

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW AND
INTERNATIONAL STUDIES

Master's Degree in
EUROPEAN AND GLOBAL STUDIES



**A Genealogy of the Contemporary Israeli-Palestinian
Political Field.
Technologies of Power and Subjectivation Processes
from State-Building to the Apartheid System**

Supervisor: Mauro Farnesi Camellone

Candidate: Francesca Campanini
Matriculation No. 2050723

A.Y. 2022/2023

INDEX

PREFACE	1
INTRODUCTION.....	3
1. ISRAELI STATE BUILDING PROCESS: A SETTLER COLONIAL PATH TO ESTABLISH SOVEREIGNTY	7
1.1 The Zionist Movement and the Logic of Sovereignty.....	7
1.1.1 A Background: the Jewish Question and Early Zionist Thought	7
1.1.2 Why a Jewish State? Zionism as a Conservative Movement	12
1.1.3 Land Appropriation, the Constitutive Process of the Sovereign Territorial State....	20
1.2 Zionist State-Building: The Settler Colonization Process	26
1.2.1 Jewish Nation-Building: Zionist Immigration and Land Appropriation	27
1.2.2 Indigenous Dispossession and the Emergence of Palestinian Resistance	36
1.2.3 The Zionist Proto-Government	40
1.3 Military Dimension and Zionist Achievement Of Statehood.....	46
1.3.1 The Military Aspect of Sovereignty: Unification of the Israeli Army	48
1.3.2 The Iron Wall as a Political Concept	58
1.3.3 Israeli Statehood Through Ethnic Cleansing: the 1947-1948 Conflict.....	63
1.4 The Zionist Movement and the Logic of Sovereignty.....	69
1.4.1 Colonial Foundation of Settler Colonialism	70
1.4.2 The Zionist Settler Colonial Structure	74
2. FROM MILITARY CONQUEST TO DISCIPLINARY RULE: TURNING OCCUPIED PALESTINE INTO A PRISON	84
2.1 Pursuit Of Greater Israel: Occupation And Territorial Integration	84
2.1.1 Expansionist Character of a Sovereign Offensive-Defensive Conflict: the 1967 Six Days War.....	85
2.1.2 Proposals of a Classical Colonialist Solution for the Demographic “Problem” in the OPTs.....	94
2.1.3 Territorial Integration of the West Bank and Definition of Palestinian Enclaves- Prisons.....	102

2.2 Structuring The Occupation-Prison System Through Sovereignty And Discipline	113
2.2.1 Sovereignty-Discipline Configuration	116
2.2.2 Economic Politics of the Body: Palestinian Workforce in Israel	123
2.2.3 Resistance in OPTs' Diagram of Power: the First Intifada	130
2.3 Strengthening The Prison Model: Oslo Disciplinary "Peace" And Its Failure.....	138
2.3.1 Oslo "Peace" Process: an Overview	138
2.3.2 Oslo Accords and their Disciplinary Order	147
2.3.3 Second Intifada and the Failure of Oslo: Re-Centralizing Sovereignty Technology	155
3. CONTEMPORARY ISRAELI-PALESTINIAN POLITICAL FIELD: SOVEREIGN SEPARATION AND APARTHEID SYSTEM	161
3.1 Re-Shaping The Political Field: Israeli Separation Strategy And The Reconfiguration Of Power Technologies	161
3.1.1 Persistent Demographic "Problem" and the Disengagement Plan	162
3.1.2 Unilateral Sovereign Separation and the Exclusion-Confinement of the Gaza Strip	169
3.1.3 Racism as a Power Device and Racialization Processes in Gaza and West Bank	176
3.2 Israeli Apartheid System In The West Bank	183
3.2.1 Dissection-Annexation-Apartheid Wall and Ongoing <i>De Facto</i> Annexation of the West Bank	185
3.2.2 Population Dissection: Israeli Settlers' Supremacist Universe	193
3.2.3 Population Dissection: Palestinians' Colonized Universe	198
3.3 The Gaza Strip As An Existential Enemy	203
3.3.1 Rise of Hamas and Its Consolidation in the Gaza Strip	204
3.3.2 Israel's <i>Non-Justus Hostis</i>	210
3.3.3 Dehumanization of Palestinians and the Total War on Gaza	217
CONCLUSION	224
BIBLIOGRAPHY	230

Preface

This research has started with a journey in Palestine and has ended in the same way. On 7th October 2023 I woke up in Hebron, in Southern West Bank, waiting for my permit to enter the Gaza Strip. As always in those days, I checked the news while having breakfast. It took a second, after having read the latest, to understand that I would have not met my friends in Gaza soon. In the coming hours, days and weeks, I got scared that I would have never met them again. However, the relevance of my partial experiencing, from an unfairly privileged position as an Italian citizen, of the reality in Palestine, as far as the scope of this study is concerned, does not lie in the emotional dimension of the precious friendships that I have with people in that beautiful land. Being in West Bank at the outbreak of the total war that is raging in the Gaza Strip meant that I witnessed first-hand the reality of the apartheid-prison system established there by Israel, the level of dehumanization of Palestinians embedded in it, the asymmetry of oppressive relations of forces characterizing the Israeli-Palestinian political field, the practices of collective punishment in the form of long-lasting curfews, the arbitrariness of Israeli soldiers' power on Palestinian lives and the torture traces inherent to Israel's practices as an occupier-jailer. Proliferation of flying checkpoints, closure of each city by blocking the main roads destined to Palestinian use, snipers shooting kids "armed" with stones, stories about night incursions in Palestinian cities by IDF soldiers to arrest Palestinians in their homes and put them in arbitrary detention, talks with Gazan workers in Israel victims of the Israeli forces' reprisals, beaten, arrested for days and then abandoned on the other side of the terminals of the apartheid wall. These facts are some of the material effects that I have tried to describe and conceptually understand in this work. My last journey in Palestine has, from an academic point of view, somehow provided me a "confirmation" of some aspects of my theoretical analysis. Before this, my first journeys, in the Gaza Strip in June 2022 and in the West Bank in September that year, have given me the possibility to initially grasp those aspects. Intuitions to be analytically developed and questions to be conceptually framed in my thesis have emerged thanks to my conjunctural direct experience of the contradictions and confrontations inherent to the Israeli-Palestinian political field. The weeks that I have spent experiencing this materiality of power relations and effects, therefore, have been as much precious for my research as the months spent in Italy reading, studying and reflecting on the topic.

This thesis, however, would have never been possible without the trust and availability of my supervisor, professor Mauro Farnesi Camellone, and of the humanitarian cooperant in Palestine Meri Calvelli, to whom I owe my most sincere thanks.

Introduction

This study aims to provide a genealogical analysis of the emergence of an Israeli-Palestinian political field and to trace the configurations of power relations that have shaped it during the past century and half, until nowadays, as well as their material-productive effects in terms of subjectivation (*subjectification*) processes.

The concept of “political field” refers to Michel Foucault’s philosophical-political thought and can be defined as a dimension of reality consisting in asymmetric struggles between forces. In this dimension, the prevarication by some of these forces is prolonged through the materialization of sets of interrelated practices and discourses – the technologies of power – in order to maintain the structural asymmetry that characterizes politics in favour of the hegemonic forces. On the other hand, oppressed forces are intrinsically resistant and orient their action to the goal of subverting such power relations, ending their condition of oppression. Oppression and resistance, therefore, are the two fundamental dynamics informing power as a relation and become the two inextricable and crucial frameworks through which a concrete political field can be investigated.

One of the main aspects which will be object of our research is represented by the material effects produced by power as a relation. These material effects coincide with the subjectivation processes inherent to the confrontations between forces. According to Michel Foucault, power, even when it is mainly expressed in an oppressive form, has a positive character consisting in its function of producing subjects. In opposition with the classical Western tradition of thought that defines a subject in essentialist terms, as an autonomous and self-funding substance that dominates an exogenous objective reality, in Michel Foucault’s theoretical production subjects are defined as products of the emergence of power as a relation, resulting from the material confrontations between forces in a concrete relational reality. The positive character of power consists in its role as the “motor” that produces subjects, shaping them always as points of application of repression and, on the same time, as sources of resistance. More specifically, our work identifies three major subjectivation processes characterizing the Israeli-Palestinian political field. The implementation of oppressive technologies of power by Israel produces the Palestinians, in different phases, as “Dispossessed indigenous people”, “Occupied-Detainee Subjects”, “Inferior race” and “*Non-justus hostis*”. As we will try to highlight in our text, each of these interrelated subjectivation processes is based on Israeli oppression as well as on the inexorable Palestinian resistant attitude.

Our genealogical analysis focuses on the oppressive dimension of this political field and on the practices and discourses put in place in order to maintain as unchanged the asymmetry informing power relations. If the goal is to *maintain* the situation as unchanged, the strategies through which this purpose is pursued, on the contrary, are characterized by transformations of the power technologies configurations employed. Following Michel Foucault's reflections, we will focus on the role of two specific power technologies – sovereignty and discipline – and their interplay in preserving Israel as the hegemonic force vis-à-vis the Palestinian resistance. The forms assumed by Palestinian resistance, indeed, play a key role in the shaping and re-shaping of oppressive power technologies configurations by Israel. Without assuming a teleological approach or conceiving a potential “intentionality”, we will try to identify the transformations of the power technologies configurations implemented by Israel as related to the need of responding to the challenges posed by the Palestinian resistance to the asymmetric status quo. The analysis of the First and Second Intifada, in this sense, will be conducted with the aim of investigating them as leakages points threatening the effectivity of Israel's system of power and consequently triggering “adjustments” in it.

It is important to mention and explain why Carl Schmitt's thought, that focuses on the founding concepts of European political modernity, will be used as a major theoretical reference in order to understand the dynamics inherent to sovereignty technology. Despite the deplorable biographical events related to his character, in particular his support for Nazism, after a reflection about the sensitiveness of the choice to mention him in relation to a Jewish-related set of issues, the recognition of the fundamental distinction between antisemitism and anti-Zionism prompted us to make this “hazard” with the aim of having the possibility to develop our analysis by referring to one of the most authoritative and influential thinkers in the field of philosophical-political research on the political form of the modern nation State, which is at the core of the Israeli-Palestinian question. We repudiate antisemitism and we firmly criticize Zionism on the same time. In this context, the task assigned to Carl Schmitt's thought in our research is to provide an insightful conceptual framework used to analyse the Zionist-Israeli State-building as a phase dominated by the affirmation of the sovereignty technology. The relevancy of such conceptual framework lies in the identification of Zionism as the ideology aimed specifically at the establishment of a sovereign Jewish State. Zionist rhetoric and practices are widely understandable in the framework theorized by Carl Schmitt regarding the fundamental mechanisms of a sovereign state. The fact that the thought of a Nazi results so useful in the attempt to understand the Zionist logic stresses even more the radical difference between antisemitism and anti-Zionism. The anti-Zionist character of this research is then, in a

certain sense, an “anti-Schmittian thought” character. The attention paid to Carl Schmitt’s analysis and to Zionist ideology and practices derives from the very banal constataion that it is impossible to criticize something that we do not understand.

From a methodological point of view, attention will be paid also to the historical dimension in which the Israeli-Palestinian political field is embedded. Genealogy, indeed, is defined by Michel Foucault as opposed to the meta-historical research of an essentialist origin and, instead, as an investigation of the concrete emergence intended as the arrival on the scene of forces. Such arrival on the scene of forces is intended as the introduction of discontinuity in the domain of reality, consequently our genealogy of the emergence of political forces and technologies of power will stress the changes they have produced and have been subjected to, rather than a supposed continuity. In this way the “effectivity” of the historical dimension will be highlighted. Moreover, it is important to mention that this investigation is carried out from the middle of a political reality shaped by relations of forces as well, in which the genealogical function of knowledge, historiographical knowledge included, is to allow to take a position, rather than aspiring to elevate the researcher or the reader in a neutral dimension of observation. If the sincere attempt to adopt an intellectually honest attitude has been the beacon that has lighted the way of this research, absolute impartiality has never been conceived as a necessary component in this sense.

Under these premises, in the first chapter we will analyse the beginning and the development of Zionist settler colonization of Palestine as the Israeli settler-colonial State-building process. We will argue that the establishment of Israeli sovereignty in Palestine has proceeded through the path of land appropriation as the realization of the internal direction in the process of creating a new *nomos*, and through military conquest as its external direction, whose peak was reached in the 1948 Arab-Israeli war with the ethnic cleansing of Palestine. A reflection based on settler colonial studies will highlight, in this chapter, the colonial character of the Zionist State-building enterprise as based on the indigenous dispossession inherent to it. On the same time, the specificity of its settler colonial dimension will be argued as based on an eliminatory tendency towards the indigenous people identifiable in the Zionist case, rather than the purpose of exploitation characterizing classic colonialism.

The second chapter will focus on the interplay of sovereignty and discipline technologies of power set in place after Israel’s victory in the Six Days War and following the occupation of the remaining Palestinian territories: the West Bank and the Gaza Strip. We will argue that the Israeli military occupation system is understandable as an aberrant disciplinary-sovereign prison in which the Palestinians are produced as “Occupied subjects/Incorrigible detainees”

who are impossible to integrate in the Israeli political system due to the so-called demographic “problem” and, on the same time, cannot to be physically eliminated as in 1948. The establishment of this occupation-prison system will be analysed by paying attention to the sovereign process of territorial integration, in particular in the West Bank, of Palestinian lands into Israel through the proliferation of settlements, which has as a complementary effect the imprisonment of Palestinians in territorially fragmented enclaves-jails. Two moments of full-scale Palestinian resistance will be analysed in order to understand the reconfiguration of Israeli power technologies provoked. After the first Intifada the disciplinary dimension of Israeli rule will be intensified in the context of the attempts to reach a disciplinary “peace”, represented by the Oslo negotiations. The second Intifada as a manifestation of the inefficiency of Israeli disciplinary grip on the Palestinians will pave the way for the analysis of the recentralization of sovereignty technology by Israel, allowing us to individuate another crucial reconfiguration of power technologies that will inform the reality in Israel/Palestine in the first two decades of the 21st century.

Finally, in the third chapter we will examine this re-centralization of sovereignty by Israel focusing in particular on the Disengagement plan and its effects of diversification of the two dimensions of the Israeli-Palestinian political field in the West Bank and the Gaza Strip. The analysis of the continuity of the sovereign-disciplinary rule in the West Bank by Israel will be complemented by a focus on the comparative aspect related to the conditions of the different Israeli rule on Israelis and on Palestinians. We will use the apartheid paradigm in order to understand the system articulated in the existence of a typically modern civil society, the Israeli one, and the condemnation to life imprisonment reserved to Palestinians. We will pay attention to the role of racism as a crucial power device in determining such reality, given that it is the basis for the fragmentation of the biological continuum living under Israeli rule between a “superior-Israeli race” biopolitically managed and an “inferior-Palestinian race” falling in the domain of Israeli thanatopolitics. The Israeli-Gazan dimension of the political field, instead, will be intended in terms of sovereign alienation by Israel of the Gaza Strip land and people paving the way for the framing of the relationships between these two parties in sovereign-conflictual terms. The takeover of power by Hamas in 2007 will be historically overviewed in order to analyse the subjectivation process of the armed group as a *non-Justus hostis*, whose consequences are the establishment of an explicit hostile relation and of the conditions for the total character inherent to the case of war between these two actors.

Chapter I

Israeli State-Building Process: A Settler Colonial Path to Establish Sovereignty

1.1 The Zionist Movement and the Logic of Sovereignty

Zionism, a political movement born in the intellectual Jewish circles of Central-Eastern Europe in the age of nationalism, can be intended as a peculiar product of modernity. As a nationalist ideology, its main aim was to provide the solution for the Jewish question by adopting the principles at the core of the European political order and in particular its main pillar: the political structure of the sovereign State. The creation of a Jewish State is presented by Zionist exponents as the only desirable and collective-political way to end the exile of the Jewish people in diaspora and the sufferings derived from that condition.

This work argues that Zionism's short-sightedness and particularism led part of the Jews in XIX century to see as a solution the same political structure that represented the source of their sorrow and the foundation of antisemitism in modern age: the exclusive, nationalist modern State based on the concept of sovereignty. Indeed, by setting the aim of creating a Jewish State, Zionists engaged in the effort to reiterate divisions and discriminations against new subjects.

We will start by providing an overview of how the connection between nationalism, liberalism and antisemitism impacted on the Jewish community of the XIX century. Moreover, the reasons of Zionists' rejection of the emancipation process will be investigated in order to understand what kind of problem the proposed solution of creating a State was meant to fix, and why this was considered by Zionists as both the only and the best option to guarantee Jewish wellbeing. Finally, the conceptual functioning of sovereignty as the foundation of the nation State will be analysed alongside the implications of achieving such a goal in the specific case of the Jewish State.

1.1.1 A Background: Jewish Question and Early Zionist Thought

The expression "Jewish question" refers to the conditions of discrimination that have characterized the existence of the Jewish people in diaspora for thousands of years. The enforcement of specific rules and restrictions for Jews, such as the prohibition to practice certain

professions and to attend public schools, has been a major driver of the exclusion of Jewish persons from central fields of the European socio-economic structures, causing their marginalization through the denial of their civil and political rights.

In the second half of XIX century, the historical period in which Zionism rose, these conditions of institutionalized discrimination were still present and particularly harsh in Eastern European regions such as Romania and Russia. On the other hand, a process of legal emancipation of Jews in Western Europe had started in the aftermath of the French Revolution, in the attempt to implement the universalist Enlightenment ideal concerning the equality of all human beings before the law. However, as the well-known critiques to the formal concept of freedom highlight, granting rights from the legal point of view is not sufficient to realize substantial equality in a public-political context. Indeed, in the socioeconomic dimensions as well as in popular and elitist cultural environments, discriminations and prejudices against Jews were far from being uprooted even in liberal European states.

In this precarious context, the wave of pogroms¹ against the large Jewish community of Southern-Western Russia, that started in 1881 and lasted until 1884 with the complicity of the Czarist authorities, shocked Jewish intellectuals all over the Old Continent and boosted the idea that a turning point was needed in the Jewish history in order to put an end, once and forever, to the conditions of subjugation in which Jews lived. This turning point has been identified by proto-Zionist and Zionist thinkers, such as Leo Pinsker and Theodor Herzl, with the creation of a Jewish State.

Moreover, the early 1880s represented the beginning of a phase in which the intensifying violence against the Jews in Eastern Europe, in particular in Russia, produced the increase of Jewish emigration to Western Europe and United States. In this context Zionist exponents noticed that while Jews' living conditions in Eastern Europe were in a continuous process of deterioration, also in the liberal Western European states, where Jews had been emancipated, the presence of Jewish communities was perceived as a problem and faced with antisemitic attitudes. The increase of antisemitism in Western liberal countries can be interpreted, according to the historian Nathan Weinstock, as a process for which: «This exodus assumes impressive proportions and re-proposes the “Jewish question” in Western Europe, where the Jewish

¹ Pogroms consisted in violent actions and looting against Jews. In 1881, after the assassination of the Czar Alexander II, a wave of violence which counted more than 250 attacks against Jewish community in Southern-Western Russia began and lasted until 1884.

bourgeoisie was in the middle of an ongoing process of assimilation»². At the end of the day, for instance, the infamous affair Dreyfus³, which is known for having stimulated Theodor Herzl's commitment to the Zionist cause, happened in France: the country where the light of the liberal Revolution in Europe had been sparked a little over a century before.

As a result of these dynamics, an intense debate between the supporters of emancipation and Zionists emerged: according to nationalist Jewish intellectuals, despite the evident fact that emancipation had opened a way for improving the living conditions of some wealthy Jews through assimilation, it actually was neither effective nor desirable. Emancipation was not effective because the impact of formal laws on the concrete reality was not powerful enough to change the perception of Jews as another people living in dispersion among European states' nationals. This difficulty in realizing concrete equality between all the citizens was furtherly exacerbated by the spread of nationalist discourses. The coexistence of liberalism and nationalism in the modern cultural and political landscape put Jews in a contradictory position: they were formally equals to everyone else as citizens, because according to Enlightenment principles and liberalism no one should be discriminated due to ethnicity, but they were not concretely considered as members of the nation because they did not share the national common blood and history, the same bonds with the "fatherland", the same religion and the same customs. For Zionist thinkers the idea of living as a minority among a majority implied two potential scenarios: a future of constant limited assimilation, "limited" because the diversity of the Jews would have always forbidden them to live in complete absence of discrimination, as was happening in Western European states where emancipation was an ongoing process, or to be subjects of cruel episodes of violence, such as pogroms, while living under heavy constrains established by institutionalized discriminatory laws, as was the reality in some Eastern European regions.

Thus, the link between antisemitism and Zionism is explicitly pointed out by the theoreticians of Jewish nationalism and by scholars who have analysed the emergence of this political movement. Theodor Herzl, the so called "father of Zionism", in his essay *The Jewish*

² Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, trans. it. Nicola De Vito, Massari Editore, Bolsena 2006 (original ed. *Le Sionisme contre Israel*, Maspero, Paris 1969), p. 19 (Vol. I).

³ Alfred Dreyfus, a French of Jewish origins, was a staff officer accused, in September 1894, of espionage and of having transmitted sensitive information about French artillery to the German government. In October 1894 the arrest of Dreyfus was characterized by anomalies and violations of the right of defence. The abnormal bureaucratic procedures applied were recognized in their antisemitic nature and the "Affair Dreyfus" became a topic of mediatic and political struggle inflaming France until 1906, when the French Supreme Court ruled a verdict which declared Dreyfus' innocence.

*State*⁴ places at the beginning of his programmatic text a reflection about the Jewish question and antisemitism. In the opening chapter of the text, Herzl identifies which ones, in his opinion, were the political and economic causes of antisemitism and their effects. Herzl defines modern antisemitism, that according to him is deeply different from religious persecutions of Jews during previous centuries, as a consequence of the emancipation process, indeed he argues that:

When civilized nations awoke to the inhumanity of exclusive legislation and enfranchised us, our enfranchisement came too late. It was no longer possible legally to remove our disabilities in hour old homes. For we had, curiously enough, developed while in the Ghetto into a bourgeois people, and we stepped out of it only to enter in fierce competition with the middle classes. Hence, our emancipation set us suddenly within this middle-class circle, where we have a double pressure to sustain, from within and from without.⁵

The competition between middle-classes divided along ethnic-national lines described by Herzl can be referred to the phenomenon for which the mass immigration of Jews from Eastern Europe triggered the diffusion of antisemitic discourses in all the levels of society and started to pose obstacles to the previously ongoing assimilation of the bourgeois Jewry settled in Western Europe. Moreover, European middle-classes in the XIX century were major social environments where nationalist discourses rose, usually accompanied by the fermentation of racist theories. Hence, legal equality stated by liberal reforms and ethnic intra-class competition deriving from nationalist views set up, through emancipation, a contradictory framework in which the Jewish community could not be guaranteed an existence free from injustices.

On the one hand, Theodor Herzl in his essay denounces the ineffectiveness of the attempts of emancipation in the XIX century because the historical legal marginalization of Jews had produced, during the centuries, such solid socioeconomic circumstances of exclusion that those conditions had become unchangeable. On the other hand, a clarification about the fact that Herzl does not consider the idea of a successful assimilation as something desirable immediately follows: «Our national character is too historically famous, and, spite of every degradation, too fine, to make its annihilation desirable»⁶.

According to Herzl, emancipation and assimilation can be defined at most as individual solutions for the few, wealthy Jews willing to be integrated in the European societies, but the

⁴ Herzl, Theodor, *The Jewish State*, trans. eng. Sylvie D'Avigdor, Skyhorse Publishing INC., New York 2019 (original ed. *Der Judenstaat*, M. Breitenstein's Verlags-Buchhandlung, Leipzig and Vienna 1896).

⁵ *Ivi*, pp. 5-6.

⁶ *Ivi*, p. 7.

Jewish question was a national issue which needed a political solution able to free the Jewish nation, not only single Jews, through the realization of its independence.

The consequences of the idea sustained by Herzl that emancipation concurred in causing the emergence of modern antisemitism – that is to say a new, secular and nationalist form of hatred against the Jews – can be better understood by taking in consideration the analysis of the Israeli political scientist Shlomo Avineri, which focuses on the link between emancipation and modern antisemitism on the one hand and the reflexive emergence of Jewish national consciousness and of Zionism on the other.

According to Shlomo Avineri⁷, emancipation exacerbated Jewish identity problems by formally setting assimilation as a viable way. As long as Jews were confined in Ghettos and forbidden to attend public schools or to work alongside Christian Europeans, the distinctiveness of the Jewish religion, culture and way of life was not in discussion. When Jews started to be admitted in the public social life of the liberal European states, the cultural and customs differences became object of choices for the Jewish individuals: they had to decide, for instance, whether to work and go to school on *Shabbat* or to respect their religious rules. In addition to the perception of this phenomenon of, as Avineri calls it, «bringing out the difference and distinction within equality in hundreds of individual decisions»⁸, which took the form of a key identity problem for modern Jews, there was the persistent discrimination against Jewish people by gentile nationalists who, imbued with cultural determinism and racism, refused to accept Jews as equal citizens of the State and as members of the nation. Racist nationalism implied that assimilation in cultural terms and even religious conversion could not give to Jews the opportunity to be fully accepted in the European gentile society.

In this context, Avineri argues, Jews started to elaborate a new consciousness of themselves as a nation on their own:

Zionism, then, is a post-Emancipation phenomenon. [...] Jewish nationalism was then one specific aspect of the impact of the ideas and social structures unleashed by the French Revolution, modernism and secularism. It was a response to the challenges of liberalism and nationalism much more than response merely to antisemitism.⁹

⁷See the introduction of Avineri, Shlomo, *The Making of Modern Zionism. The Intellectual Origins of the Jewish State*, Basic Books, New York 2017.

⁸ *Ivi*, p. 8.

⁹ *Ivi*, p. 11.

In a nutshell, Jews were not accepted by gentile nations because they were accused of being different, they had Hebrew as their common language, even if by that time it was spoken only in religious contexts, they had a common religion and a common history. What Jews missed as a nation was a territorial character, that is to say the concrete control on a land, possibly the mythological land of their ancestors: this lack made the Jewish community in diaspora a nation in exile, and at this point Zionism broke in.

1.1.2 Why a Jewish State? Zionism as a Conservative Movement

In this paragraph, in order to understand the Zionist orientation towards the creation of a Jewish State as a solution for the Jewish question, the thought of the Russian-Polish Zionist activist Leo Pinsker is worthy to be taken into account. In addition, with the aim of comprehending the theoretical framework that provides the most important conceptual assumptions to understand Pinsker's thought, the theories of the German jurist and philosopher Carl Schmitt on the founding concepts of European political modernity will be used as the main interpretative framework. Referring to these two authors, our objective will be to analyse how the influence of the nationalist European culture and inter-state international political order of the XIX century prompted Zionists to insert their cause in the conceptual constellation which underlies that political scenario.

Pinsker's thought is articulated in his pamphlet *Auto-Emancipation*¹⁰, published in 1882 and in which a radical change from the immediately previous positions sustained by the author is expressed, as a consequence of the beginning, the year before, of the wave of pogroms in Southern-Western Russia. As the scholar Arturo Marzano highlights¹¹, Leo Pinsker was an example of integration in the Russian society and a fervent supporter of assimilation until the violences erupted in 1881 made him to change his perspective on the way to solve the Jewish question: emancipation was evidently a failure, hence auto-emancipation was needed. From this moment on Pinsker sustained that the fundamental root of the Jewish question coincided with the maimed national character of the Jewish people caused by its lack of State organization. Because of this mutilation the Jewish nation is defined as a ghost, neither dead nor alive:

¹⁰ Pinsker, Leo, *Auto-Emancipation*, trans. eng. David Simon Blondheim, 2nd edition, Federation of American Zionists 1916 (original ed. *Selbstemanzipation*, Commissions-Verlag von W. Issleib G. Schuhr, Berlin 1882).

¹¹ Marzano, Arturo, *Storia dei sionismi. Lo Stato degli ebrei da Herzl a oggi*, Carocci Editore S.p.A, Rome 2017, p. 28.

This ghostlike apparition of a people without unity or organization, without land or other bond of union, no longer alive, and yet moving about among the living, this strange form, hardly paralleled in history, unlike anything that preceded or followed it, could not fail to make a strange, peculiar impression upon the imagination of the peoples. And, if the fear of ghosts is something innate, and has a certain justification the psychic life of humanity, what wonder that it asserted itself powerfully at the sight of this dead and yet living nation?¹²

Pinsker proceeds in articulating these premises through the identification of their consequences with the so-called “Judeophobia”¹³, that is European nations’ fear of the Jewish nation ghost, whose ultimate outcome is antisemitism. Set aside the psychological connotation that Pinsker attributes to antisemitism by defining it as Judeophobia¹⁴, the most important element in this Zionist author’s interpretation is the consideration of lacking land and State authority as the causes of the abnormal Jewish existence, which spontaneously, according to Pinsker, triggers the discriminatory attitudes by the other nations. Which logic and which imagination Pinsker refers to when he sustains his arguments is the object of our analysis: it is the logic of sovereignty at the basis of European States’ national and inter-state international orders.

In the statement quoted above, Pinsker defines a ghost-people as a population «without unity or organization», addressing in this way the fundamental principle of sovereignty which constitutes the cornerstone of the European political modernity. The State is a political structure, or organization, based on the conceptual mechanism of representation, theorized by the British philosopher Thomas Hobbes in the XVII century in his masterpiece *Leviathan*¹⁵. According to Hobbes, sovereignty is the outcome of the mechanism of representation through which the multitude of individuals create a unity, the political body that Hobbes calls “Leviathan” and which is exactly the State. The representative is the sovereign, the person who is entitled of exercising sovereignty, intended as the founding power derived by the individual alienation of freedoms in the constitutive process that gives birth to the civil State, through which the persons become parts of the State-machine-body. This constitutive process implies the abandonment of

¹² *Ivi*, pp. 3-4.

¹³ *Ivi*, p. 4.

¹⁴ For an overview of Shlomo Avineri’s criticism to Leo Pinsker’s psychological interpretation of Judeophobia as mental illness see Avineri, Shlomo, *The Making of Modern Zionism. The Intellectual Origins of the Jewish State*, cit., p. 80.

¹⁵ Hobbes, Thomas, *Leviathan or The Matter, Form and Power of a Commonwealth Ecclesiastical and Civil*, Oxford University Press, London 2008.

the state of nature: the primitive condition in which humans constantly threat each other, making a safe existence impossible for anyone.

The theoretical investigation of the contradictions inherent to the constitutive process of the State as it is articulated in Hobbes' thought is beyond the objective of this study. However, the passage from the multitude of individuals in the state of nature to the existence of a single political body, coincident with the civil State, is relevant in order to understand Pinsker's, and in general Zionist, quest for a political solution to the Jewish question and the rejection of emancipation due to its inadequate individual character. According to Hobbes and to the Zionist logic there is no political unity without the State and no State without the sovereignty detained by the representative through which the persons become a single political body.

The mechanism of representation is based on the concept of authorization: individuals are the authors and the sovereign is the actor who represents, with authority, the persons. Authorizing the representative means that the authors recognize, without questioning, the will and the actions of the sovereign-actor as their own. The convergence of individual wills in the sovereign's single one is what makes possible the constitution of a unity, transforming the multitude of individuals into a political body. It is under these theoretical premises that Pinsker's argument, which defines Jewish people as a ghost nation, can be conceptually understood and connected with the Zionist call for a Jewish State.

If, on the one hand, Leo Pinsker defines the Jewish nation as a ghost, on the other hand he defines the Jews living in diaspora as aliens. According to him, Jews are neither native nor foreigners in any place where they live, this ambiguous character is what makes them aliens and is the reason of the discrimination against them.

The Jews are aliens who can have no representatives because they have no fatherland. Because they have none, because their home has no boundaries behind which they can entrench themselves, their misery also has no bounds. The general law does not apply to the Jews, as strangers in the true sense of the word.¹⁶

Again, the cause of this individual abnormal existence of single Jews is the lack of a Jewish State. The conclusion, according to Pinsker, is that the unsustainability of both the collective and individual Jewish existence is determined by the lack of a fatherland, that is defined also as a home, in which Jews would be both legally and socially recognized as equal citizens.

¹⁶ Pinsker, Leo, *Auto-Emancipation*, cit., p. 6.

In order to understand why, according to Zionists, only in their own State Jews can achieve a safe existence free from discrimination and threats, a useful explanation can be found in Carl Schmitt’s analysis of the conceptual functioning of the State expressed in the so called “Hobbes-Crystal”¹⁷.



Figure 1: Hobbes-Crystal (Carl Schmitt)

In the Hobbes-Crystal Carl Schmitt provides for an analysis of Hobbesian conceptual structure of the State, focusing on the interconnections between premises and implications. The Hobbes-Crystal can be read both from the top to the bottom, in this case the reader focuses first on the theological-political dimension of the sovereignty’s foundational and constitutional character, and from the bottom to the top, in this case starting from paying attention to the idea of the State as a human artifact, according to contractarianism, and to the relation between the sovereign and his subjects.

It is the second direction of reading, from the bottom to the top, which is the most interesting for our analysis. In particular, the consideration of the expressions *Protectio et Oboedientia* and *Potestas directa, non indirecta* is precious in order to understand why the State appeared to Zionists as a political solution to the Jewish question.

Protectio et Oboedientia expresses the “content” of the social contract through which, according to Thomas Hobbes, the State is created, that is to say the sovereign power is constituted. The subjects accept to give up on their individual freedoms, which in the state of nature are based on the natural law, in exchange of the guarantee of safety of their lives by the sovereign in the civil state. The sovereign is the only one able to ensure these conditions thanks

¹⁷ Schmitt, Carl, *Il concetto di ‘politico’*, in *Le categorie del ‘politico’*, trans. it. Pierangelo Schiera, Società editrice il Mulino, Bologna 2013 (original ed. *Der Begriff des Politischen*, Duncker & Humblot Verlagsbuchhandlung, Berlin 1932), pp. 150-151-152. The translation in English here is mine.

to the immense power he exercises, which originates from the individuals' acceptance of the sovereign as their representative, this acceptance coincides with the individuals' vow to obey the sovereign's law. *Potestas directa, non indirecta* is the expression of the kind of power relation which is established between the sovereign and his subjects in the civil state. The opposition between *potestas directa* and *potestas indirecta* is described by Carl Schmitt also in a brief paragraph of an essay published in 1938 and titled *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*¹⁸:

Drawing on his uprightness and his brave intellect, he restored the old and eternal relationships between protection and obedience, command and the assumption of emergency action, power and responsibility against distinctions and pseudo-concepts of a *potestas indirecta* that demands obedience without being able to protect, that wants to command without assuming responsibility for the possibility of political peril, and exercise power by way of indirect powers on which it devolves responsibility.¹⁹

In Schmitt's interpretation of Hobbes' thought, because the State is based on the pact of *protectio et oboedientia*, it is the only source of direct power, which is legitimate because its foundation is based on an authorization that, in turn, is conditional on the provision of protection.

Living as "aliens" in a civil State, as Leo Pinsker describes Jewish condition in European states, then, can be intended as living under the influence of an indirect power, which is the sovereign power of the European State exercised on subjects, in this case the Jews, who are obliged to obey but are not entitled to receive protection because, due to their perceived national otherness, they do not belong to the group of individuals that, by stipulating the social contract which gave birth to the State, have become citizens and have been granted consequent rights. Here emerges the reasons of the Zionist quest for their own State, after having accepted and adopted this logic of State sovereignty: under these premises, the only way to end an existence as rightless aliens is to stipulate their own social contract, which will give birth to their own civil State where they, as citizens, will be guaranteed protection in exchange of obedience to the sovereign law.

¹⁸ Schmitt, Carl, *The Leviathan in the State Theory of Thomas Hobbes. Meaning and Failure of a Political Symbol*, eng. Trans. by George Schwab and Erna Hilfstein, Greenwood Press, Westport and London 1996, (original ed. *Der Leviathan in der Staatslehre des Thomas Hobbes*, J.G. Cotta'sche Buchhandlung Nachfolger GmbH, Stuttgart 1938).

¹⁹ *Ivi*, p. 83.

What is most important for our analysis of the Zionist call for a Jewish State is to highlight the exclusive character of this political structure and the fact that, by adopting it as a solution and enjoying its logic without questioning its limits, Zionists accept to reiterate the exclusive dynamic which has caused discrimination of Jews in modern times and whose outcome has been antisemitism. Accepting the idea that belonging to the nation which founds the State is the only legitimate way to be granted protection and a safe existence implies the justification of the discrimination against the individuals who do not belong to that nation, in this case to the Jewish nation. The price to pay in order to create a State, and that Zionists accept to pay in order to “solve the Jewish question”, is to discriminate others in order to not be discriminated, to turn other persons into “aliens” in order to become citizens, and to strengthen the political system which is the source of Jewish sorrow as a people in modern times by imposing it to another people. In this conceptual and political framework, being the “included” means to be the ones who exclude, to end your own oppression means to become the oppressor of another State-less people, as pointed out by the Israeli sociologist Gershon Shafir:

Zionist immigration to Palestine differed from other migrations in its political aims. While trying to break the historical tether that bound their ethnic identity to an economic niche, the Jewish immigrants in Palestine ended up re-creating it in a new form. They could escape Europe, but not rid themselves of it.²⁰

We will analyse in-depth this issue in the next sections of this work, however, it is useful here just point out that our analysis will sustain the argument that the dynamic described above has represented and still represents one of the main factors in the exclusion and repression of Palestinians during the decades in which Zionists engaged in State-building in Palestine, between 1880s and 1940s, and after the creation of the State of Israel in 1948.

After having analysed how and at what cost Zionists thought to be able to end Jewish individual existence as aliens in European States, another dimension must be considered: the inter-state European political order and Pinsker’s objective to turn the Jewish ghost-nation into a living nation by providing it a Jewish State. The choice of the attribute “inter-state” to describe what is usually called “international” order is aimed at stressing the centrality of such political structures as subjects in this arena, according to Carl Schmitt’s analysis of the *Jus Publicum*

²⁰ Shafir, Gershon, *Settler Citizenship in the Jewish Colonization of Palestine*, in *Settler Colonialism in the Twentieth Century* ed. by Caroline Elkins and Susan Pedersen, Routledge Taylor & Francis Group, New York and Oxon 2005, p. 41.

Europeaum and of the State dimension of foreign affairs consisting in individuating the *Justus hostis*²¹.

The reason why for Leo Pinsker and for Zionists is so important to normalize the abnormal Jewish existence by creating a State does not only refer to the guarantee of safety to individuals, determined by the *protectio et oboedientia* pact, but also to the need to comply with the requirements which must be satisfied by the Jewish nation in order to be recognized as a peer by European nations in the inter-state international context. Leo Pinsker's premise is that of a natural antagonism between nations, that he describes in his pamphlet:

If the basis of our reasoning is sound, if the prejudice of the human race against us rests upon anthropological and social principles, innate and ineradicable, we must look no more to the slow progress of humanity, and we must learn to recognize that as long as we lack a home of our own, such as the other nations have, we must resign forever the noble hope of becoming the equals of our fellow-men. [...] We must reconcile ourselves, once for all, to the idea that the other nations, by reason of their eternal, natural antagonism, will forever reject us.²²

Pinsker's interpretation has, for us, a double theoretical value: on the one hand his words are a further confirmation of Zionist acceptance of the darkest shadows embedded in the fundamental structures of European political modernity, namely their exclusionary character and the idea of an eternal struggle between peoples, on the other hand it shows the connection of Pinsker's Zionist thought with Schmitt's idea of the foreigner being always a potential enemy, that is entitled of respect as *Justus hostis* only on the condition that it is a State.

According to Carl Schmitt's analysis in his text *The Nomos of the Earth*²³, it is only being a sovereign State that a *hostis*, which is the political enemy differentiated by the private *inimicus*, becomes a *Justus hostis*, hence cannot be treated as an infamous criminal. This conception of another State as a *Justus hostis* is based on the recognition of its equality: only States can be

²¹ In his text *The Concept of the 'Political'*, Carl Schmitt argues that the distinction between inter-statal and international organizations consists in the fact that the former assumes the existence of the States and regulates some of their interactions without challenging their political existence, the latter instead discusses the primacy of States' boundaries and prerogatives threatening their closure and impenetrability. We choose in our analysis to extend this conceptual distinction, which Schmitt attributes to organizations such as the League of Nations, to the general comprehension of the inter-statal relational context as a whole, as Schmitt himself does in one of his following text *The Nomos of the Earth*, thus intertwining it to the theory of *Jus Publicum Europeaum*, which Schmitt specifically defines as an interstate international order.

²² Pinsker, Leo, *Auto-Emancipation*, cit., p. 12-13.

²³ Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeaum*, trans. eng. G.L. Ulmen, Telos Press Publishing, Candor 2006, (original ed. *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, Duncker & Humblot, Berlin 1950).

considered equals because this equality refers to their sovereignty. The consequence is that a people that is not organized in a State and has not sovereignty is not intended as equal by European states, accordingly to European inter-state international law.

States pursued wars against each other on one and the same level, and each side viewed the other not as traitors and criminals, but as *justi hostes*. In other words, the right of war was based exclusively on the quality of the belligerent agents of *jus belli*, and this quality was based on the fact that equal sovereigns pursued war against each other.²⁴

However, it is not because Zionist purpose was to actually fight against European states that Leo Pinsker invoked the creation of a Jewish State, rather, Zionism claimed for equality of the Jewish nation in comparison to other ones, but in the European inter-state international order the equality of a nation was conditional on the sovereignty of that nation and sovereignty intrinsically meant, according to Carl Schmitt, the right to declare war against another State becoming the *Justus hostis* of that State. The implicit acceptance of this conflictual framework is embedded in Pinsker's sustainment of the idea of "natural antagonism" between nations.

The reason why such a high attention is paid by Carl Schmitt to the dimension of war between states and to the recognition as *Justus hostis* in a conflict as expression of equality can be understood considering Schmitt's analysis of the role of war in *The Concept of the Political*. In this text Schmitt defines the concept of the political as the criterion of distinction between a friend and an enemy, this differentiation is expressed as an extreme level of intensification²⁵ in which the most intense union with "friends" is the unity in the political body of the State and the extreme level of separation is the war against the foreigner-enemy. The enemy is defined necessarily as a foreigner because he represents an otherness that can, but not necessarily does, be an existential threat for the State. Schmitt insists on specifying that this political-conflictual character of inter-state relations does not mean that every state must be actually in war against every other, however, war is a necessary virtual condition characterizing any inter-state relation:

War is neither the aim nor the purpose nor even the very content of politics. But as an ever present possibility it is the leading presupposition which determines in a characteristic way human action and thinking and thereby creates a specifically political behavior.²⁶

²⁴ Ivi, p. 143.

²⁵ Schmitt, Carl, *The Concept of the Political*, eng. trans. by George Schwab, University of Chicago Press, Chicago and London 2007, (original ed. *Der Begriff des Politischen*, Duncker & Humblot Verlagsbuchhandlung, Berlin 1932), p. 26.

²⁶ Ivi, p. 34.

In a nutshell, Zionist main goal was to find a solution to end discrimination of Jews in a historical period in which, despite some improvements from the formal-legal point of view in some liberal European states, antisemitism was increasing both in terms of eruptions of violence and physical threats to Jews' lives and of socioeconomic discrimination on nationalist bases. Zionist thinkers identified their solution with the adoption of the European political structures and defined the creation of a Jewish State as their main objective. According to how a modern State conceptually functions, this political organization appeared to be able to provide on the one hand a "home" for Jews and the end of their individual existence as aliens, thus guaranteeing them safety and protection in exchange of obedience to the law and realizing the concrete unity of the Jewish nation in its representative, and on the other hand the access to the European inter-state international system and the recognition of the Jewish nation as equal to the other European ones, given that it would have become a sovereign nation just like all the others.

Under the light of these observations, the conservative character of Zionism strongly emerges, despite the fact that this movement was defined by its supporters as "revolutionary", alongside the other European movements calling for national independence²⁷. This conservative character consists in the acceptance without objections of the concepts founding European political modernity and of their real concretizations, including their exclusionary features which have been, and are, among the main sources of oppression of peoples in Europe and all around the world. As anticipated before, by aiming to comply with this political order, Zionists set the ideological conditions of their future existence as oppressors.

1.1.3 Land Appropriation and the Constitutive Process of the Sovereign Territorial State

Zionist authors such as Leo Pinsker and Theodor Herzl repeatedly stress in their texts that the major obstacle to the free and fair existence of Jewish people was the lack of a father-*land*. In this section we will analyse the centrality of the component "land" in Zionist projects for the creation of a Jewish State, in addition we will try to understand how this centrality can be intended as based on the conceptual functioning of the political structure of the State, as it is theorized by analysts of the modern European political thought such as Carl Schmitt.

²⁷ Pinsker, Leo, *Auto-Emancipation*, cit., p. 12.

A quotation from Theodor Herzl's essay *The Jewish State* may appear as contradicting the thesis sustained in our work, here an example that we will contextualize in our theoretical framework:

It is true that the Jewish State is conceived as a peculiarly modern structure on unspecified territory. But a State is formed, not by pieces of land, but rather by a number of men united under sovereign rule.

Man is the human, land the objective, groundwork of a State; the human basis being the more important of the two.²⁸

It is true that in the early decades of the Zionist movement there was not a specific focus on Palestinian land as the target for the realization of the Zionist project: Leo Pinsker encouraged Jewish people to conceive the idea of the Jewish fatherland on the basis of concrete feasibility, not ideological or religious attachment to the specific region of the ancient Jewish kingdom²⁹; Theodor Herzl in *The Jewish State* dedicates the section *Palestine or Argentina?*³⁰ to the discussion about how the Society³¹ would have chosen where to realize its project. According to Herzl, Palestine was «our ever-memorable historic home»³², but Argentina was «one of the most fertile countries in the world, extends over a vast area, has a sparse population and a mild climate»³³. The Zionist current which did not plan the foundation of the Jewish State in Palestine, the so called “Land of Israel”, but affirmed that the immediate political solution of the Jewish question, wherever it would have been possible, must have been supported is called in academic literature Territorialism³⁴.

²⁸ Herzl, Theodor, *The Jewish State*, cit., p. 52.

²⁹ Pinsker, Leo, *Auto-Emancipation*, cit., p. 15.

³⁰ Argentina as an alternative to Palestine for the Zionist project is not randomly mentioned by Theodor Herzl. In late XIX the first Aliyah of Jews immigrant settlers in Palestine, economically sustained by the French Baron Edmond James de Rothschild, was paralleled by Jewish settler colonial efforts in Argentina funded by the German financier Maurice de Hirsch. In this phase the Zionist movement was not organized yet and the premises of the debate between Messianism and Territorialism were posed. However, in the last years of 1800 also Maurice de Hirsch started to focus on Palestine as the main destination for Zionist migration and in 1900 Edmond Rothschild transferred his colonies to the Jewish Colonization Association, which was controlled by Maurice de Hirsch.

³¹ The Society presented in this text by Herzl as the «State-creating power», recognized by foreigner governments and with a representative function of the Jewish people, which had the task to manage the realization of the Zionist project. Its empirical realization coincided with the World Zionist Organization founded by Herzl with the First Zionist Congress in Basile in 1897.

³² Pinsker, Leo, *Auto-Emancipation*, cit., p. 11.

³³ *Ibidem*.

³⁴ For an extended historical analysis of the Territorialist Zionism see Alroey, Gur, “Zionism without Zion”? *Territorialist Ideology and the Zionist Movement, 1882–1956*, in *Jewish Social Studies*, Fall 2011, Vol. 18, No. 1 (Fall 2011), pp. 1-32, Indiana University Press.

It is not possible here to specifically analyse the debate within the Zionist movement between territorialists and the ones longing for the “return to Zion”, which was particularly harsh after the foundation of the World Zionist Organization. However, what is important to highlight is that even the territorialist “decentralization” of the specific question about which land should be targeted still represents an expression of the centrality of land in a State-building process. This centrality of land is not related to the specificity of a particular geographical region, but to the process of land appropriation. By considering this process of land appropriation we are able to overcome the hierarchy presented by Herzl in the previously mentioned quotation, concerning the primacy of the human over the land, by arguing that it is precisely the original and constitutive bond between a community of men united in a political body and imposing their power on a land defined by boundaries which creates the modern sovereign *territorial* State. In order to understand the constitutive process of a State it is not possible to separate the human and the territorial dimension, as Herzl seems to do.

This is what Carl Schmitt synthetically points out in *The Concept of the Political*, by providing the definition of the State as «the political status of an organized people in an enclosed territorial unity»³⁵, and furtherly articulates in *The Nomos of the Earth*, in which the author focuses precisely on the territorial dimension of political modernity. In this latter text Carl Schmitt analyses the element of land appropriation in the constitutional dimension and sustains that:

Land-appropriation thus is the archetype of a constitutive legal process externally (vis-à-vis other peoples) and internally (for the ordering of land and property within a country). It creates the most radical legal title, in the full comprehensive sense of the term radical title.³⁶

The constitutive process of a State, according to political modernity’s theories, is the dynamic through which sovereignty is affirmed, and thanks to this affirmation the premises for legislation, intended as expression of the sovereign’s will, and any further structuring of statal institutions become possible. By defining land-appropriation as the indispensable phase and the archetype of a constitutive legal process, Schmitt sustains that it is an essential component in the constitution of sovereignty. Carl Schmitt analyses this process in its territorial dimension also referring to the Greek original term *nomos*, explaining that its meaning derives from

³⁵ Schmitt, Carl, *The Concept of the Political*, cit., p. 19.

³⁶ Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeaum*, cit., p. 47.

nemein, which means both “to divide” and “to pasture”, both these actions are possible only under the premise of land appropriation that, consequently, is the first, original and often “hidden” meaning of the term *nomos*³⁷. If, as the traditional modern European thought has sustained, *nomos* is identified with division of a land and production thanks to the use of it, and this represents the content of law once the State has been established, on the other hand *nomos* as appropriation of that land corresponds to the constitutive process establishing the legitimacy of those following laws which, in other words, is the constitution of sovereignty, as expressed by Schmitt:

In its original sense, however, *nomos* is precisely the full immediacy of a legal power not mediated by laws; it is a constitutive historical event – an act of legitimacy, whereby the legality of a mere law first is made meaningful.³⁸

As for as the second and third meanings of the term *nomos*, that are “division” and “production”, they are understood by Carl Schmitt as the internal (to the State) development of original land appropriation. The moments of appropriation and of division and production can be seen as chronologically very close, indeed humans do not seize land without using it for their purposes, but they are logically distinguished. Indeed, as highlighted before, land appropriation as a constitutional process coincides with the establishment of sovereignty, but that establishment becomes visible only through consequent legislation, and the first and most basilar law-making steps in a State concern the division of land, for instance through the affirmation of private property and the distinction between private and public law. Division of the land is an entirely internal process which involves the citizens of a State, who form the «land-appropriating group»³⁹ and are the ones subjected to that sovereign law. Once such division has occurred, the economic dimension of a State, namely production, becomes possible. This process is defined by Schmitt as the first direction in which «land appropriation grounds law»⁴⁰, the second direction develops externally and concerns the dimension of confrontation with other land-appropriating and land-owning peoples, indeed the primary function of sovereignty-land appropriation in the constitutive process is the definition of boundaries, both geographically and between different peoples.

³⁷ *Ivi*, p. 70.

³⁸ *Ivi*, p. 73.

³⁹ *Ivi*, p. 45.

⁴⁰ *Ibidem*.

In this external dimension, as a fundamental component of sovereignty, according to Carl Schmitt, land appropriation represents a legal title in international law, that in the inter-state international order, which Zionist movement wants to join, essentially means the sovereign legal title to declare war maintaining the status of *Justus hostis*. Hence, the external dimension of land appropriation is the dimension of war, as implied by Carl Schmitt by defining the precondition of the political, at the basis of the relationships between states, as the virtual and constant possibility of conflict. These two directions of land appropriation will be object of a deeper analysis in the following paragraphs of this chapter.

In the attempt to analyse Theodor Herzl's writings through Schmittian lens, as anticipated before, the supposed division between a human and immaterial constitution of State sovereignty and the following choice of a specific land expressed by Herzl is misleading. Indeed, despite his above-quoted statement, also in Theodor Herzl's theoretical production the insistence on the management of immigration to the unspecified land is a priority: the section *The Plan* in *The Jewish State* focuses exactly on land appropriation through departure of Jews from Europe and their arrival in their future "fatherland". It should be noticed, indeed, that Herzl's insistence on the need of European powers' recognition of the Jewish State's sovereignty, which characterizes Herzl's Zionism as the political Zionist current in opposition to practical Zionism within the World Zionist Organization in the early years of 1900⁴¹, would have been baseless without an ongoing process of land appropriation by Zionist migrants to Palestine. What should have European States recognized if Zionist territorial presence in Palestine had been inexistent? What kind of demands could Zionists advance in that case, without a material base and without any proto-"international legal title"? Indeed, after the death of Theodor Herzl in 1904 the practical Zionist current acquired hegemony in the Zionist movement and the proportion of the land appropriation process exploded.

The need of land appropriation is stressed by Leo Pinsker as well, who, in his pamphlet *Auto-Emancipation*, insists in arguing that a living nation cannot be formed by spatially dispersed individuals. Territorialization, indeed, is intended also as the precondition for the development of key national characters such as a common language and common customs. Differently from Herzl, according to Leo Pinsker Jews cannot form a nation and are condemned to be only a ghost-nation as long as they do not control a territory, he also specifies that «This land must be uniform and continuous in extent, for it lies in the very nature of our problem that we must

⁴¹ For an in-depth analysis of the opposition between the political Zionist and the practical Zionist currents within the World Zionist Organization see Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., pp. 46-47 (Vol. I).

possess as counterpoise to our dispersion one single refuge»⁴². The original constitutional character of land appropriation, that is to say the territorial dimension of a political constitutive process, is recognized, here, by Leo Pinsker.

It is worthy to furtherly specify in which sense we use the conceptual paradigm of nomos-land appropriation to analyse the Zionist project. Indeed, as Carl Schmitt specifies, land appropriations have almost constantly occurred in the history of the world, but not every empirical phenomenon of land appropriation coincides with the establishment of a new nomos, hence presents a constitutive character. Why the Zionist case, instead, concerns the aim of creating a new *nomos* and is not definable as a contingent land appropriation? According to Carl Schmitt:

There are two different types of land-appropriations: those that proceed within a given order of international law, which readily receive the recognition of other peoples, and others, which uproot an existing spatial order and establish a new nomos of the whole spatial sphere of neighbouring peoples. A land appropriation occurs with every territorial change. But not every land-appropriation, not every alteration of borders, not every founding of a new colony creates revolutionary changes in terms of international law.⁴³

The constitutional character of the Zionist settler process of land appropriation emerges in the aim of founding a new State, in the ambition of receiving recognition by European powers and, consequently, to enter in the European inter-state international system as a peer of the other nations. The ideas of the Jewish State's belonging to the European inter-state framework and of being the outpost of European civilization in an under-developed region are characteristics of the Zionist thought since its beginning. Theodor Herzl for instance, in the passage of *The Jewish State* where he considers Palestine as the land of the future Jewish State, describes in this way that new State's role: «We should there form a portion of the rampant of Europe against Asia, an outpost of civilization as opposed to barbarism»⁴⁴. The potential entering of a new State actor, after a constitutional process that gives birth to that new political entity, is considerable as the creation of a new nomos: it is a land appropriation process which differs from the classical European imperialist appropriations of that age, which instead did not imply the creation of new political bodies, but the economic expansion of the existing ones through the seizure of other lands, markets and the subjugation of indigenous peoples to be exploited. Moreover, the radical

⁴² Pinsker, Leo, *Auto-Emancipation*, cit., p. 20.

⁴³ Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeum*, cit., p. 82.

⁴⁴ Herzl, Theodor, *The Jewish State*, cit., p. 11.

change of the spatial sphere of the neighbouring people, mentioned by Carl Schmitt in the quotation above, can certainly be found in the Palestinian experience after the beginning of Zionist immigration to Palestine.

After this analysis of the theoretical dimension of Zionism and the focus on how the ideology of this conservatory movement is rooted in the conceptual constellation of European political modernity, we will proceed in our work by analysing historically and concretely the material effects on lands and especially on people, in particular the Palestinians, of the application by the exponents and members of the Zionist movement of the logic of sovereignty inherited by their own oppressors.

1.2 Zionist State-building: the Settler Colonization process

In the first paragraph of this chapter, we have theoretically analysed the conceptual assumptions of the Zionist ideology and showed how they are related to the European idea of the sovereign State. In this second paragraph our aim will be to provide a historical overview of the State building process carried out by the Zionist colonizers in Palestine, focusing on the patterns characterizing the first half of the XX century. We will continue to use Schmittian lens and we will interpret this first phase of the State building effort as a process of land appropriation through immigration and dispossession of indigenous population, followed by the phases of the division of land and of production, identified by Carl Schmitt as the internal direction of development of land appropriation. Then, we will start to adopt the Foucauldian framework of thought which will accompany us throughout our work and consequently we will point out that power is a relation in which a structuring force of oppression cannot exist without the emergence of a resistance to it. Consequently, we will analyse effects on the Palestinian population of the settler colonial features of Zionist practices of land appropriation and economic separation, as well as the surfacing of an indigenous resistance, of which we will investigate not only the historical development but also the conceptual foundations. Finally, another dimension we will pay attention to is the institutional structuring of the Zionist movement and the establishment, in this period, of pre-State proto-government bodies belonging to the institutional arrangement of the World Zionist Organization, which was conceived by his “father” Theodor Herzl as a «State-creating»⁴⁵ element since the very beginning of his activity in shaping the Zionist movement.

⁴⁵ Herzl, Theodor, *The Jewish State*, cit., p. 10.

1.2.1 Jewish Nation-building: Zionist Immigration and Land Appropriation

Current and traditional historiography on the Zionist movement and on the creation of the State of Israel use the five *Aliyoth*⁴⁶ scheme as the main framework to analyse the development of Zionist presence in Palestine from early 1880s until the Second World War. This periodization identifies the first *Aliyah* as the wave of Russian and Romanian Jewish immigrants from 1882 to 1903; the second was represented mainly by Russian leftist Jews arriving from 1904 to 1914 and was interrupted by the outbreak of the World War I; the third started in 1919, in the aftermath of the Balfour Declaration, and lasted until 1923, when an economic crisis emerged in Palestine: it represented the continuation of the “proletarian colonization” theorized and made possible by the dynamics of the previous *Aliyah*; the fourth was composed mainly by Jewish petit bourgeois escaping from antisemitism in Poland and arriving in Palestine between 1924 and 1929; finally, the fifth *Aliyah* was prompted by the rise of Nazi-Fascist discriminatory policies against Jews in Central Europe and occurred in the period between 1933 and 1939.

As the historian Hizky Shoham highlights, the term *Aliyah* indicates an ideologically motivated immigration flow and is differentiated from *hagira*, which is, on the contrary, a non-ideologically motivated one⁴⁷. In retrospective all the modern Jewish immigration waves to Palestine from 1882 to 1939 have been labelled as *Aliyoth*, despite the essential non-nationalist character of the first one’s outcomes, which resulted, instead, in the pursuit of colonialist-economic interests and was prompted, in a certain sense, by humanitarian reasons rather than political objectives⁴⁸. This is the reason why we will provide an overview of the first *Aliyah* and, then, we will focus on the political turning points represented by the second, third and fourth *Aliyoth*. As far as we are concerned, indeed, what is interesting is the Zionist State-building process rather than the history of Jewish migrations per se.

If we define Zionism, as we did in the first paragraph, as a political movement whose main aim was the creation of a Jewish State, we should keep in mind that such goal was not the priority of Jewish colonizers in late XIX century. The political strength and the popularity of the Zionist movement has been enhanced by Theodor Herzl’s “diplomatic” and propagandistic

⁴⁶ *Aliyoth* is the plural of *Aliyah*, the Hebrew term to indicate waves of migration to Palestine.

⁴⁷ Shoham, Hizky, *From “Great History” to “Small History”: The Genesis of the Zionist Periodization*, in *Israel Studies*, Vol. 18, No. 1 (Spring 2013), pp. 31-55, Indiana University Press, Bloomington, p. 33.

⁴⁸ The non-capitalist Jewish colonizers of this early phase were people escaping from violence and discriminations in Europe, whose main purpose was the improvement of their conditions of life rather than the nationalist goal of creating the Jewish State in Palestine. Capitalist colonizers, both the private individuals who migrated to Palestine and the Jewish philanthropists who financed colonies from Europe, adopted classical colonial frameworks of indigenous exploitation, thus focusing on the economic interests of their settlement enterprises.

activity. Prior to the Congress of Basel in 1897, which gave birth to the World Zionist Organization, Zionism was not actually a coordinated and organic movement as it became later. Territorialist programs, guided especially by Maurice Hirsch's Jewish Colonization Association, were ongoing and Palestine was not the only or the major destination for Jews. Moreover, immigration in Palestine was poorly organized and the Jewish colonies created there owed their survival to the financial support by European Jewish philanthropists, such as Edmond de Rothschild, and implemented capitalist-colonialist practices, thus becoming plantation colonies in which indigenous population was exploited. In this context Jewish colonizers had no interest in hiring Jewish workforce, that was more expensive and less productive in comparison to the Arab one.

The classical colonialist character of Jewish plantation colonies in Palestine during the first *Aliyah* did not match with Zionist political ambitions. It is true that the first immigration efforts were led by *Hibbat Zion*⁴⁹, a movement founded by the proto-Zionist Leo Pinsker whose political goals, as we noticed in the first paragraph, are out of discussion, but it is also true that the economic unsustainability of such attempts imposed to these first Jewish colonizers the need to ask for Jewish European philanthropists' aid. These European wealthy Jews were imbued with classical colonialist European and economic capitalist-oriented ideas and patterns of actions, and neither Edmond de Rothschild nor the leaders of the Jewish Colonization Association to which he transferred his colonies in 1900 represented exceptions in this sense.

The fading and deviating political character of the first *Aliyah* is evidenced also by the low level of conflict between Palestinian *fellahs* and Jewish colonizers in this phase. This was motivated by the fact that political mobilization in this region, which by this time was part of the Ottoman province of Greater Syria, was very low, in addition feudal structures and the presence of peasants who worked the land of absentee owners, being exploited and subjected to payments of harsh tributes, were already a plague prior to the arrival of Jewish colonizers. As long as Arab *fellahs* have been allowed to work in Jewish plantations, the Zionist threat was scarcely perceived by the indigenous population⁵⁰, and only some Arab urban notables expressed complains and opposition, in particular by calling for Ottoman authorities' actions to

⁴⁹ *Hibbat Zion* (Zion Lovers) was a net of Zionist organization developed in the aftermath of the beginning of the anti-Jewish pogroms in 1881. The group was officially constituted at a conference in 1884 under the leadership of Leo Pinsker. These organizations' aim coincided with the birth of the Jewish nation in Palestine and with pursuing political autonomy for such a Jewish nation, the activities consisted in collecting funds and managing the first migrations to Palestine. In 1897 *Hibbat Zion* activists joined the World Zionist Organization.

⁵⁰ Pappé, Ilan, *A History of Modern Palestine. One Land, Two Peoples*, Cambridge University Press, Cambridge 2004, p. 56.

stop Zionist land acquisitions⁵¹. The legal passage of private ownership obtained by Jewish colonizers through the purchase of land from absentee landowners did not immediately appear as an existential threat for a peasant population that was already landless, as for as the urban notables were concerned, it is true that some of them expressed opposition, but a minority of them were the ones who profited from selling land to Jewish colonizers.

In order to understand the dynamics of the first *Aliyah*, then, we can refer to Carl Schmitt's distinction of land appropriation representing the foundation of a new *nomos* and other kinds of land appropriations which, instead, do not trigger consistent changes in the spatial dimension of the peoples living in a territory. Land appropriation by Jewish colonizers of the first *Aliyah* and the creation of plantation colonies did not represent the emergence of a new *nomos* also because it did not evolve internally in a radical change in the patterns of division and production characterizing the region.

However, the economic model of plantation colonies, resembling classical colonization, at the core of the first *Aliyah* entered in crisis due to its incompatibility with the national goals of the Zionist movement and to the concrete scarcely productive conditions characterizing the Palestinian territory in agricultural terms. Moreover, differently from the policy adopted by Edmond de Rothschild and, previously, by *Hibbat Zion*, the Jewish Colonization Association did not provide for a system of subsidized payments for Jewish immigrants in the colonies⁵², and neither did, of course, private colonies founded and managed by wealthy Jews as businesses of their own. From a strictly economic point of view, to keep the costs of production in the colonies low became necessary due to the lack of capitals coming from Europe, hence the exploitation of Arab workforce continued in the first decades of the XX century. It was the most profitable way to manage such colonies and was not something that plantation colonizers wanted to give up on.

The situation started to radically change with the advent of what is called by the historian Nathan Weinstock the «proletarian colonization»⁵³ of the second *Aliyah* and with the involvement of the World Zionist Organization, through the Jewish National Fund founded in 1901, in the purchase of Palestinian land. As Gershon Shafir highlights in *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914*⁵⁴:

⁵¹ Ivi, pp. 50-51.

⁵² Shilo, Margaret, *The Immigration Policy of the Zionist Institutions 1882-1914*, in *Middle Eastern Studies*, July 1994, Vol. 30, No. 3 (Jul., 1994), pp. 597-617, Taylor & Francis Ltd., Milton Park, p. 606.

⁵³ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 75 (Vol. I).

⁵⁴ Shafir, Gershon, *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914*, University of California Press, Berkeley 1996.

The most sensible way of analysing the major intra-Jewish conflict during the Ottoman period of Jewish settlement in Palestine is as one taking place between the pure settlement strategy of the first *Aliya*, which was diverted *malgré lui* into an ethnic plantation type, and the pure settlement form of the second *Aliya* [...] The different outcomes of the two waves' efforts largely related to the alternative models of colonization chosen by Rothschild and the WZO.⁵⁵

The model of colonization of the first *Aliyah*, by largely employing Arab workforce, did not consider the «demographic interest of a settler population»⁵⁶, based on the need identified by Shamir as the effective presence of an ethnic group in a region in order to realize the control of a land, which is the condition to turn that ethnic group in a territorially defined nation that, only from that moment on, can reasonably aim at developing political autonomy through the creation of State sovereignty.

In 1904, following the intensifying violences and pogroms against Jews in Russia, a new wave of Jewish immigrants arrived in Palestine and by 1914 the Jewish newcomers amounted approximately to 35.000-40.000 people⁵⁷. At their arrival these new Jewish immigrants, imbued with Russian populist and leftist ideas and hoping to find a Jewish refuge in Palestine, realized that the so called “Jewish” colonies were actually based on Arab workforce and there was no interest by the settled Jewish colonizers in hiring their “fellow nationals” providing them a job and means of survival, because their profits would have suffered from this. The motivation was that Jewish immigrants coming from Europe had more class organizational capacities, less competences in agricultural labour and higher expectations in terms of wages and working conditions due to their European standards, which conflicted with the capitalist-colonialist main goal of maintaining the costs of production as lower as possible.

In this phase the Jewish workers arrived in Palestine theorized and started to implement the campaign of the *Kibush avoda*: the conquest of labour. As Gershon Shafir explains, the conquest of labour had, for leftist Zionists, three layered meanings: it represented the struggle to overcome the traditional distance from agricultural work characterizing European Jewry, hence it was a cultural change internal to the Jewish community; it referred to the class struggle between Jewish workers and Jewish capitalists who controlled the colonies in Palestine; and it represented the ethnic intra-class conflict against the Arab workers in order to realize the exclusive employment of Jewish workforce in Jewish colonies. This third meaning is the most

⁵⁵ Ivi, p. 11.

⁵⁶ Ivi, p. 13.

⁵⁷ Shafir, Gershon, *Settler Citizenship in the Jewish Colonization in Palestine*, cit., p. 42.

relevant for us in order to understand the process of nation-building and consequent State-building, which is the object of our attention. As Nathan Weinstock stresses, the Zionist aim, in this phase, coincides with the creation of an autarchic nation with an internal class structure, this means that the *Yishuv*, which is the name used to indicate the Jewish population in Palestine, needed its own proletariat as well as its own capitalist class. On the contrary, the classical capitalist framework adopted during the first *Aliyah* was setting a society in Palestine characterized by a small Jewish capitalist class that exploited an indigenous proletariat: this arrangement was incompatible with the aim of creating a nation and then a State for the Jews. Indeed, as long as the Jewish colonizers continued to employ *fellahs* the possibilities for Jews to immigrate in Palestine and to realize the Zionist project of obtaining independence for the Jewish nation would have remained low, because they would have not found an occupation and demographic majority would have not been achieved. From this constatation, the link between the Jewish labour movement in Palestine and the nationalist claims characterizing Zionism turned out to be the most effective strategy for the Jewish workers. The political mobilization of the new immigrants, prompted by this labour market struggle against the previous Jewish colonizers and against Arab workers, resulted in the foundation, in 1905, of the first Jewish workers' socialist party *Hapoel Hatzair* (The Young Worker Party), meanwhile in Europe the party *Poale Zion* had been founded and its section in Palestine became active in 1906.

Thanks to this nationalist «small-white deviation»⁵⁸ feature of the Zionist socialist movement and, in parallel, to the abandonment by the World Zionist Organization, right after Theodor Herzl's death in 1904, of the political Zionist positions, the synergy between the Zionist workers-settlers' efforts and the World Zionist Organization started. This synergy made possible the emergence of a completely new settler colonization model, symbolized by the *kibbutz*⁵⁹, in which land was purchased by the Jewish National Fund and that had a collectivist organization and way of life. This is not to say that capitalistically-managed Jewish colonies suddenly disappeared and the new settlements which would have forged the Jewish nation in Palestine proliferated immediately: for instance, in 1914 only 3.9% of the land occupied by Zionist settlements was owned by the Jewish National Fund⁶⁰. However, what is most worthy of attention for us is the paradigmatic shift in the settlement model implemented, rather than

⁵⁸ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 77 (Vol. I).

⁵⁹ *Kibbutzim* were Zionist agricultural colonies in Palestine formed by immigrant Jewish workers and characterized by common property of land and means of production, as well as collectivist way of life based on a Marxist ideology. Their aim was the creation of the Jewish State on a rigid socialist base.

⁶⁰ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 79 (Vol. I).

the immediate empirical results produced by the conquest of labour campaign during the second *Aliyah*.

In order to comprehend the magnitude of this paradigm shift from the first to the second *Aliyah* we should analyse the role played by the World Zionist Organization through the activities and the functioning of the above-mentioned Jewish National Fund (JNF). The Jewish National Fund was created in 1901, after a decision taken in the fifth Zionist Congress in Basel, and started to be active in systematic settler colonization from 1908, thanks to the collaboration with the newborn Palestine Office in Jaffa that year, which represented the WZO in Palestine and that carried out informational tasks to facilitate immigration of settlers from Europe in the land owned by the JNF. The functioning of the Jewish National Fund explicitly expressed the Zionist long-term goal of creating a Jewish State, especially if we notice that, despite land was bought, the result of this purchase fell outside the boundaries of the private law: land became collective property of the Jewish people and was divided among settlers according to hereditary rent contracts, which included a specific clause that prohibited to employ non-Jewish workforce. The main goal of the JNF was to nationalize land in Palestine and to attract settlers in order to pursue the demographic interest which would have allowed the emergence of a Jewish majority in some portions of the Palestinian territory.

We have stressed repeatedly in the previous chapter the fundamental distinction between the individual level and the collective one in individuating the emergence of the political dimension, in this sense we argue here the extreme importance of this step, the nationalization of the land, in the determination of the State-building dimension which characterizes the Jewish National Fund's activities and the settlement model of the second *Aliyah*. In this sense the settler activities timidly started with the foundation of the first *kibbutz*, in 1908, on the land purchased by the Jewish National Fund, can be interpreted in Schmittian terms as acts of land appropriation which contributed to create a new *nomos* and were followed by the internal development of such appropriation in terms of the division of land among the Zionist settlers and the setting up of production activities, which followed the typically sovereign and nationalist exclusionary character of a State formation process, by expelling *fellahs* from the lands, by boycotting Palestinian labour and by trying to establish an autarchic economy.

A further specification is useful, here, to explain why we sustain that such a migration process represented the path of land appropriation which in Schmitt's theory is the core of a political constitutional process. Indeed, Carl Schmitt himself in *The Nomos of the Earth* highlights that:

First, we must not think of land-appropriation as a purely intellectual construct, but must consider it to be a legal fact, to be a great historical event, even if, historically, land-appropriation proceeded rather tumultuously, and, at times, the right to land arose from overflowing migrations of peoples and campaigns of conquest and, at other times, from successful defense of a country against foreigners.⁶¹

What is important to notice from this quotation is that the foundational meaning of land-appropriation could be realized in this phase through immigration, but keeping in mind the distinction of this process from a kind of land appropriation which does not have the capacity to give birth to a new *nomos*, a distinction that we apply here to understand the diversity of outcomes of the first and the second *Aliyoth*. As far as the second *Aliyah* is concerned, in a nutshell, the Jewish National Fund provided for land appropriation through purchases and nationalization, and for land division through rent contracts and sustaining the formation of exclusively Jewish colonies. Data regarding the results of such efforts express the relevance of this turning point, which will become visible after the third *Aliyah*: the Jewish population in Palestine tripled from 1919, when it represented 6% of the total population, to 1926, when it had increased to 18%, this percentage furtherly increased during the 1930s due to the intense Jewish immigration from Nazi Germany, and arrived at more than 30% by 1939⁶².

Another aspect we should take into account, which represents an embryonic emergence of State-like patterns, is the formation in this phase of the first Zionist para-military organization: the creation of the *Hashomer* (Guard) in 1907, which was a settlers' militia for the defence of the new Jewish colonies. It is important to stress that a dimension of the tensions between classical colonialist Jewish settlers of the first *Aliyah* and the workers-settlers of the second one concerned the will of the former to continue to use Arab guards to defend the boundaries of the colonies, in opposition to the latter's ambitions of creating a situation in which Jews only performed every task, para-military defense included, useful for the realization of the Zionist project⁶³. The autonomy of the *Yishuv*, according to these new settlers, could not ignore the need of Jewish monopoly of self-defence. The development of Jewish paramilitary forces and their unification for the creation of the future Israeli army will be analysed in-depth later in this chapter, we mentioned it here just to stress how the creation of a Jewish Guard can be intended

⁶¹ Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeaum*, cit., p. 46.

⁶² Khalidi, Rashid, *The Hundred Years War on Palestine. A History of Settler Colonial Conquest and Resistance*, Profile Books Ltd, London 2020, p. 40.

⁶³ Shafir, Gershon, *Settler Citizenship in the Jewish Colonization in Palestine*, in *Settler Colonialism in the Twentieth Century*, cit., p. 47.

as another step forward in the nation-building process characterizing Jewish community in Palestine from the second *Aliyah* on.

Another key dimension of this process is the structuring of the third aspect mentioned by Carl Schmitt in the internal trajectory of a State-building process: production. In order to analyse this third dimension in the concrete context which is under our attention, the dynamics of the third and fourth *Aliyoth* and the role of *Histadrut*, the Zionist trade union in Palestine born in 1920, will now be the object of our focus. The third *Aliyah* started in the aftermath of the end of the World War I, with the arrival in 1919 of the first few hundreds of new settlers and the 8000 Jewish immigrants per year from 1920 to 1923⁶⁴. Many of these newcomers were fervent supporters of Zionist-nationalist claims and arrived in Palestine with the dream of realizing the goals set during the second *Aliyah* by their predecessors. Alongside the arrival of these ideologically motivated settlers, the activity of the Jewish National Fund in purchasing land for the development of *kibbutzim* and other exclusively Jewish colonies proceeded.

In this phase the Jewish economy in Palestine followed a twofold trend: on the one hand it expanded its fields of development from agriculture to industry and especially with a focus on the construction sector, thanks to the availability of a large Jewish workforce arriving, on the other hand it became more and more closed, aiming at autarchy as a necessary condition to guarantee the increase of colonization projects and Jewish demographic presence. It is during the third and fourth *Aliyoth* that, under the leadership of *Histadrut*, the idea elaborated during the second one of the conquest of labour through the realization of a closed Jewish economy turned into larger scale concrete efforts. In particular in late 1920s and during 1930s one of the major spheres of *Histadrut*'s activities, indeed, was the organization of picketing campaigns⁶⁵ in the Jewish colonies that employed Arab workers, with the aim of chasing out them and establishing the Jewish labour paradigm. This mobilization of the settlers turned out in a boycott of Arab workforce and occurred alongside a general boycott of goods coming from Arab production⁶⁶. The link between the conquest of labour and the survival of Zionist colonization project for the creation of the Jewish State was expressed by *Histadrut* and settler militants also

⁶⁴ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 132 (Vol. I).

⁶⁵ For a more specific overview of this aspect see the description of the picketing campaign at the settlement of Petah Tikva in Glazer, Steven A., *Language of Propaganda: The Histadrut, Hebrew Labor, and the Palestinian Worker*, in *Journal of Palestine Studies*, Vol. 36, No. 2 (Winter 2007), pp. 25-38, University of California Press on behalf of the Institute for Palestine Studies.

⁶⁶ The institutional body which dealt with the establishment of a Jewish market of goods and services characterized by protectionism and separation was the *Tnuva*, the Zionist sales cooperative founded in 1926 which avoided that the cheaper Arab agricultural products could penetrate the Jewish economy in Palestine.

through nationalist belligerent metaphors, which became common in the propagandistic discourses that proliferated in that period, as the historian Steven A. Glazer points out:

Supporters of exclusive Jewish employment were “mobilized” to go to “the front” in order to “defend” themselves against an “invasion” of Arab workers. In “defending their existence,” the Hebrew Labor “fighters” sought to preserve the “fortress” of exclusive employment against a “breach in the wall”.⁶⁷

The dynamics occurred during the second, third and fourth *Aliyoth* laid on the premises that the development of a new nation in a new territory required the creation of an internal class hierarchy that included a national proletariat. The conquest of labour, despite the socialist background of the majority of the settlers committed to it, thus represented one of the major expressions of the nationalist deviation of such leftist thought and confirmed what we have defined above as the “conservative character” of the Zionist movement. Indeed, also from the structural-economic point of view it concentrated its energies in the reiteration of well-established oppressive patterns, in this case the traditional class system that a State emerging in the capitalist age tends to preserve. The collectivist character of realities such as *kibbutzim* only partially challenged this trend, since they were inserted into a nationalist political-conceptual constellation. Moreover, despite the proletarian colonization represented a key turning point in the Zionist settler colonialist history in Palestine, it would be misleading to think that from the second *Aliyah* on, only immigrants belonging to the “Jewish working class” and willing to join collectivist life in *kibbutzim* arrived in Palestine. On the contrary, we can say that the conquest of labour and the socialist Zionist movement strongly contributed to strengthen the Zionist colonization which, in parallel, encouraged also the arrival of professionals and, in particular during the fifth *Aliyah*, welcomed capitalist Jews coming from Central Europe, especially escaping from the Nazi Germany. Data about the Jewish capital invested in Palestine confirm the change in the class composition of the immigrant settlers: in the period 1930-1932 the capital invested coincided with 2.500.000 Palestinian pounds, of which 606.000 had been used to import industrial equipment, while between 1933 and 1939 7.000.000 Palestinian pounds were invested, being 4.905.000 used for industrial equipment⁶⁸. As for as the geographical

⁶⁷ Glazer, Steven A., *Language of Propaganda: The Histadrut, Hebrew Labor, and the Palestinian Worker*, in *Journal of Palestine Studies*, Vol. 36, No. 2 (Winter 2007), pp. 25-38, University of California Press on behalf of the Institute for Palestine Studies, p. 27.

⁶⁸ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 141 (Vol. I).

localization of these latest immigrants is concerned, the German Jewish newcomers settled for the major part in some residential areas of Haifa and founded banks and other enterprises.

The historical path followed by the evolution of the class composition of *Yishuv* does not appear contradictory in respect neither to early ideal Zionist dreams⁶⁹, nor to the socialist Zionist ambitions: considered that national struggle represented a priority over the class struggle in the socialist Zionist ideology, the arrival of capitalists and the realization of a class hierarchy within the new community actually represented a first success in the process of creating a Jewish nation in Palestine⁷⁰. As the historian Arturo Marzano highlights in commenting David Ben Gurion's position in early 1930s: «Socialism was not the end, but the means through which Zionism would have revolutionized the socioeconomic structure of the Jewish diaspora»⁷¹.

The job was not finished: first the Zionist and then the Israeli authorities continued for decades the effort to achieve and maintain a demographic majority in a portion of Palestine. However, what we wanted to stress here is how in this settler colonization process the economic premises, fundamental for the possibility to achieve Zionist political objectives, had been posed. The affirmation of such premises, in our interpretation, represents the first concretization of the triad appropriation-division-production that according to Carl Schmitt coincides with the internal direction of the constitutional process of a sovereign territorial State.

1.2.2 Indigenous Dispossession and the Emergence of Palestinian Resistance

We should now pay attention to the crucial aspect that such land-appropriation constitutional process has, as the other side of the coin, the essential character of a settler colonialist enterprise based on indigenous dispossession of land, employment possibilities and resources for subsistence and aimed at cancelling indigenous presence in the new and longed settler State. The definition of dispossession that the scholar Robert Nicholson provides in *Theft is Property! Dispossession and Critical Theory*⁷² is particularly useful in our case if we consider the way

⁶⁹ In the section *The Plan* of *The Jewish State* Theodor Herzl explicitly forecast the dynamic for which the first colonizers would have been poor European Jews which would have prepared the Palestinian land through their labour to the arrival of capitalist Jews.

⁷⁰ For a deeper analysis of the relationship between the concepts of nation and class, and the priority of the former, in Marxist Zionist thought see Borochoy, Ber, *Class Struggle and the Jewish Nation. Selected Essays in Marxist Zionism*, ed. by Mitchell Cohen, Yale University Press, New Jersey 1983. For a critique of such positions see Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., pp. 259-264 (Vol. I).

⁷¹ Marzano, Arturo, *Storia dei Sionismi. Lo Stato degli ebrei da Herzl a oggi*, Carocci Editore S.p.A, Rome 2017, p. 92.

⁷² Nichols, Robert, *Theft is Property! Dispossession and Critical Theory*, Duke University Press, Durham and London 2020.

through which Zionists acquired the control of Palestinian land in the first decades of the XX century, that is through purchasing.

Generalized concerns with the commodification of land tend to ignore the extent to which this process has been subtended by systematic transfer loss, and group differentiation. It is not only that the earth has been commodified, privatized and “enclosed” but that colonization generates a form of commodification so as to divest Indigenous peoples in a distinct and particular way of their ancestral homes. The duality of this process (propertization and systemic theft) is what the concept of dispossession is meant to capture.⁷³

Group differentiation can be intended here as the result of the exclusionary logic theorized by the Zionist settlers from the Second *Aliyah* on and implemented during the following ones. On the one hand this group differentiation, symbolized by the slogan of the “conquest of labour”, had the function of strengthening *Yishuv* and creating the material conditions to turn it into an aspirant politically independent nation, on the other hand it is important to stress that this outcome implies the isolation from the indigenous population that inhabited the Palestinian land. This resulted in the expulsion of Arabs from the lands bought by the JNF, the prohibition of their employment in the new colonies and the consequent pauperization of the Palestinian rural population. As we have mentioned before, prior to the introduction of the separatist principle in the development of the Zionist colonizers’ economy, there was scarce opposition by the Palestinian peasants, given that they continued to work on the lands, even if responding to the orders of different owners. Systematic theft, in this context, coincided with the distancing of the *fellahs* from the land, forbidding them to have access to it, hence completely depriving them of it. The political meaning of the Jewish National Fund’s colonization project logically coincided with the creation of a “normal status” for Jewish settlers whose realization required the substitution of the Palestinian indigenous population. The effects of Zionist land appropriation on the Palestinians, namely dispossession intended as systematic theft, then, is not something contingent, but inherent to the State building process of the Jewish State. Using Robert Nichols’ words «While not all settler colonial projects have been genocidal per se, all have been eliminatory»⁷⁴. However, given the effectively small proportion of Jewish demographic weight and land ownership in Palestine of those years, this eliminatory character

⁷³ Ivi, pp. 97-98.

⁷⁴ Ivi, pp. 87-88.

of the Zionist settler project started to be perceived by the consciousness of the Arab local population when Zionists received formal support by the United Kingdom, expressed in the Balfour declaration. On the one hand the sponsorship by an European Great power to the Zionist process, from the perspective of the Palestinians, gave it the chances to effectively succeed, hence augmented enormously the threat represented by Jewish colonizers, on the other hand, the Balfour declaration and its following incorporation and strengthening in the Palestine Mandate had the concrete effects of enhancing Jewish purchases of lands, immigration and consequent demographic presence in Palestine. The Balfour Declaration was a letter by the British Foreign Secretary Lord Arthur Balfour to the British representative of the Zionist movement Lord Lionel Walter Rothschild, in which Great Britain's aim of promoting the formation of a «Jewish National Home» in Palestine was affirmed. Moreover, in addition to provide legal guarantees recognized also by the League of Nations to the developing proto-government Zionist institution, the Article 6 of the Palestine Mandate affirmed the commitment to «Facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes»⁷⁵.

The existential threat, given its above mentioned eliminatory character, is stressed also by the scholar Rashid Khalidi in reference to the specific Zionist-Palestinian context and the neglecting rhetoric adopted by Zionist discourses about the indigenous presence:

Essentially, the point being made is that the Palestinians did not exist, or were of no account, or did not deserve to inhabit the country they so sadly neglected. If they did not exist, then even well-founded Palestinian objections to the Zionist movement's plans could simply be ignored.⁷⁶

Zionism, as a consequence, worked as a catalyst for the emergence of a sentiment of Palestinian nationalism, which in this phase was still embryonic, but the leadership of the local Arab resistance against the Jewish presence in Palestine fell into the hands of some wealthy Arab families belonging to the traditional elite and concentrated in urban centres⁷⁷. These Arab

⁷⁵ Palestine Mandate, December 1922, League of Nations, https://avalon.law.yale.edu/20th_century/palmanda.asp

⁷⁶ Khalidi, Rashid, *The Hundred Years' War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., p. 11.

⁷⁷ It is important, however, to specify that the Palestinian territory, especially in the 1930s, experienced a process of urbanization prompted, not only but also, by the fact that the Arab rural population evicted by Zionists from their lands moved to the cities, as explained by Pappé, Ilan, *A History of Modern Palestine. One Land, Two Peoples*, cit., p. 98.

elite was on the one hand fragmented in factional divisions for the preservation of privileges and power between rival local noble families, on the other hand decided to pursue an ineffective “diplomatic” strategy to persuade British authorities to reduce their support to Zionists. The anti-Zionist campaign prompted by some exponents of these elite, such as the Grand Mufti of Jerusalem, since early 1920s was managed being careful in order to avoid to trigger an open confrontation with the British. However, spontaneous eruptions of violence accompanied the proliferation of Jewish settlements in the Palestinian rural areas in which the colonization activity was intense, in particular the coastal areas and the fertile valleys of Maj Ibn ‘Amer and Huleh in the north. Popular demonstrations in urban centres had started to emerge in particular since 1920, these demonstrations had both an anti-British and anti-Zionist character, being the former strongly motivated by the British support to the Zionist cause, and the leadership of them shifted from the noble local families to the younger and educated lower and middle classes.

In these conditions, the episodes of confrontation and violence between dispossessed Arabs and Zionist settlers backed by British forces increased over the decades, culminating in the Arab Great Revolt in Palestine of 1936-1939. The Great Revolt started with a general strike by Palestinian workers all around the Mandatory territory and was characterized by violent clashes between an emergent Palestinian armed resistance on one side and British troops and settlers’ paramilitary groups on the other. The Arab general strike lasted six months in 1936 and then, after the repression, a calm phase occurred until October 1937, when a new Palestinian insurrection followed the Peel Commission’s proposal for the partition of the Mandate territory. The partition implied the creation of a Jewish State, covering 17% of Palestine, as far as the destiny of the *Yishuv* was concerned, while the rest of the territory and the Palestinian population would have remained under British rule or, in alternative, would have passed under the control of the Emirate of Transjordan, which was a British client. Again, Palestinians were outraged by the British refusal of listening to their calls for self-determination and totally opposed the idea of ceding a part of their land to the Zionist settlers. The new wave of riots and Palestinian resistance that erupted in 1937 was smashed by British and Zionists in 1939, then the outbreak of the Second World War and the debilitation of the Palestinian population caused by the harsh repression produced the diminishment of indigenous resistance until the start of the intercommunal war in 1946. Meanwhile, Zionist para-military organizations obtained large advantages in this phase, because they collaborated with the Mandatory authorities in the brutal repression of the Arabs and were trained by them, thus strengthening their ranks and abilities.

A reflection about this very brief overview of the first Palestinian efforts of resistance is now necessary. As Rashid Khalidi highlights: «The Zionists’ colonial enterprise, aimed at taking over the country, necessarily had to produce resistance»⁷⁸, but from where, conceptually, does this necessity of resistance derive? We argue that the answer does not lay in a supposed antagonist nature of human groups, which deterministically makes ethnic conflict unavoidable, rather, in Foucauldian terms, the relational nature of power as a relation of forces in which when one of them gets repressive the other indispensably assumes the form of resistance is the best explanation for these phenomena. Given that the political field is a dimension of power and that the Zionist peculiar political aim of creating a State results to be exclusionary and therefore intrinsically oppressive towards the ones it excludes, this oppressive feature of the Zionist enterprise triggers the resistance of the subjects that it produces as oppressed. In the colonial framework and in this phase of the Zionist State-building process, oppression assumes the form of dispossession of the indigenous population and of a threat to its political existence. Under the light of these considerations, the typically colonialist narrative adopted by the Zionist discourse since its foundations by Theodor Herzl, which oscillates between seeing Palestine as a “free land” or considering the existence of the indigenous population only to affirm, in paternalistic terms, that such a backward people would welcome the ones who bring civilization to them, shows all its racist and opportunistic features.

1.2.3 The Zionist Proto-Government

We will now attempt to provide an overview of the structuring of what we define as a Zionist proto-government in Palestine prior to the establishment of the State of Israel, whose activities were aimed at guaranteeing the successful proceeding of the colonization efforts and at strengthening the *Yishuv* by administrating it as a State government would do, and consequently practically creating the conditions for the future government of a sovereign State to be institutionalized. As we have noticed in the analysis of the land appropriation process characterizing the Zionist activities in XX century, the achievement of a condition in which the conceptual features of peculiar political structures materialize passes through what we can call a “processual anticipation” of them: for instance, it is because Zionists conceived themselves as a nation that their efforts in establishing a Jewish nation in Palestine, achieving the territorial character that a nation requires, turned out to be successful in material terms. In the same way,

⁷⁸ Khalidi, Rashid, *The Hundred Years’ War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., p. 51.

it is because World Zionist Organization conceived itself as a State-creating governmental and representative element that it acted and became a proto-government, setting the conditions for the Israeli government to emerge later. What we are analysing in our work are material phenomena which can be understood in the conceptual framework of political modernity, not slavish and sudden materializations of a-priori ideas existent before and independently from the concrete reality.

We have discussed in the first paragraph the fundamental role of the logic of sovereignty as the basis to understand the functioning of a modern State. In analysing the intertwining between the Zionist ideology and the objective of creating a Jewish State, we should now pay attention to another fundamental and complementary modern State's power device, and to how it developed in Zionist history in Palestine: governmentality. Indeed, as aimed at founding a centralized modern State, the Zionist movement assumed the task of performing the governmental functions which, according to the political philosopher Michel Foucault, develop during a State-centralization process:

I think that the general problem of “government” suddenly breaks out in the sixteenth century with respect to many different problems at the same time and in completely different aspects. [...] Putting it very schematically, are at the point of intersection of two movements, two processes. There is, of course, the process that, dismantling feudal structures, organizes and sets up the great territorial, administrative and colonial states.⁷⁹

We argue that, despite Michel Foucault's analysis explicitly concerns European States, given the European theoretical origins of the Zionist thought and the features presented by the Zionist State-building project, these theories can be applied also to the context which is the object of our study. For us, it is not relevant here whether a process of State centralization takes place “from above”, as Gershon Shafir⁸⁰ defines the assumption of administrative and juridical tasks, by dismantling the multilayered and articulated Middle Age system, carried out by European Absolutist States in the phase of their formation, or from the bottom through the creation ex-novo of political institutions by an ethnic group looking for the establishment of its sovereignty. What is most worthy of attention for us is that, despite their different patterns of emergence, such centralization processes lead to the establishment of governmental institutions which “take

⁷⁹ Foucault, Michel, *Governmentality*. 1° February 1978, in *Security, Territory, Population. Lectures at the Collège de France, 1977-1978*, trans eng. Graham Burchell, ed. by Francois Ewald and Alessandro Fontana, Palgrave MacMillan, New York 2007, pp. 88-89.

⁸⁰ Shafir, Gershon, *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914*, cit., p. 8.

care” of a population and that work in synergy with the tactics that make possible the establishment of territorial sovereignty. Of the triad theorized by Michel Foucault “Security”, “Territory” and “Population”, we see how territory and population are the necessary emergent objects of the newly established power devices, to which security will follow.

The historical dimension should also be taken into account: the idea of the Jewish State projected by Zionists is shaped on the assumptions about the characteristics of the XIX century European States. Among these characteristics the irruption of the governmental, administrative and biopolitical dimensions of power relations in the political field is something that we should not ignore if we want to understand the tasks and the functioning of Zionist institutions such as the above mentioned *Histadrut*, the *Tnuva* and, in particular, the National Congress and the Jewish Executive/Jewish Agency.

According to Michel Foucault, sovereignty, which is the cornerstone of the modern political theory, consists in the possibility “to kill and to let people live”, therefore the juridical system resulting from this assumption is based on the “right to life and death”⁸¹ completely unbalanced in favour of the death, indeed the maximum expression of sovereign power is the power to kill a criminal. However, during the XIX century, a period which as we highlighted is the most influential for the development of Zionism as a modern political ideology, the legal system had been subjected to a transformation: the main State’s goal became “to make people live and to let them die”, this paradigm shift coincided with the emergence and consolidation of biopolitics. A key feature of biopolitics is the deep concern on the demographic dimension, which is managed through the totalization of the series of individuals in a population and the efforts to make this population to flourish. Governmentality is the power device, that is to say the set of interrelated tactics, used to provide for «the right disposition of things arranged so as to lead to a suitable end»⁸², defining “things” as the union of the men with their environment, their land and their means of subsistence, as Foucault argues by referring to Guillaume de la Perrière’s theories in his lecture on 1st February 1978 at the Collège de France. In this phase, hence, economics becomes a fundamental sphere of action of the modern political government.

It is important to stress that, in Foucauldian thought, the sovereign and the biopolitical devices are two complementary, not opposed, sets of power tactics. Once sovereignty is established, the sovereign’s task, and right, consists in guaranteeing the continuation of the

⁸¹ Foucault, Michel, *Society Must Be Defended. Lectures at the Collège del France, 1975-76*, eng. trans. David Macey, ed. by Arnold I. Davidson, Picador, New York 2003, p. 240.

⁸² Foucault, Michel, *Governmentality. 1° February 1978*, in *Security, Territory, Population. Lectures at the Collège de France, 1977-1978*, cit., p. 96.

normal *status* established by the constitution of the State through the persecution and the annihilation of criminals and of foreigner enemies, who both represent existential threats. The *protectio et oboedientia* pact at the basis of the State implies that when obedience lacks the pact is broken and the previous subject of law becomes an enemy. On the other hand, the development of the modern State in the centuries after its foundation followed a pastoral trend⁸³ for which the administrative institutions of such political structures became the “saviours” of their citizens, taking care of them individually and as a whole, and establishing the government in the sense described above of guaranteeing a right disposition of things, hence the wellbeing of all and of everyone.

It is not possible here to provide a specific analysis of the Foucauldian thought, our operation will consist in using the concepts that we have just mentioned, arguing how they are applicable to the Zionist idea of the Jewish State and how they informed the activities of the WZO’s institutions characterizing them as articulations of a proto-government. The biopolitical character of the Zionist project can be grasped also, for instance, if we consider the aim that Leo Pinsker specifically attributed to modern Jews in *Auto-Emancipation*: transforming the Jewish ghost-nation into a *living* nation. As we stressed, the Jewish question in Europe played a key role in prompting the emergence of the Zionist movement, which was based on the Jewish refusal to continue to live under the discriminatory indirect power exercised by the European sovereign states on them, because they were not considered members of the nations, that is to say of the political bodies forming those states. This reasoning is sustained also by the analysis carried out by Michel Foucault on the biopolitical State’s strategy to maintain the sovereign right to kill by fragmenting the population residing in a territory and defining a part of it as a subaltern race, specifically through racist discourses which in our case are declined in antisemitic terms. According to Foucault, indeed, there is a logical interrelation between the development of biopolitics and racism⁸⁴.

Under the light of these considerations, the Zionist claim for a Jewish State can be intended also as a call for a biopolitical governmental structure in which Jews represented the population whose life and prosperity are guaranteed by its State. The material effects of the emergence of the biopolitical device in the Jewish Palestinian context, and in particular of its exclusionary character, will be analysed in-depth in later in this work, on the other hand the parenthesis

⁸³ For a deeper analysis of the pastoral tactics of power and their material effects see Foucault, Michel, *Omnes et Singulatim*, The Tanner Lectures on Human Values, delivered at Stanford University, October 10 and 16, 1979. <https://tannerlectures.utah.edu/resources/documents/a-to-z/f/foucault81.pdf>

⁸⁴ For a deeper analysis of this question see Foucault, Michel, *Bisogna difendere la società. Corso al Collège de France (1975-1976)*, cit., pp. 220-222.

introduced here about such matters seemed useful to us in order to understand the logic underlying the establishment of a Zionist proto-government in the State-building phase.

The leadership by the World Zionist Organization of the Zionist movement and of the settler colonization process in Palestine experienced a turning point coincident with the obtaining of British patronage to the Zionist cause, expressed by the Balfour Declaration in 1917, and its formalization through the establishment of the United Kingdom's Mandate in Palestine in 1922. The first result expressed by this correspondence is that the *Yishuv* was recognized as a nation, while the Arabs in Palestine did not receive the same treatment, secondly, the incorporation of this premise in the British Mandate on Palestine officially approved by the Society of Nations in July 1922 articulated this support to the Zionist cause in terms of creating a Jewish Agency, which would have been the representative of the Jewish nation before the British colonial administration and at the League of Nations, and whose task was to deal with all the issues concerning a development of such National Home. As the text of the Palestine Mandate⁸⁵ made explicit in its fourth article:

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration to assist and take part in the development of the country.⁸⁶

In addition to this Jewish Agency, which was formally created with this name in 1929 but was preceded by the Palestine Zionist Executive since 1923 that had similar tasks, the beginning of the British rule of Palestine after World War I opened a phase of institutionalization in the *Yishuv's* governmental bodies⁸⁷. This phase saw the foundation of an elected assembly of deputies and of the *Vaad Leumi* (National Congress), in 1920, in charge of the provision of social assistance services. In the same years, as we highlighted before, other bodies were created to deal with economic issues concerning the Jewish population in Palestine: the *Histadrut*, being the most important of them and dealing with the guarantee to Jewish immigrants of

⁸⁵ Palestine Mandate, December 1922, League of Nations, https://avalon.law.yale.edu/20th_century/palmanda.asp

⁸⁶ *Ivi*, Article 4.

⁸⁷ Article 2 of the Palestine Mandate text explicitly provided for the development of self-governing institutions of the *Yishuv*.

occupation as well as a mutual aid system, old age and survival pensions, unemployment relief and other measures⁸⁸.

The Jewish Executive (then Jewish Agency), as a proto-government and as stated in the text of the Palestine Mandate, oversaw all the governmental activities aimed at increasing Jewish presence in Palestine, for instance it managed the migration flows and granted permits to the Jewish immigrants, it ran schools and hospitals and was the leading authority of the newborn Jewish militia *Haganah*, moreover it provided funds to *Vaad Leumi* and *Histadrut* to finance their proto-welfare programmes through intense international activity to raise donations from Western Jewish philanthropists. In this sense we argue that, in addition to be the representative of the Jewish nation at the international level, the Jewish Agency was the central element of the articulated Zionist institutional arrangement that turned out into being a governmental proto-government and that set the conditions for the establishment of the Israeli government in 1948⁸⁹. In other words, as the sociologist Zeev Rosenhek synthesized:

Diverse approaches in Israeli sociology and political science agree that the historical roots of the Israeli State are embedded in the development of the political and economic institutions of the Zionist polity in the pre-state era, especially since the establishment of the British Mandate in Palestine after World War I. The Jewish community in Palestine established a relatively stable institutional structure, able to extract considerable amounts of societal resources and to exercise social control over its population. This structure included representative central institutions – the Jewish Agency and the National Council – that fulfilled quasi-state functions in the political, economic, social and military domains, an extended network of political actors, patterns of political representation and processes of resources distribution.⁹⁰

This was a brief overview of the emergence of the governmental dimension in the Zionist State-building project, useful in order to understand the complexity of the State's system of power, which is characterized by interrelated power devices, and to comprehend a key aspect the preparatory work carried out by the Zionist movement for the creation of the State of Israel. However, the exclusionary character of such governmental power device, mentioned here as

⁸⁸ Rosenhek, Zeev, *Policy Paradigms and the Dynamics of the Welfare State: the Israeli Welfare State and the Zionist Colonial Project*, in *International Journal of Sociology and Social Policy*, March 1988, p. 161.

⁸⁹ For a deeper analysis of British support to the development of the Zionist para-State in Palestine see Khalidi, Rashid, *The Hundred Years' War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., pp. 36-42.

⁹⁰ Ivi, pp. 160-161.

the logical connection between biopolitics and racism, will become even more evident and will be better analysed when we will focus on the apartheid system established by the Israeli State and the treatment reserved by Israeli authorities to the Palestinian population under occupation.

1.3 Military Dimension and Zionist Achievement of Statehood

In order to understand the Israeli constitutive process and the accomplishment of the objective defined as the creation of a State for the Jews, following Carl Schmitt's conceptual analysis of this political form, we must now focus on the military dimension that the establishment of sovereignty necessarily sets as a priority. In the previous paragraph we have stressed the land-appropriation constitutional character of the Zionist colonization process, coherently with what Schmitt affirms in *The Nomos of the Earth*, that land appropriation can occur through intense immigration. However, this does not exclude the applicability of Schmitt's analysis on military conquest as the main form of land appropriation in the context which is the object of our study. The central role of armed conquest results clear in our case especially if we take into account that the idea of an "empty land" is an instrumental construct of the European colonialist discourse useful for the legitimization of colonial enterprises. In opposition to such discourses, we need to focus on the fact that the neglected indigenous population effectively exists, and spontaneously resists colonization by opposing the settler immigration process: the most likely outcome of these basic facts is the eruption of violent confrontations. It is not a casualty, in this sense, that the State constitutive process that we are analysing finds its accomplishment through war. This aspect, as highlighted in the first paragraph, represents the external direction of land appropriation as a foundational process, consisting in the confrontation with other land-owning groups.

The analysis of the State-building character of the settler immigration process that we have carried out was not exhaustive in explaining the Zionist State-building process as a whole, since settlement through immigration represents a direction, the internal one, rather than the entire path to create a State. In order to understand why, conceptually, the achievement of Statehood defined as the establishment of sovereignty must be done by violent means we will now take in consideration Carl Schmitt's thought concerning the external dimension of land appropriation, which focuses on the role of armed conflict as the empirical situation in which the realization of sovereignty and its prerogative of determining the concretization of the fundamental concept of the political occurs. In his essay *Political Theology. Four Chapters on the Concept of*

*Sovereignty*⁹¹, Carl Schmitt provides a synthetic definition of sovereignty which will inform our analysis of the Israeli military unification process as a fundamental premise for the effective achievement of Statehood:

The sovereign is he who decides on the state of exception. [...]. It is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty.⁹²

Schmitt explains that there is a systematic reason for which the concept of sovereignty can be understood only taking in consideration the state of exception, which is the situation of armed conflict: this is the borderline case in which the suspension of mere laws and of the distribution of competences within the State apparatus occurs. In this extreme case only the sovereign constitutive power – which is at the foundation of the mere law, precedes it and hence exists independently from it – persists and determines the difference between war and anarchy: «In such a situation it is clear that the state remains, whereas law recedes. Because the exception is different from anarchy and chaos»⁹³. By definition, the state of exception is the one which is not described in the legal system, therefore such legal system is not in force in that situation. In the state of exception the immediate and unlimited decisional power of the sovereign is the only element that defines the public interest and the public order, as well as the level of security and the means to achieve it. Another detail in the quotation above that deserves paramount attention is the definition of the sovereign as one, which expresses the conceptual functioning of sovereignty consisting in the creation of a unity through the representative of the multitude: without such unity, sovereignty fades away, civil war breaks out and the State is destroyed.

These considerations may appear distant from the Zionist State-building process that we are examining, since in the excerpts of *Political Theology* that we have mentioned Schmitt explicitly refers to the state of exception, or the condition of war, which threatens to destroy a normal *status* already established, and to the intervention of the decisionist sovereign power that «suspends the law in the exception on the basis of its right of self-preservation»⁹⁴. However, by integrating this reasoning with the argumentations sustained by the author in *The Nomos of the Earth* it is possible to understand that the conflictual aspect is inherent to the establishment of sovereignty, which in its territorial realization occurs following the internal dimension

⁹¹ Schmitt, Carl, *Political Theology. Four Chapters on the Concept of Sovereignty*, eng. trans. by George Schwab, MIT Press, Cambridge Massachusetts and London 1985, (original ed. *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*, Duncker & Humblot, Berlin 1922).

⁹² *Ivi*, p. 5-6.

⁹³ *Ivi*, p. 12.

⁹⁴ *Ibidem*.

through immigration and the external one through dispossession and, as a result of the resistance to it by indigenous people, by conquest. There are two main dimensions we should pay attention to in analysing the military aspect of the Zionist State-building process: the unification of the Zionist militias in the Israeli army and the war against the Arab states and the indigenous armed forces, during which Zionist paramilitary groups and then, from May 1948, the Israeli Defense Forces, obtained the conquest of large territorial areas and secured Jewish majority in them by perpetrating what the Palestinians call “Naqba”: the catastrophe consisting in the expulsion of the indigenous population.

1.3.1 The Military Aspect of Sovereignty: Unification of the Israeli Army

The birth of the State of Israel, proclaimed on 14th May 1948 by David Ben Gurion in Tel Aviv, represented, formally, the final accomplishment of the modern political Zionist aim of creating a Jewish State. Yet, internal challenges to the unified rule of Israeli people were still present in the aftermath of the creation of the Jewish State. During the months immediately following the Israeli declaration of independence different Zionist movements with their respective armed forces were still active in pursuing diverse territorial and political goals: namely the Labour leadership of the Zionist movement and *Haganah*, that accepted the two States solution, versus the Revisionists, whose military expression was the militia *Irgun Zvai Leumi* and the even more extremist Stern Group, with their maximalist territorial ambitions.

It is due to the proclamation of a sovereign authority that David Ben Gurion, as the head of government, became a legitimate political leader able to furtherly implement the centralization process characteristic of the nation State political constitution, specifically addressing its military aspect and thus realizing concretely sovereignty in Schmittian terms of establishing the *one* who decides on the case of exception. This one, in the Israeli case, was the government of the sovereign State exercising the monopoly on the control of armed forces operating on Israeli soil. The achievement of this goal required the integration in the official army of the rival militias or the defeat of them.

As we have analysed in the previous paragraphs, the effort to coordinate the Zionist movement started with the creation of the World Zionist Organization in 1897, then it evolved assuming the features of a centralization process thanks to the establishment of pre-state institutions during the first decades of the XX century. The Mandate period was characterized also by the emergence of indigenous resistance, as a result of Zionist practices which caused the formation of a landless class of Palestinians living in harsh conditions and threatened the

urban class of Arab notables. In this situation Zionist settlers set up paramilitary forces working with the Mandate authority to repress Palestinian resistance. In this paragraph we will provide an overview of the Israeli military unification process: starting from the analysis of the pre-state militias' ideologies, objectives and tactics, we will proceed by focusing on their reciprocal relations and their attitudes towards the Mandatory power in the years following the White Paper of 1939, until the declaration of Israeli independence in 1948 and the elimination of the obstacles to the unification of the army in the following months.

The two most important Jewish militias in Palestine were *Haganah* and *Irgun*, characterized by their orientation towards different currents within the Zionist movement, namely Labour Zionism and Revisionism. Rivalries between *Haganah* and *Irgun* rose during the Second World War, until their collaboration against the United Kingdom from 1945 to 1947. However, prior to the birth of Israel the Zionist proto-state institutions had never formally questioned the presence of different Jewish armed militias, instead in the weeks preceding and following 14th May 1948 the affirmation of the State's exclusive prerogative to control armed forces became an urgency, as stressed by David Ben Gurion in the context of the Altalena affair:

For the State cannot exist as long as it has no army and no control over the army. This is an attempt to destroy the army and... to murder the State... fight we must. The moment the army and the State give in to another armed force, there will be nothing left for us to do.⁹⁵

David Ben Gurion expresses here, in other words, the same idea sustained by Schmitt about the uniqueness of the subject deciding on the state of exception, that is to say detaining the control of the army that fights in a conflict. These Israeli Prime Minister's words, then, can be intended not merely as an exasperation of the antagonism between two rival factions within the Zionist movement, but rather as the lucid constataion of the functioning of a modern State. This novelty, consisting in a specific military centralization effort aimed at creating a professional national army, which in Ben Gurion's thought had to take inspiration in its organization from the British model, produced months of political tensions within the newborn Israeli ruling class. The most important element of this process was the risk of causing a civil war, represented by the confrontations between IDF and *Irgun*, as in the case of the above-mentioned "Altalena affair", between 20th and 22nd June 1948. The dispute derived from the

⁹⁵ Newman, Michael Uhry, *The Political Unification of the Israeli Army*, Portland State University, Dissertations and Thesis, 1984, p. 195.

observation that once the Israeli State had been established, the presence of any kind of autonomous armed group represented a crucial threat for its preservation and authority. During World War II instead the tensions between political representatives and factions within the Zionist political scenario broke out due to the different level of opposition or of availability to cooperate with the British, hence the role of the Mandatory power resulted fundamental in shaping the relations between the militias.

The Hebrew Defence Organization in Palestine, known as *Haganah*, was the first Zionist armed organization set up by *Yishuv*. It was founded in 1920 in order to secure Zionist colonies by opposing Palestinians uprisings that frequently involved armed confrontations between the Jewish and Arab populations. *Haganah*'s main strategy in its early years consisted in contrasting the Arabs until the arrival of British police and then in letting the Mandatory forces to manage the confrontation. Although the Mandatory power did not officially recognize *Haganah*, the British tolerated its presence. The mainly defensive attitude of *Haganah* started to experience changes with the outbreak of the Arab Great Revolt in April 1936. The initial “*Havlagah*”⁹⁶ policy of self-restraint adopted by *Haganah* in that context did not last long. In late 1936 the cooperation between British and Zionist forces in repressing the Palestinian uprising strengthened and the Jewish Settlement Police, that carried out active retaliation operations, was established. This Jewish force was under nominally British command and received training from the Mandatory power, but almost all the members belonged to *Haganah* and responded to its discipline. Hence, JSP substantially became a branch of *Haganah* that, according to British reports⁹⁷, ten years after its creation, in 1946, counted 16.000 men. According to the same British report, the other two branches of *Haganah* in 1946 were a static force which amounted to 40.000 men and the permanently mobilized force Palmach, created in 1941 as an elite unit, formed by 2000 members in peace-periods and 6000 members in war-periods.

The collaboration between *Haganah* and Great Britain reached its full potential during the World War II, prompted by a strong common anti-Nazi stand. *Haganah* fighters were trained by British military, their ranks exponentially increased in number and their illegal activity of stealing weapons to the British intensified. However, despite this collaboration imposed by the

⁹⁶ Ivi, p. 184.

⁹⁷ The Anglo-American Committee of Enquiry regarding the problems of European Jewry and Palestine, Lausanne, 20th April, 1946, Report 1946, Cmd. 6808 (London: His Majesty's Stationery Office, 1946), pp. 39-42, in *From Heaven to Conquest. Reading in Zionism and the Palestine Problem until 1948*, ed. by Walid Khalidi, Institute for Palestine Studies, Beirut 1971, p. 597.

circumstances, since the publication of the 1939 White Paper⁹⁸ it was clear to some leaders of the Jewish Agency, in particular to David Ben Gurion, that the World War II would have been a parenthesis of cooperation preceding a confrontation against Great Britain in order to obtain Jewish independence in Palestine. Indeed, an influent current led by David Ben Gurion of the Labour Zionist movement set the creation of the Jewish State after World War II as its own goal⁹⁹. This position was expressed also in the Biltmore program, elaborated in New York in 1942 by European and American Jews under the leadership of David Ben Gurion and endorsed by the US president Henry Truman.

The Conference urges that the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish Commonwealth integrated in the structure of the new democratic world.¹⁰⁰

The Revisionist faction of the Zionist movement advocated independence of Palestine under Jewish rule since early 1920s and saw the military power as the key instrument to realize this ambition. In 1937 the dissident rightist exponents of *Haganah*, that opposed its defensive attitude and called for offensive actions against the Arabs, deserted the first Jewish military organization and created another militia: the *Irgun Zvai Leumi*. The split between Labour and Revisionist Zionism had already occurred on the political level in 1935, when the Jewish Executive (then named Jewish Agency) affirmed that the creation of the Jewish State was not an immediate objective and rejected Vladimir Jabotinsky's territorial ambitions, which targeted both the Western and the Eastern banks of the Jordan River. Jabotinsky and his followers reacted by exiting the World Zionist Organization and establishing the New Zionist Organization. From 1937 on Revisionist Zionism, that aimed at being an alternative ruling class for the future Jewish State, hence, became not only a rival for the Jewish Agency, but also a rival with its own militia.

⁹⁸ The 1939 White Paper was a policy paper issued by British Mandate authorities after the end of the Arab Great Revolt, which provided for limitations to Jewish purchasing of land and immigration in order to avoid further uprisings of the Arab population.

⁹⁹ This is a novelty for Labour Zionists who, prior to 1939, had insisted on the collaboration with the Mandatory power, relying on the Balfour Declaration and according to the "practical Zionism" framework. The latter was based on supporting Jewish immigration and land acquisition in Palestine to realize the conditions of demographic majority and affirmation of military superiority required for the creation of the Jewish State.

¹⁰⁰ Zionist Biltmore Program, New York, 11th May 1942, in *From Heaven to Conquest. Reading in Zionism and the Palestine Problem until 1948*, ed. by Walid Khalidi, Institute for Palestine Studies, Beirut 1971, p. 497.

Irgun had complicated relations with the Mandatory power and during the World War II did not collaborate with the British administration as *Haganah* did. However, the Revisionist leader Vladimir Jabotinsky did not want to totally alienate British, this precaution influenced *Irgun*'s behaviour at the beginning of the Second World War and led it to stop its guerrilla operations against British authorities in 1939. However, the anti-British activity resumed soon: with the aim of enforcing the provisions of the Biltmore program, *Irgun* engaged in sabotage operations and guerrilla warfare against British civil authorities from 1942 on, targeting in particular the police stations and British government offices in Palestine, but maintaining intact Great Britain's military installations in the territory. The reason of this "self-limitation" was that, as his mentor Vladimir Jabotinsky, the head of *Irgun* Menachem Begin understood that his organization would have lost international support, coming especially from American Zionists, if it had compromised British military efforts against Nazi Germany. Moreover, *Irgun*'s main goal was not to immediately eliminate British rule in Palestine, but to oppose the 1939 White Paper and obtain a change in the immigration policies. Indeed, since the imposition in 1939 of hard-line restrictions on Jewish immigration in Palestine by Britain, *Irgun* managed illegal arrivals of tens of thousands of Jews, who were escaping from persecutions in Europe, by renting private ships and using armed force against Palestinians in order to expand settlements and absorb the new Jewish immigrant population.

The Stern Gang, the third Zionist militia active in Palestine prior to 1948, was a far-rightist Zionist armed group created by the most extremist elements of *Irgun* in 1940, after the latter had declared the intention to stop the attacks against the Mandatory power. Stern Gang was the most anti-British Jewish force in Palestine, it saw the Mandatory administration as the real enemy and some of the leftist members who joined the armed group in the following years even conceived the Palestinians as allies in fighting the imperial power of Great Britain and admitted the possibility of a future binational State. According to this armed group, military support by Jews to Great Britain against Germany was admissible only under the condition of a political settlement between the *Yishuv* and the Mandatory power, providing guarantees of independence to the former¹⁰¹. The Stern Gang adopted terrorist tactics since its foundation, assassinating British officials and political representatives and attacking every kind of British facilities in Palestine. Indeed, Stern Gang targeted all the British strategical interests in the Holy Land –

¹⁰¹ Brenner Y.S., *The "Stern Gang" 1940-48*, in *Middle Eastern Studies*, Oct., 1965, Vol. 2, No. 1 (Oct., 1965), pp. 2-30, Taylor & Francis, Ltd., p. 4.

namely their military bases, their oil facilities and the other economic and financial institutions – in order to make the Mandate a burden for Great Britain.

The relationships between these three Jewish armed groups in the first years of the World War II were very complicated: they had different short-term goals, adopted different operational tactics and had different allies. For example, tensions between *Irgun* and the Jewish Agency-led *Haganah* emerged as a result of the illegal immigration activity of the former, about which the latter was concerned. The Jewish Agency was afraid that massive illegal immigration carried out by *Irgun* could have deteriorated the relationship between the British and the Jewish community in Palestine as a whole, that was perceived as still fundamental by the Labour Zionist leadership in that phase. On the other hand, the disregard of any limit by the Stern Gang in some occasions caused heavy British retaliation that hit *Irgun* as well, as occurred in 1944. On 6th November 1944 the Stern Gang succeeded in the assassination in Cairo of Lord Moyne, the British Minister-Resident for the Middle East. After the murder of such a prestigious British political personality, the Mandatory power launched a repressive operation, whose code name was “Open season”, against both Stern Gang and *Irgun* (that was not involved in the assassination, but had announced a great uprising against the British rule on 1st February that year, hence was perceived as an enemy by the British). This operation was carried out by British forces with the collaboration of *Haganah* and the Jewish agency, that had condemned the Jewish terror attack, and risked to trigger a rightist Zionist retaliation against the Labour Zionist leadership.

Despite this initially conflictual framework, the first extensive phase of collaboration between *Haganah*, *Irgun* and Stern Gang against the Mandatory power started in November 1945, after an official agreement between the three forces was reached in September that year. The element that triggered *Haganah*'s turn against Great Britain was the disillusionment provoked by the rejection by the Foreign Secretary Ernest Bevin of the commitment to the establishment of a Jewish State, expressed by the British Labour Party during the Blackpool Conference earlier in March 1945¹⁰². Ben Gurion succeeded in convincing the Jewish Agency that, since Britain would have not supported the gradual formation of a Jewish state, it was necessary to establish it by force. In joining *Irgun* and Stern Gang's struggle against Great Britain, *Haganah* changed its name in “Hebrew Resistance Movement”¹⁰³ and a coordination

¹⁰² Langham R., *The Bevin enigma: what motivated Ernest Bevin's opposition to the establishment of a Jewish state in Palestine*, in *Jewish Historical Studies*, 2012, Vol. 44 (2012), pp. 165-178, Jewish Historical Society of England, pp. 171-172.

¹⁰³ Bauer Y.S., *From Cooperation to Resistance: The Haganah 1938-1946*, in *Middle Eastern Studies*, Vol. 2, No 3 (Apr. 1966), pp. 182-210, Taylor & Francis Ltd., p. 205.

committee formed by two commanders of each Zionist armed group that decided military actions and guided the alliance was established.

By the end of 1946 the Zionist militias had achieved their objective of making British presence in Palestine unsustainable. The joint rebellion of the Jewish militias is defined¹⁰⁴ as the first phase of the conflict that brought the State of Israel into being, it lasted until the Ernest Bevin's decision, in February 1947, of recognizing the untenable character of the British permanence in Palestine and of referring to the United Nations the matter. The creation of the State of Israel became possible after the decision by the United Nations General Assembly, expressed in the Resolution 181 on 29th November 1947, to approve the partition plan proposed by the United Nations Special Committee on Palestine (UNSCOP) in September that year, which provided for the end of the British Mandate in Palestine. UN Resolution 181 opened a phase of intercommunal war between Zionist settlers and the indigenous resistance in Palestine, the chaos being exasperated by the British refusal to assist in the implementation of the UN partition plan. The intercommunal war represented a phase in which the relationships between the Zionist militias were determined by their common opposition to a shared enemy, represented by the Palestinian resistance which was experiencing what is known in the Arab culture as the *Naqba* (catastrophe).

In early 1948 the two main objectives pursued by the Jewish Agency led by Ben Gurion were: the elaboration and implementation of Plan Dalet, defined by new Israeli historians as Ilan Pappé¹⁰⁵ as a specifically conceived strategy to realize the ethnic cleansing of indigenous population in Palestine on the one hand, and the structuring of a powerful modern State army under the control of the sovereign authority that would have been declared, together with the Jewish State, as soon as the departure of the British would have occurred, on the other. We will now focus on the latter goal, which represented a key challenge for *Haganah*, that was becoming the nucleus of the future Israeli army conceived by the Zionist Labour leadership. To achieve this goal, in November 1947 the mobilization of Jewish soldiers and mass immigration of European Jews willing to join the Zionist military effort intensified. One of the most important features of this phase is the centralization character embedded in this military mobilization: in October 1947 the Jewish Agency and the National Committee of *Yishuv* set up the Muster Centre for Service to the Nation, which after the birth of Israel became the Minister

¹⁰⁴ Bunton, Martin. and Cleveland, William L., *A History of the Modern Middle East*, Westview Press, 5th Edition, Philadelphia 2016, p. 243.

¹⁰⁵ Pappé, Ilan, *The 1948 Ethnic Cleansing of Palestine*, in *Journal of Palestine Studies*, Vol. 36, No. 1 (Autumn 2006), pp. 6-20, University of California Press on behalf of the Institute for Palestine Studies.

of Defence's Induction Centre. The centralization of the military mobilization and command intensified after the declaration of the State of Israel, as described by the scholar Moshe Naor:

In the 1948 Israeli case one can likewise distinguish a transitional and transformational process in the course of the war. Against the backdrop of the close of the Mandate and the establishment of the State of Israel, one witnesses a transition from mobilization based on personal willingness and volunteerism to centralized mobilization by the State, resting on legal components.¹⁰⁶

Confirming the central role played by the military aspect in the Israeli state-building process, that we interpretate in Schmittian terms as a *conditio sine qua non* for the realization of the sovereign unity, we should notice that the establishment of Israeli Defense Forces was the very first decision of the new-born Israeli government. On 28th May 1948 the provisional Israeli government issued an ordinance¹⁰⁷ providing for the establishment of a national army under the control of the civil statal authority. The state of emergency was in place, given the war-time condition determined by the confrontations with the Palestinian resistance and, after 15th May, against the Arab armies. Moreover, the existence of any other armed force in Israel was prohibited. The Stern Gang had dissolved immediately after the proclamation of the Israeli independence and its militants joined the national army, *Irgun* formally did the same but its more solid international contacts (in comparison to Stern Gang) allowed its leadership to engage in purchasing arms and in other initiatives, formally in order to support the activities of their legally independent units in Jerusalem¹⁰⁸.

Irgun was conceived by Ben Gurion as an alternative military force and political leadership, indeed despite an official merge treaty was signed by *Irgun* and IDF on 2nd June 1948, the integration of *Irgun* required violence. The actual disbandment of *Irgun* occurred in occasion of the Altalena affair in late June and risked to cause an Israeli civil war during the truce between Israeli and Arab forces in June 1948. The reason of contention was the purchase by *Irgun* of military supplies by France negotiated in May. Menachem Begin insisted that such military supplies had to be distributed to *Irgun* members, both the ones belonging to the *Irgun* troops in

¹⁰⁶ Naor, Moshe, *Israel's 1948 War of Independence as a Total War*, in *Journal of Contemporary History*, April 2008, Vol. 43, No. 2 (Apr., 2008), pp. 241-257, Sage Publications Ltd., p. 244.

¹⁰⁷ Defence Army of Israel Ordinance No. 4 or 5708-1948. An Ordinance establishing a Defence Army of the State of Israel, <https://www.jewishvirtuallibrary.org/the-founding-of-the-israel-defense-forces>

¹⁰⁸ Jerusalem was not included in the Israeli territory since the UN Partition plan had defined the city as an area to be under international administration. For this reason, the deployment there of Stern Gang and *Irgun* groups independently from IDF, with the aim of conquering the city, was not a breaching of the Defence Army of Israel Ordinance No.4.

Jerusalem (20% of the weapons) and the ones integrated in IDF (80% of the weapons). However, the treaty of merge actually prohibited arms importation by *Irgun*, the representatives of the Revisionist armed groups sustained that IDF commanders were aware of that arms purchase, on the contrary Ben Gurion affirmed that he knew nothing about it until 20th of June, the day when the Altalena ship carrying the arms was about to arrive in Kfar Vitkin Port in Israel. When David Ben Gurion discovered the *Irgun*'s initiative of purchasing and importing arms in Israel independently from IDF and the government, he inaugurated its determined effort to eliminate the threatening militia. On 21st June the Altalena ship arrived in Kfar Vitkin and *Irgun* members started to unload the weapons, but IDF troops interrupted the operation surrounding the beach, fighting Irgun members and disarming them, moreover IDF intimidated Menachem Begin to totally surrender and hand over all the weapons with an ultimatum. Menachem Begin underestimated Ben Gurion's resolution in impeding the success of such an affront by *Irgun* to the Israeli authority and, leaving Kfar Vitkin, he decided to ignore the ultimatum and to direct the ship to Tel Aviv. Meanwhile on Kfar Vitkin beach the armed confrontation between IDF and *Irgun* continued for several hours. In Tel Aviv, Ben Gurion ordered IDF to attack the Altalena ship at its arrival and force it to surrender, the confrontation occurred at 4 pm on 22nd June, when field cannons fired shells at the ship, exploding ammunition and fuel. During the night between 22nd and 23rd June IDF persecuted *Irgun* members in Tel Aviv and all over the country. The outcomes of these days of fight were 14 deaths among *Irgun* members and 2 among IDF ones¹⁰⁹. After the Altalena affair, Menachem Begin recognized the legality of the provisional government and focused on building his Herut party and on political opposition activity. *Irgun* was disbanded and the main threat to the unification of the Israeli army had been eliminated.

The only remaining obstacle to the complete unification of the Israeli army was the presence of *Irgun* and Stern Gang in Jerusalem. In August 1948 Ben Gurion ordered to negotiate integration in IDF. When negotiations between the Israeli provisional government and Menachem Begin seemed to have stalled, Ben Gurion threatened *Irgun* to liquidate it by force: on 19th September 1948 IDF forces imposed a curfew and arrested hundreds of *Irgun* and Stern Gang's members and sympathizers. Finally, a settlement between the militia and the Israeli army was negotiated and IDF assumed *Irgun*'s positions in the Holy City. As a result of the events of 19th September, Stern Gang in Jerusalem fell under the military pressure of Israel and was disbanded as well. With the final disbandment of *Irgun* and Stern Gang in Jerusalem, by the end of 1948 the Israeli armed forces had been unified. Set aside the divisions, IDF had all

¹⁰⁹ Ivi, p. 196.

the way opened to focus on the Palestinian and Arab enemies only, perpetrating Naqba throughout the second half of XX century and until nowadays, in order to preserve the sovereign authority that its predecessors, the Zionist militias, had both created and challenged.

What we were interested in highlighting through the historical analysis of the relationship between different Zionist militias and the conflictual process of their unification was a change in the Jewish Agency-Israeli government's attitude in dealing with this matter when the key turning point for the creation of Israel occurred in November 1947, with the UN Resolution 181. As mentioned before, during the first years of the World War II the confrontations between *Haganah* and *Irgun* were motivated by pragmatic concerns of the Jewish Agency regarding the deterioration of the relationship with Great Britain, still considered vital by Labour Zionism in that phase. In the early months of 1948, instead, the Jewish Agency had broken its ties with the United Kingdom two years before: in 1945 when the Hebrew Resistance Movement (former Haganah) joined *Irgun* and Stern Gang in their independentist struggle against the Mandatory power. However, right after this phase of collaboration, on the eve of the birth of the Jewish State and immediately after, the intensity of opposition against *Irgun* by the Jewish Agency/Israeli government increased. We should not forget that in this moment the conflict against the Palestinian armed resistance and, from May 1948, against the Arab armies was ongoing, despite this the collaboration under the same conditions of the previous years between multiple Jewish armed forces was not admissible anymore for the influential Labour Zionist leadership. We argue that this dynamic and its motivations are understandable by interpreting them in Schmittian terms: the Ben Gurion's opposition against *Irgun* was not determined by pragmatic reasons, but by conceptual ones regarding the cornerstone of the modern State political form. The exclusivity of the government's control of the armed forces was not a matter of useful or detrimental outcomes in terms of relationships with external powers, rather what was at the stake was the very possibility of concretely realizing the Jewish State's sovereignty, intended as the uniqueness of the subject that decides on the state of exception, made possible by the endorsement of the United Nations. Why would have the Israeli government militarily confronted *Irgun* in June 1948, taking the risk of triggering an Israeli civil war, if it had not represented a vital threat for the newborn Jewish State, when on the same time another threat represented by the Arab armed forces was present? We argue that the reason why *Irgun* represented such a threat lays in the conceptual functioning of the sovereign State and that for this motivation the analysis of the difficult unification of the Israeli army is fundamental in order to understand how the Israeli State-building process has occurred.

1.3.2 The Iron Wall as a Political Concept

Before focusing on the military conquest, in the 1948-1949 Arab-Israeli war, through which Israel definitely realized the foundational land appropriation process that determined the establishment of its sovereignty, it is necessary for us to understand the conceptual basis of Zionist and then Israeli attitude towards the Palestinian indigenous resistance and the key role of the military factor in it. We have analysed the connection between the Zionist project and the European classical colonialist practices when we reflected about the first *Aliyah* and the deviation from its nationalist character which was not functional for the Zionist aim of realizing Statehood. It is important now to stress that the influence of the classical colonialist framework characterized not only early Zionist practices of colonization, but also the development of typically colonialist discourses, informing the Zionist idea of Palestine as an empty land or, when indigenous presence was recognized, the representation of such people as backward and available, or even enthusiastic, to welcome the benefits that the Zionist “civilization” would have brought in Palestine. These ideas were developed and spread by Zionist authors such as Theodor Herzl and characterized the ideology of Labour Zionist leaders such as David Ben Gurion until the Arab Great Revolt between 1936 and 1939. After this full-scale insurrection the evidence of a strong indigenous resistance, as well as its national aspect characterized by the strong bond of Palestinian people with their land, could not be ignored anymore. According to the analysis of Israeli historian Avi Shlaim in *The Iron Wall Revisited*¹¹⁰, in the aftermath of the Great Revolt David Ben Gurion recognized the previously denied national character of the Arabs of Palestine, as well as the necessity of using military force in order to realize the Zionist project. This awareness determined the convergence, which will find its major and tragic expression in the 1948 war, between the ideas that had been expressed by Revisionist Zionists since the early 1920s and the strategy adopted by Labour Zionist leadership. Our attempt now will be, firstly, to understand the role of the Iron wall concept in shaping the Israeli State-building process’ external direction, which coincides with the dimension of confrontation with the indigenous population – the land-owning group in Schmittian terms – and, secondly, how and especially why such convergence between Labour and Revisionist Zionism has occurred as far as the specific argument of the so called “Arab question” is concerned.

Revisionist Zionism, formally born in 1925 with the creation of the ZOHAR party, has represented the most extremist and rightist faction of the Zionist movement and it is interpreted

¹¹⁰ Shlaim, Avi, *The Iron Wall Revisited*, in *Journal of Palestine Studies*, Vol. 41, No. 2 (Winter 2012), University of California Press on behalf of the Institute for Palestine Studies, pp. 80-98.

by scholars such as Arturo Marzano¹¹¹ as an expression of the centrality of the “Arab question” emerged after the first riots in 1920-1921 after the Balfour Declaration. Indeed, the most important elements in the Revisionist ideology were represented by the focus on the aim of creating a Jewish army and on the military path to accomplish the realization of the Jewish State¹¹². The debate, in the 1920s, was between the Labour Zionist leadership that had assumed a practical Zionist orientation and saw as a priority immigration and nation-building in Palestine through the structuring of a strong *Yishuv*'s economy as top priorities, and the Revisionist minority current, according to which the major effort of the Zionist movement had to be directed to the establishment of a Jewish army, thanks to which the declaration of birth of the State of Israel could have been done immediately and secured through the creation of an Iron Wall, which is a military power, for the protection of such newborn political entity. According to the founder of Revisionism Vladimir Jabotinsky, the role of Great Britain as Mandatory power and supporter of the Zionist project was to put in place that Iron Wall until Jewish forces could have done it themselves. In our interpretation, the opposition between Labour and Revisionist Zionism in this phase can be read as determined by a different focus on the two complementary dimensions of the State constitutive process according to Carl Schmitt: the internal direction and the external one.

Then, we can read the Iron Wall metaphor, elaborated by Vladimir Jabotinsky in his article *The Iron Wall (We and the Arabs)*¹¹³ published in 1923, as a key political concept to understand the external dimension of the State-building process, which expresses the need, clearly recognized by Jabotinsky, exactly of securing the borders of the Jewish State-in-information and the Jewish State in general, making them impenetrable by the “Arab threat”:

Zionist colonization, even the most restricted, must either be terminated or carried out in defiance of the will of the native population. This colonization can, therefore, continue and develop only under the protection of a force independent of the local population – an iron wall which the native population cannot break through.¹¹⁴

¹¹¹ Marzano, Arturo, *Storia dei sionismi. Lo Stato degli ebrei da Herzl a oggi*, cit., pp. 155-156.

¹¹² Another fundamental aspect of Revisionist Zionism was its territorial maximalism represented by the opposition to the hypothesis of partition, that instead will be accepted by Labour Zionism. Revisionists were determined in creating “Greater Israel”, that is to say a Jewish State which would have included the whole historical Palestine, including the by then Emirate of Transjordan, which was separated by the territory under the Mandate on Palestine in 1921. The disagreement about the territorial ambitions of different currents in the Zionist movement determined the exit of the Revisionists from the World Zionist Organization in 1935 and their creation of the New Zionist Organization.

¹¹³ Jabotinsky, Vladimir, *The Iron Wall (We and the Arabs)*, trans. eng. Lenni Brenner (original ed. *O Zheleznoi Stene in Rassvyet*, 4 November 1923).

¹¹⁴ Ivi, p. 148.

The point of departure of Vladimir Jabotinsky's reasoning is the detachment from the classical colonialist discourses mentioned before and adopted by Labour Zionists, and the recognition of the inherent conflictual character of the foundational process of a settler State. Indeed, Jabotinsky recognized both the national character of the Arabs of Palestine and the necessity of their resistance, as an indigenous population, to Zionist colonization. The implication of such assumptions is the necessity of war for the success of the Zionist project:

Our credo, as the reader can see, is completely peaceful. But it is absolutely another matter if it will be possible to achieve our peaceful means. This depends, not on our relationship with the Arabs, but exclusively on the Arabs relationship to Zionism.¹¹⁵

In these excerpts the very essence of Jabotinsky's thought¹¹⁶ and its modern political conceptual foundation are expressed on the one hand by grasping the unavoidability of indigenous resistance against colonial dispossession and repression, and on the other hand by constating the consequent necessity of military means to smash such resistance in order to constitute and preserve the State's borders. The premise of these logical outcomes can be intended as derived by the exclusionary feature of the nationalist State-building project: the peaceful character of the Revisionist Zionist credo mentioned by Jabotinsky in the quotation above is sustained by the author by affirming that the «expulsion of the Arabs from Palestine is absolutely impossible in any forms»¹¹⁷, however its exclusionary and repressive features immediately become evident in his following sentence: «There will always be two nations in Palestine – which is good enough for me, provided the Jews become the majority»¹¹⁸. Moreover, Jabotinsky says that, after the complete destruction of Palestinian resistance, a negotiation with the indigenous population will become possible, such settlement will provide individual and non-defined national rights to the Arabs in the Jewish State, but not political ones. The hypocrisy of such pretending “benevolence” expressed by Vladimir Jabotinsky emerges in an even more astonishingly way if we consider that he stresses that «we will never destroy this equality [e.d. between the nations] and we will never attempt to expel or oppress the Arabs»¹¹⁹. Recognizing the national character of the Palestinians and sustaining on the same time that the

¹¹⁵ *Ivi*, p. 146.

¹¹⁶ For a deeper review of Vladimir Jabotinsky's thought see Avineri, Shlomo, *The Making of Modern Zionism. The Intellectual Origins of the Jewish State*, cit., pp. 167-194.

¹¹⁷ Jabotinsky, Vladimir, *The Iron Wall (We and the Arabs)*, trans. eng. Lenni Brenner (original ed. *O Zheleznoi Stene in Rassvyet*, 4 November 1923), p. 146.

¹¹⁸ *Ibidem*.

¹¹⁹ *Ibidem*.

resistant element inherent to it must be made powerless by military means prior to contemplate any possibility of dialogue, because this is the only way to realize the Zionist State-building process, is one of the major expressions of the exclusionary and oppressing character of the Israeli State-building process. The idea of maintaining the distinction between the Jewish majority and the Arab minority in such new State and the different legal status between them – Jews being part of the majority that has full political and sovereign rights and Arabs being the minority to which they are denied – represents the premise of the apartheid system that the Israeli government will put in place as soon as it will be obliged to deal with an Arab population under its control. What we want to highlight by anticipating these elements here is that, according to our analysis, the outcomes that we have just described are conceptually inherent to the Israeli State-building process and not just historical contingences determined by some degeneration of events or following the emergence of “security needs”.

It would be comforting to accept the objection that these observations may be valid in reference to Revisionist Zionist ideology, but that it must be considered that until 1977¹²⁰ this current remained marginal within the Israel’s political life, which was under the hegemony of Labour Zionism. Instead, the strategic trajectory followed by the Jewish Agency from the Great Revolt on centralized the role of Jewish military efforts, initially through the collaboration with the British in repressing Palestinian armed revolts, then opposing Great Britain for its enactment of the 1939 White Paper after the Second World War, and finally through the implementation of Plan Dalet and the ethnic cleansing of Palestine in 1948. Indeed, according to Avi Shlaim: «Jabotinsky was the first formulator of the strategy of the Iron Wall; Ben Gurion, because he was not just a socialist but a practitioner of realpolitik, gave it top priority as of the mid-1930s. Ben Gurion led the struggle for statehood by force of arms when diplomacy failed»¹²¹.

We will investigate this external dimension of the Israeli State-building process, centralized since the recognition of the military dimension as a key priority by David Ben Gurion as the president of the Jewish Agency and then the prime minister of Israel, twenty years later than when Jabotinsky had been the first to recognize it explicitly. Before doing this, however, we should pay attention to a comment made by Avi Shlaim in reference to Ben Gurion’s ideology and behaviour as political reader:

¹²⁰ In 1977 the Israeli parliamentary elections were won by the Likud Party, heir of the Revisionist faction of the Zionist movement, and Menachem Begin, former head of the Irgun militia, became prime minister of Israel. The electoral outcome marked the end of Mapai (Israeli Labour Party) hegemony on Israeli politics.

¹²¹ Shlaim, Avi, *The Iron Wall Revisited*, cit., p. 85.

For Ben Gurion, however, the so-called defensive ethos of Zionism was from the beginning inextricably linked to the offensive ethos. They were two sides of the same coin. The socialist leader also fully shared his right-wing rival's view about the Jewish State's place vis-à-vis the Arab world. [...] In his speeches he repeatedly stressed the gulf between "us" and "them".¹²²

The inextricable connection between the defensive and offensive ethos of Zionism highlighted by Avi Shlaim is something we can interpret as the major characteristic of the external dimension of land appropriation as a foundational process. Indeed, in Schmittian terms this external dimension coincides with the war, which as we pointed out by taking in consideration *The Concept of the Political*, consists in the sovereign effort of maintaining the normal *status* of the State by destroying the enemy who threatens to penetrate it and to smash its unity, hence to annihilate the sovereignty itself. On the other hand, as stressed in the *The Nomos of the Earth*, this external dimension coincides with land appropriation by military conquest and with the definition and protection of the boundaries of such new territorial sovereign State. The aspects analysed in these two texts are not alternative, but intrinsically correlated, since land appropriation and definition of boundaries imply also the immediate military confrontation with the previously land-owning group, hence the war intended as maintenance and protection of the borders just established.

The other key element mentioned by Shlaim is Ben Gurion's insistence on the distinction between "us" and "them". On a first level this difference can be intended as based on the traditional racist imaginary adopted by Ben Gurion according to which Jews, as an European nation, were illuminated and civilized, while the Palestinian Arabs were a typical expression of the Middle Eastern backwardness. On a deeper conceptual level, it can be noticed how this racist discourse is functional for the realization the exclusionary logic at the basis of the nation State for which, as Carl Schmitt argues in *The Concept of the Political*, the strangers, the "them", are always potential enemies because, given their otherness, can represent the denial of the sovereign State's way of life, therefore they can represent an existential threat. Zionist insistence on the ethnic character of the Jewish State, on the need of a Jewish demographic majority and on the Jewish superiority to the Arabs accordingly to the colonialist framework can be read here as an implicit identification of the Palestinians as enemies. Indeed, despite the objections of some minority currents within the Zionist movement supporting bi-nationalism, the hegemonic stand adopted both by majorities of the leftist and the rightist circles in the World

¹²² Ivi, p. 86.

Zionist Organization saw the indigenous people as an element to be kept outside the Jewish political community, hence as a subject which is produced first of all and by definition as an enemy. Also in this sense, given these premises, the violent and conflictual character that the Zionist enterprise has showed in its history can be intended as a logical outcome rather than an unfortunate scenario among the others.

We can now proceed in our analysis of the State-building process of Israel focusing on the phase which determined the accomplishment of this aim: the intercommunal war between the Palestinian armed resistance and the Zionist militias and, then, the first Arab-Israeli war. These events resulted in the establishment of an Israeli Iron Wall, that is to say a military barrier defining the borders of the newborn Jewish State, in which the control of the military power definitely fell in one subject's hands, the Israeli government, thus realizing the sovereign unity of rule on a territorial area longed for decades by generations of Zionists. Our overview of this historical phase will also pay attention to the costs of this "success" paid by the Palestinian indigenous population.

1.3.3 Israeli Statehood Through Ethnic Cleansing: the 1947-1948 Conflict

It is often sustained that the UN Resolution 181, issued by the United Nation General Assembly on 29th November 1947 approving the UNSCOP proposal for the partition of Palestine, determined the possibility for the success of the Zionist project of creating a Jewish State. Without denying the importance of such international legal *laissez-passer* conceded to the *Yishuv*, we will focus on how the situation on the ground in Palestine, and in particular the military strategy adopted by the Jewish Agency and then by the Israeli government, proved to be the determinant factor in the successful conclusion of the Zionist State-building process, a conclusion that we intend in Schmittian terms as achieved through land appropriation by military conquest. Talking about military conquest does not necessarily mean to adopt the conventional war framework, expressed by Carl Schmitt as the paradigm of the *Jus Publicum Europaeum*, of two sovereign authorities fighting each other as *Justus hostes*. Indeed, as we have stressed before in this work, the Israeli State-building process represents not only a land appropriation path, but one which determines the emergence of a new *nomos*. Taking into account these theoretical elements, we are able to argue why we consider valid the position of the Israeli new historian Ilan Pappé, expressed for the first time in his text *The 1948 Ethnic Cleansing of Palestine*¹²³, about the necessity of adopting the ethnic cleansing paradigm rather

¹²³ Pappé, Ilan, *The 1948 Ethnic Cleansing of Palestine*, in *Journal of Palestine Studies*, Vol. 36, No. 1 (Autumn 2006), University of California Press on behalf of the Institute for Palestine Studies, pp. 6-20.

than the commonly accepted war paradigm in order to understand the formation of the State of Israel between the end of 1947 and the beginning of 1949. In order to comprehend such historically-determined political process, it is necessary to analyse not only war *per se*, but ethnic cleansing as the process inherent to a military land appropriation aimed at creating a new *nomos* coincident with the birth of a sovereign political body. In this sense we interpretate ethnic cleansing as the pattern of expulsion of the indigenous people, intended as the subjectivities produced as others and therefore as enemies, from the borders of the nascent normal *status*.

In the conventional war of the *Jus Publicum Europaeum* two Leviathans fight each other avoiding that the enemy penetrates the borders smashing the unity of territorial sovereignty; in the constitutive military land-appropriation process that we are analysing a part of the population living inside the future borders of a State is produced as an enemy by excluding it from the nascent political community, and the military conquest consists in its expulsion and expropriation. We argue that the conceptual necessity of this dynamic, that we choose to call ethnic cleansing borrowing the expression from Ilan Pappé's academic and intellectual production¹²⁴, can be understood using Carl Schmitt's thought as a lens to analyse the Israeli State-building process. However, this logical necessity is sustained by Pappé himself under the light of his historical and archival research:

It is not that the Zionist movement, in creating its nation-state, waged a war that "tragically but inevitably" led to the expulsion of "parts of the indigenous population". Rather, it is the other way round: the objective was the ethnic cleansing of the country the movement coveted for its new state, and the war was the *consequence*, the *means* to carry it out.¹²⁵

Moreover, in specifying the relationship between the dimension of war and the ethnic cleansing process, Ilan Pappé sustains that «Clashes with local Palestinian militias [...] provided the perfect context and pretext for implementing the ideological vision of an ethnically cleansed Palestine»¹²⁶. Indeed, the situation of armed struggle begun the day following UN Resolution 181 and the 1948 war provided to the Jewish Agency and to the Israeli government the basis for presenting their military conquest as a defensive necessity to the international community. However, it is important to mention again, here, the inherent offensive nature of the defensive pattern characterizing a constitutive land appropriation process. In this sense the

¹²⁴ For a deeper analysis of these matters see Pappé, Ilan *The Ethnic Cleansing of Palestine*, Oneworld Pubs Ltd, Reprint Edizione, London 2007.

¹²⁵ *Ivi*, pp. 17-18.

¹²⁶ *Ivi*, p. 7.

“clashes with local Palestinian militias” provided a “perfect context”, that is to say a context in which the offensive nature of the Zionist enterprise could be hidden to the international community, and in which the key element of the indigenous resistance’s legitimacy could be denied.

The definition of ethnic cleansing as part of the hegemonic Zionist ideological vision is an aspect worthy of attention and coherent with previous studies on this historical phase and on the Zionist movement, such as Nathan Weinstock’s focus on the Israeli refusal to accept the hypothesis of a Palestinian refugees’ return in their hometowns and villages after the end of the first Arab-Israeli conflict in *Zionism: the False Messiah*. The innovative aspect introduced by Ilan Pappé, and shared in our work, is the reflection about the conceptual derivation of the segregationist and expansionist spirit from the hegemonic Zionist ideology, but that Weinstock in this excerpt constates in a “last phase”:

As for as the deep reasons of the Israeli opposition to the return of refugees, they are connected to the segregationist and expansionist spirit which characterized the last phase of the 1948 war and the constitution of the Zionist State.¹²⁷

As for as how concretely the ethnic cleansing of Palestine historically occurred, in his book *A History of Modern Palestine. One Land, Two Peoples* Pappé explains that *Haganah* had been instructed by the Zionist leadership to evict the Palestinian population from rural villages and urban centres both in the territory that United Nations had designated as the future Israeli State and outside those borders. Such systematic effort was designed in Plan Dalet and implemented since March 1948, its two key goals were to occupy the military and civilian installations evacuated by the British authorities and, most important, to seize Palestinian villages and cities. *Haganah* was organized in brigades, each of them had a region of competence and a list of villages to occupy. The information about the situation on the ground available to the *Haganah* had been collected for years by the Zionist authorities, in particular by the Jewish National Fund, with the explicit aim of defining the most important areas, in terms of strategic position and presence of resources, to be turned into Zionist colonies. What changed in this moment was that such lands had to be military seized rather than purchased and colonized as done in the decades before.

¹²⁷ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, p. 19 (Vol. II).

The military strategy implemented consisted in blocking each village on three sides and in forcing the inhabitants to abandon their homes, fleeing through the fourth way that the Zionist soldiers left open. When poor coordination between *Haganah* troops and Palestinian refusal to leave their homes resulted in blocking of all the four sides of a village, the most common result was the massacre of the civilian population, as occurred in the case of Tantura in May 1948¹²⁸. Urban centres were not spared by the Zionist forces, in particular the eviction of the Palestinian population from Haifa, Jaffa and the neighbouring areas represented a core part of Plan Dalet, whose implementation required multiple military operations: Operation Nachson to obtain the control of the corridor connecting Tel Aviv and Jerusalem, Operation Harel targeting specific Arab villages in the same area, Operation Misparayim to seize Haifa, Operation Chametz focusing on the villages surrounding Jaffa, Operation Jevussi to destroy Arab villages on East and South East of Jerusalem with the aim of isolating and capturing the whole Holy City, and several operations concentrated in Galilee and additional following ones in Jerusalem¹²⁹.

It is a widespread idea that the most extremist Zionist militias in this phase, *Irgun* and Stern Gang, carried out the massacres and mass evictions of the Palestinian people, while on the contrary *Haganah* and the IDF had less to do with such military actions. The historiographic evidence about Plan Dalet instead illustrates how the Zionist leadership engaged in systematic military operations against both the Palestinian armed resistance and civilian population. The acceptance of the partition option by the Jewish Agency was motivated more by pragmatic concerns about the goal of achieving international support for the immediate creation of a Jewish State rather than on satisfaction about the effective territory assigned by the United Nations. Therefore, as soon as the opportunity, what Pappé defines the “perfect context”, for enlarging such territorial concessions arrived, the commonly defined “moderate” Zionist leadership resumed its expansionist attitude, and openly targeted areas that should have fallen within the Arab State’s borders conceived by the UN. The stand assumed by David Ben Gurion after the outbreak of the clashes, indeed, explicitly attributed the decision of the territorial questions to war outcomes¹³⁰.

A difference between territorial objectives of the rightist and “leftist” Zionist forces remained, since Revisionists aimed at seizing the whole historical Palestinian territory. Revisionists were even more expansionist than the Jewish Agency and the Israeli government

¹²⁸ Ivi, p. 137

¹²⁹ Khalidi, Walid, *Plan Dalet: Master Plan for the Conquest of Palestine*, in: *Journal of Palestine Studies*, Autumn, 1988, Vol. 18, No. 1, Special Issue: Palestine 1948 (Autumn, 1988), pp. 4-33, University of California Press on Behalf of Institute for Palestine Studies, p. 18.

¹³⁰ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, p. 14 (Vol. II).

and totally rejected the idea of partition. However, these divergences did not affect the choice of means to achieve territorial goals: both Revisionists and the leadership of Jewish Agency and the Israeli government aimed at ensuring a Jewish majority by dispossessing and, eventually, killing Palestinian people. Indeed, Ilan Pappé stresses that ethnic cleansing was carried out by enthusiastic military commanders encouraged by the political leadership, and the latter did not define any limit on means and practices through which the goal had to be achieved.

Palestinian armed resistance's efforts consisted in trying to isolate and attack Zionist settlements by blocking key roads and in an intense campaign conducted with the aim of interrupting the connections between Tel Aviv and Jerusalem. On the political level, the fragmentation of the Palestinian leadership was still present in the early phase of the intercommunal war, characterized by the opposition between the two notable families Husayni and Nashashibi. However, an attempt for reconciliation and union against the Zionist threat was done through the establishment of an overall apparatus to run National Committees and to organize the defense of the villages by centralizing the paramilitary forces under a unique command. This attempt failed and the Palestinian military coordination was never achieved, being this a major cause of the indigenous defeat by highly organized and experienced Jewish paramilitary organizations then integrated in a national army.

The intervention of the Arab forces in May 1948 was characterized by similar problems: lack of military preparation and intra-Arab rival hegemonic ambitions on the Palestinian territory. As synthesized by the scholar Rashid Khalidi:

However much Arab leaders may have wished to demonstrate their post-war independence, the poor, backward states they led were entangled in a thick web of dependency, based on unequal treaties, continued foreign military occupation, and external control of their natural and other resources.¹³¹

The most effective Arab army operating in Palestine during this conflict was the Hashemite Arab Legion, based on British-provided military training and supplies prior to this intervention. His army succeeded in impeding the Israeli takeover of Jerusalem in its entirety, preserving East Jerusalem under Arab control, and in stopping the Jewish army's advance on this front. The Hashemite King, however, was mostly interested in expanding his reign through annexation of West Bank, indeed King Abdullah had directed for months his energies in conducting

¹³¹ Khalidi, Rashid, *The Hundred Years' War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., p. 69.

negotiations, supported by Great Britain, with the Jewish Agency for the partition of the Mandate territory between his kingdom and the Jewish State¹³². The British-puppet character of the Emirate of Transjordan as well as Iraq's, moreover, implied that the influence of Great Britain on these states prohibited them to cross the borders established in the UN Resolution and to enter the future Israeli State, as Rashid Khalidi points out:

Just four of these armies entered the territory of Mandatory Palestine [...] and two of these – Jordan's Arab Legion and Iraq's forces – were forbidden by their British allies from breaching the borders of the areas allocated to the Jewish State by partition, and thus carried out no invasion of Israel.¹³³

As for as the availability of weapons and munitions was concerned, the scarcity on the Israeli side lasted only until June 1948, then during the first truce, from 11th June to 9th July, Israel obtained the superiority in military supplies through arms purchases from the Eastern bloc.

Another aspect of this historical phase that is important to stress is the persistence of the ethnic cleansing practices towards the Palestinian indigenous population during the conflict against the Arab armies. According to Ilan Pappé, indeed, the military confrontation with the Arab states assumed the form of a modern war between conventional armies on the borders of the Israeli-controlled territories. Instead, deep inside and on the coasts of the Jewish State, in particular in Galilee, in Negev and in the coastal plain, the reality was that of organized military troops evicting and massacring an escaping civilian population. These two patterns of confrontation, which are inextricably connected in the Israeli military State-building process, can be intended as the complementary and simultaneous expressions of what we have analysed as the double offensive and defensive character of the State constitutive process through military land appropriation. We argue that the offensive character is conceptually precedent and therefore determinant, because it is through such offensive land appropriation effort, which requires ethnic cleansing in order to result in the affirmation of a normal *status* expelling indigenous subjectivities produced as enemies, that the borders to be defended are established.

The success of the Israeli military land appropriation which definitely determined the accomplishment of the State-building process was sanctioned by the stipulation of armistices with the Arab states from 1949. After the first Arab-Israeli war, the State of Israel covered not only the whole area assigned to it by the UN Resolution 181, but also 60% of the territory

¹³² *Ivi*, p. 77.

¹³³ *Ibidem*.

designated for the hypothetical Arab State, in particular Jaffa, Lydda and Ramle areas, Upper Galilee and Negev. In this Israeli-conquered territory, only 160.000 Palestinians had not fled, thus remained under the rule of the new Jewish State and being subjected to martial law. According to the calculation of the United Nations Conciliation Commission for Palestine, instead, in 1949 there were more than 726.000 Palestinian refugees¹³⁴ fled from their homes as a result of the war and, we add following Pappé, of the ethnic cleansing enterprise carried out by the Zionist and Israeli authorities. The Hashemite monarchy succeeded in annexing the West Bank, included East Jerusalem, and Egypt obtained the control of the Gaza Strip: the areas controlled by these Arab states represented 22% of the territory assigned in 1947 to the Palestinian Arabs by the United Nations.

As anticipated, Israeli authorities strongly rejected the idea of allowing Palestinian refugees to come back in their homes. Moreover, in most of the cases there was not a place where the indigenous population could come back anymore, since a crucial aspect of the ethnic cleansing operations of Plan Dalet and during the conflict after May 1948 consisted in the complete destruction of the seized villages and in the construction of Israeli colonies on the conquered lands. Moreover, even the Palestinian properties remained intact became inaccessible for the previous owners: the Abandoned Areas Ordinance issued by the Israeli government on 30th June 1948 established by law the expropriation by the government of the Palestinian lands and properties conquered by IDF as well as the confiscation of any movable or immovable property declared as “abandoned” by the government itself¹³⁵.

In the aftermath of 1948 conflict, through settler colonization, immigration-led and military land appropriation and indigenous dispossession, the Jewish State was born and its Iron Wall-borders had been defined.

1.4 Settler Colonial Dimension of Israeli State-Building

In our work we have repeatedly used expressions such as “colonialism”, “colonies”, “colonization process” referring to the Zionist enterprise of creating a Jewish State in Palestine.

¹³⁴ According to the definition adopted by the United Nations to calculate the esteem, a refugee was a person resident in Palestine since at least two years before the start of the 1948 conflict and who lost both his/her house and means of subsistence, and that at the moment of the calculation resided in Jordan, Gaza Strip, Lebanon or Syria. According to the historian Nathan Weinstock the definition is inadequate since leads to an underestimation of the real amount of Palestinian refugees. For a deeper overview of this see Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 26 (Vol. II).

¹³⁵ Abandoned Areas Ordinance No. 12 of 5708-1948, 30th June 1948, Provisional Council of State, <https://web.archive.org/web/20091028101656/http://geocities.com/savepalestinenow/israelaws/fulltext/abandonedareasord.htm>

In this paragraph we will investigate the colonial features of Zionism, focusing on their peculiarity and on their differences from the classical colonialist framework informing European imperialism, therefore characterizing Zionism not only in general as a colonial phenomenon, but specifically as a settler colonial one. Therefore, this analysis will provide not only an explanation of our lexical choices but, most importantly, an interpretative paradigm that enables us to investigate another fundamental dimension of the Israeli constitutive process. The necessity of analysing this colonial dimension derives from the fact that it centralizes the indigenous presence and investigates the asymmetric power relations between colonizers and colonized in a specific way. On the contrary, the Schmittian conceptual analysis based on the European political modernity's logic, that we have adopted until this moment in order to understand "*from within*" the Israeli State-building process, does not provide for theoretical instruments to investigate specifically the relational aspect between the "inside" and the "outside" of the emerging political entity. Indeed, by defining the person outside the political community as "the other" and the relation with this otherness only in terms of offensive-defensive war, it sets a dichotomy in which the alter is a negative that must be destroyed. Studies that focus on the colonial dimension, instead, offer an understanding "*from outside*" of the patterns and effects produced on the field where European political and economic structures are exported or reproduced.

1.4.1 Colonial Foundation of Settler Colonialism

Our main theoretical reference will be Lorenzo Veracini's work *Settler Colonialism: A Theoretical Overview*¹³⁶. According to Veracini, the State of Israel, alongside US, New Zealand, Australia and South Africa, is an example of a settler colonialist structure, moreover, Veracini defines settler colonialism as «distinct from colonialism»¹³⁷. However, such distinction in no way erases the colonial character of the Zionist project and of the Israeli State-building process, but informs it and is useful to understand the peculiar implementation of colonialist discourses and practices. Veracini himself, despite the main focus of his work consists in individuating the structural differences between settler colonialism and colonialism in general, admits that «the political traditions outlined in this book are contained within the space defined by the extension of Europe's colonial domain»¹³⁸. However, Lorenzo Veracini analyses this common point

¹³⁶ Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, Palgrave MacMillan, Houndmills, Basingstoke 2010.

¹³⁷ *Ivi*, p. 2.

¹³⁸ *Ivi*, p. 6.

between colonialism and settler colonialism by presenting it in a dialectical way. According to him, indeed, settler colonial enterprises' motor is the will to create another self-governing and, implicitly or not, sovereign reality by occupying the vacuums in the imperial political system, which can be filled through migration in another land. Lorenzo Veracini's perspective admits that there are connections between classical colonial realities and settler colonial processes, but focuses his theoretical reflection on the leakage points of such bonds and, hence, on the original and structurally distinguished character of settler colonialism.

Another interpretative strand instead, represented for instance by Maxime Rodinson's reflection in *Israel: A Settler-Colonial State?*¹³⁹, focuses on the continuities between European imperialist and Zionist discourses, as well as on the crucial role played by imperialist powers such as Great Britain in determining the successful outcome of the Zionist project, thus highlighting that the Israeli reality belongs to the process of Western colonialist expansion preceding the end of the Second World War. In this sense the Eurocentric colonialist imaginary, widespread in late XIX and in the first half of the XX century, provided some of the fundamental assumptions and exemplary models of attitudes shaping the Zionist colonizers' ambitions and behaviours. For instance, as Maxime Rodinson explains: «European supremacy had planted in the minds of even the most deprived of those who shared in it the idea that any territory outside Europe was open to European occupation»¹⁴⁰, this quotation expresses how the Eurocentric racist discourses characterizing classic colonialism have been inherited by the Zionist colonizers and have shaped their ideology. At the end of the day, it is not a casualty that from Theodor Herzl to David Ben Gurion the Jewish State is presented as an European light bringing civilization in the darkness of a backward and barbaric middle eastern landscape. Another example is the Zionist slogan “A land without people for a people without land”, expressing the application of the traditional colonialist imaginary of the “empty land” to Palestine by Zionist colonizers.

According to both Maxime Rodinson and Lorenzo Veracini, however, the very colonial nature, respectively, of the Zionist project and of the settler colonial realities in general is connected to the presence of an indigenous population in the territories targeted. For Rodinson:

¹³⁹ Rodinson, Maxime, *Israel: A Settler-Colonial State?*, trans. by David Thorstad, Monad Press Ltd. for the Anchor Foundation Inc., New York 1973 (original ed. *Israel: il fait colonial?*, Les Temps Modernes, n° 253 bis, pp. 17–88, Gallimard, Paris 1967).

¹⁴⁰ *Ivi*, p. 39-40.

There was not necessarily any colonialist or imperialist orientation per se in the motivations underlying this choice.¹⁴¹ The element that made it possible to connect these aspirations of Jewish shopkeepers peddlers, craftsmen, and intellectuals in Russia and elsewhere to the conceptual orbit of imperialism was one small detail that seemed to be of no importance: Palestine was inhabited by another people.¹⁴²

While in Lorenzo Veracini's words:

A colony is both a political body that is dominated by an exogenous agency, and an exogenous entity that reproduces itself in a given environment (in both cases, even if they refer to very different situations, "colony" implies the localised ascendancy of an external element – this is what brings the two meanings together). Settler colonialism as a concept encompasses this fundamental ambiguity. [...] Since both the permanent movement and reproduction of communities and the dominance of an exogenous agency over an indigenous one are necessarily involved, settler colonial phenomena are intimately related to both colonialism and migration.¹⁴³

In a nutshell, following Rodinson and Veracini, we argue that the colonial core characterizing both classic colonialism and settler colonialism can be defined as a peculiar kind of power relation between the exogenous and the indigenous subjects, in our case respectively the Zionist colonizers and the Palestinian natives. This power relation produces the native subjectivities as excluded or relegated at the margins of the political and socioeconomic systems that the colonizers are exporting or creating in the new context, and as a consequent necessity of this exclusion or marginalization the oppression of the indigenous population occurs. Thus, the illusionary idea of a free land to be "peacefully colonized", which is an oxymoron, reveals its bogus character facing the concrete reality of an indigenous presence in the region. In that moment the "discovery" of a new land turns into a dispossession. The fact that such land and the people who inhabit it are "integrated" in some way in the colonial order with the aim of economic exploitation, like in classic colonialism, or that the land is designated as the territorial basis of a new political entity and the native population is the target of an eliminatory effort, such as in settler colonialism, is a difference within the colonial nature of these political phenomena. However, in both cases indigenous dispossession, which as mentioned earlier in

¹⁴¹ By "this choice" the author refers to the nationalist orientation assumed by the Zionist movement.

¹⁴² *Ivi*, p. 38.

¹⁴³ Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, cit., pp. 2-3.

this work is defined by Robert Nichols as propertization and systemic theft, represents the common foundation of classic and settler colonial relations of power. This reflection about the shared dimension of classic colonialism and settler colonialism is, in our perspective, necessary in order to understand why, following Veracini's position that settler colonialism is distinct from colonialism, there is a space, recognized by Veracini himself, to identify the colonial character inherent to the (Zionist) settler colonial process. In synthetic words the question we have tried to answer is: why is settler colonialism definable as colonialism, despite the fact that it is distinct from what we have named classic colonialism?

Most of the objections to the attribution of a colonial character to the Zionist project and to the State of Israel, instead, focus on the nationalist character of them and present Israeli State-building as a national liberation process based on the right of self-determination of the Jewish people¹⁴⁴. The independentist struggle against the British Mandatory power in the aftermath of the end of the Second World War and the socialist hegemonic tendencies of the Zionist movement are further argumentations added to sustain that Zionism was as much distant as possible from colonialism. We should also notice that the anti-British stand adopted by the Zionist proto-government and paramilitary forces was prompted by nationalist ideals and by the goal of immediately establishing a Jewish State. As for as Zionist socialism is concerned, we have discussed above its nationalist foundation and the subaltern role played by the ambitions of social justice in respect to the goal of providing an exclusive political sovereignty to the Jewish nation. Then, the relevant question to reflect about in order to respond to these pro-Zionist objections is: are nationalist goals incompatible with colonial practices or, conversely, can the exclusive conceptual assumptions of the nation State political form be intended as drivers leading to the realization of colonial relations in historically-determined contexts, such as the Israeli case, in which the indigenous presence implies that nationalist State-building practices coincide with violent dispossession? Rashid Khalidi implicitly answers this question:

The modern history of Palestine can best be understood in these terms: as a colonial war waged against the indigenous population, by a variety of parties, to force them to relinquish their homeland to another people against their will. [...] Further complicating this understanding is the fact that this colonial conflict, conducted with massive support of external powers, became over time a national confrontation between two new national

¹⁴⁴ Rodinson, Maxime, *Israel: A Settler-Colonial State*, cit., pp. 29-31.

entities, two peoples. [...] There is no reason that what has happened in Palestine for over a century cannot be understood as *both* a colonial and national conflict.¹⁴⁵

This co-existence of the national and colonial characters of the Zionist project, that according to Khalidi “furtherly complicates” the understanding of it as a colonial phenomenon, is specifically the object of Lorenzo Veracini’s theoretical reflection and is what analytically characterizes settler colonialism as distinguished from classic colonialism. Therefore, we must recognize that the common element we have individuated between classic colonialism and settler colonialism does not make the divergences between them to simply fade away. For this reason, in order to deepen our understanding of the settler colonial character of the Israeli State-building process, we will now take in consideration Lorenzo Veracini’s theorization of settler colonialism as a peculiar structure.

1.4.2 The Zionist Settler Colonial Structure

According to Lorenzo Veracini, a settler colonial situation is a «system of relationships»¹⁴⁶ set up by producing three kinds of subjectivities: the settler, the indigenous other and the exogenous other, this third category furtherly articulates in the differentiation between the subaltern exogenous others (immigrants without political goals) and the metropolitan exogenous other (classical colonial European power). The triangular character of this system of relationships is a peculiar feature of the settler colonial form, while classic colonialism is based on a dichotomy between the exogenous colonizer and the indigenous colonised. The very new subjectivity of the settler colonial form in comparison to the classical colonial one is exactly the settler, who does not simply replace the classic colonizer, but emerges as a completely new subjectivity that complicates the classical colonial system of relationships. In order to simplify this scheme, we will take in consideration in reference to the Zionist context the exogenous other only as the metropolitan one. However, the specificity of our object of study requires also to stress the differences, that are not highlighted by Lorenzo Veracini in his text, that characterize the kind of relation between the Zionist settlers and their metropolitan exogenous other, that we can identify with Great Britain after the Balfour Declaration. Indeed, the situation of the Zionist settlers was peculiar: differently north American, Australian or South African ones, they did not have a motherland in Europe from which they wanted to separate, and the

¹⁴⁵ Khalidi, Rashid, *The Hundred Years War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., p.9.

¹⁴⁶ Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, cit., p. 16.

relationship established with their metropolitan exogenous other seems to us more similar to a patron-client relation. In a nutshell, the condition of diaspora that characterized the Jewish people represents the main peculiarity of the Zionist case and, therefore, sets the limit to be taken into account when we use Veracini's theory as an interpretative framework. Because of the fact that exploring and analysing such limit is beyond the purposes of our work, we will accept Lorenzo Veracini theorization of the settler situation as a triangular one, being this a marker of distinction from the classical colonial paradigm, but we will focus our attention on the relationship between the settler and the indigenous other. Indeed, despite this limit, the analysis exposed in Lorenzo Veracini's text of the settler subjectivity and her practices *vis-à-vis* her indigenous other are precious in order to understand the dynamics characterizing the Zionist State-building process.

The two basic elements that determine a settler colonial political collective are defined by Veracini as the permanent residency in a specific locale and the sovereign entitlement¹⁴⁷. The ultimate affirmation of settler sovereignty occurs both against metropolitan interference and against the indigenous resistance efforts. In the Zionist/Israeli case these steps for definitely asserting *Yishuv*'s sovereignty corresponded to the Zionist paramilitary forces' struggle against the Mandatory authorities, from 1945 to late 1947, and to the intercommunal conflict occurred between November 1947 and May 1948, followed by the first Arab-Israeli war in 1948. Prior to this ultimate assertion, however, what Veracini defines the establishment of a self-constituted settler body politic requires a «sovereign movement across space»¹⁴⁸, an expression that we can identify as the Zionist immigration effort characterized by an ideological orientation towards the goal of realizing a sovereign Jewish State.

Independently from the successful character or not of a settler enterprise, Lorenzo Veracini investigates the inherent contradictions characterizing the settler self-identification as both indigenous and exogenous, the settlers' relationship with their home, which is defined as both a filiative and an affiliative connection. These contradictions are catalysed in two conflicting tendencies operating in the settler context and informing organically the shaping of settlers' subjectivities: the effort for indigenisation simultaneously and in opposition with the Europeanisation process that they try to carry out. These two lines of actions determine the emergence of two dialectic dichotomies: the indigenous-exogenous one and the righteous-degraded one. The result is a paradox: the *indigenous righteous European settler* is established

¹⁴⁷ *Ivi*, p. 20.

¹⁴⁸ *Ivi*, p. 17.

as normative. The indigenisation tendency is determined by the fact that the creation of a sovereign State, which is a home for the settler political collective, is aimed at realizing a situation in which generations will be born, will grow up and will die. According to this logic, immigration will not be required anymore and settlers will become natives of the land that their ancestors had colonized. This dynamic subverts the indigenous-exogenous dialectic put in place by the initial immigration of the settlers: the exogenous settler self-produces himself as an indigenous and in this process turns the real indigenous person into an external element excluded from the settler political community. The Europeanization process is another expression of the foundational character of the settler project, which aims to bring European civilization to the “barbaric” extra-European land. Despite the emigration from Europe by the settlers, they do not abandon European “superior” political structures, culture and way of life, but decide to bring them to new land in order to “make it flourish”. This dynamic realizes the righteous-degraded dialectical dichotomy in which the settler is the righteous who carries out the regeneration and the improvement that characterize his new political community, while on the contrary the native is by definition characterized by the impossibility of improving and of achieving a better and new life.

The “tragic” outcome of these two paradoxical lines of self-determination is presented by Lorenzo Veracini as «an unresolvable tension between sameness and difference»¹⁴⁹: according to the indigenisation tendency the settler aims to be “the same as a native” but differentiating himself in the fact that he founds an European higher civilization, and on the same time he tries to be “the same as an European” but setting a difference by creating a distinct and autonomous sovereign reality in an extra-European territory.

Then again, neither, indigenisation nor Europeanisation, despite recurring fantasies of ultimate supersession, is never complete, and a settler society is always, in Derridean terms, a society to come, characterised by the promise rather than the practice of a truly “settled” lifestyle. Indigenisation and Europeanisation could then be seen as asyndotic progressions: the line separating the settler and the indigenous must be approached but is never finally crossed, and the same goes for neo-European imitation [...] In the end the indigenous remains always more genuinely indigenous.¹⁵⁰

¹⁴⁹ *Ivi*, p. 23.

¹⁵⁰ *Ibidem*.

At this point, a reflection about the meaning of this impossible accomplishment of the settler colonial ideal and conflictual goals is needed. We have analysed the Israeli State-building process and we have constated its political achievement through the establishment of sovereignty on the ground by military conquest and the international recognition it has received. However, the analysis of this process under the light of studies focusing on its colonial character and on the role of the indigenous continuous resistance requires us to explicit the limits of such accomplishment, that cannot be individuated by using European political modernity's traditional concepts, which operate by denying, neglecting or simply excluding as an "enemy" such indigenous presence. The possibility of that exclusion is the element that the colonial analysis questions by focusing on, in our case in reference to Lorenzo Veracini's work, an "indigenous other". Following Carl Schmitt's analysis of modern European political thought, the expression "indigenous other" is an oxymoron. In his analysis the Other is by definition someone who does not belong to the political body, hence can represent a threat to it. Therefore, the Other can be identified as the external enemy, who is the foreigner, or the internal one, who coincides with the criminal that has been expelled from the political community after having violated the sovereign will expressed by the law and having thus threatened to cause the dissolution of the sovereign unity. The indigenous other is comparable neither with the criminal nor with the foreign enemy. On the one hand, he is not the criminal because he has never belonged to the settler political community, hence he has not been expelled for a particular unlawful action, but has been excluded since the beginning of the political constitutive process. On the other hand, he is not a foreigner enemy, because in this case what would make him different, as an *indigenous* other, from the *exogenous* other? An objection to this latter observation may refer to the fact that "indigenous" does not necessarily mean "insider", therefore that a subject can be indigenous in reference to the land occupied by the settler community, while remaining outside the community itself, existing as external in reference to the political body. We respond to this counter-argumentation highlighting, one more time, the inherent territorial dimension of sovereignty and the sharp demarcation of sovereign territorial borders as crucial conditions for the establishment and the consolidation of a sovereign territorial State. The presence of the natives, which as we have seen is the foundation of the colonial dimension of a settler enterprise, represents also the leakage point that makes the logic of sovereignty to clog¹⁵¹. In other words, the very existence of indigenous people, characterized

¹⁵¹ This "anomaly" is recognized by Carl Schmitt himself and expressed in his essay Schmitt, Carl *The Theory of the Partisan. A Commentary/Remark on the Concept of the Political*, trans. by A.C. Goodson, Michigan State University Press, East Lansing 2004, (original ed. *Theorie des Partisanen. Zwischenbemerkung zum Begriff des*

by definition by their bond with the land they inhabit, is not admissible under the premises of the sovereign logic aimed at establishing an exclusive settler political body with a territorial basis. Following Veracini's reasoning about the impossibility for the settler to become completely indigenous, due to the Europeanisation tendency that characterizes the production of his subjectivity, we can observe that the complementary aspect of this asindotic settler identity is the equally asindotic character of the true indigenous' transformation into an external element. As long as the settlers will not be fully indigenous even in their territorial sovereign domain, the natives will not be external in respect to it and their bond with *their* land will not be broken. Lorenzo Veracini presents the typical dynamics characterizing the definition of the inside-outside dichotomy in the settler colonial situation and its exclusionary consequences:

The boundaries separating the indigenous and the exogenous Others segments of the population system from contiguous sectors is that they must be internally porous and externally impermeable: one can get out but cannot get back in. [...] Perhaps the most salient feature of the population economies of settler colonialism is that whereas the tensions in force over the settler component lead "higher", those operating on the indigenous and exogenous Others lead inexorably "out".¹⁵²

Yet, what we want to stress is that the above mentioned Veracini's definition of a settler society as a "society to come", which will never actually be accomplished due to its inherent contradiction, implies also that as long as the settler component gets "higher" but does not achieve its full "highest" realization, the indigenous one can in parallel be pushed out, but will never be totally excluded and will continue to disturb the dichotomic sovereign logic that, instead, demands its total exclusion as a necessary condition. Indeed, as stated by Lorenzo Veracini:

Exogenous Others, unlike their indigenous counterparts, do not challenge with their very presence the basic legitimacy of the settler entity (i.e., while the sustained presence of exogenous Others confirms the indigenisation of the settler collective, the presence of an indigenous residue delegitimises it).¹⁵³

Politischen, Duncker & Humblot, Berlin 1963). In this text, after having analysed insightfully the modern European political thought and its conceptual coherence in his previous works, the philosopher deals with the ambiguous and *telluric* figure of the Partisan, recognizing it in its challenging dimension.

¹⁵² Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, cit., p. 32.

¹⁵³ *Ivi*, p. 33-34.

The effort carried out by the settler collective in order to contrast this delegitimizing element, which is the presence of the indigenous Other, with the hope of erasing it, coincides with a cleansing operation characterized as «domination for the purpose of transfer»¹⁵⁴ targeting specifically the indigenous Other. We will now take in consideration some peculiar transferring strategies identified by Lorenzo Veracini, both practical and discursive, that according to our analysis have been implemented by Zionist/Israeli settler actors. The major practical transfer strategy to mention is the ethnic transfer, which coincides with the forced removal of the indigenous community and is, according to Veracini, the main interpretative framework for the analysis of the Naqba in the 1948 Arab-Israeli war. In order to furtherly comprehend the so called “refugee question” following the creation by military means of the State of Israel, we should notice Lorenzo Veracini’s specification that «Settler colonial projects are specifically interested in turning indigenous people into refugees: refugees [...] are by definition indigenous to somewhere else»¹⁵⁵. The strength of the specific Israeli interest in turning the Palestinians in permanent refugees is stressed also by Nathan Weinstock’s historical analysis of the situation in the aftermath of the 1948 Arab-Israeli war. During the negotiations of the armistices with the Arab countries the Israeli prime minister David Ben Gurion sustained that the Palestinians’ right to return could not be accepted because it would have damaged the achieved demographic homogeneity in the newborn Jewish State. In very few cases Ben Gurion seemed available to accept the return of a number of displaced Palestinian, but the crucial criterion set as a condition even in these cases was that such amount had not to be able to destabilize Jewish majority. This availability was showed for example by the Israeli delegation during the negotiations in July-August 1949 when, under American pressure¹⁵⁶, it proposed the return of 100.000 refugees in the Israeli territory defined by the frontiers resulted from the war. However, as Weinstock highlights, this proposal was made with the major aim of obtaining the international acceptance of the new borders defined by military means rather than the ones designated in the 1947 partition plan.¹⁵⁷ This episode shows how, in some specific circumstances, in order to secure their territorial objectives the Israeli authorities have seemed open to accept the above mentioned delegitimising indigenous presence represented by the return of some Palestinians,

¹⁵⁴ *Ivi*, p. 34.

¹⁵⁵ *Ivi*, p. 35.

¹⁵⁶ The American Ambassador to Israel James McDonald in May 1949 transmitted a note from the US President Harry Truman to David Ben Gurion calling for tangible concessions by the Israeli authorities concerning the issue of the Palestinian refugees, otherwise the United States would have changed their attitude towards the State of Israel.

¹⁵⁷ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 17 (Vol. II).

but the overall strategy of Israel remained focused on the expulsion and the efforts to prolong the Palestinian condition of diaspora in order to try to wear down the indigenous character of the Palestinian indigenous people.

Concretely removing the physical presence of the indigenous population was an option that many Zionist leaders, included the most extremist one as Vladimir Jabotinsky, had formally excluded but that, as we have seen, has been implemented exactly when the realization of the State of Israel occurred, hence when the Zionist sovereign claim reached its highest and most violent historical moment. We argue that this ethnic transfer strategy, the one that expresses the most what the scholar Robert Nichols defines the “eliminator character” of the settler colonial projects, is the crucial foundational dimension operating for the accomplishment of the Israeli State-building process, that casts a light on what we meant when we referred to the inherent exclusionary character of sovereignty that we have repeatedly stressed in this work.

Another strategy, a discursive one, is represented by the transfer by conceptual displacement: when indigenous people are perceived as exogenous Others who have entered the settler space. The Zionist rhetoric denying the Palestinian national character and the definition of them as “just” Arabs who, therefore, can simply move to another Arab country is an example of the implementation of this strategy. This Zionist argumentation is furtherly sustained by asserting that Jews represent the true indigenous people of the land that had been ruled by the Kingdom of Israel long before the Arab Muslim conquest of the Levant. Then, the perception transfer is another tactic operating in the context which is the object of our study and consists in disavowing in a variety of ways the actual presence of indigenous people referring to the classical colonial imaginary of an “empty land”, which in Zionist discourses has been translated in the above-mentioned slogan “A land without people for a people without land”. Moreover, there are various forms of narrative transfers, such as the presentation of the indigenous people as backward, therefore living in another age in comparison to the settler community. This temporal narrative transfer results in the denial of indigenous people’s existence as a contemporary reality: by setting it in “another epoch” it removes the indigenous presence from the here and now.

These are just a few of the several transfer strategies listed by Lorenzo Veracini, the ones that we consider most relevant in order to understand the centrality of the peculiar colonial dimension constituting the core of the Zionist settler colonial project and of the Israeli settler State in the early phase that we have analysed in this chapter. The Zionist and Israeli implementation of such strategies had started with the very beginning of Zionist militancy and

have continued after the creation of the State of Israel. Over time the transfer strategies have evolved and in some cases have changed, but their permanence has characterized until today Israeli history.

Yet, the colonial dimension of the Zionist State is, still nowadays, strongly rejected by Israelis and pro-Israeli representatives, understanding why this denial occurs requires us to take in consideration Lorenzo Veracini's reflection about the disavowal of the foundational violence that characterize the settler colonial political communities and that is a key dimension of the Israeli self-identity. We can interpretate such foundational violence as the original indigenous dispossession that, as we have seen, is the premise of every colonial enterprise, and as the ethnic cleansing of the Palestinian people as for as the specific Israeli case is concerned. Indeed, these two processes have been inextricably connected since the beginning of the Zionist process: ethnic cleansing occurred through dispossession, such as in the case of the land purchases by the Jewish National Fund and the expulsion of Palestinian natives and, reciprocally, dispossession followed ethnic cleansing, as occurred for instance with the enactment of the above mentioned Abandoned Areas Ordinance in the period when Plan Dalet was implemented in the context of the intercommunal war and of the 1948 Arab-Israeli war. However, according to Veracini the case of settler political entities is peculiar because:

As "settler society" can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of "peace" that can never be reached, settler projects embrace and reject violence *at the same* time. Political theory has often assumed that *all* political orders are based on an initial law-establishing violent inception. However, settler colonial regimes occupy a peculiar position in this context because their violent foundation must be disavowed: a recurring narcissistic drive demanding that a settler society be represented as an ideal political body makes this inescapable.¹⁵⁸

A fundamental dynamic of this disavowal tendency coincides with the perception and presentation of offensive foundational violence against the indigenous community in terms of self-defense. The centrality of the defensive narrative is particularly important in the Israeli case, as highlighted by the analysis we have previously done of the complementarity of the offensive and defensive aspects of the violent and foundational land-appropriation by military means. The defensive element has been always centralized by the Socialist Zionist hegemonic

¹⁵⁸ Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, cit., p. 77.

currents of the Zionist movement, while the extremist Revisionist Zionists, as we have highlighted considering Vladimir Jabotinsky's article *The Iron Wall (We and the Arabs)*, were more open to recognize explicitly the necessity of immediate offensive military violence in order to achieve the aim of creating a Jewish State. However, the disavowal re-emerges in the theorization by Jabotinsky of the "second stage" of the Iron Wall strategy: the one in which, after having violently completely smashed indigenous resistant a "peaceful" coexistence with the Arabs would have been possible.

This passage can be interpreted, following Veracini's thought, as another disavowal of founding violence:

True, at times, settler political traditions cannot possibly lay claim to a "quiet land", and a celebration of frontier violence becomes a feature of national mythologies. In these instances, however, a quiet and peaceful idyll and disavowal re-emerge *after* the "losing" of the troubled frontier, the cessation of hostility, and *after* the establishment of a purportedly settled/settler order.¹⁵⁹

Many additional reflections may be developed in order to furtherly deepen the interpretation of the Israeli State-building process as a settler colonial phenomenon, however, the ones exposed in this section aimed at grasping the cornerstones of Zionist-Israeli colonial character, trying to individuate its peculiarities and framing them in the context of the specific theoretical reflection about the settler colonial dimension of Zionism. We argue, in particular, that Lorenzo Veracini's insightful analysis of settler colonial phenomena and the exposure of the contradictions characterizing the settler subjectivity paralyzed in the tension between indigenisation and Europeanisation and the consequent impossibility of accomplishing the fundamental aim of a settler colonial project are useful in order to critically understand how, according for instance to Rashid Khalidi, the Israeli-Palestinian confrontation has both colonial and national premises. It is also useful in order to respond to the objections against the classification of Zionism as colonialist, according to which the goal of national independence that presents the State of Israel as a major liberation outcome excludes the possibility of Israel being a colonial political structure.

After having analysed, in this chapter, the Israeli State-building process from the perspective of the European political theory's founding concepts and having proposed a focus, based on

¹⁵⁹ Ivi, p. 80.

colonial studies, about how the operational role of these concepts has shaped the relationships with the extra-European indigenous population, we are now able to proceed our analysis by focusing on the devices of power that an established settler colonial sovereign State such as Israel has historically implemented in order to preserve its existence. How specifically these devices, alongside the new ones emerged in the process, had maintained the natives in a condition of oppression, resulting in the establishment of an apartheid system, will be the object of the next chapter of this work.

Chapter II

From Military Conquest to Disciplinary Rule:

Turning Occupied Palestine Into a Prison

2.1 Pursuit of Greater Israel: Occupation and Territorial Integration

The first two decades of life of Israel have been characterized, from the internal point of view, by strong efforts to consolidate State institutions, by law-making activity aimed at establishing the supremacy of the Jewish people at the expenses of Arab-Israeli citizens and at receiving tens of thousands of new Jewish immigrants, arriving especially from Europe and middle eastern countries, while adopting a strong stand against the return of the Palestinian refugees expelled during the ethnic cleansing of 1948. On the other hand, for a State born thanks to a settler colonial war, whose outcomes were opposed by the defeated neighbours as well as by the indigenous people suddenly turned into rightless refugees in the host countries, the dimension of foreign affairs was studded with military escalations against Egyptian and Syrian armies and operations of retaliation against the developing Palestinian armed resistance. The fundamental goal of establishing an Iron Wall made of Israeli bayonets between the citizens and territory of the Jewish State and their external enemies had been achieved in 1948, while the task of preserving that wall as impenetrable and of crushing completely Arab resistance had become, since that moment, a crucial factor informing Israeli political activity as a whole.

Starting from the analysis of the 1967 Six Days War as a major turning point in the history of Israel and of the Palestinian people, our aim in this paragraph will be to understand how the Israeli rule on the Occupied Palestinian Territories (OPTs) has been established, resulting in a paradoxical territorial integration of the Gaza Strip and, in particular, of West Bank. The paradigm of sovereignty, according to which the imposition of exclusive political power on a land requires both military conquest and intense settler activity is noticeable also in this phase of Israeli political existence. Therefore, an analysis of the Six Days War as a fundamental expansionist conquest, followed by a focus on the Israeli efforts of constructing and expanding Jewish settlements in OPTs will be the object of the first section of this paragraph. Early hypothesis of Palestinian “autonomy” elaborated to deal with the “demographic problem”

resulting from occupation will be taken in consideration in the second section, paying attention on how we can notice the emergence of a classical colonialist attitude in Israeli leadership as well as how the failure in the short term in realizing such hypothesis led to the emergence of a disciplinary technology through which Israel could do so on its own. Finally, by focusing on the evolution of Israeli settlement policies in West Bank we will stress how territorial integration proceeded in parallel with the production of isolated Palestinian areas which will be turned into prison-enclaves where the emerging disciplinary relations will shape the ruling system of power.

2.1.1 Expansionist Character of a Sovereign Offensive-Defensive Conflict: the 1967 Six Days War

The ambiguous character of the defensive-offensive dichotomy when it is applied to matters such as States' military efforts and strategies has been highlighted before in this work, through the analysis of Carl Schmitt's concept of the political as the criterion that entitles every sovereign entity to engage war against any element deemed as an existential threat. The description provided by the historian Avi Shlaim of Israeli self-conception as a "poor little Samson" is another element of reflection useful here to understand the problematic aspect of the Israeli narrative concerning the defensive nature of the Jewish State's military policies:

When he became Israel's third prime minister in 1963, Levi Eshkol confronted a state with a conflicted identity, which combined military superiority with an acute sense of vulnerability, in the Yiddish words *Shimshon der nebechdikker* – poor little Samson. While appearing hesitant, Israel was capable of acting decisively and of using force in a crushing manner when its security was challenged.¹⁶⁰

Avi Shlaim insists on this paradoxical dimension of Israeli identity and on its effects on the decisions taken by its political and military leadership during the phase of escalation leading to the outbreak of the Six Days War. The war of June 1967 was not the first one fought by Israel after the 1948 conflict: the Suez campaign, carried out in 1956 by the Jewish State with the British and French colonial powers as its partners, is a precedent that exemplifies the Israeli attitude of identifying an enemy and assuming an aggressive stand to annihilate it in order to

¹⁶⁰ Shlaim, Avi *Israel: Poor Little Samson*, in Id., Wm. Roger Louis, *The 1967 Arab-Israeli War. Origins and Consequences*, pp. 22-55, Cambridge University Press, Cambridge 2012, p. 24.

smash any threat¹⁶¹. However, the 1956 second Arab-Israeli war was halted by both the superpowers US and USSR, and resulted in the celebration of the Egyptian president Gamal Abdel Nasser as a victorious pan-Arab leader, without changing the territorial conditions in the region. On the contrary, the Six Days war determined a radical transformation of the geopolitical order in Middle East, as well as the beginning of the decline of the secular pan-Arab ideology. Moreover, as for as the Israeli-Palestinian political field is concerned, it has influenced the decades to come and has enormously empowered Israel on the one hand, while has furtherly worsened the Palestinian condition, by imposing military rule on almost 1.5 million people, on the other.

With his arguments, Avi Shlaim sustains that the 1967 conflict had a clear defensive character for Israel. According to him the Israeli choice of a pre-emptive strike on Egypt, which turned out in a war whose results were the seizure of Sinai Peninsula, the annexation of the Golan Heights and the occupation of the West Bank and the Gaza Strip, was motivated by a serious concern by the Israeli leadership about a threat to the survival of the Jewish State. Such a threat was identified by military leaders as the risk that Nasser's mobilization of forces in Sinai and the closure of the Straits of Tiran undermined the Israeli Defense Forces' deterrent power, which according to them was a *conditio sine qua non* for Israeli security. As Shlaim points out commenting Israeli military elite's reaction after the blockade of the Straits of Tiran:

Israeli economy could possibly survive the closure of the straits but the deterrent image of the IDF most certainly could not. Nasser understood the psychological significance of this step. He knew that Israel's entire defence philosophy was based on imposing its will on its enemies, not on submitting to unilateral diktats by them.¹⁶²

On the other hand, the historian analyses also how the military elite's attempt during the weeks preceding the pre-emptive attack was to shift the focus from the pragmatic goal of re-opening the Straits through international diplomatic activity, supported by the United States, to the identification of the presence of Egyptian troops along the border as an existential threat not only to the IDF prestige, but also to the very survival of the State of Israel. According to this

¹⁶¹ Pan-Arab leaders firmly opposed the institution and the policies of the State of Israel by framing the Palestine question as a crucial dimension of their anti-imperialist struggle. Israel is presented in pan-Arab leaders' argumentations as a means for prolonging the control on the middle eastern region by the imperialist Western powers. Moreover, being the Palestinians conceived as members of the Arab nation, which represents the cornerstone concept of the pan-Arab vision, their independence was conceived as inherent to Arab independence as a whole.

¹⁶² Shlaim, Avi, *Israel: Poor Little Samson*, cit., p. 27.

military reasoning, given this existential threat to the Jewish State, the Israeli army had to attack first in order not to be damaged by a potential Egyptian military operation. The provocative nature of Egyptian actions and the miscalculations that led Nasser to prompt the escalation, for instance his belief that the superpowers would have intervened again, as in 1956, to stop Israeli military initiatives, has been analysed by historiographical literature according to which Nasser, despite his bold declarations, did not want to effectively confront Israel in a war.

Assessing the morality of a military attack that triggered the outbreak of a conventional conflict between sovereign states on the basis of a “defensive” goal laying behind an evidently aggressive action is not the purpose of our work. Nonetheless, it seems useful to examine alternative studies concerning the rationale that informed Israeli civil and military decision makers’ choice of starting the Six Days War. These divergent studies define the consequences of such military confrontation, namely the occupation of large portions of land inhabited by indigenous people and the integration of such territories in the State of Israel through the proliferation of Israeli settlements, as strategic objectives pursued through an Israeli expansionist campaign or, on the contrary, as results of unintended chances materialized thanks to the “window of opportunity” opened in 1967 by the threatening Egyptian behaviour.

On the one hand, paying attention to the events occurred during this armed conflict is of great importance because they represent a major historical turning point that has shaped the Israeli-Palestinian political field for the past half of a century, determining it as a system of power based on an apparently endless and extremely peculiar military occupation. On the other hand, the difficulty in reconciling the debate about the offensive or defensive nature, from the Israeli point of view, of the pre-emptive military action carried out in 1967 sheds a further light on the problems inherent to the adoption of a unilateral logic of sovereignty in concrete terms. This difficulty stresses how not only the violences perpetrated during the Israeli State-building process, but also the following ones carried out with the aim of preserving such an exclusionary State can be intended as consequences of the very ideological foundations of a settler colonial sovereign State.

On 5th June 1967 Israeli Defense Forces launched an attack against Egyptian air force, destroying it, and a ground offensive through which they penetrated in the Gaza Strip and in the Sinai Peninsula. The Egyptian forces were deployed on the 1949 armistice border since the second half of May, following the provocative decisions made by the President Nasser of calling for the evacuation of UN troops stationed in the area and of closing the Straits of Tiran, thus impeding the passage of Israeli ships directed to the Port of Eilat. On the same day of the Israeli

strike early in June, the Hashemite King of Jordan shelled Western Jerusalem, intervening in the conflict in support of his Egyptian ally, according to the provisions of a mutual defence pact signed by the two countries on 30th May 1967. This represented a *casus belli* for Israel, which then set the goal of conquering East Jerusalem, annexed to Jordan as well as the Palestinian territory Western than the Jordan River since 1950, and rapidly penetrated the West Bank, where Jordanian forces were unable to counter the advance of IDF. The consciousness of King Hussein's military intervention as Israel's «historic opportunity to liberate the Old City of Jerusalem»¹⁶³ was immediately expressed by influential military exponents such as Yigal Allon and Menachem Begin, who were members of the expansionist faction among the Israeli decision makers. The Israeli Minister of Defence in that moment, Moshe Dayan, who initially, according to Avi Shlaim, did not wish a confrontation against Jordan, gave the order to Israeli troops to seize East Jerusalem and to proceed deeper inland in West Bank, when he was informed that the United Nations were about to call for a cease-fire. Also in this case Dayan followed the typical Israeli strategy of creating facts on the ground before any international legal interference. Moreover, on 9th June Israel attacked Syria, opening a northern front in the conflict with the aim of conquering the Golan Heights. Moshe Dayan gave that order under the pressure of the inhabitants of the *kibbutzim* in the area, who were involved in the frequent clashes that had occurred for years on that border and had the main aim of acquiring more land to farm.

If the offensive character of IDF military action against Syria in the context of the 1967 war is out of discussion even for Avi Shlaim, the discourse is different, according to the historian, for the attack against Egypt and the Israeli reaction after the Hashemite intervention. In Shlaim's reconstruction of the conflict Israeli decision-making process was characterized, in the weeks preceding the war, by a tension for which «the defensive ethos of the government clashed with the offensive ethos of the IDF»¹⁶⁴. The civilian government was committed to avoid a military confrontation with the Arab State, the prime minister Levi Eshkol's main concern was to avoid international blame for an Israeli aggressive behaviour and to maintain the “few friends” Israel had in the world. Moreover, for Eshkol ordering a military action without the approval of the United States was out of discussion after the experience in 1956. Initially the United States were reluctant: they repeatedly invited Israel to refrain from responding militarily to Egyptian provocations and suggested to focus on diplomatic dialogue. For weeks Eshkol and his

¹⁶³ Ivi, p. 45.

¹⁶⁴ Ivi, p. 25.

government centralized the question of Israeli freedom of navigation threatened by the closure of the Straits of Tiran, while for the military that issue had become of little importance in comparison to the risk of a surprise attack by the Egyptian army on Israeli southern border. The exponents of the army were firmly convinced that Egypt was about to attack, despite the evaluations for instance of CIA and US administration that had already recognized by that time the “bluff” played by Nasser, as Avi Shlaim reports: «Johnson told Eban that it was unanimous view of his military experts that there was no sign that the Egyptians were planning to attack Israel and that if they did attack, the Israelis would “whip the hell out of them”»¹⁶⁵. In other words, according to American experts, the two fundamental assumptions supporting the “defensive” dimension of Israeli behaviour on the eve of the Six Days War were unrealistic: Israel was not about to be attacked and, even if that attack had occurred, it would not have represented an existential threat.

However, the sustainment of such considerations by the United States did not result in an effective American opposition to the idea of an Israeli military action. Johnson administration finally conceded what Shlaim defines an “amber light” to Israel: US did not encourage Israel to “solve” the dispute by military means, but would have not stopped an IDF’s attack as in 1956. This was enough to make Eshkol’s prudent behaviour to fade away, and under the pressure of the military exponents, among them Moshe Dayan, Yigal Allon and Ariel Sharon, the prime minister gave the order of attacking Egypt in the Sinai peninsula. From 5th June on, Israeli Defense Forces’ advance in Palestinian territories under the control of the Arab states occurred so quickly, according to Shlaim, that the civilian government which was still free from any expansionist goal was not able to contain it. IDF troops conquered positions in Sinai and West Bank before the government could give orders to advance or to stop in a specific geographic location. Quoting Yitzhak Rabin, Avi Shlaim shares the view according to which «the final outcome of the conflict was determined not by political war aims but by military contingencies»¹⁶⁶. Such contingencies led to the capture of the West Bank up to what Rabin defined «the natural border of the Land of Israel – the River Jordan»¹⁶⁷ and, according to Eshkol, opened the opportunity for “liberating” the West Bank.

What emerges from these observations about Israeli politicians’ reactions to the IDF’s conquests on the ground during the Six Days War is, in our view, an expansionist attitude of the Israeli leadership as a whole. The conception of the West Bank as a land to be “liberated”, being

¹⁶⁵ *Ivi*, p. 34.

¹⁶⁶ *Ivi*, p. 47.

¹⁶⁷ *Ibidem*.

“Judea” and “Samaria” regions of the historical land promised by God to the Jewish people, led the leaders of the civil government to welcome the outcomes of the conflict without even considering to give up on the land that their army had occupied during the days of armed confrontations. At this point, the premeditated or contingent character of the territorial enlargement following the 1967 war becomes of secondary importance in comparison to the immediate assessment of such conquered lands as parts of the historical “Land of Israel”. Even following the historical reconstruction proposed by Avi Shlaim, according to which this conflict was a defensive war based on Israeli fear of being destroyed as a political entity, what emerges is, at most, a chronological postponement of Israeli expansionist ambitions, that we could attribute to the resolution to retain the occupied territories rather than to the initial intention to seize them as the main goal of the pre-emptive strike on Egypt. The surfacing of this expansionist ambitions, had it occurred three weeks before or later, then, is a dimension that should not be underestimated in trying to understand the dynamics of the Six Days War and of its consequences.

Yet, in the historiographical debate concerning the logic underlying the Six Days War Avi Shlaim’s account is not unanimously agreed. Therefore, we should now consider another reconstruction of the events occurred between May and June 1967 and their connection with Israeli policies and military reasoning in the previous years. Ilan Pappé in his book *The Biggest Prison on Earth. A History of the Occupied Territories*¹⁶⁸ provides a very different reconstruction of Israeli ambitions and strategies. According to this historian the point of departure in order to understand Israeli expansionist goals and its behaviour that triggered the 1967 war, defined by him as a “war of choice”, is the regret characterizing in particular the Israeli military leadership of not having conquered the West Bank in 1948. Until 1967 the key element that had forbidden Israel to pursue the goal of obtaining the control of the West Bank is identified by Pappé as the American commitment to the maintenance of the post-1949 status quo, therefore Israeli hawkish military generals focused on looking for evidences of weakness in the Hashemite rule in order to present an Israeli invasion of the Palestinian territory Western than the Jordan River as a defensive action based on the assumption that if the Jordanian monarchy had fallen, the influence of pan-Arab radicalism, already present in Egypt and Syria, would have reached the Jewish State’s Eastern border. This would have also made the Palestinian resistance that operated in West and East Banks even more dangerous for Israel.

¹⁶⁸ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, Oneworld Publications, London 2019.

Moreover, in support of his thesis regarding the Israeli offensive and aggressive attitude in the Six Days War, Pappé highlights how the motivations that led Nasser to escalate the tensions by deploying troops in Eastern Sinai and by closing the Straits of Tiran had been triggered by Israeli provocations on the Syrian border. Indeed, this disputed northern boundary was theatre of frequent military clashes between IDF and Syrian forces, it was one of the ways through which the Palestinian *fedayeen* used to enter in Israeli territory to attack the Jewish population of the *kibbutzim* of the area and it was a site where the struggle for water resources had been catalysed, given Israeli attempts since 1964 of diverting the River Jordan and its estuaries into its water system, thus depriving Syria of water. According to Ilan Pappé these were the three factors leading to the escalation of tensions in 1967, worsened by Nasser's actions which were the result of the Egyptian president's need to make a demonstration of strength in order to maintain his status of the main pan-Arab leader by defending the ally Syria, which was heavily threatened by the Jewish State. Israeli provocations on the border with Syria and Nasser's reactions showing muscles were not a novelty in the Arab-Israeli scenario, what had changed in 1967 in comparison to previous escalations that did not result in a war, for instance in 1958 and 1960, was Israel's determination to engage in a military campaign to fix the crucial mistake committed by the Israeli leadership in 1948, when Ben Gurion ordered the IDF not to seize the West Bank, thus impeding the complete restoration of Jewish rule in the whole "Land of Israel". As for as the American opposition to Israeli expansionism showed in 1956, it was clear on the Israeli side on the eve of the 1967 June War that Johnson administration had changed US attitude in this respect. Thus, the main factor that had prevented Israel from pursuing expansionist territorial goals was not present anymore. Ilan Pappé synthesises his reconstruction of the Six Days War as following:

Taking the larger historical picture, the various key moments mentioned in this chapter – 1948, 1957, 1958 and 1967 – can be seen as stages in a continuous colonialist project meant to Judaize Palestine and de-Arabize it. In 1967 there were no existential threats against Israel, nor were Nasser's manoeuvres different in kind or in scope from his previous actions. [...] It was more than anything else a continuation of the 1948 ethnic cleansing and the overall dispossession of Palestine.¹⁶⁹

¹⁶⁹ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 44.

Supporting his position, Pappé highlights the existence of the detailed Shacham Plan, elaborated and supported by members of the legal section of the army, academics of the Hebrew University and officials of the Ministry of the Interior, for the occupation of the West Bank since 1963¹⁷⁰. This plan, officially named “Organization of Military Rule in the Occupied Territories”, forecast a division of West Bank into eight districts ruled by a Governor General of the Occupied Territories and included the setting up of four military courts, as well as the translation of the 1945 Mandatory regulations elaborated by the British colonial administration to repress Zionist rebels and that Israel wanted to use in Palestinian Occupied Territories in order to militarily rule the region. Pappé explains also how, alongside the formal elaboration of such plan in military circles, since 1963 the Hebrew University distributed to some students a guidebook with instructions to manage an occupation of the West Bank and how in 1967 after the conquest of such territory the Shacham Plan became operational. As for as divergent historical accounts of these matters are concerned, we find in Avi Shlaim’s reconstruction of the Six Days War only a mention to an “operational plan for the capture of West Bank”, that according to him was elaborated in 1964, but which in this historian’s analysis was intended as a scheme to be implemented only in case of a Jordanian attack against Israel¹⁷¹.

As for as the argumentations sustaining that the Israeli campaign on the Jordanian front during the Six Days War was a reaction to King Hussein’s decision of bombarding Western Jerusalem, therefore it was a defensive action, Ilan Pappé stresses how, once more, Israeli expansionist ambitions prevailed over the hypothesis of a simple response aimed at safeguarding the Jewish State security by opposing an external attack. Indeed, as the historian points out: «If the Israelis wanted to tame the King of Jordan, or even to punish him severely, why occupy the West Bank? As Finkelstein put it, ‘You could have just defeated Jordan without taking over the West Bank’»¹⁷².

In our view, the only point of conjunction between Avi Shlaim’s and Ilan Pappé’s historical reconstructions of the events in May and June 1967 consists in the fact that, independently from the “offensive” or “defensive” intentions of the Jewish State’s leadership before the outbreak of the war, its decision after the end of it was an expansionist one, in the sense that it chose to enlarge the territory on which Israel ruled by maintaining the conquered lands of West Bank and the Gaza Strip. Even if you put it in different words – as the suddenly emerged opportunity to “liberate Judea and Samaria” quoted by Shlaim or as a colonialist project to Judaize the entire

¹⁷⁰ *Ivi*, p. XIV.

¹⁷¹ Shlaim, Avi, *Israel: Poor Little Samson*, p. 42.

¹⁷² Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 42.

Palestine as intended by Pappé – the Six Days War’s concrete results were expansionist in nature. Supporting this consideration there is the historian Nathan Weinstock’s observation that:

Even if it is true that only the far-rightist Herut Party (the successor of *Irgun*) had pronounced itself for the conquest of the neighbouring territories prior to June 1967, *no* Zionist party has been able to resist, ultimately, to the temptation of enlarging the national territory, when the opportunity arrived.¹⁷³

Nathan Weinstock’s account on Moshe Sharett’s declaration, as Minister of Foreign Affairs in 1950, according to which the Jordanian rule on West Bank was an open problem for Israel, as well as the multiple references made by Levi Eshkol to “ancient Palestine” as the historical Jewish territory of which Israel controlled “only” 200.000 square kilometres is a further evidence of Israeli expansionist ethos. Therefore, setting aside the historiographical debate between Avi Shlaim and Ilan Pappé as for as the individual intentions of the government and military exponents in 1967, a conclusion can be drawn from Nathan Weinstock’s interpretation of the «deep meaning of the Zionist nature of the State of Israel»¹⁷⁴:

Given the Zionist character of the State of Israel, it had to be fatally pushed on the slope of expansionism. Setting aside any other consideration, it is clear that the idea of the reception and unification of the majority of the Jewish people on Israeli territory implicitly raised the question of the too limited borders. The cult of the historical past prepared the ground, after all, to the expansionists’ ambitions.¹⁷⁵

Moreover, the fact that the defensive and offensive ethos of Zionism are «two sides of the same coin»¹⁷⁶ is an observation that Avi Shlaim himself elaborates and attributes to the ideology of David Ben Gurion, as we quoted in the section of this work dedicated to The Iron Wall as a Political Concept. Yet, this rationale seems not to be applicable to the Six Days War according to the historian, despite the fact that key military officials as Yigal Allon and Moshe Dayan, the latter being the Minister of Defence in 1967, were the leaders in power in the days when the second Arab-Israeli war occurred and had been also key figures during the 1948 conflict in

¹⁷³ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 44, (Vol. II).

¹⁷⁴ *Ivi*, p. 33, (Vol. II).

¹⁷⁵ *Ivi*, p. 44, (Vol. II).

¹⁷⁶ Shlaim, Avi, *The Iron Wall Revisited*, cit., p. 85.

which they led the ethnic cleansing of Palestine. Again, the inextricability of the offensive and defensive aspects of a State's external dimension, according to our analysis, is not something that we can arbitrarily choose to apply or not as a theoretical framework to assess contingent historical occurrences, but a conceptual, even "paradoxical", logic that represents the cornerstone of a sovereign political entity, being it the direct consequence of the concept of the political as the criterion such sovereign authority refers to. Following a Schmittian logic, you cannot totally deprive an offensive military action of a State of its defensive character, as well as you cannot ignore the offensive dimension of such military action, even if it was individually or collectively perceived in a defensive fashion. Therefore, our final remark is that, without daring to solve an intense historiographical debate about the particular intentions of the Israeli civil and political decision makers, we can sustain that even if it may be true that the Israeli pre-emptive strike on Egypt and the following Six Days War presented some kind of defensive rationale, it is not true that it did not include an offensive dimension as well.

Finally, coherently with the resulting expansionist attitude of the State of Israel that we have mentioned, we should notice that intense efforts of Judaization of Occupied Palestinian Territories through the proliferation of Israeli settlements became an institutionalized policy as soon as the armed confrontations ceased. The settler activity of the Israeli State in the OPTs, carried out by both the Labour government between 1967 and 1977 and by the Likud leadership after its first victory at the general elections, as well as by the Messianic settler movement *Gush Emunim*, will be the object of following sections of this paragraph. However, before analysing this fundamental process of territorial integration of the West Bank, in order to comprehend the complexity of carrying it out without dissolving the Jewish identity of Israel, the demographic dimension of the occupation of Palestinian territories should be considered, as well as the strategies elaborated by the Israeli leadership to overcome it, thus setting the basis of the future political status of the Palestinians in the OPTs.

2.1.2 Proposals for a "Classical" Colonialist Solution of the "Demographic Problem" in OPTs

After the victory in the 1967 Arab-Israeli war, the Jewish State decision of retaining the Palestinian territories it had conquered implied also the issue of managing an indigenous population which in that year amounted to almost 1.5 million of Palestinians, more than one

million living in West Bank and around 450.000 in the Gaza Strip¹⁷⁷. This demographic aspect was a source of concern for the Israeli leadership, indeed according to Ilan Pappé the hypothesis of carrying out a massive ethnic cleansing as in 1948 was excluded by military and government officers because the war had proceeded too fast to allow the enactment of such a brutal policy during the days of fighting, and destroying Palestinian villages and cities once the armed clashes had ended was something the Israeli leadership considered undoable. After all, even when we have analysed the 1948 Naqba we have stressed, following Ilan Pappé's account, how the condition of open conflict provided a "perfect context" for chasing out the natives and seizing their properties. Such perfect context was not in place in the aftermath of the Six Days War. However, concerns about the need of preserving the Jewish character of Israeli territories were not powerful enough to put in discussion the decision of maintaining the control of West Bank and even of the Gaza Strip: Palestinian land conquered had to remain under Israeli rule. A specification is needed here, indeed according to Avi Shlaim the initial offensive plans against the Egyptian forces in the 1967 war, namely the Atzmon Plan and the Kardom one, defined the Gaza Strip as a major target to be occupied but, as well as Sinai, it was conceived as a territory that could have been object of negotiations after the end of the hostilities¹⁷⁸. Later, the Minister of Defence Moshe Dayan advanced the idea of keeping a strip of Egyptian territory from East of Rafah down to Sharm el-Sheikh. Ilan Pappé highlights how Dayan was worried about the percentage of 1948 Palestinian refugees living in the Gaza Strip – 315.000 persons – but this «note of caution»¹⁷⁹ did not prevail over the strong pressure by the military generals willing to establish Israeli rule on that Palestinian area. As for as West Bank was concerned, the Israeli conception of it as "Judea and Samaria", that is to say historical regions of Erez Israel, banned any consistent debate about effectively loosing the grip on the "liberated land" from even emerging.

The formula elaborated and implemented by Israeli leadership, then, was keeping the territories without the people. This meant that the option of a *de jure* annexation was rejected and the project of a *de facto* one resulted into being the main Israeli political project for the OPTs. The motivation of the impossibility to formally annex West Bank and the Gaza Strip was that this would have required the grant of Israeli citizenship to the Palestinians living in them, this was inadmissible because it would have suddenly produced the threat of an Arab majority in Israel. Being the State of Israel the realization of the political Zionist aim of creating a Jewish

¹⁷⁷ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 45.

¹⁷⁸ Shlaim, Avi, *Israel: Poor Little Samson*, cit., pp. 41-42.

¹⁷⁹ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 42.

State in which Jews would have ceased to be a dispersed minority and would have become a sovereign nation, the hypothesis of turning such a political creature into a bi-national State was simply contradictory. After all, the lack of Israeli tolerance towards the Arab people living in Jewish-ruled territory by 1967 had been already widely expressed towards the Palestinians that had remained in the land which ended up into being inside the Jewish State's borders after the creation of Israel in 1948. Nathan Weinstock defines this aspect as an expression of the «segregationist spirit»¹⁸⁰ of the Jewish State, that he analyses as for as the policies adopted towards Arab-Israelis were concerned, but that we can identify also as the basis for the implementation of Israeli rule in the OPTs. Arab-Israelis were recognized as Israeli citizens representing a minority within the newborn country, amounting to 160.000 people, yet Israeli efforts to fragment such minority by Judaizing the areas within Israeli territory characterized by a high concentration of Arab inhabitants, namely the north of the Jewish State's territory, provided key operational instruments that will be applied to try to neutralize the Palestinian population of the OPTs¹⁸¹. The most important of them were the imposition of a life under Israeli military rule, that for Arab-Israelis ended in 1966 while for Palestinians in OPTs endures still nowadays, and the proliferation of Israeli urban centres and settlements in densely Arab inhabited areas. Still, some important differences remain between Arab-Israelis and Palestinians living in West Bank and the Gaza Strip: the former are a minority of citizens, the latter a majority of right-less people living in occupied territories.

What we wanted to highlight by addressing here the demographic “problem” perceived by the Israeli leadership in the aftermath of the occupation of West Bank and Gaza Strip was, first of all, how this issue emerged as a result of the apparently contradictory aims of integrating occupied territories to Israel, annexing them *de facto*, while maintaining the people in it excluded. Secondly, despite the concerns expressed by the Israeli political and military leadership, a view on the policies implemented to deal with the Arab-Israeli population and the preparatory work that since 1963 had forecast an occupation of the Palestinian territories reveals how the engineering by Israel of an interrelated set of tactics to overcome this demographic “problem” was supported by the possibility to retrieve some operational strategies already employed and perfectly coherent with the Zionist ideology of Jewish supremacy.

¹⁸⁰ Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, cit., p. 42, (Vol II).

¹⁸¹ For a deeper analysis of the Israeli settlement policies in densely Arab populated Israeli regions see Rajagopalan, Mrinalini, *Dismembered Geographies: The Politics of Segregation in Three Mixed Cities in Israel, in Traditional Dwellings and Settlements Review*, Vol. 13, No. 2 (Spring 2002), International Association for the Study of Traditional Environments (IASTE), pp. 35-48.

However, the prolonged Israeli military occupation of the Palestinian territories in the form in which it has lasted until nowadays was not the favourite option that the Israeli leadership endeavoured to implement in the first place¹⁸². During the weeks following the end of the Six Days War, the main argument discussed at Israeli Cabinet meetings was the need to find a framework of governance for West Bank and the Gaza Strip. According to the political scientist Reuven Pedatzur in his analysis *Coming Back Full Circle: The Palestinian Option in 1967*¹⁸³ the most influent Israeli decision makers in 1967 aimed at establishing a form of Palestinian “autonomy” in West Bank that would have allowed Israel to satisfy its fundamental security needs, to maintain a territorial control of the region and, most important, to avoid the crucial problem of admitting such a high number of Palestinian people within the official borders of the Israeli State. Hence, Palestine option coincided with the initial attempts by the Israeli government, between June 1967 and early 1968, of finding in West Bank an indigenous political interlocutor to negotiate a settlement concerning the status of that land and of its population. This may appear contradictory with what we have identified in the previous section as a resolute Israeli exclusion of the option of loosing control of that part of the “historical land of Israel”. However, an analysis of such Israeli proposals for a Palestinian “autonomy” clearly highlights how they effectively matched the purposes of dealing with the demographic problem perceived by the Jewish State on the one hand, and to crush an alternative sovereign ambition on the West Bank, the Jordanian one, on the other. None of these two objectives conflicted with Israeli goal of imposing its rule on West Bank. As Pedatzur reports, during the first Cabinet meeting in which the future of the occupied West Bank was discussed on 16th June 1967, Yigal Allon, the Minister of Labour and a military master mind of the Six Days War, advanced the idea of creating a Palestinian State in an enclave surrounded by Israeli territory, the motivation being that «The last thing is the return of a single inch of the West Bank»¹⁸⁴ to the Hashemite King. Ceding the region to Jordan, the Minister of Labour furtherly commented, was a mistake that Israel had already committed in 1948 and that must not repeat. The Minister Yisrael Galili even declared openly on that occasion that permanent occupation of the territory carried out leaving the Palestinians without citizenship was preferable than returning to a situation of Jordanian

¹⁸² This is not to say that Israeli military occupation practices and in particular the settler activity have not changed at all since 1967. The modifications characterizing the government’s orientations in settlement construction plans since 1977 and of the institutional framework in the OPTs introduced by the Oslo Accords in 1993 will be object of the next sections of this chapter. However, we should notice that of the cornerstones of the military occupation established in 1967, for instance the military courts system, are in still in place nowadays.

¹⁸³ Pedatzur, Reuven, *Coming Back Full Circle: The Palestinian Option in 1967*, in *Middle East Journal*, Spring, 1995, Vol. 49, No. 2 (Spring, 1995), Middle East Institute, pp. 269-291.

¹⁸⁴ *Ivi*, p. 271.

rule on the area. In the following weeks the Prime Minister Levi Eshkol repeatedly informed his colleagues of his proposal on the political future of the West Bank, which Reuven Pedatzur synthesizes in these terms:

He was concerned about two components of the possible settlement: one related to security and the other to demography. [...] In other words, according to Eshkol's concept, in order to ensure Israel's security needs, there was no choice but to continue to assert military control over the area up to the Jordan River. In order not to turn Israel into a bi-national state, a special status had to be created for the Palestinian residents of the West Bank.¹⁸⁵

Such "special status" was formulated by Eshkol as the recognition of a semi-autonomous region for the Palestinians, but whose land and security would have remained in the hands of Israel. Ironically, the prime minister as well as the majority of members in his government pronounced themselves as available to the eventuality of the development of such "semi-autonomous" entity into a Palestinian State. The political meaning of a State which would have been demilitarized, would have not controlled its borders or its natural resources, would have had binding economic contracts with Israel and would have retained only the governmental-welfare tasks of "self-administration" that the Jewish State was not willing to provide to another, non-Jewish, people such as the Palestinians, even if they were under Israeli military rule, would have remained obscure until these days, if studies on colonialism had not developed conceptual instruments to provide an understanding of such practices and systems. The peculiarity of the Israeli-Palestinian historically-determined reality is not underestimated in this field of studies and in particular is expressed by Tariq Dana and Ali Jarbawi in *Whose Autonomy? Conceptualising 'Colonial Extra-Territorial Autonomy' in the Occupied Palestinian Territories*¹⁸⁶. These authors propose the concept of Colonial Extra-Territorial Autonomy (CETA) to address the peculiar and complex system of methods implemented by the State of Israel in order to «create a legal and physical distinction between the land and the Palestinians living on it, that is to include the land and exclude the population»¹⁸⁷. CETA is defined by Dana and Jarbawi as:

A peculiar form of colonial-sponsored self-governance that is exercised by the settler colonial state outside its international recognized jurisdiction. It denotes a form of colonial

¹⁸⁵ Ivi, p. 273.

¹⁸⁶ Dana, Tariq, Jarbawi, Ali, *Whose Autonomy? Conceptualising 'Colonial Extra-Territorial Autonomy' in the Occupied Palestinian Territories*, in *Politics*, 2023, Vol. 43, Political Studies Association, pp. 106-121.

¹⁸⁷ Ivi, p. 107.

governmentality imposed on a colonised population that has never been part of the settler colonial state.¹⁸⁸

The establishment of such colonial-sponsored self-governance was based on the materialization of a structural dependence of the occupied territories on Israel, whose concretization was to be determined by the exercise of «a form of disciplinary power and political control»¹⁸⁹. The principles underlying such scenario, that Israel wanted to realize, were that Palestinian autonomy had to be based on a de-territorialised jurisdiction over discontinuous enclaves, institutionally fragile, led by a collaborationist Palestinian political class that followed Israeli directives on security matters, which consisted in internal repression of the population, and maintained the Palestinian people under an Israeli military regime able to impose limitations on freedom of movement, residency and economic activity¹⁹⁰.

According to the authors, at the basis of this repressive-autonomy policy there is *de facto* annexation of the occupied territory, pursued by both the Labour government between 1967 and 1977 and, later, by the Likud government through their support of the settlements construction plans. We should add here a reflection about the colonial character of the State of Israel, highlighting that this historical turning point marked the insertion of classic colonialist practices in the settler colonial framework that had characterized the Zionist State-building process which resulted in the creation of Israel. As we have stressed in the fourth paragraph of the first chapter, when we have analysed Lorenzo Veracini's interpretation of the settler colonial structure, colonialism and settler colonialism are distinguished, but they are in no way mutually exclusive. The idea of a political entity militarily controlled by a foreign power, bounded to that foreign power by agreements on security and defence and characterized by a structural economic dependency that favours the interests of the hegemonic state providing to it the factors of production, namely raw materials and cheap workforce, while prohibiting the industrial development of the exploited region and its exports, fits very well with the key features of the classical colonial rule of imperialist countries in peripheral regions. Military conquest, economic penetration and the establishment of a patron-client relation on the formal-institutional level, after all, are the *leit motiv* underlying Western colonization of the Middle

¹⁸⁸ *Ivi*, p. 110.

¹⁸⁹ *Ivi*, p. 111.

¹⁹⁰ *Ibidem*.

East as a whole, as for instance the scholar Raymond Hinnebusch stresses in his studies¹⁹¹. In synthesis, given that the ethnic transfer characteristic of the Zionist-Israeli settler colonial process on a massive scale was undoable after 1967, the compenetration of classic colonialist practices and settler colonial ones became a fundamental feature of Israeli management of the OPTs. If the predominance of a settler colonial structure resulted indispensable during the Israeli State building process, an analysis of the policies implemented after the Six Days War in the Occupied Territories unravels that the contamination of the settler colonial paradigm through the complementary assumption of a classical colonial rationale turned out to be the most effective way to pursue the interest of the settler colonial State once it had been created.

However, the accomplishment of the goal consisting in the establishment of a classical-colonially controlled Palestinian “autonomous” entity had to wait until the early 1990s, when it materialized in the form of the Palestinian Authority under the Oslo Accords. The reasons why, as Pedatzur explains, the Palestinian option was set aside in favour of the Jordanian one in early 1968, which after King Hussein’s refusal to meet the conditions posed by Israeli leaders faded away as well, were that the formal adoption and implementation of such a policy required the existence of a political interlocutor that until 1990s Israel could not find in West Bank. Indeed, in late 1960s there was no Palestinian political leadership in the Occupied Territories, the revival of the Palestinian national movement, that started in the 1950s with the birth of Palestinian parties such as Fatah, formed by the refugees in exile in Arab countries, occurred after the defeat of the Arab armies in June 1967, when the Palestinian resistance detached its struggle from pan-Arab views and broke the hegemony of the Arab States on the Palestine question. The appointment of Yasser Arafat as the chairman of the Palestine Liberation Organization (PLO) in 1968 marked this shift and established as the only Palestinian political leadership available a resistant front which, by that time, opposed negotiations with Israel and committed itself to guerrilla and commando operations against the Jewish State. PLO invited the people of West Bank and the Gaza Strip to rise up against Israeli occupation, hence collaboration with Israel for the establishment of a Palestinian “autonomy” in the form envisaged by Eshkol and Allon was something definitely excluded by the *fedayeens*. After all, it is not surprising that the Palestinian national movement represented by the PLO, which during late 1960s and 1970s was collocating itself in the transnational anti-imperialist network fighting

¹⁹¹ For a deeper analysis of these matters see Hinnebusch, Raymond, *The Middle East in the World Hierarchy: Imperialism and Resistance*, in *Journal of International Relations and Development*, No. 14, MacMillan Publishers Ltd., New York 2011, pp. 213-246.

for decolonisation, was not available to be a partner in the implementation of a colonialist framework in the OPTs¹⁹².

On the other hand, even the Israeli adoption of the Jordanian option that aimed at negotiating with the Hashemite monarchy a settlement for West Bank ended up in a failure. Reuven Pedatzur provides an account of the meetings held in London, in September 1968, between King Hussein and the Israeli Foreign Minister Abba Eban, Yigal Allon and the Director-General of the Prime Minister's office Yaacov Herzog. The proposal advanced by Israel to the King of Jordan about the status of the West Bank included exclusive Israeli control of "Greater Jerusalem", being Eastern Jerusalem already the target of intense Israeli settler colonization efforts by that time, demilitarization of the entire West Bank and, according to the Allon Plan on Israeli settlements' expansion, the change of pre-1967 borders in order to guarantee Israeli presence on the Western side of the Jordan River, defined as Israel's natural and security border. King Hussein considered such conditions inadmissible because, as Pedatzur reports, he recognized in the Allon plan an infringement of Jordanian sovereignty. Once more, therefore, it emerges how mystifying were Israeli leaders' discourses about their availability to allow in the future the development of a State in West Bank: such a State would not have been a sovereign one and, according to political modernity's very foundations, a State without sovereignty is nothing more than an oxymoron, an opportunistic oxymoron, we should add if we consider Israeli support of the establishment of such contradictory political entity in the OPTs. The conditions proposed to the Hashemite King, based on the Allon Plan, were the same that the Israeli leadership had elaborated with the intention of realizing them in partnership with an available Palestinian leadership which, as they found out, actually did not exist in West Bank. Thus, the shift from the Palestinian option to the Jordanian one did not mean anything more than looking for another interlocutor in order to implement a colonialist framework in West Bank that would have allowed Israeli sovereign-colonial control on the region while maintaining the separation from the people living in it, thus finding a segregationist-colonialist solution for the "demographic problem" inherent to occupation. However, not only Israel was unable to find an interlocutor in the Palestinians in West Bank, but also received a refusal from King Hussein of Jordan. The only option left was a totally Israeli management of the OPTs, both territorially and demographically, this situation required the engineering of a system that

¹⁹² For a deeper analysis of PLO's bonds with the transnational decolonisation movement and its anti-imperialist stand see Chamberlin, Paul, Thomas, *The Struggle Against Oppression Everywhere*, in *The Global Offensive. The United States, the Palestine Liberation Organization, and the Making of the Post-Cold War Order*, Oxford Studies in International History, Oxford 2015, pp. 14-43.

allowed the Jewish State to achieve the goal of taking the territory without the people on its own. This ended up in the establishment of a military rule in the OPTs as well as in the production of a new Palestinian subjectivity, resulted from the system of power imposed by Israel that kept the Palestinians in a condition of right-less non-citizens and on the same time non-foreigners, thus producing them specifically as “Occupied Subjects”, as Hagar Kotef points out in *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*¹⁹³. The disciplinary subjectivation process occurring during the decades of occupation of West Bank and the Gaza Strip will be object of an in-depth analysis in the next paragraph of this chapter, but before focusing on this issue and after having discussed Israeli formulations of proposals to address the “demographic problem” emerging from occupation, another fundamental aspect deserves to be analysed: the goal of taking the land in the process of territorial integration of West Bank, pursued through the typical Zionist-Israeli strategy of settler colonization.

2.1.3 Territorial Integration of West Bank and the Production of the Palestinian Enclaves-Prisons

As stressed in the previous sections of this chapter, the integration of West Bank in the territory under the rule of the Israeli State has been identified as a key goal by the leadership of the Jewish State, despite the “demographic problem” that the pursuit of this objective has produced. Consequently, Israeli leadership aimed at using colonial strategies by finding a collaborationist partner in an imagined Palestinian political leadership in West Bank or in the King of Jordan. As we saw, these attempts to find a partner failed, therefore Israel engaged in the challenge of establishing such colonial framework on its own. The first step to be achieved, however, was to guarantee Israeli concrete presence in the territories conquered in the 1967, in order to effectively control them and to erase the probabilities of being asked by the international community to cede those regions in a potential future peace negotiation with the Arab States. In analysing the territorial integration realized by Israel we will focus specifically on West Bank rather than on the Gaza Strip, the motivation is that the former region has been and still is conceived as a historical region of the Land of Israel on which the Jewish State would not have given up. On the contrary, the recognition as such of the Gaza Strip has not been traditionally shared unanimously by Israeli leaders and the majority of the representatives who advocated that the Strip was part of historical Jewish Palestine belonged to the territorial

¹⁹³ Kotef, Hagar, *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, Duke University Press, Durham and London 2015.

maximalist faction, expressed significantly at the social level by the Messianic settler movement *Gush Emunim*. However, Israeli disengagement from the Gaza Strip in 2005 has shown that the proliferation of Israeli settlements in this area had a weaker ideological value, therefore was something expendable in favour of the strategy to strengthen the territorial control on West Bank.

In the aftermath of the Six Days War Israeli decision makers started to elaborate plans for the construction of settlements in West Bank, targeting specific regions of this occupied territory in order to pursue particular strategic goals initially inserted by the Labour government in the framework of policies designed in order to satisfy Israeli security needs. The most important settlement project that has informed the work of Israel's government until 1977 was the Allon Plan, designed by the Minister of Labour Yigal Allon and presented to the Israeli government in late July 1967. This plan has never been adopted as an official State policy, but according to the majority of historians and scholars it has informed government-led construction projects in West Bank until the establishment of the first Likud government, ten years later. The cornerstone of the Allon Plan was the aim of creating a security belt of settlements in the Jordan Valley, covering the territory extended from the Jordan River until the Eastern slopes of the hills where Palestinian urban centres and most of the rural villages are located, following the longitudinal axis from Nablus to al-Khalil (Hebron). Moreover, according to this plan the settled areas would have been connected to Israel through a horizontal corridor from Jericho to Jerusalem. The Allon Plan included also the efforts to Judaize the Holy City: the settlement projects for realizing "Greater Jerusalem" had started right after the end of the 1967 conflict. Since those early days, indeed, Israel aimed at annexing the Eastern part of the Holy City, thus declaring the entirety of Jerusalem as the capital of the Jewish State. The official annexation of Jerusalem occurred in 1980, but since its conquest in 1967 Israeli leaders firmly sustained that Greater Jerusalem was not to be included neither in any "peace" negotiation with Arab States nor in any option for the above-mentioned hypothesis of a Palestinian "autonomy" in West Bank. Indeed, seven years before the official annexation of East Jerusalem, in 1973, the southern chain of settlements had started to be built under the directives of the Labour government, thus making the achievement of the total encirclement of the Holy City just a matter of time ¹⁹⁴.

¹⁹⁴ Mosely Lesch, Ann, *Israeli Settlements in the Occupied Territories, 1967-1977*, in *Journal of Palestine Studies*, Vol. 7, No. 1 (Autumn, 1977), University of California Press on behalf of Institute for Palestine Studies, Berkeley 1977, p. 29.

The topographical project of the Allon Plan was based on the idea of the River Jordan as the “natural border” of Israel. The identification of a sovereign border logically implies the exercise of sovereignty in the territory inside such a boundary, yet the Labour leadership recognized that the integration of the Palestinian urban centres would have been too expensive in terms of security concerns and efforts to manage the indigenous people living there. Therefore, the government opted to expand settlements in scarcely populated areas such as the Jordan Valley, turning the Palestinian cities and their surrounding areas in indigenous enclaves. Some decision makers, such as Moshe Dayan, initially expressed concerns about the hypothesis of completely cutting the links between the Palestinian densely inhabited areas, because this would have undermined the possibility of implementing the original strategy of establishing a form of colonized Palestinian “autonomy”. However, after both the Palestinian and the Jordanian options temporarily faded away, such concerns proved to be of little relevance in planning Israeli integration of West Bank.

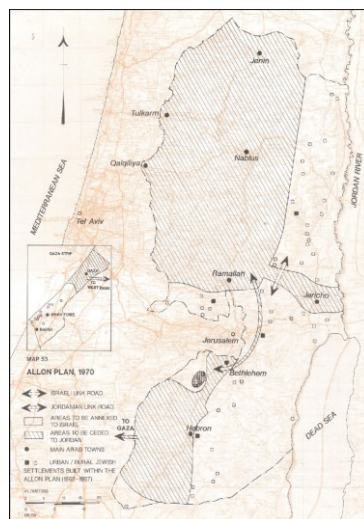


Figure 2: Allon Plan (Benvenisti & Khayat)

In quantitative terms, the Allon plan implied the establishment of Israeli sovereignty on 40% of the West Bank¹⁹⁵, this area would have included both the above mentioned security belt of settlements in the Jordan valley and the other lands confiscated and closed for military purposes. Between 1967 and 1977, when the Labour Party was in power in Israel, 36 settlements had been or were being established in West Bank, in addition to 25 in the Golan Heights, 22 in the Gaza Strip and 12 Jewish residential neighbourhoods in East Jerusalem. On the demographic point of view, it is estimated that in total at most 10.000 settlers moved to such Israeli centres in the Occupied Territories, plus the 45.000-50.000 Israelis who became residents of East

¹⁹⁵ Efrat, Elisha, *Jewish settlements in the West Bank: Past, Present and Future*, in *Israel Affairs*, 1994, Vol. 1, No. 1, Frank Cass & Co, London, p. 138.

Jerusalem¹⁹⁶. The little number of Israelis available to settle in the Occupied Territories in the early phase of settler colonization, differently from the following period in which the Messianic settler movement will recruit a higher number of fanatic religious “pioneers” willing to “take back” the “Land of Israel”, did not pose an obstacle or slowed down the settlement construction process led by the Labour government. The reason is that «the purpose of Israeli settlement policy is self-evident: settlements are designed to prevent territory from being returned to Arab rule»¹⁹⁷. Labour government’s focus on the Jordan Valley has been traditionally presented by Israeli representatives, rather than as an expansionist project, as an expression of the need to meet the Jewish State’s security requirements by creating “defensible borders”, thus portraying in a defensive fashion the settlement policies, as the only ones able to create a protection for Israel in case of an Arab attack. In this sense Labour’s policy decision of not penetrating the Palestinian densely inhabited areas is often quoted as an evidence of such defensive attitude of the Jewish State.

However, another side of the coin should be noticed: the definition of borders is the first fundamental step in the foundational process of sovereignty. Sovereignty itself is a “border concept” also because its meaning refers to the creation of a normal status in a specifically defined territorial area. Shifting the border conceptually means to extend the prerogatives and powers of the sovereign authority on the included territory. The location of Palestinian enclaves in this territory, in which the sovereign government does not carry out the administrative-governmental tasks that are associated to the political form of the nation state, does not mean that such enclaves are not under the rule of that sovereign authority. Therefore, we can say that the Labour leadership seized the highly Palestinian-inhabited areas even without settling them. As long as a political entity will exercise the power of defining the borders of a territory, as in the case of the Palestinian enclaves represented by the urban centres and contiguous rural areas in West Bank, that political institution, the Israeli State, will be exercising its sovereign rule on that territory. This is not to say that the policies of the Labour government aimed at turning those Palestinian centres in standard Israeli territories in which the State power functioned as in the rest of the country: the peculiarity of the status envisaged for them is not in discussion. Still, this peculiarity does not confer to these enclaves the features of “peaceful islands” exempted from the rule of the conqueror. Rather, according to the interpretation that we will argue in our work, this peculiarity takes the form of a prison model that the Israeli government has developed in the OPTs. The material effects on the lives of the residents,

¹⁹⁶ Mosely Lesch, Ann, *Israeli Settlements in the Occupied Territories, 1967-1977*, cit., pp. 26-27

¹⁹⁷ Ivi, p. 35.

resulting from the creation of such Palestinian enclaves determined by the proliferation of Israeli settlements, as well as the consequences on the associated subjectivation processes involving those people will be specifically analysed in the next paragraph. However, it is important to focus here on the spatial dimension that informs the conceptual status of the Palestinian enclaves and turns them into proto-prisons.

In analysing the affirmation of the prison as the prevalent punitive regime in the XIX century, Michel Foucault portrays a powerful image which is useful for us in order to grasp how the prison model has developed in West Bank:

The high wall, no longer the wall that surrounds and protects, no longer the wall that stands for power and wealth, but the meticulously sealed wall, uncrossable in either direction, closed in upon the now mysterious work of punishment, will become, near at hand, sometimes even at the very centres of the cities of the nineteenth century, the monotonous figure, at once material and symbolic, of the power to punish.¹⁹⁸

In the Occupied Territories the establishment of one, big material “high wall” which separates Palestinian enclaves from Israel had to wait until 2002, when the Israeli Prime Minister Ariel Sharon took the decision to start its construction in the aftermath of the outbreak of the Second Intifada, formally in order to oppose the infiltration of Palestinian “terrorists” in Israel¹⁹⁹. This wall, since the beginning, was meant to be “uncrossable” for the Palestinians but virtually inexistent for the settlers, who were and are connected to the territory Western than the Green Line thanks to the very efficient system of bypass roads. What is important to notice here is that the material construction of what we will analyse in the third chapter as the annexation-separation-apartheid wall represents the ultimate outcome of sovereign and disciplinary processes that aim at spatially, demographically and socially turning the OPTs into an internally articulated modern prison. The first step of this process is represented by the idea that underlies the Allon Plan of establishing Israeli settlements in West Bank in order to *de facto* annex the territories, but refraining from penetrating densely indigenous-inhabited areas in order to turn

¹⁹⁸ Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, Random House Inc., New York 1995, (original ed. *Surveiller et punir. Naissance de la prison*, Éditions Gallimard, Paris 1975), p. 116.

¹⁹⁹ Alongside the motivations formally exposed by the Israeli political elite, which have explained almost every government and military decision taken since the foundation of the Jewish State on the basis of “security issues”, these decisions have informed the configuration of the Israeli-Palestinian political field as characterized by the structuring and then the prevailing, since 1967 onwards, of a disciplinary technology of power which has turned the OPTs conceptually into a prison. In this case, the aim of banning the Palestinian “terrorists” from entering Israeli territory is assimilable to the need of impeding the “dangerous detainees” to escape the prison and to enter in contact with the free citizens of the State.

them in spaces where a different sets of power disposals will shape the power relations system. The Allon Plan, then, was the expression of the expansionist endeavour to establish Israeli sovereign rule on the whole West Bank: the first priority for the achievement of this goal was the re-definition of the Jewish State's border and the choice predictably fell on the Jordan River; the second goal regarded land-appropriation of those border-regions through settler immigration, in order to realize the development of the internal direction of Israeli land appropriation in the OPTs, thus integrating them geographically and economically to the Jewish State; the third step, finally, consisted in isolating the people who did not belong to Israeli political community, who were deemed dangerous and consequently had to be separated from the political body, and whose rights were eternally suspended since they had never and would have never been citizens of the sovereign state. Thus, the by then immaterial "high wall" consisted in the definition by the Israeli government of the geographical extension of the Palestinian enclaves to be isolated. This immaterial "high wall" rose in the middle of the Occupied and *de facto* annexed Palestinian Territories just like the modern prisons described by Michel Foucault were located "at the very centres of the cities of the nineteenth century". In a nutshell, the Allon Plan, despite it is known as a "moderate" project aimed at pursuing security priorities, actually represents the very foundation of the territorial-spatial aspect characterizing the apartheid system currently present in West Bank. This foundational premise represented by the Allon Plan of course has been developed and furtherly articulated by the following Israeli master plans for settler colonization of this occupied territory, but in our analysis the continuity between the Labour and Likud governments' enterprises of territorial integration and complementary realization of a prison-model in West Bank are much more consistent than their discontinuities.

The victory of the Likud party at the 1977 general elections in Israel and the appointment of Menachem Begin as Prime Minister have been presented often as a key turning point in the history of Israel and of the Jewish State's attitudes towards the OPTs. We should notice that the rise in power of the Israeli right actually determined an increase in quantitative terms of the proliferation of settlements in the Occupied Palestinian Territories and the beginning of construction projects targeting the regions characterized by a dense indigenous population, mainly the rural areas surrounding the Palestinian urban centres. However, the rationale informing Israeli settlement plans that we have described above in analysing the Allon Plan remained in place and informed also Begin government's activities. The change that we can individuate consists in the intensification of the expansionist attitude of Israeli decision makers, which from 1977 aimed at settling as much territory as possible of West Bank. Expanding the

territory to be fully integrated into Israel formal sovereign jurisdiction through settler colonization implied, as a consequence, narrowing the extension of the Palestinian enclaves: in other words it meant to articulate spatially smaller prisons, but essentially this goal did not produce a radical change in the strategy that the Labour government had started to implement ten years before, which consisted in the creation of Palestinian enclaves-prisons. We can recognize the inclusion of highly populated Palestinian areas among the territorial targets of settler expansion as a tactical change, but not as a strategical radical shift, indeed the aims remained the same: to guarantee Israeli rule on the territory up to the State's "natural border" – the Jordan River – and the exclusion of the Palestinians from it. It is not random that the Palestinian urban centres, even under Likud governments, have remained exempted from settler colonization, with some exceptions such as al-Khalil (Hebron), and still nowadays they hold an "autonomous" status as far as civil administration is concerned, as provided by the definition of them as parts of "Area A" in the institutional framework established by the Oslo Accords. As stressed before, Likud government diminished the extension of the Palestinian enclaves-prisons, but this change was quantitative, not qualitative: the need of creating such prisons was not in discussion.

Concretely, if the Allon Plan was the fundamental project that expressed Labour government's strategy and informed its settlement efforts, the Drobles Plan, elaborated in 1978 in collaboration with the messianic settler movement *Gush Emunim*, aimed at performing these functions as far as the Likud government's settler projects were concerned. Such plan had been originally composed by the Israeli politician Matityahu Drobles and was entitled "Master Plan for the Development of Settlement in Judea & Samaria", then it was adopted as a basis and expanded by Ariel Sharon, a maximalist who had been appointed in 1977 as Minister of Agriculture and Chairman of the Inter-Ministerial Settlement Committee, and who managed the settler activity by developing and implementing his own Sharon Plan in 1981. The Drobles Plan resulted in the increase in the number of settlers in West Bank (outside Jerusalem) to 20.000-25.000, most of them settled in the populated hills region rather than in the Jordan Valley²⁰⁰. Moreover, in order to understand the magnitude of the acceleration determined by the rise in power of the Likud government and the change in the geographical target of settlement expansion, we should consider that 103 settlements were built in West Bank between 1977 and

²⁰⁰ Ivi, p. 43

1982, the majority of which were concentrated in densely populated areas of Northern and Southern West Bank: only 27 of them were located in the Jordan Valley²⁰¹.

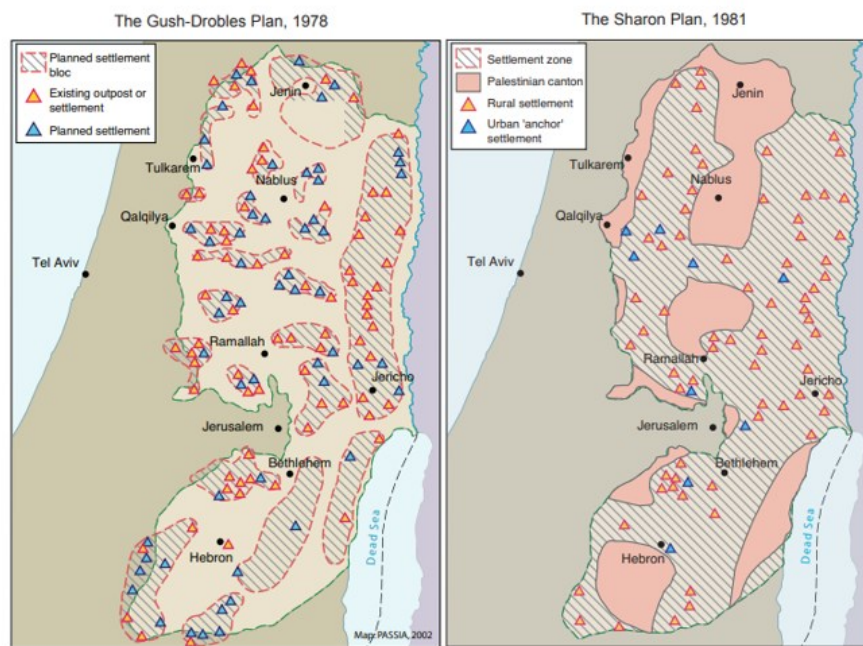


Figure 3 Droblets Plan and Sharon Plan (Palestinian American Society for the Study of International Affairs)

Israeli commitment in the peace process with Anwar Sadat's Egypt and the signature of the Camp David agreements, according to some analysis²⁰², strengthened the need of creating facts on the ground, perceived both by the Labour government since 1976 and by the Likud one. Moreover, we should add, given the territorial maximalist ideological legacy inherited by Likud from Revisionist Zionism, the affirmation of Israeli sovereign rule of as much historical "Land of Israel" as possible had to be carried out before the eventuality that the peace-process with the Arab states could led to serious talks about a Palestinian "autonomy". Therefore, as the sociologist Janet Abu-Lughon points out:

The intent behind implanting Jewish settlements on the West Bank (outside Jerusalem) is not to outnumber the Palestinians. It is to take the land, while crowding, isolating and eventually forcing out its people, whom it never sought to add to the state.²⁰³

²⁰¹ <https://www.un.org/unispal/document/auto-insert-204430/#:~:text=By%20the%20end%20of%201982,were%20established%20within%20six%20years.>

²⁰² Abu-Lughod, Janet, *Israeli Settlements in Occupied Arab Lands: Conquest to Colony*, in *Journal of Palestine Studies*, Winter, 1982, Vol. 11, No. 2 (Winter, 1982), pp. 16-54, University of California Press on Behalf of the Institute for Palestine Studies, p. 27.

²⁰³ Ivi, p. 45.

Then, with this aim, throughout the 1980s the intensification of settlement construction proceeded, shaping in an increasingly resolute way the territorial configuration of the West Bank. In order to understand such Israeli determination to increase the number of settlements and especially in building them in Palestinian densely populated areas another crucial aspect should be analysed, alongside strategic considerations based on “*raison d’Etat*” and aimed at securing Israeli control on as much territory as possible in West Bank: the powerful influence of *Gush Emunim*.

The messianic settler movement emerged in the aftermath of the Six Days War, advocating for the full integration of West Bank, the Gaza Strip and the Golan Heights, defined as parts of the historical “Land of Israel”. The ideology of this social force was religiously oriented and motivated the need of establishing Israeli rule on those territories by arguing that they were the lands promised by God to the Jewish people, therefore the return of the Jews in those regions represented the fulfillment of the divine will²⁰⁴. This movement has been formally established in 1974, in opposition to the hypothesis of ceding parts of the OPTs in exchange of peace with the Arab states following the 1973 Yom Kippur War. However, its origins dated back to 1967, when the Israeli military conquest opened the way for the Jewish colonization of the Palestinian territories. Indeed, in that year the first settlement initiative carried out by future leading figures of *Gush Emunim* coincided with the establishment of the Israeli settlement of Kfar Etzion, in the hills region between Jerusalem and al-Khalil (Hebron), where a Zionist colony was located prior to the establishment of the Jewish State and conquered by the Arab forces during the 1948 war. Thus, the sons of the Zionist settlers evicted in 1948 returned to the land that their fathers had colonized under the umbrella of the World Zionist Organization and re-settled it, receiving the approval of the Labour government. In the following year, in 1968, another atypical target for the Labour government’s settlement strategy was settled by the Messianic movement: aiming at creating a Jewish settlement in the hearth of al-Khalil (Hebron), a group of military officers who fought the Six Days War and who would become important representatives of *Gush Emunim* asked for the military governor’s permission to spend the Passover in the city where Abraham is buried and, after the holiday was over, they refused to leave, calling for permanent residence of the settlers in the Palestinian urban centre. This request by the religious settlers completely conflicted with the Allon Plan, who had banned Israeli settler activity in densely populated Palestinian areas, yet it was Yigal Allon himself who showed his support to

²⁰⁴ For a deeper analysis of Gush Emunim religious ideology see Weissbrod, Lilly, *Gush Emunim Ideology: From Religious Doctrine to Political Action*, in *Middle Eastern Studies*, Jul., 1982, Vol. 18, No. 3 (Jul., 1982), pp. 265-275, Taylor & Francis Ltd.

this settler community and, after the outbreak of clashes between them and the Palestinian residents, proposed a compromise: an Israeli settlement situated in the outskirts of al-Khalil, which resulted in the birth of Kiryat Arba.

The Kiryat Arba precedent prompted religious settlers' ambitions of colonizing the entirety of Palestinian territories and, in addition to the hills region southern than Hebron, northern West Bank, known to Israelis as "Samaria", became an explicit target. Thus, the proliferation of illegal Jewish outposts increased, defined as Jewish settlements in the OPTs not allowed by the Israeli government. It is not by case, then, that the first successful settlement project carried out by *Gush Emunim* after its official formation in 1974 coincided with settlement of Ofra, situated northern than Ramallah. Meanwhile, the future first rightist Israeli prime minister Menachem Begin had shown since the very beginnings his support for these initiatives by proposing a plan in 1968 for the construction of Jewish townships not only in al-Khalil (Hebron), but also in Jericho, Bethlehem, Nablus, Tul Karm, Jenin and Qalqilya²⁰⁵. Predictably under these premises, one of the first actions of Begin as prime minister elect in 1977, two days after his victory at the ballots, coincided with the visit to the Qadum settlement in northern West Bank, where he declared his endeavour to support settlement activities. In the immediate aftermath of this episode, Begin welcomed *Gush Emunim*'s secretariat in his house in Tel Aviv and accepted the plan that the members of the Messianic movement presented to him, whose main goals were the proliferation and expansion of existing settlements in West Bank, specifically in the short term through the establishment of twelve new settlements. The appointment of Ariel Sharon as Chairman of the Inter-Ministerial Settlement Committee, who was a fervid supporter of settlement expansion and more than available to collaborate with *Gush Emunim*, finally enshrined the future crucial role of the messianic settler movement in the definition and implementation of Israeli settlements master plans: for instance, the above mentioned Drobles Plan itself, accepted as the basis for Israeli official settler activity in 1978, is known also as "Drobles-Gush Plan". In synthesis, as the scholar David Newman highlights:

Over time, Gush Emunim adopted a dual mode of political behavior as a means of achieving its objectives. On the one hand, it maintained an extra-parliamentary mode of protest whenever it felt that its ultimate objectives were threatened. At the same time, the movement leaders and daughter institutions underwent a process of governmental cooptation and institutionalization, working from within government to advance their

²⁰⁵ See Zertal, Idith, Eldar, Akiva, *Lords of the Land. The War Over Israel's Settlements in the Occupied Territories, 1967-2007*, Nation Books, New York 2007, p. 22.

political aims. The latter has taken place through a diverse network of political parties, splinter factions, settlement movements, planning agencies, and local governmental and municipal positions.²⁰⁶

The brief overview of the projects designed and realized by *Gush Emunim* that we have presented here was aimed at providing another element useful to understand the evolution of Israeli settlement activities in the OPTs after the Six Days War and the complexity characterizing the circle of political, military and social actors involved. Another fundamental aspect which can be grasped by paying attention to *Gush Emunim*'s rise and development refers to the centralization of the idea of "Greater Israel" supported openly by Messianic settlers and rightist governments, but informing also the perspective of figures traditionally connected to the Labour government such as Yigal Allon, who supported the settlers in al-Khalil in 1968 even if their actions contrasted his own plan. This specification is needed in order to stress one more time that the discontinuity in settlement policies between the Labour and the Likud movement is much more nuanced than how it is traditionally portrayed. The seed of the ambition to concretely realize Greater Israel can be identified in Labour's definition of the River Jordan as the natural-security border of Israel, operationalized by the Allon Plan. In an analogous way, the establishment and consolidation of the prison-model in West Bank has laid on the idea of separating one or more Palestinian enclaves within the Jewish State's territory from Israeli population and sovereign land. It is important here, indeed, to stress that Israeli settlements in the OPTs are considered fully ruled by the State of Israel and have been territorially connected to the Jewish territory Western than the Green Line through the infrastructure system of bypass roads started to be projected in 1970. Thus, the divergence between Labour settlement policies and Likud's one results more in the size and the number of the prisons to be created rather than in different strategic aims of the two Israeli leaderships. Yigal Allon in discussing the Palestinian option at the cabinet meeting on 16th June 1967 aimed at creating one, big and colonially exploited "proto-prison" for the Palestinians in West Bank, while Menachem Begin supporting openly the Greater Israel project, advanced among the others by *Gush Emunim*, sought to establish multiple, narrow prisons in Palestinian urban centres, while settling all the rural areas in West Bank. In both cases Palestinian un-settled spaces would have been isolated from the rest of the conquered land in West Bank and from

²⁰⁶ Newman, David, *From Hitnachalut to Hitnatkut: The Impact of Gush Emunim and the Settlement Movement on Israeli Politics and Society*, in *Israel Studies*, Fall, 2005, Vol. 10, No. 3, The Right in Israel (Fall, 2005), pp. 192-224, Indiana University Press, p. 195.

Israel through an immaterial “high wall” and would have been ruled by a system of power relations different from the one which involved Jewish citizens in Israel, in the settlements and in the outposts, despite being within the new sovereign borders of the Israeli State.

In a nutshell, we have analysed the process of territorial integration through which Israel extended its sovereignty on the Occupied Palestinian Territories through military conquest and settler activity. Then, we have stressed that a complementary outcome of this process resulted in the spatial isolation of Palestinian enclaves which has been originally interpreted by the Israeli leadership as a chance to establish a form of “autonomy” which would have neutralized the demographic problem inherent to occupation through the implementation of classical colonialist tactics. After the failure of the effort to materialize this scenario, given the inexistence of a collaborationist Palestinian leadership and the Jordan King’s refusal, Israel developed a strategy in order to deal with the demographic problem on its own: this strategy coincided with the prosecution of territorial integration through settlement expansion, narrowing the extension of the Palestinian enclaves, and with the parallel emergence of a disciplinary power technology shaping the power relations system in such Palestinian spaces in the form of a prison model.

In the next paragraph of this chapter, we will provide an insight, as much deep as possible, of such prison-model in the OPTs based on the rise of a disciplinary technology of power and we will analyse the associated subjectivation processes involving the Palestinian inhabitants of West Bank.

2.2 Structuring the Occupation-Prison Through Sovereignty and Discipline

In this section our attempt will consist in trying to understand the interconnections between the concepts of occupation, prison, sovereignty and disciplinary technologies of power, in order to provide a genealogical analysis of the system of power in place in the Occupied Palestinian Territories since 1967. The definition of the Israeli rule in OPTs as a prison has been argued by the historian Ilan Pappé in his work *The Biggest Prison on Earth. A History of the Occupied Territories*, in which he sustains that the concept of military occupation is not adequate to understand the conditions in the OPTs and that, instead, the situation coincided with the establishment of a mega-prison. International community recognizes the OPTs as territories

militarily occupied by Israel, therefore as subject to the provisions of the Occupation Law²⁰⁷, despite the fact that they have been constantly infringed by Israel, for instance by carrying out settler activity, that is explicitly forbidden by international law which bans transfers of population in and from the occupied regions. However, Israel itself has challenged the position assumed by the international community, sustaining that given the absence of a clear sovereignty in West Bank and the Gaza Strip, those were not occupied territories, but “sui generis”, on this basis Israel justified its disregard for Occupation Law²⁰⁸.

In addition to the refusal to interpret Israeli rule in these territories as an occupation in favour of the mega-prison paradigm, Ilan Pappé specifies that the institution of such mega-prison was the logical outcome of the implementation of Zionist crucial goal of taking the land without the people:

The mega-prison is one of the many methods the settler colonial State employed to keep the project alive. [...] Prisons are permanent structures, immune from international scrutiny, and function as a world on their own. The mega-prison was created in June 1967 not in order to maintain an occupation but, rather, as a practical response to the ideological prerequisites of Zionism: the need to control as much as possible of historical Palestine and create an absolute – if possible, exclusive – Jewish majority in it. [...] The mega-prison was the logical and inevitable consequence of Zionist history and ideology.

We will try to analyse in political philosophical terms such characterization of the Jewish State’s rule on West Bank and the Gaza Strip as a prison system by using Michel Foucault’s *Discipline and Punish. The Birth of the Prison* as the main theoretical reference. We are aware that several objections may be advanced to our Foucauldian “interpretation” of the evolution that has characterized the Israeli-Palestinian political field in the last half of a century, because the main conceptual framework we refer to, in some aspects, does not perfectly match with the peculiar conditions of the context that we are analysing. Instead of denying or neglecting such “incongruencies” between Michel Foucault’s analysis of discipline and the prison as a system of punishment, and some crucial aspects of the reality on the ground in the OPTs, we will expose them, thus highlighting the peculiarity of the specific context we are focusing on and the conceptual-operative function that Foucault’s argumentations can perform in our work.

²⁰⁷ Occupation Law is the name of the international legal regime regulating military occupation through article 42 of 1907 Hague Regulations, article 2 of the 1949 Geneva Conventions and the UN Charter *Jus and Bellum*.

²⁰⁸ For a deeper analysis of the legal dimension of Israeli rule in OPTs see Erakat, Noura, *Taking the Land without the People: the 1967 Story as Told by the Law*, in *Journal of Palestine Studies*, Autumn 2017, Vol. 47, No. 1 (185), pp. 18-38.

Starting from the analysis of the Israeli occupation practices during the two decades following the Six Days War until the outbreak of the first Intifada in 1987, we will explain how Israeli military authorities created a system of power that for some aspects appears assimilable to the Foucaudian conception of the pre-modern prison as a disposal for the exercise of the sovereign power of «holding the person and his body as security»²⁰⁹ through incarceration before the execution of the criminal. While for other aspects, the ones regarding the military-bureaucratic apparatus put in place to deal with the indigenous population preventing its insurgences, an evolving prevalence of disciplinary tactics was affirmed. Paradoxically, therefore, it is in this general pre-modern conceptual framework that occurred, during these two decades, the emergence of disciplinary tactics such as the oppressive mechanism of punishment and rewards or the diminishment of political forces accompanied by the increase of productive ones, determined by the integration of the Palestinian workforce in the Israeli labour market. In this respect, the distinction individuated by Michel Foucault between the pre-modern extra-judiciary detention and the modern penal and corrective incarceration may prompt us to think that the modern-prison paradigm is not applicable to the case of the Palestinian conditions under Israeli occupation. In dealing with this doubt, first of all we must recognize that, differently from the “educational” process characterizing detention in a modern prison, there is no will to “normalize” and integrate the Palestinian subjects in the Israeli political body. Consequently, in order to argue why the disciplinary-prison paradigm is useful to understand the dynamics of the Israeli-Palestinian political field, it is necessary to unravel which role is played by the peculiar disciplinary strategy implemented by Israel. Hagar Kotef mentions this aspect in her book *Movement and the Ordering of Freedom. On Liberal Governances of Mobility* and defines Israeli practices as belonging to a «corrective system that relentlessly endeavours to situate its objects (subjects) as uncorrectable [...] which makes the occupation sustainable within its own logic of justification»²¹⁰. In trying to answer the question of the discipline’s role in the Occupied Territories, the observation by Michel Foucault about the emergence of the disciplinary technology as a result of the need to respond to sovereignty technology’s inefficiency in repressing and especially preventing resistance is crucial for our analysis. Thus, in this section we will investigate the structuring of the occupation apparatus between 1967 and 1987, the sovereign arbitrariness exercised by the military rulers and the parallel emergence of disciplinary tactics, as well as the key turning point represented by the outbreak of full-scale Palestinian resistance during the first Intifada.

²⁰⁹ Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 118.

²¹⁰ Kotef, Hagar, *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, cit., p. 50.

If it is true that, as we will argue in the third section, the disciplinary technology will assume a prevailing role with the implementation of the institutional arrangement elaborated during the Oslo “peace” process, it is also true that, in order to understand the dynamics in place since 1990s on, an analysis of the process consisting in the structuring of the prison model in OPTs presenting some key feature of a pre-modern prison and of the complementary emergence, within it, of disciplinary practices is needed. Indeed, as Michel Foucault repeatedly stresses in his theoretical production, different technologies of power are not incompatible, but complementary and the analysis of their interrelations must not be a strictly chronological one.

2.2.1 Sovereignty-Discipline Configuration

Israeli rule on the Occupied Palestinian Territories after the 1967 war has been characterized by the central role played by the military in the management of the Palestinian population. After the seizure of West Bank and the Gaza Strip, those territories resulted into being under the rule of military commanders, who were entitled of an absolute power of enacting decrees with legal value as for as every aspect of Palestinian lives were concerned. Despite the fact that Israel decided to formally maintain in place Jordanian law in West Bank, the actual applicability of that legislation was made meaningless by the Proclamation Two issued by Chaim Herzog, the Commander of the Israeli Defense Forces in the West Bank Region, on 7th June 1967. The proclamation stated that the validity of the Jordanian law in West Bank was admitted «to the extent that it contains no contradiction to this proclamation or to any proclamation issued by me, and with the revisions ensuing from the establishment of the Israeli Defense Forces’ regime in the region»²¹¹. It also affirmed that all the properties of the Hashemite Kingdom in the region from that moment on belonged to the IDF and that authority of government, legislation, appointment and administration was in the military commander’s hands. The arbitrariness of a rule exercised by the military power, which by definition is the State’s branch employed in the state of exception by the sovereign to destroy his political enemy, emerges here in the form of the sovereign fight against his internal enemy, namely the individual that challenges the sovereign authority, who threatens to destroy the unity of the State and therefore is punished by being captured, imprisoned and subjected to the manifestations of the disproportionate sovereign power. The logic informing the classic penal system, based on the prevalence of the

²¹¹ Proclamation Regarding Law and Administration (Proclamation No. 2), Israeli Defense Forces, 7th June 1967, <https://andyreiter.com/wp-content/uploads/military-justice/il/Laws%20and%20Decrees/Israel%20-%201967%20-%20Proclamation%20No.%202%20Regarding%20Regulation%20of%20Administration%20and%20Law.pdf>

sovereignty technology and in which the crime is conceived as a direct attack against the sovereign, is insightfully described by Michel Foucault in the second chapter of his masterpiece *Discipline and Punish. The Birth of the Prison*:

The right to punish, therefore, is an aspect of the sovereign's right to make war on his enemies [...] The justice of the king was shown to be an armed justice. The sword that punished the guilty was also the sword that destroyed enemies.²¹²

The case of the Palestinians in the OPTs of course, on the face, presents more than one dissimilarity when one tries to compare it with the status of a political insurgent who violates the sovereign will expressed by the law, as pictured by Michel Foucault. First of all, Palestinians were not members of the political body emerged from the creation of the Jewish State, therefore they were not bounded by the *protectio et oboedientia* pact that criminals break when they infringe the law. Yet, the fundamental aspect of delegitimization represented by indigenous presence for a settler colonial State such as Israel has been highlighted in this work when we have analysed, in the first chapter, Lorenzo Veracini's theory about the structure of settler colonialism. In the peculiar Israeli-Palestinian context, hence, Palestinians as indigenous people were perceived by Israel for their very nature as "criminals" that threatened to smash Israeli unity, always "guilty" of being an existential threat for the Jewish State due to their simple presence. Collective imprisonment of Palestinians under occupation, therefore, is understandable as the prosecution of a "crime" that, according to the logic inherent to settler colonialism, Palestinians necessarily "commit" by simply existing. Exactly in this conceptual point lays the foundation of Israeli punishing attitude towards the Palestinians of the OPTs and of the consequent subjectivation of Palestinians as incorrigible detainees, produced by the system of power put in place by Israel through occupation. The interpretation of the occupation-prison system established by the Jewish State as a pre-modern prison which "holds the body of the person as a security" is used by us in order to express the sovereignty-based dimension of the prison model set up in the OPTs, characterized by Israeli refusal of even conceiving a proper integration of the Palestinians in the Zionist political community, differently from the penal logic informing the modern detention paradigm and characterizing it as a corrective one.

It is needed to stress here that every Palestinian who has lived in West Bank and the Gaza Strip since 1967 has been subjected to incarceration in OPTs-prison regardless his or her level

²¹² Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, cit., pp. 48-50.

of political commitment, militancy or social conduct. This is important to understand the prison-nature of the occupation system as a whole, without confining the detention logic as applied only to suspected or real insurgents, incarcerated in the military prisons which have been present in the Occupied Territories since 1967. The imposition of the military rule has deprived Palestinian civilians of basic rights such as access to land, natural resources, economic chances, freedom of mobility and has exposed them to constant repressive policies aimed at capturing “terrorists” and hindering Palestinian political mobilization, for instance through the imposition of military curfews on villages and cities and the blockade of them, as well as the closure of schools and the deportation of Palestinian leaders. According to the political scientist Neve Gordon:

The conception of the law as an instrument that protects the individual from the sovereign – which can be traced all the way back to the Magna Carta (1215) and, more recently, to the French Declaration of the Rights of Man and Citizen and post-World War II international law – was totally foreign to the legal system Israel set up in the OT.²¹³

The widespread use of administrative detention of Palestinians²¹⁴, which was and is based on arrests without charges for an indefinite period of time for any suspect of insubordination, may appear as a further element of dissonance between the Israeli military rule in the OPTs and the standard disciplinary penal system described by Michel Foucault. In Foucault’s analysis of the transition to a modern penal system the publicity of the trial, followed by the concealment of the infliction of the penalty, was the way through which the judiciary power distinguished itself from the prison system, thus dissociating itself from any kind of coercive aspect inherent to the punishment. Yet, it is also true that the military government did not use administrative detention only: Israel tried to show an appearance of legality by setting up a system of five military courts in the Occupied Territories and by establishing the possibility for the Palestinians to bring the case, after the verdict, before the Israeli Supreme Court to appeal. Actually, according to jurists quoted by Ilan Pappé²¹⁵, the main function of the Supreme Court in these cases was to legitimize military verdicts, without really providing to the condemned an opportunity to fix the juridical abuses perpetrated by the military courts under the General Military Commander. The judiciary aspect of these military trials, therefore, at the end of the

²¹³ Gordon, Neve, *Israel’s Occupation*, University of California Press, Berkeley and Los Angeles 2008, p. 28

²¹⁴ According to Neve Gordon, for instance, in 1970, there were 1261 Palestinians under administrative detention. See Gordon, Neve, *Israel’s Occupation*, cit., p. 52.

²¹⁵ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 141.

day results at most in a bogus face of legality attributed to a decision-making system based on the arbitrariness of the ruler's will, as Pappé stresses: «gave the military governor unlimited control over every aspect of life of the people in this area. The rulers became what the first head of the military rule regime in 1948, Colonel Elimelech Avner, described as “absolute monarchs” in their own small domains»²¹⁶. The sovereign arbitrariness which characterizes Israeli military rule in the OPTs and the use of the pre-modern prison as a conceptual instrument to understand such situation may be grasped also by taking in consideration Michel Foucault's account of the critiques advanced by the exponents of the theory of reform who, according to him, recognized the inherent despotic character of detention: «Imprisonment was especially disqualified for this role by the fact that it was, in practice, directly bound up with arbitrary royal decision and the excesses of sovereign power»²¹⁷. However, Michel Foucault also explains that the establishment of the prison as the major penal modality is the result of the convergence between some aspects of the reformers' critiques to the classic penal system, that according to them was not able to rehabilitate the criminals, and the purpose of normalization underlying the technology of discipline. Yet, reformers' theory and discipline present divergences as well, among these differences there is the fact that discipline maintains arbitrariness in the penal system by establishing it as a prerogative of the jailer rather than of the sovereign. The ambiguous character of the military commander as both the delegated by the sovereign to enact law by decree and to hold the bodies of the Palestinians on the one hand, and as the jailer who imprisons them and is responsible of the disciplinary apparatus through which the indigenous inhabitants are managed synthesizes and on the same time amplifies the level of arbitrariness that characterizes the military occupation in the Occupied Palestinian Territories.

The second crucial dissimilarity between the sovereignty-based tactics of punishment and the Israeli rule in the OPTs emerges exactly from this ambiguous character of the occupation-prison system. It consists in the fact that the former's finalization coincides with torture and death of the condemned, while the latter's only option is to work for an endless perpetration of the Israeli holding of Palestinian bodies, given that mass elimination or expulsion has been excluded as an option in 1967. The question of how to manage a “criminal” population – “criminal” in the sense exposed above of a delegitimizing element – that cannot be treated as a detainee waiting for his execution, since that execution has been ruled out, opens the way for us to understand how and why disciplinary tactics informed Israeli military's practices as a complementary and needed aspect of the occupation-detention. If, on the one hand, it is true

²¹⁶ *Ivi*, p. XVIII.

²¹⁷ Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, cit., p. 119.

that the Israeli occupation system diverges from the disciplinary penal one in the fact that the latter focuses on the correction of the detainee and the re-integration of him in the society as a normalized subject, while no integration in Israeli political community has ever been taken in consideration by Israeli leadership, it is also true, on the other hand, that the implementation of disciplinary tactics allowed military occupiers to attempt to “correct” the occupied people, trying to turn them in inoffensive and subordinated subjects.

The situation of the Palestinian subject in Israel’s hopes, then, is comparable to the one of a detainee who is subjected to disciplinary tactics which straighten out him more and more, but with the only aim of rendering his detention less expensive for the jailer, and with no prospect of his liberation after the accomplishment of a re-educational process. This means that the positive-productive aspect characterizing the implementation of disciplinary tactics in the OPTs is not null, on the contrary it works in synergy with the sovereign’s armed justice against his enemies, determining the contamination of the pre-modern prison by disciplinary tactics in order to deal with the need to manage the Palestinian-detainees subjected to an endless imprisonment. The coexistence of sovereign armed justice and disciplinary technology is analysed by Michel Foucault by focusing on the “torture trace” characterizing the practices of food and sexual deprivation, beatings and isolation in disciplinary prisons. The above mentioned extensive use of administrative detention and the imprisonment of Palestinians after military courts’ verdicts can be intended as an expression of the torture trace resulting in the isolation of certain detainees, the most rebellious ones or supposed as such, within the OPTs-prison. The interpretation of the OPTs as a huge prison in which the whole population is detained and a part of it is put under regime of isolation in military prisons, then, expresses one of the domains of interactions between the two technologies of power, sovereignty and discipline, that we are analysing in the specific Israeli-Palestinian context. What we have tried to highlight by presenting the OPTs as a pre-modern prison in which disciplinary tactics are introduced is that not only it is possible to individuate a torture trace in a disciplinary prison, but that a disciplinary arrangement for the management of the occupied-detained subjects can be established within a non-rehabilitative, and therefore in a certain sense “pre-modern”, detention apparatus, when neither execution nor integration in the political body is admitted. This argumentation requires also to highlight the unprecedented character of the configuration in the interaction between sovereignty and discipline in the specific Israeli-Palestinian political field.

As for as the shape that the disciplinary technology has assumed in this peculiar context and the tactics it relied on, the metaphor of the “stick and the carrot” referring to Israeli attitude

towards the Palestinian inhabitants of the Occupied Territories has been widely used in academic literature on the topic, the scholars did not invent it, indeed it had been provided by the Israeli Minister of Defence Moshe Dayan, who used this expression to describe Israeli occupation strategies. We can translate this formulation in the dynamic of punishment and rewards, analysed by Michel Foucault as one of the fundamental tactics characterizing the disciplinary technology. The definition of discipline elaborated by Michel Foucault is enlightening and furtherly illustrate why sovereignty technology alone could not be exhaustive in carrying out the tasks needed by the occupation system to survive:

These methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility-utility, might be called “disciplines”²¹⁸.

Indeed, obtaining docility of the occupied people was a key goal of the military government and the subjection of its forces was achieved through a meticulous control of operations that characterizes, for instance, the so called “regime of permits” described by Neve Gordon in *Israel’s Occupation*. Through this regime, Israel was able to both punish and reward Palestinians by denying or granting them the possibility to exercise basic rights as movement, working the land in order to have means of subsistence, building houses and carrying out commercial activities. All these actions were conditioned by the obtaining of an official permit from the military ruling power. The disciplinary nature inherent to the deprivation of Palestinians’ rights by the Israeli military rule emerges powerfully if we think about Foucault’s characterization of the transition from the pre-modern to modern punishment, indeed according to him: «From being an art of unbearable sensations punishment has become an economy of suspended rights»²¹⁹. Moreover, the fact that each of the operations listed above had to be formally allowed by the military government implied also the collection of an enormous amount of information about the Palestinians living in OPTs: for instance, if an individual obtained the permit to travel from a city to another in West Bank, this meant that Israeli military knew about this trip. The obligation imposed to the Palestinians of having always with them their ID card meant that, at each of the checkpoints, the man or women who was stopped and searched was also identified and his or her movement was registered. This pervasive surveillance, which did not regard only movement but every aspect of Palestinians’ lives, allowed the implementation

²¹⁸ Ivi, p. 137.

²¹⁹ Ivi, p. 11.

of the punishment and reward disciplinary tactic: the docile individual who did not show signs of insubordination had much more chances of obtaining the permits to satisfy his or her basic needs. Surveillance assumed also a hierarchical feature due to the efforts of the Israeli military government aimed at forcing the indigenous people to become collaborators, as described by Neve Gordon²²⁰. Palestinians who refused to collaborate had little probability of being granted permits, while the ones who accepted obtained them as “rewards”. Punishments instead included, alongside the denial of permits, the above mentioned administrative detentions, deportations, eviction and demolition of houses. Moreover, the trace of torture identifiable as the background of these disciplinary tactics implied the widespread use of collective punishments such as the imposition of curfews, the closure of schools, universities and health services such as pharmacies, and the ban to access agricultural fields. In order to understand the capillarity that characterized the disciplinary system of power to which arrangements such as the regime of permits operated, we should reflect on Michel Foucault’s recognition of one of the main effects of the disciplinary technology in the establishment of an infra-penalty which makes possible a total control of the subjected individuals:

The disciplines established an “infra-penalty”; they partitioned an area that the laws had left empty, they defined and repressed a mass of behaviour that the relative indifference of the great systems of punishment had allowed to escape. [...] It was a question both of making the slightest departures from correct behaviour subject to punishment, and of giving a punitive function to the apparently indifferent elements of the disciplinary apparatus: so that, if necessary, everything might serve to punish the slightest thing²²¹.

The identification of this fundamental dynamic, set in motion by the affirmation of disciplinary power relations, unravels how the punishment and rewards mechanism turned out to be unbalanced in favour of the punishment. The attention that we have paid in this section to the repressive aspect of the Israeli military occupation was meant to highlight the prevailing punishing dimension of the OPTs-prison system. In doing this, we recognized the need to analyse different penal rationales, the one in which sovereignty prevails and the one based on discipline. What we have found out is that these two technologies of power intersect each other in an extremely peculiar configuration: a general sovereign penal fashion is identifiable in the indeterminate protraction of detention and in the absence of a serious re-educative and

²²⁰ Gordon, Neve, *Israel's Occupation*, cit., pp. 42-44

²²¹ Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 178.

integrational framework, while the discipline-based aspect of the occupation emerged by analysing the practices of surveillance and “taming” of the Palestinians through the tactic of punishment and rewards.

In the next section, instead, we will focus on “rewards” carrying out an analysis of the economic dimension of occupation and of the process through which Israel induced economic dependency of the Occupied Territories and put in place a disciplinary system in which the permit to work represented a reward, since it allowed the Palestinians to avoid starvation, therefore became a crucial aspect of the Israeli failed efforts to prevent the outbreak of indigenous resistance in the Occupied Palestinian Territories.

2.2.2 Economic Politics of the Body: OPTs’ Workforce in Israel

When the occupation of the Palestinian territories became a reality in the aftermath of the 1967 war, Israeli politicians struggled to figure out how to deal with the economic dimension of the Jewish State’s rule in West Bank and the Gaza Strip. The dialectic dynamic between the expansionist-integrationist attitude of Israel towards the land and the exclusionary-segregationist one referring to the indigenous people emerged also in this domain and was expressed by two different stances assumed respectively by the Minister of Finance Pinchas Sapir and the Minister of Defence Moshe Dayan. The former was concerned about the risks of competition that Palestinian production could potentially have posed to the Israeli economic system and that Palestinian cheap labour could have worsened Israeli workers’ opportunities in cases of unemployment crisis, therefore opposed the integration of the two economies. This position was shared also by the Committee for Developing the Administered Territories, formed by economic experts to whom the Prime Minister Levi Eshkol asked for recommendations to design Israeli economic policy in the OPTs. According to the Committee, it was particularly important to maintain the Palestinian workforce excluded from the Israeli labour market, since the latter was still suffering from high unemployment rates characterizing 1966-1967 Israeli recession. On the other hand, Moshe Dayan set as a priority the realization of measures to preserve and consolidate Israeli rule on the OPTs in the long term, therefore he advocated for economic integration of them with the double purpose of strengthening Israeli presence and, in particular, in order to make less likely the scenario of a full-scale Palestinian insurgency. In other words, Moshe Dayan hoped that the provision of means of subsistence to the Palestinian population in the OPTs through job opportunities and the improvement of its living conditions could dissuade natives from claiming their political rights through armed or civil resistance.

The Minister of Defence's orientation prevailed and became a key rationale informing Israeli economic policies in the OPTs until the outbreak of the First Intifada in 1987 and the following introduction of stricter limits on Palestinian mobility and possibilities to work in Israel. Israeli policy decisions that followed Dayan's intuitions resulted in the fading of the Green Line border as far as the flux of goods and workers was concerned, and set in motion a process of disciplinary-induced "numbness" of the Palestinians in the Occupied Territories.

The fact that such Israeli economic policy aimed at providing for employment to Palestinians, in our analysis, does not represent a pastoral-governmental dimension of Israeli rule in OPTs, as argued by Neve Gordon in *Israel's Occupation*²²². In his book, indeed, Gordon sustains that in the first decade of occupation Israel implemented a policy aimed at promoting economic prosperity in the Palestinian Territories and stresses this aspect as a key point of divergence from following occupation practices. However, different historical accounts and economic studies about this period present such Israeli attitude as resulting in a process of pauperization and proletarianization of the Palestinians. The Palestinian scholar and economist Yusuf Sayigh, in *The Palestinian Economy under Occupation: Dependency and Pauperization*²²³ challenges the interpretations concerning this period based on the idea of a OPTs-Israeli economic interdependence, according to which Palestinians were dependent on employment in Israel but on the same time Israel was dependent on Palestinian labour. In this scholar's view interdependence should present some form of symmetry, while the Israeli-Palestinian economic relations were fundamentally asymmetric. For instance, as reports on labour force are concerned, the Palestinians employed in Israel in 1983 represented 37.8% of Palestinian workforce²²⁴, and respectively only around 7% of the total amount of people working in Israel²²⁵. Yusuf Sayigh also sustains that the improvement of living conditions in the OPTs in terms of GNP per capita is usually over-estimated, considered that it was the outcome of dispossession practices carried out by the Jewish State. In opposition to the narrative which argues that Israeli occupation has improved Palestinians' economic conditions, Sayigh interprets the process of proletarianization as pauperization derived from:

²²² Gordon, Neve, *Israel's Occupation*, cit., pp. 62-69.

²²³ Sayigh, Yusuf, *The Palestinian Economy under Occupation: Dependency and Pauperization*, in *Journal of Palestine Studies*, Summer, 1986, Vol. 15, No. 4 (Summer, 1986), University of California Press on Behalf of the Institute for Palestine Studies, pp.46-67.

²²⁴ Ivi, p. 49.

²²⁵ Farsakh, Leila, *Palestinian Labour Migration to Israel. Labour, Land and Occupation*, Routledge Taylor & Francis Group, Milton Park 2005, p. 75.

Land expropriation and confiscation; the appropriation and control of water resources beyond what had been developed and used in 1967; the severe containment of manufacturing industry, neglect of the institutions of technical training; repressive control of the building industry; incursions into the Palestinian tourist industry; exposing Palestinian handicrafts to stiff competition from cheap Israeli goods, and denying them government support.²²⁶

Ilan Pappé's observations furtherly confirm the view of the occupation's economy as a system that pauperizes the Palestinians, indeed the historian stresses that Israel used the Palestinian workforce surplus to boost its economy, but did not invest in the OPTs. The outcome was that savings and investments indicators in the OPTs declined during the years of occupation, as well as the productivity of the local industry, due to the Israeli dumping of their products on the territories, determining an unfair competition which deprived Palestinian local production of access to the market²²⁷.

These evaluations should be taken in consideration also by paying attention to Leila Farsakh's text *Palestinian Labour Migration to Israel. Labour, Land and Occupation*, where she focuses on the structural change in the Palestinian economy showed by the percentage of wage-earners between 1967 and early 1990s, which amounted to 63% in 1987 in comparison to 43% in 1970. This process is explained by Farsakh in these terms:

This market absorbed two-thirds of the increase in the labour force between 1970 and 1993, depleted the pool of unemployed, and precipitated the shift away from agricultural employment. Access to the Israeli labour market, though, did not necessarily improve employment growth in the domestic economy, particularly in the Gaza Strip. Employment rather shifted towards the service sector, while enhancing its dependency on external, namely Israeli, demand and regulations.²²⁸

It is important to highlight that the decrease in agricultural work in the OPTs occurred alongside the process of Israeli settlement expansion in the region. The effort of breaking the bonds between the Palestinians and their lands, then, emerged as for as the orientation of Israeli economic policies is concerned, as Farsakh stresses: «The release and transfer of Palestinian

²²⁶ Sayigh, Yusuf, *The Palestinian Economy under Occupation: Dependency and Pauperization*, cit., p. 56. For a better analysis of the role of water resources in particular in shaping Israeli policies in West Bank see Marcenò, Serena, *Le tecnologie politiche dell'acqua. Governance e conflitti in Palestina*, Associazione Culturale Mimesis, Milano 2005.

²²⁷ Pappé, Ilan, *A History of Modern Palestine. One Land, Two People*, cit., p. 233.

²²⁸ Farsakh, Leila, *Palestinian Labour Migration to Israel. Labour, Land and Occupation*, cit., p. 77.

workers to Israel [...] is the outcome of an Israeli policy that stifled Palestinian agrarian change while tying it to Israeli economic interests and territorial priorities»²²⁹.

In this context, if we follow Sayigh in sustaining that there was not a proper Israeli dependence on Palestinian workers, we should also highlight, as Sayigh himself does, that the composition of such Palestinian labour force unravels the high level of Israeli benefits coming from its employment, given Palestinian workers' concentration in low-skilled jobs and, among them, one of the most important in terms of Palestinian share in the Israeli labour market was the construction section. The dependency of the Palestinians resulting from the partial integration of Israeli and OPTs' economies is the outcome of the restrictions posed by the Jewish State to Palestinian production and exports, explicitly designed in order to pursue Israeli economic interests. For instance, Arie Arnon explains that Israel decided to create unilaterally a quasi-customs union as far as trade with external economic actors was concerned, Israel controlled and closed the external borders of OPTs and implemented its own trade protocol:

Unlike the norm for such arrangements, one side – Israel – dictated the terms of the customs union according to its own needs with no consultation and certainly no negotiations with the other side. There was also no agreement on sharing the revenues from import taxes. Thus, it was a unilaterally shaped trade arrangement, reflecting the nature of the occupation.²³⁰

In other words, paradoxically, a condition for the improvements in Palestinians' living conditions through employment in Israel coincided with Israeli exploitation of OPTs' natural resources and workforce in a legal-economic framework specifically designed to advantage the Jewish State.

Given this brief overview of Israeli economic policies in the OPTs, we can proceed by focusing on the main object of our study, which is not represented by macroeconomic and statistical evaluations of productivity, trade or employment, but rather coincides with the disciplinary logic that has informed Moshe Dayan's support for economic integration and in general the Israeli policies described above. Ilan Pappé explicitly defines the provision of employment opportunities to Palestinians in the OPTs by Israel as "rewards" in the prison-like framework characterizing Jewish State's rule:

²²⁹ Ivi, p. 78.

²³⁰ Arnon, Arie, *Israeli Policy Towards the Occupied Palestinian Territories: The Economic Dimension, 1967-2007*, in *Middle East Journal*, Autumn, 2007, Vol. 61, No. 4 (Autumn, 2007), pp. 573-595, Middle East Institute, p. 575.

Economists among the politicians hoped to facilitate a smooth transition by also creating a new economic reality that would benefit the new colonizers and appease the indigenous population. [...] Policy makers treated the economic needs of the local population as reward for “good behaviour” and means of punishing it in retaliation for “bad behaviour”.²³¹

Punishment in retaliation for “bad behaviour” is intended here as measures such as curfews imposed on cities and villages and other movement restrictions which prohibited Palestinian workers to reach their job places in Israel, while the very concession of the possibility to earn means of subsistence by working for the Jewish State’s economic actors is intended as reward.

However, Dayan’s idea of using labour and economic dynamics to prevent the emergence of Palestinian resistance can be considered, in our analysis, as an expression of the disciplinary character of the OPTs-prison not only in terms of the punishment-reward tactic, but especially focusing on the power effects that Michel Foucault specifically attributes to labour as a generalized disciplinary dimension, not only in the context of modern detention. The dimension of the discipline technology that shapes economic reality is expressed by Foucault in *Discipline and Punish* in these terms:

Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience). In short, it dissociates power from the body; on the one hand, it turns it into an “aptitude”, a “capacity”, which seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turns it into a relation of strict subjection. If economic exploitation separated the force and the product of labour, let us say that disciplinary coercion establishes in the body the constricting link between an increased aptitude and an increased domination.²³²

Michel Foucault’s analysis of this issue as the «mechanics of power»²³³ focuses on the individualizing function characteristic of discipline and stresses the dynamic of total subjugation of the single body resulting in the control and standardization of every single movement and step in carrying out working tasks. This micro-physical aspect of the philosopher’s analysis is difficult to apply to our interpretation of the Palestinian workers’ condition exactly in the terms in which is formulated in this section of Foucault’s work.

²³¹ Pappé, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 104.

²³² Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 138.

²³³ *Ibidem*.

However, in order to argue why we sustain that such reflection is useful to comprehend some aspects that we want to highlight in our study, namely the disciplinary character of Israeli rule resulting in the shape of the OPTs as a prison, it is important to expose two observations. Firstly, discipline is intended by the French philosopher as a technology of power underlying not only the system of relations characterizing the institution of the prison, but also many other domains, such as schools, army, hospitals and, particularly relevant in this phase of our analysis, the factory. Therefore, there is reason to believe that the micro-physical disciplinary dimension that Foucault individuates in the factory and in the work carried out by detainees in prison can be found also in the daily working routines to which Palestinian labourers were subjected while working in Israel. Secondly, and most importantly, disciplinary tactics and systems are objects of generalization processes, for instance the generalization of the Panopticon from an architectural scheme into a power mechanism in the disciplinary society is the paradigmatic example analysed by Foucault in this sense. It is, therefore, in this generalized sense that we intend the Palestinian work in Israel as a disciplinary tactic put in place by the Israeli jailer-ruler to obtain the outcome of increasing productive forces and diminishing political-resistant ones, thus turning the Palestinian subjects in docile and useful individuals. The generalization of the dynamic for which labour in a disciplinary fashion optimises the economic and political utility of the individuals' forces is explicitly mentioned by Michel Foucault by attributing to the generalization of the Panoptic mechanism the positive-productive purpose of boosting the social forces while maintaining them harmless. Therefore, in a nutshell, the Panopticon is not only a power-intensifier (in negative terms) but also a production-multiplier (in positive terms).

Israeli hope that economic "wellbeing" in comparison to the previous living conditions could divert Palestinians from pursuing their political rights, thus maintaining them as citizenship lacking subjects and oppressed individuals fits well with this generalized disciplinary rationale. However, also in this case a specification is needed: we sustain that the OPTs continue to present some aspects of the disciplinary institution represented by the prison and that a full generalization of discipline is not possible in this context. The reason is that the exclusionary attitude of the Jewish State needs as a condition the maintenance of segregationist practices, in terms of spatial isolation and torture traces. When Michel Foucault reflects, in the last chapter of his text *Discipline and Punish*, on the possibility of the decline of the prison as the major penal system, he argues that only a full generalization of discipline in the society may deteriorate the specificity of the prison-institution as based on discipline, thus making its «role

as link»²³⁴ to fade away. However, if we take in consideration the Israeli-Palestinian political field, we cannot avoid to notice that a totally generalized version of the disciplinary system would have included in the disciplinary society also the Israelis living in the settlements and in Israel itself. On the contrary, the preservation of a sharp ethnically-based division and the attribution of an ancestral and existential “guilt” to the Palestinians as indigenous by the settler State implies that the intensification of disciplinary power and the multiplication of the productive forces in a positive and still repressive fashion cannot be fully generalized both in Israeli and Palestinian domains: it remains institutionalized in the form of the occupation-prison system. The generalization of disciplinary tactics that we mentioned above by referring to the Panoptic mechanism, therefore, has occurred *within the institution* of the Israeli occupation-prison system. This aspect expresses one more time the extremely peculiar character of the power technologies configuration in the Israeli-Palestinian political field, which is understandable by using arguments of the Foucauldian analysis as operational concepts but that, on the same time, cannot be exhaustively brought back to them in the exact form in which the philosopher articulates them. In sum, the conceptual configuration that we have outlined as for as the complex and articulated system of power characterizing the Occupied Palestinian Territories is concerned, then, assumes a concentric character. In the general macro-framework resembling a sovereign pre-modern prison which does not allow for the reintegration of the “criminals” in the society, disciplinary tactics emerge thus articulating internally the prison in partially corrective terms. In order to do so a generalization of the disciplinary mechanism within this mega-prison is needed, given the extension of it and the amount of detainees to be managed, but the material, bureaucratic and legal “walls” isolating them from an hypothetical Israeli-Palestinian disciplinary society remain, hence maintaining the institutionalized character of the disciplinary tactics implemented specifically in the OPTs-prison.

Another important consideration needs to be examined prior to proceed, in the next section, to the analysis of the outbreak of full-scale Palestinian resistance represented by the first Intifada. Indeed, if it is true that the Israeli occupation-prison system established in the Palestinian Territories has succeeded, until nowadays, in surviving through the constant repression and imprisonment of the indigenous population, it would be mis-leading to present it as a completely effective and efficient repressive system that has totally annihilated the Palestinian people in political terms. According to the Foucauldian relational conception of power indeed, the political field consists in a dimension of relations between forces, in which

²³⁴ Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 306.

one usually prevails by repressing the other and the latter resists this oppression. After having examined some key repressing-productive tactics characterizing the Israeli disciplinary rule in the OPTs, we will now focus on the persistence and intensification of Palestinian resistance, as well as on the resurgence of sovereign tactics implemented by Israel to smash it.

2.2.3 Resistance in the OPTs' Diagram of Power: the First Intifada

The adoption of a Foucauldian framework of analysis enables us to reflect on a fundamental aspect of the historical process that has shaped the Israeli-Palestinian political field: Palestinian resistance not as a contingent occurrence that occasionally emerged as an “anomaly”, but as a structural dimension that constituted the OPTs-prison system of power as much as the Israeli oppressive architecture. First of all, the assumption of Michel Foucault’s conception of power as a relation between forces, when applied as an interpretative instrument to the situation in the OPTs, implies the recognition of the dynamic character of Israeli military rule. Gilles Deleuze, in his collection of essays *Foucault*²³⁵, explains that power is a relation between forces and adds that:

Force has no object other than that of other forces, and no being other than that of relation: it is “an action upon an action, on existing actions, or on those which may arise in the present or future”; it is a “set of actions upon other actions”.²³⁶

The “other” of Israeli repressive-productive forces is intended in our interpretation as the forces underlying Palestinian resistance’s efforts. In the previous section we have stressed how the disciplinary tactics assumed by the military rule in the OPTs had the specific purpose of diminishing such resistant forces by capturing them in a net of repressive-productive relations which subjectivized the Occupied Palestinians as detainees in the OPTs-prison. In this section, we will focus on the fact that such diminishment could in no way be fully achieved through the complete deletion of Palestinian resistance. The conceptual reason at the basis of this constataion can be grasped by considering a further specification that Gilles Deleuze elaborates in commenting Foucault’s thought:

²³⁵ Deleuze, Gilles, *Foucault*, University of Minnesota Press, Minneapolis and London 1988, (original ed. *Foucault*, Les Éditions de Minuit, Paris 1986).

²³⁶ *Ivi*, p. 70.

Moreover, the final word on power is that resistance comes first, to the extent that power relations operate completely within the diagram, while resistances necessarily operate in a direct relation with the outside from which the diagrams emerge. This means that a social field offers more resistance than strategies and the thought of the outside is a thought of resistance.²³⁷

“Diagram” is the term used by Deleuze to refer to the composition of forces historically stabilized through the integration-fixation of power relations emerged through the establishment of certain technologies of power, which are sets of interrelated tactics and practices. This integration-fixation function is performed by the institutions that put in place the power-knowledge nexus, thus elaborating discourses that presuppose and strengthen such power relations. Affirming that resistance relates to the outside of the diagram means sustaining that resistant forces aim at subverting such system of power relations by refusing them and its connected discourses. In doing this, they refer to a potential alternative diagram that is yet to come. In his text *Discipline and Punish* Michel Foucault attributes to the relational power a model of «perpetual battle»²³⁸ in which relations of forces:

Are not univocal; they define innumerable points of confrontation, focuses of instability, each of which has its own risk of conflict, of struggles, and of an at least temporary inversion of the power relations. The overthrow of these “micro-powers” does not, then, obey the law of all or nothing; it is not acquired once and for all by a new control of the apparatuses not by a new functioning or a destruction of the institutions; on the other hand, none of its localized episodes may be inscribed in history except by the effects that it induces on the entire network in which is caught up.²³⁹

The focus on the “innumerable points of confrontation” which present risk of conflict is particularly useful if we think about the outbreak of the first Intifada on 7th December 1987, when four Palestinians died and several others were injured, hit by an Israeli truck at the Erez border crossing, in the Gaza Strip, where Palestinian workers were waiting to enter Israel to reach their job places. Episodes as this one, tragically, were not unfamiliar to the Palestinian population of the OPTs, yet the idea that it was not an accident, but a deliberate murder of Palestinian people by Israelis spread within the population of the Gaza Strip and arrived soon

²³⁷ Ivi, pp. 89-90.

²³⁸ Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 26.

²³⁹ Ivi, p. 27.

to the Palestinians in West Bank. Popular demonstrations in Jabaliya refugee camp, northern than Gaza City, immediately started in the evening and the following day, and were repressed by Israeli armed forces, but the wave of protests had been initiated and will last for six years of social unrest all over the Occupied Territories. During the Intifada, this “localized episode” ignited a full-scale revolt which upset the disciplinary Israeli diagram of power and triggered the re-emergence of sovereign warfare tactics by the Israeli army to smash the Palestinian resistance. Many scholars had focused on trying to individuate the causes of the outbreak of full-scale insurgency in this particular historical moment rather than previously. Most of the interpretations stress the worsening living conditions that affected the Palestinians since the election of the first Likud government in 1977, which adopted a hard-line policy by increasing settlement expansion and strengthening political persecutions and repression of any form of Palestinian nationalism. On the other hand, the harsh economic conditions in which the Palestinians were forced to live furtherly exacerbated social frustration: the pauperization of the Palestinian people described in the previous section of this work, as well as the exposure to constant discrimination, humiliation and exploitation while working in Israel, by 1987, had eroded the neutralizing-disciplinary function attributed by Moshe Dayan to the concession of employment possibilities in the early years of the occupation²⁴⁰. Repressive tactics were furtherly strengthened by the introduction, in 1985 the Minister of Defence Yitzhak Rabin, of the “iron fist” policy, which implied the intensification of the above-mentioned collective punishment practices.

Thus, the conditions of constant and brutal repression alongside the conflictual potential inherent to any episode of confrontation between oppressive and resistant forces described by Foucault erupted in December 1987 in a full-scale revolt. This revolt, the first Intifada, has been inscribed in history precisely for its subversive fundamental character and the extent of the material effects that it has produced on the occupation system as a whole. The Palestinian revolt assumed a prevailing form of civil resistance, differently from the armed guerrilla adopted as main strategy by the Palestinian Liberation Organization (PLO) since the late 1960s. According to David A. McDonald in his text *My Voice is My Weapon*, during the first Intifada the Palestinian National Movement at large experienced a process of identity re-shaping: from the ideal of the *fedayeen* as the resistant-fighter to the image of the activist involved in grassroots

²⁴⁰ For a deeper analysis of the effects of Dayan’s policies on Palestinian resistance see Lustick, Ian S., *Writing the Intifada: Collective Action in the Occupied Territories*, in *World Politics*, July, 1993, Vol. 45, No. 4 (Jul., 1993), pp. 560-594, Cambridge University Press.

civil disobedience²⁴¹. This non-violent character was crucial in prompting the participation of large parts of the population in the struggle: from rural peasants to urban youth, from the few Palestinian bourgeois to members of the trade unions. According to McDonald, the peculiar actions often witnessed during Palestinian demonstrations and strikes had also a performative meaning that helped the population to explicitly connect their fight against the Israeli occupier to the goal of Palestinian indigenous self-determination by re-affirming, for instance, Palestinians' bonds with their land in opposition to Israeli settlers and military's land grabbing. As explained by McDonald:

To throw a stone, a piece of the homeland, at a foreign occupying soldier was a powerful resistance performative strategically engineered to reinforce the sacred relationship between the nation and the land. This relationship was further solidified in the act of transforming pieces of the land into implements of national resistance. [...] In throwing a stone, Palestinians were performatively throwing pieces of the nation, pieces of their bodies, and pieces of the body politic at their enemies.²⁴²

By paying attention to McDonald's analysis of the performative dimension of Palestinians' acts of resistance, we can identify also the "otherness" and the externality to the diagram that Deleuze referred to in describing the key features of resistance. The diagram of power established by Israel, that is to say the system of power relations emerged through the implementation of sovereign and disciplinary technologies of power, had tried to erase Palestinians' bonds with the land through settler activity and Palestinian national consciousness through constant censorship of its expressions and punishment for its supporters, as well as through the physical fragmentation of Palestinian community imposed with the means of mobility restrictions. Yet, as described by Deleuze, resistance structurally exceeds the diagram of power, introducing in it new subversive elements or re-introducing the ones that the technologies of power contributed to eliminate.

Moreover, the strength of civil disobedience as a means of resistance can be grasped under the light of Michel Foucault's analysis of the illegality affirmed as a right by the Fourierist opposition to the penal system and the disciplinary order in the French society. These European insurgents contested the disciplinary mechanism that reproduced delinquency in order to consolidate itself and presented, in their counter-chronicle, illegality as a way to break the basic

²⁴¹ McDonald, David A., *My Voice Is My Weapon. Music, Nationalism, and the Poetics of Palestinian Resistance*, Duke University Press, Durham and London 2013, p. 120.

²⁴² *Ivi*, p. 123.

assumptions of such order. In an analogous way one can recognize the radical insurgent character of the Palestinian collective civil resistance as such re-politicization of the infringement of the Israeli military law in the OPTs. As stressed by Michel Foucault:

Confronted with discipline on the face of the law, there is illegality, which puts itself forward as a right; it is indiscipline, rather than the criminal offence, that causes the rupture. [...] Taking the penal apparatus as their point of attack, the anarchists posed the political problem of delinquency, when they thought to recognize in the most militant rejection of the law; when they tried not to much to heroize the revolt of the delinquents as to disentangle delinquency from the bourgeois legality and illegality that had colonized it; when they wished to re-establish or constitute the political unity of popular illegalities.²⁴³

For the Palestinians in the OPTs the law that was rejected through this re-establishment of the “political unity of popular illegalities” was the military law of the Israeli ruler-jailer that designated them as criminals, in the settler colonial fashion described above, due to the simple fact of their existence. The penal system they wanted to dismantle was the occupation-prison in which they had been forced to live since 1967. As Foucault explicitly explains by referring to the anarchists, civil disobedience of illegality as a right assumes the most radical political-resistant meaning in its undisciplined effort against a disciplinary oppressive system.

As for as the entity of the protests and of their repression, data show that 5.385 demonstrations took place in the OPTs during the first year of the uprising only²⁴⁴. Israeli repression was, if possible, even more astonishing: in the first two years of the Intifada the Israeli army demolished 350 Arab homes, arrested 60.000 Palestinians, deported 60 activists and held in administrative detention 40.000 people²⁴⁵. By the end of the Intifada in 1993, 1124 Palestinians were reported to have been killed by Israel²⁴⁶. Israeli punitive and repressing actions included the siege of villages and cities through the imposition of curfews, violent repression of demonstrations through armed violence against civil protesters, arbitrary humiliation and beatings of men accused to be part of the insurgent network, widespread use of deportation of the community leaders, administrative detention and arrest. However, Israeli brutal response to the rebellion has been recognized as poorly effective especially in the first

²⁴³ Foucault, *Discipline and Punish. The Birth of the Prison*, cit., p. 291-292.

²⁴⁴ McDonald, David A., *My Voice Is My Weapon. Music, Nationalism, and the Poetics of Palestinian Resistance*, cit., p. 117.

²⁴⁵ Lustick, Ian S., *Writing the Intifada: Collective Action in the Occupied Territories*, cit., p. 566.

²⁴⁶ McDonald, David A., *My Voice Is My Weapon. Music, Nationalism, and the Poetics of Palestinian Resistance*, cit., p. 117.

years of the Intifada, indeed despite the extensive use of violence IDF did not succeed in nipping the revolts in the bud, as showed by their duration until 1993. One of the reasons of the protests' resilience was their horizontal and un-centralized organizational character. The Intifada, especially in its first years, was based on local organization through popular committees that took inspiration from the national committees that had carried out the 1936-1939 Great Arab Revolt but removed, in 1987, the hierarchical structure in favour of democratic decision-making processes. This democratic feature hindered Israeli attempts to infiltrate the resistant network and corrupt it from within. Yet, this un-centralized nature of the Intifada resistance coexisted with efforts to coordinate the local protests by the Unified National Leadership of the Uprising (UNLU) that was born as a revolutionary organ that in the last year of the uprising tried to present itself as a quasi-government. UNLU was created by political activists inside the OPTs, yet they were linked to the parties that formed the PLO abroad and had relationships with it: in UNLU there were representatives of the four main Palestinian political parties Fatah, Popular Front for the Liberation of Palestine (PFLP), Democratic Front for the Liberation of Palestine (DFLP) and the Palestinian Communist Party. UNLU assumed the role of coordinating the activities of the local committees and setting the overall goals of the Intifada as well as dealt with external relations with PLO in Tunis. According to the scholars and former activists during the Intifada Nadia Naser-Najjab and Ghassan Khatib:

UNLU consistently refuse to centralize power. Broad-based participation also made an important contribution to the Intifada, and the popular committees became increasingly prominent as the uprising progressed. Participatory structures and institutions were developed, provided alternative foundations for popular mobilization, and fed into a sophisticated UNLU strategy.²⁴⁷

In addition to the organization of protests and strikes, the popular committees also provided for services which lacked under occupation to the Palestinian community who was bearing the harsh consequences of Israeli repression. These services included poverty relief measure, support to the relatives of the imprisoned activists and running informal schools for children. A parallel socio-political force that emerged during the first Intifada was Palestinian Islamism, mainly represented by the Hamas movement. Hamas was the Palestinian branch of the Muslim

²⁴⁷ Naser-Najjab, Nadia, Khatib, Ghassan, *The First Intifada, Settler Colonialism, and 21st Century Prospects for Collective Resistance*, in *Middle East Journal*, Summer 2019, Vol. 73, No. 2, pp. 187-206, Middle East Institute, p. 195.

Brotherhood, formally established in 1988, which had operated for years, since the 1970s, mainly in refugee camps setting up assistance services and infrastructures, thus recruiting youth from the camps into their ranks, growing especially in the Gaza Strip. Hamas opposed the secular character of both the PLO and UNLU. It framed the Palestinian liberation discourse in religious terms and refused the idea of the two state solution that the Arafat's leadership had started to familiarize with in mid-1970s, and fully expressed in the 1988 Palestinian Declaration of Independence that accepted the 1947 UN Resolution 181 as a legal basis to establish a Palestinian State in West Bank and the Gaza Strip. For Hamas this option was completely unacceptable in religious terms, given that Palestinian land was conceived by its members as property of the Islamic community and impossible to cede to non-Muslim people.

As for as the PLO's role in the context of Intifada, according to the scholar Rashid Khalidi the prevailing attitude of the Palestinian political leadership in exile resulted in the efforts to capitalize in diplomatic advantages terms the international attention on the Palestinian cause triggered by the indignation towards the brutality of Israeli repression of civilian. This PLO's attempt resulted in a failure: if it is true that the sufferings endured by Palestinians in the OPTs had helped to reframe the international public opinion, as for as the diplomatic negotiations mediated by the United States, who were everything but an impartial third party given the US-Israel "special relation", the intransigent stand of Israel and the PLO's availability to accept compromises in order to achieve statehood resulted in the capitulation of the Palestinian National Movement. In late 1980s and early 1990s PLO was deprived from international support due to the collapse of the Soviet Union and the 1991 Gulf War that led to the erosion of Saddam Hussein's support for the PLO. In this context, the only way for the PLO to maintain the role of the unique recognized representative of the Palestinian people and the support of the population was the achievement of the crucial goal of statehood. However, as described by Khalidi:

Instead of using the Intifada's success to hold out for a forum framed in terms of such liberatory ends, the PLO allowed itself to be drawn into a process explicitly designed by Israel, with the acquiescence of the United States, to prolong its occupation and colonization.²⁴⁸

²⁴⁸ Khalidi, Rashid, *The Hundred Years' War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., pp. 180-181.

In issuing the 1988 Palestinian Declaration of Independence that accepted the partition and in publishing a statement, in December that year, in which he accepted US condition including the recognition of Israel's right to exist, the consequent renounce to terrorism-armed resistance and of the UN Resolution 242 "Land for Peace", Yasir Arafat was pursuing the goal of taking part to the negotiations as representative of the Palestinian people, but on the same time was giving up to one of the fundamental claims: the right to return in the full historical Palestine.

The international negotiations which will lead in early 1990s to the signature of the Oslo Accords and its effects will be object of the next paragraph of this chapter. However, a reference here to the role of the PLO during the Intifada was necessary in order to understand how it ended and why it did not improve Palestinian conditions. Indeed, after the initial period of un-centralized and popular-horizontal uprising led by UNLU and the local committees, the PLO started to increasingly influence the political activists in the Occupied Territories and to issue directives from Tunis without paying attention to the preferences and considerations of the local protesters. Thus, when pragmatic goals of Statehood in a partitioned Palestine started to concretely inform PLO's diplomatic efforts and a hierarchical fashion was introduced in the popular struggle in the OPTs, the Intifada's resistant potential started to vanish. We should notice here, referring one more time to Deleuze's interpretation of Foucauldian thought, that it was precisely in this moment that the Palestinian insurgent network that had carried out the Intifada spontaneously and autonomously in the first years lost the features that characterized it as a "thought of resistance" through the fact that it was a "thought of the outside". The hierarchical dimension brought by PLO to the coordination of protests and the participation of an UNLU delegation at the 1991 Madrid peace conference²⁴⁹, that presupposed the acceptance of Israeli conditions, took back the activists' efforts *within* the diagram of power established by the Israeli military rule in the OPTs.

Yet, despite its failure in achieving the liberation of the Palestinian people from the Israeli military-colonial rule that maintained them as detainees in the OPTs-prison, the first Intifada maintains its paramount historical value as the major expression of collective full-scale resistance occurred in the contemporary Israeli-Palestinian political field. The consequences that the emergence of such full-scale insurgency provoked on Israeli practices to maintain, and actually strengthen, the sovereign-disciplinary order in the OPTs-prison will be the object of the next paragraph.

²⁴⁹ UNLU delegation was in close contact with the PLO and followed its directives, because Arafat's organization had not been accepted as an interlocutor by Israel.

2.3 Strengthening and Altering the Prison Model: Oslo Disciplinary “Peace” Process And Its Failure

In this last paragraph of the second chapter, we will analyse the evolution of the power technologies configuration during the period of the Oslo “peace” process, focusing on the peculiar disciplinary dimension inherent to it. Starting from an overview of the negotiations occurred during the 1990s as a result of the changes in the political field produced by the first Intifada as well as by regional and global developments, we will proceed with the analysis of the movement restrictions paradigm, implemented by Israel in the OPTs during this period as a reinforcement of the disciplinary system set in place during the previous decades of occupation. We will end with the constataion of the Israel’s failure in achieving the goal of establishing an efficient aberrant disciplinary system, that is to say predominantly negative-repressive, able to eradicate the insurgent character of the Palestinian people living in the OPTs, being the outbreak of the second Intifada a major expression of this failure. Finally, in analysing the dynamics that emerged during the second Palestinian uprising, we will identify a process of recentralization of the sovereignty technology of power by Israeli authorities in dealing with Palestinian resistance, which meanwhile had become increasingly armed and resorted to violent tactics, thus marking a crucial difference from the first Intifada.

2.3.1 Oslo “Peace” Process: an Overview

After more than forty years of struggles between the State of Israel and the Palestinian resistance, represented first of all by the Palestinian Liberation Organization and since 1987 also by the collective militancy in the OPTs, the two parties for the first time approached the idea of a negotiation to reach a settlement on the Palestine question. It is important to stress that the previous peace agreement signed by Israel, the 1978 Camp David Accord, was a peace treaty between the Jewish State and Sadat’s Egypt, after the latter had detached itself from the struggle in solidarity to Palestinians and had begun the process of alignment with the Western bloc in the Cold War context. Until early 1990s, there was neither prospect of reaching a deal with the Palestinians themselves nor of applying the “Land for peace” principle underlying UN Resolution 242 in a framework aspiring to the creation of a Palestinian State.

However, some crucial historical events occurred throughout the 1980s and early 1990s led both the PLO and Israel to change their attitudes and to think about the possibility of negotiations. As for as the PLO was concerned, the defeat during the Lebanese Civil War and the consequent evacuation from Lebanon in 1982 had severely weakened the Fatah-led

organization. Being exiled in the far Tunisian capital represented a serious damage for the PLO. For its leadership, indeed, to plan guerrilla operations and to maintain support by the Palestinians in the OPTs became more difficult, despite the enduring presence of PLO's militants in southern Lebanon. The outbreak of the first Intifada and the rise of a local Palestinian political class of activists within the West Bank and the Gaza Strip represented another "threat" to the PLO. Indeed, despite the fact that UNLU was formed by activists connected to the Palestinian parties forming the PLO and the increasing influence that the organization had started to exercise on the collective resistant efforts during the last years of the uprising, the idea that the Palestinian leaders in exile could not fully comprehend the conditions of the Palestinians living under occupation emerged. Even if most of the OPTs' activists remained loyal to the PLO and considered it their representative, the emergence of Islamist movements such as Hamas, that never took part in the organization and openly opposed its secular character, exposed the beginning of a deep process of fragmentation within the Palestinian resistance movement.

In this context, the idea of accepting the partition principle to create a basis for dialogue with Israel in order to achieve Palestinian statehood, emerged in early 1970s as a minority current, increased its influence in the resistant organization. The constatation of PLO's weakness and the exasperation of the living conditions of the Palestinians during the Intifada caused by Israeli repression, as well as the attempt of re-affirming PLO's leadership *vis à vis* the Palestinian activists in the OPTs, led Yasir Arafat to commit himself to the efforts of starting a dialogue with the United States, hoping that they could mediate a negotiation with Israel concerning the creation of a Palestinian State in West Bank and the Gaza Strip. This was the rationale that led, in 1988, the Palestinian National Council – the legislative body of the Palestinian Liberation Organization – to publish the Palestinian Declaration of Independence and Yasir Arafat to give a speech at the United Nations Assembly in which the right to exist of Israel was recognized, the partition principle was accepted and armed resistance was abandoned. Then, the events occurred in early 1990s at the regional and global level finally forced the PLO to assume an attitude so desperately available to compromise that it appeared to many as yielding. PLO's support to Saddam Hussein's Iraq during the Gulf War alienated the Gulf monarchies', namely Saudi Arabia and the Emirates, political and especially economic support to the Palestinian organization. Moreover, USSR collapse deprived PLO from a crucial ally and opened the historical phase of unipolarism in which the key Israel's sponsor US became the unique hegemon at the global level. In this condition of extreme weakness, after its exclusion from the failed Madrid peace conference in 1991, PLO succeeded in approaching Israelis and in starting

secret negotiations in Oslo in 1992. In a nutshell, as stressed by Shamir Hassan in *Oslo Accords. The Genesis and Consequences for Palestine*²⁵⁰, the key factors prompting the PLO to look for diplomatic dialogue with Israel were its military weakness after the defeat in the Lebanese Civil War, the lack of international support after the Gulf War and the collapse of USSR and the threat of loosing the hegemony of the Palestinian resistance due to the rise of the local militant groups in the OPTs.

On the Israeli side the possibility of negotiations such as the ones of the Oslo process was opened by the return to power of the Labour party in the 1992 national elections, when Yitzhak Rabin became prime minister. Israeli left was more open to the idea of a political solution concerning the Palestinians than the far right represented by Likud, even if the former as well rejected initially rejected to negotiate with the PLO and did not want the establishment of a Palestinian sovereign state. Moreover, the Intifada had an impact on Israeli society as a whole, disclosing the unsustainability of the Israeli military rule on the OPTs and prompting the emergence of a peace movement within the Israeli society that called for the end of occupation. Yet, the priority of such Israeli leftists coincided with the fear that prolonging Palestinian repression would have forced Israelis to live under conditions of constant conflict characterized by civilian casualties and violences. Palestinians' rights were not at the top of Israelis' concerns, yet their tiredness was exasperated by the Intifada in which 160 Israelis were killed (100 of them being civilians and the others IDF soldiers). Therefore, Israelis leftist activists recognized that it was unrealistic to think that the Palestinians would submissively accept Israeli military rule without resisting and that such resistance was a key security problem for the Israeli society. This specific awareness, intended as a shift in the public opinion, is considered by Shamir Hassan as a factor that determined the victory of the more moderate Labour Party at the Israeli national elections in 1992²⁵¹. The fact that Rabin was not less committed to the preservation of the Israeli grip on the Occupied Territories, as demonstrated by the intense settlements construction activities during its premiership will be an ironical evidence of the distance between the idea of diplomatic negotiations to "fix the Palestine question", on the one hand, and the Israeli practices on the ground during the Oslo years, on the other. This divergence, however, will be the object of the next section of this paragraph. Another crucial factor prompting Israel to enter negotiations with the Palestinians was based on world dynamics and

²⁵⁰ Hassan, Shamir, *Oslo Accords. The Genesis and Consequences for Palestine*, in *Social Scientist*, July-August 2011, Vol. 39, No. 7/8 (July-August 2011), pp. 65-72.

²⁵¹ Shamir, Hassan, *Oslo Accords. The Genesis and Consequences for Palestine*, cit., p. 66.

affected in particular Israeli policy makers whose logics were based on *raison d'état* much more than the public opinion ones':

With the end of the cold war, Israel's value as a "strategic asset" to the US was obviously eroded, and this too pushed it towards a less intransigent position. [...] The United States, in the wake of the Gulf War and in part as a result of Arab participation in the anti-Iraq coalition, sought, in her own interest, to appear less committed to the song of "Israel, right or wrong". Clearly, this shift in the balance of power was among the most powerful factors that pushed Israeli policy towards some semblance of a compromise.²⁵²

Thus, interestingly, the beginning of the unipolar phase in the global order was detrimental to both Israel's and PLO's interests: Israel lost value as a major United States' ally in Middle East, and PLO lost the support of a superpower as USSR.

All these woven needs, strategies and purposes on both sides led Israeli academics, with the approval of the Israeli government, and representatives of the PLO to initiate secret talks in Oslo in 1992, after the Norwegian academic Terje Rod Larson had put them in contact. While the Madrid peace conference sponsored by the United States had stalled and Israeli government exponents had replaced the previously appointed academics in carrying out Oslo talks, in August 1993 the Declaration of Principles, known as Oslo I, elaborated in Norway's capital was completed.

In September that year, with the draft of the Letters of Mutual Recognition and the signature of the Oslo I Accord by Yasir Arafat and Yitzhak Rabin, the first diplomatic path of negotiations between the PLO and Israel officially started. Assuming the failure of the 2000 Camp David Summit in a moment when the second Intifada had started to rage as the final confirmations of the Oslo "peace" process' collapse, it is worthy to notice the conspicuous number of interim agreements that belonged to these diplomatic phase: Letters of Mutual Recognition between Israel and the PLO and the Declaration of Principles on Interim Self-Government Arrangement of 1993 were followed, in 1994 by the Protocol on Economic Relations, the Agreement on Gaza Strip and Jericho Area (Cairo Agreement), the Agreement on Preparatory Transfer of Power and Responsibilities, the following year the so called Oslo II Accord was signed (Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip), in 1996 the Protocol Concerning the Redeployment in Hebron was signed, finally the Wye River Memorandum and the Sharm el-Sheikh Memorandum, in 1998 and 1999 respectively, represented the last efforts to save the

²⁵² Ivi, p. 67.

“peace” process. What it is most important to stress as for as the high number of documents elaborated and signed in those years, is that most of them were interim deals, meaning that set up arrangements aimed at managing the situation in the OPTs temporarily by formally aiming at gradually creating a form of Palestinian autonomy to which civil and police prerogatives were transferred. Israel never committed itself in none of the accords’ text to the official acceptance of the creation of a Palestinian state. The interim character of the negotiations and of their products, indeed, implied the postponement of the most important issues underlying the Palestine question, which were precisely related to Palestinian sovereignty, as well as to the problem represented by Israeli settlements in the OPTs, the definition of final borders, the future *status* of Jerusalem and the crucial refugees question. In this respect, according to Mark LeVine’s analysis in *Impossible Peace. Israel/Palestine since 1989*²⁵³:

While the agreements signed during the first years of Oslo were supposed to mark the coming to maturity of Palestinian politics, the reality was that they facilitated a “depoliticization” of the peace process. What began as a constructive ambiguity would quickly become deliberate deception as each accord was essentially an empty framework that required even more interpretation to understand, explain and clarify it.²⁵⁴

According to other scholars, such as Ilan Pappé, ambiguity was not constructive at all, on the contrary the Oslo “peace” process is defined as a “charade” and:

We should see that the Oslo process was actually not a fair and equal pursuit of peace, but a compromise made by a defeated, colonized people. As a result the Palestinians were forced to seek solutions that went against their interests and endangered their very existence.²⁵⁵

As for as the content of the interim accords Oslo I and Oslo II, the first one provided for the creation of the Palestinian Authority (PA) as a «self-government authority»²⁵⁶ led by a Council democratically elected by the Palestinian inhabitants of West Bank and the Gaza Strip and controlling a strong Palestinian police to which the task of ensuring public order was attributed, Israel would have maintained the responsibility for “defending” against external threats and

²⁵³ LeVine, Mark, *Impossible Peace. Israel/Palestine since 1989*, Fernwood Publishing Ltd and Zed Books Ltd, Oceanvista Lane and New York 2009.

²⁵⁴ *Ivi*, pp. 55-56.

²⁵⁵ Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, cit., p. 198.

²⁵⁶ Declaration of Principles on Interim Self-Government Arrangements, September 13th 1993.

protect Israelis in the OPTs' settlements. Oslo I set a transitional period of five years, in which the withdrawal of IDF from OPTs, starting from the Gaza Strip and Jericho had to be carried out and the transfer of prerogatives concerning education, health, social welfare, direct taxation and tourism from the Israeli Military Government and the Civil Administration to PA had to occur, meanwhile the representatives of the two parties would have negotiated a final settlement based on UN Resolutions 242 and 338. According to the second and third point of Article XIII concerning redeployment of Israeli Forces, IDF troops had to be redeployed outside populated areas, while further redeployments would have been implemented gradually. This Declaration of Principle explicitly states that issues such as Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours will be settled in the permanent status negotiations, which must begin not later than the beginning of the third year of interim period. This finally negotiations actually never started.

The Oslo II Accord was another major interim agreement, signed in 1995 by the parties formally with the purpose of proceeding towards the final settlement. It set the deadline for carrying out the elections of the Palestinian Council mentioned in Oslo I in 1996 and divided the West Bank in Area A, B and C. Area A was to be under full PA's control, in Area B the PA would assume civilian control while security remained an Israeli prerogative and Area C was under full Israeli military rule. According to the Oslo II provisions Area C represented 60% of West Bank, while Areas A and B amounted respectively to 18% and 22% of the territory. The rationale through which the division of the West Bank was presented was that it would have facilitated the transfer of powers to the Palestinian Authority, because parts of Areas B and C would have progressively turned into Area A. Considerations on failure of the "peace" negotiations, as well as the real nature that will be investigated in the next section of the Oslo process as a disciplinary rather than a peace effort, can be grasped by noticing that in 2013, according to the *Area C Vulnerability Profile* by OCHA²⁵⁷, 87% of the West Bank was designated as Area C. As Mark LeVine explains in this respect:

A main problem with the threefold division of control over Palestinian territory was that land remained in play "on the ground"; that is, Israelis continued to gain control over land by various methods: direct military or other official confiscation or expropriation, settlers "illegally" occupying hilltops and other strategically important lands, expanding settlement borders to allow for "natural growth", and even, according to Palestinian sources, via the

²⁵⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Area C Vulnerability Profile*. https://www.ochaopt.org/sites/default/files/ocha_opt_fact_sheet_5_3_2014_En_.pdf

services of several hundred Palestinian land brokers who mediated [...] the sale of lands from Palestinians to Jews.²⁵⁸

In 1996 Israeli general elections were won by the Likud leader Benjamin Netanyahu. This happened after the assassination of Yitzhak Rabin by an extremist settler, who belonged to the Israeli messianic movement that opposed the peace process because it implied to renounce to parts of the historical land of Greater Israel. The consequences of Netanyahu's victory were harsh as far as the implementation of the interim accords was concerned, indeed under his government settlement construction, which had never stopped, further intensified and the hardline stance entrenched in Israeli negotiators' attitudes since the very beginnings of the process became further radicalized. The new prime minister was among the ones who had opposed negotiations with Palestinians and refused to implement the accords signed by the Labour Party. The only document signed by his Likud government were the Hebron Protocol in 1997, under American pressure, that provided for redeployment of IDF troops from Hebron that were never carried out, and the Wye River Memorandum in 1998. According to the analysis elaborated by Naseer H. Aruri in *The Wye Memorandum: Netanyahu's Oslo and Unreciprocal Reciprocity*²⁵⁹ this agreement was based on an exasperated asymmetry in favour of Israel and completely shaped on Israeli security needs. Among the cornerstone principles of this deal there was the concept of reciprocity, which implied that PA's full effectiveness in complying to diktats by Israel was conditional for Israeli implementation of the negotiation, in particular redeployments. In Aruri's words:

In effect, the linking of redeployments to the myriad and unidimensional "security actions" puts the Palestinians on a kind of probation, making them atone, reform, and prove their innocence in order to restore partial control over 12 percent and direct control over 1 percent of that part of Palestine (about 23 percent) that was conquered in 1967 instead of 1948. This, in a nutshell, is Netanyahu's concept of reciprocity.²⁶⁰

In pursuing its security needs while setting Israeli "satisfaction" about PA's performances as a condition for redeployment, the prime minister Benjamin Netanyahu obtained a double vantage, On the one hand, he pushed the Palestinian Authority to increase its repressive

²⁵⁸ LeVine, Mark, *Impossible Peace. Israel/Palestine since 1989*, cit., p. 83.

²⁵⁹ Aruri, Naseer H., *The Wye Memorandum: Netanyahu's Oslo and Unreciprocal Reciprocity*, in *Journal of Palestine Studies*, Winter, 1999, Vol. 28, No. 2 (Winter, 1999), pp. 17-28.

²⁶⁰ *Ivi*, p. 20.

measures against Islamist resistance, thus delegating this burdensome task to a subcontractor, on the other hand he managed not to upset Israeli extremists who did not accept the idea of ceding parts of the OPTs to the Palestinians by denying implementation of redeployment referring to alleged or real breaches from the reciprocity principle, presenting this as a “legitimate” motivation, since it was a concept on which both parties had agreed in the Wye River Memorandum. The balance of Benjamin Netanyahu’s leadership during the Oslo phase, then, can be summed up as this: initial refusal to implement the agreements at all, signature of an accord concerning redeployment, the Hebron Protocol in 1997, which was never implemented and the signature of another agreement, the Wye River Memorandum, which was a major expression of Israeli position of force and strengthened Israeli security interests in the territory, providing an instrument to avoid redeployments on the same time.

However, it would be misleading to present the failure of the Oslo Accords as determined by Netanyahu’s government or the Israeli right only. An evidence of the convergence as far as the hardline stand to be adopted towards the Palestinian diplomats, indeed, is represented by the National Agreement Regarding the Negotiations on Permanent Settlement with the Palestinians, known as the Beilin-Eitan Agreement referring to the names of the Labor and Likud representatives that signed it in 1997. This national agreement clarified the points of convergence and divergence between the two political parties in the Jewish State. Its content included that there would be no return to 1967 border, indeed Israeli settlements would be under Israeli sovereignty and their continuity with the State of Israel had to be preserved, Jordan Valley would remain a security zone and the Jordan River would remain Israel’s security border, the Palestinian Authority would be demilitarized, and would establish a strong police to enforce internal security – namely to repress Palestinian armed resistance –, Jerusalem would remain the capital of Israel with the existing municipal border, the right to return of the Palestinian refugees was denied, and other provisions regarding economy, water resources and education²⁶¹.

Israeli refusal to actually negotiate about any of the substantial matters that hindered the solution of the Palestine question strongly emerges here if one considers that none of these crucial Israeli requirements had been modified since 1967, when the Eshkol government elaborated its proposals to establish a Palestinian “autonomy” and advanced it to Jordan after having recognized that no Palestinian leadership available to accept it existed. The good will of

²⁶¹ National Agreement Regarding the Negotiations on Permanent Settlement with the Palestinians, 1997, <https://www.jewishvirtuallibrary.org/beilin-eitan-agreement-national-agreement-regarding-the-negotiations-on-the-permanent-settlement-with-the-palestinians>

Israeli “commitment” to the Oslo “peace” process, then, appears reasonably questionable. The researchers Tariq Dana and Ali Jarbawi, indeed, in their paper *Whose autonomy? Conceptualising ‘Colonial Extraterritorial Autonomy’ in the Occupied Palestinian Territories* we mentioned in the first paragraph of this chapter, present the Oslo Accords as the achievement by Israel of its decades-long purpose of establishing a colonial extraterritorial autonomy in the OPTs:

The Oslo Accords repackaged and combined key aspects of previous Israeli plans, intersecting perfectly with Israel’s logic of colonial governance, and transformed the direct military rule of Palestinian lives into an indirect rule system. [...] If one aim of Begin’s autonomy plan was to undermine the Palestinian claim to sovereignty, the Oslo Accords actualised this intention by not only creating a fragile autonomy as an endgame to the Palestinian question, but also by subordinating the leaders of the Palestinian national movement to serve this purpose.²⁶²

Taking into account these considerations, we should discuss the very idea of the Oslo Accords as failed in general and recognize them as an Israeli partial success. It is considerable as a success on the Israeli side because, at the expenses of Palestinians’ rights, the goals that had informed Israeli policy decisions since the Six Days War had been institutionalized in an internationally recognized legal arrangement. Still, this success has been partial, because the outbreak of a new wave of Palestinian resistance, represented by the second Intifada, forced Israel to fill the gaps of the disciplinary order it had institutionalized in the Oslo Accords, through the implementation of brutal sovereign tactics, thus showing that the final subjectivation-subjugation of the Palestinians as incorrigible detainees and occupied subjects had not succeeded. This is, at most, the failure one can recognize as represented by the outcomes of the Oslo process from the Israeli leadership’s perspective. From the PLO’s point of view, the optimistic idea of obtaining something, imagined as statehood, through negotiation instead of totally collapsing by continuing armed struggle in a position of extreme weakness proved to be unrealistic.

After having analysed the Oslo “peace” process from the point of view of diplomatic negotiations and leaders’ strategies, we will now focus on the political dimension of the facts on the ground created in those years and, in particular, on the intensification of the peculiar

²⁶² Dana, Tariq, Jarbawi, Ali, *Whose Autonomy? Conceptualising “Colonial Extraterritorial Autonomy” in the Occupied Palestinian Territories*, cit., pp. 116-117.

disciplinary prison model that Israel had established since its occupation of West Bank and the Gaza Strip.

2.3.2 Oslo Accords and Their Disciplinary Dimension

The emergence of disciplinary dynamics inherent to the Israeli military rule on the OPTs has been analysed in the second paragraph of this chapter. There, we have focused on the role of the punish and reward tactic and on the disciplinary dimension of Palestinians' participation in the Israeli labour market. Those considerations referred to the situation in West Bank and the Gaza Strip prior to the outbreak of the first Intifada, we will now attempt to analyse the evolution of the disciplinary dimension in the OPTs during the period of the Oslo negotiations, stressing the divergences between the "peaceful" rationale that informed them at the official level and the actual Israeli practices on the ground. The most relevant contradiction in this sense coincides with the Oslo process' claim to aim at establishing a Palestinian autonomy and the Israeli ongoing policies of settlements construction and expansion. Indeed, according to the reports the settler population in the OPTs (Jerusalem excluded) increased from 110.000 in 1993 to 195.000 in 2000, with an absolute growth rate of 12.000 settlers per year in this period, in comparison to the 4.200 per year in the period 1967-1993²⁶³. This determinant settler process, that exactly for its paramount importance has been postponed as a matter of negotiation in the interim accords, is entrenched with another phenomenon, that represents the most effective domain in which the disciplinary attitude of Israeli rule has consolidated: movement restrictions derived from the fragmentation of Palestinian space through the proliferation of checkpoints, roadblocks and the consequent intensification of surveillance, that assumed a strong hierarchical character due to the "collaboration" between the Jewish State and the Palestinian Authority concerning security. The proliferation of movement restrictions for Palestinians was a parallel phenomenon to the construction of new settlements and their interconnection through the realization of the bypass road system: a net of highways connecting the settlements with each other and to Israel and whose access was prohibited to Palestinians. Prior to the first Intifada, the open bridge policy elaborated by Moshe Dayan, despite the movement restrictions that were already in place, allowed for a "freer" mobility of the Palestinians. The open bridges policy was halted in 1991 and replaced by a closure policy aimed at dealing with the increasing tensions in the context of the Palestinian uprising and the consequences of the Gulf War at the regional level. As the scholar Anna Rhodes points out, in this phase:

²⁶³ Hassan, Shamir, *Oslo Accords: The Genesis and Consequences for Palestine*, cit., p. 71.

Roadblocks were put up with little or no warning at major transport terminals and checkpoints were shut down with increasing frequency. Israeli forces running the checkpoints were given jurisdiction under this policy to close terminals for different lengths of time. Under this policy, as long as checkpoints were closed, all valid permits were suspended. [...] On the ground after Oslo, these issues were worked out most frequently at checkpoints on roads in and out of the West Bank and Gaza under the auspices of the Israeli border patrol (both Israeli police and military occupation) and led to conflict.²⁶⁴

The intensification of disciplinary means to control Palestinian space and Palestinians' movements during the Oslo years is analysed by Rhodes also by stressing that the closure policy, from Israeli view, was aimed at responding to security needs which will shape the Oslo Accords of 1993 and 1995, that is to say Oslo I and Oslo II. However, the Israeli architect Eyal Weizman, in his book *Hollow Land. Israel's Architecture of Occupation*²⁶⁵, also explains that:

More than a mere solution to a specific security/political problem, the architecture of the terminal is a diagram of the new power relations articulated throughout the Oslo process (1993-2000). Embodied in the architecture of the terminals was the very military, political and economical logic of the Oslo process [...] Israel remained in control of the Palestinians by regulating their movement through space, without resorting to managing their lives within the separate enclaves it sealed around their towns and villages.²⁶⁶

The entrenchment of the new arrangements at the basis of the 1990s Israeli military rule in the OPTS with the provisions of the Oslo Accord becomes explicit while considering, as Weizman does, Article X of annex to the 1993 Oslo I and the division of West Bank into Areas A, B and C established by the 1995 Oslo II. As the author reports, according to the above mentioned Article X Israel kept the responsibility for security in the passage from Gaza to Jericho by maintaining the prerogative of deciding case by case to allow or deny Palestinians to cross the checkpoints. However, Israeli exercise of power had to be invisible, since Palestinians who were travelling would have had contacts only with PA's policemen at the checkpoints, Israeli officials would have been hidden behind a one-way mirror. From that position Israelis could monitor everything going on and every Palestinian passing, but travellers could not see them. Of course, PA's officers were controlled as well. According to Weizman,

²⁶⁴ Rhodes, Anna, *Israel's Modulation of Checkpoints: Systematic Manipulation of the Oslo Accords*, in *The Macksey Journal*, 2020, Vol. 1, Article 102, John Hopkins University.

²⁶⁵ Weizman, Eyal, *Hollow Land. Israel's Architecture of Occupation*, Verso, London and New York 2007.

²⁶⁶ *Ivi*, p. 141.

this was the characteristic architecture designed in the 1993 Oslo Accord for the terminals, which were permanent checkpoints at the “borders” between “PA-controlled” and Israeli-military ruled zones in the OPTs.

Two aspects deserve now to be highlighted as far as the disciplinary dimension of this project is concerned: the architectural principle enabling the exercise of discipline related to the invisibility of the surveillance that Israelis carried out, and the hierarchical character of the monitoring practices. Firstly, when one talks about an architecture whose main functions are to monitor and control the movement and the minimal actions of individuals in a pervasive manner, to think about Michel Foucault’s interpretation of the Panopticon appears as spontaneous. The image of the hidden overseer who sees everything without being seen by the monitored persons is one of the most characteristic of the Foucauldian panoptic prison, the fact that such possibility is realized through a peculiar architectural construction of a building that enables a mechanic and de-personalized functioning of the disciplinary technology appears as a crucial element of convergence between the Foucauldian panoptic prison and the Israeli terminals in the OPTs. Secondly, the particular asymmetric relation between the Israeli guard hidden behind the mirror and the Palestinian Authority’s officer exemplifies the hierarchical character of a surveillance system that needs the participation of the monitored people, in this case the PA’s officer, in order to be truly effective and efficient. The pervasiveness of this kind of surveillance is augmented through the attribution of monitoring tasks to these monitored persons, with the consequence of making the Palestinian travellers more comfortable in dealing with a fellow national than with the occupier, but still aware that he or she is searched and controlled during the passage. Yet, Weizman specifies that a crucial distinction between the principle of surveillance architecturally-based and the Israeli terminals is that in the former the power needs to be visible but unverifiable, while in the latter it must be neither visible nor verifiable. The disappearance of the controller’s tower in the centre of the prison is one of the most important elements of the generalization of the panopticon in the panoptic mechanism as the cornerstone of the disciplinary society. Therefore, even accepting Weizman reflection that: «the aim of the terminal’s architecture is not to discipline the Palestinian passengers but rather to mislead them as to the effective source of power»²⁶⁷, and this is the reason why the Israeli officer is not visible behind his mirror, we argue that the disciplinary dimension in the OPTs-prison remains, given that controllers’ towers, represented by checkpoints and terminals infrastructures, remain and actually increase in number, rather than disappearing. If the internal

²⁶⁷ Ivi, p. 141.

architecture of the terminal is not integrally panoptical because the controller is neither visible nor verifiable, the very existence of the terminals produces visibility of the power without possibility to verify it in the Palestinian landscape as a whole.

Moreover, the author clarifies also another crucial point, as for as what he had defined in the previous quotation as the main terminal architecture's aim of misleading Palestinians:

Under the Oslo Accords, Palestinian were still, as before, subjugated to Israeli security domination, but encouraged to believe themselves as subjects of their own political authority. [...] This separation between the functions of direct discipline and indirect control no longer fits the theoretical narrative that presupposes an evolution from "disciplinary societies" to "control societies", and makes these two systems of domination coexistent as two components of a vertically layered sovereignty, which is here horizontally separated across the sides of the one way mirror.²⁶⁸

Here the author stresses that the creation of the Palestinian Authority and the delegation to it of administrative tasks about Palestinian civil matters does not correspond to a replacement of what we have called the disciplinary occupation-prison by a governmental system of power, but rather simply outsource those burdensome tasks and keeps in place the disciplinary apparatus. The horizontal separation of the vertically layered sovereignty, thus, coincides with the maintenance of Israeli sovereign control on the OPTs by continuing to complement it with disciplinary functions inherent to modern statehood, while freeing itself from the onerous governmental biopolitical and pastoral duties. Thus, the articulation of the hierarchical relationship between Israel and the PA is far more effective in furtherly consolidating the disciplinary apparatus as for as security issues and surveillance are concerned, than in creating a political body in which the authority that performs the governmental tasks is truly autonomous.

In order to make the disciplinary means represented by terminals and checkpoints effective on large scale and on the whole Palestinian population, their capillarity in the OPTs represented a *conditio sine qua non*. In this respect, the strengthening of the disciplinary dimension during the Oslo years is demonstrated by the number of obstacles to mobility established in this period, which amounted to 230 new checkpoints from 1994 to 1999, on which closure was imposed for a total of 499 days²⁶⁹. During this period, a crucial turning point is represented by the signature

²⁶⁸ Ivi, p. 145.

²⁶⁹ Ivi, p. 143.

of Oslo II, which institutionalized the territorial fragmentation of the West Bank by dividing it in the three areas. In this respect one aspect that it is important to stress is that every portion Areas A and B was surrounded by Area C, and terminals and checkpoints patrolled the borders between these areas. In addition to the establishment of such territorial division, Oslo II affirmed that Israel had the right to change the safe-passage regime for security motivations, this included the right to deny passage to Palestinians on individual basis as well as the total closure of checkpoints for indefinite periods of time.

While Oslo I focused on the control of movement from OPTs to Israel, hence on “external” closure, Oslo II by fragmenting the Palestinian space internally provided for an institutional framework to extend movement restrictions within the PA’s controlled areas, for example between Area A, completely controlled by PA in theory, and Area B where Israel officially maintained the control of security. In her article *Fragmented Space and Violence in Palestine*²⁷⁰, the researcher Anne Marie Baylouny describes the level of fragmentation of Palestinian territory derived from the division of West Bank and the complementary affirmation of Israeli security priorities under Oslo II:

Area A autonomous zones were limited by the fact of checkpoints upon entrance and exit, since all Palestinians are located within less than three miles of Area C. By the end of 1999, the PA was in control of over 200 small areas, most smaller than one square mile. Passage to or from them is controlled by Israeli military checkpoints. Border controls and physical barriers, such as trenches, electric fences, and barricades of sand, rock, or concrete, lie outside each of these areas.²⁷¹

The scholar Alison P. Brown in her study *The Immobile Mass: Movement Restriction in the West Bank*²⁷² focuses on the dimension of movement restrictions within the West Bank, particularly in rural zones that in most cases belonged to Area B. These movement restrictions within the OPTs, then, are understandable in our view as immaterial or material walls determining the extension of the Palestinian enclaves-prisons that we have analysed in the first paragraph of this chapter. Indeed, one of their most important purposes was to separate Palestinian and Israeli settlers’ communities, thus creating two differentiated systems in which

²⁷⁰ Baylouny, Anne Marie, *Fragmented Space and Violence in Palestine*, in *International Journal on World Peace*, September 2009, Vol. 26, No. 3, pp. 39-68.

²⁷¹ *Ivi*, p. 52.

²⁷² Brown, Alison P., *The Immobile Mass: Movement Restrictions in the West Bank*, in *Social and Legal Studies*, 2004, Vol. 13, No. 4, SAGE Publishing, pp. 501-521.

power relations worked in divergent ways, resembling the distinction between the space where members of the civil society live and the prison erected and spatially isolated within it:

Internal closure is an element of the “parallel universes”: the settler roads and settlements that now form a seamless whole with Israel, and the Palestinian areas, which are physically cut off from each other. Although the phrase “parallel universes” suggests two separate but similar networks, the Palestinian transportation system no longer functions as a network. The barriers are both physical and administrative. Because the old road network connects villages, roadblocks and checkpoints make through travel difficult.²⁷³

A key aspect that the author highlights is that, while the external closure between OPTs and Israel has been often analysed in disciplinary terms by referring to the management of the productive forces represented by Palestinian workers, as we have stressed in the second section of the second paragraph, the internal closure within the OPTs exposes that movement restrictions were put in place towards Palestinians in general, including the unproductive subjects in economic terms such as children, elderly and ill persons. This aspect characterizes the disciplinary tactics implemented by Israeli rule during the Oslo period as negative: discipline was not aimed at producing useful individuals, but at making them unproductive in order to prevent their political and economic autonomy, that were conditions for a true Palestinian independence. Referring explicitly to Michel Foucault’s thought elaborated in *Discipline and Punish*, Brown specifies that the disciplinary system established during the Oslo period is assimilable to the plague town where fragmentation of space and immobilization of people had the negative function of breaking the bonds and the contacts between the subjects, rather than to the panoptic society where discipline is generalized. The plague society maintains the physical character of the surveillance agents, represented in our case by Israeli military presence, checkpoints infrastructures and physical roadblocks, while the panoptic society is based on an internalization of the surveillance by every single individual without physical coercion. This observation is coherent with our analysis of the Israeli disciplinary system as not fully generalizable and the persistence of its institutionalized character during the first two decades of the occupation, now we can observe how in the Oslo period the intensification of disciplinary tactics and physical instruments, represented by the proliferation of movement restrictions, strengthens the institutional character of the OPTs-prison.

²⁷³ Ivi, p. 507.

Moreover, the unproductive character of the Israeli disciplinary system stressed by Brown, determined in most part by the high level of arbitrariness inherent to it, is also object of Hagar Kotef analysis' in the text mentioned in the previous sections of this work *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, where she explains that:

While at the concrete level of checkpoint's regular operation we have a self-failing mechanism, success is achieved at an external level from a perspective taking into account the entire regime of occupation and its modes of both operation and justification. It is precisely the local failure, which by means of the failure itself gives rise to the materialization of power as arbitrary.²⁷⁴

Kotef defines this dynamic as characteristic of what she calls «aberrant disciplinary (or subjectivation) processes»²⁷⁵, which are aberrant because instead of producing the unity of the subjectivity resulting from ordinary discipline, this one has the precise aim of undoing subjectivities of the Palestinians and turning them in «Occupied Subjects»²⁷⁶ characterized by their exclusion as non-citizens and “inclusion” as non-foreigners. An analogy can be individuated between this ambiguous condition of the Occupied Subject and the one of the detained, who is neither included in the social collective since he has broken the pact, but is not a foreigner as well, instead. The detainee is collocated in a power system, the prison, which has its foundation in the sovereign political unity and yet works differently from the exercise of sovereignty as a direct power in the society. The peculiarity of this occupied subjectivity is expressed by Kotef in these terms:

They form a single subject-position that can be characterized as being concurrently totally foreign to the law and immersed within it, thereby depriving the subject of the ability to be positioned in the (assumed) proper proximity between the individual and the law.²⁷⁷

The persistence of structural brutal violence, represented by episodes of open abuses at the checkpoints, emerges in Kotef's account and we can interpret it again as the permanence of a torture trace within the occupation-prison system of power. The fact that, according to Kotef, such eruptive violence is marginalized but still resurfaces in specific occasions reflects the

²⁷⁴ Kotef, Hagar, *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, cit., p. 35.

²⁷⁵ *Ivi*, p. 37.

²⁷⁶ *Ivi*, p. 38.

²⁷⁷ *Ivi*, p. 41.

dynamics for which in a disciplinary system the exercise of power forces on the body becomes generally less “physical” in its disruptive dimension, but without eliminating the reintroduction of sovereign grip on the bodies as frequent “exceptions”.

All these observations about the disciplinary character of the Israeli occupation-prison have been analysed in this work previously when we referred to the establishment of such system of power through Israeli territorial integration of the OPTs and the complementary creation of the Palestinian enclaves in the aftermath of the Six Days War. We have reposed them here, referring to academics that have analysed the specific effects of power produced by movement restrictions, to sustain our argumentation according to which the Oslo process has represented a phase of intensification of the disciplinary technology rather than a genuine peace effort leading to a real Palestinian autonomy.

The fact that such disciplinary strengthening has happened after the first Intifada is worthy of attention, at this point of our analysis. We have highlighted in the previous section that the chaos and the dangers generated by the escalation of tensions during the uprisings have pushed the Israeli government to enter negotiations with the Palestinian Liberation Organization. The disciplinary character assumed by such negotiations in the Oslo period, however, can be understood also by considering the relation between sovereignty and discipline. According to Michel Foucault discipline emerged as a set of power tactics aimed at supplying to the inefficiencies characterizing the sovereign penal system. These inefficiencies are represented, in Foucault’s *Discipline and Punish*, by the inversion of the convicted persons’s speech at the scaffold where he questions again the legitimacy of the sovereign power. Therefore, as Foucault explains:

And “reform”, in the strict sense, as it was formulated in the theories of law or as it was outlined in the various projects, was the political or philosophical resumption of this strategy, with its primary objectives: to make of the punishment and repression of illegalities a regular function, coextensive with society, not to punish led, but to punish better; to punish with an attenuated severity perhaps, but in order to punish with more universality and necessity; to insert the power to punish more deeply in the social body.²⁷⁸

According to Foucault, it is in this point that discipline emerged, as a concrete technology of power that allows to punish more efficiently. In this sense, after the huge demonstrations of extraordinary sovereign power done by Israel in militarily repressing the Intifada, a more

²⁷⁸ Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, cit., p. 82.

structured and effective ordinary oppression system, the disciplinary one, has been furtherly consolidated during the Oslo years.

However, effectiveness and efficiency if the Israeli system of power have not been achieved and resistance has not been totally repressed, as demonstrated by the outbreak of the second Intifada in 2000. Therefore, in the next section we will focus on the re-centralization of brutal sovereign tactics in order to deal with the emerged full scale armed resistance, whose activity had characterized, at a lower intensity, the Oslo period as well and was carried out by the groups that opposed the “peace” process.

2.3.3 Failure of Oslo and the Second Intifada: Recentralization of Sovereignty Technology

The deteriorating conditions under which Palestinians were living during the Oslo period, due to the proliferation of settlements and the security measures strengthened by Israel and embodied in the Oslo Accords, were exasperated by the indigenous people’s disillusion after having initially seen their hope of auto-determination as a goal achievable through the “peace” process to fade away. The divergence from the touted will to realize a transition to create a Palestinian State in the OPTs and the situation on the ground, resulted from the Israeli strategy of imposing unilaterally its conditions as for as the most important issues underlying the Palestine question and from the PA’s corruption and the paradoxical character of its collaboration with the Jewish State in the security domain.

The failure of the Camp David II summit in July 2000 reflected Israel’s intransigency expressed by the prime minister Ehud Barak’s resolution to negotiate a final agreement after the several interim ones and on the same time his failure in elaborating a real proposal characterized, for instance, by a clear and acceptable definition of borders. According to Salim Tamari and Rema Hammami in *Anatomy of Another Rebellion*²⁷⁹, the misunderstanding at the basis of Camp David II failure coincided with Israeli expectations that Palestinians would have continued to make major concessions against their interests, as occurred during the Oslo phase, and the actual PLO’s unavailability to do so in negotiations on a final settlement. Yasir Arafat initially did not even want to take part to the summit, given the extremely weak position of the Palestinians in negotiating having “full control” of 18% of OPTs territories only and shared

²⁷⁹ Tamari, Salim, Hammami, Rema, *Anatomy of Another Rebellion*, in Middle East Report 217, Winter 2000, Middle East Research and Information Project, <https://merip.org/2000/12/anatomy-of-another-rebellion/>

control of 22%. After US President Bill Clinton's pressures, the leader of the Palestinian Authority accepted.

The status of Jerusalem became one of the major contentious during Camp David II talks: when Ehud Barak proposed a division of the city's municipality, declaring himself available to accept Palestinian control of a part of it, he formulated such proposals in terms that resulted unacceptable for Yasir Arafat. Israel proposed to expand Greater Jerusalem up to the Etzion Bloc and to maintain the sovereignty on all the settlements that completely encircled the Holy City, the Arab areas of East Jerusalem would be divided in an outer ring under full Palestinian control and an inner ring which included the Arab quarter of the Old City under Palestinian limited autonomy and overall Israeli hegemony. As for as the holy site of Haram al-Sharif / Temple Mount, according to Tamari and Hammami, Israel proposed that Palestinians would control the surface of the site and Israel obtained the area below it. According to certain commentators, Arafat was not available to accept anything different from Palestinian control on the whole East Jerusalem. Israeli ambitious proposal concerning the Holy City and, on the same time, its unavailability to give up on the Jewish settlements and the infrastructures related to them, first of all the bypass road system, that divided territorially the West Bank in isolated areas, as well as the absence of an idea to resolve the decades-lasting Palestinian refugees question, led to the failure of the summit. When no final agreement was signed and Camp David II ended, US and Israel blamed the PLO accusing it of refusing peace.

The disillusion produced by this unsuccessful outcome and the exasperation of the Palestinians living in the OPTs encountered a spark that ignited the second Intifada when, on 28th September 2000, the Likud leader Ariel Sharon, accompanied by hundreds of soldiers, entered Haram al-Sharif / Temple Mount to affirm Israeli sovereignty on the holy site. The following day, a crowd formed by outraged Palestinian civilians protested against this provocation by rioting against the police and throwing stones against Jewish worshippers at the Wailing Wall. The participants to the manifestations experienced massive violent repression by Israeli armed forces, whose live ammunition provoked the death of seven Palestinians. These violent actions by Israel triggered full-scale revolts in West Bank and the Gaza Strip and the Israeli repression continued.

The diplomatic attempts to save the "peace" process despite the beginning of mass Palestinian revolts and acts of violence by armed Palestinian resistance as well as, on a major scale, by the Israeli army, inevitably failed. The US-sponsored Taba summit in January 2001 ended with Barak's refusal to sign the American proposal. After that, Ariel Sharon's victory at the March 2001 Israeli general elections definitely marked the end of the diplomatic path in the

Israeli-Palestinian context. Sharon opted for mass repression of the Palestinians, targeting both the armed groups and the civilian population with military raids and air-bombing, as shown by the account provided by Mark LeVine concerning the outcomes of Israeli actions during the first six months of the second Intifada, between October 2000 and April 2001: 500 Palestinians died (including 167 children), 14.000 were injured (including 6000 children), 559 buildings were destroyed as well as 900 acres of agricultural land, moreover, Israel had stopped to transfer to the Palestinian Authority of the tax money that the Jewish State collected from Palestinians. Meanwhile, during the uprising 88 Israeli civilians and 39 IDF soldiers had been killed, in most of the cases due to car-bombs Palestinians attacks carried out both in the OPTs and inside Israel²⁸⁰. At the end of the uprising in 2008, the number of deaths was around 6.600 (4.916 Palestinians and 1.100 Israelis)²⁸¹. One of the most important evidences of the end of the Oslo process coincided with the interruption of PA-Israel collaboration on security during the years of the second Intifada. Indeed, while during the second half of the 1990s Israel prompted the formation of a Palestinian “strong police” tasked with the repression of the armed resistance in OPTs, represented by Islamist groups such as Hamas and the Islamic Jihad, after September 2000 Fatah resorted to armed violence. Meanwhile, the Palestinian movement was experiencing a fragmentation process which ended up in the formation of several -based armed groups neither dependent on the PA nor on Islamist factions, especially in northern West Bank. As Rashid Khalidi reports, almost 40% of suicide bombings were committed by Hamas, 26% by Islamic Jihad and over 26% by Fatah (in particular by armed groups within the party, such as the Tanzim Forces), while the rest was carried out by minor Palestinian groups²⁸². In Tamari and Hammadi’s words the outbreak of the second Intifada represented the «Sudden transition from a seemingly sedate and routinized system of control to widespread violence»²⁸³. As we have mentioned, violence was used by both the parties in conflict, but with an impressive disproportion in outcomes derived from the destructiveness of the Israeli military apparatus in comparison to the deadly but still anti-strategical and asymmetric attacks by Palestinian armed groups.

Ariel Sharon, the Israeli prime minister from 2001 to 2006, was accustomed to the use of full-scale military violence against the Palestinians and had never shown intentions to find a

²⁸⁰ LeVine, Mark, *Impossible Peace. Israel/Palestine Since 1989*, cit., pp. 68-69.

²⁸¹ Khalidi, Rashid, *The Hundred Years’ War on Palestine. A History of Settler Colonial Conquest and Resistance*, cit., p. 213.

²⁸² Ivi, p. 214.

²⁸³ Tamari, Salim, Hammami, Rema, *Anatomy of Another Rebellion*, cit., <https://merip.org/2000/12/anatomy-of-another-rebellion/>

compromise aiming at ending hostilities. He had been platoon leader during the 1948 Arab-Israeli conflict, the Minister of Defense responsible for the Israeli invasion of Lebanon in 1982, had opposed the idea of negotiating with Palestinians during the Oslo process and, coherently, in 2001 took actions far from the logic of de-escalating the tensions on the ground that he himself had made to rise by entering Haram al-Sharif.

According to Ephraim Lavie's analysis in *Israel's Coping with the Al-Aqsa Intifada: A Critical Review*²⁸⁴ the second Intifada emerged as a grassroots uprising that, then, turned out into an armed conflict between the Israeli army and the groups forming the Palestinian armed resistance. At the basis of this shift laid IDF's failure in containing Palestinian protests from September 2000 to the beginning of 2001, then the election of Ariel Sharon led to the definition of Israeli efforts to counter Palestinian terrorism as a "limited conflict" to be fought by the Jewish State through establishing the situation on the ground via military actions in order to smash Palestinian resistance. These Israeli military operations were carried out without setting a distinction between the divisions within the Palestinian Authority, the specific role of Islamist armed group and the civilian population, whose support for armed groups increased proportionally to the disillusionment caused by the failure of the Oslo process and of the other rounds of negotiations in the early 2000s, such as Camp David II. IDF repressive actions had the counterproductive effect of demobilizing the civilian population and leaving the stage of the uprising completely to the Palestinian armed groups, thus determining an escalation of the violence and the radical difference from the collective civil resistant nature of the first Intifada. According to Lavie:

The price exacted of the Palestinians quickly led them to abandon the grassroots conflict and retreat into their personal space, while clearing the stage for armed activists from various nationalistic and Islamic groups, who were seen as standard bearers of the nationalist struggle and were awarded both popular moral and material support. A few weeks after the violence erupted, the escalating military dynamics transformed the uprising into an armed conflict. [...] As such, the civilian population stopped being an active partner in the violence.²⁸⁵

Israeli military and political circles defined the Palestinian resistance as an existential threat to the Jewish State and framed their military responses as a limited conflict aimed at smashing

²⁸⁴ Lavie, Ephraim, *Israel's Coping with the Al-Aqsa Intifada: A Critical Review*, in *Strategic Assessment*, October 2010, Vol. 13, No. 3, pp. 101-122.

²⁸⁵ *Ivi*, p. 104.

terror organizations, among which the PA's security apparatus, that no longer collaborated with Israel, was included. The Israeli military campaign's aimed shaping the situation on the ground accordingly to Israeli interests and included among its tactics military raids in Palestinian areas, sieges and closures of cities, curfews, targeted killings and arrests in OPTs. As Ephraim Lavie points out, the two central elements in Israeli approach during the second Intifada were the identification of military power as the only means to smash Palestinian resistance, and the lack of distinction between Palestinian armed fighters and the civilian population. These two principles informed Israel's Operation Defensive Shield, carried out in West Bank from 29th March to 10th May 2002, after a Palestinian attack in Israel that provoked thirty civilians' deaths. The major outcome of this Israeli military operation was the re-entry of IDF into the areas fully controlled by the PA under the provisions of Oslo II (Area A). Indeed, the operation started with an incursion into Ramallah and continued with military ground attacks against Bethlehem, Tulkarm, Qalwilya, Jenin and Nablus. When Operation Defensive Shield ended, IDF soldiers withdrew from the Palestinian urban centres and remained in West Bank strengthening their grip on the territory. However, the deterrent potential of Israel's military power resulted to be ineffective in breaking Palestinian resistance efforts, on the contrary the brutality of Israeli actions against the civilians strengthened the population's ideological support for armed violence. After two years in which Israeli leaders aimed at completely smashing Palestinian resistance with military means only, they acknowledged the impossibility of achieving this aim. However, Israeli narrative continued to sustain that a political solution to the situation was not possible due to the absence of a Palestinian interlocutor for peace. The result of these considerations assumed by the Israeli leadership, namely that the existential enemy had not been totally defied and that diplomacy was not viable, has been the prolonged use of military means in a never-ending conflictual framework and the parallel intensification of the pervasive oppressive measures in the OPTs.

Beyond the chronicle on the facts that occurred between the end of the Oslo process and the outbreak of the second Intifada, we can notice an important political-strategic shift in the technologies of power configuration informing Israeli actions in this period. A recentralization of the sovereignty technology occurred, symbolised by the definition of the confrontations during the uprising as a "limited conflict" to be carried out with military means, as stressed by Ephraim Lavie, and the identification of the Palestinians as a whole as an existential threat due to the lack of discern between armed groups and civilians. In this context, occurs a further nuancing of the distinction between the sovereign armed justice as a technology of power informing penalty and the prison system, discussed by Michel Foucault in *Discipline and*

Punish, and the exercise by the sovereign of the prerogative to apply the concept of the political to identify the existential enemy that must be destroyed analysed by Carl Schmitt. This is not to say that the disciplinary dimension aiming at preventing insurgent actions by Palestinians through pervasive control, fragmentation of spaces and communities and punishment and rewards tactics disappeared in the Israeli-Palestinian political field. On the contrary, it has intensified as demonstrated by the proliferation of checkpoints, roadblocks and movement restrictions in West Bank during the years of the second Intifada: according to OPT OCHA Palestine Monitor²⁸⁶ 600 obstacles to mobility (permanent checkpoints and roadblocks) have been erected by Israeli authorities in the West Bank between 2000 and 2009, thus impeding free movement for Palestinian on 74% of the roads in the area. The aberrant character of the discipline that Israel has imposed for decades to the Palestinians appears to intensify alongside the recentralization of sovereignty technology and the conflictual framework of fighting the existential enemy that has occurred since the second Intifada. Such aberrant character exalts the negative-repressive feature of discipline, while calculating the failure of achieving the productive purposes associated with the “traditional” discipline described by Michel Foucault.

Nowadays the configuration of these two technologies of power has reached an extreme level of complexity in the contemporary Israeli-Palestinian political field, characterized by the isolation of the Gaza Strip after the Israeli disengagement in 2005 and the imposition of the blockade in the aftermath of Hamas’ victory at the 2006 elections. Towards Gaza, nowadays, only sovereign war against the existential enemy informs Israeli military and bureaucratic policies. On the other hand, for the people living in West Bank, the intensification of aberrant disciplinary measures is a two decades-lasting process, which occurs alongside the ongoing Israeli efforts of *de facto* annexing land by expanding settlements construction.

After having analysed, in this chapter and in the previous one, the genealogical-historical path through which the contemporary Israeli-Palestinian political field has been shaped until the outbreak of the second Intifada and having tried to understand this process under a political-philosophical perspective based on the use of Carl Schmitt’s and Michel Foucault’s key operational concepts, we will continue, in the next chapter, to provide an account of the trajectories of power and their material effects in the past two decades.

²⁸⁶ <https://reliefweb.int/report/occupied-palestinian-territory/opt-another-day-israeli-checkpoint>

Chapter III

Contemporary Israeli-Palestinian Political Field: Sovereign Separation and Apartheid System

3.1 Reshaping the Political Field: Israeli Separation Strategy and The Partial Reconfiguration of Power Technologies

Starting from the reflection expressed in the last section of the previous chapter about the recentralization of the sovereignty technology by Israel in the early 2000s, in the context of the second Intifada, in this third chapter our aim will be to analyse the tactics of power implemented by Israel under this trajectory and their material outcomes in the Israeli-Palestinian political field. In the first paragraph we will focus on the conceptual foundations and material reasons of the Israeli strategies also by referring to Michel Foucault's analysis of racism. Beginning with its evolution from the "conflict between races" characterizing the pre-modern period to a modern State's way to self-guarantee the exercise of the sovereign "right" to murder, in a context where the biopolitical technology of power sets the reproduction of life as a priority of the ruler, ending with a re-centralization of the principle of war oriented to the total destruction of the enemy in the modern version of the war between the community of friends (the State) and the expelled foreigners. The reasons for the interpretation of the Israeli separation strategy, namely the disengagement from Gaza, as intrinsically a unilateral sovereign act of separation rather than as a peace-oriented attempt will be explained by integrating the on the ground reality with the ideology that informs the Zionist thought and the State of Israel's rationale since their very foundation. The fact that the demographic "problem" of preserving Israel as a Jewish State represented the main motivation prompting Ariel Sharon to withdraw Israeli forces from some areas of the OPTs reflects, indeed, the intrinsic exclusionary character of these historical developments in the Israeli-Palestinian political field. In the West Bank, instead, where such sharp separation has not been realized, Israeli racism continued to function in the framework identified by Foucault as a power mechanism that produces a division within a population under the State's rule in which a part, the "inferior race", is excluded from the beneficiaries of the governmental-biopolitical State's functions but remains subject to that same State's sovereign rule. In this sense, therefore, the State exercise the sovereign "right" to make the "inferior race" to die and carries out the governmental-biopolitical duty of making the "superior race" to live.

Given the different status of the Gaza Strip and the West Bank both in the Zionist perspective and on the ground, the outcomes of the emerging separation strategy turned out to be different in these two regions. Complete disengagement and expulsion from the Israeli political system of the Palestinians in Gaza will shape the Israeli-Gazan relations in terms of purely sovereign murdering tactics, resulting in the provocation by Israel of both direct and indirect death of Palestinians in Gaza, dealing with the violent warfare actions-reactions from the Palestinian armed groups in the Strip. On the other hand, the capillarity of the Israeli rule and territorial integration of the West Bank will shape the context in this territory as a thanatopolitical apartheid system characterized by a complex arrangement of power relations between the Israeli occupier, the Palestinian occupied people and the settler population of Israeli citizens. These aspects will be analysed in the second paragraph of this chapter.

After having conceptually analysed this process of re-configuration of the sovereign and disciplinary technologies of power and highlighted the different destinies that it has implied for the Gaza Strip and the West Bank respectively, in the following paragraphs of this chapter we will analyse in depth these two distinguished realities and the power relations operating within these contexts.

3.1.1 Persistent Israeli Demographic “Problem” and the Disengagement Plan

The historical moment when the Israeli prime minister Ariel Sharon’s disengagement plan has been elaborated and carried out, namely during the second Intifada, has suggested to many observers that the interpretation of it as resulting from the pursuit of security needs was the best framework to analyse this historical event. On the contrary, we will focus on academic literature that identifies the demographic factor and the burden of continuing the occupation of the totality of Palestinian territories as the major reasons prompting Ariel Sharon and several other Israeli politicians to revise their Revisionist positions, which initially aimed at realizing Greater Israel. In this respect, according to Jonathan Rynhold and Dov Waxman in their work *Ideological Change and Israel’s Disengagement from Gaza*²⁸⁷, after the peak of terrorist attacks against Israeli targets in early 2002 and the following Israeli army’s operations in West Bank in spring and summer that year, the Palestinian armed groups’ attacks declined: the reduction amounted to a decrease by 30% of the number of terrorist actions in 2003 and by a further 50% in 2004, while the percentage of Israeli casualties was –50% in 2003 and further –30% in the following

²⁸⁷ Rynhold, Jonathan, Waxman, Don, *Ideological Change and Israel’s Disengagement from Gaza*, in *Political Science Quarterly*, Vol. 123, No. 1, pp. 11-37, (Spring, 2008), Oxford University Press.

year²⁸⁸. Moreover, the parallel beginning of the construction of the apartheid wall which divides Israel from the West Bank was considered by many, and first of all by the Sharon government, as one of the key factors that caused the decline of Palestinian attacks in Israeli territory. Thus, the question about why disengagement has been proposed and conducted even after having constated and reclaimed the success in security terms of the wall would remain open, if we decided to ignore other important political reasonings underlying the beginning of what we will call the Israeli separation strategy. Such political reasonings rather than being based on guaranteeing security to Israeli people, focused on the longstanding Israeli demographic “problem”. As we have stressed when we have analysed, in the second chapter, its role in shaping the Israeli occupation-detention policies in the OPTs, such demographic “problem” derived from the contradiction between the pursuit of Greater Israel through the increase of settlements in Palestinian land, on the one hand, and the unacceptability, under Zionist premises, of granting citizenship to Palestinians because it would have destroyed the Jewish majority in Israel and turned it into a bi-national state, on the other hand. In the early 2000s, in addition to the persistence of such paradox, after the experience of two Intifadas and the witnessing of increasing armed violence used by new actors, such as Hamas, in the Palestinian resistance movement, the constatation of the difficulty of eradicating indigenous resistance by disciplining the Palestinian people presented to the Israeli leadership the reality of the occupation as a burden to Israel in security and economic terms, that on the same time exasperated the demographic dilemma. If Israel, at the end of the day, could deal with the “burden of occupation” by relying on its strong military power, by setting up a disciplinary occupation-prison system characterized by torture traces, such as individual and collective punishment and administrative detention, and by reinforcing the prison walls through the building of new infrastructures such as the apartheid wall, on the other hand for the demographic problem there was no solution other than territorial disengagement aimed at breaking the political links between Israel and the Palestinians. The focus on Gaza of the Disengagement plan was coherent with the demographic reality on the ground, indeed in 2005 there were 1.375.000 Palestinians and 8000 Israeli settlers living in the Strip, as a consequence, as Rynhold and Waxman point out: «Withdrawing from Gaza would, therefore, automatically ameliorate Israel’s demographic situation»²⁸⁹. Moreover, the imbalances between the Palestinian and Arab Israeli growth rates, on the one hand, and the Jewish Israelis one, on the other, projected a scenario of erosion of the Jewish majority in the whole historical Palestine,

²⁸⁸ *Ivi*, p. 29.

²⁸⁹ *Ivi*, p. 23.

that is to say in Israel, West Bank and the Gaza Strip. Under the pre-disengagement status quo the Jewish majority in Israel would have decreased from 78% to 69% by 2050 and from 53% in 2002 to 26%-35% in the whole historical Palestine in the same period, according to a demographic study conducted by the demographer Sergio de la Pergula and quoted by As'ad Ghanem, Mohanad Mustafa and Salim Brake in *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*²⁹⁰. The demographic “problem” as the determinant reason of disengagement has not been only theoretically deducted by analysts and academics, but was the specific motivation expressed by Sharon and the leadership of his party Kadima in order to justify the ceding of land, an action which was defined as extremely painful since such Israeli leadership still claimed Gaza and the settlements in West Bank to be evacuated as parts of the historical “Erez Israel”.

The “solution” of the paradox emerged in 1967, which has problematized Israeli politics for almost forty years, in favour of giving up on previously conquered land in order to maintain Jewish supremacy is worthy of reflection. Far from being an illogical decision, the disengagement plan actually reflected the most primordial characteristics of the hegemonic currents within Zionist thought²⁹¹. As we have analysed in the first chapter of this work, indeed, Zionism has historically developed as the political movement pursuing the priority of establishing a Jewish State. In Zionist foundational texts the references to Jewish ethnicity and to the need of giving to it a political unity, ensuring in this way an uncontested sovereignty of the Jewish people, are far more numerous and relevant than the specific focus on Palestinian land. As we have mentioned, Leo Pinsker explicitly warned Zionists of the necessity to consider as a priority the feasibility of the Zionist project in a given territorial context, rather than the religious or ancient historical links between Jews and Palestine. Similarly, Theodor Herzl considered the establishment of the Jewish State in Argentina or Rwanda as valid options, while the decision by the World Zionist Organization to engage in practical Zionism, prompting settler colonization, and to focus on Palestine only was taken after the death of its founder and leader. Of course, during the XX century the bonds between Zionist and Israeli people and the land of Palestine, deemed as “Erez Israel”, deepened and strengthened. Rampant settlement activity during the Israeli State-building process and after the Six Days War, through State-led plans

²⁹⁰ Ghanem, As'ad, Mustafa, Mohanad, Brake, Salim, *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*, Routledge Taylor & Francis Group, Milton Park and New York 2019, p. 69.

²⁹¹ For an analysis of the ideological links between the Disengagement plan and early Zionist territorialist thought see Lewin, Eyal, *The Disengagement From Gaza: Understanding the Ideological Background*, in *Jewish Political Studies Review*, Jewish Political Studies Review, Spring 2015, Vol. 27, No. 1/2 (Spring 2015), Jerusalem Center For Public Affairs, pp. 15-32.

and the central role assumed by the settler movement in the Israeli socio-political arena, posed the land first of all as the major reason of conflict and contention with the Palestinian indigenous people. In this context, the exclusionary character of the Zionist project did not fade away once the goal of the creation of Israel was achieved, on the contrary, it paved the way for the engineering of sophisticated and oppressive systems of power that we have analysed in the second chapter of this work. Yet, such sophisticated systems proved to be unsuccessful in reaching their utopian-dystopian aim of erasing the presence of the indigenous forces. Therefore, when the recurrent question that has characterized the very beginnings of Zionism and the history of Israel – “Palestinian land or Jewish supremacy?” – re-emerged again, the answer of the Israeli government turned out to be much more similar to the original Zionist thinkers’ reflections than to the historical settler colonial path specifically focused on Palestinian land that Zionism and Israel have followed for more than a century. This is not to say that settler colonialism and practical Zionism are in conflict with early Zionist thinkers’ instances, rather they have represented the concrete processes through which the projects of the latter have been materially realized. What we wanted to highlight by referring to the Zionist ideological foundations in order to understand the logic underlying the Disengagement plan is that the latter represents an expression of a lower attachment to the Palestinian land, or portions of it, in comparison to the attachment to the idea of an exclusively Jewish State. In other words, looking at demographic data, Israeli leadership preferred to alienate a part of “Erez Israel” than accepting the idea of living side by side, as equals, with another people. The policy paper published by the Israeli think tank Reut Institute in 2004 about the goals and desirable implementation strategies for the Disengagement plan, for instance, clarifies that:

The forces that advance the One-State Threat have been pushing for a “Moment of Inversion Toward Palestinian Statehood” (“Moment of Inversion), the point when the formal Palestinian position would change from demanding a right of self-determination in an independent Palestinian State to demanding equal political rights, premised on the principle of one-person-one-vote, within a single political entity in “Mandatory Palestine”, i.e. in “Israel-Proprietary”, the Gaza Strip and the “West Bank”, where non-Jews would be a majority.²⁹²

Consequently, one of the fundamental and wished impacts of Disengagement would be:

²⁹² Reut Institute, *Impact of the Disengagement Plan on the One-State Threat*, Reut Institute, Tel Aviv 2004, p. 6.

Differentiating between the political status of the Gaza Strip and the West Bank, complicating the efforts to realize the One-State Solution.²⁹³

An objection to this interpretation could be that after more than fifty years of conflict the decision of separating from Palestinians was about self-defence and protection from Palestinian attacks rather than Jewish supremacy. This objection, however, does not reflect the rationale explicitly exposed by many Israeli supporters of disengagement, represented for instance also by the professor Arnon Soffer, who presented a paper on the topic as soon as Sharon took office in 2001 explaining that: «The absence of disengagement means the establishment of an Arab majority, and consequently the end of the Jewish State of Israel»²⁹⁴. We can argue, then, that the separation strategy adopted in the early 2000s represents the Israeli awareness of the priority to guarantee the Jewishness of the State, which intrinsically reflects its exclusionary character. In this sense, indeed, we will analyse in the third paragraph the disengagement from Gaza as a total form of exclusion resulting in the subjectivation of the Gazan Palestinians as foreigner enemies rather than incorrigible detainees.

In 2005, however, the priority attributed by Sharon to the demographic aspect conflicted with the opposition of the hawkish members of the Likud party²⁹⁵, of other rightist political forces in the Knesset and of the Messianic settler movement. Settlers and their political representatives refused any instance of separation from the Palestinians which implied the risk of losing land, their opposition was directed first of all to the disengagement plan, but also to the project of building the apartheid wall. The settlers were, indeed, horrified by the idea of being relocated away from their settlements and by the eventuality that the wall between Israel and West Bank could become the final border of the former, thus renouncing to the Judaization and the future formal annexation of the West Bank, considered by them as “Judea” and “Samaria”. Yet, despite internal opposition by the far-right and the settler movement, Sharon succeeded in implementing his plan, thus inaugurating the new Israeli political trajectory consisting in the separation strategy.

In concrete terms, the disengagement plan provided for the withdrawal of settlers and Israeli soldiers from the Gaza Strip, but Israel would have remained in control of the Gazan border

²⁹³ Ivi, p. 1.

²⁹⁴ Ghanem, As'ad, Mustafa, Mohanad, Brake, Salim, *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*, cit., p. 69.

²⁹⁵ The divergences between the vision of Ariel Sharon and the position of large sections of the Likud Party, indeed, led the prime minister to found a new party, Kadima, composed by supporters of the disengagement plan.

with Egypt as well as of Gazan territorial sea and the other borders with Israel²⁹⁶. Moreover, the withdrawal, theoretically, would have interested also 42% of the West Bank, but the settlement blocs close to the Green Line would have been expanded, furtherly connected to each other and annexed to Israel, and the Jewish State would have maintained the control of the Jordan Valley, still considered its “security border”, in order to prevent Palestinian unrestricted access to Jordan. Actually, only four of the six settlements in northern West Bank listed in the original versions of the disengagement plan were evacuated (Kadim, Ganim, Homesh and Sa-Nur) due to their non-strategic geographic position distant from the agglomerates of several settlements closer to the Green Line. In the Gaza Strip, 21 settlements as well as all the Israeli military facilities were evacuated and demolished. Exactly due to the fact that disengagement focused on the Gaza Strip and on the same time implied the strengthening of Israeli military rule in large areas of the West Bank, up to prospect a future *de jure* annexation of them, and the continued Israeli control of its borders, it has been often argued that Sharon set up a strategy to direct settlement efforts in West Bank by giving up on Gaza. Ariel Sharon insistence on the idea that disengagement did not mean Israeli acceptance of the Palestinian claim to realize the two-state solution on the basis of the pre-1967 borders, then, was not only rhetoric used by the prime minister in order to appease internal opposition, but a sincere declaration of intentions to thicken the control on the West Bank.

On the land to be conceded to Palestinians, the Israeli plan formally envisioned the possibility to create a Palestinian “State” led by a weak government, de-militarized and unable to control its borders. This scenario for the future of an “autonomous” Palestinian polity was, in 2005, nothing really different from the several Israeli proposals about the realization of a Palestinian oppressive and colonially-controlled “autonomy” advanced in the aftermath of the Six Days War by Levi Eshkol’s government, in the period preceding the Camp David Summit I by Menachem Begin and during the Oslo “peace” process by Israeli negotiators. As Ghanem, Mustafa and Brake highlight:

²⁹⁶ The control of the Rafah crossing with Egypt was formally transferred by Israel to the Egyptian authorities in September 2005 with the Philadelphia Accord. Under the provisions of this accord, on the border would have been deployed only Egyptian soldiers, not Israeli ones, however the activities of the former had to be coordinated with the Jewish State. Thus, Israel maintained indirect control of the border. Moreover, in November 2005 Israel signed the Agreement on Movement and Access with the Palestinian Authority allowing for the passage of people and goods, but the entrance of people in the Gaza Strip remained conditioned by Israeli approval.

This vision implied ceding control over densely populated Palestinian areas to a PNA and entailed the removal of Israeli settlements and military structures. As such, Israel would not object if these enclaves were called a “Palestinian State”.²⁹⁷

If, therefore, the disengagement plan did not represent the proposal of a new general scenario for all the Palestinians living in the occupied territories, given that in West Bank in particular they would have continued to be detained in fragmented enclaves controlled by Israel, the novelty represented by this plan should be identified in the differentiation of the systems of power that Israel was willing to establish respectively in West Bank and in the Gaza Strip. The hint of separation from the Palestinian people and land in West Bank, represented by the dissection-annexation-apartheid wall, far from being an Israeli surrender on the settlement project, turned out into being a reinforcement of the sovereign-disciplinary rule at the basis of the occupation-prison system established in the previous decades. As mentioned before in this work, in 2002 the previously “immaterial” wall of the OPTs-prison started to be built as a concrete, material wall. Under these premises, in the next paragraph, we will analyse the degree of continuity characterizing the sovereignty-discipline configuration of power technologies informing Israeli practices in West Bank in the past twenty years. A completely different analysis, instead, has to be conducted as far as the Israeli relationships with the Gaza Strip and its inhabitants are concerned. Here, a complete reconfiguration of power technologies occurred, whose major expression was represented by the full accomplishment of effective separation through disengagement.

Moreover, the novelty represented by the separation strategy expressed in the Disengagement plan can be grasped also considering the distancing by Sharon and his government from the approach that Israel had assumed since the early 1990s during the Oslo period. Indeed, if the peace-oriented character of Israeli posture during the Oslo negotiations can be discussed, as we did in the second chapter, the idea of a unilateral action of withdrawal from a territory, which includes the maintenance of control on its borders, as a step towards peace is even more difficult to sustain. As the scholar Faiza Rais highlights:

The separatists do not desire a co-existence or peace with the Palestinians or ethnic cleansing but rather a physical barrier between themselves and the latter to “get rid the the

²⁹⁷ Ghanem, As’ad, Mustafa, Mohanad, Brake, Salim, *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*, cit., pp. 73-74.

Palestinians”. The advocates of the separatist ideology, have at times been erroneously assumed to be representatives of the peace camp.²⁹⁸

According to Rais, the fundamental aspect that makes disengagement and peace efforts to contradict each other is the unilateral character of the former in opposition to the bilateral necessities of the latter. In the next section, therefore, we will analyse exactly the unilateral fashion of Israeli positions in the post-Oslo period as a fundamental expression of the re-centralization of the sovereignty technology that has re-shaped in particular the Gazan-Israeli dimension of the Israeli-Palestinian political field.

3.1.2 Unilateral Sovereign Separation and the Exclusion-Confinement of the Gaza Strip

Several academics, human rights activists and journalists are used to define the Gaza Strip as an “open air prison”, intending the siege of this territory from 2007 on as an imprisonment of the 2.3 million people living there. Without contesting these claims as a whole, our attempt in this section will be to focus on another and complementary aspect that the confinement of Palestinians living in the Strip presents, that is their exclusion from the Israeli-ruled system of power that has dominated exhaustively the OPTs from 1967 to 2005. In order to analyse from a philosophical political perspective the differences between the sovereign-disciplinary prison paradigm, that we have outlined in the second chapter as the prevailing model being maintained in West Bank, on the one hand, and the new reconfiguration of power technologies shaping the reality of the Israeli-Gazan relations from Disengagement, it is useful to reflect about Michel Foucault’s identification of the different patterns used to deal with leprosy and plague in *Discipline and Punish. The Birth of the Prison*:

If it is true that the leper gave rise to rituals of exclusion, which to a certain extent provided the model for and general form of the great Confinement, then the plague gave rise to disciplinary projects. [...] The leper was caught up in a practice of rejection, of exile-enclosure; he was left to his doom in a mass among which it was useless to differentiate; those sick of the plague were caught up in a meticulous tactical partitioning in which individual differentiations were the constricting effects of a power that multiplied, articulated and subdivided itself; the great confinement on the one hand; the correct training

²⁹⁸ Rais, Faiza, *The Gaza Disengagement Plan: An Assessment*, in *Strategic Studies*, Spring 2006, Vol. 26, No. 1 (Spring 2006), pp. 50-78, Institute of Strategic Studies Islamabad, p. 67.

on the other. The leper and his separation; the plague and its segmentations. [...] The exile of the leper and the arrest of the plague do not bring with them the same political dream.²⁹⁹

We argue that exclusion, rejection and exile-enclosure are the framework through which it is possible to understand Israeli attitudes towards the Gaza Strip and the people living there since Disengagement. Great Confinement, rather than aberrant disciplinary detention, represents the archetype of Gazans' conditions from 2005 on. What we have identified as the Israeli separation strategy which expresses the "new" configuration of power technologies informing the Israeli system of rule on the Gaza Strip since the early 2000s, then, is only relatively "new" and, actually, essentially old. It represents a step "back" in the non-chronological history of power relations characterizing a new phase that shapes the Israeli-Palestinian political field. Instances of total exclusion, different from the exclusion-inclusion through the OPTs prison system still determining the reality in West Bank, have been expressed by Ariel Sharon and his supporters in the discourses explaining the necessity, from an Israeli point of view, of disengagement and its purpose, as Ghanem, Mustafa and Brake highlight:

The Israeli leader added that the disengagement plan "would counter allegations concerning Israel's responsibility for the Palestinians in the Gaza Strip". [...] After accomplishing the Gaza Strip withdrawal "there would be no basis for allegations that Gaza Strip was an occupied area".³⁰⁰

Reflecting on the above quoted Ariel Sharon's statements, despite international law and community have continued to identify the Gaza Strip as part of the Occupied Palestinian Territories, from a conceptual point of view we can agree that since 2005 the Strip has not been an occupied area anymore, as for as Israeli occupation of Palestinian territories and imprisonment of Palestinian people have functioned in the previous thirty-eight years. Through disengagement, Israel has turned Gaza from an occupied into a besieged area. By denying any responsibility towards the Palestinians, while keeping them in great confinement through the ongoing control of borders, the Israeli army and government have expressed at the maximum level what Michel Foucault calls the "rituals of exclusion" informing sovereign States' way of dealing with leprosy. Here, then, lies the political meaning of the Israeli separation strategy

²⁹⁹ Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, cit., p. 198.

³⁰⁰ Ghanem, As'ad, Mustafa, Mohanad, Brake, Salim, *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*, cit., pp. 74-75.

implemented in Gaza and not in West Bank: absolute rejection and total exclusion, that is to say the re-affirmation of a sharp dichotomy between “inside” and “outside” that the Israeli disciplinary occupation practises had nuanced in the previous four decades. Again, the difference between the besieged-excluded Gaza Strip and the disciplinary-ruled West Bank emerges in the different ways of application of power on the Palestinian people in these two contexts, in Michel Foucault’s terms: «The first is marked; the second analysed and distributed»³⁰¹. By asserting that Israel has no kind of responsibility towards the Palestinians in Gaza, Ariel Sharon was abdicating at the task performed by occupier-prisoner authorities of straighten out more and more the Palestinians in Gaza through the mixture of sovereign and disciplinary tactics that we have analysed in the second chapter. The point was not to discipline them in order to make them less dangerous, as in West Bank, but to mark them as absolute others and total outsiders. The maintenance of Israeli control on Gazan borders, territorial sea and airspace rather than being elements suggesting the continued inclusion of the Gaza Strip in the Israeli-ruled system of power, represented a warfare strategy against an exogenous enemy. Siege characterizing the war against the expelled foreigner enemy, rather than occupation, is the concept useful to describe Israeli practices against Gaza since 2005.

Why have we chosen to apply the Foucauldian metaphor of the leprosy to our analysis of this emerging dimension of the Israeli Palestinian political field? Of course, the reason is not that we intend the Palestinian people living in Gaza as affected by an incurable illness. Rather, it was the Israeli view of the demographic weight represented by the 1.3 million of Gazans that portrayed them as a threat to the Jewishness of the Jewish State. As Foucault points out, indeed, the purpose of excluding the leper is to preserve a «pure community»³⁰², which in Zionist terms intrinsically means a Jewish one. However, it is important here also to stress the divergences between our operational use of Foucauldian concepts and the trajectory assumed by Foucault’s thought in *Discipline and Punish. The Birth of the Prison*. In his text, Michel Foucault explains the functioning of the exclusion of the leper as a premise to analyse the increasing interconnection and complementary implementation of sovereign expulsion and disciplinary distribution in the modern age, which produce as their main effect the efficiency of the normalization function. As Foucault stresses, indeed, during the evolution in the implementation of modern power technologies the exclusion of the lepers and the distribution of the plague-ill people integrated to each other, up to the point that the excluded-lepers were increasingly individualized, but on the same time the individualization in general was used to

³⁰¹ Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, cit., p. 198.

³⁰² *Ibidem*.

determine exclusions of the abnormals³⁰³. We sustain that this dynamic described by Michel Foucault is identifiable in the sovereign-disciplinary prison system established in the OPTs since 1967 and preserved in West Bank after 2005, but dismantled in the Gaza Strip after disengagement. In this sense, the Israeli-Palestinian political field and in particular the Israeli-Gazan dimension included in it represent, one more time, a historically-determined exception in the general trajectory of the configuration of power technologies. This is the reason why we have defined the Disengagement from Gaza as a reconfiguration of the sovereignty-discipline technologies. An anachronistic reconfiguration, we should add, since it re-establishes the absolute prevalence of sovereignty over discipline, that is an unprecedented event in the history of the Israeli-Palestinian political field since the creation of the State of Israel. If Michel Foucault in his masterpiece analyses the convergence of sovereignty and discipline characterizing the modern age, in our analysis of the developments in early 2000s in the Israeli-Palestinian political field, on the contrary, we individuate in the case of Gaza a divergence between them.

At the end of the previous chapter and at the beginning of this one, we have remarked that we intend such political-strategic developments as a process of recentralization of the sovereignty technology in the Israeli-Palestinian political field. Therefore, we will now analyse how, in our interpretation, the exclusion-confinement of the Gaza Strip represents first of all a further affirmation of sovereignty, rather than a partial “retreat” of it, as instead many commentators opposing Disengagement have sustained.

The first element that prompts us to interpretate Disengagement as an affirmation of Israeli sovereignty is represented by its unilateral character. According to many analysts who focus on the post-Oslo Israeli positions towards the Palestinians, Disengagement meant the stop of peace efforts based on negotiations and an Israeli detachment from the Road Map for Peace plan proposed by the Quartet composed by United States, European Union, Russia and the United Nations in 2003, which relied on assumptions similar to the ones of the Oslo process, that is to say it had an interim character, it was multilateral and oriented towards the two-state solution³⁰⁴. As Faiza Rais highlights:

³⁰³ *Ivi*, p. 199.

³⁰⁴ For a further analysis of the incompatibility between the Israeli Disengagement Plan and multilateral initiatives such as the Roadmap Peace Plan, as well as the detrimental effects of the former on peace efforts see also Hollinder, Brandon, *The Israeli Disengagement Plan: Unilateralism in the Face of Multilateral Agreements*, in *Human Rights Brief*, Vol. 13, Issue 1, pp. 17-20, American University Washington College of Law, Washington 2005.

In essence, the meaning of the Gaza Disengagement Plan lies in its digression from the Roadmap Peace plan. The Roadmap calls for a negotiated settlement and outlines the participation of both sides to that end. The Disengagement Plan, on the other hand, is in essence a unilateral measure not requiring negotiations with the Palestinians. In the text of the Plan, the perception of there being no suitable Palestinian partner to negotiate peace with is incorporated as a basis for the Plan.³⁰⁵

The absence of a peace-oriented reasoning underlying the Disengagement plan and its unilateral character, then, allow us to interpret this Israeli decision as a sovereign act determining a state of exception. In analysing the concept of the political as the fundamental assumption of sovereignty, Carl Schmitt attributes to the state of exception, which is war, the definition of an extreme level of separation in which the Other-foreigner is identified as an existential enemy³⁰⁶. In other words, the higher are the level and intensity of separation, the stronger is the conflictuality inherent to it, in philosophical political terms, and more determinant is the exercise of absolute sovereignty in this context. The fact that Disengagement did not represent an effort to make space for the creation of a peaceful relation with a sovereign Palestinian neighbour in Gaza is demonstrated by the Israeli premise according to which one of the reasons of the separation was that, in its perspective, there was no Palestinian partner for peace.

The second element according to which we define Disengagement as an act that intensifies the affirmation of Israeli sovereignty is represented by the idea that the plan would have determined the final borders of Israel. Unilateral definition of the borders of the territory within which the sovereign guarantees the preservation of the normal *status* is an essential function of sovereignty. It is true that, as we have explained by analysing the Israeli State-building process with Schmittian lens, the most common pattern of borders definition is land appropriation through conquest and colonization. However, given the singular genealogical derivation of Israeli sovereignty through settler colonization, in which land appropriation is structurally illegitimate and continuously delegitimized by indigenous presence, we witness here a peculiar dynamic for which the strengthening of such sovereignty occurs through alienation of land. Moreover, we should not forget that a fundamental part of the sovereign definition of borders expressed in the Disengagement Plan included the formal annexation of a large portion of West Bank, where the settlements close to the Green Line were located. Therefore, we should not

³⁰⁵ Rais, Faiza, *The Gaza Disengagement Plan: An Assessment*, cit., p. 64.

³⁰⁶ Schmitt, Carl, *The Concept of the Political*, cit., p. 26.

interpretate Disengagement as surrender of land only, but as a complex operation of *de jure* land appropriation (in West Bank) that required *de jure* and *de facto* land alienation (in the Gaza Strip). In addition, another important aspect is needed to be highlighted in order to understand the counter-intuitive idea that ceding parts of occupied land could be an affirmation of Israeli sovereignty. This aspect refers to the distinction between land appropriation as a foundational process inherent to the creation of a new *nomos* and those cases of land appropriation and conquest that do not determine a new *nomos*³⁰⁷, that we have discussed in the first chapter of our thesis. On the basis of this distinction, for instance, we have interpreted the Israeli territorial gains in the 1948 Arab-Israeli conflict as a conquest that completes the land appropriation process resulting in the founding of a new *nomos*, represented by the creation of the State of Israel as a new sovereign entity. The Six Days War of 1967, on the contrary, should not be analysed in an analogous way: as we have stressed in the second chapter, it was an expansionist war, which is something different from a conquest performing a constitutional function. In this sense the outcomes of the 1967 Arab-Israeli war, namely the occupation of the remaining Palestinian territories after Naqba and the assumption of an hegemonic role by the revisionist ideology of pursuing Greater Israel, were something on which Israel could give up without threatening the premises of its sovereign status. In synthesis, if it is true that the creation of a new *nomos* necessitates land appropriation, it is not true that the preservation of such *nomos* cannot pass through the alienation of land conquered in expansionist enterprises.

Finally, another argument is useful to understand the two aspects that prompt us to define disengagement as a sovereign decision different from modern disciplinary imprisonment and more similar to another kind of exclusion, the confinement, which on the basis of the intensified otherness of the excluded and their resistant efforts triggers following acts of war. First, the leper is not a criminal, but a dangerous element internal to the political body that exactly due to its threatening nature against the “purity” of the community must be expelled. In a similar way, according to the Israeli ethnocentric vision of the State, the Palestinians and the risk that they represent for the Zionist Jews in Israel to turn them into a minority result in a necessity of expulsion for demographic reasons. The demographic problem, from an Israeli perspective, is precedent to any consideration about the activities of resistance of the Palestinian people. As the studies of settler colonialism that we have previously examined have highlighted, the eliminatory tendency of a settler colonial community towards the indigenous people is the condition under which the settler colonial community can be established and preserved, not a

³⁰⁷ Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeum*, cit., p. 82

retaliation against indigenous resistance. Imprisonment in modern terms, even if it assumes an aberrant disciplinary form as it did in the OPTs-prison system, still captures the occupied-detainees within the Israeli political system, even if it relegates them into enclaves in which the relations of power function in a different way in comparison to the State's civil society. The eliminatory functions of settler colonialism cannot properly work in a system of power that directs so many efforts to the management of the indigenous people with the aim of straighten them out. Disengagement and complementary confinement, instead, delete Palestinians in Gaza from the Israeli political system, make null the Israeli "responsibilities" towards them, even the ones perceived by the Israeli élite as regarding the needs to make these Palestinian people harmless for the Jewish State through discipline. The ways to deal with the threats coming from an exiled population in an alienated land, such as the Palestinians in Gaza, are not the "delicate" disciplinary tactics anymore: those subjects are not to be corrected anymore because some form of existence of them in the political system is not unavoidable as before. There is only one way, in modern philosophical political terms, to deal with a threat to the State arriving from its outside and represented by foreigner actors: sovereign war. Here the connection between the separation strategy adopted by Israel through disengagement and the armed conflicts derived from it emerges, shaping the relationships between Israel and the Gaza Strip in terms of constant warfare between foreigner existential enemies. A foreseeable objection to this last argumentation would stress that the belligerent Israeli attitude towards the Gaza Strip and most of the concrete Israeli military operations and wars against it represented retaliations after Palestinian groups' armed actions or terrorist attacks. The first military operation carried out by Israel against the Gaza Strip, for instance, was triggered by the kidnapping of the IDF soldier Gilad Shalit, by the Palestinian group Hamas, in Israeli territory in June 2006. The Israeli response consisted in the engagement in a series of clashes that resulted into an Israeli invasion of the Strip, that ended with a truce reached through Egyptian and PA's mediation.

However, what we wanted to highlight by analysing Israeli separation strategy and disengagement as unilateral sovereign acts, resembling the exclusion-confinement described by Michel Foucault, is that they determined a reconfiguration that recentralized sovereignty as the prevailing power technology shaping Israeli-Gazan power relations. This reconfiguration resulted in the creation of conditions in which war became the major viable way of interaction between the two parties involved in this dimension of the Israeli-Palestinian political field. By halting possibilities of negotiations and confining Gaza and its inhabitants as absolute alters, the Israeli separation strategy completed the non-compromising Israeli attitude that had characterized the Oslo period and furtherly paved the way for the most radical and non-willing

to negotiate Palestinian factions, first of all Hamas that will acquire complete control of the Strip, for becoming a dominant force in the Palestinian political landscape.

3.1.3 Racism as a Power Device and Racialization Processes in West Bank and the Gaza Strip

The ethnocratic character characterizing the State of Israel since its very foundation, and whose roots are traceable in the Zionist ideology, has been discussed in the academic debate mainly in order to deal with the question whether Israel can be defined or not as a democratic state. In this section of our work, instead, our analysis of the ethnocratic dimension of Israel will focus on the attempt to provide a genealogical account of the role of racism as a determinant power device that has shaped and continues to shape the relationships between the Jewish State and the Palestinians. These reflections will help us also to understand which role racism is playing and to which different power tactics it is related to, in the divergent Israeli attitudes towards the Palestinians in the Gaza Strip and in West Bank. Following Michel Foucault's analysis in *Society Must Be Defended. Lectures at the Collège de France, 1975-76*³⁰⁸, we will argue that racism as one of the fundamental modern States' power devices performs a crucial function also in the configuration of power technologies characterizing Israeli rule in the Palestinian Territories. We will also take into account the effects of the divergent configurations of power technologies emerged in the two dimensions of the Israeli-Palestinian political field since 2005 on the specific rationale and role of racism in the power relations between Israel and Gaza, on the one hand, and Israel and West Bank, on the other.

According to David Theo Goldberg in his essay *Racial Palestinianization*³⁰⁹:

Israel, it is accordingly apparent, has been thought of – has thought of itself in part precisely – from its initiating modern conception explicitly as racially configured, as racially representative. And those insistent racial traces persist despite the post-Holocaust European repression of the use of race as social self-reference or -representation. In this, as much as any other modernizing state, Israel has been caught in the race-making web of modernizing statehood. States assume their modernity, as I have argued in *The Racial State* (2002), through racial articulation.³¹⁰

³⁰⁸ Foucault, Michel, *Society Must Be Defended. Lectures at the Collège del France, 1975-76*, eng. trans. David Macey, ed. by Arnold I. Davidson, Picador, New York 2003.

³⁰⁹ Goldberg, David Theo, *Racial Palestinianization*, in *Thinking Palestine*, ed. by Ronit Lentin, Zed Books, London and New York 2008.

³¹⁰ Ivi, p. 27.

The “race-making web of modernizing statehood” mentioned by Goldberg is an expression understandable under the light of Michel Foucault’s reflection about the role of racism as a power device necessary to the modern State in order to make possible the complementary operations of the sovereign and the biopolitical technologies of power, to which Goldberg explicitly refers to in his essay. Indeed, according to Michel Foucault, racism is the modality through which the biopolitical modern State has guaranteed to itself the possibility to continue to exercise the typically sovereign right to murder. As discussed repeatedly in this thesis, exclusivism is an inherent aspect of sovereignty. This means that sovereignty conceptually works through the dichotomy of inclusion/exclusion: the normal *status* within the State versus the abnormal state of nature between Leviathans outside, the territory inside the borders of the State and the land outside it, the people belonging to the political body and the individuals out of it. This last dichotomy, insiders and outsiders of the political body, refers to the fundamental function of sovereignty, which coincides with the exercise of choosing on the basis of the concept of the political who is a friend and who is an enemy. The friend is necessarily the individual belonging to the political body and the enemy is the foreigner. War is the essential kind of relationship, that can be virtual or actual as Schmitt specifies³¹¹, between the community of friends and its foreigners. The reason of the fundamental role played by racism in the formation of a modern sovereign State, then, lies in the specific function of it as a power device which coincides with the production of a dichotomy between the “superior race” and the “inferior” one, identified respectively as the political body and the ones who are not similar to it, therefore must be expelled in order to be treated as foreigners that the sovereign can murder. As Michel Foucault points out by providing the definition of racism:

What is in fact racism? It is primarily a way of introducing a break into the domain of life that is under power’s control: the break between what must live and what must die. [...] Racism has also a second function. Its role is, if you like, to allow the establishment of a positive relation of this type: “The more you kill, the more deaths you will cause” or “The very fact that you let more die will allow you to live more. [...] It is the relationship of war: “In order to live, you must destroy your enemies”. But racism does make the relationship of war – “If you want to live, the other must die” – function in a way that is completely new and that is quite compatible with the exercise of biopower.³¹²

³¹¹ Schmitt, Carl, *The Concept of the Political*, cit., p. 34.

³¹² Foucault, Michel, *Society Must Be Defended. Lectures at the Collège de France, 1975-76*, cit., p. 255.

The modality through which, as described by Michel Foucault, the modern State exercises the right to murder in a biopolitical context is through the biologization of the concept of races and, consequently the replacement of the discourse of the war between races (plural) with the discourse about the preservation of the purity of one race (singular).

Before proceeding in our argumentation, it is useful to specify the role of biopolitics as for as the State of Israel is concerned. We have analysed in the first chapter of this work the emergence of a governmental dimension in the process of Israeli State-building through the establishment of a para-State exercising administrative functions. Starting from that germinal phase, the biopolitical dimension of the Israeli state functions continued to develop after the creation of Israel, in the decades of its consolidation. Such development systematically implied the exclusion of Palestinians from the beneficiaries of governmental services by Israel. This exclusion did not represent a problem as long as the *Yishuv* and the Palestinian population were separated and Great Britain was the mandatory authority, or until the great majority of Palestinians were under the rule of the Arab states (specifically of Jordan as for as the Palestinians in West Bank were concerned, of Egypt for the Palestinian in Gaza and several other states as for as Palestinian diaspora is concerned). However, after the beginning of the occupation of the Palestinian territories, with the Six Days War in 1967, the Palestinian population became part of the biological continuum under the control of the State of Israel. The demographic “problem” then emerged: it was unacceptable for Israel to annex *de jure* the OPTs because this would have irreparably undermined the Jewish character of the occupying state. The a priori character of the demographic “problem”, precedent to concerns about the insurgent activity of the occupied Palestinian people, reflects, then, a dichotomic logic that is antecedent to security reasons. However, security needs have traditionally been a crucial reference in the discourses that defended Israeli racist practices, as the sociologist Ronit Lentin points out in this respect:

These processes are regularly and consciously employed by the State of Israel in racializing Palestinian citizens, occupied, besieged and refugee populations, as well as non-white, non-European Jewish citizens, and non-white, non-Jewish migrants. However, neither Israel nor many of its theorists articulate these processes as racial, but rather as a consequence of “the

conflict”, “the (1967) occupation” or of Israel’s perceived victimhood and “need to defend itself”.³¹³

We have argued that the conceptual and material power device through which it was possible to keep the Palestinians excluded from the Israeli political body managed through biopolitical tactics is racism. The operationalization of institutionalized state racism accelerated after the beginning of occupation in 1967 because of the consequent inclusion of Palestinians in the biological continuum under Israeli rule. This is not to say that racism and the classification by Zionists of the Palestinian as another and “inferior race” were absent prior to 1967. The racist expressions borrowed from the traditional colonialist European discourses represented a key component of early Zionist texts by portraying the indigenous people as backward and inferior and the pioneers as civilizing agents. The peculiarity of the post-1967 role of racism as a power device in the Israeli-dominated system of power in the OPTs is represented by its level of institutionalization, which is possible in a modern biopolitical State only through the progressive biologization of its meaning. Indeed, according to Foucault:

Racism first develops with colonization, or in other words, with colonizing genocide. If you are functioning in the biopower mode, how can you justify the need to kill people, to kill populations, and to kill civilizations? By using the themes of evolutionism, by appealing to a racism.³¹⁴

In the Israeli-Palestinian political field the colonizing genocide has been represented by the paramount enterprise of ethnic cleansing carried out by the Israeli army in 1947-1948. In the following decades, when the material elimination of the physical presence of Palestinian was not reproducible, another kind of racist exclusion and elimination in political terms has been implemented: the occupation-prison system. This racist mechanism was essential for the prosecution of the settler colonial efforts aimed at acquiring effective and complete control of the territories in West Bank and the Gaza Strip, that is to say to colonize those areas.

Moreover, Michel Foucault highlights that modern racism represents a «biological extrapolation from the theme of the political enemy»³¹⁵. Indeed, the term “race” has not been invented in the context of the biopolitical modern state but existed long before and was framed

³¹³ Lentin, Ronit, *Palestinian Lives Matter: Racializing Israeli Settler-Colonialism*, in *Journal of Holy Land and Palestine Studies*, Vol. 19, No. 2, 2020, pp. 133-149, Edinburgh University Press, p. 138.

³¹⁴ Foucault, Michel, *Society Must Be Defended. Lectures at the Collège de France, 1975-76*, cit., p. 257.

³¹⁵ *Ibidem*.

in the idea of the war between races that had characterized the premodern age. We find that if the biological meaning of racism represents a tactical evolution needed in order to allow the coexistence of biopower and sovereignty, the war dimension inherent to it is truly original and is present also in the premodern context. According to Foucault the term “races”, prior to the biologization it had been subjected to, in the discourse of the war between races was defined in this way:

One might say – and this discourse does say – that two races exist whenever one writes the history of two groups which do not, at least to begin with, have the same language or, in many cases, the same religion. The only link between them is the link established by the violence of war. And finally, we can say that two races exist when there are two groups which, although they coexist, gave not become mixed because of the differences, asymmetries, and barriers created by privileges, customs and rights, the distribution of wealth, or the way in which power is exercised.³¹⁶

David Theo Goldberg in his essay analyses the role played by the discourse of the war between races in the constitutive phase of the State of Israel, explaining that:

The war of races in which the Jew is the hounded, the perennial foe and fugitive, becomes in Israel’s founding a protracted conflict in which the Jewish State, Herzl’s dream, is turned into oppressor, victimizer, and sovereign. Vulnerable, victim, and vanquished become pursuer, perpetrator, predator. The state is transformed, as Foucault says, into protector of the integrity, superiority, and more or less purity of the homogenizing group, what Foucault marks as “the race”.³¹⁷

During the State-building process a prevailing rationale attributable to the discourse of the war between races has been progressively turned in a state racist discourse about the biological purity of the race, expressed in the Israeli context as the demographic “problem” that has always characterized the Jewish State. Just like the biopolitical dimension was progressively emerging through the structuring of what we have called a “Zionist proto-government”, State racism was doing the same by biologizing the discourse of the war between races. Once the State-building process has been completed and consequently the single “superior race” has been established through the formation of the unitary political body, State racism became the hegemonic

³¹⁶ Ivi, p. 77.

³¹⁷ Goldberg, David Theo, *Racial Palestinianization*, in *Thinking Palestine*, cit., p. 28.

framework. Finally, since the beginning of occupation the need of fragmenting the biological continuum composed by the human beings under the sovereign and biopolitical control of the State of Israel started to be expressed in reference to the concept of the demographic “problem”, which found its racist “solution” in the concrete implementation of an occupation-prison system of segregation. We argue that this segregationist system of power, also due to its racist dimension, can be intended as an apartheid system. Therefore, in the second paragraph of this chapter, under these premises, we will analyse the Israeli system of rule in West Bank from another perspective, the one of apartheid, which is not alternative but complementary to the interpretation of it as a prison system that we have developed in the second chapter.

In this paragraph, however, we are analysing what we have identified as a reconfiguration of power technologies in which, in the past two decades, sovereignty has been recentralised in particular as far as the relationships between Israel and the Gaza Strip are concerned. State racism as a power device has worked in this context allowing the fragmentation of the biological continuum under Israeli control, which determined the possibility of the expulsion of the Gazans from the “superior” Israeli political body. When Sharon insisted that Disengagement meant that Israel had no kind of responsibility towards Palestinians in Gaza because the Strip was not an occupied territory anymore, he was referring to the obligations that an occupying power must respect regarding the provision of governmental-biopolitical services to the civilian population under occupation. Israeli non-compliance to such provisions derived from the establishment of the apartheid system, which was the expression of the fragmented biological continuum controlled by Israel. However, a further fragmentation occurred through the absolute expulsion from the political body of the “subaltern”, in Israeli perspective, Palestinian “race” living in the Gaza Strip. The separation strategy on which Disengagement relied, therefore, re-activated the logic of war which characterized the discourse on the war between races and was extrapolated in biologic terms in the biopolitical context. The need of the State to expel the “inferior”/other race from the political body through biological racism derives from its homogenizing function, coincident with the sovereign role of creating a unity through representation. The principle of war for which “I live if the other dies”, at this point in the case under our scrutiny, does not function in the relationships between different races within a society, but between the society itself, that in Foucault’s words “must be defended”, and the foreigner enemy. After having realized the homogeneity of the Jewish people in the State of Israel through the colonizing genocide/ethnic cleansing and the expulsion of the threat represented by the “inferior” indigenous race through apartheid and total separation via disengagement, the interplay of the power technologies operating in the Israeli-Palestinian

political field have realized the conditions in which the principle of war inherent to the discourse of the war of races re-emerged in its original sense of total destruction, with a minor role played by the biological interpretation, in the relationships between Israel and Gaza. The hegemonic Palestinian armed groups operating in Gaza, the most important of them being the Islamist movement Hamas, of course engaged in this warfare, fuelling the spiral of longed mutual destruction that characterizes this dimension of the Israeli-Palestinian political field nowadays.

In sum, State racism as a fundamental power device in the context of the apartheid system provided for the fragmentation of the biological continuum of the people living in Israel and “Judea” and “Samaria”, allowing the coexistence of the biopolitical technology of power through which the State of Israel governed Israelis and its sovereign rule on both Israelis and Palestinians in West Bank. Israeli sovereignty on the Palestinians in West Bank meant the exercise of the sovereign right to murder by direct killing and exposure to political and concrete death. On the other hand, the strategy of unilateral separation between Israel and Gaza opened the possibility to exercise the sovereign right to murder on the Palestinians in the Strip in the form of the sovereign war, which is the modern version of the war between races. The fundamental difference between the premodern war between races and the modern sovereign war consists in the fact that in the former case the races belong to the same society, while in the latter they coincide with the society that must be defended, the State, and its outsiders, that is to say the foreigner-enemies. This explains a further dimension through which Disengagement as absolute separation represented a reconfiguration of power technologies that, recentralizing sovereignty, shaped the Israeli-Gazan relations in essentially conflictual terms.

In the following paragraphs of this chapter we will analyse the different technologies of power characterizing Israeli attitudes towards Palestinian subjects in the two diversified contexts of West Bank and the Gaza Strip. In doing so it is fundamental to keep in mind that Palestinians under the apartheid system in West Bank are produced by those institutionalized power relations as individuals under Israeli sovereign control but excluded from the Israeli-managed biopolitical body, so they are on the same time included in and excluded from the Israeli system of power. Differently, in the Gaza Strip after Disengagement, Palestinians are not under Israeli sovereignty, but produced as Israeli sovereign’s existential enemies.

3.2 Israeli Apartheid System in West Bank

Comparative studies about the political situation in Israel/Palestine and apartheid in South Africa have developed in the last decades highlighting the similarities between these two settler colonial contexts. Lorenzo Veracini in his text *Israel and Settler Society*³¹⁸ identifies some common elements between the two systems, such as the particular preoccupation about demography of the settler colonial regimes, high frontierity conditions, tendencies towards population transfer as a tactic expressing the eliminatory character of the systems of power, the fundamental role played by ethnicity/race as a criterion of distinction between citizens enjoying full political rights and subaltern subjects, as well as the separation between residency rights and political representation. By quoting the Israeli journalist Amira Hass, Lorenzo Veracini shares her synthetic definition of the apartheid mechanism, that we will assume as a crucial reference in our work, which coincides with an institutionalized policy of complementary annexation and dissection, that in the Israeli case is «wrapped in the guise of security»³¹⁹. In particular, we will highlight how *de facto* annexation of West Bank through ongoing settlements expansion and land grabbing are inextricably linked to the dissection of people living there. Dissection occurs on the level of imposing a sharp demarcation between Israelis and Palestinians. Fragmentation, on the other hand, as the breaking of the connections within the Palestinian community itself is useful to keep it in a condition of segregation.

Most of these studies, included Veracini's one, insist on the inclusion also of the Gaza Strip in the framework of the apartheid system established by Israel in the Occupied Palestinian Territories. According to Lorenzo Veracini:

Unilateral separation is by definition a type of Bantustanization in which neither the international community nor the indigenous counterpart are providing an input. [...] Of course Bantustans were not a solution to the problems of apartheid; rather, they were an essential feature in an integrated system of policing and governance. "Unilateral separation" from the Palestinians would not and did not bring an end to the occupation of Gaza and the West Bank; on the contrary, unilateral separation as it is proposed in the debates regarding Israeli withdrawal from Gaza and the "separation" barrier will only amount to a reorganization of the structures deployed for the governance of Palestinians in the Occupied Territories.³²⁰

³¹⁸ Veracini, Lorenzo, *Israel and Settler Society*, Pluto Press, London and Ann Arbor 2006.

³¹⁹ *Ivi*, p. 40.

³²⁰ *Ivi*, p. 32.

However, under the light of the argumentations that we have exposed in the previous paragraph about the divergence of the political field's dimensions in Gaza and West Bank following Disengagement, we will analyse Israeli apartheid as the mosaic of material effects produced by the longstanding configuration of power technologies that has characterized Israeli rule on the OPTs since 1967 and, since the early 2000s, has been preserved in West Bank while being changed in the Gaza Strip. Indeed, if apartheid is defined as a policy of annexation and dissection, in the case of the Gaza Strip neither annexation nor dissection, in terms of capillary disciplinary control of the individuals belonging to the discriminated population, are present since 2005. The continued control by Israel of the borders of the Strip is better understandable, in our analysis, as a warfare tactic of siege. By sustaining that the Gaza Strip is simply "still occupied" by Israel in order to highlight the Israeli control on the Strip's borders, these scholars risk to underestimate the scope of the consequences that Disengagement has determined as a reconfiguration of power technologies and shift in tactics.

Therefore, we will use the expression "apartheid" and we will refer to Lorenzo Veracini and other scholars' work to analyse in this paragraph the specific situation in West Bank only. As the Israeli scholar Oren Yiftachel points out in explaining the meaning of the concept of "creeping apartheid" that he uses to address Israeli strategy in the Occupied Territories:

The fifth and present stage, beginning with the 1993 Oslo accords, can be characterized as "oppressive consolidation" and marks the effective end of significant Zionist expansionism. Settlements are still being built in East Jerusalem and the West Bank, but the vast majority of Jewish population increase in the West Bank occurs in settlements of long standing. At the same time, bypass roads connect the existing settlements ever more closely to Israel proper, further "Israelizing" Jewish colonies. The wall-and-fence complex that has replaced the Green Line as de facto border between Israel proper and the West Bank and the enormous terminals that have replaced checkpoints outside most Palestinian cities cast a mighty shadow over both Palestinian daily life, but in strategic terms, they are management techniques of the overall stalemate.³²¹

"Oppressive consolidation" mentioned by Yiftachel is intended by us in our work as a strengthening of the power relations established by Israel through the processes that we have analysed in the second chapter. Once territorial expansion of Israel through settler colonization

³²¹ Yiftachel, Oren, "Creeping Apartheid" in *Israel-Palestine*, in *Middle East Report*, Winter 2009, Vol. 37, No. 253, pp. 7-15, Middle East Research and Information Project, p. 14.

and the consequent fragmentation of Palestinian territory has occurred after the 1967 military conquest, *de facto* annexation means to guarantee the continuity of Israeli rule by strengthening the apartheid practices that had started to be implemented in the previous decades.

In our attempt to analyse these dynamics, we will start, in the first section, by focusing on the construction of the separation-annexation-apartheid wall between Israel and the West Bank, as an element fully expressing and actually empowering the apartheid character of the Israeli system of rule since the early 2000s. An analysis of Israeli settlements expansion in the past two decades, and of the crucial role that the apartheid wall has played in this process, will be carried out in order to highlight one of the major factors characterizing this context as apartheid. Indeed, apartheid represents the system of power relations strengthened in the 2000s in order to continue to guarantee, in West Bank, the paradoxical pursuit of the contradicting aims of taking land while excluding indigenous people.

In the second and third sections of this paragraph we will focus on the two “parallel universes”, established and maintained as both coexistent and separate, in which Israelis live (in particular in the settlements in West Bank), on the one hand, and Palestinians are forced, on the other hand. Hence, in the second section we will analyse how Israeli settlers’ inclusion in the Israeli political body, both territorially and juridically, is useful to understand the ambiguous character of the so-called “separation” between Israel and West Bank and will stress the continuity between the pre- and post-Second Intifada arrangements of power relations in West Bank. The conditions of the Palestinians living as discriminated subjects in the apartheid system, which will be the object of the third section, will help us to unravel the material effects of this system of power and to understand the subjectivation processes inherent to it.

3.2.1 Dissection-Annexation-Apartheid Wall and Ongoing *De Facto* Annexation of West Bank

In the midst of the second Intifada, one of the deadliest phases of the recent Israeli-Palestinian history, Israeli political élite apparently resorted to the traditional revisionist idea of constructing an “Iron wall” between the Jewish and the Arab communities. The concept of the Iron wall was turned into the project of a “security barrier” between Israel proper and the West Bank. In this respect, the Israeli prime minister Ariel Sharon presented such infrastructure adding specific security reasons in the framework of Israel’s war on Palestinian terrorism. The barrier would have prevented members of the Palestinian armed resistance to penetrate in areas densely inhabited by Israelis in order to carry out suicide bombing attacks. According to Israeli

leaders' official rhetoric, moreover, the barrier had a temporary character and as soon as Palestinian resistance/terrorism ended, it would have been dismantled. The decision determining the beginning of the construction of the barrier was taken in April 2002 by the Israeli cabinet led by Ariel Sharon, two years after the first official plan to establish a barrier to hinder passage of Palestinian vehicles was approved by the Barak government in November 2000. The construction begun in the areas dividing Israel from the region of Umm El-Fahm, Qalqilya-Tulkarem and along the borders of "Greater Jerusalem" (West Jerusalem, Occupied East Jerusalem and its suburbs). In February 2005 an official map defining the final location of the wall infrastructures between Israel and the West Bank was published. The barrier would have been 750 kilometres long, 90% of it was to be built within the West Bank territory and not along the Green Line, the destiny of 10% to 15% of West Bank territory would have been to be integrated in Israel proper, because they would fall on the Western side of the wall, and to be declared as "closed zone", where Palestinians who had inhabited those villages for generations had now to obtain an official residence permit from Israeli authorities³²².

In 2004, after a request of an advisory opinion by the United Nations General Assembly, the International Court of Justice declared the Israeli barrier illegal under international law: Israel had no right to build such an infrastructure in a territory which was formally outside its sovereign rule and was militarily occupied³²³. The International Court of Justice recognized that one of the purposes of the project, far from being motivated by security reasons only as Israel insisted, coincided with the enactment of *de facto* annexation of the Palestinian territory located at the West of the wall. Systematic disregard by Israeli governments, both rightist and leftist ones, for international law regarding military occupation was not a novelty in the early 2000s, after more than thirty years of Israel's military rule in the OPTs. However, what was most "shocking" about the construction of this infrastructure was the level of institutionalization of the *de facto* annexation policies adopted by Israel for decades.

As several analysts pointed out, Israel appeared to be carrying out a process of borders redefinition using security arguments and unrealistic justifications about the temporary character of the wall in order to strengthen its rule on the West Bank. Often considered as part of the separation strategy adopted by Israel towards both the West Bank and the Gaza Strip in this historical phase, the apartheid wall was presented as the future final border between Israel

³²² Saddiki, Said, *Israel and the Fencing Policy: A Barrier on Every Seam Line*, Research Paper Series, Arab Center for Research and Policy Studies, Doha 2015, pp. 3-6.

³²³ United Nations, Press Release 2004/28, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion, <https://www.un.org/unispal/document/auto-insert-205577/>

and the potential future “State of Palestine”. The function of territorial integration that the wall performed, however, seriously undermined the possibility to consider it as an act of separation only. Israeli leaders justified the fact that the wall did not follow the Green Line, thus becoming illegal under international law, with the need of protecting not only Israeli citizens living in Israel proper, but also the residents of the settlements, which were located for the most part in the Palestinian areas close to the Green Line that the wall allowed to incorporate in Israel proper. Yet, the very existence of permanent civilian settlements in an occupied zone is illegal under international law. In order to understand the structural incompatibility between Israeli actions and international law, then, we should analyse Israeli policies under the light of the political rationale underlying them, rather than simply stressing their divergence from international legal standards. First of all, in this sense, it is important to remark an observation that we have outlined in the second chapter: Israel actually and intentionally exercise its sovereignty on the West Bank and does not recognize it as an occupied territory. Even if the ideology of Greater Israel was subjected to a brake in the early 2000s, as demonstrated by Disengagement and by the slowing down of new settlement constructions in highly inhabited Palestinian areas during Sharon’s and Olmert’s governments, the fact that both these Israeli leaders were careful to specify that the Green Line was not intended as the final border of Israel is enlightening. Therefore, in order to understand the reality on the ground we should consider Israel and the West Bank as an articulated but still “unitary” system of power, as the scholar Mark Marshall does in his essay *Rethinking the Palestine Question: the Apartheid Paradigm*³²⁴:

The Arab-Jewish conflict in Palestine, then, has been incorrectly portrayed as one characterized primarily by the occupation by a non-Arab country, Israel, of neighbouring Arab lands, “the occupied territories”. In reality, the conflict is an internal one within Palestine, which should be considered a unitary state with an ethnically divided population. The European colonial population of Palestine has rights, and the indigenous Arab population does not. The situation is analogous to the situation in South Africa before the abolition of apartheid.³²⁵

The possibility to define the barrier between Israel and the West Bank as an “apartheid wall” derives specifically from the inextricable annexation-dissection functions that it performs. If it

³²⁴ Marshall, Mark, *Rethinking the Palestine Question: the Apartheid Paradigm*, in *Journal of Palestine Studies*, Autumn, 1995, Vol. 25, No. 1 (Autumn, 1995), University of California Press on behalf of the Institute for Palestine Studies, pp. 15-22.

³²⁵ Ivi, p. 18.

actually represented an Iron Wall as intended by Jabotinsky, aimed at securing *all* Israelis within the State’s boundaries and expelling permanently every Palestinian from Israel, then its specific function in the apartheid system would be absent, because there would have been only separation, without annexation. On the other hand, if it had coincided with an enlargement of Israeli officially recognized territory paving the way for granting citizenship and equal rights to Palestinians living in it, it would have been a controversial annexation act, but not necessarily a component of an apartheid system, because ethnicity-based internal segregation and population dissection would have been absent. Instead, the apartheid wall between Israel and the West Bank has performed both the functions of dissection and annexation: it has made extremely difficult to Palestinians to enter Israel, thus separating Israeli and settler population from the Palestinians of the West Bank, and it has incorporated agglomerates of settlements into Israeli territory. In particular, two years after the beginning of the construction of the apartheid wall, 54 Israeli settlements in West Bank and 12 in East Jerusalem were *de facto* annexed to Israel, being them on the Western side of the wall. On the same time, 67 Palestinian villages were located in the same area, their residents were not granted citizenship while they had been cut from their larger communities and their lands on the other side of the wall. Consequently, 80% of the settler population living in the OPTs in 2004 (amounting to 320.000 Israelis) joined full civil and political rights while living “side by side”, in the same areas, to 210.000 Palestinians without citizenship or political and civil rights ³²⁶.

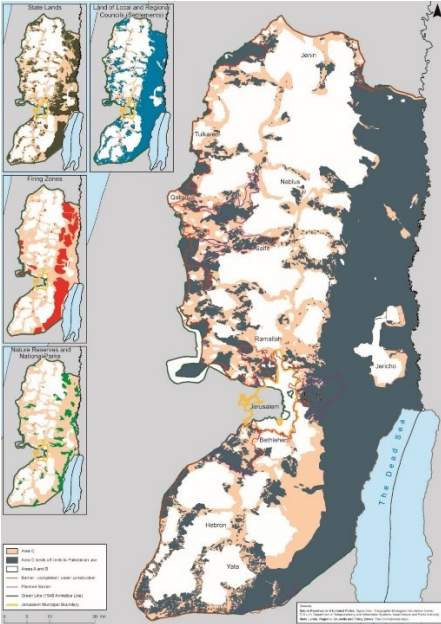


Figure 4 Apartheid Wall Israel-West Bank (palestineportal.org)

³²⁶ Saddiki, Said, *Israel and the Fencing Policy: A Barrier on Every Seam Line*, cit., p. 8.

The remaining settlers who lived in areas located on the Eastern side of the wall, however, were not less fortunate, indeed the separation-annexation-apartheid wall was and is virtually inexistent for them: the cutting-edge system of bypass roads allows them to travel undisturbed to Israel proper without the need to pass through the numerous checkpoints and terminals that paralyse the Palestinian population. However, the different living conditions experienced by the dominant Israeli population and the discriminated Palestinian one will be object of the next sections of this paragraph. What we wanted to highlight is that the apartheid wall, which stands alongside all the other impediments, checkpoints and bureaucratic obstacles within the remaining West Bank territory, can also be interpreted as a power device useful to strengthen the sovereign-disciplinary tactics implemented by the Israeli rule on the Palestinian Occupied Subjects. We have defined in the second chapter such power tactics as shaping the OPTs as a prison system where Palestinian people were detained and described the material effects it has produced as well as the configuration of power technologies that, since 1967, has allowed the establishment of such system. By using the apartheid paradigm in order to analyse that dimension of the Israeli-Palestinian political field, we do not intend to propose an alternative framework of analysis, but a complementary one. If the prison system paradigm is useful in order to analyse the specific effects determined by the power relations between the distinguished Israeli-jailer and Palestinian detainee, the apartheid framework helps us to understand such system of power by considering on the same time the different power relations operating within the Israeli political context. After having insisted in the exclusion of the Palestinians and the imprisonment of them in a sovereign-disciplinary mega-prison, trying to unravel which tactics are implemented within the prison and which effects they produce, we will now focus on the relationship between that prisons-enclaves and the environment outside of them. It is by considering Israel's rule on Israelis and, in parallel, on Palestinians, that the Israeli system of power as a whole emerges fully as an apartheid system. The wall is an emblematic image: territorially it includes Israelis in the political body and excludes Palestinians, juridically it relegates Palestinians in the Occupation-Prison system and exempts settlers from it, because it strengthens the implementation of disciplinary tactics on the former without affecting the lives of the latter.

This furtherly highlights the above mentioned continuity in Israeli strategies towards the Palestinians in West Bank. Increasing "enclavisation" and consequent "exclavisation", indeed, are persistent effects of Israeli policies in this sense, as the scholar Ghazi-Walid Falah argues:

Establishing exclusively Jewish settlements, paving strategic roads to connect between these settlements and areas inside Israel proper, and erecting walls and barriers which interrupt movement and disrupt the fabric of daily life for local Palestinians as means of spatial control. [...] Even as Gaza is turned into a compacted Palestinian enclave by external force, the West Bank is riddled with exclaves designed to facilitate its spatial dismemberment and domination.³²⁷

Continuing to implement this strategy of dynamic enclavisation through the creation of exclaves, Israel has expanded its settlements and compacted them to each other. Indeed, according to the United Nations report *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*³²⁸, the Israeli settler population in the past decade has grown from 520.000 in 2012 to almost 700.000 in 2021, currently there are 279 settlements in West Bank (included East Jerusalem) and 147 of them are outposts³²⁹. Even if the official construction of new settlements slowed down in comparison to the previous century, two important trends need to be highlighted. The first one regards the expansion of existing settlements as an ongoing practice to create facts on the ground that produces the same effects of indigenous dispossession and discrimination. According to the above-quoted report, between 1st November 2021 and 31st October 2022 Israeli authorities have approved an average quarterly rate of 763 house units³³⁰. Settlements represent 15.1% of the West Bank territory designated as Area C, that in total, included military zones and natural reserves, amounts to more than 60% of the West Bank. Area C, as provided by Oslo II, is under full Israeli military control, however, settlers do not live under Israel's martial law, which is reserved only to the Palestinians. The second aspect we should pay attention to is the role of outposts in the pursuit of Israel's territorial aims. Indeed, despite the fact that outposts are illegal under Israeli law, Israeli governments have traditionally provided protection to the Israeli settlers living there by deploying military units, even when they conducted violent raids against surrounding Palestinian villages, as well as resources and funds. Moreover, according to the above-mentioned UN report, growing support in the last decade for elaborating legal measures to

³²⁷ Falah, Ghazi-Walid, *The Geopolitics of "Enclavisation" and the Demise of a Two-State Solution to the Israeli-Palestinian Conflict*, in *Third World Quarterly*, 2005, Vol. 6, No. 8, pp. 1341-1372, Taylor & Francis Ltd., p. 1359.

³²⁸ United Nations High Commissioner for Human Rights, 2023, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*, A/HCR/52/76, Annual Report, <https://reliefweb.int/report/occupied-palestinian-territory/israeli-settlements-occupied-palestinian-territory-including-east-jerusalem-and-occupied-syrian-golan-report-united-nations-high-commissioner-human-rights-ahrc5276-enar>

³²⁹ *Ivi*, p. 3.

³³⁰ *Ibidem*.

retroactively legalize outposts have gained momentum in the past years. The enactment in 2017 of a regularization law for outposts was recognized as unconstitutional in 2020 by the Israeli Supreme Court, however, the same Court has ruled in 2022 the legalization of an outpost erected in Palestinian private land, paving the way for further regularizations in the future.

These, and many other data, illustrate how Israeli territorial integration of the West Bank is far from stopped since the early 2000s. The apartheid wall, despite it cannot be said that it was aimed only at ensuring security of Israelis, has actually represented a security barrier allowing for the expansion of settlements with less fear of Palestinian attacks. On the other hand, even acknowledging the reality of a settlements expansion policy that focuses on the West Bank territories Western than the Green Line, we should not ignore that it is not limited to it. The wall, therefore, results into being an instrument for segregationist dissection of peoples, rather than a territorial border. For instance, one of the most contended areas nowadays which is object of Israel's territorial ambition is the South Hebron Hills region in the governorate of Hebron, also known as Masafer Yatta. As explained by the B'tselem report *Acting the Landlord. Israel's Policy in Area C, the West Bank*³³¹ this territory lays Eastern than the projected Apartheid Wall. Indeed, despite the 2003 original version of the wall plan envisioned *de facto* annexation of almost all settlements and outposts in the area to Israel, by locating them Western than the barrier, the final official map published in February 2005 located the barrier's path in this area close to the Green Line, thus providing for the incorporation to Israel proper of two settlements only (Eshkolot and Metzadot Yehuda). However, the eviction of Palestinian population and the proliferation of outposts in this area with the complicity of the Israeli governments have continued until nowadays. Since the early 1980s a large part of this region (3.300 hectares) has been declared as closed military zone, named Firing Zone 918, and 574.3 hectares of it were assigned to the Settlement Division for the establishment of settlements³³². No consistent military training has been carried out in the region, thus highlighting the instrumental character aimed at land appropriation of Israel's declarations of areas in West Bank as military zones. Systematic eviction of Palestinians living in the villages located in South Hebron Hills has characterized the past decades and was far from being stopped in the 2000s. 4000 residents of the 30 small satellite villages in the region have been deprived of means of subsistence such as water and electricity supplies, in most of the cases construction plans were not approved by Israel's Civil Administration (the extension of the military apparatus that rules the West Bank

³³¹ Kadman, Noga, *Acting the Landlord. Israel's Policy in Area C, the West Bank*, eng. trans. by Deb Reich, ed. by Shuli Schneiderman, B'tselem, Jerusalem, June 2013.

³³² *Ivi*, p. 31.

since 1981), therefore the population has been forced to live in natural caves or to build unapproved houses that have been systematically demolished by Israeli authorities. Even cistern systems to collect rainwater have been systematically destroyed by Israeli authorities in the attempt to make life unbearable for Palestinians, in order to force them to leave. These Israeli practices continued after the official adoption of a “separation” strategy, undermining the separation function supposed to be performed by the apartheid wall. Indeed, in November 2011 about 430 residents of the “firing zone” in Masafer Yatta region have been forcibly expelled, their caves and houses demolished as well as their cisterns, and tents, food and blankets were confiscated. In March 2013, 80 demolition orders more were issued. Such eviction policies, of course, were not implemented by Israel on the settler population living in the South Hebron Hills area, that amounts to 2400 settlers living in three official settlements and several outposts. On the contrary, Israel allocated funds for the provision of services to the settlers as well as for the construction of roads to connect them to the bypass system of highways to guarantee territorial continuity between them and Israel proper.

The case of Masafer Yatta has been briefly presented here to highlight how Israeli territorial integration practices were not concretely limited by the construction or planning of the apartheid wall as a separation barrier. Of course, these policies are implemented also in other areas of the West Bank, but a detailed analysis and report of all of them is beyond the purposes of our work. What it is important to notice is that the level of Israeli grip and rule on West Bank territory and Palestinian residents has not diminished since the early 2000s, but actually increased. The consideration of the two distinguished systems of power relations and the comparison of them will highlight the apartheid nature of Israeli rule in this territory. The fundamental observation that will lead our analysis is that the non-accomplished separation of the West Bank from Israel has determined a system of power relations that assumes the form of apartheid. In an interview to the Israeli newspaper Haaretz, published on 29th November 2007, the Israeli prime minister Ehud Olmert affirmed that:

If the day comes when the two-state solution collapses, and we face a South African-style struggle for equal voting rights (also for the Palestinians in the territories), then, as soon as that happens, the State of Israel is finished.³³³

³³³ <https://www.haaretz.com/2007-11-29/ty-article/olmert-to-haaretz-two-state-solution-or-israel-is-done-for/0000017f-e62a-dc7e-adff-f6af3bbe0000>

Some years after this declaration, while criticizing his successor Benjamin Netanyahu's policies of continued settler expansion, Olmert repeatedly warned that Israel would become an apartheid state if the two-state solution path continued to be halted. We argue that Israel already was an apartheid system by the time Olmert released these declarations. Yet, despite his refusal to admit such a reality and his framing of it as a potential and threatening scenario, what is most worthy of attention in his statements is the admission that effective separation was the only way to avoid apartheid. Since separation had not occurred since 1967, it is logic to conclude that the Israel has followed for decades a path of apartheid establishment and consolidation, in its attempt to avoid the end of the State of Israel that would have resulted from granting equal rights to Palestinians, as explicitly admitted by Olmert.

In order to understand the material effects of the power relations inherent to the Israeli apartheid system, we will now analyse the different life conditions of the two ethnically divided populations residing in the West Bank, namely Israeli settlers and Palestinians.

3.2.2 Population Dissection: Israeli Settlers' Supremacist Universe

In the past two decades the Israeli settler population in West Bank has increased from 198.315 people in 2000 to 441.619 in 2019, thus determining a 222% growth in this period and arriving to represent 13.8% of the total population in this territory, according to the Israeli Central Bureau of Statistics³³⁴. We argue that these data can be intended as the results of the Israeli biopolitical enterprise focused on population management and oriented to the preservation and enhancement of life of the subjects deemed as citizens, who, consequently, the State has the duty to make live and flourish³³⁵. The involvement of Israeli ministries and national institutions has been documented by the Israeli non-governmental organizations B'tselem and Kerem Navot in their report *This Is Ours – And This, Too. Israel's Settlement Policy in the West Bank*, in which a detailed section is dedicated to the benefits, services and incentives that Israel offers to the settler communities. Firstly, it is important to stress that the governmental technology tactics informing the State of Israel's attitudes towards the settler

³³⁴ Hareuveni, Eyal, Etkes, Dror, *This Is Ours – And This, Too. Israel's Settlement Policy in the West Bank*, eng. trans. Maya Johnston, ed. by Michelle Bubis, B'tselem and Kerem Navot, Jerusalem 2021, p. 9.

³³⁵ The high level of welfare available for the settler population goes in parallel with the progressive erosion of the assistance services provided by the government to the citizens into Israel proper, since the implementation of neoliberal privatization policies by rightist governments since 1977. This process has also prompted the settler population's growth, since the benefits reserved to the residents of the settlements have become more and more attractive for the Israelis belonging to the lower classes. For a deeper analysis of this topic see Gutwein, Danny, *The Settlements and the Relationship Between Privatization and the Occupation. The Politics of Everyday Life in the West Bank Settlements*, ed. by Marco Allegra, Ariel Handel and Erez Maggor, Indiana University Press, Bloomington and Indianapolis 2017.

population are implemented on both the Israelis living in official settlements and in the outposts, despite the diversity of the institutions and procedures in many cases. Most of the benefits conceded directly to the settlers in official outposts are funded and provided by Israeli ministries, first of all by the Ministry of Construction and Housing, the Ministry of Economy and Industry and the Ministry of Agriculture. As for as the resident of the outposts are concerned, they mainly receives funds and guarantees for loans by the Settlement Division of the World Zionist Organization, which is considered a national institute in Israel and receives funds in turn from the government, other important agents providing funds and services to the outposts are Israeli local councils in the West Bank and independent settler organizations, which are funded in part by Israeli ministries as well. This occurs despite the Israeli Civil Administration has repeatedly issued demolition orders against the outposts throughout the past years. Those orders, however, are not usually implemented and while formally opposing the outposts due to their illegality under Israeli law, Israeli governments ensure and prompt their maintenance and proliferation by financing and deploying military forces to escort their inhabitants.

The legal basis established to guarantee State governmental-biopolitical assistance to the settlers in West Bank is represented by their classification as National Priority Areas, which entitles them to receive benefits. The ambiguous character of the apartheid wall as a separation instrument is reflected also on the biopolitical level, indeed among the 280 settlements present in West Bank in 2020, ninety-two of them which are located on the Eastern side of the wall are included in the list of National Priority Areas as “threatened communities”. Fourteen which are located in the Jordan Valley are listed as “border communities”, while other thirty-five situated between the Jordan Valley and the South Hebron Hills are entitled to receive the benefits as “geographic periphery” areas³³⁶. The benefits received by the residents of official settlements include access to cheap land, whose purchase by settlers is furtherly facilitated by a discount, from 31% to 51%, provided by the Israel Land Authority. Further subsidies are provided in the framework of development plans for construction in the settlements and amount to an average of 160.000 NIS per family. State’s assistance is powerful also on the economic level, indeed the Ministry of Economy and Industry make available generous loans to the corporations willing to build industrial plants in the West Bank, thus prompting the establishment of Israeli industrial areas in the occupied territory. Moreover, the Ministry of Agriculture assists in the establishment of farms, especially in cooperative forms, by supporting volunteer groups in rural

³³⁶ *Ivi*, p. 14.

areas. In addition, a part of the settler communities is entitled to tax reductions, even if the grant of such benefit has decreased in the past years. All these welfare measures provided by the State have allowed for the establishment of higher living standards in the settlements in comparison to the average in Israel proper. According to the above-mentioned NGO's paper, indeed, in 2015 settlers were third in average gross income per household, the employment rate in the settlements is higher than in Israel proper, residency ownership in the settlements is at the sixth place out of seventeen Israel's districts and education standards are high, indeed in settler communities the percentage of students is second only to the Tel Aviv district³³⁷.

Apart from the provision of assistance and benefits to the settler communities, the State of Israel has guaranteed to them, of course, the basic services needed in order to establish the territorial continuity with Israel proper, which is a crucial dimension of the integrationist policy implemented by the Jewish State. In this sense, the bypass road system, which consists in a network of highways that connect settlements to each other and each of them to Israel, is the most important factor to take in consideration – also because mobility is one of the major dimensions in which the structural inequality between Israelis and Palestinians powerfully emerges. Indeed, access to bypass roads is prohibited to Palestinians, with the exception of some segments that, however, are studded by checkpoints and barriers that anyways restrict mobility to Palestinians. The reason of such restricted access is that the bypass road system has been built with the specific purpose of guaranteeing to settlers the possibility to move without having contacts with the Palestinian population. The outcome of this apartheid-like population dissection practice is, concretely, the materialization of a parallel supremacist universe for the settlers, in which the indigenous presence is erased. As explained in the report *Assessing the Impacts of Israeli Movement Restrictions on the Mobility of People and Goods in the West Bank* of the Applied Research Institute – Jerusalem, the expression “bypass roads” emerged during the 1990s to indicate the specific purpose of allowing the settlers to bypass Palestinian inhabited areas. This highways network has started to be built in the years following the Six Days War and the beginning of settler expansion in West Bank but experienced an acceleration after the election of the Likud government in 1977. During the Oslo phase funds for the construction of these roads have continued to be allocated by the Israeli governments, as well as in the first two decades of the 21st century. For instance, in February 2017, Israel has launched a further infrastructure project, which was estimated to cost 1.35 billion dollars, and provided for the excavation of tunnels, the expansion of major existing highways, the construction of new access

³³⁷ Ivi, pp. 11-12.

roads and bypass ones. In the same year in November, the Netanyahu government approved a 215 million dollars budget for building three new bypass roads, one tunnel and the expansion of an existing road. In 2015 the Israeli roads in West Bank were in total 939 kilometres long³³⁸.

In order to understand the processes of settlements expansion and consolidation over the decades and their biopolitical dimension, it is useful to pay attention to the scientific contribution represented by the collection of essays *Normalizing Occupation. The Politics of Everyday Life in the West Bank Settlements*³³⁹. In the introduction of this work the editors Marco Allegra, Ariel Handel and Erez Maggor point out that: «The history of Israel's settlement project has been by and large the history of the normalization of Jewish presence in West Bank»³⁴⁰ and that:

A second reductionist, yet highly common conceptualization of the settlers is the mention of the Green Line as the boundary dividing the sane, democratic Israeli polity from settlements' exotic, lawless, and dangerous country. It sees Israel/Palestine as composed of distinct, separate (or at least, separable with some future efforts) territorial entities. [...] This common treatment of the Green Line is surprisingly naïve. It overlooks the long and ongoing process of direct incorporation of large portions of the West Bank into Israel's social, economic and administrative fabric, as well as the relationship between dynamics in the settlements and long-term developments and changes in "Israel proper".³⁴¹

Reflecting about the normalization of settler colonization/occupation of the West Bank, under the light of the observations exposed by these scholars, is important in order to furtherly stress the biopolitical dimension of Israel's attitudes in this policy area. Indeed, the very definition of the modern State, as we have repeatedly stressed in this work, is that of a *normal status* of security and wellbeing for its citizens. Therefore, we intend the normalization of the occupation as based, not only but also, on an extension in the application of the State's biopolitical technology outside its internationally recognized borders, on a settler population that lives in a territory which is *de facto* under Israeli sovereignty. This approach focusing on the normalization of settlers' lives in the West Bank would simply result in a banal constation of the fact that Israel carries out its state functions towards a part of its population of citizens,

³³⁸ Issac, Jad, *et al.*, *Assessing the Impacts of Israeli Movement Restrictions on the Mobility of People and Goods in the West Bank*, Applied Research Institute – Jerusalem, Jerusalem 2019, pp. 16-17.

³³⁹ Allegri, Marco, Handel, Ariel, Maggor, Erez, editors, *Normalizing Occupation. The Politics of Everyday Life in the West Bank Settlements*, Indiana University Press, Bloomington and Indianapolis 2017.

³⁴⁰ *Ivi*, p. 1.

³⁴¹ *Ivi*, pp. 9-10.

if we disregarded the crucial fact that such practices are implemented in a context in which an ethnic-based dissection of the population living in these areas is the cornerstone of this welfare extension. The Israeli-settlers' supremacist universe is nothing more than the reality materialized due to the concrete functioning of exclusionary state mechanisms that guarantee a normal life to a group of people, the settlers, by intentionally sacrificing the chances for a fair and good life of another group, the Palestinians. When governmental care by a State towards its citizens requires systematic dispossession and exposure to political and biological death of another collective, as in the case of the West Bank, it is impossible to ignore the comparative dimension in which structural inequalities shape the power relations arrangement as an apartheid system. As we have argued in the first paragraph of this chapter, State racism is the power device through which it is possible to realize the fragmentation of the biological continuum represented by the population under the State's rule. The brief overview of the biopolitical policies implemented by the State of Israel towards that part of the now-fragmented biological continuum deemed as composed by citizens, in terms of provision of essential services, benefits and assistance, was aimed to describe the conditions in the supremacist Israeli settlers' universe. The most important aspect of this dimension consists in the fact that its supremacist character coincides with its normalization, defined as the convergence between life conditions in Israel proper and in the settlements.

We will now proceed towards the analysis of the abnormal living conditions experienced by the Palestinians, as excluded from the beneficiaries of the biopolitical material effects produced by the State of Israel's governmental policies in the West Bank:

There is therefore a dual and parallel system of municipal administration in a single territory, whereby neighbouring Israeli and Palestinian townships are organized through entirely separate systems of local government and do not share resources or size thresholds in their respective provision of public, welfare or educational services. There is perhaps no other single characteristic of the settlement network that, at one and the same time, reflects the banality of colonization (the functioning of local government and the provision of public services) alongside the artificiality of a system that separates neighbouring communities into a system of territorial and spatial duality.³⁴²

³⁴² Newman, David, *Settlement and Suburbanization. The Banality of Colonization*, in *Normalizing Occupation. The Politics of Everyday Life in the West Bank Settlements*, cit., pp. 44-45.

3.2.3 Population Dissection: Palestinians' Colonized Universe

In this section we will examine how the existence of what we have called the “Israeli settlers’ supremacist universe” in the West Bank is essentially based on the systematic dispossession and discrimination against the Palestinians living in the West Bank. This results in the emergence of a parallel and inextricable “Palestinian colonized universe” in which the Israeli authorities deprive the population of land, essential means of subsistence and basic rights such as mobility, political representation and freedom of expression. In other words, the condition for the normalization of life in settlements for Israeli citizens, that is to say the extension in the West Bank settlements of the implementation of governmental-biopolitical tactics by Israel, requires the structural maintenance of the Palestinian lives in West Bank as abnormal.

For instance, the possibility for the settlers to purchase land in West Bank at a very low price is motivated by the fact that such land has been forcefully acquired by Israel through dispossession of Palestinians. For instance, since 1979, when the Israeli High Court braked Israel’s requisition of land for “military needs” recognizing that the building of settlements did not meet such criterion, the Israeli authorities have used the declaration of Palestinian territory as “State land”³⁴³ in order to obtain control on it, even when such land was privately owned by Palestinians. In 1995, State land has been incorporated in the Area C under full Israeli control as provided by the Oslo Accords. In 2013, 31% of such State land had been allocated to the World Zionist Organization for the development of settlements, 8% had been allocated to settlement councils and Israeli mobile phone companies, 12% to Israeli government agencies for the provision of services to the settlers, such as the telephone company Bezeq, the Electric Company and the national water company Mekorot³⁴⁴. This aspect furtherly stresses how settlers’ possibilities to access basic governmental services, and therefore the possibility for the State of Israel to carry out its biopolitical tasks, is based on the systematic exclusion of Palestinians. In addition, more dispossession of Palestinian land has been required to guarantee another essential right to the settlers, which is the freedom of mobility. In 2004 there were 124 kilometres of road segments completely prohibited to Palestinians, while on 244 kilometres of

³⁴³ Officially under international law an occupier power can acquire control of land previously owned by the defeated enemy state, but must use this land to meet the needs of the local civilian population. From 1979 Israel increased the declarations of State land far beyond the territories owned by the Jordanian Monarchy before the Six Days War and by the British Authorities before the end of the Mandate. Indeed, in 1973 only 9.1% of the West Bank, mainly located in the Jordan Valley, but by 1992 Israel had declared as State land 25% of West Bank territory. Moreover, these land and its resources had been used to prompt settlements proliferation and expansion at the expenses of the Palestinian people. For a deeper analysis of this topic see Shalev, Nir, *Under the Guise of Legality. Israel’s Declarations of State Land in the West Bank*, eng. trans. Zvi Shulman, ed. by Yael Stein, B’tselem, Jerusalem 2012.

³⁴⁴ Kadman, Noga, *Acting the Landlord. Israel’s Policy in Area C, the West Bank*, cit., p. 14.

the road system Palestinian access was partially prohibited³⁴⁵. In the previous section we have mentioned the approval in the past recent years of projects for the expansion of the bypass road system, oriented to enhance settlers' fast and easy access to Israel. We should now stress that every extension of the highways or realization of new ones is carried out on lands of which the indigenous Palestinian population has been forcefully deprived. Another detrimental effect of the segregationist policy in place in the Israeli occupation road system is represented by its contribution in fragmenting the Palestinian space. Indeed, not only the presence of settlements, but also the path followed by such highways reserved to settlers' use only is linked to the establishment of obstacles to Palestinian mobility, such as checkpoints, barriers, roadblocks... In addition to the requisition of land in order to build the highways, the Israeli Military Order 1/96 prevents Palestinians to construct within 75-120 meters of the Israeli roads and this legal instrument is used as a justification for not approving Palestinian urban plans that would allow for the development of Palestinian areas. Thus, the presence of these exclusively Israeli roads systems represents a component in the Israeli strategy pursuing the goal of enclavisation of Palestinian centres³⁴⁶.

The shortages in the supplies of essential means of subsistence represent another factor determining the subaltern status assigned by Israel to the Palestinians in the apartheid system. The provision of water is an example of paramount importance in this sense. According to data reported by OCHA³⁴⁷ in 2023 Israelis use three times the quantity of water used by Palestinians in the West Bank: 247 litres a day per person versus 82.4 for Palestinians in general, the disproportion is even more deep when we consider the Palestinian communities that are not hooked up to the water grid, that use 26 litres a day per person. This is the result of an Israeli monopolization of water resources that started at the beginning of the occupation:

Immediately after occupying the West Bank in 1967, Israel took over the Palestinian water sector and introduced sweeping bans and restrictions. It demanded the Palestinians obtain its approval to drill new wells, and used the new access gained to water sources, especially in the Jordan Valley, for its own ends. Israel connected all the settlements built in the West Bank, with the exception of the Jordan Valley, to the Israeli water grid. Water is supplied

³⁴⁵ B'tselem, *Forbidden Roads. Israel's Discriminatory Road Regime in the West Bank*, Information Sheet, B'tselem, Jerusalem 2004, pp. 14-16.

³⁴⁶ Rosen, Maya, Shaul, Yehuda, *Highway to Annexation. Israeli Road and Transportation Infrastructure Development in the West Bank*, ed. by Talia Inbar, Israeli Centre for Public Affairs and Breaking the Silence, 2021, p. 13.

³⁴⁷ <https://reliefweb.int/report/occupied-palestinian-territory/parched-israels-policy-water-deprivation-west-bank-enarhe>

to settlements based on consumption indicators inside Israel, and the water supply for Israeli communities on both sides of the Green Line is managed as a single system. The Water Agreement entrenched Israel's monopoly over water sources [...] It enshrined the discriminatory distribution of shared water sources among Israel and the Palestinians, preserving the principle followed before it was signed: Israelis have access to water on demand, while Palestinians receive water according to predetermined allocations.³⁴⁸

These synthetic observations about the segregation of Palestinians in the West Bank and their exclusion from the biopolitical dimension of Israel's rule are understandable under the light of Michel Foucault's specification of the multiple forms that the sovereign right to murder can assume, that range from direct killing to exposure to death through the multiplication of risks, until the death intended as political death, expulsion and reject³⁴⁹. However, the negative identification of the Palestinians as the excluded from the biological group that the State of Israel "makes live" is not sufficient in order to fully understand the positive-productive processes associated with Israeli apartheid. In this respect, the Palestinian scholar Honaida Ghanim in her essay *Thanatopolitics: The Case of the Colonial Occupation in Palestine*³⁵⁰ after having affirmed the inadequacy of using only Michel Foucault's concept of biopolitics to analyse the power relations in the Occupied Palestinian Territories, proposes the idea of thanatopower as a conceptual frame that describes the «management of death and destruction»³⁵¹. Ghanim argues that her concept of thanatopower supplies to the impossibility to address the phenomenological experience of the victims excluded from the biopolitical technology's productive effects by referring to biopower only. Yet, she also defines thanatopower as a necessary supplement of biopower, as the other side of that typically modern coin. In her interpretation the maximum manifestations of thanatopower coincide with the active killing by Israeli forces of Palestinian activists and political leaders through frequent targeted assassinations, but there is also another form of exercising thanatopower, which is represented by the policies of systematic discrimination that we have described in our work and in this section, such as the confiscation of land, the segregation of space through the construction of settlements and bypass roads, the shortages on water and other supplies... The role of the apartheid wall in this dimension is analysed by Ghanim as:

³⁴⁸ *Ibidem*.

³⁴⁹ Foucault, Michel, *Society Must Be Defended. Lectures at the Collège de France, 1975-76*, cit., p. 256.

³⁵⁰ Ghanim, Honaida, *Thanatopolitics: The Case of the Colonial Occupation in Palestine*, in *Thinking Palestine*, cit., pp. 65-79.

³⁵¹ *Ivi*, p. 67,

A tool for demarcating clear boundaries between inside/outside, rule/exception, political life/bare life. The Wall became a physical and symbolic signifier separating the normal space of social and political life, which is populated by “innocent citizens” from the space of exception and bare life populated by groups arguably contaminated by genetic terror and cultural disease.³⁵²

After having analysed the non-effective, if ever actually expected, territorial separation that was supposed to take place through the construction of the wall, here it emerges again, also in this biopolitical-thanatopolitical dimension, the dissection function, in terms of populations, that the wall performs in the framework of apartheid. However, beyond the physical element represented by the apartheid wall, the premise for which Palestinians are turned into subjects produced primarily in the framework of thanatopower technology, according to the author, is an exclusionary criterion of eligibility to biopolitics that coincides with the entitlement to citizenship. As we have repeatedly stressed, Israeli decision makers have never been available to grant citizenship to the Palestinians in the occupied territories, who are currently state-less, due to their enduring Zionist goal of maintaining Israel as a Jewish State. Ethnicity is the criterion according to which, through State racism, the biological continuum is dissected and Palestinians, deemed ineligible for biopolitics, become objects of its supplement, represented by thanatopolitics. Before arriving to our conclusions, another aspect is needed to be taken in consideration in order to understand how this thanatopolitical apartheid mechanism has been presented under the guise of Israeli security needs. The fundamental assumption in this sense is the consideration by Israel of every Palestinian as a potential or real terrorist. In several Israeli leaders’ discourses, indeed, the terrorist attitude has been presented as connotation of the Palestinian people. Even if not always – but often – framed in explicitly traditional racist terms, the hegemonic Israeli imaginary of the Palestinian as a terrorist has become prevailing due to the narrative focusing on security needs. As Ghanim points out:

When the State of Israel declares that its war is against terror and supporters of terror, we find ourselves facing a state that is “targeting” the theoretical possibility of civilian existence in the Palestinian territories because this population is seen as supporting “terror”.³⁵³

³⁵² *Ivi*, p. 72.

³⁵³ *Ivi*, p. 74.

This highlights how even the Israeli narrative about the State's security needs resulted in a component that furtherly strengthens the racist features of segregation. For instance, all Palestinians are forbidden to use bypass roads because each of them is considered first of all as a potential terrorist. The reason why he represents such a threat is that he is Palestinian, in other words it is due to his ethnicity. Reflecting on this reasoning based on security arguments, we find a sort of biologization of the terrorist nature: not only Palestinians cannot be Israeli citizens because Israel is a Jewish State, but also because at this point *as Palestinians* they are terrorists or supporters of terrorism. Rather than representing an alternative set of arguments to justify the dissection of Israeli and Palestinian people, the security discourse results into being incorporated in the State racist discourse that allows for the capture of the Palestinians in a thanatopolitical system of power relations.

Finally, it is worthy to point out which difference, in our view, can be individuated between the exercise of thanatopower and the traditional sovereign right to murder. Torture as described by Michel Foucault in *Discipline and Punish* consists in a detailed process of producing suffering through the delay of death until the final execution. The scenario represented by the domain in which thanatopolitics prevails, characterized by continuous production of suffering oriented at the killing of the "inferior race" in order to make the "superior" one to flourish, at first impression, may appear similar. However, by taking in consideration the points of application of these different power technologies the divergence emerges. Indeed, the sovereign right to kill his enemy as part of his armed justice finds the point of application of his disproportionate force in the individual body of the condemned. Differently, thanatopower as a supplement of biopower has as its main reference a series of individuals that form a population. The exercise of thanatopower appears not to be comparable even to the sovereign right to declare war against the foreigner enemy, because in that case the complete destruction of the existential threat knows no delay or refrains. These two distinctions are useful in order to understand the typically modern character of the Israeli rule on the Occupied Palestinian Subjects in West Bank in contrast to a premodern rationale, on the one hand, and to highlight another aspect of the divergence that we have presented in the first paragraph of this chapter between the technologies of power configurations that inform Israeli practices towards the Palestinians in West Bank and the Gaza Strip: the establishment of a thanatopolitical apartheid system in the former and the engagement in a longstanding sovereign war against the latter.

This second dimension of the Israeli-Palestinian political field, the one represented by the power relations between Israel and Gaza since 2005, will be the last topic that we will analyse in our work. After having tried to present the divergence between the West Bank and the Gaza

dimensions of the Israeli-Palestinian political field in the first paragraph and having analysed the current arrangement of power relations represented by the apartheid system in place in the West Bank in the second one, in the third paragraph of this chapter we will focus on the dynamics and rationales on which the Israeli-Gazan relationships have been based since the reconfiguration of power technologies in this context has occurred at the beginning of the 21st century.

3.3 The Gaza Strip As An Existential Enemy

Starting from a historical overview of the rise and consolidation of a major actor in the Israeli-Gazan dimension of this political field, in the first section of this chapter we will focus on the emergence of Hamas and its assumption of power in the Gaza Strip after the victory in the 2006 general elections and the civil war against Fatah. After this historical premise, in the second chapter we will focus on the subjectivation process of Hamas as a *Non-Justus hostis* from Israeli perspective, as opposed to Carl Schmitt's theorization of the concept of *Justus hostis*. This analysis will require to take in consideration the role assigned by inter-state international law, as based on the principles of the *Jus publicum Europaeum*, to sovereign states entitled to the right to use force and the non-role of non-state armed actors. The identification of this *vacuum* regarding the role of non-state actors will lead us to analyse the applicability to the Hamas case of the ideas elaborated by Schmitt in his treatise *The Theory of the Partisan*, in which the anomaly represented by the use of force against the state by irregular fighters is thematized and problematized. In the third and last section of this paragraph the object of our investigation will be the effects on the relation of hostility between Israel and Hamas in the Gaza Strip of the subjectivation of the latter as a *non-Justus hostis* in terms of dehumanization and affirmation of a total war framework in case of war. On the other hand, in order to explicit the non-identity between Hamas as an armed organization and the Gazan population as a whole, we will mention the racialization process as a different, but not mutually exclusive, dynamic of dehumanization through which the killing of Palestinian civilians in Gaza is perpetrated and justified by Israel. Finally, we will observe how the conceptual premises of Hamas as a criminal *non-Justus hostis* and the racialization of Gazan people are informing and shaping the current total war between Israel and the Gaza Strip, broken out on 7th October 2023 after Hamas attack against Israel, interpreting such armed action as the moment when hostility has reached its extreme consequence, represented by concrete war.

3.3.1 Rise of Hamas and Its Consolidation in the Gaza Strip

Four months after Israel had evacuated settlers and the withdrew its military forces from the Gaza Strip, the second general elections in the history of Palestine have been carried out. In January 2006 the Palestinian Islamist movement Hamas won at the ballots, obtaining 76 sits in the PA's legislative council, while the previously dominant Fatah obtained only 43 of them. Born as a grassroots movement representing the Palestinian branch of the Muslim Brotherhood, Hamas proclaimed its existence, independent from the Egyptian radical movement, in 1987 at the beginning of the first Intifada, and aimed at representing an Islamist alternative for the Palestinian independentist struggle to the secular, Fatah-dominated Palestinian Liberation Organization. Prior to 1987, the future Hamas leaders under the umbrella of the Muslim Brotherhood focused on penetrating the Palestinian society and gaining people's support by setting up charitable services, spreading Islamic teachings and in general paving the way for the establishment of an Islamist cultural-educational model for Palestinian nationalism. The establishment of Hamas as an independent organization, however, was the result of the pressures from the Palestinian members of the Muslim Brotherhood to adopt a more active and tough stand against Israel. *Jihad*, intended as armed resistance against the occupier, alongside the continuous provision of services to the population, became a fundamental activity of the newborn organization. In the *Covenant of the Islamic Resistance Movement*³⁵⁴, also known as the "Hamas Charter" published in August 1988, the movement framed the Palestine question in religious terms. As explained by the historian Mark LeVine:

Hamas' Islamization of Palestinian nationalism, and by extension of Jewish claims on Palestine, was accompanied by nationalizing and territorializing the movement's pan-Islamic ideals, producing an integration of religion and nationalism that was common response to the lack of security – economic, political, territorial and even "ontological" – associated with the onset of contemporary globalization in many societies, including Israel/Palestine. This tendency was uniquely reflected, however, in serving as a clear riposte to the Israeli strategy of integration through separation and segregation as it developed during the Oslo period.³⁵⁵

³⁵⁴ Covenant of the Islamic Resistance Movement, 18th August 1988, https://avalon.law.yale.edu/20th_century/hamas.asp

³⁵⁵ LeVine, Mark, *Impossible Peace. Israel/Palestine since 1989*, cit., p. 137.

Examples of such religious declination of the Palestine question are represented by the definition of the land of Palestine as inalienable Islamic *waqf*³⁵⁶ and by the attribution of the responsibility to liberate it to the three Palestinian, Arab and Islamic circles and the frame of it as an individual duty of every Muslim. By affirming that *Jihad* is the only path to achieve the liberation of Palestine, the Hamas Charter formalizes the opposition of the movement to every negotiated solution with Israel. The principles expressed in this foundational covenant will be translated in the positions assumed by Hamas regarding the refusal to recognize Israel's right to exist, the rejection of the partition of Palestine and consequently of the two-state solution and the re-affirmation of the right to return of the refugees in the whole historical Palestine. These ideological assumptions led Hamas to be the major opponent of the Oslo process in the Palestinian scenario and prevented it to enter the Palestinian Liberation Organization which, in the same year in which Hamas published its Charter, had issued the Palestinian Declaration of Independence in which it expressed opposite positions. In 1988, the organization led by Yasser Arafat accepted the partition principle, recognized Israel's right to exist and renounced to armed struggle.

During the first Intifada, Hamas armed operations focused on targeting Palestinians who collaborated with Israel through the establishment of an internal articulation in the movement, formed by the Palestinian Holy Warriors, then turned into the Iz al-Din al-Qassem Brigades, which represented Hamas' armed wing, the intelligence body Aman, that collected information about collaborators, the shock troops that interrogated and killed the suspected collaborators and enforced strikes and boycotts of Israeli goods³⁵⁷. The turning point as for as active armed struggle against Israel is concerned was represented by the first of the many suicide bombing attacks carried out in Israeli territory, occurred in Afula in April 1994, which turned out in the killing of seven Israelis. This terrorist attack occurred forty-one days after the Hebron massacre, when the extremist Israeli settler Baruch Goldstein opened fire in the Ibrahimi Mosque, in the southern West Bank city of Hebron, murdering twenty-nine Palestinians. From this moment on, suicide bombing attacks became the "signature" of Hamas armed operations against Israelis and were consciously used by the movement in order to compromise the success chances of Arafat's negotiations efforts. A role was played by both Palestinian and Israeli extremisms in derailing the Oslo process. Hamas activity on the Palestinian side aimed at raising opposition to the negotiations among the Israeli public at large, on the basis of the Israeli reasoning according to which there was no point in negotiating if these diplomatic efforts did not ensure

³⁵⁶ *Waqf* is an Islamic concept referring to an inalienable property of the Muslim community.

³⁵⁷ LeVine, Mark, *Impossible Peace. Israel/Palestine since 1989*, cit., p. 134.

security. Moreover, Israeli extremism represented by the opposition to the process by the settler movement found its major expression in the murder of the prime minister Yitzhak Rabin by an Israeli religious settler in Tel Aviv in 1995.

The Palestinian Authority reaction consisted in the repression of Hamas and in the arrest of its militants in the OPTs, in the framework of the security cooperation with Israel. However, by the early 2000s, from the point of view of the exhausted and disappointed Palestinian population the failure of the Oslo process, as well as the outbreak of the second Intifada, paved the way for the affirmation of Hamas as a political force able to supply to the Palestinian Authority's ineffectiveness in pursuing the interests of the Palestinians. The renounce to armed struggle in exchange for political negotiations aimed at realizing the aim of creating a Palestinian State turned out to be a strategy that provoked heavy losses for the Palestinians with no significant gains. Hamas' full-scale engagement in armed actions and its assumption of a prevailing role in the field of the violent Palestinian operations started some months after the beginning of the al-Aqsa Intifada. In the first months, instead, according to the scholar Tareq Baconi in his book *Hamas Contained. The Rise and Pacification of Palestinian Resistance*³⁵⁸:

Hamas's statements indicated both that its military operations during the Second Intifada were limited to the goal of liberating the occupied territories, rather than to the destruction of Israel, and that the movement was ready to end violence in return for an end to the occupation. In this way, Hamas accepted the notion of a Palestinian state on the 1967 borders, much as the PLO had done before it, without conceding the goal of liberating historic Palestine by recognizing Israel. Hamas saw itself postponing the full liberation of Palestine to a future battle, the responsibility for which it placed with the wider Arab and Islamic worlds.³⁵⁹

However, the election in Israel of Ariel Sharon as prime minister, as we have explained in the last section of the second paragraph, paved the way for the further militarization of the uprising under the logic of a recentralization of sovereignty technology in the form of unilateral and military actions. At this point Hamas resorted completely to armed struggle in the form of suicide bombings, launching the Ten Bombers campaign in early summer 2001 that provoked heavy casualties among Israeli civilians, and starting to fire rockets from the Gaza Strip in the same year. From Hamas' point of view, armed operations had double meaning and purpose:

³⁵⁸ Baconi, Tareq, *Hamas Contained. The Rise and Pacification of Palestinian Resistance*, Stanford University Press, Stanford 2018.

³⁵⁹ Ivi, p. 40.

punishing Israel for its decades-standing cruel occupation practices, given that occupation itself was intended as the maximum form of terrorism and violence, and deterring Israeli repressive actions against Palestinian armed groups and population forcing it to give up on the OPTs.

Between Hamas' focus on fighting Israel during the Intifada and its participation at the 2006 general elections some key events occurred: in 2004 Fatah, Hamas and several Palestinian parties agreed on the Palestinian Cairo Declaration, in which the need of reforming the PLO was affirmed, in February 2005 at the Sharm El-Sheikh Summit the PA's President Mahmud Abbas and the Israeli prime minister Ariel Sharon declared their intention to stop violence, thus formally ending the Intifada and in August that year the implementation of Sharon's disengagement plan started. In this new configuration, Hamas' internal debate on the possibility to start a political process to enter the PA resulted in the decision to run for the general elections of January 2006. One of the main factors prompting Hamas to focus on the political dimension was the constatation that their armed struggle had failed, for the moment, in reaching the above-mentioned aim of forcing Israel to end its occupation of West Bank and the Gaza Strip. Yet, Hamas refused to renounce to armed resistance and to adopt the principles at the basis of the Palestinian Authority foundation in the Oslo Accords, namely the recognition of the State of Israel and the partition of historical Palestine. As Tareq Baconi points out:

While the PLO's past entry into politics had been premised on concessions, Hamas tethered its engagement in politics to the failure of negotiations and underscored the need to reject any further concessions from the Palestinian side, including any commitment to disarm the resistance factions or to halt fire. Such a role would provide political backing to Hamas's vision, as the movement would finally have a voice in crafting policy of blocking legislation it deemed harmful.³⁶⁰

On the basis of the Cairo Declaration, the president of the Palestinian Authority Mahmud Abbas accepted Hamas' participation to the elections, while reassuring his Western allies that after his victory, he would have enhanced security efforts to uproot Palestinian armed groups. The US and the other members of the Quartet on Middle East were much more sceptical, but were also the major supporters of the idea to carry out elections in Palestine, since it was a condition of their Roadmap peace plan. On the one hand, preventing the participation of Hamas would have thrown shades on the true democratic character of the elections and their legitimacy while, on the other hand, the Quartet was illuded that the majoritarian system of voting could

³⁶⁰ *Ivi*, pp. 80-81.

ensure the victory of Fatah. Israel, on its part, officially and persistently opposed Hamas' participation. The result of the ballots triggered international hysteria. Israel froze the transfer to the PA of revenues from Palestinian tax and custom duty, and imposed a heavy blockade on the Occupied Palestinian Territories, that was particularly harsh in the Gaza Strip. The US stopped their financial aid to the PA and engaged in lobbying activity to persuade other states to do the same. The international community demanded that Hamas conformed to the principles underlying the Oslo Accords, namely the recognition of Israel and to stop armed violence, in order to accept the participation of the Palestinian organization in a PA government. Hamas refused. Its entire electoral campaign and its victory, indeed, were based on its alternative status in comparison to the Fatah leadership, perceived as corrupted by the population, and on the denounce of the PLO's surrender of armed struggle in favour of the collaboration in security matters with Israel. Moreover, as affirmed during the second Intifada, Hamas sustained that the end of Israeli occupation in West Bank and the Gaza Strip was conditional for the enactment of a long-term ceasefire, which was the expression that the Palestinian organization used to refer to an end of violent operations against the Jewish State. The role of the PLO as international representative of the Palestinian people, the presence of a Fatah presidency represented by Mahmud Abbas and on the same time the emergence of a government led by Hamas, who did not accept the premises on which the former two agents had been acting in the previous decade, led to the exacerbation of a crisis within the already fragmented Palestinian political scenario. International interferences furtherly contributed to escalate the tensions: the United States started to actively support Fatah in terms of military training and supplies, forecasting a coup against the Hamas leadership³⁶¹. After a proposal by Hamas to form a coalition government with Fatah, and the refusal from Mahmud Abbas, who in addition to be the PA president was also the head of the secular Palestinian party, Hamas formed its own cabinet, that obtained the confidence of the Palestinian Council in March 2006. Meanwhile, Abbas strengthened the PLO as a counter to the now Hamas-led government of the Palestinian Authority, a move that was interpreted by the latter as an attempt by the Palestinian president to create a parallel government. In this phase, clashes between the armed factions of the two political rivals, Fatah and Hamas, erupted in the Gaza Strip and constantly increased: both were strengthening their military forces, Fatah was receiving American support and Hamas, with the aid of Iran and a widespread recruitment campaign, set up the Executive Force alongside the deployment of its historical armed wing represented by the Qassem Brigades. One last attempt to de-escalate

³⁶¹ *Ivi*, p. 124.

tensions and to lift international sanctions that were economically strangling the Palestinian people was represented by the Mecca Agreement signed by Fatah and Hamas in February 2007, with Saudi mediation, concerning the formation of a unity government. Such attempt, however, was a failure: the unity government came in place in March 2007 and faded away with the outbreak of a civil war in the Gaza Strip in June that year. After the implementation of the Mecca Agreement, indeed, armed clashes between Fatah and Hamas as well as kidnappings and murders continued in the Strip, moreover US military training and support to Fatah forces continued and President George W. Bush maintained that the American administration could not accept a Palestinian government that included Hamas. The civil war that broke out in the Gaza Strip ended in a week with the expulsion from the Strip of the Fatah forces, the Fatah members who survived fled to Ramallah, where a parallel government was established and from where the Palestinian Authority started a repression campaign against Hamas militants in West Bank. In the Gaza Strip, Hamas assumed total rule and fully obtained the control of every aspect of the political and public life: it started to perform alone security tasks by integrating the Executive Force into the Palestinian Civil Police while the military became monopolized by the Qassem Brigades, it carried out governmental functions, censored media, suppressed secular organizations and centralized power by setting up a strong bureaucracy³⁶².

The Israeli factor during this period of intra-Palestinian political violence was represented by frequent incursions of the Israeli Defense Forces in the Gaza Strip with the aim of neutralizing Hamas military apparatus focused on the launch of rockets against Israel³⁶³. Moreover, Israel continued to enforce the blockade of the Strip started after the January 2006 elections and furtherly strengthened after Hamas' complete takeover in 2007, thus demonstrating the ongoing control of the Gazan borders that Israel had maintained after the Disengagement. In the years following the expulsion of Fatah from the Gaza Strip, war became concretely the fundamental paradigm for Israel-Gaza relations. Disengagement from the Strip two years earlier, that we have described as an Israeli unilateral act of sovereignty, in this sense, opened the way for the establishment of such conflictual relation by alienating a territory which had been Hamas' stronghold since its very foundation and by conceiving it, since the withdrawal of Israeli forces, as a hostile territory. The engagement of Hamas in deadly armed struggle, in the form of suicide bombings and rockets firing since the second Intifada provided to Israel the

³⁶² For a deeper analysis of Hamas' policies in the Gaza Strip after June 2007 see Berti, Benedetta, *Non-State Actors ad Providers of Governance: The Hamas Government in Gaza Between Effective Sovereignty, Centralized Authority, and Resistance*, in *Middle East Journal*, Winter 2015, Vol. 69, No. 1, Middle East Institute, pp. 9-31.

³⁶³ See *Israeli Military Operations Against Gaza, 2000-2008*, in *Journal of Palestine Studies*, Spring 2009, Vol. 38, No. 3, University of California Press on behalf of the Institute for Palestine Studies, pp. 122-138.

most adequate political counterpart to frame the Israeli-Gazan question as an existential battle for the survival of the State of Israel, as well as an opportunity to present the issue in terms of total war, by inserting it in the wider post-9/11 Western attempt to erase terrorism. Of course, Hamas' victory in the 2006 general elections was not something that Israel had forecast, let alone wished as showed by Israel's opposition to the participation to the elections of the Islamist Palestinian group. Yet, Israeli unilateral move represented by Disengagement allowed for the political consolidation of the radical resistance movement, that assumed the form of a para-State due to the possibility to take roots territorially in a land which was not disciplinary fragmented anymore. By confining Palestinians in Gaza "as lepers", Israel underestimated the very banal fact that they are not "lepers", but a community with political aspirations of self-determination that finds expression, in part and not exhaustively, in armed organizations willing to fight back with every means at their disposal. After decades of aberrant disciplinary rule in the OPTs-prison system, on 26th January 2006 Israel found out that it had not "straighten out" the Palestinians enough. The idea of being able, as a settler colonial modern State, to repress the resistant attitude of the Palestinian people through an interplay of brutal sovereign tactics and subtle disciplinary ones turned out to be an illusion when the Palestinians, having received the possibility to express their will at the ballots, chose the radical option represented by Hamas rather than the compromised Fatah. After the consolidation of Hamas monopoly of power in the Strip following the civil war against Fatah, the conditions for the implementation by Israel of sovereign warfare tactics to destroy Gaza through a modern version of the war between races materialized.

3.3.2 Israel's *Non-Justus Hostis*

In the aftermath of Hamas takeover on the Gaza Strip, the State of Israel declared the enclave a "hostile entity", on 19th September 2007. The lexical choice characterizing this declaration should not be underestimated, therefore, in order to investigate its meaning, the object of this section will be Israel's conception of the Palestinian resistance, and of Hamas armed organization in particular. Following Carl Schmitt's reflections in *The Nomos of the Earth* and in *The Theory of the Partisan* we will argue that Palestinian resistance, in particular in the form assumed through Hamas, has been treated by Israel as a *Non-justus hostis*, in opposition to Schmitt's conceptualization of the *Justus hostis* as the political subject entitled to the sovereign right to declare war under the inter-state international law informed by the framework of the *Jus Publicum Europaeum*. Moreover, we will try to unravel the consequences of the prevailing

of this conceptual framework, interpreting them as factors shaping the character of total war assumed by Israel's military efforts against the Strip in the past sixteen years, paying particular attention to Israel's sovereign belligerent attitudes towards the Gaza Strip and its population.

In his contribution *Israel's Permanent Siege of Gaza*³⁶⁴, the scholar Ron Smith stresses that the category "hostile entity" has no meaning in international humanitarian law, despite this, Israel has used this classification as a basis to enforce a warfare siege against the people in Gaza as a whole, with harsh humanitarian effects aimed at exhausting the civilian population:

A practice against targeted populations indicates not a global desire to coerce or punish opponent governments, but rather preference for targeting the health of individual bodies of their subjects by denying them the basic needs of any modern society, affecting the entire country. The punitive sanctions imposed on Iran and Venezuela by the United States serve a similar function – making civilians suffer in the service of geopolitics. What makes the Israeli siege of Gaza unique, however, is its permanence.³⁶⁵

Indeed, the expulsion of Fatah from Gaza was followed by the imposition of an almost total blockade on the Strip by Israel, that for its entity and intentions can be intended as a siege. As we have highlighted, after Disengagement Israel has maintained the control of Gaza's territorial waters, airspace and territorial borders. Due to this grip on the enclave, the Jewish State has been able to isolate it, thus preventing the entry and exit of people and goods. The perimeter of the Strip was surrounded, since the 1990s by Israeli-controlled fences and walls, and the three remaining border crossings – Rafah, Erez and Karam Abu Salom/Kerem Shalom – were put under a regime of closure, with the collaboration of Egypt as far as the Rafah crossing was concerned. Israel's security needs were presented as the motivations justifying such siege practices, despite the humanitarian crisis they provoked in the Strip.

In addition to mention the humanitarian catastrophe caused by Israeli belligerent actions against Gaza, however, it is important to understand the conceptual rationale underlying them. We argue that the anomaly represented by Israeli classification of the Gaza Strip as a "hostile entity" results from a *vacuum* in a state-based international legal system. According to the jurist Zakaria Daboné in *International Law: Armed Groups in a State-Centric System*³⁶⁶ international

³⁶⁴ Smith, Ron, *Israel's Permanent Siege of Gaza*, in *Middle East Report*, No. 290, Spring 2019, The New Landscape of INTERVENTION, Middle East Research and Information Project, pp. 38-42.

³⁶⁵ *Ivi*, p. 39.

³⁶⁶ Daboné, Zakaria, *International Law: Armed Groups in a State-Centric System*, in *International Review of the Red Cross*, June 2011, Vol. 93, No. 882, International Committee of the Red Cross and Cambridge University Press, pp. 395-424.

law has been elaborated by the states and for the states, setting their interests as priorities and without recognizing common or higher authority. In this context the position and claims of armed groups are not specifically addressed, let alone considered as legitimate, by the inter-state international law, the result is the fall of them in the domain of internal State law, that for its very nature and foundation is opposed to every form of resistance:

Armed groups do not benefit from the same status as government forces. In internal law, or in the language of the public authorities, the members of armed groups simply refuse to obey the law; they are bandits under ordinary law, terrorists, stateless persons who can be punished for the mere fact of having taken up arms. In international law, no instrument places insurgents on an equal footing with government troops. [...] The fact that international law has been “uninterested” in them is not just due to their non-state character. Armed groups are the enemy of the state, which holds the upper hand when it comes to the development of international law.³⁶⁷

Nowadays in international law the *jus ad bellum*, that is the right to use force, is an exclusive prerogative of nation states and armed groups are excluded from exercising it, while according to internal law the State detains the monopoly of violence and challenging this exclusive sovereign right represents a crime. By analysing Carl Schmitt’s theorization of the *Jus Publicum Europaeum* we find that these principles have been inherited by contemporary international law. As we have mentioned in the first chapter, according to Schmitt, the possibility to provide a set of rules for armed conflicts derived from the recognition by European states of the equality between each other as sovereign powers, that is to say as *Justus hostes*. The classification of an enemy State as a *Justus hostis* prevents the identification of it as a criminal and the consequent engagement in warfare aimed at annihilation. States as such have the right to declare war against other states and to be considered as «equally legal partners in war»³⁶⁸. Carl Schmitt specifies that such *Jus publicum* was specifically *Europaeum*, indeed extra-European regions were conceived, instead, as “free” lands to be appropriated by the European state powers in the framework of colonialism³⁶⁹. After the Second World War thanks to the decolonization process, the United Nations elaborated an international legislation that went beyond the borders of the

³⁶⁷ Ivi, p. 397.

³⁶⁸ Carl Schmitt, *The Nomos of the Earth in International Law of the Jus Publicum Europaeum*, cit., p. 142.

³⁶⁹ Ivi, p. 148.

European continent. Under the light of the observations of jurists like Zakaria Daboné, however, we can interpret such developments as an extension of the geographical domain in which the validity of the principles underlying the *Jus Publicum Europaeum* was affirmed, rather than a substantial modification of them. The monopoly by the political form of the State to exercise force is still in place, both in the internal domain and in the international one. The price to pay for a non-State actor that uses violence is the exposure to annihilation: this risk had been excluded by *Jus Publicum Europaeum* in the case the enemy of the State is another sovereign state, when this condition is not met, pre-modern existential wars, that Schmitt defines as religious or factional wars and Foucault addresses as war of races, re-emerge.

The *vacuum* in the *Jus Publicum Europaeum*, inherited by contemporary international law, regarding the exercise of force by non-State actors did not remain unnoticed in Carl Schmitt's theoretical production. In the lectures given by the German jurist at the Estudio General de Navarra in 1962, then turned into the treatise *The Theory of the Partisan*, he defines the partisan, who is a non-state actor engaging in armed struggle against a government, as an «irregular fighter»³⁷⁰ and explicitly states that:

There is no place in the classical martial law of the existing European international law for the partisan, in the modern sense of the word. [...] Two kinds of war are particularly important and in a sense even related to partisanship: civil war and colonial war. In the partisanship of our own time, this context is almost its specific characteristic. Classical European international law marginalized these two dangerous forms of war and enmity.³⁷¹

Schmitt's characterization of the partisan in this text proceeds with the identification of some crucial attributes: irregularity, increased mobility (warfare-tactical terms), the intensity of political commitment and the tellurian character determining the «essentially defensive situation of the partisan»³⁷². The last attribute, the tellurian character, refers to the archetype of the partisan, who is the anticolonial fighter aiming at liberating his *land* from the occupier. A fundamental consequence of the irregularity of the partisan in fighting is the difficulty to distinguish him from the rest of the civilian population. Given the absence of the characters of a regular army in the case of insurgent armed groups, then, a State which is fighting against them tends to target the whole population: the goal of annihilating the partisan is extended, in many cases for pragmatic reasons, to the people living side by side with the insurgents. Facing

³⁷⁰ Carl Schmitt, *The Theory of the Partisan. A Commentary/Remark on the Concept of the Political*, cit., p. 9.

³⁷¹ *Ivi*, pp. 6-7.

³⁷² *Ivi*, p. 13.

the dilemma of how to target the armed men, modern colonial States usually adopt indiscriminate warfare, downgrading civilian casualties as “side effects”³⁷³.

Without the need to add ethical evaluations to the Schmittian conceptualization of the partisan, we can observe that Hamas as an armed movement presents at least three of the four above-listed attributes identified by Carl Schmitt. Increased mobility in terms of warfare tactics, defined by Schmitt as «agility, speed, and the sudden change of surprise attack and retreat»³⁷⁴ is traceable, for instance, in Hamas’ reliance on underground tunnels while fighting against IDF soldiers during the ground incursions that have characterized the pre- and post-2007 confrontations between the two parties. The intensity of political commitment has been expressed since its very foundation by the Palestinian Islamist movement with the aim of liberating historical Palestine. In describing such feature, Schmitt specifies that political commitment is the criterion through which the partisan despite being considered as a criminal by the oppressor State is essentially different from the common criminal, as much as he is distinguished from the regular soldier³⁷⁵. At the very foundation of the political commitment expressed by Hamas, finally, there is its tellurian character represented by the essential relation between Palestinian soil, autochthonous Palestinian population and geographic specificity at the core of Hamas armed opposition against the State of Israel and also of its Islamist ideology. Yet, one major attribute of the partisan according to Schmitt, his irregularity, is somehow controversial as far as the role of Hamas in the Gaza Strip since 2007 is concerned. As we have stressed in this chapter, Israeli Disengagement determined a fundamental reconfiguration of power technologies and relations in this dimension of the Israeli-Palestinian political field. First of all, by evacuating settlers and troops, Israel sustained that it was not an occupier power in the Strip anymore. Despite many commentators consider this false, we have constated that as for as the Israeli occupation system has been structured in the past decades in the OPTs and still endures nowadays in the West Bank, it is true that a fundamental change in the configuration of power technologies implemented by Israel has occurred, and that such change can be intended as having shaped Israeli-Gazan relations in a way different from occupation and more similar to reciprocal war. We have considered this transformation as derived by a re-centralization of the sovereignty technology by Israel, expressed in the alienation of Gazan land and in the absolute expulsion of the Gazan people outside the Israeli political system. Finally, we have framed the ongoing control of Gazan borders by the Jewish State as a belligerent act

³⁷³ *Ivi*, p. 24.

³⁷⁴ *Ivi*, p. 11.

³⁷⁵ *Ivi*, p. 10.

of siege towards an external enemy. These considerations find an *ex-post* corroboration in the observation that, given the absence of Israeli sovereign-territorial expansionist and disciplinary-territorially fragmenting tactics in the Strip, after the takeover in 2007 Hamas has been able to consolidate its power up to the establishment of a *de-facto* government of the Gaza Strip, embracing all the domains of actions of a modern state: military, security, services... It is precisely the institutionalized character of Hamas' armed wing, the Qassem Brigades that effectively perform many of the functions of a modern army, the reason why the classification of Hamas as a partisan organization as it is conceptualized by Carl Schmitt faces theoretical difficulties. According to Schmitt:

The regular character manifests itself in the soldier's uniform, which is more than a work uniform/suit. It is a sign of his sway over the public sphere, and with the uniform he also displays his weapon.³⁷⁶

The members of the Qassem Brigades in the Gaza Strip do have uniforms as well as weaponry and a military apparatus able to adopt warfare techniques that overcome traditional partisans' guerrilla, the Qassem rockets and their systematic launch towards Israel are the major examples. Hamas soldiers' "sway" on the public life in the Gaza Strip, moreover, is undisputed. The peculiarity of Hamas' status as an institutionalized para-state – but still non-state – actor in the Gaza Strip and, on the same time, as a partisan organization engaging in an anticolonial war with the aim of liberating the entire historical Palestine, then, highlights the existence of a *vacuum* within Schmitt's theory that represented the attempt to thematise another *vacuum*: the one concerning the role of non-state armed actors in inter-state international law. This theoretical unclarity is recognized by the German philosopher himself, who specifies that «For the modern partisan today, the binaries regular-irregular and legal-illegal often blur and cross over each other»³⁷⁷ when he refers in particular to the situations in which, in a revolutionary war, numerous semi-autonomous and para-regular groups emerge or when there is collaboration between the regular army and irregular national fighters called to contribute to defend the State from an aggressor. By analysing the role of Hamas in the Gaza Strip, we can add that such "blurring and cross over each other" occurs even when a partisan armed group is given the possibility to take roots territorially, assuming the tasks of a government in a land where the oppressive forces exercise their power only from the outside. Given the difficulty of

³⁷⁶ Ivi, pp. 9-10.

³⁷⁷ Ivi, p. 11.

identifying an exhaustive connotation of the status of a para-state partisan armed group such as Hamas, then, we will assume a definition of it in negative terms, as a *non-Justus hostis* perceived as a criminal by the State that is fighting against it.

After these reflections, we can intend Israel's declaration of the Gaza Strip as a "hostile entity" precisely as an affirmation of Gazan non-State character. Otherwise, in inter-state international law it would have been considered as an equal and entitled to the right to attack another state, in this case Israel, without deserving to be totally annihilated. The sovereign character of Israel's war against Hamas, then, does not rely on the fact that this conflictual relation is inscribed in the conventional war framework between sovereigns, but rather in the principle for which sovereignty represents the absolute and exclusive power of taking decisions in the state of exception, which is the condition of war, with the aim of preserving the normal *status*. The fact that the enemy is not another state means that this specific war is something different than the conventional war regulated by the *Jus Publicum Europaeum*: sovereign decisions in such a total war against the enemy-criminal will aim to annihilate the *non-Justus hostis*.

Another aspect in the above-mentioned Israel's declaration is worthy of attention in order to understand the devastating effects that a total war implies: the Jewish State in 2007 declared *the Gaza Strip*, not specifically Hamas, as a "hostile entity". Immediately this was accompanied by the halt of supplies of fuel and other essential goods to the enclave, which affected the Gazan population as an act of intensified siege. In this sense, the target of Israel's war was well defined: it was the Gaza Strip and its political existence, as well as the biological life of its inhabitants, not only the armed activity of Hamas. Systematic disregard by Israel for civilian casualties during the several offensives that it has perpetrated in the last sixteen years against Gaza, hence, reflects the brutal character of the non-regulated total war based on the criminalization of the enemy. As specified by Carl Schmitt:

The more strictly an army is disciplined – the more decisively it distinguishes between military and civilians, considering only uniformed opponent as the enemy – the more sensitive and nervous it becomes when an un-uniformed civilian populace joins the battle on the other side. The army then reacts with harsh reprisals, summary executions, hostage-taking, and destruction of towns, taking these to be adequate self-defensive measures against malicious ruses and treachery. The more the regular, uniformed opponent is respected, the more harshly the irregular fighter is treated as criminal.³⁷⁸

³⁷⁸ Ivi, p. 24.

Israel's refusal to recognize Hamas as a "uniformed opponent" resulted into the persecution of the whole Gazan population and in the perception of an indissoluble entrenchment of the armed group, the Gaza Strip territory and its residents³⁷⁹. The adoption of full-scale bombing during every of the five Israel's massive offensives against the Gaza Strip since 2007, for instance, expresses this lack of interest in distinguishing between members of the armed organization and civilians. In the next section we will analyse this dimension paying attention to the material effects provoked by Israel's frame of its confrontations with the Gaza Strip in the context of a total war against a *non-Justus hostis*.

3.3.3 Dehumanization Of Palestinians And The Total War On Gaza

Racialization and criminalization can be intended as the two fundamental processes leading to the dehumanization of the Other, turning him in an "inferior race" and/or in a particular kind of enemy that must not only be defeated, but destroyed. If the ethnic character of the Jewish State is at the basis of the racialization of Palestinians as an "inferior race" not entitled of being part of the biological continuum and deserving the expulsion in the domain of thanatopolitics, the criminalization of them paves the way for the efforts aimed not only at managing their death by exposing them to constant risks in political and biological terms, but at actively killing them in a proper framework of hostility. Criminalization of Gazan Palestinians has increased after Hamas' takeover of the Strip and the declaration of the enclave as a "hostile entity". As we have explained in the previous section, in relations of hostility the alternative category to *Justus hostis* is represented by the classification as criminals of the insurgent groups, followed by a generalization of dehumanization to the whole population entrenched with the armed organization. We have preferred to use the negative definition of *non-Justus hostis* to address the results of the subjectivation process concerning the Palestinian armed resistance in Gaza. The reason why we have chosen to frame the issue in these terms consists in the recognition of the inadequacy of the classic "criminal" category to refer to non-state actors engaging in armed

³⁷⁹ In empirical terms, Carl Schmitt's trust in the effectivity of restrictions of war based on the *Jus Publicum Europeaeum* can be objected: violations of the distinction between regular soldiers and civilians are common practice also in conventional wars between states. However, it is important to recognize that such States's crimes towards the population of their sovereign enemies are *violations*, that is to say practical breaches of a still accepted legal and conceptual framework. On the contrary, when the enemy is criminalized because it is not recognized as a sovereign power entitled of the *jus ad bellum*, generalization of the target and goal of annihilation are not *violations of the principles of such war*, but rather the very cornerstones of that total conflict. In this respect the conceptual distinction theorized by Carl Schmitt between the war between sovereigns and the sovereign total war against criminals remains of great importance, despite practical systematic violations of the rules of the former.

struggle against a sovereign state. However, Israel's narrative is based on the adherence to the inter-state international framework in which the fall of armed groups in the category of criminals is not problematized. Of course, criminals inside the political body and expelled from it are something different from "criminals" threatening a modern State from its outside. In the latter case the label of "terrorism" finds its meaning, as far as it is conceived in the contemporary common narrative. The conception of the terrorist as the evil criminal representing an enemy of humanity has spread in the context of the global war on terror engaged by the United States after 9/11. Not only Israeli leaders have prompted an inscription of Palestinian armed resistance in the general and vague category of Islamist terrorism during the second Intifada and after, but the development of such perspective on terrorism has been informed by Israeli right-wing ideology since its beginning, as explained by academic literature on the topic³⁸⁰.

Israel's attitude towards the so-called terrorists was based on the idea of an enemy identified as an evil criminal and has focused on the Gaza Strip producing disastrous outcomes in humanitarian terms. One of the factors explaining such harsh humanitarian consequences consists in the fact that, as a terrorist enemy of humanity, the para-government of the Gaza Strip is perceived essentially as non-human. The other key factor is represented by the racialization process through which dehumanization is extended to the Palestinians as a whole, therefore also and especially to the Palestinians living in Gaza. During Israeli military attacks the direct killing of Hamas leaders, which takes the form of extra-judicial murders of "targets", is justified by the dehumanization of Hamas leaders as enemies of humanity because they are terrorists. On the same time, the impressively high numbers of civilian deaths resulting from these "targeted" attacks is justified by Israel through a process of racial dehumanization of the Palestinian people as a whole. The fundamental meaning of the dehumanization of the enemy and/or of the "inferior race" is represented by the possibility opened by this process to deliberately annihilate the "non-human" terrorist enemy and to accept without concerns of the annihilation of a racially "sub-human/non-human" civilian population.

The alternation of moments of full-scale military attacks and phases of relatively "calm" from the military point of view in the past sixteen years in the Gaza Strip can be intended as alternate stages in the prolonged hostility between Israel and Hamas. In this conflict, Israel has adopted a military strategy based on a failed compulsion of the population to revolt against Hamas through siege, direct attacks against the Strip and deterrence through pre-emptive and

³⁸⁰ See Toaldo, Mattia, *The Origins of US War on Terror. Lebanon, Libya and American Intervention in the Middle East*, Routledge Taylor and Francis Group, Milton Park and New York 2013.

retaliatory strikes, as well as attempts to delegitimise the armed enemy under the eyes of his population by denying his “successes”, a tactic that is defined as deterrence by denial³⁸¹. This management of hostility turned into a strategy that concretely led Israel to run five full-scale military operations against the Gaza Strip, most of them deemed as retaliatory after the launch of rockets by Hamas or other armed actions by the group, in addition to several other “minor” operations. Operation Cast Lead (December-January 2008-2009), Operation Pillar of Defence (November 2012), Operation Protective Edge (July-August 2014) and the so called Eleven Days War in May 2021 have been the most important ones in terms of Israeli destructive power and Gazan civilian casualties. The official goals of these Israeli military operations have often been presented as “limited in scope”, in the sense that it was not explicitly stated that the aim was to totally destroy Hamas, but rather to harm Qassem Brigades’ military apparatus and their possibilities to launch rockets into Israel. However, the unsustainability of a belligerent approach based on deterrence through periodical retaliation was highlighted by national security experts by noticing the persistence of Hamas launch of rockets and the non-effectivity of the siege measures imposed by Israel in stopping Hamas activity. Udi Dekel, an ex-general in IDF and the vice-director of Israel’s Institute for National Security Studies, in 2019 wrote in a report:

The Gaza Strip is experiencing a longstanding humanitarian crisis with no hope of reconstruction; it is ruled by Hamas, a radical element waging terrorist activity against Israel; and the chances that the PA will regain control of Gaza are rapidly diminishing. To resolve these problems, Israel may take one of two radical approaches. One approach is to grant official recognition to the Hamas regime in the Gaza Strip and sever the area’s connection with the West Bank. The second option is a military confrontation to dismantle the military wing of Hamas and the other terrorist organizations in the Gaza Strip. To pursue either option, Israel must display the will and preparedness for a wide scale military confrontation against Hamas’s military capabilities that will change the rules of the game that have become rooted over recent years.³⁸²

We can interpret the two options proposed by Dekel, on the basis of our conceptual analysis of the Israeli-Gazan relations, as the recognition of Hamas in the Gaza Strip as a *Justus hostis*,

³⁸¹ See Kirchofer, Charles P., *Managing Non-State Threats with Cumulative Deterrence-by-Denial*, in *Perspectives on Terrorism*, April 2017, Vol. 11, No. 2, pp. 21-35, Terrorism Research Initiative.

³⁸² Dekel, Udi, *Israel’s Exhausted Strategy of Deterrence vis-à-vis Hamas*, INSS Insight, No. 1151, Institute for National Security Studies, March 2019, p. 1.

thus setting the basis to turn hostility into eventual neutrality – which is an impossible relationship to be established between a sovereign state and a “criminal” – or, on the contrary, the effective engagement in a total war aimed at the annihilation of the *non-Justus hostis*. The high levels of violence experienced by the Gazan people exposed to Israeli military operations may induce us to think about these phases characterized by military attacks as wars. Yet, in carrying out such operations, between 2007 and October 2023, Israel has never formally declared war against the Gaza Strip. Such formalities may appear of secondary importance in front of the brutal actions conducted by the Israeli army in the past years and the damages in humanitarian terms that they have caused, however, from a conceptual point of view they can be intended as reflecting the distinction between hostility and war, which is not of little relevance. Carl Schmitt defines war as «the most extreme consequence of enmity»³⁸³, enmity/hostility and war, then, are two elements deeply interrelated but not identical: war is not only the material realization of enmity, but its most extreme one.

The difference between Israeli military operations and Israel’s total war against the Gaza Strip as the “extreme consequence of enmity” has become clear after the events of 7th October 2023. On that day Hamas militants carried out an unprecedented and cruel attack from the Gaza Strip into Israeli territory, resulting in the killing of 1400 Israelis, soldiers and civilians included, in *kibbutzim* and cities situated close to the border with the Strip and in the kidnapping of more than 200 Israeli hostages to be kept in captivity in Gazan territory. By using underground tunnels, motorized hang gliders and boats, by tearing down fences and occupying Erez border crossing, Hamas broke the siege that Israel had imposed on Gaza for sixteen years. Meanwhile, thousands of rockets were launched against Israel: southern Israel, Tel Aviv, Jerusalem and the settlements in West Bank were targeted. The penetration in the territory of the Jewish State by hostile agents engaging in warfare against IDF soldiers and indiscriminately killing civilians meant the disruption of the Israeli normal *status* and the consequent start of a state of exception in which the sovereign decisional prerogative was affirmed absolutely.

On that day, for the first time Israel declared war against the Gaza Strip: the materialization of the most extreme consequence of enmity occurred. Not only Gaza was an “hostile entity”, it became the concrete existential enemy in a war that, once broken out, was destined to be total, given the Israeli conception of Hamas as a *non-Justus hostis*. In his video-statement to the nation published on the day of Hamas attack, the Israeli prime minister Benjamin Netanyahu pointed out it very clearly: «We are at war, not an “operation” [...] The enemy will pay a price

383

he has never known»³⁸⁴. Following official statements by Benjamin Netanyahu further articulated the conceptual premises on which Israel's total war was based:

Israel is at war. We didn't want this war. It was forced upon us in the most brutal and savage way. But though Israel didn't start this war, Israel will finish it. *Once, the Jewish people were stateless. Once, the Jewish people were defenseless. No longer.* Hamas will understand that by attacking us, they have made a mistake of historic proportions. We will exact a price that will be remembered by them and Israel's other enemies for decades to come. The savage attacks that Hamas perpetrated against innocent Israelis are mindboggling: slaughtering families in their homes, massacring hundreds of young people at an outdoor festival, kidnapping scores of women, children and elderly, even Holocaust survivors. Hamas terrorists bound, burned and executed children. *They are savages.* Hamas is ISIS. And just as the *forces of civilization* united to defeat ISIS, the forces of civilization must support Israel in defeating Hamas. I want to thank President Biden for his unequivocal support. I want to thank leaders across the world who are standing with Israel today. I want to thank the people and Congress of the United States of America. *In fighting Hamas, Israel is not only fighting for its own people. It is fighting for every country that stands against barbarism. Israel will win this war, and when Israel wins, the entire civilized world wins.*³⁸⁵

We find in this statement many of the topics that we have analysed in our work: the role of the State as a political form aimed at ensuring the security of a people by guaranteeing a normal *status*, the dehumanization of the enemy considered as "savage", the call on "forces of civilization" to oppose barbarism and the attempt to frame a political war between two enemies as a war of the good humanity – "the entire civilized world" – against the evil sub-humanity.

Moreover, another observation is useful in order to understand the political meaning of these position. The attention that the Israeli prime minister has paid, in his statement, to the heinous violence perpetrated by Hamas militants on Israeli civilians, despite being emphasised as the main reason of Israel's declaration of war, is not the most relevant aspect of Hamas attack on the political level and from a philosophical political perspective. Without any intention of underestimating the cruelty of this specific attack or "justifying" it, we cannot ignore that history is tragically studded with cases of such atrocities. The history of Israeli state-building as well as following actions in conflicts is not exempted in this sense. The massacres in Palestinian villages perpetrated by Irgun, such as the Deir Yassin massacre, and the violence

³⁸⁴ <https://www.youtube.com/watch?v=1UvUoxmho6E>

³⁸⁵ <https://youtu.be/iyXBgQ1jy4Q>

embedded in the ethnic cleansing conducted by Israeli forces between 1947 and 1948 are important examples. More recently, the documented support by IDF to Phalangist troops during the Sabra and Shatila massacres in Lebanon in 1982 is another example. On a political level, what is most relevant and shocking, up to the point of declaring a total war against Hamas, is not represented by the murder of civilians, but by the fact that when Hamas has showed to be able to break the siege, penetrate in Israeli territory and occupy areas of it, it has been recognized by Israel as an existential enemy potentially able to threaten Israel's existence by forcefully and traumatically disrupting its precarious normal *status*. As for as the moral evaluations regarding the savageness of Hamas expressed in the killing of innocents, if this had been a criterion to decide whether a political entity deserves to exist or instead must be annihilated because it is an enemy of humanity, very few modern states in the world would have survived until nowadays. Therefore, we argue that 7th October represented the date in which the hostility between Hamas and Israel materialized in its extreme form, thus triggering a war. This war is total because of the status as *non-Justus hostis* attributed by Israel to Hamas through the identification of it as a criminal terrorist, a classification that, by dehumanizing the latter, allows the former to openly state the goal of annihilating the Palestinian Islamist organization. The Palestinian civilian deaths resulting from Israel's total war against Hamas, in this logic, are justified by the Jewish State through a dehumanization that finds its basis in the racialization of the Palestinian people as an "inferior/sub-human/non-human race".

Israel's total war on the Gaza Strip started with a campaign of unprecedented indiscriminate bombing on 7th October. While we are writing, one month after the beginning of this total war, more than ten thousand Palestinians in Gaza and 150 in West Bank have been killed by the Israeli forces. Essential supplies to the Strip such as water, food, electricity and fuel have been cut by Israel on 9th October, telecommunications have been repeatedly targeted by strikes. During the night between 28th and 29th October the ground invasion of the Gaza Strip by the IDF forces started, in ten days Israeli soldiers surrounded Gaza City, killing indiscriminately civilians in the streets who were fleeing towards "safer" places in the enclave. Healthcare and humanitarian facilities are being attacked as targets of the Israeli aviation. The potential scenarios after the end of this war and after the supposed annihilation of Hamas vary on the basis of the auspices of different international and regional actors. United States hope to revitalize the agonizing Palestinian Authority and have engaged in talks with its president Mahmoud Abbas, hoping for an extension of PA's "authority" in the Gaza Strip. The Israeli Prime Minister Benyamin Netanyahu announced the intention to re-occupy Gaza as before Disengagement. Despite the closure of the Strip borders during these weeks of fighting, worries

about the displacement of the 2.78 residents of Gaza and their destiny as refugees in the Sinai Desert after the war are spreading among the international community and especially in the Palestinian one, re-evocating the images of the 1948 ethnic cleansing. Figuring out what will be the reality in the Gaza Strip and which shape the Israeli-Palestinian political field will assume at the end of this total war is beyond the possibilities of this research. This genealogical analysis, therefore, remains open, witnessing forces in the middle of their painful fighting.

Conclusion

Trying to sum up the results of our analysis, we should observe that this thesis has started with a focus on the Zionist fight to materialize the existence of an ethnically based Jewish State and has ended with the presentation of the Israeli engagement in a total war perceived as aimed at the preservation of such ethnically based political form. Over the decades passed between these two moments, a number of power technologies configurations, adjustments and reconfigurations have occurred in order to preserve a regime of ethnic supremacy institutionalized in the violent form of the modern sovereign state. From our analysis results that the Zionist State-building phase was dominated by the logic of sovereignty, that we have framed in Schmittian terms, which materialized itself in the process of land appropriation through which it was possible to create a new *nomos*, that is to say a new modern sovereign State. This process was articulated in an internal direction represented by land appropriation through Zionist colonization of indigenous-Palestinian land and an external direction that coincided with the military conquest represented by the 1948 Arab-Israeli war/ethnic cleansing of Palestine. By analysing the Zionist State-building process we have found out that the premises for the violent struggle between the settler colonial forces and the indigenous resistant ones characterizing the Israeli-Palestinian political field for the decades to come were embedded in the cornerstone concepts that led the Zionist establishment of the State of Israel. Indeed, we have identified a strong logical connection between the conceptual functioning of the sovereign state as a political form and Zionist ideas and practices such as the ethnicity-based exclusion, necessity of indigenous dispossession for land appropriation, consequent eliminatory tendencies and the conception of political tensions as existential conflicts.

What it is important to notice is that the persistence of Palestinian resistance has accompanied the emergence, maintenance and defence of this young Leviathan of the Middle East. The amount of disciplinary and sovereign-armed violence that has been used, however, has not been able to crystallize the existence of the State of Israel as a normal *status*. Under the light of our analysis, we suggest that the abnormality that determines the history of Israel as the one of a sovereign polity in perennial state of exception results from the emergence of it as a force whose existence was based on the fundamental need of oppressing, dispossessing and ethnically cleansing an indigenous people. Instead of being a political mechanism aimed at realizing peace and security in the middle of dreadful factional and religious conflicts as typical modern states are supposed to be, the State of Israel imposed itself in Palestine as an allogeous

exclusionary polity that, due to its ethnically defined settler colonial fundamental character, cannot exist without oppressing indigenous people, thus triggering their resistance. None of the Israeli configurations of power technologies implemented has been successful in achieving the goal of eradicating such resistance due to the very simple fact that by strengthening Israel as a supremacist and ethnically based oppressive force, they trigger the strengthening also of the unavoidable Palestinian resistance fighting against it. Therefore, we argue that the Israeli failure in preventing the emergence of Palestinian resistance results from the unfeasibility of the preservation of a settler colonial exclusionary sovereign state as it has been conceived and created on the basis of the hegemonic Zionist ideology. The failure of Israel is the failure of ethnic nationalism and of the political form of the ethnocratic sovereign State in a settler colonial context.

In this study our aim was to elaborate a genealogical analysis of the Israeli-Palestinian political field, thus trying to individuate the subjectivation processes inherent to it and the configurations of power technologies that shape their development. Genealogy, by definition, is a type of historical analysis oriented towards the present. It investigates the past in order to individuate the historically determined emergence of the conflicts that characterize the contemporary reality and the relations of domination and resistance that have been imposed, changed and re-affirmed over time. In this sense, we have identified a major reconfiguration of power technologies occurred after the Israeli victory in the 1967 Six Days War. Indeed, the occupation of the remaining Palestinian territories, the Gaza Strip and the West Bank, resulted in the establishment of an aberrant disciplinary OPTs-prison system, in addition to the extension of Israeli sovereignty on the conquered lands. The material effects of the interplay between sovereignty and discipline that we have identified have been understandable by referring to the Foucauldian thought. After having analysed the establishment of the OPTs-prison through settlements expansion, we have individuated and analysed the emergence of aberrant disciplinary tactics used by the Israeli authorities within the system established. Michel Foucault's reflections on discipline as a technology of power have been used in order to understand the form assumed by the Israeli-Palestinian political field as a prison. Our analysis resulted in the identification of the Foucauldian framework as very useful in order to understand some aspects of the oppressive system of power represented by the OPTs-prison, on the other hand, however, some dissimilarities emerged. Among the most important ones there is the aberrant character of the discipline imposed by Israel on Palestinians, resulting in the subjectivation of them as Incurable detainees, derived from the impossibility, under exclusionary sovereign premises, to accept the full normalization of Palestinians. As for as the

subjectivation processes inherent to this interplay between sovereignty and discipline, we have argued that Palestinians have been turned from “dispossessed indigenous people” into “Occupied Subjects” under Israeli sovereignty, and on the same time into “Incorrigible detainees” exposed to Israeli aberrant discipline. Yet, the outbreak of the first Intifada highlighted the inefficiency of Israeli repressive rule on the Palestinians. Not even the strengthening of the aberrant disciplinary dimension during the Oslo period resulted in a success in pursuing the goal of smashing Palestinian resistance. On the contrary, a new wave of full-scale Palestinian uprising erupted with the beginning of the Second Intifada. Rather than intensifying discipline, this time Israeli system of rule become dominated by a reconfiguration of power technologies that re-centralized sovereignty. In addition to the armed violence used by Israel to represses the al-Aqsa Intifada, the Disengagement plan represented one of the main expressions of this sovereignty recentralization. However, one more time, this Israeli move resulted in the intensification of Palestinian resistance, this time in the form of the affirmation in the Gaza Strip of the partisan-para-State armed group Hamas. The relation of hostility established between Hamas and Israel has led to the eruption, from the Israeli point of view, of a total war against a “*Non-Justus hostis*”. Indeed, we are in a historical moment when the dehumanization of Palestinians through their subjectivations in terms of racialization and criminalization has opened the way for the outbreak, on 7th October 2023, of a total war characterized by enormous humanitarian losses. Again, in this war, the ethnocratic sovereign character of the State of Israel is at stake and, on the same time, represents the reason of the total existential conflictual character of this war.

Further researches may delve into this paradox by focusing more specifically on the role played by the ethnocratic character of Israel in determining its impossibility to exist in peace with indigenous and neighbouring peoples. In this framework the option of a binational political system could be taken in consideration and its feasibility as well as the obstacles to the realization of it may be individuated and analysed. In this potential future research, the rich comparative academic literature that reflects on the similarities between Israeli apartheid and South African one, as well as on the common settler colonial beginnings of the State of Israel, Australia and United States, may be used to focus on the issue of how the ethnocratic character of the Jewish State represents the main difficulty in the attempts top de-escalate conflicts and tensions in the Israeli-Palestinian political field and in the Middle East.

Moreover, one of the main limitations of our study is that it has focused on Israeli strategies of power and referred to Palestinian resistance mainly in order to understand the context in which reconfigurations of Israeli power technologies occurred as reactions. Therefore,

following studies could be aimed at the elaboration of a genealogical analysis that focuses on the emergence, development and reconfigurations of Palestinian resistance. In that case, such studies would examine the Israeli-Palestinian political field by paying particular attention to the dynamics inherent to this other set of forces that shape the political reality in Israel/Palestine.

Bibliography

- Abandoned Areas Ordinance No. 12 of 5708-1948, 30th June 1948, Provisional Council of State,
- Abu-Lughod, Janet, *Israeli Settlements in Occupied Arab Lands: Conquest to Colony*, in *Journal of Palestine Studies*, Winter, 1982, Vol. 11, No. 2 (Winter, 1982), pp. 16-54, University of California Press on Behalf of the Institute for Palestine Studies.
- Allegri, Marco, Handel, Ariel, Maggor, Erez, editors, *Normalizing Occupation. The Politics of Everyday Life in the West Bank Settlements*, Indiana University Press, Bloomington and Indianapolis 2017.
- Alroey, Gur, “Zionism without Zion”? *Territorialist Ideology and the Zionist Movement, 1882–1956*, in *Jewish Social Studies*, Fall 2011, Vol. 18, No. 1 (Fall 2011), pp. 1-32, Indiana University Press.
- Arnon, Arie, *Israeli Policy Towards the Occupied Palestinian Territories: The Economic Dimension, 1967-2007*, in *Middle East Journal*, Autumn, 2007, Vol. 61, No. 4 (Autumn, 2007), pp. 573-595, Middle East Institute.
- Arnon, Arie, *Israeli Policy Towards the Occupied Palestinian Territories: The Economic Dimension, 1967-2007*, in *Middle East Journal*, Autumn, 2007, Vol. 61, No. 4 (Autumn, 2007), pp. 573-595, Middle East Institute.
- Aruri, Naseer H., *The Wye Memorandum: Netanyahu’s Oslo and Unreciprocal Reciprocity*, in *Journal of Palestine Studies*, Winter, 1999, Vol. 28, No. 2 (Winter, 1999), pp. 17-28.
- Avineri, Shlomo, *The Making of Modern Zionism. The Intellectual Origins of the Jewish State*, Basic Books, New York 2017
- B’tselem, *Forbidden Roads. Israel’s Discriminatory Road Regime in the West Bank*, Information Sheet, B’tselem, Jerusalem 2004, pp. 14-16.
- Baconi, Tareq, *Hamas Contained. The Rise and Pacification of Palestinian Resistance*, Stanford University Press, Stanford 2018.
- Bauer Y.S., *From Cooperation to Resistance: The Haganah 1938-1946*, in *Middle Eastern Studies*, Vol. 2, No 3 (Apr. 1966), pp. 182-210, Taylor & Francis Ltd.
- Baylouny, Anne Marie, *Fragmented Space and Violence in Palestine*, in *International Journal on World Peace*, September 2009, Vol. 26, No. 3, pp. 39-68.

- Berti, Benedetta, *Non-State Actors as Providers of Governance: The Hamas Government in Gaza Between Effective Sovereignty, Centralized Authority, and Resistance*, in *Middle East Journal*, Winter 2015, Vol. 69, No. 1, Middle East Institute, pp. 9-31
- Borochoy, Ber, *Class Struggle and the Jewish Nation. Selected Essays in Marxist Zionism*, ed. by Mitchell Cohen, Yale University Press, New Jersey 1983.
- Brenner Y.S., *The “Stern Gang” 1940-48*, in *Middle Eastern Studies*, Oct., 1965, Vol. 2, No. 1 (Oct., 1965), pp. 2-30, Taylor & Francis, Ltd.
- Brown, Alison P., *The Immobile Mass: Movement Restrictions in the West Bank*, in *Social and Legal Studies*, 2004, Vol. 13, No. 4, SAGE Publishing, pp. 501-521.
- Bunton, Martin. and Cleveland, William L., *A History of the Modern Middle East*, Westview Press, 5th Edition, Philadelphia 2016.
- Chamberlin, Paul, Thomas, *The Struggle Against Oppression Everywhere*, in *The Global Offensive. The United States, the Palestine Liberation Organization, and the Making of the Post-Cold War Order*, Oxford Studies in International History, Oxford 2015, pp. 14-43.
- Daboné, Zakaria, *International Law: Armed Groups in a State-Centric System*, in *International Review of the Red Cross*, June 2011, Vol. 93, No. 882, International Committee of the Red Cross and Cambridge University Press, pp. 395-424.
- Daboné, Zakaria, *International Law: Armed Groups in a State-Centric System*, in *International Review of the Red Cross*, June 2011, Vol. 93, No. 882, International Committee of the Red Cross and Cambridge University Press, pp. 395-424.
- Dana, Tariq, Jarbawi, Ali, *Whose Autonomy? Conceptualising ‘Colonial Extra-Territorial Autonomy’ in the Occupied Palestinian Territories*, in *Politics*, 2023, Vol. 43, Political Studies Association, pp. 106-121.
- Declaration of Principles on Interim Self-Government Arrangements, September 13th 1993.
- Defence Army of Israel Ordinance No. 4 or 5708-1948. An Ordinance establishing a Defence Army of the State of Israel, <https://www.jewishvirtuallibrary.org/the-founding-of-the-israel-defense-forces>.
- Dekel, Udi, *Israel’s Exhausted Strategy of Deterrence vis-à-vis Hamas*, INSS Insight, No. 1151, Institute for National Security Studies, March 2019
- Deleuze, Gilles, *Foucault*, University of Minnesota Press, Minneapolis and London 1988, (original ed. *Foucault*, Les Éditions de Minuit, Paris 1986).

- Efrat, Elisha, *Jewish settlements in the West Bank: Past, Present and Future*, in *Israel Affairs*, 1994, Vol. 1, No. 1, Frank Cass & Co, London, p. 138.
- Erakat, Noura, *Taking the Land without the People: the 1967 Story as Told by the Law*, in *Journal of Palestine Studies*, Autumn 2017, Vol. 47, No. 1 (185), pp. 18-38.
- Falah, Ghazi-Walid, *The Geopolitics of “Enclavisation” and the Demise of a Two-State Solution to the Israeli-Palestinian Conflict*, in *Third World Quarterly*, 2005, Vol. 6, No. 8, pp. 1341-1372, Taylor & Francis Ltd.
- Farsakh, Leila, *Palestinian Labour Migration to Israel. Labour, Land and Occupation*, Routledge Taylor & Francis Group, Milton Park 2005.
- Foucault, Michel, *Discipline and Punish. The Birth of the Prison*, Random House Inc., New York 1995, (original ed. *Surveiller et punir. Naissance de la prison*, Éditions Gallimard, Paris 1975).
- Foucault, Michel, *Governmentality. 1^o February 1978*, in *Security, Territory, Population. Lectures at the Collège de France, 1977-1978*, trans eng. Graham Burchell, ed. by Francois Ewald and Alessandro Fontana, Palgrave MacMillan, New York 2007.
- Foucault, Michel, *Omnes et Singulatim*, The Tanner Lectures on Human Values, delivered at Stanford University, October 10 and 16, 1979. https://tannerlectures.utah.edu/_resources/documents/a-to-z/f/foucault81.pdf
- Foucault, Michel, *Society Must Be Defended. Lectures at the Collège del France, 1975-76*, eng. trans. David Macey, ed. by Arnold I. Davidson, Picador, New York 2003.
- Ghanem, As’ad, Mustafa, Mohanad, Brake, Salim, *Israel in the Post-Oslo Era. Prospect for Conflict and Reconciliation with the Palestinians*, Routledge Taylor & Francis Group, Milton Park and New York 2019.
- Ghanim, Honaida, *Thanatopolitics: The Case of the Colonial Occupation in Palestine*, in *Thinking Palestine*, cit., pp. 65-79.
- Glazer, Steven A., *Language of Propaganda: The Histadrut, Hebrew Labor, and the Palestinian Worker*, in *Journal of Palestine Studies*, Vol. 36, No. 2 (Winter 2007), pp. 25-38, University of California Press on behalf of the Institute for Palestine Studies.
- Goldberg, David Theo, *Racial Palestinianization*, in *Thinking Palestine*, ed. by Ronit Lentin, Zed Books, London and New York 2008.
- Gordon, Neve, *Israel’s Occupation*, University of California Press, Berkeley and Los Angeles 2008.

- Hareuveni, Eyal, Etkes, Dror, *This Is Ours – And This, Too. Israel’s Settlement Policy in the West Bank*, eng. trans. Maya Johnston, ed. by Michelle Bubis, B’tselem and Kerem Navot, Jerusalem 2021.
- Hassan, Shamir, *Oslo Accords. The Genesis and Consequences for Palestine*, in *Social Scientist*, July-August 2011, Vol. 39, No. 7/8 (July-August 2011), pp. 65-72.
- Herzl, Theodor, *The Jewish State*, trans. eng. Sylvie D’Avigdor, Skyhorse Publishing INC., New York 2019 (original ed. *Der Jundestaat*, M. Breitenstein's Verlags-Buchhandlung, Leipzig and Vienna 1896).
- Hinnebusch, Raymond, *The Middle East in the World Hierarchy: Imperialism and Resistance*, in *Journal of International Relations and Development*, No. 14, MacMillan Publishers Ltd., New York 2011, pp. 213-246.
- Hobbes, Thomas, *Leviathan or The Matter, Form and Power of a Commonwealth Ecclesiastical and Civil*, Oxford University Press, London 2008.
- Hollinder, Brandon, *The Israeli Disengagement Plan: Unilateralism in the Face of Multilateral Agreements*, in *Human Rights Brief*, Vol. 13, Issue 1, pp. 17-20, American University Washington College of Law, Washington 2005.
- *Israeli Military Operations Against Gaza, 2000-2008*, in *Journal of Palestine Studies*, Spring 2009, Vol. 38, No. 3, University of California Press on behalf of the Institute for Palestine Studies, pp. 122-138.
- Issac, Jad, *et al.*, *Assessing the Impacts of Israeli Movement Restrictions on the Mobility of People and Goods in the West Bank*, Applied Research Institute – Jerusalem, Jerusalem 2019.
- Jabotinsky, Vladimir, *The Iron Wall (We and the Arabs)*, trans. eng. Lenni Brenner (original ed. *O Zheleznoi Stene* in *Rassvyet*, 4 November 1923).
- Kadman, Noga, *Acting the Landlord. Israel’s Policy in Area C, the West Bank*, eng. trans. by Deb Reich, ed. by Shuli Schneiderman, B’tselem, Jerusalem, June 2013.
- Khalidi, Rashid, *The Hundred Years War on Palestine. A History of Settler Colonial Conquest and Resistance*, Profile Books Ltd, London 2020.
- Khalidi, Walid, *Plan Dalet: Master Plan for the Conquest of Palestine*, in: *Journal of Palestine Studies*, Autumn, 1988, Vol. 18, No. 1, Special Issue: Palestine 1948 (Autumn, 1988), pp. 4-33, University of California Press on Behalf of Institute for Palestine Studies.

- Kirchofer, Charles P., *Managing Non-State Threats with Cumulative Deterrence-by-Denial*, in *Perspectives on Terrorism*, April 2017, Vol. 11, No. 2, pp. 21-35, Terrorism Research Initiative.
- Kotef, Hagar, *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, Duke University Press, Durham and London 2015.
- Kotef, Hagar, *Movement and the Ordering of Freedom. On Liberal Governances of Mobility*, Duke University Press, Durham and London 2015.
- Langham R., *The Bevin enigma: what motivated Ernest Bevin's opposition to the establishment of a Jewish state in Palestine*, in *Jewish Historical Studies*, 2012, Vol. 44 (2012), pp. 165-178, Jewish Historical Society of England.
- Lavie, Ephraim, *Israel's Coping with the Al-Aqsa Intifada: A Critical Review*, in *Strategic Assessment*, October 2010, Vol. 13, No. 3, pp. 101-122.
- Lentin, Ronit, *Palestinian Lives Matter: Racializing Israeli Settler-Colonialism*, in *Journal of Holy Land and Palestine Studies*, Vol. 19, No. 2, 2020, pp. 133-149, Edinburgh University Press.
- LeVine, Mark, *Impossible Peace. Israel/Palestine since 1989*, Fernwood Publishing Ltd and Zed Books Ltd, Oceanvista Lane and New York 2009.
- Lewin, Eyal, *The Disengagement From Gaza: Understanding the Ideological Background*, in *Jewish Political Studies Review*, Jewish Political Studies Review, Spring 2015, Vol. 27, No. 1/2 (Spring 2015), Jerusalem Center For Public Affairs, pp. 15-32.
- Lustick, Ian S., *Writing the Intifada: Collective Action in the Occupied Territories*, in *World Politics*, July, 1993, Vol. 45, No. 4 (Jul., 1993), pp. 560-594, Cambridge University Press.
- Marcenò, Serena, *Le tecnologie politiche dell'acqua. Governance e conflitti in Palestina*, Associazione Culturale Mimesis, Milano 2005.
- Marshall, Mark, *Rethinking the Palestine Question: the Apartheid Paradigm*, in *Journal of Palestine Studies*, Autumn, 1995, Vol. 25, No. 1 (Autumn, 1995), University of California Press on behalf of the Institute for Palestine Studies, pp. 15-22.
- Marzano, Arturo, *Storia dei sionismi. Lo Stato degli ebrei da Herzl a oggi*, Carocci Editore S.p.A, Rome 2017.
- McDonald, David A., *My Voice Is My Weapon. Music, Nationalism, and the Poetics of Palestinian Resistance*, Duke University Press, Durham and London 2013.

- Milton-Edwards, Beverley, *The Ascendance of Political Islam: Hamas and Consolidation in the Gaza Strip*, in *Third World Quarterly*, 2008, Vol. 29, No. 8, Taylor and Francis Ltd., pp. 1585-1599.
- Mosely Lesch, Ann, *Israeli Settlements in the Occupied Territories, 1967-1977*, in *Journal of Palestine Studies*, Vol. 7, No. 1 (Autumn, 1977), University of California Press on behalf of Institute for Palestine Studies, Berkely 1977.
- Naor, Moshe, *Israel's 1948 War of Independence as a Total War*, in *Journal of Contemporary History*, April 2008, Vol. 43, No. 2 (Apr., 2008), pp. 241-257, Sage Publications Ltd.
- Naser-Najjab, Nadia, Khatib, Ghassan, *The First Intifada, Settler Colonialism, and 21st Century Prospects for Collective Resistance*, in *Middle East Journal*, Summer 2019, Vol. 73, No. 2, pp. 187-206, Middle East Institute.
- National Agreement Regarding the Negotiations on Permanent Settlement with the Palestinians, 1997, <https://www.jewishvirtuallibrary.org/beilin-eitan-agreement-national-agreement-regarding-the-negotiations-on-the-permanent-settlement-with-the-palestinians>
- Newman, David, *From Hitnachalut to Hitnatkut: The Impact of Gush Emunim and the Settlement Movement on Israeli Politics and Society*, in *Israel Studies*, Fall, 2005, Vol. 10, No. 3, The Right in Israel (Fall, 2005), pp. 192-224, Indiana University Press.
- Newman, Michael Uhry, *The Political Unification of the Israeli Army*, Portland State University, Dissertations and Thesis, 1984.
- Nichols, Robert, *Theft is Property! Dispossession and Critical Theory*, Duke University Press, Durham and London 2020.
- Palestine Mandate, December 1922, League of Nations,
- Pappé, Ilan *The Ethnic Cleansing of Palestine*, Oneworld Pubs Ltd, Reprint Edizione, London 2007
- Pappé, Ilan, *A History of Modern Palestine. One Land, Two Peoples*, Cambridge University Press, Cambridge 2004.
- Pappé, Ilan, *The 1948 Ethnic Cleasing of Palestine*, in *Journal of Palestine Studies*, Vol. 36, No. 1 (Autumn 2006), pp. 6-20, University of California Press on behalf of the Institute for Palestine Studies.
- Pappé, Ilan, *The Biggest Prison on Earth. A History of the Occupied Territories*, Oneworld Publications, London 2019.

- Pedatzur, Reuven, *Coming Back Full Circle: The Palestinian Option in 1967*, in *Middle East Journal*, Spring, 1995, Vol. 49, No. 2 (Spring, 1995), Middle East Institute, pp. 269-291.
- Pinsker, Leo, *Auto-Emancipation*, trans. eng. David Simon Blondheim, 2nd edition, Federation of American Zionists 1916 (original ed. *Selbstemanzipation*, Commissions-Verlag von W. Issleib G. Schuhr, Berlin 1882).
- Proclamation Regarding Law and Administration (Proclamation No. 2), Israeli Defense Forces, 7th June 1967,
- Rais, Faiza, *The Gaza Disengagement Plan: An Assessment*, in *Strategic Studies*, Spring 2006, Vol. 26, No. 1 (Spring 2006), pp. 50-78, Institute of Strategic Studies Islamabad.
- Rajagopalan, Mrinalini, *Dismembered Geographies: The Politics of Segregation in Three Mixed Cities in Israel*, in *Traditional Dwellings and Settlements Review*, Vol. 13, No. 2 (Spring 2002), International Association for the Study of Traditional Environments (IASTE), pp. 35-48.
- Reut Institute, *Impact of the Disengagement Plan on the One-State Threat*, Reut Institute, Tel Aviv 2004.
- Rhodes, Anna, *Israel's Modulation of Checkpoints: Systematic Manipulation of the Oslo Accords*, in *The Macksey Journal*, 2020, Vol. 1, Article 102, John Hopkins University.
- Rodinson, Maxime, *Israel: A Settler-Colonial State?*, trans. by David Thorstad, Monad Press Ltd. for the Anchor Foundation Inc., New York 1973 (original ed. *Israel: il fait colonial?*, Les Temps Modernes, n° 253 bis, pp. 17–88, Gallimard, Paris 1967).
- Rosen, Maya, Shaul, Yehuda, *Highway to Annexation. Israeli Road and Transportation Infrastructure Development in the West Bank*, ed. by Talia Inbar, Israeli Centre for Public Affairs and Breaking the Silence, 2021.
- Rosenhek, Zeev, *Policy Paradigms and the Dynamics of the Welfare State: the Israeli Welfare State and the Zionist Colonial Project*, in *International Journal of Sociology and Social Policy*, March 1988.
- Rynhold, Jonathan, Waxman, Don, *Ideological Change and Israel's Disengagement from Gaza*, in *Political Science Quarterly*, Vol. 123, No. 1, pp. 11-37, (Spring, 2008), Oxford University Press.
- Saddiki, Said, *Israel and the Fencing Policy: A Barrier on Every Seam Line*, Research Paper Series, Arab Center for Research and Policy Studies, Doha 2015, pp. 3-6.

- Sayigh, Yusuf, *The Palestinian Economy under Occupation: Dependency and Pauperization*, in *Journal of Palestine Studies*, Summer, 1986, Vol. 15, No. 4 (Summer, 1986), University of California Press on Behalf of the Institute for Palestine Studies, pp.46-67.
- Schmitt, Carl *The Theory of the Partisan. A Commentary/Remark on the Concept of the Political*, trans. by A.C. Goodson, Michigan State University Press, East Lansing 2004, (original ed. *Theorie des Partisanen. Zwischenbemerkung zum Begriff des Politischen*, Duncker & Humblot, Berlin 1963).
- Schmitt, Carl, *Il concetto di 'politico'*, in *Le categorie del 'politico'*, trans. it. Pierangelo Schiera, Società editrice il Mulino, Bologna 2013 (original ed. *Der Begriff des Politischen*, Duncker & Humblot Verlagsbuchhandlung, Berlin 1932).
- Schmitt, Carl, *Political Theology. Four Chapters on the Concept of Sovereignty*, eng. trans. by George Schwab, MIT Press, Cambridge Massachusetts and London 1985, (original ed. *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität*, Duncker & Humblot, Berlin 1922).
- Schmitt, Carl, *The Leviathan in the State Theory of Thomas Hobbes. Meaning and Failure of a Political Symbol*, eng. Trans. by George Schwab and Erna Hilfstein, Greenwood Press, Westport and London 1996, (original ed. *Der Leviathan in der Staatslehre des Thomas Hobbes*, J.G. Cotta'sche Buchhandlung Nachfolger GmbH, Stuttgart 1938).
- Schmitt, Carl, *The Nomos of the Earth in the International Law of the Jus Publicum Europeum*, trans. eng. G.L. Ulmen, Telos Press Publishing, Candor 2006, (original ed. *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*, Duncker & Humblot, Berlin 1950).
- Shafir, Gershon, *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914*, University of California Press, Berkeley 1996.
- Shafir, Gershon, *Settler Citizenship in the Jewish Colonization of Palestine*, in *Settler Colonialism in the Twentieth Century* ed. by Caroline Elkins and Susan Pedersen, Routledge Taylor & Francis Group, New York and Oxon 2005
- Shalev, Nir, *Under the Guise of Legality. Israel's Declarations of State Land in the West Bank*, eng. trans. Zvi Shulman, ed. by Yael Stein, B'tselem, Jerusalem 2012.
- Shilo, Margaret, *The Immigration Policy of the Zionist Institutions 1882-1914*, in *Middle Eastern Studies*, July 1994, Vol. 30, No. 3 (Jul., 1994), pp. 597-617, Taylor & Francis Ltd., Milton Park.

- Shlaim, Avi *Israel: Poor Little Samson*, in Id., Wm. Roger Louis, *The 1967 Arab-Israeli War. Origins and Consequences*, pp. 22-55, Cambridge University Press, Cambridge 2012.
- Shlaim, Avi, *The Iron Wall Revisited*, in *Journal of Palestine Studies*, Vol. 41, No. 2 (Winter 2012), University of California Press on behalf of the Institute for Palestine Studies, pp. 80-98.
- Shoham, Hizky, *From “Great History” to “Small History” : The Genesis of the Zionist Periodization*, in *Israel Studies*, Vol. 18, No. 1 (Spring 2013), pp. 31-55, Indiana University Press, Bloomington.
- Smith, Ron, *Israel’s Permanent Siege of Gaza*, in *Middle East Report*, No. 290, Spring 2019, The New Landscape of INTERVENTION, Middle East Research and Information Project, pp. 38-42.
- Tamari, Salim, Hammami, Rema, *Anatomy of Another Rebellion*, in *Middle East Report* 217, Winter 2000, Middle East Research and Information Project, <https://merip.org/2000/12/anatomy-of-another-rebellion/>
- The Anglo-American Committee of Enquiry regarding the problems of European Jewry and Palestine, Lausanne, 20th April, 1946, Report 1946, Cmd. 6808 (London: His Majesty’s Stationery Office, 1946), pp. 39-42, in *From Heaven to Conquest. Reading in Zionism and the Palestine Problem until 1948*, ed. by Walid Khalidi, Institute for Palestine Studies, Beirut 1971.
- Toaldo, Mattia, *The Origins of US War on Terror. Lebanon, Libya and American Intervention in the Middle East*, Routledge Taylor and Francis Group, Milton Park and New York 2013.
- United Nations High Commissioner for Human Rights, 2023, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*, A/HRC/52/76, Annual Report, <https://reliefweb.int/report/occupied-palestinian-territory/israeli-settlements-occupied-palestinian-territory-including-east-jerusalem-and-occupied-syrian-golan-report-united-nations-high-commissioner-human-rights-ahrc5276-enar>
- United Nations Office for the Coordination of Humanitarian Affairs, Area C Vulnerability Profile.
- United Nations, Press Release 2004/28, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory Advisory Opinion, <https://www.un.org/unispal/document/auto-insert-205577/>

- Veracini, Lorenzo, *Israel and Settler Society*, Pluto Press, London and Ann Arbor 2006.
- Veracini, Lorenzo, *Settler Colonialism: A Theoretical Overview*, Palgrave MacMillan, Houndmills, Basingstoke 2010.
- Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, trans. it. Nicola De Vito, Massari Editore, Bolsena 2006 (original ed. *Le Sionisme contre Israel*, Maspero, Paris 1969), p. 19 (Vol. I).
- Weinstock, Nathan, *Storia del Sionismo. Dalle origini al movimento di liberazione palestinese*, (Vol. II).
- Weissbrod, Gush Emunim Ideology: from Religious Doctrine to Political Action
- Weissbrod, Lilly, Gush Emunim Ideology: From Religious Doctrine to Political Action, in *Middle Eastern Studies* , Jul., 1982, Vol. 18, No. 3 (Jul., 1982), pp. 265-275, Taylor & Francis Ltd.
- Weizman, Eyal, *Hollow Land. Israel's Architecture of Occupation*, Verso, London and New York 2007.
- Yiftachel, Oren, "Creeping Apartheid" in *Israel-Palestine*, in *Middle East Report*, Winter 2009, Vol. 37, No. 253, pp. 7-15, Middle East Research and Information Project.
- Zertal, Idith, Eldar, Akiva, *Lords of the Land. The War Over Israel's Settlements in the Occupied Territories, 1967-2007*, Nation Books, New York 2007.
- Zionist Biltmore Program, New York, 11th May 1942, in *From Heaven to Conquest. Reading in Zionism and the Palestine Problem until 1948*, ed. by Walid Khalidi, Institute for Palestine Studies, Beirut 1971.
- <https://andyreiter.com/wp-content/uploads/military-justice/il/Laws%20and%20Decrees/Israel%20-%201967%20-%20Proclamation%20No.%202%20Regarding%20Regulation%20of%20Administration%20and%20Law.pdf>
- https://avalon.law.yale.edu/20th_century/palmanda.asp
- <https://reliefweb.int/report/occupied-palestinian-territory/opt-another-day-israeli-checkpoint>
- <https://reliefweb.int/report/occupied-palestinian-territory/parched-israels-policy-water-deprivation-west-bank-enarhe>
- <https://web.archive.org/web/20091028101656/http://geocities.com/savepalestinenow/israelaws/fulltext/abandonedareasord.htm>
- <https://www.haaretz.com/2007-11-29/ty-article/olmert-to-haaretz-two-state-solution-or-israel-is-done-for/0000017f-e62a-dc7e-adff-f6af3bbe0000>

- https://www.ochaopt.org/sites/default/files/ocha_opt_fact_sheet_5_3_2014_En_.pdf
- <https://www.un.org/unispal/document/auto-insert-204430/#:~:text=By%20the%20end%20of%201982,were%20established%20within%20six%20years>
- <https://www.youtube.com/watch?v=1UvUoxmho6E>
- <https://youtu.be/iyXBgQ1jy4Q>

