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The Land Question in Israel

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a pretext or at best a catalyst for protest against the general pattern of discrimination and political repression of Palestinians by the Zionist state. This general context of alienation should not be ignored, but coverage of Land Day played down the specific grievances of Palestinian Arabs within Israel and the occupied territories over the systematic theft of their land. This self-serving myopia did not exclude occasional perceptions of reality, though, as when Knesset Member Dov Zakin (Mapam) remarked in a radio interview that "the file of 1948 has been reopened in [the Israeli Arabs'] consciousness."

Sabri Jiryis, an Israeli Arab lawyer from Haifa, has compiled a detailed study of the situation of Arabs who suddenly found themselves a minority in the newly formed state of Israel. The Arabs in Israel was originally published in Hebrew in 1966 and a second English edition has been revised, expanded and updated for American publication by Monthly Review

Press in June 1976. The following article is composed of chapters 4 and 5 of the new book, dealing with the expropriation of land by the Israeli state and Zionist institutions. It provides an invaluable, dispassionate record from which we can evaluate correctly the central importance of the land question in the upsurge of militant Palestinian political activity in Israel, in the occupied territories, and the sharp debate within the Palestinian resistance movement over such questions as the West Bank state "solution."

Sources: *Foreign Broadcast Information Service*, March 8, 30, April 5, 1976; *New York Times*, March 31, April 1, 1976; *Washington Post*, March 1, 1976; *Israleft*, April 1, 1976; *Jewish Telegraphic Agency Daily Report*, March 26, April 9, 1976; *Jerusalem Post Weekly*, March 9, 1976.

# The Land Question In Israel

by Sabri Jiryis

## Part I: "Redeeming" The Land

From the beginning, the twin objectives of the Zionist movement have been the acquisition of land in Palestine and the attraction of Jews from all over the world to settle that land. Even before the official founding of the World Zionist Organization, in the last half of the 19th century, the Zionist dream had been to own land in *Eretz Israel*. The important difference between land acquired in Palestine by Jews independently and that bought through the Zionist movement is that the first was for private use while the second became public property. The idea of publicly owned land was at the heart of a proposal made at the first Zionist congress at Basel in 1896, to found a company for the specific purpose of purchasing land. The land bought by this company, later called *Ha-Keren Ha-Keymeth Leisrael* (Eternal Fund for Israel) and also known as the Jewish National Fund, would be for the settlement of Jews in Palestine; it would become Jewish property permanently, never to be sold or disposed of, except to be leased.<sup>1</sup>

... In 1905 the Zionists made their first land purchase in Palestine. Two years later, the Keren Keymeth was formally registered as a company in Great Britain. First in the list of the company's objectives was the acquisition of land or rights to land in the region including "Palestine, Syria or any other parts of Turkey in Asia and the Peninsula of Sinai or any part thereof, for the purpose of settling Jews on those lands."<sup>2</sup> ...

It eventually became the largest company of its kind and enjoyed the support of a wide range of Zionist factions.

Two basic principles governed the company's activities: "conquest of the land" and "conquest of labor." First, land was to be acquired by every means possible; company officials were to have no compunction about using persuasion, bribery or deception as long as the end was achieved.<sup>3</sup> A sampling of company bulletins and progress reports or the statements of its executives will impress the reader with their "indignation"

at the very presence of Arabs in Palestine, owning the land and living off it, and with the sense that the company's highest aim was to uproot and wipe out all trace of these people to make room for Zionist settlers. Only rarely do company officials speak of buying or acquiring a plot of land; instead, they use expressions like "liberating," "emancipating" and "redeeming" land. The slogan "redemption of the land," which the company coined, seems to have served as a war cry for Zionist colonists in Palestine.

After "conquest of the land," Keren Keymeth concentrated on "conquest of labor." Belief in the importance of controlling labor was not peculiar to the company, and "conquest of labor" became the motto of most Zionist activists in Palestine. The two notions are complementary: the "conquest of labor" kept the use of redeemed land exclusively in Jewish hands. The so-called Hebrew labor regulation was the prime tool; it began by preventing Arab laborers from working on land owned by Keren Keymeth and ended with attempts at forbidding them to work for Jewish employers generally. ... One must keep in mind the spirit underlying these principles in order to understand Israel's subsequent measures for expropriating Arab land, since it has adherents to these ideas who eventually held the power to realize them. The Zionist movement's land ownership policy involved it in a long and bitter struggle with the Palestinian Arabs, starting sometime before the British Mandate and lasting throughout the period of British rule. Its efforts to acquire land were continuous and exhaustive. ... But for all their activity, and allowing for the conditions under which they worked, one can hardly describe the Zionists as successful in land acquisition. A former head of Keren Keymeth estimates all the land owned by Jews in 1947 at 1,734,000 dunums, of which his company owned 933,000.<sup>4</sup> After nearly three quarters of a century of both individual and organized efforts, the Jews had acquired only 6.6 percent of the total land area of Palestine.<sup>5</sup>

Once Israel became independent, the situation changed radically. . . . The outcome of the 1948 War and the ceasefire agreements between Israel and the Arab countries left Israel in control of some 20.5 million dunums of Palestinian land, much of it originally owned by Palestinians who had either been driven from their towns and villages or left because of the war. The occupation and "absorption" of these lands took place gradually. In March 1948, the Haganah set up a Committee for Arab Property in the Villages, for the appropriation of all Arab possessions falling into the hands of the Israeli forces. In April, after the occupation of Haifa, a custodian for Arab property in the north was appointed, and when Jaffa fell on May 14, 1948, a second custodian, for Jaffa, followed.<sup>6</sup> Then a department for Arab property was created to supervise all Arab property in Israeli hands. Finally, in July 1948, a general custodian of absentee property was appointed.<sup>7</sup> All these measures were looked upon as temporary (which did not, of course, prevent the takeover of the land) until 1950 when the Israeli position opposing the return of Palestinian refugees to their homes finally became clear.<sup>8</sup>

To "absorb" the refugees' land and put it at the disposal of Zionist settlers in Palestine, a development authority was created by special decree of the Knesset. The Development Authority (Transfer of Property) Law, 5710-1950, stipulated that the authority could release property in its control only to the state, to agencies resettling Arab refugees who had stayed inside Israel, or to local governments, on condition that it be offered for sale first to Keren Keymeth.<sup>9</sup> While these formal arrangements were being made, ownership of the land was transferred from one Israeli organization to another and given to Jewish agricultural settlements or individual farmers to use. Arab buildings in the cities were turned over to the Amidar Company, for housing Jewish immigrants.<sup>10</sup> On September 29, 1953, the custodian of absentee property signed over his "rights" to all the land he was responsible for, in return for a "price" to be paid by the development authority.<sup>11</sup> This sum was then returned to the authority in the form of a loan. Three months earlier, on June 26, 1953, the government and the development authority had agreed to the "sale" of 2,373, 667 dunums of "state lands" and development authority lands to Keren Keymeth.<sup>12</sup> . . .

These complicated transactions arouse one's interest. It appears that Keren Keymeth's sense of propriety would not let it accept Arab land until it could be handed over, free of any restrictions and absolutely "legal," by some Israeli agency.<sup>13</sup> "State land" was all the land seized by Israel which did not, or was considered not to, belong to anyone, totaling 15,025,000 dunums. This, together with Keren Keymeth's 3,570,000 dunums, was later declared "national land."<sup>14</sup> Forming more than 90 percent of the total area of Israel, national land has been placed under the direct control of Zionist foundations promoting Jewish settlement in Palestine. . . .

A United Nations commission estimates that more than four million dunums of Israel's "redeemed" national land (not including the Negev) was originally the property of Palestinian refugees.<sup>15</sup> Other estimates differ, which is to be expected, given the lack of detailed information on the size and nature of such properties.<sup>16</sup> . . . Some idea of the extent of the disaster suffered by the Palestinian Arabs can be gleaned from the fact that of about 807 towns and villages in Palestine in 1945, only 433 were still standing in 1969.<sup>17</sup> Of these, 328 are in the West Bank and the Gaza strip and 105 more inside the borders of Israel.<sup>18</sup> In other words, 374 Arab towns and

villages, or 45 percent of all Arab settlements in Palestine, disappeared after the creation of Israel.<sup>19</sup> They were demolished and their land given to Jewish settlers to farm. Villages in the plains were ploughed over to become agricultural land. On hilly ground which could not be farmed, the sites of villages were covered with trees and soon looked no different from any other forest. By the mid-1960s the Israeli government was carrying out the last of its projects for "cleaning up the natural landscape of Israel" by removing the remaining traces of ruined Arab villages.<sup>20</sup>

By the beginning of the 1960s there was little land left in Israel to be redeemed. Doubts over the need for maintaining Keren Keymeth were expressed and the company's activities were eventually restricted to land reclamation. Before this, as a conclusion to its operations, Keren Keymeth pressed the government to pass a series of laws giving formal recognition to the company's principles of land redemption.<sup>21</sup> On July 19, 1960, the Knesset passed the Basic Law: Israel Lands which, by definition, superseded other laws.<sup>22</sup> . . . Thus ended one phase of the Zionist program for redeeming the land.

## EXPULSION AND CONFISCATION

This land redemption doctrine had far-reaching effects on the lives of the Arabs. The Israeli government did not confine itself to taking the land of the Palestinian refugees but extended its operations to dispossess the Arabs who had remained in the country. . . . The usual method was for the army, immediately after occupying an area, to seize the residents' land. After independence, kibbutzim and agricultural colonies near Arab villages would take over their neighbors' land, very often with the encouragement and approval of the government, simply by building barbed wire fences around it and annexing it. Indeed the eagerness of both individuals and settlements to seize Arab property reached such extremes that the government had to draw up the Law of Abandoned Territories, 5708-1948, to deal with this phenomenon. As the minister of agriculture put it, this law was "to regulate the legal status of the abandoned area, in the absence of a central government and a legal system which would normally guide action regarding Arab property in the cities and in the dozens of villages that have been all but abandoned. I take the liberty of saying that there are signs of chaos here which are damaging and affect the welfare of the state as a whole and not only the welfare of its Arab inhabitants."<sup>23</sup>

The expulsion of the Arab population and the confiscation of its land continued despite adverse public opinion both in Israel and abroad. More than 1 million dunums of land belonging to Arabs who had remained in Israel was seized after 1948.

One of the first incidents of the expulsion of Arabs from their villages was the evacuation of Ikrit in western Galilee and the transportation of its inhabitants to the village of Rama, on November 5, 1948. Three months after that, on February 4, 1949, the inhabitants of Kfar Anan were evicted from their homes; half were sent to the Triangle where they were forced to cross the armistice lines into the West Bank. Three years later, when the villagers who remained in the country submitted a request to the Supreme Court to be allowed to return to Kfar Anan, all its houses were destroyed by the Israeli Army.

On February 28, seven hundred refugees were expelled from Kfar Yasif, to which they had fled from nearby villages during the fighting in Galilee. Most were loaded onto trucks, driven to the Jordanian border and forced to cross.

## THE THEFT OF PALESTINE

*Abandoned property was one of the greatest contributions toward making Israel a viable state. The extent of its area and the fact that most of the regions along the border consisted of absentee property made it strategically significant. Of the 370 new Jewish settlements established between 1948 and the beginning of 1953, 350 were on absentee property. In 1954, more than one third of Israel's Jewish population lived on absentee property and nearly a third of the new immigrants (250,000 people) settled in urban areas abandoned by Arabs. They left whole cities like Jaffa, Acre, Lydda, Ramleh, Baysan, Majdal; 338 towns and villages and large parts of 94 other cities and towns, containing nearly a quarter of all the buildings in Israel. Ten thousand shops, businesses and stores were left in Jewish hands. At the end of the Mandate, citrus holdings in the area of Israel totaled about 240,000 dunums of which half were Arab owned. Most of the Arab groves were taken over by the Israel Custodian of Absentee Property. But only 340,000 dunums were cultivated by the end of 1953. By 1956 73,000 dunums were either cultivated or fit for cultivation. In 1951-52, former Arab groves produced one-and-a-quarter million boxes of fruit, of which 400,000 were exported. Arab fruit sent abroad provided nearly 10 per cent of the country's foreign exchange earnings from exports in 1951. In 1949 the olive produce from abandoned Arab groves was Israel's third largest export, ranking after citrus and diamonds. The relative economic importance of Arab property was largest from 1948 until 1953, during the period of greatest immigration and need. After that, as the immigrants became more productive, national dependence upon abandoned Arab property declined relatively.*

*Source: Israel and the Palestine Arabs, Don Peretz.*



The forced removals continued. On June 5, 1949, the army and police surrounded three Arab villages in Galilee — Khasas, Qatiya, and Yanuh — and expelled the inhabitants to the Safad area. In January 1950 an army unit arrived in the village of Ghabisiya and told the inhabitants they had to leave within two days or be expelled across the frontier. Seeing no alternative, they left their homes and moved to Sheikh Danun, an abandoned village. On July 7, after a search in the village of Abu Ghosh near Jerusalem, some one hundred residents were rounded up and taken to an “unknown destination.”

On August 17, the inhabitants of Mijdal in the south (now called Ashkelon) received an expulsion order and were transported to the border of the Gaza strip over a three-week period. At the beginning of February 1951, the inhabitants of thirteen small Arab villages in Wadi Ara in the Triangle were sent over the border. And on November 17, 1951, a military detachment surrounded the village of Khirbet Buweishat (near Umm al Fahm in the Triangle), expelled the inhabitants, and dynamited their homes.<sup>24</sup>

In addition to these collective expulsions, the Israeli government carried out “selective” expulsions in most of the Arab villages in Galilee between 1948 and 1951. Several dozen men would be chosen and forced to leave — notably heads of families, the eldest sons of large families, and the breadwinners — no doubt in the hope they would soon be followed by their dependents.<sup>25</sup>

Wholesale expulsions continued well into the early years of the Israeli state. In September 1953, the villagers of Umm al Faraj (near Nahariya) were driven out and their village destroyed. In October 1953, seven families were expelled from Rihaniya in Galilee, despite a Supreme Court ruling that the expulsion was illegal. On October 30, 1956, the Baqqara tribe was forced to cross from the northern part of Israel into Syria.

As late as 1959 — eleven years after the establishment of the state — Bedouin tribes were expelled to Jordan and Egypt;

the action was reversed only after United Nations intervention.<sup>26</sup>

Many other villages were either partly or completely demolished and many of their inhabitants now live as refugees in various parts of Israel.<sup>27</sup> But the incidents described are a fair sample of the “redemption of the land” operations undertaken by the Israeli authorities during the first years after the creation of the state.

## THE ABSENTEE'S PROPERTY LAW

**While this project was in full swing**, the Israeli government was passing a masterly series of laws chiefly aimed at justifying these acts and giving the authorities extensive powers to continue expropriating land that still remained in Arab hands.

The first of these laws was the Absentee's Property Law, 5710–1950.<sup>28</sup> This law first appeared in the form of regulations relating to refugee property that were promulgated by the minister of finance on December 12, 1948.<sup>29</sup> These regulations were renewed periodically until the Knesset replaced them with the new law on March 14, 1950. The purpose of the law was to define the legal status of the property of Palestinian refugees living outside Israel, by transferring it to a “custodian” of absentee property on the assumption that he would protect the rights of absentee owners until their cases were settled.

At first sight, this law seems a normal way of dealing with one of the problems resulting from the 1948 war, with no bearing on Arabs living inside Israel. But anyone defined as an absentee had all his property put in the care of the custodian, and the law's definition of absentee includes the following:

A person who, at any time during the period between...November 29, 1947, and the day on which a declaration is published... that the state of emergency declared by the Provisional State Council...on May 19, 1948, has ceased to exist[and the state of emergency is still officially in effect to this day] was a legal owner of any property situated in the area of Israel or enjoyed

or held it, whether by himself or through another, and who, at any time during the said period—

(i) was a national or citizen of Lebanon, Egypt, Syria, Saudi Arabia, Transjordan, Iraq, or the Yemen, or

(ii) was in one of these countries or in any part of Palestine outside the area of Israel, or

(iii) was a Palestinian citizen and left his ordinary place of residence in Palestine (a) for a place outside Palestine before... 1 September 1948 or (b) for a place in Palestine held at the time by forces which sought to prevent the establishment of the state of Israel or which fought against it after its establishment....

The significance of the definition becomes clear when one looks at the dates set as limits. During that period, which began on the day of the United Nations decision on the partition of Palestine, all the Arab towns and villages occupied by Israel or later annexed by her, through the terms of the cease-fire agreements, were far from being under Israeli control. The residents were, of course, in the habit of leaving their villages and towns for neighboring Arab countries on business and other trips. Furthermore, when Israel occupied these areas the Arabs often moved from their villages to the neighboring towns or large villages, with the intention of returning to their homes as soon as the situation returned to normal. There were also Arabs who were forced to move by the Israeli Army.

Although the Arabs were hoping to return home once conditions had settled, the Israeli authorities decided otherwise. A very few were allowed to return but the majority were forced to remain far from their homes and areas they had lived in, and their property was seized by the government. Thus, in the event that a property owner had left for a neighboring country sometime after the 1947 Partition Plan was announced — even though he may have returned home before Israel occupied the area — or had changed his place of residence through force of circumstances during that period, or had been forcibly expelled from his home town by the Israeli Army, or had left his house for a few days during the fighting, the absentee's property law and the regulations preceding it were enforced for the expropriation of additional land. Indeed,

Every Arab in Palestine who had left his town or village after November 29, 1947, was liable to be classified as an absentee under the regulations. All Arabs who held property in the New City of Acre, regardless of the fact that they may never have travelled farther than the few meters to the Old City, were classified as absentees. The thirty thousand Arabs who fled from one place to another within Israel, but who never left the country, were also liable to have their property declared absentee. Any individual who may have gone to Beirut or Bethlehem for a one day visit, during the latter days of the Mandate, was automatically an absentee.<sup>30</sup>

.....

The absentee's property law is the cruelest of the land expropriation measures, making possible the seizure of tens of thousands of dunums of land, not to mention other forms of property.<sup>31</sup> Once a person is declared an "absentee," not only his land but every other possession is handed over to the custodian.<sup>32</sup> Thus property valued at millions of pounds has been confiscated from Arabs who are regarded as citizens of the country, voting in local and Knesset elections. This is how the absentee's property law came to be dubbed the "law of the present absentee." Indeed the definition of "absentee" applied permanently, so that even after the expropriation of his land any future acquisitions made as a result of the absentee's own labor were also considered the custodian's property. The Israeli authorities later modified the law, however, limiting its application to past possessions.<sup>33</sup>

The enforcement of this law has been merciless. Paragraph 30 empowers the custodian to issue written certificates, as to who is an absentee and what is absentee property; that, once he has signed them, these certificates have the effect of a law. Thus if "the custodian has certified in writing that a body of persons is an absentee," or that "some property is absentee property," then that "person or persons shall be regarded as absentees" and "that property, absentee property, so long as the contrary has not been proved." It has become frequent practice to issue such certificates based on no more evidence than the testimony of a mukhtar or a collaborator. Furthermore, to ensure that these decisions remain in force and to protect them against attacks in the courts, an article in the law stipulates that "the custodian may not be questioned about the sources of information which led him to issue" such certificates. Another article (17) further states that "Any transaction — and by 'transaction' is meant sale, transfer or any other form of disposal — made in good faith between the custodian and another person, in respect of property which the custodian considered at the time of the transaction to be vested property shall not be invalidated and shall remain in force even if it proved that the property was not at the time vested property." . . .

.....

The absentee property law was severely criticized and opposed by various groups, both Arab and Jewish. ... Even the Arab Knesset members attached to Mapai voted against it. The most fundamental objection was that it gave the custodian extensive powers without sufficient or effective supervision, since he was controlled only by the Knesset finance committee whose sessions are not public. Criticism became especially intense when it was discovered that the custodian was renting much of the land to kibbutzim, companies, and individuals with connections in the government, giving them unfair access to rich profits.<sup>34</sup> Tawfiq Tubi, of the Communist Party, expressed the feelings of the general Arab population when he said:

The law is a symbol; it is an expression of the discrimination practised against the Arabs of this country. ...By virtue of the provisions of this law, thousands of the Arab inhabitants of Israel are regarded as "absentees" although they are citizens of the country. They are deprived of their rights to the use of their property. The custodian, with the help of the law of course, is stripping them of their rights as citizens. This law does not allow them to enjoy their rights to their land and their homes and they are quite unjustifiably regarded as "absentees." ...The real assignment of the honorable custodian is to steal more and more.<sup>35</sup>

.....

## THE DEFENSE (EMERGENCY) REGULATIONS

The second in the series of land expropriation laws is the perennial law on which the military government was based, the Defense (Emergency) Regulations, 1945, or, to be more precise, Article 125. This was the notorious closed areas article, which enabled the military governor to restrict access to those with written permits. The authorities have exploited Article 125 to prevent many Arabs from returning to the villages from which they were expelled during the fighting in 1948. The method was very simple. Villagers were prevented from returning to their villages and offered compensation for relinquishing their property. In most cases, however, they determinedly refused such offers and continued their attempts to return

home. To prevent this, and to prepare for taking the necessary steps against them should they persist, the military governor would declare the area closed. After this it would invariably become impossible to obtain permits to enter the village for "security reasons." The approval of the army chief of staff or the minister of defense was needed; the military governor himself was not "allowed" to issue such permits.

There are many "closed" villages in the areas formerly ruled by military government, especially in Galilee. The village of Ghabisiya is just one example. At the beginning of February 1950, the inhabitants of the village were ordered to leave by the military governor of Galilee, and their village was declared a closed area. A year after their expulsion, faced with the persistent refusal of the authorities to allow them to return, the Ghabisiya villagers submitted a complaint asking that the military governor's orders be repealed and they be allowed to return to the village. The Supreme Court judged that the declaration of an area as "closed" was a "legal act" and could not be considered effective "unless the declaration had been published in the *Official Gazette*." In view of the fact that there had been no official announcement for Ghabisiya, the villagers should be returned to their homes.<sup>36</sup> This provided a dangerous loophole in the system of expropriation laws, however, and the response of the authorities and the military government was prompt. The villagers were prevented from returning and a few days after the court's decision, Lieutenant-General Na'aman Stavi, military governor of Galilee, published the order declaring Ghabisiya "closed."<sup>37</sup> The villagers made a second appeal to the Supreme Court but were not so fortunate again.<sup>38</sup> . . .

. . . Other villages suffered similar fates, and their populations for the most part still live in Israel. In anticipation of future troubles, the order declaring Ghabisiya a close area also applied in eleven other Arab villages in Galilee: Amqa, Fradiya, Kfar Anan, Saffuriya, Mijdal, Kfar Berem, Mansura, Kuweikat, Barwa, Damun, and Ruweis.

The third land expropriation law, which was also a law on which military rule was based, was originally promulgated by the minister of defense as the Emergency (Security Zones) Regulations, 5709-1949.<sup>39</sup> It was extended periodically by the Knesset until the end of December 1972.<sup>40</sup> Since then there have been no requests for further extensions.

This law enabled the minister of defense, with the approval of the Foreign Affairs and Security Committee, to designate the "protected area" (a strip of land stretching ten kilometers north and twenty-five kilometers south of Latitude 31, for the length of the Israeli border)<sup>41</sup> or any part of it a "security zone." Exploiting his powers to the full, the minister of defense declared almost half of Galilee, all of the Triangle, an area near the Gaza strip, and another along the Jerusalem-Jaffa railway line near Batir as security zones.<sup>42</sup>

Once an area was declared a security zone, no one could live in it permanently, enter or be in it without a special permit from the authorities appointed by the minister of defense. The provisions of the security zones regulations resulted in conditions similar to those in the closed areas, but their real object was to give the minister of defense and Israeli authorities further powers. For example, one of the articles of the security zones regulations says that "the competent authorities may by order require a permanent resident to leave the security zone." Anyone receiving such orders "shall leave the security zone within fourteen days from the day on which the order

"It should be clear that there is no room for both peoples to live in this country. . . . If the Arabs leave, it is a large and open country, if they stay, it is small and poor. Up to this point, Zionists have been content to "buy land," but this is no way to establish a country for the Jews. A nation is created in one move . . . and in that case, there is no alternative to moving the Arabs to the neighboring countries, moving them all, except, perhaps, those living in Bethlehem, Nazareth, and the Old City of Jerusalem. Not one village, not one tribe must remain. They must be moved to Iraq, Syria, or even Transjordan."

—Joseph Weitz, *Diaries and Letters to the Children* (Tel Aviv, 1965), p. 181.



Confrontation in Nazareth on Arab Land Day

to leave is served on him" or be forcibly driven out by the army or the police. He can appeal the order before a special appeals committee provided he does so "within four days from the day on which the order was served on him... the decision of the committee shall be final."<sup>43</sup> . . . As for the appeal committees, their main purpose was to disguise the arbitrary actions of the authorities; they have never annulled an order. It later became obvious that these articles were formulated to allow the authorities to expropriate land on or near the border and sell it to the Keren Keymeth, in fulfillment of an agreement made with the legal advisor to the Israeli government at a meeting near the end of 1948.<sup>44</sup>

The cited articles were enforced for the first time against the inhabitants of the village of Ikrit in western Galilee, near the Lebanese border. The Israeli army had occupied Ikrit and neighboring villages on October 31, 1948. There had been no opposition or struggle on the part of the population. Six days later, on November 5, the villagers were ordered to leave their homes "for two weeks" until "military operations in the area were concluded." They were advised to take only what they

needed for that period. The army provided locks for the houses and the villagers were handed the keys.<sup>45</sup> Within three days the villagers were evacuated to Rama in central Galilee, on the main Acre-Safad road.

Much more than two weeks passed before the villagers were allowed to return. All appeals to the authorities were rejected. After more than two years of negotiations with no results, the villagers realized there was no intent to return them to their homes and they appealed to the Supreme Court. On July 31, 1951, the court announced that "There is no legal impediment to the plaintiffs' returning to their village."<sup>46</sup> The villagers then asked the military governor to implement the decision; he referred them to the minister of defense who referred them back to the governor. This went on for about a month, at the end of which the villagers received formal orders to leave their village, in accordance with the security zone regulations. They appealed at once to the appeals committee, which — after a session lasting until after midnight — ratified the expulsion order. The villagers then appealed again to the Supreme Court which agreed to consider the case on February 6, 1952.<sup>47</sup> Six weeks before the appointed date, on Christmas Day, the Israeli army blew up all the houses in the village, all of whose inhabitants were Christian Arabs.<sup>48</sup> After this the government announced the expropriation of the village's land, which totalled 15,650 dunums.<sup>49</sup>

.....  
The fourth link in the chain of expropriation laws is known as the Emergency Regulations (Cultivation of Waste Lands) Ordinance, 5709-1949. These had originally been drafted by the provisional Israeli government in mid-October 1948.<sup>50</sup> The official claim was that these articles were necessary as a result of the war because of the "lands being abandoned by their owners and cultivators and left untilled, plantations being neglected and water resources remaining unexploited." In calling for an extension of these regulations, the minister of agriculture said that "the interest of the state demands that... agricultural production be maintained and expanded as much as possible."<sup>51</sup> He went on:

Jewish farm organizations and all their branches are cooperating with us on this project, they are consulted at every step and will be in the future... So far we have been able to cultivate and sow more than half a million dunums of tilled land. The problem we shall soon be facing, especially after the liberation of the Negev and the transfer to the state of huge areas of land left by its former owners, will be making use of an additional million dunums.<sup>52</sup>

Thus the minister of agriculture was enabled to "assume control of the land in order to ensure its cultivation" in cases where "he is not satisfied that the owner has begun, or is about to begin or will continue to cultivate the land." (Article 4).

In practice, these regulations contributed to further expropriation. By them the authorities had the power to legitimize the forceful seizure of Arab land by the kibbutzim and Jewish settlements, through the minister of agriculture's ability, according to Article 24, to approve all or any incidents of land seizure resulting in the cultivation of fallow land, even where land was taken without permission and before the articles were drawn up.

Another way in which these articles helped land expropriation was in coordination with the military government's power to declare any area closed or a security zone. The minister of defense, or the military governor, would declare an area closed or a security zone, whereupon entry without written

permit became a serious security offense. At the same time, for "security reasons," permits could not be issued to the owners of the land to get to it and farm it. The land soon became "uncultivated," and was immediately declared "uncultivated land" by the minister of agriculture. At this point, "in order to ensure that it is cultivated," he could have such land farmed either by "laborers in his own employ" or by "handing it over to someone else to farm." Invariably, the "other party" was a neighboring Jewish settlement. Shafa Amr provides just one example of expropriation by this method: about twenty-five thousand dunums of land was taken over, some of it owned by Jews who had neglected to farm it.<sup>53</sup>

According to the original version of the articles, the minister of agriculture could not keep such land for more than two years and eleven months; but the period was later extended for as long as the state of emergency exists.<sup>54</sup> And thus most of the land became state property.

In addition to these, there was a fifth law permitting the confiscation of Arab land and property, especially urban property. This was the Law for the Requisitioning of Property in Times of Emergency, 5710-1949.<sup>55</sup> It originally stemmed from the need for housing new Jewish immigrants and for vacant buildings for use as government offices.

Article 3 of the law enables the government to appoint a "competent authority" with the power to "order the seizure of property or the use of property as housing" whenever it deems such orders necessary for "the protection of the country, public security, safeguarding essential supplies and services, or for settling immigrants, veterans or disabled soldiers."

In its original form the law states that "requisitioned property ... cannot be retained for more than three years." But before its expiration the period was extended to six years.<sup>56</sup> Before the six years were up, another modification of the law extended the period to August 1, 1958.<sup>57</sup> Any land the government considers necessary for national security reasons and retains beyond that date is treated as expropriated property.

## TRANSFER OF OWNERSHIP

**These five land expropriation laws** form a self-sufficient entity representing the first phase in the confiscation of Arab land in Israel by the Israeli government. The wording of the laws mentions the "transfer," "use," and "seizure" of property but never its "ownership." Indeed, much of the expropriated land officially still belonged to its original owners, regardless of the fact that they were prevented from using it. One final step was necessary, namely, the official transfer of ownership to the state of Israel and its various official bodies. To accomplish this, the Land Acquisition (Validation of Acts and Compensation) Law, 5713-1953, was passed.<sup>58</sup>

... Briefly, it empowers the minister of finance to transfer expropriated land to the possession of the state of Israel through the development authority. Obviously, in making this law, the government wanted to settle the question of land seizure and remove any legal complications arising from it. In proposing the bill to the Knesset, the minister of finance stated quite openly that its purpose was:

to legalize certain actions taken during the war and after it.  
... When the government began to take over absentee property for security reasons or for necessary development projects, other expanses of land were seized for the same purpose, essentially in agricultural areas where the rights of ownership were not sufficiently clearly defined. There are reasons connected with national security and necessary projects that make it impossible to return these lands to their owners.<sup>59</sup>

The true aim of this speech was to approve the seizure of Arab land by the kibbutzim during the war and after.<sup>60</sup> The law in fact gave the authorities the power to legalize any seizure of property. Article 2 stipulates that by certifying that a certain property was not in the possession of its owners of April 1, 1952, and between May 14, 1948, and that date "it was used or assigned for purposes of essential development, [Jewish] settlement or security" and "if it is still needed for any of these purposes," the minister of finance could turn the property over to the development authority. Regardless of the truth of the certificate's contents, as long as it was signed by the minister it was sufficient to transfer ownership. . . . The law also provided for the payment of compensation to former property owners, within defined limits. It soon became clear, however, that this compensation merely served as a cover for the seizure of Arab property at the lowest possible prices.

Opposition to the land acquisition law was strong, both inside and outside the Knesset, and its expression more extreme than in 1950 when the absentee's property law was passed. Many Jews in the Knesset objected to the extensive powers it granted the authorities while compensation to the victims was minimal.<sup>61</sup> Others likened it to the laws resulting in the confiscation of Jewish property in Spain during the Middle Ages and to the Nazi laws. . . .

In the entire history of land expropriation laws only one was successfully opposed. In 1960 the Israeli government proposed a bill for concentrating all agricultural land, whose aim was as follows:

The state, the development authority and Keren Keymeth Leisrael are the legal owners of hundreds of thousands of dunums in Galilee, the Triangle, and Wadi Ara. There are more than 250,000 dunums divided into small plots which are swallowed up among the plots owned by Arabs. In this form it is impossible to make use of the land for settlement or development. We need government intervention to concentrate this land and the proposed bill would enable the state and the development authority to merge the plots they own into larger areas which could then be settled or developed or improved according to the needs of the nation.<sup>62</sup>

In its new form, the land could, of course, be used for establishing additional Jewish settlements.

In order to concentrate this land, the government proposed to the Knesset that the minister of agriculture be given the power to declare a given area "a land concentration area" with the authority to exchange plots of land under the pretext of grouping state-owned land into one area and land owned by others into another. If the state does not own sufficient land, the minister of agriculture would be authorized to offer compensation for privately owned land, with the approval of a committee appointed by the minister.

There is no doubt that, had the Knesset approved this bill, it would have opened the door to further expropriation of Arab land and the payment of compensation with the excuse that the state did not have "enough land" to exchange for it. With a wealth of experience in having their land confiscated, the Arabs understood the implications of this law and rallied against it. One action was the vote by thirteen local Arab councils condemning the bill. Three protest meetings were held by the Organization of Arab Farmers (a small organization under the influence of Mapam and the Popular Front), the most important of which was a conference in Acre on Feb-

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When an [Arab] peasant asked an official at the Israel Lands Administration "How do you deny my right to this land, it is my property, I inherited it from my parents and grandparents, I have the kushan tabo [deed of ownership]," the official replied "Ours is a more impressive kushan tabo, we have the kushan for the land from Dan [in the north of Israel] to Elat [in the south]."

In another instance, a peasant asked an official, "What are you offering me? Is my land worth only two hundred pounds per dunum?" The official replied, "This is not your land, it is ours, and we are paying you 'watchman's' wages, for that is all you are. You have 'watched' our land for two thousand years and now we are paying your fee. But the land has always been ours!"

—Abu Issam (Lawyer Hannah Nakkarah) in *Al Ittihad*, July 15, 1966.



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ruary 5, 1961, attended by representatives from forty-three Arab villages. Strikes and demonstrations were also announced in villages such as Ailbun, Tayba, Kfar Yasif, and Rama.

This wave of protest and intense opposition on the part of the Arab population led to the omission of the bill from the Knesset's agenda. It was one of the rare occasions on which the Arab population, through organized popular action, was able to defeat a government proposal against it.

But despite the failure of the land concentration bill, by the late 1950s the Israeli government had taken the basic steps for seizing the largest possible area of Arab land. The next phase was the final absorption of this land after settling the few remaining problems attached to it.



## Part II: "Liberating" The Land

The second phase of the government's measures affecting Arab land inside Israel coincided with the general change in Israel's policy toward its Arab subjects, which began in the middle of 1959. Opposition to government action with respect to Arab land had heightened, especially when it became obvious that the policy was having an extremely negative effect on relations with the Arabs in Israel. Indeed at times it seemed to be more detrimental than the security policy and the military government. Among the Arabs there was almost unanimous opposition to the security and land measures, especially during the decade 1948-58 when talk of "military rule" and "land expropriation" was on every tongue. Realizing that in order to win the friendship of the Arabs, eliminate the causes of their discontent, and maintain peace compromise on the land problem was necessary, the government tied in its change in land policy with the easing of security and military restrictions. But while the measures announced for the military government promised a turn for the better, the new land policy, though moderately worded, was in practice much more severe. It was no more than the completion of the first phase, its aim being the establishment of the land expropriation measures as final, so that the seizure of Arab land became permanent.

The real objectives of the policy were patently clear in Ben-Gurion's announcement in 1959 of a modification in the government's attitude toward the Arabs. After mentioning the changes in security measures, he went on to other measures that the government viewed as essential to its security policy. Briefly, the government had decided to stop what it termed "the illegal seizure of public and absentee land. At the same time, the use of uncultivated land and the reclamation of rocky ground would be encouraged in order to create a reserve of land for the development of Galilee by additional [Jewish] agricultural settlements into which new immigrants would be absorbed. The new settlements in Galilee would be important from the point of view of security also." In furtherance of this the government intended to take steps which would remove sources of danger. These steps were:

(a) the speedy settlement of [Arab] refugees and absentees inside Israel, in their present places of residence or other suitable locations to be determined in consultation with the security departments; (b) the speedy establishment of Jewish settlements in Galilee which would in future lead to a reduction of the area under enforced military surveillance; (c) the preparation of the ground for the establishment of security settlements along the axis of the Wadi Ara road in the Triangle, this being the communications lifeline between northern and central Israel; (d) the passage of a law for the settlement of the Bedouins and their transfer to permanent homes in the Negev; (e) the speedy solution of the problem of compensation to be paid to the present absentees for their land, which would aid in their early resettlement; (f) the encouragement by the state of Arab migration to the cities of mixed population, to live there permanently with the help of the government. <sup>1</sup>

To summarize all these twists and turns, the expropriated Arab land was to be absorbed for the establishment of more Jewish settlements. Jewish settlement would be generally encouraged and increased, especially in regions like Galilee, which are predominantly Arab. At the same time a long-term policy of encouraging Arabs to leave their villages and the principal centers of Arab population for the large cities would be employed. This was a change from the past, but it would mean the dispersal and absorption of closely knit social groups. With the breakup of Arab rural society, there would be

less need for strict security measures. The Israeli government has been making concentrated efforts to realize these objectives since the beginning of the 1960s.

### JUDAIZATION OF THE GALILEE

The most significant of the new measures was step (b): the plan to increase the Jewish presence in Galilee. At first this was called the "Project for the Judaization of the Galilee," but it was soon renamed "Project for the Development of the Galilee," the hint of racism in the first title being "incompatible" with Israeli taste. But despite the change in name, the Israeli government did not deny the plan's purpose, even if strengthening the Jewish presence occurred at the expense of the Arab population. This was not simply a question of gaining additional settlements, always regarded as an important achievement. A genuine Jewish presence would be essential to counter any future demands for the return of the Galilee, or part of it, to the Arabs. The areas that had been designated as part of the Palestinian state in the United Nations Partition Plan of 1947 were felt to be especially vulnerable.

Israeli intentions in the Galilee were no secret but openly discussed and published on the front pages of the newspapers. The publicity seems to have been organized with the support of the Israeli security departments to win over all those not convinced of the usefulness of the project. Those who favored the plan had many reasons, including the fact that "throughout the region between Nazareth and the Lebanese border, the [Jewish] settlers form a minority of the population ... making it a potentially dangerous stretch of land ... between Israel's Arabs and the enemy. This has led to social and security problems also, with the Jewish minority feeling cut off in the midst of a hostile Arab majority. And these Jews feel more threatened than the Arabs among a general Jewish majority."<sup>2</sup> Another reason offered was that "the claim has been repeatedly made that Galilee was not intended as part of Israel according to the Partition Plan, and this continues to feed the hope that a plebiscite will be held in the area, which is after all Arab and not Jewish." Thus "the problem of Galilee is a Jewish problem ... it is an Arab empire within our borders ... and those who believe with the government that military rule alone will liberate [Galilee] are simply mistaken."<sup>3</sup>

Shimon Peres, deputy minister of defense, summed up the situation by saying: "The areas in Israel that are still unsettled, or only settled in a certain manner, are and will continue to be a subject for special attention beyond Israel's settlement policy. The Arab countries which covet areas inhabited by Jews will be all the more greedy for the completely uninhabited regions and parts where there are no Jews."<sup>4</sup>

The idea of Judaization seems to have been the brainchild of Joseph Nahmani, one of the originators of "redemption of the land" and the head of Keren Keymeth from 1935 until his death in 1965. He had been disturbed that Arabs had remained after the establishment of Israel, especially in "his area" — Galilee. He had been unable to redeem any significant area of land in Galilee before the creation of Israel and so decided to carry out his plans with the help of the government.

In January 1953, Nahmani sent a memorandum to the minister of defense, Ben-Gurion, which began:

Though Western Galilee has now been occupied, it still has not been freed of its Arab population, as happened in other parts of the country. There are still fifty-one villages and the city of Nazareth whose inhabitants have not left—in all, there are 84,002 Arabs, not counting Acre, controlling 929,549 dunums of land ... most of them farmers, who make up 45 percent of the Arab minority in the country. They are living in a self-contained area stretching right up to the borders of Arab Lebanon. The Arab minority centered here presents a continual threat to the security of the nation. ... Its presence adds to the burdens of the government and will create problems when the permanent borders are finally defined. The very existence of a unified Arab group in this part of the country is an invitation to the Arab states to press their claims to the area. ... When the time comes, it will play the part played by the Germans in Czechoslovakia at the beginning of World War II. ... At the very least, it can become the nucleus of Arab nationalism, influenced by the nationalist movements in the neighboring countries, and undermining the stability of our state.

For these reasons, Nahmani considered it “essential to break up this concentration of Arabs through Jewish settlements. . . . As for the Jewish settlements to be created in the Arab areas and on the borders of Lebanon, it may be more prudent not to send immigrants newly arrived from Arab countries to live in them.” These would, in time, find much in common with the Arabs. It would be better to send specially trained members of the youth movement.

Nahmani points to another possible threat to the success of his plan, namely the presence of large numbers of Arab refugees in the area and of Arabs no longer owning property who were pressuring the government to give them land. In his view, “the government will not be able to withstand such pressures . . . and will have to satisfy any justified demands.” In the public interest, Nahmani stresses the importance of creating fait accomplis which will make it impossible for the government, for all its good intentions, to give up any of the uncultivated land for the Arabs to live on. The safest way to accomplish this would be to hand over all abandoned or government-owned land [in the area] to the Keren Keymeth. The Arabs will not be able to ask for land from the Keren Keymeth knowing, as they do, that it is a Jewish nationalist company whose lands are reserved for Jewish settlement alone, nor will they be able to demand from the government land that it does not own.<sup>5</sup>

Nahmani had to wait a long time for a reply; almost three years passed before Ben-Gurion responded. Meanwhile he addressed himself to other quarters. In December 1955 he wrote a letter to the president of the state of Israel, Yitzhak Ben Zvi, who was an old friend from pre-World War I days. After describing the unsatisfactory situation in Galilee he complained that Ben-Gurion “did not even consider it necessary to acknowledge receipt of his memorandum” and asked Ben Zvi to intervene on his behalf especially as Ben-Gurion “was not particularly sympathetic to Keren Keymeth.” This letter had no more success than the memorandum, Nahmani turned to Joseph Weitz, one of the leading officials of Keren Keymeth, sending him letter after letter through 1956 in an attempt to persuade him to adopt his plan.<sup>6</sup>

In contrast to Nahmani and Ben Zvi, who seemed ineffectual, Joseph Weitz had worked toward the redemption of the land and the establishment of Jewish settlements for more than forty-four years. During this period of service he had gained influence and high office and was respected “for his



May Day confrontation in Nazareth, 1958

ability to eat up two ministers at one sitting,” as a colleague put it, if they dared interfere in his province. As soon as he was convinced of the logic of Nahmani’s plan, he began his own campaign. In his memoirs, Weitz describes a meeting with Ben-Gurion, at the end of August 1958, during which he proposed the settlement of Galilee. Two weeks later he made the same proposal to Levi Eshkol, minister of finance. By the end of 1958 he had met with various influential people, from the minister of agriculture to the leaders of Mapai, to convince them of the project’s worth.<sup>7</sup> Two years later he became the first head of the Israeli Lands Administration, which was to encourage Jewish settlement. At the end of October 1962, Weitz addressed a memorandum to Ben-Gurion, pointing out the threat presented by the Arab majority in Galilee and suggesting the reinforcement of Jewish settlement there. At first, Ben-Gurion expressed approval of this suggestion, though he later disassociated himself from it, in the form described by Weitz.<sup>8</sup> Not the least discouraged by Ben-Gurion’s attitude, Weitz seized the first opportunity after Ben-Gurion’s resignation to explain his project to Levi Eshkol, the new prime minister, in August 1963. Less than six weeks later he was informed by Eshkol that the government had unanimously approved the project.<sup>9</sup>

The Israeli government had, in fact, already taken some steps toward Judaizing the Galilee area.

On the eve of the Sinai war in 1956, Arab nationalist feelings ran high, so much so that the government was forced to take prompt and decisive action. As the Arab center in the north, Nazareth was a headquarters for the roused nationalists and for this reason was chosen by the government to suffer the first “blow.” After lengthy and careful research, the decision was made to “graft” a Jewish town onto Arab Nazareth, its main, indeed its only, purpose being to “break up” [quotation marks in the original] the concentration of Arabs in the city and the surrounding area, and eventually to create a Jewish majority in the population.<sup>10</sup>

As a first step, the announcement was made that some twelve hundred dunums of city land northeast of Nazareth had been expropriated. This was the entire land area remaining for any future expansion of the city. The land was confiscated on the pretext that it was needed for building government offices, in accordance with the 1943 Land (Acquisition for Public Purposes) Ordinance.<sup>11</sup>

Once the land was taken, however, it was used for the construction of housing for new Jewish immigrants and for a chocolate factory and spinning and weaving industries nearby to provide work.<sup>12</sup> The Arab workers in Nazareth meanwhile had to commute daily to Haifa and other distant Jewish towns to look for work. Soon the authorities gave the new town the name of Upper Nazareth, and it eventually became the capital of Israel's northern district. Regional offices were moved to Upper Nazareth, including those that had been in Arab Nazareth, to add to the importance of the Jewish town and to increase its population. The original plan seems to have been to increase the population of Upper Nazareth until it outnumbered Arab Nazareth, at which point the two towns would be unified and a Jewish mayor appointed, as in Jerusalem. Indeed Mordecai Allon, chairman of the local council in Upper Nazareth, more than once declared his willingness to fill the position.<sup>13</sup> Eventually the idea of a Jewish mayor was abandoned, the government preferring an Arab like Seifeddin Zu'bi who would go to any lengths to cooperate. An Arab mayor would also be an asset from the point of view of Zionist propaganda abroad.

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After the creation of Upper Nazareth, work was begun on Maalot—another Jewish town in western Galilee, in the vicinity of Tarshiha—and a number of small Jewish settlements were established in various parts of Galilee and the Triangle. Then toward the end of 1961 the authorities announced the expropriation of some 5100 dunums of land belonging to the villages of Deir al Asad, Bi'na, and Nahf (in the center of Galilee on the main Acre-Safad road) for the purpose of building the town of Carmiel. Preparation for this expropriation had begun five years earlier, when the land—which contained the finest stone quarries in Israel—was declared a closed area.

The expropriation of this land was opposed with an intensity rarely encountered before, except in the case of Ikrit and Kfar Berem. The protest was quite effective in the long run, since after Carmiel there were no more expropriations on such a scale. The villagers first pleaded with the government to reconsider its decision to seize their finest agricultural land and in its stead offered a stretch of land in the same area, which would be suitable for the construction of a town. The government persisted in taking the land, assuring the villagers that it would compensate the owners with rich land in the same region. The falsity of this promise was uncovered when the Knesset finance committee studied the case. . . . After lodging their complaint with the Knesset, the villagers called a protest meeting for late March 1962, but the military governor of Galilee declared the three villages a closed area for the day; no one could reach the villages and the meeting was cancelled.<sup>14</sup> The same tactic was used to foil a second protest meeting planned for mid-January 1964.<sup>15</sup>

The story of Carmiel did not end there. When the first stage of construction was finished and Jewish settlers began to move in, some of the Arabs in the neighboring villages asked for permission to move into the town too, but they were refused. When the minister of housing, Joseph Almogi, was questioned in the Knesset, he refused to say whether Arabs were forbidden to live in Carmiel, and despite pressing demands for an explanation, limited himself to the comment that "Carmiel was not built in order to solve the problems of the people in the surrounding area."<sup>16</sup> . . .

.....

Despite all these efforts, the Judaization of Galilee has not been successful to any significant degree. In 1970, after more than ten years' work, the Arabs in the northern sector (the districts of Acre, Nazareth, Tiberias, and Safad) still constituted almost half the population—four times the usual proportion of Arabs to Jews in Israel. In the district of Acre, at the beginning of 1970, there were more Arabs—112,767—than Jews—67,479.<sup>17</sup> . . .

## PRESCRIPTION LAW OF 1958

While the Zionist settlement foundations were occupied with the Judaization project, officials at the ministry of justice, the Israel Lands Administration, and the surveys department of the ministry of labor were engaged in a related effort to prevent the Arabs from "seizing" public land or absentee property.

The notion of preventing Arabs from seizing land belonging to the state fits in with the Zionist concept of land redemption. The problem originally arose when the expropriation of rich Arab land in the plains left only hilly, rocky ground for the Arab peasants to work and improve in order to ensure some means of livelihood at a time when the land at their disposal had greatly diminished and their numbers were increasing year by year. Toward the end of the 1950s large-scale land expropriations had for the most part been accomplished and the government was searching for new categories of land to redeem. It realized that most of the land the Arabs had been developing for subsistence farming lay in areas that had not been surveyed, where the rights to the land had not been permanently defined. During the British Mandate only about one quarter, or 5 million dunums, of Israel's 20 million dunums of land had been surveyed.<sup>18</sup> According to the Ottoman land laws and the laws of the British Mandate, which were still in effect in Israel, in the event of a land survey, the Arab farmers had the right to ask that the land they were farming be registered in their names. In other words, the Arab farmers could "seize" land that should have been considered "state property" in the first place. To avert this danger, the government rushed through the Prescription Law, 5718—1958.<sup>19</sup>

In order to understand clearly the provisions of the Prescription Law and the way they were enforced, it is necessary to look briefly at some of the articles of the 1858 Ottoman Land Law and the Mandate Land (Settlement of Title) Ordinance of 1928. These two laws stipulate that when a survey of property rights is made, anyone who can establish that he or she has used and cultivated a piece of land for ten consecutive years (the "prescription period") can ask that the land be registered in his or her name on the records of the land registration department, thereby becoming its legal owner. The surveys consisted of detailed records of every plot of land with clear descriptions of its area and boundaries. Any plot that had been farmed for ten years or more was registered in the name of the farmer; otherwise it was considered public land. The British found it convenient to apply this law in solving land-ownership problems, but the Israeli government felt it necessary to improve on it. By increasing the prescribed period to more than ten years under the new Prescription Law, it seriously affected the rights of the Arab farmers.

In the original draft of the law, the prescribed period had been fifty years, which meant that an Arab claiming ownership had to establish that he and the previous owners of a

piece of land had cultivated it for fifty consecutive years. When this draft was published, the Arabs saw it as tantamount to a takeover of all the land that remained to them, since it is difficult to find proof of all the transactions involving a piece of land for half a century and to determine its state before World War I. No consideration was to be given to the great efforts expended by Arab farmers to develop and improve it in the intervening years. . . .

Following a flood of complaints from the Arab population and, apparently, because of the difficulty of proving control for fifty consecutive years, the prescriptive period was extended only from ten to fifteen years. But an additional provision was written into the law whereby: "in the case of a person who came into possession of any land after. . . March 1, 1943, the five years beginning on the day of the coming into force of this law [April 6, 1958] shall not be taken into account in calculating that period." Thus, for those who started to cultivate a piece of land after March 1, 1943, the period is in fact twenty years, or twice what it had been under Ottoman and British law.

It was difficult at first to understand why this provision was introduced, but two subsequent events disclosed the real motives behind it. The first was the announcement before March 1, 1963—before twenty years had passed since March 1, 1943—that all land not yet surveyed was subject to survey.<sup>20</sup> This prevented the fulfilment of the twenty years' requirement. The decision to survey the land in a certain area is a simple matter which does not normally merit a special announcement in the *Official Gazette* by the head of the land registration department. The formality of the announcement, however, has a magic legal effect, in that it brings the passage of time to a halt and protects the "rights" of the state of Israel to the land involved. To put it more simply, the Israeli courts could as a result of this step determine the ownership of any land inside Israel on the basis of its circumstances in 1943, regardless of the improvements made by those farming it after that date.

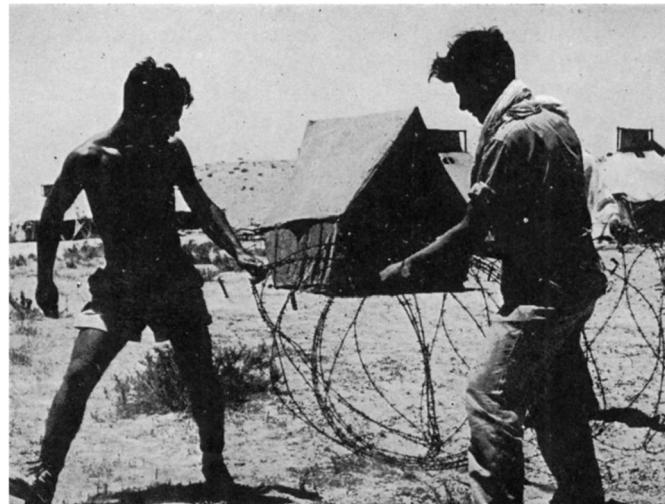
The second event occurred during the hearing of a case brought by an Arab from Galilee who claimed ownership to a certain piece of land. At one point the government representative produced an aerial photograph of the area in question with the number forty-five written on it, explaining that the Israeli government possessed such photographs taken by the British Air Force in 1944 and early 1945 of the whole of Palestine. In the aerial photograph the land in question did not appear to be cultivated and would therefore be turned over to the state of Israel. The survey official accepted the photograph as concrete proof and made his decision accordingly. The decision was upheld by the Supreme Court on the grounds that: "the document before us seems to have been taken in 1945 and since no convincing proof to the contrary has been brought before us or the survey official, we accept it as it has been represented to us, as having been taken on the date that appears on it. . . ." <sup>21</sup>

Not only did the prescription law, interpreted in this way, undermine the rights of the Arabs to their land, but various other legal and administrative measures combined to deprive them of even more. The determination of ownership in accordance with the laws of the Mandate, later adopted by Israel, was a complicated process. After a preliminary survey and the preparation of detailed maps, all those claiming ownership to a plot of land have to submit to the survey official a

written claim, with relevant documents, explaining how they came to own it. In the event of conflicting claims, the case is referred to the courts for a decision. From the beginning, the Israeli authorities relied on the series of aerial photographs in making their decisions. Land that appeared cultivated or covered with trees in the photographs was recognized as the property of the Arab claimant, whereas any land that looked fallow or neglected on the day the photographs were taken, regardless of the fact that its owners may have turned it into first-class farmland in the intervening years, was not admitted as property of the claimant. (Before the Prescription Law was passed and made to apply retroactively, it had been legal to claim land cultivated after 1945.) . . .

Many of the properties claimed by the Arabs contained stretches of rocky ground unsuitable for cultivation. The Israeli authorities would divide such properties, singling out the uncultivated land, in such a way as to enable the government to expropriate the greatest area possible. This was done by combining into single plots land that was mostly rocky and partly cultivated and then confiscating any plot that contained rocky land. In no instance did the Israeli government forgo any land it could claim, however barren or small. In some cases one thousandth or one ten-thousandth of an estate would be claimed even when it amounted to no more than a few square meters.

Eventually this insistence on owning every possible area was revealed as part of the government's plan to merge its fragmented properties into one through a series of exchanges. For example, the government would give up its state land near a village in return for twice or three times as much land some distance away from the village. This would then be given to a Jewish settlement for cultivation or it would be used for the establishment of a new settlement. The authorities did not hesitate to employ all kinds of pressure and legal tricks. On many occasions when there was some doubt about the real owner of a piece of land, the government would produce several claims from various quarters. The state would claim the land on the grounds that it was not cultivated; the development authority would insist that it had a right to the land since it had been expropriated for the authority's use; the custodian of absentee property would claim the property as originally belonging to an absent Palestinian refugee; and sometimes the Keren Key-meth would join in, acknowledging that the land had been the property of a refugee but claiming that it had been bought



Nahal settlers in the Negev: "The erection of a barbed-wire fence is one of the first jobs."

from him or "his representatives." The government did not, of course, care which of these four agencies finally came into possession of the land as long as it did not stay in the hands of the Arab farmer, while the Arab claimant would frequently prefer to give up the land rather than enter into long litigation incurring expenses greater than its worth.<sup>22</sup>

The Israeli authorities exploited the survey to its utmost, presenting thousands of claims and entering into hundreds of court cases, despite the strong resistance offered by the Arab peasants. In the decade or so following passage of the Prescription Law, by March 31, 1971, almost 10 million more dunums, half the land area of Israel, had been surveyed. The 5 million dunums not yet surveyed lie mostly in the Negev—far enough away from Arab farmers to be safe from "seizure." In the north, where most of the Arab population lives, only eight hundred thousand dunums remain to be surveyed (4 percent of the total area of Israel) and work on them is proceeding with all possible speed.<sup>23</sup> The survey provided an opportunity for looting every conceivable plot of land remaining in Arab hands. The government was acting on the assumption that all the land in Israel is essentially public land and that it is up to anyone claiming ownership to a particular plot to prove his claim. Tens of thousands of dunums were transformed from private Arab property to the property of the state of Israel. Between 1960 and 1965 some eight thousand cases relating to the land survey were brought before the courts by various departments of the government.<sup>24</sup>

The Israeli authorities themselves implicitly acknowledged the injustice of the land survey operation. In 1959, about one year after the passage of the Prescription Law, the Knesset passed a special law providing that any person whose land had been turned into state property as a result of the Prescription Law and whose land had been his "principal source of livelihood ... and of his relatives, and who has no other land sufficient for their livelihood" could ask to rent an equivalent piece of land for a period of no less than forty-nine years.<sup>25</sup> The generosity of the authorities in this particular did not change the essence of the situation. The land remained the property of the state and it was no great loss to relinquish the right to use it if further problems with the Arab farmers were thus avoided. The day would come when the land would cease to be "the source of livelihood" of the farmer and his family; it would then be state property. For their part, the Arab farmers rarely asked that their land be rented out to them, but continued to cultivate it as if nothing had happened, until they had to give it up to the Jewish settlers.

In conclusion, some of the contradictory measures taken by the Israeli authorities when the results of the survey did not favor them should be pointed out. During the Mandate much of the rural public land belonging to the village—especially the woods and land used for pasture or woodcutting or for future construction—was registered in the name of the High Commissioner on behalf of the villagers, since most villages had no local council to represent them. The Israeli authorities found it hard to see so much land, which would have been government property had the survey been conducted after the establishment of Israel, being used by Arab villages. A solution was found by declaring such land protected state forestland, which cannot be used or disposed of by anyone. By 1965 some thirty thousand dunums of land belonging to Sachnin, Tur'an, Kfar, Sam'i, Jatt, and Suaed Bedouins was declared state forestland. In 1969, 11,534 more dunums belonging to four Arab villages was added.<sup>26</sup>

## WAQF PROPERTY

Among the land seized by Israel from the Arabs was some that was part of the Islamic *waqf*—property whose revenue goes to charitable purposes. There was some doubt on the part of the authorities as to how to deal with this property. Although it was placed in the keeping of the custodian for absentee property toward the end of 1948, he was not allowed to dispose of it. Meanwhile Ben-Gurion proclaimed that the government was studying "how to settle these matters according to the Islamic laws of the *waqf*, and current ... circumstances in Israel."<sup>27</sup> But the current circumstances eventually took precedence over the laws of the *waqf*. When it became clear that the Palestinian refugees were not returning, the Israeli government formalized its position on the *waqf* in the provisions of the absentee's property law, which declared *waqf* property absentee property.

.....  
Demands that the government relinquish *waqf* properties continued until a bill to that effect was introduced in the Knesset in 1959.<sup>28</sup> . . . the government made its own proposal to release *waqf* property which was approved by the Knesset in February 1965.<sup>29</sup>

This amendment to the absentee's property law was acclaimed by the authorities far beyond its actual significance. Its provisions were that the government could appoint "board" trustees in no more than seven cities in Israel—Jaffa, Ramle, Lydda, Haifa, Acre, Nazareth, and Shafa Amr—which would be entrusted with the *waqf* properties within those cities.<sup>30</sup> These committees would be regarded as the legal owners of the *waqf* properties in that they were free of "any restriction, qualification, or other similar limitation prescribed by or under any law or document relating to the endowment." It was no accident that the committees were given so much power; the government soon began to manipulate the committees to its own advantage. In 1962 and 1963 the authorities had met with strong opposition from a large part of the Moslem population in Jaffa when they sold part of the Abdul Nabi cemetery in the north of Tel-Aviv as a construction site for the Hilton Hotel. Eventually, in a response to complaints, what must have seemed an excessive settlement had to be made.<sup>31</sup> In contrast the rest of the cemetery, as well as another cemetery, were sold with great ease in 1971 after the Jaffa Board of Trustees approved the transaction.<sup>32</sup> The sites were used for housing Jewish residents of Tel-Aviv. A year later the same board negotiated with a company headed by Gharshun Peres—brother of the minister of communications, Shimon Peres—about renting the mosque of Hassan Bek for a shopping center.<sup>33</sup>

In short, the Israeli government acted no differently with regard to *waqf* properties than it had in handling the rest of the property of Arabs inside Israel. In both cases it aimed to annex it permanently.

## BEDOUINS

While settling the question of Arab property, the government also made many attempts to solve the problems of the Bedouins during the second decade of the state of Israel. This took the form of housing them within defined areas—step (d) of the policy announced in 1959.

The state's relation to the Bedouins in Galilee and especially in the Negev involved more than a mere question of housing, however, a fact the government seemed to disregard

in its ambivalent policies. Toward the end of 1948 officials had made an agreement with a number of the tribes in the Negev, some of which had fought on the side of the Israelis during the war, that the Bedouins "would not attack the [Israeli] security forces or interfere in political problems [between Israel and Arab neighbors] and the government would recognize their rights and their ownership of the land they lived on."<sup>34</sup> Subsequently, however, all the land of the Bedouins who had been moved into reserved areas was expropriated on the grounds that the owners had "abandoned" it.<sup>35</sup> Furthermore, the authorities refused to issue Israeli identity cards to the Bedouins, and at that time, anyone found without such papers could be banished beyond the border. Bedouins in large numbers were in fact expelled; it was not until mid-1952 that they received identity cards.<sup>36</sup> Several of the Bedouin tribes in Galilee were treated in a similar fashion, including those among them who had collaborated with Zionist military forces.<sup>37</sup>

This policy toward the Bedouins continued almost without change until the late 1950s. More than any other group, the Negev Bedouins suffered the full and unrestrained harshness of military rule. Arabs in the north of Israel were better educated and therefore able to offer steady resistance to the military government, whether in organized demonstrations or in spontaneous outbursts. The Bedouins, on the other hand, usually had no alternative to submission, their leaders often collaborating with the Israeli authorities in return for support of their own positions.<sup>38</sup> Throughout this period tribes were moved from one location to another in the Negev, some relocating up to five times in one year.<sup>39</sup> In their absence, their properties were more vulnerable to seizure. Economically, they were worse off than other Arabs, especially during the frequent droughts in their region. Yet the Israeli authorities remained firm in restricting the Bedouins' movements, thus limiting their opportunities of finding work outside the Negev. Some form of government subsidy was provided in times of crisis.

When the change in Israeli policy toward the Arabs was proclaimed in 1959, it included the campaign to settle the Bedouins in specially designated areas, a project first proposed in 1948 on the grounds that "anyone adopting this form of living would become a good citizen, and those unwilling to do so would have to move to Sinai or Transjordan."<sup>40</sup> The official reason given in the early 1960s for settling the Bedouins was cultural—namely that some members of the government felt it a duty to bring the standard of Bedouin life up to that of the rest of the population. This could only be done by moving the Bedouins to permanent dwellings. Of course, other motives such as security and Jewish settlement played a very important part. As long as the Bedouins lived nomadic lives, there was no effective way the security forces could keep them under surveillance and control their movements. There was the added difficulty that the boundaries "recognized" by the Bedouins did not coincide with internationally recognized borders. For example, in the drought years the Negev Bedouins would send their flocks to Sinai or Jordan, where they would be tended by members of the tribe who lived there. Conversely, in the good years they would bring livestock from outside Israel, graze it for a few months for a fee, and then return it to its owners. These movements across the border also involved smuggling and, at times, intelligence. But Jewish settlement was probably the primary consideration, since the scattering of Bedouins over vast areas disproportionate to their numbers de-

layed Jewish settlement in the region. Furthermore many Bedouins were eventually housed in isolated areas, with no evidence of a development plan, suggesting that the neighboring land was being reserved for systematic Zionist settlement. With the prospect of large stretches of the Negev being vacated by the Bedouins, under the new policy, the call to settle them became more urgent so that Jewish expansion could begin. This operation would also enable the government to seize additional land, in exchange for services to the new Bedouin communities or with the excuse that the Bedouins were now living at an inconvenient distance from their properties.

However, despite countless proclamations, the Israeli government did not seem altogether in earnest about this project; the necessary funds had not even been reserved. There was no hurry to make preliminary studies. Approval for the project had been given in mid-1959, but it was not until the end of 1960 that deliberations began and they continued inconclusively until mid-1964. . . . The means by which the Bedouins were "persuaded" to move to sites chosen by the government were excessively harsh and went beyond the usual limits.

The first tribe to be chosen as a candidate for "civilization" was the Suaed Bedouins who lived in northern Israel between the Galilee villages of Nahf, Rama, Deir Hanna, and Sachnin. This tribe had in fact voluntarily accepted the modern way of life and most members had built houses for themselves in the area. Relations with the authorities had never been good however. Immediately after the occupation of Palestine, an unsuccessful attempt was made to drive the Suaed off their land. During the early 1950s the land was declared absentee property in order to prevent them from using it but they were not to be stopped.<sup>41</sup> In 1956 the military government declared the land closed for use by the Israeli army for maneuvers. The tribe ignored orders to leave the land and wholesale restrictions were imposed.<sup>42</sup>

Pressure was again put upon the Suaed in 1962. Their elementary school was closed on the grounds "that it was lacking in the minimum safety requirements and thus a hazard to the lives and safety of teachers and pupils."<sup>43</sup> The army had planned military maneuvers in the vicinity of the school, so the two hundred children attending it had to interrupt their studies. However, public pressure later forced the government to reopen the school. In 1964 the government campaign against the Suaed and another tribe, the Na'im Bedouins living near Shafa Amr, became more harsh. "About forty-five houses and huts, and even wells the Bedouins had dug decades previously to store drinking water for themselves and their cattle, were blown up."<sup>44</sup> This took place between June and September of 1964, the government having decided to speed up Jewish settlement in the area.<sup>45</sup> But the Arabs still refused to leave.

From 1961 onward, the authorities had been declaring some of the new houses built by the Suaed "closed areas," which meant that a person going into his or her own house without a permit could be arrested and brought before a military court for having broken the emergency regulations. Other harassment included charges that the new houses had been built on "public land" without licenses and on sites that had not been set aside for construction. In September 1964, most of the houses belonging to the Na'im tribe were blown up, in the expectation that the coming winter would force them to accept the government's housing plan. It was said that once the houses were demolished "the officials at the Israeli Lands Administration who handle Bedouin affairs need do nothing

**LAND LOST BY SOME ARAB VILLAGES IN ISRAEL BETWEEN 1945 AND 1962**  
(in dunums)

Village	Land area in 1945	Land area in 1962	Land expropriated 1953-54	Village	Land area in 1945	Land area in 1962	Land expropriated 1953-54
1. Abu Sinan	12,871	5,434		32. Tamra (Nazareth)	3,604	1,269	
2. Aksal	13,666	4,396	1,811	33. Tamra (Acre)	30,549	14,489	
3. Umm al Fahm	68,311	12,006	34,600	34. Tar'an	13,104	7,150	
4. Mu'awiya				35. Yanuh	12,466	1,343	
5. Masmias				36. Yafa al Nasra	16,521	4,887	542
6. Al Mshirfa				37. Yarka	30,597	10,701	
7. Ein Ibrahim				38. Kabul	10,320	5,345	2,260
8. Baqa al Gharbiya	21,116	8,228	10,400	39. Kawkab	2,134	1,235	
9. Beisan				40. Kfar Barra	3,956	1,816	828
Ein al Asad	25,594	10,204		41. Kfar Yasif	6,729	4,581	763
10. Beit Naqubah	1,958	807		42. Kfar Kama	8,395	6,338	
11. B'einya	6,793	1,882		43. Kfar Kana	18,869	7,868	
12. Bi'na	14,839	3,679		44. Kfar Manda	12,703	4,998	
13. Buqai'eh	10,276	3,500	235	45. Kfar Masr	4,629	1,889	423
14. Al Jadidah	5,215	1,728	1,148	46. Kfar Samai	7,150	2,436	
15. Jules	12,835	6,010		47. Kfar Kassim	12,718	3,924	3,880
16. Jaljulya	11,873	2,237	11,411	48. Kfar Kara	14,543	2,618	12,964
17. Jisr al Zarqa	2,531	309	268	59. Majd al Kurum	17,828	4,237	
18. Jish	12,430	2,026	4,062	50. Mazra'a	3,116	298	1,548
19. Jatt (Galilee)	5,907	1,727		51. Makr	8,661	3,884	2,554
20. Jatt (Triangle)	9,623	5,415	4,975	52. Mi'lya	19,136	2,997	12,800
21. Dalyet al Karmel	19,741	13,026		53. Muqiblah	2,687	2,196	
22. Daburiya	13,373	2,974		54. Mashhad	9,852	4,236	
23. Dahi	3,011	2,029		55. Maghar	45,590	12,227	
24. Deir al Asad	8,366	2,251		56. Na'urah	5,535	3,482	
25. Deir Hanna	15,350	5,090		57. Nazareth	12,599	8,325	
26. Zalfa	1,285	807		58. Nahf	15,654	4,454	
27. Harfish	14,623	5,254	2,950	59. Nin	3,737	1,887	
28. Tubah				60. Sajour	8,172	1,533	2,640
(Heib Bedouins)	13,684	1,772		61. Sulim	2,358	1,629	
29. Tayba	32,750	13,343	4,540	62. Sachnin	70,181	25,775	
(Triangle)				63. Ablin	16,019	10,206	
30. Tayba (Nazareth)	7,127	2,135		64. Azir	764	566	
31. Tira	26,803	8,599	5,232	65. Ailbun	11,190	3,772	

but sit in their offices and wait for representatives of the tribe to bring word that they agreed to the proposals of the administration to resettle them."<sup>46</sup> But the Na'im sent no representatives; instead, they pitched their tents next to the ruins of their houses and continued to live where they had always lived.

. . . The Knesset Finance Committee had agreed in September 1965 to the establishment of three settlements for the Negev Bedouins in Tel Sheba, Shuval, and Ksifeh.<sup>47</sup> In 1967, Tel Shuba was built near Beersheba; then in 1972 foundation stones were laid near Shuval.<sup>48</sup> Construction also began in May 1972 on a village in Wadi Hammam, near Tiberias, for Arab refugees in the area. Most of these came from Ghabisiya and Khasas in northern Galilee, which they had been forced to leave in 1948 even though some had fought against "the Syrian invaders."<sup>49</sup>

. . . Only a fraction of the Bedouins have been involved in these initial settlements; the circumstances of the rest are unchanged. The government is not unaware of this and, ac-

cording to the most recent information available, ten more villages are planned to house the remaining Bedouins in Galilee. It is hoped that this will stop them from spreading over larger areas and prevent "illegal land seizures," especially since the destruction of Bedouin houses has proved useless; they simply rebuild elsewhere.<sup>50</sup>

### COMPENSATION

Finally, the Israeli government wished to solve the problem of compensation for expropriated land—step (e). From the first seizures of Arab land, the government had announced its readiness to pay compensation. It continues to do so to this day and does not neglect an opportunity for demonstrating the progress it has made in this.

The authorities' eagerness and persistence in paying the rightful owners compensation is indeed remarkable. Although most of the expropriated land has been annexed and used for Zionist settlement and the boundaries so changed that it would be difficult to set the clock back without eliminating

Village	Land area in 1945	Land area in 1962	Land expropriated 1953-54
66. Elot	10,891	2,359	4,125
67. Ein Mahil	8,268	2,576	387
68. Assifiya	16,811	9,681	550
69. Arava	30,852	18,421	
70. Ar'arah (and Arah)	29,537	7,269	8,236
71. Frideis	4,220	1,595	
72. Sandala	3,217	1,255	
73. Qalansuwa	17,249	6,620	5,505
74. Rama	23,701	7,322	
75. Rihaniya	6,112	1,607	
76. Rineh	15,899	5,880	
77. Ramana	1,485	271	
78. Shafa Amr	58,725	10,371	7,579
<i>Total</i>	1,080,984	376,686	149,216

Sources: For table, ISRAEL FACTS, 1953, 1954 (selected issues); VILLAGE STATISTICS 1954, A CLASSIFICATION OF LAND AND AREA OWNERSHIP IN PALESTINE, with explanatory notes by Sami Hadawi (Beirut: PLO Research Center, 1970), pp. 40-77; ISRAEL GOVERNMENT YEARBOOK 5724 (1963/64), pp. 32, 38. The land was expropriated according to the Land Acquisition (Validation of Acts and Compensation Law, 5713-1953). The total for 1945 includes 351,657 dunums classified as No. 16 which is quasi-agricultural land that is not taxed. Such land is considered national property, although compensation is paid to any Arab willing to relinquish his rights to it. For text, VILLAGE STATISTICS 1945...; Central Bureau of Statistics, CENSUS OF AGRICULTURE, 1949/50 PART A — FARM ECONOMY OF THE ARABS, DRUZES AND OTHER MINORITY GROUPS, special series no. 8 (Jerusalem, 1952); YALKUT HA-PIRSUMIM (OFFICIAL GAZETTE) 288 (23 April 1953) — 355 (13 June 1954); REPORT OF LANDS ADMINISTRATION 1964/65 4 (1966):165, and 1965/66 5 (1967):185. According to the British classification, 25 of the villages lie in the Acre district, 10 in Nazareth, 17 in Tiberias, 31 in Safad, 8 in Beisan, 31 in Haifa, 30 in Tulkarem, 6 in Jenin, 21 in Jaffa, 45 in Ramle, 17 in Jerusalem, and 4 in Hebron. The minister of finance, Levi Eshkol, had previously stated that the expropriated land totaled 1,234,785 dunums (KNESSET DEBATES, 2 February 1955, p. 715). Also Collective Planning Center for Agriculture and Settlement and the Ministry of Agriculture, Nazareth Branch, RESULTS OF THE CENSUS AND PROJECT A FOR AGRICULTURAL DEVELOPMENT (Nazareth, July 1963), pp. 12-24, in Hebrew; Emanuel Marx, BEDOUINS OF THE NEGEV, p. 56; HAARETZ, 28 August 1972.

the Zionist presence in Palestine, the government uses every possible means to induce the owners of expropriated land to accept compensation. Yet a large number of Arabs adamantly refuse to accept such payment and to sign legal documents giving up their rights to their land and to their country, preferring to leave things as they are until some solution is found for the Palestine problem. No doubt this insistence on paying arises from the Israeli fear that the whole question may some day flare up again. It would be advantageous, in such a situation, to be able to produce documents relinquishing as much of the land as possible and showing that "suitable compensation" was, at any rate, paid for it. One of the classic features of Zionism is the conviction that a national home can be bought in Palestine for a few dozen or a few hundred million pounds.

Israel has been taking over Arab land within its borders since 1948, but the decision to pay compensation was not made until 1953 on the passage of the Land Acquisition (Validation of Acts and Compensation) Law, 5713-1953. A glance at this law will show that it was intended as a legalization of

... Information on [land expropriation] is neither comprehensive nor exact, and—apart from the half-truths published by various Israeli circles, both official and unofficial—the available facts at times seem contradictory.

Among the sources is VILLAGE STATISTICS 1945, published by the Mandate government. This consists of an index of all the villages in Palestine, with the land belonging to each divided into qualities of soil and fertility and distinctions between Arab, Jewish, and other property. There are some reservations about the accuracy of this work. After the establishment of Israel a census was made (in 1949-50) of all the agricultural land within Israel belonging to Arabs. A summarized version was later published, but it is very general and thus not very reliable. To complicate matters further this summary mentions land "in the possession of" rather than "owned by" Arabs, and one cannot assume that the terms are synonymous. During 1953-54, 450 certificates of expropriation were published in the OFFICIAL GAZETTE in accordance with the provisions of the 1953 Land Acquisition Law. Taking up 330 pages, these documents refer to 1,225,174 dunums of land, forming part of the property of 291 Arab villages. About two-thirds of the land cited in the certificates reportedly belongs to Palestinian refugees outside Israel. Obviously the certificates do not give complete information, since some of the villages lost all their land—corresponding exactly to the entry in VILLAGE STATISTICS 1945—while others had only a few dunums expropriated. The rest of their land was apparently already considered the property of the custodian for absentee property (see the table). Furthermore, many of the properties are so intertwined that it is difficult to distinguish between land belonging to refugees and that belonging to Arabs in Israel. Another survey of agricultural land was made in 1962, but it did not include the Arab areas south of Jerusalem and the land belonging to the Bedouins of the Negev. A field study would be all that is necessary to arrive at some reasonable findings. But despite the conflicting evidence and gaps in the information, it is still possible to form a picture of the loss of land suffered by many of the Arab villages . . .

The land belonging to the Bedouins is the most difficult to assess, especially in the Negev, since the existing information is contradictory. In Galilee, the property of the Bedouins—some 19,000—forms a small part of Arab-owned land, according to the 1949-50 census. In the Negev, until very recently available information indicated that all the land expropriated from the Bedouins between 1953 and 1954, under the land acquisition law, amounted to about 250,000 dunums. The Bedouins retained an equal area of land, which they still held in 1958-59. Thus the total area belonging to the Bedouins was 500,000 dunums, a figure which is supported by the 1949-50 census. However, Shmuel Toledano, the prime minister's advisor on Arab affairs, recently stated that the area in conflict between the government and the bedouins was 1 million dunums, not a quarter of a million.

expropriation through the payment of nominal "compensation." Article 5 states that the Israeli government will pay compensation for the expropriated land in Israeli currency according to its value on January 1, 1950, although the law had come into effect in 1953. In its draft form, the bill had set the date of the partition of Palestine, November 29, 1947, for the valuation of the land. Certificates of expropriation were made out during 1953 and 1954, and although the Israeli pound had suffered a palpable devaluation, the government continued to offer compensation at the 1950 rates as if there had been no change.

... Moshe Sharett said outright that compensation according to the land acquisition law represented "a scandalous robbery, since the Israeli pound is worth only one fifth of its former value."<sup>51</sup> No modifications were made, however, and during the period 1954-1970, with the exception of the 1966/1967 financial year, the Israeli government paid compensation of £22,056,000 and 43,540 dunums for 166,733 dunums, half the land expropriated under this law.<sup>52</sup> Assuming that the land given as compensation was equal in value to that expropriated, the rate paid was £180 per dunum.<sup>53</sup>



For a day laborer in construction this amount represented only ten days' work and for an elementary school teacher, one-third of a month's salary. Meanwhile, the market price of one dunum of land was hundreds and sometimes thousands of pounds.

.....  
Simultaneously with the settlement of compensation, the government tried to solve the problem of Arab refugees and deportees inside Israel who had left their villages, or been forced out of them, during the 1948 War and after. According to one official estimate, by 1957 there were about twenty thousand such refugees (3,500 families).<sup>54</sup> In the early 1960s they were

living mostly ... in shanty towns on the outskirts of the villages [they had been moved to] and were regarded as transients. A very few rich refugees managed to buy some land in the villages they were now living in and built new homes, or else rented houses. In some cases their own villages were being partly inhabited by newcomers. Most of the land suitable for agriculture was annexed by established Jewish colonies to round out their property or else given to new settlements. Again this is not true for all the land. The great majority of these refugees asked to return to their villages. Despite their poverty, they refuse to sell their right to their property. They refuse to become part of some other village and persist in their stance ...<sup>55</sup>

## JEWISH SETTLEMENTS

Eventually, the expropriated land was used to further dozens of Jewish agricultural settlements. With the exclusive use by Jews of land from which Arab had been cleared, most, if not all, the aspirations of colonialist Zionist imperialism—“to redeem and liberate the land of *Eretz Israel*”—were realized. All that remained was to foster these settlements until they gained full strength before searching for new fields of activity. But it soon became apparent that redemption of the land was not a single operation but a continual process requiring more and more action against the Arabs (and against the Jewish settlers when the need arose), even at the risk of exposing the unjustifiably racist nature of such action.

There was a disturbing feature about the new settlements that forced the government to take special measures to safeguard its accomplishments in recovering the land. When immigrants, most of them Oriental Jews, were flocking into the country immediately after the establishment of Israel, the Zionist foundations were forced to make some changes in the classic settlement plan. The main difference in the new settlements—the *moshavim*—was a measure of freedom for the individual settler in managing his or her personal affairs, in contrast with the collective ideology of the old kibbutzim. In most instances, individual settlers would be given a share of land and water which they could use for their own personal profit, if they wished. The Zionist foundations made every effort to provide financial support for these settlements until they discovered signs of an unpleasant development the Israeli authorities had always firmly opposed: some of the new settlers were renting their share of land to fellow settlers and moving to the cities to work.

This in itself would not have troubled the government, nor would such drastic steps have been taken to stamp out the practice, had not a further danger been found. Some of the new settlers were hiring Arab farm laborers, who were willing and available in almost every part of Israel, to farm their land. Others were renting out their whole share in return for a lump

sum, leaving the Arabs the choice of how to best use the land. Still others formed partnerships with their Arab laborers under terms that allowed the workers to use the land for unlimited periods of time. It goes without saying that the sole motive behind these arrangements was financial gain. The Oriental Jews, especially, were not very impressed with Zionist abstractions, of Ashkenazi origin, about redeeming the land and the “conquest of labor.” Meanwhile all the agreements between settlers and Arab laborers invariably proved profitable to the settlers, whether because they paid low wages or because they were receiving a share of the harvest without incurring any expenses, while they earned a living elsewhere.

The Zionist institutions did their best to suppress these developments. Their concern was not so much with the exploitation of Arab labor as with the fact that these arrangements were allowing the Arabs to return to the land, undermining the supreme effort made by the Zionists.

.....  
... On August 1, 1967, the Knesset once more approved a special law to prevent Jewish settlers from renting out their land to Arabs.<sup>56</sup> Those breaking the law would be deprived of their right to use the land.<sup>57</sup> The government did not enforce the law very strictly, preferring persuasion and pressure to court action. But at the same time, a committee was appointed to keep a record of transgressions; in 267 instances, only three involved kibbutzim and the rest, *moshavim*.<sup>58</sup> In some cases “the settlers were renting land to Arabs who had lived on it before the [1948] war ... so that the Arabs were in fact returning to their land albeit by a circuitous route.”<sup>59</sup> With such “grave” instances of “law infringement,” the authorities began to sue the settlers and take their land from them.<sup>60</sup> Meanwhile the National Religious Party's press was cheering on the government in its protection of Zionist settlement from the “harm” of Arab labor.<sup>61</sup>

But apparently, none of these steps was sufficient. Recently the government has proposed a bill to modify the agricultural settlement law to include all kinds of settlement and “stop the introduction of aliens into the framework [of Zionist settlement] by using alien manpower to farm the land” except with special permission. Obviously the existing law “did not solve ... the problem in its entirety.”<sup>62</sup> With this the Israeli government took the final step, toward permanently keeping the Arabs off their land. Having had their land expropriated and turned over to the Jewish settlers, the Arabs are now prevented from working on their land even as day laborers.

## FOOTNOTES

### “REDEEMING” THE LAND

1 For the proposals and debates on this subject, see MINUTES OF THE FIRST ZIONIST CONGRESS (Jerusalem, 1946), pp. 142-44, in Hebrew.

2 Keren Keymeth LeIsrael, REPORT ON THE LEGAL STRUCTURE, ACTIVITIES, ASSETS, INCOME AND LIABILITIES OF KEREN KEYMETH LEISRAEL (Jerusalem, 1963), p. 17. In 1954 a special law on Keren Keymeth was passed (Keren Keymeth LeIsrael Law, 5714-1953, LAWS OF THE STATE OF ISRAEL [LSI] 8 [1953/54]:35, in Hebrew), and the wording of the clause quoted was changed, so that the region in which the company operated was defined as “the state of Israel, in any area within the jurisdiction of the government of Israel or in any party thereof.” See Article 3(a) of Memorandum of Association of Keren Keymeth LeIsrael, REPORT..., p. 56.

3 For details on the way bribery was used, see the memoirs of an employee of the company, Musa Goldenberg's VE-HA-KEREN ODENA KEYEMET (AND THE FUND STILL STANDS) (Tel Aviv, 1965), pp. 101, 107, 109, 110, 115, and 162.

4 A. Granott, AGRARIAN REFORM AND THE RECORD OF ISRAEL (London: Eyre & Spottiswoode, 1956), p. 28.

play a larger role in Arab affairs, particularly in the Gulf. King Khalid toured five of the Gulf states in March, and the Saudis are to pay for US arms and training for the North Yemeni armed forces to the tune of \$100 million. The Saudis are trying to counteract Iranian hegemony in the Gulf, and will reportedly use their influence with the Omanis to have Iranian troops withdrawn from Dhofar.

In November 1974 PDRY President Salem Rubaya Ali made a major foreign policy speech in which he declared his country's willingness to establish normal relations with Bahrain, Qatar and the United Arab Emirates. The Saudis took this as a sign that a policy of peaceful coexistence was possible and that Aden was not intent on subverting all the states in the Gulf.

The PDRY described the agreement as a "victory for the two peoples." It will bring the PDRY certain advantages: the threat of armed subversion or attack from Saudi Arabia or North Yemen has been reduced. For the first time South Yemeni immigrant workers in Saudi Arabia, many of whom have been imprisoned or forced into the Saudi army, will have an embassy to look after their interests. They will also be able to remit money back to their home country.

There has been considerable speculation about the timing of the announcement. It was followed the next day by an announcement of amnesty for the Dhofar "rebels" by Sultan Qabus. Saudi-inspired rumors claim that as a *quid pro quo* for Saudi financial assistance the PDRY will end its support for the liberation struggle in Oman. King Khalid expressed his satisfaction with events in an interview with a Kuwaiti newspaper: "The situation in Dhofar, since the restoration of relations with the PDRY and the announcement by Sultan Qabus that he had granted an amnesty to the Omani dissidents, was improving." From the Saudi viewpoint, the severe setbacks the Iranians inflicted on the Popular Front for the Liberation of Oman recently makes the PDRY less of a threat to the rest of the Gulf.

Socialist states have to endure long periods of isolation. Much as the PDRY would like to establish relations with a People's Democratic Republic of [Saudi] Arabia, that is not just around the corner. In the meantime, it has to coexist with neighboring regimes. Diplomatic relations are one thing; ideological approval is another. The PDRY has not accepted any financial aid from Saudi Arabia, and has not been blackmailed into withdrawing its support from the PFLO.

*Sources:* Gulf Newsletter (London) No. 10, April 1976; Middle East Economic Digest, Sept. 26, 1975; New York Times, April 11, 1976; Washington Post, March 11, 12, 23, 1976.

## SADAT TO LEGALIZE MUSLIM BROTHERHOOD?

A report in *Le Monde* of March 26, 1976, suggested that Egypt's President Sadat, at the urging of Saudi Arabia, was considering legalizing the Muslim Brotherhood, a reactionary, religious-based organization. The Brotherhood was dissolved by Gamal Abdul Nasser in 1954 and has been illegal ever since. The organization was founded in 1929 in Ismailia by Hassan El-Banna, a Koranic scholar. It had a million adherents in 1947, and even today, despite being its illegality, still has an estimated 50,000 members. It drew its support mainly from

the Egyptian petit bourgeoisie (artisans and merchants), a class on the ascendant under Sadat's opening to the West.

*Le Monde* cites as evidence for the possible legalization of the Brotherhood a meeting held March 11 at Cairo University on the topic "Islam and the Economy" which attracted an "enormous crowd." Various Egyptian deputies are quoted as having suggested that Koranic law "should be the sole source for legislation." *El Gomhourriya*, the paper of the Egyptian Arab Socialist Union, is quoted as having recently regretted "that the Muslim Brotherhood ended its activities 22 years ago, for this has led to ideological stagnation in the national and Islamic spheres, and a vacuum which has favored fanaticism..."

A number of names have been suggested as the new *mokhd* (supreme leader) of the Brotherhood: Hussein el-Shafei, a former "free officer" and vice president of the Republic until April 1975; Kamal ed-Din Hussein, also a former "free officer"; and Saleh Abu Rakik, member of the *mokhd* council until 1952, and presently member of the central committee of the Arab Socialist Union.

*Source:* *Le Monde*, March 26, 1976.

continued from p. 20.

5 26,305,000 dunums.

6 ISRAEL GOVERNMENT YEARBOOK 5719 (1958):234.

7 IBID.

8 See also Don Peretz, ISRAEL AND THE PALESTINE ARABS (Washington, D.C.: The Middle East Institute, 1958), pp. 168-87; Rony E. Gabbay, A POLITICAL STUDY OF THE ARAB-JEWISH CONFLICT (Paris, 1959), pp. 348-62.

9 LSI 4 (1949/50).

10 THE STATE CONTROLLER'S REPORT FOR FINANCIAL YEAR 1966/67 18 (1968):114, 301-2.

11 ISRAEL GOVERNMENT YEARBOOK 5715 (1954):113.

12 Aharon Liskovsky (Layesh), "The Absentees Present in Israel," HAMIZRAH HEHADASH 10:3 (1960), 189.

13 See Joseph Weitz, DIARIES AND LETTERS TO THE CHILDREN (Tel Aviv, 1965), 3:343-45.

14 ISRAEL GOVERNMENT YEARBOOK 5723 (1963/64):107.

15 United Nations General Assembly, PROGRESS REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE, 23 January-19 November 1951, A/1958, p. 11 and Annex, part I, Ch. II, pp. 10-13; United Nations General Assembly, Doc. A/AC.25/W.84, 28 April 1964. See also Sami Hadawi, PALESTINE: LOSS OF A HERITAGE (San Antonio, Texas, 1963), pp. 18-23, 50-61.

16 Joseph Weitz, STRUGGLE FOR THE LAND (Tel Aviv, 1950), pp. 226-27, in Hebrew. See also Granott, AGRARIAN REFORM, p. 89.

17 This estimate is approximate because centers of population owning no land and Bedouin tribes are not counted, and adjoining villages are counted as one settlement. For a list of towns, villages and tribes in Palestine see the 1945 Administrative Divisions Proclamation published by the British Mandate in THE PALESTINE GAZETTE 1415, no. 2 (7 June 1945):621, in English.

18 For a list of Palestinian villages and towns in the West Bank and the Gaza strip see Israel Defense Forces, CENSUS OF POPULATION 1967, CONDUCTED BY THE CENTRAL BUREAU OF STATISTICS; WEST BANK OF THE JORDAN, GAZA STRIP AND NORTHERN SINAI, GOLAN HEIGHTS, Publication No. 1 (Jerusalem, 1967), pp. 45-49, 163-65.

19 In the ISRAEL GOVERNMENT YEARBOOK 5719 (1958):235, the number of these towns and villages is mentioned as having reached a rough total of 350.

20 MAARIV, 5 August 1965 and HAARETZ, 6 September 1966. See also Levi Eshkol, prime minister, answering questions, KNESSET DEBATES 1966/67, p. 386, in Arabic.

- 21 Representatives of Keren Keymeth usually participated in drafting all laws related to land in Israel, especially those concerning the expropriation of Arab land or the means of carrying out such laws. See Weitz, DIARIES 4:162, 193, 208, 225, 237, 258-59, and 5:184.
- 22 LSI 14 (1960):48.
- 23 DEBATES OF THE PEOPLE'S COUNCIL AND PROVISIONAL STATE COUNCIL, 24 June 1948, p. 25, in Hebrew. The custodian for absentee property had called a press conference in Tel Aviv early in January 1949 at which he spoke of "dangerous charges of looting of abandoned [Arab] property being leveled against large sectors of the population. ... and excessive ... talk ... about theft and plunder ... since the prevailing mood of the public makes it difficult to bring those guilty of such acts before the courts" (HAARETZ, 6 January 1949). Joseph Weitz notes that "the looting of Arab property was the subject of conversation in various circles and while everyone expressed indignation, in practice everyone was stealing and plundering" (DIARIES 3: 291). See also Joseph Nahmani, A MAN OF GALILEE (Ramat Gan, 1969), p. 250.
- 24 For further details on the expulsion of the Arab population and land seizures in this period, see the statements and questions of Knesset members Tawfiq Tubi, Meir Vilner, Eleizer Bearl, and Moshe Aram and the responses of Israeli ministers in KNESSET DEBATES, 9 March 1949, pp. 84-85; 28 March 1949, p. 225; 1 August 1948, pp. 1189-90; 8 September 1949, p. 1634; 26 November 1949, pp. 71-75; 7 March 1951, p. 1293; 29 August 1953, p. 2398. See also the newspaper AL ITTIHAD, which published many articles and news items on the subject during 1949-51. See also the editorial in HAARETZ, 7 August 1949.
- 25 In many cases, however, when the families of the banished men appealed to the Supreme Court, it ordered the return of some of them. The court decisions on the appeals were not published, but a study of several files of cases (nos. 79, 93, 152, and 163 in 1950; 41, 78, 80, 92, 192, 236, 237, 247 in 1951; and 13 and 141-45 in 1952) showed that 865 of the banished men were allowed to return by order of the court. It is, of course, not known how many did not make attempts to return and how many were refused permission to do so.
- 26 The missions of Unit 101 of the Israeli Army against the Negev Bedouins between 1953 and 1954, which succeeded in expelling some of the Bedouins (the Azazmeh tribe) to Sinai, were described as such: "The army's desert patrols would turn up in the midst of a Bedouin encampment day after day dispersing it with a sudden burst of machine-gun fire until the sons of the desert were broken and, gathering what little was left of their belongings, led their camels in long silent strings into the heart of the Sinai desert...." (HAARETZ, 3, 19 November 1959).
- "And Moshe Dayan [who was commander of the southern region] came from Tel Aviv to congratulate them ... on their victory" (Michael Bar-Zohar, THE PARATROOPER'S BOOK, Tel Aviv, 1969, p. 71).
- 27 Among these were the villages of Batat, Amqa, Saffuriya, Majdil, Mansura, Ma'ar, Kuwelkat, Barwa, Damun, and Ruweis. For their fate and that of other Arab villages and the Jewish settlements built on their lands, see HAARETZ, 28 July 1972.
- 28 LSI 4 (1949/50):68.
- 29 KOUETZ HA-TAKANOT (OFFICIAL GAZETTE) 37 (12 December 1948); 91, in Hebrew.
- 30 Peretz, ISRAEL. . . , p. 152.
- 31 "Village property," belonging to all Arab absentees whether they are outside the country or living in Israel, "acquired by the custodian of absentee property, includes some three hundred million dunums. ... The agricultural property includes eighty thousand dunums of citrus groves and more than two hundred thousand dunums of orchards. ... Urban property includes 25,416 buildings consisting of 57,497 residential apartments and 10,729 stores and light industry workshops" (ISRAEL GOVERNMENT YEARBOOK 5719, 1958, p. 235).
- The custodian of absentee property had stated in 1949 that he had in his keeping 223,000 dunums of Arab orchards including "85,000 dunums of citrus plantations and ... 80,000 dunums of olive groves, 15,000 dunums of vineyards, 14,000 dunums planted with fig trees and smaller areas of almond and apricot orchards and banana plantations" (HAARETZ, 6 January 1949).
- 32 In ISRAEL AND THE ARAB WORLD (Tel Aviv: Merhavva, 1964), pp. 514-15, Aharon Cohen says: "Inasmuch as the law for absentees' property has also been enforced in the case of Arab property in the mixed towns, where the majority of the population were forced to change their places of residence, this means, in practice, that all Arab property in the towns is regarded as 'absentees' property' unless the contrary can be proved. It is by no means unusual for an Arab who has moved from one quarter in the same town to another to be forced to pay the custodian of absentee property rent for the house he has moved to, as the house has been acquired from the custodian from other persons, while at the same time he receives no rent for his former house, in which others are now living and paying their rent to the custodian."
- 33 Absentees' Property (Amendment) Law, 5716-1956, LSI 10 (1955/56):31.
- 34 For more details on Israel's original policy regarding absentee property, see Peretz, ISRAEL, pp. 141-67.
- 35 KNESSET DEBATES, 16 January 1951, pp. 789-90.
- 36 JUDGMENTS OF THE SUPREME COURT 6:284, Jamal Aslan et al. v. the Military Governor of Galilee, Appeal 220/51.
- 37 KOUETZ 225 (6 December 1951):242.
- 38 JUDGMENTS 9:689, Aslan, Mahmud et al. v. the Military Governor of Galilee, Appeals 288/51, 33/52.
- 39 LSI 3 (1949):56.
- 40 IBID., 664 (6 January 1972):25.
- 41 The term "protected area" began to be used after the United Nations decision on the partition of Palestine, since the UN partition placed part of this area inside Arab borders. No doubt this explains Herut's repeated requests to change this term whenever the Knesset renewed the law.
- 42 KOUETZ 18 (8 June 1949):230; 215 (2 November 1951):144.
- 43 See Articles 8 and 10 in the Emergency (Security Zones) Regulations.
- 44 Weitz, DIARIES 3:373-74.
- 45 According to a statement by one of the villagers as reported in AL ITTIHAD, 4 July 1972.
- 46 JUDGMENTS 4:461, Mbada Daoud et al. v. the Minister of Defense et al., Appeal 64/51.
- 47 IBID., 11:102, Mbada Daoud et al. v. the Security Zones Appeals Committee, 239/51.
- 48 Ben-Gurion, minister of defense, stated during a Knesset debate after the destruction of the village: "as for the destruction of the houses ... the order for this did not come from me even though the army carried it out" (KNESSET DEBATES, 16 January 1952, p. 1012). See also Rustum Bastuni on the subject during the same debate. Mukhtar Mbada Daoud was forced to watch the annihilation of his village from a hill nearby.
- 49 KOUETZ 309 (3 September 1953):1446.
- 50 KOUETZ 27 (15 October 1948), supplement 2:3.
- 51 LSI 2 (1948/49):77.
- 52 DEBATES OF THE PEOPLE'S COUNCIL, 6 January 1949, pp. 8-9.
- 53 STATE CONTROLLER'S REPORT 1963/64 15:287.
- 54 KOUETZ 41 (7 January 1949).
- 55 LSI 27 (23 November 1949):1.
- 56 IBID., 106 (22 August 1952):391.
- 57 IBID., 188 (8 July 1955):191.
- 58 IBID., 7 (1952/53):43.
- 59 KNESSET DEBATES, 3 June 1952, p. 2202.
- 60 HAARETZ, 5 February 1953. See also Gabbay, A POLITICAL STUDY, pp. 362-64.
- 61 KNESSET DEBATES, 15 June 1955, pp. 1899-1900, 1911.
- 62 KNESSET DEBATES, 7 November 1960, p. 132, Moshe Dayan, minister of agriculture, proposing the bill. See also Mahmud Bayadsi, "Israel Land Reform and the Arabs," NEW OUTLOOK, February 1961, pp. 18-22.
- "LIBERATING" THE LAND
- 1 KNESSET DEBATES, 5 August 1959, p. 2923.
- 2 MAARIV, 8 February 1963, Shmuel Segev.
- 3 YEDIOT AHARONOT, 28 August 1965, Y. Ben-Borat. See also the discussion of the Judaization of Galilee project in NEW OUTLOOK, November-December 1963, pp. 56-73.
- 4 DAVAR, 26 January 1962.
- 5 Joseph Nahmani, A MAN OF GALILEE (Ramat Gan, 1969), pp. 117-20.
- 6 IBID., pp. 134-40.

- 7 Joseph Weitz, DIARIES AND LETTERS TO THE CHILDREN (Tel Aviv, 1965), 5:89-96. No doubt he also took part in the discussions about the reorganization of Zionist settlement foundations and Israeli policy on land ownership in general. Eventually, with the help of his supporters, he was able to induce the government to follow the original principle that "state land" was not to be sold.
- 8 *IBID.*, pp. 240, 248, 303-8.
- 9 *IBID.*, pp. 258, 264, 312-15.
- 10 MAARIV, 29 August 1965, Emmanuel Mareuveni.
- 11 The 1943 law was again invoked in 1961 for the expropriation of some two thousand dunums in the Battuf Plain belonging to the villages of Arava and Sakhnin for use in the Diversion of the Jordan Waters Project.
- 12 See Emil Habibi's protest against the land expropriation, KNESSET DEBATES, 31 July 1957, p. 2625.
- 13 Allon was later appointed head of the Arab department in the Labor Party.
- 14 KNESSET DEBATES, 4 April 1962, p. 1797 and 25 June 1962, p. 2421: see Emil Habibi's statement and Shimon Peres's response.
- 15 MAARIV, 17 January 1963.
- 16 KNESSET DEBATES, 2 December 1964, p. 486.
- 17 STATISTICAL ABSTRACT OF ISRAEL (1970), p. 36.
- 18 STATE CONTROLLER'S REPORT FOR FINANCIAL YEAR 1963/64 15 (1965):336.
- 19 LSI 12 (1957/58):129.
- 20 ISRAEL GOVERNMENT YEARBOOK 5724 (1963/64):208; 5725 (1964/65):214. See also Dov Joseph's statement in KNESSET DEBATES, 13 June 1962, p. 2306 and the REPORT OF THE ISRAEL LANDS ADMINISTRATION FOR FINANCIAL YEAR 1964/65 4 (Jerusalem, 1966):66-68.
- 21 JUDGMENTS OF THE SUPREME COURT 15:906, Ahmad Bednan v. the State of Israel, Appeal 482/59.
- 22 For a comprehensive study of the land survey and the Israeli government's aims in undertaking it, see Yitzhak Oded, "Land Losses among Israel's Arab Villagers," NEW OUTLOOK, September 1964, pp. 10-25. See also Oded's "Bedouin Lands Threatened by Takeover," NEW OUTLOOK, November-December 1964, pp. 45-52.
- 23 ISRAEL GOVERNMENT YEARBOOK 5732 (1971/72):237.
- 24 ISRAEL GOVERNMENT YEARBOOK 5727 (1966/67):201. The REPORT OF THE LANDS ADMINISTRATION 4:66, in its description of the progress of the land survey to date notes that "the government's claims in forty-two Arab villages (in the north of Israel) totaled some 276,000 dunums and the claims of the custodian of absentee property and the development authority some 124,000 dunums, or about 400,000 dunums altogether out of the original 702,000 dunums. "By 31 March 1964 (following court action) 178,000 dunums of the 400,000 claimed were surveyed with 134,000 going to the state and 44,000 to the development authority. The conflict over an area of 114,000 dunums continues, while 108,000 dunums are still in the process of being surveyed." On page 68 the report adds with a note of pride that "it can be said that the state has won more than 85 percent of the cases resulting from claims made during the land survey."
- 25 See Articles 2,5 and 9 in the Leasing of Land (Temporary Provisions) Law, 5719-1959, LSI 13 (1958/59):210.
- 26 KOUETZ HA-TAKANOT (OFFICIAL GAZETTE) 2486 (27 November 1969):509-12, in Hebrew. The villages were Ein Mahil, 960 dunums; Daburiya, 2007 dunums; Yafa al Nasra, 2730 dunums; and Al Maghar, 5837 dunums.
- 27 KNESSET DEBATES, 16 May 1949, p. 502.
- 28 KNESSET DEBATES, 7 July 1959, p. 2455.
- 29 Absentee's Property (Amendment No. 3) (Release and Use of Endowment Property) Law, 5725-1965, LSI 19 (1964/65):55.
- 30 By 1970 committees had yet to be appointed for Nazareth and Shafa Amr (ISRAEL GOVERNMENT YEARBOOK 5731, 1970/71: 317).
- 31 See the questions asked of the minister of religions and his response in KNESSET DEBATES, 7 January 1963, p. 709 and 18 February 1963, p. 1149.
- 32 MAARIV, 3, 12 September 1971. For more information on how the Israeli government dealt with the WAQF see Aharon Layesh, "The Islamic WAQF in Israel," HAMIZRAH HEHADASH 15, no. 1/2 (1965):38-56.
- 33 HAARETZ, 22 September 1972.
- 34 Bedouin elders in the Negev, during a press conference, as reported in HAARETZ, 13 June 1965. See also Weitz, DIARIES 3:355, 357, and 359; 4:8, 9, 15, and 22, and Emanuel Marx, "Bedouin of the Negev," HAMIZRAH HEHADASH 7, no. 2 (1966):89-98. See also Ben-Gurion's statements in KNESSET DEBATES' 6 February 1952, pp. 1222-23.
- 35 Emanuel Marx, BEDOUIN OF THE NEGEV (Manchester University Press, 1967), p. 35.
- 36 KNESSET DEBATES, 9 June 1952, p. 2235, Moshe Shapira, minister of interior, responding to questions.
- 37 *IBID.*, 6 November 1951, p. 338; AL HAMISHMAR, 18 May 1972.
- 38 Marx, BEDOUIN, pp. 38-46.
- 39 For further information on the relocation of the Bedouins see the statements of Moshe Aram and Rustum Bastuni in Kneset Debates, 13 May 1953, p. 1320 and 4 December 1954, p. 282.
- 40 Weitz, DIARIES 4:23.
- 41 See Bikhur Shitrit, minister of police, responding to questioning in KNESSET DEBATES, 4 May 1952, pp. 2025-26.
- 42 MAARIV reported the situation as follows 4 June 1956: "The department of defense is taking administrative measures against the Suaed Arab Bedouins, in the hills of central Galilee, who have resisted a military order and refuse to leave their tents which are in a closed area. "The restrictions imposed on the tribe include a ban on leaving their place of residence, the cancellation of all government permits in their possession, such as hunting, grazing, and travel, the closing of their elementary school, a ban on independent food supplies to the tribe as well as a ban on the sale of the tribe's products outside their area. "The tribe claims that 'as long as the blood runs in our veins, we shall not leave the land we have owned for generations. ...' "In the last few days dozens of peasants from the villages of Majd al Kurum, Araya, Deir al Asad, Sakhnin and others have been arrested for 'invading' closed areas. The military court before which they were brought has sentenced them to six months in prison and fines of five hundred to one thousand pounds."
- 43 KNESSET DEBATES, 5 December 1962, p. 383, Ami Asaf, deputy minister of education. See also 24 November 1962, p. 244 and 3 July, p. 1085, a report on the incident by the Kneset Education Committee.
- 44 KNESSET DEBATES, 2 December 1964, p. 504, Tawfiq Tubi.
- 45 See DAVAR, 26 March 1964.
- 46 MAARIV, 26 September 1965.
- 47 ISRAEL GOVERNMENT YEARBOOK 5727 (1966/67):33. See also STATE CONTROLLER'S REPORT 1965/66 17 (1967):294-96.
- 48 ISRAEL GOVERNMENT YEARBOOK 5727 (1966/67):33, 181; 5732 (1971/72):39; DAVAR, 26 May 1972.
- 49 AL HAMISHMAR, 18 May 1972.
- 50 HAARETZ, 19 and 20 March 1973.
- 51 Weitz, DIARIES 5:258.
- 52 STATE CONTROLLER'S REPORT 1965/66 17 (1967):292 and REPORT OF THE LANDS ADMINISTRATION 1964/65 5 (1966): 165-68 and *IBID.*, 1965/66 5 (1967):185-88. See also ISRAEL GOVERNMENT YEARBOOK 5732 (1971/72):67.
- 53 22,056,000 Israeli pounds were paid as compensation for 123,193 dunums.
- 54 KNESSET DEBATES, 15 March 1965, report of the Finance Committee.
- 55 As quoted by NER, February-April 1960, quoting Israel Hertz in an article in AL HAMISHMAR.
- 56 Agricultural Settlement (Restrictions on Use of Agricultural Land and of Water) Law, 5727-2967, LSI 21 (1966/67):105.
- 57 For part of the debate on this law, see KNESSET DEBATES 1966/67, pp. 119-31. See also Sabri Jiryis, "Recent Kneset Legislation and the Arabs in Israel," JOURNAL OF PALESTINE STUDIES, Autumn 1971, pp. 53-67.
- 58 DAVAR, 3 February 1972.
- 59 HAARETZ, 5 November 1971.
- 60 MAARIV, 26 October 1971.
- 61 HATZOFEH, 20 December 1971.
- 62 KOUETZ 1043 (30 January 1973):160, introduction to the bill (1043) amending the Agricultural Settlement Law, 5733-1973.