

## **Domesticated Borders in a Separation Regime**

### **Abstract**

The Israeli military regime of restrictions of movement in the Occupied Territory has become the iconic symbol of the second Intifada, and images of ubiquitous checkpoint soldiers frequently appear in films, news media and reports on the Israeli Palestinian conflict. Less well known is the gradual development of “invisible” bureaucracy of movement controls that has had a paralyzing effect not only on the traffic of Palestinians, but on the international and Israeli human rights community as well. A system of severe internal and external restrictions and permits gradually developed in the 1990s. It is now an axiom, an undisputed reality, with which Palestinians first and foremost, but with them those attempting to ameliorate conditions on the ground, are forced to live and cooperate. The prerogative of the state of Israel to control population movements in the Occupied Territories has largely remained unchallenged. In the aftermath of the “disengagement” from Gaza, which left Israel in control of all exits and entrances to the strip, the issue of freedom of movement appears to be more pressing than ever.

In this special report I engage with the work of an Israeli human rights organization, Physicians for Human Rights (PHR). For 17 years since it was founded in 1988, PHR worked to secure freedom of movement for patients and medical staff in the Occupied Territories. At PHR archive I searched for the earliest possible materials on the topic. I reveal in this report findings, which document early restrictions of movement implemented prior to the signing of the Oslo agreement and

the imposition of internal borders in zones A, B, and C in 1993. These findings corroborated my assumption that 1988-1993 has been a crucial period of transition. At that time the Israeli civil administration experimented and developed various means of spatial control in response to the shockwaves of the first Intifada. One practice I refer to as “forced self-exile” drew my attention in particular. I analyze its appearance in the context of the evolution of a movement control apparatus.

PHRs’ petitions to the Israeli Supreme Court between 1991 (when sustained closures on the Occupied Territories began) up until 2002 meant to force the IDF to issue special movement permits for patients and medical teams and ensure that these are respected by checkpoint soldiers. In 2002, however, in the midst of violent clashes and shootings on Palestinian Ambulances, PHR for the first time appealed the Israeli Supreme Court demanding unconditioned freedom of movement for medical teams. The appeal was rejected and PHR went back to court (most recently in 2005) again to force the IDF to issue special permits and uphold its humanitarian obligations. Both paths -- the attempt to help individuals by improving their bureaucratic handling within the IDF, and the attempt to challenge the entire system of permits on principle ground – seem to have reached a dead end. In conclusion, I consider achievements, not only difficulties, in the struggle to secure freedom of movement in the Occupied Territories. I point at new challenges in this area, which arise in the aftermath of the disengagement. Finally, I make recommendations as to how to tackle the impasses of the current situation and continue the struggle for freedom of movement.

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## Introduction

In this paper I examine a particular type of spatial politics, which I call *regime of separation*; a regime, which appears to resurface in Israel/Palestine. I attempt at clarifying certain practices of this regime, and their main impetus of disenfranchisement. I incorporate recent fieldwork findings, to support two main research hypotheses that: 1. In a regime of separation, a sovereign divides populations into citizens and non-citizens, and 2. Separation is achieved by administering populations and their movements in between and within zones projected as “outsides” and “insides” of one political space. In addition to these spatial manifestations, I pay attention to other -- bureaucratic and discursive -- means by which “outsides”/“insides” are constructed in Israel/Palestine. I shall hereby refer to this phenomenon as a process of domestication of borders. I argue that the ubiquity of borders, and border practices of restrictions of movement in Israel/Palestine in particular, constitute an internal feature of its spatial politics, rather than its external limits.

How can we understand the dynamic and function of spatial political developments in contemporary Israel/Palestine? We may begin by analyzing instances where control over movements inside political spaces is a central method of political disenfranchisement. Theoretically, a dominant paradigm of sovereignty, within which political disenfranchisement is commonly understood is thereby reconsidered. What regimes of separation are about and what they do is at odds with paradigms of sovereignty, executed over and by societies of citizens within stable and spatially determined territories. Separation regimes sovereignty, conversely, ranges within undetermined zones functioning as “insides” and “outsides”. Rethinking of the concept of sovereignty, citizenship and political space allows us to account for the emergence of a peculiar spatial politics in Israel/Palestine. The Israeli government operation that took place in August 2005 and went by the name “disengagement plan” from Gaza raises many questions in this regard.<sup>1</sup> What kind of political entity is Gaza? What is its border relation with Israel? What will its international

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<sup>1</sup> In August 2005 Gaza Strip Jewish settlements were evacuated and the IDF forces declared an official withdrawal from Gaza. Without relinquishing military incursions, air raids and “targeted killings” operations, Israel remains in control of all movement to and from the Gaza Strip.

status be? It is perhaps too early or unwarranted to make any predictions. Nonetheless, at least with regard to the administration of borders and control of population movements, it is a development consistent with some recognizable principles, and we may begin to chart its course. Before I turn to the case in point, few theoretical clarifications on the relationship between territory and political space in separation regimes are in place.

### **The territorial paradigm reconsidered**

The territorial paradigm of conflict assumes that territorial disputes are the root cause of ethnic or national conflicts. In certain territories distinct groups of people struggle over resources, primarily territorial hegemony. This is the paradigm by which the Israeli-Palestinian conflict is most often read. As a result, whenever territorial formulas, also known as “peace solutions”, which seem reasonable enough, are rejected or simply collapse, most who interpret it as such find it essentially irrational. This essential irrationality is often explained as an erratic outburst of ethnic, religious or national sentiments, completing a tautological, circular cause and effect argument.

The analysis, advanced in this study, distances itself from the paradigm that regards ethnic and/or territorial disputes as the sources of political conflicts. Rather than assuming the existence of spatially determined, and diametrically opposed homogenous societies, an analysis of separation regimes begins with considering the way territories and their populations are reconstituted *within* dynamic configurations of sovereignty and political space. I distinguish territory from political space, by taking into account the dynamic construction of territory, and the geographical impact of politically and militarily hegemonic forces. According to the Israeli geographer, Elisha Efrat, once a certain territory is occupied, an accelerated process occurs. This act violently alters, and is at odds with the natural growth of the area, its places of dwelling, and population:

“An occupation is not a act of creative construction and development, but an act of destruction or exploitation of the existing physical infrastructure and its populous to serve the specific aims of the occupier. On the one hand, the occupier is taking advantage of the geographical qualities of the occupied territory, and on the other hand, it does not treat them naturally. Instead, it

creates geographical systems of its own – centers of control, roads, defensive structure, etc. that are not an integral part of the area.”<sup>2</sup>

In other words, a regime of military occupation not only takes control of a territory; it radically alters it. The concept of political space allows us to look at the broader picture. It can be seen as a territorially undetermined, shifting and unstable concept designating a form of spatial domination (Foucault 1991; Yiftachel and Kedar 2000). Simply put, it is a realm of impact. The state of Israel is a hegemonic political entity without international, final borders, which contains certain areas where it enforces a state of military occupation. Within its political space, i.e. realm of impact, a constant reshaping and redefining of both populations and territories takes place.

State monopoly over citizenship and means of movement via identity and travel documents is a normative feature of modern sovereignty. But what happens when a political entity monopolizes movements within a political space as I have just defined? Domestic borders and monopoly over means of movement then become mechanisms of *internal* spatial-political control. Borders manage movement in between and within areas projected as “outsides” which are in effect the “insides” of one political space. My hypothesis is that these mechanisms are best analyzed within a set of principles, which I have developed elsewhere by studying the case of internal restrictions of movement in Apartheid South Africa (1951-1986). I will not go in much detail into the South African case in this paper (it is a part of a broader research program). Suffice it to say, that in ways similar to the anomalies of Apartheid, internal territorial divisions have not created distinct political entities in Israel/Palestine. Applying a strict territorial logic of sovereignty tends to miss this point. The state of Israel never had a real territorial interest in Gaza, for example, but it certainly has, especially now, an “influx control” interest -- to administer population movements, and maintain control of its exits and entries. When the prerogative of a political entity is increasingly dependent on its monopoly over border crossing, what matters most is not the territories delineated by a border, but its function as a mechanism restricting such

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<sup>2</sup> Efrat, Elisha. Geography of Occupation, Judea, Samaria and the Gaza Strip, Carmel Publishing, 2002 (in Hebrew).

movements. Rather than looking at how borders distinguish one political entity from the other, I analyze the “disengagement” from Gaza as an instance of internal configuration of political space in Israel/Palestine.

### **After the Disengagement: is Gaza a “Bantustan”?**

Spatial politics, as geographers, planners, social and political theorists refer to it, is the way living space is being socially and politically constructed. The idea that human geography is instrumental, increasingly embracing and invested with power has come out of its relative obscurity by influential Marxist theorists with special interest in the relation between space and capitalist production (Harvey, 1985; Lefebvre, 1991), and made famous by Foucault’s writing on governmentality and his assertion that “space is fundamental in any form of communal life; space is fundamental in any exercise of power” (Foucault, 1991).<sup>3</sup> An analysis of spatial politics began to take into consideration the way territories and their populations were constituted within particular sovereign configurations and their constantly changing borders (Mamdani, 2001).<sup>4</sup>

The idea that restricted, fully controlled and isolated Palestinian Bantustans are already in place is not unfamiliar, at least in some political circles (Halper, 2004, Reinhart, 2002). Under Apartheid, nine African (Bantu) groups were to become nations with their own “homeland”, or Bantustan. An area totaling about 14% of the country’s land was set aside for these homelands, the remainder, including the major mineral areas and the cities, was

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<sup>3</sup> It was Michele Foucault who revolutionized the critique of power and shifted it from the state-centered juridico-institutional focus into the ways by which subjects enter social relations through normalizing and administrative disciplining apparatuses. Bio-power and governmentality are key concepts with which Foucault studied the impact of power on concrete bodies and forms of life. Governmentality designated how we govern, manage, and normalize social life through a regime of practices. Foucault exposed the conditions under which such regimes emerge, operate and transform and yet consistently argued that there is no sovereign/subject apriori distinction as all subjects are already invested and constitute themselves within the disciplinary mechanisms he termed biopower (1995, 1991). Soja and others later applied Foucauldian concept to political analysis of planning and organizing space [1989].

<sup>4</sup> Mahmood Mamdani’s *When Victims Become Killers* (2001) is a chilling account which tracks colonial heritage of nurtured Nativism developing into a full blown crisis of postcolonial Citizenship. Mamdani argues that this crisis fueled the distinction of Hutu and Tutsi as separate political identities and enabled the atrocious Genocide “from below” which involved multitudes actively participating in the killing – “the true moral dilemma of the Rwandan genocide”, p. 7.

reserved for whites only.<sup>5</sup> Since 1993, following the Oslo agreement, the occupied Palestinian territories are divided to dozens of noncontiguous areas surrounded by ever expanding Jewish settlements. The West Bank is effectively divided into 64 “islands” in Areas A, B and C. The Gaza Strip before the disengagement was severed into four areas, with Israel keeping direct control over at least 40% of the land mostly along the coastline. Up until August 2005 this coastline was dotted with Jewish settlements known as Gush Katif. While the international outcry against the route of the West Bank separation wall broke soon after its construction began in May 2002, hardly any notice was given to the fact that already by 1994 the Gaza Strip was surrounded by an identical border wall, complete with sophisticated electronic monitoring technologies. The Gaza strip, one of the most poor and densely populated places in the world became a politically and economically unviable restricted zone already in 1994.

Is the Gaza strip a Bantustan then? It is impossible to make such an analogy on the basis of a territorial logic, if only for the simple fact that Israel/Palestine and South Africa are such divergent geo-political units. Notably, disenfranchised South Africans were largely deported, expelled and forced to move into reserves and townships, which were desolate “no man’s lands.” Gaza and the West Bank in contrast are the historical dwellings of generations of Palestinians.<sup>6</sup> Palestinian isolated, encircled and disconnected West Bank and Gaza cities, villages and small towns do not quite follow the South African historical pattern. There are no artificially created Palestinian population centers built formally by the state of Israel for the purpose of resettlement of Palestinians. Since the war in 1948, which pushed an estimated 700,000 Palestinian refugees outside the 1947 partition boundaries, Israel rather

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<sup>5</sup> In 1962 the South African government established the first of the Bantustans, the Transkei, as the homeland of the Xhosa people, and granted it limited self-government in 1963, later becoming “independent.” Bophuthatswana, Ciskei, and Venda were also granted “independence,” although no nation other than South Africa recognized them. Lebowa, Kangwane, Gazankulu, Qwaqwa, KwaZulu, and KwaNdebele were declared “self-governing” in the 1970s, see definition in Kymlica, Will (1998).

<sup>6</sup> The 1948 forced deportations and mass exodus of an estimated 700,000 Palestinians from the areas under Israeli control, known as the Nakbah (catastrophe), is difficult to compare to the way organized, gradual and legislated dislocations was conducted under Apartheid. This Nakbah which took place within few months during the 1948 war created regional and world-wide Palestinian Diaspora which was immediately formulated as the “refugee problem”, a status that internally displaced South Africans were never given by the international community.

managed to prevent the emergence of shantytowns in the backyards of its metropolitan area, it's "inside" core along the coast. It first tightened administrative and military control over the Palestinian population in the peripheral areas of the Galilee and the Negev (and kept them under a military regime until 1966), and after 1967 expanded over what is today the Occupied Territories.<sup>7</sup> This process can be described as gradually "closing in" on densely populated areas, rather than "endorsing out" (an apartheid term which fully captures the schizophrenic nature of "insides"/"outsides") entire populations to rural, remote, unpopulated areas -- the Bantustans.

If, however, we consider Bantustanization the attempt by a regime *to project* a certain territory as "autonomous" or even "independent" we move beyond the strictly territorial logic and may begin to understand the process of the disengagement from Gaza in a new light. In the following sections, I share my preliminary analysis of events that took place as the first such evacuations of Jewish settlements in the Occupied Territories unfolded in summer 2005. I discuss the internal Israeli political discourse, paying particular attention to arguments put forth by its opponents from the Israeli right, and less well-known administrative measures, which facilitated the process. I draw from these materials some conclusions regarding Gaza and its spatial configuration within Israel/Palestine.

### **Before the Disengagement: "Inside"/"Outside" Gaza**

Within a year from the day the Israeli government authorized the plan to evacuate Jewish settlements from Gaza, the Israeli Defense Force (IDF) moved into the settlements to begin evacuations. During the intense period of late August, tensions mounted leading to the announced deadline for evacuations. It was feared that resistance would lead to violent

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<sup>7</sup> In 1966 the military regime imposed on the Palestinian population, which become a minority within the state of Israel, was revoked, and they were entitled to Israeli citizenship. Few thousands remained internal refugees till today and were not allowed to return to their villages and towns.

clashes between Israeli citizens and the IDF. There were threats of “civil war,” and an effort of mass mobilization on the part of the Israeli right.

The state sought and issued special orders, based on emergency legislation, authorizing the IDF to lead the operation, an act affirmed by the Israeli Supreme Court. The IDF through its “civil administration” governed Gaza between 1967-1994 on authority of Military Order 130. This order concentrated the administration of the region with the area commander who wielded extensive powers.<sup>8</sup> After the Oslo agreements were signed, some part of the Strip were transferred to the Palestinian Authority and designated as area A. Yet, the IDF remained sovereign in Gaza. With the break of the second Intifada in 2000 the IDF tightened restrictions movement within and in between various parts and neighborhood of Gaza via internal checkpoints. Israeli citizens except residents of the Gaza settlements were banned from entry. The delegation of the task to evacuate the settlements in summer 2005 to the IDF had made much sense, considering it controlled, both military and administrative, the entire area. Yet, as the date for the evacuation drew near, it became more evident that it will necessitate implementing military decrees and orders on the Israeli Jewish citizens of the state residing there. That meant, applying the same authority, which usually governed subjects, not citizens, the Palestinian population of the strip. This was an unprecedented state of affairs – “normally” Jewish settlers in the Occupied Territories enjoy a status equal to that of the rest of the population in Israel per se and are entitled to all protections afforded by a civilian legal code. After all attempts to stop the implementation of the disengagement in the civilian political and legal channels failed, settlers had to comply with IDF rule.

Interestingly, not only Jewish settlers in Gaza became for a brief period subjects of a military regime. West Bank settlers and residents of Kibbutzim and villages in the “Gaza Envelope” (an area of the North Western Negev surrounding the Gaza Strip) were for a short period placed under the authority of the IDF as well. The IDF imposed some restrictions and administrative measures. In Mefalsim, a Kibbutz near the Karni border checkpoint, residents

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<sup>8</sup> Military Order 130 was published in volume 7 of the Collection of Orders Proclamations and Appointments, p. 272. In Shehadeh, Raja, *The Declaration of Principles and the Legal System in the West Bank*, PASSIA publications, 1995.

were required to fill in identification forms and submit lists of relatives and other potential visitors. About two months before the date of the evacuations, the “Gaza envelope” residents received magnetic cards from the IDF with which they were required to pass in military checkpoints. These checkpoints were placed ad-hoc on main roads inside Israel leading to the Gaza Strip. At the entrance to Mefalsim, a full army battalion had taken position blocking the road with a checkpoint.

In the weeks preceding the disengagement a stream of West Bank settlers, mostly youth, attempted to infiltrate Gaza to disrupt the evacuations. The IDF declared Gaza and its “envelope” a closed military zone banned for entry for Jewish Israeli citizens and foreign nationals, and kept tight control over the entry of media teams. Only relatives of the first degree (nuclear family) of Gaza Settlers were allowed visits -- they were required to arrange their travel in advance by applying to a special permit administrative office set specifically for this purpose at the Ministry of Security. Permits were issued by an IDF unit responsible for internal security (most famously, this unit issued gas masks to the general population during the first Gulf war for use in case of chemical or biological attack). West Bank settlers that did not obtain special permits were stopped at checkpoints or were forced to leave Gaza. The IDF issued strong warnings against those attempting entry without permits. The IDF and consequently the media used a particularly telling terminology to describe them. They were called, for instance, “Mistananim” – the code name for Palestinians who attempted to return to Israel after 1948 and were subsequently caught and deported; “Shabakhim”, people who trespass military orders and are in “illegal stay”, a term commonly used for Palestinians who were caught working without permits inside Israel during the 1980s; and even “Menuim”, ineligible, a term used for Palestinians that security forces suspect of hostile activities and are therefore ineligible for obtaining magnetic cards or travel permits.

In an atmosphere of preparation for a possibly bloody conflict, those settlers who did not comply with new and unprecedented restrictions of movement, or were hard liners, ideological opponents defying the authority of the IDF, were met with determination. The IDF conducted arrests in the West Bank and placed dozens of settlers under administrative

detention. This draconian measure allows the military commander to arrest a person without charges, for an undetermined period of time, and without trial. Administrative detentions are commonly used against Palestinian residents of the Occupied Territories. In some cases these detentions last for a period of years, with military judges reviewing and prolonging the period every six months.<sup>9</sup> Although settlers spent relatively brief periods under administrative detention, it was quite extraordinary that this draconian measure was used en masse against citizens of the state. The settlers historically enjoyed a special privileged status: the state had showered their communities with benefits and perks above and beyond those enjoyed by any other community of Israeli citizens. But for a period of few weeks, they had suddenly become the enemies of the state, dangerous and subversive. Massive IDF and Police forces were prepared to meet their perceived threat of internal dissent using measures familiar to the Palestinian residents of the Occupied Territories, but unheard of in Israel per se. In reality, albeit only with the advantage of hindsight, most actions against the disengagement plan took the form of civil disobedience, demonstrations and legal advocacy. They were vehement, but not out of the ordinary, while the response of the state was not the extra-ordinary treatment that this particular group of citizen had so far enjoyed.

It is not surprising therefore that right leaning intellectuals, politicians and leaders filled newspapers op-ed pages with grim warnings usually reserved to the Israeli left, over the fate of Israeli democracy, calling to protect settlers human rights and limit state power. It is worthwhile, nevertheless, to follow their arguments, and to pay attention to a dialectic of “Inside”-“Outside” in relation to Gaza they expose. Questions regarding the status of Gaza, the status of its Jewish settlers in relation to the state, and the authority of the IDF, were at the center of this debate.

The former minister of Security for the Likkud Moshe Arens, and the Laywer and Legal analyst Haim Misgav attacked in op-ed pages the entire legal, juridical and political process of the disengagement plan in question. In many respects, they mirror the type of arguments that Israeli human rights organization typically voice against the state over its conduct in the

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<sup>9</sup> How many today?

Occupied Territories. Misgav focus was the legal aspects of the plan, where he found serious breach of the principle of separation of authorities in the card blanche that the Israeli Supreme Courts afforded the state. According to Misgav, the court has not exercised an honest review, and did not uphold its duty to restrain executive powers. The Knesset, on its part, hurriedly passed the executive decision, abandoning its role in overseeing and putting a check on executive power. When finally put into law, the legal foundations of the disengagement plan included 6 items of anachronistic and draconian emergency legislation, which allows the executive branch close to unlimited powers.<sup>10</sup> Next, he protests the use of the IDF to enforce state law on citizens, a role usually reserved to a civilian body, the police - the army, after all, is supposed to be used against enemies, not citizens. By delegating the execution of state law to the IDF, the state abuses the power given to it; a condition, which allows for excessive and illegitimate force.

Perhaps even more telling, for the purpose of our discussion, are the arguments advanced by Arens, which exposes to a great length the confusing logic of “insides” and “outsides”, and gives it a spatial and political interpretation. Not only the process of legislation of executive decision was at its core anti-democratic and the powers given to the state over its citizens unprecedented, he argues. All protections were as a result potentially (albeit temporarily) severed. If the north of the Negev could have been so easily put under a military regime – why wouldn’t it be possible for the state in the future to apply this same policy towards other (Jewish or Arab) citizens in other parts of the country?<sup>11</sup> Arens in particular raises the question of geography, attacking the plan marketing agenda as “sacrificing

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<sup>10</sup> This is the legislation that serves all conduct in the Occupied Territories and its historical origin extend to the British Mandate period, when emergency decrees were used to suppress the Arab revolt of the mid 1930s.

<sup>11</sup> The precariousness of areas where there is a density of Palestinian population “inside” Israel is noted by the geographer Elisha Efrat. According to Efrat, land swaps could take place, just as they did in 1967. With the end of hostilities agreement signed with Jordan at the end of the war, the Jordanians withdrew from a narrow strip, which included the big village Um Al-Fahem, today the first recognized and biggest Arab city in Israel. These areas were conceded to allow Israel full control of the historical main road that connects the coastal strip with the main cities in the interior and the Galilee. Efrat finds it reasonable that Arab towns such as Taibe and Um Al-Fahem adjacent to the green line, which he describes as having “low Israeli functioning or such that the state can find a replacement for” can be swapped and annexed to the Palestinian Authority areas. *Geography of Occupation*, p. 53.

isolated settlements to strengthen settlement blocks.” What then constitutes a “block”, he rightfully asks? What makes one settlement area viable and integral to the state (an “inside”) and the other not (“outside”)? Who are the citizens who will be counted “in” should there be another round of pull out? Who will be left “out”?

Arens assumes that the motivation of the state (and more specifically Prime Minister Sharon) is to keep as much territory, populated by as little Palestinians as possible. Taking this principle to its logical end, he wonders what makes Gush Katif, the settlement block of Gaza, the first “to go”. The decision simply does not make sense to him. Gush Katif is one of the most uniformly built “blocks” of settlements along the coastal area, obeying the principle of as many Jews with as little Palestinians “inside” it. Needless to say that Arens turns the perspective on Gaza settlements inside out. Gaza settlements from his point of view are discrete and contiguous, homogenous in their population and geographical make up along the coast of Israel. They do not “contain”, or “strangle” Palestinians. Rather the opposite, they are a logical extension of the Israeli coast, surrounded and contained by Palestinian Gaza. His reading goes against the grain of a widely shared Israeli consensus that Gush Katif is a string of small, isolated, non-viable enclaves, in the midst of the biggest Palestinian population concentration in the Occupied Territories. By the same token, settlements near the green line and in East Jerusalem may be defined as logical extensions of Jewish population concentration, “blocks” that the state cannot remove. That, Arens argues, actually leaves most West Bank settlements “out”, because they are thinly, non-contiguously spread in the midst of a vast Palestinian population. The formula to which Arens strongly objects, but in his way uncovers is of total separation: all territories surrendered to Palestinians must be “clean” of Jews, and all areas kept by Israel must be “clean” of Palestinians. By way of following this separation formula, the evacuation of Gush Katif seems to him a fatal error of logic.

Both Arens and Misgav point at the blurring of “insides” and “outsides” that took place during the process of disengagement. This blurring took place on several fronts. The IDF and government agencies worked tightly together to regulate and administer the orderly transfer

of Gaza settlers “into” Israel. New neighborhoods and settlements were erected in the Negev and the Galilee, and compensations were generously dispensed.<sup>12</sup> A significant number of settlers actually moved to the West Bank, and not to Israel per se. While this highly efficient evacuation operation took place, a much smaller in scale, yet identical to the Occupied Territories system of checkpoints, magnetic identity cards, special permits authorization was temporarily erected. Movement controls applied not only to Gaza settlers, but to anyone attempting to approach the “Gaza Envelope,” and its surrounding Kibbutzim as well. Citizens, not disenfranchised subjects, were placed under the authority of a military commander of their area. Draconian means, such as administrative detentions were applied. The state could not tolerate even acts of protest and civil disobedience as the date of the evacuation neared and demonstrations were forcefully disturbed and dispersed.

This blurring, the infiltration of state conduct from the Occupied Territories “inside” the democratic boundaries of the state has its potential dangers. But is it potentially dangerous to other Jewish citizens as Arens and Misgav claim? There are layered and highly differentiated degrees of vulnerability to such conduct within different groups of citizens “inside” Israel in relation to the state. If anything, a slippage puts most in danger the Arab citizens of the state. The assumption of Misgav and Arens that what happened during the disengagement exposed settlers the most to the crushing force of the state, and that they are likely to continue taking its toll is demagogic. They are correct, and perhaps even honest enough, to suggest that the principle feature of the current regime of separation is to create conditions of ethnic purity while maintaining control over a maximum of political space. At the same time, their outcry over infringement of settlers’ rights reveal that they share the core of that same ideology of ethnic purity. They simply assume that such anti-democratic, oppressive conditions should

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<sup>12</sup> The re-settlement of settlers in the Negev goes not without a price. Bedouins and the population of unrecognized villages, a group of supposedly “full” citizens of the state, are systematically discriminated, and are being pushed into restricted urban concentrations and do not receive services from the state that claims that they illegally occupy land and build habitats on it. A huge development plan to the Negev and the Galilee is expected to enhanced processes of further Ghettoization of non-Jews in these areas to “judaize” it, as it is officially announced.

remain the lot of the majority of the Palestinian population in the Occupied Territories they so desperately want to keep “inside.”

What actually alarmed Arens and Misgav, that moment of paramount danger, was indeed a short yet highly indicative event. The dual system in Israel/Palestine briefly collapsed. Rather than disconnecting Gaza, it fully “internalized” it. The state of emergency in this particular phase was quickly lifted, and lasted only few weeks. The administrative measures evaporated as soon as the evacuation completed, and the military unit that camped outside Mefalsim left only remnants of military gear outside the Kibbutz gate as a reminder. The IDF nevertheless remains in control of the entirely closed borders of Gaza, including the South border with Egypt. The absorption of Gaza with Israel on its borders is complete, notwithstanding relinquishing all humanitarian responsibilities of the state as an occupying power over Gaza’s population over which it maintains full administrative controls. The journalist Amira highlighted the present situation in a series of reports:

“Israel still controls the Palestinian population register in Gaza. Identity numbers, birth records, deaths, marriages, changing address: if these details are not recorded on the computers of the Israeli Interior Ministry, they simply do not exist. If Israel does not authorize a registration, the clerk at the Palestinian Interior office cannot do anything about it. The representative of the Israeli Interior Ministry at the DCO (District Coordination Office) is his superior. Israel denies the Palestinian Authority the possibility of “naturalization.” 1948 refugees, Palestinians who were born in the West Bank and Gaza but were not there in 1967 cannot become Gaza residents, and many others who were not initially acknowledged as residents by the state of Israel are left without any status. Israel refuses to change people’s address in their identity cards, if they had moved from Gaza to the West Bank, so some former Gazans are defined as “illegal” and cannot obtain travel permits. [...] Palestinian themselves have no interest in disconnecting Gaza from the computers of the Israeli population register at the Ministry of Interior, as long as the West Bankers are also recorded there. They wish to keep the principle that Gaza and the West Bank are one territorial unit as the Oslo agreement stated.”<sup>13</sup>

The “disengagement” that took place this August suggests a future in which Israel intends to disinvest itself further from responsibility for a non-citizen civilian population while keeping a closed lid on other aspects of life, first and foremost movement. The evacuation of Gaza settlements, illegal under international law, is indeed unprecedented and long overdue.

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<sup>13</sup> Haaretz daily, 28.9.05

However, rather than marking a definite “outside” to the state, it further domesticated the borders of an entity whose international as well as domestic status remains at best unclear.

### **Conclusion**

Our common sense understanding of political space is not that of a static but dynamic environment, which allows movement to, from and within it that is regulated by some kind of definite, external border regime. In a regime of separation, however, selectively applied restrictions of movement create simultaneous “insides” and “outsides” within one territory (Torpey 2000). Political space is administered by domesticated borders regulating movements of both citizens and non-citizens. In separation regime one constantly asks, who are the subjects, who are the citizens? Who is “inside” and who is “out”? A separation regime attempts at creating extreme “social closure” (Brubaker 1992) through the monopolization of movement and controlled zoning. Zones of relative democracy and zones of prerogative rule are administered by one sovereign as “external” to each other but are in fact integral to it. The regime formally, rather than implicitly, operates under conditions of a permanent state of exception (Agamben 2005). A dynamic, constantly shifting construction and reorganization of political space is vital to maintain a type of hybrid sovereignty, which is neither fully normative nor fully prerogative (Fraenkel 1941).

The central contradiction in the regime of separation emerging in Israel/Palestine is the ambition to administratively incorporate *projected* spatial-political “outsides”. Gaza after the disengagement is a case in point. Although based upon appeals to necessity (such as the preservation of state integrity and security), this coercive incorporation necessarily lends itself to destabilization, rejection and negation of the regime as a whole on the part of both citizens and non-citizens (Kemp 2000). Separation regimes affect their citizens and non-citizens, determining hierarchical yet indeterminate relation to political membership within and beyond territorial boundaries. Using the typology of separation regime I had attempted to articulate a pervasive -- as opposed to limited only to “freak” conflicts -- crisis of modern

sovereignty and citizenship. Separation regimes innovate means by which political space is organized outside the normative paradigms of territorial sovereignty. Thus, they challenge us not only to account for the evolution of certain political formulas, but to consider its implications to the current international system as well.

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