



Gray local governance and Israeli Indigenous Bedouin: Credibility, functionality and the politics of refusal

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ABSTRACT

Our research explores the Bedouin town of Kseife in Israel's southern district as a case study of a local authority willing to sacrifice the credibility earnable from local population in order to maintain Indigenous symbolic presence against state attempts to eliminate it through assimilation into 'modern' and 'formal' order. Elimination of Indigenous spatiality, typical to settler-colonialism, resulted in dividing the traditional space and society into 'formal' and 'informal' spaces. Kseife and its surroundings are socially and geographically sub-divided into three social groups with contrasting interests: (a) landlords (by customary law) who live in squatter ('informal') localities ('informalities') within and (b) outside the town's jurisdiction, and (c) landless Bedouin who live in the formally planned neighborhoods in town. However, our study on the *spatiality and temporally defined function* of the local authority explores that as part of the 'politics of refusal' to the elimination of Indigenous spatiality, the local authority functions in-between the two sets of law – state law and tradition, and in-between the dynamic interaction between these three groups. Our findings show that the municipality maneuvers between these contradictions and socio-spatial order, thus failing to achieve credibility, yet maintaining Indigenous symbolic presence. We call this functionality gray governance.

1. Introduction

Indigenous spaces worldwide have been facing dramatic transformation as modern state laws and organization of spaces challenge their traditions in general and social hierarchies and divisions in particular. Indigenous communities in settler-colonial societies, such as the Bedouin in Israel, face far-reaching challenges. While traditional customary Bedouin law seeks to secure traditional land rights (Kedar, Amara, & Yiftachel, 2018; Meir, 2009a), national institutions in Israel deny the indigeneity of Bedouin community and its land rights (Frantzman & Kark, 2012; Yahel & Kark, 2016). This denial has entailed displacement of many Bedouin and nationalizing their land. Yet, this policy is camouflaged by state officials' professional and public discourse by highlighting that in a 'modern' space of legality there is need for formal organization of space as a requirement for development, growth and assimilation. Concurrently, the persistence of certain traditional values and norms in Bedouin community are conceived by the state as illegal, hampering the development of Bedouin towns and the region as a whole and organizing property rights inefficiently. The denial of land rights, and efforts to displace the Bedouin communities from their traditional land, accentuate the tensions, hierarchies and

divisions within the Bedouin communities in Israel.

The functionality of Bedouin municipal authorities within this conflictual setting is the core of our research. These municipalities simultaneously perform within external formal governance institutions but internally within highly tense intra-community relationships. They struggle between external state discrimination and internal traditional inequality, yet, their functioning appears to resist state's attempts to downplay their Bedouin tradition and values. It is here that this conflict may correspond with Ho's (2016) credibility thesis which, while shedding light onto this seemingly functionality gap, may also benefit itself from expansion of its theoretical lever. Credibility "is merely the expression of the degree to which institutions are perceived as accepted by those whom they govern". Thus, it is about "finding out what works in a given space and time-dependent context before the question of form is even asked" (Ho, 2014:24). In other words, credibility focuses on temporal and spatial institutional *functioning* rather than on *form*, aiming at earning credibility by the local urban governed community.

Credibility thesis provides a valuable context for understanding the functionality of Bedouin municipal authorities. However, our research proposes a contribution to the international body of knowledge on credibility from the perspective of the particular context within which

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the urbanizing Bedouin are situated. This is the settler-colonial context. Since the credibility thesis is not grounded in a settler-colonial context (nor has this context benefitted to date from this thesis), it does not sufficiently explain the motives behind formal/informal functionality of local municipal authorities as a “politics of refusal” [to the] *settler logics of elimination*” (Simpson, 2014:12) of Indigenous symbolic presence. Therefore, from a broader urban theorization of settler-colonial relationships in cities (Blatman-Thomas & Porter, 2019; Ugarte, Fontana, & Caulkins, 2019), and beyond the particular context of Bedouin in Israel, we propose the concept of *gray local governance* as a new analytical and descriptive frame which may bridge between credibility thesis and the realm of urban gray spaces. This concept defines credibility not only in terms of being credible by local population through its functionality perspective, but also in terms of its ability to challenge the symbolic elimination of indigeneity (or uniqueness of any other minority group) in defending traditional affiliation to land and territory against ‘modern’ and ‘formal’ settler institutions.

The concept of gray local governance and its link to credibility thesis originates in a research we conducted during 2015–2018 which focused on the functioning of the Bedouin town of Kseife. The fieldwork was carried through an interpretive thematic analysis (Boyatzis, 1998) of 24 in-depth interviews conducted in 2016 among local Bedouin residents, and key persons of this community. As will be explained below, the unique and complex composition of the population within Kseife and its surroundings, as is the case in all other Bedouin urban places, required that interviewee distribution most represents these intra-town and extra-town divisions as well as social status divisions within Bedouin Indigenous community. As is very common among the Bedouin and many other Indigenous groups, selection of interviewees in each group was based on a snow-ball method. These interviews were complemented with interviews with nine state officials and an analysis of official documents and development programs provided by municipal, district and national authorities. In these interview materials and official documents, we were particularly interested in extracting evidence to assist our understanding of the spatial and social aspects of functionality of the municipal authority. To this end we employed a qualitative methodology of identifying both contextual data regarding the social and spatial background of the interviewees and their views regarding the functionality of the municipality contextualized within internal Bedouin community affairs and its relationships with the state. In the following sections, after a literature review on credibility and indigenous municipal authorities, we present a background on the Bedouin community in the Negev region. This is followed by a portrayal of the complexity of Kseife in terms of social composition, primarily into landlords and landless groups. We will then analyze the functioning of the municipal authority in Kseife vis-a-vis its credibility among its community members.

Far beyond the particular case of Kseife and Israel, our research makes a major contribution in understanding the issue of gray governance in municipal authorities worldwide facing similar tensions between local tradition and modernity – mainly in societies in which these tensions are encapsulated in conflicts over territory, land and geographies, such as those known in settlers societies (Porter & Yiftachel, 2019). We then present our findings which enable us to elaborate on the concept of gray local governance as a descriptive and analytical framing of credibility achieved by local Indigenous authorities. By so doing, we aim at relating credibility to a growing body of research on settler-colonialism and the city where the conflict between functionality and sociality is very conspicuous (Blatman-Thomas & Porter, 2019).

2. Credibility and its added value to indigeneity and municipal authorities

Our case study highlights the conflict between modern Western rational and traditional Indigenous local governance which, we suggest,

is the juncture where the credibility issue becomes relevant. The scientific discourse on local governance among Indigenous peoples generally focuses on the tension between the modern, rational, formal Weberian institutions and traditional custom and leadership. According to this discourse, formal institutions, such as governmental and local bureaucracy, land tenure structures etc., are heavily inclined towards modernization, development and universal rationality to ensure efficiency and development. In contrast, traditional custom and leadership operate within complex, highly politicized community environments, with shifting family and group alliances and tensions, webs of social support and resource redistribution (Lutz & Linder, 2004). Yet it embodies a greater responsiveness of local leadership to internal cultural factors and diverse local conditions and networks, such as tribal territorial considerations, kin, ritual, political issues, trade, mobility, and economics (Hunt, Smith, & Garling, 2008). Modernists consider it as a threat to efficiency and growth, but they predict an evolution from tradition to modernity.

In reviewing skepticism around the exclusive legitimacy of the formal order, Lutz and Linder (2004) question whether indeed there is an evolution from traditional to rational governance that is compatible with modernization theory. For example, in many post-colonial developing states in Africa and Asia, where political institutions were previously established on the basis of colonial and ‘modern’ principles, greater weight has recently been assigned to formal integration of traditional components into local state government (Bonye, 2013). Thus, formal local governance, characterized by state-law regulation, bureaucracy and a democratic structure, is accompanied by governance that is controlled by traditional leadership which, as shown above, is bound primarily to traditionally ascribed relationships. Such ‘hybrid’ governance contributes significantly to development, conflict resolution and maintenance of social order and harmony (Cleaver, 2001; Clements, Boege, Brown, Foley, & Nolan, 2007; Cummins, 2014; Logan, 2009), yet may reproduce inequality and social prioritization and corruption (Cummins, 2014).

More critical approaches on indigeneity and modernism, originating in critical legal-geography and/or settler-colonial studies, probe the functioning and the consequences of the evolution from traditional to rational governance. These approaches consider “modern” and “tradition” as resulting from historical processes and relations between societies which have a hierarchical relationship of power and control. In these relations, the society in power abuses its own ‘modern’ legal and administrative systems to undermine the very principles that the other society stands for: its ‘traditional’ rule of law, social structure, leadership and property regime. In fact, all these are de-legitimized. De-legitimation has symbolic and material implications: symbolically - the compulsion of ‘tradition culture’ and disregarding its social structural and leadership; materially - denying affinity to land, de-legitimizing customary law and unrecognizing property rights in general and spatial rights in particular – all are having material impacts on these two societies.

In his seminal work on colonialism, law and land, and their compatibility with modernization, Comaroff (2001) introduces the term ‘lawfare’ as a form of war consisting of the use of the legal system against an (internal or external) enemy. Based on this term, Comaroff claims that ‘modern’ legal systems, mainly the ones focused on land, space and property rights, are actually an “effort to conquer and control indigenous peoples by the coercive use of legal means” (Comaroff, 2001, 306). Lawfare is a strategy for disposition - translating indigenous space into a commodified goods. Blomley (2003) expands the discussion on disposition and displacement strategies. He analyzes the role of land surveying, often used to establish maps and boundaries for ownership and jurisdiction: “If colonial possession was dependent upon dispossession, the survey served as a form of organized forgetting”.

Disposition and forgetting are, as Wolfe (2006) explains, means in a transformative socioeconomic system, typical to many places having internal conflicts, mainly in settler societies. The reason is that settler

societies require “the practical elimination of the natives” (Wolfe, 2006, p. 389) in order to establish the settlers in dispossessed territories. Displacement of indigenous people and controlling their land are possible through elimination, i.e. assimilating the Indigenous people within the ‘modern’ bureaucratic system, which means a symbolic denial of indigeneity, their internal social structure, customary law, property rights and conception of land and environment, while legitimizing only ‘modern’ legal, bureaucratic and ‘western’ property systems (Porter, 2011; Wolfe, 2006). This is a ‘social death of indigeneity’ (Wolfe, 2013:258).

This critical analysis of the transformation from traditional to modern system questions the idea of ‘hybrid’ governance. As shown above, ‘hybrid’ refers to formal local governance in indigenous localities accompanied by governance that is controlled by traditional leadership, aiming at contributing to development, conflict resolution and maintenance of social order and harmony (Cleaver, 2001; Clements et al., 2007; Cummins, 2014; Logan, 2009). Inspired by the critical analysis, our research focuses on the functions, rather than the form, of municipal authorities in indigenous localities within the ‘gray space’ of competing forms of governance, legal systems and property regimes. It is here that an understanding whether the functioning of municipal authority is credible by the indigenous community is warranted.

Credibility thesis carries the question “[i]n what ways do actors or institutions achieve and maintain credibility?” (Davy, 2018, p. 856). The answer is that credibility relies on how institutions’ functioning (not forms) are perceived in society (Ho, 2014): “credibility...is conceptualized as actors’ perception of endogenously, autonomously shaped institutions as a common arrangement, and as such is a measure of how actors perceive institutions as a commonly shared rule” (Nor-Hisham & Ho, 2016, p. 1779).

While Pils (2016) argues that a credible system must protect basic rights, credibility thesis has been scarcely employed to a settler-colonial context or to ‘insurgent indigeneity’ against transformative socio-economic system and protection of rights. Indeed, the protection of (land) rights by ‘traditional’ communities against modern (sometimes ‘neoliberal’) property regimes has been extensively analyzed by credibility thesis (see, for example, Zhao & Rokpelnis, 2016, on pastoral communities in Mongolia, protecting grassland against privatization). Pils (2016) analyzes the disputes against eviction by referring to the fact that the institutions of property, while contributing to eviction, might be not ‘credible’.

Our research takes an alternative viewpoint: it refers to the functioning of indigenous municipal authorities as ‘insurgent indigeneity’ against the ‘modern’ socioeconomic system and property regimes. Thus, we suggest a unique case study that relates credibility thesis to settler-colonialism and indigenous communities, but also to its role in ‘insurgent functioning’ of urban governance worldwide facing tensions between local tradition and modernity – mainly in societies in which these tensions are encapsulated in conflicts over territory, land and geographies.

3. Negev Bedouin: between eviction and assimilation

The Bedouin in the Negev region were a pastoral semi-nomadic society, internally divided into confederations, sub-confederations, tribes and extended families (Meir, 1997). Bedouin society had drawn upon unwritten customary law and tribal judicial institutions. These practices regulated internal social and spatial issues, such as tribal territory and boundaries, resource management, land ownership and inter-tribal relationships (Bailey, 2014; Meir, 1996). During the 19th century peasants migrated to the Negev and became tenants on Bedouin land. Bedouin society thus became socially stratified with a landless subordinate and inferior class to the landlord Bedouin (often called “real” Bedouin).

Since Israel’s independence in 1948 intervention by State institutions in Bedouin internal traditional governance has been considerable

(Meir, 2005; Nasasra, 2017). Most Bedouin had been expelled or escaped during the war in 1948. The ~12,000 Bedouin who remained in the Negev were relocated by the State into a predefined area where they were subject to military administration until 1966. These acts are usually considered as physical elimination of Indigenous communities by settler-colonial power (Nasasra, 2017). Property rights, embedded in Bedouin traditional law, were denied by the State of Israel. Supported by a legislation, the Negev was announced as a dead, uncultivated and no man’s land (Kedar et al., 2018). Therefore, Bedouin settlements in the Negev were not recognized, denying them land tenure, home building permits and basic services. Consequently, house demolition, supported by court orders, has been a routine in these localities.

Since the late 1960s the state of Israel initiated a forced urbanization program for the Bedouin community by establishing seven planned ‘modern’ towns, including Kseife in 1982 (Ben-David, 2004). In early years the towns were managed by appointed Jewish mayors and town council members, with only few Bedouin representatives (Meir, 1999). The main idea behind it was to create, exogenously and intentionally, a Weberian model of modern, urban governance that is controllable by the state. This model was imposed by the state reflecting the supremacy of state law over Bedouin traditional law. However, following a legal struggle of the Bedouin in the early 1980s, that preceded their planning legal struggle (Meir, 2005, 2009b), all seven towns, including Kseife in 1996, gained municipal independence and are managed locally by elected Bedouin mayors and city council. Currently only one of these settlements gained a formal status of a ‘city’, primarily by virtue of its population size. This is the city of Rahat, pop. in 2018 ~70,000. All others towns, due to their much smaller size, including Kseifa, are at a status of a ‘local council’. Yet, similar to other localities in Israel, municipal authorities in Bedouin towns operate under the responsibility and supervision of the central government in general and the Ministry of Interior in particular, and thus, their institutional form naturally originates in formal Israeli laws and regulations.

Scholars and Bedouin activists claim that this urbanization should be interpreted as settler-colonial practices of displacing the Bedouin from their land and detaching them from pastoral and farming engagement (Kedar et al., 2018). It has been a continual process of eliminating the physical and symbolic presence of Bedouin in the land of the Negev. However, in contrast to the elimination through eviction that was typical to the warfare of 1948, since the 1960s Bedouin have faced ‘*elimination through assimilation*’: they are forcibly assimilated into the ‘modern’ and ‘formal’ systems of municipal authorities, land use and title laws. By relating assimilation to settler-colonialism we “emphasize the social and material motivations of state policies... it included forced movements of people... physically separated from each other and their environment... that assimilation was geographic displacement as it was cultural loss” (Sissons, 2005: 90).

This program has only been partially successful. Bedouin who moved to towns were mostly landless Bedouins who in exchange became lessees for 99 years of state land in planned neighborhoods (Ben-David, 2004), in what we term ‘*intra-town formalities*’. Out of the present total Bedouin population of ~250,000 about 50% and their present descendants are still living in their historical tribal territories, which are not recognized by the state, in squatter settlements outside towns’ jurisdictions¹ and in some cases even within the towns’ limits², and similarly are not recognized by the State. These are termed by us ‘*extra-town informalities*’ and ‘*intra-town informalities*’ respectively, and are inhabited mostly by Bedouin landowners who refuse to relocate in fear of losing their historical land rights. They are therefore engaged in a

¹ “Jurisdiction”, or “city proper” or “administrative area” refer to the area contained within town limits. Totally 13.7 Km².

² The term “Town limit” is common in the US. “Town boundaries” is common in the UK. In Israel the common term for town boundaries is “blue-line” serving also as planning jurisdictions.

Table 1

Bedouin property rights and residential status in Kseife by customary and state law.
Sources: Atzmon, 2012; Kseife, 2016, CBS, 2017.

Legal status of property rights Residential status	Customary law	State law	Population
<i>Intra-Town formalities</i>	Landlords living on their claimed land Landless in Kseife (but landlords elsewhere) Landless	<i>Lessees / owners</i> <i>Lessees</i> <i>Lessees</i>	9,100
<i>Intra-Town informalities</i>	Landlords living on their claimed land	<i>Trespassers</i>	Approx.6,000*
<i>Extra-town informalities</i>	Landlords living on their claimed land	<i>Trespassers</i>	11,200**
Population within jurisdiction (registered and non-registered, 2016)			15,100
Total population, registered formally as Kseife residents (December 2015)			19,100***

Note: *italic* text refers to property rights and demography according to State law (formality). Non-italic text refers to property rights and demography according to customary law (informality).

* Most of them are registered as Kseife's formal residents. Some are not.

** Approx 4,000 are registered as Kseife residents.

*** This number is a sum-up of: Intra-Town formalities (9,100) + Intra-Town informalities registered as formal residents of Kseife (~6,000) + Extra-town informalities registered as formal residents of Kseife (~4,000).

bitter and highly publicized land conflict with the State which claims these lands (Kedar et al., 2018; Meir, 2009a).

This process created a unique, yet contradictory, social situation in which the landless Bedouin living in intra-town formalities, while still remaining socially inferior by their folk landlords, have improved their material status, while the landlord Bedouin, living in both intra-town and extra-town informalities, have suffered economic downgrading despite their social superiority (Ben-David, 2004; Meir, 1997). In this context, 'credibility by whom', becomes a major issue.

4. The socio-spatial structure of kseife

The town of Kseife was established in 1982 by the state as part of a plan to evacuate the nearby area of Tel Malhata from its Bedouin localities and build a military airbase (Yahel & Kark, 2016). These groups, which mostly were landless tenants living on their landlord's tribal land, were relocated into a site which in Bedouin informal customary law was still regarded a historical territory of their landlord tribe. Other groups refused the displacement and remained on their land in this site. This created a complex spatial structure of the formal town and its surrounding traditional tribal territory because, typical of all Bedouin towns in the Negev, the town is surrounded by unrecognized localities (commonly called by the authorities 'dispersion') composed mostly of the landlord group. The three population groups are described by residential status (see Table 1):

- 1 '*Intra-town formalities*': The planned and formal part of the town itself is composed of three sub-groups: a) landlord Bedouin who live on their denied historically claimed land; b) landlord Bedouin with land claims elsewhere in the Negev which were also relocated to Kseife in the same evacuation event;³ c) landless Bedouin who were relocated from the evacuated site in Tel Malhata. The total population of these groups in 2016 is ~9,100 residents, who occupy 2.1 Km² – '(out of 13.7 Km² within the jurisdictional-'blue line'-area of town). All three groups reached an agreement with the state to become lessees of land from the state by statutory law within formally regulated neighborhoods.
- 2 '*Extra-town informalities*': Some members of the landlord group, while remaining on their land outside town jurisdiction to protect their historical claims, are also registered illegally as formal residents in town. In contrast with state law they thus enjoy local

services and participation in municipal elections to facilitate an impact on its politics.

- 3 '*Intra-town informalities*': In addition, there is an enclave of Bedouin located within town jurisdiction who lay land claims to 11.3 Km². State authorities label this group an 'internal dispersion' and regard them as trespassers on state land. Despite being an informal unregulated enclave within town limits most members of this group are also illegally registered as town residents. The data in Table 1 and Fig. 1 on residency and property rights demonstrate the unique socio-spatial complexity.

This complexity of Kseife's gray urbanism, i.e. the co-existence of formalities and informalities, represents a historical division between landlord and landless Bedouin. The town was planned and built in a territory traditionally dominated by the Dhullam confederation. As in other Bedouin tribal confederations, power and hierarchy have always been part of this structure, which is sustained to present day, with considerable tension violence and occasional bloodshed and vendetta between the various groups. A is the most dominant tribe in Dhullam, and considered as one that possesses and claims a major share of the lands in the region, an ownership claim which is unrecognized by the state, nor claims made by other Dhullam's tribes.

The complex spatio-social structure is reflected in the statements by our interviewees as quoted below, which are representative of many others, and are supported by data from previous research. For purposes of privacy and inter-tribal sensitivity only pseudonyms of tribal sub-tribal and personal names are used. HAA, a member of a Bedouin group living in extra-town informality, who does not belong to the Dhullam confederation, described this situation as follows:

"The majority in Kseife [area] is A and G [landlord Bedouins, also part of Dhullam confederation], and there are four extended families of landless Bedouins: AA, EA, Z and AH. N arrived later [to the Kseife area]. A had been there before the town (established in the 1980s). ...A are the landlords, they are more conservative, they sustain the hierarchy, and they are superiors of the landless." (HAA, 2016, Explanations added by authors in square parentheses)

HAA's view is supported by Fenster (1993): 220):

"The A tribe aimed to retain the class differences within Bedouin society and to preserve their superiority. To retain their dominance, they wanted a higher level of compensation for lands evacuated by them."

AAAN, a landless Bedouin living in Kseife, explains in relation to A as the tribe that 'hosts' Kseife in its traditional territory:

"We are their peasants. Everything they say is sacred. We are powerless because we do not own land. We do not have a place to

³ The allocation of land to families who live there is possible thanks to the Israel Land Authority decision 1383 (20.11.2014). The decision enables a special reconciliation committee to allocate state land to Bedouin claimants without putting it out to public tender, and without collection of land lease fees.

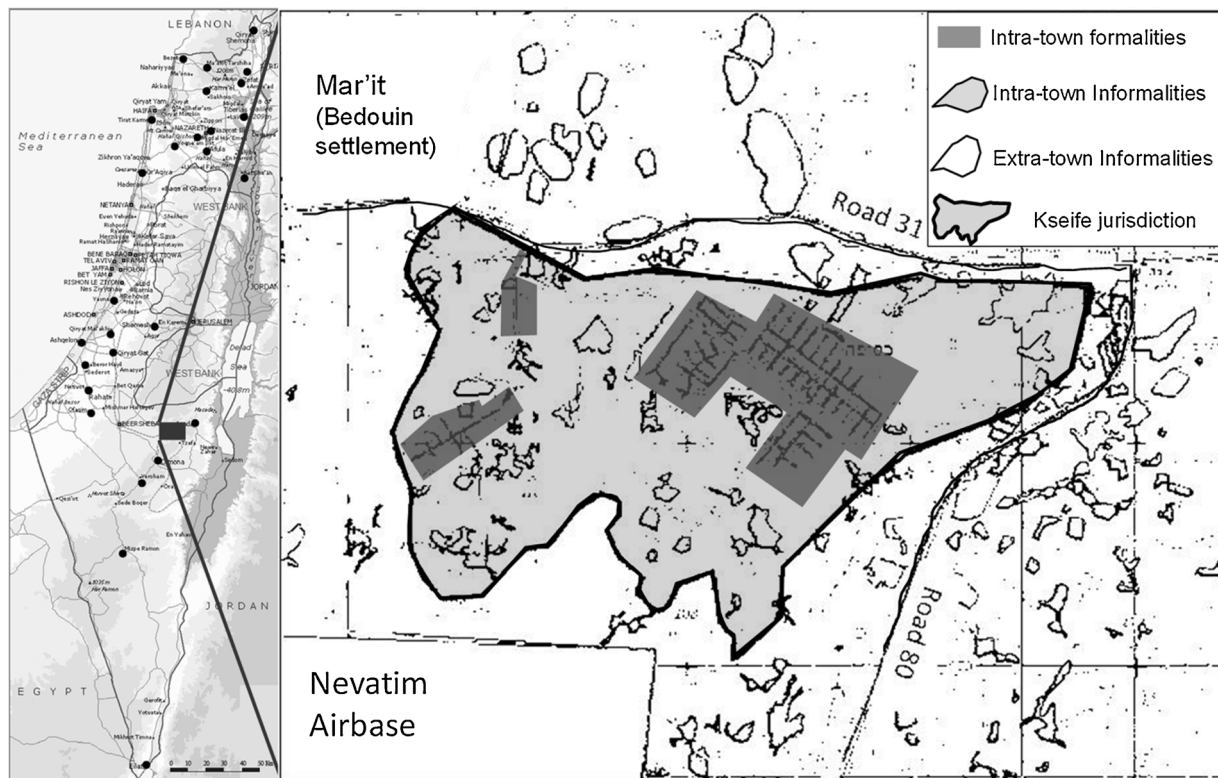


Fig. 1. Socio-spatial structure of Kseife.
Source: Atzmon, 2016

live at: we bought [leased] land from Israel Land Authority [ILA]. The A say that they own this land and they do not allow us to build there. We have no place to live. Our people go to Israel Land Administration, and are told that Israel is the landlord. But A prevent any construction. They control Saturday morning market [In Kseife]. People who bought [leased from the state] the land there [in the market area] cannot build.” (AAN, 2016)

And HEA, a landless Bedouin living in Kseife, adds:

“A enjoys a special status. It represents Kseife. In the past the town was named “Kseife – A”. Most of the land in town is owned by A, therefore they are in power. Kseife’s traditional jurisdiction goes as far as Kfar Kasem, Lod and Ramleh [Arab cities in Israel’s central district to where few members of A migrated]. They all ensure that A will be in power”. (HEA, 2016)

On the other hand, the landed Bedouin largely live in poorly served informalities (Nasasra, 2017) in or around the planned town where their previous ‘subordinate’ Bedouins have built their houses.

This data suggests that these inter group power relations may not be confined to the housing and land issues, and that they infiltrate in fact into many other areas of Bedouin life. Thus the functioning of Kseife’s municipal authority is encapsulated in this politically unique anomaly and complexity, raising our central question of what kind of credibility is at stake, as detailed hereinafter.

5. Local governance: the dual face of credibility

Following the notion that “institutions can be designed exogenously” (Ho, 2016: 1124), Israeli law and the municipal rules and regulations, as set by the Ministry of the Interior (Beeri, 2013; Razin & Hazan, 2004), are intended to apply to Bedouin towns in all possible respects. Bedouin officials elected to run these towns are supposed to perform according to this logic exclusively. Thus, the “right to the city”,

i.e. the freedom to produce a sense of belonging around the community’s own set of values (Lefebvre, 1996), becomes dramatically deficient among the Bedouin (Jabareen, 2014). This is manifested in the traditional kinship social structure such as in Kseife, that plays an important role in local politics (El-Taji, 2008). As put by a member of the hegemonic tribe:

“The municipal authorities in Arab localities replaced the power of the traditional [tribal] establishment. Today, the municipal authorities are [the new] source of prosperity and prestige. The mayor is a substitute to customary law. Thus, an unwelcome mayoral candidate might be rejected – this is how important the municipal authorities are, this is all we have been left with” (HAR, Interview, February 14, 2016).

He refers of course to candidates’ intention to perform by practicing the customary law that privileges the real Bedouin. Indeed, mayors of Bedouin localities bring along a traditional logic of governance and regulation that is concordant with traditional customary law, institutions and leadership along with social and political obligations and alliances towards tribal kin and interests. The elected mayor of Kseife represents some of these characteristics, as AAN, a landless Bedouin who lives in an intra-town formality, critically puts it:

“[The Mayor]] is an outsider, and serves the ‘pezura’ [Hebrew for ‘dispersion’, meaning ‘informalities’]. Everything is in favor of his own people, thus the town is not developed. Schools and sport facilities are dreadful... only for promoting the interest of his family [tribe]” (Interview, March 3, 2016).

This criticism, typical to ‘formal Kseifians’, indicates shortfall of credibility. Yet, we should conceive of the functionality of the municipal authority as one that preserves traditional social structure as a method of resisting the symbolic elimination of indigeneity. These practices of resistance denaturalize the restrictive frames imposed upon their socio-spatial structure.

Kseife’s socio-spatial setting, described above, plays a major role in this functionality. The spatial configurations of municipality and constituency do not necessarily conform to the socio-political spatial

division of historical tribal hegemony, which still reflects traditional Indigenous local institutions, governance and internal power relations. Since, in many respects, the Bedouin still largely adhere to their historical social hierarchies, there is a potential for the formation of spatial informality of local town governance, both internally and externally; that is, there is a spatial "leakage" or flow of power from the outside into town. In the case of elections this leakage is twofold. First, the mayor belongs with the ~6,000 residents living in intra-town informalities. Second, the voting pattern of Kseife is based on intra-tribal ties, loyalties and affiliations, reflecting tribal interests rather than individuality. It follows that the mayor has been supported by voters belonging to the Dhullam confederation, most of whom live in intra-town and extra-town informalities, and many are registered as town's formal residents enjoying voting rights in town. A landless interviewee, who lives in formal Kseife, explains: "The Dhullams register as Kseifians to take over the town" (AAN, 2016). This may be one explanation, but an alternative one is that it serves to maintain traditional social structure, as explained by MJ (2016): "Families [tribes] (living in extra-town informalities) are registered as Kseifians and vote in local elections. These are the aristocrats. All of them vote for the mayor [in office] ...to serve the tribal system".

Formal Kseife residents, living in intra-town formalities, constitute the minority, thus having a limited ability to influence the tribal origin of the mayor. Since the first local elections in 1996, all the mayors have been of the dominant tribe in the Dullam confederation. The mayor at the time of research has won the four elections since 2000.⁴ Indeed, as the mayor lives in intra-town informality he cannot formally serve as a mayor. More important is the fact that his tribe is part of the local 'aristocracy', and their ruling symbolizes a resistance to state attempts to eliminate indigeneity.

While above we dwelled upon the issue of who holds municipal supremacy, there are more mundane issues that reflect the power duality. Such is the following case of Kseife's main street. This street connects the two main entrances to town. It hosts the city hall, main post office, two mosques, shopping center and schools. This is the only four lane road in town, and it serves all public transportation lines. However, there is a 700 m of a dirt, unpaved, undeveloped section of this road that is located on a land parcel which is claimed by a member of a Bedouin landlord tribe⁵ who lives in an extra-town informality. Justified by public interest, the Israeli law allows municipal authorities to expropriate land and compensate owners (Alterman, 2010). Needless to say that the state denies this land claim and considers this section of road as state land.

SEA, a member of the landless Bedouin group who lives in the intra-town formal neighborhood, explains why the section has not been paved and developed: "The mayor shares interests with the landlords, thus he is not getting into it. This is for pride only". And HEA, a landless Bedouin (who lives in an extra-town informality), adds: "[the Mayor] is not willing to confront anyone from his confederation... Any other mayor would insist developing this road" (SEA, 2016; HEA, 2016).

The refusal of this landlord to allow further development of the road, supported by the mayor, is explained in two interlinked dimensions: the first has to do with territoriality and nationalism. The state of Israel persistently denies Bedouin land rights, as part of what is regarded as a policy of Judaization and de-Arabization of space in Israel/Palestine (see: Kedar et al., 2018). The Bedouin have faced rejection of their claims for property rights, evictions, house demolition and non-

recognition of their historical settlements. Bedouin, mainly landlords, considered the development of the seven towns, Kseife included, as a project aiming at concentrating the Bedouins into limited and controlled spaces, and as a mean of untying the attachment of Bedouins to their land (Nasasra, 2017). In this respect, this particular landlord and the mayor prevented the development of the road as part of an insurgent challenge that they pose to Israel's land policy by claiming recognition of their rights. AHHAZ who lives in an intra-town formality, sides with the landlord:

"The land belongs to [this tribe-]. It hasn't been paved because [state] authorities refuse negotiating with the landlord. The landlord has reasonable demands [to formalize his property rights], but the authorities do not agree" (AHHAZ, 2016).

The second dimension concerns social relations and hierarchies in Bedouin society. Dhullam members criticize the landless Bedouin that living in planned townships implies cooperating with state authorities in the efforts of 'elimination through assimilation' against Bedouin tradition. As elaborated above, landless Bedouin living in intra-town formalities, while still remaining socially inferior, have improved their material status, while the landlord Bedouin living inside or outside town in informal-unrecognized settlements and neighborhoods, have suffered economic downgrading despite their social superiority. IAG, himself a member of the same tribe, says:

"[landless Bedouin living in intra-town formalities] do not understand that we [Dhullam] were here before the Ottoman Empire. We have *sanad* [internal informal land purchase documents] and we had paid taxes [to the Ottoman regime]. And they have been here only 30 years" (IAG, 2016).

Obviously, the road issue is only a reflection of municipal functioning on the seamline between formality and indigeneity. The municipality does not take measures against the interests of the landlords, although, formally, this is what municipal authorities in Israel are expected to in such cases. Many officials have claimed that during negotiation between Bedouin landlords and state authorities, the mayor's common reaction is that he supports whatever is agreed upon by landlords and residents. Sometimes this reaction represents a belief in deliberative planning; sometimes it represents identification with Bedouin tradition. However, some officials also argue that the mayor encourages landlords to avoid negotiation with state authorities, as part of a tactic to oppose the settler-colonial power.

In the same vein, the functioning of the municipality of Kseife and its mayor provide many spatial and non-spatial examples to 'maneuvered functioning' between the two sets of state common law and Bedouin customary law, as well as within the local social powers. For instance, the appointment of teachers from particular extended families at schools which are located on land that traditionally (and informally) belongs to them; the allocation of land for cemeteries to tribes living in extra-town informalities, while cemeteries for locals are in full capacity and non-functional; water pipes and sewage pipes that curve in town to avoid passing through claimed lands with increased costs of construction and maintenance; and garbage collection from intra-town informalities.

The credibility thesis states that the persistence of institutions is a reflection of the functions they provide to societal actors. Institutions that cease to provide any function can become empty and over time vanish (Gomes & Hermans, 2018; Ho, 2014). One indication of the persistence of Kseife's municipal authority is the fact that the same mayor, who does not live in a formal neighborhood but in an intra-town informality, has been re-elected sequentially four times. To this end he needed the support of voters living in intra-town formalities. As some of the interviewees argue, this group of residents, many of whom are landless Bedouins by traditional law, indeed oppose a mayoral candidate living in an intra-town informality and oppose the allocation of local resources and services to intra- and extra-town informalities. But they do not protest against the freeze imposed upon development policy caused by land claimed by landlords Bedouin, and do not insist on

⁴ In the municipal elections conducted in Kseife in October 2018, after our research was completed, a new mayor was elected, and he too lives in an intra-town informal neighborhood but belongs to a different landlord tribe of the same confederation.

⁵ This landlord tribe is part of the Dhullam confederation too, and allies with the dominant tribe of the mayor. Their claimed lands are located east of Kseife, but some families claim property rights in town.

having qualified school teachers for their children, accepting unqualified ones who are affiliated with the landlords. Indeed, some interviewees criticized the mayor in our presence. But, simultaneously many others grant credit to the functionality of the municipal authority, thus elect the mayor time and again.

6. Gray local governance to further credibility: discussion and conclusion

Our research explored the Bedouin city of Kseife as a case of a municipal authority willing to sacrifice the support earnable from some segments of the local constituency in order to maintain Indigenous symbolic presence against state attempts to eliminate it through assimilation into 'modern' and 'formal' order. It means that credibility may be redefined not only in terms of the acceptance by those governed by the municipal authority (Pils, 2016), but also in terms of 'insurgent indigeneity' (Forbis, 2016) and refusal to the settler logic of elimination (Simpson, 2014).

The settler logic, a continuity of spatial methods developed for governing Bedouin lives to further state interest of their elimination and dispossession, began with physical eviction in 1948 and continues in the present atmosphere of forced assimilation of the Bedouin into 'modern' and 'formal' order. This order is based on a denial of Indigenous rights, mainly land rights (Kedar et al., 2018; Porter, 2006; Roded & Tzfadia, 2013). Settler-colonialism is based on emptying land of Indigenous presence, as a means of land appropriation by the colonizers (Wolfe, 2006), through forced urbanization (Ugarte et al., 2019). The methods of emptying the land through urbanization varied from eviction to assimilation. Assimilation, as explained above, is a symbolic elimination of indigeneity, because it enforces the norms and legal system of the colonizers over the Indigenous people, thus resulting in 'social death of indigeneity' (Wolfe, 2013:258). This is the proper context for discussing credibility within an Indigenous framework.

Credibility thesis has not engaged to date with settler-colonial urbanism. In our case study the credibility thesis indeed provides a new explanatory vocabulary to further understanding the functioning of institutions, development, and politics which is missing in settler-colonial urbanism. However, as our case study shows, credibility thesis has some limitations in explaining the functionality of municipal authorities. Our research suggests that the functionality of Indigenous municipal authorities is more complex, because for them credibility means to be accepted by all agents involved with Indigeneity, that is, simultaneously by traditional social structure and customary law; by state institutions which provide the legal frames of resource allocation (yet perceived by local community as a threat to indigeneity); and by internal and external residents of the locality governed by the municipal authorities.

This complexity results in maneuvering functionality between formality and informality; between acceptance and refusal of modern state legal form; and between 'modern' and 'traditional' geographies. Descriptively and analytically we term this functionality as '*gray local governance*': a local governance method in which the boundaries between the formal and informal have become blurred. The essence of gray local governance is its focus on governing functions rather than formal structures and on forms that do not rest solely on resources and practices associated with law and formal state institutions and practices. Gray local governance is aimed at earning credibility by the local community, but, beyond credibility, rejecting the settler logics and policies of eliminating indigeneity, even if this contradicts the aim of credibility.

Credibility thesis, as our research on Kseife reveals, clearly echoes in gray local governance. Rather than formal jurisdiction, Kseife's Bedouin municipal authority created dialectically a *functional jurisdiction*, as a governance layer beyond its spatial one, that is both formal and informal which, beyond intra-town formalities, includes intra-town and extra town informalities. This function fuzzes and cushions its formal

boundaries, fuels flexible urban citizenship, prevents the implementation of law in relation to informal home constructions, does not interfere with issues of the land claimed by Bedouin landlords and serves residents living outside its formal boundaries. Being a unique Bedouin's adaptation and mediation of their culture along the formal-informal spectrum, given inter-tribal power relations, this functionality rejects the idea of a 'normal order', because it may be suspected as a settler-colonial logic. Fuzzy boundaries - between traditional Indigenous and modern (suspected too) governance territories - internal and external, types of tenure, and types of authorities (formal or traditional) are one characteristic of gray local governance. Another one is soft spaces, i.e. spaces that can be planned, built or evicted both formally and informally. *Functional jurisdiction* means being in flux, rather than static. Gray local governance rests on flexible, dynamic, negotiable and interpretable functionality, aiming at stabilizing unstable realities, boundaries and socio-spatial dynamism. Nevertheless, full stability is unachievable, and *equilibrium* is temporary. This is what credibility thesis would regard as a *Dynamic Disequilibrium* (Ho, 2018).

Gray local governance among Indigenous communities, as well as among other kinds of minorities, is a functional and political framework that mixes exogenous settler-colonial policy with endogenous Indigenous customary law, whereby one shape shifts into the other in continuous alternation. In this sense, the concept critically intersects with the credibility Thesis, which "precludes an external agency that can shape institutions, as any actor is involved in the 'game', albeit institutions may be perceived as externally shaped" (Ho, 2013: 1091-2). In this respect, we suggest that future research needs to explore the interactions of gray governance with credibility thesis particularly with the growing understanding that most of present-day urbanization worldwide takes place within informal contexts, not only under highly ruptured settler-colonial conditions as described here, but also in less contested contexts (Porter, 2011).

Along with this suggestion, we would like to highlight the practical potential of gray local governance and credibility thesis to enhance real decentralization and pluralism in processes of decolonization. Gray local governance quietly 'indigenized' the 'globally southern' city and its nearby rural area through daily urban practices, making Indigenous spatial rights more valuable through alternative, more traditional kinds of urban land and planning regimes. As Davy (2018), p. 854 maintains, "since land rights, fulfilling their desired function, can be credible without full formalization or standardization, land policy must not consider dichotomies (such as 'formal' versus 'informal'), but degrees of (in)formality or credibility", in similarity to the above notion of a formal-informal spectrum. We join this call for state institutions to avoid delegitimizing indigeneity by producing dichotomies such as within/outside jurisdiction, modern versus traditional styles of governance, or customary versus modern laws. This could be an important step toward decolonized cities and geographies.

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