
Introduction

The Editors

Adalah – The Legal Center for Arab Minority Rights in Israel is honored to present the first volume of the journal *Makan* (“Place” in Arabic). To be published periodically in three languages – Arabic, Hebrew and English – the journal was conceived of upon the recognition of the collective power that can be realized through joint efforts of judicial, legislative and planning systems to create a space that provides for the needs of different population groups. Such systems, it should be noted, however, are also capable of creating a space that is insensitive to the social differences which exist between various groups, and of ensuring and maintaining the power that controls and discriminates against minorities and weaker populations. Finally, these systems have the ability to create a space that controls demographic, social and economic characteristics and processes in a defined community.

Makan will apply a critical approach to planning and development, and legal and human rights issues, especially in regard to the Palestinian minority in Israel, in addition to the study and analysis of experiences of different groups in Israel and other minorities in the world. The aims of *Makan* include raising public and academic awareness of issues of

planning, development and human rights; contributing to understanding the gaps that exist in terms of planning and development between different population groups in Israel; advancing topics related to contemporary issues of the environment and sustainability; and, naturally, learning from international experiences in these areas. The editors of *Makan* therefore invite planners, lawyers and researchers in these different areas to submit original, unpublished articles for discussion in the public domain. These articles should be sent following publication of a Call for Papers, which will be published by *Makan* periodically.

The journal consists of academic articles devoted to issues of planning and development, law and human rights and critical analyses of practical aspects of planning and development in Israel, based on case studies of projects undertaken by human rights and social change organizations. *Makan* is open to presentation of issues related to the social, cultural and spatial domains of the lives of the Palestinian minority in Israel, as well as other groups which experience discrimination on the basis of class, religious or ethnic background, or gender.

Each volume of *Makan* will be devoted to a specific topic. The present volume focuses on

the concept of “the right to the city,” as developed by French philosopher Henri Lefebvre (Lefebvre, 1991, 1996). According to Lefebvre, “the right to the city” is a call for the restructuring of social, political and economic contexts in cities. This in turn requires a restructuring of power relations as a basic consideration in the creation of the urban space, by transferring power from capital and the state to urban inhabitants. As Lefebvre states:

The right to the city is like a cry and a demand... it can only be formulated as a transformed and renewed right to the urban life.
(Lefebvre, 1996: 158)

The concept of “the right to the city” contains a reconsideration of the political content of citizenship. Lefebvre does not define belonging to a political community in terms of a legal, civic status, but rather on the basis of a normative definition of inhabitants; that is, whoever dwells in a city has the right to the city. On the basis of this definition there are two principal components of the right to the city: firstly, the right to appropriation, or the right of inhabitants to use the urban space and shape it as they desire. Secondly, the right to participation, or the right of inhabitants to a central role in decision-making with regard to the urban space in which they are living.

Although contemporary urban space is composed of a variety of groups – minority, ethnic, cultural, native, immigrant, gender-based and other groups, as well as various economic classes – it is generally shaped and managed by a dominant group. The result is the creation of a space that serves the interests

of the dominant group, which, in turn, sustains the exclusion of minority and weaker population groups. The excluded groups are distanced from the centers of decision-making and from the possibility of influencing the processes of urban policy-making that affect to so great a degree the daily lives of the city’s residents. The outcome has been the emergence of a demand to enable different groups to participate in the process of creating and/or altering the urban space, to take their different needs into account and to shape the city according to “the heart’s desire” (Harvey, 2003) in order to attain social justice, among other motives. The creation and design of the urban space are processes in which a person creates and changes the space and at the same time engages in a re-creation of his or her own ego and self. David Harvey describes these processes as follows:

The right to the city is not merely a right of access to what already exists, but a right to change it after our own heart’s desire. We need to be sure we can live with our own creations [...]. But the right to remake ourselves by creating a qualitatively different kind of urban sociality is one of the most precious of all human rights.
(Harvey, 2003: 939)

The articles in the first section of this volume of *Makan* present discussions of the right to the city based upon the urban spatial experiences of different groups in a number of cities in Israel, and London. The volume opens with an article written by Yosef Jabareen – “The Right to the City: The Case of the Shihab el-Din Crisis in Nazareth.” Jabareen examines the concept of “the right to the city” at the theoretical level

and analyzes how the centralized institutional structure in Israel harms the right to the city of the Palestinian minority. However, as he demonstrates, not only is the minority's right to the city violated, but so is the right to the city of Jewish citizens of Israel.

This violation of the right to the city of the Palestinian minority is attributable to the division of power and the nature of power relations between central and local government, as well as those between the state's majority and minority groups, in combination with the under-representation in or absolute absence of the minority from decision-making mechanisms regarding issues of the development of space, as determined by Israel's legal and ethnic-political structure. The minority is thus incapable of realizing its right to the urban space. This right includes the right to shape an appropriate urban space and to participate in its creation. Beyond the centralization of power, however, is another important factor: the absence of a mechanism to ensure genuine public participation in the process of producing space. Thus, a re-examination of the Planning and Building Law – 1965 clearly reveals the centralization of decision-making and the absence of a mechanism to ensure the public's participation from the preliminary stages and the development of the initial planning concept and its goals, to the stage of implementation. Finally, Jabareen presents a case study detailing the planning of the “central square” in the Palestinian city of Nazareth in the north of Israel. Based upon his empirical study, Jabareen demonstrates how centralization in decision-making and the absence of genuine public

participation in the planning process for the square generated a conflict between the various population groups in the city. At the core of the conflict was the lack of the rights of the inhabitants of Nazareth to appropriate the urban space and to participate in the decision-making processes.

The second article, written by Haim Yacobi – “From Rakevet to the Neighborhood of Neve-Shalom: Planning, Difference and the Right to the City” – discusses the right to the city by means of a presentation of a planning project intended for Palestinian citizens of Israel living in the mixed city of Led (Lod). Yacobi interprets the right to the city as giving freedom, as the right to an identity and to live an individual as well as a collective life, and as the right to participate in decision-making. His article follows the process of the evacuation of Palestinian residents from the Rakevet neighborhood to Neve-Shalom, a newly-planned neighborhood. He applies a critical perspective to analyze the planning process for the new neighborhood, a process that was blind to the culture of the Palestinian residents and their specific needs. The result was the creation of a space that was foreign to them, as well as being inappropriate for their cultural needs and lifestyle. Accordingly, they resorted to acting on their own initiative so as to alter the architectural order to make it more suited to their social and economic needs. Yacobi argues that these activities were an expression of the neighborhood's residents' struggle for the right to the city and for recognition of their cultural differences.

In her article – “The Right to the City and

Gendered Everyday Life” – Tovi Fenster relates to the urban space in the context of gender, challenges the concept of “the right to the city” from a gendered perspective, and argues that the concept pays insufficient attention to patriarchal relations of power. She examines the everyday experiences of women in Jerusalem and London belonging to different ethnic groups, and how their experiences reflect their varying feelings of comfort, belonging and commitment to the city in which they live. These women’s narratives reflect an unfulfilled right to use the space and to participate in creating a space appropriate for the everyday needs of women, in both private and public spaces. Fenster relates the right to public space in the city to the right to private space. Both spaces are influenced by the patriarchal and cultural structures of the various population groups.

The second section of this issue includes studies of planning and legal cases which expose the policies that create homogeneous ethnic spaces in the state of Israel, or, in other words, spatial separation between Jews and Arabs. The four case studies presented in this section reveal the tools applied to implement a policy of segregation, as developed by the land and planning regime in Israel.

In addition, this section contains excerpts from a petition submitted by Adalah on 13 October 2004 against the Israel Land Administration (ILA), the Minister of Finance, and the Jewish National Fund (JNF), which challenges the ILA’s policy of distributing lands owned by the JNF exclusively to Jewish people. Excerpts from the JNF’s response to the petition

and another petition submitted in this regard by the Association for Civil Rights in Israel (ACRI) and the Arab Center for Alternative Planning (ACAP) are also published in this section.

Bibliography

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