

[Home](#)

The Nakba Law: Censoring Palestinian culture and history, by Aimee Shalan



With the world's media focusing on the 'Arab Spring', the passing of a law by Israel – which has for so long boasted of being 'the only democracy in the Middle East' – effectively criminalising commemoration of the Palestinian 'Nakba' or 'catastrophe' of 1948, went largely unnoticed.

History after all is very old news. And how many times have we been told that Palestinians must stop dwelling on the past if there is ever to be peace in the Middle East?

May 15th will mark the 63rd anniversary of the 'Nakba' – the day that for Palestinians represents the loss of 78 percent of their historic homeland and turned them into the world's oldest and largest refugee population. Yet, unlike most commemorated events, the Nakba is not yet over. As [Oudeh Basharat](#) observed in response to the bill: "The Nakba is an ongoing event. No solution has been found for the refugee problem; the Arab population is discriminated against; senior cabinet ministers are threatening a sequel to the Nakba and Prime Minister Netanyahu defined the demographic issue, i.e. the Arabs' presence in their homeland, as the gravest problem."

The violence and uprooting of Palestinians continues. Today, as the Nakba rolls further into its seventh decade the new law enables "the withholding of funds to public institutions deemed to be involved in publicly challenging the founding of Israel as a Jewish state or any activity denying the existence of Israel as a Jewish and democratic state." It aims to prevent Palestinians in Israel from exercising their right to run an academic conference, conduct historical research, hold a seminar, screen a film or stage a play on a seminal event in their history. It also means that any discussion of the definition of the state is seditious. The law highlights Israel's inherent fear of Palestinian memory being made public and is, according to an [editorial](#) in Ha'aretz, "designed to shut people up".

Commemoration of the Nakba is being outlawed because it asserts Palestinian political and moral claims to justice, redress and the right of return, exposing a critical contradiction at the heart of Israel's claim to be exclusively Jewish and 'democratic'. Outraged, Israeli-Palestinian Knesset Member Hanin Zoabi protested against the creation of a "monstrous state that will enter the thoughts and emotions of citizens" with the passing of the law. "Is accepting my history considered incitement?" she demanded, going on to declare: "The Nakba is a historic truth, not a position or freedom of expression."

In fact there is nothing very new about the Nakba bill; it is simply the most recent piece of legislation in a long chain of laws censoring Palestinian citizens of Israel and violating their rights to equality, dignity, history and culture. Palestinians who remained within the borders of what became Israel at the end of the 1948 war were forbidden to study their cultural inheritance or to remember their immediate past. When he was eight years old, Palestinian poet Mahmoud Darwish (who was born in 1941 in al-Birwah in Upper Galilee) recited a poem at his school's annual celebration of Israel's birth. It was a cry from a Palestinian boy to his Israeli counterpart: "You play in the sun as you please and have your toys. I can't. You have a house, I have none. You have celebrations, I have none. Why can't we play together?" Afterwards, the military governor summoned him. "If you go on writing such poetry" he said, "I'll stop your father working in the quarry." The utterance of the simplest of truths by a child was enough of a menace for the governor to threaten the livelihood of the young poet and his family. Then, as now, Israeli consciousness could not countenance the survival of a Palestinian cultural voice.

As Gish Amit, an Israeli PhD student, recently discovered while researching various state archives, the war in 1948 not only involved the violent expulsion of Palestinians it also resulted in the systematic looting of 60,000 Palestinian books by the newly born state of Israel – including those belonging to the renowned author, scholar, and a founder of the modern national Palestinian educational system, Khalil al-Sakakini. The drive to 'collect' the books came from Israel's National Library – a leading cultural institution of the Zionist movement – where all the valuable books ended up. According to the '[Great Book Robbery](#)' project, which aims to build a virtual library for the 60,000 stolen books, one particular document from March 1949 lists tens of Jerusalemites whose libraries were looted and reads like a 'Who's Who' of the Palestinian cultural elite of the time.

The books were originally catalogued with an abbreviation of the names of their original owners, but were re-indexed in the 1960s with the label 'AP' – standing for 'Abandoned Property'. The circumstances in which the books were left behind were completely erased, with the National Library depicting the theft of Palestinian property in its pamphlets as an act of 'salvation' devoid of any wrongdoing. When Sakakini's daughters heard rumours that their father's large collection of books was being held by Israel's National Library they went there, but were only allowed to view one book. They were told by the [librarian](#), "You have no right to anything because each volume individually, and all of them together, are abandoned property."

Today the books, along with a trove of other archives in church libraries and private collections in Jerusalem, are off limits to Palestinian researchers from the West Bank and Gaza. Their purloining is a striking illustration of the way in which the state of Israel depends not only on expunging the Palestinian presence from the land but also on the theft of Arab cultural memory. This two-fold theft is ongoing and it is not only hardliners who are responsible. As Gish Amit reflects: "I think of myself, the son of a middle-class family, with parents who voted for Meretz their entire lives: have I ever encountered during my childhood the names of any Arab novelists? Have I heard of Arab scholars and intellectuals? Could I have imagined that the Arabs are not just an amorphous mass of distant and invisible people, with whom we should somehow make peace, but that they also have a culture, a history, that they write poetry and prose and philosophy, that they make movies and stage plays?"

Gish Amit didn't encounter Palestinian poetry, prose or philosophy throughout his education because there was a concerted effort to repress it. Most recently, the [Education Ministry](#) announced plans to take Israeli students on tours to Hebron in the West Bank to "study the city's historic heritage" without discussing Palestinian history, the occupation's paralysis of the city's commercial life, the shutting down of hundreds of shops, settler violence or the driving of thousands of Palestinians from their homes. The Israeli curriculum focuses on Jewish, history, culture and religion – there is no room for a Palestinian narrative or intellectual heritage.

Palestinian history is punctuated by countless cases of cultural repression. The life of Mahmoud Darwish offers plenty more examples. He was imprisoned a number of times during the 1960s, mostly charged with reciting poetry thought to be seditious and detrimental to Israel's status and stability. In 1967, he was put under house arrest and forbidden to leave Haifa for a decade. He went into exile in 1971, until the Israeli authorities finally allowed him to live in Ramallah in the late 1990s. But in 2002, four days after he and a number of international writers read to an audience of over a thousand in the Kassaba Theatre, the Israeli army invaded the city and ransacked the Sakakini Cultural Centre, where he edited his quarterly literary review Al-Karmel, trampling his manuscripts into the floor. The raid was part of a much wider military offensive – the largest attack on Palestinian civilians and social infrastructure after 1948 – 'Operation Defensive Shield', which undoubtedly had at its core the aim of destroying an emerging Palestinian state and the history on which it rested.

It is, moreover, no coincidence that the passing of the Nakba law coincided with a decision to deport Munther Fahmi, a well-known figure in Jerusalem's diplomatic community and among the city's foreign press corps. His last appeal was on 21st March and his story is yet another example of the extent to which Palestinian culture continues to be regarded as a dangerous weapon which must be suppressed and controlled. A visit to Fahmi's small bookstore at the American Colony Hotel is a must for anyone wanting to learn about the roots of the Arab-Israeli conflict as he stocks one of the largest collections of books on Middle East history and politics. Among his many patrons are ambassadors, authors and politicians, including former U.S. President Jimmy Carter and European Union foreign policy chief Catherine Ashton.

A Palestinian, he was born in Jerusalem and lived there until he was 21, when he left for the United States, where he married, acquired an American passport and resided for twenty years. Like many Palestinian residents of East Jerusalem he originally had Israeli residency, but it was revoked. As a result, over the past 17 years he has been living in Jerusalem on a tourist visa. However, a year and a half ago Fahmi was informed by the Interior Ministry that his visa would no longer be renewed and he should leave the country permanently. All of his requests to reconsider in light of the fact that his family and his business are in Jerusalem have been turned down. As [Avi Shlaim](#), professor of international relations at Oxford University put it, "Things have come to a pretty pass when a Palestinian, born in Palestine, who has a business, who has done no harm to anyone, is hounded out of his bookshop because he does not toe the party line." His deportation is not only a violation of his right to remain living in his homeland, it is also an infringement of the freedom of speech.

It seems, though, that being educated is the real crime. On the same day that the Nakba law was passed, the Knesset's Constitution, Law and Justice Committee unanimously approved another bill giving the right to absorption committees of small communities in Israel to reject candidates that do not meet criteria of "suitability to the community's fundamental outlook." Not long ago Prime Minister Netanyahu called the move by a number of leading rabbis who signed a religious ruling to stop the renting and selling of homes to Arabs unacceptable and *anti-democratic*, but now it is suddenly okay. Responding to claims that the bill is discriminatory and racist because it aims to reject Palestinians from living in Israeli towns, the committee's chairman, [David Rotem](#) stated: "In my opinion, every Jewish town needs at least one Arab. What would happen if my refrigerator stopped working on a Saturday?" A few Palestinians are permissible, but only as menial labour.

Still it will take more than this recent raft of laws to prevent Palestinians from pursuing their education or remembering their culture. Despite decades of censorship and destruction, the expression of Palestinian culture and identity has continued. It is impossible for any Palestinian to pretend that the trauma of 1948 or of the successive dispossessions and forced exiles inflicted upon them are no longer central to their lives. As 15 May approaches, their culture, those memories and that history are more resonant than ever.

Aimee Shalan has a doctorate in the politics of Palestinian literature. She is Head of Development and Communications at Caabu (the Council for Arab-British Understanding).

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