

Openings and Retrospectives

SOVEREIGNTY AND POPULAR SOVEREIGNTY FOR PALESTINIANS AND BEYOND

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Despite the formal pervasiveness and juridical equality of Westphalian sovereignty, sovereignties are more varied than we tend to grasp, both because of (neo)colonial geopolitics and because of other, nonstatist conceptions of sovereignty (Anghie 2006; Asad 2003; Mahmood 2012; Wilson 2016). Much of the anthropological discussion of sovereignty in the early 2000s was a response to an increased interest in the work of Giorgio Agamben (1998) and state violence, while for scholars of indigeneity, including anthropologists, *sovereignty* as a term has explored resurgent sources of collective, indigenous history and power that challenge settler states (Simpson and Cattelino 2017), going well beyond claims to civil rights to address rights to nation-to-nation governance (Kauanui 2008a).

In the Middle East, the most sustained and highly mediated struggle for sovereignty on those terms has been that of the Palestinians. The Palestinian case makes for an interesting counterpoint to discussions of sovereignty among scholars of indigeneity. Among Palestinians, the term for sovereignty, *siyādah*, is not heard as often as the obviously anticolonial *tahrīr*, liberation, or *istiqlāl*, independence. (It would be hopeful to suggest that this results from the clear patriarchal impli-

cations of the term *siyādah*, linked as it is to the term for master and lord.) Palestinians and many others in the Middle East see evidence every day of the essential violence at the heart of state sovereignty, that “the ultimate expression of sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who must die” (Mbembe 2003, 11). In this essay, I focus on the ways in which Palestinians’ predicament calls attention to important variations in sovereignty, because Palestinians have experienced what Ilana Feldman (2008, 1) has called a “surfeit of governance.” I then discuss how Palestinians and other people in the Middle East have nevertheless performed popular sovereignties. Unlike in some Native North American examples (e.g., Cattellino 2008; Kauanui 2008b; Simpson 2014), these popular sovereignties seem especially provisional, not resting on enforceable law or acknowledged rights, or even, in some cases, on bounded and spatialized collectivities, but rather on either insistent confrontation or quiet acts of caring for community in the face of abandonment. These emergent forms of popular sovereignty challenge the legitimacy of state authorities, create new forms of collectivity, and forge new ideas of how power should function, even though they have not ultimately restructured state power.

SOVEREIGNTY AS SLEIGHT OF HAND AND LAYERS OF OCCUPATION

Due to the multifaceted ways in which Israeli colonialism has worked across—and, indeed, produced—different Palestinian populations, Palestinians remain, variously, under military occupation, in refugee camps, and citizens subject to systematic, collective discrimination in their historical home territory. Sovereignty, in recent formulations, is not absolute but emergent, performed, nested, interdependent, even fictive (Cattellino 2008; Brown 2014; Hansen and Stepputat 2006; Navaro-Yashin 2012; Simpson 2014). Israeli and Palestinian sleight-of-hand sovereignty adds to these formulations an attention to where and when states or similar authorities benefit from the appearance of sovereignty or its absence.

Various parties, ranging from the British Mandate and Egypt (see Feldman 2008) to the Israeli state and finally the Palestinian Authority (PA) administration, have with a shrewd sleight of hand at once asserted and denied their sovereignty over Palestinian populations. Israel is today the ultimate legal sovereign over land claimed in 1948 with the founding of the state and in the 1967 occupied territory. The establishment of the PA in 1994, purportedly designed to lead to Palestinian statehood, has led only to entrenched Israeli control with Palestinian official col-

laboration. Officials from the PA have done their best to assert statehood on the world stage—indeed, Palestine is recognized by at least 193 states—but on the ground the entity remains unable to perform sovereignty: it lacks currency, contiguity, control over borders (Hammami 2010; Kelly 2006; Peteet 2017), and any ability to, in Weberian terms, claim a monopoly on legitimate violence (Weber 1946), though it certainly enacts violence on Palestinians in a variety of ways. Palestinians do not need theory to feel the gaps in PA sovereignty; they see them every day.

The presence of the PA has allowed Israel to sometimes deny sovereignty—legally or rhetorically—over the occupied territory, even as it entrenches physical control, and this is integral to Israel’s larger claims to legitimacy. Israel takes on “the challenge of maximum control and minimum responsibility—with its own corollary for the Palestinian Authority of maximum responsibility and minimum control” (Li 2006, 39). It treats Palestinians—especially in Gaza—as enemies rather than as subjects or citizens. Israel holds onto its claim of being a democracy by eliding its sovereignty over the occupied territory. Yet as the prominent Israeli journalist Gideon Levy (2016) has written, “A state where half the subjects are denied rights can’t be democratic.”

Especially in the occupied territory and in refugee camps, sovereignty is layered with international NGOs and donor states. Humanitarian organizations have for decades delivered many of the services that generally fall under the responsibility of the state (Feldman n.d.). They do this in ways that also restrict Palestinians. The United Nations Relief and Works Agency (UNRWA) provides education, but residents perceive it to be limiting political expression through its schools. As a Palestinian refugee from the Aida Refugee Camp in the West Bank told me recently, “the second occupation is by UNRWA.” Other major state and organizational donors that visibly fund infrastructure like roads also signpost the gaps in Palestinian sovereignty (A. Bishara 2015), even as the funding of the PA’s security apparatus by the United States and other countries (see Sayigh 2011) has given it attributes of a police state without the sovereignty.

Finally, Palestinian sovereignty has been further undermined and fragmented by neoliberal policies since the Oslo Accords (Clarno 2017). Throughout all of this, Israeli repression continues against Palestinians in many forms (Rouhana and Huneidi 2017; Shalhoub-Kevorkian 2015; Weizman 2007). In sum, the Palestinian case trains us to look for multiple forms of sovereignty—of states and non-states—while recognizing the hierarchies among them. Sleight-of-hand sovereignty asks us to examine the ways in which various institutions deploy force and

create hegemony, how they assert themselves and deny their own presence, and how they legitimize violence and themselves through a variety of contradictory claims regarding sovereignty. These points all underscore another way in which “the complex histories of colonialism, occupation, and discrimination to which Native peoples have been subject across the globe have no single solution, precisely because each case has its own particular characteristics” (Kauanui 2014, 50).

POPULAR SOVEREIGNTY AND PROTEST

In the Middle East, popular protest has often been a means for disrupting colonial or authoritarian state sovereignty, or even for creating zones of autonomy, although these movements, like the first Palestinian Intifada (1987–1993) often failed to come to fruition (Chalcraft 2016). Whether or not they are successful in achieving ultimate goals, they create a history of protest available to future protesters. Protest slogans and tactics for withstanding tear gas move from place to place over time (Colla 2013).

Certain forms of assembly can constitute “provisional versions of popular sovereignty” (Butler 2015, 16). In recent protests in prominent public spaces like Gezi Park and Tahrir Square, protesters create impermanent spaces of popular sovereignty by promoting alternative values, fending off the police or army, or providing care for each other (Alessandrini, Üstündağ, and Yildiz 2014; Noujaim 2013; Rashed 2011). These relatively small gatherings become metonyms for larger collectives demanding change. They can catalyze discussions about the central violence of the state in which “appeals to history act as interventions into imagined futures” (Tambar 2016, 31).

Still, the constitution of spaces for protest must be historicized and seen as the result of political processes (Parla and Özgül 2016). Much popular resistance in the West Bank today is structured around villages, cities, and camps (Alazzeh 2014; Ehrenreich 2016; Jawad 2011). The localization of resistance evinces the success of Israeli politics of fragmenting Palestinians into camps and enclaves (Peteet 2017). In this geography of protest, Palestinians may act in relation to a national movement, but not in lockstep with it, since resistance reflects locally specific circumstances (A. Bishara 2016).

Popular protest is often judged purely by its status as violent or nonviolent. Meanwhile, many definitions of sovereignty hinge on mobilization of violence. What, then, does violence have to do with popular sovereignty? Judith Butler (2015, 187) sets forth a challenge to be “encountering violence without repro-

ducing its terms,” even as she recognizes that defining violence is itself a political act. In contrast, [Frantz Fanon \(1963\)](#) famously saw violence as integral to the process of decolonization, precisely because of the inherent violence of colonialism. Similarly, [Lauren Banko \(2016\)](#), writing about the British Mandate in Palestine, suggests that violence—mainly stone-throwing protests—made for a symbolic means of switching from the language of citizenship and performatively peaceful protest toward a language of anticolonial struggle.

Fanon was writing about national liberation, while Butler is addressing popular sovereignty in a variety of contemporary states, including Turkey, Egypt, and the United States. The difference raises several questions. When can either violence or refraining from violence constitute a way of establishing a new kind of legitimacy, a new set of rules (and thus, potentially, new forms of sovereignty)? Is there a line to be drawn between colonial or authoritarian domination and the many systems that fall under the broad spectrum of purportedly democratic states, even given the racism, militarization, and settler colonialism of many of these democracies, and the potential for dramatic changes that propel states swiftly away from democracy? Rather than reifying either violence or nonviolence, we should examine the effects of different forms of struggle in particular contexts: Do they successfully separate a collective from the state? Who is excluded by that new form of collectivity? Does a particular form of struggle reinforce patriarchy, heteronormativity, classism, or other forms of hierarchy?

MANAGING NEGLECT, THREAT, AND DEATH IN THE EVERYDAY

In situations where revolution seems distant, [Asef Bayat \(2010\)](#) describes how people in the Middle East have carved out distinct spheres—according to such elements as geography, morals, religion, religiosity, class, political status, as well as combinations of these—where they seem to make their own rules under the radar of the state, but without directly defying it. Still, they tacitly challenge secular or capitalist norms of state and society. [Bayat \(2010, 18\)](#) calls these “social nonmovements,” and he argues they can lead to social change.

In Palestinian contexts, spaces cultivated for persisting despite the state are often based in villages and camps. Um Al-Hiran in the Naqab/Negev region of Israel has long been threatened with destruction ([Adalah 2015](#); [S. Bishara and Naamnih 2011](#)), and in fact Israeli authorities finally partially destroyed it in early 2017. For years, though, villagers’ determination to stay on their lands has marked an everyday assertion of independence that required rigging up systems for electricity, roads, and water. In Safuriyya, in the Galilee of Israel, residents continue

to farm their lands even though Israel has not allowed them to live on the land of their village since 1948. Farming builds independence from the Israeli market, cultivates a routine connection to land, and grows healthy bodies (Rego 2016). Similarly, and in contrast to Agambenian characterizations of refugee camps as a space of bare life, refugee camps may offer “potential as grounds for new politics” (Feldman 2015, 250), creating collective power that stands outside state authorities, the PA, or UNRWA.

Even during the war in Syria, certain communities have managed to operate as zones of autonomy, creating systems for governance and service provision (Munif 2013; Stephens 2013; Yassin-Kassab and Al-Shami 2016). As the Syrian regime bombs civilians and hospitals, those providing medical care essentially wage a struggle to make life possible in the face of death at the hands of the state (Einsiedel 2016). At a time when about half of Syria’s population has become refugees, doing the basic work to allow Syrians to stay in place maintains the possibility for alternative sovereignties to emerge in the future.

For Palestinians and others popular sovereignty finds its zenith as well as its limit in prisons. Resistance in prison is a matter of collectively asserting the right to determine the most basic matters about food, speech, and representation. As Banu Bargu (2014, 2) writes of Turkish political prisons, such “wards also became the foundations of [hunger strikers’] claim to an alternative sovereignty.” Just as Palestinian villagers make of their isolation and threatened existence a basis for solidarity and cohesion, through their isolation “political captives rebuild their collectivity at the levels of both body and community” (al-Nashif 2004/2005, 54). Through *sumud*, or steadfastness (Meari 2014), and other forms of prison resistance, prisoners insist on admittedly very limited forms of control over their existence—but given the circumstances of their constraint, this kind of insistence, often performed collectively as during a hunger strike, rejects the legitimacy of the state and demands recognition and reshaping of rules. This kind of resistance has become a model for other forms of resistance, and even for Black–Palestinian solidarity that intermingles Palestinian and Black liberation voices.

The Palestinian case and others in the Middle East help us reconceptualize both sovereignty and popular sovereignty. We must examine how claims about sovereignty can hide the actual ways in which power is exercised. In highlighting fleeting forms of popular sovereignty, are we in danger of romanticizing popular sovereignty in the same way as resistance has been romanticized (Abu-Lughod 1990)? One way to combat this possibility may be to look at sovereignty and popular sovereignty together, over a long term, and with attention paid to fissures

and exclusions in popular sovereignty. Another is to interrogate how popular sovereignty can be co-opted by the state in dangerous ways (Winegar 2015). Still, collective forms of power can emerge and contest state power by exposing its limits, even temporarily. Thinking popular sovereignty marks a way of moving beyond individualistic concepts of rights, and of recognizing how politics can change on the ground in important ways, even when political structures do not budge.

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