

identified this as the Umayyad caliph by virtue of its resemblance to a standing figure on the coinage issued by 'Abd al-Malik between 693 and 697. Recently, however, both Clive Foss and Robert Hoyland have questioned the latter identification, suggesting that the figure depicts not 'Abd al-Malik but the Prophet Muhammad. Supporting the challenge (although not necessarily the alternative identification) are differences between the Arab dress of the figure on the coin and the stucco sculptures of caliphs or princes recovered from the Umayyad palaces at Khirbat al-Mafjar near Jericho and Qasr al-Hayr al-Gharbi in northern Syria, which wear Byzantine or Sasanian garb.

In addition, the facial features of the standing figure on at least some of 'Abd al-Malik's figural coins are closely related to those of the bearded Christ depicted on coins struck by the Byzantine emperor Justinian II between 685 and 695. If, as seems likely, the latter provided the inspiration for the Umayyad figural coins, the appropriation might be read against the contrast between the past role of Jesus and future role of the Prophet as intercessor on behalf of the Muslim community that Grabar notes in the Dome of the Rock inscriptions (p. 117). This does not, of course, mean that the figure depicted on the Umayyad coins is in fact the Prophet, even if its traditional identification in modern scholarship is less secure than has been assumed. However, read against the epigraphic program of the Dome of the Rock, the depiction of the Prophet rather than the caliph on the pilgrim flasks would make more sense, given the suggestion that they were used by pilgrims to carry away *khuluq* (an unguent used to anoint the rock) from the Dome of the Rock, whose octagonal form they apparently echo in miniature.

Epigraphic and other materials thus suggest that a particular association between the Prophet Muhammad and the Dome of the Rock had been established at the time of the monument's construction, perhaps in the context of an evolving Marwanid caliphal ideology. It remains an open possibility that the nexus between the two was provided by accounts of the *mi'raj*. The canonization of this association in the eighth through eleventh centuries by the construction of satellite structures such as the Dome of the Ascension or the Dome of the Prophet, which marked particular moments in the unfolding of the *isra'* and *mi'raj*, or through the inscription

of Qur'an 17:1 in al-Aqsa Mosque, foregrounded one among the many original associations of the Umayyad Haram al-Sharif, rather than representing a radical post hoc interpretation.

This shift in emphasis resonates with Grabar's concluding remarks regarding the ability of forms that are visually powerful but iconographically weak to attract concatenated and overlapping meanings through time (pp. 207, 211). In the case of the Dome of the Rock, there are two corollaries. First, the dynamic shifts in meaning that marked the diachronic reception of the shrine were not necessarily reflected in alterations to its form (p. 159). Second, stability of form did not imply total material stability; the "Ottoman" tiles that replaced the original exterior mosaics in the sixteenth century and that define the appearance of the monument today are largely twentieth-century replacements for decayed originals (pp. 1-2). The former observation raises the interesting methodological problem of how, in the absence of "archival" interventions/traces upon their fabric, historians might access the social life of the monuments that they study. The latter provides a cautionary reminder for those of us who teach or write about the Dome of the Rock as if it were the pure product of late seventh-century caliphal patronage.

EXPROPRIATION LEGACIES

Land Expropriation in Israel: Law, Culture and Society, by Yifat Holzman-Gazit. Aldershot, UK, and Burlington, VT: Ashgate, 2007. viii + 173 pages. Bibliography to p. 196. Index to p. 204. \$99.95 cloth.

Reviewed by Jeremy Forman

Land Expropriation in Israel: Law, Culture and Society is one of the first monographs in a primarily article-based body of literature that examines the evolution of Israeli land law and its impact on Israeli society. Written by a leading Israeli legal historian and former independent academic advisor to the Israeli Interministerial Committee on Reform of Land Expropriation Law, the book is unique in that it does *not*

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focus on the state's mass appropriation of Arab-owned land over the years. Instead, it explores the history of land expropriation for "public purposes," a mechanism that has been applied to Israel's Jewish and Palestinian citizens alike, and which most scholars agree played a relatively minor role in appropriating Arab land. In this way, the book compels readers to view expropriation from Arabs and Jews as part of the same issue, an approach that ultimately sheds important new light on the subject.

The book begins by surveying the evolution of the statutory basis of Israeli land expropriation. The legislation constructed a "draconian" (p. 12) apparatus, which for years was devoid of democratic safeguards, although guidelines issued by the Israeli attorney general in the mid-1980s improved things somewhat. In contrast to these efforts, Yifat Holzman-Gazit explains, and in contrast to its own evolving role as the guardian of civil liberties in Israel, the High Court has historically refrained from safeguarding private property rights. This brings us to the book's main question: why has the Israeli court thus far intervened in the expropriation of private property only once, merely to subsequently revise this ruling in 1994?

Land Expropriation in Israel is dedicated to answering this question, and it does so in nine clearly argued chapters that contextualize the relevant rulings of the past fifty years in the changing role of the High Court, Jewish state-building, land and security policies vis-à-vis Palestinian citizens, and the post-1967 politics of occupation and annexation. The answer it offers is four-fold. First, it posits that the court's rulings have been influenced by Zionist leaders' historical adoption of the strategy of inalienable Jewish-national landownership for colonization and state-building. In an especially interesting section, Holzman-Gazit shows how Jewish-national landownership became a key component, not only of the Israeli land regime, but of Zionist ideology and popular culture as well.

The second factor, Holzman-Gazit holds, has been the urgency with which Jewish Israeli leaders have regarded the linked policy goals of Jewish immigration absorption, a nationwide Jewish majority, and regional Jewish majorities. These goals have shaped government housing policies, which often called for expropriation of private property, and have also been consistently incorporated into High Court rulings.

The third factor has been the legacy of the legal tools used for the sweeping appropriation of Arab-owned land in the early 1950s. Despite her conscious decision to examine a mechanism applied to both Arabs and Jews, Holzman-Gazit's most innovative conclusion has to do precisely with the legacy of appropriation from Arabs. It was this earlier process that generated the troubling principles that subsequently came to characterize Israeli case law on expropriation for public purposes. In this way, the author comes full circle, from distancing her focus from the mass appropriation of Arab land to concluding that it was precisely this process that shaped rulings in the seemingly unrelated expropriation of Jewish-owned land.

The fourth factor shaping the case law, according to Holzman-Gazit, has been the changing political context of property rights adjudication in Israel since 1967. Israeli officials have engaged in development projects aimed at ensuring a Jewish majority in Jerusalem and drawn up new plans for judaization of the Galilee. This has led to expanded expropriation, and justices have again swiftly incorporated new state goals into their rulings.

Academically, *Land Expropriation in Israel* is important for two reasons. The first is its conclusion, drawn from previously overlooked quarters, that "the Jewish-Arab land struggle shaped the Court's approach to property rights, not only in areas of high political and national tension such as Jerusalem and the Galilee, but created the pattern for expropriation adjudication throughout the country" (p. 149). The second is its conclusion "that the Supreme Court's considerable self-restraint . . . had not only its intended effect on land ownership in the Arab sector, but also an unintended parallel effect on the legal treatment of private land ownership and land expropriation in the Jewish sector" (pp. 4-5). Scholarship has hitherto not addressed this dynamic, and this finding contributes to a more complete and nuanced understanding of the history of Israeli land-takings law.

This should not be taken to imply that Jews and Arabs have suffered equally from state land appropriation. As Holzman-Gazit herself notes, "there can of course be no doubt, that the scope and frequency with which Arab land rights have been violated in Israel make such violations of Jewish property rights appear paltry by comparison" (p. 4). However, the fact that legal

mechanisms developed to limit Arab land rights were subsequently used against Jews does provide insight into Israeli governance on another level, by illustrating that when discriminatory practices against a particular social grouping are implemented under the cover of law, they may take root in the country's legal culture and machinery and, ironically, come back to haunt the very group whose interests they were originally thought to serve.

BARGAINING CHIPS

Jewish Property Claims against Arab Countries, by Michael R. Fischbach. New York: Columbia University Press, 2008. xvii + 271 pages. Notes to p. 317. Bibliography to p. 327. Index to p. 355. \$35.00 cloth.

Reviewed by Sami Shalom Chetrit

Michael R. Fischbach's fascinating research portrays in a chronological fashion, and in parallel to the Arab-Israeli conflict, the process by which the Jews of the Muslim world lost not only their property but also, most importantly, the individual right to claim compensation for their loss in their relocation to Israel. Israel, with the collaboration of government-sponsored organizations of Jews from the Arab and Muslim world (mainly the World Organization of Jews from Arab Countries), has silenced property claims and held these as bargaining chips in future negotiations with the Palestinians over the 1948 Palestinian refugee issue. In his previous books, Fischbach, a history professor at Randolph-Macon College, had addressed Palestinian refugee and dispossession issues.

After a short introduction laying out the main questions addressed in the book, the first chapter describes in detail the history of the 1948 war and its consequences with regard to population displacement and property losses. The second and main chapter follows the history of Jewish claims for property losses and the evolution of Israel's "balancing" strategy referred to below. Finally, the third chapter surveys the reality of

Jewish claims today, country by country, up until today's Iraq under U.S. occupation.

According to Fischbach, as early as 1951, the official Israeli position asserted a mutual cancelation of compensation claims on both sides of the conflict: Palestinian refugees on one hand and Jewish Arab refugees on the other. The Israelis believed that this balancing approach would eliminate any future Palestinian compensation claim and, more crucially, the Palestinian claim to the right of return of the 1948 refugees, acknowledged in United Nations Resolution 194. Fischbach's argument throughout the book is that Israel's first prime minister, David Ben-Gurion, and his followers used these Jews as a bargaining chip with regard to the Palestinian refugee issue. While these Jews are regarded as *olim* (Jewish immigrants) in official Zionist historiography, at the negotiation table they were reduced to the status of "refugees." The Israeli logic was therefore that the 1948 war had resulted in relatively similar numbers of refugees on both sides, neither of which should return to their homes. Of course, not only would the return of approximately 750,000 Palestinian refugees to now-Israel be regarded as a disaster by Israelis, but the return of about 800,000 Jews to Arab and Muslim countries could also have been devastating from a demographic perspective.

Later in the book, Fischbach describes Israel's change in strategy on this issue during the 1990s, when it discovered the embarrassing ratio of the value of the property claimed by both sides—22:1 in favor of the Palestinians. This alone has stunted the Israelis' balancing approach, and they have now suggested an international fund to handle both sides' property claims. Rightly so, the Palestinians have rejected this suggestion, refusing to tie the issue of Palestinian refugees to Jewish emigration from the Arab world. In numerous quotations collected by Fischbach, Palestinian leaders reject the notion of balance, arguing that any Jewish claims against Arab countries should be filed with those governments, not with the Palestinians (who bear no responsibility for the relocation of those Jews to Israel). Fischbach's precise data and analysis show that Israel had no real ground for its balancing strategy and that only the case of Palestinian refugees should be discussed in Israeli-Palestinian negotiations.

I wish to bring into this discussion an additional observation from my own radical Mizrahi point of view. We know for a fact,

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