

**Palestinian-ness: Sperm-smuggling Case through the Lenses of Nationalism
and Gender Studies**

By

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“Our will can make everything, if there is no will, there is no life.”

-----Suhad Abu Fayez¹

Abstract

This research presents and analyzes the discovery of an interesting case that relates to the Palestinian sperm smuggling phenomenon from nationalism and gender perspectives. This phenomenon refers to Palestinian political prisoners sentenced to life imprisonment who have recently resorted to delivering their sperm to their distant wives in the West Bank and Gaza, then used for artificial insemination. As a nonviolent form of biopolitical resistance to the Israeli occupation system, it exemplifies a third way between acknowledging the occupation and violent resistance. Additionally, its significance in contributing to Palestinian-ness development has been neglected due to political, religious, and moral ethnic sensitivities within the Israeli and Palestinian societies and consequently hindered attention at the international level. Regarding the particularity of this phenomenon, the symbolism of bodies is valuable to conceptualize it while contributing to enriching the context of *Sumud*, which is seen as resilient resistance in Palestinian life philosophy. A triangular interaction derived from it thus becomes apparent, involving this biopolitical act of resistance and its underlying relationships with the dynamics of gender-specific code and the development of Palestinian identity. Its evolution toward national discourse from the personal sphere also offers a new path to rethink Palestinian-ness through adopting the language of human rights. The methodology draws on qualitative phenomenological research, and interviews, case studies, content, and discourse analysis will be adopted to explore the complexity of participants’ lived encounters.

Keywords: *Palestinian identity, nonviolent resistance, heterosexual Palestinian family, biopolitical resistance, everyday nationalism, patriarchy, revolutionary subjectivity, decolonial context, gender-specific code, Islamic adaptability, human rights.*

¹ Yifei Guo. *Immaculate Conception: Birth of Love in a Land of War*, (2019) Youth Film Studio. 37 mins. URL: <https://www.westlakeidf.com/en/movie/621> [Only for trailer]. In this research, I coded and documented the audio transcripts with the approval of the director, the visual part was restrained to be adopted due to the copyright reason.

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Introduction

Background: Palestinian Social Realities under Israeli Occupation

After the outbreak of the Six-Day War in 1967 between Israeli and Arab allied countries and the consequently emerged occupied Palestinian territories (hereafter referred to as OPT), Israeli-Palestinian political narratives have been dominated mainly by post-colonial contexts embedded in settler occupational and anti-occupational acts of everyday resistance between the two sides.² In tracing back the historical timelines after 1967, the First Uprising (or called Intifada) in 1987, the failed Oslo peace process in the early 1990s, and the subsequently emerged second Intifada in 2000 all contributes to revealing different sides of daily confrontations between the indigenous Palestinians and the Israeli occupational power. According to the statistics from *Peace Now*, the most significant and longest-standing Israeli movement advocating for peace through public pressure, today, 465,400 settlers out of 9,714,000 Israeli population live in 132 settlements and 146 outposts.³ Table.1. provided by the Israeli Central Bureau of Statistics shows the increasing number of settlers by year since 1967.

² The occupied territories generally relate to the West Bank, Gaza Strip, East Jerusalem, and the Golan Heights, resulting from the Third Middle East War between the Israeli and Arab countries in 1967. Considering the availability and durability of related empirical research, the origin of data collection mainly focuses on the areas of the West Bank.

³ See *Peace Now*, outposts are settlements that were established since the 1990's without government approval and are considered illegal according to Israeli law. Peace Now. *Settlements Watch: Data*, available at: [Population - Peace Now](#).

In contravention of International Law, especially the

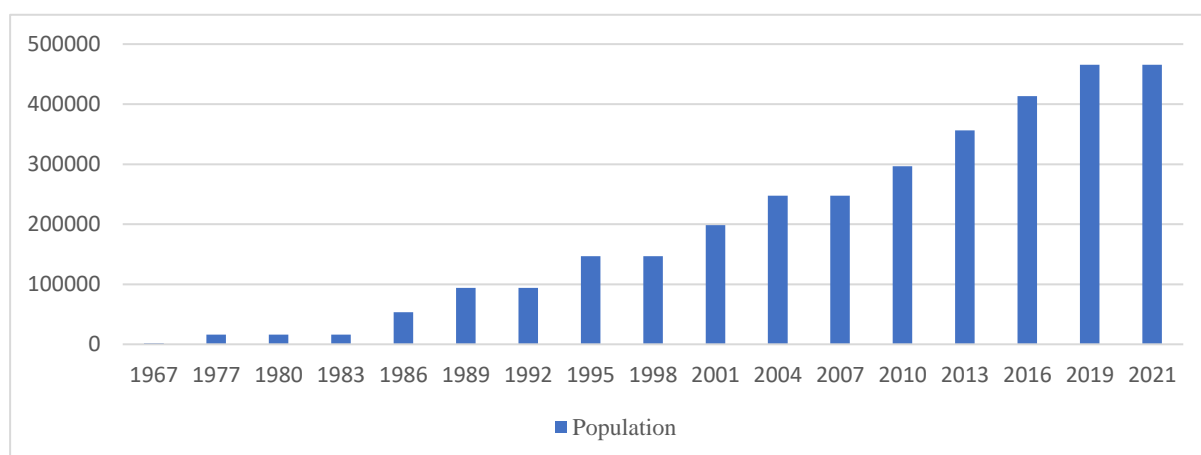


Table 1. Number of Settlers by Year, Source from ICBS

Fourth Geneva Convention, such data exemplifies Israeli settlement expansion in the OPT and its intertwined settler colonialism.

Before further exploring, it is helpful to understand the context of Zionism and its associations with settler colonialism. In contemporary historiography, the establishment of Israel in 1948 has primarily portrayed the result-oriented scholarship coinciding with “the nation” concept. Zionist historians examine it like Ben-Zion Dinur and Yitzhak Baer, who emphasize the importance of “the nation” of Jewish history instead of “religion.” The rising amounts of Jewish victims caused by expulsion supported the appeal of Zionism with a large-scale emigration wave from East Europe, facilitating the modernization of Zionism. As shown in Table 2, these five large-scale immigrations were mainly the results of the persecution and genocide circumstances caused by European anti-Semitism. Escape became the only choice for more and more Jewish people, especially for those who lived in Poland and Russia:

Elements	1 st Aliyah	2 nd Aliyah	3 rd Aliyah	4 th Aliyah	5 th Aliyah	Aliyah Bet
Period	1882-1903	1904-1914	1919-1923	1924-1929	1929-1939	1939-1948
Numbers of Immigration (Approximately)	35000	40000	40000	82000	174000	480000
The Immigration Source Country	Russia	East Europe	Europe	Poland	Central Europe and East Europe	Europe
Main Reasons	Pogroms in Russia in 1881-1882	Czarist Russia and the Ensuring Eruption of Anti-Semitism	A Continuation of the Second Aliyah after the First World War	Economic Crisis and Anti-Jewish Policies in Poland, along with the Introduction of Stiff Immigration quotas by the US	Nazi Accession to Power in Germany (1933). Persecution and the Jew's Worsening Situation	Rescuing Jews from Nazi-occupied Europe
Effects	Established a Foundation for the Subsequent Immigration	1. The Revival of Modern Hebrew Language 2. The Birth of Kibbutz System	The Creation of Asefat Hanivharim under the British Mandate	The Development of Citizen Culture, Education, Economic Life	1. The Growth of Land Sales 2. The Continuing Struggle for Political Status	The Rapidly Increasing of Jewish Population

Table 2. *The Processes and Features of Five Aliyot*⁴

Most of them were middle class with well-educated backgrounds and influenced by socialism. Therefore, their demands for living conditions after arriving in Palestine created an initial modern society model in Palestine and established a strong foundation for the later establishment of the Israeli State. For instance, the continuous purchase of lands, the cumulation of population, the improvement of educational conditions, the spreading of the Kibbutz system based on collective agriculture production, technological developments, and the struggle for political rights—these exemplify one side portrayal of Zionism as a modern national movement of the Jewish people. A typical example is a recently published book called *Israel: A Concise History of a Nation Reborn*, structured chronologically from the birth of the Zionist movements up to 2016. Notwithstanding the author, Daniel Gordis states a relatively factual of Israel depending on adopting a variety of opinions, his views of the Zionists are still in a sympathetic

⁴ As noted, the original data sources are from Jewish Virtual Library: A Project of Alice, here I reorganize and integrate all separated information into one table to show a more comprehensive dynamics and effects of expulsions during the first half of the 20th century.

eye.⁵ For instance, he writes, “*The story of the return of the Jewish people to its ancestral homeland became, in short, one of the great dramas in the history of humankind.*”⁶

Apart from the narrative of Zionism as a modern national movement, the noticeable shade of this enormous scale of Jewish emigration is the wave of depopulation of Palestinian Arabs during the 1948 war (also known as the Independence of War in Israel and the Nakba or Catastrophe in Palestine), with estimate 700,000 to 80,000 Palestinian fled to the neighbor Arab countries.⁷ This has provoked a series of discussions on Zionism as a settler colonial movement dominated by settler colonial studies, Israeli new historians,⁸ and post-colonial studies in North Africa and West Asia.⁹ As a representative of the ‘new historian’ school, Ilan Pappé first tried to break through the narrative structure in compiling his book: *A History of Modern Palestine: One Land, Two Peoples*, changing the dominant tendency of the single national narrative. As the subtitle says, writing Palestinian history is accompanied by the formation and joint development of two ethnic groups on one land. This preference further highlights to relax the nationalism’s clamp through the ‘bi-nationalism’ view or even ‘de-nationalization.’¹⁰ Manifest mutual disapproval has appeared between Daniel Gordis and Ilan Pappé; Gordis claims that the nature of the Zionist movement has featured self-liberation, while Pappé argues that of more colonialism characters.

⁵ Robbie Sabel, “Israel: A Concise History of a Nation Reborn.” *Israel Journal of Foreign Affairs* (2017), 11(2), p. 261. DOI: 10.1080/23739770.2017.1346751.

⁶ Daniel Gordis, *Israel: A Concise History of a Nation Reborn* (New York: Ecco, 2016), p. 419.

⁷ Ilan Pappé. *The Ethnic Cleaning of Palestine* (Oneworld, Oxford, 2015).

⁸ See Benny Morris, Ilan Pappé, Avi Shlaim and Simha Flapan, Tom Segv, Hillel Cohen, Baruch Kimmerling, Joel Migdal, Idith Zertal and Shlomo Sand, the New Historians are a loosely defined group of Israeli historians who have challenged traditional version of Israeli history, including Israel’s role in the 1948 Palestinian exodus and Arab willingness to discuss peace. As Ethan Bronner states, it was initially dismissed by the public, and eventually gained legitimacy in Israel in the 1990s. Source from Ethan Bronner. “The New New Historians”. *The New York Times*, 9 November 2003. Available at: <https://www.nytimes.com/2003/11/09/books/the-new-new-historians.html>.

⁹ See French historian Maxime Rodinson, Lorenzo Veracini, Daiva Staiuli, Nira Yuval-Davi, Joseph Massad’s work, they describe Israel as a colonial state and writes that Jewish settlers could expel the British in 1948.

¹⁰ Ilan Pape, ‘Introduction: A New Look at Modern Palestine and Israel.’ *A History of Modern Palestine: One Land, Two Peoples* (New York: Cambridge University Press, 2006), 2nd ed. p. 11.

Additionally, Yehuda Bauer provides a more neutral statement, “*Zionist themselves used this antisemitic imagery in order to advance their political aim*” after the Six-Day War in 1967.¹¹ However, a strong emphasis is that Zionism and the measures the Israeli government has taken in the OPT are not abundantly equal. He further presents that the binary image between the Palestinians as ‘good’ victims and the Jews as ‘evil’ oppressors is problematic.¹² This concern illustrates the importance of understanding the intricate part of Palestinian everyday lives under the OPT, demonstrating colonial characters in Israeli institutionalization rather than the criticism of political ideology. By analogy, interpreting Palestinians’ resistance to the occupational system is hard to depart from the anti-colonial context. When it comes to discussing the discourse around the occupation within the Israeli-Palestinian conflict, the settler movement has played a central role in shaping it. Settlement construction, in this case, has only manifested one of the various strategies adopted by the settler colonial authority. The current scholarship has discussed multiple examples, such as Gordan and Ram, Nunn, Salamanca, Qato, Rabie, and Samour, Yiftachel, involving the topics of “*home demolitions, land grabbing, dispossession, forced displacements, collective punishment, water resource allocation, territorial fragmentation and destruction of livelihood, as well as harassment, vandalism, and settler violence.*”¹³ As Mikko Joronen points out, the Israeli settler occupational system over the occupied territories has beyond the controlling of power relations over the Palestinian population, but immersing into quotidian life consisting of “*threatening, eliminating, and replacing them through a broad range of juridical, political, cultural, social and economic*

¹¹ To be more specific, the context of “antisemitic” and “Zionism” could not be seen as the same thing mentioned here. The systematic annihilation of European Jewry was the result of European antisemitism under the totalitarian power of Russia and the extremist Nazi government. Zionism relates to the political nation-building movement started from the end of the 19th century. Therefore, the antisemitic imaginary here, could be understood as the instrumentalization of antisemitism partially integrated into the practices of Zionist movement in its institution process. See Yehuda Bauer. “Antisemitism and Anti-Zionism – New and Old.” In R.S. Wistrich (ed.), *Anti-Zionism and Antisemitism in the Contemporary World* (Palgrave Macmillan, London, 1990), pp. 198, 202.

¹² Ibid., p. 204.

¹³ See Gordon & Ram (2016); Nunn (2015); Salamanca, Qato, & Samour (2012); Yiftachel (2012), in Mikko Joronen, “Refusing to be a victim, refusing to be enemy”. Form-of-life as Resistance in the Palestinian Struggle Against Settler Colonialism. *Political Geography* 56 (2017), pp. 91-100.

Palestinian Sperm Smuggling: Who and What?

According to the latest statistics on the websites of *B'Tselem* (the Israeli Information Center for Human Rights in the Occupied Palestinian Territories) released by the end of March 2023, the Israel Prison Service (IPS) was holding 4,407 Palestinians in detention or prison due to its defined “security” reasons.¹⁶ At the end of May 2023, this data was updated to 4,900 following the data presented by *Addameer* (Prisoner Support and Human Rights Association), including 544 life sentences prisoners, 400 serving more than 20 years, 40 serving over 25 years.¹⁷ The reasons for being arrested have been so complicated and diverse that this research mainly pays attention to those arrested for participating in the first Intifada since the 2000s.¹⁸ In particular, how these political prisoners or detainees have connected with the phenomenon of sperm smuggling and what effects have been caused. Furthermore, going back to the nature of human beings is the initial driver of the debate on whether it is reasonable for everyone to have reproductive rights, regardless of their political status.

In Laura Ferrero’s newly released work, this story started with undergoing treatment for a Palestinian man at a fertility clinic before he would potentially get arrested in the early 2000s. His wife then went through the procedure and successfully got pregnant with his frozen sperm sample after his imprisonment. Another inspired man, Ammar al-Zaban continued and circulated the idea of smuggling sperm out of the prison.¹⁹ Subsequently, Ammar’s wife, Dalal

¹⁶ *B'Tselem*. Statistics on Palestinians in Israeli Custody, (May 22, 2023), one thing is worth noting is that the IPS adopted a new policy and stopped providing *B'Tselem* with the requested figures. Available at: [Statistics on Palestinians in Israeli custody | B'Tselem \(btselem.org\)](https://www.btselem.org/press/20230522-statistics-on-palestinians-in-israeli-custody).

¹⁷ *Addameer*. a Palestinian nongovernmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. Statistics, (May 11, 2023). Available at: [Statistics | Addameer](https://www.addameer.org/en/press/20230511-statistics).

¹⁸ The main reason why there are so many Palestinian political prisoners and detainees in a warfare region resulted from the long-term Israeli-Palestinian conflict is easy to answer regarding the background of macro ethnic confrontation, however, extremely hard in an individual/micro level. One informal case could be referred here is a story told by a Palestinian colleague whose cousin and uncle got arrested on May 2023, the reason is because that they spoke “go to hell” to the Israeli authority in a mall while filmed by the CCTV two years ago. This example is not enough to answer the question “why arrest,” but provide an angle to think the difficulty of situating the “proper causes” into this background. Thus, this research will not pay lots of attention on this field.

¹⁹ This case is well known and have maintained the real names of this family. See from Saed Bannoura. “Detainee Sentenced to 27 Life Terms, Fathers A Child,” *International Middle East Media Center* (August 14, 2014), Available at: <https://imemc.org/article/64066/>.

al-Zaban gave birth to the first Palestinian child via in vitro fertilization (IVF) using the smuggled sperm. The baby is named Mohannad al-Zaban, later also known as *safir al hurreya* (the ambassador of freedom).²⁰ According to Ferrero, this phenomenon is referred to as *tahrīb al nuṭaf* (sperm smuggling) in Palestine and consequently complemented the meaning of Assisted Reproduction Technologies (ARTs) as not only a “hope technology” following Franklin’s argument²¹ but also a “freedom technology.”²² Following Dalah’s example, this phenomenon has spread across a wide range of social groups, and having babies in this way has been used by women from cities, villages, and refugee camps. Consequently, the number of children born this way reached 99 by October 2021.²³

²⁰ Laura Ferrero. “The Wives of the Heroes, Smuggled Sperm, and Reproductive Technologies: Palestinian Women Building Families on Their Own.” In L.L.Wynn and Angel M. Foster (Eds.), *Sex in the Middle East and North Africa* (Vanderbilt University Press, 2022), p. 173.

²¹ Sarah Franklin. (1997) *Embodied Progress: A Cultural Account of Reproduction* (London: Routledge), p.192

²² Laura Ferrero. (2022), *op. cit.*, p. 173.

²³ This is the latest documented data; the factual data nowadays is more than one hundred. “Smuggled Sperm:” A New Palestinian Resistance to the Israeli Occupation Beyond Prison Bars, *Al-Estiklal Newspaper*, 2021/10/14. URL: <https://www.alestiklal.net/en/print/10769/C7>.

Why Sperm Smuggling: A Forgotten but Critical Segment of Palestinian Story

Palestinian sperm smuggling is a fruitful case discussed as a novelty phenomenon in news and media texts or as a supplementary example to ARTs practices in the Middle East, such as scholars Laura Ferrero and Sigrid Vertommen. Alternatively, Marcia C. Inhorn emphasizes the caused interactions with Islamic scripts under an anti-colonial context. In addition, only a handful of journal articles touch on this topic, concentrating on the attempt at biopolitical power and its relationship with nationalistic reproduction. This birth of Mohannad al-Zaban has been marked as a milestone in the Palestinian biopolitical act of resistance by Mohammed Hamdan in his work *Every Sperm is Sacred: Palestinian Prisoners, Smuggled Semen, and Derrida's Prophecy*.²⁴ He emphasizes the interactions between the subjects (the colonized bodies) and the objects (the state, the nation, and public discourse), integrating the individuals' bodies into the collective body as a result of nation-building.²⁵ Similar research by Laura Ferrero in her other work, *Palestinian Sperm-smuggling: Fatherhood, Political Struggle, and Israeli Prison*, further explains how this phenomenon has been portrayed as a national triumph.²⁶ Sigrid Vertommen's work "*Babies from Behind Bars: Stratified Assisted Reproduction in Palestine/Israel*" develops a discussion on a bi-national zero-sum game on demography.²⁷ She argues that Israel's pronatalist assisted reproductive policies have been co-produced within a Zionist demographic logic of elimination which aims to create and consolidate a "Jewish majority in a Jewish state" by containing Palestinian fertility.²⁸ Her work provides an Israeli state-centric perspective on reproductive management and practices

²⁴ Mohammed Hamdan. "Every Sperm Is Sacred": Palestinian Prisoners, Smuggled Semen, and Derrida's Prophecy. In *Journal of Middle East Studies*, 51(2019), pp. 529-531. Doi: 10.1017/S0020743819000680.

²⁵ *Ibid.*

²⁶ Laura Ferrero. "Chapter 10: Palestinian Sperm-Smuggling: Fatherhood, Political Struggle, and Israeli Prisons." In Konstantina Isidoros and Marcia C. Inhorn (Eds.), *Arab Masculinities: Anthropological Reconceptions in Precarious Times* (USA: Indiana University Press, 2022), p. 216.

²⁷ Sigrid Vertommen. "Babies from Behind Bars: Stratified Assisted Reproduction in Palestine/Israel," In Lie, M. and Lykke, N. (Eds), *Assisted Reproduction Across Borders: Feminist Perspectives on Normalizations, Disruptions and Transmissions* (New York: Routledge, 2017), pp.207-218.

²⁸ *Ibid.*

following the settler logic. However, it ignores the individual interpretations of Palestinian voices and adaptations to this settler regulation of sexuality and reproductive relations.²⁹ Other related studies mostly referred to it as an example examining how national discourses affect rethinking the colonial power structure and conceptualizing gender.

Moving beyond this scale, minimal academic research has been involved with this phenomenon, and hard to find the exclusive conception applied in the related analysis. In the intersection of nationalism and gender studies, the participants (distant wives, imprisoned husbands, children, and the external medical and religious institutions) and their identity construction have been underestimated if sperm smuggling only ends up as an example in the whole picture of Palestinian nationalist struggles. Ann Stoler argues that the colonized as the constituent subjects of colonialism, and their struggles have primarily been attributed to passive responses to colonialism.³⁰ Thus, one of the goals of this research is to reverse [re-evaluate] this mainstream of top-down colonial discourse by paying more attention to how individuals actively construct and practice their identities. In particular, the overlap between the personal will and national desires to have children become the premise for winning support from the local religious, medical, and media institutions.

Considering current gender studies (mainly focusing on the post-colonial regions), widespread decolonial thoughts could also be utilized to highlight the importance of revolutionary subjectivity in analyzing this phenomenon. Lena Meari's research on the experience of Palestinian women political prisoners under interrogation exemplifies this tendency, illustrating how they transform bodies' sexual perceptions within Islamic society by subverting the ontological bases while constituting their revolutionary subjectivity.³¹

²⁹ Ibid.

³⁰ Ann. L. Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

³¹ Lena Meari, "Resignifying 'Sexual' Colonial Power Techniques: The Experiences of Palestinian Women Political Prisoners." In Said, M. E. et al (Eds). *Rethinking Gender & Revolutions and Resistance* (London & New York: Zed Books, 2015), pp.59-85.

Additionally, newly released research on Palestinian hunger strikes by Ashjan Ajour explains a new layer of bodies' symbolic meanings beyond the gendered milieu as an instrument to bridging the physical and psychological gap, further explaining the influence of political subjectivity on decolonizing the body.³² Such analyses on individual subjectivity in other phenomena compel a different angle of comprehending the meanings and values of sperm smuggling within Palestinian society.

³² Ashjan Ajour, *Reclaiming Humanity in Palestinian Hunger Strikes: Revolutionary Subjectivity and Decolonizing the Body* (Palgrave Macmillan, 2021).

How to Understand Sperm Smuggling: Research Aims

This research aims to depict a bottom-up picture of ontological and epistemological interactions within everyday Palestinian life under occupation, derives from the context of *Sumud*, which relates to steadfastness or a form of resilient resistance, to reveal how and why this spiritual or ideological power played such vital roles over the past half a century. To be more specific, the following what-why-how questions of interpreting the meanings of the Palestinian sperm-smuggling phenomenon will be explored: What meanings and characters of Palestinians' bodies could be attributed? Both refer to the individuals and the collective body as a nation of Palestine. Why have the relevant Palestinians resorted to smuggling sperm within Israeli prisons to challenge socio-cultural norms? How to evaluate its influence and meanings on reformulating gendered-specific codes and developing national identity?

It is worth noting that this phenomenon is small in scale; however its processes and implications are valuable to contribute to conceptualizing different forms of nonviolent resistance within Palestinian society. Its impacts on reshaping the social/sexual/cultural paradigms within the context of gender and nationalism studies are remarkable. Furthermore, leading to a change in the construction of collective ideology within Palestinian society, which makes an in-depth analysis of this phenomenon necessary. Therefore, this research is not just a case study but a guide to exploring the emergence, formation, and relative integrity of the changing collective ideology in Palestine and its interaction with the constructing forms of daily resistance movements. To sum up, the triangular interaction among the conceptualization of Palestinian sperm smuggling, the reformulation of gender norms, and the development of Palestinian identity is the structural cornerstone. Specifically, the aims are to explore the dynamics of reimagining heterosexual Palestinian families under the anti-occupational context and resignifying Palestinian-ness's new meanings, as well as the new practices of human rights language in forming political subjectivity.

How to Conceptualize Sperm Smuggling: Methodology

Palestinians' perceptions, motivations, and emotions during sperm smuggling have manifested in words (both written and spoken), and textual data from news and articles which carry out the shared beliefs of this specific group of people have been coded and documented. The related media texts, in particular, the documentary *Immaculate Conception: Birth of Love in a Land of War*; *Amira*, a film by Mohamed Diab and the interview with the director; *Habibi*, a chronicle revolves around Palestinian families who experienced sperm smuggled; have been mainly utilized to reveal different interpretations around this phenomenon. At the same time, the related reports from International Organizations such as Human Rights Watch (*A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*) and United Nations High Commissioner for Refugees (*The State of the World's Refugees: A Humanitarian Agenda*), are beneficial to trace the changes of international attention and how has it interacted with the dynamics of social realities under the OPT. In addition, two semi-structured interviews were conducted; one was with Melina Ansari who worked for *Addameer* as an International Advocacy Officer for three years and provided a human rights sight into understanding this phenomenon. The second one was with Yifei Guo, who is the director of the documentary *Immaculate Conception: Birth of Love in a Land of War*. Meanwhile, journal articles, web content, related books, and academic sources have played essential roles in comprehending and conceptualizing this phenomenon.

Specifically, the correlations and patterns in how concepts are communicated in various sources are interesting to observe in the analysis. It is insufficient to regulate this research into a singular field of study, but interdisciplinary research is preferable. The uniqueness of Palestinian sperm smuggling arose from Israeli occupation, labeled with the new interpretations of Palestinian-ness from gender and nationalism perspectives. It is thus valuable to refer here to the social, cultural, political, and historical background of the Palestinian resistance/re-

existence discourse. In dealing with the collected data and information, multimodal and phenomenological analysis (as regulated in critical discourse analysis) have been adopted to explain the emergence of practices, coding, and generalizing language usage and crystallizing context. Notably, using human rights language differently between the international explanation and the local Palestinian practices brings new thinking to interpret the concept. It is accessible not only in a top-down way but also in the form of a bottom-up. Apart from this, this analysis method goes beyond the literal meaning of words and languages but concerns the underlying subjective meanings constructed by the relational interactions during this process. The related language (for example, reproduction, the change between feminine and masculine, private-public) is used to promote the social acceptance of some new form of everyday acts to meet their self-determination goals.

Based on this, this work goes through three chapters, which correspond to the above-mentioned what-why-how questions, including 1) conceptualizing the phenomenon of Palestinian Sperm Smuggling as a form of nonviolent biopolitical resistance through situating into the context of *Sumud*; 2) reimagining the heterosexual Palestinian family through reinterpreting the dynamics of bodies' symbolism under anti-occupational nationalistic context and its interactions with the reformulation of gendered-specific norms; 3) locating human rights in Palestinian nation-building after 1967 and exploring the relevance with the emerged revolutionary subjectivity in the development of Palestinian-ness.

Chapter I

Conceptualizing Palestinian Sperm Smuggling as A Form of Nonviolent Biopolitical Resistance under the Context of *Sumud*

Rethinking Nonviolent Resistance under *Sumud*: from Material to Symbolic/Ideological Meanings in the OPT

M.K. Gandhi's work on nonviolent resistance has opened a new door to understanding different resistance forms. He refers to *Satyagraha* as an interpretation of truth-force, also known as love force or soul-force, reflecting its exclusion of using violence.³³ More specifically, it covers two branches, including 1) civil disobedience refers to the civil breach of immoral statutory enactments, 2) non-co-operation, which implies withdrawing cooperation from the State.³⁴ The principles of *Satyagraha* constitute a gradual evolution. Its main difference from passive resistance is to exclude the use of physical force or violence to gain one's end, whereas it means the vindication of truth not by infliction of suffering on the opponent but on one's self. The similarity in practicing nonviolent resistance between *Satyagraha* in the Indian discourse and *Sumud* in the Palestinian discourse could be observed.

The Arabic term-*Sumud*, translated as "steadfastness" in English, has emerged in Palestinian anti-occupational daily practices after 1967. Before further approaching the academic definition of *Sumud*, the "Wall Museum" in Bethlehem will be referred to here as a

³³ Mahatma Gandhi. *Non-violent Resistance (Satyagraha)* (New York: Schocken Books, 1961), p.3.

³⁴ Ibid., p.4.

visual impression. As shown in Figure 1., it contains 270 posters with stories of Palestinian



Figure 1. “Wall Museum” in Bethlehem, source from Arab Educational Institute – Pax Christi³⁵

life on challenging the restrictions under occupation, reflecting the interpretation of *Sumud* in small ways. An attached sentence at the bottom of each poster gives different definitions of *Sumud*. For example,

*“Sumud is demanding independence, is embracing a child’s laugh, is not accepting occupation, is dealing with the emotional impact of occupation, is the inner strength to survive injury, is supporting people to stay on the land, is providing human security to children, is claiming the right of return, is re-building your house, is [a] determination to reach one’s destination, is Palestinians connecting across borders, is the spirit of nonviolent resistance.”*³⁶

These quotations reveal that *Sumud* is not only a term related to high politics but also everyday resistant struggles in a resilient way. The primary forms could be demonstrations (the first

³⁵ To be more specific, the “Wall Museum” was launched by Arab Educational Institute (AEI), which is member of the international peace movement Pax Christi and dedicated to educating Palestinian women and youth through conducting integrated advocacy on gender equality, human rights, community building and a just peace. The “museum” has become an annual *Sumud* festival in the area around Rachel’s Tomb since 2009. This Tomb is a pilgrimage place for Moslems, Christians and Jews, and this area was the busiest and liveliest street in Bethlehem before the establishment of the close by Jerusalem-Bethlehem checkpoint in 1990s. During the period from 2004 to 2005, Israel built Walls near to the Tomb and a surrounding enclave, and then the Tomb became forbidden territory to inhabitants of Bethlehem. Currently, there are 270 stories of *Sumud* which were attached to the Wall. AEI. *Wall Museum*, available at [Wall Museum - Arab Educational Institute – Pax Christi \(aeicenter.org\)](http://Wall Museum - Arab Educational Institute – Pax Christi (aeicenter.org)).

³⁶ AEI. *Wallposters*, available at [Wallposters - Arab Educational Institute – Pax Christi \(aeicenter.org\)](http://Wallposters - Arab Educational Institute – Pax Christi (aeicenter.org)).

Intifada), shopkeeper strikes, underground education, the establishment of cooperatives, refusal to pay taxes, and burning Israeli IDs. As defined in one of the posters,

*“Sumud is a lifestyle of staying attached to the Palestinian land and its people, is a conviction to struggle for rights rather than to become subjugated by occupation or dominated by blind hate, is a democratic concept: each Palestinian has his or her own way of showing Sumud; the inner strength of preserving humanity, community, culture, resistance, and daily life.”*³⁷

In association with the current literature with this definition, three complementary traits become apparent in the analysis of *Sumud*, including 1) bottom-up resilient/nonviolent resistance, 2) a form of lifestyle, and 3) a process. As one of the representatives of the New Historians, which relates to a group of Israeli scholars who question the official narrative of Israel’s creation, Baruch Kimmerling argues that *Sumud* is a strategy motivated by a desire to avoid a second ethnic cleansing.³⁸ Caitlin Ryan further clarifies it as a tactic of resistance that relies on qualities of resilience, such as getting by and adapting to the difficulties of life under occupation.³⁹ *Sumud* has appeared exhaustively in the related studies of Palestinian resistance, specifically in nonviolent resistance, such as Peteet, Hallward, Norman, and Pearlman, all making similar arguments.⁴⁰ However, it has been distinguished from those violent performances, manifesting a new form of re-existence through challenging dispossession, exile, and occupation.⁴¹ Also, a broad set of tactics and actions directed at sustaining a Palestinian physical presence on the land of historic Palestine and practices aimed at coping with everyday life under occupation contribute to the main content. Furthermore, in the context of nonviolent

³⁷ *Ibid.*

³⁸ Baruch Kimmerling. “Ethnic Cleansing.” *Politicide: Ariel Sharon’s War against the Palestinians* (Verso, 2003), p. 23.

³⁹ Caitlin Ryan. Everyday Resilience as Resistance: Palestinian Women Practicing Sumud. *International Political Sociology*, Vol. 9 (2015), p.300.

⁴⁰ See “Pearlman argues that the concept of Sumud emerged after the 1967 war and gained more popular traction during the First Intifada as a result of the population’s disaffection with the PLO and the stalled peace process. Norman argues that sumud represents an act of everyday resistance. Richter-Devroe echoes claim by framing it as infrapolitics. Peteet sees Sumud as a form of resistance that women have had a part in defining, particularly in refugee camps. “Women took the concept of Sumud and carved a niche for themselves within its bounds of meaning” *Ibid.*, p. 305.

⁴¹ *Ibid.*

civil disobedience, Faja Shehadeh, a Palestinian lawyer, has conceptualized *Sumud* as a nonviolent attitude to life that could cultivate a third way between accepting occupation and opting for violent struggles.⁴²

In following up, *Sumud* represents a way of living. Toine van Teeffelen further argues that the emergence of *Sumud* has been voiced for those Palestinians who tried to be opting with their daily lives to refuse to leave their land. In his testimony, he claims:

*“What could be more normal than living in one’s own home and land in an everyday setting, a setting characterized by family and friends and the taste of the olives plucked from that one tree in the back garden? But when the home itself becomes a place of oppression, even a prison, staying does become a choice-an extraordinary choice to preserve an ordinary life.”*⁴³

He further examined that the meaning of *Sumud* has been doubled on vertical and horizontal dimensions, which respectively illustrate ‘standing strong’ on the land with deep roots, as well as an attitude of patience and persistence, of not giving up.⁴⁴ In the same vein, *Sumud* involves maintaining a Palestinian presence on the land (not leaving) and “the rights of return,” which is also seen as a cultural strategy of memorization. With the establishment of the State of Israel in 1948, approximately 800,000 Palestinian were in exile after being displaced from 418 villages controlled by Israeli authority.⁴⁵ Subsequently, according to data from PASSIA, 190 out of 418 villages were reconfigured as Jewish and given Jewish names by 1987.⁴⁶ Regarding the content of reconfigurations, the sayings from Israeli Minister of Defense, Moshe Dayan in 1969 could illustrate it,

*“Jewish villages were built in place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you because geography books no longer exist; not only do the books no longer exist, the Arab villages are not there either. Nahal arose in the place of Mahul; Kibbutz Sarid in the place of Huneifs; and Kefer Yeheshu’a in the place of Tal al-Shuman.”*⁴⁷

⁴² Toine van Teeffelen. “National Symbols: A Pedagogical Perspective (The Story of *Sumud*).” In Sharif Kanaana (Ed.), *The Future of Palestinian Identity*. (Cambridge Scholars Publishing, 2015). p.43.

⁴³ Toine van Teeffelen. *Sumud: The Soul of the Palestinian People*. Bethlehem: Arab Education Institute Open Windows. (2011) Available at <http://www.scribd.com/doc/101948051/Sumud-Soul-of-Palestinian-People>, p.51.

⁴⁴ Toine van Teeffelen. (2015), *op. cit.*, p. 43.

⁴⁵ Nasser Abufarha. *The Making of a Human Bomb: An Ethnography of Palestinian Resistance*. (Durham, NC: Duke University Press, 2009), p.41.

⁴⁶ PASSIA. *The Palestinian Question in Maps 1878-2002*, Jerusalem. (2002), pp. 30-31.

⁴⁷ Edward Said. *The Question of Palestine*. (New York: Routledge Kegan Parul, 1980), p. 14.

The invisibility of reconfigurations in Israeli maps or geography books failed to hinder the construction of Palestinians' collective memories of living as refugees. One continuity between material and symbolic/ideological interpretations of everyday Palestinian resistance appears, following Ryan's definition of resilience consisting of adaptive flexibility and fostering 'enduring relationships' features.⁴⁸

What follows up, the adaptation to the normalization of occupation becomes the sufficient and conditional conditions for fostering resilience. One of the premises is that the occupation "is a process, not an event," as Smith argued.⁴⁹ During this process of occupation, an anomalous system of surveillance and control has gradually established and strengthened with these physical settings such as checkpoints, barriers, closed military zones, settlements, "settler-only" roads, curfews, watchtowers, gates, earth mounds, and night raids.⁵⁰ More cases based on the investigation conducted by International Organizations also exemplify this social reality. Amnesty International points out in the report "*Troubled Waters-Palestinians Denied Fair Access to Water*" that 80 percent of the water pumped from aquifers in the West Bank is distributed to Israelis-either in Israel or settlements.⁵¹ These analyses conclude that the occupation is extraordinarily pervasive and embedded in daily life. The occupation stalls, interrupts, and prevents simple tasks such as turning on one's water, going to the market, visiting friends, or seeking medical treatment. Such lively fragments show how the occupation seeps into daily life. It drives out the possible picture of occupation in some Palestinians' eyes, here quoted from an interview conducted by Ryan in 2012,

*"We have two problems. It's a problem to say that it's [the occupation] normal, because it's not, and it shouldn't be. At the same time, it's a problem not to say it's normal, because if we don't say it's normal and try to live it, it will devastate us, and break us."*⁵²

⁴⁸ Caitlin Ryan. (2015), *op. cit.*, p. 302.

⁴⁹ Ron Smith. Graduated Incarnation: The Israeli Occupation in Subaltern Geopolitical Perspective. *Geoforum* 42 (3) 2001, p. 318.

⁵⁰ See Weizman 2007; Allen 2008; Parsons and Salter 2008; Smith 2011, in Caitlin Ryan, *op. cit.*, p.304.

⁵¹ Amnesty International. Troubled Waters: Palestinians Denied Fair Access to Water. (2009) Available at ["Troubled Waters – Palestinians Denied Fair Access To Water" ... – European Institutions Office \(amnesty.eu\).](https://www.amnesty.org/en/documents/MEK10/001/2009/01/en/)

⁵² Caitlin Ryan. (2015), *op.cit.*, p. 304.

The hardship of sustaining normal living under occupation embodies the controversial intertwining of acknowledging the normalcy of occupation while refusing to acknowledge that this is what life should be. Ryan emphasizes that “*the norm of life under occupation is living with fluctuating abnormality, and it is a continuing process.*”⁵³

Thus, maintaining dignity and honor on the land regardless of adversity and hardship enriches the context of *Sumud*, which moves beyond the material level. In particular, it was initially operated by Palestinian female prisoners under Israeli interrogation, which has been discussed extensively in Lena Meari’s work, revealing their spiritual force of non-confession. Meari further explained that it is not a fixed ideology but a constructing process. It has immersed the Palestinians’ everyday life in practicing the anti-colonial occupation, in accordance with Joronen’s form-of-life argument mentioned earlier. Another prominent feature is worth noting here, which involves reaching the target population from the bottom up. As Chander examines, resilience building arose from the failure of institution-building approaches to affect change; it aims to change the target intervention through a bottom-up way instead of a top-down.⁵⁴

One further clarification relates to the interpretation of *Sumud* as a response to the discourse of political Zionism with modern characters, which posits that the Jewish people as the only rightful inhabitants. It is not the main aim to give a comprehensive understanding of Zionism which has been interpreted in different dimensions like cultural, political, and religious. However, the discussions on the Israeli state-building process and the accompanied problems resulting from the occupation system over the Palestinians provide a background to understand better why *Sumud* was (necessary to be) created. It drives the manifestation of *Sumud* on staying in Palestine and making life under occupation more liveable, coinciding with the perseverance

⁵³ *Ibid.*

⁵⁴ David Chandler. Resilience and Human Security: The Post-interventionist Paradigm. *Security Dialogue* 43 (3) 2012, pp. 213-229.

in Palestinian rights to the land and how the Palestinians cope by actively trying to deal with the challenges or difficulties with the normalization of occupation. By the same token, as Richter-Devroe interprets, *Sumud* can be seen as an “*ideational resistance, by, for example, maintaining hope and a sense of normality*” when finding joy in one’s daily life matters.⁵⁵ This process of interpreting *Sumud* as (re-)existence has inextricably intermingled newly invented physical practices with the ideological construction of Palestinian identity. Based on this, an assumption of situating the case of Palestinian sperm smuggling into the context of *Sumud* as a form of bio-political resistance will be examined in the following sections.

⁵⁵ Sophie Richter-Deveroe, Palestinian Women’s Everyday Resistance: Between Normality and Normalisation. *Journal of International Women’s Studies* 12 (2), 2011, p.33.

ARTs and Biopolitics in the Israeli-Palestinian Confrontation

Sperm smuggling, a relatively new phenomenon that emerged after the second Intifada in 2000, which stemmed from dualistic challenges to the Israeli prison system and social norms within Islamic society, lacks academic studies devoted to focusing exclusively on it. This phenomenon has also brought up a less discussed topic-Assisted Reproductive Technologies (ARTs) and its intertwined demographic confrontation between Israel and Palestine. It refers to innovative ways of achieving reproduction, making the separation between sexual acts and reproduction possible. In the case of sperm smuggling, the imprisoned political prisoners retrieve their sperm from their bodies and secretly smuggle it out of the Israeli prisons, and the embryo is fertilized and then transferred back to their distant wives' uterus. This process proves that the "biological limits" resulting from the prisons have been overcome, and the achievement of procreation and the continuation of having biological offspring is accessible and expectable through in vitro fertility. Also, it illustrates the emergence of new forms of "nonbiological" parenthood through ARTs.⁵⁶ In particular, there are various studies related to the practices of ARTs among same-sex couples and single men or women's procreation process in European and American countries.⁵⁷

In the Israeli-Palestinian conflicts, the content of ARTs has been further multifield. Merete Lie and Nina Lykke point out that "*ARTs as Entangled in Demographic Agendas and Biopolitics*" mainly spilled over to demographic confrontations.⁵⁸ In Israeli discourse, the practices of demographic politics have been associated with the rising birth rate of the Jewish population while restricting the number of Palestinian Arabs within the OPT.⁵⁹ On the one hand, it is clear that the religious emphasis on procreation is strategically instrumentalized in the

⁵⁶ Laura Ferrero. (2022) *op. cit.*, p. 171.

⁵⁷ See Franklin and Ragonè, Thompson in Laura Ferrero's work. (2022) *op. cit.*

⁵⁸ Merete Lie and Nina Lykke. *Assisted Reproduction across Borders: Feminist Perspectives on Normalization, Disruptions and Transmissions* (New York & Abingdon, Oxon, Routledge Advances in Feminist Studies and Intersectionality, 2017).

⁵⁹ Sigrid Vertommen. (2017) *op. cit.*, p. 208.

demographic conflict, resulting in one of the “*most aggressive and proactive ART regimes in the world.*”⁶⁰ The noticeable manifestation is that all the existing technologies are not only available and accessible to single women and same-sex couples in Israel,⁶¹ but also some of them are state-subsidized.⁶² On the other hand, the implementation of Israeli exclusive biopolitics (or Zionism exclusive policy) in the OPT reveals a transformation of Israeli control over the territory to the population to comprehend the understanding of Foucault’s concept of “biopower” in the form of mobility, as Nigel Parsons and Mark B. Salter state.⁶³

Considering Foucault’s concept, the critical insight into how power can be productive is worth exploring here, categorized into three modalities consisting of sovereign, disciplinary, and biopolitical. The quotations from Foucault’s lectures at the College de France could summarize their interactions. Sovereign power “*consists in laying down the law and fixing a punishment for the person who breaks it;*” disciplinary power is “*framed by mechanisms of surveillance and corrections, also functions to the extent that it isolates a space...concentrates, focuses, and encloses.*”⁶⁴ It could be exemplified by implementing paramount surveillance and control over the division of the green line and the separated barrier and borders with Jordan and Egypt, which coincided with the Israeli aspiration, as Weizman has observed.⁶⁵ The previous work has heavily concentrated on sovereign or disciplinary contents, such as laws, decrees, incarceration, and surveillance. Nevertheless, managing the population’s flows and norms reflects various dynamics of biopolitical power, which has been less discussed. To be more

⁶⁰ See Rhoda Kanaaneh. *Birthright the Nation: Strategies of Palestinian Women in Israel* (Berkeley: University of California Press, 2002); Marcia C. Inhorn and Daphna Birenbaum-Carmeli. “Assisted Reproductive Technologies and Cultural Change.” *Annual Review of Anthropology* 37 (2008), no.1, p. 184.

⁶¹ Susan M. Kahn. *Reproducing Jews: A Cultural Account of Assisted Conception in Israel* (Durham, NC: Duke University Press, 2000). Hilla Harlyon. “‘Longing for a Child’: Perceptions of Motherhood among Israeli Jewish Women Undergoing In Vitro Fertilization (IVF) Treatments.” *Nashim: A Journal of Jewish Women Studies and Gender Issues* 12 (2006), no.10, pp. 177-203.

⁶² See Kahn 2000; Birenbaum-Carmeli 2004, 902; Vertommen 2017, 215.

⁶³ Nigel Parsons and Mark B. Salter. “Israeli Biopolitics: Closure, Territorialisation and Governmentality in the Occupied Palestinian Territories.” *Geopolitics* Vol. 13, Issue 4 (2008), pp. 701-723.

⁶⁴ Michael Foucault. *Security, Territory, Population: Lectures at the College De France, 1977-78*, Michael Senellart and Graham Burchill (ed. and trans.) (New York: Palgrave Macmillan, 2007), p. 5.

⁶⁵ Eyal Weizman, *The Politics of Verticality*. Open Democracy, see from Nigel Parsons and Mark B. Salter., *op. cit.*, p. 702.

specific, it tackles “*the problems presented to governmental practice by the phenomena characteristic of a group of living human beings constituted as a population: health, sanitation, birth rate, longevity, race...*”⁶⁶ The employment of biopolitical power further explains how the population’s management has been gradually abstracted and statistically controlled. In other words, they are regarded as the unit in analyzing the state but neglect people’s mobility. Especially in the case of the OPT, the related analysis on separation barriers focuses on the control of enclosure rather than the extent of porosity.

The practices of biopolitical power between Israel and Palestine also present contrasting dynamics, separately characterized by top-down and bottom-up forms. The biopolitical control mainly coincides with other practices of Israeli state power, such as identification, residency, and authorization, which are especially crucial to the workings of the barrier or borders. The counter-biopolitical attempts conducted by the Palestinian sides have emerged and provided another complementation, such as hunger strikes and rock throwers. As a result, it is significant to understand the phenomenon of sperm smuggling under this precondition that resistance and revolt against exclusive biopolitics are possible to beat the exclusion system down. As Sigrid Vertommen demonstrates, Palestinian prisoners claim reproductive rights through smuggling sperm and using ARTs to defy exclusive Zionist polity.⁶⁷ Thus, Israel/Palestine ARTs have become a crucial biopolitical control and resistance site. This also attributes a biopolitical layer of meaning to Palestinian sperm smuggling. Combined with the above discussion on nonviolent resistance and biopolitical power, the following section will further conceptualize the phenomenon of Palestinian sperm smuggling by situating it into the content of *Sumud* as a biopolitical resistance.

⁶⁶ Michael Foucault. ‘The Birth of Biopolitics’, from Michel Foucault: *Ethics Subjectivity and Truth*, Paul Rabinow (ed.) (New York: The New Press, 1977), p. 73.

⁶⁷ Sigrid Vertommen. (2022) *op. cit.*

Situating Palestinian Sperm Smuggling into the Content of *Sumud* as A Nonviolent Biopolitical Resistance

In tracing the historical lines of sperm smuggling, only around 11 years and nearly a hundred children could exemplify its presence since August 2012. The possibility of keeping smuggled sperm alive and making successful insemination treatment is not one hundred percent. In other words, it needs more than twice continuous successes. This phenomenon thus reflects not only if the will of voluntary attempts on fertility and reproduction exists but also how strong this desire is under the anti-occupational realities. In this case, the battlefield has no longer revolved around a specific space but women's wombs. To make it successful, men's smuggled sperm, women's bodies, and the medical institution supported with ARTs (mainly related to the IVF treatment) all illustrate a potential explanation of Foucault's "technology of the self" in a nation-building project.

Individual bodies' materialism and symbolism have been developed and become more visible in the public sphere. A similar discussion has been adopted in the case of hunger strikes in Israeli prisons, exploring the weaponization of Palestinian prisoners' bodies to attract international attention, multiplying the bodies' symbolic meanings, such as Abufarha (2009), Araj (2008), Asad (2007), Hage (2003), and Pape (2005).⁶⁸ These dynamics have crystallized the essential commonality of Palestinian bodies and subjectivities in their path toward freedom and the rights of self-determination, summarized as *the resisted body* by Ashjan Ajour.⁶⁹ Following Ajour's argument on hunger strikes, prisoners have used and managed their

⁶⁸ Nasser Abufarha, (2009), *op. cit.*; Bader Araj. Harsh State Repression as a Cause of Suicide Bombing: The Case of the Palestinian-Israeli Conflict. *Studies in Conflict & Terrorism*, 31(4), 2008, 284-303; Talal Asad. *On Suicide Bombing* (Columbia University Press, 2007); Ghassan Hage. 'Comes a Time We Are All Enthusiasm': Understanding Palestinian Suicide Bombers in Times of Exigophobia. *Public Culture*, 15 (1), 2003, pp. 65-89. Robert A. Pape. *Dying to Win: The Strategic Logic of Suicide Terrorism*. (Scribe Publications, 2005).

⁶⁹ To be clear, the notion of "resisted bodies" derived from Ashjan Ajour's work merely aims to define the principal meanings of Palestinian bodies in their everyday resistance acts to the Israeli occupation system, not include the contents of the religious/ethnic extremist and terrorists. Ashjan Ajour. (2021), *op. cit.*

technologies of the self by subjugating and disciplining their bodies to resist dispossession and its underlying Israeli technologies of power.⁷⁰ During this process, a body transformation from physical “being” to weaponized “becoming” is achieved. As a result, another accompanied shift of subjectivation also emerged from “*submissive passive individuals into resistant subjects.*” The way-the collapse of the body, adopted by the hunger strikers, helped achieve the creative mode of subjectivization by cultivating new strength instead of powerlessness. Thus, the hunger strikers turned the technique of separation employed by the occupational power into the technique of resistance.

The primary difference embedded in the phenomenon of sperm smuggling from other forms of biopolitical attempts is about creating life instead of giving life. The way adopted by the sperm smugglers and the IVF treatment receivers is not the collapse of their bodies but the creation of new life seen as national fuel in the continuous conflicts. Their presences also symbolize a triumph of resistance to the high-pressured restrictions imposed on the political prisoners within Israeli prisons. Masturbation and smuggled sperm out of the Israeli prisons became a form of resistance to the Israeli carceral system and the occupational power structure. Stories were voiceless and different in the discourse of Israel, and hardly any related and public news or information showed official Israeli attitudes. This silence also raises fundamental questions about the right to give birth and the right to be born in Palestine/Israel. Vertommen provides a potential explanation that Israel’s (in)famously pronatalist assisted reproductive policies have been co-produced within a Zionist demographic logic of elimination which aims to create and consolidate a “Jewish majority in a Jewish state” by containing Palestinian fertility. In particular, Patrick Wolfe examines that a demographic ‘zero-sum game’ has been resorted based on the settler colonial analysis; it never relates to incorporation but elimination or replacement of indigenous people. Furthermore, this discourse resulted from the logic of

⁷⁰ *Ibid.*

keeping a Jewish majority in Israel, in confrontation with the historical reality that Palestinians had higher birth rates than Jewish Israelis. In this sense, the success of sperm smuggling also represents a demographic intifada (uprising) and ends up with the narrative of national triumph, unlike those two failed Intifadas that happened in 2000 and 2008.⁷¹ In this sense, using ARTs has not only fulfilled the sociocultural requirements of possessing motherhood and fatherhood in a still patriarchal Palestinian society but also turned to a site where the last resort to preserving reproductive rights is an act of embodied resistance.⁷²

To sum up, the overlap of personal wills of procreation has coincided with national desires for reproduction, which points out its biological and political characteristics. Reproduction, its meaning has been doubled with reproducing children and nations. As a result of fulfilling the demands of reproduction under occupation, this phenomenon has also shown a biopolitical practice with voluntary, nonviolent, bottom-up characters. Concerning *Sumud*, sperm smuggling has multiplied and creatively practiced its meanings, opening a space for continuing the struggle resiliently rather than ending it. The infrastructure for *Sumud* is the Palestinian's body; the body is to challenge the carceral conditions and create the continuity of life. Children who are given birth this way are seen as the national hope; their parents are also regarded as heroes, which relates to the notion of suffering-heroism in Meari's work.⁷³ The influence will continue and contribute to the construction of sociocultural norms with the growth of these children. Meari further emphasizes that this steadfastness simultaneously involves the Palestinian's will and determination, the imagination, and a reorganization of the self and its relationality and connectivity. Therefore, the conception of the body that emerges

⁷¹ According to Israeli's Central Bureau of Statistics (CBS) (2013), in the early 1960s the total fertility rate of non-Jews was more than double that of Jews: 7.13 versus 3.39. In 2013 the CBS published a document concluding that Jewish women are now giving birth to an average of three children, compared to 2.53 in 1995 while Muslim women's fertility decreased from 4.74 in 1995 to 3.51 in 2011. Available at: www1.cbs.gov.il/shnaton64/st03_13.pdf

⁷² Sigrid Vertommen. (2017), *op. cit.*, p. 216.

⁷³ Lena Meari. (2014), *op. cit.*, p. 55.

from this practice in sperm smuggling, the consequent mode of subjectivity, and the epistemological overlap between individual and collective status, could be followed up in the following chapter.

Chapter II

Reimagining Heterosexual Palestinian Families within the Reformulation of Gender Norms

New Interpretations of Bodies' Symbolism under Nationalistic Framework

Building on Massad's masculinist logic of Palestinian nationalist thought despite criticism, nationalist agents have challenged the traditional binary gendered expression because of women's participation, publications, and contributions.⁷⁴ As Hanan 'Ashrawi points out, "*Palestinian women are trying to create a place for themselves to take part in the decision-making process.*"⁷⁵ A conventional description of women's bodies is as the sites of the battle where masculinity played a vital role or as objects for communication between men. Put transnationally, Eriksson and Stern used the sexual violence of wartime in Congo as the reference, claiming that rape is systematic, strategic, and designed "*to control the territory to instill fear, to terrorize the population.*"⁷⁶ Such claims build on the orientalist imagination of "Orient" women. The picture of Palestinian women could be further portrayed with the breakthrough of orientalism, as Abu-Lughod generalizes those Muslim women:

*"were either depicted as downtrodden victims who were imprisoned, secluded, shrouded, and treated as beasts of burden or they appeared in a sensual world of excessive sexuality – as slaves in harems and the subjects of the gaze of lascivious and violent men, not to mention those looking in."*⁷⁷

⁷⁴ Joseph Massad. "Conceiving the Masculine: Gender and Palestinian Nationalism," *Middle East Journal* 49(3), 1995, pp. 467-483.

⁷⁵ Rabab Hadi. "The Feminist Behind the Spokeswoman-A Candid Talk with Hanan Ashrawi." Interview in *Ms.*, 14-17 March/April 1992.

⁷⁶ Maria Eriksson, and Maria Stern, *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond* (New York: Zed Books, 2013), p. 45.

⁷⁷ Lila Abu-Lughod. *Do Muslim Women Need Saving?* (Cambridge MA & London: Harvard UP, 2013), p.6.

Massad's emphasis on women's control over their bodies in Palestinian everyday anti-occupation attempts provides a new explanation, voicing the indigenous interpretations out of the orientalist gazing. Concerning the discursive construction under nationalism, women's bodies in the sperm smuggling case become the reproduction space with dual meanings of feminine children and masculine "nation."⁷⁸ A similar argument could also be made for why the imprisoned husbands resorted to these acts, attributed to the demand for controlling their bodies under the strict prison system. In this case, one can observe the coincidence between individual will and national reproductive desires. In particular, the bridge between these two ideological formations could attribute to the core of *Sumud*, which implicitly relates to the interpretations of *hope* and *freedom* in the OPT.

What follows up, the husbands and children's roles are worth noting to further comprehend the symbolic meaning of women's bodies during this process. Regarding the demographic confrontation in the Israeli-Palestinian conflict, the highly fragile procreation reality is accompanied by the intensive situation in their everyday life, such as tear- and poison-gas-induced miscarriages.⁷⁹ To make matters worse, the physical disconnection between the imprisonment of Palestinian husbands and their wives decreased the possible reproductive rates. Thus, reproducing the future generation of "fighters" become an important political need. Because of this, as Ryan explains, Palestinian sperm smuggling added the unconventional layer to the "resisted bodies"; the prisoners' bodies are employed as "a means of making a political or social statement."⁸⁰ What makes children's bodies vital and unique here is the nature of their presence as the impossibly political truth. Palestinians thus regard children firstly as national fuel for preparing for any possible war, which has moved beyond the demographic realm. It

⁷⁸ Joseph Massad. (1995), *Op. cit.*, pp. 467-483.

⁷⁹ *Ibid.*

⁸⁰ Caitlin Ryan. *Bodies, Power, and Resistance in the Middle East: Experiences of Subjectification in the Occupied Palestinian Territories* (New York: Routledge, 2016), p. 117.

could be further exemplified by the testimony of Fathia Al Safadi, who is the mother of the twenty-eighth child of a Palestinian prisoner through smuggling sperm; her son's name is Amir Al Safadi, and she states: "*Amir's coming is our destiny. He challenged the world and survived. He has a special meaning for Palestine.*"⁸¹ Secondly, children are also the freedom ambassador. Fathia's older brother-in-law provides a new interpretation of smuggling sperm out of prison,

*"Imagine it when you are sentenced to life imprisonment or more than 20 years. And the seeds come out of prison, they get out against the will of occupation, and it seems like a prison break. Amir was not the first child of a Palestinian prisoner, he was the 28th child born in this way. Without freedom, without [a] country, life is hard."*⁸²

This expression supports Hamdan's argument that Children's existence is not expected in the political milieu, questioning the Israeli carceral system and the brutal social realities in the OPT.⁸³

The newly released film *Amira*, directed by Mohamed Diab in 2021, brings up another moral debate on the existence of children of political prisoners through smuggling sperm. This film shows that the main character Amira was born through IVF treatment; however, the smuggled sperm turns out from one of the Israeli jailers instead her imprisoned father. This film was vigorously boycotted by Palestine, saying that it "insulted" the dignity of the Palestinian prisoners. Ayman Al Sharawna, a member of the Palestinian media office of Asra, said, "*The film also seeks to hurt the hearts of our beloved children. Some of their children are only around ten years old, and this film will have harmful psychological effects on them...*"⁸⁴ Milena Ansari, an international advocacy officer at *Addameer Prisoner Support & Human Rights Association*, further highlights *Amira*'s bad reputation from the lens of prisoners' feelings associated with

⁸¹ Yifei Guo. (2019). *Op. cit.*

⁸² *Ibid.*

⁸³ Mohammed Hamdan, M. (2019). *Op. cit.*

⁸⁴ "Palestinian Man Jailed for 15 Years, His Wife Gave Birth to 4 Children in a Row, but They were all Biological?" *iNEWS*. (2023-02-03). URL: <https://inf.news/en/world/504a260bc7ce3fb833c3e20ab50f04b1.html>

the severe living conditions of Palestinian political prisoners within Israeli prisons. Based on the testimony in our interview,

*“Having a baby through smuggling sperm out represents hope for the imprisoned prisoners; their existences are the evidence that they have successfully controlled their bodies under the Israeli carceral system....”*⁸⁵

This motivation exemplifies the rising awareness of male prisoners that masturbation has become the only effective means of production while defying Israeli carceral restraints. Accordingly, masturbating and smuggling sperm become the acts to recognize one’s new place in the social order regulated by the dominated settler-colonial structure.

Apart from that, smuggled sperm, IVF treatment, distant wives, and imprisoned husbands, every element makes this mission impossible. However, nearly one hundred Palestinian children come to the world this way, creating a state of fantasy.⁸⁶ Put differently; this impossibility gives Palestinian bodies a new meaning, which has renegotiated the “colonized” body as a flexible subject with biopolitical substance and transcended the spatial borders set by the colonizers. Thus, what the mainstream of Palestinian sperm-smuggling is, reproduction of the prisoner’s wives, has been represented as a victory with nationalistic and political characteristics, a triumph against Israel, an act of biopolitical resistance. The reproduction of children and *nation* has closely intermingled in these narratives. Thus, the body’s symbolism of women, men, and children under the nationalist context could be summarized as the reproductive space, nationalistic resistance to the Israeli carceral system, and national hope and freedom ambassador.

⁸⁵ Melina Ansari, Interview by Huiming Cai, Online Meeting, March 22, 2023.

⁸⁶ Mohammed Hamdan. (2019). *Op. cit.* pp. 529-531.

Blurred Private and Public Boundaries: Regulating the Legitimacy of Fertility

In following new dynamics of bodies' symbolism manifesting in sperm smuggling, further exploration of reformulating gender and social norms is worth noting here. This section will focus on redefining the Palestinian female and male body and its capability of shifting the traditional gender and sexuality code, even if partially. As discussed in the previous section, masturbatory acts and artificial insemination carry rich national signification. However, these attempts have been questioned by scholars and religious authorities, regarding them as evidence of unleashing a set of ethical disputations, hindering heterosexual sexual intercourse, or *coitus interruptus* (masturbation).⁸⁷ According to Inborn, in the conventional Islamic discourse, masturbators are defined as selfish pleasure-seekers; masturbation is akin to “*a distasteful form of sexuality*.”⁸⁸ An unconfirmed hadith by Fuad Khuri further points out that masturbators “*will not be seen on the day of resurrection*.”⁸⁹ Considering the Shafi'i School's attitude, masturbation is seen as a repulsive act, which must be prohibited except for heterosexual performance. Khuri emphasizes the ambivalent role of sperm itself in the Islamic tradition; it is necessary to procreate children but considered impure waste and repugnant pollution on the other hand.⁹⁰ Masturbation has thus been regulated as illegitimate by Islamic fatwas, such as Islamic scholars Sayfuddin and Muhametov state that Islamic fatwas lay great emphasis on the institution of marriage and natural insemination; spilling sperm is an evil deviation of personal desires.⁹¹

⁸⁷ Mohammed Hamdan. (2019). *Op.cit.* p. 533.

⁸⁸ Marcia C. Inborn, “Masturbation, Semen Collection and Men IVF's Experiences: Anxieties in the Muslim World,” *Body and Society* 13 (2007), p. 39.

⁸⁹ Fuad I. Krug. *The Body in Islamic Culture* (London: Saqi Books, 2001), p. 83.

⁹⁰ *Ibid.*, pp. 84-85.

⁹¹ Mohammed Hamdan. (2019), *Op. cit.*, pp. 533-535.

On the contrary, on behalf of the opposition, Ibn Hanbal argues against the Shafi'i School by justifying masturbation as lawful in the situation lacking "a legitimate partner(wife) to satisfy sexual lust."⁹² He rationalizes the masturbatory acts for certain groups of people to which the "prisoners" belong to. Furthermore, many religious authorities have issued fatwas permitting Palestinian prisoners to procreate children by smuggling their sperm. One prominent example is the news by Naela Khalil titled *Fatwas Allow Artificial Insemination for Wives of Prisoners*. It shows that many Islamic scholars, including Mufti Ikrima Sabri and Hamas leader Hamid Bitawi, issued a fatwa allowing "*the wives of prisoners to become pregnant through their husband's sperm smuggled out of Israeli jails.*"⁹³ Religious authorities such as the Islamic Fikh Council in Makka and Islamic Education, Science, and Culture Organization in Rabaat have issued multiple fatwas on IVF since the 1980s. The abundance of fatwas acknowledges the importance of medically assisted procreation in marriage and family formation with the absence of related conception in the Qu'ran and hadith. In the case of Palestinian sperm-smuggling, religious support and moral blessing provided by these fatwas make the Palestinian wives and the imprisoned husbands feel more confident and heroic in this process, fulfilling sociocultural norms and reproductive legitimacy.

Furthermore, infertility, when it comes to the prisoners' wives in association with the IVF or ICSI (injecting spermatozoa directly into oocytes), it has to be public rather than shrouded in secrecy as usual within Palestinian society. Two reasons could be summarized here; one relates to ensuring social honor and preventing social criticism and gossip, so she will not be blamed for having an illegitimate child in her husband's absence. The second refers to a fatwa issued in 2013 by Dār al-Ifta' al-Filastiniyya, which released the information that must

⁹² Basim F. Musallam, *Sex and Society in Islam* (Cambridge: Cambridge University Press, 1983), p. 33.

⁹³ Naela Khalil, "Fatwas Allow Artificial Insemination for Wives of Prisoners," *Al-Monitor: The Pulse of the Middle East*, 11 February 2013, <http://www.al-monitor.com/pulse/fr/originals/2013/02/palestinian-women-impregnated-smuggled-sperm.html#>.

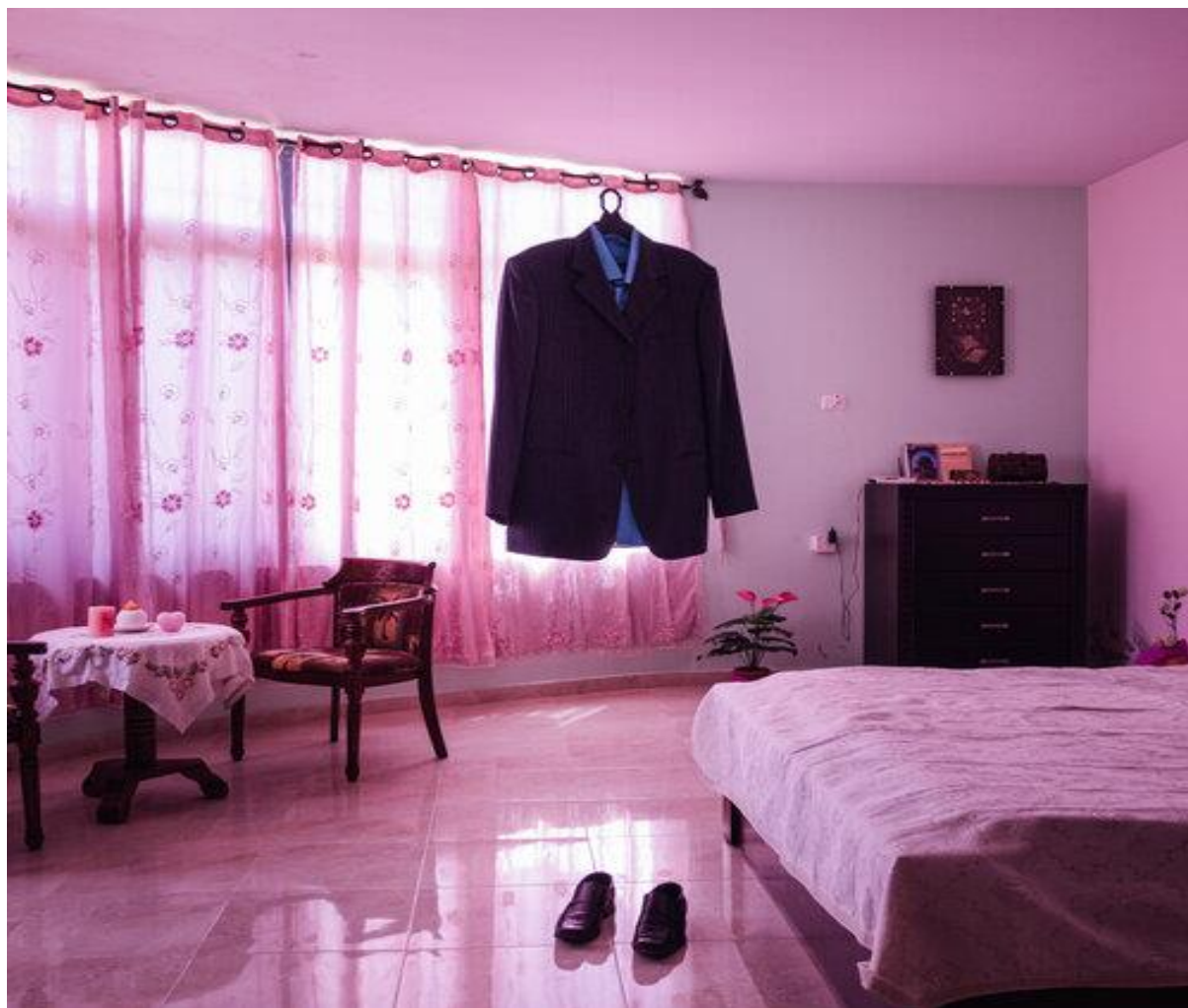
be spread via local television or “*by any means between the people.*”⁹⁴ That is also why there are many ceremonies and performances for celebrating the newborn Palestinian babies of prisoners, which can be searched on social media and even appeared twice in a thirty-seven-minute documentary. A similar argument could be seen in Ellen J. Amster’s work analyzing obstetrics and birth in Morocco.⁹⁵ Notably, in this case, infertility or IVF treatments, often perceived as something to keep secret, have become public with local social support involving the fields of politics, media, and complimentary treatments provided by medical institutions. Thus, one can observe the shift that the society/community steps in instead of the husband to give legitimacy to the child. What is naturally becomes a strange cultural practice, the phenomenon of sperm smuggling, gradually being normalized within Palestinian society and reversible.

⁹⁴ See Laura Ferrero. (2022) “*Dār al-Iftā’ al-Filastiniyya, a government body established as a center for Islamic legal research. It offers Muslims religious guidance and education through the issuing of fatwas.*” *op. cit.*, p.177.

⁹⁵ Ellen J. Amster. “Chapter 6: A Midwife to Modernity: The Biopolitics of Colonial Welfare and Birthing a Scientific Moroccan Nation, 1936-1956.” In *Medicine and the Saints: Science, Islam, and the Colonial Encounter in Morocco, 1977-1956* (The University of Texas Press, 2013). pp. 174-209.

Blurred Feminine and Masculine Boundaries: Rethinking Motherhood and Fatherhood

Furthermore, the reformulation of motherhood and fatherhood in the consequent family circle manifests another layer of transformation: women play both roles as mother and father, while the father is “only present through his absence.” Figure 2. provides a visual image of this



*Figure 1. Habibi: the chronicle of a love story.*⁹⁶

shift. In the interview with Majd Mohammed Tahayneh, whose father was imprisoned for 16 years and whose mother gave birth to her younger brother until the documentary was released.

⁹⁶ Antonio Faccilongo, *Habibi*, won 2021 World Press Photo Story of the Year and the 1st prize winner in the Long-term Projects category, is the chronicle of a love story in one of the longest and most complicated contemporary conflict. It tries to show the impact of the conflict on Palestinian families analyzing the difficulties faced in preserving their human dignity and trying to understand the reality hidden behind the war. Quoted from [HABIBI — ANTONIO FACCILONGO](#).

She said: “*I remember my father every second. We need a man to be with us when we want to go out. We are all very young. Mother has to be father, and she is both father and mother.*”⁹⁷

The indication of overlapped motherhood and fatherhood has challenged men’s roles in ruling and procreating. Furthermore, “*men’s privileged and powerful position over the life and well-being of women and the family as a whole*” has been diminished, accompanied by the decline of manhood and patriarchal culture because of the absence.⁹⁸ In association with the ideological concept of honor and shame under the anti-colonial context, Rubenberg’s reference that women are treated as sexual objects in need of constant male protection has been reformulated in the case of sperm smuggling, undermining the fragile boundaries separating *speaking* men and *passive* women.⁹⁹

Furthermore, the redefined “speaking and active” women relate to the emergence of a new subversive discourse depending on the complete oral culture of women with experiences of smuggling sperm and IVF. If male prisoners only contribute to producing sperm, their partners take full action outside of Israeli prisons by carrying out IVF treatment and occupying the public media. One typical example is the story of Umm Samira, the mother of a prisoner’s wife, whom Ferrero interviewed. Here is the quotation:

*“They saw it on television. The TV broadcasts everything, even the delivery! It is encouraging because you see moments of joy. You see that all the families came to assist the women together with ministries and journalists. It is a special delivery, not a normal one. When my daughter was about to give birth, we all went to the hospital. It was like there was a party.”*¹⁰⁰

This case reflects not only the nationalistic triumph with the birth of a new baby but also women’s visibility in public. In addition, female journalists and writers have played vital roles in publicizing these stories for women without enough education and replaced the traditionally

⁹⁷ Yifei Guo. (2019). *Op. cit.*

⁹⁸ Samih K. Farsoun. *Culture and Customs of the Palestinians* (Westport, Conn.: Greenwood, 2004), p. 38.

⁹⁹ Cheryl A. Rubenberg. *Palestinian Women: Patriarchy and Resistance in the West Bank* (Lynne Rienner Publisher, 2001), p.33.

¹⁰⁰ Laura Ferrero (2022), *op. cit.*, p. 216.

dominated male position to represent themselves. For example, in Harriet Sherwood's news report, she quoted Rimah Silawi, a thirty-eight-year-old pregnant woman, who justifies IVF treatment in a news conference: "*We women are growing old and our chances of having babies in the future [are] diminishing.*" The term "we women" here has constructed a new imagined community, which refers to women who experienced IVF treatment. In addition, it also evidenced how women could represent themselves on such a private topic as the central storytellers. The original taboo on IVF accompanied by the Palestinian patriarchal self-society relationship has been broken while reflecting women's successes as they devise strategies to meet daily challenges.

In addition, creating a family during the husband's captivity and physical absence becomes a new phenomenon. It further reflects that giving birth to prisoners' offspring is not only an embodied form of resistance as discussed above, but also a possibility to satisfy women's desire for motherhood in such conditions. This choice was not made only by the imprisoned husband, and sometimes, it manifests in the wives' desires. One transcript from Fathia Al Safadi, who gave birth to Amir Al Safadi while her husband was imprisoned, the coming of her son also brought a new meaning to her life, transferring from a wife with an imprisoned husband to a mother with a son:

"Eighteen days after our wedding, they (Israeli Defence Security) arrested him (her husband). I remember it was very difficult for me, for me go to the prison. It was the first time I saw him behind the glass. He was so far away from me. I felt it was all over. Later I got used to it.

A friend of mine had this procedure, a woman from Nablus. I was nervous about it. When I told him, he said 'why? Hopefully, I will be out of the prison one day. We can have children in a natural way.' I am not sure if others convinced him, or he decided himself. I was surprised when he said, 'I have something for you.' When I came out of prison, I didn't find the bag. Then an officer followed and said (to) me: 'this is the bag under your name.' I took it, I was so nervous. I did not know where he put it, all I know is the sperm is in a box of the bag. When the pregnancy happened, it was a big surprise for everyone. Amir's coming is our destiny.

When Amir came to me, I forgot everything else. Everything about politics. I did not even think about my husband much. All my attention was on my baby. How will he turn out, how will life be with him.”¹⁰¹

Even though the coming of babies via sperm smuggling has been politicized to a large extent, this example offers a different interpretation for women willing to be mothers. Having babies becomes an alternative way for them to cope with the condition when “*no man has touched me, and I was never unchaste*” with support from the community.¹⁰²

Apart from this, the desire for motherhood also could be examined from the perspective of power hierarchies based on Mariam’s story,¹⁰³ revealing a fear that many women have in this situation,

“can you imagine what could have happened if he came out without children and I was over forty? He could have thought to take a second wife, but now that I gave him two sons, it won’t happen...I am happy. I built a new house, I moved into it, I did the insemination, and I gave birth to two sons. All (of it) happened without my husband, but everything in a Islamically lawful way.”¹⁰⁴

This story sheds light on one possible reason why women choose to conceive the practice of IVF. It has been regarded as a means to strengthen their conjugal relations and avoid the risk of divorce.¹⁰⁵ Sperm smuggling attempts are also provoked by urgent situations in which the prison term is longer than the woman’s fertile life. A further thought derived from Mariam’s story is that motherhood’s satisfaction has fulfilled the desire for fatherhood. It also partially illustrates that the image of Palestinian women behind being active is rooted in a passive desire to protect their family formation. Therefore, the community considers the resulting pregnancy not as something “unnatural” but as a strategy that allows the “natural” continuation of family life in a context of deprivation of rights. The last supplementary point could also be related to

¹⁰¹ Yife Guo. (2019). *Op. cit.*

¹⁰² *Ibid.*

¹⁰³ Mariam is part of the El-Ghani family, from a village close to Tulkarem. She is forty years old and she has one daughter from her first husband and two small twins, Omar and Adil, from her second husband. Her second husband Ibrahim was arrested and sentenced to twenty-three years in prison. See Laura Ferrero. (2022), *op. cit.*, pp. 178-179.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

an interview with the director Guo Yifei. She mentions, “*Even though the main figures in the documentary are wives, they all need to get the approval from their husbands before filming.*”¹⁰⁶

Throughout these transcripts, procreation as a sociocultural obligation has played a vital role in accelerating the practices of sperm smuggling with reformulating motherhood and fatherhood.

In conclusion, Hamdan’s argument on “*what is masculine becomes feminized in the conventional sense that men recede to a silent, secluded mode of procreation*” is valuable to review in combination with the two binary pairs between private-public and feminine-masculine. He points out that a new interpretation has emerged from the departure from the fundamental religious explanation of gender norms, man is always related to active and women in reverse. However, the previous discussion provides a counter-argument partially. Both sociocultural and religious needs required the emergence of publicity in this case. It does not mean that women are granted the power of legitimacy to replace their husbands, but the religious and medical institutions take their place. On the other hand, it refers to what is feminine becoming masculinized in the nationalistic sense that every sperm is sacred for men’s masturbatory acts and women’s IVF treatment. The private and public boundaries have been blurred, bringing the prevalent acceptance and moral understanding of smuggling sperm within Palestinian society. Accordingly, the blurred boundaries between private-public and feminine-masculine are partially coincident, not an absolute outcome. Especially, women’s roles have become more public and visible as single mothers, storytellers, and reproducers of “nation,” dominators of nonviolent biopolitical resistance manifesting in Palestinian sperm smuggling. Nevertheless, the solid patriarchal society regulated by Islam’s religious and social norms still produces lots of restrictions; the changes resulting from the phenomenon made some efforts to reformulate the feminine-masculine relationship, but not in a ground-breaking way.

¹⁰⁶ Yifei Guo, Interview by Huiming Cai, Online Chatting, February 2-3, 2023.

Chapter III

The Foresight of Palestinian-ness: Pursuing Humanity

Palestinian-ness in Decoloniality: Epistemic Disobedience to Revolutionary Subjectivity

In the previous two chapters, sperm smuggling has been referred to as the focal point to reveal part of the historical dynamics of everyday Palestinian resistance since 1967. It orbits with the core of nonviolent resistance within the anti-occupational characters in the OPT, as an innovative practice in a biopolitical form. The interaction with reformulating gendered specific codes has also manifested its uniqueness and strong effects within a general conservative Islamic society, even though limited. A causality could be observed here, nationalism becomes the initial seed of provoking various forms of resistance (branches, sperm smuggling as one of them) and consequently leads the enormous influence in every aspect of Palestinian society (leaves). What has not been explored enough is the immature “fruits,” which imply the development of Palestinian-ness or Palestinian identity.

Before further explaining what Palestinian identity consists of, it is necessary to bring Rashid Khalidi’s historical analysis of the meaning of *Palestine* before the Second World War. This term involves four dimensions: a religious attachment, a separate and independent administrative unit under the Ottoman system, the ambitions and aspirations of the European powers, and a powerful local attachment to place, urban patriotism as a manifestation of modernity.¹⁰⁷ Throughout the historical period from the Ottoman Empire to the British Mandate,

¹⁰⁷ Rashid Khalidi, “Chapter 8: The ‘Disappearance’ and Reemergence of Palestinian Identity,” in *Palestinian Identity: the Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), pp. 150-155.

the genesis of Palestinian national identity consists of patriotic feeling, local loyalties, Arabism, religious sentiment, and a sense of community among the Arab inhabitants of Palestine.¹⁰⁸ One commonality could observe that no independent entity and narrative served the Palestinians, who only exist in relation to another entity and narrative. Given the compelling claim argued by Stuart Hall, “Only when there is an “other” can you know who you are.”¹⁰⁹ Palestinian self-identification has always been related to response to “other,” thus, their responses to the Israeli colonial authority, which has become the leading actor of “other” with the emergence of settler colonialism since the second half of the twentieth century, contributed to the Palestinian national narrative.

Thus, it is valuable to quote the notion-the “(re-)existence” put forward by Mignolo in the case of Palestine, which means to delink from the rules imposed upon them and create their own rules communally by affirming themselves as human beings.¹¹⁰ More specifically, as Azeb emphasizes, the relationship between Palestinian-ness and disaster (mainly referring to Nakba in 1948 and 1967) should not always be tied, diminishing the importance of understanding themselves from a local perspective.¹¹¹ Disinheriting from the shades of disaster is noticeable to grant new meaning to Palestinians authentically. In this sense, resistance means not only the ontologically anti-colonial acts through throwing stones or *Sumud* manifesting in the cases such as the Palestinian sperm-smuggling, the Prisoner’s Steadfastness, or the hunger strikes. However, it results in the awakening of Palestinians’ epistemic innovation through reframing decolonial context through reacknowledging and reorganizing their everyday encounters and memories.

¹⁰⁸ *Ibid.*, p. 150.

¹⁰⁹ Stuart Hall, “Ethnicity: Identity and Difference.” *Radical America* 23, October-December, 1989, p.16. 14-20.

¹¹⁰ Walter D. Mignolo, ‘Foreword: Decolonial Body-Geo-Politics at Large.’ In Sandeep Bakshi, Suhraiya Jivraj, and Silvia Posocco (Eds.), *Decolonizing Sexualities: Transnational Perspectives, Critical Interventions* (Oxford: Counterpress, 2016), p.x.

¹¹¹ Sophia Azeb (2019), *op. cit.*

Ground-breaking Version of Nationalism Studies

Considering the concept of nationalism, Rashid Khalidi has challenged the dominance of high-politics and “elite” norms in the historical statement, consciously turning attention to the popular mass and the underlying society.¹¹² He claims that the emergence of Palestinian national identity started after 1948 as a response to the Zionist movement, which was perceived as an external threat, deeply rooted in long-standing attitudes of concern for the city of Jerusalem and for Palestine as a scared entity.¹¹³ These attempts still concentrate on what Brubaker called a category of analysis, following the logic that social scientists build at the nation-state level. Here the ground-breaking of discussing the notion of Palestinian-ness from the perspective of “us,” more attention has been attracted to the category of practice after the first Intifada in 2000.

Regarding the related anti-occupational attempts that emerged within Palestinian society, the whole image of social life has closely intermingled into political narratives.¹¹⁴ This definition has been categorized into the pattern of quotidian practices of nationalism, and Rogers Brubaker argued that it is a “*heterogeneous set of ‘nation’ – oriented idioms, practices, and possibilities that are continuously available or ‘endemic’ in modern cultural and political life.*”¹¹⁵ Similarly, the features could be observed in Michael Biling’s banal nationalism and Yael Tamir’s liberal nationalism. The former work argues forcefully that nationalism continues to be a major ideological force in the contemporary world, in association with everyday life. A further debate on whether the core of nationalism is cultural or political came up by Tamir and

¹¹² Rashid Khalidi. ‘Review on A History of Modern Palestine: One Land, Two Peoples.’ *Journal of Palestine Studies*, 35 (1), (Autumn, 2005), pp. 107-108.

¹¹³ Rashid Khalidi. *Palestinian Identity: The Construction of Modern National Consciousness* (Columbia University Press, 1997), p.27.

¹¹⁴ Rogers Brubaker. An Interview with Rogers Brubaker, *Max Planck Institute for the Study of Religious and Ethnic Diversity*, June 7, 2012. Available at: <https://www.mmg.mpg.de/50980/interview-with-rogers-brubaker>.

¹¹⁵ Roger Brubaker. *Nationalism Reframed: Nationhood and the National Question in the New Europe*. (New York: Cambridge University Press, 1996), p. 10.

offers a new angle to understand *Sumud*. She emphasizes that cultural claim has been placed at the heart of nationalism rather than political goals. Establishing a nation-state is not the way to privatize nationalism but assure the existence and flourishing of a particular community.¹¹⁶ As a force of spirit, the attempts of *Sumud* were cultivated by pursuing human rights under the OPT rather than a state-building project. Thus, employing human rights language will be the starting point to reveal connections between the ontological practices and the epistemological development in this construction process.

¹¹⁶ Yael Tamir. *Liberal Nationalism* (Princeton University Press, 1995), p. xiii.

Locating the Language of Human Rights in the Development of Palestinian-ness

Is the language of human rights still hopeful in the 21st century? One mainstream that coincides with the claim that human rights are merely a Western language gives a pessimistic answer. However, Kathryn Sikkink has questioned whether declining Western-dominated powers are sufficient for ending human rights. She highlights the power of the oppressed people, and their human rights struggles to target powerful institutions and practices with colonialism, deep exclusion, and repression.¹¹⁷ This thought has highly manifested the decolonial concept, mainly emphasizing the indigenous voices and interpretations of colonialism and crystallizing their ideology in coping with and guiding their everyday anti-colonial practices. Combined with Hirschman's notion of *possibilism*, human rights changes on the levels of origins and institutionalization are worth understanding and rethinking in this case. As one of the worst places for violating human rights, exploring the local manifestations and interactions of human rights in the OPT¹¹⁸ could provide some supplementary for Sikkink and Hirschman's arguments. Besides from it, the ongoing dynamics have inextricably blended with Israeli-Palestinian nation-building narratives, multiplying the meanings of human rights as a language and a legal cause to resort to ideological and practical resistance. This uniqueness has attributed more meanings to human rights as an international legal claim and diversified its implementation as a local movement.

Regarding the human rights approach in tracing the Israeli-Palestinian conflict, the Israeli officials' rejection of applying the Fourth Geneva Convention (1949) could be the starting point. It refers to one of the international humanitarian laws governing military occupations, regulating occupiers' legal status as de facto sovereigns. Meanwhile, ensuring

¹¹⁷ Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton, 2021), pp.10-11.

¹¹⁸ The term "occupied territories" generally relates to the West Bank, Gaza Strip, East Jerusalem, and the Golan Heights, resulting from the Third Middle East War between the Israeli and neighbouring Arab countries in 1967, and still recognized by the UN as occupied. Hereafter referred as OPT.

order and security by instituting measures has the related prerogatives for the occupying state. It further provokes the protection of the occupied civilian populations and their certain rights, yet accessing the right to self-determination will be deferred until the conflict gets resolved. However, the Israeli officials have conceived as a capturer for the disputed territories instead of a temporary occupant. It thus opens the possible claim that Israeli national interests and maximum security have been prioritized over Palestinians' rights, as Hofnung, O'Brien, Playfair, and Zamir argued.¹¹⁹

To further understand the underlying motivation behind Israel's rejection, it raises a controversial debate between the state's rights and human rights, focusing on the relationship between a recognized sovereignty-Israel and a "nonstate" Palestine. The consequent notion of Palestinian statelessness and their insufficient qualifications for being the intended beneficiaries of international humanitarian laws plays a crucial role in Israel's interpretation. According to Oppenheim, statelessness, as legal doctrine, refers to people as 'destitute of nationality.'¹²⁰ The official adaptation of this term in the UN *A Study of Statelessness* in 1949 further categorized two distinct but related concepts: *de jure* statelessness and *de facto* statelessness, and the 1954 *Convention Relating to the Status of Stateless Persons* first added a definition of a stateless person, which means "person who is not considered as a national by any state under the operation of its law."¹²¹ A paradox exists based on the adopted definition, only responding to *de jure* statelessness with a legal bond of nationality at the domestic level. However, *de facto* statelessness remains in debate. Put differently, statelessness regulates individuals' legal status

¹¹⁹ See Menachem Hofnung, *Democracy, Law and National Security in Israel* (Hanover, NH: Dartmouth Publishing, 1996); William O'Brien, *Law and Morality in Israel's War with the PLO* (New York: Routledge, 1991); Emma Playfair, "Israel's Security Needs in the West Bank, Real and Contrived," *Arab Studies Quarterly* 10 (1988), pp. 406-23; Itzhak Zamir, "Human Rights and National Security," *Israel Law Review* 23 (1989), pp. 375-406.

¹²⁰ Lassa Oppenheim, *International Law. A Treatise* (Harlow: Longmans, Green, 1912), pp. 387-89.

¹²¹ UNHCR. *A Study of Statelessness*. (1949) UN Doc E/1112. United Nations High Commissioner for Refugees. [online] Available from: www.unhcr.org/3ae68c2d0.pdf; "Article 1." *Convention Relating to the Status of Stateless Persons*. (1954) UNTS, vol. 360, no. 5158, 3rd and 4th preambles. [online] Available from: <https://treaties.un.org/pages/showDetails.aspx?objid=0800000280032b94>.

within the citizenship framework but neglects the alternative possibilities beyond it, presenting a conceptual ambiguity.

Specifically, the existence of Palestinian statelessness exemplifies it; their *de jure* stateless status created dual ignorance from both the occupying authorities (mainly including the Israeli government and the Palestinian Authority after 1994) and the International Law. Consequently, statelessness caused rightlessness, and no enforcement mechanism protects Palestinians' rights under the OPT. This situation has provoked many attempts to mobilize around a collective national identity and seek legal status. These attempts have contributed to nation-building, interpreted as seeking self-determination, thus establishing an influential institution to protect Palestinian fundamental, legal, and political rights. Nevertheless, most such attempts have been deemed by Israel and categorized as criminal violations against the occupying authorities, fuelling the ongoing fire in the name of bi-ethnonationalism confrontations. Lisa Hajjar further argues that the related punishment has been put not only for violent acts but also for any expression of Palestinian nationalism and nonviolent activities associated with public life.¹²² An enduring international consensus on the exclusive applicability of the Fourth Geneva Convention in the occupied territories does exist. However, the lack of an effective international mechanism for enforcing it brought Israel only strong criticism but weak legal resistance to its contravention of international laws.¹²³ Accordingly, a mobilization revolving around the cause of human rights gradually resulted from the vacuum between international law and local implementation, furtherly providing a possible answer for if human rights are just a utopia or a notion like a castle in the air on a state/national level.

¹²² See Lisa Hajjar, "Human Rights in Israel/Palestine: The History and Politics of a Movement," *Journal of Palestinian Studies*, Vol.30, No.4 (Summer 2001), p.23.

¹²³ *Ibid.*

Before further discussing the usage of human rights in Palestinian bottom-up nation-building, a brief overview of the historical lines from 1967 until now will be presented. In an embryonic stage from 1967 to the 1980s, human rights as a legal language were locally adopted by the Palestinians and Israeli lawyers who utilized legal terrain as a site of resistance to reform or to transform the way the state exercises power. One prominent figure is Felicia Langer, a Jewish Israeli lawyer who first took up military court work as the protesting place against the occupation.¹²⁴ In subsequence, establishing the first local human rights organizations (HROs) and Law in the Service of Man in 1979 started adapting international Law as a reference to challenge Israel's narrative of legitimacy. The publication of the book *The West Bank and The Rule of Law*¹²⁵ in 1980, which presents the basic understanding and evaluation of the working environment for practicing lawyers, extended the critique of the occupation into the legal terrain. The increasing publications of such kinds of literature were mainly targeted at human rights monitoring for international audiences and educating the local Palestinians by the mid of 1980s. With the release of the *Landau Commission report*¹²⁶, the human rights discourse and practices have transformed from criticizing the Israeli-sanctioned use of violent and coercive interrogation tactics to stopping the torture. It was a vital turning point in using human rights and has turned to conduct movements instead of making oral or literary criticism.

On a more ground-breaking level, the appearance of 1987 Uprising (the first Intifada) could be significantly evidenced for illustrating how international Law has oriented Palestinians' aspirations for peace and justified their demands. By the end of the 1980s, the language of

¹²⁴ Felicia Langer, *With My Own Eyes: Israel and the Occupied Territories, 1967-1973* (London: Ithaca Press, 1975).

¹²⁵ Raja Shehadeh and Jonathan Kuttub, *The West Bank and the Rule of Law: A Study* (Geneva: International Commission of Jurists, 1980).

¹²⁶ See Moshe Landau et al., it relates to an official Israeli investigation into interrogation practices of the General Security Services (GSS), this report provided the first official confirmation that GSS agents routinely had used violent interrogation methods since at least 1971 and that they routinely had lied about such practices in court. *Commission of Inquiry into the Methods of Investigation of the General Security Services Regarding Hostile Terrorist Activity* (Jerusalem: Israeli Government Press Office, 1987).

human rights had been adopted by Palestinians and Israelis to legitimize the primary participants' status and articulated ideas about how things should be. Undoubtedly, this process was inextricably intermingled into nationalist politics; securing national rights (for Palestinian self-determination) was promoted by using human rights terms through attracting or demanding international attention.¹²⁷ However, the other side of this coin under this context is internationalizing the conflict in new ways and inviting international involvement.¹²⁸ The Israeli-Palestinian negotiation in 1991, the declaration of principle in 1993, and the establishment of the Palestinian Authority (hereafter referred to as PA) in 1994 made a comprehensive response to this "progress," specializing the local manifestations of human rights discourse in OPT, the following section will discuss it in a detailed way.

This noticeable outcome with the international community's involvement directly consolidated the legitimacy of exercising human rights within the OPT, especially establishing the PA as a desirable institution. However, the structure and agenda of the PA have primarily laid on the negotiated agreement, which is mainly oriented to provide security for the Israeli state by controlling Palestinians.¹²⁹ It further characterized the PA as "*autonomous authoritarianism*," as Hajjar argued, focusing on protecting territory and security interests rather than the rights of Palestinians who live under the OPT.¹³⁰ In this case, the usage of human rights by the PA still stayed at the state-building level with the ignorance of the grounded demands. Consequently, Human Rights activism became increasingly constrained by the separation agendas of Israeli and Palestinian national elites, making it more challenging to formulate mandates and coordinate strategies among the organization. During the interim

¹²⁷ Lisa Hajjar, *op. cit.*, p.26.

¹²⁸ *Ibid.*, p.27.

¹²⁹ See Graham Usher, *Palestine in Crisis: The Struggle for Peace and Political Independence after Oslo*, 2d ed. (1995; reprint, London: Pluto Press, in association with the Transnational Institute and the Middle East Research and Information Project, 1997).

¹³⁰ Lisa Hajjar, *op. cit.*, p.28.

period after 1994, the situation deteriorated with this exceptional self-rule norm which was out of international government norms as military occupation.

Accordingly, the targets that the human rights organizations criticized have changed from the Israeli government to the PA, accompanied by the shifts from Israeli violation to occupation to the derogation of the rule of Law by the PA.¹³¹ With the insertion of national discourse, the critical degree for the PA has inextricably associated with its position in the negotiation and thus undermines future territorial gains and prospects of statehood. This condition also turned out to be another failure of a state-centric institution; the collapse of the Oslo peace accords further illustrated that human rights failed to smoothly land from international to the OPT on a high politic level. The dual failures of protecting human rights under the Israeli occupational power and the later emerged local Palestinian Authority further provoked the new movements or attempts from the popular. Due to the different paradigm of practicing human rights and the lack of institutional mechanism, the bottom-up characters manifested here mainly reflects on pursuing the basic rights as a human being under the OPT. It emphasizes the initial “space” for living instead of nation-/state-building, which could be regarded as the next step. In this research, the notion of “creating space for living” will be the main focus of reinterpreting the language of human rights in accordance with the debate on *de facto* statelessness mentioned earlier.

¹³¹ *Ibid.*, p. 29.

Pursuing Humanity: (Re-)existence as National Demanding

This restriction on questioning the rule of Law dominated by the PA has further provoked human rights to be employed on the popular level as a form of protest, indirectly resulting in the second Intifada in 2000. It highly relates to Palestinian everyday anti-occupation resistance, here mainly revolves around the emergence of *Sumud*, as discussed in the first chapter. As a response to the failure of incorporating human rights into the national context, *Sumud*, as a form of (re-)existence, reflects the combination of the decolonial thoughts and human rights approaches. What can be observed here is that the Palestinians under the OPT have not only delinked from the Israeli occupational power but also their official representative-the PA. They represent themselves through diverse forms of *Sumud* practices. Simultaneously, the rising consciousness of human rights has been incorporated into the formation of ideological forces in this process. Thus, an epistemic shift crystallized from their ontologically everyday encounters has achieved, and continuously influenced the construction of the content of *Sumud* and the development of Palestinian-ness.

Additionally, this new dynamic brings up further thoughts, who are the Palestinians out of the nation-building framework? Why do they pursue (re-)existence? Azeb has given one possible answer, “*we [the future Palestinians] must refuse to be recognized as Palestinians within the confines and language of a nation-state...we make space, not states.*”¹³² This departure from the nation-state framework satisfies two principles of decolonial thoughts argued by Nelson Maldonado Torre. The first one highlights the central role of the colonized people’s experiences and thinking without seeking the recognition of the colonizer.¹³³ Colonialization goes beyond ending colonialization, which is seen as the second principle. In other words, the core of decolonization aims at creating a new sense of humanity and inter-

¹³² *Ibid.*

¹³³ Nelson Maldonado Torres, “Fanon and Decolonial Thought,” in Michael A. Peters(ed.), *Encyclopaedia of Educational Philosophy and Theory* (Singapore: Springer, 2017), pp. 799-803.

relationality rather than the banishment of learning from the colonality of power. Meari's research on the experiences of Palestinian women political prisoners strongly exemplifies the rising of decolonial thoughts in their everyday resistance. More specifically, they have confronted sexual torture techniques conducted by the Israeli Security Agency by reformulating their bodies, claiming a new mode of revolutionary subjectivity. According to the testimony shown in Meari's work:

*“The body was the place on which you are being beaten so that the pain moves to the wa'i (consciousness) and spirit. The body is the place they hurt you through...The body is the gate through which they get to your consciousness in order to transform it. The real struggle is over the consciousness.”*¹³⁴

One continuity is visible here between Meari's 'place' and Azeb's 'space,' which presents the vital consciousness of subjectivity confronting occupational power.

In the same vein, the case of Palestinian hunger strikes in Israeli prisons also complements this statement. As mentioned earlier, Ashan Lulu Ajour states that the hunger strikers invented 'technologies of the self' to acquire freedom and dignity, transcending the settler colonial and carceral system. The collapse of the body is experienced as generating a kind of spiritual power, and the similarities in the case of Palestinian interrogated encounters and Palestinian sperm-smuggling are visible. Thus, the rising of decolonial thoughts accompanied by everyday Palestinian resistance illustrates that the colonized Palestinians have engaged in and generated anti-colonial struggles as re-existed revolutionary subjects in response to traumas under the OPT. In association with the case of sperm smuggling, the pursuit of basic reproductive rights with self-controlled bodies manifests the desire to create biological “space” under a restricted geographical place.

¹³⁴ Lena Meari, *op. cit.*, p. 18.

In following those mentioned above (re-)existence of Palestinians, the primary demands



Figure 3. "Souls of Gaza, When Children Die" by Tala Lulu in May 2021, Source from Ashjan Ajour, Op. cit.

as human beings constituted the main content of it. According to Tala Lulu's painting (Figure.3), the image of reality in Gaza has been revealed: immense violence continues in the world's largest open-air prison.¹³⁵ The imposed land, sea, and air blockade and heavy movement restrictions on travel abroad for work, study, or to visit family make the (re-)existence even more urgent. She also wrote the following description for this painting:

"When children are murdered, words become meaningless...their souls will be looking down upon us. I started working on this piece on May 12 2021. As of that moment, the Israeli settler occupation killed 198 people in Gaza-58 of them children.I finished 3 days later. But they were still killing.

As I am writing this it's 12:00am, and the ceasefire has begun. I am asking (and I am not waiting for an answer) why are Palestinian children paying this price? Why did

¹³⁵ Ashjan Ajour, "A View from Gaza: My Family Under the Trauma of War in Gaza." *Jadaliyya*, (August 25, 2021), URL: [Jadaliyya - A View from Gaza: My Family Under the Trauma of War in Gaza](https://www.jadaliyya.com/ViewfromGaza/MyFamilyUndertheTraumaofWarinGaza).

innocent people die, and the ones left alive were traumatized? Why...? Why did humanity die?

All that's left is pain...but we Palestinians will continue to have hope... without hope, we will all die."¹³⁶

Here quotes this description written by the witnesses of the Israeli assault in Gaza to emphasize the core of Palestinian identity, a hopeful process of resistance to acquire the place of being human, or in other words, the creation of humanism. Moving beyond the traditional statement shaped by common anxiety from external threats, such memories and reinterpretations of memories have strengthened internal solidarity and endless hope, consequently constituting the nature of Palestinian-ness. From this perspective, it explains why the newborn children represent national hope and the ARTs have been interpreted as the technology of hope in the phenomenon of sperm smuggling.

To sum up, concerning human rights language, the importance of (re-)existence could be used to reinterpret Hannah Arendt's notion of "*the right to have rights-we became aware of the existence of a right to have rights and a right to belong to some kind of organized community.*"¹³⁷ For Palestinians under the OPT, the stateless and rightless statutes have deprived them of their rights to live with freedom, liberty, and equality and caused them more substantial anxiety without belonging to a community. Tracing back the historical development of human rights, the Palestinian case has experienced the failure of the state-centric level but also created the relative success of popular level from international to local implementation. The rising awareness of human rights was provoked by Palestinian inhumanity of everyday encounters, has further oriented bottom-up local Palestinian practices and uplifted international attention. For instance, the recently released reports reveal that International Criminal Law has regulated the Israeli inhumanity of apartheid and persecution of Palestinians by International Organizations such as *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid*

¹³⁶ *Ibid.*

¹³⁷ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973), p. 295-96.

and Persecution by Human Rights Watch¹³⁸ and *The State of the World's Refugees: A Humanitarian Agenda* by United Nations High Commissioner for Refugees. More and more international and local movements have become visible and participated in global politics. In the case of Palestine, one can observe that hope sustains human rights work, but it is certainly not sufficient. The shaping of reasoned, well-formed, patient hope is the goal. Even though this process will be slow, the deliberative, nonviolent, noncoercive model for global governance and change could be replicated and applied in other issue regions. Therefore, the struggle for hope itself constitutes hope, and this process is still ongoing.

¹³⁸ Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” (USA, April 2021)

Conclusion

This research starts from a forgotten but critical phenomenon, Sperm Smuggling. The defining and conceptualizing track has closely intermingled with nationalism and gender dynamics within Palestinian society. The other leading participant, the Israeli authority and its measures in dealing with their neighbors, has provoked this new form of nonviolent biopolitical resistance. The innovative notion of *Sumud* plays a vital role in characterizing this phenomenon as a particular interpretation of spiritual forces under the anti-occupational context. It has also changed the main battlefield of the Israeli-Palestinian conflicts from a conventionally intense/violent confrontation dominated by the state power to a grounded resilience of re-existence that emerged from the population.

The consequent influences on reimagining heterosexual Palestinian families are remarkable. The practices of sperm smuggling, and the applications of ARTs have brought new dynamics of bodies' symbolism, blurring the private-public and feminine-masculine boundaries within a still patriarchal society. It explicitly challenges the Man/Human argument made by Sylvia Wynter, which relates that Man has overrepresented Human in akin to patriarchy and masculinity.¹³⁹ The imprisoned status makes men's roles in sperm smuggling less visible than their distant wives mechanically. However, a legally revolutionary transcending or shift fails to happen with the restrictions of Islamic religious power.

¹³⁹ Anthony Bayani Rodrigues. "Introduction: On Sylvia Wynter and the Urgency of a New Humanist Revoluion in the Twenty-First Century." *American Quarterly* 70 (4), 2018, pp. 831-874.

Nationalism, as a constructing ideology in this case, is where the path starts and ends. It starts as a category of analysis situating into the bi-ethnic nationalism confrontations and ends up with categorizing as everyday practices, manifesting the emergence of political subjectivity in applying the language of human rights in the development of Palestinian-ness. Apart from this, the contributions to rethinking orientalism are also noticeable. Palestinian everyday practices of weaponizing bodies as a means of re-existence have produced new dynamics of gendered-specific code and social norms in challenging three dichotomies of domination, consisting of private-public, illiberal-liberal, and local-international. The adaptation of ARTs is no longer a taboo within Islamic society; on the contrary, it has been maximally publicized as a technology of hope and freedom.

The Israeli authority's application of reproductive management on both sides also exemplifies orientalist and settler colonial perspectives, which the emergence of social reality has countered through Palestinian sperm smuggling. It manifests in developing women's rights and the importance of replacing their "invisible" husbands. This process originated from within the Palestinian society and broke the orientalist convention. With the epistemological changes, moral understanding and tolerance resulting from the religious and medical institutions' support further demonstrate the dynamics of (de-)orientalism under an anti-colonial context. This shift explains why this phenomenon has attracted international attention, an exceptional way of re-existence. Such processes refresh the image of Palestinians as 'the oriental' labeled as private, local, and illiberal, especially for women who face dual oppressions from patriarchal and colonial society.

In addition, the decolonial thoughts embodied in the practices of *Sumud* also compensate for the diversity of colonialism with settler-occupation characters. To a large extent, the employment of decoloniality has rationalized and nationalized the individuals' various practices and the subsequent perceptions and resignification of subjectivity and identity. It also

debates whether the participants' behavior should be categorized as an individual or collective or how to situate this phenomenon into the nationalistic image of Palestinian collective identity. Triangular interactions among nationalism, decolonial thoughts, and orientalism become visible. The decolonial thoughts emerged from the mass, gendered concepts reshaped by their everyday encounters and the fluid characters of Palestinian nationalism, verifying the development of Palestinian identity or Palestinian-ness out of the conventional orientalist framework.

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