

Revolution and Resistance Until Liberation and Return

مقاومة وثورة حتى التحرير والعودة



A never-before-published photo of Palestinian fighters in Jerusalem, circa 1948, by Yousef H. Giries. Courtesy of Clarissa Bitar.

RAIN IS COMING

THE ONGOING NAKBA AND
THE PRESENT REVOLUTION

By MOHAMMED EL-KURD

Every year since I started writing, whether in Arabic or English, I have produced various iterations of the same essay or poem on Nakba Day, riddled with the same facts and figures and tired arguments, in hopes that one day such persuasion and schooling would no longer be necessary. The thesis has been consistent: pairing "anniversary" and "Nakba" in the same sentence is a misalliance; the time frame, 76 years, is a miscalculation. The English translation — "Catastrophe" — is reductive, because it wasn't a sudden natural disaster. Nor is it a tragic relic from the past. The Nakba is an organized and ongoing process of colonization and genocide that neither began nor ended in 1948. The perpetrators have names and the crime scene remains active. And where you cannot see the rubble, know that pine trees have been planted on top of it, to conceal it.

I read that, in Gaza, they have opened a new kindergarten in the North, a phoenix of sorts, and I want to believe that there is already a clean scent of jasmine that follows the teachers as they go about their day — what, if not jasmine, can ease the nagging of children and the nagging of warplanes? I have been holding on to this piece of good news for the past couple of weeks, filling in the blanks with my own speculations. There is jasmine because seeds do not need permission, or a ceasefire, to germinate. Children nag because that is what children do. What do five-year-olds learn, besides the numbers and alphabet, in the time of genocide? What jokes do they tell to pass the time? Their vocabulary expands, naturally, to include words more brutal than "invasion," "siege," and "Nakba," and their teachers, I imagine, tell them that the Nakba, the original Nakba (1947-49), pales in comparison to Gaza's present. Even the rich — all of the rich — are in tents this time around.

It is hard to predict how we will historicize this current moment, but if our reflections on the late forties are any indication, we might remember only today's destruction and defeat. And for good reason — at this very moment, with no hyperbole, our people's corpses have been piled up in mass graves, plural, their wrists,

"...seeds do not
need permission,
or a ceasefire, to
germinate."

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THE INTIFADA OF THE FREE YOUTH

A new poem from
Haidar al-Ghazali for
the students rising up
around the world.

Today
is the Intifada of the free youth in the
universities;
they send their cries into the wind.
Today, we see hearts wounded/
slaughtered like ours,
weeping for mothers who had not
time to weep.

Today
is the Intifada of the free youth in the
universities;
no-one will pass
who fails the Humanity Test.

Today the world shows a kind of
justice,
a kind of humanity;
it cries with my voice,
bleeds with my blood,
boils like the amputated hand of a
child on the ground.

We are a good world,
ruled by the devils of whiteness.
Why don't we become one world?
Why don't we grow together?
My voice, your voice,
my blood, if it makes you angry,
well, now it's yours.

Teach your children
that the earth is one body
that borders are an invention
that killing you will be easy
if you don't refuse to kill.

Stop killing us!
Stop killing us
so we can work our fields
and feed you.

اليوم
ينتفض الشباب الحرّ في الجامعات
ويطلق صوته في الريح
اليوم نرى قلوباً مذبوحة مثلنا
وتبكي على الأمهات اللواتي لم يجدن
وقتها
ليبكوا.

اليوم
ينتفض الشباب الحرّ في الجامعات
فلن ينجح أبداً
من يرسل في اختبار الإنسانية.

اليوم يُظهر العالم عدالة ما
إنسانية ما
صراخه من صوتي
ودمه من دمي
يغلي ككفّ طفلةٍ مبتورة على الأرض.

نحن عالمٌ جيد
محكومٌ بشياطين البياض
لم لا نصيرُ عالماً واحداً؟
لم لا نكبرُ سوياً؟
صوتي، صوتكم
ودمي، إن كان يزيدكم غضباً
صار الآن لكم.

علّموا أولادكم
أن جسد الأرض واحد
أن حدود الأرض بدعة
ومن لا يرفض القتل
سيكون قتله سهلاً

أوقفوا النار
عن صدورنا
أوقفوا النار
لنزرع أرضنا
ونطعمكم

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How Should We Read This War?

By NADERA SHALHOUB-KEVORKIAN

In this essay, the noted Palestinian feminist scholar and activist Nadera Shalhoub-Kevorkian asks how to "read this war" — that is, how to understand the present nakba and genocide. This is far from a purely theoretical venture for Shalhoub-Kevorkian, but one that is central to forging paths for resistance and solidarity in the face of Zionist destruction.

In March 2024, Shalhoub-Kevorkian was suspended from her position at the Hebrew University. Despite being reinstated after international outcry, she was arrested by Israeli police the following month and subjected to torture in police detention before her release.

This essay was first published in Arabic in December 2023 and appears here for the first time in English translation.

The last question Ghassan Kanafani asks at the end of his book *Men in the Sun* is: Why didn't you bang on the sides of the water tank?

Those who do not dare bang on the sides of the water tank die, because banging and shouting imply a hope for life. So what, then, does Ghassan Kanafani's cry mean? Do remaining silent and cowardly, seeking stability, meekly yielding to despotism, and surrendering to exploitation mean death between the burning walls of the tank? The ethical task is psychological,

"... even the rules
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all failed us."

political — all-encompassing. The economic task is a necro-political challenge to economies of life and death that face indigenous people today. These two sets of challenges face Palestinian researchers at every step. How can we not bang on the sides of the tank ever louder, especially when we witness and painfully live through the ongoing butchery of our compatriots in Gaza; when we face the loss of our loved-ones, our children, our men, our women, our students, our colleagues, our doctors, our journalists, our society, our future...

How can we go on breathing every day when we live through the horror of abandonment and are subjected to continuous crimes? How do we build up our refusal as we sink under the weight of our patriotic, our intellectual, our lived social-psychological concerns. How do we find answers for our steadfast generations and our future in the face of a policy of endless genocide?

How do we read this war, with all its horrors — particularly in view of the fact that our chronology starts with the colonial settler project and its boundless criminality? Do we read this war in the context of physical injuries, such as those described by Dr. Ghassan Abu Sitta, to understand that these injuries are a confirmation of the criminality of the massacres of the colonial settler project? Should we walk together from the Baptist Hospital [aka Al Ahli Arab Hospital-trans.] to the Shifa Hospital, to the pediatric hospitals that were subsequently bombed, to the cancer hospital and the Health Services Centers, and consider the significance of their targeting? And then to the Khodaj Center where we see continued mutilation of Palestinian bodies, and from there to babies in the neonatal units deprived of oxygen, their bodies left to rot.

Doesn't this way of reading events suggest that the bodies of our children — the sons and daughters of our people — their dismemberment, their uprooting, their pain and its treatment are the political capital that feeds this massacre and this project?

Or should we read this war through the military-political action in its spectacular approach to criminality, and the endless American support of these crimes, as well as the British assistance in these endeavors with Britain's declaration that it would assist in the war against our people by providing military intelligence and espionage?

Or through the militarized political support of America and its use of veto power — in addition to both its overt and covert means of support and its insistence on dehumanizing Palestinian men and women?

Or should we read it by looking at Israel and its current state of shock — with its crimes of revenge, and its surveillance and legal pursuit of the daughters and sons of our people? Or by looking at the violence visited upon Palestinian political prisoners, at the use of our children and adolescents as a weapon against us, in addition the re-imprisonment of freed prisoners? By looking at the shedding of the mask of democracy and civilization? Should we look at Israel and observe its desire for revenge?

Or should we read this war through the manifestation of the total unmasking of the colonial settler project throughout the entirety of our Palestine? Or through the abandonment of nations — Arab ones in particular — that have not only lost political will but who, to the contrary, have worked towards marginalization of the Palestinian cause through normalization with Israel, along with continued, systematic uprooting and massacres



Please, or we'll suffocate.

Stills from *The Dupes*, directed by Tewfik Saleh (1973, based on Ghassan Kanafani's *Men in the Sun* (1962). At the end of the novel, three Palestinian refugees die while being smuggled from Iraq into Kuwait in the water tank of a truck. Kanafani asks, *why didn't they bang on the tank's walls?* This question — how to overcome fear and cry out in the face of injustice and exploitation — is the starting point for Nadera Shalhoub-Kevorkian's essay.

in spite of the solidarity of the actual Arab peoples? The loss of political will of the Arab regimes underscores the vital importance of the people taking the cause to the street in order to shake and weaken immoral "law and order," both locally and internationally.

Or should we read it through the Palestinian Resistance shouting against and resisting the mutilation of both the living and the dead, shouting its opposition to systematic ethnic cleansing, proudly displaying its involvement in self-defense, demanding the right to live and to do so in dignity?

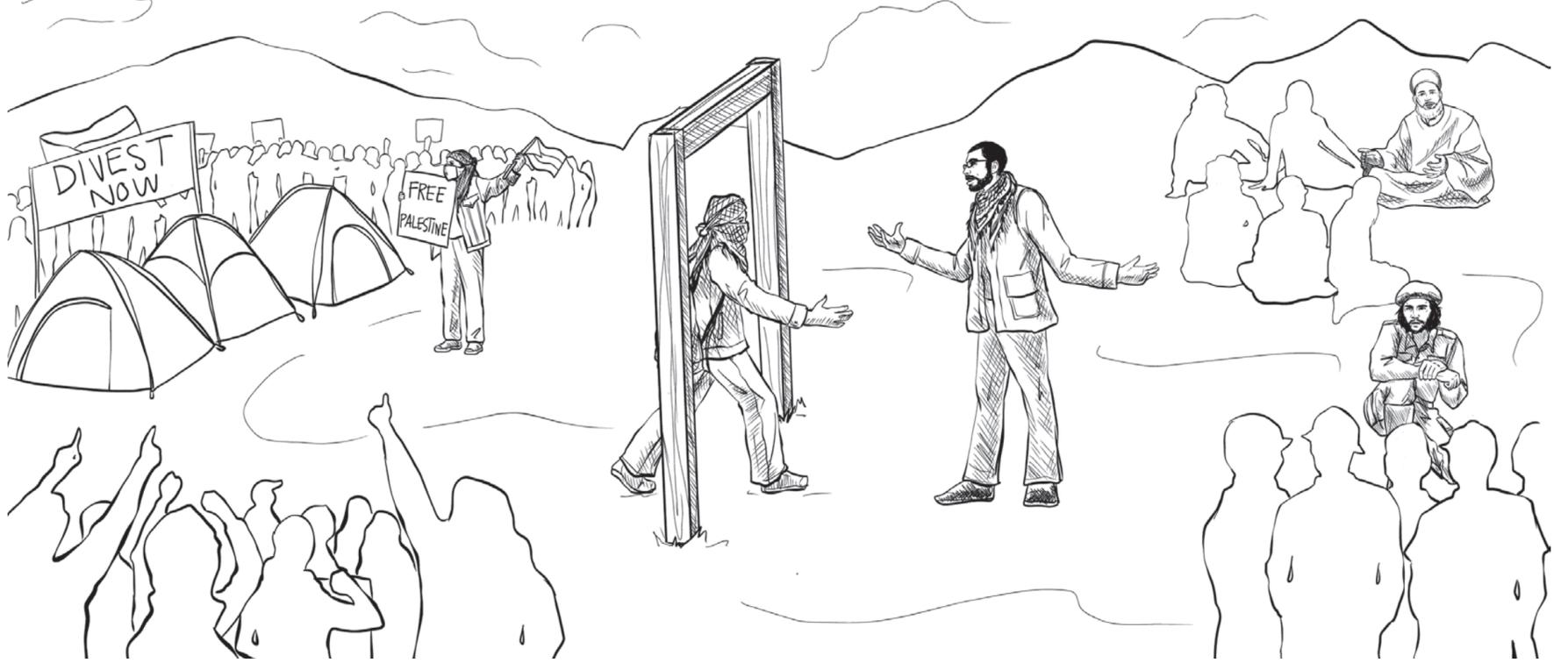
movements the world over, demanding an end to the massacre and calling for a ceasefire?

We must consider all these decisions we have to consider. We face great challenges, as even the rules of analysis — its terminology, its criteria, methods of interaction, thought processes, the public statements — have all failed us. As an example, the methods of speech and analysis of such prominent thinkers as Judith Butler, Žižek, Habermas and others have supported the criminals by failing to understand the present crimes in their colonial context. They have

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Exiting Law and Entering Revolution

Basel al-Araj on revolutionaries and outlaws



Foreword

The assassination of Basel al-Araj in 2017 — caught on camera and shared, proudly, by the official Twitter account of the IDF — silenced one of the most fearless, inventive voices on the Palestinian radical left. He was thirty-one. A writer, teacher, and militant opponent of the Zionist state, he'd been in hiding for six months when Israeli soldiers stormed the house where he'd taken shelter in al-Bireh, on the outskirts of Ramallah. Al-Araj and five comrades had already served half a year in Palestinian Authority detention, during which they'd gone on hunger strike in protest of their torture. After public demonstrations, the men were released; but they knew their "freedom" wouldn't last for long.

Among the handful of al-Araj's possessions found in his hideout — weapons, a keffiyeh, books by Antonio Gramsci and the Lebanese Marxist Mahdi Amel, and a stack of his own unpublished writings — was a letter, to be publicized in the event of his killing. It placed his sacrifice squarely within the history of Palestinian resistance. "I have read for many years the wills of martyrs and have always been puzzled by them: quick, brief, short on eloquence and without satisfying our search for answers to our questions about martyrdom," he wrote. "I am now on the path to my fate satisfied and convinced that I have found my answers."

I Have Found My Answers: Thus Spoke the Martyr Basel al-Araj, a collection of al-Araj's writings, was published in Arabic in 2018. The volume collects previously published pieces, tributes to al-Araj, social media posts, as well as a selection of the writing found after his death. (There is currently an effort to translate these texts into English; the complete works will be published by Maqam Books later this year.)

The texts testify to the dynamism of al-Araj's intellectual mission, and together execute a brisk, impressive synthesis of manifesto, conjunctural analysis, and political education. The style is frank, fierce, it isn't surprising that this author gave radical walking tours and taught at the activist-run Popular University in the West Bank. Subjects range from episodes in Palestinian history to speculative, even psychological investigations into the meaning of resistance. There's also a work of historical fiction, written from the perspective of a member of the al-Araj family born before the Nakba. The pieces share an absolute commitment to Palestinian freedom—and suggest a supple, even ecumenical ideological approach. Despite his vigorous defense of armed struggle, al-Araj never joined any faction and aimed, in his life and writing, to provide a shrewdly capacious sense of what Palestinian resistance is and can achieve.

As the title of the present essay suggests, "Exiting Law and Entering Revolution" inquires into the link between the figure of the outlaw or bandit, and the subjectivity of the revolutionary. We won't summarize the piece here; al-Araj's own exposition is lucid, and anyway proceeds by the suggestive juxtaposition of particular fragments and figures instead of cleaving to an explicit thesis. Among the allusions to the Palestinian revolutionary Sheikh Izz ad-Din al-Qassam, the Syrian writer Hanna Mina, and the Algerian rebel Ali La Pointe (whose death, reproduced at the end of Gillo Pontecorvo's *The Battle of Algiers*, bears a striking resemblance to al-Araj's own) there are also references to Malcolm X and Eric Hobsbawm—militant intellectuals of the Global North. Which is to say that as the Gaza catastrophe sends shock waves shooting across the world, compelling us to renew our essential commitment to liberation, we are not simply looking at Palestine; Palestine looks back at us.

This translation Basel al-Araj's "Exiting Law and Entering Revolution" was made by Bassem Saad and is published online at thebadside.net.

"People ran at the sound of bullets. They partook in the fray, not asking why or how. The countrymen against the French. All is clear and it takes place even if the dispute is over a triviality or if the fight is between drunkards. The French colonizer is then an enemy, and resisting the enemy is a duty. In those days, as I moved from one house to the next, I understood the meaning of Ibrahim Al-Shankal's words about resistance against the colonizer, about national spirit, enthusiasm, initiative, solidarity, about hatred in the eyes, mouths, and hands, the hatred for everything that is French and anyone who cooperates with the French, be they landowners or Aghas, commoners or those who are weak in spirit and conscience. As for those who fought in battle and escaped arrest, they were honored by the city and I was among them. I, the one who had been in one world and suddenly found himself in another. I, the one who became a patriot without understanding the meaning of patriotism as the others whom God had blessed with consciousness and courage had understood it."

—The End of a Brave Man, Hanna Mina

In the literatures examining peoples' revolutionary history, there recur some exceptional and divisive individuals who fuse revolution with heroism, crime and violations of law with tradition and custom. The accounts of their lives are often similar in terms of origin, circumstance, trajectory, and ending. Most crucially, they are similar in how they are received: in all of these cases, the public is divided over how to deal with these accounts. Some consider these individuals to be petty criminals and outlaws, while others see them as heroes.

The Arabs were familiar with this phenomenon since well before Islam, as it was represented by the groups of vagabonds known as Sa'alik, the most famous of whom was Urwa bin al-Ward, nicknamed Prince of the Sa'alik. These groups of men who broke with custom and tradition, confronting the economic, social, and political systems of their tribes, were either shunned by the tribe, or themselves fled the tribe. When hard times fell on the tribespeople, they would gather around the Sa'alik, who tended to their needs. When normality was restored, the tribespeople would again repudiate the Sa'alik and forsake them.

The similarity between the revolutionary and the outlaw consists in their decision to deviate from accepted "systems" and "laws." The outlaw's transition to national or political action — organized or spontaneous — is a smooth one. It is not marred by the same complexities of the transitions of members of the bourgeoisie, for example, which require a rejection of their social class and of the rituals, customs, and material comfort it provides. The outlaw, by way of his experience in the fields of theft and fraud, masters ways of operating outside of that law, acquires skills to deal with arrest and investigation, and carries out operations that require high degrees of prior planning. These experiences are similar in their practical logic to resistance action, even if the end goals differ.

Frantz Fanon was alert to this overlap and wrote the following about these outlaw figures in *The Wretched of the Earth*:

"In the same way the people make use of certain episodes in the life of the community in order to hold themselves ready and to keep alive their revolutionary zeal. For example, the gangster who holds up the police set on to track him down for

days on end, or who dies in single combat after having killed four or five policemen, or who commits suicide in order not to give away his accomplices—these types light the way for the people, form the blueprints for action and become heroes. Obviously, it's a waste of breath to say that such-and-such a hero is a thief, a scoundrel, or a reprobate. If the act for which he is prosecuted by the colonial authorities is an act exclusively directed against a colonialist person or colonialist property, the demarcation line is definite and manifest."

As a crucial sign of his attachment and love for community, his sense of justice, and his acquisition of analytical tools which furnished him with a lucid and serious vision, the martyr Sheikh Izz ad-Din al-Qassam said of the outlaws: "Let them do their work because there is a manhood in that work which we will one day transform into holy struggle, and as long as the colonizer wants to kill our souls, these people are closer to God and to the love of holy struggle than are those who submit."

The Marxist historian Eric J. Hobsbawm understood the significance of the outlaw or "social bandit," whose particularities contradict the logic of law in modern liberal states, which is based primarily on the "social contract" and the "natural rights" of man to property, freedom, and life—as outlined by John Locke. According to this understanding, banditry is an assault on private property; it is a "criminal" act in the terminology of the state and the classes affected by said "criminal" act.

One of Hobsbawm's books is based on a long and mythologized history of what he refers to as "social banditry," traceable in the popular imagination of various societies, and centered around the heroics of thieves and bandits such as Robin Hood, Rob Roy MacGregor, and Jesse James. Hobsbawm addresses the phenomenon through its social context, wherein the outlaw or thief's social role is one of revenge, especially if he defrauds or steals from a member of the dominant and tyrannical classes in society. Hobsbawm labels this thief the "noble robber." In other cases, such as the Mafia in southern Italy, the outlaw provides an alternative to the dominant social order and relations imposed by the ruling class through the police and other forces of oppression and containment. Hobsbawm finds a similarity between social bandits and revolutionary heroes, such as Che Guevara, or Võ Nguyên Giáp and Ho Chi Minh in Vietnam, or in the Arab and Islamic context, those such as Abdul Karim al-Khattabi, Omar al-Mukhtar, Izz ad-Din al-Qassam, Wadhi Haddad, and others.

In many cases, the outlaws become figures of agitation in societies that persist in a state of submission, as they are the most capable of existing outside of the system that imposes humiliating conditions on the living. They also possess sufficient knowledge to live and sustain themselves outside of the dominion of unjust law. They set for themselves strict rules that organize their world with just traditions, granting the human being their dignity and the right to live a decent life in return for fulfilling one's duties. For example, if one of the outlaws confesses to the authorities or informs on one of his companions, this is sufficient to end his trajectory with the group.

Because outlaws are at the bottom of the social pyramid, their world is explicit. They are not fooled by authority's tricks and lies, nor are they subject to its discourses, tools of mediation, and manufacturing of public opinion. The world in which they find themselves is one that is pristine in its reality, with all its hardships, miseries, poverty, and injustice.

One thus finds that they hold justice in the highest regard and that they are the most contemptuous of its absence.

It is important here to mention the enormous connection between any covert movement or revolution and the underground world which exists outside of the law. The law is a tool for normalization and hegemony at the hands of power, which reserves the right to interpret or revise said law. Therefore, revolutionary, covert movements exist on par with the outlaw "underworld." Revolutionary movements have always relied on this underworld to acquire know-how, logistics, and arms, as well as tactics of maneuvering and methods of obtaining financing, in order to confront the enemy.

Arab, Palestinian, and International Figures

The figures that we will discuss all hail from the poorest and most oppressed classes in society, which are subjected to the greatest degree of persecution. Most of their stories also share similar sets of circumstances that lead to the creation of a new humanity and to moments of birth and transformation.

We are talking about individuals whose consciousness is formed by material experience and whose life begins with rejection by society. Yet they come to be heroes: women sing of them at weddings and men hail their names and virtues, as they become models of heroism and rebellion. We are speaking here of individuals who are nothing but revolutionaries from the first moment. In their qualities, virtues, and psychological composition, they are marked by courage, rebellion, boldness, and intelligence. They are not deceived by embellishments nor are they ever domesticated.

Have you heard of Ibrahim, the boy who was killed in 1913, the one who loved Fatima, daughter of the feudal lord, and who was chased and persecuted as a result? He realized the extent of the injustice and oppression imposed by the state and feudal lords on the peasants and the poor, so he formed a gang that robbed the rich and gave the poor their rights. That boy was Hekimoğlu Ibrahim, one of the most famous dissenters in the Ottoman Empire, who became one of the most renowned icons of popular epics, whom people sing of and whose story grandmothers retell to children in order to instill in them the highest values—deepening their concepts of struggle, freedom, justice, equality, and love.

Hekimoğlu bears some resemblance to the English folk hero Robin Hood or to the Prince of the Sa'alik, Urwa ibn al-Ward, but he most closely resembles the Scottish revolutionary William Wallace, depicted in the movie *Braveheart*, in whose case love was also the engine of revolution. And just as Hekimoğlu's life inspired people, so did his death. The picture of him as a dead man cradling his Martini-Henry rifle made all the youths in the Ottoman Empire covet that same rifle. To this day, our popular songs and chants in Palestine recall Hekimoğlu through that Martini rifle.

These outlaw figures are distinguished from revolutionaries only by consciousness and political mission. The latter, whose social base and political projects are created by material conditions, become a nation's hope and model. In his book *Guerrilla Warfare*, Guevara noted this great similarity when he said:

"The guerrilla fighter counts on the full support of the local people. This is an indispensable condition. And this is clearly seen by considering the case of bandit gangs that operate in a region; they have many characteristics of a guerrilla army, homogeneity, respect for the leader, bravery, knowledge of the terrain ..."

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According to Guevara, if the people rally around these gangs, they will be transformed into revolutionaries.

This can be demonstrated by the story of the martyred Iraqi militant Suwaiheb, the peasant who was killed by gangs hired by feudal lords in al-Ahwar, near the al-Kahla River, in Iraq in 1959. He was the first martyr after the revolution of July 14, 1958, commemorated by Muthaffar al-Nawab, in the poem "Suwaiheb," sung by Sami Kamal.

Although the people embraced these individuals as icons and heroes illuminating the way, the state and its law were unable to account for the logic at work. Even when the authorities used these icons as myths in their own state projects, they continued to consider them outlaws. Here we may refer to the popular epic of the Egyptian folk hero, the martyr Adham al-Sharqawi, whose memory the Egyptians still commemorate in their popular songs to this day, about whose life two TV series were made. His story was deployed during the Nasser era, as the tide of socialist pan-Arabism swept over, and a film about his life was made, starring Abdullah Ghaith and directed by Hossam El Din Mustafa, with Abdel Halim Hafez singing the film's mawil and folk songs. And yet, the clothes of Adham al-Sharqawi, who was killed in 1921 at 23, are still displayed in the "Notable Criminals" section at the National Police Museum.

The revolutionary martyr and theorist Malcolm X is one of the most famous examples of the revolutionary outlaw. He was born to a small and impoverished Black family, growing up under a racist system that no sound person could accept. In 1931, when he was six years old, his father was killed by a white supremacist group. Four of his uncles were then also killed at the hands of whites, without trial. His mother was placed in a psychiatric hospital.

Malcolm's presence at a school for whites was sufficient to compel him to comprehend the extent of injustice experienced by Black people, even at the tender age of six. The seeds of rebellion and revolution were planted in him at a young age. He learned to shout in anger, as did the character of Mufid al-Wahshi in Hanna Mina's novel *The End of a Brave Man*. Malcolm X has said of this phase of his life: "So early in my life, I had learned that if you want something, you had better make some noise."

As he reached puberty, these protestations took on a more violent and rebellious form. He undertook burglary and theft, and was imprisoned for it, continuing his high school studies in prison. Afterwards, he left prison for Boston and New York, where he dove into a world of violence, crime, and drugs, before returning to prison.

His moment of rebirth took place in prison and he emerged a new human. His consciousness about the injustice which Black people are subjected to across the United States had expanded. The cruelty of life in prison gave him the knowledge and art of interpreting society's deviant behaviors as Fanon and Ali Shariati did, and not as the half-educated people who considered them pathologies or genetic mutations do.

Malcolm X forged his path towards becoming one of the most influential Black leaders, partaking as well in the struggles of other nations, such as the Algerian Revolution. His was a critical mind that could not accept lies, deception, and quackery. He maintained that thought and theory must be subjected to social conditions. Then, the hunt for his life began, and multiple assassination attempts were made on him until one was successful on February 21, 1965.

As for the Algerian martyr Ali La Pointe: born in 1930, he knew injustice, poverty, and exploitation on the colonial farms in his town of Miliana in Algeria. Then he moved to Algiers, the capital, to practice boxing, soon stepping outside of the colonial law and being thrown in prison. There, he was reborn. How many national heroes were born in prison? Abu Jilda, Al-Armit, Farid Al-'As'as, and Abu Kabari were also prison births, later becoming national symbols.

La Pointe: that name which attached itself to our hero, the hero of the Battle of the Casbah, the arena over which he, Ali La Pointe, exerted his control before his rebirth, he who led several operations against the French occupation in Algiers, aiding the revolution in its move from the mountains to the cities. On October 9, 1957, the French blew up his hideout. He was martyred along with three other heroes: the young woman Hassiba Ben Bouali, Talib Abdel Rahman, and the child Omar, who also became one of the many symbols of the revolution.



Basel al-Araj (1984–2017)

And here we mention the martyr hero Hussein Al-Ali, from the Arab Saqrs of the Beisan valley. He is one of the most important Palestinian examples. Al-Ali killed a cousin who had done him an injustice. (Most of the Palestinian examples similar to Hussein Al-Ali begin their stories in a clash with authority starting from the bottom of the pyramid, such as the mukhtar, then the feudal lord, and then the bourgeoisie which takes on the face of the colonizer and its comrade.) He was chased after by the British authorities and went underground until the Great Revolt of 1936, then becoming one of its leaders and most important symbols. Hussein was later martyred in a crushing battle with the forces of the British enemy. He was immortalized by the poet Tawfiq Ziyad in his epic "Sarhan and the Pipeline," sung by the 'Ashiqin band.

The beginning of every revolution is an exit, an exit from the social order that power has enshrined in the name of law, stability, public interest, and the greater good. Every social and economic authority necessarily intersects with and is an extension of political authority. This is how these heroic figures can be understood and appreciated by the general public, who are overpowered, as though by instinct. From there, we understand the hostility of social, economic, and political authority towards these figures, and its use of the law as a tool to tarnish their image and criminalize them. We therefore also understand the smooth transition from the outlaw into the revolutionary—the one who resists.

—Translated by Bassem Saad

El-Kurd on looking beyond loss

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big and tiny alike, bound with zip-ties. Horrors that we once learned as oral histories and cautionary tales are livestreamed today, incessantly, forever etched in our memories. The past seven months have shown us that even metaphor is a casualty of war. What was once figurative is painfully literal: bloodied beards, furniture in trees, a limb hanging from a ceiling fan, women giving birth on the concrete. Clichés cover the terrain: plants erupting through rubble, flowers springing from cement, etcetera. The surreal happens so much. Journalists are poets, almost, when reporting about the decomposed under ruins. Doctors have invented acronyms for conditions my fiction professors would have called unrealistically episodic. Death is everywhere.

“As deadly and treacherous and unrelenting as it is, the Nakba will not last forever.”

And so when one begins to write or speak about Palestine, it is tempting to look at loss and only loss, and to find in this loss a plea for survival. We have suffered a lot, we say to those who will listen, we have suffered enough. Too often our suffering is reported without a culprit, our anguished cries exist outside of history and politics. We have no national aspirations, no land to cultivate. Our existence is purely mechanistic — we are reminded, through policy and procedure, that we are unfortunately born to die. And in our deterministic march to the grave, we encounter each other as unlucky strangers, frail and futureless.

But there is — and always has been — more to our reality. We are, without a doubt, subjects of conquest and colonization, products of circumstance, but we are also so much more than that. At every turn of our bloodied history, we have been brutalized, be-

reaved, dispossessed, exiled, starved, slaughtered and imprisoned, but we have, to the world’s dismay, refused to submit. For every massacre and invasion, there have been and there are now men and women who pick up their weapons, makeshift and sophisticated — Molotovs, rifles, slingshots, rockets — to fight. There has always been struggle, there has always been jasmine.

In parallel, there is also more to our enemy. Zionism, behind the facade of the impenetrable superpower it purports to be, is more vulnerable today than ever. And I do not say this naively: I do not ask that we gloss over our enemy’s capabilities or the power of the empires and mercenaries that back it. Nor do I ask that we trivialize the crushing weight of forty thousand martyrs, or glamorize the men confronting tanks in tracksuits and burden them with more than they can handle. Freedom fighters understand that their opponent is Goliath, that the odds are stacked against them, that they do not have an option but to pick up the stone. But this is a new dawn. Through close inspection — watching state media, listening to the shifting global narrative, witnessing the renaissance of radical movements, even reading the inscriptions in random airport bathrooms — one discovers that this is a new dawn. Zionism may remain a formidable opponent, but it is also an aging, trembling beast, blinded by its own significance, unpredictable as it may be. Sometimes it pounces on you and pierces its fangs in your flesh. Sometimes it is but a paper tiger.

And it is this discovery that not only shatters the myth of colonial invincibility, but it reminds us that liberation is attainable, the future is within reach. Amid the unrelenting airstrikes and the havoc of demolished cities, it might seem frivolous to fixate on the blossoming jasmine. But we owe it ourselves to look at everything, to look for everything. To see the picture with all of its details. As deadly and treacherous and unrelenting as it is, the Nakba will not last forever. The world is changing because it must. If seeds can germinate in the inferno, so can revolution. On the phone, my mother tells me, rain is coming and God is almighty.

“Zionism is the Catastrophe”

Seven months and seventy-six years of Nakba

By KALEEM HAWA, *Palestinian Youth Movement*

Many have allowed themselves to be desensitized, rather than experience the war each day as if it were the first. This is in part a reflection of the enormity of the destruction, in part the adaptive qualities of a mind which resists too frequent a decampment to another’s field of vision. In these seven months, we have seen the wholesale ruination of Gaza’s life-sustaining infrastructures, its public utilities now makeshift; education and healthcare inoperable; food and water withheld. Almost every site necessary for political and social life has been destroyed: municipal and district archives with years of history are gone, records of families with centuries-long stories are gone.

In Gaza, the ultimate challenge of the 21st century has been consolidated: how to manage the desires of a people who have refused submission and dispossession; what is to be done with those who will not bend. The Zionists found their answer, built off of the prior answers, and accelerated — backed by the most sophisticated tools of torture and immiseration ever conceived by the advanced forces of American empire.

Seven months into the campaign of extermination, it is the sadism that stands out: hovering quadcopters made to sound like crying babies; elementary schools carpet bombed; and dark-site concentration camps, where Palestinian men are blindfolded and Israeli families are invited to watch and to laugh, as they are burned with lighters, drenched in scalding water and electrocuted.

Zionism is the catastrophe. Its violence is world-historic, its regional ethnonationalist project takes the form of a sprawling entity of death and dismemberment declared by and for the Jewish people. This entity has no borders because it claims the entire Arab world, just as it has claimed thousands of Lebanese martyrs and thousands of Yemeni martyrs. With American support, it crushes and de-develops any who resist, installing ruling compradors to maintain a system of extraction and plunder that operates with impunity.

Every day we have ten Palestinian children who become amputees; every day ten children lose one or more of their limbs. Just like the Nakba, amputation is a political structure, its root is Zionist mutilation intended to enact politicicide. The amputation of people from land, amputation of children from their families, amputation of limbs from their little bodies; these are the products of a colonial trauma that flows seamlessly into social trauma, the phantom pains and attempts at re-grafting an overwhelming challenge for the popular cradle.

No ceasefire will change the reality that made this permissible. This truth complicates the solidarities whose demands have not yet hewn to the objectives of national liberation. To those still indulging in self-mythologization or teary-eyed hugs, to what extent is Gaza truly the compass of your ideological project, to what extent has it led to your spiritual dislocation from the existing world system?

In your vision of justice, does the siege end? Do the lands return? Do Palestinians return to those lands, does the forced starvation go away, do the water and trees come back, are our prisoners freed? With thousands of children in graves, and thousands more whose families are in graves, our demands today are no different from the demands we made in our text during the first week of the genocide: that you do not waiver and that you remain committed until total return.

All of this — each blasted particularity — is sanctioned by the Israeli people. It is cheered by them; they make videos to celebrate their violence, the martyrdom, the imprisonment, the starvation. They smile when our people are tortured beyond recognition. Theirs is not a social formation that can be lived alongside. To the Jewish anti-Zionist allies, it is not good enough to say that this genocide is a false idol: every major institution of Jewish political and religious life in the West supports the aggression, sending their money and their children to fight and kill Palestinians. Your task, then, is not a “redemption” of Judaism, not the salvation of the Jewish kids spiritually disfigured by their parents — it is Palestinian freedom, which necessarily requires a

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militancy in withdrawing, confronting and creating contradictions within these institutions.

Armed with this knowledge, we must be secure in the belief that the fight to stop Zionist aggression is just and true, which means defending those who do. The Palestinian resistance is our inspiration; we salute our

their cities’ counterinsurgency strategies. Because of this work, the contradictions have become undeniable, an American left has been injected with new energies and now circles the fascists and their mercenaries.

The task at hand is to capture, maintain and organize this energy. Hundreds of thousands of people across the world have taken to the streets for Gaza, have fought for divestment in the universities, have demanded an end to surveillance and policing collaboration programs.



A Nakba Day demonstration in Gaza, May 15, 2019 by Mohammed Zaoun

brave fighters, who have faced every weapon known and as yet unknown, and who continue to struggle for a different world. If there is anything to be learned from the ongoing genocide it is to reject those who erase the immense contributions of the resistance, and to distinguish those who want unconditional liberation from those who just want the “violence to end” so as to sleep at night.

Because of this resistance project, we have claimed some victories in the imperial core. The movement is stronger than ever, more militant, more connected to the working class, to labor, to the students, whose encampments have bravely resisted

Those in power have doubled-down, sending more money and more weapons to the Zionist entity. The seemingly intractable appears at once daunting and hallucinatory, personally painful too, for those in our movement whose families and friends have spent their long October transmitting fear and rage from America’s extermination camps. If there is any solace to be found it is in those dreams and words and rockets that have remodeled the land — 76 years of assembly and disassembly, 76 years too long, but also proof that with Gaza as the heart, there will be courage and with Gaza as the eyes, the aim will be true.

Shalhoub-Kevorkian on interpretation and liberation

Continued from page 1

analyzed the issues through pre-conceived notions, those of a white racist mindset, when discussing an occupied nation and comply with the imposed “codes of obedience.” I can also assert that they are profiting from the situation; they are watchful of the specter of our occupiers’ enmity, and fear the punishment and losses associated with any opposition to them.

Laws, norms, universal principles of international law, criminology, the study of genocide, feminism, medical sciences as well as military codes of conduct have all evaporated when it comes to Palestine, and more specifically when it comes to Gaza.

Ideological conceptions and practices have whittled away principles like the “right to self-defense,” the “innocence of defenseless citizens,” like “child protection policies” or the “enforcement of international laws and norms” — their application now limited to one party only. These laws and norms have, in fact, always sacrificed Palestinian lives and bodies.

They ignore the justice of their cause and their right to resistance in favor of the lie of “values and norms” that bear no relationship to humanity or socio-political justice — thus unveiling the lies told about the morally deficient system of “human rights.”

Because the Palestinian, in the lexicon of world politics and Zionist hegemony, is not only seen as non-human but as non-animal as well, non-deserving of compassion. Palestinian children are non-children, undeserving of protection, of saving, of medical care. The law has been used only in favor of those in power. There are those who deserve to be grieved and there are those who don’t deserve grief.

The conversation about what is just, about morality, about “fairness” and “justice,” that preceded this televised massacre have yielded to the influence and the diktats of McCarthyite Zionism. The truth is revealed. We have seen, for instance, what they have done to universities in this country [Israel – trans.], starting with the militarization of academia and academic research, campaigns of violent arrests (which existed previously but under the pretext of legality, whereas now no such pretext is needed). We witness actual, overt academic oppression as they willfully ignore professional academic behavioral standards and freedom of expression in broad daylight.

We see the USA, Germany, France, Britain and other western nations interfering in their universities, denying the right of freedom of expression to all except for those in power. All this calls into question the universality of academic freedom as well as the discourse of equality and justice. Zionism, moreover, benefits from anti-Zionism which it equates with anti-Semitism in order to si-



Still from *The Dupes* (1973), directed by Tewfik Saleh and adapted from Ghassan Kanafani’s *Men in the Sun* (1962)

lence “moderates” and in doing so, erects an ideological barrier against any consideration of the Palestinian cause, in order to prevent thinking of a way out of the crisis beyond an exclusionary and substitutional logic toward the Other.

The farcical show put on by the US Congress criticizing university presidents, resulting in the resignation more than one of them, has created a punitive system that works on behalf of the occupier. The “policies” that have labeled symbols such as the keffiyeh — or the Arabic — language as provocative have allowed events such as the shooting of Palestinian youths in Vermont, resulting in one of them being paralyzed.

All this state terrorism, this thought terrorism — the real, ongoing threats that we thinkers and researchers face today — result in greater determination on our part to refuse white racist violence, to hold fast to our human principles, to refuse genocide. The questions do not end here: there are struggles over truth, over numbers, over the validity of data, over scientific accuracy, over dates by voices that knowledge ultimately determined by the occupying forces.

Here in our Palestine, the failures of our times are embodied. There is a loss of moral compass, starting with the colonial-settler project and

genocide, collective punishment, ethnic cleansing, racism, and continuing with what is termed “religious extremism” within and outside of the state, including the violence of Christian Zionism, where the concept of Amalek legitimizes our extermination via religious teachings and allegations. The continued massacres and even the so called “cohabitation” and peace, reconciliation, the rapprochement between the two people, pluralism and multiculturalism along with other forms of racist psychological warfare are playing with our minds and persons with the goal of depriving us of life and land, and are used for the type of silencing that legitimizes death and makes it inevitable, including death in “the tank.” Except that today we refuse not to bang on the tank. We decide to forcefully and solidly build liberation discourse and movements, and to end the deep-seated occupation.

In 2023 truth stood naked in Gaza, and exposed the genocidal war, which included cutting off water and medicine, eviscerating human beings, trees, rocks. The genocide deployed psychological warfare, with its mercurial local and foreign dynamics, with racist and criminal standards, with its violation of the body, of life, leading up to death of Palestinians

and others around the world. This leads to our cause — the Palestinian cause — and represents the central and moral question of our time.

Genocidal methods, in Israel’s genocide on Gaza, are numerous. They include forced migration and extermination and deliberate targeting and stripping of men. Not that they can ever diminish the dignity of the Palestinian man, but precisely because they have failed to paralyze Palestinian society’s historical and current refusal of eradication. These methods prove their systematic ideological terror and underscore their intention to target our social fabric and societal bonds, to dehumanize our life force and our love, to deny childhood from our children, to target parenthood, to destroy the sanctum of the homes that bring us together and provide us with shelter, to level those homes, the schools, the universities, the hospitals, the playing fields, the cities, the mosques, the churches. They eradicate universal ethics (if there were ever any, because what is happening in Gaza has exposed the truth), to the point that state terrorism is now clearly revealed, visible and audible to all. Today we are left to wonder: when will the global appetite for genocide against the Palestinian who refuses to accept the laws of the jungle and

rises up in resistance, refusing eradication, be sated?

Resistance carries a price, and our history and our present bear the marks and the burden of a terrible pain.

But today we urgently need the following:

First, Palestinians’ refusal of humiliation is our identity, our journey and our future. Our heads are held high, as we proclaim in our slogan, “Raise your voice high, death rather than humiliation, raise your voice, raise your voice, the one who cheers doesn’t die.”

Second, Palestinian’s love of life is our path forward, a uniting factor that brings us together psychologically, morally, intellectually and politically. Because as Rafiq Zeyada said, “We teach life” and as Mahmoud Darwish said, “We love life even if we have no access to it.”

Third, to stress the importance of strengthening Palestinian awareness to the ways of the enemy’s propaganda. As Waleed Daqqa taught us, “we mustn’t forget that this is a war against the intellect.”

Fourth, to analyze and to challenge, both intellectually and politically, the question as to how the world, with all

its laws, standards and ethics, failed us and ignored our voices in the midst of the unseen massacres of Deir Yassin, El Tantoura, Lod, and others, up to Gaza today, even as the massacres are broadcast on television and other media. We need to resist the politics and discourses that enable and support these violent narratives.

Fifth, to stress the importance of collaborative thought in order to build practical, analytical and liberatory policies today. I insist on the need for an abolitionist politics, which warrants profound and serious study such that we may offer liberatory political and intellectual analysis. The banging on the walls of the tank has become a matter of life and death in the midst of this carnage. Among the questions we pose ourselves now is: how is each of us to act in this moment? Where do we start and how do we proceed in our abolitionist and liberatory struggle in face of the Zionist genocide? Are there moral-political tenets we need to adopt together? How do we consistently stress today, together, that we refuse to accept militarized approaches and criminal judicial pursuits? Stop the massacres, stop the genocide! How do we struggle together, struggle along with unity and wisdom as we were taught by Kanafani. What is the role of each one of us in this struggle?

What should we do? What kind of movement do we initiate politically, intellectually, in terms of research, curriculum? How do we explain our narrative in the face of state terrorism and its supporters and those who work tirelessly to block the critical output of our intellectuals, thinkers and researchers, in the face of those who work in opposition to our resistance, whose condemnation of our efforts builds a barrier to understanding our political project?

Our cause today, yes, our Palestinian cause, is the battleground that will define where our times are heading in terms of morals, in terms of work and life. We need to expose this history and today’s destructive political reality and we need to dismantle both of them. We need to dissect state violence in the Palestinian coroner’s morgue, we need to dissect those behaviors that were brought to attention by my dear colleague, the Gazan doctor Ghassan Abu Sitta, along with our activists, our children, our men, our women, our correspondents. We need to expose the authorities and the destructive powers of the state and its allies as so many of our activists and researchers, our pundits, our politicians have, and we need to bang on the walls of that tank... Yes, we need to bang on the walls of that tank not only to offer an alternative critical analysis of the facts, but in order to liberate our people and our Palestine, and to put an end to this genocide.

On Nakba Day

Remembering history, forging the future.

Nakba Day, the Palestinian national day of mourning, is commemorated on the fifteenth of every May. The Nakba, which translates to “the catastrophe” in Arabic, refers to the near destruction of Palestinian society by Israeli occupiers during the 1948 “war” and its attendant campaigns of ethnic cleansing and mass displacement. Having secured the support of the British government for the creation of a Jewish state in Palestine, on May 14, 1948, as soon as the British Mandate expired, Zionist forces declared the establishment of the State of Israel. Between 1947 and 1949, Zionist military forces attacked major Palestinian cities and destroyed some 530 villages. About 15,000 Palestinians were killed in a series of mass atrocities, including dozens of massacres. Zionist military forces expelled at least 750,000 Palestinians from their homes and lands and captured 78 percent of historic Palestine. The remaining 22 percent was divided into what are now the occupied West Bank and the besieged Gaza Strip.

As early as 1949, Palestinian workers and student groups began to organize labor strikes and protest marches to the graves of those murdered by Israel in the 1948 massacres. In 1998, May 15 was formalized as an official holiday by Yasser Arafat, but the date had grown in popularity as an unofficial commemoration for decades prior among Palestinians and their allies. In the 1960s and 70s, the date was marked as a “Day of Solidarity with the Palestinian People,” testifying to the growing importance of internationalism and global solidarity movements.

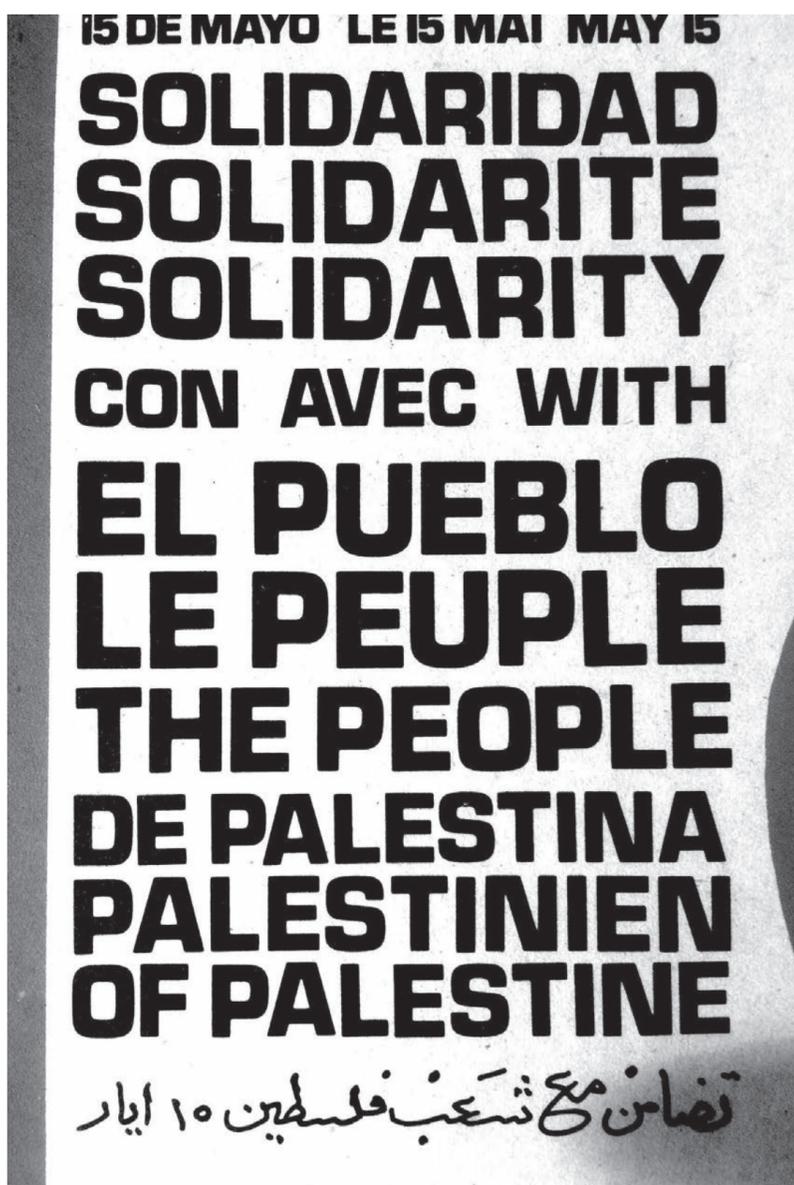
It has been 76 years and an eternity. We remember. We mourn. We resist..



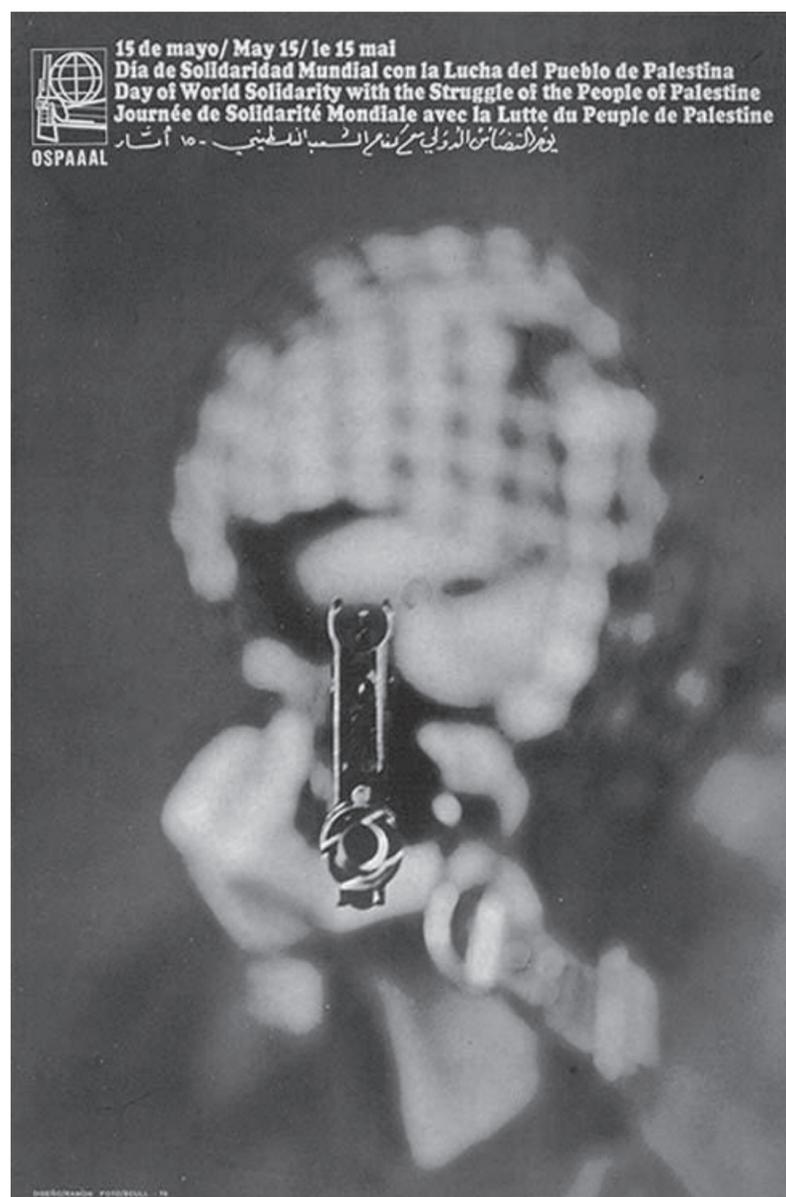
Cuba, 1970

Organization
 of Solidarity
 with the
 Peoples of
 Africa, Asia
 and Latin
 America
 (OSPAAAL),

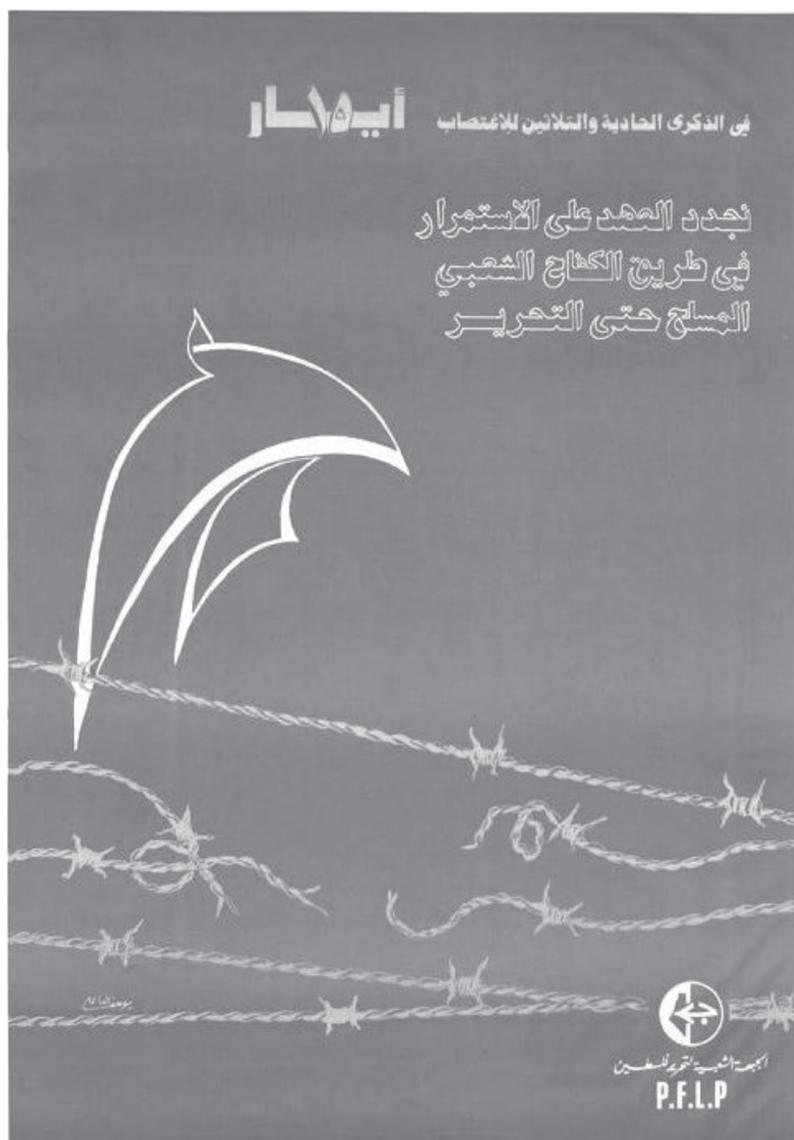
Artist:
 Victor Manuel
 Navarette



Cuba, 1971
 Organization of Solidarity with the Peoples of
 Africa, Asia and Latin America (OSPAAAL)
 Artist: Rafael Morante



Cuba, 1975
 Organization of Solidarity with the Peoples of
 Africa, Asia and Latin America (OSPAAAL)
 Artist: Ramón González



Palestine/Lebanon, 1979
 Popular Front for the Liberation of Palestine
 Artist: Yusuf al Nasser



Italy, ca. 1980
 General Union of Palestinian Students in Italy,
 Artist: Mustafa Al Hallaj

The Ongoing Nakba

Toward a Legal Framework for Palestine

In this essay, the lawyer, scholar and activist Rabea Eghbariah lays out an understanding of the Nakba not as a singular event, but as a continuous process that neither started nor ended during the establishment of the Zionist state in 1948 and the ethnic cleansing that made it possible.

Drawing on this broader understanding of the “continuous” or “ongoing” Nakba (*al-nakba al-mustamirra*), the essay proposes incorporating “Nakba” as a category of crime under international law. Just as “genocide” emerged as a legal category in the wake of the Nazi Holocaust, and Apartheid was codified in international law on the basis of the South African system of racial supremacy, Eghbariah proposes that the history of Palestine should be similarly reflected in legal discourse.

Originally written for the Harvard Law Review in the fall of last year, the essay was censored by the journal editors, who voted against publication in order to avoid controversy. It was subsequently published online by The Nation on November 21, 2023

Genocide is a crime. It is a legal framework. It is unfolding in Gaza. And yet, the inertia of legal academia, especially in the United States, has been chilling. Clearly, it is much easier to dissect the case law rather than navigate the reality of death. It is much easier to consider genocide in the past tense rather than contend with it in the present. Legal scholars tend to sharpen their pens after the smell¹ of death has dissipated and moral clarity is no longer urgent.

Some may claim that the invocation of genocide, especially² in Gaza, is fraught.³ But does one have to wait for a genocide to be successfully completed to name it? This logic contributes to the politics⁴ of denial.⁵ When it comes to Gaza, there is a sense of moral hypocrisy⁶ that undergirds Western epistemological approaches, one which mutes the ability to name the violence inflicted upon Palestinians. But naming injustice is crucial to claiming justice. If the international community takes its crimes seriously, then the discussion about the unfolding genocide in Gaza is not a matter of mere semantics.

The UN Genocide Convention defines⁷ the crime of genocide as certain acts “committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.” These acts include “killing members of a protected group” or “causing serious bodily or mental harm” or “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

Numerous statements⁸ made by top Israeli politicians affirm⁹ their intentions. There is a forming consensus among leading scholars in the field of genocide studies that “these statements could easily be construed as indicating a genocidal intent,” as Omer Bartov, an authority in the field, writes.¹⁰ More importantly, genocide is the material reality of Palestinians in Gaza: an entrapped,¹¹ displaced,¹² starved,¹³ water-deprived¹⁴ population of 2.3 million facing massive bombardments and a carnage in one of the most densely populated areas in the world. Over 11,000 people have already been killed.¹⁵ That is one person out of every 200 people in Gaza. Tens of thousands are injured,¹⁶ and over 45% of homes in Gaza have been destroyed.¹⁷ The United Nations Secretary General said that Gaza is becoming a “graveyard for children,”¹⁸ but a cessation of the carnage — a ceasefire — remains elusive. Israel continues¹⁹ to blatantly violate international law: dropping white phosphorus²⁰ from the sky, dispersing death in all directions,²¹ shedding blood, shelling neighborhoods,²² striking schools,²³ hospitals,²⁴ and universities,²⁵ bombing churches²⁶ and mosques,²⁷ wiping out families,²⁸ and ethnically cleansing²⁹ an entire region in both callous and systemic³⁰ manner. What do you call this?

The Center for Constitutional Rights issued³¹ a thorough, 44-page, factual and legal analysis, asserting that “there is a plausible and credible case that Israel is committing genocide against the Palestinian population in Gaza.” Raz Segal, a historian of the Holocaust and genocide studies, calls³² the situation in Gaza “a textbook case of Genocide unfolding in front of our eyes.” The inaugural chief prosecutor of the International Criminal Court, Luis Moreno Ocampo, notes³³ that “Just the blockade of Gaza — just that — could be genocide under Article 2(c) of the Genocide Convention, meaning they are creating conditions to destroy a group.” A group of over 800 academics and practitioners, including leading scholars in the fields of international law and genocide studies, warn³⁴ of “a serious risk of genocide being committed in the

1948



Palestinian refugees fleeing to Gaza after being forcibly displaced from their homes by Zionist forces in 1948. Over 750,000 Palestinians were expelled from their lands in historic Palestine during the establishment of the Israeli state, 190,000 of whom settled in refugee camps in Gaza. At present, over 70 per cent — or 1.4 million people — of Gaza’s population is made up of refugees of the first Nakba and their descendants.

Gaza Strip.” A group of seven UN Special Rapporteurs has alerted³⁵ to the “risk of genocide against the Palestinian people” and reiterated³⁶ that they “remain convinced that the Palestinian people are at grave risk of genocide.” Thirty-six UN experts now call³⁷ the situation in Gaza “a genocide in the making.” How many other authorities³⁸ should I cite? How many hyperlinks³⁹ are enough?

And yet, leading law schools and legal scholars in the United States still fashion their silence as impartiality and their denial as nuance. Is genocide really⁴⁰ the crime of all crimes if it is committed by Western allies against non-Western people? This is the most important question that Palestine continues to pose to the international legal order. Palestine brings to legal analysis an unmasking force: It unveils and reminds us of the ongoing colonial condition⁴¹ that underpins Western legal institutions. In Palestine, there are two categories: mournable civilians and savage human-animals.⁴² Palestine helps us rediscover that these categories remain racialized⁴³ along colonial lines in the 21st century: the first is reserved for Israelis, the latter for Palestinians. As Isaac Herzog, Israel’s supposed liberal President, asserts⁴⁴: “It’s an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it’s absolutely not true.” Palestinians simply cannot⁴⁵ be innocent.⁴⁶ They are in-

nately guilty; potential “terrorists” to be “neutralized” or, at best, “human shields”⁴⁷ obliterated as “collateral damage.”⁴⁸ There is no number of Palestinian bodies that can move Western governments and institutions to “unequivocally condemn” Israel, let alone act in the present tense. When contrasted with Jewish-Israeli life—the ultimate victims⁴⁹ of European genocidal ideologies — Palestinians stand no chance at humanization.⁵⁰ Palestinians are rendered the contemporary “savagery” of the international legal order, and Palestine becomes the frontier where the West redraws its discourse of civility and strips its domination in the most material way. Palestine is where genocide can be performed as a fight of “the civilized world”⁵¹ against the “enemies of civilization itself.” Indeed, a fight between the “children of light”⁵² versus the “children of darkness.”

The genocidal war waged against the people of Gaza since Hamas’s excommunicating October 7 attacks against Israelis — attacks which amount to war crimes⁵³ — has been the deadliest⁵⁴ manifestation of Israeli colonial policies against Palestinians in decades. Some have long ago analyzed⁵⁵ Israeli policies in Palestine through the lens⁵⁶ of genocide.⁵⁷ While the term genocide may have its own limitations to describe the

Palestinian past, the Palestinian present was clearly preceded by a “politicide”⁵⁸: the extermination of the Palestinian body politic in Palestine, namely, the systematic eradication of the Palestinian ability to maintain an organized political community as a group.

This process of erasure has spanned over a hundred years⁵⁹ through a combination of massacres, ethnic cleansing, dispossession, and the fragmentation of the remaining Palestinians into distinctive legal tiers with diverging material interests. Despite the partial success of this politicide — and the continued prevention of a political body that represents all Palestinians — the Palestinian political identity⁶⁰ has endured. Across the besieged Gaza Strip, the occupied West Bank, Jerusalem, Israel’s 1948 territories, refugee camps, and diasporic communities, Palestinian nationalism lives.

What do we call this condition? How do we name this collective existence under a system of forced fragmentation and cruel domination? The human rights community has largely adopted a combination of occupation and apartheid to understand the situation in Palestine. Apartheid is a crime. It is a legal framework. It is committed in Palestine. And even though there is a consensus⁶¹ among the human rights community that Israel is perpetrating apartheid, the refusal⁶² of Western governments to come to terms with this material re-

ality of Palestinians is revealing.

Once again, Palestine brings a special uncovering force to the discourse. It reveals how otherwise credible institutions, such as Amnesty International or Human Rights Watch, are no longer to be trusted. It shows how facts become disputable⁶³ in a Trumpist fashion by liberals such as President Biden.⁶⁴ Palestine allows us to see the line that bifurcates the binaries (e.g. trusted/untrusted) as much as it underscores the collapse of dichotomies (e.g. democrat/Republican or fact/claim). It is in this liminal space that Palestine exists and continues to defy the distinction itself. It is the exception⁶⁵ that reveals the rule and the subtext that is, in fact, the text: Palestine is the most vivid manifestation of the colonial condition upheld in the 21st century.

What do you call this ongoing colonial condition? Just as the Holocaust introduced the term “Genocide” into the global and legal consciousness, the South African experience brought “Apartheid” into the global and legal lexicon. It is due to the work and sacrifice of far too many lives that genocide and apartheid have globalized, transcending these historical calamities. These terms became legal frameworks, crimes enshrined in international law, with the hope that their recognition would prevent their repetition. But in the

process of abstraction, globalization, and readaptation, something was lost. Is it the affinity between the particular experience and the universalized abstraction of the crime that makes Palestine resistant to existing definitions?

Scholars have increasingly turned⁶⁶ to settler-colonialism as the lens through which we assess Palestine. Settler-colonialism is a structure⁶⁷ of erasure where the settler displaces and replaces the native. And while settler-colonialism, genocide, and apartheid are clearly not mutually exclusive, their ability to capture the material reality of Palestinians remains elusive. South Africa is a particular⁶⁸ case of settler-colonialism. So are Israel, the United States, Australia, Canada, Algeria and more. The framework of settler colonialism is both useful and insufficient. It does not provide meaningful ways to understand the nuance between these different historical processes and does not necessitate a particular outcome. Some settler colonial cases have been incredibly normalized at the expense of a completed genocide. Others have led to radically different end solutions. Palestine both fulfills and defies the settler-colonial condition.

We must consider Palestine through the iterations of Palestinians. If the Holocaust is the paradigmatic case for the crime of genocide and South Africa for that of apartheid, then the crime against the Palestinian people must be called the Nakba.

The term Nakba, meaning “Catastrophe,” is often used to refer to the making of the State of Israel in Palestine, a process that entailed the ethnic cleansing⁶⁹ of over 750,000 Palestinians⁷⁰ from their homes and destroying 531 Palestinian villages between 1947 to 1949. But the Nakba has never⁷¹ ceased; it is a structure not an event. Put shortly, the Nakba is ongoing.

In its most abstract form, the Nakba is a structure that serves to erase the group dynamic: the attempt to incapacitate the Palestinians from exercising their political will as a group. It is the continuous collusion of states and systems to exclude the Palestinians from materializing their right to self-determination. In its most material form, the Nakba is each Palestinian killed or injured, each Palestinian imprisoned or otherwise subjugated, and each Palestinian dispossessed or exiled.

The Nakba is both the material reality and the epistemic framework to understand the crimes committed against the Palestinian people. And these crimes — encapsulated in the framework of Nakba — are the result of the political ideology of Zionism, an ideology that originated⁷² in late nineteenth century Europe in response to the notions of nationalism, colonialism, and antisemitism.

As Edward Said reminds⁷³ us, Zionism must be assessed from the standpoint of its victims, not its beneficiaries. Zionism can be simultaneously understood as a national movement for some⁷⁴ Jews and a colonial project⁷⁵ for Palestinians. The making of Israel in Palestine took the form of consolidating Jewish national life at the expense of shattering a Palestinian one. For those displaced, misplaced, bombed, and dispossessed, Zionism is never a story of Jewish emancipation; it is a story of Palestinian subjugation.

What is distinctive about the Nakba is that it has extended through the turn of the 21st century and evolved into a sophisticated system of domination that has fragmented and reorganized Palestinians into different legal categories, with each category subject to a distinctive type of violence. Fragmentation thus became the legal technology underlying the ongoing Nakba. The Nakba has encompassed both apartheid and genocidal violence in a way that makes it fulfill these legal definitions at various points in time while still evading their particular historical frames.

Palestinians have named⁷⁶ and theorized⁷⁷ the Nakba even in the face of persecution, erasure, and denial. This work has to continue in the legal domain. Gaza has reminded us that the Nakba is now. There are recurring⁷⁸ threats⁷⁹ by Israeli politicians⁸⁰ and other public figures⁸¹ to commit the crime of the Nakba, again. If Israeli politicians are admitting the Nakba in order to perpetuate it, the time has come for the world to also reckon with the Palestinian experience. The Nakba must globalize for it to end.

We must imagine that one day there will be a recognized crime of committing a Nakba, and a disapprobation of Zionism as an ideology based on racial elimination.⁸² The road to get there remains long and challenging, but we do not have the privilege to relinquish any legal tools available to name the crimes against the Palestinian people in the present and attempt to stop them. The denial⁸³ of the genocide in Gaza is rooted in the denial⁸⁴ of the Nakba. And both must end, now.

1978



Life in a refugee camp in Gaza three decades after the displacement of the 1948 Nakba and eleven years after the Strip came under control of Zionist occupation forces after the 1967 War.

2024



In a continuation and intensification of the ongoing Nakba, Gazans — most already displaced from their homes — flee occupation forces during the invasion of Rafah on May 9, 2024

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