Some Reflections on BDS and Feminist Political Solidarity

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We are not asking you for heroic action or to form freedom brigades. We are simply asking you not to be complicit in perpetuating the crimes of the Israeli state.†

A little over two years ago, on March 13, 2012, the UN Committee on the Elimination of Racial Discrimination (CERD) made a series of findings in their observations on Israel’s compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. Significantly, they found that the State of Israel’s policies towards Palestinian and Bedouin communities as regards land rights, citizenship, education and protection from racial and ethnic discrimination, violate several Articles of the Convention, including Articles 3, 5 and 7.‡ Article 3 condemns “racial segregation and apartheid.” The news travelled quickly through social and political networks of activists, lawyers working for human rights, and others, but seems to have been ignored by most

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mainstream media. Similarly, the Russell Tribunal on Palestine (Findings of the South African Session) found that:

[S]ince 1948 the Israeli authorities have pursued concerted policies of colonisation and appropriation of Palestinian land. Israel has through its laws and practices divided the Israeli Jewish and Palestinian populations and allocated them different physical spaces, with varying levels and quality of infrastructure, services and access to resources. The end result is wholesale territorial fragmentation and a series of separate reserves and enclaves, with the two groups largely segregated… this policy is formally described in Israel as hafrada, Hebrew for ‘separation’.

Ascribing the term apartheid to Israeli state practices raises a plethora of complex political issues, most particularly, the inevitable comparison with South Africa’s apartheid regime. I will instead focus on how the findings of the UN CERD, along with some other recent legislative innovations of the Israeli state, may augment our understandings of the spatial and temporal dimensions of the occupation, and the political contours of this particular settler colonial regime. I will then discuss how apartheid, based on a logic of separation and fragmentation, is challenged by the BDS movement. The animating spirit of BDS, based on a global politics of solidarity, finds a committed ally in a feminist politics that is anti-imperialist and anti-war.

_The UN Committee’s findings relate to Israeli laws and legal practices in the domains of property and criminal law, and provision of education_

The UN CERD adopted a series of observations that relate to racial segregation between Jewish and non-Jewish sectors in Israel, including in the education system and in the provision of and access to housing and land, which “raise issues under article 3 of the Convention.” The Committee found that the two separate systems of education, one in

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4 CERD/C/ISA/CO/14-16, Part C, para. 11.
Hebrew and one in Arabic, remain impermeable to one another except in exceptional cases. The maintenance of separate municipalities – Jewish municipalities and the “so-called municipalities of the minorities” – also raises concerns under Article 3. In particular, they noted the recently enacted Admissions Committees Law (2011) that empowers private committees to reject applicants who wish to reside in a municipality on the basis of whether they are deemed to be “suitable to the social life of the community.” This has enabled admissions committees in predominantly Jewish neighbourhoods and also of course in burgeoning settlements to bar Palestinians from residing in those neighbourhoods.

The Committee noted several different aspects of the legal discrimination with respect to land issues that affect Palestinian and Bedouin communities. Several recently enacted laws led the Committee to recommend that the “state ensure equal access to land and property” and to “abrogate or rescind any legislation that does not comply with the principle of non-discrimination”. The language of non-discrimination doesn’t in my view adequately describe the reality of the ongoing, daily appropriation of Palestinian land in the West Bank, East Jerusalem, the Naqab (Negev) and many other areas, which begins in the post-Mandate era with the Absentee Property Law. As scores of Palestinian and Israeli scholars have recounted, the Absentee Property Law placed all Palestinian property owned by people who were deemed to be absent in 1948 with the Custodian of Absentee Property. This land was then later transferred to the Israeli State, and in some instances, private organisations, including settler organisations. The use of Military Orders, land use laws and urban planning policies, restrictions on the mobility of Palestinians, Mandate-era laws regarding the appropriation of land on the basis of how the land is used, all operate recombinantly to dispossess Palestinians of their land. Recently enacted laws however, some of which are analysed by the Committee, reflect changes in the mode of appropriation relied upon over the past 68 years. The Israel Land Administration Law of 2009, the 2010 Amendment to the Land (Acquisition for Public Purposes) Ordinance (1943); and finally the 2010 Amendment to the Negev Development Authority Law (1991) effectively set out legislative mechanisms for the appropriation of Palestinian land that will be transferred into a private market economy of property.

\[\text{\textsuperscript{5}} \text{ibid.}\]
ownership. This reflects a shift from the process by which appropriated land was first held by the Jewish National Fund for the Jewish people, and sometimes at a much later time, transferred into the hands of private organisations, including settler organisations. This marks a significant change from a system of ownership in which the imperatives of an ethno-nationalist settler state initially replaced a private market in land, which is far more typically an attribute of settler colonial systems of property ownership. In Canada, for instance, land that was appropriated from First Nations was placed directly into a private market economy, parasitic on the fiction of underlying Crown sovereignty.

There are a few salient aspects of Israeli apartheid and racial discrimination that the Committee did not consider, which are also relevant to a consideration of State-sanctioned racism and segregation. The citizenship laws that were upheld in 2012 by the Israeli Supreme Court make it virtually impossible for Palestinians with Israeli citizenship to reside in Israel with their spouses and children who do not have Israeli citizenship.6 The Citizenship and Entry into Israel Law was amended in 2003 to exclude Palestinians from obtaining Israeli citizenship through marriage. Specifically, the amendment to the Nationality Law prohibits granting residency or citizenship status to Palestinians from the 1967 Occupied Palestinian Territories married to Israeli citizens. The Supreme Court upheld the validity of this racially discriminatory law, on the basis of security imperatives.7

The finding that Israel is effectively perpetuating apartheid is significant for many different reasons. One implication is that describing Israel as an apartheid state may shift the way we understand the spatial and temporal dimensions of the conflict over land, resources, and political citizenship. Another consequence of describing state practices that amount to a form of socio-economic, political and racial apartheid is that this discourse may well influence our political responses to this ongoing situation of dispossession.

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7 For an important analysis of two judgments in particular, and how these rulings relate to Israel’s status as a democracy and an ethno-cratic state, see Masri, ibid.
To begin with the first, in recent years there has been a move towards conceptualising Israel/Palestine as one geo-political space. Seeing the occupation as a conflict between Israel and the West Bank & Gaza masks the jurisdictional reality (and complexity) of the situation, one in which similar legal techniques are used throughout the West Bank, the Naqab, and many mixed Arab-Jewish towns and cities to displace Palestinians. Israeli settlements and the construction of the Wall in the West Bank have resulted in the appropriation of 59% of West Bank land, some of which lies in ‘seam zones’ that make Palestinian farmland inaccessible to its owners. Residents of some West Bank villages have had contact with their families, lands and businesses cut off by the Wall. The settlements are connected to each other by roads that Palestinian West Bank residents are not allowed to travel on. Israel has divided the West Bank into sixty discontinuous zones, with over 300 checkpoints littering the landscape, many of them mobile or flying checkpoints.\(^8\) In Gaza, farmers are unable to cultivate their lands which lie in the expansive ‘seam zone’ guarded by the Israeli military. The three-mile nautical limit in which Gazans can legally fish has left thousands of fishermen devastated. Inside the boundaries of Israel, Bedouin communities are facing eviction, dispossession and criminalisation through reliance on Ottoman-era land laws that have also been used throughout the West Bank to appropriate land for the Israeli state. Thus, to speak of Israel and Palestine as two separate geo-political entities really belies the reality of a space that is burdened by a complex regime of overlapping jurisdictions of political, economic and military control and an occupation that is not confined to areas that have clearly delineated borders. The concept of apartheid, used to describe systemic and legalised racial segregation within the boundaries of one territory is helpful in describing the contours of the occupation. It also more accurately reflects the fact that prolific settlement activity throughout the West Bank has made the possibility of a meaningful two state solution difficult to imagine.\(^9\)

The fragmentation of land, populations, communities, networks of movement and communication reflect the logic of the Oslo Accords, which, in the view of Adam Hanieh,

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\(^8\) Ben-Naftali, Gross and Michaeli, \textit{op.cit,} at p. 45.

have essentially allowed Israel to incorporate various forms of dispossession within a “comprehensive system of control.” Hanieh details how, to take one example, the destruction of the Palestinian agricultural sector from 1967 onwards becomes cemented post-Oslo in the transformation of Palestinian land into a patchwork of isolated enclaves. The lack of access to their agricultural land, sources of water for irrigation, and the rampant building of settlements on fertile ground has meant the devastation of Palestinian agriculture, the impoverishment of Palestinian farmers and labourers, and also ensured dependency on foreign imports, all of which are controlled by Israel.

Neo-liberal economic policies have been shaping life in the West Bank for several years. The complex relationship between the security apparatus, economic policies of the Palestinian Authority (PA), the punitive conditions on the international funding it receives, and the financial dependence of vast swathes of people employed by the PA have created a web in which many people are caught, and many excluded, from globalised circuits of credit and debt that carry the promise of a comfortable lifestyle in the midst of the occupation.

Frantz Fanon warned us of the pitfalls of national bourgeois consciousness, where, to paraphrase Azmi Bishara, those who have political power under the occupation “exploit their position as political elites to transform themselves into economic elites.” The economic policies of the PA are re-constructing the spatial and material conditions of life in the West Bank. An economic process that seems to have no need for a unified territory, nor for respect of basic democratic rights, nor for self-determination (indeed, a process premised upon the continual deferral of national liberation) is unfolding at a seemingly

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11 *ibid.*


14 Khalidi and Samour, *op. cit.*
rapid pace. How can self-determination be achieved when the scaffolding of a neo-liberal state form has already been put in place?

The confrontation between liberation politics and the neo-liberal policies of Fayyad (Finance Minister of the PA until 2012; the current Finance Minister is Shukri Bishara), were revealed in a 2011 scene when Palestinian prisoners were released in the deal struck by Hamas with the Israeli government. Palestinian prisoners were greeted by scores of ordinary and working class families in the recently reconstructed presidential compound, the *muqata*, in Ramallah. Linda Tabar noted how the mass presence of ordinary Palestinians, many from rural areas, drinking tea served by impoverished street vendors, “momentarily subverted the presidential authority and power” reflected in the architecture of the *muqata*. Tabar notes:

> After over sixty years of struggling for freedom from Zionist settler colonialism, Fatah officials are embracing the very symbols of dominant state power and authority, which upholds the system that oppresses them. The real issue underlying transformation of the *muqata* is the way the oppressed begin to accept the system of power and dominance they have long opposed.\(^\text{15}\)

The PA has become the purveyor of neo-liberal economic policies that have facilitated a growing disparity in wealth between an elite minority and the mass of the Palestinian population. A growing middle class (of entrepreneurs, professionals and employees of the PA) constitutes a class of consumers for the wide range of goods previously unavailable in the West Bank. In Ramallah, the consequences of such policies are clear; real estate speculation, the explosion of 5-star hotels and fancy car dealerships built on a bubble of debt and credit mirrors the kinds of economic policies repeatedly adopted throughout the world as part of the Post-Washington Consensus. Feminist critics of neo-liberalism have stressed its differential impact on the lives of working women world-over.

The logic of BDS, which aims to create a unified and global response to the occupation, pushes back against these policies and practices of fragmentation and control. BDS applies to all activities that support the occupation, whether they take place on a settlement in the West Bank, a boardroom in Tel Aviv, or the construction of a rail line in Jerusalem.

The BDS movement also provides a bulwark against the creeping neo-liberalism so evident in the West Bank. As a civil society movement, BDS by-passes the PA and the political impasse it represents. We can see how the campaign to boycott G4S for instance targets the operations and practices of an entity that exemplifies quite perfectly the global reach of private corporations into an astonishingly broad-spectrum security apparatus. The G4S campaign connects the fact that this multinational corporation, the world’s largest security firm, is not only a major service provider to Israeli prisons but is also responsible for the deaths in custody of African refugees such as Jimmy Mubenga, who was killed while being deported from the UK. The interconnectedness of the violence of detention the world over, from which this particular corporation makes enormous profits, is brought to the fore by activists who are attempting to build solidarity activism between the UK, Palestine, the US, Europe and elsewhere.

Why BDS is a feminist issue

Radical politics and political organising seek to reinvent the world according to anti-imperialist, anti-capitalist, anti-patriarchal and anti-heteronormative economies of representation and production. Several recent conversations about the BDS movement with critically thinking academics gave me an opportunity to think about why some people choose not to support BDS even in light of this on-going situation of colonial dispossession of the Palestinian people. The first argument is that to support BDS is to treat Israel as an exceptionally rogue state, or as exceptionally violent. Why single Israel out? One academic told me that she was tired of hearing about Israel when there are so
many other awful things going on in the world. Implicit in this argument is that criticism of Israel and support of BDS is somehow anti-Semitic. For a robust deconstruction of this idea see Judith Butler’s response to Larry Summers’ controversial accusation on this very point, which she has had cause to reiterate on numerous occasions since 2003, in response to the growing censorship and legal prosecution of BDS activists and supporters.

Anyone familiar with the legal-political techniques used to dispossess indigenous peoples in settler colonial societies such as Canada, Australia, and South Africa, amongst others, will find a great resemblance between these places and the laws briefly described above. Of course Israel is not exceptional in its violence. The by-now well-known globalisation of policing tactics that see Israeli military personnel cavorting with their Indian counterparts to advise on handling the conflict in Jammu/Kashmir; the recent consideration of the use of ‘skunk oil’ and water cannons by British police forces on potential protestors (skunk oil is quite commonly used by the IDF in West Bank protests); the racist (and sometimes lethal) violence that black communities are quite regularly subjected to in the UK and in the US also reflect the ways in which colonial relations of race, class and gendered subjugation are continually re-written in the present, across the globe. The prolific use of racially charged “stop and search” tactics in the US and the UK bears a family resemblance to the routine humiliation of Palestinians at checkpoints. But limiting oneself to an exercise in comparison between disastrous forms of oppression that would attempt to measure and quantify state and corporate forms of


violence on indigenous and racialised populations, as though we could catalogue and rank them, is really to miss the animating logic of BDS, which is about building solidarity amongst people who resist oppression.

The practices of the Israeli state are also reminiscent of racially discriminatory laws that African Americans had to face until the 1960s in the US. As Angela Y. Davis has noted:

We here in the US should be especially conscious of the similarities between historical Jim Crow practices and contemporary regimes of segregation in Occupied Palestine. If we have learned the most important lesson promulgated by Dr. Martin Luther King – that justice is always indivisible – it should be clear that a mass movement in solidarity with Palestinian freedom is long overdue.23

Creating solidarity, coalitions, and transformative feminist spaces requires a critical self-reflexivity and praxis that Indigenous, Black and Third World feminists have been developing for many decades. Chandra Talpade Mohanty, Angela Davis, and Selma James all point to the fact that the mainstream and left feminist movements have much to learn from black radical and anti-colonial movements.24 Mohanty argues that the work and conceptual challenges posed by “black and Third World feminists can point the way toward a more precise, feminist politics based on the specificity of our historical and cultural locations and our common contexts of struggle.”25 What lessons can we glean from other political movements? In terms of learning from Black Freedom struggles in the US in the 20th century, we can recall that the Montgomery Bus Boycott of 1955 was a pivotal and generative event in the civil rights movement. Boycotts had been used throughout Alabama during the early 1950s and with the widespread support of black


25 Mohanty, ibid.
communities in a variety of cities, including Montgomery, they caused sufficient
economic damage to the city bus companies to effect substantive political change.\textsuperscript{26} The
Grunwick workers strikes in the 1970s, led largely by immigrant South Asian women,
depended on solidarity boycotts to strengthen their cause.\textsuperscript{27} Palestinians have a long
history of utilising boycott strategies to resist occupation. The current BDS movement sits
within this long and varied history of political resistance.

Do the similarities in techniques of dispossession and repression between Israel, the US,
Australia, Canada – not to mention a slew of other places – mean that we ought not to
support a growing and strong civil society movement in Palestine and abroad? Many
critics of BDS often query why people who have no explicit personal, familial or
professional attachment to either Israel or Palestine take political action in relation to the
conflict; and furthermore, often wonder why boycott action is not taken in relation to a
range of other politically repressive regimes. These critics ignore the fact that most non-
Palestinian supporters of BDS are also active in other political organisations and
movements that share the political objectives of the BDS movement, as David Lloyd
discusses in the introduction to this Special Section. Second, these critics of BDS also
ignore the fact that over 170 Palestinian civil society organisations (including trade
unions, women’s organisations, NGOs and others) have asked people the world over to
support them in their struggle against the occupation;\textsuperscript{28} to support BDS is an act of
political and ethical responsiveness. A colleague who recently decided not to attend a
conference at an Israeli university reached his conclusion by drawing an analogy between
the BDS movement and a labour strike. To attend the conference and actively not support
the academic boycott would have been, for him, akin to crossing a picket line. While
many academics may have little difficulty in undermining collective struggles for social
justice, for those who see themselves as politically progressive I think this is a useful
analogy.

\textsuperscript{26} Catherine A. Barnes, \textit{Journey from Jim Crow: The Desegregation of Southern Transit} (New York:

\textsuperscript{27} See \url{http://www.leeds.ac.uk/strikingwomen/grunwick} (accessed 26 April 2014).

\textsuperscript{28} See \url{http://www.pachri.org/etemplate.php?id=2380} (accessed 27 April 2014).
The type of feminism that the authors in this Special Section on BDS subscribe to is anti-imperialist, anti-colonial and critical of militarism. Revealing the complicity of a feminised and racial militarism that finds firm roots in colonial and imperial wars, feminists in the post-war era have been at the forefront of opposing warfare in Vietnam, Iraq, Afghanistan, and elsewhere. From the Madres de la Plaza Mayo of Argentina, to Women in Black (who have also been active in Israel\textsuperscript{29}) women have been at the forefront of opposing state terrorism and violence.

The occupation and dispossession of indigenous lands, and the spatial violence of segregation that has long characterised the lives of racialised and poor women the world over, have been understood as central concerns of particular types of feminism. Colonialist state forms have always been patriarchal and heteronormative in substance and structure. A feminist politics that fails to address the urgent and ongoing struggle for decolonisation remains tacitly in approval of, if not complicit with, neo-imperial aggression that is thoroughly racialised and gendered.

The deployment of ‘equality’ discourse by imperialist states and occupying powers, to legitimate their status as democracies, has been critiqued by queer and feminist theorists as a powerful mode of governance deployed to obfuscate structural forms of oppression and domination, which are both racialised and gendered. For instance, homonationalism (as theorised by Jasbir Puar, Aeyal Gross and others\textsuperscript{30}) and femonationalism (as theorised by Sara Farris\textsuperscript{31}) are concepts developed by queer and feminist theorists which go beyond unveiling the ways in which equality discourse and the inclusion of gay, lesbian and trans rights are deployed to legitimise the representation of imperial and settler colonial states


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as genuinely democratic. These authors also decry the ways in which states wage wars, invade, and occupy foreign lands, on the specious and hypocritical basis that they aim to democratise and equalise sex and gender relations. At this juncture, it is imperative to note that the rise of right-wing Islamist politics in Gaza and within historic Palestine cannot be ignored when theorising a queer, feminist politics of solidarity. What form should an anti-colonial feminist politics of solidarity take in the face of the subjugation of women and queers by reactionary political organisations? Creating transnational feminist solidarity politics that avoids a lazy relativism when having these discussions in foreign contexts requires close collaboration with, and learning from, Palestinian feminists and the many Palestinian feminist organisations that have been a central part of the Palestinian struggle.

The delegation of Indigenous and Women of Colour feminists who visited Israel/Palestine in 2011 gives a very clear assessment of what is at stake, and the ways in which anti-colonial resistance is intimately connected to struggles for race, gender and sexual emancipation:

As feminists, we deplore the Israeli practice of “pink-washing,” the state’s use of ostensible support for gender and sexual equality to dress-up its occupation. In Palestine, we consistently found evidence and analyses of a more substantive approach to an indivisible justice. We met the President and the leadership of the Arab Feminist Union and several other women’s groups in Nablus who spoke about the role and struggles of Palestinian women on several fronts. We visited one of the oldest women’s empowerment centers in Palestine, In’ash al-Usra, and learned about various income-generating cultural projects. We also spoke with Palestinian Queers for BDS, young organizers who frame the struggle for gender and sexual justice as part and parcel of a comprehensive framework for self-determination and liberation. Feminist colleagues at Birzeit University, An-Najah University, and Mada al-Carmel spoke to us about the organic linkage of anti-colonial resistance with gender
and sexual equality, as well as about the transformative role Palestinian institutions of higher education play in these struggles.\textsuperscript{32}

The authors of this Special Section argue for a feminist politics of solidarity that is truly emancipatory in its aspirations. The relationship between feminist struggles for freedom and occupation are nowhere more evident than in the violent political repression Palestinian women faced at the hands of the military on 8 March this year, when demonstrating for International Women’s Day. Women attempted to march past the infamous Qalandia checkpoint, to emphasise the place of women in the liberation movement and to assert their right to enter the city of Jerusalem freely. They were met with stun grenades and teargas, and 11 women were injured.\textsuperscript{33} Violence against women in the context of Palestine, as many indigenous and women of colour have argued, cannot be separated from the realities of a highly militarised occupation.

\textsuperscript{32} Abunimah, \textit{op. cit.}

\textsuperscript{33} “Israeli forces attack West Bank Women’s Day march”, \textit{Alakhbar}, 8 March 2014, \url{http://english.al-akhbar.com/content/israeli-forces-attack-west-bank-womens-day-march} (accessed 26 April 2014).