5. CITIZENSHIP AND THE STATE: A COMPARATIVE STUDY OF CITIZENSHIP LEGISLATION IN ISRAEL, JORDAN, PALESTINE, SYRIA AND LEBANON

Uri Davis

Reviewed by Dan Rabinowitz*

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Uri Davis embarks upon an interesting and daunting project: tracing the origins and current status of citizenship in four Middle Eastern states and in the Palestinian proto-state. The result is a well-researched and well-written book; a major contribution to better understanding not only of the Palestinian predicament, but also of statehood and nationalism in the Middle East at large.

The author’s preoccupation with the issue of citizenship, while evidently of pertinence to him analytically, cannot be divorced from his life-long political and intellectual entanglement with the Israeli-Palestinian conflict, and from his involvement in the Palestine struggle for identity, sovereignty, and rights.

Born and raised in Palestine (later Israel) to a family of Anglo-Jewish origin, Davis, a staunch idealist, became involved in protests and political action on behalf of the Palestinian citizens of Israel at the age of 21. His hunger strikes, solo and group demonstrations, his subsequent imprisonment in 1965, and the uproar it caused within mainstream Israel became landmarks of Israeli dissidence and a turning point in the awareness of Israeli citizens – Jews as well as Palestinians – of the utmost importance and efficacy in quests for dignity and rights. His self-imposed exile in the United States and Britain, his enrollment in the PLO, appointment as director of academic research institutes and information centers in Great Britain by the PLO, his much publicized attendance as an observer at meetings of the Palestinian National Council, and his personal friendship with Abu Jihad and with Yasser Arafat, have all etched his unconventional personality as a unique figure in the history of the region.

Davis’s involvement with the Palestinian situation is evidently the main force behind the genesis of this book. While citizenship remains a complex, problematic, and often controversial and contradictory idiom in some Middle Eastern states, nowhere does it carry more fateful personal consequences than in the case of Palestinians. But even if the analysis of concepts of citizenship, naturalization, national and state affiliation in Middle Eastern states are presented in the book merely as a backdrop to the discussion of the peculiar status of Palestinian individuals and nationalism, the book is still a worthy project and one that is long overdue.

Davis operates on two levels: the analytical, and the practical. The first part lays down the tools for an analysis of citizenship and national affiliation. The second part presents five case studies analyzed using the apparatus earlier presented.
In each of the five entities discussed, concepts of citizenship and democracy are subsumed in internal conflicts and external relations, creating deep, troubled, and inter-related complexes of issue. This is particularly so in future Palestine, where the model of the state is still being negotiated.

Davis’s key distinction is between the two Arabic idioms: jinsiya and muwatana. Jinsiya is very much like the English term nationality in its capacity as a formal and personal attribute, as in the question, “What nationality do you hold?” It is nationality as a personal prerogative, manifested primarily in the right to hold a passport, the denial of which amounts to a fundamental breach of human rights and dignity. Muwatana, on the other hand, is tantamount to the English term nationalism — the sentiment, the consciousness, the bundles of rights supposedly promised to those entitled to belong. The Palestinians in Jordan and in Israel, says Davis by way of an example, have jinsiya and no muwatana.

Davis goes on to define state, society, the nation (which he sees as based on kinship, tribal homeland, and confessional affiliation), and national self-determination, which he models after the fourteen principles of Woodrow Wilson. These operational definitions lead to Davis’s vision of the nation: a phenomenon grounded in sentiment and manifested in the state, the main function of which is to protect the rights and privileges of its citizens. Davis is fully aware that the latter remains a utopian vision. In the five Middle Eastern entities that are included in the study, he admits that the state and the ideology of nation which it fosters are together no more than a thinly veiled instrument used to rationalize the hegemonic power of one subgroup over others: the Zionists in Israel, the Maronites in Lebanon, the Ba’ath in Syria, the Hashemites in Jordan, the Fatah in Palestine.

The main part of the book is a finely detailed, well-researched record of citizenship in Israel, Jordan, Lebanon, Syria, and Palestine. It is a rich treasure of administrative and legal history, presented in systematic and flowing style, displaying an impressive proficiency in politics, administration, and jurisprudence.

The more or less unified history of all five territories in terms of colonialism and post-colonialism enables Davis to employ a unified structure. He begins with the Ottoman roots of the concept of citizenship and its legal codification, highlighting the Ottoman citizenship law of 1869 and its subsequent buttressing in the constitution of 1876 as the formative beginning. British variations on the theme of citizenship come next, followed by exposure of the ways the current states manipulate the concepts through laws and by-laws of citizenship, naturalization, and procedures of negating, limiting, and denying citizenship to certain individuals.

Turning to Israel, Davis first observes that in 1948, the Founding Council turned itself into a legislative body (the Knesset), relinquishing in the process its duty to formulate a constitution that would determine the long-term rules of government. As the supreme legislative body, the Knesset, quickly passed two major laws in 1950: the Property of Absentees Law [Hok Nikhsey Nifkadim] and The Law of Return [Hok Heshevut]. These twin laws, Davis argues, created a situation that stood in stark contradiction to the principles of citizenship accepted by the United Nations in its partition plan of 1947.

Davis’s argument is that displaced Palestinian citizens who were not present in their homes during the census of 1949 had infinitely less rights of access to resources in Israel, including land and citizenship, than had Jewish citizens of foreign states, despite the fact that the UN partition plan specified that citizenship would be granted to all individuals residing in the Jewish and Arab territories as soon as the two were declared states. Davis indicates that the formal status of the Palestinian citizens of Israel was settled only as late as 1980, with the passing of the 4th Amendment to the Citizenship Law [Hok HaEzrahut].

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