Routledge
Taylor & Francis Group

Genocide and settler colonialism: can a Lemkin-inspired genocide perspective aid our understanding of the Palestinian situation?

Haifa Rashed and Damien Short*

University of London, London, UK

This article examines the situation of the Palestinians through the sociological lens of the concept of genocide. Following a recent trend in genocide studies, the article engages with the original theorising of Raphael Lemkin – who coined the term 'genocide'. These studies have highlighted the association Lemkin made between genocide and colonialism and have applied the genocide concept to settler colonial societies such as Australia. It argues that if Israel is conceivably a settler colonial project then by implication its relationship with the Palestinian people can be analysed through the genocide lens. Whilst some academics and journalists are now tentatively applying terms such as 'ethnic cleansing' and 'genocide' to describe the events surrounding the creation of the Israeli state, the historical and continuing, cultural and physical, destructive social and political relations involved in the Israel/Palestine conflict is a somewhat neglected potential case study in the field of genocide studies. The objective of this article is to highlight the potential for a Lemkin inspired sociology of genocide in analysing aspects of the Israel/Palestine conflict, through a consideration of the link he made between genocide and colonialism and some of his key 'techniques of genocide' as specified in the seminal text *Axis Rule in Occupied Europe*.

Keywords: Palestine; Israel; settler colonialism; ethnic cleansing; genocide

Introduction: Lemkin's sociological concept

Genocide is far more than an international crime or condemnatory label of rhetorical utility. It is a concept with a rich intellectual history and is now a vibrant field of social scientific inquiry to which numerous sociologists contribute. Writing in this journal, Damien Short[1] recently surveyed the history of sociology's engagement with the concept, from initial reluctance to contemporary engagement, and argued that what is needed from sociologists working in the field of human rights today is more research into the *context and manner* in which vulnerable distinct cultural groups are forcibly 'changing' in the face of continuing settler colonial expansionist projects driven by global capitalism and a 'logic of elimination'.[2] Such research, he argued, should utilise the analytical lens of *genocide* as assaults on the 'essential foundations of life of national groups' are what the concept was designed to highlight and prohibit. Indeed, in 1933 Polish jurist Raphael Lemkin spoke at the International Conference for Unification of Criminal Law in Madrid, and urged the international community to converge on the necessity to ban the destruction, both physical and cultural,

---

*Corresponding author. Email: Damien.Short@sas.ac.uk

of human groups, invoking the linked concepts of 'barbarity' and 'vandalism'. In his subsequent seminal text *Axis Rule in Occupied Europe* Lemkin combined his prior formulations, barbarity and vandalism, to form a new, more comprehensive master concept – genocide, combining the Greek word *genos* meaning tribe or race and the Latin *cide* meaning killing.[3]

In this important book Lemkin constructed a sociological ontology of genocide – with Chapter IX in particular 'implying sociological claims about the nature or structure of nations and the necessary conditions for their survival'[4] – and detailed eight 'techniques' of genocidal destruction that were employed during the Nazi occupation of Europe: political, social, cultural, economic, biological, physical, religious and moral.[5] Lemkin's sociology, and the analytical framework he constructed in *Axis Rule* and later unpublished works, is crucial to our understanding of genocide as a socially destructive phenomena and also as an analytical concept. For Lemkin, genocide was a 'total social practise'[6] affecting the 'essential foundations of life' of social groups, and crucially for this article, it is intrinsically linked to processes of colonisation:

> Genocide has two phases: one, destruction of the national pattern of the oppressed group: the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the *colonization* of the area by the oppressor's own nationals.[7]

It was with good reason that Lemkin titled his book on the Nazi empire *Axis Rule in Occupied Europe* in order to place it, as Dirk Moses points out, in the Las Casas influenced 'tradition of criticizing brutal conquests. Genocide for Lemkin, then, was a special form of foreign conquest and occupation. It was necessarily imperial and colonial in nature. In particular, genocide aimed to permanently tip the demographic balance in favor of the occupier.'[8]

This article continues a recent trend in genocide studies that refers back to Lemkin's work to better understand his intended meaning of the concept and its links to colonial processes. While the terms 'settler colonial' and 'genocidal' have both been used before by critics of the State of Israel, with reference to its policies towards the Palestinian peoples, this article aims to apply a Lemkin-inspired genocide perspective to the Palestinian situation. Whilst this is not the first attempt to consider the case through the analytical lens of genocide,[9] it offers a different approach by closely following Lemkin's understanding, the 'techniques' he elaborated and the nexus with colonialism.

Genocide, culture and settler colonialism

Due to the tireless lobbying of Lemkin, a modified version of his concept was eventually codified in international law as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.[10] As Curthoys and Docker point out, this has led to confusion between two definitions for genocide, between 'the discursive definition in chapter nine of *Axis Rule* and the codified definition of the 1948 Genocide Convention'.[11] The codified definition is the only internationally accepted legal definition of genocide and is enshrined in Article II(a) to (e) of the Genocide Convention,[12] currently accepted by the 142 states parties to the Genocide Convention.[13] Whilst this definition was based on Lemkin's initial concept of genocide, due to political influences and adaptations during the drafting process the definition was narrower than Lemkin had originally intended.[14]

According to Lemkin, 'cultural genocide is the most important part of the convention'[15] and he was disappointed that this aspect of genocide was not ultimately included in the

Genocide Convention.[16] An initial draft of Article II of the convention classified as genocidal the destruction of the specific character of a persecuted 'group' by forced transfer of children, forced exile (i.e. mass expulsion), prohibition of the use of the national language, destruction of books, documents, monuments and objects of historical, artistic or religious value.[17] Even so, out of the two definitions that Lemkin helped to create, the legal definition has, inevitably, been the predominant definition of genocide. Furthermore, the fact that the genocide concept was formed during the context of World War II has meant that the Holocaust deeply influenced its conception and the subsequent understanding of the term by scholars. Moshman argues, 'the primary conceptual constraint on thinking about genocide…is the dominance of a Holocaust-based conception of genocide'.[18] A view of the Holocaust as the 'ultimate expression'[19] of genocide has led to it commonly being the example case that other potential genocides are compared against. By the mid-1980s the perception that genocide 'equals mass murder' was 'an orthodoxy of sorts'.[20] As Martin Shaw writes: 'because Genocide has been narrowed down to Nazi-like extermination policies, few recent cases have been recognised. Only that of Rwanda (1994) has been overwhelmingly accepted, since the campaign against the Tutsis involved physical destruction'.[21] For Dirk Moses, this reductionist interpretation of genocide dismisses the validity of the experience of other genocide victims:

> the establishment of the Holocaust as *the* threshold of trauma in western modernity conveniently renders invisible the experience of trauma that has driven the vengeful yet redemptive politics of minorities and displaced peoples for centuries, including, significantly, the Palestinian one.[22]

This trend has meant that 'from a legal perspective, genocide unaccompanied by mass killing is rare, and has stood little chance of being prosecuted',[23] even though it is not actually necessary for anyone to be killed in order for genocide to take place under the Genocide Convention's definition. For Lemkin, however, emphasis was placed more on the destruction of the rudiments of social and cultural existence than on mass murder:

> Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killing of all members of a nation. It is intended rather to signify *a coordinated plan of different actions aiming at the destruction of the essential foundations of the life of national groups*, with the aim of annihilating the groups themselves. The objectives of such a plan would be *disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups*. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.[24]

A key strand of recent genocide scholarship focuses on the nexus we mentioned earlier: between colonisation processes[25] and genocidal practices.[26] Lemkin defines the genocide concept as being 'intrinsically colonial'.[27] Taking up this connection, some contemporary writers like Churchill[28] concur that where the practice of imposing the 'national pattern' of the colonial oppressor is the result of 'policy', it should indeed be considered genocidal. Jean Paul Sartre stated that 'Colonialization is…necessarily a cultural genocide'.[29] This view has since been expanded by others such as Card who describes genocide as a 'social death'.[30] For Abed, it is this 'social death' that makes acts genocidal.[31] This focus on the genocidal nature of destroying a group culture is, as we have seen, similar to Lemkin's own position. He wrote: 'the destruction of cultural symbols is genocide'.[32]

To destroy their function 'menaces the existence of the social group which exists by virtue of its common culture'.[33] Lemkin also recognised that national groups do not last forever, and differentiated between cultural change and cultural genocide, when nations either 'fade away after having exhausted their spiritual and physical energies'[34] and 'when they are murdered on the highway of world history. Dying of age or disease is a disaster but genocide is a crime'.[35]

Due to political opposition, the cultural method of genocide is absent in the final text of the Genocide Convention. It was, however, present in the draft stages and the term 'cultural genocide' was also included in Article 7 of the draft United Nations Declaration on the Rights of Indigenous Peoples.[36] Whilst the method is not present in the final text, its initial inclusion suggests that the concept is still a valid one, despite the lack of support at state-level. As Moses points out 'although indigenous people often regard assimilation and development policies as genocidal or at least culturally genocidal, we know that they have no legal protection from the UN Genocide Convention. '"Cultural genocide" is of rhetorical effect only'.[37] Despite its lack of currency from a legal perspective, 'cultural genocide' was integral to Lemkin's understanding of genocide[38] and during the process of construction of the draft UN Convention, Lemkin argued that 'Cultural Genocide is the most important part of the Convention'[39] and consequently we will not ignore this dimension here.

When considering genocide within a colonial context it is also important to acknowledge that Lemkin never stipulated that perpetration of the crime of genocide was limited to state actors.[40] This is also made explicit in Article 4 of the Convention, which states that 'persons committing genocide...shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals'.[41] This is extremely relevant when examining the destructive nature of settler colonialist societies, as in some cases the settlers may commit acts of genocide despite it not being the official state practice. This consequently raises the question as to what extent any genocides committed by such settlers can be seen as a function of colonialism itself. If some rogue settlers commit such acts, it would seem unfair to blame the colonial authorities, or assume there was a deliberate intent endorsed and enforced by them. It is, therefore, a complex evidential issue. The Australian academic Tony Barta perceives one possibility as being what he terms a 'genocidal society'

> – as distinct from a genocidal state – one in which the bureaucratic apparatus might officially be directed to protect innocent people but in which a whole race is nevertheless subject to remorseless pressures of destruction inherent in the very nature of the society.[42]

Thus the motives of the colonisers may be 'muddled and obscure'.[43] It could be argued that such destruction of indigenous peoples cannot be described as 'genocide' since they are not intentionally being targeted for who they are, but rather are simply in the way of the colonisers and the land they seek to possess, or as Rose deftly stated 'to get in the way of settler colonization, all the native has to do is stay at home'.[44] Many scholars have sought to counter that argument, including Césaire who declared that 'no one colonizes innocently'[45] and Curthoys who concluded that: 'to seek to take the land whatever the consequences...is surely a genocidal process'.[46] Abed asserts that many indigenous groups are 'territorially bounded'.[47] For him, therefore, removing these groups from their land or to control their interaction with it is inevitably a genocidal practice. As Wolfe explains: 'Land is life – or, at least, land is necessary for life. Thus contests for land can be – indeed, often are – contests for life'.[48]

The production of new, permanent societies – forged on the back of an entrenched logic of racism in order to protect the cultural character of the settler population, and utterly destroy the indigenous world – establishes settler colonialism not as 'an essentially fleeting stage', but rather a 'persistent defining characteristic of this new world settler society'.[49] As Wolfe illustrates with reference to Australia, 'the determination "settler-colonial state" is Australian society's primary structural characteristic rather than merely a statement about its origins'.[50] Settler colonialism, therefore, is a 'structure not an event'[51]; it is a phenomenon, which consists of complex social formations, and significantly, it exists and develops continually with time and thus Wolfe proposes that 'structural genocide' be the term used in such settler colonial contexts.[52] The structurally defining settler colonial logic typically produces societies marked by 'pervasive inequalities, usually codified in law, between the settler and indigenous populations'.[53] This settler-indigene division is usually pervasive throughout the economy and the legal and political systems, manifested by institutionalised settler privilege. Such privilege, inherent in this form of colonialism, arguably 'denies human rights to human beings whom it has subdued by violence…since the native is sub-human, the Declaration of Human Rights does not apply to him'.[54] Moreover, under such settler colonialism collective rights such as self-determination and political sovereignty are also denied. As David Lloyd recently observed:

> I was trying to think Palestine, Palestine for itself, 'itself alone', as the Irish say. But instead, I found myself thinking, and writing, 'Palestine/Israel', as if Palestine cannot be thought of and by itself. This gesture is one that proponents of Zionism have succeeded in imposing as a condition for even thinking about Palestine: it cannot be thought, rather, may not be thought, as an autonomous sovereign entity, giving the law to itself. Palestinian nationality, Palestinian statehood, if they can be contemplated at all, can only be proposed by permission of Israel and its patrons.[55]

In the next section we will analyse the case study by invoking Lemkin's method from *Axis Rule in Occupied Europe* and considering the most context relevant of his eight 'techniques' of genocide; specifically – political, cultural, economic and physical. While there is a certain utility in viewing these techniques as analytically distinct, both in theory and practice it can be argued that they are in fact intertwined and functionally interdependent. We start our analysis with the first issue to settle when utilising the genocide lens – establishing the *genos* – before moving on to look at the settler colonial origins of Israel and the political and physical repercussions for the Palestinian peoples.

Defining the genos in the Palestine case

When considering whether or not it can be argued that the Palestinians have experienced genocide, their existence *as a group* is paramount. We have seen that both Lemkin and the Genocide Convention refer to groups as though their existence was objective fact, but for some writers the perpetrator of genocide defines the victim's status as a member of a particular group. As Sartre stated, 'le juif est un homme que les autres hommes tiennent pour juif'.[56] Chalk and Jonassohn's definition of genocide[57] with its notion of perpetrator identification challenged both Lemkin's and the Genocide Convention's assumption that the groups objectively exist.[58] As Khalidi explains: 'national identity is constructed, it is not an essential, transcendent given'.[59] Even so, while identity, like culture, is a social construct it does not mean it lacks identifiable form, meaning or moral significance. The existence of a distinct Palestinian national group, however, has been disputed. Israel's first Prime Minister, David Ben Gurion, insisted that the British conceive of Jews and Arabs as global

entities to convince them that the latter had more than enough land while the largely home-less Jews only wanted, and desperately needed, a tiny portion of the Middle East.[60] The creation of the Israeli nationality and identity came at the expense of the Palestinian national identity, as Rogan describes:

> In 1948 the Jews of Palestine took on a national identity as Israelis, whereas the Palestinian Arabs remained just 'Arabs' – either 'Israeli Arabs'…or 'Arab refugees'.…As far as Western public opinion was concerned, the displaced Arabs of Palestine were no different than Arabs in Lebanon, Syria, Jordan or Egypt and would be absorbed by their host communities in due course.[61]

The question of whether there was a Palestinian identity prior to the Zionist colonisation in the late nineteenth century has been examined at length,[62] and it is clear that the Palestinians identify themselves as a national group.

In a telling contribution philosopher Mohammed Abed, influenced by Claudia Card's concept of 'social death', argued that a *genos* collectivity must display certain features if it is to be logically and ethically susceptible to the harm of genocide. He concludes that three main elements should be present, namely 'the members of a group *consent* to a life in common, the culture of the group is *comprehensive*, and the social structure of the group makes *leaving it arduous*, then its social vitality (or lack thereof) will have profound and far-reaching effects on the well-being of its individual members'.[63] The first – consent – is poss-ibly the least challenging of the three criteria. Applied to the potential Palestinian *genos*, the fact that Palestinians refer to themselves as such is indicative of 'consent'. In terms of comprehen-siveness, Abed specifies that 'comprehensive cultures make their mark on many other areas of life'[64] and that 'its members usually recognize each other'.[65] It is likely that most Palestinians would regard their cultural identity as comprehensive and as Abed concludes: 'in line with the U.N. definition, most national, ethnical, and long-standing religious groups will be included'.[66] The final criterion that is specified – arduous exit – is defined as group association being a matter of '*who you are* rather than *what you do or what you agree to*'.[67] For Palestinians, who regard themselves as a distinct national group, this certainly applies. Abed also remarks that 'even public disavowal of your connection to the group will not prevent both insiders and outsiders from continuing to perceive you as a member of the community'.[68]

For the purposes of this article, when referring to the 'Palestinians' the authors are including all Palestinian Arabs and their descendants, irrespective of where they currently reside. Since the creation of Israel in 1948 and after subsequent political developments (par-ticularly the occupation of the West Bank and Gaza Strip after the Six Day War in 1967), the Palestinian population has been fragmented into different geographical locations. These locations include Gaza, the West Bank, the diaspora – 'the largest refugee diaspora in the world'[69] – and also Israel itself.[70]

Political and Physical

> Conditions leading to genocide [include]…Colonial expansion or milit. conquest.[71]

> In line with (the) policy of imposing the German national pattern, particularly in the incorpor-ated territories, the occupant has organized a system of colonization of these areas… The Polish population have been removed from their homes in order to make place for German set-tlers.…The properties and homes of the Poles are being allocated to German settlers.[72]

Settler colonialism and imperialism – as forms of domination[73] – take centre stage in the histories of nations and empires in the nineteenth and twentieth centuries. In an era rife

with national rivalry, settlement was commonly employed by states seeking to expand their geopolitical influence or obtain foreign assets:

> From the Japanese colonial project in Korea, to Portuguese settlement in Angola, to Mussolini's dreams of a Roman empire reborn in Ethiopia, to the Nazi project to transfer ethnic German communities to Poland, to French and British efforts after 1945 to knit their African settler colonies more tightly into the metropolitan economy, settlement remained a crucial part of imperial domination.[74]

Though these denominations of domination 'often overlap',[75] we can differentiate between imperialism and settler colonialism. Imperial expansion undertaken for military advantage or trade – often little concerned with land seizure or internal governance – produces an alternative dynamic to the presence of a 'settler population intent on making a territory their permanent home while continuing to enjoy metropolitan standards of living'.[76] The economic focus of imperialism – as a defining characteristic – was highlighted by J.A. Hobson who linked the phenomenon with the demands of 'maturing capitalism for markets, investment opportunities, raw materials and cheap labour'.[77] Here we can establish a divergence. Specific to varied logics of indigenous-invader relations, the exploitation embodied in imperialism is, in the practise of settler colonialism, substituted for a logic of expulsion and elimination:

> In the United States, Australia, South Africa, and elsewhere, European settlers sought to construct communities bounded by ties of ethnicity and faith in what they persistently defined as virgin or empty land.[78]

Israel Zangwill's famous declaration 'a land without a people for a people without a land'[79] is imbued with such settler colonial logic[80] and the inferred negation of the Palestinians' existence is perhaps best represented by Golda Meir's famous statement 'there were no such thing as Palestinians. . .It is not as though there was a Palestinian people in Palestine considering itself as a Palestinian people and we came and threw them out and took their country away from them. They didn't exist'.[81] The notion that Israel constitutes a settler colonial state emerged during the 1960s and early 1970s, initially as a staple of Arab and Palestinian critical thought. It then disseminated into Western radical circles[82] and has been increasingly explored in recent years.[83] The French Marxian scholar Maxime Rodinson wrote in 1973:

> The creation of the State of Israel on Palestinian soil is the culmination of a process that fits perfectly into the great Euro-American movement of expansion in the nineteenth and twentieth centuries, whose aim was to settle new inhabitants among other peoples or to dominate them economically.[84]

Masalha notes 'for over half a century, in the period between 1882 and 1948, terms such as Zionist "colonies" and Zionist "colonisation" were universally and unashamedly used by senior Zionist leaders'.[85]

Early Zionist colonisation

The Balfour Declaration issued by the British in November 1917 confirmed Britain's commitment to the creation of a Jewish nation in Palestine and subsequent to receiving a temporary mandate over Palestine in 1920 (based on the declaration), Britain came to occupy

and own the lands on which the Zionists[86] operated.[87] The Jewish settler colony constituted a 'satellite movement', not a traditional colony of the mother-country relying on the British surrogate metropole, enabling 'the "return" of the Jews to Palestine'.[88] But whilst this conjuncture came into play following World War II, Jewish settlers had been arriving in Palestine since 1882. In southern Russia, in contrast to the Western European approach of emancipation and assimilation, middle-class fears over competition led to the notorious 'pogroms', some of which were justified by traditional anti-Semitism, and others by modern nationalist and/or racist ideologies.[89] In response, Eastern European Jews emigrated from Eastern Europe to Western Europe, the New World, and to Palestine or, as the settlers called it, Eretz Israel (The Land of Israel).[90] The formative period of modern Jewish immigration to Palestine came in two waves: 'the first *aliyah* (wave of immigration) of about 20,000–30,000 immigrants came between 1882 and 1903; and the approximately 35,000–40,000 immigrants of the second *aliyah* reached Palestine between 1904 and 1914'.[91] Without the presence of an imperial metropole providing a supporting role, the establishment and development of a Jewish settler colony in Palestine was – in these early stages – carried out autonomously. And it was this autonomy that would come to define the character of Zionist colonisation.

When the ancient historian Moses Finley considered the nature of colonies in 1975, he came to the position that 'land is the element round which to construct a typology'.[92] Appropriate to Finley's understanding, the efforts of the first Jewish immigrant settlers were aimed at the acquisition of land for settlement. However, unlike cases in which the settler society had the support of an imperial metropole, the Jewish settlers were essentially immigrants with little coercive power, such that in the early days land transfer occurred through traditional purchases and was relatively limited in extent.[93] In the more common examples of metropole-backed settler colonisation, as in German South West Africa for example, dispossession was ideological and political, with expropriation being justified, as Noyes writes, 'by scholarship that redefined indigenous nomadism not as a form of land use but rather as a kind of rootless wandering, a sign of a population's barbarism, and hence a justification for its corralling into "native reserves"'.[94] When central to the colonisation project, the supporting role of the metropole typically extended beyond the initial appropriation of land. Even in cases such as Algeria where environmental circumstances were more sympathetic, settlers required 'considerable metropolitan infrastructural investment'[95] to establish the conditions necessary for economic and nutritional survival.

However, being bound to an imperial metropole could also limit the impact of the settler society. Consider settler communities in Kenya, Rhodesia and other colonies, where there existed persistent national and international pressures to reconcile colonialism with progressive sentiments and the ideology of trusteeship.[96] Unable to fully emulate the successful models such as South Africa,[97] the Portuguese in Angola and Mozambique and King Leopold I in the Congo faced international condemnation for forcing Africans into the labour market through quotas, guaranties, and other such interventionist policies.[98] The autonomy of the Jewish settlers in Palestine created an atypical circumstance; though they were not subjected to the external critical scrutiny experienced by those colonies sustained by metropoles, they had none of the infrastructural support without which such colonies would not have been functional. As we have seen, land lies at the heart of any colonial enterprise, and – not breaking the mould – for the first Jewish colonisers land would hold the key to their success. Accordingly, it was the means of land acquisition that was of utmost concern. As Manachem Ussishkin, one of the central Eastern European Zionist leaders, asked rhetorically in 1904:

Without ownership of land, Eretz Israel will never become Jewish...and Jews will remain in the very same abnormal situation which characterises them as Diaspora. They will be without recognised status. But, as the ways of the world go, how does one acquire landed property?[99]

A choice of three methods of land acquisition lay before the Zionists: by force – that is, by robbing land from its owner; by governmental expropriation; and by purchase with the owner's approval. Ussishkin dismissed the first as being 'totally ungodly'; although notably he also added that 'we are too weak for it'. He did not anticipate Jewish settlers to be awarded a charter promoting the expropriation of land owned by Arab landowners. 'In sum' he concluded, 'the only method to acquire Eretz Israel, at any time and under whatever political conditions, is by purchase with money'.[100]

But the majority of the Jewish migrants who made up the first *aliyah* did not have the means to purchase large swathes of Palestine. They were what Shafir refers to as 'refugee-colonists'[101] who relied on wealthy Jewish philanthropists[102] to finance the procurement of land. The centrality of this assistance should not be understated, as Kovel writes, 'Zionism could never have got off the ground had not a substantial Jewish bourgeoisie arisen to finance it'.[103] By the beginning of the twentieth century, however, and during the beginnings of the second *aliyah*, it was the World Zionist Organisation (WZO) – the official body of the Zionist movement and a product of Western and European Jewry[104] – which became the principal provider for the newest arrivals in Palestine. Once legitimately landed, how was the *Yishuv*[105] to approach the question of labour? And to what degree, if any, would the chosen approach come to shape the future of settler-indigene relations in Palestine?

Settler-indigene relations

Settled in their communitarian-nationalist mould, the Jewish settlers now faced a ubiquitous problem of settler colonial societies: the challenge of establishing political and legal sovereignty on the same territory that the indigenous population currently exercises its own *natural* right to sovereignty. The Marxist and revisionist ideologue Zeev Jabotinski was the first major Zionist leader to acknowledge that the Palestinians constituted a nation[106] and they could not be expected to voluntarily relinquish their right to national self-determination. The presence of such a defining environmental characteristic in Palestine meant it would be fruitless for the Zionist enterprise – still weak in its early stages – to hold a dialogue with the Palestinians. Jabotinski's prescription was 'to build an "iron wall"[107] that the local Arab population would not be able to break'. Not opposed to talking to the Palestinians at a later stage, he believed that,

> ...after knocking their heads in vain against the wall, the Palestinians would eventually recognise that they were in a position of permanent weakness, and that would be the time to enter into negotiations with them about status and national rights in Palestine.[108]

Jabotinski's strategy of constructing a metaphorical 'iron wall' built of Zionist persistence and hostility – aimed at achieving a favourable negotiating position – effectively set an agenda for the Jewish settler programme to be executed unilaterally and with force. The danger of such a strategy, as Shlaim highlights, is that 'Israeli leaders, less sophisticated than Jabotinsky, would fall in love with this particular phase of it and refuse to negotiate'.[109] Where Jabotinsky's theory was linear in its aspirations of future reconciliation and peaceful coexistence, the 'iron wall' came to be – by stark contrast – 'a bulwark against change

and. . .an instrument for keeping the Palestinians in a permanent state of subservience to Israel'.[110]

We have seen that nationalism gave rise to a peculiar amalgam in the communitarian/ race-based elitism of the Zionist approach to labour. And despite the ostensibly genuine desire and prediction of reconciliation held by a portion of the early Zionist ideologues, by the middle of the twentieth century such aspirations had been displaced by an enduring and pervasive Jewish nationalistic chauvinism. The issue of Jewish population growth in Palestine had been central to the emergence of the colony's communitarian character, but it had also been foundational to the way in which land had been acquired. At the heart of Zionist conduct in Palestine – at least during its early decades – was an acute awareness of the weakness of the Jewish colony, relative to the more numerous indigenous population. What transpired in 1948 signified a departure from, and a renouncing of, the legitimate methods of land acquisition practiced during the first decades of the Jewish settler project in favour of land expropriation –recently described by Patrick Wolfe as an element of an *intensification* of settler colonialism. He writes:

> Zionist policy in Palestine constituted an intensification of, rather than a departure from, settler colonialism. In stark contrast to the Australian or United States models, for instance, Zionism rigorously refused, as it continues to refuse, any suggestion of Native assimilation. In this and other ways. . .Zionism constitutes a more exclusive exercise of the settler logic of elimination than we encounter in the Australian and US examples.[111]

Given that the events of 1948 and the subsequent creation of Israel can be regarded as a 'colonisation project',[112] we will be discussing Israel/Palestine relations, post-1948, as a relationship between coloniser and native.[113] However, prior to such evaluation, it is important to understand how the Zionist settler project was realised; namely via the large-scale expulsions that transpired in 1948.

Transfer, Plan Dalet and 'ethnic cleansing'

The military plan for this eviction was named 'Plan Dalet' and was the last of a number of military operational plans prepared by the Haganah (an illegal Jewish military organisation formed in the 1920s); 'Plan A was prepared in 1945, Plan B was prepared in May 1947, Plan C was prepared in November 1947 and Plan Dalet, replacing all previous plans, was prepared in March 1948'.[114] The plan was launched to conquer and 'ethnically cleanse the country and was not a defence against an Arab invasion' as such. The Arab armies that did enter Palestine did so after the British left on 15 May, by which time, 'the Zionists had already conquered a major part of the country and driven out most of its inhabitants'.[115] Benny Morris offers the following interpretation:

> The essence of the plan was the clearing of hostile and potentially hostile forces out of the interior of the territory of the prospective Jewish State, establishing territorial continuity between the major concentrations of Jewish population and securing the future State's borders before, and in anticipation of, the invasion [by Arab states]. The Haganah regarded almost all the villages as actively or potentially hostile.[116]

Plan D, and expressly its inclusion of phrases such as 'destruction of villages' and 'expulsion of the [village] population to [territory] outside the borders of the state',[117] can be taken as the model example of 'the Zionist concept of "transfer" – a euphemism denoting the organised removal of the indigenous population of Palestine to neighbouring

countries'[118] – and also, therefore, as proof that there existed 'a program of premeditated ethnic cleansing'.[119] Joseph Weitz, former head of the Jewish Agency's Colonization Department clearly stated the Zionist intent to 'transfer' the native population of Palestine out of their country:

> Between ourselves it must be clear that there is no room for both peoples together in this coun-try. . ..We shall not achieve our goal of being an independent people with the Arabs in this small country. The only solution is Palestine, at least Western Palestine (west of the Jordan river) without Arabs. . .and there is no other way but to transfer the Arabic from here to the neighbour-ing countries; to transfer all of them; not one village, not one tribe should be left.[120]

Shaw notes that the Hebrew word used by the Zionists for 'transfer' is *tihur*, which he claims is 'closer in meaning to "purification" or "cleansing" of the land, and thus puts this strand of Zionist thinking close to the "ethnic cleansing" and "racial purification" ideologies typical of radical nationalist projects'.[121] Pappé states that in 1948 *tihur* was on 'every order that the High Command passes down to the units on the ground'.[122] Pappé suggests that 'the events that unfolded after May 1948 in Israel and Palestine should be reviewed from within the para-digm of ethnic cleansing rather than military history'.[123] Levene concurs with this view, stating:

> . . .the story may be soberingly familiar when set alongside other instances of ethnic cleansing or atrocity in the modern world. But this hardly makes it less shocking. Indeed, given that these operations occurred just two or three years after the end of the Holocaust, the ease with which they took on the aspect of a standard operating procedure is little short of sickening.[124]

At the time of the 1949 Armistice, 'the Jewish population – which two years earlier had constituted 26% of the population of Mandate Palestine and had owned around 7% of the total land – had seized 77% of the land and come to constitute 80% of the population'.[125]

'Ethnic cleansing' as genocide

The Zionist concept of 'transfer' has been compared, by Shlaim amongst others, to the 'ethnic cleansing practised by Serbs in the former Yugoslavia'.[126] Even so, when considering this Zionist policy of 'transfer', which preceded the establishment of a Jewish state, it is proble-matic to adequately distinguish between the euphemisms of 'transfer' or 'cleansing' and the concept of genocide. As Shaw writes: 'expulsion of populations, so readily distinguished from genocide, turns out to be a central feature of it, and non-genocidal expulsion an illusory category'.[127] Indeed, Herzl argued 'if I wish to substitute a new building for an old one, I must demolish before I construct'.[128] The narrow remit afforded to early genocide studies has led to journalists and scholars alike creating new concepts.[129] As we have seen, the expression that has been extensively used to describe the events surrounding 1948 and the birth of the state of Israel is 'ethnic cleansing'.[130] In order to evaluate the validity and accuracy of such a description – relative to that of genocide – we must uncover what is meant by 'ethnic cleansing' and consider the relationship between 'ethnic cleansing' and genocide. Unlike genocide, the origins for the term 'ethnic cleansing' lie in military vocabulary: 'the expression "to clean the territory" is directed against enemies, and it is used mostly in the final phase of combat in order to take control of the conquered territory'.[131]

The expression derived its present meaning during the war in Bosnia and Herzegovina and having been scarcely utilised in the international discourse before the 1990s, 'it was soon employed throughout international media, policy, and academic circles to describe

political violence'.[132] Given that the term was coined by those who perpetrated this specific type of violence, is it not inappropriate to be popularising this notion of purity? As Shaw offers, 'why enshrine a perpetrator concept in. . .social-scientific language. . .when genocide describes the general social destruction involved?'[133] Abed concurs with this view, asserting that the forced removal of groups with 'territorially bounded culture' can leave the group 'socially dead even if nonlethal coercive means are used to expel its members',[134] and 'if individuals are unable to connect to the culture and social ethos of their community, they will suffer the harms and deprivations peculiar to the crime of genocide'.[135]

If we take the example of Serbian acts of 'ethnic cleansing', which were, according to Cambridge professor Elihu Lauterpacht, nominated by the Bosnian government as its ad hoc judge, directed against 'an ethical or religious group as such', and were 'intended to destroy that group, if not in whole certainly in part',[136] it would appear that the above position holds up in a legal capacity. When viewed in this manner, it seems that the connection between genocide and 'ethnic cleansing' is one of equivalence. Bell-Fialkoff offers that the popularity of the term lies with the fact that 'it is a euphemism that hides the ugly truth'.[137] Crucially then, if 'cleansing' can be recognised *as* genocide, the query becomes, as Shaw notes, 'is it truly possible to enforce population movements in a non-genocidal way?'[138] The literature on Palestine from a genocide perspective has predominantly focused on the events of 1948 speaking of both "ethnic cleansing" and mass killing:

> Jews expelled, massacred, destroyed and raped[139] in that year, and generally behaved like all the other colonialist movements operating in the Middle East and Africa since the beginning of the nineteenth century. . .five hundred Palestinian villages and eleven urban neighbourhoods were destroyed, seven hundred thousand Palestinians were expelled, and several thousand were massacred.[140]

Deir Yassin is one of the most well-known massacres during that period where Jewish forces indiscriminately shot at inhabitants, then rounded up the remaining inhabitants before shooting them.[141] This was followed by the forced expulsion of the inhabitants of four nearby towns, where Jewish forces blew up their houses.[142] Even so, the 'idea of peaceful removal lives on: perhaps nowhere with so long a history as in Zionism'.[143] As Naimark concurs,

> Further complicating the distinctions between ethnic cleansing and genocide is the fact that forced deportation seldom takes place without violence, often murderous violence. People do not leave their homes on their own. . . . They resist. . . . The result is that forced deportation often becomes genocidal, as people are violently ripped from their native towns and villages and killed when they try to stay. Even when forced deportation is not genocidal in its intent, it is often genocidal in its effects.[144]

As Beinin remarks, 'the preoccupation with what Jews thought or intended to do rather than the actual consequences of Jewish actions, is a continuation of the dominant idealist approach in Israeli historical writing on the history of Zionism and the Arab-Zionist conflict'.[145]

Thus, in the case of Plan Dalet, the violence that was employed was largely aimed at a non-militant civilian social group. In addition, given that the advanced planning for the mass expulsion of Palestinians can be evidenced by the existence of a drafted Plan in 1945 and the fundraising efforts of the Sonnenborn institute during the same year, it is possible to infer specific intent[146] to eliminate the national group within the territories targeted for 'transfer'. The magnitude of 'a tragedy that engulfed the population of an entire

country'[147] becomes all too apparent: in 1948, 'half of the indigenous people living in Palestine were driven out, half of their villages and towns were destroyed, and only very few of them ever managed to return'.[148] With the inclusion of large-scale expulsion and the subsequent settling of new Yishuv communities, Plan *Dalet* seems to have been genocidal in form if we adopt Lemkin's colonial perspective.

Debates surrounding whether Israeli policies towards the Palestinians constitute genocide have, until recently, been limited to pro-Palestinian activist groups and alternative online media.[149] There has been very little serious academic discourse on the subject, with the notable exception of recent writings from war and genocide sociologist Martin Shaw.[150] Shaw's essays have sparked a lively debate amongst some genocide scholars.[151] His assessment focuses on the events of 1948 – which he would describe as genocide rather than ethnic cleansing, which he dismisses as being 'widely rejected as a perpetrator euphemism unsuitable for social scientific use'.[152] Nevertheless, whether we term these massacres and forced expulsions as part of a planned 'ethnic cleansing' operation,[153] 'genocide',[154] or 'genocidal massacres',[155] their destructive nature is associated with the process of settler colonialism, which as we have seen from the works of Docker, Wolfe et al. can be viewed as inherently genocidal. Moreover, settler colonialism in Wolfe's terms is a 'structure not an event' and if it is a continuing structure then the corollary genocide could be ongoing and not limited to the events of 1948. As Shaw concludes:

> Israel is – not uniquely, because many societies, settler and other, have genocidal histories – based on genocide, and much of its history to the present day represents the slow-motion extension and consolidation of that violent beginning.[156]

Even so, in Patrick Wolfe's[157] view we should think of the events of 1948 not as 'a point of origin' but as the 'intensification' of a pre-existing Zionist settler colonial project. Thus in this sense the activities in decades that followed demonstrate *a further intensification* of the settler colonial process and the genocidal tendencies which inevitably exist in parallel.

An emphasis on *continuing* injustice has been prevalent in Palestinian literature for some time, as the poet Mahmoud Darwish exclaimed: 'We are not looking back to dig up the evidence of a past crime, for the Nakba[158] is an extended present that promises to continue in the future.'[159] On the 60th anniversary of the 'Nakba' Joseph Massad wrote:

> I hold that the Nakba is a historical epoch that is 127 years old and is ongoing. The year 1881 is the date when Jewish colonisation of Palestine started and, as everyone knows, it has never ended...I submit, therefore, that this year is not the 60th anniversary of the Nakba at all, but rather one more year of enduring its brutality; that the history of the Nakba has never been a history of the past but decidedly a history of the present.[160]

Other Palestinian scholars have since echoed this sentiment, including Masalha

> While the Holocaust is an event in the past, the Nakba did not end in 1948. For Palestinians, mourning sixty-three years of al-Nakba is not just about remembering the 'ethnic cleansing' of 1948, it is also about marking the ongoing dispossession and dislocation.[161]

Since 1948 there have been further massacres against Palestinians by or with the cooperation of Israeli forces, including against Palestinian refugees in the Lebanese refugee camps Sabra and Shatila in 1982[162] – declared an 'act of genocide' by the United Nations General Assembly[163] – and in Jenin and Nablus in 2002.[164] As Pappé observes, 'in addition there are the numerous killings Betselem, Israel's leading human rights

organisation, keeps track of. There has never been an end to Israel's killing of Palestinians.'[165] We will consider the most recent example, a military bombing campaign in the Gaza Strip that has been described as 'genocide' by various politicians, academics and journalists.

Operation 'Cast Lead'

In February 2008, Israel's defence minister Matan Vilnai, said Palestinians risked a 'shoah' – the Hebrew word for a big disaster that is commonly used to refer to the Nazi Holocaust. Whilst his colleagues insisted he had not meant 'genocide',[166] by the end of that year his threat materialised for the people of Gaza into the bombing campaign codenamed Operation 'Cast Lead' that commenced without warning on 27 December 2008. Whilst the campaign may have been a surprise to the Palestinians of Gaza, according to the Israeli press it had been planned for over six months.[167] It was noticeable for its intensity:

> Within minutes, the near simultaneous air raids killed more than 225 and wounded at least 700, more than 200 of them critically. These initial attacks alone produced dozens more dead than any other day in the West Bank and Gaza combined since Israel's occupation of those lands commenced in June 1967.[168]

The bombing lasted just over three weeks, by which point 'some 1,400 Palestinians had been killed, including some 300 children and hundreds of other unarmed civilians and large areas of Gaza had been razed leaving thousands homeless and the already dire economy in ruins'.[169] During the bombing campaign, the then-President of the UN General Assembly Miguel d'Escoto Brockmann stated: 'The number of victims in Gaza is increasing by the day. . .the situation is untenable. It's genocide.'[170] However, the Goldstone Report commissioned by the UN Human Rights Council did not use this term, concluding that war crimes had been committed.[171]

The Israeli government claims its actions were in self-defence,[172] and thus it could be argued that the civilian casualties are a product of disproportionate reciprocal violence as opposed to an intended coordinated plan of violent destruction. Yet as Chomsky and Pappé note, we should remember that 'the 1,500 killed, thousands wounded, and tens of thousands who lost their homes do not tell the whole story. It is the decision to employ such fierce military force in a civilian space that should be discussed'.[173] The International Committee of the Red Cross (ICRC) report states that during the military operation, 'nowhere in Gaza was safe for civilians'.[174] Set amidst the context of the blockade of the Gaza Strip and the inevitable impact on civilian life, the civilian death toll is just one aspect of the destructive nature of such a bombardment.

Cultural and religious

> Methods and Techniques of Genocide. . .Cultural: desecration and destruction of cultural symbols, (books, objects of art, religious relics, etc.) loot, destruction of cultural leadership. Destruction of cultural centers (cities, churches, monasteries, schools, libraries) prohibition of cultural activities or codes of behavior.[175]

> Religious: 'in Poland, through the systematic pillage and destruction of church property and persecution of the clergy, the German occupying authorities have sought to destroy the religious leadership of the Polish nation'.[176]

For Lemkin, cultural destruction was an effective *method* of genocide and not a lesser form of genocide subordinate to physical killing. The events of 1948 clearly amounted to a

political and partly physical destruction of a national group; however the cultural impact is often overlooked. Pappé warns against an overly simplified interpretation of the events of 1948: 'The Nakba is presented. . .as loss of land and houses. Nothing is mentioned about careers, normal life, cultural production – in short, the brutal termination of human existence in one's own land'.[177] The lack of territorial sovereignty has meant that the Palestinians have lacked full control over state mechanisms including education, archaeology and the media 'which myriad recent examples show is essential for disseminating and imposing uniform "national" criteria of identity'.[178] When considering cultural destruction we will examine two areas: the destruction of religious monuments and the looting and subsequent absorption into Israeli archives of Palestinian books during the events of 1948. There are, however, many more areas that deserve serious attention in this regard, ranging from the issue of self determination to the raising of olive groves.[179]

Re-naming villages and the destruction of places of worship

> Every reminder of former national character was obliterated. Even commercial signs and inscriptions on buildings, roads, and streets, as well as names of communities and of localities, were changed.[180]

After the creation of Israel in 1948, many of the deserted Arab villages were renamed with a Hebrew alternative, which in Lemkin's terms may be considered an example of the 'imposition of the national pattern of the oppressor'.[181] Similarly, and perhaps more controversially given the illegal status of the occupation as defined in international law, since 1967 the West Bank has been referred to as 'Judea and Samaria' in all official Israeli documents and Israeli maps, including the tourist maps, that do not indicate any border between Israel and the Occupied Territories.[182] The issue is an ongoing one within Israel, as the recent plans by the Israeli government's transport department demonstrate; they proposed replacing traditional Arabic and English place names on road signs throughout Israel, keeping only their Hebrew versions,[183] with the argument that 'some Palestinian maps still refer to the Israeli cities by their pre-1948 names [before Israel was founded]'.[184] As Salmon notes

> It would not be the first time that places and streets were renamed or localities taken apart before being remade anew. In Bosnia this was known as 'memoricide', the murder of the past. Here mere name changes are not enough: forests, hillsides and roadways must be completely deconstructed. The territory has been mutilated. . .

In a detailed report for the *Middle East Monitor*, Hanan Chehata highlights numerous spheres of culturally destructive activity suggestive of a wide-ranging 'cultural' genocide, focussing in particular on the destruction of Palestinian places of worship and cultural institutions.[185] As Pappé describes, many of the churches and mosques that existed prior to Israel's creation have either been converted into bars, shops or restaurants or have been intentionally destroyed.[186] Masalha states that:

> Another tool of the Israeli colonisation project has been the reconsecration of Muslim shrines – shrines which had never been part of the Jewish tradition – as Jewish shrines. Throughout the country the Hebrewisation project included renaming Muslim holy men's graves and holy sites as Jewish and biblical-sounding ones.[187]

This re-naming, appropriation and destruction of religious monuments could be considered a cultural and, obviously also, a religious technique in Lemkin's terms.[188]

Palestine's 'abandoned' books

> Goodbye, my books! Farewell to the house of wisdom, the temple of philosophy, the scientific institute, the literary academy! How much midnight oil did I burn with you, reading and writing, in the silence of the night while the people slept…farewell, my books!…. I do not know what became of you after we left: were you looted? Burned? Were you transferred, with due respect, to a public or private library? Did you find your way to the grocer, your pages wrapping onions?[189]

During the events of 1948, Israeli forces entered deserted Palestinian homes and removed 'over seventy thousand books, newspapers, and manuscripts which ultimately led to the premature death of a Palestinian literary and cultural movement'.[190] Some of the books were sold to Arab schools; however, around 26,000 were deemed to be 'unsuitable' due to their 'inciting materials against the State' and were sold as paper waste.[191] It would seem that elements of 'destruction of cultural symbols' and 'loot[ing]' as specified by Lemkin were present in this example, yet the destruction was not total. Many of the books were preserved in the Jewish National Library where they remain today.[192] Amit sees this process as demonstrating 'how occupation and colonization is not limited to the taking over of physical space. Rather, it achieves its fulfilment by occupying cultural space as well, and by turning the cultural artefacts of the victims into ownerless objects with no past'.[193] The destruction of the books was not only physical, where the books were absorbed by the Israeli National Library they were also absorbing the past, or in Pappé's words 'Israelis…not only colonized the land but also its history'.[194] The issue is thus not only one of destruction, but also of appropriation of cultural identity as Israeli filmmaker Benny Brunner remarks:

> Palestinian books became 'our' books, 'our' cultural heritage, and the National Library is a very important Israeli cultural institution now. So indeed these books are part of 'our' cultural heritage; they have been taken, and I think the books represent the loss of Palestinian cultural heritage.[195]

Economic and physical

> The destruction of the foundations of the economic existence of a national group necessarily brings about the crippling of its development, even a retrogression. The lowering of the standard of living creates difficulties in fulfilling cultural – spiritual requirements.[196]

> The undesired national groups…are deprived of elemental necessities for preserving health and life.[197]

A 2009 International Committee of the Red Cross (ICRC) report states that due to the blockade, in May 2008 70% of Gazans were living in poverty, with unemployment reaching 44% in 2009.[198] The Gazan economy is severely affected by the reduction of the fishing zone open to Palestinian fishermen[199] and the establishment of a 'buffer zone' along the border between Gaza and Israel, which incorporates 35% of Gaza's arable land.[200] The ICRC report's conclusion of the economic situation states 'Gaza's alarming poverty is directly linked to the tight closure imposed on the territory…. The crisis has become so severe and entrenched that even if all crossings were to open tomorrow it would take years for the economy to recover.'[201] A recent report from the United Nations Relief and Works Agency describes the longer-term prospects of the Gazan economy 'fundamentally unviable under present circumstances'.[202] The blockade and the economic sanctions placed on the Gaza Strip after Hamas' election victory, coupled with the blockade that commenced

in 2007 restricting the movement of people and goods, have produced a 'catastrophic huma-nitarian situation'[203] throughout the Gaza Strip, leaving the people of Gaza 'worse off than they were in the 1990s'.[204] The leaked diplomatic cables from Israeli officials to the US stated that 'they intend to keep the Gazan economy on the brink of collapse without quite pushing it over the edge',[205] wanting the Gazan economy 'functioning at the lowest level possible consistent with avoiding a humanitarian crisis' indicates that the econ-omic restrictions and subsequent humanitarian situation experienced in the Gaza Strip have been intentionally strategised. Sara Roy describes the economy of the Gaza strip as having undergone a process of 'de-development',[206] stating that 'the lack of economic develop-ment inside the Gaza Strip has been a result of specific Israeli policies which have aimed to restrict and have, in effect, undermined the ability of the Gazan economy to create the necessary infrastructure required for sustained economic growth'.[207]

Freedom of movement

A fundamental method of restraining the economies of both Gaza and the West Bank is the restriction placed on freedom of movement, through a variety of factors, including the blockade, checkpoints and most famously the 'Separation Barrier' or 'Wall' that cuts through farmers' land in the West Bank. The wall is planned to ultimately be 700km in length of which more than 85% is on Palestinian land inside the West Bank.[208] Since its construction, thousands of Palestinians have been separated from their farmland.[209] According to the Israeli Ministry of Foreign Affairs, the sole purpose of this 'anti-terrorist fence' is security[210]; however, critics argue that the Wall is strategically built to take more Palestinian land.[211]

The wall has been devastating in its impact on Palestinian life; inhabitants have experi-enced a 'loss of agricultural land and a denial of free passage'; crippling 'critical services such as health and education' and holding communities 'under a virtual siege'.[212] In July 2004, the International Court of Justice ruled that the wall and its associated regime were illegal as they: 'impede the liberty of movement of the inhabitants of the territory...and that they also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living...'.[213] There is a significant body of litera-ture that concurs with this assessment of the negative impact of the wall on the human rights of the Palestinians.[214]

An estimated 26,000 Palestinian structures have been demolished in the West Bank since the start of the Occupation in 1967.[215] In 2011, a record number of Palestinian homes were demolished in the West Bank.[216] Collins terms this destruction of homes, alongside the razing of olive trees a 'war on the milieu',[217] describing how:

> Food, water, shelter, vegetation, education and infrastructure are some of the primary objects of this war...the Zionist/Israeli colonization of Palestine has always had its own (colonial) ecology rooted in the careful and systematic attempt to manage the natural and built environ-ment to its own advantage, if necessary by destroying it.[218]

A recent UN Conference on Trade and Development report states that 'prolonged occu-pation, and the socio-economic impact of confrontation with an expanding settler/colonial-type enterprise...is the main cause of the failure of Palestinian economic development efforts'.[219] For Masalha, the aim of Israel's creation of economic hardship for those in the Occupied Territories is 'to force the Palestinians to migrate'.[220] Ophir concurs with this view in an article titled 'Genocide Hides Behind Expulsion':

under the conditions of Israeli control in the territories today, transfer is being carried out slowly by the ministry of the interior, by the civilian authority, at airports and border crossings, by sophisticated means such as forms, certificates and denial of certificates, and by less sophisticated means such as the destruction of thousands of homes, and checkpoints, and closures, and sieges, that are making the lives of the Palestinians intolerable and leading many of them to try to emigrate in order to survive.[221]

Arguably then, the ongoing Israeli Occupation in this sense upholds the Zionist policy of 'transfer' and can be viewed as an important 'technique' of a settler colonial genocidal process that stretches back over a century.

Right to water

The crime of genocide involves a wide range of actions, including not only the deprivation of life but also the prevention of life…and also devices considerably endangering life and health…all these actions are subordinated to the criminal intent to destroy or to cripple permanently a human group.[222]

As well as the vital issue of land, 'demography…and water were always at the heart of the conflict between the Zionist immigrants/settlers and the native Palestinians'.[223] The right to water was recently affirmed by the UN General Assembly and Human Rights Council[224] as being a legally binding right recognised in several existing human rights treaties. Water is essential to human survival and the failure of the Palestinians in the Occupied Territories to realise this right affects Palestinians in 'every function that water plays in human life: drinking, bathing, cleaning, and watering of crops and animals'[225] and is thus closely linked to issues of health and economic survival.

In the West Bank, water scarcity is a serious concern where access to, and control over, water resources is a constant struggle. Israeli per capita water consumption is 'more than five times higher than that of West Bank Palestinians (350 litres per person per day in Israel compared to 60 litres per person per day in the West Bank, excluding East Jerusalem). West Bank Palestinian water consumption is 40 litres less than the minimum global standards set by the World Health Organization (WHO).'[226] The situation in the Gaza Strip is even worse:

As of January 2008, the sanction and blockade regime resulted in per capita daily use of water in Gaza falling to an average of 52 litres, with some residents using a mere 14 litres. This is far below World Health Organization standards of 100 litres per person per day. A reduction in water quantity has meant that many people have been forced to compromise on hygiene and health care.[227]

A recent UN report predicted that the main aquifer in Gaza may be 'unusable by 2016 and damage irreversible by 2020'.[228]Amnesty International reports that 'some 90–95 per cent of the water supply [in Gaza] is contaminated and not fit for human consumption'[229] and that 'in parts of the West Bank, Israeli settlers use up to 20 times more water per capita than neighbouring Palestinian communities, who survive on barely 20 litres of water per capita a day – the minimum amount recommended by the WHO for emergency situations response'.[230] The Permanent Observer of Palestine to the United Nations, Riyadh Mansour, has accused Israel of violating the Palestinian people's right to water and sanitation by exploiting 90% of the shared water sources for its own use.[231]

In addition to the sanctions and blockade, over the last decade Israeli Defence Forces (IDF) 'have deliberately targeted water and sewage infrastructure throughout the Gaza

Strip. The United Nations reported that between 2000 and 2006 IDF destroyed 244 wells in the Gaza Strip, including two drinking water sources'.[232] Restrictions on fuel and electricity, most of which are usually supplied by Israel, have led to the periodic paralysis of water and waste-water services, affecting water wells, sewage pumping stations, waste-water treatment plants and agricultural wells.[233] The Amnesty International 2009 report *Thirsting for Justice* describes how the Israeli army has confiscated water tanks in the West Bank. The lack of water means that villagers are unable to cultivate the land and many have had to leave their communities in the Jordan valley as the water situation is unsustainable. The report also details incidents where Israeli forces have demolished water cisterns that are used by rural Palestinian communities who are not served by water networks. Some of these cisterns are centuries old and have been destroyed so badly as to be irreparable. These tactics, according to Amnesty International, are used by the Israeli army as a means of expulsion to make way for Israeli settlements. Therefore, as well as potentially being 'devices considerably endangering life and health...subordinated to the criminal intent to destroy or to cripple permanently a human group',[234] the control of the water supply in the Occupied Territories (specifically in the West Bank) appears to be an extension of the Zionist policy of expulsion, and a further extension of the settler colonial 'logic of elimination'.[235]

Conclusion

In this article we have presented the case for utilising Lemkin's sociology of genocide as an analytical lens through which to view several past and present settler colonial actions and policies, and significant historical and contemporary events, which have had highly destructive social and physical impacts on the lives of Palestinian peoples under the State of Israel's settler colonial rule. We have seen how the 'transfer' policy prevalent during the creation of the Israeli state has arguably underlined Israel/Palestine relations ever since, by Israel's continual policies of expansion and land acquisition at the expense of the Palestinian population. This understanding then underpins the argument for genocide in the Palestinian case. In a settler colonial fashion, the creation of the state of Israel and the continued occupation and restrictions on freedom of movement in the West Bank and the blockade of the Gaza Strip have, it appears, intentionally inflicted, in Lemkin's terms, 'crippling'[236] conditions of life upon the Palestinians unfavourable to their survival.

The deliberate destruction and restriction of water resources as a means of expelling Palestinians from land allocated to Israeli settlements also arguably paints a picture of an ongoing genocidal relationship. While many of Lemkin's techniques may be in evidence, the analysis presented herein is merely a pointer in a certain direction. The subject deserves much more attention from the field of genocide studies. Indeed, the occupation policies[237] alone would make an interesting case study utilising Lemkin's *Axis Rule* framework and each of his techniques are deserving of research papers in their own right. The purpose of this article then is not just to analyse the destructive impacts on the Palestinian social group of settler colonial rule but also to make the case for more detailed research into the broad range of coloniser/occupier/indigene relations in Palestine via a Lemkin-inspired sociology of genocide.

Notes

1.   Damien Short, 'Cultural Genocide and Indigenous Peoples: A Sociological Approach', *The International Journal of Human Rights* 14, (2010): 6–7.

2. Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8, no. 4 (2006): 387–409, 388.

3. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government – Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79–95. For further discussion on this see Dirk Moses, 'Raphael Lemkin, Culture and the Concept of Genocide', in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and Dirk Moses (Oxford: Oxford University Press, 2010), 19–41.

4. Christopher Powell, 'What Do Genocides Kill', *Journal of Genocide Research* 9, no. 4 (2007): 527–47, 535.

5. Lemkin, *Axis Rule*, 82–90.

6. Moses, 'Raphael Lemkin, Culture, and the Concept of Genocide', 34.

7. Lemkin, *Axis Rule*, 79.

8. Dirk Moses, 'Empire, Colony, Genocide, Keywords and the Philosophy of History', in *Empire, Colony Genocide Conquest, Occupation and Subaltern Resistance in World History*, ed. Dirk Moses (New York; Oxford: Berghahn Books, 2008), 9–10.

9. Martin Shaw, 'Palestine in an International Historical Perspective on Genocide', *Holy Land Studies* 9, no. 1 (2010): 1–25; Martin Shaw and Omer Bartov, 'The Question of Genocide in Palestine, 1948: An Exchange between Martin Shaw and Omer Bartov', *Journal of Genocide Research* 12, nos 3–4 (2010): 243–59.

10. Henceforth referred to as the 'Genocide Convention'.

11. Ann Curthoys and John Docker, 'Defining Genocide', in *The Historiography of Genocide*, ed. Dan Stone (Basingstoke; New York: Palgrave Macmillan, 2008), 13.

12. 'In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group', United Nations, (1948) *Convention on the Prevention and Punishment of the Crime of Genocide*, December 9, 1948. UN Treaty Series, 78: 277.

13. United Nations Treaty Collection, 'Status of Treaty: Convention on the Prevention and Punishment of the Crime of Genocide', http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&lang=en (accessed June 10, 2012).

14. For more on the drafting process of the Genocide Convention, see Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT; London: Yale University Press, 1981), 19–39.

15. Raphael Lemkin quoted in Moses, 'Raphael Lemkin, Culture and the Concept of Genocide', 37.

16. As Lemkin wrote in his unpublished autobiography, *Totally Unofficial Man* (1958), 'I defended it (cultural genocide) successfully through two drafts. It meant the destruction of the cultural pattern of a group, such as the language, the traditions, the monuments, archives, libraries, churches. In brief: the shrines of the soul of a nation. But there was not enough support for this idea in the Committee....So with a heavy heart I decided not to press for it'. Quoted in Dan Stone, 'Raphael Lemkin on the Holocaust', *Journal of Genocide Research* 7, no. 4 (2005): 549.

17. Quoted in William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000), 553.

18. David Moshman, 'Conceptual Constraints on Thinking about Genocide', *Journal of Genocide Research* 3, no. 3 (2001): 431–50, 432. For further discussion of Holocaust uniqueness in genocide studies, see Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights Books, 1997), 63–75; and Alan S. Rosenbaum, *Is the Holocaust Unique?: Perspectives on Comparative Genocide* (Boulder, CO: Westview Press, 1995).

19. Irving Louis Horowitz, *Taking Lives: Genocide and State Power* (New Brunswick, NJ: Transaction Books, 1982), quoted in Curthoys and Docker, 'Defining Genocide', 27.

20. Churchill, *A Little Matter of Genocide*, 423. See, for example, Adam Jones, *Genocide: A Comprehensive Introduction* (London; New York: Routledge, 2006), 22: 'I consider mass killing to be definitional to genocide. The inclusion of what some would call "ethnocide" (cultural

genocide) is important, valid, and entirely in keeping with Lemkin's original conception. It is also actionable under the UN Convention; but in charting my own course, I am wary of labelling "genocide" cases where mass killing has not occurred.'

21. Martin Shaw, *What is Genocide?* (Cambridge: Polity, 2007), 48.
22. Dirk Moses, 'Genocide and the Terror of History', *Parallax* 61, no. 4 (2011): 13.
23. Adam Jones, *Genocide: A Comprehensive Introduction* (London; New York: Routledge, 2006), 13.
24. Lemkin, *Axis Rule*, 79 (emphasis added).
25. For an interpretation of the difference between 'colonisation' and 'colonialism' see David K. Fieldhouse, *Colonialism 1870–1945: An Introduction* (New York: St Martin's Press, 1981), 4–5.
26. See, for example, Kuper, *Genocide*; Tony Barta, 'After the Holocaust: Consciousness of Genocide in Australia', *The Australian Journal of Politics and History* 31, no. 1 (1985): 154–61; John Docker, 'Are Settler-colonies Inherently Genocidal?', in *Empire, Colony Genocide Conquest, Occupation and Subaltern Resistance in World History*, ed. Dirk Moses (New York; Oxford: Berghahn Books, 2008), 81–101; Ann Curthoys, 'Genocide in Tasmania', in *Empire, Colony Genocide Conquest, Occupation and Subaltern Resistance in World History*, ed. Dirk Moses (New York; Oxford: Berghahn Books, 2008), 229–52; and Moses, 'Empire, Colony, Genocide'. Also, D.A. Moses and D. Stone, eds, *Colonialism and Genocide* (Abingdon: Routledge, 2006); and these two excellent pieces: Dominik Schaller, 'Colonialism and Genocide – Raphael Lemkin's Concept of Genocide and its Application to European Rule in Africa', *Development Dialogue*, 50 (2008): 75–94; Jürgen Zimmerer, 'Colonialism and the Holocaust – Towards an Archaeology of Genocide', *Development Dialogue*, no. 50 (2008) 95–124.
27. Moses, 'Empire, Colony Genocide', 9.
28. In Adam Jones, ed., *Genocide, War Crimes and the West: History and Complicity* (London: Zed Books, 2004), 80.
29. Jean Paul Sartre, 'On Genocide', 1967, http://www.brusselstribunal.org/GenocideSartre.htm (accessed June 9, 2012).
30. Claudia Card, 'Genocide and Social Death', *Hypatia* 18, no. 1 (2003) 63–79.
31. Mohammed Abed, 'Clarifying the Concept of Genocide', *Metaphilosophy* 37, nos 3–4 (2006): 308–30, 326.
32. Lemkin, quoted by Moses, 'Empire, Colony, Genocide', 12.
33. Ibid.
34. Ibid., 27.
35. Ibid.
36. United Nations, 'Draft United Nations Declarations on the Rights of Indigenous Peoples', 1994/45, http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.SUB.2.RES.1994.45.En (accessed June 16, 2012).
37. Moses, 'Raphael Lemkin, Culture', 39.
38. Moses, 'Raphael Lemkin, Culture'.
39. Moses, 'Empire, Colony, Genocide', 3–54, 12–13.
40. Dirk Moses, 'Empire, Colony Genocide'.
41. United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide.*
42. Tony Barta, 'Relations of Genocide: Land and Lives in the Colonization of Australia', in *Genocide and the Modern Age*, ed. Isidor Wallimann and Michael N. Dobkowski, 2nd ed. (Syracuse, NY: Syracuse University Press, 2000), 239.
43. Curthoys and Docker, 'Defining Genocide', 29.
44. Deborah Bird Rose, *Hidden Histories: Black Stories from Victoria River Downs, Humbert River and Wave Hill Stations* (Canberra: Aboriginal Studies Press, 1991), 46.
45. Aimé Cesaire, 'Discourse on Colonialism', 1955, http://www.bandung2.co.uk/Books/Files/Politics/Discourse on Colonialism.pdf (accessed August 14, 2011).
46. Curthoys, 'Genocide in Tasmania', 246.
47. Abed, 'Clarifying the Concept', 326.
48. Wolfe, 'Settler Colonialism', 387.
49. Caroline Elkins and Susan Pederson, eds, *Settler Colonialism in the Twentieth Century: Projects, Practises, Legacies* (Oxon: Routledge, 2005), 1.

50. Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology* (London: Cassell, 1999), 163.
51. Wolfe, 'Settler Colonialism', 390.
52. Ibid., 403.
53. Elkins and Pederson, *Settler Colonialism*, 4.
54. Jean Paul Sartre, 'Introduction', in *The Colonizer and the Colonized*, ed. Albert Memmi (London: Earthscan Publications, 1990), 22.
55. David Lloyd, 'Settler Colonialism and the State of Exception: The Example of Palestine/Israel', *Settler Colonial Studies* 2, no. 1 (2012): 59–80, 59.
56. This translates to: 'the Jew is a man whom other men consider a Jew', Jean-Paul Sartre, *Réflexions sur la question juive* (Paris: Gallimard, 1954), 81–4, 84, quoted in William A. Schabas 'The Law and Genocide', in *The Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and Dirk Moses (Oxford: Oxford University Press, 2010), 123–41, 133.
57. 'Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and members in it are defined by the perpetrators', Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), 23.
58. Shaw, 'Palestine in an International Historical Perspective on Genocide', 150.
59. Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), xi.
60. Michael J. Cohen, 'Secret Diplomacy and Rebellion in Palestine, 1936–1939', *International Journal of Middle East Studies*, 8 (1977): 381.
61. Eugene Rogan, *The Arabs* (London: Allen Lane, 2009), 342. As Nur Masalha describes, this was an intended strategy of proponents of transfer, who 'asserted that the Palestinians were not a distinct people but merely "Arabs", an "Arab population" or "Arab community" that happened to reside in the land of Israel', Nur Masalha, *A Land without a People: Israel, Transfer and the Palestinians 1949–96* (London: Faber and Faber, 1997), x.
62. See, for example, Khalidi, *Palestinian Identity*; Beshara Doumani, *Rediscovering Palestine* (Berkeley CA: University of California Press, 1995); Baruch Kimmerling and Joel S. Migdal, *Palestinians* (New York: Free Press, 1995); and Meir Litvak, ed., *Palestinian Collective Memory and National Identity* (Basingstoke: Palgrave Macmillan, 2009).
63. Abed, 'Clarifying the Concept', 329. Emphasis added.
64. Ibid., 316.
65. Ibid., 317.
66. Ibid., 318.
67. Ibid.
68. Ibid., 319.
69. William A. Cook, ed., *The Plight of the Palestinians: A Long History of Destruction* (New York: Palgrave Macmillan, 2010), 1.
70. This recognition of the fragmentation of Palestinian identity has produced studies such as Dina Matar, *What it Means to be Palestinian: Stories of Palestinian Peoplehood* (London: I.B. Tauris, 2011).
71. Lemkin, n.d., quoted in John Docker, 'Raphael Lemkin's History of Genocide and Colonialism' Paper for United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies, Washington DC, (February 26, 2004), 7. http://www.ushmm.org/genocide/analysis/details/2004-02-26/docker.pdf
72. Lemkin, *Axis Rule*, 79–95.
73. 'The control by individuals or groups over the territory and/or behaviour of other individuals or groups', Ronald Horvath, 'A Definition of Colonialism', *Current Anthropology* 13, no. 1 (1972): 45–57, 46.
74. Elkins and Pederson, *Settler Colonialism*, 1.
75. See Graham Evans and Richard Newnham, *Dictionary of International Relations* (London: Penguin Books, 1998), 244, on this point.
76. Elkins and Pederson, *Settler Colonialism*, 2.
77. John Atkinson Hobson, *Imperialism: A Study* (London: Allen & Unwin, 1938).
78. Elkins and Pederson, *Settler Colonialism*, 1. For more on the 'virgin land' myth and implied negation of Palestinian existence, see Norman G. Finkelstein, *Image and the Reality of the Israeli- Palestinian Conflict* (London; New York: Verso, 1995), 89–98.

79. Quoted in Uri Ram, 'The Colonization Perspective', in *The Israel/Palestine Question: A Reader*, 2nd ed., ed. Ilan Pappé (London; New York: Routledge, 2007), 53–77, 55.

80. It evokes comparisons with the *terra nullius* notion found in Australia, another settler-colonialist society that has been accused of genocide against its indigenous population. For more on settler colonialism and genocide in Australia see, for example, Barta, 'Relations of Genocide'; Wolfe 'Settler Colonialism'; and Damien Short, 'Australia: A Continuing Genocide?', *Journal of Genocide Research* 12, no. 1 (2010): 45–68.

81. Quoted in Jonathan Cook, *Disappearing Palestine: Israel's Experiments in Human Despair* (London; New York: Zed Books 2010), 18.

82. On this see Ram, 'The Colonization Perspective, 56; and Maxime Rodinson, *Israel, A Settler-Colonial State?* (New York: Monad, 1973).

83. See, for example, Baruch Kimmerling, *Politicide: Ariel Sharon's War against the Palestinians* (London; New York: Verso, 2003); Derek Gregory, *The Colonial Present* (Oxford: Blackwell, 2004); Lorenzo Veracini, *Israel and Settler Society* (London: Pluto Press, 2006); Ilan Pappé, 'Zionism as Colonialism: A Comparative View of Diluted Colonialism in Asia and Africa', *South Atlantic Quarterly* 107, no. 4, (2008): 611–33; Gabriel Piterberg, *The Returns of Zionism: Myths, Politics and Scholarship in Israel* (London: Verso, 2008); John Collins, *Global Palestine* (London: C Hurst & Co., 2011); Nur Masalha, *The Palestine Nakba: Decolonising History, Narrating the Subaltern, Reclaiming Memory* (London; New York: Zed Books, 2012); and Lloyd, 'Settler Colonialism and the State of Exception, 59–80.

84. Rodinson, *Israel, A Settler-Colonial State?*, 77.

85. Masalha, *The Palestine Nakba*, 60.

86. Zionism refers, broadly speaking, to the ideology of Jewish nationalism. The central feature of which is the founding of a Jewish homeland (Evans and Newnham, *Dictionary*, 589).

87. Pappé, 'Zionism as Colonialism', 627.

88. Ibid., 628.

89. Gershon Shafir, 'Settler Citizenship in the Jewish Colonisation in Palestine', in *Settler Colonialism in the Twentieth Century: Projects, Practises, Legacies*, ed. Caroline Elkins and Susan Pederson (Oxon: Routledge, 2005), 41.

90. On this, see ibid., 41.

91. Ibid. At the time about 425,000 Palestinians lived in Palestine (ibid.).

92. Moses Finley, 'Colonies: An Attempt at a Typology', in *Transactions of the Royal Historical Society*, 5th Series, No. 26, 178. Though not the customary approach among either historians or political commentators; he offered that 'this is because they habitually view the issues from the metropolis, rather than from the colonies' (ibid.).

93. For an outline of the early days of settlement and land transfer see Elkins and Pederson, *Settler Colonialism*, 8.

94. John K. Noyes, 'Nomadic Landscapes and the Colonial Frontier: The Problem of Nomadism in German South West Africa', in *Colonial Frontiers: Indigenous – European Encounters in Settler Societies*, ed. Lynette Russel (Manchester: MUP, 2001), 198.

95. Elkins and Pederson, *Settler Colonialism*, 9.

96. Ibid., 10.

97. In South Africa 'a complex system of regulations restricting African enterprise, employment, movement, and residence proved capable of supplying the labour (and status) needs of internationally owned mining companies, Afrikaner farmers, and the white working class alike', ibid., 11.

98. Ibid., 10.

99. In Shafir, 'Settler Citizenship', 42.

100. Ibid.

101. Ibid., 42.

102. Such as Baron Edmund de Rothschild, in Baron Hirch's non-Zionist Jewish Colonisation Association. Ibid., 42.

103. Joel Kovel, *Overcoming Zionism: Creating a Single Democratic State in Israel/Palestine* (London: Pluto Press, 2007), 46.

104. Evans and Newnham, *Dictionary*, 589.

105. The Jewish community – literally, 'settlement' – in Palestine (Shafir, 'Settler Citizenship', 44).

106. Thus the Palestinians as a national group are potentially a target for genocide as per Article II of the Convention. However, it is important to note that the existence of a Palestinian national

group is disputed by many, which is aptly demonstrated by the US presidential contender Newt Gingrich's recent statements that Palestinians are an 'invented people'. See Associated Press, 'Palestinians Are an Invented People, Says Newt Gingrich', *The Guardian*, December **10**, 2011, http://www.guardian.co.uk/world/2011/dec/10/palestinians-invented-people-newt-gingrich; and Niv Elis, 'Gingrich Reiterates "Invented" Palestinian Comment', *Jerusalem Post*, 2012, http://www.jpost.com/Headlines/Article.aspx?id=255377.

107. The concept of the 'iron wall' was first developed in Jabotinsky's essay in the 1923 monograph *The Iron Wall* (Shafir, 'Settler Citizenship', 54).
108. In Avi Shlaim, *The Iron Wall. Israel and the Arab World* (London: Allen Lane, 2000), 598.
109. Ibid., 599.
110. Ibid.
111. Patrick Wolfe, 'Purchase by Other Means: The Palestine Nakba and Zionism's Conquest of Economics', *Settler Colonial Studies* 2, no. 1 (2012): 133–7, 136.
112. Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld, 2007), 8.
113. It is possible to relate the case of Palestine to the colonialist history of 'ethnic cleansing in North and South America, Africa and Australia, where white settlers routinely committed such crimes', ibid. For a comparison between settler colonialism, founding violence and reconciliation in Israel and Australia see Veracini, *Israel and Settler Society*, and for a comparison between settler colonialism in Israel and North America see Norman Finklestein, 'History's Verdict: The Cherokee Case', *Journal of Palestine Studies* 24, no. 4 (1995): 32–45.
114. Nizar Sakhnini, 'The 1948 War: A Cover Up For Ethnic Cleansing', *Al Awda*, November 16, 2005, http://www.al-awda.org/zionists4.html (accessed August 4, 2012).
115. Ed Corrigan, 'Plan Dalet: The Conquest of Palestine and Expulsion of the Palestinians', *Das Palastina Portal*, http://www.erhard-arendt.de/deutsch/palestina/Stimmen_international/plan_dalet_israel_palaestina.htm.
116. Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004), 165.
117. Meron Benvenisti, *Sacred Landscapes: The Buried History of the Holy Land Since 1948* (Berkeley: University of California Press, 2000), 109.
118. Nur Masalha, *Expulsion of the Palestinians: The Concept of 'Transfer' in Zionist Political Thought, 1882–1948* (Washington, DC: Institute for Palestine Studies, 1992), 2.
119. Benvenisti, *Sacred Landscapes*, 109.
120. Quoted by Buch in Rodinson, *Israel, a Settler-Colonial State*, 14.
121. Shaw, 'Palestine in an International Historical Perspective on Genocide'.
122. Pappé, *The Ethnic Cleansing*, 72.
123. Noam Chomsky and Ilan Pappé, *Gaza in Crisis: Reflections on Israel's War Against the Palestinians* (London: Hamish Hamilton, 2010), 65.
124. Mark Levene, 'Review of Ilan Pappé's *The Ethnic Cleansing of Palestine*', *Journal of Genocide Research* 9, no. 4, (2007): 675–81, 678.
125. Wolfe, 'Purchase by Other Means', 133–4.
126. Avi Shlaim, *Israel and Palestine: Reappraisals, Revisions, Refutations* (London: Verso, 2009), 55.
127. Shaw, *What is Genocide?*, 61.
128. 1902, quoted by Wolfe 'Settler Colonialism', 388.
129. Including, non-exhaustively, 'politicide' (e.g. Kimmerling, *Politicide*), 'indigenocide' (e.g. Raymond Evans, '"Crime without a Name": Colonialism and the Case for Indigenocide', in *Empire, Colony, Genocide. Conquest, Occupation, and Subaltern Resistance in World History*, ed. Dirk Moses (New York: Berghahn, 2008), 133–47), 'ethnocide' and 'memoricide' (e.g. Masalha, *The Palestine Nakba*). For more on these terms see Patrick Wolfe, 'Structure and Event', in *Empire, Colony Genocide Conquest, Occupation and Subaltern Resistance in World History*, ed. Dirk Moses (New York; Oxford: Berghahn Books, 2008), 102–32, 120.
130. See Pappé, *The Ethnic Cleansing*; Benvenisti, *Sacred Landscapes*; Kovel, *Overcoming Zionism*; and Ben White, *Israeli Apartheid: A Beginners Guide* (London: Pluto Press, 2009).
131. Petrovic (1994) in Shaw, *What is Genocide?*, 49.
132. Ibid., 48.
133. Ibid., 49.
134. Abed, 'Clarifying the Concept', 326.
135. Ibid., 329.
136. In Shaw, *What is Genocide?*, 51.

137. Ibid., 52.
138. Ibid., 58.
139. For recent studies on rape as a potential feature of genocide, see Daniela De Vito, Aisha Gill and Damien Short, 'Rape Characterised as Genocide', *SUR International Journal on Human Rights* 6, no. 10 (2009): 29–52.
140. Chomsky and Pappé, *Gaza in Crisis*, 58–60.
141. Pappé, *The Ethnic Cleansing*, 90.
142. Ibid., 91.
143. Ibid.
144. Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-century Europe* (Cambridge, MA: Harvard University Press, 2001), 4.
145. Joel Beinin, 'No More Tears: Benny Morris and the Road Back from Liberal Zionism', *Middle East Report* 230 (2004), http://www.merip.org/mer/mer230/no-more-tears (accessed May 30, 2012).
146. For some the events of 1948 were part of a Zionist plan to settle and appropriate the land at any cost, and thus the Genocide Convention's 'intent to destroy' was present, see for example, Cook, *The Plight of the Palestinians*, 2: 'the evacuation of the Palestinians...was an intentional calculated campaign to force the Palestinian Arabs out of Palestine, a systematic genocide...'. This assertion is, however, hotly disputed, for example, Benvenisti, *Sacred Landscapes*; and Hirsh in Martin Shaw and David Hirsh, 'Antisemitism and the Boycott: An Exchange between Martin Shaw and David Hirsh', *Democratiya* (2008), http://dissentmagazine.org/democratiya/article_pdfs/d14ShawHirsh-1.pdf (accessed August 14, 2011).
147. Pappé, *The Ethnic Cleansing*, 9.
148. Ibid.
149. See particularly Cook, *The Plight of the Palestinians*, which is a collection of articles relating to Palestine and genocide. See also Stephen Lendman, 'Israel's Slow-Motion Genocide in Palestine', *Global Research*, November 26, 2008, http://www.globalresearch.ca/index.php?context=va&aid=11171 (accessed August 4, 2012); Sam Bahour and Michael Dahan, 'Genocide By Public Policy', *Electronic Intifada*, May 19, 2004, http://electronicintifada.net/content/genocide- public-policy/5090; and Nigel Parry, 'Time to Put the US Media on Trial for Complicity in Genocide?', *The Electronic Intifada*, http://electronicintifada.net/content/time-put-us-media-trial-complicity-genocide/5118.
150. See Shaw, 'Palestine in an International Historical Perspective on Genocide'.
151. See Shaw and Hirsh, 'Antisemitism and the Boycott'; and Martin Shaw and Omer Bartov, 'The Question of Genocide in Palestine, 1948: An Exchange between Martin Shaw and Omer Bartov', *Journal of Genocide Research* 12, no. 3 (2010): 243–59.
152. Shaw, 'Palestine in an International Historical Perspective on Genocide',157.
153. Pappé, *The Ethnic Cleansing.*
154. Shaw, 'Palestine in an International Historical Perspective on Genocide'.
155. Israel Charny quoted in Gal Beckerman, 'Top Genocide Scholars Battle Over How To Characterize Israel's Actions', *The Jewish Daily Forward*, 2011, http://forward.com/articles/135484/#ixzz1V2okeMZv (accessed August 14, 2011).
156. Shaw and Hirsh, 'Antisemitism and the Boycott', 105.
157. Wolfe, 'Purchase by Other Means', 136.
158. The Arabic term often used to describe the events of 1948, literally 'disaster' or 'catastrophe'.
159. Mahmoud Darwish, 'Not to Begin at the End', *Al-Ahram Weekly*, May 10–16, 2001, Issue 533, http://weekly.ahram.org.eg/2001/533/op1.htm (accessed August 14, 2011).
160. Joseph Massad, 'Resisting the Nakba', *Al-Ahram Weekly*, May 15–21, 2008, Issue 897, http://weekly.ahram.org.eg/2008/897/op8.htm (accessed May 30, 2012).
161. Masalha, *The Palestine Nakba*, 254.
162. During the Israeli invasion of Lebanon a massacre took place in the Palestinian refugee camps of Sabra and Shatila by Christian Phalangists who were allowed admission to the camps by Israeli forces who were controlling access to the camps. For more see Dan Cohn-Sherbok and Dawoud El-Alami, *The Palestine-Israeli Conflict* (Oxford: Oneworld, 2001). For a detailed report see International Commission, 'Israel in Lebanon: Report of the International Commission to Enquire into Reported Violations of

International Law by Israel during its Invasion of the Lebanon', *Journal of Palestine Studies* 12, no. 3 (1983): 117.

163. The UN General Assembly declared the massacre to be 'a genocide', United Nations, GA Res. 37/123 D, 1982. See Schabas, *Genocide in International Law*, 234 on the legal import of this resolution.

164. For detailed reports on the events in Jenin, see United Nations, General Assembly 10th Emergency Session. Agenda Item 5. A/ES-10/186 (30 July 2002), 'Illegal Israeli Actions in Occupied East Jerusalem and the Rest of the Occupied Palestinian Territory'; and Amnesty International, 'Israel and the Occupied Territories: Shielded from Scrutiny: IDF Violations in Jenin and Nablus' (2002), http://www.amnesty.org/en/library/asset/MDE15/143/2002/en/c4ef6642-d7bc-11dd-b4cd-01eb52042454/mde151432002en.pdf (accessed August 14, 2011).

165. Pappé, *The Ethnic Cleansing*, 258.

166. BBC, 'Israel Warns of Invasion of Gaza', February 29, 2008, http://news.bbc.co.uk/1/hi/world/middle_east/7270650.stm.

167. Chomsky and Pappé, *Gaza in Crisis.*

168. Mouin Rabbani, 'Birth Pangs of a New Palestine', *Middle East Research and Information Project*, January 7, 2009, http://www.merip.org/mero/mero010709 (accessed August 14, 2011).

169. Amnesty International, 'Israel/Gaza: Operation "Cast Lead" 22 Days of Death and Destruction' (2009), 1, http://www.amnesty.org/en/library/info/MDE15/015/2009/en.

170. AlJazeera, 'Israel Accused of Gaza "Genocide"' (2009), http://english.aljazeera.net/news/americas/2009/01/200911321467988347.html (accessed June 10, 2012).

171. United Nations, General Assembly Human Rights Council, 12th Session, Agenda Item 7 A/HRC/12/48 (25 September 2009), 'Human Rights in Palestine and other Occupied Arab Territories: Report of the United Nations Fact-finding Mission on the Gaza Conflict' (Also referred to as the 'Goldstone Report').

172. UN General Assembly A/HRC/16/G/1 (10 January 2011), 'Letter Dated 9 December 2010 from the Permanent Representative of Israel Addressed to the President of the Human Rights Council', Human Rights Council, Sixteenth Session, Agenda Item 7, http://unispal.un.org/UNISPAL.NSF/0/3ADF03D82EDC046C8525781800679B9F (accessed August 14, 2011).

173. Chomsky and Pappé, *Gaza in Crisis*, 193–4.

174. International Committee of the Red Cross, 'Gaza. 1.5 Million People Trapped in Despair' (2009), 1, http://www.icrc.org/eng/assets/files/other/gaza-report-icrc-eng.pdf (accessed August 14, 2011).

175. Lemkin, n.d., quoted in Docker, 'Raphael Lemkin's History', 7.

176. Lemkin, *Axis Rule*, 75–91.

177. Ilan Pappé, 'Books: Meron Benvenisti's Sacred Landscape: The Buried History of the Holy Land since 1948', *History News Network* (2002), http://historynewsnetwork.gmu.edu/articles/786.html (accessed August 14, 2011).

178. Khalidi, *Palestinian Identity*, 11.

179. For examples of more spheres of such destruction/non-recognition see Hanan Chehata, 'The Cultural Genocide of Palestine', *Middle East Monitor* (2010), http://www.middleeastmonitor.org.uk/downloads/reports/cultural-genocide-of-palestine.pdf (accessed August 14, 2011).

180. Lemkin, *Axis Rule*, 82.

181. Ibid., 79.

182. Kathleen Christison and Bill Christison, *Palestine in Pieces* (London; New York: Pluto Press, 2009), 7.

183. BBC, 'Row Over "Standard" Hebrew Signs', July 13, 2009, http://news.bbc.co.uk/1/hi/8148089.stm (accessed August 14, 2011).

184. Ibid.

185. Hanan Chehata, 'The Cultural Genocide of Palestine', *Middle East Monitor* (2010), http://www.middleeastmonitor.org.uk/downloads/reports/cultural-genocide-of-palestine.pdf (accessed August 14, 2011).

186. Pappé, *The Ethnic Cleansing*, 317.

187. Masalha, *The Palestine Nakba*, 113.

188. Lemkin, *Axis Rule*, 89.

189. Sakakini, quoted in Gish Amit, 'Ownerless Objects? The Story of the Books Palestinians Left Behind in 1948', *Jerusalem Quarterly* 33 (2008): 10, http://www.jerusalemquarterly.org/ViewArticle.aspx?id=36 (accessed July 30, 2011).

190. Arwa Aburawa, 'Palestine's Great Book Robbery', *Guernica* (2011), http://www.guernicamag.com/interviews/2313/brunner_2_1_11/ (accessed August 14, 2011).
191. Amit, 'Ownerless Objects?', 8.
192. Ibid.
193. Ibid.
194. Ilan Pappé, ed., *The Israel/Palestine Question: A Reader*, 2nd ed. (London; New York: Routledge, 2007), 2.
195. Quoted in Abuwara, 'Palestine's Great Book Robbery'.
196. Lemkin, *Axis Rule*, 85.
197. Ibid., physical techniques.
198. International Committee of the Red Cross, 'Gaza. 1.5 Million People Trapped in Despair', 6 (accessed June 10, 2012).
199. United Nations General Assembly Human Rights Council, 12th Session, Agenda Item 7 A/HRC/12/48 (25 September 2009), para. 27, 'Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-finding Mission on the Gaza Conflict' (Also referred to as the 'Goldstone Report').
200. Harriet Sherwood, 'Israel Accused Over "Cruel" Gaza Blockade', *The Guardian*, November 30, 2010, http://www.guardian.co.uk/world/2010/nov/30/israel-accused-over-gaza-blockade (accessed June 10, 2012).
201. International Committee of the Red Cross, 'Gaza, 1.5 Million People Trapped in Despair', 6.
202. Office of the United Nations Special Coordinator for the Middle East Peace Process (UNScO), *Gaza in 2020: A Livable Place?* (2012), 2, http://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf.
203. COHRE (Center On Housing Rights and Evictions), 'Israel's Violations of the International Covenant on Civil and Political Rights with Regard to House Demolitions, Forced Evictions and Safe Water and Sanitation in the Occupied Palestinian Territory and Israel' (2010), 32, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/COHRE_AlHaq_Israel99.pdf (accessed August 14, 2011).
204. UNScO, *Gaza in 2020*, 2.
205. Reuters, 'WikiLeaks: Israel Aimed to keep Gaza Economy on Brink of Collapse', *Ha'aretz*, January 5, 2011, http://www.haaretz.com/news/diplomacy-defense/wikileaks-israel-aimed-to-keep-gaza-economy-on-brink-of-collapse-1.335354.
206. See for example, Sara Roy, 'The Gaza Strip: A Case of Economic De-Development', *Journal of Palestine Studies* 17, no. 1 (1987): 56–88.
207. Ibid., 83.
208. Amnesty International, *Annual Report, Israel and the Occupied Territories* (2011), http://www.amnesty.org/en/region/israel-occupied-palestinian-territories/report-2011#section-67-4 (accessed March 17, 2012).
209. Ibid.
210. Israeli Ministry of Foreign Affairs, 'Saving Lives: Israel's Anti-terrorist Fence – Answers to Questions', http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Palestinian+terror+since+2000/Saving+Lives-+Israel-s+anti-terrorist+fence+-+Answ.htm#3 (accessed March 21, 2012).
211. See for example, Jeff Halper, 'Obstacles to Peace: A Re-framing of the Israeli-Palestinian Conflict', *The Israeli Committee Against House Demolitions* (2012), 35, http://www.icahd.org/sites/default/files/Obstacles-2009.pdf.
212. Danny Rubinstein, 'The Most Dramatic Step Since 1967', *Ha'aretz*, March 1, 2004, http://www.fromoccupiedpalestine.org/node/1115.
213. ICJ, Press Release 2004/28: 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion', http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&ca (accessed August 14, 2011).
214. See for example, BTSELEM, 'The Separation Barrier', http://www.btselem.org/separation_barrier/map (accessed March 21, 2012); Amnesty International 'Israel and the Occupied Territories: The Place of the Fence/Wall in International Law' (2004), http://www.amnesty.org/en/library/info/MDE15/016/2004; and Rene Backmann, *A Wall in Palestine* (New York, Picador, 2010).
215. The Israeli Committee Against House Demolitions, 'Demolishing Homes, Demolishing Peace' (2012), http://www.icahd.org/node/242.

216. Human Rights Watch, 'World Report 2012: Events of 2011', 567, http://www.hrw.org/sites/default/files/reports/wr2012.pdf.
217. Collins, *Global Palestine*, 117.
218. Ibid.
219. United Nations Conference on Trade and Development, *Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory* (2012), http://unctad.org/meetings/en/SessionalDocuments/tdb59d2_en.pdf.
220. Masalha, *A Land Without a People*, 222.
221. Adi Ophir, 'Genocide Hides Behind Expulsion', *Counterpunch* (2004), http://www.counterpunch.org/2004/01/16/genocide-hides-behind-expulsion/ (accessed May 27, 2012).
222. Raphael Lemkin, 'Genocide as a Crime under International Law', *American Journal of International Law* 41, no. 1 (1947): 145–51, 147.
223. Masalha, *A Land without a People*, xvi.
224. UN News Centre, 'Right to Water and Sanitation is Legally Binding, Affirms Key UN Body', October 1, 2010, http://www.un.org/apps/news/story.asp?NewsID=36308 (accessed August 14, 2011).
225. BTSELEM, 'Water Crisis', http://www.btselem.org/water (accessed August 14, 2011).
226. Office for the Coordination of Humanitarian Affairs, 'The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank' (2007), 114, http://www.ochaopt.org/documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_full.pdf (accessed August 14, 2011).
227. Center on Housing Rights and Evictions, 'Israel's Violations', 33.
228. UNScO, *Gaza in 2020*, 3.
229. Amnesty International, 'Thirsting for Justice: Palestinian Access to Water Restricted' (2009), 2, http://www.amnesty.org/en/library/asset/MDE15/028/2009/en/634f6762-d603-4efb-98ba-42a02acd3f46/mde150282009en.pdf (accessed August 14, 2011).
230. Ibid.
231. Qatar News Agency, 'Israel Violates Palestinian People's Right to Water and Sanitation', *Waterworld* (2011), http://www.waterworld.com/index/display/news_display/1469693117.html (accessed July 30, 2011).
232. Center on Housing Rights and Evictions, 'Israel's Violations', 34.
233. Ibid., 33.
234. Lemkin, *Axis Rule*, 147.
235. Wolfe, 'Settler Colonialism and the Elimination of the Native'.
236. Lemkin, 'Genocide as a Crime under International Law', 147.
237. For example, Neve Gordon's exceptional (2008) book *Israel's Occupation* (Berkeley, CA: University of California Press), would offer an interesting springboard for an *Axis Rule* inspired comparison of a whole range of occupation policies and practices.

Notes on contributors

Haifa Rashed is an independent researcher who has researched the Palestinian situation for many years. She has worked in a variety of NGOs in the human rights field and is an alumni of the University of London Masters programme in Understanding and Securing Human Rights.

Dr Damien Short is a senior lecturer in Human Rights and Director of the Human Rights Consortium, School of Advanced Study, University of London. He has published widely on indigenous peoples' rights and settler colonialism, and more recently on the relationship between those fields and the concept of genocide.