of events that alter the relations among specified sets of elements in identical or closely similar ways over a variety of situations" (Tarrow and Tilly, 2015, p. 29), and they compound into processes. These processes, in turn, are "regular combinations and sequences of mechanisms that produce similar transformations of those elements" (ibid.). Moreover, mechanisms can be divided into brokerage (the formation of new connections between previously unconnected sites), diffusion (the spread of a form of contention across some set of actors), and

coordinated actions (which emerge when two or more actors make claims on the same object) (ibid., p. 31). A mechanism that, e.g., constitutes new actors is the concept of certification. In this context, certification describes the validation of actors, their performances, and their claims by external parties, especially authorities. In other words, when an external power recognizes and supports the existence and claims of these actors, we speak of certification (McAdam, Tarrow, and Tilly, 2001, p. 316).

Other common mechanisms are identity shifts (the formation of new, shared identities between two political actors), radicalization (increasing contradiction between prevailing claims, programs, self-descriptions, and descriptions of others), and convergence (in which growing contradictions at one or both extremes of a political continuum drive more moderate political actors into closer alliances) (ibid., p. 162). Despite the stated manifestations of mechanisms and processes, they are dynamic and vibrant. Internationalization, for example, has affected both of them in large parts: an internalization of international controversies, for example, can manifest itself as a domestic condition as, e.g., happened with the protests around the Great March of Return in 2018 that was fueled by the US decision to move its embassy from Tel Aviv to Jerusalem. Moreover, the diffusion of a domestic controversy can spread into the politics of other countries, global agents can conduct brokerage of transnational alliances, boundary activation and a scale shift of contention can move from the domestic to the international levels, or mobilization can take the form of global protest events (Tarrow and Tilly, 2015, p. 177).

What is especially relevant for the case study of Israel/Palestine is that social movements cannot be detached from the broader situation of international politics because “large-scale contention rarely takes place entirely within national borders. It seldom has” (ibid., p. 171). Hence, shedding light on political actors in Israel/Palestine, the relation between them, international policies, and foreign actors is central to examining Palestinian claim-making in the West Bank. These actors form, change and disappear regularly. By increasing the available resources for collective claim-making, they form through mobilization, change by participating in contention, and eventually disappear by demobilizing. These political actors can be defined as different sets of people who carry on collective action in which governments and other institutions and organizations are directly or indirectly involved. They make and/or receive contentious claims (Tarrow and Tilly, 2005, p. 5). Depending on how intensively political actors participate in contentious politics, they are characterized as intermittent actors, established interests, or activist groups. Intermittent actors form independently of contentious politics and carry on several activities non-related to it. They

only at times engage in political contention. Established interests are also shaped outside of contentious politics but consistently take part in contention (e.g., certain associations). In contrast to intermittent actors and established interests, activist groups form within contentious politics itself. They are first and foremost political actors, like political parties or lobby groups (ibid., pp. 7-8). Actors in contentious politics can be, in sum, agents of government, polity members (constituted political actors with access to government agents and resources), challengers (formed political actors without the prior mentioned access), subjects (individuals or groups not organized into constituted political actors), or outside political actors like other governments (McAdam, Tarrow, and Tilly, 2001, p. 12). What these mentioned political actors have in common is their consumption of available resources while, at the same time, they aim to obtain new ones in the long run. Therefore, they all balance between two activities: claim-making on the one hand and building up their organization while gaining durable resources on the other. By closely examining these actors and identifying various political actors,

we can untangle complicated contentious episodes. We can detect the arrival and departure of actors from contention, trace how their claim making changed, look for coalitions and divisions among them, and see whether they moved up or down the continuum from intermittent actors to established interests to activist groups (Tarrow and Tilly, 2005, p. 9).

Except for explaining what sort of actors engages in contentious politics, their interactions, and identity, it is no less important to explain how people, who did not make contentious claims in the past, start doing so. When and why do people mobilize?

By grouping and organizing loosely to achieve a specific goal, people or organizations constitute a social movement that, in turn, presents a form of contentious politics. These networks are interactive, frequently address the general public and other political actors, and increasingly appear as transnational movements (Tilly, 2006, p. 182). In general, a social movement can be defined as “a sustained campaign of claim making, using repeated performances that advertise the claim, based on organizations, networks, traditions, and solidarities that sustain these activities” (Tarrow and Tilly, 2015, p. 8). Tarrow and Tilly further state that social movements combine sustained campaigns of claim-making, a broad spectrum of public performances (e.g., marches, rallies, demonstrations, lobbying), and repeated public displays of worthiness, unity, numbers, and commitment (e.g., wearing colors or marching in disciplined ranks) (ibid.). Notwithstanding, the organizational bases of social movements have shifted tremendously in the past decades due to the rapid development of electronic communication technology. By the emergence of virtual political communities that can mobilize globally and almost immediately or form counter-summits,

and social forums, radically new forms of claim-making have been generated (Tilly, 2006, p. 205). Yet, the basis of every social movement, every protest, and uprising is contentious collective action that resorts to a common purpose through connective structures and collective identities (Tartir, 2015, p. 473). People engage in contentious politics by employing a broad repertoire of collective action and creating new opportunities; both used to widen cycles of contention. Only when these strategies succeed in bringing people together around inherited cultural symbols and when they build on dense social networks, they can result in sustained interaction with opponents in social movements (Tarrow, 2012, pp. 28-29).

When trying to assess who are the ones protesting in Israel/Palestine, one explanation can be found in the assumption of relative deprivation. According to this hypothesis, protesters most often belong to a well-educated middle class and perceive themselves as lacking opportunities. Therefore, they are said to possess information about the alleged deprivation and have the necessary resources (wealth or education, for example) to organize themselves. In the West Bank, however, mobilization is very much dependent on people's relation to the ruling regimes (El Kurd, 2019, p. 106). In rural areas, such as Bi'lin or Nabi Saleh, where there is less organizational capacity and members of society are not necessarily more educated than the average, protests have occurred widely, regularly, and comprehensively. While the middle class is often "channeled into 'formal' and 'civil' politics (...), the working class engages with politics at the grassroots level and often through informal institutions" (ibid., p. 111). Farming communities, commonly located in the Israeli-controlled Area C, and protesters in Jerusalem have been largely unaffected by PA policies and its restrictions on collective action. In contrast to the assumption of relative deprivation, Dana El Kurd claims that the Palestinian middle class "is generally co-opted by the PA's institutions, and the infrastructure of the occupation, whereas the Palestinian working class has been almost entirely marginalized by the PA's development" (ibid., p. 124).

The terms outlined previously, such as repertoires or episodes and mechanisms of contention, help examine contentious politics by functioning as explanatory tools and analytical frameworks when describing social processes. They deal with political actors and identities, contentious performances, repertoires and decompose social processes into their primary causes (Tarrow and Tilly, 2015, p. 27). Also, the initially described Political Opportunity Structure and a changing political environment have to be taken into consideration when looking at the prospects for Palestinian claim-making in the West Bank. Having a closer look at repertoires of contention in the West Bank and how their advancement is affected by

external leverage, such as foreign intervention, will be particularly interesting in the Palestinian case.

5.3.3. Claim-Making within Settler Colonialism

How is contentious claim-making possible within the described framework of settler colonialism and a state of exception in the West Bank? While people innovate within certain limits set by the already existing repertoires of their unique context, Palestinians' capability to innovate has been severely restricted in the West Bank due to the described settler-colonial practices in place. Within the empirical part of this research in chapter 7, I will further elaborate on how these restrictions manifest and how they are reflected within people's collective action repertoires. In contentious politics, regime interventions produce changes in contentious performances. Following this train of thought, Palestinian claim makers' performances are influenced by at least two regimes: the Palestinian Authority as a virtual interim self-government body and Israel as occupying power in the West Bank (as well as the influence of the international community). The Political Opportunity Structure, which refers to qualities of regimes or institutions that enable or prevent political actors' collective action, is generated by a regime's history. It is compromised by whether there are independent centers of power within the regime, the openness of the administration to new actors, the instability of current political alignments, the availability of allies or supporters for challengers, and whether the government represses or facilitates collective claim-making. In the portrayed Palestinian case, one can summarize that there are no independent centers of power as the work of institutions, initiatives and think tanks is closely monitored by the PA and Israeli authorities, both aiming to control civil society activities. Both regimes are further only open to new actors as long as they are not perceived as a threat to their power (in the PA's case) or as deviating from the government line (in the Israeli case). Within my research's empirical part, I will describe the harassment organizations in the West Bank, East Jerusalem, and Israel itself face from local authorities. This persecution well fits the settler-colonial strategy of marginalizing and delegitimizing critical voices and ranges from forbidding owners of halls and meeting rooms to lease their locations to organizations dealing, e.g., with Palestinian rights, to placing institutions under arbitrary and costly bureaucratic rules. In East Jerusalem, bureaucratic burdens have forced many organizations to relocate to the more affordable West Bank (Interview 20, 2018).

The break between Fatah and Hamas and the West Bank and Gaza reflects the instability of current political alignments, and both regimes' repression of collective claim-making has

been described earlier. Beyond that, a change in the previously listed POS components over the analyzed period from the Oslo process in the 1990s until the Great March of Return in 2018 is ascertainable and has led to a narrowed Political Opportunity Structure. Accordingly, in a rather closed and weak political system, as it exists in the West Bank, the strategies of non-state actors are primarily confrontational and not assimilative, as they cannot use functioning bureaucracies like lobbying or petitions. I previously differentiated between political actors depending on how intensively they participate in contentious politics, and therefore ranging from intermittent actors over established interests to activist groups. Some of the interviewed political Palestinian actors are intermittent actors who carry out activities unrelated to contention. Several organizations portrayed later-on specifically work on non-political topics like youth empowerment or women's issues to avoid confrontations with Palestinian or Israeli authorities. At the same time, some political actors are established interest groups as they are shaped outside of contentious politics but consistently participate in contention, such as legal institutions which comment on PA or Israeli legislation. However, most organizations can be defined as activist groups, as they particularly formed within contentious politics as a necessity to, e.g., discriminatory laws or the demolition of Palestinian homes.

Contentious episodes can be untangled when one detects the arrival and departure of actors from contention, observes how their claim-making changes, and looks at whether they moved up or down the continuum from intermittent actors to activist groups (Tarrow and Tilly, 2005, p. 9). Due to the obstacles to people's claim-making efforts outlined in chapter 7, we can conclude that Palestinian political actors based in the West Bank increasingly move down the continuum towards intermittent actors. Many (re)set their focus on 'soft' areas outside of contentious politics and on apolitical topics, while trying not to be on the "authorities' radar" (Interview 21, 2018) and working outside their surveillance. According to an interviewee from UN OCHA, "if the occupation is invisible to the rest of the world, Palestinian resistance to the occupation – in its embodied, everyday forms of struggle through steadfastness (*sumud*), going to work, farming, going to school – is also invisible" (Seidel, 2019, p. 62). Contentious politics has previously been defined as what happens when collective actors merge and confront elites, authorities, and opponents with their claims. This raises the question whether one can even speak of contentious claim-making in the West Bank, where actors are fragmented, and authorities cannot be held accountable. Moreover, due to Palestinian non-state actors' double repression by the PA and Israel and their dependency on foreign donors, their claim receivers exist on different levels and along

various dimensions. This makes it difficult to take unanimous action and confront their challenge(r)s. Many newly founded Palestinian initiatives, for example, reject foreign funding, while, at the same time, several other organizations depend on external donors financially and on their close link to UN bodies and global solidarity networks. This illustrates the ambivalence of Palestinian society and its non-state organizations towards the international community, foreign grant-giving, and third-party involvement. According to Tarrow and Tilly, people engage in contentious politics by creating new opportunities to widen cycles of contention. What can be observed in the Palestinian case within the settler-colonial structure in the West Bank, however, is not a widening of cycles of contention but rather increasing restrictions on people's repertoires of collective action. Within this authoritarian setting, where claim-makers live under the control of hostile rule and repressive policies that narrow the space for rights-seeking activities, collective action repertoires are oriented towards the given restrictions in place. Therefore, I argue that acts of subjecthood are an expression/a form of contentious claim-making within the prevailing settler-colonial context in the West Bank.

6. Methodology and Field Research

The analysis of Palestinian claim-making aims to construct a coherent picture of its development in interaction with related historical, political, and social events. To methodologically approach the related rights-seeking activities on the meso-level, the research object was narrowed down in terms of time and geographical space. The geographical focus of this study lies on the West Bank. This is owed to the physical presence of many organizations and initiatives in the respective area, easy access to information about their work, and the direct impact of Israeli and PA policies on these entities. Consequently, as the focal point is on acts of subjecthood in the West Bank, most interview partners are based there. The relevant organizations⁵⁹ include legal institutions, think tanks, educational establishments, youth or community organizations, initiatives, and administrative authorities working within Palestinian civil society and involved in rights-seeking activities. A small but representative sample of these institutions, including the major and most prominent ones, was interviewed. Most of the interviewed representatives were identified through research and/or were referred to by other interview partners. Although acts of subjecthood can incorporate informal activities, organizations also perform these acts, as activists and change-makers are better protected in repressive regimes when they are associated with formal institutions. Although this study concerns itself with Palestinian claim-making in the West Bank, claims on behalf of West Bank Palestinians are also made vicariously through organizations and movements based in Israel, East Jerusalem, or elsewhere. Moreover, Israeli policies and the implications of foreign intervention are inextricably linked between all of these geographical entities. Therefore, when beneficial for the overall analysis, practices of claim-making that take place outside the geographical boundaries of the West Bank were incorporated into this study. The reference period ranges from the Oslo Accords in the 1990s to the United States' embassy's moving from Tel Aviv to Jerusalem and the Palestinians' subsequent Great March of Return in 2018. This so-called Great March of Return, which mainly took place in the Gaza Strip, was chosen as a reference point because it is a direct result of the US embassy's move from Tel Aviv to Jerusalem, which also had significant implications for Palestinians in the West Bank and overall conflict dynamics. It further exemplifies the role of foreign intervention in Israel/Palestine and the international community's part in perpetuating oppression.

The historical, legal, political, and social framework within which Palestinian claim-making

⁵⁹ The term 'organizations' will be used throughout this work for reasons of simplicity. The term well includes initiatives, start-ups, and the like which do not fit the narrow definition of an organization.

in the West Bank takes place has been described thoroughly and was backed by primary and secondary literature. To complement these findings and generate knowledge on how acts of subjecthood manifest in practice, interviews were conducted that serve as primary sources. Based on the assumption that a rapid deterioration of conditions for rights-claiming activities has been taking place, this study explores transformations of social structures, restrictions of civic rights, and the monopolization of resources in the West Bank. The statements made within the conducted interviews with representatives of civil society organizations, think tanks, or educational institutions are checked against the information gained from secondary sources, such as reports and findings conducted by local and international organizations and the extensive amount of existing literature on Palestinian society. Therefore, the analysis of Palestinian acts of subjecthood in the West Bank is also of descriptive nature since secondary materials are indispensable in order to generate valid information and to explain, and contribute to gain a deeper understanding of rights-seeking societal activities.

6.1 Inductive Reasoning and Grounded Theory

To comprehend and make sense of Palestinian claim-making today, Palestinian history and the development of Palestinian societal activities have been outlined in-depth. This description aims to proceed independently of causal propositions as “it is hard to develop [causal] explanations before we know something about the world and what needs to be explained on the basis of what characteristics” (King, Keohane, and Verba, 1994, p. 34 quoted in Gerring, 2012, p. 733). A broader range of evidence to a wider range of questions will be applicable if an analysis is rather descriptive than causal. However, the major challenge of description is that “the master concepts of political science – e.g., civil society, democracy, governance, politics, power, state – have no standard and precise meaning or measurement” (ibid., p. 736). A descriptive inference contains a normative selection about what is relevant and how to describe it and, by doing so, asserts its ultimate value. Therefore, qualitative content analysis is a valuable method to approach current Palestinian societal activities in the West Bank as this subject is insufficiently scientifically examined due to its topicality and dynamics. The reflection on acts of subjecthood as contentious Palestinian claim-making in the West Bank is an unexplored phenomenon that can best be analyzed by selecting an inductive logic as a methodological approach. While theoretically grounded scholarship should provide some explanation of why or how experiences occur as they do, early encounters with novel phenomena force scholars to confront the more general question of “what is the experience that is happening here?” (Bartunek and Walsh, 2016, p. 78). Based

on the conducted interviews and analyzed literature, inductive reasoning allows for making generalizations about the state of Palestinian claim-making. Based on the given evidence, the arguments made are probable, plausible, and reasonable, even though a conclusion inferred by logic of induction is never certain. This study makes generalizations based on data collected via face-to-face and video interviews with representatives of civil society organizations, legal institutions, think tanks, and the like. Still, the subsequent conclusions are formed without any claim to comprehensiveness, although the inductive arguments are strong.

Generating theory from data, as implemented in this study, is what Barney G. Glaser and Anselm Strauss call a grounded theory (Glaser and Strauss, 1967). Generally, theory in social sciences is needed to handle the research data and to provide modes of conceptualization to better describe and explain. Therefore, Glaser and Strauss claim that by generating theory from data, social research produces a more practical and adequate theory. It has been inductively developed and does not force a given 'grand theory' upon the research object. Hence, they understand theory not as something static but rather as a process (*ibid.*, p. 9). Within this process, a comparative analysis is a useful method for generating theory. A comparative analysis was also used to analyze Palestinian claim-making, as a variety of representatives of organizations and movements in Israel/Palestine have been interviewed. Only through the collection of a solid number of interviews, a comparison of their content was possible. By comparing where statements resemble one another and where they differ, properties of categories that increase the categories' generality and explanatory power can be generated (*ibid.*, p. 24). Thus, using comparative data for a one-case study is beneficial as it helps specify a unit of analysis. The generated theory needs to be permanently reviewed as more data is being collected, and the original theory has to be modified according to the findings of the continuing research process. Without simply applying a given speculative theory, discovery allows for a theory that works in a substantive or formal area and accounts for much of the relevant behavior, "since the theory has been derived from data, not deduced from logical assumptions" (*ibid.*, pp. 29-30). When understanding theory as a process and generating it from researched data, Glaser and Strauss suggest not to treat theory as an immutable end-product but rather as an ever-developing entity. Through further meta-level abstraction, the goal of generating formal theory happens at a later stage. Using comparative analysis among various groups, individuals, and institutions allowed for generating substantive and formal theory on Palestinian claim-making eventually.

The combination of primary sources, such as interviews, secondary material, and a reliance

on the findings of research institutions and legal texts helped to understand categories from a broad range of perspectives. Combining these slices of data, however, does not result in unbounded relativism.

Instead, it is a proportioned view of the evidence, since, during comparison, biases of particular people and methods tend to reconcile themselves as the analyst discovers the underlying causes of variation. This continual correction of data by comparative analysis gives the sociologist confidence in the data upon which he is basing his theory (ibid., p. 68).

Categories, meaning the conceptual elements of a theory, and their components (properties) help verify a researcher's hypotheses in the course of research. Within this process, categories and properties emerge, "develop in abstraction, and become related", and "their accumulating interrelations form an integrated central theoretical framework – the core of the emerging theory" (ibid., p. 40). Hence, through the formation of categories, the theory is integrated at a wide range of emerging levels of generality. Generating theory happens through the collection of data, its coding, and analysis. It is based on theoretical sampling, namely the process of deciding what data to collect and where to search for it. A constant comparative method, therefore, always involves similar steps: first, comparing all relevant incidents and coding them into categories of analysis; second, integrating these categories and their properties by comparing each incident with accumulated knowledge and thus producing a joint analysis; third, reducing this analysis to its core and, thereby, generalizing theory (ibid., pp. 105-113). This inductive method of generating theory allows for a higher conceptual abstraction and, consequently, leads from the formulation of a substantive theory to a grounded formal theory. However, the studied social structures are in constant motion. Therefore, Glaser and Strauss define the exploration, and sometimes the discovery, of emerging structures as the prime sociological task (ibid., p. 235). When understanding one's research as an interplay between data collection and reflection in order to continuously refine one's research question, grounded theory shall foremost serve as a technique and an attitude rather than as a simple method of analysis (Mey and Mruck, 2007). By enabling a researcher to produce an inductive theory about a substantive area, the introduced classic grounded theory is "a highly structured but eminently flexible methodology" (Glaser, 2007, p. 48).

6.2 Field Access, Subjectivity, and Positionalities

When it comes to the generalization of knowledge gained from analyzing acts of subjecthood in the West Bank, one could argue that these findings lack broader abstraction as they are embedded within a unique historical context:

the historic absence of a Palestinian state, the impact of successive colonial domination and military occupation, and the resulting territorial, demographic and societal fragmentation, all have highlighted uncommon characteristics not shared with other civil societies whether in a democratic system or in an authoritarian context (Dana, 2015, p. 191).

On the other hand, claim-making in the West Bank occurs within an authoritarian setting which is why these Palestinian acts of subjecthood are transferable to similar contexts where rights-seeking activities are restricted and rights are curtailed. Therefore, when analyzing Palestinian societal activities within a theoretical context of acts of subjecthood, conclusions can be drawn for actors in other geographical and political contexts who are involved in rights-seeking activities as well.

In addition to the descriptive approach, findings gained from expert interviews were incorporated into this study because the reconstruction of social issues with experts is beneficial for exploring relatively unexplored phenomena. The first interviews took place in the summer of 2018 in Israel/Palestine. Throughout 2019, several interviews were conducted via video call, some face-to-face in Berlin. Unfortunately, a planned second field trip in 2020 had to be canceled due to the travel restrictions related to the corona pandemic at that time. Therefore, the last couple of interviews were conducted via video call as well. The interview questions were constructed as open questions of a guideline-based interview to allow all interview partners to choose the extent of their answers independently. The main questions for the interviewees addressed the overall objectives of their institutions, how they organize themselves, what characterizes the political, social, and economic conditions of their organization, how they attempt asserting certain rights, what the obstacles to their efforts are, and how their working areas have changed and why. These questions were clearly stated and unequivocally formulated. They aimed to address a broad spectrum of subjects related to the research interest and to guarantee that they have as little influence as possible on the given response, while at the same time ensuring that relevant data could be gathered through interposed questions. As interview partners, a large number of representatives from legal institutions, think tanks, educational establishments, youth organizations, community organizations, but also administrative authorities were being contacted. All of them are actively and nonviolently engaged in working within Palestinian civil society, rights-seeking activities, and/or community activities. After conducting the first set of interviews, it was possible to confine the research interest further, to re-frame and re-evaluate the outlined research questions and, thereby, to further delineate relevant interview partners for subsequent interviews. All interview partners' names and, in some cases, their gender have been changed throughout this work for reasons of data protection and safety concerns. With

the publication of handwritten notes and the transcription of an interview, conclusions could easily be drawn about the organizations they work for and who the interlocutor might be. Therefore, and in order not to endanger any of the informants, this data is not being shared. In most cases, interviewees proactively asked for their names (and sometimes also for the institution they work for) not to be mentioned in any recordings, as they are regular victims of smear campaigns. All interviews took approximately between one hour and two hours and a half and were either documented by audio recording or written minutes.

Several study-, work-, and research-related stays in the West Bank throughout the past years enabled me to establish an extensive and solid social network and to gain insight into the work of public offices, organizations, and social movements throughout Israel/Palestine. In 2018, when the first interviews were conducted, it was possible to learn about the deeper processes of organizations and social movements. Knowing some of their representatives and having established reliable contacts facilitated getting access to the field and allowed me to gain valuable insights that I would have been deprived of otherwise. Already several weeks before my departure, important organizations and initiatives were contacted, and a few first meetings were arranged. Also, it occurred plenty of times that people referred me to other organizations or relevant actors and handed or sent me publications or papers for further research. Several measures to protect the interviewees' identity and remarks were taken in advance of my research trip. For example, a programmer helped encrypt data (such as folders for audio files and other research-related documents) to ensure it could not be accessed by Tel Aviv airport security when leaving – or any related files being opened when entering the country.

The characteristics of the physical and political environment of field-based research had to be taken into consideration throughout all stages of this dissertation project: starting from the initial idea of claim-making in the Palestinian territories and knowing of the obstacles of physically entering Israel and the West Bank, over the actual conduct of interviews, and related thereto, the crossing of checkpoints and interaction with Israeli security forces. Moving in and out of the field, conducting, e.g., one interview in Haifa, one in Jerusalem, and another one in Bethlehem, led to the emergence of a variety of actors with distinct roles and in different geopolitical settings within the research sample. Thus, I had to reflect upon the actors themselves who are referred to as local experts. With them being the primary source of knowledge production, their statements influence the general conclusions and, therefore, have to be understood, on the one hand, in a broader societal, economic, and political context and, on the other hand, in the uniqueness of the situation in which they

occurred. Every interviewee has to be understood as an agent who represents only a partial position of knowledge. Collecting as much data as possible, thus, allowed for drawing a picture of acts of subjecthood as contentious claim-making as comprehensive as possible while not claiming universal or complete validity. Being in a field of constant motion between local spaces and global connectedness, engaging with people's work and daily business and, in doing so, obtaining one's data, can only be helpful for theory production when it is checked against and compared to reliable 'non-human' data, such as laws, resolutions, and quantitative data. The gained research results, however, are not only influenced by these interviewees but – as within all studies – also by the background of the researcher herself. Her education, her wealth of knowledge of the field and theory she is writing about, as well as her class, gender, and race all influence the interpretation of the data itself. Even before conducting interviews and gaining data, the researcher's subjectivity impacts the chosen research area and her particular research design. Hence, to prevent a personal bias within this particular study, arguments made by interview partners were not only double-checked, but other interviewees were asked to comment on the mentioned issues or accusations. All statements referring to, e.g., discriminatory laws, were backed by an extensive amount of primary and secondary sources, such as data provided by UN institutions or international courts. The obtained data includes interviews with representatives (directors, employees, lawyers, etc.) of NGOs, think tanks, legal institutions, and nonprofits, as well as employees of PA offices. As the vast majority of the interviews were conducted in English, it was only possible to interview and gain the perspective of well-educated people who knew the language well. Many interviewees have an academic and/or international background, such as having obtained a university degree, e.g., in law, or having lived or studied abroad. The interviewees' ages, ranging from around 30 to 60, and gender distribution is represented more or less equally. In some cases, I asked questions related to remarks that had re-appeared several times during a multitude of interviews – such as smear campaigns or a decrease in funding – to get a second opinion and gain a deeper understanding of what has been said as well as another perspective on the issue from another local expert to differentiate between unique remarks and common knowledge. This approach also helped to reflect on the posed questions and previously defined theoretical frameworks, and it encouraged the constant rethinking of the initial research questions.

Last but not least, it shall also be remarked that it is not my task to judge whether a researched status quo is rightful or not. Research data shall foremost help to uncover a larger context of structural dependencies. In the here presented analysis of Palestinian claim-making, this

means understanding its opportunity and obstacle structures. What is more, my ethical responsibility includes the need for reflecting upon the initial research intentions and whether any harm can be caused for involved people. I made sure that all interview recordings, written or acoustic, are protected and cannot cause any damage to the informant. Additionally, the mentioned responsibility also incorporates the duty to portray people's living conditions accurately. Therefore, I am obliged to present interviewees' remarks and the conditions of their work in a broader context of historical, political, and social circumstances. To fulfill this requirement, the status quo in Israel/Palestine, and the West Bank, in particular, is extensively outlined by, e.g., describing the characteristics of Israeli settler-colonial practices as happened in chapter 5.

6.3 Transcription, Coding, and subsequent Data Collection

In order to organize and manage the collected data, such as transcripts and audio recordings of the conducted interviews, the material needed to be segmented into units of meaning and coded accordingly. Here, Computer-Assisted Qualitative Data Analysis Software (CAQDAS or QDA) was chosen as the right evaluation tool as it allows for a more thorough analysis of large-scale data sets compared to what is achievable manually. However, Drisko underlines that QDA software is only a tool that facilitates the evaluation of data but does not release a researcher from posing meaningful research questions or acquiring substantiated knowledge of her field of research. Therefore, computer QDA software can help with data management, its coding, and graphical representation, but not with the interpretation of meaning per se (Drisko, 1998, pp. 3-4). Using such software requires several steps like data entry and preparation, the segmenting of documents and texts into units of meaning (codings), the retrieval of selected text passages, and memo making (*ibid.*, pp. 5-8). For this work, also QDA software, namely MAXQDA, has been used. MAXQDA, like any other QDA software, offers several strategies of data analysis like discourse analysis, narrative analysis, framework analysis, and thematic analysis, but also content analysis and grounded theory method, which are both most useful for analyzing the conducted interviews in this work. As a multistage process, grounded theory comprises an interplay of new data collection, analysis, coding, and the writing of memos and further allows for the higher abstraction of given codes (Kuckartz and Rädiker, 2019, p. 7). Within this context, it has been widely discussed whether QDA software functions as a simple toolbox from which a researcher can choose the convenient tools herself or whether it has become a stand-alone method due to its profound impact on the overall social research practice. Kuckartz and Rädiker argue that

QDA software may more accurately be described as containing many analytical capabilities that can be used in different methodologies, research styles, or specific analysis techniques, which themselves may be influenced by these capabilities to a greater or lesser extent. Additionally, CAQDAS has great potential for methodological innovation that goes beyond existing research styles and methods (ibid., p. 10).

The codes or the categories (that name, describe, or explain data) help structure and evaluate the conducted interviews. They are particularly relevant for the development of theories within studies that follow a grounded theory approach. Here, a distinction can be drawn between

- factual categories, like the age of an interviewee,
- content-based or thematic categories which help to structure the content,
- analytical categories which mirror a meta-level abstraction of mentioned terms,
- evaluative categories, e.g., a low, medium, or high level of national affiliation, and
- categories in the form of symbols or emoticons (ibid., p. 66).

When codes are developed before going through collected data or even before conducting it, one speaks of a concept-driven or a deductive approach. Within a deductive approach, categories are defined before the data analysis, which is why a researcher looks at her data through the ‘lens’ of codes. In this work, however, a data-driven and inductive approach was adopted because categories were discovered within the data itself and formed on its basis (ibid., p. 96). Within MAXQDA, 29 files – of which 19 are audio files and 10 text documents – were analyzed. 37 codes were developed, and 511 segments coded. Based on these 29 files total, four document groups were formed: one Israeli, when the organizations my interview partners represented were based within Israel, one Palestinian, one East Jerusalem, and a document group named ‘foreign’, when the organization was based outside of Israel/Palestine or when the interview partner was, e.g., a foreign consultant advising local organizations. The categories and subcategories that evolved from the data and are ranked by the frequency of occurrence are the following:

Category:	Obstacles [to organizations’ claim-making]
Subcategory:	Israeli legal system
	Smear campaigns
	PA restrictions
	Aid dependency
	Societal fragmentation
	International community
	Decrease in funding

Category:	Working areas [of interviewed organizations]
Subcategory:	International advocacy
	Awareness campaigns
	Monitor and report
	Train civil society
	Cultural and business
	Legal aid
	Influence PA
	Influence Israel
	Unpolitical activities
Category:	Claims [the interviewed organizations make]
Subcategory:	Freedom of speech
	Human rights
	Safety from demolitions
	Access to information
	Right of Return
	Economic rights
	Building rights
	Right to movement
	Freedom of assembly
Category:	Geographical focus [of the organizations' work]
Subcategory:	East Jerusalem
	Area C
	West Bank
	Historic Palestine
	West Bank, Gaza, East Jerusalem
	West Bank and Gaza
	Refugee communities (global)
	West Bank and East Jerusalem

The assignment of many of the listed categories and subcategories is self-explanatory. However, some need further description and examples of application. The category 'obstacles' refers to the issues which hinder the organizations' work in varying degrees. Its subcode 'smear campaigns' includes campaigns that intend to delegitimize the organizations' work and refers to those actions made by, e.g., the PA or Israeli media outlets and

organizations like NGO Monitor⁶⁰ (which was mostly mentioned throughout the conducted interviews). Moreover, the subcode further includes smear campaigns that address donor and foreign organizations which work on human rights inside and outside of Israel/Palestine. The subcode ‘PA restrictions’ was used when, e.g., restrictive legislation of the Palestinian Authority (like the later outlined *Electronic Crimes Law* that intends to limit people’s freedom of speech and expression) was mentioned or when the PA’s security forces’ arbitrary arrests and torture were named. The subcode ‘societal fragmentation’ was only used for fragmentation among Palestinians and does not refer to the situation among Jewish citizens of Israel. ‘International community’ was coded when, e.g., the inaction of foreign governments regarding the enforcement of international law was mentioned or when the international community was accused of putting no pressure on Israel to change its policies regarding its occupation or the discrimination of Palestinians. The category ‘claims’ includes the content-related issues the organizations are dealing with. The code was only assigned to a segment when the interviewee explicitly named the particular claim, not when I had gained information from secondary sources that their work focuses on, e.g., the right of return for Palestinian refugees. The same applies to the codes ‘geographical focus’ and ‘working areas’. Segments were only coded when, for example, the interview partner herself mentioned what the geographical scope of their work is. ‘Working areas’ include the named strategies or fields of activities of the interviewed organizations. Its subcode ‘train civil society’ refers to references made that outline the deliberate efforts to increase Palestinians’ resilience towards either Israeli or PA policies or the overall ramification of Israeli occupation (e.g., workshops or training for activists or the building of networks between civil organizations and activists). The subcode ‘culture and business’ was assigned to a segment when, e.g., interviewees named working areas such as economic empowerment for youth to enter the labor market. The subcode ‘unpolitical activities’ was assigned to segments when interviewees defined their organizations as being not politically involved or detaching themselves from any activities that could be considered as questioning or criticizing the PA.

The formed codes and the overall category system serve the purpose of answering the initially outlined research questions: how is Palestinian claim-making possible within the West Bank’s political, geographical, and social status quo? Through what channels can non-

⁶⁰ NGO Monitor is a non-governmental organization that was founded in 2001 and is based in Jerusalem. It reports on the output of international, Palestinian, and Israeli NGOs from a “pro-Israel” rather than an objective perspective. See Friedman, M. (November 30, 2014) *What the Media Gets Wrong About Israel*. Available at: <https://www.theatlantic.com/international/archive/2014/11/how-the-media-makes-the-israel-story/383262/> (Accessed: April 28, 2019)

state actors advance their claims? What are opportunities for them to make these claims, and what are challenges?

The established category ‘working areas’ facilitates an explanation to the question through what channels claims are being made. The subcategories set out nine major ways of how this shall be accomplished: international advocacy, awareness campaigns, monitor and report, train civil society, cultural and business, legal aid, influence PA, influence Israel, unpolitical activities. When it comes to the question of existing opportunities for claim-making, the frequency of occurrence of these subcodes allows for more profound insights to address this issue sufficiently. The ‘obstacles’ category and its subcodes (Israeli legal system, smear campaigns, PA restrictions, aid dependency, societal fragmentation, international community, decrease in funding) help answering the research question about existing challenges to Palestinian claim-making. To sufficiently tackle these issues, the four established document groups (Israeli, Palestinian, East Jerusalem, and foreign), the assigned document variables (like date group of organizations’ founding), MAXQDA analysis, and its visual tools help to answer the research questions.

An essential part of the analyzing process is the transcription of the conducted interviews. However, since the publication of an entire interview would allow to draw conclusions about the interviewee’s identity and her organization, only crucial parts of the transcription are presented in this study. Clearly defined rules for transcription, even for the portrayed extracts only, make the text passages more comprehensible to the scientific community. Therefore, the transcription rules according to Dresing, Pehl, and Schmieder were applied:

- Transcribe literally; do not summarize or transcribe phonetically. Dialects are to be accurately translated into standard language. If there is no suitable translation for a word or expression, the dialect is retained.
- Informal contractions are not to be transcribed, but approximated to written standard language. E.g. ‘gonna’ becomes ‘going to’ in the transcript. [...]
- Discontinuations of words or sentences as well as stutters are omitted; word doublings are only transcribed if they are used for emphasis (‘This is very, very important to me.’) Half sentences are recorded and indicated by a slash /.
- Punctuation is smoothed in favor of legibility. Thus short drops of voice or ambiguous intonations are preferably indicated by periods rather than commas. Units of meaning have to remain intact.
- Pauses are indicated by suspension marks in parentheses (...).
- Affirmative utterances by the interviewer, like “uh-huh, yes, right” etc. are not transcribed. Exception: monosyllabic answers are always transcribed. Add an interpretation, e.g. “Mhm (affirmative)” or “Mhm (negative)”.
- Words with a special emphasis are capitalized. [...]
- Emotional non-verbal utterances of all parties involved that support or elucidate statements (laughter, sighs) are transcribed in brackets.
- Incomprehensible words are indicated as follows (inc.). For unintelligible passages indicate the reason: (inc., cell phone ringing) or (inc., microphone rustling). If you assume a certain word but are not sure, put the word in brackets with a question

mark, e.g. (Xylomentazoline?) (Dresing, Pehl, and Schmieder, 2015, pp. 28-30). The planned second field trip to Israel/Palestine in 2020 had to be canceled due to the coronavirus pandemic. This outbreak was further responsible for a complete lockdown of the West Bank, loss of employment and income for a tremendous number of Palestinians, and rising numbers of violent attacks against Palestinian communities around Israeli settlements. As people who were approached for an interview were less responsive and less willing to be available for a conversation via video call, not all envisaged interviews could be conducted. Therefore, and in addition to the previously conducted interviews, a subsequent set of data was collected. The websites of most of the already covered organizations⁶¹ plus those of the organizations which could not be interviewed and were not represented by the previous set of data were analyzed. This second set of data comprises the main website of an organization's homepage, where it presents its founding history and activities. Commonly, this information was found under the 'about us' subpages. Within MAXQDA, 34 files were analyzed for this second data collection. 57 codes were developed, and 322 segments coded. Based on 34 files total, four document groups were formed: one Israeli, one Palestinian, one joint Israeli-Palestinian, and one external group. By introducing this second data collection, the overall interpretation of gained knowledge derives from both data sets: the first one, which contains remarks made by organizations' representatives conducted in interviews, and the second set of data, which includes the organizations' public representations through their websites. Ranked by the frequency of occurrence, the categories and subcategories that evolved within the second data collection are the following:

- Category: (Occupation) Threats
- Subcategory: Aid dependency
- Annexation and confiscation
- Demolitions
- Movement restrictions
- Arrests and detentions
- International complicity
- Settlement expansion
- Colonialism/apartheid/ethnic cleansing
- Intimidation and delegitimization

⁶¹ Individual interview partners not representing one institution in particular were left out of the second data collection. Also, those organizations which did not have a working website or those without a website available in English were excluded. Therefore, the following interviews are not included in the second data collection: Interview 1, 2018; Interview 2, 2018; Interview 3, 2018; Interview 9, 2018; Interview 11, 2018; Interview 15, 2018; Interview 17, 2018; Interview 3, 2019; Interview 4, 2019; and Interview 1, 2020.

	Geographical segregation
	Torture
	Bureaucratic challenges
	Lack of communication
Category:	Tools/do their work through
Subcategory:	Strengthen steadfastness/resilience/education
	Monitor, research, report
	Build international support
	Build national support
	Attract media/online campaigns
	Legal aid
	Capacity building/strong institutions
	Protection
	Lobby policymakers
	Give tours
	Demonstrations and protest
	Infrastructure
	Rebuilding
Category:	Vision/working for
Subcategory:	Human rights
	Education and learning
	Change of culture
	Freedom of expression
	Ending occupation
	Self-determination
	Right of return
	Peace
	Planning rights
	Identity rights
	Free from corruption
	Access to information
	Right to movement
	Media freedom
	Abolishing the wall

Category: Targeted group
Subcategory: Youth
Women
Workers/poor
Refugees and displaced persons
Journalists

Category: Geographical focus
Subcategory: Marginalized/rural/Area C
East Jerusalem
West Bank and Gaza
West Bank, East Jerusalem, and Gaza
West Bank and Jerusalem
Historic Palestine

Again, the assignment of most of the listed categories and subcategories is self-explanatory, while some need further explanation. Some codings are congruent with the categories and subcategories established from the primary data collection, some are similar, and some crystallized additionally. What was appointed as the ‘obstacles’ category in the first set of data and refers to challenges to organizations’ claim-making, is coded as ‘(occupation) threats’ in the analysis of the websites. The coding does not explicitly refer to the challenges faced by organizations, but instead focuses on general threats and issues that arise due to continuing Israeli occupation. What was summarized under the category ‘claims’ in the first set of data is similar to the category ‘vision/working for’ of the second. It describes the organizations’ vision or mission as outlined on their websites. As a description of the organizations’ purpose, these visions are presented in more detail on the homepages, and, consequently, more subcodes have evolved. More subcodes also crystallized under the ‘tools/do their work through’ category in the second set of data than under the category ‘working areas’ in the first data set. The category ‘geographical focus’ and most of its subcategories remained the same for both collections of data. The code ‘targeted group’ was established only in the analysis of the websites, but did not evolve from the conducted interviews. It refers to the target audience of organizations’ activities.

6.4 Interview Data

To generate knowledge from the statements made by the interviewees in the first set of data, the content of all conducted interviews was systematized and analyzed with the help of QDA software. Based on 29 files in total, 37 codes were discovered, and 511 segments were coded accordingly. As noted earlier, most interviewed organizations remain unnamed due to data protection and safety concerns, and all interlocutors' names were changed. For a better presentation of these interviewees and the respective organizations, the following charts provide some context and some basic information on who has been interviewed.

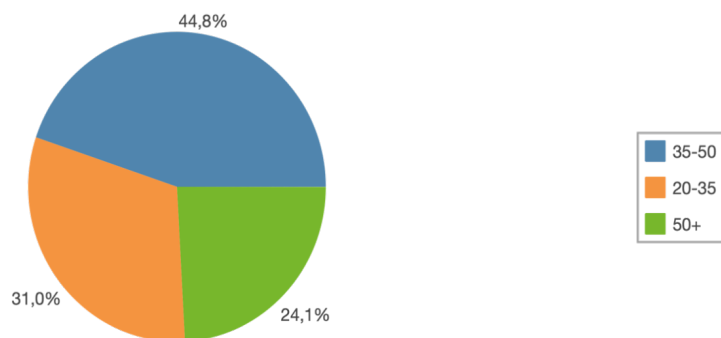


Figure 3: Interviewees' age grouped in three categories and ranked by frequency

Figure 3 shows the ages of all interview partners grouped into three categories: 20-35, 35-50, and 50 plus. With a majority of about 45%, most interview partners were between 35 and 50 years old, while only 31% were younger than 35 years and even less, 24% of them, were older than 50 years.

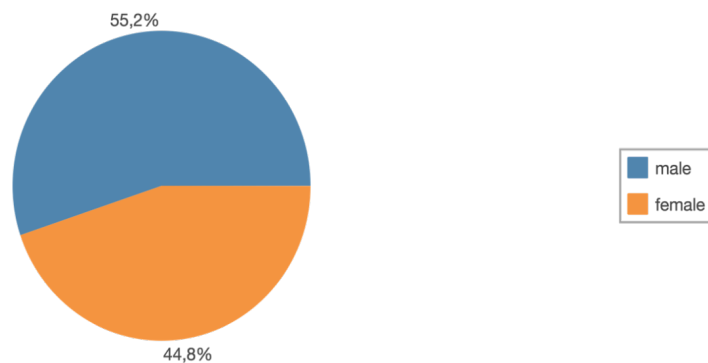


Figure 4: Interviewees' gender

Figure 4 visualizes the distribution among interviewees' gender. To protect the interview partners' identities, several genders were changed in the continuous text. The chart, however, reflects the actual gender distribution. Both genders, male and female, were represented more or less equally. However, a slight majority of 55% of interview partners were male and about 45% female.

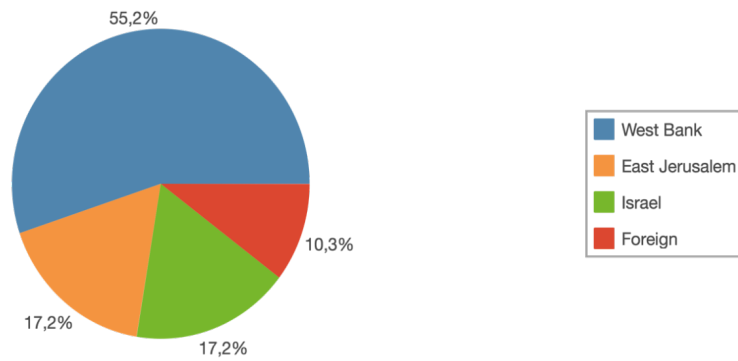


Figure 5: Location of organizations' headquarters ranked by frequency

Figure 5 shows the location of the interviewed organizations' headquarters. The legend's listing is ranked by frequency. The largest portion of organizations is based in the West Bank, where 55% are located. About 17% of organizations are based in East Jerusalem and another 17% in Israel proper, while only some 10% are located outside of Israel/Palestine. In addition, figure 6 visualizes the organizations' founding dates. These dates are grouped into four categories which are ranked by frequency in the legend. Almost 41%, and the highest proportion of interviewed organizations, were founded between 1995 and 2005, followed by about 27% founded between 1987 and 1994. Only 18% of represented organizations were established since 2006 and merely 14% between 1967 and 1986.

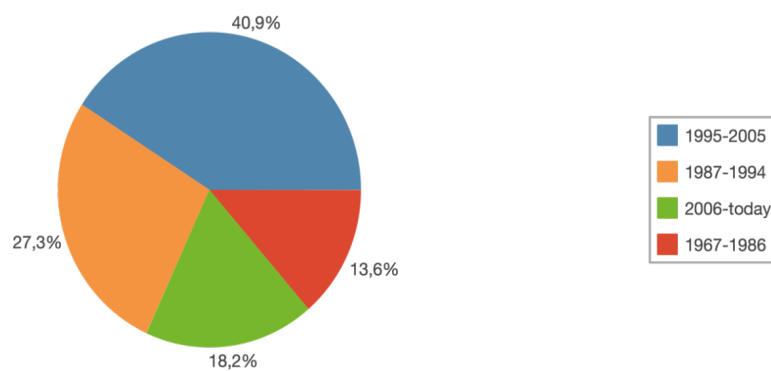










Figure 6: Organizations' founding dates grouped in four categories ranked by frequency

6.4.1 Organizations' Obstacles and Coping Strategies

Table 4 shows the relationship between the geographic location of the organizations and the subcodes of the 'obstacles' category. The column percentages are based on the number of documents (N) in the particular column. This means that, e.g., almost 70% of all West Bank-based organizations identified societal fragmentation as an obstacle to their claim-making efforts. By contrast, only 20% of Israel-based organizations named it a challenge. These percentages can be explained by the fact that the subcode 'societal fragmentation' was only used for fragmentation among Palestinians and does not refer to any mentioned segregation among Jewish citizens of Israel.

Table 4: Crosstab showing the relationship between organizations' geographic location and subcodes of the 'obstacles' category⁶²

	East Jerusalem	West Bank	Israel	Total
 Israeli legal system	60,0%	68,8%	80,0%	
 Smear campaigns	100,0%	50,0%	80,0%	
 PA restrictions	60,0%	68,8%	40,0%	
 Aid dependency	80,0%	87,5%	60,0%	
 Societal fragmentation	40,0%	68,8%	20,0%	
 International community	60,0%	43,8%	40,0%	
 Decrease in funding	100,0%	56,3%	40,0%	
 # N = Documents	5 (19,2%)	16 (61,5%)	5 (19,2%)	26 (100,0%)

'Smear campaigns', which intend to delegitimize the organizations' work, were identified as a major obstacle by all interviewed East Jerusalem-based, most Israel-based, and half of the West Bank-based organizations. Besides, for organizations in East Jerusalem, another major obstacle is the decrease in funding while organizations based in the West Bank rather suffer from aid dependency and, to a lesser extent, also from the Israeli legal system, PA restrictions, and societal fragmentation. The coding 'international community' was assigned to segments, when, e.g., the inaction of foreign governments regarding the enforcement of international law was mentioned. 60% of East Jerusalem-based organizations perceived this as an obstacle to their claim-making, in contrast to less than half of Israel- and West Bank-based entities. The subcode 'aid dependency' is closely related to this coding, as foreign governments or international organizations are the main donors of many interviewed entities.

On the one side, most organizations face the challenge of a shift from core to project-based funds⁶³, as do most civil society organizations globally, and a drastic decrease of external

⁶² Here, only 26 documents were analyzed, as three of the 29 files in total were defined foreign-based.

⁶³ In contrast to core funding, project-based funding does not cover organizations' administrative or overhead costs like salaries or rent. It also requires the recurring application for calls for proposals in order to receive grants.

funding to the extent that their work has become limited. On the other side, foreign funding, in general, is a highly controversial topic as foreign funding – especially project-based funding – implies greater control of an organization’s agenda. The influence on the issues these organizations are working on has become a critical challenge as donors frequently prefer giving grant money to non-political activities focusing on, e.g., women or youth instead of tackling issues related to discriminatory laws or policies. Therefore, obtaining funding from local and diaspora communities has been identified as a way out of the dependency on foreign grant-giving. However, only some of the interviewed organizations aim to operate independently of foreign funding, and even fewer have the resources to do so. Table 5 shows the relationship between the geographic location of the organizations and the subcodes of the ‘working areas’ category. These subcodes represent the named strategies or fields of activities of the interviewed organizations.

Table 5: Crosstab showing the relationship between organizations’ geographic location and subcodes of the ‘working areas’ category

	East Jerusalem	West Bank	Israel	Foreign	Total
🗳️ International advocacy	40,0%	50,0%	80,0%	33,3%	
🗳️ Awareness campaigns	60,0%	62,5%	60,0%		
🗳️ Monitor and report	40,0%	43,8%	80,0%	66,7%	
🗳️ Train civil society	40,0%	50,0%	40,0%	33,3%	
🗳️ Culture and business		31,3%	20,0%		
🗳️ Legal aid	40,0%	25,0%	40,0%		
🗳️ Influence PA		18,8%	20,0%		
🗳️ Influence Israel			60,0%	33,3%	
🗳️ Unpolitical activities		18,8%			
# N = Documents	5 (17,2%)	16 (55,2%)	5 (17,2%)	3 (10,3%)	29 (100,0%)

None of the interviewed organizations based in Israel, East Jerusalem, or abroad is involved in unpolitical activities, compared to almost 20% in the West Bank. This number can be explained by the fact that organizations outside of the West Bank do not suffer from PA restrictions as is the case for West Bank-based entities. Most Israel-based organizations monitor and report and work on international advocacy, while campaigning and influencing Israeli policies were mentioned in 60% of interviews. For organizations in the West Bank and East Jerusalem, initiating awareness campaigns (e.g., campaigns against particular laws or procedures, giving lectures) is the most common working area. While none of the East Jerusalem-based organizations lobby policymakers, 60% of Israel-based organizations try to influence Israeli and 20% PA policies. None of the West Bank-based organizations aims at influencing Israeli policies, and less than 20% lobby the PA.

Table 6: Crosstab showing the relationship between organizations' founding dates and subcodes of the 'working areas' category

	1967-1986	1987-1994	1995-2005	2006-today	Total
International advocacy	66,7%	66,7%	55,6%	25,0%	
Awareness campaigns	66,7%	50,0%	66,7%	75,0%	
Monitor and report	66,7%	66,7%	66,7%	25,0%	
Train civil society	33,3%	50,0%	55,6%	100,0%	
Culture and business			33,3%	50,0%	
Legal aid	33,3%	50,0%	44,4%		
Influence PA	33,3%	16,7%	11,1%	25,0%	
Influence Israel	66,7%		11,1%	25,0%	
Unpolitical activities			11,1%	50,0%	
# N = Documents	3 (13,6%)	6 (27,3%)	9 (40,9%)	4 (18,2%)	22 (100,0%)

Table 6 captures the relationship between the organizations' founding dates grouped into four categories (1967-1986, 1987-1994, 1995-2005, 2006-today) and their working areas.⁶⁴ As only three organizations founded between 1967 and 1986 and only four organizations founded between 2006 and 2020 were interviewed, those date groups might not be representative. However, the table shows several numbers that allow for drawing plausible conclusions. It indicates that the more recently an organization was founded, the more likely its working areas include training civil society. Moreover, none of the organizations founded after the second intifada is involved in legal aid as has also become apparent throughout the interviews outlined in detail in chapter 7. Equally, organizations that initially worked within the Israeli legal system, and were founded within other date groups, stopped doing so in the past few years. Also, there has been an increase of organizations pursuing unpolitical activities since the 1990s (from 11% to 50% now, none before), supporting the argument that, since Oslo and the PA's founding, (most of) the organizations that emerged are less politically involved.

6.4.2 Comparing Codes

The following table shows how many documents two codes are attached to. Thereby, it visualizes the relationship between the subcodes of the 'obstacles' category and those of the coding 'working areas'. The squares represent the number of co-occurrences of the codes. The larger the symbol, the more co-occurrences exist.

⁶⁴ Analyzed were 22 documents only because interviews with individuals not representing one organization in particular, for example, were not assigned a founding date.

Table 7: Code relations browser visualizing the relationship between the categories ‘obstacles’ and ‘working areas’

Codesystem	International advocacy	Awareness campaigns	Monitor and report	Train civil society	Culture and business	Legal aid	Influence PA	Influence Israel	Unpolitical activities
Obstacles									
Israeli legal system	■	■	■	■	■	■	■	■	■
Smear campaigns	■	■	■	■	■	■	■	■	■
PA restrictions	■	■	■	■	■	■	■	■	■
Aid dependency	■	■	■	■	■	■	■	■	■
Societal fragmentation	■	■	■	■	■	■	■	■	■
International Community	■	■	■	■	■	■	■	■	■
Decrease in funding	■	■	■	■	■	■	■	■	■
SUMME	65	79	68	58	24	39	18	15	15

The codings ‘smear campaigns’, ‘PA restrictions’, and ‘aid dependency’ mostly co-occur with the subcode ‘awareness campaigns’, which means that those organizations who suffer from these three obstacles are also the ones who frequently develop awareness campaigns. The coding ‘smear campaigns’ also appears in conjunction with the subcode ‘monitor and report’, meaning that the working area of organizations that particularly suffer from these very campaigns is likely to be monitoring and reporting. Those organizations that suffer from the Israeli legal system and aid dependency are likely to advocate internationally and train civil society. As both obstacles (the Israeli legal system and the reliance on foreign funding) are systemic issues organizations face, doing international advocacy, aiming for international pressure on Israel, and growing resilience among Palestinians have been key issues for many interlocutors. As the chances of achieving one’s preferable outcome in Israeli courts are slim and legal ‘successes’ are marginal at best, training Palestinian civil society and strengthening resilience is a crucial working area. The commonly criticized dependency on foreign donors and the restrictions that come with the acceptance of their grants have induced organizations to focus on increasing Palestinians steadfastness.

Within the following figure, codes are positioned on a map according to their similarity. This code map visualizes how often the listed codes were assigned at a distance of 20 seconds within the same audio file or at a distance of 20 paragraphs within the same document. The closer the codes are placed to each other on the map, the more adjacent they were assigned within the same documents. The larger the dot, the more code assignments were made with that particular code.

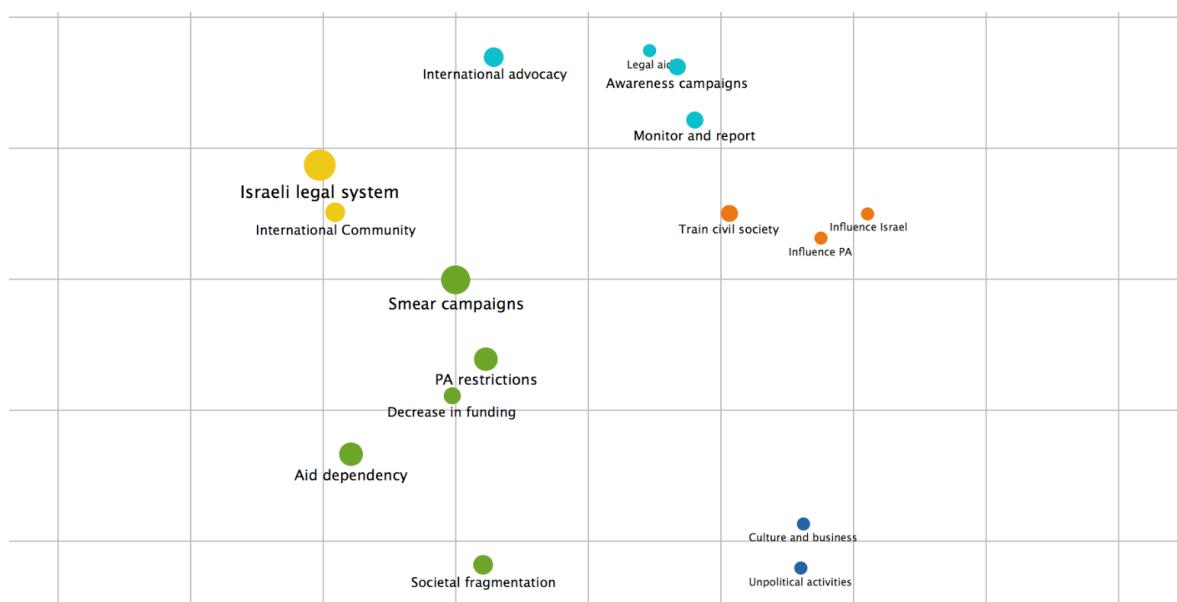


Figure 7: Code map visualizing the proximity of codes

The map shows that the obstacles ‘Israeli legal system’ and ‘international community’ are placed near each other and, derived from their positioning, were commonly assigned to the same documents. The commonality between these two codings can be explained by the fact that, for obvious reasons, both are subcodes of the obstacle category. Secondly, the coding ‘international community’ represents the lack of international pressure to force Israel into complying with international law and the adherence to UN resolutions. The coding ‘Israeli legal system’ summarizes discriminatory legislation and the creation of two different legal systems for Israelis and Palestinians – a development made possible by the inaction of the international community. The code ‘smear campaigns’ can be found close to the codings ‘Israeli legal system’ and ‘international community’. The subcodes ‘PA restrictions’ and ‘decrease in funding’ are also not positioned far away, underlining how interrelated the mentioned obstacles are. Their proximity further demonstrates that organizations suffer from various combinations of different challenges, rather than from one issue in particular.

Additionally, document portraits were created to allow further comparisons between the data generated from the interviews with West Bank-, Jerusalem-, and Israel-based organizations. These portraits visualize the sequence and frequency of codes for a specific document. The documents are portrayed as a picture consisting of all its coded segments and sorted by color. The document portrait is made up of 1,200 dots, which are split up according to the share of the coded parts. Although tables 4 and 5 already outlined the frequency of codes for ‘obstacles’ and ‘working areas’ that were applied to organizations based on their location, document portraits allow for the qualification of codings within one single document. Thereby, conclusions can be drawn about the codings’ significance. Pink stands for the organization’s geographical focus and violet for the respective claims it makes. Blue represents the subcode ‘Israeli legal system’, dark green ‘aid dependency’, yellow ‘smear campaigns’, orange ‘societal fragmentation’, brown ‘working areas’, red ‘PA restrictions’, and black ‘decrease in funding’. The following document portraits are those of three interviewed West Bank-based organizations. They are representative for the other West Bank-based organizations’ document portraits as they were randomly chosen amongst them and adequately replicate the larger group.

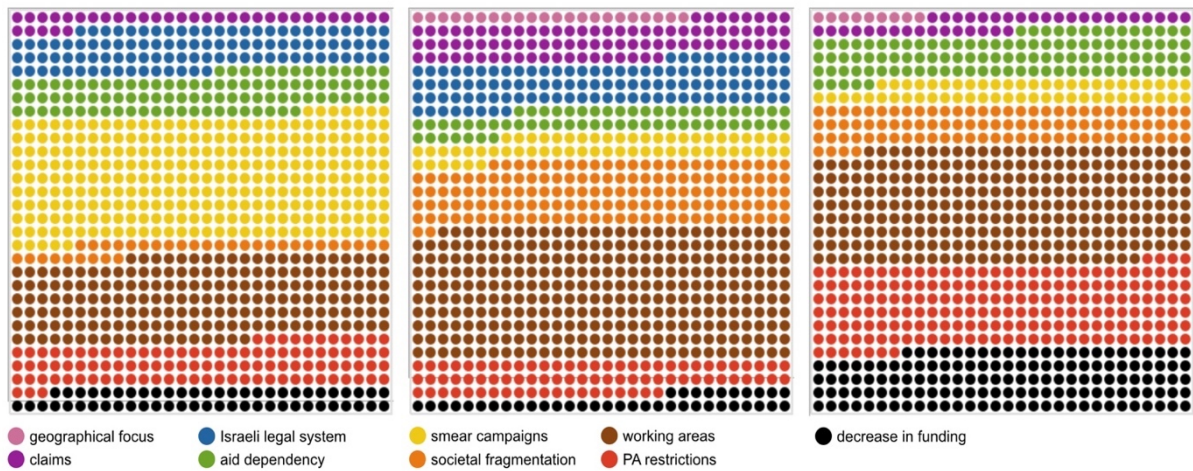


Figure 8: Document portraits of West Bank-based organizations: Interview 12, 2018; Interview 16, 2018; and Interview 8, 2018

Concerning figure 8, we recall: 87.5% of interviewed West Bank-based organizations suffer from aid dependency, 68.5% from the Israeli legal system, PA restrictions, and societal fragmentation, followed by a decrease in funding, smear campaigns, and the international community shortly after. The analysis of document portraits, however, provides additional information to what extent those obstacles were present within the interviews. This is made possible because the distribution of dots reflects the share of codings in the interviews' audio or text file. The three presented document portraits include the respective claims the organizations' work focuses on (violet), e.g., freedom of speech, building rights, etc. While only two out of the three chosen organizations suffer from the Israeli legal system, as indicated by the blue dots, all of them suffer from aid dependency (dark green), smear campaigns (yellow), societal fragmentation (orange), PA restrictions (red), and a decrease in funding (black). Aid dependency has often been a direct result of smear campaigns and a reason for further societal fragmentation due to organizations' conflicting stances regarding (foreign) funding questions. Also, societal fragmentation relates to PA restrictions, as Palestinian authorities and security forces are perceived as a threat by many Palestinian non-state actors. Then again, restrictive and authoritarian PA policies were identified as a significant reason for the decrease in foreign funding. Although the category 'working areas' (brown) takes up quite a lot of space within the three portraits, the space occupied by the obstacles, e.g., blue, green, yellow, or red, is considerable.

The following figure shows the document portraits of three East Jerusalem-based organizations. As noted earlier, the organizations' work in East Jerusalem is restricted due to smear campaigns and a decrease in funding (see table 4) and to a lesser extent due to aid dependency (80%), followed by the Israeli legal system, PA restrictions, international community (light green) with 60% and societal fragmentation with 40%.

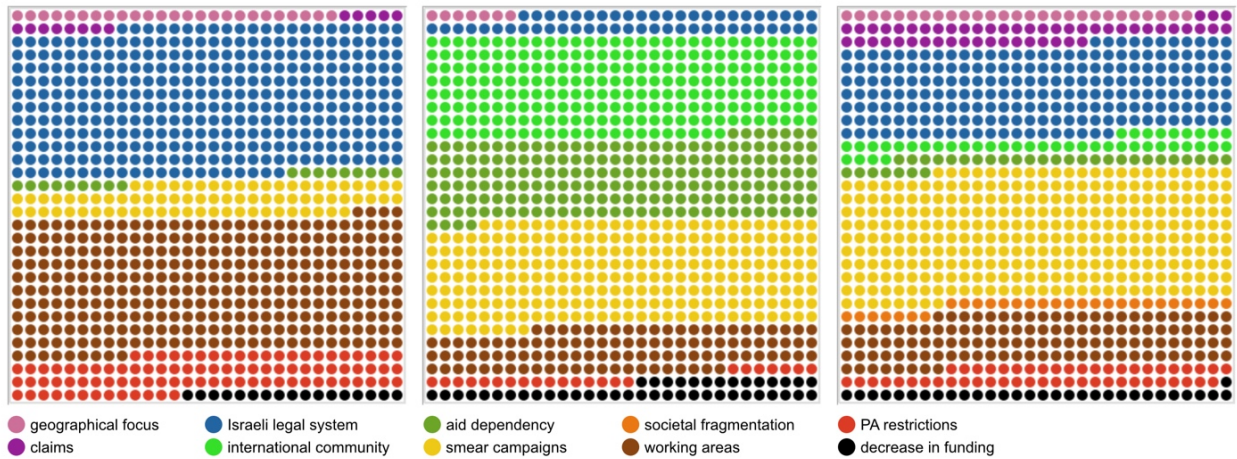


Figure 9: Document portraits of East Jerusalem-based organizations: Interview 10, 2018; Interview 18, 2018; and Interview 20, 2018

Although these document portraits resemble the previous ones at first glance, e.g., due to the crucial role of smear campaigns (yellow), they vary for several reasons. The blue dots representing the Israeli legal system are generally more space-consuming than in the previous three documents of West Bank-based organizations. Moreover, societal fragmentation (orange), which was mentioned as an obstacle by only 40% of East Jerusalem-based organizations, is only present in one document portrait and consumes only a tiny amount of space. PA restrictions (red) also occupy fewer dots than they do within the portraits of West Bank-based organizations, as Jerusalem-based organizations are less impacted by PA policies due to their geographical location. Light green dots, representing the challenge of the international community, were not present in the previous document portraits but take up quite some space in the portraits of Jerusalem-based organizations.

Figure 10 shows the document portraits of three Israel-based organizations. In the conducted interviews, 80% of these organizations perceived the Israeli legal system and smear campaigns as a challenge, 60% aid dependency, 40% PA restrictions, the international community, a decrease in funding, and 20% societal fragmentation. Considering the obstacle category and its subcodes, the blue dots, representing the Israeli legal system, consume the relative majority of space in the three portraits combined. However, smear campaigns

(yellow), the international community (light green), and aid dependency (dark green) are not far behind.



Figure 10: Document portraits of Israel-based organizations: Interview 1, 2019; Interview 13, 2018; and Interview 3, 2020

What is also apparent – compared to West Bank- and East Jerusalem-based organizations – is that the geographical focus (pink) of Israeli organizations and, for two out of the three document portraits, also the respective claims they make (violet) is more space-consuming in the respective interviews. Therefore, one could argue that Israel-based organizations can use broader repertoires of contention than those in the West Bank and East Jerusalem as they, e.g., do not suffer from PA restrictions. However, concluding that organizations based in Israel adopt a wider variety of repertoires of contention might be plausible, but remains speculative.

Notwithstanding, the preceding figures and tables allow for some general conclusions. One of them is that organizations' working areas vary depending on where an organization is based. Equally, also the obstacles organizations face (and to what extent) differ depending on where they are located, and a relationship between challenges to organizations' work and their working areas/the repertoires they make use of can be identified. Moreover, this brief quantitative analysis demonstrates that organizations suffer from a variety of distinct obstacles that impact their activities and agendas. Also, their work does not focus on one working area in particular, but they are involved in a whole set of actions. While many of the interpretations made remain solely speculative, chapter 7 provides further context to the categories that evolved within the data collection. What has become obvious so far is that the listed codings, namely 'obstacles', 'working areas', and 'geographic location', are closely linked and intertwined.

6.5 Website Data

In a second data collection, the websites of relevant organizations – including most of the already covered organizations⁶⁵ and several others that have not been included in the previous data collection – were examined. Within MAXQDA, 34 files were analyzed, 57 codes were developed, and 322 segments coded. Collecting data from the organizations' public representation through their websites allows for a comparison between this data and the previous one. How do listed obstacles vary? Are there different working areas outlined on the websites other than those named within the four-eye interviews? How does the public depiction differ from the way organizations were portrayed in the interviews?

6.5.1 Analysis and Interpretation

Figure 11 shows the organizations' founding dates grouped in the same four categories created previously: 1967-1986, 1987-1994, 1995-2005, 2006-today. Half of them were founded between 1995 and 2005, and almost a quarter of the examined organizations between 1987 and 1994. Around 15% were established between 2006 and today, while the founding dates of nearly 12% of organizations lie between 1967 and 1986.

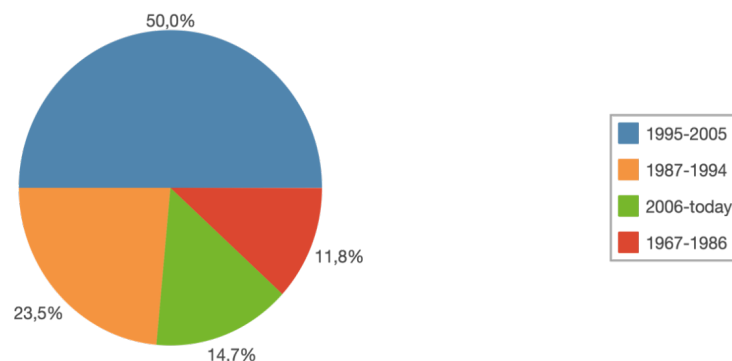


Figure 11: Organizations' founding dates grouped in four categories ranked by frequency

⁶⁵ Not covered are individual interview partners not representing one institution in particular and those organizations which did not have a working website or those without a website available in English. Therefore, the following interviews are not included in the second data collection: Interview 1, 2018; Interview 2, 2018; Interview 3, 2018; Interview 9, 2018; Interview 11, 2018; Interview 15, 2018; Interview 17, 2018; Interview 3, 2019; Interview 4, 2019; and Interview 1, 2020.

The following figure visualizes the location of the organizations' headquarters. Similar to the collected interview data, most analyzed organizations are based in the West Bank (44.1%). About 35% are based in Israel, almost 15% in East Jerusalem, one organization is foreign-based, and one is a joint Israeli-Palestinian initiative with no established head office (both listed as 2.9% in the subsequent chart).

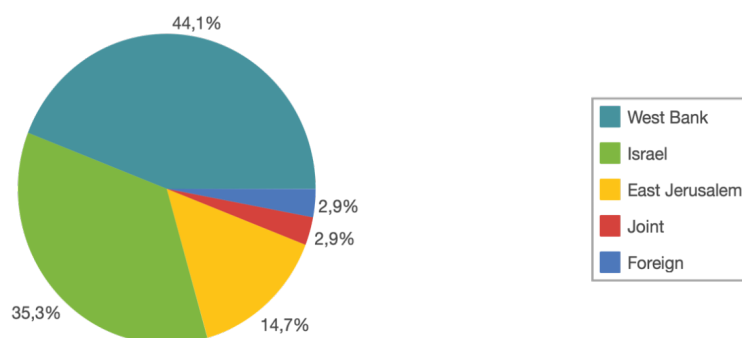


Figure 12: Location of organizations' headquarters

Table 8 shows the relationship between these geographic locations and the subcodes of the category 'tools' or 'working areas'. While only about 8% of Israel-based organizations work on strengthening resilience, 60% of East Jerusalem- and 80% of West Bank-based organizations do so. Irrespective of the organizations' location, the table also shows that a large share of entities monitors, researches, and reports, namely 40% of East Jerusalem-, 53.3% of West Bank-, and 58.3% of Israel-based organizations.

Table 8: Crosstab showing the relationship between organizations' geographic location and subcodes of the 'tools' category

	East Jerusalem	West Bank	Israel	Total
Strengthen steadfastness/resilience/education	60,0%	80,0%	8,3%	
Monitor/research/report	40,0%	53,3%	58,3%	
Build international support	60,0%	46,7%	8,3%	
Build national support	40,0%	53,3%	58,3%	
Attract media/media campaigning	20,0%	26,7%	83,3%	
Legal aid	40,0%	33,3%	25,0%	
Capacity building/strong institutions		40,0%	16,7%	
Offer protection	40,0%	13,3%	8,3%	
Lobby policy makers		13,3%	41,7%	
Give tours		6,7%	25,0%	
Organize demonstrations/protests		6,7%	8,3%	
Infrastructure		13,3%	8,3%	
Rebuilding		6,7%		
# N = Documents	5 (15,6%)	15 (46,9%)	12 (37,5%)	32 (100,0%)

Regarding the working area of attracting media attention and initiating campaigns, over 83% of Israel-based organizations are active in this field, compared to not even 27% in the West Bank and only 20% in East Jerusalem. While the working areas 'legal aid' and 'offer protection' are crucial for organizations located in East Jerusalem, where 40% of analyzed

entities work in each of these fields, only about 33% of West Bank and 25% of Israel-based organizations provide legal aid and even less offer protection. Regarding the working areas of building national and international support, the table shows two opposing developments. While 60% of the analyzed organizations in East Jerusalem and about 47% of those in the West Bank aim at gaining international support to establish global leverage on Israel, only around 8% of organizations in Israel do so. On the other hand, 58.3% of the latter organizations focus on building national support compared to 43.3% in the West Bank and 40% in East Jerusalem (e.g., by boosting national awareness on specific issues or influencing national opinion). In total, there were 13 working areas discovered within the analyzed data. While West Bank-based organizations are active in various fields and cover all 13 working areas, East Jerusalem-based entities, of which only five were examined, focus their work on fewer fields of action. One reason for this might be the exceptional circumstances Palestinians in Jerusalem find themselves in: the Judaization of the city, home demolitions, revocation of citizenship, the ‘center of life’ policies, and so forth. Therefore, residents are particularly in need of legal aid and protection. In addition, East Jerusalem-based organizations also work on monitoring these cases, lobbying internationally, and strengthening people’s steadfastness. For organizations located in Israel, the central focus lies on media campaigning, building national support, monitoring and researching, and lobbying policymakers.

The subsequent table shows the relationship between the 13 tools/working areas and the organizations’ founding dates, grouped in the four categories introduced earlier.

Table 9: Crosstab showing the relationship between organizations’ founding dates and subcodes of the ‘tools’ category

	1967-1986	1987-1994	1995-2005	2006-today	Total
Strengthen steadfastness/resilience/education	25,0%	50,0%	47,1%	100,0%	
Monitor/research/report	50,0%	62,5%	52,9%	60,0%	
Build international support	25,0%	37,5%	47,1%	20,0%	
Build national support	75,0%	62,5%	52,9%	20,0%	
Attract media/media campaigning	50,0%	50,0%	52,9%	20,0%	
Legal aid	50,0%	37,5%	17,6%	40,0%	
Capacity building/strong institutions	50,0%	37,5%	11,8%	40,0%	
Offer protection			29,4%	40,0%	
Lobby policy makers	75,0%	25,0%	11,8%		
Give tours	25,0%		23,5%		
Organize demonstrations/protests	25,0%		11,8%	20,0%	
Infrastructure		12,5%	11,8%		
Rebuilding			11,8%		
# N = Documents	4 (11,8%)	8 (23,5%)	17 (50,0%)	5 (14,7%)	34 (100,0%)

One of the table’s most obvious findings is the increase in strengthening people’s steadfastness as a working area. While only 25% of the organizations founded between 1967 and 1986 are active in this field, about half of all organizations established between 1987

and 2005 and 100% of all interviewed organizations founded after 2006 aim at increasing people's resilience. The working area 'monitor/research/report' is crucial for organizations irrespective of their founding dates and ranges from 50% to almost 63%. 'Building international support' is a major field of activity for nearly half of the considered organizations founded right after the Oslo Accords, between 1995 and 2005. In contrast, this working area is less relevant within the remaining three date groups. This could be explained by the fact that many organizations, Palestinian and Israeli alike, anticipated a settlement of the Israeli-Palestinian conflict as a direct result of the Oslo process and the related intervention of foreign governments and NGOs. Two similar developments occurred regarding the working areas 'build national support' and 'lobby policymakers'. Within the first date group, 75% of considered organizations work on building national support, while in the fourth date group, this figure decreases to 20%. 75% of relevant organizations work on lobbying policymakers within the first date group, while this number falls to 25%, 11.8%, and 0% in the successive date groups. One plausible explanation may be the lack of 'success stories' in those fields of activity, the shrinking Palestinian civic space, and increasingly restrictive policies by the PA and Israel. Organizations' protective function (e.g., protecting Palestinian activists, certain rights, or providing a protective presence) was not identified as a working area for interviewed entities until after 1994, but about 30% of organizations founded between 1995 and 2005 and 40% of organizations founded after 2006 are active in this field. With regard to the number of organizations working on 'legal aid' and 'capacity building/strong institutions', a drop within the third date group can be observed. This decline could also be explained by people's hope in the Oslo agreements. They presumably assumed capacity building and legal aid would be redundant in a soon-to-be established Palestinian state – an interpretation that, however, remains solely speculative. Working areas such as giving tours, organizing demonstrations/protests, working on infrastructure, or rebuilding were rarely listed on organizations' websites and are, therefore, excluded from further analysis. Moreover, the working areas attributed to organizations within the presented second data collection are solely a snapshot of their websites and their current public representation. Organizations that today list certain fields of activity on their homepages could have worked on something else in the 1980s or 1990s, as they are likely to have adapted to a changing political environment.

The following table shows the relationship between organizations' location and the faced threats outlined on their websites. The '(occupation) threats' coding and its subcodes were assigned 32 times in total. While the coding 'aid dependency' was assigned seven times, 'torture', 'bureaucratic challenges', and 'lack of communication' appeared only once.

Table 10: Crosstab showing the relationship between organizations' location and subcodes of the 'threats' category

	East Jerusalem	West Bank	Israel	Total
☐ ● Aid dependency		33,3%		
☐ ● Annexation and confiscation	20,0%	6,7%	16,7%	
☐ ● Demolitions	20,0%	6,7%	16,7%	
☐ ● Movement restrictions		6,7%	16,7%	
☐ ● Arrests and detentions		13,3%	8,3%	
☐ ● International complicity		13,3%		
☐ ● Settlement expansion		6,7%	16,7%	
☐ ● Colonialism/Apartheid/Ethnic cleansing		6,7%	8,3%	
☐ ● Intimidation and delegitimization		6,7%	8,3%	
☐ ● Geographical segregation		6,7%	8,3%	
☐ ● Torture			8,3%	
☐ ● Bureaucratic challenges		6,7%		
☐ ● Lack of communication		6,7%		
# N = Documents	5 (15,6%)	15 (46,9%)	12 (37,5%)	32 (100,0%)

While aid dependency was listed as a threat (or obstacle) to organizations' claim-making by a third of all considered West Bank-based organizations, it did not appear on the websites of the organizations located in East Jerusalem and Israel. Since organizations' obstacles were rarely listed on their websites in general, table 10 is not as insightful and informative as one might hope for. Still, and precisely because so few obstacles were mentioned, this fact itself leads to the following conclusion: since many organizations are a target of, e.g., PA restrictions (as the collected interview data shows), the considered websites do not contain any critique on Palestinian authorities (possibly to avoid further confrontations). Therefore, several obstacles that were mentioned continuously throughout the interviews were not listed on the organizations' websites. Moreover, the websites mostly did not list challenges to organizations' activities in particular, but mentioned restrictive characteristics of the Israeli occupation in general instead.

6.5.2 Combining Interview and Website Data

Both sets of data, the conducted interviews and organizations' websites, have been described and analyzed. What conclusions can be drawn after considering the implications of these data sets? How do they complement each other? How do they differ?

First of all, and as briefly mentioned before, the obstacles listed on organizations' websites are far more limited than those described within face-to-face interviews and those via video

calls. The obstacles of PA restrictions or the Israeli legal system were critical issues throughout nearly all interviews, but do not specifically appear on any website. However, the codings ‘geographical segregation’ and ‘lack of communication’, which evolved from the website data, could well be summarized under the category ‘societal fragmentation’ used in the interview data collection. Therefore, societal fragmentation appeared as a challenge to organizations’ claim-making both in the interviews and on the websites. At first glance, interview partners did not mention a broad range of (occupation) threats or obstacles as were listed on the organizations’ websites. However, when these obstacles are grouped under generic terms, one obtains similar categories as those that evolved within the interview data. The following table shows the percentage distribution of listed obstacles in relation to the organizations’ location. The code ‘Israeli occupation’ incorporates several codes of the second data collection outlined in the previous table: annexation and confiscation, demolitions, movement restrictions, arrests, and detentions (referring to the arrests carried out by Israeli, not Palestinian security forces), settlement expansion, colonialism, bureaucratic challenges, and torture. The former coding ‘intimidation and delegitimization’ is summarized under the code ‘smear campaigns’, while ‘international complicity’ and ‘aid dependency’ remain unchanged. The codings ‘geographical segregation’ and ‘lack of communication’ are, as mentioned before, summarized under the coding ‘societal fragmentation’. However, two codings that frequently appear throughout the data collected by the interviews, ‘PA restrictions’ and ‘decrease in funding’, were not named on any website. Also, the coding ‘Israeli legal system’ was not assigned to any segments on the organizations’ homepages, although several aspects of the Israeli occupation – like demolitions or movement restrictions – were listed.

Table 11: Crosstab showing the relationship between organizations’ location and summarized subcodes of the ‘threats’ category

	East Jerusalem	West Bank	Israel	Total
📍 Israeli occupation	20,0%	20,0%	58,3%	
📍 Aid dependency		33,3%		
📍 International complicity		13,3%		
📍 Smear campaigns		6,7%	8,3%	
📍 Societal fragmentation		6,7%	8,3%	
# N = Documents	5 (15,6%)	15 (46,9%)	12 (37,5%)	32 (100,0%)

As table 11 shows, the coding ‘Israeli occupation’ was listed on the organizations’ websites irrespective of their location. 20% of East Jerusalem- and West Bank-based organizations and almost 60% of Israel-based organizations listed policy outcomes of the occupation as a challenge or a burden. At the same time, ‘Israeli occupation’ was the only mentioned obstacle

of considered East Jerusalem-based entities. Moreover, only 8.3% of Israel-based organizations identified smear campaigns and societal fragmentation as a challenge. A relative majority of 33.3% of West Bank-based organizations listed ‘aid dependency’ as an obstacle, 13.3% ‘international complicity’, and 6.7% ‘smear campaigns’ and ‘societal fragmentation’.

Organizations’ websites did neither often nor thoroughly mention challenges to their claim-making activities. As the interlocutors were directly asked about obstacles during the interviews, it is unsurprising that these challenges frequently appear in the related first data collection. Also, the websites primarily focus on working areas and the organizations’ visions, what further contributes to the substantial difference between the content of the personally conducted interviews and the public presentation outlined on the website. Although the website data does not allow for key insights, it complements the information gained from the conducted interviews. While all interlocutors named a variety of obstacles to their organizations’ claim-making during the interviews, the respective websites do not reflect these circumstances. One major reason for this might be that organizations face repressions from the Palestinian and Israeli leadership, as well as pressure from foreign funding agencies. In order not to be a target of criticism, further harassment, or even political or physical violence, challenges to their claim-making efforts might not be made public on the websites. These issues, however, can well be addressed within a safe environment, such as a personal interview.

6.6 Conclusion

What insights do the preceding tables and figures and their description provide about Palestinian claim-making so far? Can conclusions be drawn to approach the concept of acts of subjecthood further? And how are these evaluation procedures helpful for generating grounded theory?

As has become evident through the analysis of the first data collection, the listed categories – namely obstacles, working areas, and geographic location – are closely linked and intertwined. Obstacles to organizations’ claim-making activities as well as their working areas differ depending on their geographic location. Moreover, we can conclude that organizations are involved in a whole set of activities rather than focusing on one working area in particular and that they often face a multitude of challenges to their work. While the organizations’ websites mentioned destructive aspects of the Israeli occupation in general and only few specific obstacles to their activities, their working areas and visions have been

described in more detail. One presumable explanation for this might be that organizations are already targeted by Israeli and PA policies that aim at controlling and/or restricting their activities and, consequently, refrain from criticizing both regimes publicly. When recalling what has been stated about acts of subjecthood earlier, one can combine the theoretical aspects about its conception and these overall insights gained from CAQDAS. Earlier, I argued that in repressive contexts, such as that of the West Bank, claim makers' repertoires are limited as they are oriented towards the restrictions in place. As the preceding chapter describes, obstacles to organizations' claim-making activities are far-reaching and range from repressive and discriminatory Israeli legislation, smear campaigns, or PA restrictions to more general outcomes of the Israeli occupation, such as annexation, demolitions, or movement restrictions. Therefore, organizations' activities like international advocacy or legal aid have developed as a necessity to the obstacles in place as will be further elaborated on in the following chapter. The characteristics of the Israeli occupation of the West Bank, which were vividly outlined on the organizations' websites, well support the argument that Israel as the occupying power is the actual sovereign in the West Bank that decides on the state of exception (Schmitt, 1922) to which Palestinians are subjected. Notwithstanding, due to the limited number of interviewed organizations – and the fact that guideline-based interviews and not quantitative survey methods, for example, were chosen as a methodological approach – evaluating the presented data solely from a quantitative view is insufficient. This information alone does not allow for drawing general conclusions on the state of Palestinian claim-making in the West Bank, nor does it address the initially posed research questions adequately.

Generating theory from data through a process of social research has been identified as the essence of grounded theory. By complementing secondary sources with primary ones, such as the conducted interviews, evolved categories can be understood and analyzed from a broad range of perspectives. As theory is modified according to the findings of the continuing research process, the concept of acts of subjecthood has evolved as a theoretical approach. This concept allows for comprehending Palestinian claim-making within its repressive and authoritarian political environment as outlined by the analysis of both data collections instead of simply applying a given speculative theory, such as civil society or acts of citizenship, on the research object. By treating theory as an ever-developing entity and through further meta-level abstraction, formal theory has been developed, and acts of subjecthood have been identified as a means of claim-making within repressive contexts where claim makers' rights are curtailed, and opportunities for rights-seeking activities are

few. Reducing the analysis of the categories that evolved in both the first and the second data collection to its core, the generalized theory on Palestinian claim-making in the West Bank can be summarized as follows: claim-making in the West Bank, which was examined based on analyzing meso-level actors in Israel/Palestine, can only occur in the form of acts of subjecthood. This is due to the fact that Palestinian claim-making in the West Bank takes place within a repressive setting, a narrowed space for rights-seeking activities, and, most of all because collective action repertoires are oriented towards given restrictions. With an initial focus on rights claiming and the existing opportunity structures to do so, the conducted interviews have elaborated on these questions. It became clear that people's actions are more determined by the encountered challenges rather than by potential opportunities – which is characteristic for claim-making in the form of acts of subjecthood. What all representatives of a wide range of interviewed organizations have in common are the similar obstacles they are facing:

- the Israeli legal system that increasingly restricts non-state activities seeking to strengthen Palestinian rights;
- smear campaigns and ‘character assassinations’ that discredit and delegitimize human rights work in the occupied Palestinian territories and Israel itself;
- the Palestinian Authority that slowly, but steadily, narrows the space for civil society activities independent of its influence and its monitoring;
- societal fragmentation;
- the international community's inertia to hold Israel accountable for violations of international law and human rights;
- aid dependency; and
- a decrease in organizations' financial assistance.

Due to these obstacles that evolved as categories within the analysis of the conducted interviews and played a key role within these conversations, organizations' working areas and their claim-making repertoires are severely restricted. Thus, I argue that Palestinian claim-making in the West Bank crystallizes in the form of acts of subjecthood and is shaped by the above-listed challenges. Although these two major arguments are strong and were formed within an interplay between data collection and continuing reflection, they are created without any claim to comprehensiveness. In the preceding chapter, the overall approach to conducting, analyzing, and interpreting interviews and the general evaluation procedures have been outlined. They provide context on how and what data was collected and how categories evolved within QDA. In the following chapter, the interviews' content

will be evaluated in detail. Yet, this empirical part solely focuses on the category ‘obstacles’ and its subcodes. This is due to the fact that the study’s object of research, namely Palestinian claim-making in the West Bank, is determined by the challenges organizations encounter within their activities. These challenges were also the dominant theme throughout the conducted interviews. While the category formation demonstrated the diversity of collected data, the following empirical analysis focuses on this study’s core issue: the obstacles to Palestinian-claim-making efforts. These obstacles will be further elaborated on and told through statements made within the interviews. Thereby, the subsequent chapter provides further context to the subcategories that evolved within the data collection. The manifold obstacles organizations face on a variety of levels, e.g., international, national, and local, de jure and de facto that have been cited so far will be explained in practical terms within chapter 7.

7. Claim-Making's Obstacle Structure – Voices from the Field

Conducting field research creates opportunities to understand the context of a study more profoundly and gather in-depth information. It encourages creating awareness of social context and uncovers social structures and relationships within the research object. Therefore, the following chapter presents the findings from field research and related guideline-based interviews conducted in 2018, 2019, and 2020 in Israel/Palestine, Germany, and online via video calls. Interview partners were representatives (directors, lawyers, project managers, etc.) of mainly non-state organizations, such as think tanks, legal institutions, or youth associations, involved in some sort of rights-seeking activities. Through these conducted interviews, categories were developed, and significant obstacles to organizations' claim-making activities were identified. Ranked by the frequency of occurrence within the conducted interviews, these include: the Israeli legal system, smear campaigns, PA restrictions, aid dependency, societal fragmentation, international community, and a decrease in funding. The interviews were conducted for the purpose of better understanding and exploring Palestinian claim-making as object of research. Therefore, the questions posed were open-ended in order to gather interviewees' perceptions, experiences, and know-how. In the following chapter, the listed obstacles are not ranked by the frequency of occurrence within the interviews. Instead, they are structured according to contents. As, for example, the codings 'international community', 'aid dependency', and 'decrease in funding' are closely linked, they will be outlined successively.

7.1 The Israeli Legal System

Contrary to the assumption that, within a modern nation-state, one can assert one's right by recourse to legal action, the conducted interviews proved this to be wrong concerning Israel/Palestine. While interviewing the first few major legal organizations in Bethlehem, Ramallah, and Jerusalem, it became apparent that Israeli legal procedures do not pose an opportunity structure for Palestinians to claim their rights. Al-Haq, BADIL Resource Center for Palestinian Residency and Refugee Rights, and the Israeli organization B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, to only name a few, stopped working within the Israeli legal system. Naomi⁶⁶, my interview partner from B'Tselem, stated:

⁶⁶ For the purpose of data protection, the names and sometimes also the gender of interview partners were changed throughout this study.

When the organization was founded, the idea was that if people had information, that if Israelis knew what was happening in the occupied territories, then there would be such an outrage that the occupation would end, basically. Here we are, almost 30 years later, and the occupation is well thriving and becoming more entrenched and more, kind of, efficient. So, obviously, that has not happened. And in the past years, we have moved away from trying to work with Israeli state mechanisms towards doing more work with [the] diplomatic community and trying to generate pressure on Israel to change its policies from the outside. It is not an act of abandonment of the Israeli public, (...) we are an Israeli organization, we do this also because we care for this society, but certainly, in terms of working with state mechanisms, there has been a big change. The biggest one has been two years ago to declare that we will no longer cooperate with the Israeli Military Law Enforcement System (Interview 13, 2018).

She then handed me B'Tselem's 2016 publication *The Occupation's Fig Leaf. Israel's Military Law Enforcement System as a Whitewash Mechanism*, in which the organization analyzes 739 cases it was involved in. Within these cases, B'Tselem investigated all kinds of offenses, violations of human rights, and incidents in which Israeli soldiers harmed Palestinians. The number of indictments – not convictions – was only 25 while the vast majority of cases were closed, related communication could not be found, or no investigation was opened at all.

Table 12: Military Advocate General Corps handling of incidents referred by B'Tselem, 2000-2015 (B'Tselem, 2016, p. 40)⁶⁷

	Fatalities		Injuries	Beating	Property damage	Human shield	Total
	Up to April 2011	Since April 2011 (subsequent to change in investigation policy)					
Decision whether to open investigation pending	3	4	1	10	3	3	24
No investigation opened	82	9	47	30	12	2	182
Under investigation	1	15	4	37	10	2	69
Case closed	32	13	38	199	46	15	343
In MAG processing	7	24	7	1			39
Indictment filed	6	2	4	11	2		25
Referred to disciplinary action	1		4	5	3		13
Communication not found	8	1	17	7	2	9	44
Total	140	68	122	300	78	31	739

Naomi then summarized that,

basically, we came to the conclusion – after doing this for twenty-something years and having gained a lot of intimate and very detailed knowledge of the inner workings of this system – we came to the conclusion, that it is not actually designed to provide justice to victims but to protect perpetrators. Therefore, as a human rights organization, if we lent from our credibility working with this system, then we are actually doing more harm than good (Interview 13, 2018).

The organization’s criticism of a failure of the Israeli state apparatus to provide justice to Palestinians also includes its High Court. Naomi claimed this institution not to be an impartial institution making objective decisions. She described the High Court as rubber-stamping every violation of human rights, “sometimes interfering slightly in the ‘how’ we [Israelis] do what we do to ‘them’ [the Palestinians], like moving the fence, the separation barrier, a few meters here or there, but never interfering in the ‘what,’ not in the essence” (ibid.). According to my interview partner from BADIL, the organization used to provide

⁶⁷ The acronym ‘MAG’ used in the table refers to the Israeli Military Advocate General who is responsible for ensuring the rule of law amongst IDF commanders and soldiers.

legal services to Palestinians in need but stopped their activities around 2005/2006 for similar reasons as the ones addressed by Naomi (Interview 16, 2018). At the same time, BADIL developed different and alternative ways to confront Israeli policies, like documenting rights violations and focusing on research and public outreach. A recent and vivid example of how the Israeli High Court, “as a bench within the top instance, the Supreme Court” (Sfard, 2018, p. 40), does not make its decision based on international law or with the aim of “providing justice to victims” (Interview 13, 2018) is the case of the Khan al-Ahmar area. One of its communities, consisting of 173 people, is located between the Israeli settlements of Kfar Adumim and Ma’ale Adumim and has been facing demolition orders. As Khan al-Ahmar belongs to the so-called Area C that emerged under the Oslo Accords and over which the Israeli military has full administrative and security authority, Palestinians have systematically been denied permits and planning rights to build in most of these areas. As a result, many of them have seen themselves forced to build without obtaining permits. Before living in Khan al-Ahmar, its residents were forcibly relocated from the Negev Desert in the 1950s. The land they are currently residing on was declared Israeli state land in 1975, on which the later settlement Ma’ale Adumim was established (Rebuilding Alliance, n.d.).

From 2006 through May 2018, the [Israeli] authorities demolished 26 homes in the community, making 132 people homeless, 77 of them children and teenagers. Seven non-residential structures were also demolished. Khan al-Ahmar residents filed several petitions to Israel’s High Court of Justice against their being transferred. At the same time, Israelis from settlements in the area also filed petitions, seeking that the state implement the demolition orders. All the petitions were denied, after the state assured the court that it is seeking alternate solutions for the community. (...) On 24 May 2018, three Israeli Supreme Court justices (...) ruled that the state may demolish the homes of the Palestinian community of Khan al-Ahmar, transfer the residents from their homes and relocate them (B’Tselem, 2017c).

When Israeli Civil Administration officials began their preparations for the demolition in July 2018, clashes erupted between them, Palestinian and international protesters, and Khan al-Ahmar residents who then filed a new petition with the High Court of Justice. After being halted, the initial demolition order was upheld in September of the same year.

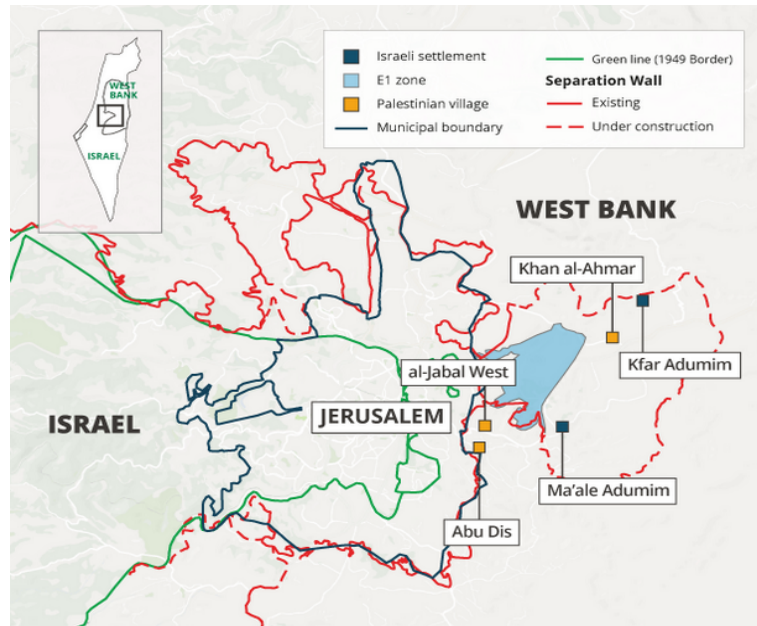


Figure 13: Location of Khan al-Ahmar (Middle East Eye, 2018)

The case of Khan al-Ahmar caused an international outcry. Condemnation by the EU was followed by a statement of UN Special Rapporteur for the situation of human rights in the Palestinian territory occupied since 1967, Michael Lynk, stating that “forcing the transfer of a protected community would be a grave breach of the Fourth Geneva Convention” (United Nations, 2018a). Further, Hagai El-Ad, director of B’Tselem and former executive director of ACRI, claimed that once again, “the occupied people cannot find justice in the courts of the occupiers” (Al Jazeera, 2018).

Despite such legal defeats, there are still organizations that keep on working within the Israeli legal system. Among them are the Society of St. Yves, a Catholic human rights organization, the Community Action Center in Jerusalem affiliated to the Al Quds Human Rights Clinic, an independent unit within Al-Quds University Law School, and the Civic Coalition for Palestinian Rights in Jerusalem, an umbrella network consisting of Palestinian NGOs working in and/or on East Jerusalem. Regarding Khan al-Ahmar, Haneen, my interlocutor from the Society of St. Yves commented, that “Israel decides how the law works” (Interview 4, 2018). She stated that, e.g., a demolition itself cannot be prevented when an order has been placed but that the maximum “success” one can achieve legally is a postponement of the demolition. Such a deferral, however, can only happen when the ones affected file a legal case. Therefore, the maximum success one can reach is always only a temporary settlement between the parties (ibid.). When a demolition order is not carried out in six months, for example, but instead in two years, it simply gives the affected family more time to collect their belongings and to find a new residence. Further, Haneen stated that

the logic of unaccountability will prevail. It is an illusion to think you get your rights from the Israeli system when the oppressor and the judge are the same person. (...) We keep working with the system and adapt to new laws (...). What else should we do? Sit back and watch (ibid.)?

She concluded that significant change could only occur when the political will of the occupying power and the Israeli legal system change. When asked about the prospects of achieving legal victories, my interview partner from the Civic Coalition, Aboud, stated that not getting one's rights from the Israeli courts was a "new old issue" (Interview 20, 2018). However, he claimed that legal aid could be compared with first aid because the first objective of legal work is to buy time and, e.g., to delay the execution of a demolition order (ibid.). Further, Aboud stated that taking a family's or a community's case to an Israeli court is often criticized by other non-state organizations as legitimizing the discriminatory Israeli legal system in place, although it is the only option in trying to defend one's rights. Aiming to assert certain rights through juridical processes can, therefore, best be understood as a strategy for buying time or for ensuring careful documentation for possible future reparations because within the status quo, "nothing is protected legally" (ibid.).

Faroq, a lawyer at the Community Action Center, a legal clinic in Jerusalem, on the other hand, argued that claims need to be made in an "Israeli language system" (Interview 10, 2018) and described filing legal cases as a "survival mechanism":

We are working – because we have to – within the system. We have no other option, unfortunately, but to work within the system [and] to represent according to the Israeli law, that is discriminatory and racist. (...) Because of this problem of having a legal system that is designed against the population, we also decided to start working with international advocacy (ibid.).

He described an Israeli Supreme Court ruling which approved home demolitions as a deterrence measure to prevent future potential 'terrorists' because they might worry about family members suffering after committing such an act.⁶⁸ These measures of collective punishment, he claimed, violate international law: "This is crazy. In legal terms, this is crazy. Anywhere around the world, this would not have possibly passed a court. In Israel, it passed" (ibid.). Faroq gave another example of a man who threw stones at a moving vehicle and was sentenced to 18 years in prison. The Jerusalem municipality revoked his residency, and authorities sealed the house in which his mother and sister were living while leaving them with nowhere to stay:

⁶⁸ According to an article on the website Lawfare, the Israeli Supreme Court reaffirmed "its previous decisions holding that home demolitions for counterterrorism purposes are legal in principle" in 2014. See <https://www.lawfareblog.com/israeli-supreme-court-debates-counterterrorism-home-demolitions> (Accessed: May 25, 2021)

You [referring to Israeli authorities] imprisoned the man, you revoked his residency, which is an illegal measure in international law, and then you punish his mother (...) who has nothing to do with the stone-throwing incident. It passed. It passed through the court. Because the court, eventually, used a very weird, illegitimate framework in [its] decision (...). We find it very important to (...) try to get the attention of the international community and trying to get some pressure on Israel to stop these measures (Interview 10, 2018).

Judith, my interview partner from the US-based New Israel Fund (NIF), stated that the organization Shatil, the NIF's local branch in Israel, tries to change Israeli policies by presenting petitions to the High Court:

The NIF, as a strategy [...] and its organizations, actually use the Supreme Court frequently to change policies. Of course, they [NIF employees and activists] go to parliament and try to influence parliamentarians, but the most important achievements they have made are in the Supreme Court. In Israel, there is this special situation, you probably know, that you can go directly to the Supreme Court. You do not have to go through intermediate instances, and the NIF uses this as a strategy (Interview 4, 2019 – translation R.B.).

When confronted with the remarks previous interview partners made about the slim chances of claiming rights through the Israeli legal system, Judith agreed with these statements. However, she added that, at least theoretically, a legal success is within the realm of possibility (ibid.). Nevertheless, the previously elaborated interview remarks about the processes of the Israeli legal system illustrate that filing legal action for one's rights does not present an effective opportunity structure for enforcing it. A move away from working within the Israeli legal system, as illustrated by the statements made by the interlocutors from B'Tselem or BADIL, is reflected in the work of organizations based in both the West Bank and Israel. One of the latter organizations, which is mainly concerned with issues related to planning rights of Palestinian and Jewish communities in the occupied territories as well as in Israel itself, has also reported how Israeli courts hamper their work:

We are much less working on or wasting our time on submitting objections to plans of settlements. We have done it a lot in the past, and it was not / (...), there were not any real achievements. But we are still tackling core issues and trying to find ways out (...); to expose the mechanism and to find ways through this kind of objections or petitions to highlight the problems with the Israeli mechanisms (Interview 1, 2019).

As a part of these “Israeli mechanisms”, the systemic discrimination of Palestinians is outlined in detail by the Israeli organization Adalah in one of its reports submitted to the UN Human Rights Committee in April 2018. The report lists several Israeli violations of the International Covenant on Civil and Political Rights committed against both Palestinian citizens of Israel and Palestinians in the OPT. These violations touch upon ten main areas, such as discriminatory laws (e.g., the *Jewish Nation-State Bill* or the *Anti-Terror Law*), “new waves of ‘annexation laws’ and policies designed to seize Palestinian private land in the West Bank including East Jerusalem” (Adalah, 2018), or the discriminatory revocation of

Palestinians' citizenship and residency status. When asked about other obstacles to the organization's work, the previously mentioned Israeli interview partner summarized:

You know, we are used to it that there are obstacles everywhere, so it is like something that is part of our motivation. (...) We are not afraid of obstacles, we are trying to target them, and I do not really see a huge change; there were always obstacles. If we are talking about 15 years ago, there was no transparency. There was not any information [on Israeli policies concerning, e.g., settlement constructions or home evictions], so we had to put a lot of pressure on that and gathered information, and now it is so easy, everything is published (Interview 1, 2019).

However, she further claimed that today

[t]he main obstacles are coming from the courts, the Supreme Court which has changed its attitude as well. Even in the past, there were some obstacles which relate to the courts, but there is a huge change in the court, and it is very hard to have any achievements at all, like (...) it is really going to a bad situation (ibid.).

In line with these remarks is the 2012 Human Rights Watch report titled *Israel: High Court Rulings Undermine Human Rights*. The report refers to two topics in particular, namely the upholding of the previously mentioned *Citizenship and Entry into Israel Law* and Israeli-owned quarries in the West Bank. A petition claimed that these quarries violate Israel's obligations as an occupying power since they are located in the Palestinian territories occupied in 1967, and 94 percent of their export goes to Israel proper with no compensation to the occupied population for the natural resources used. The report states: "In one decision, the court disregarded international law prohibiting discrimination [referring to the *Citizenship and Entry into Israel Law*], and in another, it ignored international law on the use of resources in an occupied territory," referring to the quarries (Human Rights Watch, 2012). The High Court backed both practices: the ban of family unifications solely based on ethnicity and the continuing plunder of natural resources in the West Bank by Israeli companies. As a result, a lack of faith in the Israeli judicial system is widespread not only throughout the OPT but also in Israel itself. How this lack of trust impacts the work of non-state organizations on the ground is reflected in a statement made by an interviewee as follows:

We also work with the idea that we own the information that we have now, that we have documented since '79 (...). Because we cannot do anything with it at the moment, we at least know that we have it as a record, for example, when there are investigations by the International Criminal Court or when the ICJ [International Court of Justice] says: 'We would like to write a new Advisory Opinion about what is going on in Palestine'. Then we would be able to send that information. It is important (Interview 12, 2018 – translation R.B.).

However, she also stated that

there are two problems with it. First, we document, but nothing happens. You go, and you document, and you sit with people whose house has just been destroyed, and you cannot tell them anything. They ask: ‘What can you offer us?’ and we say: ‘Not much’, because our work is more in the long-term. If something happens, we can use this information (...). I know it is very important, and we do it very systematically because we need this information, too, but it is very difficult to explain to people why we are doing this and if it is going to be of any use at all – even if we have this belief (ibid.).

One way of using judicial power to assert rights other than working solely within the Israeli legal system is appealing to international laws. According to one interviewee, a human rights-based approach is not enforceable, and international law is not self-enforcing but can only be exercised through international pressure (Interview 16, 2018). This international pressure is sought by, e.g., applying for the Church of Nativity and the Pilgrimage Route in Bethlehem (2012), the landscape of Battir (2014), and the Old City of Hebron (2017) to be inscribed as UNESCO World Heritage Sites. After being successfully marked as such, all sites enjoy special protection since UNESCO state parties are encouraged to ensure the safeguarding and maintenance of the respective site. The goal of those bringing the listed cases in the West Bank forward, consequently, is the protection of Palestinian sites by the international community. Amir, my interlocutor from the Ministry of Tourism and Antiquities in Bethlehem, explained the institution’s efforts at UNESCO:

If you take any nation on this globe, they claim their identity, and they protect their identity. As Palestinians, we are still under the occupation [which is why] this issue becomes the priority for Palestine, (...) [because] our identity is threatened because of the occupation. (...) If you do not have heritage, you do not have an identity. This is the basic issue (Interview 15, 2018).

The Church of Nativity in Bethlehem was used as the first site to be presented at the UNESCO World Heritage Committee as it is considered to be Jesus’ birthplace and, therefore, as having an outstanding value for Christians all over the world:

We used this site to be our first site to put it, you know, in front of the international community in order to say to other countries, to the people of this globe, that ‘this is your heritage, it should be part of this list. If it is not part of this list, what sort of list are you speaking about (ibid.)?’

Inscribing sites in the occupied West Bank as UNESCO World Heritage Sites should, on the one hand, keep them safe from demolition and, on the other hand, prevent settlements from being constructed and affecting the area. While the United States froze their financial contribution to UNESCO in 2011 after Palestine was granted full membership to the organization, both the US and Israel announced their complete withdrawal from UNESCO in 2017 after the Old City of Hebron was inscribed as a World Heritage Site. Shortly after, my interview partner stated, the establishment of a municipality in Hebron was announced by Israeli authorities, which would have grave consequences for the site:

If we have a municipality for settlers and for settlements in Hebron, they will (...) use their law in order to (...) confiscate more lands, in order to build new settlements inside (...). They are going to have their electricity; they are going to have their water pipes; they are going to have the right to give licenses for new buildings, new settlements, you know. We are speaking about a new entity, a new municipality, inside Hebron municipality in order to legalize their services in the old town of Hebron. And in this regard, they are going to work against the World Heritage Site, especially in terms of authenticity and integrity (ibid.).

Although the Jewish settlers in Hebron already have their own governing body, the Committee of the Jewish Community of Hebron, the interviewee referred to an Israeli Military Central Command order of August 2017. According to this commandment, the Hebron municipal committee shall be given the same official status as local councils in Israel proper (BADIL, 2017). However, other sources claim that, instead of a mere change of status, a completely new municipal entity was established to better administer Hebron's settlements (UN OCHA, 2019b). Beyond that, Amir further claimed that Israeli authorities introduced plans to the public that allow for the construction of 30 new buildings for Israeli settlers in Hebron's old town:

If they [Israeli authorities] are going to actually build these new settlements inside the old town of Hebron, they are really going to affect the site severely. [...] When we are speaking about a World Heritage, its protection is not only on the shoulders of Palestinians. It should be protected by UNESCO, by state parties who are involved (...). The international community should say something, (...) it is their heritage as well (Interview 15, 2018).

In accordance with Amir's statement, UN OCHA states in its 2019 article *The humanitarian situation in the H2 area of Hebron city* that the building of 31 new settlement housing units was approved in the H2 area in 2018, which, in turn, affect the site severely (UN OCHA, 2019b). By joining international institutions like UNESCO and pushing for the inscription of Palestinian sites as UNESCO World Heritage Sites, Palestinian activists and officials seek to protect these localities. However, considering the freezing of US financial contributions and the withdrawal of both the US and Israel from UNESCO in general, this strategy fails to provide sufficient protection. As pointed out by several interviewees' statements, the lack of faith in the Israeli judicial system has resulted in many non-state organizations moving away from working within the Israeli legal system. While the Israeli High Court fosters discrimination against Palestinians and thereby restricts their rights, joining international bodies, such as UNESCO, has not proven to be an alternative tool for Palestinian claim-making.

7.2 Smear Campaigns and Delegitimization

Besides the aforementioned legal restrictions organizations face when performing activities, they are further targeted by smear campaigns launched by “pro-Israeli” populist groups and activists. In 2002, the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) was created by the World Council of Churches (WCC) based on an appeal from local church leaders to develop an international presence in Israel/Palestine. Interviewed were representatives of a Christian organization based in Germany that selects and sends volunteers to the region and a representative of the local Jerusalem office. My German interview partners, Sarah and Johanna, gave detailed insights into the circumstances of EAPPI’s founding (Interview 1, 2018). They stated that already back in 2001, discussions were held within the UN to deploy an international force to protect civilians in the occupied Palestinian territories, which is also reflected in the *International Meeting on the Question of Palestine* taking place in July 2001 in Madrid (United Nations, 2001). As this idea petered out and violent clashes kept erupting between Israelis and Palestinians during the second intifada, EAPPI came into being as a faith-based alternative to UN forces in 2002. Ever since, it has been sending volunteers, so-called Ecumenical Accompaniers, to Israel/Palestine to

offer a protective presence to vulnerable communities, monitor[ing] and report[ing] human rights abuses. They join Palestinians and Israelis who work in nonviolent ways for peace, and they interact with a myriad of international, Israeli and Palestinian partners. The work of EAPPI is of direct interest to the International Committee of the Red Cross, United Nations Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Human which count themselves as among groups with which the programme works (EAPPI, n.d.).

In the past few years, Sarah and Johanna claimed, EAPPI, the WCC, and the volunteers themselves have been exposed to smear campaigns by “right-wing Israeli groups” (Interview 1, 2018 – translation R.B.). These campaigns are characterized by insults, threats, being labeled as anti-Semitic, and intimidation on social media outlets. Moreover, a rising number of volunteers has been denied entry to the country (ibid.). As a result, many sending organizations have restricted their social outreach work and self-censored their publications and media campaigns in order not to provide any further points for critics to attack. Many distanced themselves from the BDS movement and put additional efforts into training their Ecumenical Accompaniers to pay attention “to the wording of how they tell about their experiences in the occupied territories” (ibid.). EAPPI employees further started giving volunteers advice when confronted with bullying. My interview partners remarked that they personally, the volunteers on-site, and those in charge of the organization’s official channels of communication are careful about how they monitor and document human rights abuses and the way they make them accessible to the public. Regarding these comprehensive

restrictions of the mandate and mission of EAPPI, in particular, and other organizations in Israel/Palestine, in general, Sarah raised the question of what these smear campaigns “do to groups that are advocating for human rights in the Middle East?” She added: “And what does that do with the concept of anti-Semitism” when activists and volunteers promoting human rights are labeled as anti-Semites (ibid.)?

Similar remarks were made by an EAPPI representative based in Jerusalem. He claimed that volunteers are increasingly denied entry into Israel to restrict EAPPI’s work (Interview 5, 2018).⁶⁹ Because the organization wants “to have at least a decent number of people arriving,” they “lower [their] profile in communication” (ibid.). With EAPPI being attacked on several online media outlets like Facebook and Twitter, the World Council of Churches responded to several allegations in a statement from June 8, 2018. Two of these allegations and responses were the following:

2. EAPPI activists use the tourist visas to engage in political activism and to engage in confrontations with people from the IDF, the border patrol and even private security firms. Is this a lawful use of the tourist visa from WCC’s point of view? Is this an appropriate use of the tourist visa?

Response: Ecumenical Accompaniers do not engage in political activism, and are advised to avoid and withdraw from any confrontation, whether with IDF personnel, border patrol officers or anyone else. [...]

6. EAPPI activists work with extremist organizations such as International Solidarity Movement. Is that true? Do EAPPI activists work with people from the ISM?

Response: EAPPI does not work with any organizations or individuals that promote violent extremism. EAPPI has no formal working relationship with the International Solidarity Movement (ISM). Any contact with ISM is generally incidental, in locations where both EAPPI and ISM are present. According to our information, ISM proclaims a commitment to non-violence in its work (EAPPI, 2018).

The allegations incorporated into these questions frame EAPPI as a radical organization, promoting “anti-Israel propaganda” (ibid.). Critics further claim that Ecumenical Accompaniers enter closed military areas and violate Israeli laws, provoke Jews by entering towns on Shabbat⁷⁰, and “harm relations between Jews and Christians” (ibid.). While the World Council of Churches dismisses all charges in the quoted document, it again published a response to a report of NGO Monitor that described EAPPI as the “World Council of Churches’ Training Camp for Anti-Israel Advocacy” (World Council of Churches, 2019). Concerning allegations of being anti-Semitic, the WCC’s statement claims that it denounces anti-Semitism as “a sin against God and humanity” (ibid.). In its response, WCC further

⁶⁹ According to an article published by the Israeli newspaper Haaretz, that refers to numbers obtained in reply to a query from the Population and Immigration Authority, Israel refused entry to 1,870 people in 2011. In 2016, this number increased drastically to 16,534 people. See <https://www.haaretz.com/israel-news/.premium-israeli-refusal-of-visitors-entry-surges-ninefold-in-five-years-1.5435357> (Accessed: June 29, 2021)

⁷⁰ Shabbat is the seventh day of the week and considered a day of rest in Judaism.

notes that it does not apply double standards by requiring Israel's adherence to international law, but that "WCC expects all nations to respect and apply international human rights and humanitarian law and principles" (ibid.). Although it positions itself in favor of boycotting services and products from Israeli settlements, which are internationally considered illegal, the document states that WCC neither promotes a boycott based on nationality in Israel/Palestine nor elsewhere. The interviewee from ADDAMEER called this labeling of human rights organizations as 'anti-Semitic' or as 'terrorist' a "campaign of delegitimization" (Interview 7, 2018). She further claimed that – in contrast to Israeli organizations like NGO Monitor – "Palestinian human rights organizations have to justify their very existence in the first place before making any points" (ibid.). Another interviewee, working for a Palestinian think tank based in Jerusalem, stated:

We have the problem with our main donor [in Germany], that is [organization shall not be named], and we already reached the point that everything we publish with them – they insist on it – (...) that they get to read it first, which is actually almost censorship. Yet they are so hysterical, afraid that people ask them why they financed us or why the word so-and-so is written somewhere, then it is politically incorrect from the German point of view or rather from the Israeli point of view and then the people in the headquarters in Germany are being contacted – and that is the way it works for everyone else (...). There are a lot of people who are afraid of this, and then you just go back to topics that are not so tricky: a bit of youth development – not political, of course, but youth center here, an activity there – and the same with women and culture (...) and 'why do you not make a film festival', according to the motto 'pretend that everything is normal' (Interview 18, 2018 – translation R.B.).

As a direct result of being attacked and discredited, local organizations see themselves forced to self-censor what might be perceived as seditious, to withdraw from critical topics, and to focus on non-political activities instead. As outlined by the preceding statement made by the interviewee, these attacks are not restricted to local organizations only, but also address foreign donors. Consequently, these external donors, in turn, influence local NGOs by, e.g., checking publications as noted above.

The Palestinian Human Rights Organizations Council (PHROC) was founded as a network of about a dozen Palestinian organizations working on human rights issues to prevent organizations from self-censoring their publications and to support organizations from being defamed. Its goal is to speak with a collective and louder voice on behalf of its member organizations and to provide protection (Interview 12, 2018). When, e.g., one of PHROC's member organizations (or an employee herself) becomes the target of smear campaigns, a joint statement allows for the protection of the victims' anonymity as Malik, the interviewee from Al-Haq, pointed out. He continued stating:

The problem is that this political pressure always has an influence (...). They [e.g., people working for NGO Monitor] write a lot about where EU funding is going and why the organizations here in Palestine are 'terrorizing', and why the EU supports it.

Denmark has been very influenced by NGO Monitor and Israeli pressure over the last year. They have suspended much funding [...]. As far as I know, this is not the case with Al-Haq, but we do not know what will happen in the next few months, especially because this pressure is still going on. They [the people working for NGO monitor] cannot say much about Al-Haq, because our work is credible; we document all the violations, not only [by] Israel but also [by] the PA (...). So, there is not much that they can say about us (...). The only thing they say, when you read these reports, is that our director – they write a lot about him – he is former PFLP [Popular Front for the Liberation of Palestine] or whatever. And they use that as a label – ‘terrorists’. So, what is going on here in this human rights organization is not real work, but we are supposed to somehow do propaganda here, and they write this openly. There was a sentence in a report last year from NGO Monitor where they said: ‘Shawan Jabarin [Al-Haq’s director] wears two hats. One hat as the head of a human rights organization and the second hat as a terrorist operative’.⁷¹ (Laughs) You cannot imagine that (Interview 12, 2018 – translation R.B.).

Malik continued:

There are various things happening to the international organizations. These smear campaigns work like this for example: someone from an organization has written something on their personal Facebook page where they have expressed themselves about something that is going on here [in Israel/Palestine], and they write this personally, this is their opinion, this has nothing to do with the organization [the person works for] and then someone like NGO Monitor comes and says: ‘You [referring to the organization] have to pay attention to what your people are writing because this is not right, and they should not do this’ or ‘this is not the position of your organization, and you should do something about it’. This has happened continuously with people who work for the UN, UNRWA (...). For us, it is different; we are Palestinians already anyway, and the standard is not the same (...). More often, they say something like: ‘This organization has something to do with this political direction that is why they are terrorists, that is why you cannot really believe what they say’. These are those ‘character assassinations’ that they do (ibid.).

The term ‘character assassination’ frequently appeared throughout the conducted interviews. As a form of defamation, it refers to deliberate efforts of vicious personal verbal attacks on an individual in order to destroy her reputation and credibility. These systematic character assassinations were used as a tool to silence activists and to delegitimize the work of entire organizations. Additionally, Malik claimed that Al-Haq and several human rights organizations are accused of doing ‘lawfare’ – an allusion to the term ‘warfare’ (ibid.). They are, e.g., charged with using or rather misusing international law to criticize Israeli actions in the occupied territories and, by this, of disparaging the State of Israel. When addressing the role of tourism in Israel/Palestine, a further conflict of information and storytelling transpires. Malik spoke about Al-Haq’s plan of starting a project concerning tourism in

⁷¹ Contrary to this statement, the report claimed: “Jabarin wears two hats, one as a terrorist operative and the other as an activist in an organization that presents itself as a human rights organization.” Also, it was not published by NGO Monitor but by the Meir Amit Intelligence and Terrorism Information Center in October 2017. See <https://www.terrorism-info.org.il/en/shawan-jabarin-former-pflp-operative-current-head-palestinian-human-rights-ngo-recently-submitted-report-prosecutor-icc-accusing-israel-war-crimes-expe/> (Accessed: December 5, 2019)

Jerusalem. He claimed this to be an essential field of activity for a human rights organization because Israel used tourism to “change the city and the history around it” (ibid.).

[T]ourism is also used as a tool for political reasons. And what we want to show is that tourism is often also used to falsify what is going on here [in Israel/Palestine] and that people, tourists especially, who come here, they do not know what kind of human rights violations they see here. They come to a place like ‘City of David’ and do not know that this is a settlement in the middle of Silwan⁷² and that settlements are illegal. And they [the Israelis] do not give this information to them and, through this, they change the reality in the city. [...] ‘City of David’ has about 150,000 tourists a year. Imagine 150,000 tourists every year who have no idea that they are here in a settlement that has nothing to do with the biblical City of David (ibid.)

He summarized: “They [the tourists] come here, Israel profits from it, they spend money in Israel – that is their decision of course – and on top of that they have no idea where they are and what is going on here” (ibid.). Making use of tourism as a tool, as is happening by Israeli policies in the so-called City of David, serves to delegitimize Palestinian territorial claims and Palestinian life in Silwan, in particular, and in East Jerusalem, in general.

To further promote and protect Palestinian housing, land, and planning rights in Jerusalem, Palestinian non-governmental and community-based organizations joined forces and founded the Civic Coalition for Palestinian Rights in Jerusalem in 2005. About, my interview partner from the Civic Coalition, reported that its funding decreased after being mentioned by NGO Monitor in one of its reports (Interview 20, 2018). Relating thereto, he stated that

the requirements they [foreign donors] need, their demands are increasing. They try to check what you are doing is it ‘incitement’, is it ‘anti-Semitic’? (...) Are you supporting BDS? These things have never been. If you go five, six years ago, it was not like that. Donors ask us if we have connections to NGOs supporting BDS (...). They look [at] who is your partner. [...] Israel is investing a lot in this. They established a ministry to confront BDS (...). There is a special committee now to check on people who come from abroad if you are active or not in BDS (ibid.).

In 2017, the Israeli Knesset passed *Amendment No. 28 to the Entry into Israel Law*. This amendment prohibits foreign nationals who have either publicly called for the boycott of Israel or Israeli settlements in the occupied Palestinian territories from entering Israel. Although supporters of the law defend it as a legitimate measure of Israel’s right to control its border, opponents criticize the law’s lack of differentiation between boycotts of the State of Israel itself and its illegal settlements. Both Adalah and ACRI criticize it for banning foreigners from entering Israel solely based on their political positions and their opposition to policies of the Israeli government (Adalah, 2017a). Back in 2011, the Knesset passed the *Law for Prevention of Damage to the State of Israel through Boycott*, also known as *Anti-*

⁷² Silwan is a predominantly Palestinian neighborhood in East Jerusalem that has been penetrated by house demolitions and forced evictions by Israeli authorities.

Boycott Law. The law prohibits individuals and organizations from publicly promoting an academic, economic, or cultural boycott of Israeli institutions, whether based in Israel proper or Israeli settlements in the West Bank. The targeted people or institutions are further denied benefits, such as tax exemptions or other economic advantages, if they call for or engage in a boycott. Additionally, Israeli businesses which declare that they will not buy supplies or products manufactured in the occupied territories “may have their state-sponsored benefits revoked. As such, the law severely restricts freedom of expression and targets non-violent political opposition to the Occupation”, Adalah claims (Adalah, n.d.).

Not only are those activities restricted that relate to a boycott of Israeli settlements, but also those related to promoting Palestinian rights in Jerusalem. Aboud claimed that events of organizations that deal with the status of Jerusalem or the legal situation for Palestinians living in the city are systematically repressed (Interview 20, 2018). He stated that the respective institutions are frequently prevented from renting halls or rooms in the town for gatherings – a statement that was also confirmed by other interviewees. Salma, my interview partner from 7amleh – The Arab Center for Social Media Advancement, summarized:

You are being monitored all the time, but still (...) every person who is criticizing Israel and every person who wants to see justice in this region is being labeled anti-Semitic. And there is a big fight even against Jewish voices who are critical, so I know that funding was stopped from Zochrot⁷³ and from the Woman Coalition for Peace [Coalition of Women for Peace]⁷⁴, and all these Jewish leftist organizations [are] being attacked all the time. But I think this is a struggle; we cannot pull back [...]. But at the end of the day, what can you do? Otherwise, they [Israeli authorities and/or political opponents] succeed because you silence yourself, and your voice, and you do not speak, and this is not a solution (Interview 14, 2018).

She continued:

The people who are working in Palestine, like in the embassies and the representations, they understand that this comes with the territory to be attacked. [...] The Norwegian People’s Aid has been taken to court⁷⁵ and stuff like this, so this is part of the reality here (...). It is kind of a fear campaign also, to make even the international organizations fear from working here, that they could be sued, you know, and sometimes even if the organization is very much pro-justice and pro-human rights, it is lots of headaches for them (...). It is not simple. I hope that the INGOs [international non-governmental organizations] would still not withdraw and keep the struggle (ibid.).

⁷³ Zochrot is an Israeli organization that was founded in 2002 and is based in Tel Aviv. According to its website, it works on promoting “acknowledgement and accountability for the ongoing injustices of the Nakba, the Palestinian catastrophe of 1948 [...] and a chance for a better life for all the country’s inhabitants.” See <https://zochrot.org/en/content/17> (Accessed: June 6, 2021)

⁷⁴ The Coalition of Women for Peace was founded in 2000 and is a feminist organization working “against the occupation of Palestine and for a just peace.” See <https://coalitionofwomen.org/page/2> (Accessed: June 6, 2021)

⁷⁵ According to an article published by The New Humanitarian, a legal case was filed against the Norwegian People’s Aid, accusing the non-profit organization of “illegally helping terrorists.” See <https://www.thenewhumanitarian.org/2018/09/25/qa-pro-israel-us-lawyer-rattling-ngos-counter-terror-compliance> (Accessed: August 12, 2021)

This disassociation of non-state actors from struggles for freedom or human rights and the steering of discourses through the systematic discredit of critical voices are essential features of a settler-colonial system. However, not only are Palestinian organizations a target of smear campaigns, but also Israeli organizations working on issues related to Palestinian rights or Israeli occupation. Hannah, my interviewee from an Israeli grassroots organization, states: “The general public, they say that we are extreme left, which is not true at all, enemies of the country, (...) traitors, things like that” (Interview 2, 2019). Concerning the New Israel Fund, which is a major donor of several Israeli NGOs, she continued:

They [the New Israel Fund] fund all of us. They are funding so many important organizations, not only in connection with Palestine and the occupation, but they are the most important fund for Israeli NGOs in all fields. [...] They are also considered an enemy by the Israelis, although the Israelis do not know that they fund also many, many organizations that help people and have nothing to do with the occupation and the Palestinians. Some of our politicians have decided that they are the public enemy or something like that (ibid.).

When asked about these remarks, Judith, my interview partner from the mentioned New Israel Fund, confirmed the statements. She further outlined how this defamation evolved over the past several years:

The NIF was first really attacked by [...] extreme right-wing settler organizations, and over time this continued so that even the government parties and the government itself attacked the NIF as a ‘traitor’. This means that the NIF had to fight for its own existence, not for the financial existence, but it was constantly attacked, and this was parallel to the fundamental attack on the democratic institutions of a democracy and civil society, and democratic rights were restricted at that moment. If you look at the politics of Netanyahu in the last years, you will see that democracy is more and more restricted. For the NIF, defending democracy was a matter of survival. Then it has been said: ‘Okay, we will make this a strategy as well. We support organizations that strengthen democracy, and we also try to bring them together in the sense that the most important thing is that we strengthen democracy.’ And democracy in Israel is really under attack. Today, it is no longer ‘only’ the Palestinians, ‘only’ the Bedouins, but Jewish democrats who are under attack. This fact has led the NIF to put the emphasis on the state of democracy. And everything that belongs in this context is (...) supported (Interview 4, 2019 – translation R.B.).

These attacks, Judith continued, also incorporate anti-Semitic insults. She stated:

About eight years ago, the NIF was for the first time attacked as a ‘traitor organization’, and at that time, Naomi Chazan was the president of the NIF, and she was portrayed with a horn.⁷⁶ [...] The crazy thing is that the horn is also an anti-Semitic symbol. So, ‘Jews have horns’ / (...) that makes the whole thing even crazier (ibid.).

⁷⁶ In 2010, Naomi Chazan was portrayed as a cartoon image with a horn coming out of her forehead by the Israeli right-wing organization Im Tirtzu. This cartoon was part of a wider campaign against the NIF for sponsoring organizations that criticized IDF activities in Gaza in 2008/2009. According to the Israeli newspaper Haaretz, Im Tirtzu claimed that “92 percent of the Israeli sources that depicted the activity of the Israel Defense Forces in the Gaza operation negatively, receive financial support from the NIF. [...] In the wake of these findings, Im Tirtzu waged a savage campaign which included a poster depicting Naomi Chazan with a horn protruding from her forehead (a play on the Hebrew word for ‘fund’).” See <https://www.haaretz.com/1.5033122> (Accessed: June 6, 2021)

In May 2019, the Bundestag, the German parliament, passed a resolution condemning the BDS campaign and cutting off funding to any institution in support of it. My German interview partner, who worked for numerous organizations in Israel/Palestine, commented:

The BDS motion was insane. [...] None of the politicians, no office approached us [the organization he is currently working for] and asked about it. [...] The people who pushed this through in the Bundestag are all domestic politicians, and they have no idea that BDS does not only refer to Palestine and Israel but that the work in Jordan is super restricted, the work even in America, in Latin America. There are so many countries and organizations that support BDS; then you can also not work with Georgetown University anymore. They were not aware of all this; I am quite sure (Interview 3, 2019 – translation R.B.).

The Bundestag resolution was widely criticized by NGOs worldwide and by Israeli organizations and prominent Jewish personalities, in particular. A petition, signed by 240 Jewish intellectuals, portrayed boycotts, such as initiated by the BDS movement, as legitimate tools of resistance:

The signatories, among them Avraham Burg and Eva Illouz, called on the German government not to adopt the motion, to protect freedom of speech and continue funding of Israeli and Palestinian organizations ‘that peacefully challenge the Israeli occupation, expose severe violations of international law and strengthen civil society. These organizations defend the principles and values at the heart of liberal democracy and rule of law, in Germany and elsewhere. More than ever, they need financial support and political backing’ (Landau, 2019).

After the press department of the Jewish Museum in Berlin retweeted a newspaper article about the petition on Twitter – which caused criticism from the German Central Council of Jews, Israeli Ambassador to Germany Jeremy Issacharoff, and public indignation – Peter Schäfer, director of the museum at that time, resigned from his position. Consequently, my German interview partner claimed that the term ‘shrinking space’⁷⁷ cannot be narrowed down to Israel/Palestine only, but that restrictions for promoting Palestinian rights and for criticizing Israeli policies are imposed elsewhere as well: “Where things have really changed in the last years is in Germany. And when we talk about shrinking spaces, we are definitely talking about Germany” (Interview 3, 2019 – translation R.B.). He described that the organization he worked for at the time of the interview was organizing an event on Christians in the ‘Holy Land’ taking place in Germany. This event, however, faced an immense backlash:

You cannot imagine what a shitstorm we received. The Israeli embassy got involved; they really tried to prevent this event where we wanted to talk about Christians in the Holy Land. It was not even about the occupation in the first place. It was about Christians. [...] Already, you can see that the scope of what you can and cannot talk about in Germany is becoming very small (ibid.).

⁷⁷ The term ‘shrinking space’ has earlier been defined as a spatial constraint with regard to dispossession, occupation and destruction of Palestinian living space. It also refers to a diminishing civic space that limits Palestinians’ fundamental rights to organize and build social movements.

The (self-)censorship of organizations, their withdrawal from critical topics, and the restrictions on outreach and communications work have all been outcomes of these systematic and deliberate smear campaigns. Putting a “stigma on human rights work” (Interview 10, 2018), as one interview partner described it, consequently, has had an enormous adverse effect on foreign funding, the credibility of Palestinian non-state organizations’ work, and, overall, the continuation of their efforts in the region.

7.3 Palestinian Authority Restrictions

Besides a discriminatory Israeli legal system and smear campaigns that limit opportunities for Palestinian claim-making, there are also challenges willfully posed by the Palestinian Authority. One example, which various interview partners repeatedly mentioned, illustrates how the PA tries to control civil society activities and how the space for PA- and donor-independent initiatives is shrinking. In 2013, the running community Right to Movement (RTM) came into existence as a by-product of the initiation of the Palestine Marathon the same year. RTM’s website states:

Under the slogan ‘Right to Movement’, we held the first-ever Palestine Marathon to promote the basic human right to freedom of movement as stipulated under Article 13 in the Human Rights Charter – and to tell a new story about Palestine. After the Palestine Marathon, runners from all over the world, ourselves included, wanted more. Runners wanted to keep running with the Palestinian runners in their own home towns and countries and wanted to promote the Right to Movement elsewhere by physically claiming it (Right to Movement, n.d.).

When coming up with the idea of creating a marathon in the occupied Palestinian territories from scratch, my interview partner Sharif explained how he and other organizers were trying to find a 42-kilometer running route that is accessible without cutting through checkpoints, roadblocks, or other barriers (Interview 2, 2018). They managed to find a path from the Church of Nativity in Bethlehem until the end of the city, measuring about 10.5 kilometers. The only option of running a marathon, therefore, meant running this distance back and forth twice. Eventually, Sharif and his co-organizers changed the initial name of ‘Palestine Marathon’ to ‘Right to Movement’ as with this run – and the obstacles they faced within its organization – they aimed at showing what occupation means when runners pass by confiscated land, settlements, and the separation wall (ibid.). Growing from 600 runners in 2013 to over 7,000 participants in 2018, the idea for the run was to be self-sustaining, independent of donor money through participation fees, and based on voluntarism. The overall goal was to change the external perceptions of Palestinians, engender a positive lifestyle and interaction between men and women in public, and to create a sense of relation

and voluntarism (ibid.). By creating running communities in Israel, Gaza, and the West Bank, the organizers tried to establish a relationship between those segregated entities, raise awareness about the lack of freedom of movement for Palestinians, and establish a consistent running culture for men and women alike. The PA, who has been functioning as a solid partner in the organization of the marathons, however, tried “taking over the marathon,” as Sharif stated, “after we started making a profit from it” (ibid.). The PA then, he claimed, asked the organizers to “hand over” the organization. When they refused to do so, PA officials asked RTM’s partners to stop working with them, publicly accused the organizers of corruption, being unethical, smoking, drinking, or being gay, and threatened their families. As “the PA is feeding people” (ibid.), meaning that salaries are dependent on collaborating with it, partners were successfully forced to stop working with RTM eventually. Consequently, the Palestinian Olympic Committee took over the organization of the marathon in 2016. In contrast to the initial idea of being a self-sustainable and independent youth movement, Sharif claims, the PA started asking for foreign donations and donor funds to sustain it (ibid.). Several interviewees of other non-state organizations mentioned Right to Movement’s course of history as an example of how people are willing to change the status quo and actively refuse the current donor system. On the other hand, it also served as an example of how the PA controls the civil space in the West Bank. Therefore, many Palestinians either see themselves forced to refrain from becoming active in their communities entirely or become involved outside the formal political sphere and as far away from the PA’s oversight as possible.

Two further interview partners from youth organizations in the West Bank, who asked for their organizations not to be mentioned by name due to security concerns, confirmed the statements made by the interviewee from RTM and the insights he gave. Nidal, my interview partner from one of these organizations, stated that all civic organizations are threatened and observed by the PA as everything and everyone “not being Fatah” (Interview 6, 2018) is considered problematic and a possible threat to the PA’s power. He claimed that there is no freedom of expression in the West Bank, which is why the organization’s primary objective has become maintaining their work and keeping their projects running without criticizing the government or getting involved in political discussions. Nidal further remarked that employees of his organization frequently report its activities to the PA and that “recruiting informants” (ibid.) has become a common strategy of the authorities to control societal activities. He commented that his organization had limited its fields of action to raising awareness on economic issues and working on campaigns educating people about their rights.

At the same time, employees keep any political opinion to themselves. They, e.g., do not comment on anything online and continue their work under self-censorship because the organization “could easily be shut down” (ibid.). When asked about their relationship with the PA, Farida, my interview partner from the second organization who preferred her institution to remain unnamed, commented that its strength is being small and that its employees and volunteers try not to be on the “authorities’ radar” (Interview 21, 2018). The organization focuses its work on relatively soft areas, such as youth or women projects, and distances itself from any political or religious activities (ibid.). This change in organizations’ working areas has been mentioned repeatedly in various interviews. Farida’s organization, for example, re-focused its working areas from political activities towards youth and women projects due to the PA’s dealing with critical voices.⁷⁸ In its 2018 report *Two Authorities, One Way, Zero Dissent: Arbitrary Arrest and Torture Under the Palestinian Authority and Hamas*, Human Rights Watch claims that both the Fatah-dominated PA in the West Bank and Hamas in Gaza carry out arbitrary arrests. These arrests, the report claims, were a result of people having criticized the authorities on social media platforms, on university campuses, or at demonstrations (Human Rights Watch, 2018). The document includes investigations on about 150 cases in which detainees were tortured. HRW not only states that imprisonment for nonviolent speech constitutes a violation of international human rights law, but considers torture in custody and its long-time systematic practice in the West Bank and Gaza as crimes against humanity. The report further states that “while the specifics differ between the West Bank and Gaza, the result in both places is shrinking space for free speech, association, and assembly” (ibid., p. 2). Beyond detentions and torture, which have become governmental policies in both the West Bank and Gaza, activities such as confiscating electronic devices shall further deter activists. Moreover, Human Rights Watch also accuses the PA in its report of blocking access to websites seen as critical of Fatah and tapping the phones of journalists, politicians, and lawyers (ibid., p. 24).

An interview conducted at a think tank in the West Bank that has cooperated with PA institutions for several years provided a more detailed picture of how PA policies of monitoring and controlling civil society activities have developed. My interview partner Hala asserted that the PA restricts funding for certain organizations and that people tend to register their body as a non-profit organization rather than a charity “to escape the oversight of the Ministry of Interior” (Interview 11, 2018). She remarked that, at the time of the

⁷⁸ Farida described the same “trend” for the organizations’ work in Gaza, where they have a branch as well. In Gaza, Hamas’ restrictions and monitoring also force employees to be less politically engaged (ibid.).

interview taking place, employees of the institution were discussing and questioning whether their collaboration with an increasingly repressive PA was still legitimate. The think tank came into being after the signing of the Oslo Accords, in which the recommendations of Palestinian legal advisers were not taken into account. Therefore, many legal experts sensed that, already back in the 1990s, the PLO – or rather the newly founded PA – would no longer be “a suitable umbrella” (ibid.) for the interests of the Palestinian people. While cultivating a close relationship with the PA and advising them on several legal and political issues in the past, staff members, including the interviewee herself, have started questioning the role their organization plays within a system characterized by growing repression of civil society activities. She remarked that the “staff thinks we crossed a line” with their ongoing cooperation with the PA because its style of governance started “to smell like military regime” (ibid.). Nevertheless, she concluded that the organization’s main agenda is to educate people about their rights and to “empower those people who can do advocacy themselves” (ibid.). “Everything else” – such as criticizing the government or withdrawing from their cooperation for political reasons – is “simply not our mandate” (ibid.). Same as the interviewee of one of the previously mentioned organizations, Hala also stated that the employees’ primary objective is to keep doing their work and to maintain their think tank. The interview partner from an Israeli grassroots organization, which works with local communities in the West Bank, not only observed the deteriorating relationship between Palestinians and their leadership but simultaneously between Palestinian and Israeli society:

There is quite some tension between the villages we visit and the PA. They do not like the leaders, especially the poor villages that we know. We go to the villages that are closer to the border with Israel, (...) because the land is in the seam zone, and they have the impression that the PA really does not do much for them, and they are neglected by it and (...) they do not get enough help. On the other hand, some of the projects (...) we had stopped in one of the Gaza wars we had because they [the Palestinians] do not want to, sort of, collaborate with Israelis anymore in many villages. They think it is a sort of collaboration they do not want to be part of. And this also comes from the PA, this attitude, more than from the villages themselves. They [the villagers] like to talk about the problems. So, the problem of normalization, this is really very acute, we feel (Interview 2, 2019).

One of several legal institutions interviewed is the 1992 established ADDAMEER Prisoner Support and Human Rights Association. ADDAMEER’s activities range from legal aid, documentation, research, advocacy, and lobbying to training and raising awareness. Lina, who works as a lawyer at ADDAMEER, remarked that the number of PA-related cases of imprisonment has increased over the last couple of years and continues to grow. She stated that “the occupation is people’s ‘designated enemy’ although the PA tortures and arrests as well and is all around you” (Interview 7, 2018). The 2017 issued *Electronic Crimes Law* is

a relatively new example of how Palestinian authorities use legislation to silence critics and intimidate political opponents. An analysis of ADDAMEER concludes that this legal document only gives

vague definitions of what constitutes a punishable offence, its extension of punishment to any individual who assists or agrees with what the decree considers a felony, and the clear attacks on dissenters, journalists and leakers. The combination of the three means that an ever increasingly authoritarian regime has the legal backing necessary to effectively crackdown on any form of digital dissent. According to Article 4, ‘any person who...has abused any information technology...shall be liable to either imprisonment, a fine between two hundred and one thousand Jordanian dinars, or a combination of the two.’ The same article continues to state that, if the abuse or access in question affects governmental data, the sentence shall be ‘a minimum of five years of temporary hard labour and...a fine of no less than five thousand Jordanian dinars...’ The ‘abuse’ in question is not defined and open to interpretation by the authorities (ADDAMEER, 2017a).

Another legal organization, whose representative preferred his employer not to be named, also criticized the *Electronic Crimes Law* as one of several restrictive acts. Moreover, she condemned the issuance of laws by an executive authority, in general, which is Mahmoud Abbas as the PA’s president (Interview 8, 2018). The Palestinian Legislative Council was intended to serve as parliament and legislative body of the Palestinian Authority. However, it has been unable to meet and govern on account of the conflict between Fatah and Hamas originating from the Hamas electoral victory of the PLC elections in 2006.

My interview partner Amina stated that the PA legally targeted her organization by sending officials to inspect their funding sources and by questioning and harassing employees and volunteers (ibid.). She described working with PA officials as a “waste of time” and argued that the occupation serves as a framework to which all other issues are related. Therefore, she concluded: “I think now the Palestinians have two battles: an internal battle with the PA itself and the bigger battle with the occupation” (ibid.). She stated that internal Palestinian issues need to be solved first for Palestinian authorities and its society to be united again in order to address Israeli occupation, “but we [Palestinians] are so depleted, so depleted with the internal situation here” (ibid.). One reason for this fatigue, she claims, is that

[t]he PA knows this very well that the civil society organizations are not actually unified in some way and do not have one vision, and they just work on that really well. This is one of the main issues of the civil society work. [...] The situation is deteriorating, the situation is more dangerous, and we are actually going to a state governed by a totalitarian regime, (...) in one person’s hand (ibid.).

The interviewee from B’Tselem pointed out that Israeli and PA policies are shifting in the same direction regarding the shrinking space for Palestinian societal activities. However, she clarified:

We also try to keep it in the right proportions, because of course, PA violates human rights, Hamas violates human rights, but they are not / (...), again, there is no symmetry here. They, too, operate under Israel's occupation (Interview 13, 2018).

The shrinking space of civil society is making itself felt in a variety of sites. Controlling the digital space, and thereby sources of information and tools for social organization and mobilization, has become “a global trend in the last few years, not only happening here [in Israel/Palestine] but happening in Russia, Turkey, many other places” (Interview 14, 2018). Salma, the interviewee from the Haifa-based organization 7amleh, further remarked:

Generally, there is another level, which is the social media companies and the internet giants and how they are acting (...). In our case, they are very much in alliance with the Israeli government, giving data; they are deleting accounts and pages and content and stuff like this (ibid.).

Increased surveillance and the monitoring of activities and activists have further contributed to restricting Palestinians' civic freedoms.⁷⁹ The previously described *Electronic Crimes Law*, for example, allows for legal prosecution by the PA based on individuals' internet behavior. When confronted with the accusations made against the Palestinian leadership, Omar, a high-ranking official of the Palestinian Authority, claimed that the PA only operates under Israeli rule and cannot act autonomously (Interview 17, 2018). He gave the example of president Mahmoud Abbas being obligated to ask for Israeli permission to leave Israel/Palestine to travel abroad. When confronted with other interviewees' remarks, e.g., the claim that the PA was neglecting those living in Area C, Omar referred to the dilemma the PA is facing by being blackmailed by Israel. Consequently, taking any political stance in Area C would lead to a cut of funds (ibid.). Thereby, he stated, a vicious circle has been created which guides every PA action towards Israel as the occupying power and, to some extent, also to its own people. Omar further claimed that there is no political will of the international community to support an independent Palestinian state and referred to South Sudan, where state-making was a joint endeavor. He continued:

It costs one dollar to sign a document declaring the State of Palestine, and millions of dollars to keep re-building schools. [...] Politically, things are clear. We are not re-inventing the wheel (...). Palestinians tried for 70 years every way possible to claim their rights (...), and people say we are ‘not ready for democracy’ – how racist is this? [...] We cannot do anything to claim rights other than believing in international law (ibid.).

⁷⁹ In its 2021 report *The Attacks on Palestinian Digital Rights*, 7amleh describes an increase in online censorship of Palestinian political speech and narrative on platforms, such as Instagram, Facebook, and Twitter. See <https://7amleh.org/2021/05/21/7amleh-issues-report-documenting-the-attacks-on-palestinian-digital-rights> (Accessed: June 28, 2021). In 2020, 7amleh criticized that human rights organizations and activists are locked out of or restricted on online platforms in its report titled *Online Smear Campaigns and Deplatforming: The Silencing and Delegitimization of Palestinian Human Rights Defenders, Activists and Organizations*. See <https://7amleh.org/2020/07/02/online-smear-campaigns-and-deplatforming-the-silencing-and-delegitimization-of-palestinian-human-rights-defenders-activists-and-organizations> (Accessed: June 28, 2021)

By forcing Israel to comply with international law, the international community would neither defend Palestine nor the Palestinians, but, according to Omar, its own moral system (ibid.).

In summary, and against the backdrop of a wide variety of accusations against and criticism of PA policies towards Palestinian civil society and political opponents, a majority of interviewees had a torn attitude towards the current Palestinian leadership. Some of them pointed out that one cannot demand their rights to be protected by an institution that cannot act autonomously. Therefore, it is perceived as an outgrowth of Israeli occupation rather than a functioning and powerful government. However, the fact that the PA **does** repress civil society has been pointed out repeatedly. Some even accused the international community of being complicit in helping the PA establish a “police state” (Interview 11, 2018) by tolerating its policies and financially supporting its efforts.

7.4 Societal Fragmentation

The restrictions placed on the work of organizations by the PA is only one of many reasons for societal fragmentation in the West Bank. Differences of opinion are also observable among organizations, their missions, and their working areas. One interviewee, for example, criticized fellow organizations for leaving out the issue of Palestinian refugees from their fields of activities and accused them of solely dealing with the occupation’s “symptoms” (Interview 16, 2018). Due to such conflicting positions and organizations’ competition for foreign funding, umbrella networks, such as the Civic Coalition for Palestinian Rights in Jerusalem or the Palestinian Human Rights Organizations Council, remain weak. An interviewee from a major tourist organization that operates in Israel, East Jerusalem, and the West Bank explained that she has repeatedly been a target of criticism from the Boycott, Divestment and Sanctions movement. Palestinian BDS activists target her for cooperating with Israeli tourist companies as she cannot arrange, e.g., airport pickup services in Tel Aviv or overnight accommodation in the city. As a result, she needs to rely on local partners. For her, tourism represents a “tool for justice” (Interview 3, 2018) that enables changing people’s perception of Palestine as a travel destination. Further, she stated that traveling, hiking, and meeting people makes Israelis and foreigners “see the reality” (ibid.) in Israel and the OPT for themselves – a view that is often criticized as encouraging normalization.

Jamil, my interview partner from BADIL, pointed out that there is a decrease in foreign financing and a growing disinterest of donors concerning Palestinian non-state organizations (Interview 16, 2018). He claimed that this is, to some extent, also a result of PA activities,

its alleged corruption, and its restrictions imposed on Palestinian society. When asked about obstacles BADIL is facing when trying to promote and protect the rights of Palestinian refugees and internally displaced persons, Jamil stated:

Doing and implementing projects in Area C has been (...) challenging, the Israeli pressure through the media and other systematic policies against our work (...) because no one wants anyone to talk about Palestinian refugees, and the Palestinian Authority and all the obstacles they put in our way to reach our goals. [...] What to say and what to do with those communities who have not seen any kind of protection for the past 70 years? How to re-establish and to maintain the relationship with the Palestinian community and the refugees themselves (ibid.)?

One reason for being alienated from Palestinian refugee and diaspora communities, Jamil claimed, is the PA's agenda to "make Area A more beautiful" and "erect magnificent buildings" and, thereby, focusing its work solely on these mostly urban centers (ibid.). He accused the PA of concentrating its activities exclusively on the West Bank and here only on Area A. At the same time, the PA further segregates the Palestinian community by, e.g., making it almost impossible to hire a Palestinian from Gaza to work in the West Bank (ibid.). By this, Jamil claimed, Palestinian identity is redefined since "Palestinians are now only the ones who live within Area A" while

[o]rganizations forget that the core and the root of this conflict are Palestinian refugees. Now, they can deal with the symptoms as much as they want, but dealing with the symptoms will not fix the problem. [...] The wall, the apartheid wall, is not our problem, it is an outcome of the colonization of the apartheid regime, but this is not my conflict. My conflict is the existence of a colonial system that denies Palestinians to have their rights or their mere human rights (ibid.).

Yet, he claimed that "there have not been success stories in the United Nations" because there is "no political will to get any closer to resolve our case and issue as Palestinians or at least to protect our rights" (ibid.).

7.5 The International Community

The area of what today is Israel/Palestine – and what I earlier defined as consisting of the West Bank, the Gaza Strip, East Jerusalem, and Israel – has been a target of foreign penetration for centuries: whether of European pilgrimage, a Zionist state-building endeavor, British occupation, or international intervention by the UN and other non-governmental and governmental institutions. While the international community has historically been portrayed as an influential and important actor in resolving the conflict between Israelis and Palestinians, its duty and contribution have been identified as controversial throughout the conducted interviews. Every interview partner with whom the international community's role in Israel/Palestine was discussed shared the same conclusion: there is no will to enforce

international law and hold Israel accountable for its violations. My interview partner from a Palestinian think tank based in Jerusalem even stated that there would be no occupation without the international community and that the status of Jerusalem, the issue of settlements, the handling of natural resources, and all related topics are regulated by international law – which, however, is simply not applied:

The joke is, people talk about ‘Area C’, but ‘Area C’ did not exist until a few years ago because it was also a construct of [the] Oslo [agreements]. It is occupied territory. Period. If even the EU, which does a lot of projects there that are then repeatedly destroyed, (...) a lot with wells and schools and clinics / (...); if they cannot enforce that they can develop there [in Area C] as part of their task here [in Israel/Palestine], so to speak, what do you expect from the Palestinians? For me, the bottom line is that if there is someone to blame, then (...) there would be no occupation without the international community. That is quite simple. You would not have to negotiate for a day to get justice here because everything is regulated by international law: from water to settlements to Jerusalem to borders – it is all there, written down, so to speak, but it is not applied here (...). This is the bottom line no matter where you look. [...] If one were to apply international law, to apply law at all, then things would look very different here (Interview 18, 2018 – translation R.B.).

Further, she spoke of the international organizations as paying only lip service and turning a “blind eye to Israel” (ibid.), considering the country’s ongoing and severe violations of international law and UN resolutions.

Besides this lack of action, some of the interviewees further described the issues that come with the international community’s foreign aid system. On the one side, most organizations face the challenge of a shift from core to project-based funds, as do most civil society organizations globally, and a drastic decrease of external funding to the extent that their work has become limited. On the other side, foreign funding is a highly controversial topic, in general, and project funding implies greater control of organizations’ agendas, in particular. The influence on the issues these organizations are working on has become a significant challenge as donors frequently prefer giving grant money to non-political activities focusing on, e.g., women or youth. Michael, the interviewee from an Israeli NGO, explained the switch from core to project-based funding by stating that the latter allowed for corruption within many non-state organizations (Interview 1, 2019). Martin, my German interview partner, confirmed these statements but put them in a broader context: the mismanagement of funds and corruption, he claimed, has been taking place everywhere where there is foreign aid and is not a specific issue in Israel/Palestine. Regarding the switch to project-based funding, he continued:

I do not know who set the ball rolling, but I do know that from the UN and all the UN organizations and in the NGO world in general, this ‘do no harm’ approach has come up, that one develops projects to be rather sustainable. If you keep paying overhead and infrastructure costs [e.g., salaries], it is very, very rare that sustainability develops. [...] As an international organization, you do not want to make Palestinian

organizations, in this case now, dependent, so maybe there will be a start-up aid. It is difficult if you pay infrastructure and overhead costs, especially over a longer period of time. [...] There has to be a lot of, as they say, inner motivation from the organization itself and the people who work there, that they try to stand on their own two feet and practically only demand money from donors for model projects. And this is not the fact, and that is why it has evolved to practically force this and say: 'We do not fund any more infrastructure costs.' And this is the case all over the world, not only in Palestine. Because in the NGO world, it has been noticed that sustainability is not promoted otherwise (Interview 3, 2019 – translation R.B.).

Martin further explained how these model projects or donor-driven projects proceed and what compromises organizations make to apply for certain funds. He stated:

You [referring to any organization] want to get the money; you want to get the project, and then it is no longer about what is really needed in the community, but about what the donors want. The UN, or generally when a grant is announced, 'we have money for you, apply for it', there are many categories you have to fall into and things you have to describe and where you have to 'go'. You just write down what the donors actually expect you to write. And that is where projects emerge that are not needed. Everywhere in the world where there is development aid, that is what happens (ibid.).

While funding, in general, has decreased for many institutions, several interviewees further stated that the remaining grants involve an increasing number of requirements and restrictions. BADIL's representative Jamil described these donor policies as

shifting now in an unacceptable way for us as an NGO that wants to save or salvage at least the core value that we are working on: Palestinian refugees, while also working in Area C, for example, that no one is looking at. The donors want different types of projects, putting more limitations to our work, and (...) [are] shifting from core fund to project-based fund, which also has a huge impact, besides all the new bureaucracy of writing reports, explaining every step we make. It is getting harder, and harder, and less donors are interested in Palestine, in general, and there are two main reasons for this. The one reason is the existence or the policies of the PA, Palestinian Authority, and all the policy outcomes from this system and, besides, the other conflicts in the world in these days, like Syria, and everything is moving [away] from Palestine (Interview 16, 2018).

While Amina, my interview partner from a legal institution, claimed that funds have shifted from organizations to the PA, Omar, the interviewee who works for the PA, contrarily claimed that funds are increasingly re-directed to international organizations instead of giving it directly to the PA (Interview 17, 2018). Therefore, he criticized that the international community was portraying Palestinian life under occupation and people's repression as a humanitarian issue, not a political one: "They [the international community] build a hospital, so when Israel attacks, they can say: 'Oh look, at least you have a hospital'" and concludes that "international aid manages the conflict, but (...) does not resolve it" (ibid.). My interviewee Michael claimed that, other than a decrease in funding, the main issue for his organization is the change in donors' stipulations:

The main issue here, I think, the main obstacle, is that there are like ‘trends’ with donors, and they are changing the attitude, and the projects, and the need for continuity is essential [for local organizations]. (...) There was a huge trend for submitting master plans⁸⁰ (...) for Palestinian villages, then there was not a real change, and very few [projects] received a kind of advanced age. (...) They [the donors] say: ‘Okay, we are not dealing with it anymore.’ They started with legal issues, and they moved with the trend back to the planning issues, and then it was not successful, so now they are back to the legal issues, so it is like they are playing all kinds of flaws (Interview 1, 2019).

Again, the reliance on foreign grants and the unpredictability of whether donors withdraw from certain sectors or past projects leaves many organizations in a state of suspense. Hannah, the interview partner from an Israeli grassroots organization, did not only criticize these issues with foreign funding. On a more general note, she argued – after having worked in several Israeli NGOs for over 20 years – that there is barely any foreign involvement left today:

You know, also the European governments, which used to have some sort of hope for us [Israelis], have stopped interfering at all. [...] There is success here and there, but when you see what government we are expecting [in Israel], or even the government we have now, it is terrible for Israelis not only in the connection with Palestinians but for our own lives here, I think it is terrible (Interview 2, 2019).

Similar to the statements made by the interviewee from the New Israel Fund, Hannah argued that the Israeli government discredits organizations’ work and thereby harms civil society activities in both Israel and the OPT by questioning their credibility and contributing to their shrinking funding (ibid.).

In December 2019, the Palestinian National Campaign to Reject Conditional Funding was founded by over 30 Palestinian organizations to protest the European Union’s conditional financial support. The campaign directly refers to the so-called anti-terrorism clause Palestinian organizations have to sign in order to receive grants. According to this clause, the respective organization’s staff, partners, and potential beneficiaries are forbidden to support BDS and political factions such as Hamas, PFLP, or Islamic Jihad, which it defines as terrorist organizations. While “the European Union has not held Israel accountable for its crimes against humanity,” it has “been willing to finance Palestinian organizations that investigate and campaign against those crimes” in the past (Shomali, 2020). However, by excluding Palestinian organizations with undesired political stances from funding, foreign donors are now able to better micromanage Palestinian civil society activities on the ground. The campaign’s statement claimed that, in recent years, activities by Israeli and Zionists groups targeting Palestinian civil society and its non-state organizations have intensified:

⁸⁰ The approach of master plans as general concepts is to base planning for Bedouin communities on their social and cultural norms and to include the specific and regional needs of these communities in the projects.

In conjunction with this, funding constraints from various donors have escalated, which include conditions that we [Palestinian organizations] have resisted, such as preventing engagement in the Palestinian Boycott, Divestment and Sanctions Campaign (BDS), the defense and promotion of the right of return, and programs and projects in areas such as the Gaza Strip, or Palestine 1948 (Israel). [...] Undoubtedly, this escalation cannot be separated from all policies and approaches aimed at obliterating Palestinian national rights. This is occurring in the context of heightening Israeli colonial policies from confiscation, annexation, forced displacement, repression, and abuse, to the institutionalization of racism, fragmentation, and isolation, all of which constitute international crimes against our people. Rather than receiving support from the European Union and its member states, which should defend the Palestinian human rights movement, we are being coerced into complying with these anti-terrorism policies and conditions (BADIL, 2019).

Signing these clauses, the statement claims, has become a prerequisite for Palestinian NGOs to receive funding. Yet, the Palestinian NGOs Network, an umbrella organization of over 130 Palestinian NGOs decided that “those who want to sign, should sign the contract [and its anti-terrorism clause] with the EU” (Interview 2, 2020 – translation R.B.) because many Palestinian jobs are dependent on projects funded by it, the interviewee from a Jerusalem-based organization claimed. She further stated that the issue of whether to reject conditional funding or accept the requirements posed by grant givers has intensified conflicts within Palestinian society and between its organizations:

Some have said: ‘It is unacceptable that you [the Palestinian organizations agreeing to the anti-terrorism clause] are so stupid that you do not realize that you are playing into the hands of the Israelis, that you are tearing yourselves apart as civil society organizations’ in addition to the, I would say, Gaza-West Bank conflict and Hamas-Fatah conflict. There were many organizations, which then on Facebook and such pages (...) / which then almost led to smear campaigns against individuals [whose organizations signed the anti-terrorism clause]. [...] It is now also the case that some [Palestinian] organizations state that they no longer work together with the others [other Palestinian organizations] because they have signed [the anti-terrorism clause] (ibid.).

However, she added that conditional funding is not a problem specific to Israel/Palestine but that

here [in Israel/Palestine], it is being led ad absurdum in my eyes because there are really more important topics. Hardliners from this campaign go so far as to say that they reject this [anti-terrorism clause], even if it would lead to the closure of their organizations. If you have an organization that has three employees, then you can say that relatively easily, but if you have an organization [...] that provides for over 20 people and their families, then you think twice (ibid.).

This dependency of organizations’ work and Palestinian jobs on external donors has impelled a few organizations to search for funding from local and diaspora communities to help reduce the challenges posed by solely depending on foreign grant-giving. When discussing this foreign funding in Israel/Palestine in general, one has to consider the fact “that despite over two decades of sustained aid, the occupation has not come to an end and Palestinians are not

yet sovereign in their own country” (Hever, 2015, p. 1). As a result, it is questionable “not only whether aid is effective, but whether it also causes harm” (ibid.). In his 2015 report *How Much International Aid to Palestinians Ends Up in the Israeli Economy?* Israeli economic researcher Shir Hever claims that Israel profits enormously from foreign funding. He concludes:

the side effect of this aid is not lost on the Israeli authorities as it turns the occupation of the OPT into an effective export sector for the Israeli economy. Israeli companies offer goods and services to the aid agencies, Israeli employees work for them, and Israeli ministries levy tolls and fees from them. Aid agencies pay these costs in foreign currency, which contributes to Israel’s foreign currency reserves and increases the demand for Israeli currency. [...] The findings here indicate that at least 78% of aid money is used to import from Israel, thereby covering at least 18% of the costs of the occupation for Israel (ibid., p. 11).

Although foreign aid is intended to, e.g., strengthen Palestinian institutions, support marginalized communities, or provide some kind of start-up aid to promote sustainability (Interview 3, 2019), a vast amount of it ends up in the Israeli economy itself (Hever, 2015). This absurdity of foreign aid has been sarcastically summarized by an interview partner as follows:

‘Economic empowerment’ is a meaningless term coined by international donors who are perfectly willing to keep pumping money into Palestinian institutions and communities to make sure that they do not challenge the prevailing status quo. Giving people money creates a feel-good factor that helps to keep these people quiet. There can be no economic empowerment under conditions of occupation (...) the occupation can destroy, confiscate whatever it wants, whenever it wants. There can be no economic empowerment when the process of ‘development’ is driven by foreign money. If foreign money dries up, then most of the ‘development’ that is supposedly created will collapse (Interview 9, 2018).

She continued:

Freedom equals, first, do not criticize the PA; second, turn a blind eye to the corruption of the PA and the ruling clique; third, help the occupation – leave Area C or Jerusalem and move to Area A or B; fourth, find the most feasible and fastest method to emigrate and then make a point of never coming back. Economic empowerment equals, first, jump on the funding bandwagon. It is free money, so why not? Second, learn how to grow tomatoes or lettuce in your home garden (...) very popular with donors / (...); third, support for small businesses is also very popular with donors; if your dream in life is to bake pizzas or wash cars, then the donors will almost certainly help you (ibid.).

These statements uncover several common opinions of many interviewees: the complicity of the international community in maintaining the status quo, PA corruption and its intimidation of critics, the severe issues that come with foreign donations, and people’s powerlessness in the face of Israeli occupation and the overall conditions they live in.

7.6 Aid dependency

The critical role the international community plays within Israel/Palestine is particularly determined by the fact that it serves as the primary donor of most local non-state organizations as has become obvious by the statements outlined so far. Thus, one major obstacle for these organizations' activities, which was mentioned repeatedly throughout the interviews, is the dependency on this foreign aid and, related to it, the donors' control on what the funding is used for. Farida, my interview partner from a grassroots community organization, suggested that these "Western cash donations" (Interview 21, 2018) contradict a Palestinian culture and practice of local giving to people in need. She further stated that – despite life under occupation – local resources could be used for implementing projects and activities independent of foreign grant-giving. However, the mindset of "waiting for a donor to get things done" (ibid.), Farida claimed, gradually evolved within the OPT after the Oslo process and made people's mobilization dependent upon this external donor funding. Accordingly, the organization she works for tries to mobilize local and Palestinian diaspora communities to get involved in projects on the ground instead of relying on the current aid system. This system, she stated, is characterized by foreign grant-giving and aid dependency that sustains the NGOs themselves rather than the Palestinian communities in need (ibid.). Concerning the future of societal activities in the West Bank, Farida remarked that the occupation would be going away one day, although not in her lifetime. She concluded: "We [Palestinians] do not have all the land, but we can make the best of the land we have now" (ibid.), emphasizing how vital local non-state organizations' efforts are – despite Israeli settlements, on the one hand, and eviction of Palestinians, on the other hand.

Several interview partners criticized the system of foreign grant-giving, e.g., the interviewee from Right to Movement who emphasized that the Palestinian marathon's organization implied for it to be self-sustaining and independent of donor money (Interview 2, 2018). The interview partner from the social enterprise and crowdfunding platform BuildPalestine, which aims to mobilize supporters globally to connect them with grassroots projects in Palestine, further explained:

I do not like the idea that we encourage dependency to be strong; in BuildPalestine, we are not encouraging that at all. We are thinking, with anyone who works with us, the times are hard. You know, you have donors now; you might not have donors tomorrow (Interview 19, 2018).

This unpredictability and the uncertainty of whether donor funds or calls for tenders for specific projects will be available in the upcoming years make it impossible for organizations to plan their activities long-term. However, the interviewee also criticized the alleged mindset and attitude associated with this donor system:

What is this for free service-based attitude that we have in this country [referring to the OPT]? (...) There is some insanity going on here that has really crippled any form of resilient community organizations. [...] Today, we need to think about this grant money, (...) the money itself is not evil. [...] Most importantly, it can be used in the form of an investment. How do you utilize the funds that you are getting to become sustainable? I am not against grants. [...] But this is aid dependency (ibid.).

Instead of using foreign funding in the form of an investment to become self-sufficient, as stated in the previous quote, many organizations are said to rely on continuing foreign grant-giving to keep up their activities. With this money trickling away and the constant demand for new grants, the interviewee remarked, a system of aid dependency has not only manifested economically but also within the mindset of many non-state actors who see their activities as being dependent on donors' well-meaning (ibid.). Yet, this unpredictability and the lack of self-sustainability are not the only mentioned issues regarding foreign funding. Michael, the interview partner from an Israeli NGO which is mainly funded by European donors and the US-based New Israel Fund, reported:

We believe that there is a need to improve the way that they [foreign donors] are working to support the communities in a better way, especially with mobile pastoralists, which they are unaware [of]; of the way that these communities are living and what is important for them. So, they are coming with a kind of agenda, for example, to repair or to establish new structures like mobile structures, which are not really good for the communities, and they create a lot of trouble for the communities because it exposes them more to demolitions. And the old status quo of a quiet situation of communities completely changes. So, we are trying to put some influence in this direction (Interview 1, 2019).

Consequently, Michael also saw a problem in the way how grant money has been and continues to be used:

In some cases, it [donor money] is much more harmful in the end if you see the bottom line. If you want to strengthen the communities and create more resilience, what is happening at the end is that there is less. They [the Palestinians] are more exposed to demolitions and less connected to infrastructures. There is a need to understand the situation and, usually, donors just have kind of abstract ideas and are not familiar with the way of life of the communities they are working with. They are not putting enough attention to their real needs (ibid.).

Although most organizations depend on it, foreign funding has, to some extent, proven to weaken rather than empower Palestinian non-state actors. With foreign donor agencies not putting enough attention to communities' needs, as stated above, and simultaneously serving as guarantors for stable jobs and regular income for many Palestinians, local non-state actors remain with little control over how grants and resources are used. This reliance on foreign donations combined with the unpredictability of how much financial aid an organization receives or whether donors withdraw from specific sectors and past commitments entirely leaves many organizations in a state of suspense. While in the pre-Oslo era, independent social governance consisting of decentralized and pluralist organizations and initiatives

strengthened Palestinian resilience towards Israeli repression, today's rule of power leaves Palestinian non-state actors in the West Bank with little autonomy and few opportunities for claiming rights.

7.7 Decrease in Funding

Besides the international community's inertia to hold Israel accountable for violations of international law and human rights and Palestinian dependency on foreign funding, many interviewees claimed this financial assistance to have decreased drastically. Nidal, the previously mentioned interviewee of one of the West Bank-based organizations not being mentioned by name, said that his institution received about 4 million dollars from foreign donors for its work in 2006 and only 400,000 dollars in the year of 2018. He continued stating that he and his colleagues used to apply selectively for grants and "pick the best ones" (Interview 6, 2018), whereas, in 2017, they applied for nearly 60 grants and received only 3 of them. The primary reason for this, he claimed, is that foreign funding has shifted to organizations working in and on other conflict areas in the region, such as Syria or Yemen, rather than Israel/Palestine. Amina, the interviewee from a legal institution, remarked:

For the year 2017, we have been left with only one donor who gives (...); it actually does not cover the whole budget of [organization's name]. We did not go to the extreme and, you know, end contracts of anyone, because we need all the staff. Actually, we do not have program staff now; all we have is core staff. So, we just managed to do the same activities within the minimum budget. [...] We have been managing this way. Our volunteers also helped us a lot – with lecturing, giving awareness workshops at zero costs. [...] But still, it is affecting our work, especially when it comes to advocacy and to reach the public because you need media, and they do not work on a voluntary basis. It costs money, and they need to charge us. So, we managed to do that through our Facebook page, but still, it is not enough. We think that the advocacy and the lobbying campaigns need more than that (Interview 8, 2018).

With jobs and civil society activities being at the mercy of foreign funding, organizations adapted to the changing environment of shrinking funding and related cutbacks. One explanation for these cuts in financing, Amina stated, is

that the donors come to a conclusion that 'this does not work', like 'we put a lot of money in this [legal] sector, but things do not change', so that might be a reason why they pulled out from this sector and put their money in development for example, in agriculture, in education, you know, and so on. So, some of them just stopped funding this sector. They are still here in Palestine but working in other sectors. Some others are giving the main portion of money, of funds for this sector, to the PA itself to strengthen the organizations for building this system. And sometimes, yes, it is politically. Maybe there was a decision not to support organizations working in this [legal] field anymore (ibid.).

Moreover, the decrease in funding has led to increased competition between local organizations, as they are forced “to be seen” (Interview 20, 2018) by grant givers. This circumstance, the interviewee from the Civic Coalition for Palestinian Rights in Jerusalem remarked, makes it challenging to implement joint advocacy and efficient coordination of legal aid (ibid.).

7.8 The Dilemma of Claim-Making – Summary of the Research Findings

The challenges to Palestinian claim-making in the West Bank are wide-ranging and cut across all areas of society. When examining the Israeli legal system, smear campaigns, PA restrictions, societal fragmentation, the international community, aid dependency, and a decrease in funding, one can draw several conclusions. For many interviewees, ‘hope’ was a key term and a primary motivation for their efforts. They mostly agreed on the vanishing of Israeli occupation eventually, and this positive outlook on change – even in the very long run – can be identified as a driving force behind their actions. Even when being unable to claim one’s rights within the status quo, organizations’ work often includes careful documentation of, e.g., rights violations or expropriation to obtain possible reparations and make claims to compensations in the future. This documentation and the attempt to achieve the maximum of what is possible within today’s framework are considered the main strategies local non-state organizations rely on. The presented findings, however, allow for the conclusion that no generic opportunity structures exist to assert one’s rights and that, as a result, effective claim-making within the status quo is not possible. One interviewee framed this as follows: “They [the Israeli authorities] keep hope with the people. They close ten doors and open one other” (Interview 17, 2018). Yet, the ongoing and accurate documentation of violations of human rights and international law, which is undertaken to assert a possible claim to reparations in the future, can be described as claim-making-to-be. Although outcomes so far are marginal, they constitute pillars in the pursuit of long-term social change. An additional reason for the ineffectiveness of claim-making – besides the listed obstacles – is that organizations often find themselves caught in several dilemmas, such as competing with each other for foreign donations. Moreover, they try to do their work unnoticed, in order not to give Israeli or Palestinian authorities a reason to influence their activities or to be perceived as a threat to their power. Simultaneously, organizations intend to train civil society, set up awareness campaigns, and influence public opinion locally and abroad. What is more, the intimidation caused by smear campaigns and PA restrictions has resulted in a change in the working areas of many West Bank-based organizations. Their

missions have frequently pared down to simply keeping the organization running, while others have started (re-)evaluating, e.g., their attitude towards the PA and their political stance. Several organizations are increasingly criticized for maintaining the status quo by, e.g., “making the occupation more bearable” (Interview 1, 2018) by serving as watchdogs on checkpoints – an allegation the Ecumenical Accompaniers of EAPPI are regularly accused of.

Another outcome of the conducted research is that third-party support is perceived as inevitable. However, the form this backing shall take is an issue of controversy among the interviewed organizations. Many of the interlocutors favor foreign pressure on Israel, politically or economically, to change its policies. Therefore, many organizations redrew their focus towards involving the international community and alien civil society actors more actively. Several transnational initiatives and organizations started out of personal networks, like the ties of Right to Movement to Denmark (Interview 2, 2018) or Churches’ appeal and the later establishment of EAPPI. Third-party support has increasingly been searched for by addressing and influencing foreign grassroots and civil society actors, since efforts on lobbying alien governments or influencing Israeli jurisdiction have proven to be in vain. Hence, the public outreach of many organizations in Israel/Palestine has shifted from foreign state actors, who have not shown any political will of changing the status quo, towards their citizens. In many cases, this outreach and advocacy are founded in international law, or as one interviewee put it: “You do not have to support the Palestinian struggle. It is sufficient to support the rights of the Palestinian people, which are inscribed in international law” (Interview 16, 2018). In light of smear campaigns and the attempt of delegitimizing human rights work in Israel/Palestine, third-party support presents a significant source of legitimization for Palestinian organizations working in this field. These efforts to involve international non-state actors have intensified due to a lack of alternative means of articulating claims. As change, for some, might only occur when the political will of the occupying power changes, the involvement of third parties as international leverage presents a slim opportunity to have an impact on this will.

What has also become apparent is that – although repertoires of their claim-making take on different forms – Palestinian claim-making is inextricably linked to efforts made by organizations in Israel, as they face similar, although not equally restrictive, challenges. Criminalizing this resistance, as is happening by Israeli as well as PA policies, “is a good example of stripping from the oppressed its ability to challenge the oppressor, and maintaining the subjugation of the weak in an unbalanced power structure in the name of

‘peace’” (Ali, 2019, p. 75). Hence, the term *sumud*, the insistence on keeping on with life despite all obstacles, and an understanding of resistance as a refusal to accept injustice, become central in Ali’s study on Palestinian activism in Israel (Ali, 2019). Therefore, resistance in an oppressive context has no fixed definition. “[I]nstead, it can be understood as a multidimensional expression that describes a variety of different actions, events, and behaviors” (ibid., p. 78).

The legal supra-structure under which all these actions, events, and repertoires take place is, first, the non-adherence to international law and, second, the existence of two legal systems – a civilian legal system for Israeli citizens, including settlers living in the occupied territories, and a military court system for Palestinian residents. Israeli human rights lawyer Michael Sfard sums up the legal strategies for Palestinian claim-making as follows:

Dozens of Israeli and Palestinian lawyers⁸¹ submitted tens of thousands of petitions, participated in thousands of trials, and represented countless subjects of the occupation, yet they still puzzle over the right way to fight the extensive, large-scale violation of human rights Israel is committing against millions of people. [...] The lawyers have challenged hundreds of demolition orders to destroy the family homes of suspected terrorists, claiming that the orders are collective punishment and therefore prohibited, and have almost never won. They have filed scores of petitions against deporting Palestinian activists, claiming this is a clear violation of an explicit prohibition under the international law of occupation, and never won. They have challenged restrictions on Palestinian travel countless times, with little success that achieved no significant change. The list goes on, but the point is clear (Sfard, 2018, pp. 34-35).

Sfard further underlines the complicated question of measuring the overall success or failure of claim-making by the number of court cases won or lost and aiming to assert people’s claims solely through the Israeli legal system. Although immediate victories in the courtrooms are rare, this does not necessarily represent a ‘defeat’ for long-term social change. Not going to court in the first place due to the slim chances of getting one’s desired outcome equates to a passivity that Sfard perceives as moral complicity (ibid., p. 36). Neither Sfard nor other lawyers described their efforts of challenging Israeli policies in court as simply serving their clients. They rather “see their cases representing victims as part of a larger vocation, not as individual unrelated events. They see themselves as part of a political movement. They see their legal battles as part of the struggle to end the occupation” (ibid., p. 427). The initial questions of how non-state actors advance their claims through acts of subjecthood, what opportunity structures exist for people to make claims to their rights, and through which channels these claims are made still need to be answered comprehensively.

⁸¹ Among them are Michael Sfard himself and no less prominent ones such as Lea Tsemel, Felicia Langer, Avigdor Feldman, Gaby Lasky, or Elias Khoury.

One preliminary result of the discontentment with the foreign donor system is that organizations are searching for new funding sources, namely contributions of local and diaspora communities, and at the same time reject the influence of foreign donors on their agendas and working areas. Finally, claim-making and the general exertion of rights can only take place within a political, legal, and socio-economic framework that allows for their existence in the first place. Due to geographical segregation, social fragmentation, and a discriminatory judiciary embedded in a settler-colonial system in the West Bank, Palestinian claim-making is forced to continue to adapt.

8. The bigger Picture – Conclusion

In this study, I sought to understand how Palestinian claim-making in the West Bank is possible within a context of Israeli occupation and repression by the Palestinian Authority. I explored the questions of what channels non-state actors use to advance their claims, what opportunities they have for making these claims, and what challenges they face.

Within the research process, the concept of acts of subjecthood evolved as a novel theoretical approach and as a means of claim-making within repressive contexts where claim makers' rights are curtailed, and opportunities for rights-seeking activities are few. Thereby, this study applies a new theoretical framework to the conflict in Israel/Palestine and contributes to a better understanding of rights-seeking activities within the West Bank. Instead of focusing on the national/governmental or the international level, the actions of non-state actors and their interaction took center stage within the research.

Further, I argued that Palestinian acts of subjecthood against hostile Israeli rule in the West Bank are embedded within the comprehensive structure of settler colonialism. As a form of colonialism that aims at replacing an indigenous population, Israeli settler colonialism in the West Bank manifests in restrictions of Palestinian movement, settlement constructions, home demolitions, violence, and detentions. Simultaneously, the authoritarian and repressive policies of the PA have contributed to a fragmentation of Palestinian society, limitations on its mobilization, and marginalization. These developments have also been encouraged by the Oslo agreements between the Israeli government and the Palestinian leadership in the mid-1990s, which have reinforced Israeli rule in the Palestinian territories, promoted continuing dispossession and segregation of Palestinians, and further restricted their rights until this day. What implications do these findings have on the theoretical concepts introduced earlier? What do they say about the concept of acts of citizenship, acts of subjecthood, and settler colonialism? What are the study's limitations and what issues remain unanswered? And, finally, how do the presented findings affect future research on Palestinian claim-making?

8.1 Theoretical Implication of the Findings

8.1.1 The Limitations of Acts of Citizenship

When theorizing citizenship, four axes have been identified earlier: membership, participation, engagement, and norms and values. Here, membership was defined as a specific status in a nation-state, bounded by its territory and turning citizens into legal actors due to the introduction of their rights and obligations. However, Palestinians do not hold citizenship and remain stateless people; the PA fails to protect their fundamental rights, has

no monopoly of power, and its sphere of influence is not bounded by a fixed territory due to the erection of the 'security barrier' and continuing settlement constructions. Therefore, the existence of Palestinian membership according to the introduced definition is questionable at best. However, participation in the form of collective action and the will to engage in political activities have been highly encouraged by the lack of formal civic participation throughout Palestinian history. Also, norms and values (a civic culture and democratic ideals) have shaped Palestinian claim-making throughout the twentieth century. This period is characterized by the organization of an active and engaged (civil) society consisting of labor unions, voluntary work committees, student organizations, and women's associations providing a cultural and political infrastructure lacking under Israeli occupation. However, within the framework of the Oslo peace process and the emergence of a professionalized Western-funded NGO system, the established ruling system has been stabilized and the status quo secured (Gerster and Baumgarten, 2011). Through external aid, an NGO elite formed as a new Palestinian middle class and makes up about 10% of jobs in the Palestinian territories. Yet, as initiatives – such as the Palestinian National Campaign to Reject Conditional Funding – show, several actors of this NGO elite are working on changing the status quo. In contrast, PA elites have only little interest in giving up their economic advantages and their socio-political position.

In theory, the performative force of citizenship, repeated through acts (repertoires, declarations, etc.) and conventions (rituals, laws, institutions), creates new actors as activist citizens and claimants of rights. Palestinian shrinking space, however, has contributed to a dwindling opportunity structure for this performative potency. When looking at what has been remarked about the social, political, and economic context around the first and the second intifada compared to today's status quo, it becomes apparent that there are few opportunity structures for a 'shake off' of any kind. What, then, do these insights mean for citizenship as a research area? And what do they teach us about acts of citizenship?

Citizenship, earlier defined as a fluid and shifting concept, is a product of social negotiation rather than a person's mere legal status. Acts of citizenship, as a particular perception of citizenship, entail practices of becoming claim-making subjects through various scales and sites. These acts have previously been defined as a claiming of rights by individuals and/or certain groups away from common and well-known channels or, in the words of Engin F. Isin, as "deeds that contain several overlapping and interdependent components. They disrupt habitus, create new possibilities, claim rights and impose obligations" (Isin, 2008, p. 10). Yet, as Palestinians in the West Bank are subjected to Israeli rule and their claim-making

takes place within an authoritarian and repressive context, I approached non-state actors' claim-making with the concept of acts of subjecthood instead. By making use of this theoretical concept as a derived notion of acts of citizenship, this study aimed to provide a better understanding of rights-seeking activities within the settler-colonial context found in the West Bank.

Due to the restrictions of free speech and media, the suspension of elections, limited political rights, and the inability to protect Palestinians from dispossession and expulsion, the current regime ruling the West Bank has previously been identified as low-capacity undemocratic. Combined with the existence of an occupation authority and the lack of statehood, these circumstances do not provide essential conditions for acts of citizenship to take shape. Citizens' actions are dependent on overall structures on which they, as in the Palestinian case, sometimes have an only minor impact. These general structures consist of a social space that either offers and allows for opportunity structures or denies them. As has become clear, the status quo structures within the West Bank repress opportunity structures rather than supporting them. Although organizations' rights-seeking activities, as outlined within this study, could function as a catalyst for social transformation, they have so far failed to transform Palestinians into citizens, upgrade their legal status in any way, or bring about long-term change.

What do these findings say about acts of citizenship outside of Israel/Palestine? Since scholars often look through the lenses of acts of citizenship to describe claim-making efforts of other marginalized communities, such as refugee groups, it is tempting to conclude that they as well are rather unsuccessful in obtaining the rights they strive to hold by performing acts of citizenship. However, the majority of studies analyzing refugees' or asylum seekers' acts of citizenship focuses on their claim-making within Western democratic states such as Barbero (Barbero, 2012), who focuses on migrant protests in Spanish cities, or Darling (Darling, 2013), who concentrates on asylum seekers in the UK. Palestinian claim-making in the West Bank, however, takes place within an authoritarian rather than a democratic setting. Therefore, the notion of acts of citizenship cannot be applied as a universal concept to all possible forms of claim-making and the related political and governmental contexts.

In the case of Israel/Palestine, some claim-makers might be able to make use of a broader variety of repertoires of contention, as they, e.g., enjoy full Israeli citizenship and benefit from legal certainty instead of discrimination and arbitrariness. Therefore, one could conclude that citizenship, in its traditional understanding as a person's legal status within a nation-state, presents in itself a viable opportunity structure for claiming rights. The

establishment of a single state in the region in which all people, also formerly marginalized groups, enjoy full citizenship, equality of rights, and political participation, could therefore create feasible and sustainable opportunity structures for successfully claiming Palestinians' rights.

8.1.2 Prospects for Acts of Subjecthood

I have argued that within the West Bank's status quo, claim-making is only possible in the form of acts of subjecthood. These acts have earlier been defined as taking place within an authoritarian setting that, in the West Bank's case, is characterized by geographical and legal segregation, military occupation, and Palestinians' deprivation of fundamental rights. Within this reality, Palestinians are subjects of Israeli rule, which is reflected in their claim-making and dictates their opportunities for asserting rights. The extensive superstructure of occupation and settler colonialism impacts all areas of Palestinian life and the related collective action repertoires to confront this system. While the activities of Palestinian non-state actors are intended to reverse the status of subjecthood and of being subjected to hostile Israeli rule, they are – as vividly outlined within the conducted interviews – challenged by many obstacles, e.g., smear campaigns and politicized violence with the intent of eliminating the political identity of Palestinians as an ethnic group. Several interview partners described a change in their working areas and how they adapted to the changing political environment and encountered restrictions. This happened, e.g., through the initiation of the Palestinian National Campaign to Reject Conditional Funding by over 30 Palestinian organizations to protest the European Union's conditional financial support. These developments reflect how actors within the status quo react to their challenges and make use of the available repertoires. As their ultimate goal is to break free from their status of subjecthood eventually, non-state actors frequently document violations of human rights and international law to assert a possible claim to reparations in the future – an approach that has been described as claim-making-to-be.

Concerning the concept of contentious politics by Charles Tilly and Sidney Tarrow, the term 'certification' has been described as a mechanism that constitutes new actors within a collective political struggle. Certification describes actors' validation, performances, and claims by external parties, e.g., local or foreign government agencies or influential intergovernmental organizations like the UN. When such an external authority recognizes and supports the existence and claims of the actors in question – in our case, non-state actors working on Palestinian claim-making in the West Bank – we speak of certification (McAdam,

Tarrow, and Tilly, 2001, p. 316). When it comes to third-party support of the work and activities of Palestinian organizations, we can also speak of certification. This support of foreign governmental and non-governmental institutions presents an essential source of legitimization for Palestinian claim-making efforts. As the conducted research has shown, third-party involvement is mainly characterized by, first, the international community's inertia to hold Israel accountable for its violations of international law and human rights, second, local non-state actors' reliance on foreign grant-giving and, third, a decrease in the amount of this funding. Yet, third-party support was perceived as inevitable throughout the interviews. Many of the interlocutors favored foreign pressure on Israel to change its policies, which is why many organizations redrew their focus towards involving the international community and alien civil society actors more actively. Since efforts on influencing foreign governments or Israeli jurisdiction have proven to be in vain, third-party support has increasingly been searched for by addressing and influencing foreign grassroots and civil society actors.

The Israeli legal system, smear campaigns, PA restrictions, aid dependency, societal fragmentation, the international community, and a decrease in funding have been identified as major obstacles to non-state actors' claim-making in the West Bank. Due to these challenges, actors have only limited repertoires for their claim-making. In the West Bank, these repertoires foremost include international advocacy, awareness campaigns, monitoring and reporting rights abuses, and training civil society. In the case of Palestinian claim-making in the West Bank, the rights-term – that refers to a moral or legal entitlement to have or to do something – can, therefore, be summarized as follows: demanding a right as an act of subjecthood, as is happening through the efforts of non-state actors, is intended to shape the condition the demanders live in. Due to the described challenges, however, opportunities for influencing these conditions remain rare. Therefore, the activities of non-state actors and their claim-making efforts are oriented towards the challenges and restrictions in place. Yet, the term acts of subjecthood also refers to Palestinians' allegiance to their own state-building endeavor and their claim to independence. In this context, a subject is not necessarily subjected to someone else's control but an actor herself. Consequently, acts of subjecthood also contain Palestinians' ongoing efforts to push against settler colonialism, marginalization, and deprivation of rights. While acknowledging the restrictive context in which Palestinian claim-making in the West Bank takes place, the conducted interviews have demonstrated that Palestinian claim-makers are not simply victims of this status quo but that their rights-seeking activities – even if limited – adapt to the encountered obstacles.

By setting out the status quo and concluding that there are only limited opportunities for people to claim rights, the question remains which acts of subjecthood are possible at all? As outlined previously, involving the international community and foreign civil society actors more actively plays a vital role in the agendas of many organizations. This third-party support presents a source of legitimization for their work in the face of smear campaigns and attempts to delegitimize human rights work, and it is essential for influencing or at least publicly criticizing repressive Israeli policies. Increasing resilience by initiating awareness campaigns, educating and training Palestinian civil society, and documenting rights violations are crucial claim-making practices and can be defined as acts of subjecthood. However, this work claims that – despite the normative faith in the capabilities of bottom-up initiatives and in acts of subjecthood as a means to disrupt the status quo and challenge injustices – there needs to be a socio-political framework that allows for people’s claim-making to be successful. Nevertheless, the examined organizations challenge their complicity within the West Bank’s current power structures by sustaining their efforts, by raising awareness about the situation of Palestinians in the West Bank and examining their role in reproducing these power structures. Hence, acts of subjecthood do contribute to the strengthening and perpetuation of Palestinian’s long history of *sumud*, but their concrete, tangible outcomes are marginal. With a lack of adherence to international law, the neglect of UN resolutions, rights organizations being defeated in Israeli courts, and institutions based in the West Bank being repressed by PA and occupation policies, Palestinian acts of subjecthood cannot by themselves overturn current power structures. In the long run, however, all those daily acts of steadfastness, the pop-up of initiatives and youth movements, the continuing work of organizations, and the representation of Palestinian claims made by lawyers and NGOs in Israel, can well build the pillars for social change.

Palestinians in the West Bank define themselves as political subjects by their continuing acts and adaptation to the posed limitations to their claim-making efforts. While obtaining citizenship rights – or at least basic human rights – is out of reach, Palestinians in the West Bank nevertheless do act. According to Hannah Arendt, to act means taking an initiative, beginning, and setting something into motion. Although it is “the nature of beginning that something new is started” (Arendt, 1958, p. 177), Palestinian acts of subjecthood do not need to be completely new or even unexpected activities but well include ongoing and continuing undertakings of making one’s claim heard.

8.1.3 Repertoires in a Settler-Colonial Context

To situate the status quo of Palestinian claim-making in the West Bank within a broader theoretical context, two concepts have been introduced previously: a state of exception and settler colonialism. A state of exception is characterized by the shift of indeterminate power to a sovereign rule which is able to suspend legal or constitutional benefits of a marginalized group. Consequently, demanding one's right from this sovereign is barely feasible, and resistance mainly occurs through daily activities, commemoration, and rebuilding (Abujidi, 2009, pp. 287-288). When looking at Israel/Palestine through the lenses of a state of exception, the extension of power in the name of the (Israeli) public good and Palestinians' subjection to juridical orders that the State of Israel imposes on them without being represented in its legislation resemble some of the characteristics of a state of exception. Some researchers even argue that Palestinians in the occupied territories endure "the exercise of limitless state power" (Korn, 2008, p. 123), while their resistance to this condition has been answered with an "onslaught of harsher daily living conditions, violent military campaigns, and a further slip into a pure state of exception" (Street, 2013).

However, not only do these characteristics of a state of exception limit claim-making opportunities, but so do those of settler colonialism. Settler colonialism has previously been described as a comprehensive structure with territoriality as its defining element since settler colonizers "come to stay" (Wolfe, 2006, p. 388). It is further characterized by practices of erasure and appropriation, criminalization and delegitimization of opposing voices, and marginalization of those it seeks to suppress. These characteristics are reflected in, e.g., the establishment of Area A, B, and C within the West Bank, which segregates and restricts Palestinian movement. While the related comprehensive permit system further controls Palestinian movement throughout the West Bank and into Israel and Jerusalem, the utilization of Palestinian labor for settlements and Israel proper has become an essential element of the Israeli economy (Chaichian, 2014, p. 305). Moreover, the Israeli organization Adalah lists over 65 Israeli laws that discriminate against Palestinians and limit their rights in all areas of life (Adalah, 2017b). Combined with continuing settlement constructions and an increase in the number of Jewish settlers residing in the West Bank, the status quo in the West Bank can well be defined as reflecting settler colonialism. Hence, the question arises, what can be defined as action repertoires for Palestinian claim-making within this settler-colonial structure?

As outlined previously, a repertoire is, according to Tilly, encouraged by the interaction of everyday social organization, cumulative experience with contention, and regime

intervention that promote the clustering of claim-making interactions in a limited number of recognizable performances (Tilly, 2006, p. 43). Repertoires vary from time to time and place to place, ranging from nonexistent and weak up to strong and rigid. They “evolve as a result of improvisation and struggle. But at any given time, they limit the forms of interaction that are feasible and intelligible to the parties in question” (McAdam, Tarrow, and Tilly, 2001, p. 49). Organizations’ working areas, derived from the conducted interviews, can be identified as such repertoires. These working areas, or repertoires, include international advocacy, awareness campaigns, monitoring and reporting, training civil society, cultural and business-related activities, legal aid, influencing the PA, influencing Israel, and unpolitical activities. In chapter 6, it has already been described that a majority of Israel-based organizations monitor and report and work on international advocacy, while campaigning and influencing Israeli policies were mentioned in 60% of the interviews. Whereas none of the East Jerusalem-based organizations lobby policymakers, 60% of Israel-based organizations try to influence Israeli and 20% PA policies. None of the West Bank-based organizations aims at influencing Israeli, and less than 20% PA policies. Moreover, the findings indicate that the more recent an organization was founded, the more likely it is that its working areas include training civil society. None of the organizations founded after the second intifada is involved in legal aid. At the same time, there has been an increase of organizations pursuing unpolitical activities since the 1990s, supporting the argument that organizations that are less politically involved have appeared ever since. For organizations based in the West Bank, action repertoires listed by frequency include awareness campaigning, international advocacy, training civil society, monitoring and reporting, cultural and business activities, and legal aid, followed by influencing the PA and unpolitical activities. Awareness campaigns and training civil society shall strengthen people’s steadfastness and increase their resilience, while international advocacy is a means of involving third-party actors more actively. As characteristics of a state of exception, criminalization and delegitimization of opposing voices make third-party engagement essential in order to legitimize Palestinian rights-seeking activities. Monitoring and reporting human rights violations, expropriation, and displacement shall help to document these cases thoroughly to claim potential future reparations. Cultural, business, and unpolitical activities are pursued due to non-state organizations’ repression by both Israeli and Palestinian authorities and in order for them not to be attacked.

Since a state of exception is also characterized by the fact that resistance mainly occurs through daily activities, organizations’ continuance of their work or going back to unpolitical

activities resembles the Palestinian concept of *sumud* and the motto ‘to exist is to resist’. Suspending the legal benefits of a marginalized group – or legally discriminating against this group – is another feature of a state of exception. Organizations that provide legal aid to resist these conditions perceive it as “first aid” (Interview 20, 2018) to buy time and, e.g., to delay the execution of a demolition order. However, due to a discriminatory legal system, the repertoire of legal aid is decreasingly made use of by non-state actors. Trying to influence the Palestinian Authority is also a rather weak repertoire, as only a few organizations are active in this field due to the PA’s authoritarian style of government. As a result, one can conclude that the range of repertoires used by non-state actors is narrow. Due to the conditions induced by Israeli settler colonialism, obtaining or even articulating one’s right is becoming ever less possible.

8.2 Limitations of the Study

In its single case design, this study represents one microcosm of contentious claim-making. It focuses on organizational activities as a way to demand rights and challenge the West Bank’s status quo. Therefore, the analysis of non-state actors, such as legal institutions, think tanks, youth, educational, or community initiatives, working within Palestinian society and involved in some sort of rights-seeking activities in the West Bank contributes to generating additional knowledge on contentious claim-making as a research area.

Yet, contentious claim-making in Israel/Palestine is not limited to these rather formal actors alone. There are also individuals who challenge the status quo. Among them are Israeli conscientious objectors such as the 19 years old Hallel Rabin, who was imprisoned in 2020 for her opposition to joining the IDF and participating in Palestinian oppression, or the (at that time 16 years old) Palestinian activist Ahed Tamimi who was detained for slapping a soldier who entered her family home in Nabi Saleh in 2017. There are lawmakers who continue to challenge the Israeli laws in place, there are Palestinian, Israeli, and international activists who organize demonstrations, marches, and political action, and there are those who join Palestinian farmers in their olive harvest to thwart attacks by Israeli settlers. Further, foreign interest groups have succeeded in pushing for Palestinian rights on a national level, e.g., in Ireland where a bill was passed that prevents the sale of Israeli goods produced in settlements. On a supranational level, the European Court of Justice, for example, ruled in 2019 that goods produced in Israeli settlements must be labeled as such and cannot be marketed as products of Israel. Although this labeling has been considered a success for those advocating for Palestinian rights, critics address the EU’s hypocrisy: the EU considers

Israeli settlements illegal, as their existence violates international law. Consequently, the goods produced in these areas should be considered illegal as well, instead of ‘only’ being labeled and allowed to enter the European market. As these few examples demonstrate, countless individuals and lobby groups globally seek to fulfill or defend Palestinian claims. Although they have been largely left out of this study, the focus on the initially mentioned formal non-state actors is, in my view, not a limitation but a contribution to the overall knowledge production on contentious claim-making in Israel/Palestine.

Due to the corona pandemic, the planned second research-related field trip in 2020 had to be canceled which constitutes a further limitation of this study. This pandemic had severe consequences for Palestinians in the OPT, such as a complete lockdown of the West Bank and rising numbers of violent attacks against Palestinian communities around Israeli settlements. As a result, a majority of contacted potential interview partners did either not reply to interview requests or were unavailable for an interview via phone or video call. However, since not all envisioned interviews could be conducted, a subsequent set of data – the analysis of organizations’ websites – was collected. By introducing this second data collection, the overall interpretation of gained knowledge derived from two sets of data: the first one, which contains remarks made by organizations’ representatives conducted in interviews, and the second one, which includes the organizations’ public representations through their websites. Hence, the analysis of organizations’ websites complemented the first data collection and allowed for comparison between personal remarks made within the interviews and an organization’s public representation online.

Another study limitation is the fact that a broad variety of claims was analyzed. Because representatives of a multitude of organizations have been interviewed, the claims they make vary from factual claims, such as the removal of the separation barrier, or legal claims (addressing the application of discriminatory laws or the non-adherence to other regulations), over the right of return for Palestinian refugees or the demand for freedom of movement, to rather abstract claims such as peace or Palestinian self-determination. While this study examines a whole range of claims, such as the demand for free speech or the right to move freely, it neither focuses on one claim in particular nor does it cover all possibly existing claims. Instead, it gives an overview of non-state actors’ major demands, while embedding their activities and challenges in a political, socio-economic, and historical context.

8.3 Implications for Future Research

The listed study limitations provide pathways for future research in the area of citizenship studies in general and Palestinian claim-making in particular. This study analyzes claim-making opportunities of mainly formal non-state actors working on Palestinian rights in the West Bank as outlined beforehand. Therefore, examining other actors, such as individuals and their activism, or focusing on one claim in particular (and how the opportunities or challenges for its realization have evolved) present possible avenues for further research. Comparing the claim-making repertoires of Israeli citizens and those of Palestinians with varying legal statuses could be another extension of the present study. Analyzing in-depth where opportunity structures for asserting claims differ in relation to one's legal status would further contribute to the ongoing discussions in the field of citizenship studies. These findings could provide insights into the question whether citizenship and its relatively novel definition as an umbrella term for all sorts of claim-making practices can be completely detached from the formal legal rights it contains.

Future research could also focus on two major issues that I will address briefly hereinafter: first, whether the characterization of the Israeli occupation of the West Bank still fits the label 'settler colonialism' and, second, whether the BDS movement can be identified as an archetype of acts of subjecthood in practice.

8.3.1 From Settler Colonialism to Colonialism?

In his contribution to the *Handbook Settler Colonialism* titled *From Republic to Empire. Israel and the Palestinians after 1948*, Arnon Degani differentiates between colonialism and settler colonialism. He claims that settler colonialism, unlike colonialism, is not a scheme for foreign domination and exploitation of an indigenous population. Instead, settlers seek to populate the indigenous' land and, ultimately, "to become the indigenous themselves" (Degani, 2017, pp. 353-354). However, both movements, the colonial one and the settler-colonial one, intertwine and complement each other since early settlers have often been backed by an external power supporting their endeavors. Degani claims that after 1948, the Palestinians who remained in the West Bank, the Gaza Strip, and the surrounding Arab states have remained a challenge to the Israeli Zionist settler-colonial project. Several neighboring countries further "inadvertently promoted the Palestinian cause through their inhospitality towards the refugees within their borders, thus closing the possibility of large scale Palestinian assimilation into their own societies" (ibid., p. 355). The Palestinians who remained in the newly founded State of Israel, however, have gradually increased their engagement with

the state they found themselves in. Despite having granted Israeli citizenship to many of them, Degani further states that Israel has at no point been committed to upholding the fundamental democratic values of its Palestinian Arab minority, whom it treats as second-class citizens at best (ibid.). In the diaspora, the formation of the PLO as an umbrella organization that provided a political and organizational structure for Palestinian resistance could not fundamentally challenge Israeli settler colonialism. Yet, referring to the West Bank's status quo as 'settler colonialism' only, is inaccurate,

because the settlers who moved their residence from locations within the Green Line into the West Bank or Gaza Strip almost always did so as dedicated Israeli citizens who enjoyed and demanded the full protection of the Israeli authorities. Occasionally, the relationship between the government and the settlers was tense but on the whole, their political motivation, if they had any, mirrored those of the state: to extend Israel's borders without any intention of creating a new settler sovereign entity (ibid., p. 360).

Moreover, Palestinians in the West Bank live under external Israeli rule and are kept in a continuous status of legal discrimination and political and economic inferiority. The Six-Day War and the beginning of Israeli occupation in 1967, Degani concludes, should be regarded as a turning point because they mark "the beginning of a gradual yet pivotal decline of settler colonial historical patterns and the ascendancy of predominately colonial ones" (ibid., p. 363).

In his 2013 article titled *The other Shift: Settler Colonialism, Israel, and the Occupation*, Lorenzo Veracini also distinguishes between colonialism and settler colonialism. He claims that settler-colonial projects aim at replacing an indigenous collective with an exogenous one and adds:

while a colonial society is successful only if the principle separating coloniser and colonised is retained, a settler project is only ultimately successful when it extinguishes itself, when the settler ceases to be defined as such, becomes a 'native', and his/her position is normalised (Veracini, 2013, p. 5).

Therefore, settler colonialism succeeds when it has established local sovereignty, detached itself from foreign supervision, and has abolished previous indigenous autonomies – or as Veracini puts it: "a settler colonial project that has successfully run its course is no longer settler colonial" (ibid.). In the Palestinian case, Veracini differentiates between settler colonialism in the West Bank and its occupation by Israel. Since the beginning of the Israeli occupation in 1967, the indigenous Palestinians have been categorized into different constituencies. Today, a distinction can be made between those who became citizens of Israel, residents of East Jerusalem, those living in Gaza, and those in the West Bank on both sides of the separation barrier. While the occupation's purpose was to enable the establishment of settlements and the existence of the settlements depended on it, these settlements are now

maintaining the need for Israeli occupation in the West Bank. Simultaneously, the occupation produced a subjected Palestinian collective and prevented a settler-colonial project from succeeding, as it cannot extinguish itself. Therefore, the enforcement of segregation throughout the West Bank “conversely, ended up constituting a colonised subjectivity that mirrors the institution of colonial, not settler colonial forms” (ibid., p. 8). Hence, Veracini suggests that since 1967, the Zionist settler-colonial project had two results: one largely successful in Israel proper and one largely unsuccessful in the occupied Palestinian territories. Although manifestations of colonialism and settler colonialism mix and can sometimes not be clearly separated from each other, one prevails over the other eventually. In Gaza and the West Bank, he perceives colonialism and not settler colonialism to predominate today (ibid., p. 13). Although Israeli rule in the West Bank resembles several characteristics of settler colonialism, scholars have started questioning this classification by arguing as outlined above. Features of colonialism, such as labor exploitation, racist and paternalistic practices, arbitrary violence, and discriminatory bureaucracies, all apply to the status quo in the West Bank. Also, typical forms of resistance to colonial rule resemble those of Palestinian resistance towards these Israeli policies. They include armed resistance or revolts, such as the second intifada, the formation of political parties that reflect indigenous demands for independence, resistance through assimilation, or the existence of a moderate anti-colonial elite demanding a gradual expansion of the political participation within the colonial system.

Carving out the West Bank cities, villages, and territories into separate entities through the establishment of Area A, B, and C portrays “a conscious, premeditated effort on the Israeli government’s part to create a geography of territorial control by using the old colonial strategy of ‘divide and rule’” (Chaichain, 2014, pp. 282-283). As a result, one could argue that Palestinian claim-making does not take place within settler-colonial structures – as argued in this study – but within colonial ones instead. This also raises the question whether non-state actors’ collective action repertoires differ depending on whether they take place within a settler-colonial or colonial context. Is Palestinian claim-making in the West Bank indeed a making of claims within an entire colonialist system? And are the weakening and the dismantling of civil society and Palestinian indigenous civic sphere, which characterize Israeli rule in the West Bank, expressions of colonialism? Whether this rule has outgrown the label of ‘settler colonialism’ and whether the status quo and rule of power reflect ‘colonialism’ instead is up for further research to discuss.

8.3.2 *Acts of Subjecthood in Practice? – the BDS Movement*

The Boycott, Divestment and Sanctions movement, or in short BDS, is a Palestinian-led movement that promotes boycotts, divestment, and sanctions against Israel until the state complies with international law. It has not yet been addressed within this study sufficiently, but can be identified as form of contentious claim-making.

The movement's major three demands include:

- Ending Israeli occupation and colonization of “all Arab lands” (BDS movement, n.d.) and dismantling the separation barrier,
- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality,
- And respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties.

The BDS movement took shape during the second intifada, and its call for a boycott against Israel was officially announced in 2005 and supported by 170 Palestinian organizations. This unified endeavor challenged divisions among these entities “that had developed particularly since Oslo and pointed to a strategy of nonviolence and international solidarity inspired by the successful transition from apartheid South Africa” (Abu-Laban and Bakan, 2020, p. 158). According to the BDS website, the movement advocates for a boycott of “complicit” (BDS movement, n.d.) Israeli sporting, cultural, and academic institutions, and all companies, whether Israeli or international, engaged in violating Palestinian rights. It urges banks, churches, universities, and pension funds to withdraw any investments from Israel and “all Israeli and international companies that sustain Israeli apartheid” (ibid.). The term ‘sanctions’ refers to the movement’s pressure on governments to fulfill their legal obligations in ending Israeli apartheid, “and not aid or assist its maintenance” (ibid.). Therefore, the movement calls for the banning of all business with Israeli settlements, the suspension of Israel from international institutions, such as UN bodies and FIFA, and the ending of military trade and free-trade agreements. Major successes of the movement, which have been outlined on its website, include the closure of a SodaStream factory in the settlement of Mishor Adumim and the withdrawal of companies, such as Bombardier and Siemens, from bidding to build a railway on Palestinian land in East Jerusalem. The BDS movement is particularly directed against a so-called normalization, which is defined

as the participation in any project, initiative or activity, in Palestine or internationally, that aims (implicitly or explicitly) to bring together Palestinians (and/or Arabs) and Israelis (people or institutions) without placing as its goal resistance to and exposure of the Israeli occupation and all forms of discrimination and oppression against the Palestinian people (PACBI, 2011).

For supporters of BDS, engaging in normalization, therefore, means accepting the status quo as something normal and something one can live with. Challenging the “normalization of the abnormal” (ibid.), such as continuing military occupation, movement restrictions, dispossession, and demolitions, is the ultimate goal of the BDS movement. It has inspired hope that a transformation of this status quo, “while difficult, is certainly possible” (Abu-Laban and Bakan, 2020, p. 259).

A major turning point that increased international solidarity with Palestinians in both the West Bank and Gaza was the Gaza war taking place from December 2008 to January 2009 that, according to estimates, left almost 1,500 Palestinians dead, many of which have been civilians. In its aftermath, the BDS movement gained substantial legitimacy “among a broad coalition of progressive scholars and activists, including many sectors that had previously not engaged in Palestine solidarity” (ibid., p. 147). Yet, while support for the BDS movement has grown, it has not been without opposition. Critics claim that the movement is tied to anti-Semitism and hurting the norms of academic freedom by calling for a boycott of Israeli educational institutions.

In their book *Israel, Palestine and the Politics of Race: Exploring Identity and Power in a Global Context* Yasmeen Abu-Laban and Abigail Bakan describe the BDS movement

as an example of an alternative to what has been perceived as the false promise of the United Nations (...). In a sense, the BDS movement represents a movement symbolic of a different UN – a kind of United Nations from below based in civil society (ibid., p. 150).

They claim that instead of turning to foreign nations or military aggression, the BDS movement pursues the strategy of nonviolent civil disobedience and educating on Israel’s violations of international law. Thereby, the movement has challenged not only public perceptions on Israel/Palestine, but also the hegemonic view that sees Israel as ahistorically

and without global comparators, as an exceptional state grounded in a mythologized anti-racist narrative of rescue of Jews from the Holocaust – but it is, significantly, now faced with an effective counternarrative. After decades of ongoing resistance by the Palestinian people, a new counterhegemonic discourse is emerging and finding resonance in international solidarity campaigns in the West. [...] Of course, the BDS movement continues to face significant opposition and repression, but there is little question that it has forged a new space for public education, discussion, and solidarity (Abu-Laban and Bakan, 2020, pp. 157-158).

Consequently, Abu-Laban and Bakan claim, strategies of divestment, boycott, and sanctions are not primarily designed to advance economic consequences for the Israeli economy. Still, they intend to disrupt the hegemonic discourse of Israel being a progressive and democratic state and help to establish a more balanced debate on the reality on the ground (ibid., p. 163, 169). For the first time after more than two decades following the Oslo Accords and its

paralyzing effects on the Palestinian people, BDS has re-united them irrespective of political factions or geographic location: “It is important to note that neither Hamas nor the Palestinian Authority (PA) played any role in the founding and ongoing activity of the BDS campaign” (Efrati, 2017, p. 44). However, BDS is neither an institutionalized movement nor a formal organization, but rather a nonhierarchical global network comprised of various actors. Several scholars support Abu-Laban’s and Bakan’s remark about BDS representing a United Nations from below, based in civil society. Baumgart-Ochse, for example, claims that the BDS movement moves the issue of occupation and Palestinian rights violations from the level of international politics to the transnational level of non-state actors (Baumgart-Ochse, 2017, p. 1172). Yet, on a national political level, the BDS movement did not gain the same support as it did from civil society actors. The PA did not support the boycott of Israel as a whole, but solely the boycott of goods produced and activities taking place within the occupied territories. On the international level, many state and non-state actors shared the same differentiation between a boycott of products from illegal Israeli settlements and boycotting institutions within the official Israeli borders. However, “none of the European companies which have divested from Israeli businesses have referred to the BDS call in their public statements regarding their changed policies” (Baumgart-Ochse, 2017, p. 1178). Most of these enterprises have stressed that they only withdrew from business relations with institutions operating in the West Bank, but emphasized that they do not divest from connections with Israeli businesses in general.

While many advocates of Palestinian rights, such as the linguist and political activist Noam Chomsky, reject the boycott of Israeli institutions altogether⁸², boycotts have been and continue to be legitimate tools of nonviolent resistance. Traditionally, they have been a strategy of opposing, e.g., the British Mandate authorities in Palestine, increasing immigration by Jewish Zionists, or the founding of the State of Israel and the related boycott initiated by the Arab League. Nevertheless, BDS represents an original and different approach to Palestinian claim-making. The disempowering effects of the Oslo Accords, as described earlier, include the fragmentation and segregation of Palestinian society and an overall shrinking civil space. However, the BDS movement’s call is

characterized by a degree of unity within Palestinian civil society which had not been reached by previous attempts to galvanize international support. [...] Most importantly, the BDS call reintroduces the hitherto neglected parts of the Palestinian

⁸² In an article for the newspaper *The Nation* published in 2014, Chomsky invokes the ‘glass house principle’, stating that: “if we boycott Tel Aviv University because Israel violates human rights at home, then why not boycott Harvard because of far greater violations by the United States?” See Chomsky, N. (July 2, 2014) *On Israel-Palestine and BDS*. Available at: <https://www.thenation.com/article/archive/israel-palestine-and-bds/> (Accessed: June 20, 2021)

people to the collective struggle against Israel, namely the Palestinian refugees and the Palestinian-Arab citizens of Israel (ibid., p. 1176).

The BDS movement frames the Palestinian issue as a cause of global justice, human rights, and solidarity. It thereby converts Palestinian claims, such as the demand for self-determination, into justice claims which are understood and shared by supporters globally (ibid., p. 1184). While the consequences for the overall Israeli economy by BDS activities, however, remain null, the movement's effects mainly arise in the political sphere.⁸³ The primary reason for the BDS' ineffectiveness in reducing Israeli exports, for example, is grounded in the fact that these exports are intermediate goods while the amount of export of Israeli end consumer products is marginal at best (Efrati, 2017, p. 50).

Is the BDS movement, as this chapter's title asks, indeed an act of subjecthood in practice? Acts of subjecthood have been described as a bottom-up approach by Palestinian individuals, groups, and organizations in the West Bank and as a dimension of conflict transformation from within Palestinian society itself. By rising against erstwhile rays of hope such as the Palestinian leadership or the international community as change agents, those entities, such as the 170 organizations that launched the BDS movement, make demands on the ground without relying on high politics as a catalyst for change. Therefore, the movement's activities as acts of subjecthood are an expression of contentious claim-making within the prevailing settler-colonial context. They are those acts through which people subjected to hostile dominion and control emerge not solely as subjects of this rule but as actors acting within this status quo, aiming to break free from their status of subjecthood eventually. While criticism or the passing of anti-BDS laws⁸⁴ continue, the positive outcomes of BDS for Palestinian claim-making are undeniable. The BDS movement re-united many Palestinian non-state actors under a common goal and re-included Palestinian refugees and Palestinian citizens of Israel into the 'struggle for justice'. By framing the Palestinian issue as a cause of global justice and solidarity, the movement gained support from a variety of international civil society organizations, such as churches, labor, or student unions. Clearly, the BDS movement did open up new opportunities for Palestinian claim-making, disrupted and continues to disrupt the status quo in Israel/Palestine, and challenges normalization. Therefore, examining the actors involved in BDS and their claim-making efforts and analyzing the influence of the BDS movement on Palestinian claim-making in the West Bank in particular present exciting and promising avenues for future research.

⁸³ Figures conducted by the Israel Central Bureau of Statistics show a consistent rise of foreign investments over the past decade, "highlighting the great attractiveness of the Israeli economy" (Efrati, 2017, pp. 45-46).

⁸⁴ Similar to the Israeli *Law for Prevention of Damage to State of Israel through Boycott* or the US-American *Israel Anti-Boycott Act*, around 30 state legislatures have passed related bills as of 2020.

8.4 Concluding Remarks

The research conducted for this study on acts of subjecthood as contentious claim-making in the West Bank shows that there is not a single measure or a standalone condition that impedes Palestinian claim-making, but a complex and comprehensive structure. On the one hand, Palestinian living space is shrinking due to the destruction and demolition caused by the Israeli occupation and, on the other hand, Palestinian civic space is limited due to the restrictions on Palestinians' fundamental rights to organize and to build social movements. Therefore, one can conclude that effective claim-making and the general exertion of rights can only take place within a political, legal, and socio-economic framework that allows for their existence in the first place. Due to the Israeli legal system, smear campaigns, PA restrictions, aid dependency, societal fragmentation, the international community, and a decrease in funding, Palestinian claim-making in the West Bank is subjected to limitations on various levels. These structural constraints, which have exacerbated since the mid-1990s, have contributed to an overall shrinking space for rights-seeking activities. Thus, rights-claiming is possible only in the form of acts of subjecthood.

Although the Oslo agreements were supposed to resolve the differences between the Israeli and the Palestinian leadership, they sought to trade 1967 against 1948 by focusing solely on post-1967 realities (Agha and Khalidi, 2017). Thereby, the agreements excluded Palestinians in Israel and those in exile from the Palestinian state-building endeavor, neglected the refugee issue and Palestinians' right of return, allowed for NGO-ization and the dependency of local non-state actors on foreign funding, and traded the 'liberation' of former mandatory Palestine against partial control of the West Bank and the Gaza Strip. Yet, initiatives, youth movements, and organizations in Israel/Palestine have begun to challenge these conditions. While this study has demonstrated the disempowering effects of the Oslo Accords on non-state actors' claim-making opportunities in the West Bank, the continuous work of organizations, their adaptation to posed challenges, and their pushing back against repression and dispossession lay the groundwork for long-term social and political change.

Sources Interviews

Source: Interview 1, 2018
Interview: Christian German Sending Organization for Accompaniers of EAPPI
Interviewees: Sarah and Johanna
Date: June 15, 2018

Source: Interview 2, 2018
Interview: Right to Movement
Interviewee: Sharif
Date: July 2, 2018

Source: Interview 3, 2018
Interview: Tourist organization (N.N.)
Interviewee: Imad
Date: July 3, 2018

Source: Interview 4, 2018
Interview: Society of St. Yves
Interviewee: Haneen
Date: July 3, 2018

Source: Interview 5, 2018
Interview: Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI)
Interviewee: N.N.
Date: July 4, 2018

Source: Interview 6, 2018
Interview: Youth organization (N.N.)
Interviewee: Nidal
Date: July 5, 2018

Source: Interview 7, 2018
Interview: ADDAMEER Prisoner Support and Human Rights Association
Interviewee: Lina
Date: July 5, 2018

Source: Interview 8, 2018
Interview: Legal think tank (N.N.)
Interviewee: Amina
Date: July 9, 2018

Source: Interview 9, 2018
Interview: Consultant of a major civic organization (N.N.)
Interviewee: N.N.
Date: July 9, 2018

Source: Interview 10, 2018
Interview: Legal Clinic Al Quds University/Community Action Center Jerusalem
Interviewee: Faroq
Date: July 10, 2018

Source: Interview 11, 2018
Interview: Think tank (N.N.)
Interviewee: Hala
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Source: Interview 12, 2018
Interview: Al-Haq
Interviewee: Malik
Date: July 14, 2018

Source: Interview 13, 2018
Interview: B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories
Interviewee: Naomi
Date: July 15, 2018

Source: Interview 14, 2018
Interview: 7amleh – The Arab Center for Social Media Advancement
Interviewee: Salma
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Interviewee: Amir
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Source: Interview 16, 2018
Interview: BADIL Resource Center for Palestinian Residency and Refugee Rights
Interviewee: Jamil
Date: July 17, 2018

Source: Interview 17, 2018
Interview: PA official
Interviewee: Omar
Date: July 19, 2018

Source: Interview 18, 2018
Interview: Jerusalem think tank (N.N.)
Interviewee: N.N.
Date: July 21, 2018

Source: Interview 19, 2018
Interview: BuildPalestine
Interviewee: Yazeed
Date: July 23, 2018

Source: Interview 20, 2018
Interview: Civic Coalition for Palestinian Rights in Jerusalem
Interviewee: Aboud
Date: July 25, 2018

Source: Interview 21, 2018
Interview: Civic organization (N.N.)
Interviewee: Farida
Date: July 26, 2018

Source: Interview 1, 2019
Interview: Civic organization (N.N.)
Interviewee: Michael
Date: August 26, 2019

Source: Interview 2, 2019
Interview: Civic organization (N.N.)
Interviewee: Hannah
Date: August 31, 2019

Source: Interview 3, 2019
Interview: Civic organization (N.N.)
Interviewee: Martin
Date: September 2, 2019

Source: Interview 4, 2019
Interview: New Israel Fund (NIF)
Interviewee: Judith
Date: September 14, 2019

Source: Interview 1, 2020
Interview: Youth organization (N.N.)
Interviewee: N.N.
Date: March 26, 2020

Source: Interview 2, 2020
Interview: Jerusalem think tank (N.N.)
Interviewee: N.N.
Date: March 29, 2020

Source: Interview 3, 2020
Interview: PEACE NOW
Interviewee: N.N.
Date: March 30, 2020

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Interview: Civic organization (N.N.)
Interviewee: N.N.
Date: March 30, 2020

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Declaration of Authorship

Eidesstattliche Erklärung und Einverständniserklärung nach § 6 Abs. 2 Nr. 5, 6 und 7 der Promotionsordnung der Wirtschafts- und Sozialwissenschaftlichen Fakultät der Universität Potsdam vom 10.07.2013

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