

The Impact of the Apartheid Separation Wall on Residency Rights of Palestinian women: A Case Study on Jerusalemite Married Women and their Spouses Holding a Different Identity Card"

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Abstract

This research aims to examine the impact of the Apartheid separation Wall (ASW) on the residency rights of Palestinian couples that reside on both sides of the ASW border zone and in which the women hold a Jerusalem identification card (ID) and are married to spouses whom hold a different ID. The ASW border zone includes the J1 area, which was annexed to the Israeli municipality of Jerusalem after the six-day-war of 1967 and the J2 area, which is excluded from the Israeli Municipality of Jerusalem. The Jerusalemite women who are married to spouses and hold different ID's have been facing a complex dilemma and many hardships of displacement and statelessness. These women and their families have been threatened of losing their residency right in Jerusalem as they are not considered Israeli citizens. The Palestinian Jerusalemites' fundamental rights to adequate housing and freedom of movement and their rights to health, work, education, and family life are thus routinely violated as a result of Israeli policies. These policies include the plethora of [Israeli colonialist] legislative measures aimed at reducing the number of Palestinians resident within Jerusalem municipality boundaries.

Keywords: Jerusalemite women, colonialism, apartheid separation wall, border zone, residency rights, citizenship, statelessness, family unification

1. Introduction

Since the Israeli occupation of East Jerusalem and its annexation to the jurisdiction of Israeli law, Israel colonial power has employed governmental methods of spatial control and population that discriminates against the Palestinian residents of East Jerusalem in many aspects of life (Shiomo, and Fenster, 2011). These methods have continued to be more severe after the construction of the Apartheid² Separation Wall (ASW), which is until now affecting the Jerusalemites fundamental rights to live in their hometown.

This research examines the impact of the ASW on the residency rights of Palestinian Jerusalemite women and is focused on Palestinian Jerusalemite women whose spouses hold different a Identification Card (ID) and reside in both sides of the ASW border zone, (area D, which includes the areas within the Israeli municipality of Jerusalem, but restricted from the city by the ASW, and placed outside the Wall, and/or in zone C&B³). It aims to explore the impact of ASW on the Palestinian women's situation, their families and kinship relations.

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² Apartheid an Afrikaans word meaning "the state of being apart", literally "apart-hood") was a system of racial segregation, political and economic discrimination against non-European groups in the Republic of South Africa enforced through legislation by the National Party (NP), the governing party from 1948 to 1994. Source: <https://en.wikipedia.org/wiki/Apartheid>
In this research used Apartheid to define the Israeli separation Wall, as a part of Israeli policy of racial segregation.

³ The Oslo II Accord divided the West Bank into three administrative divisions: A, B, C. zone A full civil and security control by Palestinian Authority.

The situation of Palestinian women who are forced to live in the areas mentioned above is especially challenging as they live in a racist, ethno national community as seen by the Israeli occupied authorities and a gender-biased society. This research looks at the identity, space and spatial politics and addresses the "unique" (Shalhoub-Kevorkian & Abdo, 2006) legal, social, economic and political status of East Jerusalem post the construction of the wall, and examines the wide range of Israeli measures imposed within the municipal boundaries of East Jerusalem that adversely affect the lives of the Palestinians, and specifically married women. These measures include, the plethora of legislative procedures aimed at reducing the number of Palestinians resident in East Jerusalem. Israel treats Palestinian residents of East Jerusalem as immigrants who live in their homes at the beneficence of the authorities and not by right. The authorities maintain this policy although these Palestinians were born in Jerusalem, have lived in the city, and have no other home. In 1967, Israel expelled 15,000 Jerusalemites during its occupation of East Jerusalem (Al-Sahli, 2014).

This research uses the term, East Jerusalem, to refer to the area which is known as the Jerusalem district⁴, which was annexed and incorporated into the Israeli municipality of Jerusalem after the Six-Day-War of 1967 (J1), and the highly populated Palestinian localities in East and North Jerusalem were excluded from the municipality of Jerusalem (J2). East Jerusalem is a city under complete Israeli control, according to Israel's identity card system. There are different 'types' of residents in Jerusalem, all of which are distinguished according to the different identity cards. Palestinian residents of Israel and Jerusalem hold the Israeli Blue identification Card (BID) while Palestinians of the West Bank carry the Green Identification Card (GID). (Hever, 2007).

To examine the impact of living in a bordered area on residency rights for the Palestinian Jerusalemite women, this research underwent a multi-methodological approach including both qualitative and quantitative analyses. For the qualitative analysis, focus groups, depth and semi structured interviews were conducted to obtain more in-depth knowledge needed on women's experiences that are living in the bordered areas. For the quantitative data analysis a questionnaire was conducted randomly for the women who are living in the ASW border zone.

Jerusalem aftermath 1948 War

Considering the complexity of the research area, briefly the research considers the historical context of Jerusalem since the 1948 war, the 6-day-war in 1967 and post construction the ASW until today. In December 1948, the UN General Assembly Resolution 194, in non-binding resolution suggested Jerusalem as a separate entity under special interactional protection to be administered by an international body. However, both Israel and the Arab States rejected this proposal and the city remained divided. As the British withdrew from Palestine, in May 1948, Israel unilaterally declared its independence in accordance with the non-binding Partition Plan, and occupied territory beyond the original borders for the potential Jewish State under the Partition Plan including the Western area of Jerusalem. Meanwhile, the eastern area, including the Old City of Jerusalem was annexed to Jordan. Since that time Jerusalem was divided to East and West, and remained divided until June 1967, when Israel occupied the entire West Bank including East Jerusalem. Israel ignored the Security Council resolution in November 1967, calling for "the withdrawal of Israel armed forces from occupied territories in the recent conflict." Instead, On June 28, 1967, Israel illegally and unilaterally annexed the eastern part of the city and declared 'united Jerusalem' as a capital of Israel.

In order to consolidate its claim of sovereignty over the entire city, Israel manipulated the demographic and geographic realities of Jerusalem, (Isaac, & Khalilieh, 2011- Thawaba, et al, 2011) by ensuring a significant Jewish majority (Thawaba, et al, 2011). The Israeli government sought to consolidate its control over East Jerusalem by their lands were included within the city's new borders (B'tselem, 2010).

Zone "B": is under Palestinian civil administration while Israel retains exclusive security control with limited cooperation from the Palestinian police. Zone "C": Under full Israeli civil administration and security control, Area C is the largest division in the West Bank, comprising 60 percent of the territory.

⁴ The estimated mid-year population in Jerusalem governorate in 2012 was about 397 thousand, including 246 thousand inhabitants in Area (J1) and 151 thousand in habitants in Area (J2). This represents a 9.2% of the total population in the Palestinian Territory 4.3 million.

Consequently, all planning practices were directed to isolate Jerusalem by cutting off all surrounding Arab communities (Thawaba, et al., 2011). So Jerusalem's villages and neighborhoods were, therefore, divided; one part remained in the West Bank, and the other part was annexed by Israel (B'tselem: 2010). At the same time, Israel has been trying to limit Palestinian natural growth as much as possible (Segal & Weizman, 2003, Thawaba, et al, 2011).

Further attempts have been made to partition historical Palestine into two states, and Jerusalem divided between them. There was the Madrid Conference in 1991; the Oslo Accords in 1995; the Middle East Peace Summit in 2000; the road map to Mideast peace in 2003; the Agreement on Movement and Access in 2005; and the Annapolis conference in 2007. Nonetheless, the evidence shows that the number of Israeli settlers living in East Jerusalem continued to rise throughout that period in violation of international law, increasing by 30 percent between 2003 and 2011. This fact, above others, suggests that Israel is not complying with its international legal obligations under the Fourth Geneva Convention or the numerous Security Council resolutions on the issue.

Methods and Methodology

Extensive literature has been conducted on East Jerusalem, with much focus on historical, political and cultural issues. Recently, much of the literature published has been on the Israeli ASW in Palestinian territories, with more focus on East Jerusalem and the impact of the ASW on economic, social, political, cultural and geographical issues on the occupied Palestinian Territories (OPT) in general, and East Jerusalem in Particular. However, most of the literature has been gender biased and Jerusalemite women were neglected and denied as a group and individuals. Very recently more literature has been published on Palestinian women, even some focusing more on Jerusalemite women⁵ who are the most affected by the ASW in J1 and J2. These sources covered different places, categories and classification, and expressed the actual suffering of colonized people and women in particular. This research, however, addresses the "unique" (Shalhoub-Kevorkian & Abdo, 2006) fragmented citizenship and legal status of Palestinian Jerusalemites post the construction of the ASW, and examines the wide range of Israeli measures imposed on East Jerusalem that affect the lives of Jerusalemite women.

Feminist epistemologist scholars argue that to correct the difficulties linked with conventional objectivity; researchers should focus on women's unique experiences, because knowledge gained from conventional objectivity represents only a partial understanding of human behavior and social life. (Harding, 1987, Hartsock, 1998, Miner-Rubino et al, 2007). Intentionally, we have chosen to study the "unique experiences" of Jerusalemite women, as it is a part of our experience. Fadwa as a feminist Jerusalemite woman was born in the old city of Jerusalem, where she was raised for many years until the construction of ASW, however, because she lives in J2, she has no residency rights in East Jerusalem (J1). Many women in Fadwa's family, and among her friends and neighbors are married to spouses whom hold a different ID. Tareq, has been teaching at the Social Work Department in Al-Quds University, and founded the *Kufur Aqab* Community Advocacy Center in 2013; which works on various issues related to East Jerusalem; such as quality of education for poor neighborhoods, residency rights, and other social services. Therefore, we decided to focus on the women's experiences with citizenship rights in the 'bordered areas of East Jerusalem'. The sample population consists of Palestinian Jerusalemite married women with spouses of different IDs, living in three border zones: First zone (D) including the neighborhoods of *Kufur Aqab* in the north, and *Rass Khamis*, the refugee camp of *Shu'afat* in the north east of Jerusalem⁶. These neighborhoods within the Israeli municipality of Jerusalem have been separated from the city by the ASW, and placed outside the Wall. Most residents of these areas hold a BID and some hold Israeli residency permits. This zone in the long run might be excluded from the city municipality (Brooks, R. D. 2007).

⁵ Commonly, this work have done by women scholars (Shalhoub-Kevorkian, 2003, 2004, 2006, and Abdo 2006, Abu –Baker, K. and et al , 2005) Safa Dhaher, Focus Al-'Eizariya (Bethany) and the Wall: From the Quasi-Capital of Palestine to An Arab Ghetto *Palestine-Israel Journal of Politics, Economics & Culture*. Vol.19 No.4, & Vol.20 No.1, 2014) and also by women's research centers and women's organizations, Such as Women Studies Center, the Women's Centre for Legal Aid and Counseling, and Al-Maqdsi.

⁶ The population of this area more than 100,000 residents , even is not known to the authorities, but different surveys estimate that between 60,000 and 80,000 residents live I the Shuafat Refugee Camp, and similar number in Kfar Aqab. Both are located within Jerusalem's municipal boundaries, but on the east side of the Separation Barrier14,366 Palestinian Jerusalemites in *Kufur Aqab*, and 22,000 in *Shua'fat* refugee camp, and *Rass Khamis*). East Jerusalem : Housing Review (2013) International Peace and Cooperation Center, Jerusalem The Association of Civil Rights in Israel, May 24, 2014, East Jerusalem 2014 – By the Numbers, available on <https://www.acri.org.il/en/2014/05/24/ej-numbers-14/#f20>

The second area is areas B and C, which include eastern villages and towns of J2, and are located outside of the Jerusalem municipality boundaries after the 6-Day-War, 1967 and now separated by the wall and checkpoints. These areas include *Abu-dis, Ezaryeh, Es-Saweherh Esh-Sharqyyeh, and Shehk Saa'd*. The majority of the residents residing in these areas are holding (GID) and the rest hold (BID). The third area is located in the J1 area, which is on the other side of the wall with the majority of the residents holding a BID, and some women have a GID and hold residence permits, as they wait to get family unification approval.

Feminist researchers generally employ a feminist research methodology in their research because they believe that research should be based on feminist principles and unique feminist vision of social change for women. (Miner-Rubino et al., 2007, Hesse-Biber et al., 2004; Sprague & Zimmerman, 1993). Like most feminist researchers, the methods that we use are influenced by our feminist perspective. Since the research investigates the citizenship rights that Jerusalemite women entail after the change enforced on their lives for living in the 'Border-Area' of East Jerusalem, we used multiple research methods; both qualitative and quantitative methods. They are simply specific methods, and both have a well-founded place in the broader theory of how to do feminist research (Harding 1987). Predominantly we adopted a qualitative research methodology to explore complexities of the research target place and population, and also to 'to get under the skin' of group to understand people in real life (Gillham, 2000), This methodology includes participant observations, in-depth interviews and focus groups.

A direct observational method randomly took place in different settings, where women would speak about their experiences and challenges they face due to their spouses holding different ID's and how it is impacting their lives and their families. This was followed by in-depth interviews with five women, who were part of the direct observational method; then unstructured interviews conducted as "one of the primary tools of oppression of women in the maintenance of silence about their experiences and perspectives" (Tolman & Szalacha, 1999). Finally, we carried out a sample survey to get statistical results which aim to describe the characteristics and experiences of a population" (Miner-Rubino et al, 2007: 201), the statistical analysis also quantifies people's experiences as a "true reality". (Reinharz, 1992).

The population sample included 154 women whom where recruited from places that are easily accessible to approach women. A variation of convenience sampling was used including "snowball sampling", in which participants invite others in the same social group to join the sample. This method was used because the research population was scattered within larger community so "minority group members can be difficult to identify in the large population (Miner-Rubino et al, 2007:210).

Three focus groups were conducted with 30 Jerusalemite married women from the different locations including: *Kufur Aqab; Rass Khameis & Shufat*; and the third one in *Abu-Dis, Ezareyeh* and other different neighborhoods. The focus groups were related to topics to the research domain; the questions were aimed to explore the major concerns resulting of living on the "Border Zone"⁷. The research question is relationship-based, and the main question aims to study the changes and the impact on their lives due to their spouses holding different ID's.

This research is based on married women's daily experiences of living in the borders of East Jerusalem within families whom have different IDs, The research applies spatial theory to analyze the impact of the space, place and displacement on women in politically conflicted areas, and examines the effect of AWS and other oppressive Israeli spatial policies on Jerusalemite married women who live in the target area.

Conceptualizing and analyzing the notions of space, place, and displacement, the researchers address two themes: first is the Jerusalem boundaries, and in particular East Jerusalem sovereignty, including the separation wall, the colonization power and its aims to expand the Jerusalem boundaries and maintains the illegal Israel's colony over East Jerusalem. It must be noted that Israel applied its strategy to control the greater Jerusalem boundaries by intensifying the Jewish settlements, and evacuated the Palestinian population as they have seen through Israeli lens "demographic threats" (Shalhoub-Kevorkian, 2014: 2) of the Zionist project.

⁷ The questions were raised in the focus groups include, the concept of Jerusalem , ID types, women work , family reunification, the economic and the social problems they face, the impact of ASW on women and their families.

We argue that the whole process of expanding, confiscating the land, depopulating, and segregating have a minimal impact on the women and gender relations. The second theme is "stateless native", displacement and relocation, distracting their lives, losing their humanity, belonging and citizenship rights. We claim that 'stateless native people', who are living on their own land, they are not acknowledged, neglected, marginalized and unrecognized; while otherness "settler's colonialism" who are living on the appropriated land are enjoying all humanitarian and citizenship rights. The situation of stateless people and the brutal racial colonialist and discriminatory international community has its impact on the gender order in these communities.

East Jerusalem, Borders, Sovereignty and ASW

The city of Jerusalem remains severely divided between west and east; and its inhabitants are completely segregated. The East part is the place of religious, political and cultural tensions between both parts, this is to say that Jerusalem "framed and shaped by intractable conflict and largely irreconcilable claims to ownership and sovereignty" (Busbridge, 2014: 77). East Jerusalem is the most populated city in Palestine, and encapsulates deep-rooted enclaves based on nationalisms and arguments over sovereignty or state legitimacy (Bollens, 2000:35).

Israeli colonial power ignored the UN Security Council binding Resolution 465⁸ that declares no legal validity of all measures taken by Israel to change the physical character of occupied territories. Instead, the Israelis went even beyond the illegal annexation of East Jerusalem when they institutionalized restrictive controls on land use, particularly construction, using discriminatory structure planning and zoning to further pressure the indigenous Palestinians to voluntarily leave the city... (Isaac & Khalilieh, 2011).

Based on spatial theory, discussing the East Jerusalem borders, frontiers and sovereignty, including the 'Israeli' ASW, the Israeli sovereignty over East Jerusalem legitimates any action taken by the state to fasten its controlling over the land and its inhabitants. In analyzing the concept of place and space, the researchers follow other scholars (Amir, 2011; Shalhoub-kevorkian, 2009; Alatout, 2006) in their adoption of Michel Foucault and George Agamben's conceptualization of bio-political power and sovereignty. Foucault's notion of bio-power: "that is exercised on categorizes the population and individual bodies, but not on territorial" (Foucault, 1998). Agamben views that, "the inclusion of bare life in the political realm constitutes the original nucleus of sovereign power the production of bio political body is the original activity of sovereign power". (Agamben, 1998: 6) For Agamben, bare life is always captured by the political in two forms of exclusion from the *polis* and the form of the exposure to violation, which does not count as a crime. Thus, the most fundamental categories of Western politics bare life and sovereign power (Agamben, 1998: 7-8). Bare life remains included in politics in the form of the exception that is included solely through exclusion. (Agamben, 1998: 11)

Amir (2011) argues "that in the case of Israeli control over East Jerusalem and its Palestinian population produces racial differentiation and creates multiple racial segmentations, on the same sense Shalhoub-Kevorkian (2009) conceptualizes the military occupation of bio-political power, by dividing people in small enclaves, restricting and suppressing them in all aspect of their daily life. Alatout (2006: 306) used the term extra-territorial forms of power interchangeably with Foucault's notion of bio-power, that is exercised on people as both a general category of population and individual bodies "people in their roles as individual citizens, wives, farmers, etc", he argues, "bio-political power embedded in a territorial conception of power, which leads to their focus on sovereignty and property rights "(Alatout, 2006: 609). In our view, bio-political power in East Jerusalem example, implanted in both population and territorial, as since Israel annexed and controlled East Jerusalem, particularly after the construction of ASW, segmentations, segregation, and categorizations were increased in the territory and among the Palestinian population. The whole racial process of Israeli sovereignty created more divisions among Jerusalemites according to the multiple types of citizenship, ID and places of residency, that have affected gender order, women spatial, identity and self-determination.

⁸ The UN Resolution 465 declaring that "all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arabs territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling part of its population and new immigrants in those territories continue a flagrant violation of the Fourth Geneva Convention...."

The concept of borders that is defined by scholars as a spatial concept, Genova defines it as “National boundaries rely on nation-state borders to mediate between the circumscribed space of ‘the nation’ and all manner of foreignness that comprises its outside” (Genova, 2005: 89). Busbridge quoted Weizman’s (2007) description of borders: “they are ‘deep, shifting, fragmented and elastic spaces’ in which the distinction between ‘inside and ‘outside’ cannot be clearly marked (Busbridge, 2014).

In his *Zionism and Territory*, Kimmerling (1983), defines frontiers “in the term of the cost of land in a given territory”, as he believes and we do, “it is useful definition which permits comparisons to be drawn over a period of time in a specific territory and between territories” (Kimmerling, 1983: 19-20). So this definition is the most applied in consideration to the East Jerusalem borders. The boundaries of the Israeli control system include the original area of the ‘state of Israel’; the territories added as result of the 1967 war, and the territories confiscated and taken over by Israel primarily East Jerusalem and Golan Heights in the 1967 war, and in which the Israeli law was formally imposed (Kimmerling, 1989). Bollens adopted Baskin and Twite (1993) about the traditional use of the concept of “sovereignty” has implied an absolute holding of power over specified territory and its people (Bollens, 2000:179), and has been perceived as an “indivisible and all-embracing quality” (Lapido th1992, cited in Bollens , 2000:179). Sovereignty as it is defined by Kimmerling “is the supreme and exclusive authority exercised by the State over its territory, and it is an inseparable part of the definition of the modern state”. (Kimmerling, 1983: 21)

Sovereignty as a concept in international law is conditional on the formation of a recognized State. Israel as a recognized state by the international community, its sovereignty on the borders of 1967 after the six-day war, has gone beyond these borders and extended its sovereignty by different methods including forcibly taking ownership and control of ‘Others’ by confiscating the Palestinians lands and building Jewish settlements on the ‘Others’ land (See Kimmerling, 1983:20-21) Hence, construction of the ASW beyond its borders on the ‘Others’ land is enforced sovereignty. It appears as a manifestation of sovereign superiority by Israel, as “oriented towards the unilateral determining of future borders” (Amir 2011). For this prospect future Israel deployed the frontiers dichotomy of exclusion and inclusion (See Kimmerling, 1983:4-5), in which the original Palestinian inhabitants were excluded, while the Jewish colonizer settlers were included. The colonization power aims to expand the Jerusalem Municipal boundaries and maintains the illegal Israel’s colony over East Jerusalem. (Bahat, & Rubinstein, 1990 cited in Bollens), “this allowed Israel to control many strategic geographic points in the region and establish a large reserve of buildable land, which excluding several Arab-populated...” (Bollens, 2000:60) Israel strategy aims to control the greater East Jerusalem boundaries by confiscating the Palestinian land, increasing the Jewish settlements, and evacuate its Palestinian inhabitants, as they ‘seen through Israeli lens “demographic threats”(Shalhoub-Kevorkian, 2014: 2) .

The colonial power created a distinction between Palestinian Jerusalemites regarding their rights, since residents living in the excluded areas were subject to Israel military rule and given a GID as residents of the OPT, (B’tselem, 2010); while residents in the annexed area were granted permanent residency status and BID, in which they were able to live and work within what Israel considers its territory. They were also entitled to social benefits provided by the national social and health insurance. However, those who did not reside in the city for whatever reason, they lost their right to reside in Jerusalem (B’tselem, 2010). Furthermore, the construction of the Wall provided the means of implementing restriction for more fragmentation of Jerusalemites; in addition of tearing the urban fabric, it literally tore families apart, as many family members hold GID are forbidden to enter the municipal boundaries of Jerusalem, so they cannot meet the rest of the family members who hold BID.

Accordingly, the term of Jerusalemite refers to all Palestinians who live in J1 and J2. The Palestinian residents in J1, as I mentioned above have BID, while the residents of J2 have mixed ID, some have BID and the other have GID. For example, in one of the families, some members hold the BID and others hold the GID. Post Oslo Accords and the ASW construction, Jerusalemites who hold BID and live in “J2” are considered living outside Israel, that is to say, their residency status in Jerusalem is at risk. They have no choice but to move back within the municipality boundaries to retain their Israeli residency status; and those families who have mixed ID are obliged to move in the border zone (D)⁹ to protect their BID, and/or to get the family unification.

⁹ To identify the area of the research, we named this area zone D, as a new zone, in our view, is a camouflaged zone emerged after constructing the separation wall by the Israelis occupied power for their future strategy, it is the area within the municipality

The Israeli ASW was constructed not on the borders before the six day war 1967, but on the Palestinian territories. Space in this term is a rationale embedded in the relationship between the colonial power and its sovereignty on the territories, "territory as a bounded portion of relational space, and boundaries as a tool to organize these relations" (Dell'Agnese, 2013: 124). The wall isolates 43% of the Jerusalem Governorate J1 area, including the route of the wall around East Jerusalem following the municipal boundaries in places around settlements and Palestinian villages, towns and neighbourhoods. All blocks of Jewish settlements are included, in which it is enhancing the fabric of Jewish settlers with the rest of Israelis, while at the same time ignoring the fabric of Palestinian life. Instead the wall fragmented East Jerusalem, dividing families and whole communities, and isolating East Jerusalem from the rest of the West Bank.

This research examines the impact of the ASW on the lives of Jerusalemite married women who live in zone 'D' and/or in zone (C&B). These women have been facing many challenges and have been trapped within constrained places, and spouses, whom own different identification cards have been separated from their families by the Separation Wall and various checkpoints. The impact on women in these communities is particularly profound; the ASW has hastened a process of economic and social decline that is imposing severe hardship on Palestinian Jerusalemites. For Jerusalemites with BID, whom either live in J1 or J2, their fundamental rights to adequate housing and freedom of movement and their rights to health, work, education, and family life are thus routinely violated as a result of Israeli policies. These policies include the plethora of [Israeli] legislative measures aimed de-populated Palestinians within Jerusalem municipality boundaries by revoking these Palestinians' residency rights in the city. (Kamaisi and Nasrallah, 2006; Yiftachel, and Yacobi, 2006). Furthermore, some neighborhoods within the municipality borders (*Kufur Aqab and Samiramis in the north, Ras Khamis Shu'fat refugee camp and Dahyet es-salam in the East*) were placed outside the wall. These neighborhoods resided nearly 55,000 Palestinian Jerusalemites. In addition, an unknown number of Palestinian Jerusalemites (estimates lie at 40,000 to 60,000) continue to live outside Jerusalem's municipal borders.

The data of our research shows the segmentations, ghettoization, segregation, and categorizations of the Palestinian Jerusalemites population; embedded in three enclaves according to the research population, regarding to different places of residency, and the ID types: first enclave includes, 48.7% of the research sample are living in Zone "D", the family members of those women hold different IDs (BID and GID). In this community with mixed IDs, the racialization, segregation, and categorizations, are too obvious. Indeed, the wall is an apartheid, functioning like a racial filter. It permits Israeli settlers to pass freely through its checkpoints, while blocking access to the majority of Palestinian people including those who are originally Jerusalemites but do not carry the Israeli (BID) or residency permits, such as the Palestinians Jerusalemites who live in zone "D". Moreover, in some families where members hold different IDs, some members (BID) can cross the checkpoints with no problems, while the others (GID) are not allowed to pass.

Another segment of the research sample, those who are living in the neighbourhoods within the municipality border consists 27.9% of the research sample, 44.12% of this group hold the GID, they have obtained permits in order to join their husbands who hold BID and live within the municipality borders. This permit is renewed every six months, until they get the family reunification. If the permit gets rejected for renewal or the family unification is not approved those women not allowed to stay within the municipality boundaries are obliged to move outside the wall, and they usual move to zone "D",

Those women in this category with the GID, have a unique experience with crossing the ASW, because the ID colour is different than their husbands they do not go through the same checkpoint. *Manar*, Jerusalemite is in her late forties and is a mother of five children. Her entire family holds the BID, but she does not. "The Wall is a racial tool and restricts our freedom of movement, making us susceptible to ridicule, humiliation and degradation. When I go with my husband and children to visit my family on the other side of the Wall, we all leave together by car, but during our journey back home, ironically, I could not go with them in the same car and cross from the same checkpoint, due to my GID. I had to cross through the checkpoint alone by foot. I have become an object of mockery and ridicules by my kids"¹⁰.

borders was cut off from Jerusalem by the Wall, that located in the East part of the Wall, such as *Kufer Aqab, Su'fat* Refugee Camp and *Rass Khamiess*; these zones are completely under Israeli control.

¹⁰ Interview with Manar, in May 2013

The third enclave of the research sample consists 23.4% of the entire sample which live in zone "B" and "C". Most of these women have a "BID", but they follow their husbands who have "GID" and live with them in their home towns. The Jerusalemite women face many challenges and difficulties especially when crossing the checkpoint with their children who have GID. Children and spouses are not allowed to pass if they do not have permit, said Nadia, in her angry voice, while expressing her feelings of hatred and bitterness speaking about what she and her family go through.

"The bloody Wall is criminal and the colour IDs as well. They are killing us every day, dismantling the families, and making us strangers in the same house. My husband cannot visit my family who live on the other side of the Wall, because he is listed on the black list and is never allowed to receive a permit. God damn the wall and who built it, they do not have neither mercy nor pity. Once I had to take my sick 11-year-old daughter to the doctor in Jerusalem City Centre, and after a long time waiting in the long line, they did not allow her to pass because she does not have a permit. I had to go back to *Kufur Aqab* and then to Ramallah".¹¹

The last portion of our sample consists of those holding a Jordanian or another foreign passport, accounting for 3.9% of the sample. These women are allowed to live in all zones, but they must obtain an Israeli visa which is renewed every three months. The visa renewal process is another sort of humiliation and suffering. Women must leave the territory borders, cross the Bridge to Jordan and on their way back home, before crossing the bridge, the Israelis check their passport and renew the visa. This procedure continues for two years and sometimes longer, it depends on the time they got the family reunification. Women's stories show how "these voices are constructed, produced, and reproduced through the gendered political geography of the space that the voices inhabit and arise out of". (Shakhoub-Kevorkian, 2009: 151).

Space, place and displacement

Utilizing spatial theory allows us to understand the power of space and the politics of place, that determine the 'statelessness' and 'fractioned-citizenship' in case of Jerusalemite women under Israeli occupation. Following McDowell, we conceptualized place as constituted by "sets of relations, which cut across spatial scales" (McDowell, 1999); in connection with Israeli colonization power space became sexed and raced (Shakhoub-Kevorkian, 2009: 152). These relations are between the colonizer power and the colonized people; the relationship between residents 'citizens' and spatial of the law and the legality; the relationship between gender identity and nationality; as nationality, identity and power, and finally the relationship between identity and space, which it creates direct experiences of ethnic and racial spatiality (Shalhoub-Kevorkian, 2010: 10). All above relationships are "manifested in Jerusalem's physical space as well as in the marginalities, erasures, and constructions" (Jadallah, 2014: 80).

In order to analyze these interconnections there must be a local focus. Researchers have chosen Wall-Zone neighbourhoods of East Jerusalem as the particular sites and places that 'touch the ground as spatially located patterns and behaviours" (McDowell, 1999: 30). Our approach to use these contemporary East Jerusalem neighbourhoods located on the borders is because they are momentous sites as and are suitable "specific social and political space, as well as a geographical location" (Redclift, 2013: 1).

We are using the East Jerusalem 'Wall-zone' as a case study to explore the eternal borders within hometown-city that render 'rights-bearing-citizens' and are effectively 'stateless', (Redclift, 2013: 2) to conceptualize their experiences. Following Redclift's approach, we are trying to develop the "concept of political space' to capture the way in which the boundaries of political community are socially, spatially and temporally produced" (Redclift, 2013: 2). By doing so, this study challenges current views of citizenship and focus on the relationship between political subjectivity and space.

By considering East Jerusalem neighbourhoods, through the voices of suffering women "stateless in their homeland", we explore the displacement, unidentified political identity, none-citizenship legal status; and what degree of "permanent residency" is granted in general to the Palestinian Jerusalemites in the (J1) area, and the specific status of the Jerusalemite married women with spouses holding a different ID, whether still married, divorced or widowed.

¹¹ This story quoted from the focus group meeting in kufur Aqab, in January 2015.

This study investigates the difficulties that Jerusalemite women and their families have faced as the result of having different types of IDs. Our sample of women includes different age categories: 40.25% are under 30 years old, 37.12% are between 31- 40 years old and the remaining 22.7% of the sample are 40 years and over. These different ages will help us to examine the daily-life of different generations. The research looks into the extent of changes in women's everyday lives, and the sense of their connections to a particular place when they moved out of their homes to a new home after the construction of the Wall. Thus, "the loss of physical place is all too often associated with loss of state protection: (Redclift, 2013: 2), meaning the Jerusalemite population for this research, who were left no choice but to move out of their homes have no actual state protection. We examine how they feel in regards to security and safety in their homes, "crossing the checkpoint, and having to interact with soldiers in militarized spaces" (Shalhoub-Kevorkian, 2010). We also examined women's fear of deprivation of their rights, and being separated from their families and communities.

The ASW placed restrictions on movement and forced displacement of Palestinian Jerusalemites. According to the Badil Centre, 32.9 % of all Palestinians in Jerusalem have changed their previous place of residence as a result of the Wall. Additionally, 83.3 % of the latter were forcibly displaced once in their lives, 9.3 % twice, and 7.4 % three times or more (Badil, 2006). This is apparent in our study indicating the majority of those holding either types of IDs have moved in the last ten years post the construction wall (72.9%, of women hold (GID) and 70.87%, of women who hold (BID,)while the others moved at the beginning of the construction of the wall or even before to maintain their permanent residency in East Jerusalem. Our data also shows that 61% used to live in the Eastern part of the wall, mainly in the neighbourhoods outside the municipality borders. Consequently, due to the Israeli policy of revoking the residency rights from the Jerusalemite women, women decided to live within the municipality borders or in zone "D". However, those women who were forced to move, now live in limbo in consideration to their new place and political sovereignty. They are not considered Israeli citizens, and are not citizens in the OPT leaving them with no state services or state protection. The unique Palestine phenomenon of 'Wall-based' displacement is of increasing political interest in the OPT, in which political borders protected by colonized Israeli states persistent on their right to decide who is allowed to enter its sovereignty and who is not. This section examines the unique status of stateless women in their homeland and lives in the 'border neighbourhoods' of East Jerusalem on both sides of the Wall. It investigates their status of "permanent residency" as a "fractioned-citizenship" degree. These women share experiences as colonized people. Smith in her definition of indigenous, she puts it "as peoples who have been subjected to colonization of their lands and cultures, and the denial of their sovereignty, by a colonizing society that has come to dominate and determine the shape and quality of their lives" (Smith, 1999: 7).

The definitions of the terms used in this paper, such as space, place and community; Smith's explains them as the following "Compartmentalized, space can be better defined and measured". She illustrated "conception of space were articulated through the ways in which people arrange their homes and towns, collected and displayed objects of significance, ... separated out one form of human activity from another" she concludes, "Spatial arrangements are an important part of social life" (Smith, 1999: 51). For the concept of place, we agree with McDowell, "places are social constructions; such ideas about gender, boundaries and membership are social constructs". Defining the term of community is like the term place "is usually used to designate a small-scale and spatially bounded area within which it is assumed that the population, or part of it, has certain characteristics in common that ties it together" (McDowell, 1999: 100). Applying the spatial theory to this research is to look at the situation of Palestinians stateless people in general and Jerusalemite married women in particular. Women and their families were forced to move out by the Israeli occupational forces of their hometown to a different area leaving behind their homes, communities and loved ones.

The concept of Statelessness

Convention relating to the Status of Stateless Persons, defines a stateless person as "a person not considered as a national by any State under the operation of its law." People are vulnerable to statelessness when governments determine citizenship based on descent, race, ethnicity, or the impulse of those in power¹². Stateless people, as Milbrandt, considers them, "the most vulnerable in the world, as they have no specific citizenship, statelessness is a severe, overlooked, and growing issue. They possess no official nationality, and no country wants to claim them" (Milbrandt, 2011: 78).

¹²GOVERNMENTS OF THE WORLD: A GLOBAL GUIDE TO CITIZENS' RIGHTS AND RESPONSIBILITIES, *supra* note 13, at 129.

Furthermore, the notion of statelessness as McNevin emphasizes, "is testimony to the centrality of the state in defining the boundaries of political community", McNevin, explains, "the concept itself reinforces a territorial account of political belonging that place the citizens as the normal subject of the 'political' (McNevin, 2007).

De facto statelessness may include those inside the state of their nationality, that due to armed conflicts; military occupation; political and economic uncertainty. For example, in Palestine nowadays, internal displacement has been the result of Israeli actions and severe policies, such as house demolitions, land confiscation, and finally the construction of ASW (Badil, 2011). Milbrandt classifies persons fitting into actual statelessness in three categories: "Persons who do not benefit from their rights according to their nationality; persons who are unable to establish their nationality, or who are of undetermined nationality and persons who are attributed to the nationality of a State other than the State of their habitual residence"(Milbrandt, 2011:82). These three categories could be implied for the Palestinian Jerusalemites, as they are unable to establish their Palestinian nationality and benefit from the rights that are granted to Palestinians in the OPT. Moreover, they could be referred to the 'Jordanian nationality' as they are granted Jordanian passport, although they are not Jordanian citizens, and are not residing in Jordan.

The 'statelessness' concept utilized in this study characterizes the 'Palestinian Jerusalemites' both who live in J1 or J2. We strongly believe that the major threat Palestinians are facing is the risk of losing their identity. We are not just speaking about their ID card, but their nationality, as they are reluctant to have an Israeli Citizenship/Nationality. Those who have (BID) are not allowed to have a 'Palestinian passport', and they will lose their permanent residency in East Jerusalem if they obtain a Palestinian passport. For Jerusalemites who have (GID) and have applied for family unification, as soon as the application is approved, they will automatically lose their Palestinian nationality. Usually, it is mostly women and children who lose their Palestinian ID, because men are less likely to apply for the family unification. This is because their application is usually refused when they apply for the unification. Women in the Arab patriarchal after they get married transfer to their husbands' kinship, so they have to move to live in their spouses homes. Very often, gender biases in citizenship law create and perpetuate statelessness. (Redclift, 2013:3)

This, however, violates the Universal Declaration of Human Rights. Article 15 affirms that: (1) Everyone has the right to a nationality; and (2) no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.¹³ Agamben (1998) argues that so-called sacred and inalienable rights lack all reality when they no longer belong to citizens of state. He maintained that rights are exclusively ascribed to human beings to the extent that those human rights are citizens. Thus, Palestinians Jerusalemites have no document to identify their nationality, "the lack of identification left them 'stateless' no official nationality, no belonging" (Milbrandt, 2011). This situation of un-identification of the national identity, makes Jerusalemites as a "stateless' people, when they travel abroad, they have to apply for a special travel document (*Laissez-Passer*) that only requests from the Israeli Ministry of Interior, in this 'Israeli document' the national identity undefined, it is also not recognized by Arab and Islamic countries. This matter was temporarily resolved, as Jordanian government politically agreed to issue Jordanian passport for Palestinians Jerusalemites, in which they have classified as 'Jordanian Nationality', while they are not.

The Concept of Citizenship

A typology of citizenship is provided by T. H. Marshall, *Citizenship and Social Class and other essays* (1950). Marshall defines citizenship as a "status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties which with the status is endowed" (Marshall T.H., 1964). While De Genova focuses on sovereignty and power, he emphasizes "most states derive their legitimacy from a claim that their power over people actually rests precisely upon the sovereignty of those same people, taken together to comprise a particular, bounded collective body... a coherent community of "citizens" (De Genova, 2005: 216). Others, state that "citizenship, refers to membership of political unit, usually the nation-state, and defines bounded populations" (Smith 2000; Soysal 1994, Brun, 2003) Historical research, has long demonstrated that citizenship is a dynamic concept and that not all citizens enjoyed citizenship rights in equal measure. (Studer, 2001): Liberal theorists argue that each and every individual as a member of the polity has an equal right to be in the public arena, but as feminists and others have pointed out, this right is often denied in practice.

¹³Universal Declaration of Human Rights art. 15, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter UDHR], available at www.un.org/en/documents/udhr/index.shtml.

Thus in practice, as critics from both the left and the right have recognized, citizenship is not an inclusive concept (McDowell, 1999). Feminists, such as Carol Pateman (1988), Mary Dietz (1992) and Anne Phillips (1991), for instance, have refuted the liberal notion of the universal citizen which valorised the attributes of the white, European, propertied male to the exclusion and de-valorisation of all others. A number of theorists have given substance to argument for a 'differentiated citizenship' to counter discrimination inherent in equal treatment which suppresses the value and identities of national, cultural, religious racial and sexual orientation groups (Stasiulis and Bakan, 1997, Modood 1994, Parekh 1991/2, Young 1990); also citizenship is an "inherently exclusionary concept" (Gordon & Lenhardt, 2008), we argue, citizenship is also imbedded ethnicity and racism, as both are involve in practices to include one 'ethnic group' and to exclude "otherness". Anthias and Yuval-Davis (1992) illuminate, that "ethnic processes involve exclusionary and inclusionary practices for maintaining privileges and for countering those of other groups; and racial project may be a mode for preserving ethnic exclusionary and privileges within the nation state of the dominant ethnic group". (Anthias & Yuval-Davis, 1992: 4-5)

Redclift (2013) adopted Agamben, who investigates the relationship between sovereign power and 'state of exception' – the spaces in which the juridical order is suspended- and in doing so examines the relationship between non-citizens and the state. According to his analysis, the ambiguous, uncertain borderline fringe at the intersection of the legal and political situates those it contains 'in a limit zone between life and death, inside and outside, in which (s/he) is no longer anything but bear life' (Agamben, 1998: 159).

Nationality and Citizenship Laws in OPT

Historically, the Palestinian Nationality Laws have gone through many different combinations reflecting the reality of the Palestinian people as the Palestinian National Law and citizenship laws do not exist. However, the Palestinian National Authority (PNA) had the power after Oslo Accord in 1993 to establish its own an independent national and citizenship laws harmonize the concept of citizenship. The Palestinian 'Basic Law' in its early draft (Art.9) defines Palestinian nationality through either parent: "Palestinians are Arab citizens who were residing normally in Palestine until 1947. Every son [and daughter] to a Palestinian Arab father is considered a Palestinian". Later the legislative council adopted a non-formulation that limited Palestinian citizenship to residents of the West bank and Gaza Strip [Jerusalem was not mentioned]. (Jad, Johnson & Giacaman, 2000: 143)

PNA has partial sovereignty on the territory of the West Bank and Gaza Strip. The fact that Israel controls Palestinian borders, this makes it the absolute authority of exception to decide who has to be excluded or included to be resident in his or her Palestinian homeland. According to the Oslo Accords, the PNA had the right to issue ID as "permanent residency" and Palestinian passports (as a travel document) only for Palestinian residents in the West Bank and Gaza as well as some (limited portion) Palestinians that are returning. However, these two documents were individually inspected by Israel before being issued, and are not considered as documents pertaining nationality or citizenship. In fact, Palestinian citizenship, legally remains an Israeli identity card, because, both documents cannot be issued without Israeli approval (Jad, Johnson & Giacaman, 2000:137). Furthermore, both documents are not allowed to be issued to Jerusalemites who are granted Israeli "permanent residency", as well as for the Palestinians in Diaspora. This, however, is increasingly threatened by Israeli restrictions and restricts the return of the Palestinians in general and Palestinian refugees in particular to their homeland. (Hijab 2002: 14-16). Even the basic human rights for family reunion meet some of the same obstacles today as in the period of direct Israeli military occupation. (Jad, Johnson & Giacaman, 2000)

Residents of East Jerusalem, are reluctant to hold Israeli nationality and citizenship, and desire the *de facto* in which they are entailed to have Palestinian citizenship 'when it is exists. Certainly, it is accurate what Anthias and Yuval-Davis suggest, "Belonging is often seen to imply that one cannot belong to other groups" they elucidate, "in practice individuals may belong to a number of ethnic groups. [For example, Palestinians-born in Israel, regard themselves as both Israelis and Palestinians] "Such cases may produce conflict between different universes of meaning, and may involve identity shifts in different contexts" (Anthias & Yuval-Davis 1992: 5-6). Therefore, Palestinian Jerusalemites as colonized people cannot belong to their "colonizer oppressor" enemy's nationality. Besides, Palestinian Jerusalemites are trapped between the legal procedures of the 'Citizenship and Entry Israel Law' (CEIL) on one hand, and the "Palestinian Nationality" on the other. The racial Israeli citizenship law and the political complexity of East Jerusalem prohibited them to have constant and security life.

Due to the Israeli policies of de-Palestinize the City of Jerusalem and evacuate it from its native population, the Jerusalemites insisted to remain in their hometown, even if it forces them to accept a portion of the Israeli citizenship, also referred to as the "permanent residency".

Fragmented-Citizenship

Many families benefited from the CEIL 'Citizenship and the Entry to Israel Law 1952'¹⁴, and applied to the family unification for non-Jerusalem ID spouses and children in order to get permanent residency. (Khamaisi, 2006). After the construction of ASW, this law was amended in 2003 and 2005, to be more discriminative and thus more restrictions were placed on the residence rights of Palestinians in Jerusalem.

Critical scholars, argued that Israel was more accurately described as an "ethnocracy," an "ethnic state" or an "imagined democracy" (Yiftachel , 2000; Ghanem, 2000)- Israel declares itself a 'Jewish state' and implies exclusion of non-Jews on the basis of religion and/or ethnicity. (Masri, 2013:310). Racialisation, segregation, and categorizations, are too obvious in the East Jerusalem, J1 area. Today, some of Jerusalemites live on the West side of the wall (J1) while others live on the outside side of the wall (J2). Palestinians residents of East Jerusalem (J1) consider the seventh layer in citizenship system¹⁵, because they have certain rights, which are not equal to those of Jewish Israelis, and they also pay taxes but they are not considered citizens. However, the Jerusalemites residents in (J2) are considered OPT registered citizens, and classified in the eighth layer, have no residency rights in Israel, and instead, they "remain disenfranchised" (Yiftachel, 2002: 39). Each of the above categories is divided internally on gender lines, with men enjoying a superior position. (Yiftachel, 2002: 40)

Globally, citizenship based on birth by two principles: the 'law of the soil' grants citizenship to those born within the territory of a state; and the 'law of blood' grants citizenship on children whose parents are citizens of a given country (Goris *et al.*, 2009; Goldston, 2006: 322). Both principles are valid in Israel citizenship Law, but are not valid to the Palestinians residents in East Jerusalem. Also, Jerusalemite who formally not living in Jerusalem, and trying to return will find that s/he has no residence rights, while Jewish residents are granted full citizenship, whether they live in Israeli or as settlers in the occupied territories of 1967. Jerusalemite families who live on the other side of the wall (J2 area), have either three types of families with different identification cards: families whose all members granted 'permanent residency' and hold (BID); mixed IDs families, in which some members have (BID), and other (GID); and families who have no residency rights in Jerusalem. Thus, for the first type, since the beginning of the construction ASW, the number of people going back to Jerusalem (J1) escalated due to the risk of losing their residency rights and their belongings in the City because they live outside the municipality borders (Khamaisi, 2005). In addition, they face difficulties of crossing the check points and barriers, as they have to wait for a long time on the checkpoints until they are able to cross to the other side of the ASW. In the focus group meeting in Abu Dis, two women share their stories of moving to Jerusalem (J1), Amal says: ¹⁶

"I was born in Abu Dis, and my mother is from the city of Jerusalem and she applied for the family unification for my father [this was long time ago before the 2003 law was enacted]. Half of my family carries a Jerusalem ID, and the other half holds a Palestinian ID, or lately, they have received residency permits. In order to maintain residency rights, we decided to move to J1 area, despite the fact we own a house in Abu Dis".

The other woman said, "I used to live in Bethlehem and after applying to family unification we had to move to Jerusalem. Some of us still have a but West Bank ID, we had to leave our house, and rent another one in Jerusalem".

¹⁴The family unification process under Israeli law is controlled by a combination of the Citizenship Law 1952 and the Entry to Israel Law 1952. A non-Jewish foreigner married to an Israeli citizen or resident who wishes to acquire resident status or citizenship in Israel has to go through what is called the 'gradual process' where she or he 'gradually' goes up the scale starting with a temporary permit to live in Israel, then temporary resident status, then residency and finally citizenship – depending on the status of the sponsoring spouse. (see Masri, 2013:311)

¹⁵ In Israel, systematically stratified citizenship, nine types of citizenship is differentiated by the combination of legal and informal rights and capabilities.

¹⁶ Focus group meeting in Abu Dis, was held in February 2015.

These two stories show that the Jerusalemite families have no right to decide where to live; they obliged to move into rented houses, as they fear of losing their residency in Jerusalem, there places and spaces are decided and controlled by the colonizer.

For the second type, many moved to zone "D" with hopes to get residence permit for the family members who hold GID. In the research sample 23.4% live in zone "B" and "C"; while 27.9% live within the municipality boundaries (J1). While the majority of the research population has to face everyday difficulties of crossing the barriers, among them 48.7% live in Zone "D". For the latter group who applied for family unification or residency permit they are the most affected by the Israeli policies and the citizenship laws. Women in *Kufur Aqab* focus group described their daily lives, a woman said, "I am now busy preparing for permanent residencies and registering my children through my ID, the [Israeli] authorities terminated my health insurance as I was threaten to lose my ID". Other woman shared her daily suffering of living in the other side of the Wall: "I spend ages following up 'Arnona' [property tax] go to Western Jerusalem only to pay 'Arnona', as we live outside the wall we have to cross the Wall when we want to go to the city center, however the wall stops me from going to the city of Jerusalem".¹⁷

Different reasons forced women to move from one place to another. Our data shows 5% of the sample moved because the marriage situation due to their spouses holding different ID types. Commonly, women are obliged to move wherever the husband lives; if the husband has GID and owns house in his home town, his wife is compelled to move in with him even if she risks losing her permanent residency. On the other hand, women whose ID is Palestinian and married with spouses whom hold a BID (consists 22.7% of the sample) have to apply for a residency permit and move to J1 or zone D to prove that they live in the same house with their husbands, as they may be later got reunification status. Few women (3.9%) hold GID after marriage they moved with their husbands who hold BID to zone "D". The patriarchal society restricts women's space of movement, when women always have to move to follow their husbands, but not the men.

Studer quotes Max Ruth's definition of citizenship: "the concept of citizenship has two dimensions, both citizenship rights as the individual's integration into a juridical and political space, and the status of nationality itself, which marks inclusion in and exclusion from the national community" (2001: 622-23). In this sense, we discuss the fragmented-citizenship status of the Palestinian Jerusalemites who live in J1 and granted 'permanent residency' in Israel. For the first dimension, Israeli law does not integrates the Palestinian individuals into juridical and political space, as they are not fully citizens in Israel, they are excluded from the national community, and at the same time they included in the term of 'citizens obligations' paying taxes. However, their spouses and children, who are none-Israeli 'permanent residency', are entirely excluded. And for those who have permanent residency and live abroad or in OPT are threatened to lose their permanent residency in Jerusalem and other citizenship rights.

Family unification

Historically, culturally, politically and geographically, Palestinians who live in the OPT or in Israel belong to the same nation that was arbitrarily separated by the Green Line in 1949, which became the border line, and the latter modification for 'border line' represented by the ASW in 2002, which constituted in further separation between the Palestinians, particularly those of East Jerusalem. In both border lines in some places, many villages were divided into two; nevertheless, this did not prevent marriages across the Green Line and continued after construction of the ASW. However, the increase in marriages across the borders line makes the family unification process an essential channel for many Palestinians who are citizens or 'permanent residents' in Jerusalem to unite with their spouses from the OPT (Masri, 2013:311).

The family unification, is not only between Palestinians who live in OPT and those Palestinians behind the Wall, but also between Palestinians in OPT and those in Diaspora. The family reunification in OPT and in East Jerusalem as well, is still undergoing the traditional Israeli-controlled system of application, therefore the overwhelming majority of applications were rejected.

In family re-unification cases it has long been the actual policy that women married to men without Palestinian identity cards ("foreign spouses") had virtually no chance of being considered (Hijab, 2002). Thus, those women deprived from their right to unite their husbands and children, they also have no right to live with their families in OPT.

¹⁷ Focus group meeting in KufurAqab, was held in January 2015

The family unification procedures consisted of four complicated phases¹⁸, which must meet certain age requirements and undergo meticulous examinations that often take several years. It was designed for a period of more than five years, but in practice it is required an average of ten years (*B'Tselem* 2013; St. Yves, 2013, Human Rights Watch, 2006). These procedures implied colonial power view of space and time of the native people, as Smith discusses that western concept of both time and space, believe that the native people cannot value work or have a sense of time, which is part of colonial discourse that continues to this day. (Smith, 1999: 53-54) So the Israeli authorities in its Family Unification Law (FUL) ignore the space of family unity, the space and time of age and work.

To get the unification approved faster, people appoint a lawyer or go through the centres of human rights. However, whether the application presented by person or through lawyer or human centres, it usual takes the same time. For instance, in a focus group meeting, women were declared that “we apply through the lawyers, but the procedures may take years, and need many follow ups”. A woman explained, “ I just [applied] through the lawyers, and there is no one other... that is difficult, and takes year and two and more”. Other women believe if they apply through the state's lawyer and the procedures are quicker and no cost. As one participant who further explained, “I used state's lawyer, only costs four thousand shekel [1,100\$], but he does not do everything I want”¹⁹

Israeli authorities consider the process of the FUL threatening both demographical and security of Israel, for this reason the law was frozen in 2002 until the present (see Society of St. Yves, 2013). Since the Oslo Accord, families in which one spouse is a Jerusalemite and the other is from the OPT face an impossible situation, in which they cannot live as one family, either in the OPT or in East Jerusalem (Amir, 2011). The FUL “as an instrument of displacement” (ST Yves, 2013), is related to the case of a Jerusalemite women. WCLAC has archived many cases of applications for family unification applications that were that rejected. For example, Ghadeer holds a Palestinian ID, her husband holds a Jerusalem ID and they applied for a family reunion for her to live with him in Jerusalem. The Israeli authorities rejected the application in 1995 and again in 1998. Then, the Israeli Ministry of Interior informed her husband that she cannot live with him in Jerusalem J1, without any reason.” (2013: 42)

In 2003, the Knesset enacted the CEIL (Temporary Order) which was amended several times.²⁰ It imposed prohibition on family unification between Palestinian Israeli citizens and or “permanent residents” and their spouses who are originally residents of the OPT. This prohibition did not include the Israeli settlers in the OPT and was justified based on security concerns. (Masri, 2013: 310). This Law functions as a racial ethnic cleansing apparatus against Palestinian Jerusalemites, which leads shredding the fabric of Jerusalemites families and depopulated the Palestinians in Jerusalem. Ethnic cleansing is the best to describe the Israeli citizenship Law, Pappé claims that, “ethnic cleansing has come to be defined as a crime against humanity, punishable by international law.(Pappé, 2006: 1) The racialisation of the Israeli law differentiates between citizens who are granted full citizenship; and those who are non-citizens but are permitted to live in Israel if they have a permanent residency which provides some rights.

In the following, by using spatial analysis we investigate the relationship between the colonizer power and the native citizens in the territory, by examining how the space of colonizer law and the state of exception operate within various rules and decrees; who is eligible to family reunification and who is not; whose age is considered, and who is not. The racial colonial practices against the native people, by separating individuals, from the physical environment, the community. This is done through the control over time and space (Smith, 1999: 55). To do so, we had to look at different cases of family reunification to examine how CEIL affects Jerusalemite women' spaces and places, and their relationship with kinship and communities. Generally, Israel denies citizenship on the basis of residency to Palestinians from OPT, and in particular Jerusalemites who living in J2 , it is also the same for family reunification, with the exception of children under the age of twelve who have one parent legally residing in Israel.

¹⁸ The four phases include: 1) the couples need to approve the sincerity of marriage, center life of the citizen or resident, and to have a clean criminal record for the applicant spouse. (the average of this phase 5 years); 2) if the application approved, the applicant received B1 permit for 15 months, renewal for additional 12 months, without obtaining any social and civil rights; 3) the applicant receives an A5 visa (temporary permit) for three years, renewal each year; 4) the applicant receives the same status obtained by the requestor (see .St, Yves, 2013)

¹⁹focus group meeting at RassKhamis and Su'fat Refugee camp in April 2013.

²⁰The Citizenship Law was first amended in 2005. See Citizenship and Entry to Israel Law (Temporary Order) (Amendment) 2005. And 2007, 2012

According to 2010 data from the Israeli's Ministry of the Interior (MOI), every year since the provision was amended in August 2005, the ministry granted permits to stay in East Jerusalem and in Israel to approximately 1,000 Palestinians spouses who met the age criteria. Thousands of others are denied the possibility of even submitting a request and cannot live with their spouses in Israel. Since 2000 until 2013, 43% of the application was rejected for security reasons or lack of proof centre of life in Jerusalem (St. Yves, 2013). In effect until now, the law prohibits Palestinians from the OPT from living with their spouses in East Jerusalem. Furthermore, if their children were registered in the Palestinian population registry, the law prohibits transferring their registration to the Israeli population (*B'Tselem*, 2013). Many cases are rejected on the biases of security, if any member of the family has been arrested, or an activist in Palestinian resistance movement. Or even if this member is not living in the same house, or relatively close to the family, he may have kinship relation with family. Thus, Israeli policy of depriving protected persons from choosing their place of residence with their families on the basis of offenses committed by other members of the family directly contradicts Article 33 of 4th Geneva Convention provides the penalties should be specific to the offender. (St. Yves, 2013).

Violation of the right to family life:

The provision seriously violates the right to family life, this violation embedded in two types of displaced families: first, one spouse holds BID, and the other hold GID, they cannot live together in the J1 area. If the couple decided to live together in J1, the non-BID spouse fears of deportation from the city, so he/she hides him/herself, not moves outside the home, as s/he is illegally lives in J1, has no rights, no legal possibility of work. On the other side if the couple decided to live apart, they will have to endure an enforced separation for many years and, if the couple has children, one spouse will be separated from them. There are many stories of couples in this situation, one interviewee shared the story of her daughter who has a GID and got married with Jerusalemite has BID; in her words:

I agreed on my daughter's choice to marry the man who she loves, even he has BID, during *alkhotuba* [engagement period]. She used to apply for a permit to be able to enter Jerusalem to meet her fiancé. Once her application rejected, but she insisted to enter Jerusalem illegally, I also joined her, where we both captured by the Israeli border guards, since then we both prohibited from getting a permit, even when she applied for the wedding party which took place in the city, her application was rejected, but she entered Jerusalem illegally. For avoiding not capture again by Israeli police, she has been hiding in her house, not moving out. Now six months passed I did not see her, as I prohibited from getting a permit to visit Jerusalem.²¹

Second type, if one spouse is a BID holder and the couple lives together in the J2 or another town in the OTP, the holder of BID spouse will be in risk of losing the residency status in Jerusalem, which will then temporarily disqualify him/her from submitting an application for family unification, as such applications can only be submitted after two years of consecutive residence in J1. (*B'Tselem*, 2013; see also HaMoked, 2014). The rationale of this provision is demographic, and the Israeli racial policy is depopulating the Palestinians and Judaizing the City of Jerusalem. This was clear in statements made by senior officials; indicating that the main purpose of the provision is demographic. (*B'Tselem*, 2013, St. Yves, 2013).

Losing their belonging

The marriage between partners of different nationalities led Palestinian women to immediately acquire her husband's nationality and lose her own, even though, a "married woman should have the same right to retain or change her nationality as a man" (Studer, Brigitte, 2001:628). In Israel, this is applied for Jewish woman, but is not applicable for non-Jewish women citizens. For instance, Palestinian women who are citizens in Israel cannot pass their citizenship to their husbands. Under the Israeli FUL until 1994, women who held a Jerusalem BID and have spouses from OPT "did not accept their requests to unite with their husbands in Jerusalem. The assumption is that a woman in Arab society follow their husband and not *vice versa*" (St. Yves, 2013).

De Hart (2006) cited Stolcke's (1997) conception of similarity of kinship and citizenship in relating to patriarchy, "Kinship patriarchal system in society has a binding function, similar to that of Citizenship. Both determine the personal borders of the social-political community".

²¹ Interview with Um Yasmeen, in October 2014.

Patriarchy draws the boundary in a gender-specific way and bounds the space and place of women, it functions in the same way that citizenship Law does, and when both come together deprive a woman from her right to love and to get married with spouse of her choice. Samar's story as an example, Samar Jerusalemite holds BID, and the man she loves holds 'GID', her marriage was broken due to the division of East Jerusalem, the Israeli FUL and the patriarchal society. Samar narrated her story:

For the past five years, my family rejected to engage with the man I love, because he was from the OPT, and I was not allowed to live with him in the West Bank area, unless he obtained a residence permit in Jerusalem. This, however, was impossible for two reasons, on one hand he has to be married in order to apply for the residency permit, and on the other hand he was less than "35" the legal age that is defined in the 'CEIL. So we had to wait until he reaches this 'legal age', which took us five years, in order to apply for the permit and also we did not have a marriage contract. I faced many difficulties to get my family to agree. They approved the engagement with only the marriage contract that helps us to apply for permit, but they did not allow us to live together until he gets the residency permit. Unluckily, his application was rejected for security reasons and my family forced us to split up and get the marriage was called off²².

This case is exactly what Masri (2013) has described "love suspended", the decision on the constitutionality of the CEIL 2003 and its amendments, that imposes a sweeping prohibition on the family unification processes between Palestinians permanent residence 'citizens' in Israel and Palestinians residents in the OPT. The decision directly affects the lives of more than 15,000 couples that will have to separate or to live uncertain life. (Masri, 2013). This racial law along with the patriarchy affects other Palestinians men and women who now have laws that in effect delineate who they can fall in love with and marry. This is one of the ways in which the state gender citizenship is through the control of marriage, when the state intervenes in the private space, and uses marriage for very public and political purposes, especially in the case of 'intermarriage' (Kaufman & Williams, 2007) such as Palestinian resident in J1 with non-resident from OPT, as we have seen in the above story.

Jerusalemite women hold GID and are married to spouses whom carry BID have no legal status in Israel and are therefore ineligible to receive the usual services that are offered to citizens. (Cohen & Leichtentritt, 2010). However, even if approved, spouses from the OPT would only be able to stay in J1 under temporary permits²³; the MOI may grant permits to stay in J1 to spouses from the Occupied Territories, if the husband is over the age of 35 or the wife over the age of 25. These permits can be renewed but do not provide legal status and social benefits, nor do they serve as permits to work in Israel (*B'Tselem*, 2013).

As one interviewee, Sara holds GID in her late forty, her husband has a BID, and they have been married more than twenty years, she stated: "At age 24, I got married, and now I am in my late forties, a mother of five children, my oldest daughter turned 20-years old, all my children have a BID and until now I am "stateless", waiting for approval of my application for family unification, to be able to stay with my husband in Jerusalem. I applied for a temporary permit, which is requested only from the Civil Administration and I got permit it for one month, and then after that it was for periods ranging from several months to a year. Now I have to renew the permit each year, with hope that I get the permanent residency. Although I have this temporary permit, I have no legal status or social benefits and I am not permitted to work in Israel. "A few years ago, I got a job in Jerusalem, but working for a Palestinian private school not an Israeli organization or company".²⁴

Sara's case is similar to many other Jerusalemite women who have been hanging in limbo for many years waiting for the approval of family unification, while fearing that their permit may not be renewed and they may be deported from Jerusalem. Since 2003 the MOI has halted all status updates for OPT residents whose applications for family unification in Israel had been approved by the Minister of Interior. Since then, those women have been living in J1 with temporary permits, never knowing what will happen tomorrow. They have to prove their centre-of-life is still in Jerusalem and undergo security checks, with no end in sight (See HaMoked, 2014). This situation became a constant state of instability, insecurity and a state of uncertainty over potential non-renewal of residence permit.

²² Interview with Samar in February 2012

²³ See Citizenship and Entry to Israel Law (Temporary Order) 2003 and its amendment of 2005,

²⁴ In-Depth interview with Sara, was conducted in June 2014,

This law also applied for other women who are foreigners, for example, Jordanians or other nationalities, in which their spouses were Jerusalemites also living in the J1 area, and faced many challenges and restrictions. Women married to foreigners have to first prove that their spouse's centre of life is Jerusalem. An example from our research sample: a woman who has a Jordanian nationality and her husband is a Jerusalemite, holds BID and lives in J2, shared the following narrative with us: "I have a visa on my passport which is renewed annually, however, we should apply three months prior to the renewal of the visa. I applied for family unification, which was refused as authorities considered my husband residing outside Jerusalem, although he use to live in Al-Ram [which is located in J2, zone B, so it considered outside the municipality border]. They asked him to live in Jerusalem for two years and then re-apply as we should wait for 8 months and I am still waiting."²⁵

The process of applying for residence permit comes with a bureaucratic procedure that may be turned down or will not be established for several months. Consequently, during the waiting period, which may take years, women and their children will be unable to benefit from public services, particularly health services. Furthermore, in case of death or divorce of the husband, and the procedure of the application has not reached half the period, the woman automatically loses the right to maintain her status in Jerusalem. (St. Yves, 2013). One woman shared her experience:

"I got the residency permit [as a second phase in which she can live with her husband in Jerusalem], but since three years I did not renew it, so I lost it. Now I want to apply again, but now it is impossible to get it,, because my ex-husband got married to another woman"²⁶ Those women have no right to make their own decision, where to live and when to move. Their spaces of time, emotion, family ties, and making decisions, all have been attacked and seized by the spatial policies of the colonizer. People younger than the age who have humanitarian matters must apply for a special Israeli committee and give cause based on exceptional, humanitarian grounds. Since 2008, this special committee has approved applications in just 5.5 % of cases (UNOCHA, 2012). A woman declared, that was the first time in her life she was able to get the family unification, just on humanitarian ground, in her words, "I hadn't have it [family unification] before, and I just had requested once time, and I submitted a medical report of my husband, as he was ill and I helped him, after forty days I got the family unification".²⁷ While in other cases, applications based on humanitarian issues did not work, many cases were followed up by St. Yves' who assists Palestinians to get family unification; it took some times five years until the Israelis approved it (St. Yves, 2013).

As Jerusalemite women change the place of residency they may face revoking residency and terminating the unification application. The Israeli colonial power who to decide where to live, "when it confines Palestinians to restricted places, when it creates barriers to prevent Palestinians from reaching their ends, when it separate people from their work" (Shalhoub-Kevorkian, 2010: 10). Thus after a long struggle when women were able to live with their husband in Jerusalem, her residency permit was postponed, due to the fact that the couple decided to live outside the municipality borders; Abeer's one interviewee got the residency permit after five years since her husband applied for family unification. Her permit was halted because the family moved out of J1, as they got tired of crossing the ASW and military checkpoints on a daily basis to reach their workplace, Abeer describes the experience of crossing a checkpoint and the hardship she faced:

"Since I got the residency permit to live with my husband in Jerusalem, after five years of our marriage, I renewed it many times during the last three years, but I got tired of waiting to get the permanent residency, and I was suffering from daily crossing the checkpoint through the wall with my two children (7 and 5 years only) I have to put them in school near my work, I have to leave home early morning at least two hours earlier than usual, and back home late afternoon.

My husband and I working in Ramallah [West Bank City] I lost my first job because I always arrive late. So we decided to live in Ramallah, the Israelis knew that we are not living in Jerusalem any more, they halted my permit, and now I cannot go to Jerusalem and I am not allowed to apply for the unification again.²⁸ The above story shows how women's own spaces were invaded and controlled by various mechanisms of the hegemonic power: the space of time she has to spend every day, to be earlier two hours and late another two hours on her way back home.

²⁵ Focus group meeting in KufurAqab, February 2015

²⁶ Focus group meeting in RassKhamis and Shu'fat Refugee Camp. April 2015.

²⁷ Focus group at RassKhamis and Shu'fat Refugee Camp, was held in April 2015.

²⁸ Interview with Abeer, in July 2013.

According to the women's stories above, we had an open question in the survey, to explore their opinion about mixed marriages. The question was: "Would you allow or do you agree for your daughter to marry someone who has a different ID?" Women's opinions and responses ranged between the rejection and acceptance of this marriage. Our Data shows that more than half of the research sample (55%) said no to their daughters marrying someone with a different ID and their rationalization is due the problems they will face by the Israeli occupation, when they apply for family reunification or crossing the barriers, or looking for a place to live. Those women who rejected this marriage, are those who have experienced the everyday humiliation and oppression by the Israelis. Their whole life is controlled by the Israel colonizing power.

Around 28.6% of women accept their children's choice to get married to spouses who have different IDs giving that the couple love each other and women believe that marriage should not be decided upon the kind of ID the man carries. Some women believe that mixed marriages to those whom carry different IDs enhances the commonality and unity of the Palestinian people, and opposes the Israeli colonialism.

Concluding remarks

The division of East Jerusalem by ASW and the Israeli policies and its citizenship laws created division and discrimination among its Palestinian natives and affected gender relations. This has been resulting in scattering the families, shredding the social fabric of Jerusalemites and changing the family formation and de-standardization. Family and kinship relations are very important amongst Palestinians. More than two third of the families who are living behind the wall, have at least one kin living within the borders of the wall, however, by the "Citizenship and Entry into Israel Laws", mutual visits are usually suspended. Particularly for Jerusalemites who hold GIDs, they are not permitted to enter Jerusalem (J1) freely they must apply for an entry permit to visit family, for different occasions, including births, marriages, sicknesses and death. Requests for a permit for these reasons would be approved, however, the permit was never approved for those who were in prison (a political prisoner) or any member of the close kin (parents, siblings, and children) whom were in prison also, martyr, or is being wanted by the Israeli secret police. Married women are the most affected by this situation because they have to follow their husbands and their movement is always controlled by the military colonizing power, which prohibits them from having ordinary relationships with their families.

Displacement and statelessness is often associated with the loss of state protection, and experiences of stateless, illuminate our understanding of citizenship. Instead, Israel fail to protect the Palestinian Jerusalemites, the 2003 'Citizenship and Entry into Israel Laws' in which is a step further in violating the residency and nationality rights of Palestinian in the OPT including East Jerusalem as well. Most applications for family unification did not proved by the Israeli Ministry of Interior; instead they revoke the residency right of Jerusalemites. Since 1967 around 14, 000 Palestinian Jerusalemites have had their residency right revoked by the Israeli Ministry of Interior (*B'Tselem*, 2013) based on discriminatory system against the native Palestinians. Israeli laws allow the revocation of the residency right of any Palestinian Jerusalemite whose centre of life has not been in Jerusalem for consecutive seven years (Isaac, and Khalilieh, 2011), for example, the Palestinian residents of East Jerusalem moved out to live with their spouses in the West Bank or elsewhere, they run the risk of having their residency rights permanently revoked. The rate of revocation escalated since 2008 after the ASW completed, as it is evident, to make a majority of Jewish demographic domination over the city. Therefore Palestinians are effectively deprived of the basic right to reside in their homeland, home- town, and home-space. (Shalhoub-Kevorkian, 2010)

The structure of Arab patriarchal, which was distinguished by both public and private spheres, is the Israeli patriarchal military power, which is based upon more suppression and subjectivity of Palestinian men and women. In this regime, men in the public domain lose power by the patriarchal armed occupying power and in return, their suppression as Palestinian men gains them their power in domestic patriarchal, which is reflected in more intensive dominant relations against women.

Furthermore, when militarization and patriarchy systems come together to oppress women and determine their places and spaces of movement, love, work and choice, the Palestinian men under the political pretext reject the registration of the children in their wives BIDs, and impose their wives to live with them, even though, consequently they lose residency rights in Jerusalem.

As it is often the case with societies experiencing the conflict, dislocation and insecurity affecting women disproportionately as they are the ones who are left to care for the family, often without the men (Kaufman and Williams, 2007). The suffering of having mixed IDs is not only for the contemporary women and their families, it is also effects the lives of the successive generations, who's their families spaces and places and social life were devastated.

The effort of this research cannot transform the actual situation of Jerusalemite women, but at least, it helps to bring women's stories and experiences into the spatial of political analysis of the hegemonic colonizer power. (Shalhoub-Kevorkian, 2010) The past and present of Palestinians and in particular Jerusalemites, women experiences and stories shows how their bodies, places and spaces where controlled by the colonizer military institutions. As Smith stated, "the past, our stories, local and global, the present our communities, culture, language and social practices- all may be spaces of marginalization, but they have also become spaces of resistance and hope" (Smith, 1999:4).

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