CHAPTER FOUR

LAND, LAW, AND FAMILY PROTECTION IN THE WEST BANK

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In early May 2002, Israeli forces withdrew from Bethlehem, ending a brutal five week military siege of the city. For the first time in more than a month, people could leave their houses, walk around, and stock up on food from the shops without fear of being shot by Israeli soldiers. Ameer, a Christian businessman living in the city, was relieved like everyone else. His relief would turn to shock as he learned that, without his knowledge, a man had made legal claims to a large piece of land that belonged to him, and that this claim had already been supported in court. Ameer’s land was now the property of another man.

Since its establishment in 1994, the Palestinian Authority has struggled to build a functioning judicial system and provide adequate legal protections for Palestinians under its rule. One of the problems emerging from this has been a notable increase in land disputes throughout the West Bank. Theft of private property and manipulation of land documents have raised widespread concerns in the West Bank, in particular among Christian landowners in Bethlehem, who have been the main targets of these crimes. For a Christian minority whose presence has been gradually shrinking, this is an issue that has fuelled worries about their future within a Palestinian community. Based on ten months of fieldwork in the West Bank, this chapter will be centred around three main points: First, the issue of land disputes is part of a wider picture, where a weak and dysfunctional legal system under the Palestinian Authority (PA) and the absence of the rule of law have left Palestinians dependent on family and community networks for security and protection. Second, due to their social and demographic characteristics, this leaves Christian Palestinians in a protection gap and a position of structural vulnerability that is further intensified by continued emigration out of Palestine. Finally, in spite of these difficulties, prominent Christians are reluctant to utilize international contacts and to seek external intervention in defence of their own rights and interests. This reflects both an enduring commitment to an ethos of national unity, and a clear priority on the use of ‘voice’ (Hirschman 1970) among Christian Palestinians.
The issue of land disputes in particular, and law enforcement in general, will be explored in relation to emigration, Christian—Muslim relations in Bethlehem, and the role of the family as a source of social order and protection in the West Bank.

*Christians in Bethlehem*

Christian Palestinians include some of the oldest Christian communities in the world, and their presence in Palestine dates back to early Christianity (Pacini 1998). As a resourceful minority, they have been instrumental in the shaping of Palestinian national identity, and have enjoyed a political and cultural influence within Palestinian society that far exceeds their numbers (Aburish 1993; Ayyad 1999). They have a strong presence within the leftwing factions of the PLO and within the Palestinian Authority. By presidential decree, six seats in the Palestinian Legislative Council are reserved for Christians, as is the office of Mayor in ten towns, including Ramallah, Bethlehem and Jericho (Lende 2003; Sabella 2003). Within the Palestinian Authority, they have held at least one cabinet position in each government. In addition, local Christians have a strong presence in health and educational institutions, as well as within the local civil society. However, due to more than a hundred years of large-scale emigration, their number has dwindled, and they now have a total population of approximately 49,000 in the West Bank, Gaza and Jerusalem altogether. Some 22,000 live in Bethlehem and the neighbouring towns of Beit Jala and Beit Sahour (Soudah 2006).

Under Ottoman rule, Christians were formally confined to a second class citizens status, and were subject to a number of legal restrictions within the framework of the millet-system (Gonzalez 1992; O’Mahony 2003). Nonetheless, the Christians of Bethlehem established themselves as a resourceful, enterprising elite, thanks to valuable international contacts, trading privileges obtained through the system of Capitulations (Musallam 1992; Arab Educational Institute 1999), control of the local pilgrimage industry, and privileged access to Christian mission schools funded by Western Churches (Sabella 2003: 86). Due to these and other factors, the Christian community in Bethlehem flourished, and prominent Christian families would dominate local commerce and tourism as well as cultural.

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1 Here I refer to the areas covered by the British Mandate of Palestine, roughly comprising today’s Israel, Gaza and the West Bank.