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Author(s): Victoria Mason and Richard Falk

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ASSESSING NONVIOLENCE IN THE PALESTINIAN RIGHTS STRUGGLE

Victoria Mason and Richard Falk

Abstract: “If only there was a Palestinian Gandhi” has been a common refrain in recent years. Yet in reality, Palestinians have a long history of relying on nonviolence. However, this nonviolence has received no constructive response from either Israel or the international community. The failure to acknowledge and welcome the Palestinian nonviolent movement serves to prolong the conflict and its negative effects, and lays bare the refusal of the international community to address the rights abuses at the heart of the Israeli–Palestinian conflict. This article narrates Palestinian use of both violence and nonviolence in their struggle to achieve national self-determination and other basic rights, and assesses the potential of nonviolent action to enable a just resolution of their situation.

Keywords: Palestine; nonviolence; human rights; justice; Israeli–Palestinian conflict

Introduction

“If only there was a Palestinian Gandhi”. In recent years, this has been a common sentiment expressed by leading international figures such as US president Barack Obama (2009). This is part of a wider liberal argument that failures to establish sustainable peace between Israel and the Palestinians is primarily the result of Palestinian militancy, and if the Palestinians embraced nonviolence they would gain the support of the international community – including the US – as well as find a resonant response within Israel itself. In reality, however, Palestinians have a long history of utilizing nonviolence in their resistance to oppression. Yet this nonviolence has often been brutally repressed by Israel (Qumsiyeh 2011; Pearlman 2011; Avni 2010), and the international community has, for the most part, failed to acknowledge and support Palestinian nonviolence.

This disregarding of Palestinian nonviolence, alongside the wider lack of action to uphold Palestinian rights, threatens the viability of this politics of nonviolence. After all, the efficacy of nonviolence lies in its ability to persuade the opponent to moderate its behaviour, or for the nonviolent tactics to render the opponent’s

Victoria Mason, School of Politics and International Relations, the Australian National University; Richard Falk, Albert G. Milbank Professor Emeritus of International Law at Princeton University and Research Professor, Orfalea Center of Global and International Studies at the University of California, Santa Barbara.

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behaviour too costly socially, economically or politically (Sharp 1990; Galtung 1989). As Arundhati Roy argues, nonviolence is “a piece of theatre” and requires a responsive audience in order to be effective (Moss 2010). The lack of engagement with Palestinian nonviolence strips it of much of its transformative capability. In this article, we explore the use of violence and nonviolence in the Palestinian struggle. We then assess the potential of nonviolent action to achieve Palestinian rights in accordance with international law.

Nonviolent Resistance

The perception that violence is the most effective means of resistance persists within mainstream international relations (Chenoweth and Stephan 2011). However, as demonstrated by Erica Chenoweth and Maria Stephan, nonviolent resistance is actually considerably more effective than its counterpart (2011). Their examination of 323 movements (between the years 1900 and 2006) found that nonviolent campaigns were successful 53 per cent of the time, compared with just 26 per cent for those that used violence (Stephan and Chenoweth 2008: 8). It is therefore imperative to challenge the dominant assumption that nonviolent tactics are of little strategic value (Chenoweth and Stephan 2011: 16–7).

Notwithstanding the ongoing definitional debates, nonviolence can broadly be characterized as waging conflict “through social, psychological, economic, and political means without the threat or use of violence” with the aim of mobilizing “publics to oppose or support different policies, to delegitimise adversaries, and to remove or restrict adversaries’ sources of power” (Stephan and Chenoweth 2008: 9–10; Sharp 2005, 2013). There are two main schools of thought within the field, summarized broadly as “principled” and “strategic” nonviolence. The former is where individuals or a group reject all forms of violence out of moral or religiously based belief. Strategic, or pragmatic, nonviolence, on the other hand, views nonviolence as the most effective tactic in conflict (Sharp 1990; Chenoweth and Stephan 2011; Schock 2003). In contrast to how nonviolence has often been depicted, Kurt Schock reminds us,

Nonviolent action is not inaction (although it may involve the refusal to carry out an action that is expected, i.e., an act of omission), it is not submissive-ness, it is not the avoidance of conflict, and it is not passive resistance. In fact, nonviolent action is a direct means for prosecuting conflicts with opponents and an explicit rejection of inaction, submission, and passivity. (2003: 75)

Leading nonviolence theorist Gene Sharp’s typology of nonviolent action includes acts of protest or persuasion (such as marches and protests); noncooperation (such as

boycotts and strikes) and intervention (such as civil disobedience, sit-ins, hunger strikes and building parallel/alternative social institutions; Sharp 2013, 1973). Decisions about which actions to adopt are often driven by whether nonviolent activists are undertaking “moral jujitsu” (persuading/converting the thinking of the opponent, either directly or through influencing a third-party intermediary) or “political jujitsu” (more coercive nonviolent tactics that make the costs of repression diplomatically/economically/socially prohibitive; Greg 1966; Sharp 1990, 1973, 2005, 2013; Galtung 1989; Schock 2003).

Debates occur, of course, over whether certain acts fall within the ambit of nonviolence, with the context being crucial. For example, in movements that have previously undertaken strikes and marches, incorporating the tactic of stone throwing would be considered a move away from nonviolence, whereas the same act can be considered a move towards nonviolence if the movement has previously undertaken armed resistance (Pearlman 2011: 3–4). The reality of conflict means that violent and nonviolent campaigns often occur contemporaneously by different groups, particularly if nonviolent action does not engender the sought-after response (Chenoweth and Stephan 2011: 12). The literature on popular struggles against oppression shows that patterns of resistance generally take the shape of a bell curve, where “a small portion is collaborative, most of it nonviolent, some of it violent and some of it extremely violent” (Qumsiyeh 2011: 241; Ramsbotham, Woodhouse and Miall 2011).

Palestinian Resistance

On the basis of this brief overview of nonviolence theory, we consider the evolution of Palestinian nonviolent resistance (and its successes and frustrations), whether it is realistic to believe that nonviolence can bring about a just solution to the Palestinian situation, and what steps might be taken to this end. While the focus of the article is on Palestinian nonviolence and the associated global nonviolent movement to achieve Palestinian rights, it must be recognized that such an approach cannot prejudice other forms of resistance carried on within the limits of international law and in furtherance of the goals of global justice. The right to armed struggle, as outlined in the Geneva Convention Additional Protocols (Art1/4), with its specific reference to “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination” has become an established norm of International Law (International Court of Justice (ICJ) 2004; Falk 2006: 315–23; Falk and Weston 1991, 1992). Thus, as with all peoples, rights of resistance belong to the Palestinian people and their representatives. These rights to resistance were reinforced by the near unanimous 2004 ICJ advisory opinion on the

legality of Israel's Separation Wall, which determined that Israel's right to security cannot be invoked to override the right of Palestinians to self-determination (ICJ 2004). Furthermore, it is the right of the Palestinian people alone to decide how their right to self-determination can be most effectively exercised within the constraints of international law (Falk 2006: 315–23). As expressed by Ibrahim Shikaki, a youth organizer in Ramallah,

there are attempts to impose the idea that non-violence is the only form of resistance “allowed”, thus falsely implying that all other forms of resistance are ... immoral or illegal ... where ... the correct resistance method will demonstrate our worthiness to be given our rights and independence. (2011)

When Palestinians have used violence in their resistance struggle, they have received strong censure from the international community. This is entirely warranted where such attacks have violated international law, such as attacks on civilians. The predominant focus on Palestinian violence, however – particularly without due attention to Israeli violence – fails to adequately recognize the origins of the conflict in the denial and abuse of Palestinian rights. As Ban Ki-moon, secretary general of the United Nations (UN), admitted in relation to the escalation of violence in Israel and Palestine in late 2015, Palestinian anger “is bred from nearly five decades of Israeli occupation. It is the result of fear, humiliation, frustration and mistrust. It has been fed by the wounds of decades of bloody conflict” (cited in Dearden 2005).

The unswerving focus on Palestinian violence within mainstream international discourse also fails to recognize that the Palestinian people and their various political factions have always debated what strategies and tactics their resistance should adopt, with support for both violence and nonviolence at various times (Pearlman 2011; Qumsiyeh 2011; Rigby 2010; Sayigh 1997). Looking first to the use of violence, similar to other oppressed groups, a significant segment of Palestinian society (waxing and waning over time) has favoured armed struggle, with violence playing a key role in the mythology surrounding Palestinian resistance (Pearlman 2011; Sayigh 1997). Indeed, as a result, the *shahid* or “martyr” has become a seminal figure in Palestinian society (AbuFarhar 2009).¹ At various times, there has also been considerable support among Palestinians for actions such as suicide bombings – with the justification offered that such acts are some of the few tools available to the weak to offset the advantages of the strong (Pape 2005; Mishal and Sela 2006). This view has also at times led to suicide bombers being praised as heroic “martyrs” (AbuFarhar 2009), a position that has garnered understandable condemnation within the international community. Likewise, there have been examples where Israelis have rejoiced at the suffering of

Palestinians, such as extremists using the occasion of a wedding to celebrate the murder of Palestinian baby Ali Dawabsheh, who was burned alive when his house was firebombed by Jewish militants in 2015 (both his parents also later died of their injuries, and his four-year-old brother remains in a critical condition) (Levinson 2015). However, obscene instances such as Dawabsheh murders and their celebration by Israeli extremists have received much less international coverage and censure than Palestinian examples.

In comparison with the focus on Palestinian violence, the equally significant history of Palestinian nonviolent resistance is virtually unknown. This relative invisibility may partly reflect the reality that violence has far greater media appeal than nonviolence. For, as Mazin Qumsiyeh outlines, armed resistance by the Palestinian people to foreign intervention (to Ottoman rule, then British mandate control – and its support for Zionist aspirations), the partition of historic Palestine and Israeli settler colonialism) came at a relatively late stage:

For the first few decades (1880s–1920s), all resistance was popular and unarmed. Later, all uprisings started as popular resistance, but some were marked by armed resistance in response to the brutality of the occupiers and colonizers. As such, [Palestinian] armed resistance was limited, considering the injustice. (2011: 233–4)

Another major factor complicating the recognition of Palestinian nonviolence is one of translation. The English-language term “nonviolence” (*la ‘unf*) does not translate positively into Arabic – implying passivity and weakness (O’Sullivan 2012). Actions generally understood by the West to encompass “nonviolence” are instead described by Palestinians as “civil resistance”, “political defiance” or “popular resistance” (*Muqawama sha’biya*; O’Sullivan 2012). Yet many in the West interpret any political behaviour described as “resistance” as implying violence, thus misunderstanding the Palestinian meaning of “popular resistance” (O’Sullivan 2012; Shikaki 2011).

Throughout its history, Palestinian nonviolence has evolved and adapted. While, for the most part, comprising strategic nonviolence as a pragmatic adjustment to the asymmetry of Israeli violence, nonviolence has also been undertaken for principled and moral reasons (Broning 2011). As Palestinian political leader and scholar Hanan Ashrawi argues, nonviolence “has always been the most effective means...because...you have the moral high ground, in which you expose and you defy power and militarism and you expose the limits of power and the immorality of the [opponent]” (2011).

Examples of nonviolent action by Palestinians can be traced back to Ottoman times but became particularly relevant during the British Mandate, which saw

resistance to British colonial control and their support of Zionist aspirations in historic Palestine. The 1936–9 Arab Revolt saw a high-profile manifestation of nonviolence, characterized by political entreaties, diplomatic petitions, protests, strikes and other forms of civil disobedience (Pearlman 2011: 1; King 2007: 50–2, 92; Rigby 2010: 7–30). These nonviolent actions were met by a British colonial response that was “brutal, calculating and divisive”. Thousands of Palestinians “were arrested for nothing more than voicing opposition or establishing political parties that challenged colonial rule. Those who resisted violently were hunted down and killed. Hangings were common” (Qumsiyeh 2011: 229; Broning 2011: 134–5; Pearlman 2011: 27–61).

After the 1948 *nakba* (catastrophe) and the dispossession of 750,000 to 1,000,000 Palestinians (which occurred both in the lead-up-to and following the declaration of the state of Israel), the remnant of the Palestinian community in historic Palestine concentrated on survival under difficult conditions, either subject to Israeli military rule within the green line (the colloquial term for the 1948 borders of the Israeli state) or living in a subjugated manner in areas administered by Jordan and Egypt (Rigby 2010: 41–2). Displaced Palestinians believed that they would be imminently repatriated to their homeland in line with the guidelines set forth in UN Resolution 194. With the passage of time, it became clear, however, that diplomatic initiatives were not going to result in the Palestinian Right of Return, and nearly seven decades later these Palestinians remain as refugees or in exile (Akram 2011: 1, 28–9).

As the international community failed to uphold international law, and hopes for a diplomatic resolution of the conflict vanished, the Palestinian people increasingly perceived armed struggle as the only way to secure their rights. Thus, alongside nonviolent resistance, during the 1950s Palestinian *fedayeen* (guerrilla fighters) commenced armed struggle, launching raids into Israel from neighbouring states (Rigby 2010: 43–5). Recourse to armed struggle by the resistance movement then intensified following the 1967 defeat of the Arab coalition that resulted in Israel’s occupation of the West Bank, East Jerusalem and Gaza.

In the years after 1967, Israeli military control over the Occupied Palestinian Territory (OPT) of the West Bank, East Jerusalem and Gaza was reinforced and extended by the establishment of Israeli civilian settlements, despite such transfers of civilian populations being illegal under Article 49(6) of the 4th Geneva Convention. Overall, Israeli rule in the OPT was authoritarian and repressive: until 1993, Palestinians required permits for most aspects of everyday life; promotion of self-determination was deemed criminal; the Palestinian economy was de-institutionalized and de-developed; dependence on the Israeli economy was entrenched; as was the exploitation of Palestinian labour (Roy 2007; Rubenberg 1989; Pappé 2006: 202–3; Rigby 2010: 46–50). Palestinian civil society organizations

responded with both nonviolent and violent resistance. Nonviolent tactics included strikes, civil disobedience, noncooperation with military officials, demonstrations and boycotts on providing labour to Israel. Violent resistance included guerrilla attacks on Israel and killings of suspected Palestinian “collaborators” (Pearlman 2011: 95–101; Rigby 2010: 46–50). During this time, Palestinians also established a wide array of groups and associations aimed at both providing social services and setting the foundations for quasi-state architecture in preparation for a future Palestinian state (Rigby 2010: 46–50). Determination by the Palestinian people to achieve political independence only increased as Israel attempted to suppress resistance through various means such as curfews, harassment, mass arrests and imprisonment (also incorporating “administrative detention” without charge or trial), house demolitions and deportations (Pearlman 2011: 95–101; Broning 2011; Dajani 1994; Pappé 2006: 183–228).

Following Israel’s 1973 victory against Arab states in the Yom Kippur War, and with neither diplomatic attempts nor *fedayeen* attacks having redressed Palestinian grievances, Palestinian armed struggle became more radical. This included Palestinian groups undertaking acts such as the 1972 killing of Israeli athletes at the Munich Olympics. Such actions greatly damaged the Palestinian cause, lending credibility to the Israeli insistence that Palestinian resistance was nothing more than a species of terrorism (Khalidi 2013: 10–1; Said 2006; Kapitan 2003: 57–9). While such actions were indeed deplorable, there was no concomitant censure of Israel for its violations of international law through its increasingly oppressive occupation, unlawful settlement expansions, acts of ethnic cleansing in East Jerusalem and refusal to implement the Right of Return for Palestinian refugees (Qumsiyeh 2011: 228; Said 2006: 84–102).

A major turning point in the Palestinian struggle occurred as a result of the 1987 Intifada, where a sustained uprising involving people across all sections of Palestinian life took place. Palestinians took to the streets in huge numbers, undertaking nonviolent actions such as demonstrating, building barricades and road-blocks, burning tyres, staging sit-ins, participating in strikes and other examples of civil disobedience, developing self-reliance strategies, wearing the Palestinian national colours and raising the outlawed Palestinian flag (Lockman and Beinín 1990; Peretz 1990; Rigby 2010: 51–5). With many Palestinian men imprisoned or under administrative detention at the time, women and youth played key roles in the Intifada, and it was, for the most part, unarmed – with Israeli Defense Force (IDF) itself classing 97 per cent of Intifada activities as nonviolent (King 2007: 1, 109–26; Hilterman 1991: 215; Chenoweth and Stephan 2011: 119).

A major form of protest – which came to symbolize the grassroots nature of the uprising – was throwing stones at the Israeli security forces, which resulted in the Intifada being labelled the “Stone Revolution” (Usher 1990). The Israeli government

argued that the stone throwing constituted violence (Kaufman 1990). However, given the gross asymmetry of the confrontation, and that the stone throwing targeted highly weaponized Israeli military personnel and vehicles, the stone throwing arguably represented “but a symbolic gesture ... of the vast discrepancy in power between the Palestinian people and Israel’s war machine” (Shikaki 2011; Hass 2013).

The “stone revolution” was also notable, in that it was an uprising that emerged from the grassroots, rather than the formal Palestinian leadership (Lockman and Beinín 1990; Peretz 1990). Acting to capitalize on this swell of popular action, in 1988 the Palestine Liberation Organization (PLO) and Palestinian National Council (PNC) agreed to accept Israel as a legitimate state within the pre-1967 borders and to establish peace on this basis. This move resulted in the US unbanning direct contact with the PLO. While the unbanning was welcomed by the Palestinians, it was far from commensurate with the extent of the compromises made by the PLO and PNC with this move. The Palestinian declaration represented an enormous concession to the Israeli state, with the 1967 borders constituting less than half of what the United Nations General Assembly (UNGA) had allocated for the Palestinian state in 1947’s UN Resolution 181.

As the uprising in the OPT continued, it was met with what Israeli scholar Avi Shlaim describes as the “extreme” use “of force on a massive scale” (2001: 453–4). This included beatings (including the infamous order by then-Defence Minister Yitzhak Rabin to break the arms and legs of protesters), arrests, shootings, house demolitions, deportations, curfews, extended imprisonments and detentions without trial, and the closure of Palestinian institutions such as schools (Hass 2005; Pearlman 2011: 114; Chenoweth and Stephan 2011: 129; Shlaim 2001: 453; Lockman and Beinín 1990). During the first two years of the Intifada, some 500 Palestinians were killed, 7,000 injured and 50,000 arrested (Broning 2011: 136–7; Lockman and Beinín 1990). This disproportionate violence arguably reflects a core Israeli strategy in relation to its conflicts – both with Palestinians and with Arab states more widely – known as the “iron wall”.

As Shlaim outlines, the iron wall stratagem emerged in the 1920s with Ze’ev Jabotinsky, who is widely considered the “father” of the Israeli Political Right. The central tenets of the iron wall are that

the Zionist project could only be implemented unilaterally and by military force. The crux ... was to enable the Zionist movement to deal with its local opponents from a position of unassailable strength ... Despair was expected to promote pragmatism on the other side. (2001: 598–9)

Shlaim demonstrates how the iron wall was adopted (in practice, if not in formal policy) by Israel from its early days (2001: 598–9). Alongside IDF actions detailed

above, the application of the iron wall during the First Intifada was evidenced in rhetoric by Israeli leaders, including Prime Minister Yitzhak Shamir's declaration that "not one Arab would survive" if Palestinians started using live weapons; and Defence Minister Rabin exhorting his troops to use "might, force, beatings" (Kaufman 1990; Shlaim 2001: 453).

This application of the iron wall, however, resulted in what is known in the nonviolence literature as "backfire". This is when violent repression of nonviolence acts to (a) create sympathy for the struggle among outside actors and (b) "convert" the sympathies of individuals within the repressive state (Chenoweth and Stephan 2011). In the first point, as Andrew Rigby outlines, the world's media revealed images of "stone-throwing youths clashing with Israeli soldiers armed with tear-gas grenades, rubber-bullets and other weapons" (Rigby 2010: 52–3). This led to a questioning of the previously dominant narrative that the Jewish state was the "David" fighting for survival against the Arab "Goliath" (including Palestinians) and resulted in a significant shift in global perceptions of the conflict (Rigby 2010: 52–3; Peretz 1990: 163–93). One such indicator was observed in December 1987, when the US refrained from its customary veto of UN Security Council resolutions criticizing Israel (with this particular resolution condemning Israel's use of disproportionate force) (Chenoweth and Stephan 2011: 129).

In terms of domestic "backfire", many Israelis were also shocked with the level of their government's repression, and this served as a major factor in the subsequent election of a Labour government on a "pro-peace" platform. The Intifada also breathed new life into the Israeli peace movement and saw increased solidarity activities between Israeli and Palestinian groups (Chenoweth and Stephan 2011: 130). Shifts within Israel were also reflected by a growing number of "refuseniks" (Israelis who refuse to serve with the IDF in the occupied territories), a key example of the effects of internal backfire and conversion of the opponent (Chenoweth and Stephan 2011: 129).

These shifts within Israel and throughout the world were also seminal in creating the push for the 1992 Madrid Peace Conference (Zunes, Asher and Katz 1999: 48). While the deep flaws of the Madrid process and its subsequent iterations (discussed in a moment) meant that it could not possibly result in a just peace, it is useful to make the point here that the Intifada is an example of the successful deployment of nonviolence in terms of creating moral shifts in the political climate and creating pressure on target states/regimes/groups.

To begin with, the peace process initiated in Oslo was greeted with enthusiasm by many Palestinians and Israelis (Gunning 2009: 203–7; Kaufman and Bisharat 2002; Rigby 2010: 59). There were, of course, peace "spoilers" on both sides – with Hamas commencing suicide bombings in 1993; and acts by extremist Israelis such as the Baruch Goldstein massacre of 29 Palestinians praying at a Mosque,

and the assassination of Prime Minister Yitzhak Rabin (Gunning 2009; Pearlman 2011: 136–49; Sprinzak 1999: 217–86). Once the structural flaws of Oslo became clear, however, optimism among Palestinians diluted significantly. The source of these flaws can be found in the neo-realist paradigm within which Oslo (and its subsequent iterations) was framed: with neo-realist approaches being state centric, primarily concerned with the balance of power, and viewing conflict as inevitable. The application of this paradigm resulted in Israel's claims and concerns being given substantial priority to those of the Palestinians. This approach also focused on “managing” the conflict rather than addressing, and transforming, its causal origins, which are largely rights based (Pappé 2007: 21; Rigby 2010: 59–62). The statist bias of the neo-realist framework was moreover heightened by the US playing the dual roles of chief mediator in the “peace process” and closest ally of Israel (which has been likened to playing both judge and defence lawyer; Khalidi 2013; Rigby 2010: 59–62). All such factors resulted in the so-called “peace process” serving to consolidate the asymmetry of the two parties, with the interests of Israel dominating those of the Palestinians (Khalidi 2013). As this reality became increasingly apparent, and was particularly stark in the dramatic increase in illegal Israeli settlements in the OPT post-Oslo, the “peace process” was increasingly regarded as a distraction and “cover” that enabled the occupation to continue apace, Palestinians to be increasingly impoverished, and their “subservience to Israel” entrenched (Said 2004; Allen 2013).

Growing opposition by Palestinians to the duplicity of the “peace process” resulted in a range of responses, both nonviolent and violent. The most visible of these, however, was Hamas's suicide bombings (Gunning 2009: 208). Growing despair also contributed significantly to the eruption of the “Al-Aqsa Intifada” (Pearlman 2011: 127–49; Rigby 2010: 63; Chenoweth and Stephan 2011: 137). This uprising was initially nonviolent (Carter Hallward and Norman 2014). The spur for the uprising was then-Israeli prime ministerial contender Ariel Sharon's provocative visit to the Haram al Sharif in September 2000. In the demonstrations that resulted, six Palestinians were killed and some 220 wounded (with 70 Israeli police also injured). In the first month of the uprising, Palestinians largely “refrained from using firearms”; however, “the Israeli army fired approximately 1.3 million bullets” in the OPT over the same period (Broning 2011: 137; Byman 2011: 124; Pedatzur 2004). At this point, confrontations escalated into deadly uses of force by both sides – with a range of Palestinian groups launching terror attacks (including suicide bombings), and Israel using helicopter gunships, tanks, missiles, targeted assassinations and collective punishment (Pearlman 2011: 150–68; Rigby 2010: 63–5; Baroud 2006: 168–95). By conservative estimates, at the end of 2005 some 3,240 Palestinians and 950 Israelis (including soldiers) had been killed in the violence (*BBC News* 2005). It also resulted in the “Israeli army recapturing the West

Bank in an iron-fisted crackdown ... with colossal economic losses, territorial fragmentation and incalculable social suffering” (O’Sullivan 2012).

However, alongside this violence, many Palestinians remained committed to nonviolent resistance. As documented by Maia Carter Hallward and Julie Norman, this included acts of protest, demonstrations, civil disobedience, boycotting Israeli (particularly settlement) goods, providing legal clinics, and everyday acts of solidarity and “samud” (steadfastness; 2014: 6–8; Rigby 2010: 66–7; Pearlman 2011: 163). These nonviolent efforts, however, received little recognition, and despite the much greater reliance on violence by Israel during this time, it was the Palestinians who bore the brunt of international condemnation (Ackerman 2001: 61–74; Said 2001: 31). Hence, the use of nonviolence during this period failed to achieve significant gains for the Palestinians.

Missed Opportunities: Ignoring Nonviolence

One consequence of the asymmetry of the Al-Aqsa Intifada was a clear Palestinian move back towards nonviolent tactics. Although this move was dictated primarily by reasons of strategy, the shift was also influenced by questions of principle. For example, suicide bombings had always been a controversial tactic (for both Palestinian political factions and the wider population), resulting in Hamas banning their use against civilians in 2006 (Urquhart 2006). This prohibition had significant potential to alter the landscape of the Israeli–Palestinian conflict, particularly with respect to its impact on civilians. Yet there was no constructive response. Despite the Israeli state and the international community continually insisting that Palestinian militancy is a principal obstacle to peace, Palestinian shifts away from violence have not been acknowledged, much less reciprocated, and important opportunities to create a more peace-oriented dynamic have been overlooked. At the same time, moreover, Israel has consistently moved in the opposite direction, employing military might and unilateralism to consolidate their control of Palestinian territory and create “facts on the ground” that have all but destroyed Palestinian prospects for a viable and independent state.² Yet many Palestinians recognize that the use of violence during the Al-Aqsa Intifada was ultimately counterproductive. The asymmetry of the uprising meant that Israel dominated in violent encounters, yet the spectacle of suicide bombings led to international condemnation being largely directed at the Palestinians. Thus, the aftermath of the Intifada saw a greater reliance again on nonviolent tactics, with protests, marches, demonstrations, civil disobedience and hunger strikes.

Nonviolence has been particularly central to the campaign opposing the “Separation Wall” that Israel has been building since 2002. The Israeli government disputes this name and calls it the “Security Barrier”, arguing that it is

constructed to protect Israelis from Palestinian armed attacks. However, 85 per cent of the path of the Wall is built on Palestinian land, in some cases located as much as 22 km inside the West Bank. As a result, Israel is appropriating at least 10.1 per cent of the West Bank and in the process situating 85 per cent of the illegal Israeli settlements on the Israeli side of the Wall (UNOCHA 2012). In 2004, the ICJ concluded by a 14-1 vote:

The construction of the wall ... and its associated régime, are contrary to international law ... [The ICJ] is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives ... the route chosen for the wall gives expression in loco to the illegal measures taken by Israel. (2004)

Construction of the Wall has continued despite this near unanimous advisory opinion, its subsequent endorsement by the UNGA, and the reality that it represents a continuing violation of the Israeli primary obligation under the Geneva Convention to protect the well-being of an occupied population (ICJ 2004; UNOCHA 2012).

Nonviolence has also been practised by Palestinians to oppose ongoing land and other resource confiscations, the expansion of settlements, house demolitions and violence by settlers and Israeli security forces. Palestinians utilizing such non-violent tactics, especially in public spaces, however, have been brutally repressed by Israeli forces, and sometimes by the Palestinian Authority's (PA) forces acting in cooperation with Israel in upholding "security" in West Bank urban centres (Høigilt 2015; Avni 2010; Pearlman 2011; Norman 2013). Repression by the Israeli state has included activists being denied permits, being interrogated, subjected to raids, arrested, jailed and beaten (Høigilt 2015; Avni 2010; Pearlman 2011; Norman 2013). One case is that of Abdallah Abu Rahme, the coordinator of the West Bank village of Bil'in "Popular Committee Against the Fence and the Settlements". In 2010, Abu Rahme was sentenced to 12 months in prison and a 5,000 Israeli shekel fine for his nonviolent protests (Avni 2010). As Human Rights Watch (HRW) outlines, Abu Rahme was convicted on "charges of organizing and participating in illegal demonstrations and inciting protestors to damage the separation barrier, throw stones at Israeli soldiers, and participate in violent protests" (2010). In their report on the matter, HRW argues that the convictions raised "grave due process concerns", as the charges were

based on allegations that did not specify any particular incidents of wrongdoing and on statements by children who retracted them in court, alleging they were coerced, and who did not understand Hebrew, the language in which Israeli military interrogators prepared the statements they signed. (2010)

More alarming still was the lack of substance to the charges. As they continue,

The arms possession charge was based on an art exhibit, in the shape of a peace sign, that Abu Rahme constructed out of used M16 bullet cartridges and tear gas canisters that the Israeli army had used to quell protests in Bil'in. Abu Rahme was ultimately acquitted of this charge. On January 18, military prosecutors added the charge of organizing and participating in illegal demonstrations to the indictment. Because Abu Rahme's interrogation had already ended, he was never questioned about this charge ... The only evidence that Abu Rahme incited others to throw stones was a statement by one 16-year-old child to this effect, and by another 16-year-old that Abu Rahme prepared balloons filled with chicken feces for protestors to throw at soldiers. Both youths later retracted their statements, saying that they were threatened and beaten by their interrogators. (2010)

HRW also criticizes the convicting court disregarding Abu Rahme's longstanding commitment to nonviolence, including as evidenced by Israeli MP Dov Khenin and Gershon Baskin (then-director of the Israel/Palestine Centre for Research and Information) (2010). As a result of actions such as those taken against Abu Rahme, HRW Middle East Director, Sarah Leah Whitson, argues that "the Israeli authorities are effectively banning peaceful expression of political speech by convicting supporters of non-violent resistance" (HRW 2010).

In other examples of brutal suppression of nonviolent resistance, the weekly nonviolent anti-Wall demonstrations are generally dispersed by the IDF "using tear-gas, rubber-coated steel bullets and chemical substances which cause nausea" (Broning 2011: 141). Documentation from leading Israeli human rights group B'Tselem shows that between 2004 and 2007 alone, some 1,000 demonstrators needed medical treatment as a result of injuries from "bullets, beatings, or tear gas inhalation" (2008a). In their report on demonstrators in West Bank village of Nabi Saleh, B'Tselem moreover argues that IDF use of force is:

excessive and occurs even when the demonstrators are nonviolent and pose no threat. The forces fire enormous quantities of tear gas inside the built-up area of the village ... In one demonstration, at least 150 tear-gas canisters were fired. In another demonstration, security forces hurled tear gas canisters at a procession of children in costumes who were flying kites. At times, the tear gas canisters are fired directly at the demonstrators, endangering their lives. Also, security forces throw stun grenades almost without limitation at children and adults alike. (2011)

In the face of such disproportionate and unrelenting use of military force, Palestinian youth often resort to throwing stones at the IDF – namely as "a gesture

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of absolute defiance” (Jonathan Kuttub cited in Kaufman 1990; Shikaki 2011). As flagged earlier, Israel then argues that the throwing of stones constitutes violence, and in late 2014 enacted a law allowing jail sentences of up to 20 years for Palestinians throwing stones (Shuttleworth 2014). Resultant measures have included the jailing of a 14-year-old girl Malik al-Khatib for two months (plus a 6,000 NIS fine) and a 15-year-old boy Khaled al-Sheikh for four months (with a 2,000 NIS fine) for alleged stone throwing – with both being convicted by military courts (Baker 2015; Strickland 2015).

Possibly one of the most noteworthy examples of nonviolence in the face of adversity, however, has been Palestinians who have undertaken hunger strikes in response to being arrested and imprisoned under Israeli administrative detention. In their use of administrative detention, Israel as a matter of course holds Palestinians in prolonged detention without bringing them before courts to face charges and without revealing evidence or allegations against them (B’Tselem 2008a). Detainees can be held for periods of up to six months, with the ability to extend this indefinitely (Ibid). While Israel as an occupying power under international law has the right to use administrative detention in situations of *exceptional* security threats, human rights organizations have demonstrated that its practice cannot be convincingly justified. According to B’Tselem,

the use of this power is subject to restrictions and stringent conditions. An examination of Israel’s use of this power indicates, and at times decisively proves, that Israel violates these restrictions and conditions ... In many cases, the Israeli authorities use administrative detention as a rapid and efficient alternative to a criminal proceeding, especially when they do not have admissible evidence sufficient to convict the individual ... Israel has therefore made a charade out of the entire system of procedural safeguards in both domestic and international law regarding the right to liberty and due process. (2008a)

In recent years, a number of such Palestinians – notably Khader Adnan, Hana Shalabi and Samer Issawi – have engaged in long hunger strikes to resist their detention. While Israel at various times has agreed to release several strikers reported by medical authorities to be close to death, they have also sometimes attached punitive conditions upon release, for instance, separating Hana Shalabi from her family in the West Bank by deporting her for three years to Gaza (Falk 2014a: 79–114). Moreover, in July 2015 the Knesset passed a law authorizing the force feeding of hunger strikers, despite vehement opposition to this rights violation by the Israel Medical Association, international medical authorities and human rights nongovernmental organizations (NGOs; *Al Jazeera* 2015). Consistent with the wider pattern discussed in this article has been the failure of

the mainstream international community to give any substantial attention to the strikers. This is particularly remarkable, given the significant response to the 1981 Irish Republican Army (IRA) hunger strikes. The IRA strikes, and the international response to them, are regarded as at least partially responsible for changes in British policy at the time, particularly in terms of shifting its central effort from one of counterinsurgency to that of reconciliation, leading to the 1998 “Good Friday” Agreement.

Conclusion: No Peace Without Justice

What these examples show is that despite the perseverance of the Palestinian non-violent movement, nonresponsiveness (and indeed measures designed to undermine nonviolent initiatives) threatens the viability of the entire movement. All resistance movements will assess the efficacy of their strategies, and to this end some Palestinians feel that unreciprocated nonviolence constitutes surrender to subjugation (O’Sullivan 2012). As Ashrawi points out, if nonviolence does not bring about concrete results for Palestinians,

you cannot say keep using the same means if nobody reacts positively to you or listens to you ... the occupation is by definition violent, very violent, because you have to use violence to oppress a whole people. We are a captive nation. And so when you’re facing it with non-violence, of course, if you produce results, if you expose it the way we did before [during the First Intifada], then that’s fine ... But if you don’t, then people start picking up the same attitude as their oppressor, the same means. (2011)

This sidelining of nonviolence then risks widespread armed struggle by the Palestinians – with potentially devastating ramifications for both Palestinians and Israelis. It is thus necessary to assess the potential for nonviolence to succeed in attaining Palestinian rights under international law.

Looking first to potential shifts by the Israeli government in relation to Palestinian rights, the current coalition is the most right-wing in the country’s history, with leading Israeli commentators arguing that extremist trends in Israeli politics are now “in the mainstream” (Strenger 2010, 2015; Sternhell 2010; Sasley 2015; Sheizaf 2013; Lendman 2012; Levy 2010). Consequently, it is unlikely that any significant policy shift will occur in the short term as a result of Palestinian nonviolent resistance. Turning to the likelihood of Palestinian nonviolence resulting in backfire and conversion within Israeli society, observers such as Neve Gordon and Gideon Levy contend that the nature of the Israeli occupation and its associated closure regime have resulted in many Israelis having very little

experience of, or interactions with, Palestinians in the OPT – unless they are in such confrontational situation as the IDF and the settlers (Gordon 2008; Levy 2012; Yiftachel 2001; Vick 2010). As a result, they argue, everyday Israelis have become largely de-sensitized to the reality of the Palestinian situation – except during periodic crises when Israeli fears are activated and violence becomes the order of the day (Gordon 2008; Levy 2012; Yiftachel 2001; Vick 2010). Hence, the prospect of any significant shift within mainstream Israeli society on issues of Palestinian rights is unlikely at this juncture.

Moving then to the potential of Palestinian nonviolence to secure the support of the international community for Palestinian rights, as demonstrated throughout this article, for the most part this movement has been rendered invisible within the formal corridors of power, undermining much of its transformative potential. However, a nonviolent global civil society movement in solidarity with the Palestinian struggle has been growing, and so we will briefly examine the potential of some of the more prominent manifestations of the nonviolent movement that has emerged from this.

An important example is the Russell Tribunal, an international forum aiming to mobilize action where impunity for violations of international law occurs “due to a lack of political will” by the formal mechanisms of the international community. In 2009, the Russell Tribunal on Palestine was established as a means to push for concrete action in response to the 2004 ICJ advisory opinion and to end impunity for violations committed during the 2008–9 Gaza War (Russell Tribunal 2009). While the Tribunal does not possess the legal jurisdiction to implement its recommendations, the hearings on Palestine have provided important expert testimony and evidence of human rights violations, and a basis for popular nonviolent mobilization (Harlow 2013).

In terms of actions on the ground, organizations such as Christian Peacemakers, the Ecumenical Accompaniment Programme in Palestine, and Israel (EAPPI) and the International Solidarity Movement (ISM) have also played a central role in the Palestinian rights movement (Rigby 2010: 66–7). While such groups have provided witness to human rights violations and mitigated some violations by acting as “human shields”, such groups and individuals have themselves experienced significant violence, including the killings of US and UK activists Rachel Corrie and Tom Hurndall by the IDF in 2003 (“Gaza: The Killing Zone” 2003; Kalman 2012).

A further effort has been a succession of Flotillas endeavouring to break the blockade of Gaza.³ These Flotillas have aimed to deliver humanitarian aid and construction materials to Gaza, and draw global attention to the blockade. They have, however, been prevented from reaching Gaza, including the illegal boarding of vessels in international waters and use of excessive force by the IDF. This includes the now notorious 2010 Mavi Marmara incident, which resulted in the

killing of ten flotilla activists (and wounding of many more) and injuries to IDF members (United Nations Human Rights Council 2010; Palmer et al. 2011).

Given the failure of the mainstream international community to respond to such initiatives, many commentators now argue that the most viable nonviolent option in the struggle for Palestinian rights is the Boycott, Divestment and Sanctions (BDS) movement (*The Telegraph* 2010; Gordon 2009; Sherwood and Kalman 2013). The BDS movement aims to address the violations of Palestinian rights (and international law more widely) committed by Israel through

1. boycotts of “products and companies (Israeli and international) that profit from the violation of Palestinian rights” and “Israeli cultural and academic institutions” that “directly contribute to maintaining, defending or whitewashing the oppression of Palestinians”,
2. divestment from “corporations complicit in the violation of Palestinian rights” and
3. sanctions against Israel until Palestinian rights are upheld “in full compliance with international law” (Barghouti 2011; Lim 2012; Pappé 2010; BDS website, n.d.).

Proponents of BDS argue that it is a nonviolent tool moored in international law and principles of human rights, as was the anti-apartheid BDS movement against South Africa. The efficacy of BDS arises from its capacity to pressure Israel to end the occupation by making it too costly economically and for Israel’s status and reputation within the international community (Barghouti 2011; Lim 2012; Pappé 2010; BDS website, n.d.).

The movement has been denounced by Israel and its supporters as anti-Semitic,⁴ and in July 2011 the Israeli Knesset passed the “Anti-Boycott Law”, which imposes sanctions on Israeli individuals and entities who call for BDS measures. However, accusing the BDS movement of anti-Semitism is an attempt at deflection – using spurious accusations to inhibit discussion, support of and participation in BDS (Butler 2004: 101–27; Falk 2014, 2014a; Beaumont 2015; Pappé 2010; Brownfeld 2015). In reality, “the movement does not target Jews, individually or collectively, and rejects all forms of bigotry and discrimination, including anti-Semitism” (Ashrawi 2014; Barghouti 2011; Lim 2012; Pappé 2010). An aspect of BDS that has been particularly contested is the call to boycott Israeli academic institutions, with it being argued that such a move undermines dialogue and academic freedom. However, as Jeff Handmaker reminds us, Israel’s “brutal and unrelenting treatment of the Palestinians” has resulted in the severe denial of academic freedom for Palestinian academic institutions and scholars.⁵ Therefore, in the face of the “unwillingness by the United Nations (UN), European Union (EU) and powerful countries to take strong actions against Israel”, BDS is increasingly seen as one of

the only remaining nonviolent options for redress (2015: 104; see also British Committee for the Universities of Palestine (BRICUP) 2007).

Recent BDS successes include significant international divestments from companies complicit in Israeli rights violations such as G4S, Caterpillar and Motorola. In July 2014, moreover, twelve European Union states formally advised their citizens not to become involved in businesses linked to settlements (Plimmer 2014; Goodstein 2014; Ravid 2014). Key religious bodies such as the United States United Church of Christ, the World Council of Churches, the Church of Scotland and the Presbyterian Church (USA), and an increasing number of university bodies have also voted to divest or cease cooperation with Israeli and/or foreign entities complicit in the violation of Palestinian rights (*The Guardian* 2015; Sherwood and Kalman 2013; Holpuch 2015; McGreal 2015). In this vein, there have also been increasing calls for imposing an arms embargo on Israel both as consumer and as dealer, as well as a rising effort in the US to question its annual military assistance programme to Israel (McCarthy 2009; Falk 2014).

While the BDS movement is experiencing significant success, 2014 and 2015 have seen spirals of violence in Israel and Palestine, and at present the Palestinian nonviolent movement faces increasingly insurmountable barriers. This puts the international community at crossroads. As an editorial in *The Economist* in 2011 argues in impressive language,

We've asked the Palestinians to lay down their arms. We've told them their lack of a state is their own fault; if only they would embrace non-violence, a reasonable and unprejudiced world would see the merit of their claims ... Will we even bother to acknowledge that the Palestinians are protesting non-violently? Or will we soldier on with the same empty decades-old rhetoric, now drained of any truth or meaning, because it protects established relationships of power?

The success of Palestinian nonviolence depends on whether it engenders a constructive response, which is something that presents a significant challenge today to governments, international institutions and global civil society.

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Notes

1. Within Palestinian society, the term *shahid* refers to anyone killed by the enemy. In the West, however, the term is used for those who undertake "martyrdom" operations (such as suicide bombings), individuals Palestinians call *istishhadi*.

2. Indeed, the reality of Israel's expanding settler colonialism has led a number of commentators to argue that the two-state solution is no longer feasible and that only a "one state solution" remains. This could comprise a single democratic and secular state across Israel, the West Bank and Gaza with equal rights for all citizens – an option which Israel refuses to countenance as it would require the Jewish state to relinquish the religious identity of the State and its largely ethnocratic system of governance. Others fear that if the current reality continues, the future could witness an Israeli incorporation of presently occupied West Bank and East Jerusalem with the consolidation of apartheid for Palestinians. These two options ultimately pose the choice between democracy and the extension of apartheid. For wider discussions on these issues, see Abunimah (2006); Tilley (2005); Faris (2013).
3. For an in-depth discussion of the blockade, see UNOCHA (2015).
4. See, for example, discussions in Beaumont (2015).
5. For a more detailed discussion on the situation facing Palestinian universities, see Bekhradnia (2009).

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