



An Ongoing Loss



By Fida Jiryis

Historical Palestine was lost through the creation of the State of Israel and its policy of dispossession and ethnic cleaning of the Palestinian people. In *Stranger in My Own Land* (Hurst Publishing, 2022), a memoir by Fida Jiryis, she recounts this process, as well as the system of military rule imposed on the remaining Palestinian minority in Israel after the *Nakba*. This excerpt from the book illuminates the methodical system of land seizure and oppression by Israel, the same system that is currently in force in the West Bank. The *Nakba* has not stopped, and the loss of historical Palestine continues every day with more land confiscation and oppression of Palestinians by the Israeli state.

O vernight, after 1948, the remaining Palestinians in Israel found themselves under military rule, or martial law. This system had originated under the British Mandate, which had used Defence (Emergency) Regulations to quell the Great Arab Revolt of 1936–9 against Britain and the Zionists. The regulations were part of the harsh British response that had sentenced people to death, expelled thousands, confiscated their property and blown up their homes. At the time, Jewish voices had cried out in protest. Yet, when the State of Israel was established in 1948, it quickly adopted the 1945 British Defence (Emergency) Regulations against the Palestinians who remained in it. Many of the former Jewish voices of protest went silent and helped to implement the laws, which sanctioned arrests, expulsion, isolation of villages, and destruction of property without a court order. Palestinian villages were grouped into areas and any movement between them required a permit from the military commander. Any Palestinian found to be travelling without a permit was called to appear before a military court and subject to imprisonment. The commander could withhold these permits without reason, and his powers were endless. He could impose curfews, oblige people to justify their movements, interfere in their employment, forbid them from changing jobs or moving house, and impose restrictions on social activities. The permits could even forbid their bearer from entering Jewish communities on the way to their destination.

The commander could place people under house arrest or expel them to any part of the country. Worse, he could imprison anyone under ‘administrative detention,’ a practice that did not entitle the victim to a trial, and that could be renewed indefinitely. Detainees were tried in military courts where the judges were army officers, and the courts made decisions dictated to them by the military government. The detainee was sent out of the room while the court heard the charges against them; they could not even know what they were being accused of, nor reply in their own defense. Even their lawyer was denied access to these secret files.

The military government ruled over Palestinians only, not over Israeli Jews. It quickly became an absolute power in the areas that it controlled. The only way to challenge it was to appeal to the Supreme Court, but the Court made it a rule not to interfere with the military government when its

actions were based on ‘security,’ not even to question its reasons. People could be imprisoned for years without knowing their charges.

One of the first and most damaging consequences of the regulations was the loss of Palestinian property. In towns from which Palestinians were expelled, the state gave their homes to Jewish immigrants. In rural areas, it gave Palestinian land to new Jewish farming communities and arrested Palestinians who picked fruit from their own lands. Desperate to cultivate their trees, even when they had been taken from them, many peasants sought work from the new Jewish ‘owners’ of the land. But the state cracked down on this employment and forbade it.

The government moved to seize the lands of the refugees that it had displaced, whether internally or outside the country. It declared many villages and the lands around



Iqrit. Here we remain forever.

them 'closed areas', which meant that people needed permits from the military commander to access them. When these permits were denied, the villagers could not, despite their repeated attempts, return to their homes or get to their lands to till them. In October 1948, the state passed a law to declare any land left untilled for more than a year 'abandoned' and to seize it. The government also proclaimed large swathes to be 'forest' or public lands, including the lands of many Palestinian villages, preventing peasants from grazing their livestock or collecting firewood. Eventually, it changed the status of these to state lands and began building Jewish settlements on them.

Another law prohibited Palestinian farmers living near the borders from getting to their lands, under the

pretext of their being closed military or "security" zones. In these zones, the defense minister, under the Defence (Emergency) Regulations, had the power to expel people permanently from their homes. Thus, their lands were eventually seized. More than one million dunums (1 dunum = 1,000 square meters or 1196 square yards) of land belonging to Palestinians who remained in Israel were seized after 1948.

In March 1950, the government passed the 'Absentee Property Law' to formally seize the land of refugees. All property belonging to the refugees who had fled or were expelled was turned over to a 'Custodian of Absentee Property', a state official under the military regime. It was enough for the Custodian to declare that a person or group were absentees for them to be considered

so, and he could rely solely on the witness of a state agent or co-opted *mukhtar* (head of a village) to determine this, without being questioned on his sources.

These decisions were rarely revoked later, even if it was proven that the property owners were not absent at the time the decision was made. Thus, this law also applied to internally displaced persons, about a quarter of the Palestinians who were still in the country but were prevented from returning to their lands. They were termed 'present absentees', meaning the state considered them 'present in Israel but absent from their lands'. At an infamous court hearing, a frustrated Palestinian dashed up to the judge and took his hand, put it on his arm and exclaimed: "Feel this! I'm here, aren't I? I'm a person standing here, in front of you, living and breathing! How am I an *absentee*? Why are you taking my land?"

But, for these individuals, their properties had to be 'released' from the Custodian after they had proved their ownership. This was a long and arduous process whereby the state meticulously examined each scrap of paper, resorted to delays, extorted the owners with high taxes, and tried to persuade them to sell the properties – before eventually, in most cases, seizing them anyway.

Eventually, the ownership of the seized properties was transferred from the Custodian to the development arm of the Israel Land Authority – changing hats under the same state apparatus – which then allocated them to various state sectors. The result was always the same: Palestinian villages were destroyed, their land was planted with trees or used for Jewish settlement, while urban homes and businesses were given to Jewish immigrants.

Iqrit, I will not remain a refugee, we will return.





Suhmata before 1948.

The severing of ties between Palestinians and their land was one of the most painful collective blows that they endured. Their connection to it ran very deep; the land and its trees were revered and guarded with life and limb, seen as a source of security and sustenance, and tended to carefully to pass on to future generations. Some of the most heartrending accounts of the Nakba speak of the orchards left behind, the pain of destitute peasants pushed out of their fields and forbidden to return, sometimes while their lands

were still within view. Some sneaked back to their groves, in the weeks following expulsion, to care for the trees. Desperate refugees, trekking the country without food, risked death to make their way to fields left behind to pick fruit on which to survive.

The camps in neighboring Arab countries became permanent. Palestinians were divided, with closed borders between them and no way to reunite. People lost parents, children, siblings, and friends. For many, it took years to track each other down,

and many never did. In the next few years, some refugees “infiltrated” the borders of Israel and returned to their homes, but they were often caught and killed, or expelled again. Others came back under an Israeli “family reunification” program, but they were very few. Some of the remaining Palestinians in Israel stayed in their towns, others in about seventy villages that had survived.

Fida Jiryis is a Palestinian author who lives in Ramallah. Her writings include several collections of Arabic short stories; a contribution to the book Kingdom of Olives and Ash, a Washington Post bestseller; and Ha-Cluv (The Cage), a Hebrew translation of her short stories published in 2022. Her most recent book, Stranger in My Own Land, describes her and her family’s remarkable life journey which is, in many respects, the story of Palestine.

Article photos are courtesy of the author.



Suhmata today.

