This article examines the formation of land defense in relation to changing legal and economic conditions in the occupied Palestinian territories. It argues that as a result of settler capital and law, Palestinian land defense should be understood as emerging through, rather than apart from, private property. Specifically, it explores how private property and market forces shaped agrarian land defense (1970s–1980s) and real estate land defense (post-2007). In the 1970s and the 1980s, land defense sought to protect agriculture against market forces that drew Palestinians off the land and into wage labor in Israel. Beginning in the 1990s, the exclusion of Palestinians from Israeli wage labor and new forms of West Bank governance created the conditions for real estate land defense to appear. Taking the real estate project TABO as a case study, this article details its political logic, unexpected market effects, and social and economic limits.
For much critical writing on Palestine, the 1990s mark the collapse of Palestinian politics, with neoliberal state-building subsuming national liberation. As a result, an era was ushered in that witnessed the predominance of the capitalist ethos in which the market trumped the national interest, the destruction of collective institutions alongside the rise of market-driven individualism, and the institution of private property on the ruins of the commons. Scholars on the Left continue to explore conceptual alternatives and political approaches (explicitly or implicitly) outside of state and capital, either in the grassroots organizing of the 1970s and 1980s or communal forms of village solidarity. If village protests embody the essence of Palestinian resistance, TABO appears as its negation, the neoliberal culprit par excellence, deserving of little more than censure.

While this body of scholarship has done a great deal to illuminate aspects of military occupation and state-building, it often rests on a problematic, essentialist set of binaries. On one side are occupation and neoliberalism, the latter defined by individualization, privatization, and marketization. On the other is Palestinian society (often represented by the village), defined by solidarity, collectivity, and commons. I find this framing unsatisfactory: since it only partially accounts for the long-standing and complex uses that Palestinians have made of private property, and the extent to which capital constitutes a multitude of social relations, it risks narrowing our understanding of the present and idealizing the past.

The question I pursue here is how collective projects are built within and through property and the market, and not how property and the market are categorically antithetical to collective projects. To do this, I turn to the concept and history of land defense. Broadly conceived, land defense is a strategy of postponement that responds to and shapes the legal and economic conditions of a given conjuncture. Its manifestations are broad, from court cases and direct confrontations, to market transactions and land cultivation. Such a formulation yields two overlapping arguments about property and markets. First, land defense takes place through property. Under Israeli rule, property law predominantly serves settler expansion, but it also becomes a means Palestinians may draw on to safeguard land. As Palestinians exploit the gaps in settler law, the state moves to close these, a process that results in the slow proliferation of different configurations of property. Second, land defense takes place within markets dominated by settler capital and the state. Subsequent market compulsions, and how they are embraced or rejected, give land defense its content and composition. Together, property and markets create the conditions for historically specific forms of land defense, each constituted by different dynamics, contradictions, and limits.

This article explores how property and markets shaped agrarian land defense in the 1970s and 1980s, and real estate land defense after 2007. While property has been pivotal for land defense since the earliest days of Zionist colonization, it is private property that has oriented its post-1967 formations in the West Bank. What changed in between was the market. In the 1970s and the 1980s, as Israeli policies and integration into the industrial economy drew Palestinians away from the land and into wage labor in Israel, agrarian land defense privileged the smallholder and rain-fed agriculture in the fight against colonization. The limitations of agrarian land defense, I argue, must be understood in the light of the proletarianization of the Palestinian countryside. Beginning in the 1990s, the exclusion of Palestinians from wage labor and the institution of new forms of governance in the West Bank created the conditions for real estate land defense projects such as TABO to arise. These commercial land projects did not introduce private property or market
forces into the countryside: they transformed them in ways that subjected land defense to new legal risks and economic contradictions.

This study is based on twenty-one months of fieldwork and archival research, conducted between 2013 and 2017. The first section is informed by interviews with local organizers, lawyers, and farmers, as well as technical studies of agriculture and the personal archives of individuals involved in land cases. The second section also draws heavily on interviews with residents of the villages in question as well as lawyers, bureaucrats, and land registry employees with knowledge of the area. Additionally, participant observation of Palestinian Authority (PA) land titling in Farkha allowed not only further conversations with landowners, but first-hand observation of land use and conflict.

Defining Land Defense

Land defense is a process that seeks to postpone settler expansion “in and against” the settler colony. Under asymmetrical power relations, and deployed according to the settler’s rules, land defense is marked by a particular temporal orientation that seeks to delay, shift, and complicate the process of land expropriation. It is made up of two interrelated moments: the abstract assertion of indigenous ownership, and the concrete reproduction of indigenous society. Within settler societies, however, not only do settler capital and law determine, both for native and settler, how land is used and owned. They also are the means by which land moves from native to settler. This dynamic is the central problematic of land defense. Should indigenous resistance reject settler law and property or draw on it? Should indigenous society integrate into the settler economy, or attempt to forge economic autonomy? Land defense thus finds itself in a double bind, reliant as it is on the very markets and laws that drive settler expansion.

Land defense, therefore, is inseparable from wider economic and legal transformations. As such, it is a contested process. In the Palestinian-Israeli instance, there is a wide range of positions—depending on class position, social status, and political orientation, and on how Palestinians relate to settler law and capital—leading to different, often contradictory, modalities of land defense. Additionally, given that these broader forces are always in motion, the forms of land defense that respond to them must also adapt. As a result, while a certain form of land defense may be appropriate at a given juncture, changes to the settler economy and property regime may render it inadequate at a later time.

The imbrication of land defense with property and markets has been ongoing since the late nineteenth century. Under the British Mandate, the peasantry, for example, developed a form of land defense oriented around the rejection of private property and dominant market forces. At the time, the expansion of Zionist industry and landownership resulted in the growth of a dispossessed peasantry that was excluded from wage labor in the Jewish enclave. By refusing to cooperate with British property law and land titling, peasants sought to protect *musha’* property for the sake of preserving rural community. During the same period several Palestinian intellectuals developed a different iteration of rural land defense, seeking to strengthen the market position of cultivators. When the market was the central means for Zionist land acquisition, they argued, increasing the productivity of rain-fed agriculture could stave off dispossession owing to
Finally, given the rise of a class that embraced bourgeois ideas of ownership and economic development, private property could also find favor with Palestinian elites. The Arab Higher Committee, for example, purchased at-risk land in order to preempt its sale to Zionist buyers, and pressured large landowners not to sell. After the 1967 Israeli occupation, these dynamics would continue to drive land defense in the West Bank.

Agrarian Change, Property, and Colonization

In the highlands of the West Bank, changes in private property, agriculture, and wage labor shaped the development of land defense after 1967. In the 1950s and 1960s, the highlands housed a population of small peasant producers, who had been marginalized by Jordanian policies that had kept wages low and unemployment high. Israeli land confiscation and economic policies, combined with the needs of Israeli capital and market competition, transformed this peasantry into a class of peasant workers within Israel and of consumers of Israeli commodities. Over the 1970s and 1980s, the Israeli agriculture and construction industries developed a racialized wage hierarchy that relied on and reproduced this class which, rather than becoming an urban proletariat, maintained its village-based residence. This process intensified patterns of emigration that had taken place under Jordanian rule as men sought work in the Gulf, Europe, and the Americas. At the same time, benefiting from state support and restrictive policies on Palestinian industry, Israeli firms took control of West Bank markets. Many agricultural products, from grain to livestock, stopped being produced in the villages. As the occupation wore on, the employment and consumption needs of highland villages would become increasingly dependent on Israeli capital.

The integration of Palestinians into the circuits of Israeli capital as sellers of labor power and purchasers of commodities would transform highland land use. As market forces drastically increased the costs and reduced the profitability of rain-fed agriculture, cultivation decreased. Less time was spent tending olive orchards, leading to the abandonment of groves and the “widespread neglect” of the olive crop during less productive cycles. Other crops that required more labor and upkeep, such as rain-fed fruit trees and grains grown on marginal lands, faded away. By the late 1970s, landownership had been replaced by wages and remittances as the primary source of livelihood and social power, and rain-fed agriculture functioned as a secondary source of income.

As Israeli capital transformed land use, Israeli colonization necessitated transformations in landownership across the West Bank. Such shifts must be understood in light of two forms of government land registration under Jordanian rule prior to 1967. First, the Jordanians had resumed the British land-titling project underway before the end of the Mandate such that highland villagers, most of them small landowners, regarded titling as formalizing existing tenure relations rather than an unwelcome transformation. By 1967, the northern West Bank as well as the central parts of the territory had been registered with the Jordanian land registry (tabu), although survey teams, working in the central West Bank when the war broke out, never made it to Farkha, Qarawa, Kafir ‘Ayn, or Bruqin. Second, the Jordanians also carried out new fiscal surveys in the 1950s. Again, following the British system, these surveys relied on the testimony of
village leaders who would provide officials with information about landownership and use. The records, while unable to provide precise border demarcations or surface area measurements, were sufficient for the purposes of taxation and stored at the Finance Ministry (wazarat al-maliyya).

In the years that followed, Israel transformed property law in such a way as to render private property central to colonization. Most importantly, after a 1979 High Court decision effectively prevented the expropriation of private Palestinian land for settlements, the government implemented the "state land" doctrine. Developed in the 1950s to effect the legal expropriation of Palestinians who had remained inside Israel after the establishment of the state in 1948, this strategy rested on the argument that untitled, uncultivated land could be considered un-owned, and therefore subject to government seizure.20 The state land doctrine was vital to expanding colonization: the absence of systematic land registration (itself frozen after 1967) spurred on such seizures, which themselves grew dynamically as areas progressively fell out of use.21 In addition, Israeli companies turned to the market to acquire land for settlement. So-called private settlement, the reasoning went, would allow such acquisitions to elude international censure and avoid government red tape, giving enterprising middlemen a chance to profit in the process. Most sales were based on forged documents, with the Israeli companies relying heavily on Palestinian land brokers, or simsar (singular simsar), who provided knowledge of a given locale, produced documentation, and attempted to intimidate or buy off owners to facilitate the illicit transfer of land (tasrib).22

The state land maneuver and private settlement inadvertently created two new configurations of private property, both of which were based on Jordanian titling and tax surveys. The first category was tabu land. With known borders and a chain of ownership, and recorded in the tabu registry, tabu land was considered private by the authorities and was usually excluded from state land declarations. This land was also protected from the fraud of the private settlement market. The second category, maliyya land, was based on the tax surveys registered with the Finance Ministry. The state claimed that tax documents did not provide sufficient information to establish legal ownership, effectively rendering the land vulnerable to confiscation. On the other hand, Israeli settlement companies exploited the vagaries of tax registration, which did not map borders and often underreported surface areas, to purchase land through intermediaries. On the basis of these two forms of land registration, colonization produced two configurations of private property for Palestinians in relation to the Israeli state: secure tabu and insecure maliyya.

Land Defense in the Fields and in the Courts

In the 1970s and 1980s, agrarian land defense sought to insulate village cultivators from state and market forces that undermined rain-fed agriculture and to protect property ownership from confiscation and sale. As a result, it developed two overlapping sets of practices: agrarian interventions to keep rural landowners in productive control of their land, and legal interventions to protect ownership by rendering maliyya land private in the eyes of the state.

As a result of the state lands offensive, cultivation became the pivotal issue at the center of land struggle in the highlands,23 both in the fields and in the courts. On the one hand, a mix of individuals, local land-defense committees, and national movements all worked (not always
in concert) to make cultivation viable in a hostile political economy. Activists cut deals with nurseries for cheap saplings, farmers switched from grains to tree crops in the hills, and new organizations planned collective harvests and land reclamation. Agronomists and other experts took part, providing programs for land reclamation, scaled-up cultivation, and other technical assistance. On the other hand, legal challenges transformed courtrooms into key sites of land defense. Palestinian lawyers and intellectuals were quick to pick up on the dangerous implications of the state land doctrine, and they published pamphlets, newspaper articles, and studies detailing Israeli tactics and possible legal responses in order to give landowners the means to understand the law and defend their property. A network of lawyers, surveyors, and former land-registry officials worked to establish proof of private ownership according to shifting Israeli legal definitions of “cultivation.” Other groups of lawyers, working with colleagues inside Israel, developed the necessary skills to confront the forgery and fraud associated with so-called private settlement.

These strategies had the effect of rendering private property pivotal to land-defense efforts. Land defense contributed to the increases in olive cultivation, despite Israeli policy to the contrary, throughout the 1970s and 1980s. In addition, cultivation, court cases, and protests complicated the colonization process, causing some plans to be rerouted, delaying others, and preserving patches and plots of land in the midst of dispossession. While unlikely to prevent the establishment of a settlement, objections to a state land declaration could shift its location, while drawn-out court proceedings against private Israeli settlement companies could delay the issue of title and trigger investor flight and bankruptcy. Perhaps most importantly, this era witnessed the forging of strong links between private property and land defense that would endure even after the heyday of the 1970s and 1980s rural struggles.

Settler state and capital, however, created real limits to agrarian interventions. Not only were irrigated cash crops far more profitable, but given the political and economic situation, farmers were far less likely to invest in expensive or risky innovations to improve rain-fed agriculture. Defending land within the demands of market imperatives could require a great deal of personal work and sacrifice, and laid the responsibility on the individual owner to cover the monetary and personal costs of both cultivation and court. The forces driving settlement also sought to exploit social fragmentation. Land brokers in the employ of Israeli settlement companies, for example, would target the poor and the elderly whose social isolation or class position made them more vulnerable. Youth, who were the backbone of grassroots organizing, also often had economic needs and aspirations that put them at odds with the goals of territorial defense. Many land-defense organizers whom I interviewed recalled how difficult it was to convince younger men to forgo the wage. Indeed, by attempting to hold off colonization by way of private property, land defense was forced to work using a legal form that tended to set the individual in opposition to the collective. This contradiction was never overcome. But its coordinates would shift in the 1990s.

Cheap Lands and Surplus Populations

The 1990s and 2000s saw the expulsion of Palestinian labor from Israel and the creation of a surplus population in the West Bank. The Oslo Accords, which marked the conclusion of the First Intifada and the establishment of the PA in 1994, were supposed to herald an era of liberal
peace and prosperity. However, for most working-class Palestinians whose wages depended on access to the Israeli market, these decades were devastating. Changes in the Israeli economy, already underway in the 1980s, lowered the demand for Palestinian labor, while security policy and the closure of the West Bank in the First Intifada saw Palestinians replaced by Thai, Chinese, and Romanian workers in Israeli construction and agriculture. The reconstruction of the PA by international donors in 2007 did little to reverse these trends. Today in Farkha, Qarawa, and other highland villages, those who can (especially youth) seek to emigrate. Those who cannot do so are often without stable work, pressed into extremely low-wage service jobs or illegal work in Israel. Trapped within the Israeli market but irrelevant to it as a source of value, many rural Palestinians have been reduced to the status of a surplus population to be managed by donor interventions and violent forms of coercion.

Over the same period, West Bank agriculture deteriorated. Restrictions on capital investment and market access, on the one hand, and the effects of land expropriation and settlement, on the other, resulted in a low-wage sector subordinated to the needs of Israeli employers and the compulsions of market competition. While this dynamic had varying effects, in the highlands its most important impact has been on olive cultivation. Unable to compete with cheaper imports, Palestinian olive production dropped from 23,000 tons of oil in 2000–2004 to 14,000 tons between 2007 and 2010, well below the productivity of Israeli and Jordanian groves.

In Qarawa and Farkha, village cooperatives have attempted to cut costs and develop markets, but they fight an uphill battle; today, rain-fed agriculture is often, at best, a meager supplement to household income. As a result, hilly agricultural land is falling out of use. Villagers in Qarawa and Farkha describe these degraded lands as kherab (ruins), a term that overlaps colloquially with jarda (barren), barr (fallow, uncultivated), matrukeh (left, abandoned). For many people, these terms are not only descriptions of the land that are inseparable from histories of expulsion and emigration; they are also markers of the inability of agricultural labor to be productive of community.

In Ramallah, however, different trends emerged in the 1990s. There, the establishment of the PA, and the businesses and nongovernmental organizations that followed, redirected flows of aid money, capital, and labor toward the city. New wealth resulted in a real estate boom as well as a political ideology that sought to somehow fuse individualism and consumer culture with collective resistance. In 2007, after the Second Intifada, a newly constituted PA headed by former World Bank economist Salam Fayyad instituted new forms of neoliberal governance, underpinned by a discourse lionizing entrepreneurship, private enterprise, and profit as the motor of development and the key to peace. Finance has further expanded property ownership and encouraged urban construction. In Ramallah, land prices have hit record levels and gated neighborhoods and suburban developments have sprung up on the lands of surrounding villages.

The establishment of the PA also marked the first time that a Palestinian governing body would have control over property law in a significant portion of the West Bank. While most analysis rightly emphasizes the ultimate powerlessness of the PA to resist the dictates of foreign donors and Israel, the changes it brought to property are nevertheless significant. First, it has opened up the possibility of extensive land titling in Areas A and B (and, more recently, C as well). In 2005, the PA began systematic land registration to title the central and
southern districts of the West Bank that remained incomplete from before the occupation of the territories in 1967. In areas the PA has not yet reached, owners are able to obtain title for their property under a procedure called “first registration” (al-tasjil al-mujaddad). Moreover, PA institutions are now responsible for the regulation of transactions in Areas A and B, the protection of contracts, and the resolution of property disputes in accordance with PA regulations.

Rural dispossession, urban real estate, and new property regulation were all necessary for TABO to take shape. The ruined hills of the highland villages meant cheap lands with stunning natural views and relative proximity to Ramallah. In 2007 (if not earlier), brokers for the company began to quietly acquire land, mostly the devalued, rocky hilltops. According to village councils, sellers, and officials at the land registry, land was cheap, a dunam selling for JD 2,000 up to JD 3,000 (about $2,800 up to $5,200), sometimes less, in the company’s early days. Owners sold for many reasons: there were distress sales by the poor and those that lived as refugees in Jordan, entrepreneurs looking for capital for a new project, and families who needed an influx of cash to cover an upcoming expense. The company purchased lands piecemeal, gradually creating its largest concentration of publicly available lands in the hills outside the villages of Kafr ‘Ayn, Bruqin, Farkha, and Qarawa. As of 2016, current and former village council representatives estimated that UCI owned around 1,000 dunams in Farkha and 650 in Qarawa, one-sixth and one-tenth of total village lands, respectively, making it the largest landowner in the area.

Real Estate Land Defense

The TABO project, launched in 2007 by UCI, is emblematic of what I call “real estate land defense.” Commercially, it seeks to make titled, rural land available to investors who cannot afford urban property. Politically, it seeks to defend territory on the basis of private property. Aware of its continuities with previous land-defense efforts, TABO self-consciously attempts to elaborate these through advertisements featuring the poetry of Mahmoud Darwish, images of rural Palestine, and Land Day commemorations. By securing clear private property rights, the story goes, TABO empowers its buyers to build homes or cultivate trees, thus “irreversibly changing the reality on the ground and creating de-facto Palestinian communities” and protecting land from expropriation.35

The novelty of real estate land defense lies in its embrace of the market. While agrarian land-defense activists in the 1970s and 1980s fought against market forces, TABO’s political project lies in their expansion. This orientation provides the central problematic for real estate land defense: in the rural West Bank, where the property market does not call to mind notions of “safe investment” or “steady rates of return,” how can it provide the forms of security necessary for market expansion and territorial protection? The solution is land registration. Drawing on the legal provisions of first registration, the company is able to acquire title independent of slower, large-scale state-sponsored titling projects, and thus align the project’s commercial and political objectives.

Through land registration, TABO appears to be eliminating risky maliyya and replacing it with secure tabu property. In the process, it faces several difficulties. While land in the highlands has been held privately for more than a century, it was the productivity of trees that determined rent. In some villages, Farkha among them, the olive tree was partible from the soil and could be bought, sold, traded, inherited, given as a dowry, and mortgaged separately from the land on which it grew.
The result is a real estate developer’s nightmare, with plots resembling irregular jigsaw puzzle pieces, rather than a grid of squares. For the company, the first order of business after making its purchases was to implement a form of private property appropriate to the real estate market. After surveys and the resolutions of border disputes, TABO re parcel ed irregular holdings into single-dunam squares, abolishing the jigsaw puzzle in favor of the grid and providing clear title for each plot.

On the basis of title, TABO offers a number of services that open up rural land to new types of owners and uses. TABO lands are not marketed to rural Palestinians, but to wealthier Palestinians residing in the West Bank and Israel, as well as those among the Gulf, European, and U.S. diasporas. TABO is keen on promoting housing construction, and in addition to building model homes, it has negotiated with local municipalities, providers, and state regulatory bodies to link its holdings to roads and utilities. The company also provides services that replicate long-standing agricultural practices: clearing land, constructing walls from local stone, and at one point, offering to harvest and press the olive crop and ship the oil to owners across the globe. While the company claims that there is demand for home construction, as of 2017 new landowners primarily use their lands as leisure spaces. Protected by fences and gates, and enjoying the shade of olive trees and newly constructed overhangs, owners have built pathways, sitting areas, and fire pits, for weekend and holiday escapes to the countryside.

Through these legal and material transformations, TABO is producing an ideology about rural land use that subtly elevates private property and real estate over and against older forms of use and ownership. In this articulation, local practices are presented as irrational and problematic. Villagers lack notions of “official borders”; instead, they demarcate land as from “this olive tree, to that olive tree, to . . . see that donkey over there?” Villages are characterized by economic backwardness, and TABO is portrayed as contributing to the revival of “neglected villages.” Here, traditional forms of demarcation and lack of use constitute a political danger. In the company’s narrative for example, the path of the West Bank separation wall “curves around all the tabu land with a title (sanad mulkiyya), but when it finds musha’ land, without a title, it goes right through the middle.” In this context, the issuing of title is fetishized, elevated from a bureaucratic process to an epochal event with the “historic issuing of title deeds” taking place for “the first time in history.” This production of the village as chaotic is as partial as it is necessary, justifying the project while devaluing previous types of ownership and use. Indeed, rural imagery aside, for TABO the agrarian question is a dead letter. The project represents something novel in the history of land defense: it embraces, rather than tries to prevent, the collapse of agriculture in the countryside. Here, the investor-owner takes the place of the villager-cultivator as the privileged political subject.

The Market and the Village

While TABO, as an exclusive real estate development, makes no pretense of serving the villages where it is located, the markets it has created have drawn local residents into the orbit of real estate. The company’s initial purchases set in motion an expansion of market activity that has seen prices double, triple, and in some areas quadruple since 2007. With the expectation that prices will continue to rise, more and more people have been drawn into the market for village lands, not only as sellers,
but also as investors, developers, brokers, and speculators. As it has spread across the hills of the central highlands, the real estate market has taken on many of the qualities of a mania. The former sources of value no longer hold, and as the price of uncultivated, rocky hills increases, people joke that owning rocks is worth more than owning trees. Many have sold, others have been tempted. Some seek long-term investment, others to quickly flip property. A few have set out to build their own commercial housing projects. Today, every landowner has a story of a meteoric price rise in surrounding plots, of people who were too foolish to take advantage of it, or were savvy enough not to sell.

The spread of the market has dislocated previous forms of social power that allowed male landowners to constitute social relations, to an extent, on their terms. First and foremost, real estate has dislodged older determinations of price. Prior to the boom, price had been determined by a series of factors—soil quality, rainfall, tree type, previous yields—that were understandable to cultivators. Real estate markets render local knowledge of agricultural productivity superfluous; instead, land prices are described as “crazy” and “unnatural,” driven by the demands of regional and international buyers and sellers hidden behind a series of intermediaries. In addition, agricultural use allowed owners to negotiate and reaffirm borders as a means to manage social relations between neighbors and families. The speculators that have become neighbors not only foreclose this possibility, but in certain cases they have taken advantage of the lack of clearly demarcated borders to make illegitimate land grabs. Finally, within the family, men are able reproduce control over land through inheritance practices that can be deployed to restrict the devolution of land to women. In a world of rising real estate prices and falling prospects for employment, challenges to these practices could well mount. Complaints are rife about siblings, spouses, and children becoming inflexible and greedy, sacrificing family peace for small bits of land. Sisters and wives who have been denied property by brothers and husbands have made numerous legal claims, a process facilitated by the PA’s land registration project in the region.

As a result, such dislocations have generated market suspicion, resentment, and anxiety, even for those who have profited. When one farmer in Farkha referred to 2007 as the year when “the thieves came,” he captured the anger and resentment shared by many. The thieves refer not only to the real estate company, but the brokers, the lawyers, and the forgers, all of whom seek to wring profit out of village land. Many people are quick to condemn TABO for taking advantage of a rural crisis, the samasra who are “exploiting the character and naivety of the fellahin,” and a market structure that, by default, preys on the weakest members of the community. Indeed, this discourse is often inseparable from a narrative about the past in which village life is imagined as simple, warm, and self-sufficient. Our grandfathers were better, it is often remarked; they would never quarrel over centimeters or sell their land at any price.

Even with these effects, however, many people are increasingly adopting the logic that the market offers the best, and perhaps only, means of salvaging patriarchal forms of power and community. Indeed, the valorization of degraded land offers the possibilities that seem more and more foreclosed by the labor market. Private property ownership, as we have seen, has a long history in these areas, and while notions such as “land is honor” militate against selling, opposing discourses are also taking shape. For some, rising land prices are seen as a culmination, a reward of sorts, for years of hard work and perseverance. Land sales are acceptable, even admirable, when the proceeds of the
sale are used to reproduce the family, whether through productive investment in a “project” (the purchase of equipment, a taxi, or a truck) or to cover an educational or marital expense. They are not acceptable when the proceeds are spent on wasteful consumer goods. Mirroring an anxiety present in land defense since the 1970s, the younger generations are censured for forgetting the value of land and eschewing productive investment for temporary pleasure. These narratives have not yet crystallized into ideology or common sense. Instead, they remain as a structure of feeling, a way in which male landowners make sense of the new political economy and attempt to reorient market forces to bolster, rather than destroy, existing arrangements of family, community, and power.43

These expanded markets and social dislocations are not epiphenomenal, but integral to the success of real estate land defense as a commercial-political project. The incorporation of a growing number of people, and an expanding amount of land, into real estate markets (even if they are spatially peripheral to TABO’s holdings) fulfills the company’s prophecy that its customers’ investments will increase in value. Moreover, the expansion of the market creates a public with a stake in the forms of private ownership appropriate to real estate. Without meaning to do so, TABO has unleashed forces which have the effect of building up a wider community than it could have imagined, made up of property owners and defenders who rely on their legal rights and may defend them in the courts. Under these conditions, the ideology of real estate land defense is spreading as well. Al-Direh, a venture launched by a partnership between a Qarawa resident and the Ramallah-based firm Manazel, mirrors completely TABO’s claims about development, property, and land defense. And while it is difficult to find anyone in the villages offering enthusiastic support for TABO, the company’s claims that title could prevent land confiscation resonate with some. In the end, the possibility of profit combined with land defense is partly achieved, not by any company design, but by the uneven, chaotic spread of market relations throughout the highlands.

The Limits of Real Estate

An understanding of how real estate capital comes to constitute social relations allows for a better grasp of the limits and contradictions of this new form of land defense. As with all previous forms of land defense, there are legal limits specific to real estate. Under direct Israeli rule, tabu land was guaranteed either by Jordanian title (recognized by Israel) or obtained (in rare cases), via first registration, from the Israeli Land Authority. Today, the company is transforming maliyya into tabu land through first registration, but a tabu whose integrity relies completely on PA institutions. As such, TABO is participating in the creation of a new configuration of private property that exposes land defense to two new legal pitfalls. First, while TABO is able to deal with the financial risks of this arrangement—it has issued insurance on the deed itself in order to secure its buyers against any bureaucratic mistakes—it is powerless to confront the political implications of relying on PA title to provide legal protection from Israeli colonization. Unsurprisingly, it does not dwell on this fact; instead, its discourse fetishizes the materiality of the title itself, effectively eliding the underlying legal distinctions between different configurations of tabu land. But the very real risk remains. For private property to function in land defense, it requires Israeli recognition, and
PA-issued title has yet to be put to the test. Second, land markets require political regulation in order to ensure that land is not sold to Israeli buyers. Under PA law, foreigners can purchase land in Areas A and B with government permission. The more the market expands, the more complex the duty to protect from Israeli buyers becomes. For many people I spoke to in the villages, there is fear that an incompetent and corrupt PA would be unable to prevent the land market from becoming another means of colonization.

In addition, the embrace of the real estate market has the potential to subject land defense, on an expanding scale, to the booms and busts of real estate markets. While TABO works to market its properties internationally—that ensuring that its profits are not contingent on a stagnating West Bank economy—land value is ultimately driven by local conditions. Even if we accept that land prices in the West Bank are not likely to fall over the long term, in the short term, disruptions seem more ever likely, especially as capital moves further into the countryside. A variety of factors, from checkpoint closures and confiscations, to delays in government procedure or disagreements with investors, can freeze the process of capital accumulation and, especially smaller firms and individuals, or those with too much capital fixed in property, can easily go bust. As prices rise and people increasingly become involved in land speculation, these periodic busts could generalize into localized crises. Failures have already occurred. At some point during 2016, work on the al-Direh project in Qarawa stopped abruptly, reportedly because it was unable to meet the initial expectations of investors who, in retaliation, refused to provide further funds for the project. TABO itself has dealt with lawsuits, difficulties in providing basic infrastructure, and confrontations with the PA that have slowed the project considerably.

Despite these limits, real estate land defense is likely to spread across the West Bank. As a venture, it is acceptable both to a governing authority and a donor community that champion a business-friendly politics that moves the question of territory ever further into the legal realm. Indeed, TABO’s model is attractive to other large real estate companies. Several developments, which include Surda Hills and Birzeit Heights outside Ramallah, al-Worood outside Jenin, and Moon City outside Jericho, are all similar, marketing titled land to buyers. And, barring some wide-scale transformation in the West Bank’s economy, the processes that allowed TABO to emerge in the first place will likely spread. The villages around Nablus and Jericho, for instance, are also experiencing real estate booms that will likely generate their own copycat projects. For now, this form of land defense is likely to grow as eager capitalists acquire more ruined lands, sparking manias and subsuming additional rural areas under PA property governance and real estate development and speculation.

Land Defense “in and against” the Settler Colony

The conception of land defense outlined above has several implications for our understanding of colonization and capitalism in the West Bank, while also signaling broader connections between Palestine and other indigenous struggles. It requires that we take private property as the primary legal form of domination that inadvertently also provides tools to contest such domination. Insofar as the TABO project inadvertently generates yet another configuration of private property, the initiative maintains continuity with earlier territorial defense efforts, and is congruent with...
similar developments in other settler colonies. Indigenous nations from the South Pacific to Alaska have been compelled to draw on private property, be it as a result of tactical participation in titling projects and land markets, or of treaties structured by the norms of settler ownership. Doing so, as its practitioners are often painfully aware, is a double-edged sword. While it allows indigenous nations to hold onto territory that otherwise most certainly would have been lost, it also eliminates certain social relations, introduces new distributions of ownership, and transforms indigenous subjectivity.46

Tethering land defense to real estate has several implications that stem from the dynamics of capital, extending far beyond the particular case of TABO. First, real estate—constituted by the activity of developers, banks, and buyers—is one example of a broader tendency “to treat land as a pure financial asset.”47 If we allow that financialization could be compatible with a place-based land politics at all, it would still likely create a group of owners whose property values (based on local services, infrastructure, views, green space) were contingent on place but whose control of property (based on citizenship, sources of income) was not. The material interests of such owners would diverge from the majority of longer-standing village residents, changing the calculus of collective action irrespective of the personal politics of those involved. Second, predicating land defense on market exchange subjects it to the broader limits of liberal freedom.48 This idea of freedom is based solely on the sphere of circulation, characterized by equal individuals who freely choose to buy and sell with one another. Coercion—in our case, the various forms of dispossession that make land cheap and available in the first place—is hidden from view because it is irrelevant to economic exchange and thus political practice. This is not an ideology that can simply be unmasked, since forms like price, property, and profit do express a real, albeit fragmented, social experience under capitalism. Embedding land defense in the market would only further naturalize these categories and the limited concept of market freedom that they constitute. For those interested in forms of collective politics that are more egalitarian or radical, such a situation is problematic indeed. Analyzing and confronting this possibility, however, requires a critique of capital that goes beyond the excesses of individual capitalists or the plans of elites in Ramallah and Washington.

Finally, land defense is not necessarily driven by left or progressive forces, its class politics complicated by what Shiri Pasternak calls “the proprietary aspects of Indigenous sovereignty.”49 Pasternak’s excellent work on indigenous land struggles in Canada demonstrates not only that the move toward land titling and real estate speculation is not unique to Palestine; it also illuminates how indigenous forces seeking more equitable communities adapt to and confront the alliances of state and capital that coalesce around the economic promises of private property. In the West Bank today, there seems to be little standing in the way of real estate land defense. Indeed, on its own terms at least, TABO appears successful. That it has been able to acquire and sell land without major opposition stems from its ability not only to draw on deeply held ideas about property and ownership, but also to fuse them with new class desires and markets at a time when, for many, the foreseeable future is bleak. The legal, social, and economic pitfalls are clear enough. However, alternatives will not be found in the past, but in contemporary practices and formations that have the potential to take into account the double binds and contradictions of capital and property. Ultimately, if TABO shows us anything, it is that the terrain of struggle has irreparably changed, and that there may be no going back.
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ENDNOTES
1 Nabi Salih is home to the Tamimi family, whose pivotal role in organizing the protests became an issue of international interest after sixteen-year-old Ahed Tamimi was arrested in December 2017 and sentenced to prison for slapping an Israeli soldier.
2 The word tabu means “title deed” in Palestinian dialect. Originally from Ottoman Turkish, tabu refers both to the land title and the land registry. TABO (following company spelling) refers to the real estate project.
9 Alkhalili, “Enclosures from Below.”
11 For some some informative context on the rise of these ideas, see Sherene Seikaly, Men of Capital: Scarcity and Economy in Mandate Palestine (Stanford, CA: Stanford University Press, 2015).
14 Leila Farsakh, Palestinian Labour Migration to Israel: Labour, Land and Occupation (Abingdon, UK: Routledge, 2005); and Salim Tamari, “The Dislocation and Reconstitution of Peasantry” (PhD diss., University of Manchester, 1983).
17 On neglect, see Tamari, “Dislocation and Reconstitution,” p. 225; and on abandoned orchards, see Awartani, “Agricultural Development,” p. 110.
19 Beshara Doumani has shown that private property has a long history in the highlands in Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700–1900 (Berkeley: University of California Press, 1995). I base my assumption about tenure on interviews carried out in 2016 with a former Jordanian surveyor and elderly residents of Nablus-area villages where land registration had occurred. Michael R. Fischbach also provides archival evidence of several villages petitioning the state to title their lands. See “The Implications of Jordanian Land Policy for the West Bank,” Middle East Journal 48, no. 3 (1994): pp. 492–509.
21 Nir Shelev, Under the Guise of Legality: Israel’s Declarations of State Land in the West Bank (Jerusalem: B’tselem, February 2012).
23 Tesdell, “Shadow Spaces.”
25 See, for example, an important pamphlet by Muna Rashmawi: Al-ard: Al-sabil al-qanuniyya lil-hifath ‘alinya [Land: The legal means to protect it] (Ramallah: al-Haq, 1982).
28 Farsakh, Palestinian Labour Migration, pp. 92–100; and Israel Drori, Foreign Workers in Israel: Global Perspectives (Albany: SUNY Press, 2009).
30 For one analysis of surplus population in the West Bank, see Andy Clarno, Neoliberal Apartheid: Palestine/Israel and South Africa after 1994 (Chicago: University of Chicago Press, 2017).
31 Farsakh, Palestinian Labour Migration.
In 1995, per the Oslo Accords, civil control of Areas A and B—today 49 percent of the territory—was handed to the PA. Area C remains under total Israeli control.


TABO is effectively the privatization of state legibility practices that James C. Scott details in Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven, CT: Yale University Press, 1998).

“TABO – Alrai TV Interview with Khaled Al Sabawi”; and “What is TABO?” Explainer Video,” YouTube video, 5:30, posted by TABO PA, 31 July 2016, https://www.youtube.com/watch?v=cz-2-LpiXs&t=147s. Here, musha’ means untitled, land that has not been parceled.


“TABO – Alrai TV Interview with Khaled Al Sabawi.”


Rabie, “Ramallah’s Bubbles.”


