Studying Palestinian Politics: Scholarship or Scholasticism?

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When I began studying Palestinian politics in the 1990s, I expected to find many strange things. But I was still surprised to meet a man whose house extended over three time zones. It was not that his house was large; instead, it was caught in the web of Israeli–Palestinian politics. That conflict has been cruel to large numbers of people, but this man fell victim to complexity rather than cruelty.

He worked as an inspector of Arab schools under the supervision of the Israeli municipality of Jerusalem. In that position, he lived and worked according to the time zone established by the State of Israel. But his son attended a school administered by the Waqf, a network of Islamic institutions then under the supervision of the Jordanian government in one of the few institutional ties remaining between the Jordanian government and Jerusalem (that link has since frayed). So the official’s son operated on Jordanian time—and the Jordanian government moved the country on and off summer time on dates separate from those established by the government of Israel. The official’s daughter attended a school in East Jerusalem that, while under the nominal supervision of the municipality, effectively answered to the Palestinian Authority’s Ministry of Education. The PA had few attributes of sovereignty but it exercised whatever ones it could with enthusiasm—and therefore picked dates for beginning and ending summer time that were pointedly and fully independent of both Israel and Jordan.

Each spring and fall, therefore, there came a time when in his household the question, “What time is it?” became a test of political wills, authority, and loyalties. In the existential struggle between Zionism and Palestinian nationalism, everything has become politicized. It is difficult to speak a simple declaratory sentence without slipping in a term that indicates the speaker’s political inclinations.
Scholarship and Politics

What do scholars have to contribute to a field so politically charged? Most minds are made up, and even a meticulous scholar armed with specialized knowledge is likely to find that his or her work is read outside a narrow group of specialists only when it can be deployed in the service of one political group or another. At least that has been my experience—I have seen various writings that I thought would be read by a small number of specialists instead picked up and cited by Hamas officials and spokesmen for West Bank settlers, by left-wing Zionists and by Palestinian advocates of a one-state solution, by European Union officials, and by Ramallah bureaucrats. And my seemingly specialized writings have been criticized by many of the same groups. They used or abused them when it served their immediate political objectives and returned them to the dustbins as soon as they had buttressed their point of the moment.

Why did I enter such a field? Because I was naïve. When the Palestinian Authority was established in the mid-1990s, I saw it in an unorthodox light—one that was highly political to be sure, but anchored in a very different set of political struggles than those connected to the Israeli–Palestinian conflict. I hoped that viewing Palestinian politics through a different prism might free it from some of the stale and bitter debates that plagued it. I had studied the process of state formation in the Arab world in different settings—chiefly Egypt and the Arab states of the Gulf. I had examined the emergence of court systems and codes of law, of policing and bureaucracies. And I had watched as those state structures were molded to serve the needs of authoritarian regimes of a great variety of persuasions—nationalist, socialist, and monarchial.

I saw something similar going on in the Palestinian Authority, only this time I could study it by witnessing it myself rather than by poking around in dusty archives or probing the memories of retired civil servants. So, in 1999 and 2000, I conducted research on Palestinian institution-building and I have returned to the West Bank (generally a couple of times a year) since then to keep my research current.

That has given me a perspective on Palestinian politics that is rooted less in the conflict between Israelis and Palestinians (though it never completely escapes that setting) and more in the comparative Arab experience. When other analysts cite regional experiences, their vision is almost always restricted to an explicit or implicit comparison between the Palestinian national movement and Zionism, a comparison generally used to decry Palestinian practices or leaders. And Palestinians themselves—as insistent as most are on setting out on a path that stresses the distinctively Palestinian nature of their experience and experiment—
are likely to draw on Arab examples, be mindful of the Arab experience, and strive to avoid the pitfalls and mistakes that other Arab societies have made. In short, viewing matters in comparison with the broader Arab experience leaves me to see some things in Palestinian developments that I find familiar from a comparative perspective as well as some very significant and instructive departures from Arab patterns that others may miss.

What follows is a brief analysis of Palestinian state-building efforts over the past decade and a half in the hope that it will inform more dispassionate students of the subject. The ultimate lesson I will draw is that the perspective I offer is helpful in illuminating some generally overlooked patterns of institutional development in the territories controlled by the PA, but it does not lead in a particularly hopeful direction. It illustrates only that Palestinian state building can never escape the larger political context in which it must operate, and that context is currently very crucial indeed.

A Short but Complex History of the Palestinian Authority

Placing the evolution of Palestinian political institutions at the center of the current analysis (and using Arab counterexamples) rather than focusing on the conflict allows us to view five phases in the development of Palestinian political institutions since the construction of the PA in 1994:

1. An Authoritarian Foundation

Until 1996, Palestinian political institutions were built in emulation of those that had emerged in earlier generations in neighboring states. Political authority was concentrated in the executive; that executive might be nominally responsible to public oversight and constitutional structures (in the Palestinian case, the president, Yasser Arafat, was theoretically accountable to PLO structures and the Palestinian National Council, but whatever structures and procedures existed on paper were strictly circular in practice. The PLO was a decaying body in which all structures answered to Arafat himself; the Palestinian National Council, a body that was constructed to represent Palestinians throughout the world, consisted of those individuals summoned by Arafat when he wished to convene it. When the new PA structures worked to draft a new law (as they did on matters ranging from political parties to the press), it was generally authoritarian Arab counterparts that they looked to.

The international context in which the PA was constructed very much aided the creation of unaccountable and authoritarian institutions. Fiscally, for instance, Palestinian tax revenues (largely collected by Israel under the Paris Protocol to
the Oslo accords) were transferred directly to Arafat rather than to the newly constructed Ministry of Finance. The Oslo Accords, which carefully avoided any suggestion whatsoever of a nascent Palestinian state, prevented the PA from asserting any attributes of statehood—even on postage stamps (not even the PA president’s title could be mentioned in English, since that seemed too state-like; instead the Arabic ра́зв was used). But when Arafat created “state security courts” to try those who took up arms against Israeli targets (and that were so efficient that they could literally issue a conviction overnight), the international sponsors of the peace process applauded. Palestine was beginning to look like a smaller Egypt.

2. A Democratic Diversion? Palestine on Paper and the Peace Process

In January 1996, matters took a very different turn when the Palestinians elected a president and a council. The authority of that council was uncertain—there was no constitutional document for the PA after all, and the Oslo Accords actually referred to the Council at some points as synonymous with the PA as a whole, and placed the president at its head. But upon its election, the Council took to viewing itself as a provisional parliament and constituent assembly. Arafat was invited to swear in the members, but the Council decided to write its own oath and elect its own speaker. And it promptly set about to write whatever laws it wished—it began with a law to elect local governments and then proceeded to take up the “Basic Law,” an interim constitution for the PA. The Council insisted that the PA budget itself was a law and therefore required Council approval (and eventually wrote a budget law to codify its role) and worked on a law to establish an independent judiciary and a professionalized civil service.

Suddenly Palestine was veering in a new direction. The legal and constitutional basis was laid for the most liberal and democratic political system in Arab history—on paper. In practice, liberal democratic Palestine did not emerge. Arafat refused to sign most of the laws the Council passed; when he was nagged into changing his mind on occasion, he dragged his heels on implementation. He allowed the PA budget to be reviewed by the Council, but kept large parts of Palestinian finances off the budget, including a host of economic enterprises and foreign holdings.

In one fundamental sense, the liberal democratic effort completely backfired. The PA that was emerging before 1996 was authoritarian, but it was also institutionalized. But after 1996, the institutions being designed were not to the liking of the president, so he simply ignored them. Palestine was emerging not as a normal authoritarian Arab state with authoritarian laws and an unaccountable but institutionalized executive; instead it was a combination of liberal paper institutions and ad hoc
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But PA structures were now under assault from Israel as well as from domestic sources. The security services were essentially rendered irrelevant or disbanded. The president himself was declared "irrelevant" and then literally besieged, his headquarters destroyed room by room, and negotiations were essentially halted. The international backers of the peace process kept the PA alive (when Israel cut off revenue transfers, for instance, the EU stepped in to ensure that salaries would be paid), but only because they did not know what else to do. By 2002, the PA was at the point of collapse.

4. Reform and Democracy

It was precisely at this point that the PA's various tormenters all changed their minds, for different reasons.

Domestically, Palestinians came face to face with the prospect of political collapse at home, and recoiled. Allowing the PA to fade into irrelevance had weakened the few accoutrements of statehood the Palestinians had. The intifada had brought
Israeli troops back inside Palestinian cities and made it difficult to exercise the limited autonomy that Oslo had allowed.

The Israeli leadership came to a similar realization: it was not that they learned to love Arafat or the PA, far from it. But neither did Israel have any appetite for the mundane aspects of occupation, like collecting refuse, inoculating children, or running schools. The collapse of civil institutions in the West Bank and Gaza would force Israel to resume responsibilities it had abdicated with the PA’s creation—an outcome nobody wanted. It would force the international backers of the peace process to face the prospect of the collapse of one of the interlocutors. The EU rummaged around in search of ways to revive the PA and found the reform plans and draft laws developed in the second period. In the spring of 2002, the Europeans formally conditioned continued assistance to the PA on acceptance of a host of measures, including presidential approval of the Basic Law and the judicial law. (Bizarrely, a few weeks after Arafat signed the Basic Law, the US joined in the endorsement of the reform efforts when President George W. Bush called on Palestinians to write a “new constitution,” apparently oblivious to the fact that their existing one had been in effect only since the end of the previous month.)

Paper Palestine was now struggling to come into reality. It had two critical differences from the surrounding Arab states. First, its liberal and democratic provisions were carefully designed to forestall rather than institutionalize authoritarianism. Second, it lacked sovereignty. The second aspect was not unusual historically—most Arab states had been built in their initial stages in situations in which the international aspects of sovereignty were lacking (Egypt, for instance, built up its state apparatus when it was part of the Ottoman Empire and then when its independence was limited by Britain; Jordan built many of its key structures under a British mandate). What was unusual, however, was that Palestine was being reformed before it had been fully formed in the first place. As became clear, however, Palestine was not moving slowly toward sovereignty but instead toward a new crisis.

5. Schism

The emerging Palestinian order was soon put to a severe test, and it failed spectacularly.

As we know, after Arafat’s death in 2004, Mahmoud Abbas was elected his successor. The Council, whose members had been serving since 1996, wrote a law allowing for new elections. Unlike the 1996 elections, the rules for the 2006 balloting were negotiated carefully among all the factions, including Hamas. The newly emerging Palestinian political order was judged by its leaders to be
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Palestinian order was soon put to a severe test, and it failed. After Arafat's death in 2004, Mahmoud Abbas was elected his re Council, whose members had been serving since 1996, wrote for new elections. Unlike the 1996 elections, the rules for the were negotiated carefully among all the factions, including Hamas. Emerging Palestinian political order was judged by its leaders to be sufficiently strong so as to begin incorporating an international pariah. Hamas, for its part, began an effort to recast itself as an electoral party without dropping its previous commitment to leading Palestinian "resistance." Both Abbas and Hamas anticipated that the Islamist movement would be a strong minority presence. Hamas had dithered for over a decade about whether to participate in PA institutions and elections. After consulting with its own rank and file as well as with Islamist movements in neighboring countries (who counseled that if it ran it should avoid gaining a majority), it finally decided to field candidates.

Abbas and Hamas, of course, miscalculated. Hamas leaders almost certainly realized that they could win shortly before the election, but rather than pull back they sought every vote they could. Cooler heads prevailed after the election—as Hamas explored all kinds of coalition and technocratic governments—but by then it was too late. Hamas found no help in escaping the fruits of its electoral victory. For the first time in Arab history, political power changed hands as one democratically elected leadership was replaced by another.

Hamas was right to hesitate before entering office. The movement had no preparation for governing nor any clear plan. (In March 2006, on the day the Council gave its confidence to the new Hamas-led cabinet, I asked a deputy who served as a press spokesman for the Hamas bloc what the movement's legislative agenda was. He could not answer.) In insisting that it could pursue governing and resistance at the same time, Hamas sought to avoid making choices. None of the critical actors was willing to allow it time to sort out its strategy. Fatah sought to undermine the new government through any tool, legal or illegal, at its disposal. President Abbas, still serving, began to claim constitutional tools clearly denied him to hold new elections. The EU and the US not only cut off their own funds for the PA but worked to block other donors from making up the difference. Only after the collapse of the PA looked imminent did the US reluctantly tolerate an arrangement in which the EU made payments directly to the accounts of some Palestinian civil servants. The US, Jordan, and Egypt gave material support to those security forces that remained (legally or not) under presidential control. After the capture of Corporal Gilad Shalit in June 2006, Israel arrested a number of Hamas ministers and a sufficiently large number of parliamentarians to rob the movement of its ability to field a working majority.

The still-weak Palestinian political system was being tested by a series of severe international and domestic crises that would have been difficult for more deeply rooted ones to weather. The result should have surprised nobody except in its details: after a brief civil war in June 2007, the PA split in two. One half is controlled by Hamas and rules Gaza; the second half is run by President Abbas and his technocratic prime minister, Salam Fayyad.
In the three years since the schism, Palestinian institution building has returned to its authoritarian roots. Elections have become impossible without any legal or institutional framework within which to take place. The Basic Law has become a dead letter and both halves of the PA rule by executive fiat. Both halves limit political dissent, ban each others’ newspapers, and harass NGOs that are deemed politically suspect. Political arrests, extralegal actions, and unaccountable official actions are now the stuff of daily politics. Palestinian civil society is decaying, and political parties have either built a strong, sometimes parasitic, relationship with the government (Hamas in Gaza and Fatah in the West Bank) or have begun to decay as well.

The international backers of the peace process talk of institution building in the West Bank under Fayyad, oblivious to the institutional decay that is occurring everywhere except for a few specific sectors. The only institutional development underway among Palestinians today is authoritarian and has shallow popular roots and domestic legitimacy; Fayyad cannot claim a more effective record than Hamas does in creating stable structures of governance. All he can claim is international respectability—a critical way of maintaining the fiscal health of his half of the PA (because of the funding that comes with it), but hardly a guarantee of long-term staying power.

Any Lessons?

The story told here is one that began in ways familiar to any student of Arab politics: the birth of the PA is a tale of state building, authoritarianism, and the struggle for sovereignty. But after its birth, the PA began to develop in different ways—some promising, others deeply worrying. And the story in the last three years is one of the promise receding and the worrying aspects not merely materializing, but deeply entrenching themselves.

In short, what started out as history repeating itself soon took unusual forms. When we view the Palestinian experience in comparative perspective, two things leap out as distinctive: the degree to which it has been discontinuous, as basic structures of authority have been contested and institutions have decayed almost as fast as they can be built, and the extent to which the struggle over building the PA has been blended together with a struggle for democracy. (While the struggle over democracy has been unsuccessful if viewed as a whole, what is perhaps just as notable is that it has occurred at all.)

Can this problematic story of institutional failure be reversed? Or, to rephrase the question: is it possible to use this understanding of Palestinian politics—
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one that begins, as I have, with an eye toward institution building and regional comparisons rather than one rooted entirely in the Israeli–Palestinian conflict—as the germ of a different approach to resolving the conflict? If we are to take Palestinian institutional development seriously in its own right, can it shed light on how to develop an alternative approach toward Palestine’s most significant neighbor? If institutions can be built that are sustainable because they have a firm basis in their society (and perhaps even democratic legitimacy), will this make a two-state solution seem possible again?

Those who wish to revive the two-state solution find themselves fighting increasing skepticism from all sides. The strongest argument in their favor is that all other alternatives are either not viable or far riskier. But the desirability of a two-state solution does not make it likely or even possible. Today the task of reviving a two-state solution depends not only on an Israeli leadership willing to make concessions and a US leadership willing to engage in intensive diplomacy; it also requires a Palestinian leadership that can actually lead. And the lesson of the past two decades is that such a leadership cannot be taken for granted.

An Alternative Approach: Starting with Palestinian Institutions

An alternative approach would require a renewed focus on Palestinian institution-building. This may simply come too late—it was a far more viable option in the mid-1990s when Palestinian reformers first pressed for it, or even in 2002 when the Palestinian leadership reluctantly agreed to submit to domestic and international reform plans. At present, the path of reviving an authoritative Palestinian leadership would have to be based on ensnaring Hamas in the realities of governing, forcing it to replace the logic of resistance with an electoral logic, thus threatening it with being outvoted rather than militarily defeated. It would mean persuading Fatah’s leaders that they will have to work to reground themselves in Palestinian society, forcing them to view the task of representing Palestinians not as a right but as something to be earned. And it would mean allowing the governing structures of Palestinian life to be fully revived and to function properly, strengthening their professionalism and reach rather than encouraging them to atrophy.

Such an approach requires that a strong, well-rooted, and representative Palestinian leadership be fostered. Israel would have very strong qualms about the kind of leadership that would emerge—and for very good reason. Those qualms are based on Hamas’s fearsome words and its bloody actions. Thus, there is no escape from the substantial risk that such a policy would only make the struggle for democracy more entrenched a movement that rejects a two-state solution. Of course, current
policy—which pretends to be following the path of strengthening Palestinian leadership while actually letting Palestinian governance structures decay and lose legitimacy—may carry even graver risks.

Besides requiring a tolerance for risk, an approach focusing on Palestinian institution building could not succeed without a shift from the short-term and reactive policies embraced in recent years to consistent pursuit of a strategic objective. The approach of reviving Palestinian institutions would demand:

- an attempt to revive the national unity government so that Gaza and the West Bank could be politically reintegrated;
- a broader international effort that works to revive decaying Palestinian institutions—the PLO, the PA, the network of ministries and administrative bodies, NGOs, and political parties;
- Rather than pitting the various parts of the Palestinian entity against each other, starving and isolating those institutions controlled by Hamas and working to ensure that the “moderate” camp defeats the “extremist” one by force of arms if necessary, this approach would demand that the various parts of Palestinian political life be developed and integrated, and clear and legitimate decision-making processes be fostered. Those who wish to aid certain segments of Palestinian society (especially political parties and NGOs), involving themselves in internal debates, cannot be prevented from doing so. But it makes far more sense for them to work not by arming Palestinian actors or turning them into corrupt patronage machines but by professionalizing them and assisting them in developing relationships with their constituencies.
- an ongoing ceasefire between Israel and the various Palestinian factions;
- integration of the security services under unified command—and allowing them to take the place of the current militias and armed gangs; Security reform is a worthy goal but could only take place over the long term, as the governance structures of Palestinian life began to attract consensus support.
- a set of Israeli measures—acceptance of an interim ceasefire and toleration of indirect negotiations with Hamas over ways to undergird and patrol the ceasefire;
- Oddly, while this approach would entail far more risk to Israel than the United States, current public debate is far friendlier to the idea in the Jewish state than in the American capital.
- a continuation of the massive aid program;
- European states would probably have to finance the lion’s share, though they may be mollified that their funds could shift back from emergency
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salary assistance to long-term developmental and governance projects.

- a solid and sustained diplomatic initiative from Arab states;

This would be needed to give diplomatic and ideological cover for the effort to rebuild a viable Palestinian government, assure Israel that there are tangible security benefits from cooperating, and resocialize emerging Palestinian leaders into the international system. International monitors (most likely coming in large part from the Arab world) might help in overseeing any cease-fire, though expecting them to enforce it is unrealistic.

- serious monitoring of agreements, coupled with muscular and public diplomatic support for such monitoring;

The alternative to such monitoring—allowing each side to work to impose its understanding of the other's obligations while ignoring its own—contributed greatly to the disintegration of the peace process of the 1990s and of public support for it.

These measures could only succeed by working to integrate or outmaneuver Hamas rather than vanquish it. And there is no escaping the possibility that they would only strengthen the movement without moderating it. A ceasefire and political pluralism in the West Bank, for instance, is absolutely necessary for a reemergence of authoritative Palestinian national institutions—yet it would also allow Hamas the same kind of free hand for organizing that it has enjoyed in Gaza.

Israeli objections to the alternatives outlined here are easy to understand. Revival of a two-state solution is immeasurably complicated by the strength of Hamas. But at this point, Hamas is so deeply entrenched in parts of Palestinian society that it cannot be erased. It might be defeated in an election, but only if it clearly bears responsibility for its governance failures and viable other options arise. Those who pretend that history is moving toward a two-state solution have actually hastened its demise. The most convincing argument for continuing efforts on the two-state path is the unattractive or unviable nature of the alternatives. That may make the mission more important, but it makes it no more likely.

The man whose house was in three time zones was, in one sense, fortunate. At least his various household members had a firm and authoritative answer to the question of what time it was for them. Most Palestinians are not so lucky. Their institutions are weak and unable to coordinate the society on any matter that is more momentous than the time zone. That is a situation that serves the long-term interest of none of the parties to the conflict.