



# Fathom Journal

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**THE WORD CRIMES CONTROVERSY (6) | A PERSONAL REFLECTION BY JOHN STRAWSON**

JOHN STRAWSON

*John Strawson was a contributor to the Word Crimes issue of Israel Studies Journal. He also taught in the Law Center at Birzeit University on the West Bank from 1996-2006. In this personal reflection on the controversy he argues that the response of some critics of the special issue has been ‘excessive and censorious.’ Instead, he issues a call for ‘greater rigor, more serious critique and deeper nuance and subtlety’ in academic work on Israel and Palestine. ‘We need to leave knee-jerk tweeting to politicians and renew collegiate exchanges. We scholars need to take stock. We must all renegotiate the relationship between political commitment and the academy.’ (Read earlier contributions to the controversy from Cary Nelson, Gershon Shafir, Cary Nelson and Paula A. Treichler, Ilan Troen, and Donna Robinson Divine.)*

I try to strike a balance between my literary and cultural stuff on the one hand and my political work on the other. Edward W. Said.[1]

Edward Said has bequeathed to us all an immensely rich body of work and some very sound advice. Discussing his book, *The Question of Palestine*[2] he said it was ‘the first time in a clear way that a Palestinian had said, “We must live together with the Israeli Jews.” I made the point of coexistence, that there was no military option, in the final pages of the book.’[3] He then explained that the Popular Front for the Liberation of Palestine published a review castigating him for ‘capitulation.’[4] The relationship between scholarship on the Palestinian-Israeli conflict and politics, then, has always been an intimate one. And while Said was able to set his work on comparative literature on one side as being different to his political commitments, in both *Orientalism* and *Culture and Imperialism*, his neat distinction was difficult to maintain, for author or reader.

The skirmishes over the special issue of *Israel Studies*, *Word Crimes: Reclaiming the language of the Israeli-Palestinian conflict*[5] are merely the

latest in a long-running contest over the relationship between scholarly work and political outlook. As a contributor to the volume I have been keenly following the debate. The critics of *Word Crimes* assert that the title of the volume criminalises the work of others; that the editors and the contributors are engaged in propaganda rather than scholarship and that the academic credentials of the volume are below the standards normally required.[6] For anyone outside of the academy, I need to say at the outset that such spats are unfortunately all too common in academic life – just read the book review sections of many academic journals and you will see what I mean. However, Middle East Studies has an additional problem intrinsic to analysis of the region's strife, while Palestine and Israel are perhaps the most sensitive fields of all.

As I understand it, the editors of *Word Crimes* set out to address an issue that long troubled them: the manner in which the language used about the conflict had become increasingly rhetorical and pejorative. Words such as 'apartheid' and 'colonialism' are frequently bandied about and 'Zionism' has become more a term of approbation than the designation of a Jewish self-determination movement. My short article on 'colonialism', which forms part of *Word Crimes*, is a case in point.[7] It sought to situate historically the shift that has taken place in some intellectual and activist circles in characterising Israel as a colonial state. The description of Israel as a 'colonial-settler state' is now in frequent usage. It is used not merely as a scholarly nomenclature but has political implications. Many draw the conclusion that if Israel is colonial-settler state, it is illegitimate, should not have been created and perhaps should therefore cease to exist. Not all follow this logic, of course, but many do.

Having read the United Nations General Assembly debates on the partition plan I was well aware that the Palestinian leadership, the Higher Arab Committee and their supporters, did not frame their objections to the creation of a Jewish state alongside an Arab state in terms of colonialism. Indeed, an objection more frequently voiced was that the Zionists were 'Bolsheviks'.[8]

In order to think about the issue of how colonialism had become such a touchstone of the current discourse, I decided to re-read the key work by Maxime Rodinson, published in English as *Israel: a Colonial Settler State*[9], as it appeared to be the first systemic scholarly work that dealt

with the issue. The original French has a more subtle title *Israel – it is colonial?* was first published in *Les Temps Moderne*, edited by Jean-Paul Sartre, in a special issue produced just after the 1967 War with contributions from Israeli and Arab scholars and politicians.[10] Rodinson's article is published in the first section of the journal before the debate sections. What interested me was the manner in which the introduction to the English edition – published by the American Trotskyist Socialist Workers Party – gave a highly ideological edge to Rodinson's highly conditional prose, and at times took issue with him for being too indulgent to Israel.

It was of course after the 1967 war that Israel's standing with the international left rapidly declined, after which Rodinson's question was increasingly answered in the affirmative. Soviet sponsored anti-Zionism became shrill, framing Zionism as both 'colonialist' and 'racist'. However, within the academy there were remarkably few studies arguing that Israel was a colonial state. The critics of *Word Crimes* claim that I did not 'engage the rich literature on settler-colonialism in the last 15 years,' however I did (amongst the 4,000 words allotted to me) discuss two works on the topic by Ilan Pappé but perhaps they are not quite rich enough?[11] What I have come across is a lot of assertions about Israel as being 'colonial' but actually very little real analysis. On the other hand, for the past two decades I have published work which characterises the Israeli occupation of Palestinian territory as colonial.[12] It is a form of classical, if late colonialism, in which an occupying power moves settlers into the territory and begins to treat the land as its own. Settlements are in my view illegal because they encapsulate the colonising process that is contrary to the provisions of the United Nations instruments and confirmed by the International Court of Justice in its opinion on the West Bank wall / separation barrier in 2004. After 1967, the Israeli governments first permitted and then encouraged Israeli settlement in the newly occupied territory. As a result, Palestinian land was appropriated and an Israeli population was constituted, living under Israeli law, protected by Israeli military and security services, not subject to a common legal system of the territory.

However, this is not a comparable situation to Jewish immigration to British Mandate Palestine in the 1920's, 1930's and 1940's. Then, many were fleeing discrimination and persecution. Most settled in urban areas and on small tracks of land bought – at high prices – which only boosted Jew-

ish owned land from 2 per cent at the end of the Ottoman period to 5.67 per cent in 1948[13]. All lived under the British colonial regime's administration, laws and military. The British regularly imposed restrictions on immigration and had particularly harsh quotas during the Second World War. My Word Crimes essay argued that it was wrong to see the Mandate period through the lens of the post-1967 occupation. I would suggest that discussing such distinctions helps clarify how we are, and how we should be, using terms such as 'colonialism' in the developing historical context of the conflict.

I began to write on the Palestinian-Israeli conflict due to my political commitment to the creation of a Palestinian state. While teaching at Birzeit University's Law Center (later Institute of Law) on a visiting basis between 1996 and 2006 I was privileged to witness the creation of a unique legal academy, built under difficult conditions, with the hope that a Palestinian state was within grasp. I taught on a course on the history of law in Palestine dealing with the British Mandate. Needless to say, it was I who learnt most.

At the time I was working on a project on the colonial construction of Islamic law much influenced by Edward Said's work. I decided to extend this to analysing the legal narratives of Palestine – from a postcolonial viewpoint. In addition to a series of articles, I eventually published my book *Partitioning Palestine: Legal Fundamentalism in the Palestinian-Israeli Conflict* in which I argues that both Israeli Jews and Palestinians are invested in a way of seeing law that makes resolving the conflict more difficult. Influenced by Said's insistence that we need to put texts in context, I was particularly interested to read the United Nations debates on partition. There were two phases, first in May 1947 creating the UN Special Committee on Palestine (UNSCOP) and the second in the fall on its recommendations. I had assumed the truth of the argument that Israel was created, at least in part, out of a sense of Western guilt for the Holocaust. However, as I read the debates, I realised that there was no sense of guilt whatsoever on the part of any state. The Soviet Union, alone, explicitly talked about the suffering of the Jews in the war. The majority report of UNSCOP indeed made clear that its recommendations were only about the future of Palestine and not a 'solution to the Jewish problem in general.' [14] The Holocaust was only obliquely referred to. Indeed. as

the United Nations debated the issue, the Royal Navy continued to try to prevent Holocaust survivors from reaching Palestine. Reading texts in context, then, is vital in understanding the Palestinian-Israeli conflict. I also came to understand how political commitment and scholarly activity had to be carefully negotiated. We need to be especially conscious that historical archives should not be viewed through a contemporary political stance – however surprising or inconvenient that might be.

It was from this background that I came to contribute to *Word Crimes*. I should say that I had no relationship with the editors before I was asked to contribute. Despite the allegations of lack of peer-review, that was not my experience. I am not a member of Scholars to Peace in the Middle East (SPME) either, which the critics have suggested most editors and contributors are (though how membership would be relevant to the debate about the special issue is unclear). I do not agree with some of the editorial comments or all of the contributions. However, I unreservedly defend their publication and like any other contributor – or any critic – I can respond in the normal manner.

The response to the special issue has been excessive and censorious. The refusal of the offer by editors of *Israel Studies* for the critics to edit a special issue to respond is significant. It is as if to engage with the arguments of *Word Crimes* would be itself problematic. It appears to be the academic version of no normalization with Israel. Indeed, one leading critic, Arie Dubnov, is reported as demanding the issue be pulped and the editors issue an apology.<sup>[15]</sup> It is as if the contents touched a sensitive nerve, disturbing a comfortable world in which Israel has been irredeemably constructed as a reactionary entrant into history.

The title of the volume is stark and provocative. Perhaps it needed to be, given the manner in which the terms ‘colonialism’ and ‘apartheid’ have become ubiquitous, in relationship to Israel. I recently saw a graduate seminar advertised at a British university on settler-colonialism, with Palestine as the example. Although not surprised, it seemed odd to me as Britain created many settler-colonies in North America, Australasia and Africa. It would be, perhaps, more appropriate to analyse settler-colonialism in situations where British practice was one of encouraging its citizens to settle in such places, rather than the way in which successive British governments prevented (non-British) Jews from entering Palestine. In the

discourse of some scholarship, though, Israel has become colonialism par excellence. This does great violence to our understanding of what is taking place between contemporary Palestinians and Israelis, but it also detracts from the history of British colonialism. The editors of *Word Crimes* are correct about the need of 'reclaiming the language of the Israeli-Palestinian conflict.'

As the Palestinian-Israeli conflict has become more intractable those who study it have inevitably been affected. Twenty-five years ago, I remember reading what became the Oslo Accords in Birzeit University. There were many reactions, from outright rejection to relief. Many of us thought that the occupation would soon end, and a Palestinian state would be created. Within a short space of time Arafat returned to Palestine from exile, the Palestinian Authority was created and Israel had withdrawn from 68 per cent of the Gaza Strip and Jericho area. Traveling to Jericho by passing from Israeli checkpoint to a Palestinian one was a novelty. In December 1995 I stood in Ramallah and watched Palestinians march in triumph as Israel left the city. The exhilaration of liberation at hand was palpable. History then taught us a brutal lesson and we went backwards. The opinions of Israeli Jews, Palestinian Israelis and Palestinians have all hardened as each community became more suspicious of the other. Oslo, which set out to create confidence, nourished the opposite. This dispiriting experience, which included the assassination of Rabin, the rise of Hamas, the Second intifada, the massive expansion of Israel settlements, the Wall/fence, the Nation State Law, and the Gaza wars has affected us all. To some degree, as a result there has been an increasingly hard ideological edge in scholarly contributions.

*Word Crimes* did not suggest that the terms under discussion cannot be used but rather pondered the manner in which they were being used. In particular there has been a tendency amongst some streams of thought to use terms such as 'colonialism', 'apartheid' and 'ethnic cleansing' to delegitimise Israel. The practice suggests that Israel and Israeli Jews are an illegitimate party to the conflict. It nourishes the view that only the Palestinians have legitimate rights. In my view this discourse undermines any attempt at resolving the conflict – which requires both parties to accept the legitimacy of the other. The retreat into essentialism is not only unhelpful but paralyses a necessary discussion.

Scholars of the conflict have a special obligation to work in such way that we can help clarify the issues that confront the parties. Never before have we needed civility in academic debate more. We need greater rigor, more serious critique and deeper nuance and subtlety. We need to leave knee-jerk tweeting to politicians and renew collegiate exchanges. We scholars need to take stock. We must all renegotiate the relationship between political commitment and the academy. Word Crimes can become a line in the sand – if we want it to be.

[1] Gauri Viswanathan (ed.) *Power, Politics and Culture: Interviews with Edward W Said*, New York: Vantage Books, 2002, 173-174.

[2] Originally published in 1979.

[3] Viswanathan, 172-173.

[4] *Ibid* 174.

[5] *Israel Studies*, Vol. 24, No 2 (2019) edited by Donna Robinson Divine, Miriam F. Elman and Asaf Romirowsky.

[6] See Yair Wallach's letter of protest: <https://medium.com/the-israel-studies-conversation/concerns-regarding-the-word-crimes-israel-studies-special-issue-29ee2b1eb85> (accessed July 10 2019).

[7] John Strawson, 'Colonialism', *Israel Studies* Vol. 24 No. 2 (2019), 33-44.

[8] See: John Strawson, *Partitioning Palestine: Legal Fundamentalism in the Palestinian-Israeli Conflict*, London and New York: Pluto Press, 2010.

[9] Maxime Rodinson, *Israel: A Colonial Settler State?* New York: Pathfinder Press, 1973.

[10] Maxime Rodinson, 'Israël: Fait Colonial?', *Les Temps Modernes*, Les conflit Israélo-arabe, 253 bis (Juliet 1967), 17-88.

[11] See: Ilan Pappé, *Ethnic Cleansing of Palestine*, Oxford: OneWorld, 2006; and Ilan Pappé, 'Zionism and Colonialism: A Comparative View of Diluted Colonialism in Asia and Africa', *South Atlantic Review Quarterly*, Vol 107, No. 4, 2008, 611-633.

[12] For example: John Strawson 'Reflections on Edward Said and the Legal Narratives of Palestine: Israeli Settlements and Palestinian Self-Deter-



mination', Penn State International Law Review, Vol. 20, No 2. 2002, 363-384.

[13] See Sami Hadawi, Bitter Harvest: Palestine 1914-1979, Delmar NY: The Caravan Books, 1979, 45.

[14] UNSCOP (1947) Recommendation XII.

[15] See: <https://www.meforum.org/campus-watch/58391/word-crimes-left-wing-israel-studies-faculty-try> (accessed July 10 2019).jhjhj

