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The Ethno-Necrocratic State: Mamillah and the Afterlives of Ethnocracy in Israel

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Abstract

Using the unique and historic Islamic cemetery of Mamillah in Jerusalem as a primary example, this essay discusses the ethno-necrocratic order that led to the 2008 Israeli High Court of Justice's codification of the supremacy of Jewish bodies and afterlives over non-Jewish ones, on the basis of advancing Israel's values. Hundreds of Palestinian burial grounds, starting with village cemeteries, have been destroyed since 1948. Indeed, funerary sites have testified to the omnipresence and millenarian existence of a population that the state has sought to erase from memory. In a few decades, the deathscape was radically altered, in cities as in the countryside. Although real estate corruption plagues Israeli politics, land use planning and real estate capitalism are inseparable from the ethno-racial politics of exclusion, which affect both the dead and the living.

Keywords: burial; cemeteries; colonialism; ethnocracy; Israel; necropolitics; Palestine

Be it Native American bones in the United States, Jewish remains in North Africa, Armenian burial grounds in Turkey, or Palestinian Arab tombstones in Israel, arguably nothing is more sacred than the remains of the dead, the grounds in which they lay, and the right to inter one's dead without having them disturbed. A few years ago, I visited burial grounds in Jerusalem that had undergone analogous institutional treatment to those of Native American grounds in the United States: historical erasure, territorial appropriation, cultural deflection and violence, and social reassignation. Commonly known as Mamillah—or Mamilla to both British and Israeli authorities, and Ma'man Allah in Arabic—the burial site is "located around one of the ancient rock-hewn pools from which the city drew its water in ancient times, and from which the cemetery takes its name" (Figs. 1 and 2).[1] By the 7th century, Mamillah was identified as a Muslim cemetery.[2]

Mamillah is a microcosm of large-scale necropolitics—the politics of disposal of the dead to control the living—undertaken in Israel since 1948, which have reinforced the Israeli

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[1] Rashid Khalidi, "The Case of the Mamilla Cemetery: Delegitimization or Desecration," Center for Palestine Studies, Columbia University, http://palestine.mei.columbia.edu/event-extras/2017/5/22/the-case-of-the-mamilla-cemetery-delgitimization-or-desecration. The origin of the Arabic name is uncertain: Ma'man Allah has been translated as "what is from God," "water of God," and "benefit from God"; Mustafa Fatih Yavuz, "Palestine's Mamilla Cemetery and Israel's Colonial Project," *Middle East Monitor*, 25 January 2018, https://www.middleeastmonitor.com/20180125-palestines-mamilla-cemetery-and-israels-colonial-project.

[2] UNESCO, 125 EX/15 Add. 1, "Jerusalem et la Mise en Oeuvre de la Resolution 23 C/11.3," 17 July 1986, https://unispal.un.org/pdfs/unesco2f.pdf; Gideon Sulimani and Raz Kletter, "Bone Considerations: Archaeology, Heritage, and Ethics at Mamilla, Jerusalem," *International Journal of Cultural Property* 24, no. 3 (2017): 324.

THE BIRKET MAMILLA, COMMONLY CALLED THE UPPER POOL OF GIHON.
Surrounded by Moslem tombs.   In the background the Jaffa Gate is shown, with the Citadel on the right and the Anglican Church on the left.
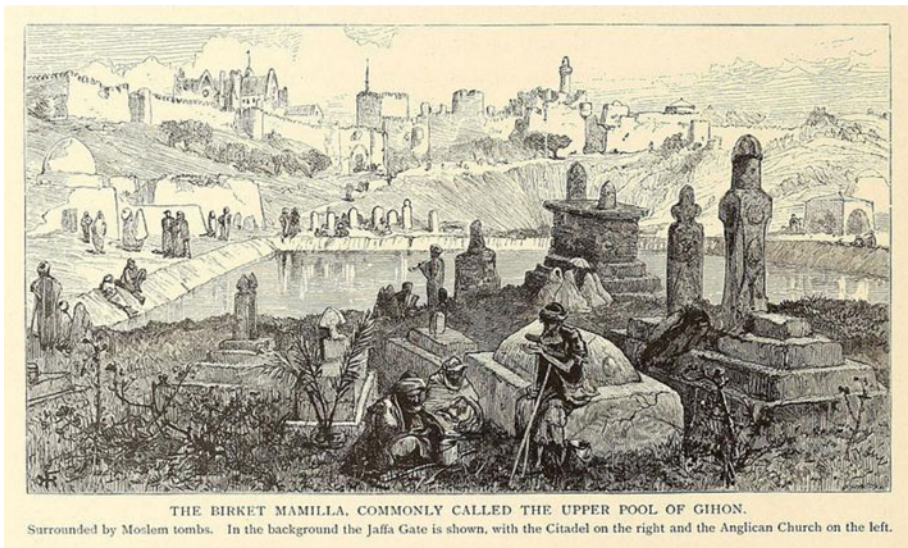
Figure 1. Mamillah cemetery illustrated in Charles W. Wilson et al., *Picturesque Palestine, Sinai, and Egypt* (New York: D. Appleton & Co., 1881), 102.

nationalist discursive and experiential apparatuses.[3] Necropolitics globally have been used to eliminate the living from a national past, to facilitate the homogenizing, ethno-nationalist rewriting of history.[4] Using the Mamillah case study, this essay discusses the ethno-necrocratic order that led to the historic 2007 Israeli High Court of Justice (HCJ) ruling about development of the Museum of Tolerance Jerusalem (MOTJ) on Mamillah's grounds, and then to the 2008 HCJ's clarification, which legally codified the supremacy of Jewish bodies and afterlives over non-Jewish ones, on the basis of advancing Israel's values.[5] The court's ethnocratic conclusion contrasts starkly with the state's 1948 declaration, reaffirmed in 1986, that the Minister of Religious Affairs had "recognized Mamillah 'to be one of the most prominent Muslim cemeteries.'" It had promised that "Israel [would] always know to protect and respect this site."[6] This promise lasted as long as Israel's politico-territorial insecurity.

I use the Mamillah cemetery as a primary example of necropolitics; I situate Mamillah in its British and Israeli contexts and I invite readers into the cemetery grounds. I argue that Israeli assertion of sovereignty over Palestinian burial grounds, funerary sites, and dead bodies is crucial to the nation's claims of sovereignty over secular grounds. Moreover, historically, Israeli commodification of funerary land has covered and built upon burial grounds,

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[3] By ethnocracy I mean the political hegemony of one ethnic group over another, or others, in any given society, in which the laws, policies, and practices of a society's political, social, and cultural institutions, purposefully or not, cause, legitimize, perpetuate, or sustain ethnic inequities, disparities, and hierarchies. Ethno-necrocracy applies the ethnic hierarchy of the living to the afterlife. Oren Yiftachel defines Israel as an ethnocracy in that "nearly all state resources, energy, and programs . . . are aimed at furthering Jewish control"; *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006), 162.

[4] Matt Lebovic, "Annihilation of Poland's Jewish Cemeteries Documented in Provocative Book," *Times of Israel*, 5 March 2021, https://www.timesofisrael.com/annihilation-of-polands-jewish-cemeteries-documented-in-provocative-book.

[5] Basic Law cited in Law Library of Congress, Global Legal Research Directorate (hereafter LLOC), "Preservation of Historical Cemeteries in Selected Countries," LL File No. 2014-010587, April 2014, 10, https://tile.loc.gov/storage-services/service/ll/llglrd/2014427596/2014427596.pdf.

[6] Akiva Eldar, "Israel Prize Laureate Opposes Museum of Tolerance," *Haaretz*, 30 December 2008, https://www.haaretz.com/2008-12-30/ty-article/israel-prize-laureate-opposes-museum-of-tolerance/0000017f-e0b1-df7c-a5ff-e2fb11380000.
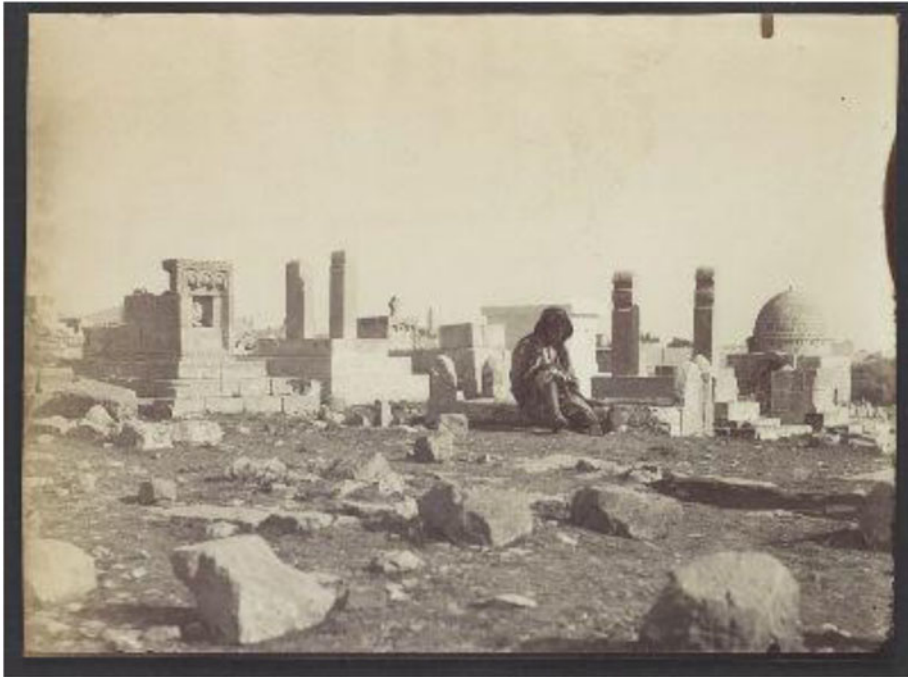
Figure 2. Avner, "Mamillah," 1800s/1900s. Lenkin Family Collection of Photography at University of Pennsylvania Library; Pritzker Family National Photography Collection, National Library of Israel.

establishing ethno-racial discriminatory practices and structures. Although in Israel, as elsewhere, real estate ventures may commonly be understood to obey a primary and politically neutral logic of money-making, these ventures do not act independently from necropolitics and ideology. Only non-Jewish funerary land has been systematically subject to real estate development. The refashioning of the millenarian Mamillah would not have been undertaken were Jewish bones buried there; moreover, Jewish bones would not have been disposed of summarily. As a Dr. Said observed in 1924, the "Zion cemetery" and the "Jewish cemetery near Silwan village" were in the same derelict situation as Mamillah, yet were not subjected to closure.[7] In the specific context of ethnocratic land, property, and funerary laws that privilege one group over any other, funerary land commodification, ethno-racial exclusion, and social injustice in both life and death are deeply embedded.

The appropriation, casual disposal, or destruction of funerary architecture, dead bodies, and bones further aims at the sacred and affective realms, at the collective psyche. Such acts ascribe a differential value to the lives of Israelis than those of Palestinians, reinforcing other means of oppression and negation, such as those of the politico-legal apparatus. Burial sites are loci through which individuals and communities not only express belonging—their connection to place, history, and ancestry—but also metaphysical and spiritual bonds. Necropolitics in this way target the "timeless or the sacred."[8] Specifically, Israeli desecration of burial grounds and retention of corpses do physical violence to both the dead, who are disturbed, and the living, who are cognizant of this disturbance.

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[7] Correspondence from Dr. Said, President of the Muslim Council to the Health Office of Jerusalem, 16 December 1924, Israel State Archives (hereafter ISA), M-17/6547, https://www.archives.gov.il/en/.

[8] Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change* (New York: Columbia University Press, 1999), 5.

Of Tombstones, Developers, and Politics

Robert Hamilton, director of antiquities in Mandate Palestine, once wrote, "From documents of the 12th century, the Mamillah cemetery appears as the burial ground and site of a mortuary church of the Canons of the Holy Sepulchre. Tombstones of Gothic type [were] still be seen in the cemetery [in 1946]. After the Crusades it became the principal Moslem cemetery of Jerusalem."[9] A multilayered and heterogenous space, Mamillah contained the relics of ordinary people, sufi saints, "eminent scholars," "Jerusalem notables," and most famously, the remains of both Christian and Muslim "leaders in the army of Saladin in the [12th] century," a reminder of the defeat of European Crusaders.[10]

Capitalizing on British policy yet succeeding where the British Mandate had failed, soon after the creation of the State of Israel in 1948, municipal authorities began erasing the Mamillah cemetery. Israeli actors nationalized and Judaized the space, acting in a political context in which they had little fear of, or concern for, Palestinian opinion and protest.[11] City authorities built roads, and partially destroyed, split, and repurposed the burial grounds—effectively deconsecrating the cemetery. In 1959, a park sardonically named Independence Park (Gan Ha-'atsmaut) erupted on the western section of the burial grounds; then followed the Agron House (formerly governmental press offices; Beit Agron, 1961–68), a three-acre "experimental" school (1971), a multistoried underground parking lot (1979–86), and a café (2015).[12] Yet, culmination of the erasure of Mamillah has taken the form of cruel irony: in 1999, Jerusalem's municipal authorities initiated the Museum of Tolerance Jerusalem, and in 2002 they authorized the Simon Wiesenthal Center's development plans for a 250-million-dollar museum to be built on the northern section of the old cemetery. Construction began in 2011.[13] Its "185,000 sq. ft. campus . . . [celebrates] the vibrancy of Israel's democracy by promoting universal respect and co-existence," among other commanding goals.[14] Crews demolished graves, removing bones that they subsequently disposed of under conditions that are suspect, in a publicly undisclosed area adjacent to Mamillah.[15] As will be described, two decades of Jewish-Israeli, Palestinian, and Arab opposition to

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[9] Correspondence from Robert Hamilton, Department of Antiquities, to the Chief Secretary, Government Offices, 2 April 1946, ISA, M-14/398.

[10] An exploration of Jerusalem's shariʿa court records (sijils) might reveal the identity of the last persons to be buried. "Campaign to Preserve Mamilla Jerusalem Cemetery, Petition for Urgent Action on the Desecration of Mamilla Cemetery, Jerusalem, 10 February 2010," *Journal of Palestine Studies* 39, no. 3 (2010): 189; United Nations, "The Question of Palestine: Continued Destruction of Jerusalem Cemetery/Documents to UN Agencies; Letter from Palestine," 10 August 2011, https://www.un.org/unispal/document/auto-insert-181547; Michelle U. Campos, "Yitzhak Reiter, Contesting Symbolic Landscape in Jerusalem: Jewish/Islamic Conflict over the Museum of Tolerance at Mamilla Cemetery," *International Journal of Middle East Studies* 47, no. 3 (2015): 629–32; Yitzhak Reiter, *Contested Holy Places in Israel/Palestine: Sharing and Conflict Resolution* (London: Routledge, 2017); Center for Constitutional Rights, "Erasing the Past: The Destruction of an Ancient Muslim Cemetery in Jerusalem," https://ccrjustice.org/sites/default/files/assets/Mamilla%20Fact%20Sheet.pdf (accssed 7 August 2022).

[11] Arnon Y. Degani, "Both Arab and Israeli: The Subordinate Integration of Palestinian Arabs into Israeli Society, 1948–1967" (PhD diss., University of California, Los Angeles, 2018).

[12] Redevelopment of the experimental school has been planned since 2018. See Kimmel Eshkolot Architects, "Experimental School Compound," https://www.kimmel.co.il/project/experimental-school-compound (accessed 7 August 2022).

[13] Creede Newton, "Muslims in Jerusalem Decry Café Built on Cemetery," *al-Jazeera*, 10 August 2015, https://www.aljazeera.com/news/2015/8/10/muslims-in-jerusalem-decry-cafe-built-on-cemetery; Reiter, *Contested*, 156; Katharina Galor, *Finding Jerusalem: Archaeology between Science and Ideology* (Oakland, CA: University of California Press, 2017). Although Teddi Kollek might have had the MOTJ idea in 1993, Mayor Ehud Olmert would have suggested Mamillah after other sites were rejected; Sulimani and Kletter, *Bone Considerations*, 324.

[14] Museum of Tolerance Jerusalem, "A Museum Like No Other in the Heart of Jerusalem," https://www.museumoftolerance.com/motj (accessed 7 August 2022). See also Campos, "Yitzhak Reiter."

[15] Sulimani and Kletter, *Bone Considerations*, 322, 344.

MOTJ's funerary desecration slowed down but did not prevent development. The MOTJ's opening is presently planned for 2023.[16]

Focusing on death studies and dead-body politics in Israel, this article builds on the premise, first effectively advanced by Michel Foucault and reinvigorated by Achille Mbembe, that modern state sovereignty is fundamentally built on power assertions over the body, both dead and alive.[17] In the specific, albeit assuredly not unique, Israeli settler-colonialist context, as in any ethnocratic context of hegemony and socio-racial inequity, state appropriation of funerary sites and dead bodies constitutes the "ultimate" claim of "*de facto* sovereignty" over bodies and land.[18] Not only does such appropriation seek to reshape and eradicate Palestinian memory and historical, physical presence, but the objectification, commodification, and deletion of burial grounds further assume a transcendental, cosmological function. Erasing sacred undergrounds goes one step beyond the erasure of profane sites, because targeting the dead aims at the metaphysical dimensions of life, encompassing both past and present.

Israeli necroviolence has varied from the destruction of funerary sites to the retention of Palestinian corpses in morgues or designated "enemy" burial sites.[19] This necroviolence becomes existential by denying Palestinians their humanity, that is, their sentience, spiritual values, and cosmology. The Other never existed. Necroviolence shapes the affect of both the colonizer and the colonized.

The destruction of Mamillah has been extraordinary because of its historic value and Jerusalem's public visibility. Yet, such erasure is not an isolated event.[20] Hundreds of Palestinian burial grounds, starting with village cemeteries, have been destroyed since 1948, involving less prominent or visible sites than Mamillah in places such as East Jerusalem, Jaffa, and Safed. The condition of the remaining dozen or so cemeteries is such that, as political scientist and former Jerusalem deputy mayor Meron Benvenisti wrote, "if it existed in another civilized state it would raise a public storm."[21] The reallocation and assertion of power over burial lands continues to be a crucial aspect of the nationalization and Judaization of Palestine. Yet sites of power are simultaneously sites of resistance.[22] Both Israelis and Palestinians have engaged in necropolitics: the former as a means of power assertion over both the physical and metaphysical world, and the latter as a means of defiance against such assertion. Israeli dead body retention exemplifies these necropolitics. If Israeli control over Palestinian remains constitutes psychological warfare, a symbolically violent act of subjection that reaffirms Israeli hegemony, so, too, Palestinians have invested political energy in burial lands, corpses, and funerals. These have become loci of massive resistance, through which Palestinians seek international public attention, claim moral superiority over Israelis, and simultaneously articulate nationhood, political existence, and social resilience.

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[16] Ruth Marks Eglash, "A First Look Inside Jerusalem's Museum of Tolerance," *Jewish Insider*, 22 December 2021, https://jewishinsider.com/2021/12/a-first-look-inside-jerusalems-museum-of-tolerance.

[17] Verdery, *Political Lives*; Meron Benvenisti, *City of Stone: The Hidden History of Jerusalem* (Berkeley, CA: University of California Press, 2000), 230–31; Michael Taussig, "Dying Is an Art, Like Everything Else," *Critical Inquiry* 28, no. 1 (2001): 305–16; Achille Mbembe, *Necropolitics* (Durham, NC: Duke University Press, 2019), 66; Shana Minkin, *Imperial Bodies: Empire and Death in Alexandria, Egypt* (Stanford, CA: Stanford University Press, 2020).

[18] Finn Stepputat, ed., *Governing the Dead: Sovereignty and the Politics of Dead Bodies* (New York: Palgrave McMillan 2014), 11.

[19] By necroviolence I mean here the symbolic and physical violence imparted to the living through the offensive or disrespectful treatment of both mortal remains and funerary sites; Jason de León, *The Land of Open Graves: Living and Dying on the Migrant Trail* (Berkeley, CA: University of California Press, 2015), 69, 275.

[20] Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (Chicago: University of Chicago Press, 2008), 4, 264.

[21] Meron Benvenisti, "The Hypocrisy of Tolerance," *Haaretz*, 9 February 2006, https://www.haaretz.com/2006-02-09/ty-article/the-hypocrisy-of-tolerance/0000017f-ea2f-d639-af7f-ebff4b330000.

[22] Charles Tripp, *Power and the People: Paths of Resistance in the Middle East* (Cambridge, UK: Cambridge University Press, 2013).

Erasure

Israeli necroviolence needs to be contextualized within the persistent Orientalist works—including travelogues, scholarship, urban policy, and maps—that prepared the political grounds and have kept alive the affective terrain propitious for the violation of Palestinian hallowed sites. Orientalist works textually erased Mamillah from their accounts before bulldozers did. Israeli authorities mobilized legal and ideological tools similar to those used by British colonial authorities, which had marginalized the Arab and Islamic past. These tools furthered the interests of promoters of Israel, a major factor in the schemes affecting Palestinian land. They also neutralized Palestinians' spiritual, social, and political claims over land. Urban planning has participated in the local and global colonial discourses and practices within which Israeli reallocation of Palestinian burial grounds has taken place following 1948.

There is no explicit evidence that before 1948 developers had intently targeted Mamillah to completely expunge Palestinian history, rather than to make place for a more prominent Jewish presence. Yet, regardless of the well-known affinities of some colonial officials with Arab and Islamic heritage, British visions during the Mandate otherwise coincided with Zionist ones: European gazes sifted the Muslim graves. Mamillah contained ruins that were not worth saving, and so it is then that the "death knell . . . sounded for the millennium-old cemetery."[23] Orientalist narratives exclusively embraced the Greco-Roman and Byzantine past and the Biblical epic, thus obliterating the burial site's living culture—such as interments and visits to holy shrines and the dead.[24] They created an intellectual environment, much alive today, that paved the way for the institutionalization of a civilizational hierarchy that placed antiquity above Palestinian Arab living culture, and that valued Jewish and Christian mytho-history above the Ottoman and Arab present.[25]

British control of topographical knowledge provided a powerful instrument for the erasure of Mamillah. Mandate maps impress the idea that the cemetery was an archaeological site, rather than a space of a living culture, despite the presence of "thousands of grave markers" as late as 1948.[26] In contrast, maps identify another Muslim cemetery, al-Yusifiyya, situated north of the city, of lesser size and historic significance. City maps suggest that the dead (Jews, Christians, and Muslims alike) were to be confined to the lands north of the Old City: the Old City to the Arabs and the dead, the New City to Europeans and the living. On some colonial maps, Mamillah graves are not only diminished, but the thirty-three acre burial grounds are topographically and toponomically wiped out. These maps illustrate British intentions to antiquate the cemetery and decommission it, as well as to control Muslim life in West Jerusalem.

Late Ottoman-era infrastructural and urban development had only marginally affected the integrity of the burial grounds in the past.[27] In contrast, under British and later Israeli rule developers specifically targeted the Muslim burial grounds in their entirety,

[23] Theodore F. Meisels, "Farewell to Mamillah Cemetery," *Palestine Post*, 18 December 1945, 4.

[24] Among abundant examples are Karl Baedecker, *Palestine and Syria* (Leipzig: K. Baedecker, 1895), 83; and Vital Cuinet, *Syrie, Liban, et Palestine* (Paris: E. Leroux, 1896), 654, 656, 658.

[25] Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago: University of Chicago Press, 1995).

[26] I use "a space of living culture" to refer to a material or immaterial site that generates political, social, and cultural practices that have meaning and value in the present, such as burial sites and holy shrines, ancient or not, where people visit and pray. Kobi Cohen-Hattab, "Zionism, Tourism, and the Battle for Palestine: Tourism as a Political-Propaganda Tool," *Israel Studies* 9, no. 1 (2004): 61–85; Dov Gavish, *A Survey of Palestine under the British Mandate, 1929–1948* (New York: Routledge, 2005), 99–102; Nicholas E. Roberts, "Dividing Jerusalem: British Urban Planning in the Holy City," *Journal of Palestine Studies* 42, no. 4 (2013): 8–10, 12; Ayelet Rubin, "Jerusalem's First Tourist Map," National Library of Israel, 10 October 2018, https://blog.nli.org.il/en/jerusalems-first-tourist-map.

[27] Rochelle Davis, "Ottoman Jerusalem: The Growth of a City Outside the Walls," in *Jerusalem 1948: The Arab Neighborhoods and Their Fate in the War*, ed. Salim Tamari (Bethlehem: Institute of Jerusalem Studies and Badil Resource Center, 2002), 10, 12, 19, 24–25, 34.

mobilizing the discursive, political, and legal systems they controlled. They sought and won the support of some Palestinian religious leaders, yet failed to gain the acquiescence of the Muslim population.[28] Mamillah sat just outside the walls of the Old City, lying west of the line that indicated the area "planned for future development." In the center of a "fast developing area," cemetery use was "most undesirable."[29] Mamillah contradicted the colonial vision of a divide between a new "modern" Western European city and the old "ancient" Eastern Arab city. The Mandate-era Town Planning Committee reimagined the Muslim cemetery as partially constructed and partially "public open space" to be incorporated into the new Jewish Jerusalem.[30]

Cemeteries could not be reinvented, however, while they were still spaces of living Muslim culture.[31] Military Governor of Jerusalem Ronald Storrs (1917–26) initiated the closing of the cemetery. In 1924, he ordered that no burial be carried out, with the exception of "a limited number" in "family vaults." At least until the early 1930s, Jerusalemites contravened this order; ninety-one people claimed to own family vaults.[32] In 1927, the Supreme Muslim Council (SMC), which the British created, declared the Mamillah burial grounds a historical site. The motivations and intentions of the SMC remain unclear. What we know is that, in 1930, Grand Mufti and president of the SMC Hajj Amin al-Husayni likely helped cover up the unearthing of bones at the controversial Palace Hotel site.[33] In 1944, with the acquiescence of the SMC, British authorities classified the grounds as "antiquities." Amin al-Husayni, the SMC, and waqf authorities were open to compromise with urban planners—albeit not ostentatiously.[34]

Most critically, whatever the attitude of the official leadership, in the 1920s and 1940s the Muslim community in Jerusalem and beyond was firmly opposed to any scheme that would disturb the dead.[35] Despite their classification, the grounds remained the site of living culture, as people continued to visit holy shrines and the dead. In 1932, a large number of Muslim petitioners firmly objected to construction within the cemetery, as people had earlier contested the cemetery's closure. Jaffa residents joined Jerusalemites in opposing drainage plans, observing that "this act [would] cause the heart of every Muslim in the world to bleed." They demanded that the British respect Mamillah as they would "military cemeteries of British soldiers in [the] Dardanelles and elsewhere." Others spoke of "perversion,"

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[28] The Supreme Muslim Council directed the construction of the Palace Hotel starting in 1928, outside the official cemetery zoning but in a zone containing remains. Davis, "Ottoman Jerusalem," 31–32; Yitzhak Reiter, "Tolerance versus Holiness: The Jerusalem Museum of Tolerance and the Mamilla Cemetery," in *Choreographies of Shared Sacred Sites: Religion, Politics, and Conflict Resolution*, eds. Elazan Barkan and Karen Barkey (New York: Columbia University Press, 2015), 302; Emek Shaveh, "Hidden Heritage: A Guide to the Mamilla Cemetery, Jerusalem," 17, http://www.emekshaveh.org/en/wp-content/uploads/2016/09/Mamila-English.pdf (accessed 7 August 2022).

[29] Maps from 1918 and 1919 show a large space without any identifier other than the pool. Charles Ashbee, ed., *Jerusalem, 1918–1920: Being the Records of the Pro-Jerusalem Council during the Period of the British Military Administration* (London: J. Murray, 1921); Correspondence from Senior Medical Officer to Deputy District Commissioner, 2 May 1929, ISA, M-17/6547; Correspondence from the Department of Health to Jerusalem District, 25 February 1930, ISA, M-17/6547.

[30] Correspondence from E. Keith Roach, Deputy District Commissioner, to Acting Chief Secretary, 18 March 1930, ISA, M-17/6547.

[31] Roberts, "Dividing Jerusalem," 20.

[32] Correspondence from District Health Office, Jerusalem-Jaffa District, to Grand Mufti of Jerusalem, 16 December 1924, ISA, M-17/6547; Correspondence from Senior Medical Officer to District Commissioner, 12 September 1925, ISA, M-17/6547; Correspondence from E. Keith Roach, Deputy District Commissioner, to Acting Chief Secretary, 18 March 1930, ISA, M-17/6547.

[33] In 1925 the SMC authorized the real estate development amid controversy; Reiter, "Tolerance," 301–2.

[34] Correspondence from the Chairman of the Town Planning Commission to the Jerusalem Municipal Corporation, 17 September 1946, ISA, M-14/398. This correspondence displays tensions between the Archaeology Department and the Town Planning Commission.

[35] This was not unique to Palestinian Muslims. For instance, see the famous 1911 revolt in Tunis against construction within the Djellaz Islamic cemetery; Tunisia, Résidence Générale, Archives du Ministère des Affaires Etrangères, Nantes, France, 1/TU/1/V/1204A.

"unholy use," and "profanation."[36] In the 1940s, Muslims would often renew their opposition to disturbing the dead in Mamillah. One petitioner hinted that the British were behaving like the "Bolshevists" and that "no benefit will accrue the Moslems if the Cemetery will become part of the city. It is the Jewish quarters that will benefit."[37] Others disavowed religious authorities, pertinently noting that the "government might rely upon the approval of the Supreme Moslem Council, the Awqaf Administration and other bodies which are *not in a position to oppose the scheme*, or might otherwise rely on an application which may be submitted by certain persons stressing the *economic benefits* which may be derived from such a scheme." Again, all petitioners insisted, then as now, that the site had special historical value and its profane reassignment would be a religious violation. Another petition mentioned that even the Crusaders "did not attempt to violate the sanctity of [the] Cemetery."[38]

When the Israelis assumed control of West Jerusalem in 1948, Palestinians lost physical access to, and control of, Mamillah. Under both Ottoman and British rule, Palestinian cemeteries had been religious endowments (*awqaf*, sing. waqf), and were thus shielded to some extent from private sale and state appropriation. After 1950, however, Israeli authorities placed Islamic *awqaf* under the newly issued Custodian of Absentee Property Law, which is the main apparatus through which the Israeli state has historically taken possession of Palestinian property.[39] Because of their earlier privileges and reliance on state funds in Ottoman times, Islamic endowments were most vulnerable to state appropriation. Under the British, Muslim religious functionaries and institutions (such as the SMC) in charge of cemeteries also had relied largely on governmental allocations.[40] After 1948, the SMC suddenly found itself under Jordanian authority in East Jerusalem and the West Bank, and under Israeli rule in West Jerusalem. Although it changed the status of all religious communities, Israeli statehood most disempowered the Muslim community. Jewish and Islamic endowments, and thus cemeteries, were now—for different reasons—under governmental administration. One essential distinction, however, was that, with Islamic *awqaf* now under the jurisdiction of the controller of the Absentee Property and Land Administration, Islamic cemeteries fell under non-Muslim supervision. In contrast, most Christian pious endowments remained under Christian administration.[41]

Until 1965, the Minister of Religious Affairs had full authority over all the waqf properties placed under the control of the custodian [of Absentees' Property] . . . and in

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[36] Correspondence from (Sgd.) Mohd. Sa'ud al-'Ouri, formerly Qadi of Jerusalem, Mudarres at Masjed al-Aqsa, 12 July 1932; telegram from As'ad Wafa et al., 14 July 1932; and correspondence from Dr. Abdul Hamid Said, 14 July 1932: all to the High Commissioner, ISA, M-10/294; Correspondence from the President of the Muslim Council to the Health Office of Jerusalem, 16 December 1924, ISA, M-17/6547; Correspondence from E. Keith Roach, Deputy District Commissioner, to Acting Chief Secretary, 18 March 1930, ISA, M-17/6547; Petition, 19 July 1932, ISA, M-17/6547.

[37] Petition from Mohammad Ali al-Huseini al-Maqdasi to the High Commissioner, 16 October 1946, ISA, M-14/398; Correspondence from Shaykh Mohd. Sa'ud al-'Ouri to Chief Secretary's Office, 15 February 1947, ISA, M-14/398.

[38] Emphasis mine. Petitions from Sheikh Mousa al-Budeiri et al., 20 May 1945, and from Mohammad Shaker al-Huseini et al., 18 June 1945, both to the High Commissioner, ISA, M-14/398.

[39] Yitzhak Reiter, *Islamic Institutions in Jerusalem: Organization under Jordanian and Israeli Rule* (Boston: Kluwer Law International, 1997), 41; Suad Bishara, "From Plunder to Plunder: Israel and the Property of the Palestinian Refugees," *Adalah's Newsletter* 64 (2009): 1–2, 3–4; Salim Tamari, "Waqf Endowments in the Old City of Jerusalem: Changing Status and Archival Sources," in *Ordinary Jerusalem, 1840–1940: Opening New Archives, Revisiting a Global City*, eds. Angelos Dalachanis and Vincent Lemire (Leiden: Brill, 2018), 492, 497–98.

[40] The SMC had full autonomy in religious affairs. Habeeb A. Khayat, "Waqfs in Palestine and Israel: From the Ottoman Reforms to the Present" (PhD diss., American University, Washington, DC, 1962), 127, 137; Reiter, *Islamic Institutions*, 5, 38; Mahmoud Yazbak, "The Islamic Waqf in Yaffa and the Urban Space: From the Ottoman State to the State of Israel," *Makan: Adalah's Journal for Land, Planning and Justice* 2 (2010): 40–42.

[41] Ron Shaham, "Christian and Jewish *Waqf* in Palestine during the Late Ottoman Period," *Bulletin of the School of Oriental and African Studies* 54, no. 3 (1991): 460–72; Reiter, *Islamic Institutions*, 80; Hagar Shezaf, "Saving Tel Aviv-Jaffa's Only Muslim Cemetery," *Haaretz*, 15 March 2018, https://www.haaretz.com/israel-news/.premium-saving-tel-aviv-jaffa-s-only-muslim-cemetery-1.5910776.

1975 [the Knesset] passed a group of regulations [that] revoked the waqf classification of all the waqf properties, thereby legitimizing their confiscation and transfer to state ownership and enabling their sale.[42]

By the 1970s, Islamic burial land had lost its protected status. Thus, state appropriation of Mamillah was facilitated by its waqf status; by the absence, after 1948, of a waqf committee in a Judaized West Jerusalem; and by the political marginalization and disempowerment of Palestinians.

To be sure, not everyone believed that Mamillah's appropriation was ill designed or politically motivated, just as not everyone today correlates gentrification and land reassignment with Judaization.[43] Indeed, starting in the late 18th century, on a global scale, politicians, town planners, hygienists, and many well-minded people cast out the dead to city outskirts. Both colonial and postcolonial institutions invoked health hazards to legitimize a series of decrees that aimed at sanitizing burial grounds, at banning human and animal activities from cemeteries, at benefiting developers.[44] By the late 19th century, in Europe as in North Africa and the Middle East, Jewish, Christian, and Islamic cemeteries were decommissioned and built upon, or transformed into open spaces.[45] Shared urban ideals, real estate schemes, and funerary and sanitary regulations led to a global reconceptualization of social and funerary space that helped shape the Middle Eastern deathscape well into the 20th century.[46]

Necroviolence, Conflict, and Ethno-Necrocracy

The fate of burial land and mortal remains cannot be dissociated from the political environment. Necroviolence often accompanies armed conflict, as during the 1936–39 Palestinian revolt and the 1947–49 war. Situated in the proximity of Palestinian-populated areas, the vast Jewish cemetery of the Mount of Olives (covering today about sixty-two acres, including both active and disaffected grounds) was historically and remains today a target during violent times.[47] Several times in 1939 people reported that Jewish tombs had been damaged "with the intention to cause offense."[48] In 1947, the Chief Rabbinate reported the desecration of tombstones, prayer books burned, and mourners shot at.[49] Palestinians and Jordanians infamously desecrated the Mount of Olives cemetery while it was under Jordanian custody between 1948 and 1967. When Israelis seized the area after the 1967 War, the cemetery was in pitiable condition. Roads and a parking lot had been built. Some 40,000 to 50,000 tombstones had been destroyed, many of which had been repurposed. Restoration took over two decades.[50]

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[42] Yazbak, "Islamic Waqf," 41–42.

[43] Khayat, "Waqfs in Palestine," 157.

[44] Philippe Ariès, *Essais sur l'histoire de la mort en Occident du Moyen-Âge à nos jours* (Paris: Seuil, 1975).

[45] Michel Vovelle and Regis Bertrand, *La ville des morts. Essai sur l'imaginaire urbain contemporain d'après les cimetières provençaux* (Marseille: Editions du CNRS, 1983); LaVerne Khunke, *Lives at Risk: Public Health in Nineteenth Century Egypt* (Berkeley, CA: University of California Press, 1990).

[46] Sylvia Chiffoleau, *Genèse de la santé publique internationale. De la peste d'Orient à l'OMS* (Rennes: Presses Universitaires de Rennes/Ifpo, 2012); Mériam N. Belli, "United They Lay: Cemeteries and Community in the Isthmus Cities of Late 19th–Early 20th Century Egypt," in *L'Isthme et l'Egypte au temps de la Compagnie Maritime du Canal de Suez*, ed. Claudine Piaton (Cairo: Institut Français d'Archéologie Orientale, 2016), 195–230.

[47] Benvenisti, *City of Stone*, 241; Nir Hasson, "Jewish Graves Vandalized on Jerusalem's Mount of Olives," *Haaretz*, 3 September 2015, https://www.haaretz.com/.premium-jewish-graves-vandalized-in-j-lem-1.5394503.

[48] Correspondence from Jewish Supernumerary Headquarters to Jerusalem District Officer, 3 April 1939, ISA, M-38/860.

[49] Correspondence from the Chief Rabbinate of Palestine to the District Commissioner, 25 December 1947, ISA, M-38/860.

[50] Correspondence from Mordecai Kidron, Israeli Representative to the UN, to Dag Hammarskjold, Secretary General of the UN, 10 July 1954, Central Zionist Archives, C2/1862-1t; Correspondence from Zerah Warhaftig,

Concurrently, Jews targeted Palestinian cemeteries. In the summer of 1939, the SMC reported that "on many occasions" Jews had "set fire in the Mamillah cemetery." In one instance, the SMC claimed that a "large portion of the cemetery comprising hundreds of graves and trees" had been affected, and a wall destroyed. In another instance, it reported that a "Jewish multitude [had] entered . . . Ma'man Ullah and started damaging the tombs, cutting trees and setting fire on the grass."[51] The British evaluated the damages as minor and attributed them to simple youth misdeeds.[52]

Most dramatically, in the aftermath of the 1948 Arab-Israeli War, Israeli authorities strategically bulldozed some four hundred Palestinian cemeteries along with villages. On Mount Zion just south of the Old City, where Israeli troops were stationed between 1948 and 1967, Latin, Armenian, and Greek religious buildings and cemeteries suffered analogous treatment to that of the Jewish cemetery, albeit on a much smaller scale. A 1968 pamphlet testifies to the extensive damage to an Armenian church and monastery, the tombs of the Armenian Patriarchs of Jerusalem, a Greek Orthodox cemetery, and a Roman Catholic cemetery. Catholic Reverend Isaias Andrès reported that corpses had been "[dragged] . . . out of the tombs." Andrès supplemented his testimony with "several macabre photographs, showing smashed tombs in the Catholic cemetery, with the remains of the coffins and the deceased strewn all around."[53]

Necroviolence continued outside of wartime; today it mostly affects Muslim Palestinians. The usual scenario: Islamic burial grounds are left unattended, because people do not have access or are prevented from tending to them; municipalities deem these sites abandoned and derelict; the Israel Antiquities Authority is passive or complicit; the municipality or developers take over. Mamillah illuminates the specific workings of this ethno-necrocratic commodification. Contractors who started working on the MOTJ in 2005 found densely populated undergrounds. Potentially Jewish remains were "carefully excavated and preserved" in sharp contrast to non-Jewish bones.[54] Israeli ethno-necrocracy is in part driven by a nationalist ideology that grants Jews preferential treatment in ha-Eretz, and in part due to the influence of the Orthodox Rabbinate in Israeli life and death. The State of Israel immediately ceded control over birth, death, and other matters of Jewish personal status to the East European Orthodox Rabbinate. Within the Ministry of Religious Affairs, *haredi* (Orthodox) voices came to play a dominant role in shaping public policies and practices regarding the dead, especially after the 1970s when "the balances of political power . . . began to change decisively." The Orthodox theological position has been one that strictly forbids the removal, displacement, or alteration in any form of all human remains, be they ancient or modern—although in practice distinguishing between Jewish and non-Jewish bodies. In doubt as to the identity of remains, religious authorities have erred on the side of caution. Although a minority position, this "ultra-Orthodox-*haredi* objection to disturbing human remains" has been forcefully carried out by its advocates. By the 1990s, necro-activists both influenced the law and succeeded in monitoring and halting

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Minister of Religious Affairs, 25 September 1969, Central Zionist Archives, J/112/1197; Benvenisti, *City of Stone*, 241–42.

[51] Correspondence from District Commissioner, Jerusalem District, 26 June 1939, ISA, M-38/860; Correspondence from District Police Headquarters, 14 July 1939, and correspondence from Muslim Supreme Council, 22 July 1939, both to District Commissioner, ISA, M-38/860.

[52] Correspondence from District Police Headquarters to District Commissioner, 14 July 1939 and 9 August 1939, ISA, M-38/860.

[53] Isaias Andrès, "Profanation de cimetières à Jérusalem," in *La Terre Sainte* (Jerusalem, 1968), cited in Institute of Palestine Studies, *The Desecration of Christian Cemeteries and Church Property in Israel* (Beirut: Catholic Press, 1968), 3.

[54] Nir Hasson, "Museum of Tolerance Special Report in Response to the Revelations," *Haaretz*, 18 May 2010, https://www.haaretz.com/1.5122024; Nir Hasson, "What to Do with the Graves?" *Haaretz*, 20 May 2010, https://www.haaretz.com/1.5122468; Nir Hasson, "Controversial Plan for Museum at Western Wall Gets Final Zoning Approval," *Haaretz,* 2 December 2015, https://www.haaretz.com/.premium-western-wall-plaza-museum-approved-1.5429654; Sulimani and Kletter, "Bone Considerations," 342.

archaeological and forensic works.[55] Governmental actors and private contractors regularly clash, sometimes violently, with ultra-Orthodox-*haredi* activists when digging for scientific or infrastructural works, archaeological projects, or road and housing construction. Archaeologists have to report human remains immediately to the Ministry of Religious Affairs, "which takes the bones to a suitable burial site. A scientific examination of the skeleton is prohibited, and the law doesn't consider it an antiquity." Anti-exhumation proponents won a historical victory in 1994, when "the Attorney General" confirmed this principle, putting *all* remains "under Jewish control." Contractors have to overspend or change their plans to circumvent bones; scientists avoid physical anthropology; and criminal forensic experts operate in conflictual, uneasy conditions.[56]

Ethno-necrocracy applies to Jewish communities too. The construction of a 1.4-kilometer Western Wall cable car plan, approved by the government in 2019, would have passed over an ancient Karaite cemetery.[57] The Karaites protested that such a plan "would never have been considered if this were a mainstream rabbinical cemetery." Israel's top court rejected the plan in 2021 because of the tenacity of Karaite objections and the support of Israeli archaeologists and environmentalists, as well as of Palestinians—the final stop being situated in Silwan, a Palestinian neighborhood in Jerusalem much coveted by settlers.[58] Most vulnerable to destruction have been Palestinian places out of camera sight and depleted of their Palestinian populations, such as rural areas or ethnically homogenized cities like Safed.

Poorly documented, Israeli erasure of funerary architecture in rural areas, where most of the Palestinian population resided prior to 1948, has been extensive. Benvenisti wrote, "Open burial sites are scattered throughout the country, human bones are strewed about, and tombstones are shattered, covered with garbage. The most famous site is the Balad a-Sheikh graveyard, located near Haifa in the town of Nesher—where Sheikh Azz al-Din al-Qassam is buried. This cemetery is the site of repeated clashes between vandals wishing to desecrate it and Muslim groups fighting to preserve it."[59]

The deletion of Islamic shrines may be even more significant to Israeli deathscape and memory than the destruction of cemeteries. Egyptian scholar Henry Habib-Ayrout has written that shrines were much more popular and visited than mosques, because the former did not differentiate between gender and age—and, one might add, sometimes religion.[60] Until 1948, Mamluk and Ottoman structures, cenotaphs and tombs, populated the Palestinian landscape. They "[sanctified] the region."[61] They had signaled Muslim omnipresence; they had embedded Islamic history and identity into the land.

> The tombs were an ever-present feature of the landscape. . . . In some places, they existed in the most barren locations and served as infrequent places of pilgrimage.

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[55] Rachel S. Hallote and Alexander H. Joffe, "The Politics of Israeli Archaeology: Between 'Nationalism' and 'Science' in the Age of the Second Republic," *Israel Studies* 7, no. 3 (2002): 85, 89, 93.

[56] Hallote and Joffe, "Politics," 97; Nir Hasson, "Israeli Archaeologists Dodge the Law to Study Human Remains," *Haaretz*, 4 September 2016, https://www.haaretz.com/israel-news/.premium-israeli-archaeologists-dodge-the-law-to-study-human-remains-1.5434635.

[57] Nir Hasson, "Israel's Transportation Minister Opposes Controversial Western Wall Cable Car Plan," *Haaretz*, 26 November 2021, https://www.haaretz.com/israel-news/.premium-israel-s-transportation-minister-opposes-controversial-jerusalem-cable-car-plan-1.10418250.

[58] Nir Hasson, "Karaites Join Petitions against Planned Western Wall Cable Car," *Haaretz*, 18 December 2019, https://www.haaretz.com/israel-news/.premium-karaites-join-petitions-against-planned-western-wall-cable-car-1.8289163.

[59] Benvenisti, "Hypocrisy." The political process of erasure of Mamillah is similar to that of other cemeteries. Yet, as Reiter argues, it is distinct in that Mamillah held an incommensurable number of remains; it was a unique and priceless historical and archaeological site; and the architecture of MOTJ was designed to overshadow the cemetery; see "Tolerance," 316.

[60] Henry Habib-Ayrout, *Fellahs* (Cairo: Editions Horus, 1942), 97.

[61] Doron Bar and Seth J. Frantzman, "Mapping Muslim Sacred Tombs in Palestine during the Mandate Period," *Levant* 45, no. 1 (2013): 99.

> Other tombs . . . were large structures . . . serving as the site of huge pilgrimages that swelled their population to the thousands.

Dereliction adds to occult strategies of ideological and political violence. A rare study of Muslim shrines counted 786 tombs during the Mandate, in contrast to 184 in 2000, with 70 in Israel and the remainder in the Occupied Territories: "Many of the tombs have fallen into disrepair or been destroyed" so that "a historic architectural presence that has formed a part of the landscape since at least the Mamluk period, has been allowed to undergo a precipitous decline."[62] Tombs that had, more or less gloriously, survived the passage of peace and conflict for hundreds of years were decimated in just a few decades.

Boasting four mosques and sixteen Muslim holy sites prior to 1948, Safed historically stood out for its number of shrines, some of them shared with Jews.[63] This Upper Galilee town, 20 percent of whose 12,600 inhabitants in 1946 were Jewish, is now 99 percent Jewish.[64] The dead left after the living: at least four of the city's Muslim burial grounds have silently been destroyed or repurposed, in violation of Israeli regulations regarding human remains.[65] In 2005, a Jewish resident of Safed protested in the *Jerusalem Post*:

> My house, at the entrance to Safed, borders what was once a large Muslim cemetery. Over the past 30 years I have witnessed major work done in the area where bones, grave liners and tombstones have been dug up and carted away by trucks, along with the earth and rubble, to be used elsewhere. Several years ago, when a major sewer line was installed, dozens of graves were dug up and simply dumped. I contacted the local Antiquities Authority. While they were furious with the Safed Municipality, nothing was done and the desecration continued.[66]

This testimony illustrates both Israeli ethno-necrocratic practices and, as seen in the City of David project in East Jerusalem, how the Israel Antiquities Authority, municipalities, and developers are often complicit.

Pattern of Destruction

As political activist Eitan Bronstein pointedly noted, "The destruction and logic of the destruction is one of the foundations of the Israeli regime. . . . Without understanding the pattern, it's impossible to understand what Israel is doing today in Area C or the Negev."[67] Because necroviolence forms part of Israeli state-building, the appropriation of Palestinian burial grounds started during the course of the 1948 war with the bulldozing of villages. Later, necroviolent acts became nationalist strategy, Mamillah being one of the

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[62] Ibid., 109–10.

[63] Ibid., 103.

[64] United Nations Conciliation Commission for Palestine, "Settled Population of Palestine by Town and Sub-District, Estimate as at 31st December, 1946," 22 March 1949, https://www.un.org/unispal/document/auto-insert-210930.

[65] Noa Shpigel, "Safed's Non-Jewish Treasures Face Disrespect and Vandalism," *Haaretz*, 27 November 2020, https://www.haaretz.com/israel-news/.premium-safed-s-non-jewish-treasures-face-disrespect-and-vandalism-1.9331349.

[66] "Letters to the Editor," *Jerusalem Post*, 1 March 2005, https://www.jpost.com/israel/letters-to-the-editor-march-1-2005.

[67] Eitan Bronstein cited in Amira Hass, "Destruction of Palestinian Villages Is Not a Matter of Perspective," *Haaretz*, 31 July 2015, https://www.haaretz.com/.premium-destruction-of-palestinian-villages-is-not-a-matter-of-perspective-1.5381430?mid7723=open. Area C is an administrative division (under Oslo II) covering 60 percent of the West Bank, in which Israel controls security and land management. It hosts over 325,000 Jewish settlers and some 180,000 to 300,000 Palestinians. Israeli Information Center for Human Rights in the Occupied Territories, "Area C," B'tselem, https://www.btselem.org/topic/area_c.

most obvious victims.[68] First after 1948 and then after 1967, Israeli military and political successes altered the strategic and ideological significance of the land situated both east and west of the Old City.

The Israeli state used the legal and political void it had itself created or repurposed to redefine burial land use and classification.[69] The Israeli political model innovated by extending its ethnocracy to the dead. This extension of ethnocracy to the dead, or ethno-necrocracy, confers protection to archaeological, historical, and present Jewish remains, in ways that are not, in practice, imparted to gentile bones.[70] As Benvenisti noted, if the rehabilitation of "Mamilla, Ein Kerem, Malha" and other West Jerusalem cemeteries would have had for effect to "[acknowledge] Arab political claims to West Jerusalem," then the preservation of funerary sites and shrines throughout Israel would have acknowledged Arab political claims all over ha-Eretz.[71] Although ethnocracy is not unique to Israeli settler colonialism, necroviolence upsets the higher moral order that the Israeli state identifies with, and that it has marketed for international consumption. Israeli destruction of non-Jewish burial sites highlights the contradiction between the violence of political institutions and efforts for recognition as a righteous and virtuous all-inclusive democracy.

Strolling Around Mamillah

Funerary grounds provide worlds within worlds through which we may peek into a nation's sociopolitical order and relational networks as they were and are, as they sought and seek to be, and as they never were. Thus, for Foucault, cemeteries are "heterotopic" spaces that simultaneously "represent, contest, and invert" utopias, sets of relations, and the sociopolitical order. The cemetery, Foucault argues, is a space that is "connected with all the sites of the city, state or society or village."[72] The reshaping of citizens' experience of funerary landscape and land has accordingly been critical to Israeli state-building, because one's experience of space informs one's social and political consciousness.[73] Strolling around the historic Mamillah (Independence Park and remaining graveyard combined) confirms the experiential obliteration, caused by successive real estate and development schemes, of the former unity of the burial grounds; and, as well, the annihilation of the sacral character of whatever remains of them.

Mamillah sits today just south of Jerusalem's "downtown triangle," on the eastern boundaries of New Jerusalem, close to the animated Yosef Rivlin Street (Fig. 3). A ten-minute walk separates the Jaffa Gate in the Old City from the southeastern entry of Mamillah, and also from the cemetery's southern boundary along Gershon Agron Street. The US embassy faces the redeveloped burial grounds.[74] Once the largest Muslim cemetery in Palestine, Mamillah today stands moribund, a shadow of what it was.[75] After its series of amputations following 1948, the cemetery per se has shrunk to fewer than five acres. What is left of

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[68] Walid Khalidi, *All that Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington, DC: Institute for Palestine Studies, 1992).

[69] Mark LeVine, *Overthrowing Geography: Jaffa, Tel Aviv, and the Struggle for Palestine, 1880–1948* (Berkeley, CA: University of California Press, 2005), 184–85.

[70] Hasson, "Israeli Archaeologists."

[71] Benvenisti, *City of Stone*, 241–42.

[72] Michel Foucault, "Des espaces autres," *Empan* 2, no. 54 (2004): 12–19.

[73] Christopher J. Preston, "Epistemology and Environmental Philosophy: The Epistemic Significance of Place," *Ethics & the Environment* 10, no. 2 (2005): 1–4; Saree Makdisi, "The Architecture of Erasure," *Critical Inquiry* 36 (2010): 519–59.

[74] Gershon Agron (1894–1964), founded the *Palestine Post* (later the *Jerusalem Post*) in 1932. As mayor of Jerusalem (1955–59) he was instrumental in West Jerusalem's development.

[75] "Petition for Urgent Action on Human Rights Violations by Israel: Desecration of Ma'manallah (Mamillah) Muslim Cemetery in the Holy City of Jerusalem," 2010, 6, http://www.mamillacampaign.org/photos/pdfs/All_Petition.pdf; Reiter, *Contested*, 157. The directorate of al-Aqsa Mosque suggested that the cemetery's historical superficies were 90 acres; "Jerusalem and the Implementation of 23/C Resolution 11.3," 125 EX/15, 17 July 1986, https://unesdoc.unesco.org/ark:/48223/pf0000070745; Shaveh, "Hidden Heritage," 6.
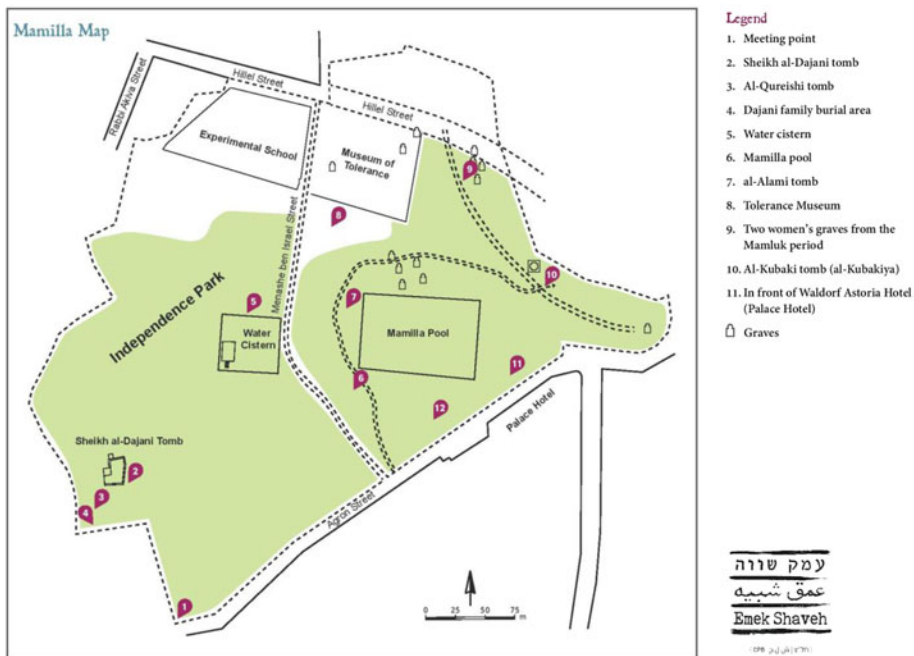
Figure 3. Map of Mamillah, 7 September 2016. Reproduced with the kind permission of Emek Shaveh.

historic Mamillah is a land spatialized into three areas: Independence Park, the ancient pool, and a land sparsely planted with tombstones that people easily ignore (Fig. 4).[76]

How did shrinkage happen? Starting in the late 1950s, the municipality of Jerusalem aggressively undertook appropriation of the grounds, first by erecting roads splitting the cemetery in half and creating Independence Park on the western section. Comparing "Ma'manallah" to the Kremlin or Arlington or Westminster Abbey, a 1972 letter by the Jordanian Ambassador to the United Nations mentioned with utter dejection the "public park [built on the cemetery's western section] for human beings and animals to trample on, as any visitor to Jerusalem could see for himself."[77] The municipality further excavated and morseled the eastern section of the cemetery. In 1964, the mayor of Jerusalem, Mordecai Ish-Shalom, asked the senior shariʿa court judge of Israel to declare that the cemetery could be decommissioned.[78] Even though there was much debate as to the qadi's freedom of action and what exactly he authorized (such as construction), Shaykh Tahir Hammad agreed. Waqf land being under Israeli state custody, Islamic authorities had limited power.[79] City authorities used the legal fiction of a fatwa's authority as permission for not only decommissioning but also building upon the cemetery.[80]

Walking south from Hillel Street along ben Israel, which marks historic Mamillah's northern boundary, on one's right lies Independence Park and on one's left the graveyard. One loses all perception of the unicity and historical value of the site. Independence Park stands

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[76] Shaveh, "Hidden Heritage," 3.

[77] Letter from Baha Ud-Din Toukan, Permanent Representative of Jordan to United Nations Secretary-General, 20 January 1972, cited by General Security Council, United Nations, 3 July 1978, A/33/164-S/12762, https://digitalli-brary.un.org/record/563092/files/A_33_164%26S_12762-EN.pdf.

[78] Reiter, "Tolerance," 303–4; Reiter, *Contested*, 159.

[79] Reiter, *Contested*, 159; Yair Bäuml, "Israel's Military Rule over Its Palestinian Citizens (1948–1968): Shaping the Israeli Segregation System," in *Israel and Its Palestinian Citizens: Ethnic Privileges in the Jewish State*, ed. Nadim N. Rouhana (Cambridge, UK: Cambridge University Press, 2017), 109, 113.

[80] Reiter, *Contested*; Shaveh, "Hidden Heritage."

Figure 4. Tombstone. Photograph by Doron Lefler, 2021.

on invisible remains—except for a couple of mausoleums on the margins of the park. I pause on the street in front its Roman-Byzantine tomb, unearthed in 2012, turned into a water cistern, with the participation of the experimental school built on Mamillah.[81] Such digs contribute to the heterotopia of the site. They help construct an "imagination [of the cemetery] as a synchronic concatenation of its successive layers."[82] Thus, Mamillah's Islamic-ness and funerary purpose disappear among layers of identity, as the reveler's imagination, informed by the present, helps de-Islamize and desacralize it.

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[81] A foundation created by Mayor Teddy Kollek—who was responsible for much of the cemetery's destruction—built the school; Shaveh, "Hidden Heritage," 12.

[82] Robert Harvey, "Du bon usage des espaces autres," in *Literaturia: teoria, historia, critica* 21, no. 1 (2019): 283.

Figure 5. Fenced Mamilla pool. Photograph by Doron Lefler, 2021.

Continuing south on the graveyard side of ben Israel street, behind a low iron fence and among thin trees, I discern several tombs rooted in the arid ground as if sown by the wind. This (eastern) side of the historic Mamillah contrasts with the greenery of Independence Park. Here stand the most visible remains of what Mamillah once was (Fig. 5). The tombs vanish from my sight before I reach Agron Street. Now turning left on Agron, I pass the hidden-from-view, fenced, sunken Mamillah pool (Fig. 6). If visitors happen to walk through the graves, more likely than not they will head to the pool, with its dried-out bottom. More often than not, the place is empty.[83] And as I near the Palace Hotel (the Waldorf Astoria since 2014), some more humble sepultures rise right above my shoulders, scattered among abundant trees and bushes on the raised, southern edge of the cemetery. Why and how were some tombstones left standing, whereas others have disappeared? Both vandalism and disrepair intersect to create the cemetery as it is now. Israeli authorities have long prevented Palestinians from accessing and caring for the cemetery; intentional neglect is a strategy of expropriation used by developers. At the utmost eastern side of Mamillah, the stone wall enclosure levels with the ground. There starts the main footpath of Mamillah's eastern section, along which stands al-Kubaki tomb (Fig. 3). Here, the cemetery is primarily experienced as a passageway: people hurry through without deviating from the path, without glancing or looking around. Although the graves rarely see visitors, the paved pathway is well trafficked, as it eases one's transit from the 150-million-dollar Mamilla shopping mall (named after the pool) to Yosef Rivlin Street, just south of Jaffa Road.[84] This may change with the opening of the MOTJ in 2023 (Fig. 7).

Now heading back west to ben Israel Street from within the cemetery, I encounter a few more tombstones, some covered by low bushes and wild vegetation, just south of where

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[83] Photographer Lior Mizrahi has paid tribute to both Israelis and the pool; Lior Mizrahi, "Mamilla Pool Jerusalem," http://www.liormizrahi.com/portfolio/special-projects/mamilla-pool-jerusalem (accessed 7 August 2022).

[84] Rivlin Street is named after a rabbi known for founding the first Jewish quarters outside of the Old City in the mid to late 19th century.

Figure 6. Museum of Tolerance as seen from the cemetery. Photograph by Doron Lefler, 2021.

developers disinterred human remains to create the parking lot, and then to build the MOTJ. Soon, I reach ben Israel and graves that give some sense of the pre-destruction cemetery. Here also sepultures have become sites of resistance, I suppose because they are most visible to the passersby. In 2008, in the midst of the legal dispute over the legality of the MOTJ project, Palestinian protesters dressed a tombstone with a banner proclaiming in English: "Israeli racist occupation violates the dead as well as the living."[85] In 2016, a name was

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[85] Wyre Davies, "Row over Jerusalem Muslim Cemetery," *BBC News*, 8 November 2008, http://news.bbc.co.uk/2/hi/middle_east/7715921.stm.

Figure 7. General view of Mamillah. Photograph by Doron Lefler, 2021.

painted on a tombstone in crude letters, as a reminder that, despite such loss, resistance persisted. Today, as most days, the place is deserted.

The eastern section—the twelve-acre Independence Park—contrasts sharply with the western section right across ben Israel Street. Here, for multitudes of visitors, it offers a well-kept, carefully crafted landscape adorned with artificial streams and ponds, encased in pale dolomitic limestone. The "Jerusalem stone" imparts aesthetic unity to the space and also nationalizes it—the limestone having become emblematic of Israeli contemporary "national style" in Jerusalem's buildings. The stones' aesthetics and layout, which in places simulate stream rocks, complete the dissociation between the western and eastern sides of the cemetery. Here, in what is today the second largest park in the city, Israelis routinely organize political protests; people flirt, relax, lunch, tipple, and play above the invisible necropolis.[86] On the southwest edges of the park a couple of Islamic mausoleums, Shaykh al-Dajani and al-Qurayshi tombs, and the Dajani family burial plot, have survived. These monuments seem incongruous, aesthetically detached as they are from the park (Fig. 3). Independence Park's Palestinian custodians, with whom I chat about this, although refraining from overtly political comments, are well aware of what lies beneath; in contrast, the Israeli Jews enjoying the park, in conversation, are either unaware of the park's history or indifferent to its previous role as sacred space. Certainly at play is what Saree Makdisi has named the "erasure of erasure," that is, the "denial" that the Israeli national project implies the denial of Palestinian existence "in the first place."[87]

I ponder how much such indifference might be the product of these public discourses that normalize necroviolence. MOTJ founder Rabbi Marvin Hier, Los Angeles–based Orthodox

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[86] Judy Maltz, "Pitching Tents, Stopping Traffic: Meet the Lone Protesters Fighting to Bring Down Netanyahu," *Haaretz*, 2 December 2019, https://www.haaretz.com/israel-news/.premium-meet-the-lone-protesters-fighting-to-bring-down-netanyahu-1.8216383.

[87] Makdisi, "Erasure," 557, 559.

rabbi and fundraiser extraordinaire, responded to queries about the unearthing of Muslim bones during MOTJ construction: "Jerusalem is a city built on top of thousands of bones–Jewish and Muslim. . . . If we declared the whole of Jerusalem one huge cemetery, we'd never be able to build anything."[88] This commonly uttered argument disingenuously denies the unequal treatment of non-Jewish and Jewish bones, a fitting example of the strategy of trivialization that apologists of violence systematically adopt.[89]

Mamillah has generated resistance. In 2010, an impressive alliance of Palestinian and Jewish voices, nongovernmental agencies, social and political activists, scholars, and lawyers, launched the last international campaign to protest the 2007 Israeli Supreme Court ruling regarding the MOTJ. At the head of Palestinian protesters were the Palestinian elite, al-Aqsa Corporation, families of the buried, and the Muslim religious court in Israel.[90] Religious experts cited the "holiness of the dead and of graves" and the sanctity of burial property. In 2010 as in the 1940s, plaintiffs generally evoked the sanctity, location, and historical and archaeological significance of the site. Neither public good nor "necessity," they argued, motivated developers.[91] Citing the respect imparted to both Christian and Jewish cemeteries, protesters sought to halt the further desecration of Mamillah following construction that had caused the removal of thousands of modern human remains.[92]

Despite intensive protest, "the Wiesenthal Center won its case with the connivance of senior [Israel Antiquities Authority] officials."[93] The fifteen justices' 2008 clarification of their 2007 decision was crushing. The Israeli High Court of Justice that heard the appeal, "[held] that 'respect for the [dignity of the] dead derives from the dignity of the live person, and from his right to personal autonomy' . . . rights protected under the Basic Law cannot be violated 'except by a law befitting the *values of the State of Israel*, enacted for a *proper purpose*, and to an extent no greater than is required.'"[94] The HCJ statement avows that disrespect toward the dead is an expression of disrespect toward the living, but in giving legal priority to the interests of the State of Israel it establishes the superiority of those interests over respect for the dead. The court concluded that the Muslim dead, and Muslim lives, have lesser value than Jewish ones.[95]

Mamillah's destruction over the past seventy years has been the product of an ethnocratic order that has informed not only the actions of the Israeli state, but also the reactions of international institutions. In the late 1970s, as the Jerusalem municipality started building the underground garage on the Mamillah site, the complacency of the United Nations' representative bodies was evident. Testing Israel's political resolve in 1948 to "protect and respect" Mamillah, construction schemes created a precedent on which the state later capitalized. In 1986, on the eve of the First Intifada, Palestinians and Jordanians brought the

[88] Davies, "Row." Marvin Hier is the "CEO and president of the [Los Angeles] Simon Wiesenthal Center (SWC) [created in 1977] and its Museum of Tolerance (MOT)"; Simon Wiesenthal Center, "Rabbi Marvin Hier: Founder and Dean," https://www.wiesenthal.com/about/about-the-simon-wiesenthal-center/rabbi-marvin-hier-founder.html (accessed 7 August 2022).

[89] Equally trivializing is the argument that long before 1948 Palestinians themselves had encroached upon the cemetery; Lori Lowenthal Marcus, "A Faux Controversy, and Ironic, Too," *Jerusalem Post*, 27 February 2006, https://www.jpost.com/israel/a-faux-controversy-and-ironic-too. This argument also is present on platforms sympathetic to Palestinians' protest; Nir Hasson, "Muslim Tomb Found during Jerusalem Roadwork Deemed 'Not Ancient,' Will Be Paved Over," *Haaretz*, 12 December 2017, https://www.haaretz.com/israel-news/.premium-muslim-tomb-found-during-jerusalem-roadwork-to-be-paved-over-1.5628415.

[90] Particularly "vocal," Makdisi writes, were Jerusalemite relatives of the buried, such as Mohammed Hamdi Bader "who used to visit his grandfather's grave"; see "Erasure," 529, 530.

[91] Reiter, "Tolerance," 318–19.

[92] For detailed legal and other Palestinian arguments, see "Petition for Urgent Action"; Reiter, "Tolerance," 306–10.

[93] Asem Khalidi, "The Mamilla Cemetery: A Buried History," *Jerusalem Quarterly* 37 (2009): 105; Reiter, "Tolerance," 310.

[94] Emphasis mine. LLOC, "Preservation."

[95] Joint Palestinian and Israeli efforts at stirring national and international public opinion failed; see Reiter, "Tolerance," 310–11.

issue to UNESCO, providing the context in which Israel reaffirmed its 1948 resolve.[96] Diverse Arab authorities had voiced their disagreement, soberly articulated by the Jordanian Ministry of *awqaf* and Holy Sites, whose choice of words underscores the Islamic nature of the site:

> The [Israeli] Ministry of Religious Affairs has issued a decree providing for the demolition of [Mamillah] tombs and the construction in their stead of garages . . . to a depth of 50 m or more . . . graves are being dug out so that the trees can be put there, and *pending their removal to some unknown destination, the bones of the dead and the martyrs lie strewn about the ground* . . . work has begun on demolishing the old houses and buildings of Ma'manullah (Mamulla) so that a shopping center can be built in their place. New roads have been laid out. . . . This plan is being executed under the *direction of the Israeli Ministry of Housing, working in collaboration with the municipality of Al-Quds.*[97]

The process by which Israeli state agencies and Jerusalem municipal authorities proceeded, including the informal disposal of human remains, would repeat itself many times more.[98]

Most intriguing were the undertakings of UNESCO, which sent a special envoy, historian Raymond M. Lemaire, to examine diverse issues in the Old City. Regarding Mamillah, the complainants had denounced the violation of scientific methodology and protocol: human bones had been unearthed and some left unattended in piles of dirt. Following his one-week mission, which he mostly spent within the walls of the Old City, Lemaire met with fifteen interlocutors. He submitted his report on 28 July 1986. Lemaire relied almost exclusively on Israeli officials' statements, and seemingly did not verify them.[99] Only two of the fifteen people he encountered were Arab; among prominent Jewish-Israeli officials, he met with the famous mayor of Jerusalem, Teddy Kollek (1965–93), the minister of justice, and the minister of culture.[100] He produced in effect a superficial glance that largely ignored Arab concerns; yet even he admitted that Mamillah contained human bones, and "scattered tombs from various eras, some of them still possibly dating from the Crusades, and a more important mausoleum . . . of the Emir Al-Kabkabi." In the end, Lemaire blandly reported that, "it was confirmed to [him] that no project exists for the deconsecration of the site and that, on the contrary, the safeguard of the [Mamillah] and its tombs have been guaranteed." Mimicking Israeli authorities' declaration concerning the MOTJ, he assured that "the municipality wishes to carry out the conservation and restoration of the tombs and the mausoleum in full agreement with the Waqf authorities."[101]

In 1999, large-scale excavations were conducted again, in the same parking lot, in preparation for the construction of the MOTJ. Hundreds of skeletons were uncovered; construction was delayed. Despite lively protests, the court allowed the work to continue, invoking precedent: the acquiescence of the Palestinian leadership during the British Mandate. The court argued that the SMC had planned in 1945 to build a business center on the same site; moreover, many Muslim leaders, the court stated, viewed that part of the cemetery to be without sanctity. The court further "recognized that the construction of the [MOTJ] constituted a project of *special national and international importance*, which coincided with the *state's values.*" Moreover, the court believed, "halting construction would harm the *interest of the public* and of *individuals involved in the established project planning system.*" As had happened twenty years earlier, developers auspiciously promised "to significantly reduce the

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[96] Ibid., 304.
[97] Emphasis mine. Adapted from original French and English translations. UNESCO, 125 EX/15, 17 July 1986.
[98] Reiter, *Contested*; Shaveh, "Hidden Heritage."
[99] In 2008, Hier stated that the MOTJ "was a sensible use of 'derelict land'"; Davies, "Row."
[100] UNESCO, 125 EX/15 Add. 1: 1.
[101] Ibid., 6.

negative impact on the constitutional right to dignity of the dead associated with implementing the museum plan."[102]

Belying such assertions, *Haaretz* journalist Nir Hasson's 2010 investigation found that during "an expedited operation carried out at night and during rainstorms, tens of thousands of bones and skulls of Muslims buried there over the course of about 1,000 years [had been] extracted." Bones were unearthed and reinterred in other parts of the cemetery, in between graves; mulch was thrown upon the ground so that the placement of these bones could not be located. As Hasson suggests, "the criticism the excavation sparked had been on the mark, and perhaps even mild under the circumstances."[103] Shuka Dorfman, the director general of the Israel Antiquities Authorities, famously confessed that he had taken a regrettable decision; acting under intense pressure from Israeli entrepreneurs and politicians, he had forgone proper archaeological procedures regarding graves and remains.[104] The disposal of Muslim bodies in Mamillah contrasts with the protection afforded to Jewish bones, be they archaeological, historical, or contemporary, and violates the promise of protection for all bodies anywhere.

Necropolitics and Ethnocracy

Palestinians, however, have not been impassive recipients of necroviolence. In fact, Yitzhak Reiter notes, the Northern Islamic movement (that Israel banned in 2015) long led Palestinian necro-activism, seeking to "expose, preserve, rebuild, and reinstitute" Islamic funerary sites throughout Israel.[105] Israeli violence defines Palestinian responses to Israeli claims to power, and also responds to Palestinian defiance regarding interdictions and limitations placed on their existence. Palestinians have not only challenged Israeli judicial notions of land ownership and reappropriation, they have capitalized on the affective power of dead bodies. Such is the case with the Bab al-Rahma cemetery or the burial plot known as the Cemetery of the Martyrs (Maqbarat al-Shuhada) that is adjacent to, or an extension of (depending on whose perspective), Old Jerusalem's al-Yusufiyya or Bab al-Asbat cemetery.[106] This also has been the case, in recent history, with al-Isf'at cemetery in Jaffa.

Immediately north of the Old City, in East Jerusalem—under Jordanian custody from 1948 to 1967—the Cemetery of the Martyrs historically hosts Palestinian, Iraqi, and Jordanian fighters who died during the Six-Day War. After the war, Palestinian families continued to bury their dead in that space, despite Israeli occupation and restrictions on land use. One might suggest that in doing so they asserted both their sovereignty over land that Israel annexed in 1967 and a metaphysical power that transcends Israeli political authority. Also, one might surmise, they established a bond between the fighters of the past and the victims of the present, and between past and present ideological struggles. Palestinian social media and news outlets exploited, in 2021, the suffering of a mother, Ala' Nababta, who desperately and poignantly clutched her son's gravestone in front of a myriad of cameras, while Israeli security tried to remove her, unclasping her fingers, and more or less gently grabbing

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[102] Emphasis mine. High Court of Justice, HCJ 52/06, al-Aqsa Co. v. Simon Wiesenthal Ctr., 232: 239–243, cited in LLOC, "Preservation," 9–10.

[103] Hasson, "Muslim Tomb"; Gershon Bashkin, informal conversation, 21 July 2016, Jerusalem, Israel.

[104] Al-Aqsa Corporation is an organization "affiliated to the Northern Islamic movement in Israel"; Sulimani and Kletter, "Bone Considerations," 322, 325, 326, 327, 338, 344.

[105] Reiter, "Tolerance," 317. The religious Islamic Movement splintered in 1996 (over the question of normalization and participation in Israeli elections) into Northern and Southern factions. Both branches have been subject to Israeli repression (bans and imprisonment) in recent years.

[106] This cemetery is located near Bab al-Asbat or the "Lion's Gate" entrance, on the eastern enclosure of the Old City, and leads to the Muslim quarter.

her arms.[107] Since 2016, despite continued local resistance, the Jerusalem municipality has renewed claims to the burial plot to establish a park and recreation area.[108]

Mamillah created a legal precedent upon which mayors and real estate developers could and did build, revealing the "quiet privatization [of] public lands" that, in Israel as in the West Bank, "benefits . . . dominant groups."[109] When the Tel Aviv municipality absorbed Jaffa in 1950, the mayor of Tel Aviv played a key role in the destruction of the 18th-century al-Is'af burial grounds, which sit close to the famous Jaffa clock tower. In 2018, its tombs were unearthed during construction work for a homeless shelter. In 2020, attempts to save the rediscovered burial site failed, despite several days of vehement protest among the Palestinian population and its Jewish allies, some attached to democratic principles and others to the precepts guiding Israeli law regarding human remains. The Tel Aviv municipality similarly allowed development of Tasso, the only Islamic burial ground in Jaffa, bordering the Mediterranean to the west, and Bat Yam street to the east, and situated south of the 'Ajami neighborhood. This time a protracted legal battle lost by the cemetery's defenders, followed by violent riots throughout Israel in 2020, and organized local action, some in defense of al-Is'af burial grounds, forced the municipality to finally rezone the land as a Muslim cemetery.[110] Such appropriation and reassignment of burial grounds embodies the will for total annihilation of elements that threaten cultural homogenization, using ethnocratic techniques of historical oblivion and mobilization of developers' ambitions. I argue that in Israel "real estate–driven capitalism" works in tandem with, and cannot be dissociated from, the broader project of national homogenization and racial assertion.

Yet another manifestation of necropolitics has been efforts to recover corpses of individuals caught up in or linked to the Palestinian-Israeli conflict.[111] Israelis have lamented the death of two soldiers, Hadar Goldin and Oron Shaul, whose bodies the Islamist organization Hamas has held since 2014.[112] Palestinians also have mobilized images of their dead, the

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[107] Simona Sharoni, *Gender and the Israeli Palestinian Conflict* (Syracuse, NY: Syracuse University Press, 1995); Tzvi Joffre, "Construction of Park Near Arab Graves Sparks Widespread Outrage," *Jerusalem Post*, 27 October 2021, https://www.jpost.com/israel-news/contruction-on-park-near-arab-graves-sparks-widespread-outrage-683198; Samah Dweik, "Palestinians Vow to Defend Graves in Jerusalem Cemetery," *al-Jazeera*, 31 October 2021, https://www.aljazeera.com/features/2021/10/31/palestinians-vow-to-defend-graves-in-jerusalem-cemetery.

[108] Hashemite Kingdom of Jordan and the State of Palestine, "Status Report on the State of Conservation of the Old City of Jerusalem and Its Walls, Presented to the UNESCO World Heritage Center," 16 March 2015, https://whc.unesco.org/document/135357; Hashemite Kingdom of Jordan and the State of Palestine, "Status Report: The State of Conservation of the Old City of Jerusalem and Its Walls, Presented to the UNESCO World Heritage Center," 15 April 2019, https://whc.unesco.org/document/181413. National park status is one of the means through which the Israeli state claims control over land in general and burial land in particular, because "anyone who lives or owns land in a national park must receive a permit from the Israel Nature and Parks Authority (INPA) or the Staff Officer for National Parks in the West Bank for even the most minor renovations or for farming the land"; Emek Shaveh, "How to Protect your Land When It Is Declared a National Park," 15 May 2017, https://emekshaveh.org/en/protect-your-land-when-its-national-park. See also Nir Hasson, "Hidden Links Unearthed between State, Settler Group at Israel's Most Controversial Dig," *Haaretz*, 17 November 2014, https://www.haaretz.com/.premium-links-between-state-and-settler-group-at-city-of-david-dig-1.5329984.

[109] Yiftachel, *Ethnocracy*, 133; Bar Peleg, "Jaffa Islamic Council Loses Legal Battle to Stop Construction on Site of Burial Ground," *Haaretz*, 7 July 2020, https://www.haaretz.com/israel-news/.premium-jaffa-islamic-council-loses-legal-battle-to-stop-construction-on-site-of-cemetery-1.8976904.

[110] Shezaf, "Saving"; Bar Peleg, "Amid Jaffa Tensions, City Planning Panel Approves 'Historic' Rezoning for Muslim Cemetery," *Haaretz*, 30 May 2021, https://www.haaretz.com/israel-news/.premium-amid-jaffa-tensions-city-planning-panel-oks-historic-rezoning-for-muslim-cemetery-1.9858495.

[111] Emily Harris, "Israel's Return of Palestinian Bodies Is Fraught with Emotion and Politics," *National Public Radio*, 5 January 2016, https://www.npr.org/sections/parallels/2016/01/05/462037563/israels-return-of-palestinian-bodies-is-fraught-with-emotion-and-politics; Amira Hass, "Israel Has Amassed 68 Palestinian Bodies as Bargaining Chips Since 2016," *Haaretz*, 30 November 2020, https://www.haaretz.com/israel-news/.premium-since-2016-israel-amassed-69-palestinian-bodies-as-bargaining-chips-1.9335220.

[112] Tobias Siegal, "Knesset Holds Discussion on Return of Bodies of Oron Shaul, Hadar Goldin," *Jerusalem Post*, 27 January 2021, https://www.jpost.com/israel-news/knesset-holds-discussion-on-return-of-bodies-of-oron-shaul-hadar-goldin-656911; "Report: Cease-Fire Talks May Lead to Return of Israeli Captives, Bodies of IDF Soldiers Held

bodies and faces of those whose blood was shed, willingly or not. On both sides of the conflict, funerals are widely publicized and instrumentalized to garner international attention and sympathy. Necropolitical mise-en-scènes—maimed bodies and agonizing mothers—remain "central to Palestinian nationalist representations," especially at a "moment in which contenders for political rights vie for standing in what has been called a 'global meritocracy of suffering.'"[113] Such choreographies also are strategies of massive resistance.

The Israeli state has historically responded severely to Palestinians' politicization of the dead.[114] The retention in Israeli morgues of the corpses of Palestinians suspected of or condemned for crimes against Israel has been another policy response to Palestinian retention of Israeli bodies, and to Palestinian instrumentalization of funerals. Estimates of Palestinian bodies retained range in the hundreds, with sixty-eight alone between April 2016 and November 2020; 400 corpses were released "between 1991 and 2008 as part of various exchange deals with the Palestinians and with Hezbollah [in Lebanon]."[115] In Israel, the position of the HCJ regarding "enemy remains" has at times conflicted with that of political institutions. A 2002 ruling gave full "respect for the dead" to both civilian and combatant dead at Jenin. Yet, in 2017 a special HCJ panel ruled that "the law indeed grants the state the authority to hold bodies for purposes of negotiation."[116] Security officials have since retained the corpses of suspects, political detainees, and combatants (without political discrimination) as a means of "bargaining," "deterrence," and outright punishment.[117] Such practices extend punishment into the afterlife and collectivize it by denying families and communities the right to properly grieve and ritually bury their dead. The denial of interment mirrors the uprooting of graves.

Conclusion

The manner in which Israeli local and national institutions (such as municipalities, the Ministry of Religious Affairs, Israel Antiquities Authorities, and the Israel Nature and Parks Authority) have disposed of Palestinian bodies and funerary sites conveys the nation's ethno-necrocratic order. Only Islamic cemeteries have been systematically commodified since 1948. Islamic funerary material culture—cemeteries and shrines—provides the most visible, omnipresent testimony of the millenarian identity of the land, belying the Zionist story. After 1948, the hundreds of mosques, shrines, and cemeteries interspersed throughout what was Palestine became the unbearable manifestation of the foreign bodies within.

Institutional and naturalist, logic-of-capitalism arguments undermine land appropriation and colonization processes, which remain Israel's present. Israelis' general disinterest for Mamillah must be understood within the broad context of an unremitting and didactic process of state-building and colonization, where development is generally read as a politically neutral process but developers place themselves at the service of the erasure of Palestinian presence in the country at large. To be clear, the erasure of cemeteries is not incidental to, nor a natural product of the free market economy—even though "chronic corruption" is

by Hamas," *Haaretz*, 20 May 2021, https://www.haaretz.com/israel-news/cease-fire-talks-may-lead-to-return-of-israeli-captives-bodies-of-idf-soldiers-1.9826490.

[113] Lori A. Allen, "Martyr Bodies in the Media: Human Rights, Aesthetics and the Politics of Immediation in the Palestinian Intifada," *American Ethnologist* 36, no. 1 (2009): 162, 163; Diaa Hadid, "Palestinian Said to Be Killed by Israeli Soldiers," *New York Times*, 11 April 2015, 5.

[114] "Israelis Disperse Arab Mourners: Several Hurt in Jerusalem Clash, Four Arrested," *New York Times*, 29 March 1969, 7. On Israeli media repudiation of Israeli violence, see Rebecca Stein, "The Boy Who Wasn't Really Killed: Israeli State Violence in the Age of the Smartphone Witness," *International Journal of Middle East Studies* 53, no. 4, (2021): 620–38.

[115] Harris, "Israel's Return"; Hass, "Israel."

[116] Hass, "Israel;" "Practice Relating to Rule 113: Treatment of the Dead," International Committee of the Red Cross, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_cou_il_rule113 (accessed 7 Augus 2022).

[117] Hass, "Israel."

infamous, implicating "the Israel Lands Administration, planning and building committees, and the developers who pay the bribes"; even though "every major corruption case in Israel [might begin and end] with real estate," and profit might be the immediate motivation of developers; and even though countless mayors have been implicated in corruption, money laundering, rezoning scandals, theft, or fraud.[118] To paraphrase and invert Adrienne Brown and Valerie Smith's remark about property in the United States, the story of property in Israel also is, to a certain extent, the history of race and ethnicity.[119] As in the United States, racial fashioning is deeply embedded in city planning and real estate moneymaking. Real estate moneymaking and homogenizing nation-building (Judaization) are interlocked.

The timing of key elements of Mamillah's erasure—the garage around the time of the First Intifada, the shopping complex around the time of the Second Intifada—exposes the Israeli state's reliance on "necropower," that is, on the "subjugation of life to the power of death."[120] The destruction of Palestinian burial grounds carries particular resonance in a country that has based its political legitimacy, one might argue, on the precedence and supremacy of its sacred undergrounds, its Jewish burial sites and holy, anointed bodies. Israel needs to assert supreme sovereignty over the underground before claiming sovereignty overground. Israel is the land of dead Jewish bodies before the land of living Jewish bodies. Before Zionism made of Palestine a land of emigration, it was the land to which Jews journeyed with the intent of dying there, in good company. One hoped to be buried as close as possible to Temple Mount, where, religious mythology says, the resurrection of the dead is to take place on Judgment Day. Israeli mytho-history manufactures Abraham's purchase of a burial plot for his wife Sarah, where Hebron lies today, as a historico-legal act with modern political value that grants land rights to the modern Jewish community as a whole. The land of Canaan is hallowed and written into history because it is in Jerusalem, in Hebron, in Safed that Jewish patriarchs, matriarchs, and holy people are buried. By claiming physical and metaphysical sovereignty over Canaan's undergrounds, the State of Israel enhances and justifies at a metaphysical level its claims to Canaan's physical ground.

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[118] Nehemia Shtrasler, "The Golden Triangle of Corruption," *Haaretz*, 25 April 2010, https://www.haaretz.com/2010-04-25/ty-article/the-golden-triangle-of-corruption/0000017f-eb33-dc91-a17f-ffbfb78e0000. Most infamously, in 2012, former Jerusalem mayors Ehud Olmert and Uri Lupolianski and other Jerusalem city officials were brought to justice in a real estate bribery case (money laundering, rezoning, building permits). See, for instance, Ofra Edelman, "Tel Aviv Court Reveals Name of Late Witness in Holyland Case: Shmuel Dechner," *Haaretz*, 5 March 2013, https://www.haaretz.com/2013-03-05/ty-article/.premium/id-of-dead-holyland-witness-revealed/0000017f-f639-d5bd-a17f-f63bb0c10000?searchDialog=open.

[119] Adrienne Brown and Valerie Smith, eds., *Race and Real Estate* (Oxford, UK: Oxford University Press, 2015), 3.

[120] Mbembe, *Necropolitics*, 39–40.