



# Explaining spacio-cide in the Palestinian territory: Colonization, separation, and state of exception

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## Abstract

This article argues that the Israeli colonial project is ‘spacio-cidal’ (as opposed to genocidal) in that it targets land for the purpose of rendering inevitable the ‘voluntary’ transfer of the Palestinian population primarily by targeting the space upon which the Palestinian people live. The spacio-cide is a deliberate ideology with unified rational, albeit dynamic process because it is in constant interaction with the emerging context and the actions of the Palestinian resistance. By describing and questioning different aspects of the military-judicial-civil apparatuses, this article examines how the realization of the spacio-cidal project becomes possible through a regime that deploys three principles, namely: the principle of colonization, the principle of separation, and the state of exception that mediates between these two seemingly contradictory principles.

## Keywords

Bio-politics, colonialism, Palestinian–Israeli conflict, state of exception

Since the Zionist myth of *a land without people for a people without land*, the policy of successive Israeli governments has been to appropriate land while ignoring the people on it. The founding myth has been perpetuated, and, in its more modern form, can be seen in the policy of acquiring *the most land with the fewest people*. The resulting institutionalized invisibility of the Palestinian people both feeds and is being fed by Israel’s everyday settler-colonial practices.<sup>1</sup> This enforced invisibility sustains an Israeli system neither interested in killing nor in assimilating the Palestinians. Asking the Palestinians of Israel to be loyal to the State has never brought with it the prize of equal citizenship;

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while the Israeli narrative sees Jerusalem as its 'eternal unified capital,' it does not try to economically and urbanely integrate the quarter of a million Palestinians of the city.

This article has two parts. In the first, I argue that the Israeli colonial project is what I coin 'spacio-cidal' (as opposed to genocidal) in that it targets land for the purpose of rendering inevitable the 'voluntary' transfer of the Palestinian population primarily by targeting the space upon which the Palestinian people live. My argument refers to Israel/Palestine on both sides of the Green Line, even if the form and magnitude of the spacio-cide significantly vary between the inside and the outside of the Green Line. In this article I focus only on the spacio-cide in the Palestinian territory.

By describing and questioning different aspects of the military-judicial-civil apparatuses, I examine, in the second part of this article, how it becomes possible to realize the spacio-cidal project through a regime that deploys three principles, namely: the principle of colonization, the principle of separation, and the state of exception that mediates between these two seemingly contradictory principles. I reveal their ideological underpinnings and the forces entrenched behind them. Although Palestinian political/military actions have challenged these three principles, I will not deal with the Palestinian agency unless it is important to understand the repercussions for the Israeli regime in the territory.

This article draws upon secondary data produced by different organizations concerning the occupation and a series of interviews that I conducted between 2001 and 2005 in the Palestinian territories among many Israeli and Palestinian stakeholders dealing with the occupation.<sup>2</sup> In addition, as coordinator of a research team with Adi Ophir and Michal Givoni composed of Israeli, Palestinian, and international researchers, I benefited from the discussion and the data provided by this team.

## What is spacio-cide?

Compared to other colonial and ethnic conflicts (Rwanda–Burundi, Serbia–Bosnia, etc.), the 1948 war did not, relatively speaking, produce many casualties. The notion of *al-Nakba* (the Catastrophe) is based on the loss of land and refugeehood, rather than the loss of life. Even after six years of Intifada, the number of victims is relatively low. During 63 years around 112,000 died (89,000 Arabs and 23,000 Israelis) compared to the six weeks of madness in Rwanda in which some 800,000 people were killed or to four years of Bosnian–Serbian conflict (100,000–200,000 killed).

The Israeli settler-colonial project is not a genocidal project in a legal sense<sup>3</sup> but a 'spacio-cidal' one. In every conflict, belligerents define their enemy and shape their mode of action accordingly. In the Palestinian–Israeli conflict, the Israeli target is the *place*.

As we will see in detail, spacio-cide is mainly land confiscation in order to construct Jewish settlement, house demolition, and population transfer. In order to realize this, spacio-cide involves a mix of three strategies. First, it involves 'space annihilation,' to paraphrase Kenneth Hewitt (1983), which is a mass destruction of space, similar to that witnessed in Europe during the Second World War (destruction of Dresden, Hiroshima, settlements in northwest France), though differently in the case of Israeli practices. The most flagrant example is the destruction of the Jenin refugee camp. The second strategy

is that of ethnic cleansing, which was used as a first step toward the dispossession. Ilan Pappé (2006) demonstrated how ethnic cleansing was not a circumstance of war, but rather a purported goal of combat for early Israeli military units led by David Ben-Gurion. After 1967, this strategy has taken the form of creating settlements in the Palestinian territory populated entirely by Jews. The third strategy, deployed in the face of resistance to space annihilation and ethnic cleansing, consists of what Oren Yiftachel (2006) calls 'creeping apartheid.' Creeping apartheid utilizes increasingly impregnable ethnic, geographic, and economic barriers between groups vying for recognition, power, and resources. As we will see, Palestinian spaces are especially difficult to live in because of the growing apartheid system being applied to them.

Spacio-cide does not entail therefore the 'postmortem city,' as Chris Hables Gray described an aerial 'damage assessment' map of Tokyo after the US firebombing devastated the city in March 1945, resulting in the killing of over 130,000 civilians in a few hours (Graham, 2004). It is rather a spectacle of destruction without/with little death. Different reports produced by the Jerusalem Emergency Committee, a working group set up by Jerusalem-based NGOs after the April 2002 Israeli invasion, showed systematic destruction of public places: all but two Palestinian ministries and 67 NGOs were totally or partially destroyed. Destruction was not the side effect of the war but the main leverage of political pressure. What was striking about this wanton destruction was the vandalism. To seize documents and computer hard drives from the Ministry of Education can be 'understood' within the framework of a military hunt for information that would prove that the Palestinian public educational system 'produced incitement and engendered suicide bombers,' but why did soldiers also have to smash the computer screens and tear apart the furniture? In the war on Gaza that started in December 2008, 1334 people had been killed by 20 January 2009 (against 18 Israelis), but what is spectacular is the destruction: 4100 completely destroyed housing units and 17,000 partially damaged buildings and housing units.<sup>4</sup>

During the war years in the former Yugoslavia, architect and former mayor of Belgrade Bogdan Bogdanovich (1993) was one of the first to coin the term 'urbicide' to describe the destruction of cities in the Balkans. Serbian nationalism romanticized rural villages where a single community spirit predominated. The city in this context was a symbol of communal and cultural multiplicity, the antithesis of the Serbian ideal. In the Palestinian occupied territories, the entire landscape has been targeted. The weapons of mass destruction are not so much tanks as bulldozers, which have destroyed streets, houses, cars, and *dunam* after *dunam* of olive trees. It is a war in an age of literal agoraphobia, the fear of space, seeking not the division of territory but its abolition. A trail of devastation stretches as far as the eye can see: a jumble of demolished buildings, leveled hillsides, and flattened wild and cultivated vegetation. This barrage of concentrated damage has been wrought not only by the bombs and tanks of traditional warfare, but by industrious, vigorous destruction that has toppled properties like a violent tax assessor. So far, these policies have climaxed with the destruction of a third of the Jenin refugee camp.

The Israeli project during this Intifada has as its objective to make a kind of 'demographic transfer' or what one Israeli minister has called a 'voluntary transfer' of the Palestinian population by transforming the Palestinian *topos* to *atopia*, turning *territory* into mere *land*. It is by the means of spacio-cide that Israel is preparing such a population

transfer, and already, since the beginning of the Intifada 2000, around 180,000 Palestinians have left the country, some 5.3% of the Palestinian population in the West Bank and Gaza.

The spacio-cide has been applied independently of the peace process to increase the settlement of the Jewish population. Even after the signing of these accords, the number of settlers increased three-fold (from 268,756 in 1993 to 518,974 in 2010)<sup>5</sup> and the area of the settlements doubled, constituting 144 settlements. Even after the Israeli withdrawal from the Gaza Strip, Israel evacuated 8500 settlers from Gaza and part of northern West Bank but embarked on plans to make room for 30,000 new settlers that year alone (2005), primarily in and around occupied East Jerusalem.<sup>6</sup>

House demolitions are another tactic used to induce this transfer. From the beginning of the current Intifada in September 2000 (until September 2007) 77,759 housing units were damaged, of which 8103 were destroyed completely, in the Palestinian territory.<sup>7</sup> And the numbers just keep rising. This destruction has taken place mainly in Rafah, Jenin, Nablus, Hebron, and Jerusalem, and many of the refugees of these demolitions were already refugees from 1948 or 1967.

Transfer is also brought about by the 'de-naturalization' of some 200,000 Palestinians who have found themselves trapped between Israel's West Bank barriers and are now neither in Palestinian nor Israeli space, but are rather *de facto* stateless and space-less.

People have been forced to migrate internally as well. In Hebron, for instance, some 5000 people (850 families) have left the Old City to neighboring villages because of Jewish settler vigilantism, harassment and violence, and Israeli army imposed curfews.

This 'spacio-cide' has been rendered possible by the Israeli division of the Palestinian territory into zones A, B, B-, B+, C, H1, and H2. These areas are fragmented by the bypass routes system, dividing the West Bank into 64 small cantons. In such a scheme, Palestinian national infrastructure development became almost impossible, due to the fragmentation of space, but also to the fragmentation of the Palestinian political system. The Palestinian National Authority (PNA) cannot, for example, implement water reservoir projects for a set of villages if the pipeline passes through zone C. Paving of the new road between Bethlehem and Hebron was halted in 1999 because Israel did not grant authorization to pass through zone C. There has been urban development in zones A and B, but these are always surrounded by Israeli zones, curtailing the possibilities for industrial or residential urban expansion.

Furthermore, either unwilling or unable to pressure Israel, the international community's various agencies have been reluctant to negotiate with the Israeli authority concerning funding projects in Jerusalem or Palestinian localities in zone C.

## Is spacio-cide a total project?

As Coward (2007) argues about urbicide, the lexical kinship with genocide means that spacio-cide could, by association, draw on a number of assumptions underpinning the former category. Thus the use of the term 'spacio-cide' emphasizes both the magnitude of the wrecking and destruction, and the deliberate exterminatory logic of the space livability that underpins the assault on the space, whether it is a built/urban area, landscape or land property. Any reading of the Palestinian-Israeli conflict using the genocide as the

extent of the colonial violence will be incapable of understanding the dynamic of this conflict.

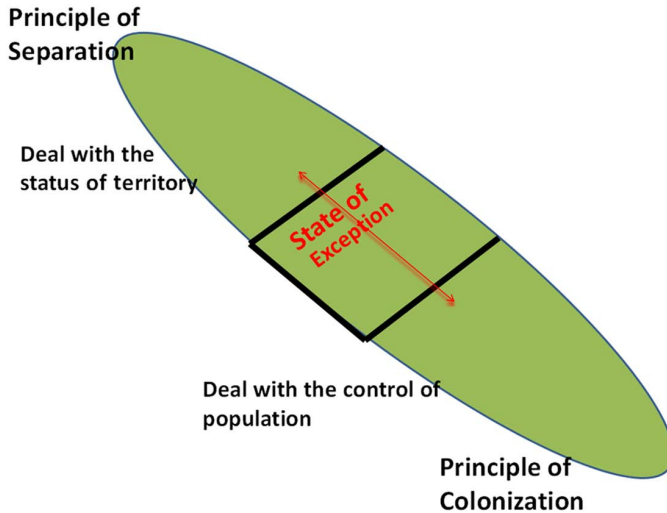
The spacio-cide is thus a deliberate ideology with a unified rationale, albeit with dynamic process because it is in constant interaction with the emerging context and the actions of the Palestinian resistance. For instance the massive destruction in the Gaza Strip through the war waged in December 2008 cannot be understood without studying the acts of Hamas. Spacio-cide is not a total project aiming to appropriate all the Palestinian territory and expel its inhabitants but the potential is there, in case Palestinians undermine the settlement project in the West Bank. Spacio-cide is a mere state policy but always with the complexity of the state. The practices of widespread destruction are produced by four actors: the military forces, settlers' land grabbing, urban planners, and capitalist real estate speculators. While these actors may seem to be distinct actors, they are often working closely together to bring the spacio-cidal strategies into realization.

The example of Jaffa city is a striking example in this regard. In 1948, Israeli political-military authorities forcibly expelled the majority of the population from the city as a precursor to expropriating their land using the Absentees' Property Law of 1950. In the 1980s, the state sought to develop southern Tel Aviv at the expense of those in Jaffa. One of the targeted areas was the strategic Al-Ajami coastal quarter. Contrary to the former strand of liberalism wherein the state acted as forceful arbitrageur between different market actors, in its neoliberal form, the state involves itself in the market by establishing alliances with specialized capitalists. In the case of Jaffa, this alliance was made very obvious by impeding the Arab population from reconstruction and refurbishing the Al-Ajami quarter. The Jewish population, however, was afraid to live in a location in cohabitation with Palestinians. In the beginning of the gentrification process, the Tel Aviv municipality intervened by allowing the construction of a heavily fortified, gated community at Andromeda Hill, the heart of Al-Ajami. Capitalist gentrification quickly developed into an ethno-gentrification project, to borrow the term from Daniel Montereescu (2009), in which inhabitants are solely Jewish and mainly come from abroad. With the help of the state, this was the spearhead for real estate developers and speculators eager to buy up more land and promote the 'Judaization' of the area. Yet somehow since the 1980s, all of this occurs without the incidence of 'violence' and without property confiscation, only through neoliberal systemic forces.

While spacio-cide is a good term to describe the whole Israeli project from 1948 to the present day, one should acknowledge that its techniques differ through time and the salient stage is after 1967 when it becomes the main colonial practice in the Palestinian territory. While the potentiality of the spacio-cide as practice is always present, in certain moments after 1967 it has become more thinkable, more conscious, and therefore more do-able and more extreme than in the past.

## **Regime with three principles**

In this section, I depict the military-judicial-civil apparatuses, arguing that in order to apprehend the spacio-cidal project one should look to the Israeli power matrix which is composed of three principles, namely: the principle of colonization, the principle of separation, and the state of exception that mediates between these two principles (see Figure 1).



**Figure 1.** Israeli power matrix.

### *Principle of colonization*

The principle of colonization is the everyday practices engineered by various Israeli actors' governmentalities in order to 'manage the lives of the colonized inhabitants while exploiting the captured territory's resources' (Gordon, 2009: 240). It entails two strategies. The first one is the systematic dispossession that severely undermined the Palestinian social fabric. As I mentioned before, Israel has confiscated land in the Palestinian territories in order to construct Jewish colonies and military outposts. A report by Peace Now (2006) reveals that the jurisdictional area of settlements in the West Bank is 10 times greater than the settlements' built-up area. Despite the potential for expansion, 90% of the settlements seize additional land, mostly private Palestinian lands.

The second strategy is that of economic dependency. Even before the Oslo process Israeli authorities had tied the Palestinian economy to the Israeli one within a policy that Sara Roy (1987) coined as 'de-development.' Referring to Meron Benvenisti, Roy explains the lack of growth in Gazan industries and investment by the fact that Israel deploys a policy of 'integration and exclusion': integration into the dominant economy when it benefits that economy and exclusion when it does not. This created an industrial base inside the Gaza Strip of limited production, absorption, and marketing capability.<sup>8</sup>

The whole Oslo 'peace process' is about institutionalizing this dependency. Under the aegis of this process, the 2004 Protocol on Economic Relations between Israel and the Palestine Liberation Organization (Paris Protocol) established a number of regulations to promote free trade between Israel and the Palestinian territories, exchange of goods, and labor services. Palestinian imports and exports were granted equal treatment at Israeli ports, except regarding security measures.

However, the Paris Protocol has failed to generate development in the Palestinian territories. Some argue that it failed because of poor implementation, while others (such as Abu-Sada, 2009: 415; Farsakh, 2009: 402) stress the structural flaws of the economic protocol and the fact that it was designed to Israel's advantage. For the latter, its principal effect was to increase the integration of the Palestinian economy within the Israeli economy. Israel's obstacles to free trade and the free movement of labor during the second Intifada reinforced a tendency that was already present during the Oslo years. Ever since, Israel has been using transfer of taxes as a means of pressuring the Palestinian National Authority. According to the Israeli human rights organization B'Tselem's special report about the Paris Protocol: 'The model established in the Protocol is known as a "customs union," the primary characteristic of which is the absence of economic borders between members of the union. The practical effect of selecting this model was preservation of the economic relations that had existed until then, i.e., a Palestinian economy integrated in and dependent on the Israeli economy.'<sup>9</sup> The protocol ignored, stresses Abu-Sada (2009), the unequal status of the two sides: one controlling the borders and the import-export facilities, the other a newly appointed national authority with little experience in economic and trade matters. The economic dependency has been institutionalized and entrenched asymmetries between Israelis and Palestinians by different means:

First, it reduces production capacity, denying access to agricultural inputs such as fertilizers and limiting access to land and water resources. Second, the restrictions on movement severely impede trade within the Palestinian territories and the export of products from the territories to Israel and elsewhere. Third, Israel discriminates against Palestinian products, in addition to taking advantage of the provisions of the Paris Protocol, which favors Israeli interests and whose partial implementation aggravates the already terrible state of Palestinian agriculture. Finally, the structural transformation of the Palestinian agricultural sector is hampered by the Palestinian Ministry of Agriculture's lack of control over the sector and the ministry's continuing struggle to survive due to the financial crisis of the Palestinian Authority, on the one hand and the competition it faces from nongovernmental organizations, on the other. At the same time, Palestinian NGOs, which concentrate on emergency projects such as rehabilitating water sources and reclaiming land to mitigate Israeli military actions, do not have the resources to engage in development projects. (Abu-Sada, 2009: 427)

One of the major actors of these two strategies of the principle of colonization is the military bureaucracy. Drawing on surveillance and bio-politics, and, as we will see later, on the state of exception, one cannot understand Israeli politics vis-a-vis the Palestinians by only referring to the legal system in Israel, highlighting its democratic political regime, but also by examining the practices of the military bureaucracy in using the most sophisticated anthropological tools to divide Palestinians into categories<sup>10</sup> in order to manage them. Some surveys and many studies have been undertaken by Israel to provide demographic information on the Palestinian population for purposes of surveillance and disciplinary power. However, spacio-cide connotes a peculiar kind of bio-politics, not one that is concerned with maximizing the health and wealth of the population, but quite the opposite, and one intended to establish a delicate balance in which the health and wealth of the population, and especially the physical terrain on which it exists, are minimized, without effecting a total elimination.



Bio-politics is concerned with population as a political and scientific problem, as a biological issue of the exercise of the government. But bio-power does not act in the individual *a posteriori*, as a subject of discipline in the diverse forms of rehabilitation and institutionalization. Rather, it acts on the population in a *preventive* fashion. From a consideration that insurgency/criminality should be prevented, that population should be kept under surveillance and some of them may be punished for preventive reasons. It is a state of 'executive power' or policing, monitoring, or recording that constitutes the excess which is the reality of the norm. The Palestinian population thus becomes a purely objective matter to be administered, rather than potential subjects of historical or social action. This does not mean that the subject cannot emerge and resist this sovereignty, but that sovereignty attempts to reduce the subjective trajectories of individuals to bodies (Pandolfi, 2002).

### *Principle of separation*

If the principle of colonization mainly concerns the control of population, the principle of separation deals with the status of territory. Sovereign power is the main actor of the separation. While the current Israeli regime is a product of settlement processes which were historically part (at least to some extent) of European colonialism, its practices are similar in many respects to other separation regimes such as apartheid in South Africa.

Separation is based on two strategies: the colonial fragmentation of Palestinian space and the administration of Palestinian movement. First, it is about creating 87 cantons in the West Bank, a sort of Bantustans, separated by Jewish settlements and bypass road. The second strategy consists of setting in motion different statuses of Palestinians to restrict the mobility of the population and confine them in specific territories. Checkpoints, roadblocks, and panoptic towers have restricted the population's movement while destroying the economy as well as the education, healthcare, and welfare systems (Gordon, 2009: 260).

By this logic, illegal settlements and Israeli neighborhoods continue to strangle the neighboring Palestinian localities, without the Israeli authority taking responsibility for this caged population. Hilla Dayan (2009: 315) gives us a very illuminating example about Kfar Saba that strangled the neighboring town of Qalqilya, which once was a thriving commercial center and has now become a ghost town. Throughout the past few decades, Israel has developed a set of legal, criminal justice, and other law enforcement initiatives under the broad category of counter-terrorist policy. This policy attempts to separate and manage effectively a group of suspected and accused 'terrorists.' It is characterized by the 'logic of risk,' which involves consideration of the assumed probability, risk assessment of certain groups, and the efficient management of groups defined as the most harmful to the society (Ajzenstadt, 2008). However, the consequences of the politics of surveillance on the individual and group liberty are very serious as it blurs the boundaries between public and private, rewrites the norms of privacy, creates new forms of inclusion and exclusion, and alters processes of democratic accountability (Haggerty and Ericson, 2006).

The principle of separation is a complex one and should be read carefully in articulation of the principle of colonization and for three reasons.



First, it cannot be straightforward. It is rather a politics of segmentation using a complex technology of territory management, like the management of plague-stricken colonies in the Middle Ages. As formulated elegantly by Shamir (2009: 590), Michel Foucault (1995: 198–199) invoked two modalities of power that arose between the seventeenth and the end of the eighteenth centuries in response to the treatment of lepers and the plague. Leprosy was treated by a logic of *segregation, exclusion and 'great confinement'*. Back then, lepers were excluded from the city and locked away in leper colonies through laws and regulations and rendered invisible through 'exile enclosure' before being left to die en masse and anonymously. In contrast, the plague, a contagious disease that spread rapidly and killed scores of people, set off a new method of response based on spatial partitioning. This methodology involved multiple separations and individualizing treatment. Quarters, streets, and housing were under close scrutiny, surveillance, and control, whereby each of the residents would have to present themselves to inspectors. *Segmentation* prompted the rise of biopolitics, where statistics were used to assist governments in refining control and surveillance techniques.

Second, the principle of separation does not mean that Israel seeks two regimes, one for Israel and another for the Palestinian territory, but, according to Ariella Azoulay and Adi Ophir (2008, cited in Ran, 2009), one regime that has a dual character: brutal oppression, denial of human rights, total disregard for the welfare of subjects in the occupied territories combined with ethnic democracy in pre-1967 boundaries. For Azoulay and Ophir, the notion that we can talk about an Israel in its pre-1967 boundaries as a distinct social and political entity is meaningless – the regime encompasses both sides of line and they are interdependent. And yet, they are different. Both sides of the regime are essential to its being: it includes the occupied territories, but the basis for such inclusion is that they remain excluded from the realm of legitimate politics. It includes them as a permanent 'outside,' which is never free from domination but also is never absorbed into Israel. I strongly agree with Azoulay and Ophir (2008, cited in Ran, 2009) that neither withdrawal nor full annexation is likely: it is not a failure to decide on a policy, but a policy decision to retain this ambiguity forever, if possible. In fact, the Israeli authority wishes to pursue the colonization process but because of the Palestinian resistance, it opts for a combination of separation and colonization.

Finally, separation does not mean the end of occupation within the separated Palestinian territories. The Oslo 'peace process,' which was the direct result of the first Intifada as well as of the changing political and economic circumstances in the international realm, signified the *reorganization of power, rather than its withdrawal*, and should be understood as the continuation of the occupation by other means. It is an 'occupation by remote control' (Gordon, 2009: 253) or an air-borne occupation (Weizman, 2007).

### State of exception

In the project of spacio-cide, normalization of the state of exception comes to facilitate the principles of both colonization and separation (see Figure 1). By using the state of exception Israel has used new forms of sovereignty. These new repertoires can be

understood in a colonial governance where subjects are transformed by the bio-politics and the extensive use of the state of exception to what Giorgio Agamben (1998) called 'bare life.'

The sovereign power according to Agamben routinely distinguishes between those who are to be admitted to 'political life' and those who are to be excluded as the mute bearers of 'bare life.' It is a process of categorizing people and bodies in order to manage, control, and keep them under surveillance and reducing them to a 'bare life,' a life which refers to the body's mere 'vegetative' being, separated from the particular qualities, the social, political, and historical attributes that constitute individual subjectivity. This is a new form of power which enables the colonial power to manage bodies according to colonial and humanitarian categories. 'Bare life' is the condition when people do not have a right to defend their rights as a minority or the right to have right, to borrow from Hannah Arendt (1985): refugees spending several years in refugee camps without having any knowledge about their future destiny.

Developing both the concept of bio-power and bare life, Giorgio Agamben shows how sovereignty carries with it a 'power over life' by the rule of the exception, being both above the law – as its constituting force, but also safeguarding its application. The sovereign, according to philosopher Carl Schmitt, is the one who may proclaim the state of exception. The sovereign is not characterized by the order that he or she institutes through the constitution but by the suspension of this order: 'It is not the exception that gets subtracted from the rule, but the rule that, suspending itself, gives rise to the exception and only in this way can constitute itself as rule, by constantly maintaining a relation to it. . . . The situation that is created by exception can neither be defined as a factual situation, nor as a situation of right, but institutes between the two a paradoxical threshold of indifference' (Agamben, 1998: 26).

If such a state of exception is established by law and order, what are its repertoires deployed as power mechanisms in the colonial setting? There are six repertoires (Hanafi, 2009) but here I will highlight five.

The first repertoire, the most obvious and classic, is the *state of emergency*. In Israel, Jews and Palestinians are governed by administrative rules deriving their force from the 'state of emergency' invoked at the formation of the state which were never cancelled. Between 1948 and 1965, the entire area where the Arabs lived had been considered as a military zone at the discretion of the military commanders. The same situation has persisted in the Palestinian territory since 1967 until Oslo and up to now for zone C.<sup>11</sup>

The second repertoire is exercised when the sovereign does not only suspend rules and laws but also constantly *creates new categories* to exempt the government from some obligations and duties and/or to subtract undesirable categories from some rights. This state of exception is proclaimed domestically but also at an international level where the norms of international law are tacitly abrogated one after the other. Israeli colonial forces are constantly creating different categories of the Palestinian population in order to control them. Since 1990, such colonized, indistinct, displaced, localized, and mere figure bodies have come to be classified and defined as: refugees, stateless, residents of zones A, B, B-, B+, C, H1 or H2 (Oslo categories), inhabitants of areas in front of Israel's West Bank wall, behind it, potential terrorists (categories post-9/11), etc. Thus, while populations are assigned different statuses as legal subjects, individual

lives are suspended in an ontological no-man's land. The objective of this classification is primarily to exclude and make possible the spacio-cidal project. This is usually done in a very subtle way – by applying the state of exception to one zone while keeping the remaining territory under a kind of rule of law. Once the confiscation and the spacio-cide process are satisfactory, or if the Palestinian resistance becomes efficient, this zone returns to the rule of law and another zone then becomes subject to the state of exception. In that way, Israel keeps a facade of a democratic country under rule of law.

The third repertoire of the state of exception occurs when issued law carries along with it *the rule of suspension of this law without specifying a context*. The suspension of the norm does not mean its abolition, and the zone of anomie that it establishes is not (or at least is purportedly not) unrelated to the juridical order. Using such a power technique, Israel is able to restrict Palestinian residential construction in East Jerusalem and then 'legally' destroy houses built without a permit. For the remaining area of the West Bank, Palestinian residential construction has been also constrained. Military order 418, 'Order for the Planning of Towns, Villages and Buildings (Judea and Samaria),' outlines the requirements for obtaining building permits. Article 7, called 'Special Powers,' grants the High Planning Council the power to 'amend, cancel or suspend for a specified period the validity of any plan or permit; to assume the powers allocated to any of the committees mentioned in article 2 and 5; to grant any permit which any of the committees mentioned in article 2 and 5 are empowered to grant . . . ; to dispense with the need for any permit which the Law may require' (Coon, 1992: 280). Interviews I conducted in 2005 in the West Bank<sup>12</sup> showed an extensive use of Article 7 before the Oslo process, prohibiting those who are politically active or even those who are not 'cooperative' with the occupation power from acquiring a construction permit, or allowing those who want to construct in a non-construction area the exception to build without even passing through the high commission of construction, in return for collaborating with Israeli intelligence. In other words, the sovereign power can use these exceptions to annul its own regulations, in such a way that the construction permit becomes a tool for control and surveillance.

The fourth repertoire of exception is not only used by colonial states like Israel but also by any security state these days and pertains to the condition when society is governed less by law and order than *through administration and management*. A skewed bureaucratic apparatus that operates not through Weberian rationalized rules, but rather through miraculous interventions, and whose unpredictability is the key to its effectiveness. The discretionary power of a soldier in a military administration office in any area of the West Bank is absolute. He or she can order the destruction of a building without any juridical control from the Israeli system. Even an Israeli soldier at a check point can stop a passenger from moving, from going to work without any possibility of recourse to any law. Since 9/11 the latter mechanism of governance is in ascendancy in many western countries. The Patriot Act issued by the US Senate on 25 October 2001 allowed the Attorney General to 'take into custody' for an unlimited period any alien that endangers the 'national security of the US.'

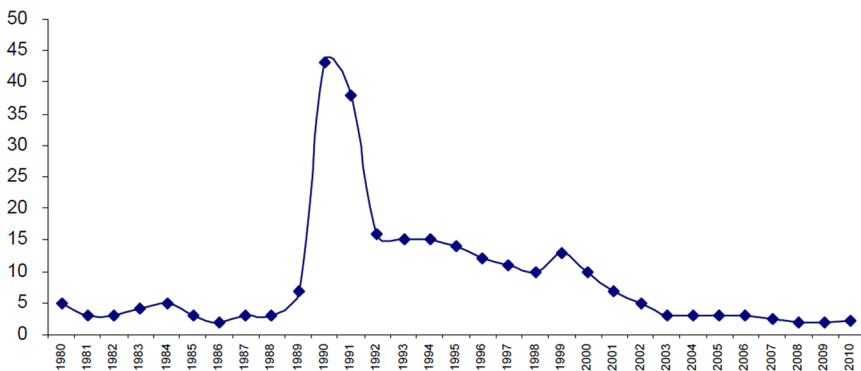
The last repertoire of the state of exception is when the law has a function of *inter-play between exclusion and inclusion* because sovereignty does not work merely according to the logic of one-way exclusion. 'Inside' and 'outside' are not mutually

exclusive but rather blurred together. This is the problem of defining precisely a threshold, or a zone of indifference (Agamben, 1998: 23). Palestinians are excluded from recourse to the law, but remain subject to it. Their lives are regulated and restricted by Israeli laws and military orders which apply even to the private spheres of marriage and children. Palestinian citizens of Israel can no longer marry their West Bank and Gaza kinfolk and compatriots since a recent High Court ruling legitimated a 2003 law barring 'family reunification' for such couples. The case of Palestinian Jerusalemites is the epitome of exclusion/inclusion: included by virtue of the unilateral Israeli annexation of their city and excluded from municipal services, master plans, and civil liberties big and small; they live in a segregated city in which they are residents, but not citizens.

## Conclusion

To sum up, Israel's spacio-cide is made possible through three-fold regimes: principles of colonization and separation, mediated by the state of exception. However, the colonized do not take these mechanisms lying down. They use violent and non-violent modes of political actions; encircling the settlers after being encircled by them, constructing home and society, creating visibility, mobilizing global movements. Palestinian 'voluntary transfer' has its Israeli counterpart: indicators show the Israeli population 'quitting' Israel too and the Jewish immigration gets less every year (see Figure 2).

With last year's attempts to restore the peace talks between Palestinians and Israelis, it becomes clearer than ever that the stumbling block to this peace is that of settlements and the willingness of the Israeli polity to continue its colonial enterprise in the Palestinian territories. The new Israeli government tends to privilege the principle of colonization over that of separation and uses the state of exception in order to mediate and facilitate the cohabitation of these two logics. While the material outcome of separation and its twin pillars of paper persecution and enclave geography is an inflation of domestic borders and muddled spatialities, as a mental condition, separation translates into endemic disorientation for occupier and occupied alike (Ophir et al., 2009).



**Figure 2.** Immigrants by year of immigration and rate per 1000 in population, 1980–2010.

Source: Israeli Central Bureau of Statistics; at: [www.l.cbs.gov.il/www/hodaot2011/n21\\_11\\_045e.pdf](http://www.l.cbs.gov.il/www/hodaot2011/n21_11_045e.pdf)

The consequence of the state of exception goes beyond the spacio-cidal project. The political project of the Palestinian people is transformed into distinct population groups who become antagonists in the pursuit of their own interests vis-a-vis the conflict and its potential resolution: it is in the interest of the Palestinian residents of Jerusalem to stay outside the Palestinian national project (to access the Israeli labor market and to benefit from the social and health system), as Israel transforms the latter into a collection of Bantustans which cannot compete with Israel; the geographical fragmentation of the West Bank and Gaza create two (or more) distinct entities with different populations animated by their own stereotypes and power struggles – to say nothing of the Palestinian citizens of Israel or Palestinian refugees in the diaspora. This process became possible as the exercise of sovereign power (as an actuality but also as a potentiality) created not only zones of indistinction between ‘the inside’ and ‘outside’ (of the nation, town, or home), but penetrated the entire political/social field, transforming it into a dislocated bio-political space in which modern political categories (e.g. Islamist/nationalist, right/left, private/public, dictatorial/democratic) are entering into a post-political zone of dissolution (Agamben, 1998: 4). All opposition should hence not be seen as ‘dichotomies’ but as in tension.

The normalization of the state of exception is a facilitating framework that is moderated, legitimized, and reproduced by the logic of humanitarian concern that is driven by an inverse moral aspiration and yet assumes an analogous structure of exception (Ophir et al., 2009). For the Palestinian refugee camp dwellers, for instance, the humanitarian organizations fall into the trap of the Israeli sovereign power that has disqualified the life of this population from political meaning: Why are they there? Why are they not able to return? It is a new conception of humanity stripped of its political meaning. The recent involvement of the United Nations Relief and Works Agency (UNRWA) in the reconstruction of the Jenin refugee camp after its partial destruction by the IDF in 2001 is revealing in this sense. Instead of alleviating the over-crowding of the camps by advocating the return of some refugees to their place of origin (a third of Jenin’s refugees come from the village of Zaraan, located some 17 km west of the city), UNRWA pursued only two options: rebuilding the camp while respecting its boundaries and asking the Jenin municipality to allocate a piece of land to allow its expansion. Although the repatriation of refugees is not part of the mandate of UNRWA, no officials wanted to challenge that.

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## **Notes**

1. For example, parts of the Israeli West Bank wall are being constructed specifically to remove the visual presence of Palestinian villages, like the case of the wall at Route 443 and Bir Nabalab (in the suburb of Jerusalem).
2. This fieldwork will be clarified within the text.
3. Funk (2010: 1) defines genocide as ‘deliberate and systematic destruction, in whole or in part, of an ethnic, racial, religious, or national group.’

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## Author biography

Sari Hanafi is currently a Professor of Sociology at the American University of Beirut and editor of *Idafat: The Arab Journal of Sociology* (Arabic). He is also a member of the Executive Bureau of the International Association of Sociology and the Arab Sociological Association. He is the author of numerous journal articles and book chapters on the political and economic sociology of the Palestinian diaspora and refugees; sociology of migration; politics of scientific research; and transitional justice. Among his recent books are: *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in The Occupied Palestinian Territories* (ed. with A Ophir and M Givoni, 2009) (English and Arabic) (New York: Zone Books; Beirut: CAUS), *The Emergence of a Palestinian Globalized Elite: Donors, International Organizations and Local NGOs* (ed. with L Taber, 2005) (Arabic and



English) (Center for Democracy Studies-MUWATIN and Institute of Palestine Studies) and *Pouvoir et associations dans le monde arabe* (ed. with S Bennéfissa, 2002) (Paris: CNRS).

## Résumé

Cet article soutient l'idée que le projet colonial d'Israël est 'spatiocide' (par opposition à un génocide) dans la mesure où il vise les terres avec pour objectif de provoquer un inévitable transfert 'volontaire' de la population palestinienne, en convoitant l'espace où vit le peuple palestinien. Le spatiocide est une idéologie délibérée qui s'accompagne de raisons unifiées, et d'un processus dynamique car il est interagit constamment avec le contexte émergent et les actions de la résistance palestinienne. En décrivant et en questionnant les différents aspects de l'appareil militaro-judiciaro-civil, j'examine comment est possible la réalisation du projet spatiocidaire via un régime qui déploie trois principes, à savoir, le principe de la colonisation, le principe de la séparation et l'état d'exception qui arbitre entre ces deux principes apparemment contradictoires.

## Mots-clés

Conflit israélo-palestinien, état d'exception, biopolitique, colonialisme

## Resumen

Este artículo plantea que el proyecto colonial israelí es 'espacio-cida' (en contraposición a genocida) en que se dirige hacia el territorio con el propósito de que resulte inevitable el desplazamiento 'voluntario' de la población palestina y se concentra fundamentalmente en el espacio en el que ésta vive. El 'espacio-cidio' es una ideología deliberada con una racionalidad unificada, si bien con un proceso dinámico, ya que interactúa constantemente con el contexto emergente y las acciones de la resistencia palestina. A través de la descripción y el planteamiento de diferentes aspectos de los aparatos militares-judiciales-civiles, examinaré cómo es posible la realización del proyecto 'espacio-cida' a través de un régimen que implementa tres principios, concretamente: el principio de la colonización, el principio de separación y el estado de excepción que actúa como mediador entre estos dos principios a primera vista contradictorios.

## Palabras clave

Conflicto palestino-israelí, estado de excepción, bio-política, colonialismo