

## INTRODUCTION

When we began writing this book in Hebrew, the Israeli occupation of the West Bank and the Gaza Strip was nearing the end of its fourth decade. We are now in the midst of its fifth decade: almost half a century of Israeli domination of a Palestinian population denied political status or political protection of any kind. Half a century is a very long time in modern history. One cannot possibly regard such a long-lasting political situation as a historical “accident” that happened to the State of Israel. Time enough has elapsed for the relations of dominance between the occupying force and the occupied population to institutionalize themselves in a regime structure with its own logic and dynamics.

The evolution of “the Occupation” from a temporary situation into a regime calls for a conceptual analysis of an entire structure of ruling and governance and a reexamination of the regime structure of the Israeli state, of which “the Occupation regime” and its unique ruling apparatus are a part. We offer such an analysis here, combining historical and structural reconstruction of Israel’s rule in the Occupied Territories, and then go on to describe and analyze the Israeli regime that contains and enables this structure of domination. The discussion relies less upon new facts than on the reconceptualization of familiar ones in order to propose a new conceptual framework for narrating the history of the Occupation and reconstructing its structure.

This task requires a revised set of concepts—a new language, in fact. The most prevalent terms of the existing discourse, such as “occupation,” “occupier” and “occupied,” “violence,” and “terrorism,” should be problematized, because these terms and the political discourse of which they are part are in themselves part of the regime that we wish to describe. We use these terms with great care

in order to present the Palestinians, not as a population belonging to “the other side,” but rather as a distinct population governed together with us, Israeli Jews, by the same regime. Replacing some prevalent terms is, then, a part of our effort to give political expression to the Palestinians’ place in the Israeli regime, as well as to their claim to take part in determining the regime under which they are or shall be governed. But above all, a new conceptual grid is necessary in order to explain *that* and *how* Israelis and Palestinians have been governed since 1967 by the same ruling power, within the bounds of the same regime.

Even now, after almost half a century of Israeli rule in the Occupied Territories, nearly everyone continues to speak—in everyday political discourse, as well as in legal and academic discourse—of this rule as one of a temporary control, a state of affairs incidental to the Israeli regime and not a structural element of it. Israel’s willingness to end the Occupation is hardly disputed. Rather, the question is under what conditions it would be willing to do so. Most of those, on both the right and left of the political spectrum, who propose answers to this question assume and take as self-evident that the Occupation is temporary and bound to end someday. The ongoing control of the Occupied Territories is conceived of as incidental and, especially, external to the Israeli regime. Therefore one can quite easily refer to Israel as a democratic state, respect its citizens as enlightened people leading modern lives, and regard the Palestinians living in the Occupied Territories as an enemy threatening the regime from the outside. Hostility to Israel is perceived as an innate, generic feature of Palestinians, a second nature of sorts, of which the Occupation is a result rather than one of its main causes, and Palestinian resistance to the Occupation is misrepresented and misinterpreted.

The common view of the Occupation as temporary is based on separating the state founded in 1948—seen as a *fait accompli*—and the Territories it added to itself in 1967. From this follows a division of the Palestinians who lived in Palestine before May 1948, and their descendants, into three groups: those who were uprooted—by force or fear following the violence of the years 1947–50—and not allowed to return, most of whom have since then lived in refugee camps in Syria, Lebanon, or Jordan; those who remain in what became the State of Israel and were naturalized as its “Arab citizens”; and those living in the West Bank and the Gaza Strip, who became subject to Israeli rule in 1967. This separation of Palestinians into three groups has been “naturalized”

and categorized accordingly. The three categories most often used to designate these groups are “refugees,” “Israeli Arabs,” and “Palestinians.” The fact that the “refugees” are those whose return has been blocked since 1949, and that “Palestinians” are noncitizens of an occupied land, half of whom were made refugees in 1948, is repressed. In the same vein, the Palestinian identity of “Israeli Arabs” is repeatedly contested, and their sense of affiliation with the two other groups is questioned and delegitimized. These divisions and classifications have shaped the framework of public discourse in Israel and precluded problematization of the regime created in 1948 and of the basic power relations between Jews and Palestinians established at that time.

When the system of military government that had governed “Israeli Arabs” since 1948 was dismantled in December 1966, there was a moment of potential structural change. Until that point in time, Palestinians had systematically been excluded, whether as “refugees” considered complete foreigners or as second-class citizens subject to martial law. With the dismantling of the military government, the door to the inclusion of “Israeli Arabs” as equal citizens—able to share both political space and political power with their fellow Jewish citizens—was opened. Had this possibility been realized, the founding model of the Israeli regime would indeed have been transformed, and the question of the wrong associated with its foundation could have been openly addressed.

This potential was never realized, however, and there is no knowing whether it would have sufficed for creating a new regime: just six months later, the West Bank and the Gaza Strip were occupied, and their populations came under the rule of the Israeli state as noncitizens. The inclusion of over one million new Palestinians under Israeli governance ruled out the possibility of making the status of Palestinian citizens of the state equal to that of its Jewish citizens. Instead, the regime began to hone its ground principle—differential rule over populations of differing status—generating nuances to this principle in various areas of government. Thus, Palestinian citizens were accorded more rights, but they were not allowed to share power with the Jews and were not made equal citizens (let alone compensated after years of dispossession). Palestinians residing in the Occupied Territories were “naturalized” as noncitizens and not counted as part of the Israeli political system, despite their recruitment into the labor force and colonial expansion in their midst. The Occupied Territories have been ruled ever since as a temporary “exterior,” whose inclusion has been denied, together with the duty stemming from that rule, and this denial itself was part of the externalization of what has been

contained. We shall return to this configuration of relations later in this book, characterizing the Israeli regime that took shape after 1967 and distinguishing it from the one established in 1948.

Many Israeli Jews, on both the political right and left, agree that the Occupation constitutes a problem for Israeli democracy, but they will not admit that Israel is no democracy because of the Occupation, or that the nature of the regime during more than four decades of occupation, colonization, and ruling of noncitizens must be examined. The assumption that the Occupation is temporary and external is especially obvious in discussions of political programs that wish to “eliminate,” “cut off,” “cleanse,” “terminate,” “settle,” “solve,” or simply “make peace.” Such programs rarely take into account the massive investment in infrastructure and its integration with infrastructure in “Israel proper” (within the 1949 Armistice lines), as well as the integration of the form of rule that has been established in the Occupied Territories into the governmental structure of the Israeli regime. Also ignored is the effect of the long, deceptive denial of 1948, the way in which “the Occupation” has reinforced the sweeping militarization of Israeli society, and several of its aspects have been presented as national projects, for the sake of which male and female Israeli Jews are conscripted from the cradle to the grave.

The false temporariness of “the Occupation” generates perceptual blindness that is at one and the same time caused by the ruling apparatus in the Territories and one of its active mechanisms. The widely accepted term “occupation” connotes this temporariness and implies a temporary, hence regrettable—yet still tolerable—state of oppression and violations of rights. “Occupation” has come to designate a black box that no one dares open. Often it insinuates a normative critique not followed by any practical consequences. Much of the common critical discourse about the Occupation screens out what is actually happening and, in fact, fails to realize that it is a distinct regime operating a productive ruling apparatus that shapes and transforms life in the Territories *and* in Israel. This perceptual blindness apparently contributes to the fact that Israeli scholars were reluctant for almost forty years to conceive of the Occupation as part of the Israeli regime and address it as a legitimate object of research.<sup>1</sup> They have accepted as given the lines of demarcation proposed and sanctified by all Israeli governments since 1967. But as an object of study, the Occupation regime cannot be conceived of in the way in which it has been officially framed by the spokespersons of all Israeli governments since 1967. We should rather examine how this framing—with its

principles of separation and exclusion, and their enforcement—functions as a structural element of that regime.

Our interest in Israeli rule of the territories occupied in June 1967 is motivated by the question of its role in the construction and reproduction of the Israeli Occupation regime. We shall describe this rule and analyze both the active forms of domination and governance and their place in the regime that activates them. We assume that this form has its own history and logic, which cannot be exhausted by speaking of “the Occupation,” and cannot be preconceived as a straightforward case of “colonization” or “apartheid.”<sup>2</sup> All three terms, borrowed from commonly accepted legal-political discourse, are necessary but not sufficient. They indicate existing aspects of the form of Israeli rule in the Occupied Territories, but do not enable us to perceive other aspects; especially not the difference and link between the ways citizens and noncitizens are ruled by the same ruling power. Our working assumption was that the local case is unique, and that in order to understand it, one must suspend the use of the familiar categories and reconstruct the way in which occupier-occupied relations are maintained and have developed on both sides of the Green Line.

The phenomenology of power we propose below seeks to analyze colonization processes, to study the system of multiple separations of Jews and Palestinians that regulates—but also produces—frictions and exchange, and to deconstruct the mechanism through which the status of Palestinians as colonized subjects is reproduced and denied at the same time.

This phenomenology of power follows and articulates the systemic structure of Israeli control of the Occupied Territories, its unique historical dynamics, and the security, administrative, and political discourses into which it is woven, and through which it is conducted, represented, and justified. The phenomenological description follows its governmental technologies, under which familiar means of violence and biopolitical tools are activated in novel ways, and others are invented. We shall look closely at the ruling apparatus, that is, the specific technologies and modes of operation that the Israeli army, GSS (Shabak, or Shin Bet), legal system, and various government offices apply in the Occupied Territories, but also—and in matters related to their rule there—in Israel proper. By studying the ruling apparatus, we hope to reconstruct the main formations of the Occupation regime, that is, the general form of Israeli rule in the Occupied Territories. This form limits and enables the relations between the various mechanisms of the ruling apparatus and structures relations among all parties involved: Palestinians, soldiers, settlers, other

Israeli citizens, humanitarian, human rights, and political activists, UN agencies, and others.

The object of our research encompasses tools of control and strategies of resistance, forms of organizing and using space and time, labor, and other resources, alongside formal legal definitions, laws and regulations, political programs, images, points of view, and practices of observation. We also pay close attention to discursive mechanisms that provide and organize information, knowledge, and legitimacy, that create “foci of problematization,” combine legal rhetoric and tools with the mechanisms of direct control of bodies and land—or allow their detachment, and that work to construct memory and forgetting, confer meaning upon the experiences of individuals, and represent the shared fate of entire communities.

This methodological approach—a phenomenology of the ruling apparatus and a reconstruction of the regime by which it is constrained and that it reproduces—precludes teleological explanations of the Occupation and suspends ready-made narratives such as the history of the Zionist movement, of the Jewish-Arab conflict, or of a “war of civilizations,” in which the Occupation is a well-defined phase whose meaning is known in advance. We do not see the ruling apparatus as the result of planning by identifiable subjects (e.g., “the Israeli government,” “the Zionist movement,” or “the settlers”). Still, we think of these narratives as taking part in different fields of discourse that construct the experience of individuals who share the Occupation regime’s ruling apparatus and are conscripted by it. We think of the Occupation regime as a web of relations and a state of affairs whose “grammar” could be described, analyzed, and understood in a way that cannot be reduced to the forces and agents that created them at certain identifiable points in the past and maintain them in the present. Naturally, these forces and agents will be taken into account, but this will always be done from the perspective of their systemic relations and accumulated effects, not solely of their motivations and intentions.

Making this kind of effort, one must remain skeptical about the categories that serve commonly accepted political discourse and its historical narratives, political agenda, and major questions. These narratives, categories, and questions cannot guide our scholarly effort or establish its frame of reference, for they are all part of what needs explaining when analyzing the Israeli Occupation regime, inasmuch as they themselves are an integral part of this regime or a series of its effects. They should be explained together with the programs and the visions proposing “solutions,” while reiterating the categories and narra-

tive through which the regime of occupation is perpetuated. We are interested in understanding the actual form of Israeli rule in the Occupied Territories, its effect on the Israeli regime as a whole, and the conditions that enabled the decades-long perception of that rule as a certain hump on the back of Israeli democracy, limited to the Occupied Territories. In other words, we wish to know how Israeli rule in the Occupied Territories works in order to understand in what kind of a state and under what kind of a regime we ourselves are living.

Positioning ourselves at a point that enables this question, trying to view the new horizon it opens for our thought and action, we must remember that we, too, cannot fully distance ourselves from the Occupation regime. Israeli citizens of Jewish descent take part in and are ruled by the regime of which “the Occupation” is one element; they contribute to its reproduction, not only as soldiers, settlers, or government officials, but also as its governed subjects, who tacitly accept its rules and perpetuate its legitimacy, mostly ignoring how it rules others, non-Jews and noncitizens, letting it be inscribed and reinscribed in the movements of their bodies, the wording of their language, and the limited horizon of their political imagination. The very meaning of Israeli citizenship is constructed through the active negation of Palestinian citizenship, which also determines the limits of Israel’s democracy. This negation confronts Israeli citizens with the most crucial issue, the most serious matter that they have yet to decide, think about, and act upon, the matter over which so much time and so many lives have been wasted.

For the occupied Palestinians, at least as far as we can tell from our perspective as Israeli citizens, the Occupation regime is omnipresent. Most Israeli citizens, on the other hand, usually enjoy the privilege of suspending the Occupation’s violent presence, distancing it from sight and heart and forgetting that it exists. But even as they do this, turning their backs on its action in the Occupied Territories, Israelis do so under its auspices and serve its interest in “normalizing” the ongoing rule of the State of Israel over millions of noncitizens, accepting the constant injury this subjection sows in all realms of life, not only to its direct victims, the Palestinians, but also to themselves; for “the Occupation” harms their emotional mind-set, education and culture, livelihood, employment, and housing, not to speak of their security. It is a systemic feature of this regime that so many individuals and groups are capable of bracketing off their participation in it, in effect, denying its presence in their lives. And, as we hope to show below, this denial—which creates the illusion that the ruling apparatus in the Occupied Territories is detached and separate from Israel

proper—is crucial to the integration of the Occupation into the Israeli state and the transformation of its regime.

The representation of “the Territories” as an “exterior,” outside the state’s bounds, and ruling them as a state project will be interpreted here as a condition for conceiving “the Occupation” as temporary and the regime within “Israel proper” as democracy. Both will be presented as products of this regime’s ideological apparatus. We shall assume that the occupation of the Territories is integral to the Israeli regime, not external to it. The Occupation regime and the ruling apparatus on which it is based cannot be conceived of as state projects, in the sense that the U.S. government’s space program or occupation of Iraq are, or even the occupation of Chechnya by the Russian regime—the American or Russian regimes would not essentially change if they were to abstain from flying into space, withdraw from Iraq, or cease to “liberate” Chechnya. Not so in Israel-Palestine. The daily business of ruling the Occupied Territories is the *state of affairs* in which Israel’s various branches of government and apparatuses have been active since 1967, and in relation to the constraints of which they organize even when dealing with very distant issues. Control of the Occupied Territories, which began as a major task added on to various others in 1967, has become part of the fundamental matrix in which Israel’s various branches of government function.

The Occupied Territories are not an “exterior,” like a distant continent or the beach in Thailand, something that one might forget altogether, no harm done, because there is no danger of its suddenly appearing in all its menacing proximity. They are an exterior the shadow of whose presence is internalized a priori, and an ongoing effort must be made to keep it from imposing its presence and breaking into one’s consciousness as a sense of guilt and responsibility for deeds perpetrated in our name, with our tax money, for our children. To enable the normal daily life of a democratic society, the Occupied Territories are bracketed off, forgotten, and denied. This exterior must be denied in order to fancy that Israeli Jews belong to a free society, in order to maintain a rational public discussion of various issues at hand, in order to live at peace, not only with people at the opposite end of the political spectrum, but also with relatives and friends who happen to be soldiers and settlers. This effort to leave the Occupied Territories “outside” finds its ready expression in discourse and the familiar practices of everyday life. It is the precondition for an “Israeli normality” under one roof with “the Occupation.”

We begin by rejecting this denial. Our basic assumption is that the Occupied Territories are an inseparable part of the Israeli regime, construed as an



“outside” to that regime through a concerted, consistent, and continuous effort of the hegemonic political, legal, and academic discourses alongside many state apparatuses. Since the conquest of the West Bank and Gaza Strip, Israel-Palestine, the land between the sea and the river, has been ruled by one system of control, one set of state apparatuses, and two distinct systems of governance.

Following the Oslo Accords in 1993, some governmental functions in parts of the Territories have been outsourced to the semi-autonomous but entirely dependent Palestinian Authority, but Israel still has the final say and interferes with many aspects of daily governance. We shall try to show that even the disengagement from the Gaza Strip in August 2005 and the election of the Hamas government there in June 2007, despite all the changes they have introduced, have not altered this basic structure. Independent as Palestinian governmental bodies might be in some respects, they are severely monitored, controlled, and limited by the Israeli ruling apparatus.<sup>3</sup> Independent as the two systems of governance might be, they remain integrated into one system of control. The split and links between these two systems is articulated and maintained through a matrix of three distinct types of separation: of Jews from Arabs, of citizens from noncitizens, and multiple territorial separations that cannot be reduced to these binary separations. *Territorial separation* multiplies and redraws border lines and binary differences between “Israel proper” and the Occupied Territories; between the West Bank and Gaza; between Areas A, B, and C in the West Bank, as defined in the Oslo Accords; between East Jerusalem and the rest of the West Bank; between residential zones for Jews only and others for Arabs only in all of the “mixed” cities and towns within the 1949 borders; between closed military zones, including the seam zone along the separation wall, the security zone along the Jordan valley, and zones open to movement of civilians; and between various spatial cells created more or less temporarily by checkpoints and roadblocks.

The three types of separation do not form a coherent set; they are not derived from one another and cannot be reconciled as different points of one meta-principle. Some territorial separations follow the national principle, others follow the civic one, and some are derived from subdivisions within the national or civil separations. Some national and civil separation lines possess clear territorial aspects, others do not. In other words, separations are applied differentially through other separations; they have different meanings for different types of people and are applied differently for different purposes.

Here is a brief scheme of this matrix of separation: *Jews* can move freely in most areas (and are excluded from only a few others). In those areas, no restric-

tions keep them from buying land and merely a few restrictions are imposed on them for constructing houses. It matters little if they are *citizens* or not, and they can always become citizens if they so wish. Their place of birth matters even less, and they can become residents anywhere they wish, except for the Palestinian urban areas defined in the Oslo Accords as Area A. *Palestinians* can move freely in far fewer areas and suffer more or less severe restrictions on buying land, and even more so on the construction of houses. Whether they are Israeli *citizens* or not is of *extreme* importance. If they are not, the restrictions are much more severe: they are actually excluded from most areas and need special permits to enter others, they cannot buy land outside their built environment, and their habitat cannot expand to accommodate the growth of their population. Their birthplace is crucial and determines their freedom of movement and rights of residency. Formally, all Israeli *citizens* enjoy the same political rights, but *only Jews* can fully share in government and fancy the state to be “their own.” *Jewish noncitizens* are governed like citizens, protected by law, and served by most state authorities; *Palestinian noncitizens* are forsaken by the law, hardly entitled to any of the services provided by the state. They are subject to military rule and are exposed to threats, arrests, violence, and dispossession, afflicted or justified after the fact by ever-changing decrees and regulations. When it comes to *citizens*, violence is generally regarded as a last resort when other means fail. Where *Palestinian citizens* are concerned, however, the authorities turn more quickly to violence and use it more freely. When *Palestinian noncitizens* are concerned, a whole economy of violence has taken the place of all other state apparatuses, most of which have ceased to function in the Occupied Territories.

Among all these dividing lines, the basic difference between citizens and noncitizens is the most rigid. From 1967 to the present, no Israeli government has offered any channel of naturalization to the noncitizens under its rule.<sup>4</sup> Although much of the ruling apparatus has withdrawn from the Occupied Territories since the Oslo Accords, no government has agreed to completely terminate its rule over Palestinian noncitizens.<sup>5</sup> Excluded from the political sphere and unwilling to be ruled as subjects with no rights by a power that presents and produces itself as foreign, the Palestinians in the Occupied Territories were left with no other choice but to resist “illegally,” and some forms of their resistance have been violent. This resistance, whether actual or virtual, violent or not, has been used by the Israeli ruling apparatus in the Occupied Territories as a pretext for its own violence. Palestinians who have opted for violent resistance have

joined groups of armed Palestinians, mostly refugees, who resorted to violence in the 1950s, following their expulsion from their land in 1948. Others joined the armed struggle later, when they realized that the regime created in the State of Israel was taking hold and its refusal to allow refugees to return to their homes proved permanent. Violent and nonviolent Palestinian resistance gave rise to and was used as a pretext for new forms of violence exerted by the ruling apparatus. To characterize the ruling apparatus in the Occupied Territories, tell its history, and understand its regime effects, it is necessary to account for the changing forms of Israeli violence in the Occupied Territories.

We have refrained from seeking to understand this violence instrumentally as a means to ends established by various state mechanisms. Instead, we have sought to follow the “inner grammar” of the whole economy of violence, and to describe it as a medium—like language, law, or economics—that constrains the actions of various groups and individuals, both “occupiers” and “occupied,” participating in the web of power relations. Part 1 of this book develops this argument and reviews the emergence of various forms of violence since June 1967. Part 2, dedicated to the two most recent decades, attempts to reconstruct the “order of violence” that has crystallized since the collapse of the Oslo Accords and the outbreak of the Second Intifada, showing that the economy of violence functions as an arena of interrelations between the ruling apparatus and the ruled population. We argue that when violence is regarded as an arena with its own structural logic, one can understand, not only how “it” works (“it” meaning specifically the techniques and technologies of the ruling apparatus), but also how the general structure of the Occupation regime manifests itself in everyday control practices, how the “general principles” or the general matrix of control in the Occupied Territories are translated into details of operating the means of violence and governance, the performances of domination, subjugation, resistance, and persecution. We understand Israel’s control of the Gaza Strip, even after the withdrawal of ground forces in August 2005, as a distinct constellation (described in chapter 5 in Part 2) that is inseparable from this general economy of violence. The grammar of separation and frictions and the technologies of power that inscribe it in the Occupied Territories articulate the main features of the Occupation regime and make visible its constitutive role as an integral component of the Israeli regime itself.

Parts 1 and 2 follow the transformations of the ruling apparatus in the Occupied Territories from its inception to the attack on Gaza in December 2008–January 2009), trying to reconstruct the regime formation of each stage.<sup>6</sup> The

short description we offer here does not pretend to exhaust the history of the Occupation, nor does it propose a full historical explanation of the changes that took place between its various stages. These historical reconstructions are meant to provide the necessary background for delineating and analyzing the present form of the Occupation regime and its ruling apparatus. We do not pretend to explain why this regime took the form it did, but rather describe and analyze what has emerged and crystallized, singling out its unique features.

On the basis of this analysis, Part 3 (chapters 6, 7, and 8) asks pointedly: what is this Israeli regime of which the Occupation regime is a part? The matrix and grammar of separations sketched above is presented in detail, and some of the insights that have led us throughout this research are corroborated. Finally, in the book's Conclusion, we reflect on possible futures and ways to transform the Israeli regime.