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## FROM EXPERT RULE TO BUREAUCRATIC AUTHORITY: GOVERNING THE BEDOUIN

*Ceren Belge*

*Abstract:* This paper examines shifting modalities of government over Bedouins of the Negev. During the first two decades of statehood, Israeli officials approached Bedouins as a relatively quiescent population, based on their understanding that Bedouins' tribal loyalties guaranteed their aloofness from Palestinian national politics. From the 1970s on, however, Bedouin resistance to Israeli land and settlement policies began to mark the Bedouin increasingly as a "dangerous population." As a result, the interest in preserving Bedouins' cultural specificity gave way to a new emphasis on the need to modernize the Bedouins. The shift in governmental discourse was accompanied by a pluralization in the techniques of government, from an informal "government of experts" to one in which bureaucratic and impersonal modes of authority competed with expert rule.

*Keywords:* Bedouins, expert, legal pluralism, Palestinians, resistance, tribes

## Introduction

In a letter addressed in 1923 to Herbert Samuel, the first British High Commissioner in Palestine, a group of Bedouin sheikhs from Beit She'an Valley described themselves with the following words:

We don't meddle in politics, don't attend rallies, and don't send delegations. We are simple people who live in tents and deal with our own affairs only. We agree with everything the government does ... We have seen no evil from the Jews. We have sold the American Jewish Agency some of our lands, and with the help of the money we received, we are developing and cultivating the large tracts that remain ours. We are pleased with these Jews, and we are convinced that we will work together to improve our region and to pursue our common interests (quoted in Cohen 2008: 66).

The letter was penned in the aftermath of the Balfour Declaration, a time of heightened conflict between the Arabs and Jews of Palestine. The folkloric image Bedouins adopted for themselves of a “simple people who live in tents” and “don't meddle in politics” would serve both Bedouin sheikhs and Zionists well during the pre-state period and the early years of the State of Israel.

On the one hand, Bedouins' relative aloofness from Palestinian national politics, and on the other hand, their tents, camels, and *kafiye*, the various expressions of their tribal heritage, combined to mark them off, in Jewish eyes, from the rest of the Palestinian population as a less dangerous population. Zionist officials wholeheartedly embraced the image of a “simple people who live in tents” and, during the first two decades of statehood, developed particular practices and institutions for the government of Bedouins that prized Bedouin folklore. Bedouins, in turn, were able to carve out a sphere, albeit a narrow one, in which they could negotiate with Israeli officials, unbridled by a commitment to Palestinian nationalism, and preserve a degree of internal autonomy. By the 1970s and 1980s, however, the “folklorist” discourse, and the governmental practices and institutions behind it, had lost ground to a novel discourse that

stressed the imperative to modernize Bedouins. For their part, the Bedouins were no longer so “pleased” with the Jews, nor wanted to sell land to them anymore.

This paper traces the shifts in Israeli discourse, practices, and institutions from a “folkloric paradigm” that prized Bedouin tribal culture to a “modernization paradigm” that encourages state-induced modernization of the Bedouin. The localized commitments of Bedouins to their lineage, which identified them as a relatively quiescent population early on, shaped a particularly Bedouin style of resistance to Israeli policies during the 1970s, I argue, and began to mark the Bedouin increasingly as a “dangerous population.” The primary, though not exclusive, dynamic that strained the Israeli-Bedouin relationship from the 1970s on was the incompatible ways in which the Israeli government and Bedouins envisioned the spatial and demographic organization of the Negev. Israel’s attempt to reserve the Negev lands for Jewish settlement by relocating Bedouins into all-Bedouin urban settlements clashed with Bedouins’ claims of ownership over the lands they regarded as their ancestral territory. The imbroglio over land and settlement did much to damage the esteem in which Israeli officials held Bedouin folklore and tradition. The shift in official discourse from folklore to modernization was accompanied, I claim, by a pluralization in the techniques of government, from one that relied exclusively on a “government of experts,” characterized by bilateral interactions between Bedouin sheikhs and Israeli intelligence officers, to one in which “expert rule” was overtaken by bureaucratic and impersonal modes of authority in which the experts lost their previous monopoly over Bedouin affairs.

In what follows, I first describe the institutional incorporation of Bedouins into the Israeli polity through the government of experts in the initial era of state building. I focus on law enforcement in the Negev as a particular form of expert government in which Israeli officials

developed a system of joint governance with Bedouin sheikhs. Next, I examine the resurgence of conflict over the question of land ownership after the end of the military era, and how Bedouins' particular style of resistance to Israel's land policy led to a new perception of Bedouins as a dangerous population. This discussion is followed by an examination of the changing institutional apparatus for governing the Bedouin, from one that relied on face-to-face interactions between the sheikhs and Israeli experts to one in which bureaucratic agencies were mobilized to modernize and urbanize the Bedouin. The paper draws on interviews conducted in 2006 with current and retired Bedouin experts employed by the police and archival research on honor killing cases in the District Courts of Be'er Sheva and Nazareth.

### **Cultivating Bedouin Tribalism, 1948-1966**

When the Israeli Army occupied the Negev at the end of 1948, around 80 percent of the Bedouin population, which had numbered between 55,000 and 65,000 during the British Mandate, either fled across the border or were expelled by the Egyptian and Israeli armies. After the war, some of those who had left during the war returned and registered as Israeli citizens, and others remained on the other side of the border in Egypt, Gaza, and the West Bank. In 1953, about 11,000 Bedouin remained in the Negev (Marx 1967: 12). Although Bedouins participated to a very limited extent in the Arab-Israeli War of 1947-1949, all the Bedouin who remained within the borders of the new state were placed under Military Administration, and removed to an Enclosure Zone east of the city of Be'er Sheva in 1953 (Marx 1967: 14; Shamir 1996: 232). Movement in and out of the Enclosure Zone was subject to permission from the military authorities, who exercised their powers more extensively in the Negev than other Palestinian zones under military rule, and severely restricted the mobility of this previously semi-nomadic population (Marx 1967: 38).

While what remained of Negev's Bedouin population was immobilized in the Enclosure Zone, the Israeli government began registering their land as state property, based on the Ottoman classification of *mawat* land—dead, uncultivated land—and the Israeli classification of “absentee property.” According to the Ottoman Land Law of 1858, land that was not cultivated or owned by anyone would be classified as *mawat*. The Land Rights Settlement Ordinance of 1969, in turn, announced that lands classified as *mawat* under the Ottoman Code would be registered as state property unless a formal legal title was provided (Greenspan 2005: 75; Yiftachel 2006: 198; Shamir 1996). The Land Acquisition Law of 1953 declared that “absentee property,” that is, land not in the possession of its owner by April 1, 1952, would be registered as state property (Greenspan 2005: 75) and that the state could also confiscate private lands for compelling state interests, such as security and settlement (Falah 1989: 79). Like other Palestinians, many Bedouins were not found in their original dwelling places by the April 1 deadline. All of the land that belonged to the eleven tribes that were transferred to the Enclosure Zone was taken over by the Israeli government (Falah 1989: 79) and most of these lands were then distributed to Jewish settlements for new immigrants (Yiftachel 2006: 198). When military rule was abolished in 1966 and Bedouins began to return to their lands, the legal context of ownership had been profoundly altered.

During the military period, Israeli officials also developed a set of formal and informal practices geared particularly for the government of the Bedouin population. The institutional framework that developed was inspired by the perception that Bedouins constituted a separate—and less dangerous—group from the rest of the Arab community. This perception, in turn, rested on Bedouins' low level participation in Arab-Israeli fighting during 1948-1949 (Marx 1967: 34-35). Some Bedouins actively cooperated with the Jews in the Minorities Unit of the Israeli

Defense Forces (IDF) headed by Tuvia Lishansky, which included 400 Druze, 200 Bedouin, and 100 Circassians (Firro 1999: 57). After the war, some tribal leaders who remained in the Negev signed agreements with the IDF to guarantee fair treatment in exchange for loyalty and cooperation (Meir 1997: 65). Although military conscription was not made compulsory for Bedouins after the establishment of the state, as it was made for the Druze in 1956 (Firro 1999: 127) and for the Circassians in 1958 (Krebs 2006: 213), Bedouins have continued to volunteer in the IDF after the establishment of Israel. To this day, Bedouins' willingness to participate in the IDF marks them off from Christian and other Muslim Palestinians. As one officer specializing on Bedouin affairs remarked, "If you compare [the Bedouins] to other tribes or minorities in the country, they are different because they have deep roots of acting together with representatives of government since the period of military rule."<sup>1</sup>

The hallmark of Bedouins' separate identity—and their precarious ticket to benign treatment by the Israeli government—was their tribal culture. The form of government that emerged in the Negev was accordingly one in which Israeli officials sought to preserve the tribal structure and elevated Bedouin culture to an object of specialized knowledge. What emerged was a "government of experts," characterized by informal interactions between Bedouin sheikhs and Israeli experts well-versed in "Bedouin culture." The experts maintained informal ties with Bedouin sheikhs, selectively distributing rewards to maintain inter-tribal competition and intra-tribal compliance, while also collecting intelligence on the internal affairs of the Bedouin. This institutional framework was a crucial component of the government's policy of isolating the Bedouins from the rest of the Palestinian population in order to offset the emergence of a Palestinian national movement (Lustick 1980: 134; Yonah et al 2004: 65). The "experts" coordinated their activities through the Office of Adviser on Arab Affairs, the Shin Bet, and the

Military Administration. The spatial control of the Arab population through the permit system and the dominance of intelligence agencies—the Shin Bet, the Military Administration, and the special departments devoted to the affairs of the Arab minority—generated a form of government that was highly coordinated and specialized.

Like all tribal peoples, Bedouins were “illegible” to government authorities to some extent. Their lack of commitment to a specific location, uncontrolled movements, mysterious loyalties and rivalries, the essentially oral nature of their legal understandings with one another, and their historic suspicion of central governments posed administrative challenges for the new state. A retired officer remarked that this “illegibility” made it incumbent on the administration to develop special expertise: “No one knows how many Bedouin there are. They don’t cooperate or register. Part of their tradition is to suspect foreign officials. British, Ottoman, Israeli. In their epistemology, they are suspicious. That’s why the police have to be very specialized. In this suspicious society, we have to develop experts because it’s very hard to work with them. You need very good intelligence.”<sup>2</sup> Expertise often meant intelligence and the two modes of knowledge were not distinguishable from each other. In order to carry out various policies, the government needed intelligence on the internal rivalries and divisions of Bedouin tribes. One senior officer remarked, “We identify the dominant groups by looking at the roles they fulfill. When we move to an area, we can evaluate the role and influence of the person who approaches us. We have strong intelligence, we know who is strong. We also know their rivalries with each other.”<sup>3</sup> Such divisions enabled the government to induce cooperation by deciding who could be a sheikh, who would be registered under which tribe, which tribes would have access to resources, and in general, develop alliances with which to carry out policies when certain sectors of the population did not cooperate with the government.



After relocating the Bedouins in the Enclosure Zone, the government officially recognized nineteen chiefs as representatives of their tribes (Marx 1967: 12). Every Bedouin had to have a tribal affiliation, which would be entered in his identity card (Marx 1967: 40). Fifteen of these chiefs were appointed as *mukhtars*, the official representatives of their villages, by the Ministry of Interior (Marx 1967: 44). The practice of officially recognizing sheikhs and registering them with the Ministry of Interior continued at least until the early 2000s,<sup>4</sup> and the number of officially recognized tribes increased from nineteen in 1953 to forty-eight in the early 1990s (Meir 1997: 94). During the military period, scarce resources, such as movement permits, rationed foodstuffs, tractor permits, land leases, and compensation to farmers who suffered the consequences of the 1957-1958 drought were allocated through the recognized chiefs, often on the basis of their loyalty to Israel (Marx 1967: 41-45). Only chiefs were allowed to open shops when licenses for shops were being distributed by the military government. The distribution of resources through tribal sheikhs occasionally led to violent conflicts between tribes, when one group splintered from another to seek independent tribal status with the government (Ginat 1997: 27). Such rivalries provided government officials with additional leverage. The incorporation of Bedouins into the Israeli polity occurred, then, through the bilateral relations of Jewish experts-cum-intelligence officers and Bedouin sheikhs. This style of government, in turn, reformulated the authority of sheikhs over their kinsmen while changing the basis of this authority, and created a space within which Bedouin leaders could strike informal bargains with Israeli officials on matters of everyday concern.

### *Legal Pluralism and Expert Government*

Apart from holding the reins of scarce resources, the experts governed Bedouin society through a particular form of legal pluralism in the Negev, informally recognizing the partial

autonomy of Bedouin law, on the one hand, and immersing themselves in local dispute resolution processes as guests, arbitrators, and guardians of the state's law, on the other. Before examining the style of pluralism that emerged under Israeli rule, a brief overview of Bedouin law under the Ottoman Empire and British rule will be helpful.

Under the Ottoman Empire, the Bedouins of the Negev enjoyed a wide degree of *de facto* autonomy, as did other tribal peoples of the empire. Officially, tribal law was not recognized by the Ottoman Empire. Rather, a *qadi* (judge) was appointed to every administrative district to apply both the Islamic Shari'a law and Ottoman legislation. However, as an agricultural empire before the age of nation-states, the Ottoman Empire had no interest, nor the resources to regulate, the everyday affairs of the populations under its jurisdiction, particularly those in distant areas. Furthermore, there were no urban centers in the Negev area—nor a Shari'a court—until the establishment of the city of Be'er Sheva in 1900 (Abu-Rabi'a 2001: 11-12). Hence, in their dealings with one another, Bedouins enjoyed a wide degree of *de facto* autonomy, and informal tribal law, administered by Bedouin sheikhs, was the dominant "living law" of the community.

The British Mandate brought in a different mode of regulating local law, based on models of pluralism developed in the British colonies during the previous century. In 1919, the British authorities established a "Blood Council" composed of the sheikhs of the five leading tribes to adjudicate blood disputes among the Bedouin. The council settled over 150 blood disputes and ransom cases during the three years of its existence (Abu-Rabi'a 2001: 34). In 1922, the Blood Council was replaced by a tribal court in the city of Be'er Sheva that would apply "tribal custom, so far as it is not repugnant to natural justice or morality" (Likhovski 2006: 33), and sixteen Bedouin sheikhs were appointed as its judges (Abu-Rabi'a 2001: 33). The jurisdiction of the tribal court was limited to small criminal and civil disputes, and the consent of the district officer

of Beersheba was necessary for a case to be accepted by the Court. Field officers preferred greater jurisdiction to the tribal court, for in the words of one official, the official courts “[carry] no weight with the tribes however severe the punishment inflicted” (Likhovski 2006: 42). Officers in Jerusalem, however, opposed granting greater authority to the tribal court. As elsewhere in colonial settings, the state-established tribal court was neither fully autonomous, nor fully authentic. Rather, the colonial government reconstructed tradition by determining what aspects of the tradition would continue and what aspects of it would be suppressed. For example, ordeal by fire (*bish’a*), already a rare occurrence by the 1930s, was identified as a repugnant custom and formally banned in 1941 (Likhovski 2006: 41). The court’s application of “customary law” differed from the “living law” of the community because the judge’s rulings would be enforceable by the administration and the parties did not have to agree to the solution. The Be’er Sheva court also brought written procedures to an essentially oral legal order. These procedural changes privileged rules over process and reduced the flexibility of Bedouin law, which traditionally rested on a process of lengthy negotiations and persuasion.

Bedouins did not object to the establishment or the procedures of this state-tribal court, but they also did not make it their exclusive or even primary destination for resolving their grievances. Unofficial dispute resolution by communally recognized sheikhs continued unabated and carried parallel jurisdiction to those of the new state-tribal court. According to Likhovski, the number of unofficial courts reached 100 during the Mandate (Likhovski 2006: 35). Bedouin sheikhs from Negev regularly met their counterparts in the Sinai and Jordan, furthermore, to resolve common problems, disregarding Britain’s attempts to institutionalize the borders of Palestine and refusing to submit their legal institutions to the new territorial logic that cut across their commitments to one another.

Israel did not continue the British practice of formally recognizing an autonomous Bedouin legal sphere, nor the Ottoman tradition of *de facto* recognition through non-intervention. As far as their formal legal incorporation was concerned, Bedouins were subsumed under the category of Muslims, subject to Shari'a courts in family law matters and to Israeli law in all other matters. However, informally, Israeli officials operated with wide latitude in administering Israeli laws on the Bedouin. The style of accommodation differed from Ottoman non-interventionism and from Britain's formal incorporation of a "tamed" customary law in that Israeli pluralism was highly interventionist and relied on extensive participation of Jewish experts in the informal legal proceedings of the Bedouin.

Israeli officials did not want to displace the tribal structure of Bedouin society, which, as stated earlier, was seen as the primary condition of Bedouins' non-dangerousness and of their continued cooperation with Israeli officers. At the same time, the informal legal proceedings of the Bedouin, characterized by long debates between several sheikhs and the parties, provided a crucial site in which "open-source intelligence" could be obtained about disputes and ranks within the community. One field officer who participated extensively in Bedouin dispute resolution forums explained his role with the following words:

The importance of my job is to implement Israeli law in Bedouin society, because in societies like the Bedouin, when there are two systems of law, they tend to act by the one that is closer to them and they tend to fight back or resist state law. So my job is, instead of making them obey Israeli law, I soften this conflict or intersection [between the two legal systems]. Instead of making it something violent..., of saying they are Israeli citizens and must obey Israeli law, I'm a representative of the state who softens [this conflict] and tries to do it in a more communicative way.<sup>5</sup>

From the officials' point of view, the supremacy of Israeli law was not in question, nor was there a commitment to uproot Bedouin law. The government acknowledged that Bedouins' loyalties

lay elsewhere and did not expect them to behave like Israeli citizens. Rather than trying to uproot Bedouin law, the officials saw their task as facilitating the coexistence of the two systems without conceding control over how this multiplicity would be managed, while also doing their best to win the hearts of Bedouins. Jewish experts' enthusiasm for participation in informal Bedouin forums reinvigorated the *process* of customary law—over rules—but ultimately it was up to the Israeli officials to endorse the rulings of the sheikhs. Hence, Bedouin law was kept alive without functioning autonomously, and the informal proceedings provided a space within which Bedouins could limit the applicability of Israeli law in Bedouin affairs.

Certain administrative routines developed over the years to govern the two systems of rule jointly. Once a dispute or crime was under way, Israeli officials contacted the sheikhs with whom they maintained cordial relations and secured a place for themselves in the legal proceedings of the Bedouin, while also initiating proceedings at the official legal sphere. “We go to the sheikhs, we don’t wait for them to come to us,” explained one officer.<sup>6</sup> The official proceedings affected the internal process of the Bedouins by foreshadowing the balance of evidence and the possibilities of official sanctions. Bedouin proceedings, in turn, affected the official proceedings by uncovering evidence. As I explain below, once a solution was reached at the internal level, the sheikhs and the Israeli officials began to negotiate a compromise for the official level. The internal solution would be given weight at the official level as mitigated punishment, the closing of a file, or the changing of a charge. In response to a question on when these administrative patterns had developed, one senior officer replied “It’s always been. It’s institutional memory.”<sup>7</sup>

In interviews, Bedouin experts employed by the police described these administrative routines. One officer who worked in the Negev for over thirty-years remarked, “*Sulha*”<sup>8</sup> is an

old custom. The police are forbidden to participate in this. But, in indirect ways, police can get involved. For example, [when] two families murder one another... [our senior officers] will speak to the sheikhs to prevent the emergence of more problems.”<sup>9</sup> Another officer stated, “Our principle is to intervene in all criminal cases. We make arrests, we collect evidence, start the court process early, although we’re aware that they’re running their own process at the same time. But we ignore that and pursue state law. Eventually, if the families reach agreement, our cases in court collapse.”<sup>10</sup> A retired officer said, “With their ceasefire agreement, I release the people arrested. That’s how the police plays a role in *sulha*. Then they make their own trial and we don’t interfere... So the police have an interest in encouraging internal dispute resolution. It’s even worth closing files in return. The police can play a constructive role, all under public interest. Because the formal law is not a solution.”<sup>11</sup> The officials sought to gain the backing of the sheikhs for the solutions they came up with, while also granting official sanctity to the solutions of the sheikhs: “This is an example of how police operations intersect with traditional tribal dispute resolution. We bring it to such an extent that we ask the sheikhs to sign forms. Although it relies on tradition, the forms give it official backing. The forms are otherwise of no value. The idea is to give the weight of the state and the police behind traditional practice.”<sup>12</sup>

At times, running the two parallel systems resulted in contradictions: “So the police can be in a situation where they press charges but then give instructions to the court not to press charges.”<sup>13</sup> A lower ranking officer in the Be’er Sheva station posed the dilemma as one between gathering intelligence and strict adherence to the rule of law: “We have to close our eyes to a lot of things we shouldn’t be closing our eyes to. This is intelligence. Everywhere it’s the same. Information comes with a cost.”<sup>14</sup> These compromises were seen as inevitable: “Sometimes, there’s a problem of trust [between the Bedouins], and then they may ask us to

mediate. It's absurd, because there's also a criminal activity going on that we try to resolve. I sit on a *shig*<sup>15</sup> with two officers and I talk to a sheikh, trying to resolve the dispute, while my officers are searching for weapons three houses away. Both we and them live with this duality.”<sup>16</sup>

These accommodations occurred at the local level, in the *shigs* of Bedouin sheikhs, or a private room in one of the police stations dotting the Negev. They did not reach Jerusalem. The Chair of the Pardon Committee located in the Ministry of Justice remarked, for instance, that the Druze and Arab-Israeli leaders, as well as Jewish Rabbis, routinely called her office and sent written petitions on behalf of the members of their communities, to mitigate a sentence or request pardon, but no Bedouin ever contacted her.<sup>17</sup> The Supreme Court of Israel also did not treat practices in which Bedouin law differed markedly from Israeli law—such as blood killings or honor killings—with leniency. As early as 1955, the Supreme Court stated in a case originating in the Bedouin community that “if it were to be decided, even once, that a blood revenge is justified, or could even lower a murder charge to that of manslaughter, the land would be filled with avengers of blood and vigilantes.” The Supreme Court was equally unwilling to recognize custom in the area of honor killings. In 1994, in a case originating in Haifa, the Court stated, “As a concluding remark in this judgment, we consider it necessary to state that one should never expect that in the juridical system of Israel we will recognize the issue of family honor as an extenuating circumstance, which could result in mitigating the charge... We regard the deed of the defendant as an abhorrent and detestable act of murder to be punished with all the vigor of the Penal Law, that is—with nothing less than a life sentence” (quoted in Touma-Suleiman 2005: 189, 191-2).<sup>18</sup>

At the local level, however, there was considerable accommodation and leniency, including reducing a murder charge to that of manslaughter, and in some cases, closing a file altogether. Joseph Ginat, an anthropologist who worked in the Office of Advisor on Arab Affairs during its formative years and participated extensively in Bedouin disputes, argues that while judicial authorities adopted a zero-tolerance approach to Arab and Bedouin customs, administrative and executive agencies working with these communities developed more conciliatory approaches:

In Israel, the state officials refuse to legitimize acts of violence in the course of blood disputes, yet officers of the state (high government and local officials, military and police officers, and public personalities), acting as official mediators [in disputes between Arabs], find themselves in an effort to contain or resolve blood disputes. These people actually invest the authority of the state in a serious effort, on the border of legality, to reduce the damage incurred in blood disputes. In some cases, the official mediators intercede with the legal authorities on behalf of the perpetrators. This is not a violation of the law, nor a relaxation of its enforcement. Officials simply tend, in these situations, to use their judgment to the limit of their legal authority... The partial recognition by the state of traditional customs may indeed contribute to their continuity. But more probably the responsiveness it demonstrates limits the alienation of traditional communities within the modern state. Furthermore, informal involvement with the members of the governing and social elite enhances the process of socialization of the more traditional members of Israeli society (Ginat 1987: 26-27).

Ginat's claim that administrative officials were more willing to reach compromises was supported in interviews with police officials and sheikhs. A Bedouin sheikh from the town of Tel Sheva explained that if the close relations of a woman kill her and then bury her, no one would know about it. He added, "The police don't look for further evidence... Everything is closed at the police before the offence list is passed over to the court."<sup>19</sup> When asked if charges in honor murder cases can be negotiated in plea bargains, a police officer in the Be'er Sheva



station remarked that negotiations were reached before the case reaches the court.<sup>20</sup> Further evidence on accommodation of serious crimes comes from a comparison of the numbers of honor killings that reach courts in the first place. In his survey of newspapers between 1973 and 1977 for reports on honor killings, Gideon Kressel found thirty-eight cases within the Green Line, an average of 9.5 cases per year (Kressel 1992: 170). During the past few years, Palestinian feminists have similarly reported approximately ten cases per year (Touma-Sliman 2005). My archival research of all honor killing cases in the District Courts of Be'er Sheva and Nazareth between the years 1968 and 2005, revealed, however, that an average of 0.7 cases per year were tried in the two courts combined. In the Negev, the discrepancy between actual number of cases and those that reached courts seems to be even higher. In 38 years, a total of five cases of honor killings reached the Be'er Sheva District Court, of which two resulted in acquittal and one in a reduction of the charge to manslaughter. The findings suggest strongly that many cases do not reach the level of courts and files are closed at the police level, or cases are recorded as suicide and accident, a point that has also been pressed by Palestinian feminists. While it is difficult to quantify precisely the full extent to which Bedouins could take advantage of the "soft" administration of Israeli law to maintain their customary practices, one can surmise that Bedouins were often able to escape the severest sentences, and, occasionally, avoid punishment altogether.

In sum, although Bedouin law and custom was not recognized officially, at the local level, Israeli officials orchestrated a certain level of legal pluralism that was informal and highly interventionist. Bedouin law was not granted autonomy, nor recognized by ordinary governmental institutions such as courts and ministries. However, pluralism and accommodation characterized the nature of the relations between Bedouins and those field officers who

specialized in Bedouin affairs. These officials controlled much of the policy-implementation in relation to the Bedouin, such as who would be granted a land lease, who would be recognized as sheikh, and what portion of a legal dispute would be transferred over to the “official” legal level. This informal pluralism enabled the Israeli government to maintain the tribal structure of Bedouin society, if in reconstructed form, and its isolation from the rest of the Palestinian community. It also provided a forum in which to gather intelligence about the internal divisions of Bedouin society and distribute resources selectively to secure certain policy goals. Bedouins, in turn, handled their relations with the Israeli government almost exclusively through these field officers and did not resort to a broader discourse of citizenship or visit other offices of the state. The face-to-face relationships between Bedouin sheikhs and Israeli experts provided Bedouins with an avenue through which to access state resources, strike bargains with the Israeli government on matters of everyday concern, and preserve a modicum of cultural autonomy.

### **The End of Military Rule, the Reemergence of the Land Question and the End of Folklore**

With the end of military rule, the Israeli government lost its previous leverage over the spatial and demographic control of the Bedouin population. The permit regime had immobilized the Bedouins into the Enclosure Zone, holding them off from moving into spaces envisaged for Jewish settlement, and preventing them from initiating contacts with the rest of the Palestinian population. The end of military rule in 1966 abolished these internal borders. At the same time, the 1967 war brought new Palestinian populations—in the West Bank and Gaza Strip—under Israeli control. Until the eruption of the *intifada* in 1987 and the Oslo Agreements of 1994, the borders with the Occupied Territories would also remain relatively permeable. From the mid-1960s on, therefore, Palestinian citizens of Israel gained a new mobility, which resulted in

increased contact with both one another and the Palestinians in the Occupied Territories. In the Negev, the government's response to this new mobility was to relocate Bedouins into permanent all-Bedouin urban settlements in areas determined by the government. Many Bedouins did not want to move into the government-planned towns. The tribal heritage of Bedouin society, moreover, played a fundamental role in their style of resistance to the government's land and relocation policies. As a result, the government's perception of Bedouins as a quiescent population and the officials' enthusiasm with Bedouins' tribal ways was to give way to the identification of Bedouins as a "dangerous population" and an increasing emphasis on the need to "modernize" the Bedouin. The rest of this article analyzes this transformation.

### *The Planned Townships and Forced Urbanization*

In 1959, Prime Minister David Ben Gurion announced a five-year plan in which it was stated that the "government will bring down legislation to move down and concentrate the Bedouins into permanent settlements" (Yiftachel 2006: 200). Seven townships were built for this purpose from 1965 until 1975: Rahat, Laqiya, Hura, Tel Sheva, Kusseifa, Aru'er, and Segev Shalom. But the projected movement of the Bedouins into these townships did not materialize with the speed and ease the government expected. Moving into the townships was made conditional on giving up all claims to ownership in the dispersed lands on which Bedouins lived. Already, Bedouins had begun to raise legal claims against the confiscations undertaken by the Israeli government in the 1950s and 1960s. Bedouins tried to substantiate these claims with what tax documents they had from the periods of Ottoman and British rule and, when they failed to produce the necessary documents, arguing they had been in possession of these lands for generations. Because of their historic reluctance to submit themselves to government regulations, Bedouins had avoided registering in their name the lands they held in possession during the

periods of Ottoman and British rule. Therefore, when they began challenging the Israeli government's extensive confiscation of their land in courts in the 1970s and 1980s, they had no land deeds at hand with which to substantiate their claims to ownership. The collective memory and oral contracts that identified ownership and boundaries within Bedouin society had no standing, moreover, in Israeli courts. Hence, Bedouins were not able to make much leeway in courts, where the conceptual order of government legality, which privileged official title deeds and Jewish ethos, prevailed over Bedouin understandings of ownership and justice (Shamir 1996; Shamir and Chinski 1998; Kedar 2002; Rosen-Zvi: 2004). In 1979, there were 3,220 registered land claims between the Bedouin and the Israeli government (Falah 1989: 72). According to Yiftachel, not one Arab has been awarded full ownership rights to date (Yiftachel 2006: 198-199), and around 95 per cent of the legal claims, covering approximately eight hundred thousand dunams, wait to be settled (Yiftachel 2003: 33).

While Bedouins could not win the legal battle on their opponent's terms, they developed a different strategy of resistance that compelled Israel to meet them on their own grounds. They refused to leave their lands and built tin shacks to stamp their presence, "creating facts on the ground," in retaliation to the "facts" that Israel had created with the series of land laws enacted during 1950-1970. By 1986, 5,944 "illegal Bedouin houses" had been built on these disputed lands (Falah 1989: 72). All Bedouin settlements outside the townships were labeled "spontaneous" in contrast to "planned" in the government's planning discourse, which juxtaposed the modernity and efficiency of the planned settlements to the unruliness and traditionalism of the dispersed settlements (Shamir 1996: 236). The "spontaneous settlements," which a later generation of activists redefined as "Unrecognized Villages," grew into settlements of between 500 to 5,000 inhabitants and did not receive any public services. The government's

strategy was to induce the Bedouin population to move to the planned townships by alluring them with subsidized plots of land and access to municipal resources such as water and electricity in the planned towns, while withholding all services from the Unrecognized Villages and threatening to demolish houses in these areas (Yiftachel 2006: 201). In the background was the larger conflict over ownership of Negev lands. As Bedouins refused to leave the spontaneous settlements in favor of the townships, government policy also turned more coercive and violent. Enforcement against spontaneous settlements began in the late 1980s following the recommendations of the Markovich Report, which envisaged the demolition of 6601 Bedouin constructions outside the planned towns (Shamir and Chinski 1998: 228; Greenspan 2005: 84-85). Around 1,300 such homes and structures were demolished from 1990 until 1998 (Negev Center 1999; Yiftachel 2006). Despite the government's heavy-handed approach, only about half of the Bedouin population moved into the townships while around 65,000-70,000 of them continue to live without basic services in more than 150 "spontaneous settlements" (Shamir 1996: 236; Yiftachel 2006: 200).

If Bedouins could not win against Israel in courts, their extralegal struggle—the stubborn refusal to move to the planned towns—proved highly effective. In an interview to Ha'aretz in 1998, Daniel Ben-Simon, a senior official in the Ministry of Agriculture described the impasse as "a declared and overt war" over land: "If we are not here, the Bedouin will be here....,and if, God forbid, we do not bring Jews to live here, within several years, we will lose the Negev" (quoted in Rosen-Zvi: 2004, 49). Until the mid-1990s, Bedouins' resistance to the relocation plan was spontaneous and unorganized. They simply continued to build "spontaneous" settlements on "state land" and ignored the government's demolition orders. They did not link their struggle to the Palestinian national movement that had been emerging since the 1960s. For instance, they

did not participate in Palestinian commemoration events such as Land Day or join Arab national organizations, despite their comparable experience of loss. Nor did they vote in significant numbers for the anti-Zionist political parties such as *Rakah* (the Israeli Communist Party) and its successor *Hadash*, the Progressive Movement for Peace, or the National Democratic Alliance (*Balad*). Indeed, many Bedouins resented being classified as part of a Palestinian “ethnic group” and drew on their own cultural traditions to resist the new order that the Israeli state imposed on them (Jakubowska 1992: 100). In other words, Bedouins maintained the isolationism characteristic of their politics.

While this form of resistance was spontaneous and unorganized, it was neither individualistic nor apolitical. At the ideational level, it rested on a collective imagination according to which Bedouin history and tradition reigned supreme over the bureaucratic complications generated by Israeli legality. In terms of political behavior, Bedouin resistance consisted of a series of everyday acts, such as building huts, ignoring demolition orders, and non-committal interactions with Israeli officials, which Nathan Brown has described in a different context of rural resistance as “an unspoken and unorganized conspiracy” (Brown 1990: 77). The collective nature of Bedouin resistance was embedded in everyday actions and tribal loyalty rather than organized opposition to Israeli policies. The “conspiracy” was not lost on Israeli law enforcement officials, who perceived Bedouins as an intransigent community that undermined the authority of the state. One officer noted, “The population doesn’t cooperate with the police full stop.”<sup>21</sup> Another complained, “First of all, there is the problem of the mentality of Bedouin. They don’t like to deal with or cooperate with the police, or any authority in Israel, because they feel like second class citizens.”<sup>22</sup>

The conflict over land did much to damage the cordial relations between Bedouins and the Israeli government that had been built during the initial decades of statehood. In response to a question about the contemporary problems in Bedouin society, a retired officer explained,

Land is the number one issue. In the 1960s and 1970s, it was an economic problem originally. The question was what would be the level of compensation [offered to the Bedouin in exchange for their land]. Over the years, the clerks misled the state. They said the Bedouin are friendly and they are not dangerous; nothing will happen if we don't settle with them. But after 1967, both the state and the Bedouin changed their attitude. The state didn't register their land ... and the Bedouin were also afraid of losing the legal battle. They have claims over 750,000 dunams and they sit on about 400,000 dunams. After 1967, there is the Islamic movement and radicalization, so now it's a political problem, no longer an economic problem.<sup>23</sup>

In this official's mind, a sea-change had occurred in Bedouins' relations with the state after 1967. Bedouins were "unfriendly," "dangerous," "radical," and "Islamic" to the extent they clung onto their land. The refusal to give up land was seen, in other words, as a reversal of Bedouins' loyalties to Israel and a sign of growing Palestinian nationalism: "They became nationalist over the years. At least 50 percent of them live outside the townships."<sup>24</sup> Moreover, Israeli officials were wary of the thickening links between Bedouins and the rest of the Palestinian population, in particular, their growing attachment to the rising Islamic movement: "In the past, the Bedouin were religious but they were not ideological. Today, many of the Bedouin who are religious also adopt religion as an ideology. Until the year 1985, there wasn't a single mosque in this area, but now, you can find a mosque in every quarter."<sup>25</sup> Bedouins' stubborn resistance on the land question was blamed on these growing links with other sectors of the Palestinian population: "For example there are Palestinian commemoration days like the Land Day. Once, the Bedouins were indifferent about it. They were not part of it. Today they are, and they commemorate these things... They don't accept the state of Israel as a democracy and

as a fact. They're influenced by the Arab states and the Islamic movement."<sup>26</sup> Bedouins were thus seen increasingly as a "dangerous population." The tribal identity of the Bedouins, which Israeli officials tried hard to protect from contamination by other layers of identity during the military period, no longer seemed to reflect the beginning and end of their loyalties. Instead, Bedouins were developing new attachments that did not displace, but complemented their tribal identity. Bedouin experts understood this to be an "identity crisis" among the Bedouin, who were divided into "those who adhere to Palestinian-Arab identity," "those who adhere to Israeli identity," and "those who are in-between."<sup>27</sup> The officer explained,

Other elements enter this crisis, such as the spread of Islamic ideology. Another thing that worsens the identity crisis is that while Israeli Arabs have since 1948 declared themselves as Palestinian and developed an ideology, the Bedouin are very far from such conceptions and closer to Israeli identity. But about twenty years ago, Bedouins also started acknowledging Palestinian identity and the Islamic religion. They started consolidating solidarity with these movements. The Arabs are more developed than the Bedouins and they use the problems of the Bedouins to push their own interests.<sup>28</sup>

Being "modern," went hand in hand with being "nationalist" and "threatening." According to the official, Bedouins had avoided these dangerous waters until recently but found themselves in an identity crisis as a result. The "simple people who live in tents" and "don't meddle in politics" were now being drawn into a bitter political conflict over land ownership by the more "modern" and sectors of Palestinian society.

The growing perception of Bedouins as a threat also threw by the wayside the imagined history of peaceful relations and cooperation: "This identity problem is not a new creation. For many years, the water was bubbling," said one police officer.<sup>29</sup> "The Bedouin hardly serve in the army. There is perhaps 550 of them, it's exaggerated that they serve in the army. It's



nothing, 550 people is nothing. At any rate, they're professional soldiers on the border, it's not real service, it doesn't mean that they're loyal to the state. It doesn't mean that their national sentiments are with Israel."<sup>30</sup> Once a quiescent population whose loyalty was taken for granted, the Bedouins had come to be seen as a treacherous people that should never have been trusted in the first place.

In sum, the style of resistance that Bedouins developed from the 1970s on, fed on by their tribal heritage, and characterized by everyday acts of non-compliance, eroded Israeli officials' faith in tribalism. Bedouins were increasingly seen as a dangerous population, and a discourse of modernization replaced the earlier enthusiasm with Bedouin folklore. In the next section, I examine how these changing perceptions were accompanied by an institutional transformation whereby expert government was superseded by the emergence of bureaucratic agencies that emphasized the "modernization" and "integration" of Bedouins.

### **New Institutional Framework: From Folklore to Modernization/Integration**

In 1962, when the abolishment of military rule looked imminent, the Shin Bet prepared a report titled "Advice on How to Treat the Arab Minority." The report evaluated past policy and heralded the beginning of a new era in Israeli-Arab relations:

The exclusive influence of the sheikhs-*mukhtars* has begun to diminish...; this development is inevitable, despite the possibilities [we have] of slowing down its stages, through our policy of communal and clan division and through other artificial means... over the last ten years, the policy of the government has been to divide the Arab population into communities and areas by harnessing interests to these two issues. The sectarian policy and the clan division in the villages actively prevented the crystallization of the Arab population into one single entity... Today, it is no longer possible to control the Arab public through a small number of men.

The report continued that, at the beginning of 1960s, policy towards the Arabs

reached a crossroads and [the authorities] must decide on which measures to take in order to slow down the process [of radicalization] which is bound to introduce security threats... Thus, the required conclusion is to aspire to a situation whereby the majority of the Arab population will be relieved as much as possible from pressing demands and feelings of dissatisfaction, on the one hand, and become integrated in the life of the state on the other hand, so as to minimize the danger of their self-crystallization... Together with implementing the proposed policy [of integration], it is necessary to exhaust every possibility that the policy of sectarian [division] offers us which in the past has yielded fruit and succeeded in creating barriers—though sometimes artificial—between certain parts of the Arab population, such as the breakdown of the trust between the Druze community and the other Arab communities. Since it was introduced, this policy has allowed us to prevent the Arab minority from coalescing into one united body by causing the leaders of each community to be preoccupied largely by sectarian affairs and not by general Arab affairs (quoted in Firro 1999: 179-180).

The report heralded a gradual but comprehensive change, not only in policy, but also the institutional apparatus that had begun to emerge in the pre-state period and that came of age under Military Rule. By the 1960s, Israeli officials had reached the conclusion that the policy of separating the Palestinian minority into isolated niches and controlling these niches through the cultivation of ties with family or tribal heads could not continue indefinitely. While the urge to offset Palestinian nationalism would continue to be an overriding factor in the formulation of policy, an emphasis on socioeconomic modernization would increasingly underline the government's approach, with the institutional balance of power shifting from the special minority offices and their expert staff towards the ministries distributing social services. This shift encompassed the whole of the Palestinian population of Israel but took particular forms in the Negev, where the policy of governance through sheikhs had gone deeper than in other Arab

villages and where Bedouin resistance to Israeli policies took different paths from the emerging Palestinian national movement.

A year after the Shin Bet's report, in an interview with Ha'aretz, Moshe Dayan provided some clues on the implications of the new outlook on the Bedouin sector:

We should transform the Bedouins into an urban proletariat—in industry, services, construction, and agriculture... Indeed, this will be a radical move which means that the Bedouin would not live on his land with his herds, but would become an urban person who comes home in the afternoon and puts his slippers on. His children would be accustomed to a father who wears trousers, does not carry a Shabaria [...] and does not search for vermin in public. The children would go to school with their hair properly combed. This would be a revolution, but it may be fixed within two generations. Without coercion, but ... this phenomenon of the Bedouins will disappear (Moshe Dayan, Ha'aretz interview, 31 July 1963, quoted in Shamir, 1996: 231).

While the informal legal pluralism described in the first section of this paper continues to characterize aspects of Bedouin-Israeli relations today, the commitment to maintaining the tribal structure of the Bedouins has lost much of its initial force and a concern with “modernization” and “integration” has gained salience. This shift was triggered, I argue, by the style of resistance Bedouins developed against Israeli policies in the 1970s and 1980s, which drew on their tribal heritage. The internal organization of the Bedouins, once a guarantee of Bedouins' immunity to Palestinian nationalism and their loyalty to Israel, increasingly became problematic in Israeli officials' eyes. Government through experts was not suited to meet these challenges. As a result, the institutional framework became more pluralized from mid-1970s on: first, the government established new bureaucracies, such as the Bedouin Development Authority and the Bedouin Education Authority, with exclusive jurisdiction on the Bedouins, for the administration of a wide range of threats and rewards to induce the Bedouin to relocate into the urban townships.

Second, the service distributing ministries, such as the Ministries of Health, Education, Labor and Welfare came to play more important roles in the lives of Bedouin, as the government began to emphasize modernization and integration. While Bedouin experts continue to hold key posts, they have lost their previous monopoly over policy making and implementation, and the face-to-face interactions in which Bedouin-Israeli bargains were struck are increasingly replaced by the impersonal—albeit often discriminatory—administration of the bureaucracy.

### *Special Institutions*

During the 1970s and 1980s, the Israeli government established new institutions with an exclusive jurisdiction over Bedouins to speed up the process of relocation into planned townships. In 1976, a paramilitary agency was created within the Ministry of Agriculture with a mandate to police the illegal use of state lands and nature reserves. This agency, the Green Patrol, operates as a coercive arm of the Israel Lands Authority to increase the pressure on Bedouins to move to the planned townships. The Green Patrol confiscates Bedouin flocks that “encroach” into state lands and destroys crops and trees cultivated by Bedouins outside the planned townships (Abu Saad 2005: 132; Yiftachel 2006: 202). In effect, the Green Patrol makes it nearly impossible to maintain a rural Bedouin life-style by cracking down on precisely those everyday acts of resistance that challenge Israeli authority. In 1986, the Bedouin Development Authority (BDA) was established under the jurisdiction of Israel Lands Administration. BDA controls much of the policy-making with respect to both planned townships and Unrecognized Villages. While its initial purpose was to reach agreements on landownership, it controls the budgets for the planned townships that have municipal councils as well as water resources that are distributed selectively to the Unrecognized Villages (Abu Saad 2005: 129-130). The BDA exercises wide leverage over the distribution of resources that are

vital for Bedouins on an everyday level and is the leading institution specializing on Bedouin affairs. In 1981, the Bedouin Education Authority was established within the Ministry of Education to provide educational services in the Unrecognized Villages (Abu Saad: 2005 130-131). According to Abu Saad, the agency provides services selectively to reward loyal families and punish disloyal ones, enhancing the patronage relations characteristic of Bedouin-state interactions. Together, the three institutions manipulate the allocation of threats and rewards to induce families in the Unrecognized Villages to move to the government planned townships.

### *The Increasing Involvement of the Ministries*

As the government sought the “modernization” of the Bedouin via the policy of forced urbanization, the coercive approach of institutions related to the Israel Lands Authority was complemented by a more benign, “service” oriented approach. The government’s desire to integrate the Bedouin through the distribution of modern social services, on the one hand, and a new form of activism challenging government discrimination against Unrecognized Villages in the field of social services, on the other, brought the service distributing ministries into the orbit of Bedouin governance.

The government’s identification of “problem areas” in relation to the Bedouin reflects the growing concern with modernization. A high ranking police officer summarized the problems of the Bedouin in the following order: identity crisis, natural growth, no leadership, differences in socioeconomic situation, problem of lands and illegal construction, crime, education, violent fights/conflicts, and the status of women.<sup>31</sup> While “identity crisis” and “problem of lands and illegal construction” reflect Israel’s traditional concerns over Palestinian national identity and Jewish control of land, the interest in natural growth, leadership, divisions between *fellaheen* and

authentic Bedouin, education, and the status of women reflects a new concern with the tribal organization of Bedouin society. The new priority of concerns reflects the government's abandonment of its commitment to tribalism and an interest in modernizing and transforming the Bedouin through the social service agencies of the state. Accordingly, the service distributing ministries, such as the Ministries of Health, Education, Labor and Welfare, have come to play important roles in the new structure of government. These Ministries are now eager to reach out to Bedouins and provide them with services, although the welfare-dependency of Bedouins is also resented. In particular, polygamy and high birth rate, which reflect Bedouins' tribal heritage, are increasingly seen as problematic for generating a "predatory" community that lives on state welfare. Bedouin co-wives who take advantage of the welfare benefits available for single mothers, for instance, are seen as abusing state resources. The head of the Bedouin Education Authority, Moshe Shohat, summed up his disillusionment with the traditional practices of Bedouins by describing them as "a blood thirsty people who commit polygamy, have 30 children, and continue to expand their illegal settlements, taking over state land" (quoted in Raz and Atar 2005: 42).

The increasing involvement of the Ministries in Bedouin affairs has also been triggered by the activities of non-governmental organizations that took up the Bedouin cause from the mid-1990s on. During these years, Bedouins developed links with Arab and Jewish human rights organizations and began to mount their claims in a more organized form of struggle. The new civic activism brought international attention to the plight of the Bedouins in the Unrecognized Villages and pressured the government to improve social services to these communities. In 1997, the inhabitants of the spontaneous settlements established the Regional Council for the Unrecognized Villages (RCUV) to negotiate the status of the spontaneous

settlements with the government (Abu Sa'ad 2005). The RCUV called on the government to recognize the forty-five "unrecognized villages," give them municipal status, and provide services to these areas (Greenspan 2005: 93). More significantly, it called on the government to separate the question of land ownership from the question of movement into planned townships. In the same year, *Dukium*, the Negev Coexistence Forum for Civil Equality was established to promote collaboration between Jews and Bedouin sharing the Negev. *Dukium* coordinated its activities with RCUV and engaged in awareness raising campaigns in Israel and at the international level. In 2006, together with Physicians for Human Rights, RCUV and *Dukium* drafted a shadow report to the United Nations Committee on the Elimination of Racial Discrimination, where it criticized Israeli policies towards the Unrecognized Villages (Negev Coexistence Forum for Equality: 2006). From the mid-1990s on, Israeli and Palestinian NGOs outside the Negev also began to take an interest in the Bedouin cause and some of Israel's most prestigious human rights organizations, such as *Adalah* and the Association for Civil Rights in Israel (ACRI) set up branch offices in the Negev.<sup>32</sup> In 1998 and 2003, *Adalah*, along with other international and Palestinian human rights organizations, submitted reports to the United Nations Committee on Economic, Social and Cultural Rights, where it devoted substantial attention to discrimination in the provision of social services to Bedouins. The Israeli government's treatment of Bedouins in the Unrecognized Villages was criticized severely by the Committee in its Concluding Observations in 1998 in response to Israel's first periodic report (Economic and Social Council 1998). In its second report in 2003, the Israeli government was pressured to discuss the situation of Bedouin villages at length, and the question of Unrecognized Villages was brought up again in the Committee's Concluding Remarks (Economic and Social Council

2003). In 2004, Israel officially recognized Darijat, one of the Unrecognized Villages (Yiftachel 2006: 208).

In the late 1990s and early 2000s, while mobilizing at the international level, Palestinian and Israeli human rights organizations also scored a number of victories in the Israeli Supreme Court in the area of social services to the Unrecognized Villages. In 1998, a group of petitioners asked the Bedouin Education Authority to connect schools outside the planned townships to the electric grid. The Supreme Court ruled that “The current situation in which Bedouin schools are not connected to electricity 50 years after the establishment of the State is unacceptable and speaks badly of Israel.”<sup>33</sup> In 2000, the Supreme Court required the Minister of Health to establish primary care and mother-and-child clinics in the Unrecognized Villages.<sup>34</sup> In 1998 and 2000, in response to petitions filed by *Adalah* and RCUV, the Supreme Court ordered the Ministry of Labor and Welfare to assign additional welfare positions for the Unrecognized Villages.<sup>35</sup> In *Abu-Gardud v. Regional Council Ramat Ha-Negev*, in 2000, the Court took judicial notice of the Ministry of Education’s promise to review planning process for establishing more schools and kindergartens in the unrecognized villages (Rosen-Zvi 2004: 72).

The human rights framework in which these claims were raised as well as the government’s new commitment to the modernization and integration of Bedouin forced various agencies of the state to “recognize” the Unrecognized Villages and deliver public services to these areas, while the Israel Lands Administration continues to look for ways to pressure the inhabitants of the Unrecognized Villages to move into the planned townships. Ironically, the government’s commitment to modernization and integration, a discourse that developed in order to legitimize the forced relocation of Bedouins into government planned townships in the first place, eventually obliged the government to begin granting legality to the Unrecognized Villages



through service provision. The human rights framework that the NGOs mobilized as a counter-discourse undermined the government's discourse of administrative efficiency that linked the provision of services to moving into the planned townships. As the Ministries were drawn into the apparatus for governing the Bedouin, moreover, the institutional framework became more pluralized, eroding the monopoly of Bedouin experts in the implementation of policy and multiplying the arenas in which Bedouins and the Israeli government interact.

### **Conclusion**

During the first two decades of Israel's existence, Bedouins occupied a niche within Israel's administrative practices. Bedouins' history of cooperation with Jewish officials before and during the 1947-1949 war, on the one hand, and the divide-and-rule policy Israel developed in order to preempt the emergence of a Palestinian national movement, on the other, converged to institutionalize a particular form of government over the Bedouins. Bedouin affairs were handled almost exclusively through the informal relationships that Israeli "experts" cultivated with Bedouin sheikhs. Law enforcement emerged as a site of complex governance, in which the experts administered the coexistence of Israeli law and Bedouin law, while gathering intelligence and accumulating knowledge about "Bedouin culture." While this form of legal pluralism was controlled and manipulated by the experts to secure certain policy goals, it also provided Bedouins with a space in which bargains could be struck on matters of everyday concern. At the same time, Israel's enthusiasm with Bedouin folklore and tribalism enabled Bedouins to maintain, if in reconstructed ways, the traditional legal and political structure of their society.

After the end of military rule in 1966, the impasse over the question of ownership of Negev lands and Bedouins' particular style of resistance to the relocation policies rendered the

tribal organization of Bedouins suspect. The government's interest in Bedouin folklore was increasingly replaced by a new discourse on modernization and integration. Movement into the government planned townships was framed as a requisite of modernization and social welfare, and Bedouins' tribal ways were now seen as obstructing their integration to Israeli society. The discursive shift from folklore to modernization was accompanied by an institutional transformation, in which expert rule was overtaken by bureaucratic authority. Unlike expert government of the 1950s and 1960s, the new institutional regime deemphasized face-to-face interactions and compromises in favor of impersonal administrative rule. The replacement of face to face rule with these institutions enabled the government to carry out its often coercive policies within a discourse of modernization and efficiency. At the same time, the pluralization of the institutional environment provided Bedouins with a more diverse array of venues through which to challenge Israeli policies.

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Ceren Belge received her PhD in Political Science at the University of Washington in 2008. Her dissertation focuses on honor killings in order to explore the role of clans in state-minority relations in Turkey and Israel. Currently, she is a post-doctoral fellow at the Harvard Academy for International and Area Studies at Harvard University. Her fields of interest include state-minority relations in Turkey and Israel, legal pluralism, and socio-legal theory. Her article on the selective activism of the Constitutional Court of Turkey on rights questions was published in the *Law and Society Review*.

#### Notes

<sup>1</sup> Interview in Be'er Sheva, 30 August 2007.

<sup>2</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>3</sup> Interview in Tahanot Ayarot, 26 August 2007.

<sup>4</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>5</sup> Interview in Be'er Sheva, 30 August 2007.

<sup>6</sup> Interview in Tahanont Ayarot, 28 August 2007.

<sup>7</sup> Interview in Tahanont Ayarot, 28 August 2007.

<sup>8</sup> *Sulha*, literally “peace,” is the customary practice for dispute resolution among the Bedouin and the wider Arab community, characterized by lengthy negotiations between the parties and mediators until a resolution is reached. Blood disputes, in which parties agree to a monetary sum—blood money—or accept other penalties (such as banishment from the geographic community) in order to offset a revenge killing is a paradigmatic example of *sulha*.

<sup>9</sup> Interview in Be'er Sheva, 17 June 2007.

<sup>10</sup> Interview in Tahanont Ayarot, 28 August 2007.

<sup>11</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>12</sup> Interview in Tahanont Ayarot, 28 August 2007.

<sup>13</sup> Interview in Be'er Sheva, 28 August 2007.

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<sup>14</sup> Field notes, 17 June 2007.

<sup>15</sup> Traditionally, *shig* refers to the tent where the leading men of a Bedouin family or tribe accept guests and discuss matters of public concern. Bedouins no longer live in tents today, but new spatial arrangements are made to delineate the public quarter reserved for guests from the private quarters of the family.

<sup>16</sup> Interview in Tahanont Ayarot, 28 August 2007

<sup>17</sup> Interview in Jerusalem, 02 September 2007

<sup>18</sup> Criminal Case No.163/94, *State of Israel v. Hussam Ben Salih and Husam Kinaan*.

<sup>19</sup> Interview in Tel Sheva, 11 May 2007.

<sup>20</sup> Field notes, 17 June 2007.

<sup>21</sup> Interview in Tahanot Ayarot, 28 August 2007

<sup>22</sup> Interview in Be'er Sheva, 17 June 2007

<sup>23</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>24</sup> Ibid.

<sup>25</sup> Interview in Be'er Sheva, 30 August 2007.

<sup>26</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>27</sup> Interview in Be'er Sheva, 30 August 2007.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Interview in Be'er Sheva, 28 August 2007.

<sup>31</sup> Interview in Be'er Sheva, 30 August 2007.

<sup>32</sup> Adalah, the Legal Center for Arab Minority Rights in Israel, was established in 1996 as a legal advocacy organization specializing on the collective rights of Palestinians in Israel. ACRI is an older organization, established in 1972, that advocates individual human rights from a liberal perspective.

<sup>33</sup> *Abu-Fraikh v. Bedouin Education Authority*, quoted in Rosen-Zvi (2004: 71-72).

<sup>34</sup> *Abu-Afash v. Minister of Health* (quoted in Rosen-Zvi 2004: 72).

<sup>35</sup> *Adalah v. Minister of Health; Regional Council for the Unrecognized Villages in the Negev v. Minister of Labor and Welfare* (quoted in Rosen Zvi 2004: 72).

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