



# TRACES OF RACIAL EXCEPTION

RECOVERING AFRICAN  
SETTLER COLONIALISM

DOUGLAS BROWN

# Traces of Racial Exception

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# Traces of Racial Exception

## Racializing Israeli Settler Colonialism

Ronit Lentin

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## Series Foreword

Poets, artists, theologians, philosophers, and mystics in the Middle East and Islamicate world have been interrogating notions of desire, madness, sensuality, solitude, death, time, space, and so on for centuries, thus constituting an expansive and ever-mutating intellectual landscape. Like all theory and creative outpouring, then, theirs is its own vital constellation—a construction cobbled together from singular visceral experiences, intellectual ruins, novel aesthetic techniques, social-political-ideological detours, and premonitions of a future—built and torn down (partially or in toto), and rebuilt again with slight and severe variations. The horizons shift, and frequently leave those who dare traverse these lands bewildered and vulnerable.

Consequently, these thinkers and their visionary ideas largely remain unknown, or worse, mispronounced and misrepresented in the so-called Western world. In the hands of imperialistic frameworks, a select few are deemed worthy of notice and are spoken on behalf of, or rather *about*. Their ideas are simplified into mere social formulae and empirical scholarly categories. Whereas so-called Western philosophers and writers are given full leniency to contemplate the most incisive or abstract ideas, non-Western thinkers, especially those located in the imagined realms of the Middle East and Islamicate world, are reduced to speaking of purely political histories or monolithic cultural narratives. In other words, they are distorted and contorted to fit within hegemonic paradigms that steal away their more captivating potentials.

Contributors to this series provide a counterpoint to the reigning canons of theory, theology, philosophy, literature, and criticism through investigations of the vast experiential typologies of such regions. Each volume in the series acts as a “suspension” in the sense that the authors will position contemporary thought in an enigmatic new terrain of inquiry, where it will be compelled to confront unforeseen works of critical and creative imagination. These analyses will not only highlight the full range of current intellectual and artistic trends and their benefits for the citizens of these phantom spheres, but also argue that the ideas themselves are borderless, and thus of great relevance to all citizens of the world.

Jason Bahbak Mohaghegh and Lucian Stone

## Preface

We stole the lands of another people, but that's not who we are, we are better than this.

We expelled 800,000 of the owners of the land, or made them flee; we renamed their villages and urban neighborhoods and settled our own people in them, but that's not who we are, we are better than this.

We uprooted the trees planted by the owners of the land and planted European conifers to cover the ruins of their depopulated villages, which they are not allowed to settle in and many of which we have made our own, but that's not who we are, we are better than this.

We massacred the populations of whole villages, tortured their men, raped their women and beat and tortured their children, but that's not who we are, we are better than this.

We occupied and annexed those parts of the land we had conquered in our "war of independence" that the owners of the land call their Nakba, or catastrophe, but that's not who we are, we are better than this.

We bombed their cities, demolished their homes, flattened their refugee camps and since 2002, built a 700-kilometers long concrete wall, which we call the separation barrier and the owners of the land call the apartheid wall, to cut off the owners of the land from each other, but that's not who we are, we are better than this.

We installed hundreds of checkpoints preventing the owners of the land from getting to work, visiting their families, or reaching the hospital to receive medical treatment or to give birth, but that's not who we are, we are better than this.

We started war after war outside the 1949 armistice borders of our state, making hundreds of thousands homeless, claiming self-defense, but that's not who we are, we are better than this.

We put the owners of the land under a military government regime, ruled them with emergency regulations inherited from the British colonizers, enlisted them as collaborators and informers, and controlled their freedom of movement and expression, but that's not who we are, we are better than this.

We operate a separate military court system to try the owners of the land, imprison thousands of them including women and children, and put hundreds



in administrative detention without trial, but that's not who we are, we are better than this.

We build our settlements on their lands and allow our illegal settlers to prevent the owners of the land from herding their flocks, tilling their fields and picking their olives, but that's not who we are, we are better than this.

We allow Jewish settlers to take over the homes of the owners of the land and to beat their children while on their way to school, but that's not who we are, we are better than this.

We transferred thousands of Bedouin citizens off their lands and left them in "unrecognized villages" without electricity, water, roads and schools, and demolish these "unrecognized villages" again and again, but that's not who we are, we are better than this.

We extrajudicially execute the owners of the land when we suspect that their resistance amounts to "terrorist" acts, even after they are "neutralized" and lying defenseless on the ground; we arrest their children in dawn raids, interrogate them without any adults present, and try them in military courts, but that's not who we are, we are better than this.

We lock up asylum seekers, who we call "infiltrators," and most of whose cases we never process, in concentration camps away from our towns that they are not permitted to enter, but that's not who we are, we are better than this.

We deny the owners of the land the right to remember and commemorate their Nakba and force them to study our history and our writers and poets, but that's not who we are, we are better than this.

You see, we are victims of persecution and Holocaust survivors, and their land had been promised to us by our god, and is thus legally ours, and anyone questioning our right to conquer, settle, expropriate, kill, imprison, shoot, bomb, torture, transfer, and deport is an antisemite or a "self-hating Jew."<sup>1</sup>

## Acknowledgments

This book owes above all to the Suspensions series editors Lucian Stone and Jason Mohaghegh for inviting me to submit a proposal for the series—my sincere thanks to you both, and to Frankie Mace, assistant editor for philosophy at Bloomsbury, for accompanying the project so supportively. The book is the result of my passionate lifelong commitment—as an anti-Zionist Israeli Jew who has lived most of her life in the Republic of Ireland—to Palestinian liberation, and of being invested in race critical theory.

Two women were indispensable in developing this project: my daughter Alana Lentin, who challenged me to go beyond Eurocentric theorists and read black scholarship and who introduced me to the work of Alexander Weheliye, among others; and my soul sister Nitza Aminov, who read drafts of each chapter and helped me sharpen my thinking and writing. I am also grateful to the Palestinian feminist scholar Nahla Abdo, the Palestinian legal scholar Raef Zreik, the Palestinian-Canadian sociologist Elia Zureik, and the Palestinian-American scholar Steven Salaita, whose work, as well as the writing of the late Patrick Wolfe, have (en)lightened my darkness, and to Elaine Bradley for our endless conversations about Palestine.

Finally, I am most grateful to two Palestinian artists who have allowed me to use their work in this book. First, I thank the Palestinian artist Hani Zurob who gave us permission to use his *Low quality love* for the cover illustration. Hani Zurob was born in the Rafah camp, Gaza, and not being allowed to return to his homeland after a period of residence at the Cité Internationale des Arts in Paris, now lives and works in France. His work presents Palestine through a personal perspective as well as a conceptual context that transcends borders and geography. Second, my thanks to the Palestinian poet Dareen Tatour for allowing me to quote in full her poem “Resist my people.” At the time of writing Dareen Tatour has been under house arrest for two years for posting her poem on Facebook. May she be released before this book is published.



## Introduction: Tracing Race in the Settler Colony

### Prologue: Extrajudicial Execution in Hebron, Occupied Palestine

On March 24, 2016, the Israeli Defense Forces (IDF) medic Elor Azaria arrived at the Tel Rumeida army post in Hebron, occupied Palestine, to treat a stabbed IDF soldier. Without warning he shot to death Abdel al-Fattah al-Sharif, an unarmed 21-year-old Palestinian, while he was lying on the ground unable to move, fifteen minutes after soldiers had shot, wounded and “neutralized” him for attempting to stab an Israeli soldier. The Israeli Military Police charged Azaria with murder, later transmuted to manslaughter. At his trial, Azaria testified that he suspected al-Sharif’s body was fitted with a bomb, a claim disputed by the prosecution having already ascertained that al-Sharif was not carrying any explosives. According to Yuli Novak, director of the Israeli whistleblowing soldiers’ group “Breaking the Silence,”

In his testimony, Azaria describes the violence, the de-humanization, the hatred, the intimidation, the domination, and the settler mastery which form the reality of the West Bank occupation. But despite the fact that through his testimony he has joined those who expose the truth about the reality of the occupation, Elor Azaria himself is not a silence breaker, far from it. Yet Azaria has found himself in a Kafkaesque reality where the system he served, and within which he flourished and excelled, now points an accusing finger at him, and tries him in court, although he acted according to the norms instilled in him. And now, in order to save himself, he is exposing that system’s hypocrisy, and while doing so, he is inadvertently exposing us to the things taking place in the occupied territories. Azaria’s story begins with one ugly, vicious moment of the occupation, which happened to be caught on video. If this moment had not been filmed, it would most likely have been covered up. Just like another silent bullet fired, another death in the desolate streets of Hebron. Not a news story.<sup>1</sup>

Al-Sharif was one of 181 Palestinians suspected of “terror” attacks extrajudicially executed by the Israeli military between October 2015 and February 2016<sup>2</sup> in the so-called knives intifada. The murder sparked much controversy in Israel. A staggering 65 percent of Jews polled in September 2016<sup>3</sup> supported the killing, and 67 percent polled during Azaria’s trial in December 2016 supported pardoning him.<sup>4</sup> Azaria was backed by Prime Minister Binyamin Netanyahu, Foreign Minister Avigdor Lieberman, and other public figures, who favored pardoning him,<sup>5</sup> and was enthusiastically supported in mass demonstrations by thousands of Israeli Jews shouting “death to the Arabs.” Demonstrators claimed he had been framed, and many pledged to prevent their own children from serving in the IDF because, if they “had to” kill Palestinian civilians, they too would be framed.<sup>6</sup> The Azaria case is far from unique. As John Brown documents in the online journal 972, the IDF gives its soldiers a license to kill.<sup>7</sup> Although every year, IDF soldiers shoot and kill unarmed Palestinians in the occupied territories, time and time again the soldiers responsible are not brought to justice; Azaria was tried because the murder, filmed by ‘Imad Abu Shamsiyeh, a Palestinian cameraman for *B’Tselem* (Israeli Information Centre for Human Rights in the Occupied Territories),<sup>8</sup> made international headlines. The widespread support for the soldier led to Abu Shamsiyeh receiving many death threats since the video documenting the shooting went viral.<sup>9</sup>

Elor Azaria was convicted of manslaughter on January 4, 2017, and sentenced to 18 months in military prison on February 21. The sentence was much more lenient than the three to five years demanded by the prosecution, and well under the maximum twenty years sentence for manslaughter. While many Israeli Jews endorsed the killing, Palestinians condemned the sentence. According to Palestinian Knesset member Jamal Zahalka, “Azaria should have received a life sentence. This will act as a deterrent to other trigger-happy soldiers.” Zahalka called Israel a “democracy of guns,” claiming that “the real author of the crimes against Palestinians is the Israeli state. By putting one individual on trial, Israel hopes to confer legitimacy on the whole apparatus of state-sanctioned killing.”<sup>10</sup> In July 2017, as the court released Azaria to house arrest pending appeal, the military prosecution appealed the light sentence.<sup>11</sup> The light sentence was cut by the IDF chief of staff by a further four months in September 2017.<sup>12</sup> While Azaria was allowed to go on home leave for the Jewish New Year, Fadwa Barghouti, wife of the Palestinian political prisoner Marwan Barghouti, was barred from seeing her husband. The ban, she was told, would last several years as punishment for Barghouti taking part in the prisoners’ hunger strike.<sup>13</sup> However, in November

2017 the president of Israel, Reuven Rivlin, rejected Azaria's pardon appeal, noting that the sentence had already been cut by four months and that "further easing the penalty would harm the strength of the Israeli Defense Forces and the State of Israel."<sup>14</sup> Unsurprisingly, the president was vilified for his refusal by right-wing politicians, including Prime Minister Netanyahu, whose "rabid incitement" against Rivlin, according to Burston, "was the worst since the eve of the Rabin murder."<sup>15</sup>

Neve Gordon writes that Azaria "is in no way an aberration of Israel's colonial project, but rather a clear symptom of its very structure."<sup>16</sup> According to Konrad,<sup>17</sup> Azaria's conviction is a rare exception to the rule. In the vast majority of cases, the army grants immunity to soldiers who kill or harm Palestinians. A database published by the Israeli human rights organization *Yesh Din* revealed that of 186 IDF criminal investigations into alleged offenses committed by Israeli soldiers against Palestinians, 120 investigations were closed and only 7 resulted in disciplinary measures. In 2016, 15 indictments were served for harm caused to Palestinians. *Yesh Din* indicates that the IDF fails to comply with its own official policy of investigating every incident resulting in the death of Palestinian civilians in the West Bank. According to *B'Tselem*, in 2015, ninety-nine Palestinians were shot and killed by Israeli security forces in the West Bank and seventeen were shot and killed in East Jerusalem. And yet, only twenty-one investigations were opened.<sup>18</sup>

Despite this, and in response to the public outcry against Azaria's trial, Israel's Deputy Defense Minister Eli Ben Dahan proposed a bill granting soldiers a license to kill.<sup>19</sup> Ben Dahan, a rabbi and a member of the right-wing Jewish Home Party, had previously called Palestinians "sub-human," and said that "even homosexual Jews are superior to non-Jews."

The political and public responses to the Azaria case illustrate the centrality of race to the Israeli rule of Palestine. First, the ease with which a Jewish Israeli soldier can extrajudicially execute an unarmed helpless Palestinian who had already been "neutralized" in IDF parlance<sup>20</sup> denotes the racialization and dehumanization of Palestinians by the Israeli state and by Israeli Jews, whose white-Jewish supremacy parallels their deep sense of victimhood. That such extrajudicial executions are commonplace, and that Azaria was tried only because he was caught on camera, further emphasizes the unbearable lightness of the Israeli occupation. According to Brown, who reviewed many IDF Military Police files, in most cases involving IDF soldiers killing Palestinians, there is no indictment because the Military Police claims that it does not have sufficient evidence.<sup>21</sup> Since September 2000, some 9,250 Palestinians were killed by the

IDF and only 262 cases were investigated. Until the Azaria case, no soldier has been indicted for killing a Palestinian. An army that investigates itself has no interest in bringing its soldiers to justice.

Second, the fact that Azaria is a Mizrahi (Arab) Israeli Jew denotes Israel's complex racial reality, where Arab Jews are racialized by European-Ashkenazi Jews. As outlined in Chapter 4, Patrick Wolfe terms the in-between location of Mizrahi Jews "deracination," which he regards as a key factor in the raciality of Palestine and Israel.<sup>22</sup> The mass demonstrations supporting Azaria during and after the trial<sup>23</sup> illustrate the belief held by many right-wing Israelis that as a Mizrahi Jew, Azaria was abandoned by Israel's political and defense establishments. Mizrahi Jews were highly visible among the demonstrators and more than half of his financial supporters had Mizrahi surnames. According to Israeli sociologist Yehouda Shenhav, author of *The Arab Jews: A Postcolonial Reading of Nationalism, Religion and Ethnicity*,<sup>24</sup> Azaria's trial would have gone differently had the soldier been Ashkenazi: "The fact that the accused is Mizrahi creates a discourse to which being Mizrahi is central . . . The Mizrahi is not one of us—we are more moral, better. The trial expresses superiority disguised as morality" (cited by Elias).<sup>25</sup>

Third, Azaria's conviction, which followed the UN Security Council vote against the legality of Jewish settlements in the occupied West Bank, sharpened Israelis' sense of victimhood, the other side of the Israeli settler colonial race coin—colonizers on the one hand, eternal victims on the other, a lethal cocktail.

On the eastern coast of the Mediterranean lies the small settler colonial State of Israel whose Jewish citizens call "the only democracy in the Middle East." On the settler colony's southeastern coast lies the tiny Gaza enclave, home to some 1.8 million inhabitants, who have been under siege since 2007. Most of them are refugees expelled from their lands in 1948, during what the settler colonials call their War of Independence and the colonized call their Nakba, or catastrophe. They negotiate a form of existence in the shells of buildings bombed and destroyed during the periodical military assaults by the settler colony, the most recent one being in summer 2014.

To the north of the settler colony lies the Golan (Jawlan), seized from Syria in the closing stages of the 1967 war, and annexed soon afterwards in a move not internationally recognized.<sup>26</sup> Soon after the 1967 war Israel established thirty Jewish settlements in the Golan with some 20,000 Jewish settlers. Many of the Syrians of the Golan, mostly members of the Druze sect, have fled during the war in Syria.<sup>27</sup>

To the west of the settler colony lies the West Bank, occupied in 1967. It is crisscrossed by an eight meters high cement “separation wall,” Jewish settlements, Jews-only roads, military bases and checkpoints, through which the colonized subjects negotiate passage, while the settler colony produces daily racialized exceptions. Palestinians in the occupied territory live under military rule, subject to bureaucratic and military violence, as detailed by the director of *B’Tselem*. According to Hagai El Ad, speaking to the UN Security Council in October 2016, living under Israeli occupation in the West Bank and East Jerusalem,

means living under an endless permit regime, which controls Palestinian life from cradle to grave: Israel controls the population registry; Israel controls work permits; Israel controls who can travel abroad—and who cannot; Israel controls who can visit from abroad—and who cannot; in some villages, Israel maintains lists of who can visit the village, or who is allowed to farm which fields. Permits can sometimes be denied; permits must always be renewed. Thus with every breath they take, Palestinians breathe in occupation. Make a wrong move, and you can lose your freedom of movement, your livelihood, or even the opportunity to marry and build a family with your beloved ... Meanwhile, ever present, are the settlements and the settlers. They are Israeli citizens living, ostensibly, in a first-world democracy, that somehow exists only for them, beyond the borders of their country. This ever-expanding venture, its illegality notwithstanding, is to be found everywhere throughout the West Bank and East Jerusalem. Settlements encompass the built-up areas as well as the generous allocations of land around them, meant for future expansion or “special security zones”; they mean checkpoints for Palestinians, and bypass roads for settlers; they mean the Separation Barrier; and finally, they mean the fragmentation of Palestine into hundreds of isolated communities, floating—or rather I should say, slowly sinking—in a sea of Israeli domination. Who could possibly deserve to endure such conditions for half a century?<sup>28</sup>

The Israeli state borders were set in 1949, through UN mediation and armistice agreements with Jordan, Egypt, Syria, and Lebanon, marking the end of hostilities of the first Israeli-Arab war that started in May 1948.<sup>29</sup> Within these armistice borders—known as the “Green Line”—live the descendants of some 160,000 Palestinians either not expelled during the Nakba, or allowed to return prior to 1952, who currently constitute 20.8 percent of the state’s population. Mostly citizens, many of them are internal refugees.<sup>30</sup> As discussed in Chapter 2, many of them are defined as “present absentees” reduced to living beside their depopulated villages and urban neighborhoods that they are banned from residing in.



Contrary to popular belief, the Israeli settler colony in Palestine did not come into being with the 1967 occupation of the West Bank, Gaza, and the Golan, nor with the establishment of the State of Israel in 1948. The colonization of Palestine was the culmination of the gradual Zionist colonial project in Palestine since the late nineteenth century. Despite the many bloody wars currently carried out in the Middle East, and in view of ongoing European settler colonial regimes in many other territories including Australia, the Americas, and Canada, and despite several ongoing occupation projects, the Israeli occupation of Palestine is considered to be the longest military occupation in the world today.<sup>31</sup>

Although characterized by specific features outlined in this book, and despite the claim by the Israeli historian Ilan Pappé that Israel is “the last active settler colonialist project in existence,”<sup>32</sup> the Israeli settler colony is neither unique, nor the last existing settler colony. The Australian anthropologist Patrick Wolfe who theorizes settler colonialism as a “structure, not an event,”<sup>33</sup> provides a relational analysis of settler colonialism in Australia, the United States, Brazil, and Palestine, and takes exceptionalism out of analyzing Israel as a settler colony. While charting the specificities of Israel’s war against the Palestinians, this book refutes claims of exceptionalism.

Taking my cue from Lorenzo Veracini, whose *The Settler Colonial Present*<sup>34</sup> defines settler colonialism in terms of what it is *not*, I want to clarify what this book is *not* about. First, while focusing on Israel’s permanent war against the Palestinians—a term I borrow from Maya Mikdashi and Jasbir K. Puar’s description of the United States being in a state of permanent war<sup>35</sup>—this is not a book about Palestine, but rather about Israel. David Lloyd writes about thinking “Palestine for itself, ‘itself alone’ as the Irish say.”<sup>36</sup> While finding himself using the term “Palestine/Israel,” he also notes that the “denial to Palestine of a sovereign state . . . indirectly affirms the sovereignty of Israel over Palestine.” He cites Edward Said<sup>37</sup> as writing “all the constitutive energies of Zionism were premised on the excluded presence that is the functional absence of ‘Native people’ in Palestine.”<sup>38</sup> Lloyd questions whether Palestine’s singular condition makes “Palestine/Israel” an exception to the rule of nations or one that makes it exemplary of settler colonial states or even exemplary of states of exception.

I prefer to heed the call by Eman Ghanayem,<sup>39</sup> who, in a letter to US pro-Palestine activists, asks them to refrain from coupling Palestine with Israel and stop using the term “Israel/Palestine” (or even “Palestine/Israel,” which, as Lloyd reminds us, implies a sense of present absenteeism), in which Israel dominates the discourse. Ghanayem also asks activists to refrain from using the term “Middle East,” a geopolitical concept that accommodates the global north.

She stresses that “most of the terms English speaking activists use to refer to geographies related to Palestine are the product of multiple colonialisms” that do not grasp the weight of the cultural loss that has befallen Palestinian people. Ghanayem also asks activists not to conflate advocacy for Israeli equal rights with support for Palestinian liberation.

Writing about the victims of oppression is often regarded as more morally edifying than focusing on the perpetrators. However, as a (Palestine-born) Jewish Israeli scholar and activist, who has devoted much of her life and academic career to thinking about the oppression inflicted by the State of Israel upon the Palestinian people, I refuse to represent, speak for or on behalf of Palestinians. I write this book about the perpetrators, fully aware of my privilege as a member of the colonizing collectivity.

Second, for many years I have attempted to understand the puzzle of the Israeli-Zionist rule over Palestine that persists unabated and uncensored by the so-called international community despite the growing global civil society solidarity with the struggle of the Palestinians. I have come to the conclusion that the only way of theorizing it is by using the lens of race. However, the book employs race critical theory only inasmuch as it enables me to focus on the specific context of Israel.

The Israeli state and its war against the Palestinians have been theorized *inter alia* in terms of apartheid,<sup>40</sup> ethnocracy,<sup>41</sup> ethnic cleansing,<sup>42</sup> occupation,<sup>43</sup> state of exception,<sup>44</sup> racial state,<sup>45</sup> settler colony,<sup>46</sup> biopolitics,<sup>47</sup> and state crime.<sup>48</sup> While most writers theorizing Palestine and Israel tend to focus on one theoretical strand, this book presents a three-pronged critical engagement with Israel's settler colonial racial regime in Palestine: first, a state of exception; second, a racial state; and third, a settler colony. I intersect this three-pronged approach with gender analysis as well. Crucially, however, only very few writers theorizing Israel focus on race: notable exceptions are David T. Goldberg's work on “racial Palestinianization,”<sup>49</sup> Wolfe's work on race and settler colonialism<sup>50</sup> and my own recent work.<sup>51</sup> My main objective in this book is to close this gap by racializing the analysis and critically positioning race front and center.

Against the background of the most recent escalation of Israel's war against the Palestinians following the 2014 military attack on Gaza, an escalation signifying a cynical development in the history of Israel's politics of colonization, occupation, oppression, and siege, the introductory chapter sets out the book's main arguments. I begin by asking whether, governed through practices of exception, permanent emergency, necessity and security, the State of Israel might be understood as a textbook example of what the Italian political

philosopher Giorgio Agamben theorizes as state of exception.<sup>52</sup> Israel's self-styled exceptionalism positions the state above and outside both domestic and international law as far as Palestinian citizen, occupied, besieged and refugee subjects are concerned. I question whether Agamben's argument<sup>53</sup> that the voluntary creation of a permanent state of emergency as an essential practice of contemporary states is relevant to theorizing the Israeli regime in Palestine. Chapter 2 interrogates whether the state of exception means not only the declaration of a permanent state of emergency in which the sovereign both enacts the law and stays outside it, but also the idea that it is the *body* of the racial *volk* that needs defending from its internal and external others. In *Homo Sacer: Sovereign Power and Bare Life*, Agamben argues that the permanent state of exception enables the state to render the lives of specific populations under state rule "bare life," which, like the Roman legal category of *homo sacer*, is both excluded and captured within the political order.<sup>54</sup>

In line with Foucault's theorizing racism as marking a caesura between what must live and what must die and establishing "a relationship between my life and the death of the other,"<sup>55</sup> Chapter 2 addresses Israeli governmental technologies that construct racialized categories of Palestinians—Palestinian citizens of Israel ("1948 Palestinians"), occupied Palestinian subjects ("1967 Palestinians"), Palestinian residents of Jerusalem and the Palestinian diaspora—through technologies of segregation and exclusion, from the 1948 "Plan D" for what Pappe terms (erroneously, as I argue later) "the ethnic cleansing of Palestine" to the present.<sup>56</sup> These technologies include the occupation of the Palestinian territory, the ongoing siege of the Gaza enclave, the prevention of the return of Palestinian refugees, as well as population management and surveillance technologies both in 1948 Palestine and in the occupied territory.<sup>57</sup>

These technologies aim to ensure that both Jewish Israeli citizens living within the state's 1948 "Green Line" borders and Jewish settlers in the West Bank and the Golan, live at the expense of the Palestinian other(s). At the same time, they discriminate against Palestinian citizens and occupied and besieged subjects, whose lives are regulated and controlled not only by the IDF and the Shin Bet—the Israeli Security Agency—<sup>58</sup> but also by the occupation's Civil Administration<sup>59</sup> and other civil authorities. Chapter 2 outlines the daily practices of exclusion and control employed by the Israeli occupation regime, including raids, arrests, checkpoints, curfews, house and village demolitions, administrative detention and the detention and torture of minors, population transfers and extrajudicial executions, constituting exceptional yet also routine settler colonial racialized conditions.

These settler colonial conditions go beyond politics of life (biopolitics) and are rather what Ghanim documents as “thanatopolitics”—the politics of death: “from the moment that power is directed to destroying, eliminating and dismantling their group, the decision about their life becomes a decision about their death.”<sup>60</sup> And death, expulsion, and exclusion are the ultimate way of overcoming the self-perceived Israeli Jewish victimhood that Svisrky theorizes<sup>61</sup> as a settler colonial immunitarian practice of segregation and political conservation of the paradoxical notion of “Jewish democracy” against all possibilities of shared ways of life.

At the same time, practices of exception and emergency privilege discourses of security, threat, and Jewish victimhood as central building blocks of Israel’s rule of Palestine. Since Israel considers itself as a haven for the nebulous entity of the “Jewish nation,” it regards the control of 1948 Palestinians, 1967 Palestinians, and diasporic Palestinians as an imperative born of necessity and emergency, which, as Agamben suggests, creates and guarantees the situation that the law needs for its validity, as I critically discuss in Chapter 2, with specific reference to Agamben’s Eurocentrism which does not consider colonialism, settler colonialism or race, as discussed in Chapters 3 and 4.

Agamben’s state of exception and bare life theories have been usefully critiqued and must therefore be used “under erasure.”<sup>62</sup> Most crucially, I critique Agamben’s theories for occluding race, as argued more generally by Alexander Weheliye,<sup>63</sup> and as I argue in the specific context of Israel,<sup>64</sup> as discussed in Chapter 4. Meanwhile, Chapter 2 complements the analysis of Israel as state of exception by theorizing it as an archetypal racial state.<sup>65</sup>

One reason I focus on race is countering the theorizations of Israel in terms of ethnicity by the Israeli geographer Oren Yiftachel,<sup>66</sup> and the Israeli historian Ilan Pappé.<sup>67</sup> Yiftachel theorizes Israel as an “ethnocracy,” defined as “a political regime that facilitates expansion and control by a dominant *ethnicity* in contested lands ... with rights and capabilities depending primarily on ethnic origin and geographic location.”<sup>68</sup> However, “ethnocracy” assumes that Israeli Jews are ethnically homogeneous despite their obvious ethnic heterogeneities and is as problematic and theoretically inadequate as Yiftachel’s reference to Palestine as a “contested land” rather than a racial settler colony. Pappé’s enthusiastically endorsed description of the Nakba as the “ethnic cleansing of Palestine” is another erroneous theorization. Based on the use of the term to describe the massacres and population transfers during the 1990s Bosnian war, Pappé argues that “ethnic cleansing” is “a well-defined policy of a particular group of persons to systematically eliminate another group from a given territory” and

as such is a “grave breach of the 1949 Geneva Conventions and 1977 Additional Protocols.”<sup>69</sup> Pappe argues that the term was also used in World War II by the Nazis and their allies, such as the Croat militias in Yugoslavia. While suggesting that the term was used by foreign invaders who practiced it against Indigenous populations from biblical times to the height of colonization,<sup>70</sup> Pappe occludes the racial aspects of colonialism and settler colonialism highlighted by Wolfe. The difference between the 1990s war in Bosnia and the 1948 war in Palestine is that in the former no colonizing relations were involved, whereas in the latter the colonization of Palestine by Zionist forces was the main factor, making it a classic example of settler colonialism leading to what Wolfe describes as “structured genocide,”<sup>71</sup> not “ethnic cleansing.”

Furthermore, according to professor of Law and Globalization and the director of the International State Crime Initiative at Queen Mary University of London, Penny Green (speaking to Neve Gordon in relation to the genocide against the Rohingya in Myanmar), the term “ethnic cleansing” is problematic for a number of reasons:

First, it has no legal recourse, rendering it easy for foreign governments to describe what they are witnessing in Myanmar as ethnic cleansing because it places no obligation on them to intervene, either to prevent the violence and protect the Rohingya or to punish the culprits. Another problem is that the term “ethnic cleansing” was initially used by Slobodan Milošević to mask the genocidal elements of the attacks against the Bosnian Muslims. It is the perpetrator’s term.<sup>72</sup>

Indeed, although Green was not speaking about Palestine, using the term “ethnic cleansing” in relation to Israel’s war against the Palestinians is, *pace* Pappe, the perpetrator’s term, which exonerates the perpetrator—Israel—and makes it easier for foreign governments to do nothing to stop Israel’s genocidal racial policies in Palestine.

Martin Shaw also rejects Pappe’s “ethnic cleansing” thesis and theorizes the Nakba and the Zionist colonization of Palestine as genocide instead. Shaw argues that population expulsions, such as those that occurred in Bosnia during the 1990s, which were designed to destroy ethnic or national communities, fell within the ambit of genocide as defined by Raphaël Lemkin,<sup>73</sup> as well as within the terms of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide.<sup>74</sup> As John Docker points out,<sup>75</sup> Shaw also argues that the term unacceptably incorporates the perpetrator idea of “cleansing”; “ethnic cleansing” is “thus a euphemistic perpetrator term which has no place in social science or history.”<sup>76</sup>

That said, Yiftachel's "ethnocracy" and Pappé's "ethnic cleansing" have been popularized despite (or perhaps because of) assuming Jewish ethnic homogeneity that Goldberg defines as "heterogeneity in denial."<sup>77</sup> Because these terms ignore the racial aspects of settler colonialism, I employ neither terms in theorizing Israel's war against the Palestinians, preferring to use racialization and settler colonialism.

More generally, in the wake of the Nazi genocide the term "ethnicity" has been considered by Western scholars as more palatable than "race." However, non-Western and race critical theorists understand race as a central factor not only in differentiating, but also in colonizing, appropriating, exterminating and discriminating against Indigenous non-Western populations both in the colonies and in the metropole.

Alana Lentin discusses the post-World War II UNESCO meetings of "world panels of experts," and the resulting statements they issued in 1950 and in 1968, in which "ethnicity" and "culture" were posited as alternative explanations of human difference previously covered by "race," and "cultural relativism" as an alternative to "racism."<sup>78</sup> Lentin reminds us that cultures are not static and do not develop in isolation: "By discriminating between cultures we become identical to that which we seek to condemn. Seeing others as savages unveils the very savagery of our own society."<sup>79</sup> As an explanation had to be found both for physical differences between humans and for the claim that some cultures "move" while others "stand still,"<sup>80</sup> the UNESCO response proposed the substitution of the notion of hierarchical "races" with that of equal but different "cultures."

Taking this critique further, and in view of the claim—in the wake of the first African American US presidency (now replaced by a president explicitly upholding "alt right" white supremacy principles)—that "we are all post racial now,"<sup>81</sup> Barnor Hesse critiques racism, conceived without the implications of race, as a Eurocentric ideology.<sup>82</sup> We must ask, Hesse writes, how the racialized experiences and violations of the Jews in Europe, rather than those associated with US blacks or colonized "non-whites" generally, came to dominate and frame the twentieth-century concept of racism in international relations.<sup>83</sup>

It is hardly surprising that in Israel, avowedly established to provide a "safe haven" for the descendants of Jewish victims of racialization culminating in the Nazi genocide, using the term race is particularly frowned upon. Following Hesse, I question how the conceptualization of racism as an ideology sans race fits so perfectly the Israeli reluctance to name race, preferring, like Yiftachel and Pappé do, to speak of ethnicity, ethnocracy, and ethnic cleansing. This reluctance to name race means that, while decrying Nazi (and other "non-Jewish") racism

against Jews, Israel can be blithely racist against its colonized subjects in the name of white supremacy that does not speak its name, despite Zionism's profound Jewish self- and other-racialization of Palestinians and other "others," as discussed in Chapter 4.

While terms such as "ethnocracy" and "ethnic cleansing" imply that Jewish Israelis are a homogeneous "ethnic" group, the book argues that this naturalizes the Zionist worldview, which, I contend, is based on racial categorical segregation between Jews and non-Jews, but also between Ashkenazi (European) Jews, Mizrahi (Arab and "oriental") Jews, and black (Ethiopian) Jews, and is thus inadequate to theorizing Israel's rule over Palestine.

Furthermore, as Alana Lentin argues, replacing "race" with "culture" obscures the central role of the state in the rise of the idea of race,<sup>84</sup> which is why Chapter 2 complements the analysis of Israel as a state of exception by theorizing it as a racial state. According to Goldberg, all modern nation states are racial states that exclude and include in racial terms in order to construct homogeneity, achieved through governmental technologies such as border controls, immigration policies, military and police forces, citizenship regimes, surveillance strategies, and census categorizations, but also invented histories and traditions that construct state narratives, state history and state memory, and the evocation of ancient origins.<sup>85</sup> Zionism was arguably both internal to Europe, aiming to build a "civilized" European nation-state, and—in laying claims to a Palestinian inheritance—also exterior to Europe and based on diasporan narratives of exile and return.<sup>86</sup> Located in the Middle East as a Europeanized national movement, Zionism created a racial state par excellence, where exceptions become the rule and where the permanent state of emergency enables one rule (life) for the state's Jewish citizens and another (death, threat of death, and expulsion) for the state's occupied and besieged subjects.<sup>87</sup>

Though Agamben claims that the state of exception places the sovereign above the law, Goldberg insists that the law works in the service of the racial state, rather than in providing checks and balances on state actions.<sup>88</sup> As I demonstrate in Chapter 2, Israel employs the law to racialize Palestinian subjects, and the chapter outlines a variety of racist laws, including the Law of Return (1950) and the Law for Absentees' Property (1950) that grants the state ownership of the property of Palestinians expropriated in 1948, dubbed "Present absentees." Goldberg theorizes the Israeli racial state in terms of "racial Palestinianization" and this race thinking is exemplified in Israel's unique citizenship regime, whereby the Law of Return ensures that anyone who can prove she has Jewish ancestry is automatically entitled to Israeli citizenship, denied to Palestinians born on the land and to their descendants, as outlined in the chapter.

Chapter 3 complements the understanding of Israel as a racial state of exception by theorizing it as a classic example of settler colonialism. Unlike colonial projects that aim to exploit resources, land, and colonized people, settler colonialism aims to gain as much land with as few natives as possible, and is guided by what Wolfe calls the “logic of elimination.”<sup>89</sup> As Wolfe argues, settler colonialism destroys and replaces what it destroys, as evident in Zionist settler colonial practices of replacing demolished and depopulated Palestinian villages with Jewish settlements, roads, and national parks, substituting Palestinian Arab place names with Hebrew place names, replacing Palestinian orchards with imported European conifers (“making the desert bloom” in Zionist parlance, that wrongly claimed that prior to the arrival of the Jews, Palestine was arid and fallow), and the current practice of demolishing Bedouin villages, deemed “unrecognized”—that is, not provided with running water, electricity, roads, schools, refuse collection and other basic services, even though their inhabitants are Israeli citizens<sup>90</sup>—and replacing them with Jewish space for, *inter alia*, army maneuvers.<sup>91</sup>

While Pappe posits theorizing Israel as a settler colonial project as a “new paradigm,” Palestinian, Israeli, and international theorists have theorized Israeli settler colonialism for decades, as argued in Chapter 3. Settler colonialism, informed by various interpretations of *terra nullius* (a “land without people”), “is an inclusive, land-centered project that coordinates a comprehensive range of agencies, from the metropolitan center to the frontier encampment, with a view to eliminating Indigenous societies.”<sup>92</sup> With specific reference to Palestine, Wolfe notes that while the settlers control the lives of “Jews” and “Palestinians” alike, the former are accorded land resources and encouraged to breed and multiply, and the latter—citizens and occupied and besieged subjects alike—are deprived of resources such as land, water, education, and health services through intentional policies of elimination, expulsion, segregation, and discrimination, as discussed throughout the book.

Crucially, Scott L. Morgensen argues, while colonials focus on exploiting resources and colonized populations, settler colonials come to stay, assert sovereignty, and regard the settled territory as their own, aiming not to exterminate or destroy but rather to produce life, so as to amalgamate Indigenous peoples, cultures, and lands into the body of the settler nation.<sup>93</sup> I suggest that as settlers stay and regard the new colony as “their own” land—as Zionists have done, and as Israeli Jews do to this day—settler colonialism controls not only the territory but also the life practices of the Indigenous, so as to “make live” the colonists at the expense of the Natives who are “let die.”<sup>94</sup>



Wolfe theorizes settler colonialism as “a structure, not an event” and goes beyond intentionality in examining the logic of the Zionists dispossessing the Palestinians as not randomly executed but rather as following Zionist history as a “systemic outcome, not as a fortuitous by-product.”<sup>95</sup> Wolfe further theorizes settler colonialism in terms of “structured genocide,” illustrating the concrete relations between spatial removal, mass killings, and biocultural assimilation.

The Zionist logic of elimination is evidenced in a variety of historical and contemporary governmental technologies of control. These include the expulsion of the Palestinians during and after the 1948 Nakba and the subsequent settlement of their villages and urban neighborhoods by Jewish immigrants<sup>96</sup>; the military government regime instituted after the 1948 Nakba<sup>97</sup>; the 1967 occupation of the West Bank, the Golan, Sinai, and Gaza<sup>98</sup>; and the ongoing Israeli military and civil control over the Palestinian territory. Highlighting the paradoxical poignancy of Israel’s colonial control over Palestine, Wolfe writes that “there could hardly be a more concrete expression of spatial sequestration than the West Bank barrier . . . as Palestinians become more and more dispensable, Gaza and the West Bank become less and less like Bantustans and more and more like reservations (or, for that matter, like the Warsaw Ghetto).”<sup>99</sup>

Like the omission of race analysis in theories of state of exception, until the publication of Wolfe’s posthumous *Traces of History: Elementary Structures of Race* (2016), analyses of Israel as a settler colony have also glossed over the race element. Wolfe’s book outlines how regimes of race reflect and reproduce different forms of colonialism: “Race is a trace of history: colonial populations continue to be racialized in specific ways that mark out and reproduce the unequal relationships into which Europeans have co-opted these populations.”<sup>100</sup>

I follow Goldberg’s “racial Palestinianization,”<sup>101</sup> as well as Wolfe’s argument that in the annals of settler colonialism Zionism is an unparalleled example of deliberate, explicit planning, making it particularly revealing for researching settler colonialism, where the logic of elimination involves careful forethought but doesn’t depend on it. Palestinian entitlement, Wolfe insists, does not depend on whether it can be shown that, somewhere in Europe, Jewish theorists imagined expelling the Natives from the land of Zion. What matters is the outcome.<sup>102</sup>

Focusing on race as central to the analysis of the Israeli settler colonial regime, Chapter 4 concurs with Marcelo Svirskey and Simone Bignall’s critique of Agamben’s theories as being firmly anchored in Western political thought and thus omitting colonialism, postcolonialism, settler colonialism, anticolonialism, and decoloniality, even though their otherwise useful critique occludes the centrality of race.<sup>103</sup> I therefore follow professor of African American studies

Alexander Weheliye who critiques Agamben's (and Foucault's) Eurocentrism and lack of attention to "racialized assemblages."<sup>104</sup> Weheliye argues that Westocentric theorizations of exception, bare life, and biopolitics are universally transportable precisely because they don't speak from an explicitly racialized standpoint. Weheliye's work is crucial in leading me to positioning race front and center in considerations of political violence as sociopolitical processes of differentiation and hierarchization projected onto the biological human body. These processes, as I demonstrate, are regularly and consciously employed by the State of Israel in racializing Palestinian citizens, occupied, besieged, refugee, and diasporic subjects, as well as non-white Jewish citizens, and non-white non-Jewish migrants, although neither the State of Israel nor most of its theorists articulate these processes as racial or racist, but rather as a consequence of Israel's perceived victimhood and threat, and the need to defend itself.

This is a good place to stress that race is not understood in this book in biological or genetic terms. I concur with Goldberg<sup>105</sup> challenging "antiracism" or the negation of the use of the term "race" made popular by Paul Gilroy's "race ends here" thesis.<sup>106</sup> Doing away with race (that Gilroy places between scare quotes to emphasize its unreality) is not the answer, Goldberg insists:

If antiracist commitment requires remembering and recalling, antiracism suggests forgetting, getting over, moving on, wiping away the terms of reference, at best (or at worst) a commercial memorializing rather than a recounting and redressing of the terms of humiliation and devaluation . . . We are being asked to give up on race before and without addressing the legacy, the roots, the scars of racisms' histories, the weight of race. We are being asked to give up on the word, the concept, the category, at most the categorizing. But not, pointedly not, the conditions for which those terms stand.<sup>107</sup>

Rather than avoiding the term, this book highlights race, which I understand, after Stuart Hall, as a language, a discourse, a meaning making grammar, a "floating signifier."<sup>108</sup> As Alana Lentin argues, race is both a fiction and a force,<sup>109</sup> and its fictitiousness, far from abetting its forcefulness, buoys it.<sup>110</sup> In making this claim, Lentin does not wish to claim that "race is perennial, universal or inevitable. Rather, race is adaptable and as such the 'western' societies in which race originates are neither raceless nor postracial," noting that "there has been a failure to give race the full consideration it requires if it is to be transcended."<sup>111</sup>

In recent years the Israeli theoretical landscape has at last admitted the reality of racism.<sup>112</sup> However, only a few theorists focus on race *per se*, or on the role of the state in enacting racist policies and practices of racial categorizations and

racial discrimination and segregation. Chapter 4 seeks to address the race lacuna in theorizing Israel's rule over Palestine, as theorizing racism without placing race at the heart of the analysis derives from a minimally defined concept of racism as exclusion or discrimination, where racism ceases to be a concept with a specific history and a particular logic of indicting race.<sup>113</sup> Such occlusion, Hesse insists, ignores "how our inheritance of racism as a concept has politically foreclosed a more critical indictment of race as racism . . . (and) ignores how our conceptual inheritance of racism has historically foreclosed the questions of a silencing that has always been there."<sup>114</sup>

Considering the segregation of Palestinians and other non-Jewish people, as well as of non-white Jewish populations, it might make sense to liken racial rule in Israel to South African apartheid, despite the many differences between the two regimes.<sup>115</sup> These differences may be why Goldberg demurs at merely focusing on the ways in which Israel embodies apartheid elements, arguing instead that it represents "a *novel* form of the racial state more generally."<sup>116</sup> Goldberg's theorizing Israel as a racial state, Wolfe's contention that "race is colonialism speaking in idioms whose diversity reflects the variety of unequal relationships into which Europeans have co-opted conquered populations,"<sup>117</sup> and Weheliye's racializing assemblages, all make race the indispensable, albeit hitherto missing component in theorizing the Zionist settler colonial project in Palestine. Eschewing white Western theorizations to examine settler colonial conditions, I explore black and Palestinian theorists in focusing on race in my analysis of the Israeli settler colony.

Chapter 4 further argues that paradoxically, for a people whose history is replete with racial persecutions, Zionist ideology itself articulates "the Jewish race," constructing a homogeneous "Jewish people," with Jewish self- and other racialization being integral to Zionist ideology. The Israeli geneticist Rafael Falk reads the history of Zionism as a eugenic race project, aiming to save the Jewish genetic pool from the degeneration resulting from diaspora existence.<sup>118</sup> Falk argues that understanding Judaism as a racial essence became an integral part of Zionist thought toward the end of the nineteenth century. While many European Jews struggled against the idea of Judaism as a race, several prominent Zionist thinkers including Theodore Herzl and Max Nordau evoked the "new (Jewish) man" as overcoming the Jews' despised diaspora past. Thus, just as antisemitism racialized Jews as a separate "race" justifying their persecution by biological reasoning, Zionist ideologues adopted the terminology of *volk*—a racial nation shaped by "blood and soil,"<sup>119</sup> and were instrumental in producing a Zionist repertoire of racial categorization and *volkish* imagery.<sup>120</sup>

As theorists of Israel as racial state and settler colony tend not to focus on gender, Chapter 5 proposes a gender analysis of the Israeli settler colony in terms of juxtaposing the experiences of women and men as both colonizers and colonized as well as dismantling rigid gender binaries. This analysis foregrounds heteronormativity as “the institutions, structures of understanding, and practical orientations that make the dominant sexual order seem not only coherent but also natural, timeless, and unquestionable,”<sup>121</sup> evidenced by the prevalent practices of both the Israeli rape culture and “pink washing.”

Beyond challenging gender binaries, my gender analysis constructs Palestinian women as the gendered version of Agamben’s “homo sacer”—“femina sacra,”<sup>122</sup> particularly vulnerable to racialized, and genocidal regimes. However, such theorization risks regarding Palestinian women as mere victims of gendered Israeli governmentalities rather than as active agents of resistance, as argued by Palestinian feminist theorists including Nahla Abdo,<sup>123</sup> Nadera Shalhoub-Kevorkian,<sup>124</sup> Rhoda Kannaneh and Isis Nusair,<sup>125</sup> and Fatma Kassem.<sup>126</sup> Chapter 5 complements the gender analysis by looking at the feminization of Palestine and Palestinians in contrast with the hyper masculinization of Israel and the “new Jew” that stands in opposition to the feminized Jewish existence in the diaspora and to the supposedly passive conduct of Jewish people during the Holocaust.<sup>127</sup>

The importance of rejecting the theorization of the colonized merely as passive victims of oppression cannot be over emphasized. Therefore, the concluding chapter juxtaposes Fanon’s analysis of acts of decolonization as “complete disorder”<sup>128</sup> and Raef Zreik’s argument that the colonized have a moral duty to include the colonizer in the project of decolonization.<sup>129</sup> The chapter follows Steven Salaita’s analysis of decolonization as inter/national,<sup>130</sup> and employs his analysis of Native American poetry about Palestine to argue that both cultural production and political action constitute performances of decolonization. I focus on the case of the Palestinian poet Dareen Tatour, who at the time of writing was under house arrest for publishing her poem on social media. Tuck and Yang argue that decolonization is not a metaphor, and suggest that the metaphorization of decolonization enables evasions that reconcile settler guilt and complicity as Chapter 6 discusses.<sup>131</sup>

In *The Wretched of the Earth* Frantz Fanon describes a classic settler colonial condition, where “the settler keeps alive in the Native an anger which he deprives of outlet.”<sup>132</sup> Violence, Fanon reminds us, leads not only to trauma and hence submission, but also to the colonized making it their own, an interesting observation in view of Palestinians and their supporters insisting on nonviolent

resistance, including the Boycott, Divestment and Sanctions (BDS) campaign that Salaita theorizes as a relational mode of decolonization and ultimately the only strategy of defeating Israeli colonial violence. In theorizing Palestinian potentialities of decolonization I follow Salaita's inter/national approach, and Eve Tuck and K. Wayne Yang's insistence that decolonization is not reconciliation, suggesting that nothing short of returning all the land to its Indigenous Palestinian owners and facilitating the return of all the Palestinians expelled in 1948 and 1967 constitutes decolonization, that, as Salaita argues after Fanon, is ultimately unsettling and dis-ordering.

The book focuses on the centrality of race and racial complexities to the analysis of Israel's colonial rule over Palestine, which closes a gap in thinking about Israel's permanent war against the Palestinians. Aiming to position the lived experiences of the racialized at the center of my analysis, I begin each chapter with an example of the ways in which Palestinian and Jewish lives are racialized by the Israeli state.

This is as good a time as any for me to situate myself. I write as an Israeli Jewish woman born in Palestine during the British Mandate prior to the establishment of the State of Israel, who grew up in an Israeli Zionist family and society. This book is the result of a lifelong commitment to Palestinian freedom and an often-agonizing lifelong reflection on my privileged position as a white Ashkenazi Jew, and a member of Israel's settler colonial perpetrator collectivity. My parents were immigrants from Europe and, like most members of their generation, thought of their children as "the first generation to redemption"—that is, redemption from the fate of European antisemitism and persecution in what they fantasized as the "promised land," allegedly promised by the god of the Jews to his "chosen people."

Growing up, we were indoctrinated by the lethal mixture of Jewish victimhood and fragility on the one hand, and white Jewish supremacy and entitlement on the other. We were repeatedly told that Jewish people, though superior to the Palestinian Natives of the land, were, are, and will always be victims of antisemitism; that the "whole world is against us," and that the world stood by and watched as Europe's Jews were exterminated by the Nazis; that the Holocaust was "the worst crime in the history of humanity," regardless of colonialism, slavery, and the wholesale annihilation of Indigenous peoples; and that the Holocaust was not only "unique" but also the only genocide that mattered. We were repeatedly told that Israel, as a haven for the "entire Jewish

nation,” is justified in “defending itself” by using whatever means. I grew up as the daughter of a family of survivors of the Romanian Holocaust, albeit not spoken about as such since “it was not Auschwitz,” even though several family members had died in the ghettos and camps of the Transnistria region, where northern Romanian Jews were deported to by Romania’s leader and Nazi ally Ion Antonescu.<sup>133</sup> I studied in one of Israel’s elite private schools where education was Prussian in spirit and military in style. But I was extremely fortunate to have escaped army service by a fluke; I had asthma and was thus not considered a “chosen body.”<sup>134</sup>

Only in my early twenties, immediately after the 1967 war, was I told by a member of Matzpen—the Socialist Organization in Israel—that we had been fed falsehoods and that Israel was an imperialist settler colonial entity in a land already settled by another people, who the Zionists expelled and whose lands, homes, and property they expropriated. I became a lifelong pro-Palestine activist and have written extensively, and obsessively, about Israel’s permanent war against the Palestinians in the face of family rifts and Jewish community opprobrium. However, it has taken me until now to combine my academic work on race and racism in other contexts and my fiction and academic work on Palestine and Israel to reach this junction and this book.

The book is based on race critical theory—including black theory which I was fortunate to be introduced to in recent times. I did not conduct field research in writing this book, relying mostly on non-European, Palestinian and critical Israeli scholarship, albeit taking care not to speak for or on behalf of colonized Palestinians. I have also used media and social media texts, for which I make no apologies as social media provide much up-to-date information and theorization, which, in a context that changes almost daily, and that has changed so much during the writing of this project, provide invaluable data. Finally, though this book is not an autoethnography—I have written auto-ethnographically about Israeli co-memory and the Palestinian Nakba<sup>135</sup>—I beg the readers’ indulgence if, from time to time, I relinquish the objective sociological analysis and allow my own voice—the voice of a member of the perpetrator collectivity and a Palestinian ally—to emerge. Such is the nature of passion.



# Is Israel a Racial State of Exception?

## Prologue: Theater and Emergency

On December 8, 2016, the Israeli security forces raided al-Hakawati Theater also known as the Palestinian National Theater (PNT) in Sheikh Jarrach, occupied East Jerusalem, preventing it from holding a “Sing with Us” event. While the police alleged that the event was organized by the left-wing Popular Front for the Liberation of Palestine (PFLP)<sup>1</sup> in “sympathy with terrorists,” eyewitnesses told the Palestinian Ma’an News Agency that the event was organized by the Milad Fund for University Education. The raid warrant, signed by the Jerusalem police chief upon receiving intelligence information, a police spokeswoman said, was based on Article 9 of the 2016 antiterrorism law passed by the Knesset<sup>2</sup> on June 15, 2016,<sup>3</sup> referred to by several Israeli members of parliament as “draconian and unacceptable.”

Al-Hakawati’s objectives and the newly enacted antiterrorism act represent two opposing poles in theorizing Israel as a racial state of exception. At one end of the spectrum is the PNT’s mission statement that epitomizes Palestinian *sumud*<sup>4</sup> and resistance:

The Palestinian National Theatre is a Palestinian non-profit cultural institution which strives to create and develop a unique cultural life in Jerusalem, by producing and presenting artistic, educational and entertaining programmes that reflect the aspirations of the Palestinian people ... Because children and youth represent the majority of the Palestinian people, the PNT gives priority to programmes that address this vital component of Palestinian society. In order to carry out these goals the PNT shall work with local Palestinian artists and groups and shall provide them with the training and encouragement needed.<sup>5</sup>

At the other end of the spectrum, the antiterrorism law could be understood as Israel existing in a permanent state of emergency, or what Giorgio Agamben



calls “state of exception.”<sup>6</sup> According to the Association of Civil Rights in Israel (ACRI)—although it regards Israel as a democracy and recognizes its right to defend itself from “acts of terrorism”, the antiterrorism law normalizes the Defense (Emergency) Regulations (imposed by the British Mandate in 1945 and adopted by Israel on the day of its establishment in May 1948), irreversibly damages human rights in Israel, and impairs the freedom of Israel’s Palestinian citizens and occupied subjects. ACRI states that the law enables administrative detention and the prevention of freedom of movement, the use of secret information in judicial decisions regarding administrative detention, property confiscation, the branding of certain groups as “terrorist organizations,” and the infringement of basic criminal law principles. ACRI also argues that the law irreversibly widens the scope of criminal justice by dubbing as “terrorist” law-abiding individuals and organizations, and that it allows the state to indict people and organizations without due legal process, based on suspicion alone, and to interfere with citizens’ and occupied noncitizens’ freedom of political discourse and association.<sup>7</sup>

## Introduction

In this chapter I propose that basing the police raid of the PNT on the 2016 antiterrorism law (even though this is nothing new in the context of Israel’s emergency regime as I argue later) makes it possible to theorize Israel as what Agamben calls a state of exception, in which the sovereign state enacts the law against sections of the population, while excluding itself from that very law. Despite Agamben’s Eurocentrism and occlusion of race and colonialism, his theory of the voluntary creation of a permanent state of emergency is relevant to understanding Israel, where, as the Palestinian legal theorist Raef Zreik argues, the state of exception involves both the extension of military wartime powers into the civil sphere, and the suspension of constitutional norms that protect individual liberties.<sup>8</sup> In *Homo Sacer: Sovereign Power and Bare Life* (1995) Agamben argues that the state of exception renders the lives of specific population groups “bare life,” both excluded and captured within the political order. However, my critical reading of theories of exception and bare life argues that Palestinian citizens, occupied, besieged, and diasporic subjects must not be theorized as “bare life” but rather as liminal subjects and as active agents of resistance.

I must confess, however, that when I first came across Agamben's theories of state of exception and bare life I enthusiastically applied them to theorizing Israel,<sup>9</sup> probably because, despite its similarity to other settler colonial racial regimes, Israel managed to market itself to the world as an exceptional case—a line I too was captivated by, but which I have abandoned upon adopting a race critical stance to theorizing Israel's rule over Palestine. Reading Alexander Weheliye's critique of Agamben and Michel Foucault as Eurocentric and as occluding race and coloniality was a turning point that enabled me to critically engage with Eurocentric theories of exception and bare life.<sup>10</sup>

After outlining the concept of state of exception in relation to theorizing Israel, this chapter goes on to engage with Marcelo Svirsky and Simone Bignall's critique of Agamben for ignoring colonialism, postcolonialism and anticolonialism,<sup>11</sup> and with his Eurocentric occlusion of the working of race. Theorizing Israel, after David Theo Goldberg, as a racial state responds to Weheliye's critique that I develop further in Chapter 4. I conclude the chapter by questioning the perception of the State of Israel as a democracy in decline<sup>12</sup> and propose theorizing it instead as a variation of apartheid.<sup>13</sup> The race lacuna, addressed by Wolfe in relation to settler colonialism and by Weheliye in relation to racialized assemblages, is further developed in Chapter 4.

## State of Exception

In developing his theory of the state of exception, Agamben follows the Nazi jurist Carl Schmitt, who posits the contiguity between the state of exception and sovereignty, arguing that it is the sovereign who determines the state of exception, which Schmitt understands as neither a state of emergency nor as merely responding to necessity, but rather as a general concept in political science.<sup>14</sup> The sovereign, according to Schmitt, is constructed by the state of exception, which the sovereign himself determines. But although the sovereign's action is not controlled by the legal order of the state, it is the sovereign who decides both whether a state of exception exists and which action to take to overcome it.<sup>15</sup> The proverbial claim that "necessity has no law"<sup>16</sup> leads Agamben to write that the state of exception is difficult to define because of its proximity to civil war, insurrection, and resistance, since civil war, the opposite of normal conditions, lies in a zone of undecidability in relation to the state of exception, which is "state power's immediate response to the most extreme internal conflicts."<sup>17</sup>

Schmitt, a trenchant critic of Weimar liberalism, became a Nazi ideologue who theorized sovereignty as the point of transition from Weimar to the Nazi Reich. Agamben instructively reminds us that soon after Hitler took power he proclaimed the Decree for the Protection of the People and the State that suspended the articles of the Weimar Constitution concerning personal liberties. The decree was never repealed, making the Third Reich a state of exception that lasted twelve years, in which the state enacted laws directed at certain population groups (those deemed racially inferior, but also disabled and criminal populations), while staying beyond the remit of these laws. While modern totalitarianism can be defined as the establishment, by means of a state of exception, of a legal civil war that enables the physical elimination of political adversaries as well as entire categories of people the state refuses to integrate into the political system, Agamben insists that this voluntary creation of a state of emergency is not merely a description of the Nazi Reich and other totalitarian regimes, but is one of the essential practices of contemporary states, including so-called democracies.<sup>18</sup>

Another central building block of Agamben's theory is the Foucauldian concept of biopolitics. Charting the move from a society of discipline to a society of regulation, Foucault notes the moment in which, when natural life becomes included in mechanisms of state power, politics turns into biopolitics, the territorial state becomes a "state of population," and the nation's biological life becomes a problem of sovereign power.<sup>19</sup> The state here no longer addresses the body in an individualizing mode, but rather as population—"a 'biopolitics' of the human race." Through a series of governmental technologies, biopower controls processes such as birth rates, death rates, longevity—all of which become "biopolitics' first objects of knowledge" in, inter alia, statistical terms.<sup>20</sup> This means that the population becomes a *subject*, but also an *object* in the hands of government, as Foucault differentiates between the sovereign power of the old territorial state ("to make die and let live") and modern biopower ("to make live and let die").<sup>21</sup>

Agamben, however, stops short at explicitly developing Foucault's theorization of racism as marking a caesura between what must live and what must die and establishing "a relationship between my life and the death of the other,"<sup>22</sup> a relationship evidenced by the Israeli differentiation between Jewish entitlement and the non-entitlement of Palestinians and other non-Jewish people, and between white European Jews and non-white Mizrahi and Ethiopian Jews, as discussed in Chapter 4. For now, I want to argue that if we follow Agamben's focus on biopolitical population technologies without considering race in the Israeli context, we risk ignoring Israeli governmentalities that construct racialized

categories through population management technologies of segregation and exclusion. These racialized governmentalities, I propose, have been enacted by the Zionist movement long before the 1948 pre-state “Plan D” for what Ilan Pappé calls the “ethnic cleansing of Palestine,”<sup>23</sup> by first colonizing Palestinian lands through land purchases<sup>24</sup> and then expulsion, by discriminating against Palestinian citizens, by preventing the return of Palestinian refugees expelled during and after the 1948 Nakba, by racializing citizenship categories, and by enacting ongoing policies of occupation, siege, oppression, and dehumanization in the Palestinian territory occupied in 1967.

Agamben’s reading of Schmitt’s state of exception theory rests not only on sovereignty declaring a state of emergency, in which the sovereign stays outside the law enacted by that very sovereign, but also on the notion that the nation (in the sense of *volk*, rather than citizenry or residency within the state territory) needs defending from its others. Agamben further says that the state of exception is a *security* state, instituting “an unprecedented generalization of the paradigm of security as the normal techniques of government,”<sup>25</sup> a description particularly relevant to Israel where security serves as a rationale for its permanent state of emergency as I detail later.

As mentioned earlier, Agamben writes that the permanent state of emergency enables the state to turn the lives of some of those under state rule into what he calls *homo sacer* or “bare life.” A Roman legal concept, *homo sacer* (sacred man) is he who may be killed with impunity, but not sacrificed due to his impurity. The concept that Agamben applies to Nazi concentration camp inmates and to US administrative detainees who are not protected by the American Constitution despite the US Supreme Court ruling otherwise in 2004, can also be applied to the lives of Palestinian administrative detainees and to asylum seekers detained by the State of Israel in concentration camps outside the remit of the law without their asylum applications being heard.<sup>26</sup> Positing the general applicability of state of exception and bare life, Agamben argues that “at once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested.”<sup>27</sup>

It is however questionable whether Palestinian citizens, occupied, besieged, and diasporic subjects, should be theorized as “bare life,” because, as William Walters argues, this denudes them of any agency.<sup>28</sup> It is equally doubtful whether Palestinians are located in what Agamben calls “zones of exception” as suggested, inter alia, by Sari Hanafi<sup>29</sup> and Alina Korn,<sup>30</sup> or whether the Fanonian concepts of “zones of non-being” is more apt here. Lewis Gordon describes a

“zone of non-being” as “a zone neither of appearance or disappearance.”<sup>31</sup> If we substitute “black” with “Palestinian” and “white” with “Israeli Jew” we can begin to comprehend Gordon’s argument: “racist imposition has made the structure one of the white self and related Other, the black self and all Others, but no white self and black Other. This below-Otherness is the disaster of black existence. It is the Zone of Nonbeing”<sup>32</sup>—an apt description of the erasure of Palestinian humanity by Israel and its Zionist supporters.

Quite apart from the potent critiques of Agamben’s state of exception and bare life theories for, inter alia, ignoring coloniality and anticoloniality<sup>33</sup> and for occluding race,<sup>34</sup> Pappe questions the applicability of Agamben’s theorization to Israel as state of exception and criticizes my theorizing Israel as state of exception in my edited volume *Thinking Palestine*—a theorization this book revisits and revises.<sup>35</sup> Pappe bases his critique on the inadequacy of reading Israel as “a variant on democracy,” and argues that, unlike the states Agamben uses to illustrate his theory that, like Nazi Germany, have slid from democracy to dictatorship, Israel is not a democracy and must rather be theorized as a *Mukhabarat*<sup>36</sup> state of oppression, the likes of which exist throughout the Middle East: “Such a state is characterized as a mass mobilizing state, run by an all-pervasive bureaucracy and ruled by military and security apparatuses.”<sup>37</sup> Pappe argues that the role of the army and the security services is not central to Agamben’s analysis which refers to them only marginally when dealing with martial law. This, Pappe suggests, is what differentiates between Agamben and Schmitt who does refer to martial law as a constitutional issue. In Israel, Pappe adds, “martial law is the legal and political reality for almost all its Palestinian citizens at any given time, directly or indirectly.”<sup>38</sup> By contrast, Raef Zreik argues that Israel is extremely relevant to debates about the immanence of the state of exception, being “constantly in a situation of crisis/emergency,” and giving the ethnos the final word in the process of decision making.<sup>39</sup> Thus, Zreik argues, the tension between the State of Israel’s “Jewish” and “democratic” constituents, and between the rule and the exception renders power more than a mere façade, and the tension between “Jewish” and “democratic” thus becomes the problem, rather than, as some Israeli politicians would argue, a possibility.

## Racial State

A central issue Agamben teases out in *State of Exception* is whether the state of exception exists inside or outside the law. Given Israel’s permanent state of

emergency, and its intricate regime of emergency legislation, outlined later, it is possible to apply Agamben's analysis to Israel's rule over Palestine, albeit "under erasure." However, because his analysis eschews race, as I argue in Chapter 4, theorizing Israel as a racial state closes the gap. Arguing that there is no singular racial state, Goldberg theorizes racial states as sets of "projects and practices, social conditions and institutions, states of being and affairs, rules and principles, statements and imperatives."<sup>40</sup> For Goldberg, who understands race as a thoroughly modern concept, modern states are "racial in their modernity, and modern in their racial quality, their raciality"<sup>41</sup> and they have the power to define and assert themselves and to control both those within and those outside the state. Social exclusion in terms of race, class, and gender, he writes, becomes "the mark of social belonging, the measure of standing in the nation-state, and the badge of social subjection and citizenship."<sup>42</sup>

Exploring the nexus of race and state, Alana Lentin reminds us that the modernity of the nation-state, like the modernity of race, means that the state is subsumed under the nation which is inexorably linked to race, and is thus governed by racial law.<sup>43</sup> Racism has its origins in the need of Europeans to define themselves internally as nations, and race functions in the service of nationalism in providing a so-called scientific proof to consolidating the "race nation" itself before targeting outsiders, through policies of surveillance and control that, from the outset, "were racial in the sense that they sought to classify groups, weeding out the racially valuable from the racially worthless."<sup>44</sup>

The task of constructing homogeneity, and conversely managing heterogeneity, undertaken by the racial state can only be achieved and reproduced through repression and erasure, restriction and denial, delimitation and domination. In practice, racial homogeneity necessitates governmental technologies such as citizenship entitlements, border controls, and census categorizations, but also invented histories and traditions that construct state memory, ceremonies, cultural imaginings, and the evocation of ancient origins.

Goldberg differentiates between two traditions of racial states: racial naturalism, or the claim of inherent racial inferiority that dominated from the seventeenth to the nineteenth century, and racial historicism that displaces the claims of the historically immature with Western progressivism that prevailed in the second half of the twentieth century.<sup>45</sup> These two traditions explain why racism continues to exist despite present-day claims of post-raciality.

While accepting that "racism cannot thrive without politics and (that) its political home is the modern Western nation-state,"<sup>46</sup> I question whether Israel can indeed be thought of as a modern Western or European state. Though

planting themselves and their state in the Levant, Zionist ideologues imagined their future state as “Europe away from Europe,” as several of them had explicitly stated already in the nineteenth century. Thus, Theodore Herzl spoke of the future Jewish state in Palestine as Europe’s bulwark against Asia, and “the vanguard against barbarianism,”<sup>47</sup> and Max Nordau declared in an early Zionist Congress that “it is our intention to come to Palestine as the representatives of culture and to take the moral borders of Europe to the Euphrates River.”<sup>48</sup>

Though giving as their main reason rescuing Jewish people from European antisemitism, in claiming to bring Europe to “barbarian” Palestine, and although Zionist leaders spoke openly about colonizing Palestine, in occluding its settler colonial intentions Zionism created a racial state par excellence. Here racial naturalism—regarding the Indigenous Palestinians as racially inferior—and racial historicism—claiming to bring “European” progress to the historically immature “Natives”—combined in serving the interests of the Zionist settler colonial enterprise. In this racial state, exception becomes the rule and the permanent state of emergency enables one rule (life) for the majority of the state’s citizens, and another (death, threat of death, threat of expulsion) for the state’s subjects, whose lives are arguably rendered “bare.”<sup>49</sup> Goldberg calls this “racial Palestinianization”: “Palestinians are treated not *as if* a racial group, not simply *in the manner of* a racial group, but *as* a despised and demonic racial group.”<sup>50</sup> Zionism, Goldberg insists,<sup>51</sup> is about a modernizing imperative according to which Jews (though ancient biblical people) are modern, while Palestinians (Philistines) are premodern and thus in need of Zionism’s civilizing—but always also colonizing—mission.

The war of races in which the Jew had for generations been the hounded fugitive brought about a situation in which the Jewish state—founded by secular socialist Zionists who nonetheless enlisted religion as their main moral weapon<sup>52</sup>—becomes oppressor, victimizer, and sovereign. “The state is transformed, as Foucault says, into protector of ... the purity of the homogenizing group, what Foucault marks as ‘the race.’ State sovereignty defends itself... to secure the group, its ethnoraciality ... and power.”<sup>53</sup> Paradoxically, as mentioned in the introduction and as discussed in Chapter 4, Zionist ideology itself articulates “the Jewish race,” constructing a homogeneous “Jewish people” despite obvious Jewish heterogeneities,<sup>54</sup> with Jewish self- and other-racialization an integral part of Zionist ideology and practice.

Ironically, despite constructing themselves in opposition to both their diasporic Jewish forebears—conceived in diaspora-negating antisemitic terms as degenerate and passive (culminating by Israelis accusing Nazism’s Jewish victims for allegedly

having gone to their death “like lamb to the slaughter,”<sup>55</sup>)—as well as to Palestine’s Indigenous inhabitants, Israel actually needs the Palestinians. It needs them not only to command American and international financial and political support, but also, as Goldberg argues, rhetorically and psychologically in order to maintain the Israelis’ sense of self and “as perpetual grounds and justification for their own existence.”<sup>56</sup> Goldberg further insists that in racializing the Palestinians, Israelis occupy the structural position of whiteness in the racial hierarchy of the Middle East, the ambivalent situation of Arab (and Ethiopian) Jews notwithstanding.

If racial Palestinianization is the response (albeit disavowed) to a condition of permanent war that enables Israel to suspend the rights of the target populations both within the state and in the occupied territory, then turning exception into norm negates sovereignty itself, since, in making war permanent, Israeli sovereignty renders itself dependent upon its Palestinian (and Arab) enemies. Through transforming Palestine into Israeli space, complete with resettling depopulated Palestinian villages and urban neighborhoods, ongoing home and village demolitions, Hebraizing place names, and population transfers, Israel’s lifelong project, though ultimately a function of constructing Jewish insecurity, is an ongoing project of racial branding, of setting apart as racially distinct, and of enabling the guiltless extinction of a whole group at least politically if not physically.<sup>57</sup>

In my book on melancholia as informing Israeli practices of commemorating the Palestinian Nakba,<sup>58</sup> I argued that collective co-memory practices lead to shifting the guilt regarding the destruction of Palestine onto melancholia for the grieving perpetrating subjects themselves. Likewise, Goldberg speaks of collective racial melancholia which he understands as an “exacerbated socio-psychic ... social stress following from multiple fixations ... on the failure to realize social ideals of democracy, of morality, of justice.”<sup>59</sup> And sustaining the fiction of these ideals, which the perpetrators continue to fool themselves they are adhering to, even as they continue to racialize, victimize, and subjugate requires them to perpetually deny and disavow their actions. And we must remember that unlike mourning, melancholia is pathological both personally and societally. Thus, the racially melancholic use melancholia as they first of all sustain denial (in Israel’s case through discourses such as “we are better than this,” “the only democracy,” “the most moral army,” and similar such justifications). Second, they reiterate victimhood (through claiming antisemitism at any hint of criticism, but also through historical accounts of real persecutions culminating in the shameless abuse of the Holocaust as the ultimate example of Jew-hatred used to justify Israeli excesses in its war against the Palestinians). And third, they



do all they can to reinstate legitimacy in their own mind and in the minds of others. The race thinking Goldberg speaks of was responsible for creating Israel's racial citizenship and immigration regime which privileges Jewish immigrants over Palestinian Natives, and the "ingathering of (Jewish) exiles" based on The Law of Return, discussed later.

In keeping with racially discriminating citizenship laws, motivated by demographic anxiety regarding the need to maintain a Jewish majority and the *Jewish* nature of the state—Judaism here understood as well beyond the merely religious—the 160,000 Palestinians who remained in the territory occupied by the Zionists in 1948 were dubbed "Israeli Arabs," deprived of their Palestinian identity, and put under a military government regime, which abolished basic rights of expression, movement, organization and equality, though it left Palestinian citizens the right to vote and be elected.

## The Law in the Service of the Racial State

While Agamben's state of exception might be read as based on suspending the law by placing his *homo sacer* outside the law, I propose that the law, far from being merely suspended, actually works in the service of the racial state. As Goldberg writes, "racial states ... are bound by necessity to legal expression ... (and) have taken themselves to be conceived and constituted, managed and maintained through the rule of law."<sup>60</sup> The law, he writes, serves the "national fantasy of homogeneity" and, with particular reference to settler colonial states, also the "logic of legally mediated racio-national alienation ... in their drive to state formation." The law, Goldberg further argues, despite its idealized claims to fairness, reduces people to mere objects, constructs racial categorizations and classifications, and plays a key role in the shift from racial naturalism to racial historicism. Under older naturalist regimes, the law was used to impose order upon the racially conceived and to legitimize physical violence, rendering acceptable the reign of racial terror by the state, state agents, and state members. In historicist regimes, the law becomes the primary means of racial order and racial rule, from the late nineteenth century onward, as race is shaped in terms of legality and threaded into the fabric of the social. This is particularly evident when we realize that European expansionism, of which Zionism was part, was "initially promoted principally through physical force trained by the legitimizing light of the law."<sup>61</sup> And colonial legality is paternalistic at best and an accessory to imperial domination at worst.<sup>62</sup>

Agamben writes that the “force of law” refers not to the law per se but to decrees that the executive power can be authorized to issue, particularly in states of emergency.<sup>63</sup> This means that decrees, provisions, and measures that are not formally laws nevertheless acquire the force of law. Exception in these situations becomes an anomic space in which what is at stake is a force of law without law. In the case of Israel, the cabinet, but also various authorities including the Israel Defense Force (IDF), The Israel Security Agency, the police and the border police, as well as the Civil Administration (operating in the West Bank), are all executive authorities that can issue decrees and provisions which, although outside the official law as enacted by the Knesset, actually become the laws governing the lives, movements, and freedoms of Palestinians under occupation, asylum seekers, and to a lesser extent, also of Palestinian citizens and dissident Israeli citizens and human rights organizations. These decrees and provisions enable exceptional measures—including incarceration, torture, raids, mass arrests, brutal policing of nonviolent demonstrations, administrative detention, house and village demolitions, the detention of minors, and extrajudicial executions—directed at racialized populations and facilitating the racial state.

Despite, or perhaps because of this extreme racialized regime, it is becoming increasingly clear that it is ultimately inadequate to theorize the State of Israel as an example of Schmitt’s “state of exception” precisely because since its foundation Israel has been in a permanent state of emergency, which means that in Israel exception is the rule. Taking on board the complex relationship between the racial state and the law, several aspects of the centrality of the law to upholding the Israeli racial state require outlining.

The first aspect—emanating from Israel’s permanent state of emergency—is its multilayered emergency legislation. In the first instance, Israel inherited the British Mandate’s Defense (Emergency) Regulations,<sup>64</sup> which included, inter alia, provisions against illegal immigration, establishing military tribunals to try civilians without granting them the right of appeal, allowing sweeping searches and seizures, prohibiting publication of books and newspapers, demolishing houses, detaining individuals administratively for indefinite periods, sealing off particular territories, and imposing curfews. As outlined by *B’Tselem*,<sup>65</sup> though in 1948 Israel incorporated the Defense Regulations into its law, in 1951, following a debate on administrative detention, the Knesset deemed the Defense Regulations were opposed to the basic principles of democracy and directed its Constitution, Law, and Justice Committee to draft a bill for their repeal. The Defense Regulations, however, were not abolished, and served as the legal basis for the military government regime imposed on Israel’s Palestinian

citizens between 1948 and 1966. Once the military government regime was abolished, another committee of experts was established to examine the Defense (Emergency) Regulations but its work stopped at the outbreak of the 1967 war. With the 1967 occupation the legal situation was frozen by the military governor as Israel argued that the Defense Regulations were part of the domestic law in the occupied territory prior to the occupation. According to *B'Tselem*, Israel has been using these regulations extensively in the occupied territory to punish and deter: "the Regulations served as the authority for Israel to demolish and seal hundreds of houses, deport residents, administratively detain thousands of persons, and impose closures and curfews on towns and villages."<sup>66</sup>

In addition, Israel has instituted and maintained a permanent emergency regime beginning with the declaration of the official state of emergency imposed in 1948, which enabled the introduction of the military government regime, and which was extended every year since then, validating the administrative orders issued by the defense establishment. Israel regards the state of emergency as central to its permanent war against the Palestinians, to the fight against "terrorism," and against people the state designates as "illegal" immigrants (non-Jewish by necessity, since Jewish immigrants have rights conferred on them by the Law of Return), and particularly against asylum seekers, most of whose applications are not heard, and who Israel dubs "infiltrators" and interns in concentration camps in the south of the country.<sup>67</sup>

Among other things, the state and its security forces use the permanent state of emergency to confiscate Palestinian-owned lands, transfer Palestinian populations, demolish Palestinian homes and villages, administratively detain large numbers of Palestinians, inflict torture (with the consent of the Israeli courts, albeit contradicting international treaties), detain Palestinian minors, and prevent and disrupt the Palestinians' freedom of expression, movement, and association. The state of emergency has enabled the 2016 antiterrorism law that facilitated the closure of the PNT discussed in the prologue.

The State of Israel did convert some of the administrative orders deriving from the state of emergency into official laws, but despite attempts over the years to cancel the state of emergency, many administrative orders pertaining to it are still in existence. Ironically, the final version of the 2016 antiterrorism law does not authorize administrative detention which is only valid as long as Israel is in a state of emergency. According to Schaeffer Omer-Man, by not including administrative detention, which is dependent on Israel's state of emergency that has been in existence since 1948, this law may spell the end of that very state of emergency.<sup>68</sup> Moreover, although the military government was officially

abolished in 1966, Israel's state of emergency remains in place, controlling 20.8 percent of Israel's citizens. Member of Knesset and former leader of the left-leaning social-democratic Meretz party, Zehava Galon, said in a 2013 Knesset debate that "the state of emergency has become routine and the routine sometimes seems to have become a state of emergency. In a proper democratic country the legislative process that should have cancelled the state of emergency should have ended a long time ago."<sup>69</sup>

The second aspect of the centrality of the law to upholding the Israeli racial state consists of three specific pieces of emergency legislation as outlined by Shimon Shetreet.<sup>70</sup> The first is the above-mentioned Defense (Emergency) Regulations, 1945, enacted by the British Mandate colonial regime, that do not necessitate the announcement of a state of emergency. The second is enacted by the Knesset and derives from the announcement of the state of emergency, declared on May 21, 1948 and never repealed as just discussed. The third is Article 9(b) of the Law and Administration Ordinance 1948, according to which, once the Knesset announces a state of emergency, the government may enact emergency regulations as it sees fit, for "the good of the state, public security and the provision of vital services." These emergency regulations can be used to change any law, and almost anything can be regulated by force of this ordinance.<sup>71</sup>

The third aspect of the use of the law in upholding the racial state is the series of laws enacted by the State of Israel in accordance with the emergency legislation, mostly used to control Israel's Palestinian citizens and occupied and besieged subjects, as well as non-Jewish immigrants, and at times, also Israeli Jewish dissidents and human rights groups. The latter were specifically targeted in 2016 by the so-called Transparency Bill requiring them to declare publicly that they receive over half of their funding from foreign governments, effectively declaring them illegitimate.<sup>72</sup>

*Adalah*, the Legal Centre for Arab Minority Rights in Israel, lists fifty Israeli laws that construct Israeli Jews and Palestinians as two distinct racial groups and that exclude, ignore, and discriminate against Palestinian citizens of Israel in all areas of life, including rights to political participation, access to land, education, state budgets and resources, and criminal procedures. According to *Adalah*, "since the establishment of the state, Israel has relied upon these laws to ground their discriminatory treatment of Arab citizens and allow the unequal status and unequal treatment of Jewish and Arab citizens to persist."<sup>73</sup>

A central law segregating Israeli Jews and Palestinians is the 1950 Law of Return that facilitates the immigration to Israel of people with a Jewish mother

or maternal grandmother, later changed to apply to people with one Jewish grandparent.<sup>74</sup> Paradoxically, this definition of Jewishness is reminiscent of the 1935 Nuremberg laws: the Nazi Reich Citizenship Law and the Law for the Protection of German Blood and German Honor that provided the legal framework for the systematic persecution of Jews in Germany. As outlined by *The Holocaust Encyclopedia*,<sup>75</sup> the Nazis rejected the traditional view of Jews as members of a religious or cultural community and claimed instead that Jews were a race defined by birth and blood, despite there being no scientific basis to define Jews as a race. Nazi legislators looked therefore to family genealogy to define race and deemed that people with three or more grandparents born into the Jewish religious community were Jews by law. The law stripped people defined as “Jews”—even those who did not regard themselves as such, or who had converted to Christianity—of their German citizenship and deprived them of basic rights.

The 1950 Law of Return (section 4B) defines as a “Jew” “a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.”<sup>76</sup> The law gives people defined as Jewish the right to immigrate to the State of Israel (as an “oleh”—an immigrant who “ascends” to Israel) and grants them *jus sanguinis* citizenship and generous financial and social benefits and tax exemptions with the imperative of ensuring Israel’s Jewish majority and assuaging Zionism’s demographic anxiety. Conversely, Palestinian refugees who were expelled or who fled during the Nakba are denied the right of return to their homes and lands, a right recognized by UN resolution 194, the Geneva Convention, and the Universal Declaration of Human Rights.<sup>77</sup> According to *Adalah*,

the Law of Return allows every Jewish person to immigrate to Israel and automatically become a citizen of the state. The law also applies to the children and grandchildren of Jews, as well as their spouses and the spouses of their children and grandchildren. No comparable law exists to guarantee the rights of Palestinians to immigrate or receive citizenship, even if they were born in the area that is now the State of Israel.<sup>78</sup>

Israeli citizenship is also governed by the 1952 Citizenship Law, and by Amendment No. 9 (Authority for Revoking Citizenship, 2008) that “revokes citizenship due to ‘breach of trust or disloyalty to the state’ and allows for the revocation of citizenship without requiring a criminal conviction.”<sup>79</sup>

Another racial law is the 1950 Absentees’ Property Law that enabled the State of Israel via the Custodian for Absentees’ Property to take charge of movable and immovable property (land, houses, bank accounts, etc.) belonging to

Palestinians “who were expelled, fled, or who left the country after 29 November 1947, mainly due to the war ... The Absentees’ Property Law was the main legal instrument used by Israel to take possession of the land belonging to internal and external Palestinian refugees, and the Islamic Waqf’s<sup>80</sup> properties across the state.”<sup>81</sup>

While treating the Palestinians as racialized lesser humans whose property became the property of the settler colonial state, the Absentees’ Property Law has implications far beyond the racialization of the Palestinians. Writing about the 2017 allegations of corruption against Prime Minister Netanyahu as a symptom of the corrupt nexus between Israel’s business, political, and media worlds, and compounded by the influence of overseas Jewish money, as well as of Israel’s complex international armament and security trade, Jonathan Cook argues that the climate for political corruption was set as early as 1948: “The building by Israel’s elites of a new, supposedly more equal society ... was possible only through the wholesale theft of Palestinian lands and homes. The Absentee Property Law ... sanctioned an orgy of plundering by Israel’s upper and middle classes. That foundational culture was hard to eradicate.”<sup>82</sup>

The Absentees’ Property law is supplemented by another racial law, The Jewish National Fund (JNF) Law (1953), which charges the JNF, a Zionist land purchasing agency, with purchasing and administering public land in what became the State of Israel, including large tracts of displaced Palestinians’ lands,<sup>83</sup> and bars the selling, leasing, subletting and owning of land by “non-Jews,” read Palestinians, with “Jewish,” once a religious mark, becoming a racial mark in the Jewish state.

The election of the most right-wing coalition government in Israel’s history in February 2009 brought about the enactment of further discriminatory legislation, in relation to both Palestinian citizens of Israel, Palestinians living in the 1967 Occupied Palestinian Territory, and Palestinian refugees. These laws seek

to dispossess and exclude Arab citizens from the land; turn their citizenship from a right into a conditional privilege; undermine the ability of Arab citizens of Israel and their parliamentary representatives to participate in the political life of the country; criminalize political expression or acts that question the Jewish or Zionist nature of the state; and privilege Jewish citizens in the allocation of state resources.<sup>84</sup>

Furthermore, these laws stifle freedoms of association and expression, discriminate on the basis of racial and national belonging, and support a series of criminal indictments and punitive measures instigated by the Knesset against

its elected Arab members. These laws aim not only to curtail the access of Israel's Palestinian citizens to land resources, but also to overturn Supreme Court decisions that accord them any civil rights, behaving like a racial state, at once using and making a mockery of the law.

However, despite the analogies of Israel's racial regime with apartheid,<sup>85</sup> and despite the fact that racial discrimination against the Indigenous Palestinian people was "formalized and institutionalized at an early stage through the creation by law of a 'Jewish nationality' that is distinct from Israeli citizenship," according to Badil, the Resource Centre for Palestinian Residency and Refugee Rights, Palestinians are not identified as a racial/national group in laws and public documents of the State of Israel but are rather summarily designated by the term "persons outside the scope of the Law of Return."<sup>86</sup>

Furthermore, the racial differentiation between Jews and "non-Jews" is enshrined by the identity documents issued by the State of Israel. Until 2002, identity card holders were classified as "Jewish," "Arab," or "Druze," since due to the Zionist insistence on the Jewish nature of the state, "Israeli" nationality per se does not exist and is thus not recorded in internal Israeli identity documents (although it does appear as such in Israeli passports). Despite numerous legal appeals to the state to replace religious with national affiliations, religion is used by Israel as a racial marker. In 2002, identity cards carrying religion-based racial affiliations were replaced with biometric cards cross-referencing government data bases. However, as Zureik argues, in the occupied Palestinian territory color coded identity cards differentiate between population groups according to residency status, enabling the state to police their movements.<sup>87</sup> Thus, Palestinian residents of East Jerusalem have blue identity cards with the prefix 08; Palestinian residing in the occupied Palestinian territory have orange cards with the prefix 09; and Palestinian offspring of an East Jerusalemite and a nonresident have identity cards with the prefix 086. Furthermore, since 2002 Israeli law prohibits family reunification of West Bank and Gaza residents if they marry Israeli residents and are males under 35 or females under 25.<sup>88</sup> These racialized identity documents enable the state to make clear racial differentiations between those entitled to "Jewish nationality" and all others, and it is impossible not to regard people defined as "other than" or "outside the scope of" and as denied national and group rights, as racially othered, discriminated against, and inferioritized.

Basing the Israeli racial state on the evocation of ancient biblical origins leads right-wing Israeli politicians to anchor Israel's *legal* right to the whole of historic Palestine on the Hebrew Bible, totally disregarding the rights, and the very existence of the Indigenous Palestinians. Thus, on her visit to the Jewish

settlement in occupied Hebron-al Khalil<sup>89</sup> on January 10, 2017, Israel's right-wing justice minister Ayelet Shaked insisted on Israel's *legal* right to own and build in the West Bank, to which she refers in biblical terms as "Judea and Samaria." Shaked referred specifically to the Cave of the Patriarchs, known by Muslims as the Ibrahimi Mosque,<sup>90</sup> around which Hebron's Jewish settlement is built, in the middle of the Palestinian city. "Let us teach those who do not know," Shaked stated, "Abraham our patriarch bought this place paying full price and had a written deed—perhaps the first of its kind in the world—and therefore the Jewish community has every right to be here, including by right of purchase ... When the UN condemns Israel's right to build in Judea and Samaria ... (we will) proclaim that we will hold the right to keep building in Judea and Samaria."<sup>91</sup> As Israeli-Danish blogger Jonathan Ofir commented on his Facebook page in January 2017, standing near the Ibrahimi Mosque, Shaked proclaims that the Jewish state "has *full historical and legal rights* to the place ... while also dismissing modern 'legal arguments' concerning settlement construction and expansion ... But the story of the deed Abraham allegedly got was written thousands of years ago, and the bible is not commonly known nowadays as an actual real-estate document."<sup>92</sup>

Yet another aspect of the law upholding the Israeli racial state is the dual legal system operating in the occupied West Bank. A report by the Association for Civil Rights in Israel outlines the two judicial systems applied in the occupied Palestinian territory: the first a civilian legal system for Israeli citizens, and the second a military court system for occupied Palestinian subjects.<sup>93</sup> The result is institutionalized discrimination, as legal differentiation is not restricted to security or criminal matters, but touches upon all aspects of daily life. I term it institutional racism since military decrees, legal rulings, and legislative amendments mean that Israeli citizens living in the occupied Palestinian territory remain under the jurisdiction of Israeli law and the Israeli court system, with all the benefits that this confers, as confirmed by the High Court of Justice, although the settlers do not reside in sovereign Israeli territory, and while they are deemed "Jews" according to the Law of Return, they are not strictly speaking Israeli citizens. By contrast, Palestinians in the West Bank are subject to military legal rule—military orders issued by IDF generals since 1967, in addition to Jordanian laws that preceded the Israeli occupation. Unlike Israeli citizens, Palestinians are tried in military tribunals for everything from traffic violations and minor thefts to suspected "terrorist" offenses.

The separate Palestinians-only military court system leads to inequality and injustice as documented, inter alia, by *Machsom Watch—Women for Human*



*Rights and Against Occupation*—in its reports from Israel’s notorious military courts,<sup>94</sup> where Palestinians men, women and children are tried having often been tortured in order to extract confessions. Ben White reports the frequent use of slapping the head and hurting sensitive organs, forcing handcuffed prisoners to squat against the wall for long periods, placing suspects bent backwards over a chair with arms and legs cuffed, beating with batons, throttling, prolonged shackling, stress positions, sleep deprivation, and threats. More seriously, according to Defense of Children International—Palestine,<sup>95</sup> Israeli military court judges seldom exclude confessions obtained through torture.<sup>96</sup>

Palestinians tried in the military court system not only receive draconian sentences for minor offenses such as stone throwing, but also have substantial fines imposed on them. According to *Haaretz* correspondent Amira Hass, in 2011 alone, sentenced Palestinians paid NIS 13 million (3.7 million dollars) in fines; these fines are an integral part of the West Bank military court system, and as such help finance the occupation.<sup>97</sup> According to *Addameer*—Prisoners Support and Human Rights Association—“the Israeli authorities systematically economically exploit Palestinian prisoners through fines and through purchases of food and hygiene products in the prisons canteens.”<sup>98</sup>

By contrast, Israeli military and police personnel, as well as Jewish settlers who beat, shoot and extrajudicially execute Palestinians, including women and children, are rarely brought to justice, and when they are, as in the case of Elor Azaria, they are not only seldom sentenced as severely as Palestinians suspected of planning to carry out or actually carrying out acts of violence, but they are also never fined.

Interestingly, in January 2017 the Knesset approved a proposal to recognize military court rulings in Israeli civil courts, reversing the nonrecognition of Israeli laws in the occupied Palestinian territory, where the sovereign is the military area commander. Against the claim that extending the law would make it easier for Jewish victims of terrorism to claim compensation, the opposition argued that this law spelled the start of the creeping annexation of the West Bank, and Israel’s attorney general warned that it might bring about challenges and convictions under international law.<sup>99</sup>

The legal governmentalities employed for different Palestinian populations under occupation denote the differentiation between the occupied West Bank and the besieged Gaza Strip. Ariella Azoulay and Adi Ophir argue that the abandonment of Palestinians as noncitizens differentiates between the occupied West Bank and the besieged Gaza enclave where “the retreat of the legal and other administrative apparatuses from the Strip has exposed the civilian

population to various types of state terror, but has also been coordinated with (and compensated by) the humanitarian management of the ongoing situation of crisis.”<sup>100</sup>

A further aspect of the use of the law in upholding the racial state is the occupation's colonial bureaucracy enacted every day in every West Bank checkpoint, through sovereignty—practices of controlling space through the security forces, and governmentality—practices of managing populations through intelligence, economic control, and racial profiling, as documented by Yael Berda.<sup>101</sup> Berda's analysis has three components. The first is racial segregation—an overarching principle of the colonial bureaucracy model. Contrary to Max Weber's classical understanding of bureaucracy as rational, impersonal, and universal, colonial bureaucracy is designed to be irrational and have no fixed rules. It thus creates a gap, based on racial hierarchy, between legal and other governmental practices targeting Jews and those targeting Palestinians, as evidenced by Israel's dual court system discussed earlier. The second is the individualization of the permit regime and the management of the occupied population, based on racial profiling. Following the 1993 Oslo Accords between the State of Israel and the Palestinian Authority,<sup>102</sup> and the ensuing separation policy (including the “separation wall”<sup>103</sup>), Palestinian individuals became instruments of intelligence gathering and targets for collaboration with the security services, who constantly monitor and delay their movement across the many West Bank checkpoints. The third component is the lack of separation between the bureaucracy managing the Palestinian population and the management of the labor market within the Israeli state.

Berda, a lawyer who had worked on many cases of Palestinian workers whose movement through the checkpoint regime is regularly delayed and controlled, analyzes the everyday colonial bureaucracy of the permit regime through racial hierarchies, managerial flexibility, and the constant production of exceptions by an “absent sovereign,” as Palestinian workers never know precisely who makes the decision to grant or refuse them a work permit. Her analysis addresses not only occupied Palestinian subjects, but also the very heart of the state system. Crucially, the secretive production of exceptions entails the categorization of West Bank Palestinians as “security threats,” making the security services the final arbiters in granting or refusing permits and thus in enabling or disabling Palestinians to work and ultimately live.<sup>104</sup>

One legal measure stands out in Israel's racial legislation. In September 2009 the Israeli Interior Ministry changed the name of the Population Registration Office in occupied East Jerusalem to the “Foreigners Office” and in one fell

swoop turned Indigenous Palestinians into “foreigners.”<sup>105</sup> This came in the wake of the ratification by the Israeli Knesset of the racist “Citizenship and Entry to Israel Law” (Temporary Order) 5763 for the eleventh time since it was first passed on July 31, 2003 (it was extended in June 2016). The law prevents marriages between Palestinian citizens of Israel and non-citizen Palestinians in the pretext that Palestinian family unification constitutes a “demographic” (or rather security) threat. According to the law, targeting both 1948 and 1967 Palestinians, West Bank inhabitants who marry Israeli citizens can live with their spouses in Israel only if they are Jewish; otherwise, their Israeli spouses can either live with them in the West Bank, or the couple can live apart. By 2010, after a 1988 Supreme Court ruling had abolished the right of noncitizen Palestinians to live in Israel, 13,000 people were deported under this ruling. Eli Aminov argues that the renamed “Foreigners Office” reconceptualizes Native Palestinians as foreigners in their own land, turning the Natives into foreigners subject to immigration laws.

Finally, beyond the domestic legal regime, the Israeli state also positions itself above and beyond international law. As argued by Orna Ben-Naftali, Aeyal Gross, and Karen Michaeli, legal analyses focusing on the 1967 Israeli occupation do not accept as illegal the 1948 occupation of Palestinian lands and the Nakba,<sup>106</sup> which led to the expulsion of some 800,000 Palestinians and the destruction and depopulation of more than 500 Palestinian villages and urban neighborhoods. Nor do such analyses question the very legality of the 1967 occupation itself. With few exceptions, such analyses focus merely on “Israel’s refusal to accept the legal obligations that the status of an occupying power entails.” The discourse of Israel’s obligations as an occupying power focuses on specific actions undertaken by the occupation rather than on the actual illegality of the occupation. However, as Ben-Naftali and her colleagues argue, “even the recent advisory opinion rendered by the International Court of Justice, ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,’<sup>107</sup> while critical of both this construction and the related settlement enterprise, and decreeing their illegality, still focused on specific actions by Israel without questioning the legality of the occupation regime itself”—as Ben-Naftali and her colleagues do.<sup>108</sup>

Julie Webb-Pullman further argues: “Whilst Israel has ratified the main human rights conventions, Israel is not party to most Optional Protocols ... nor has it accepted the jurisdiction of any of the treaty body committees, which means that relevant committees cannot receive or act on complaints or claims against Israel,” including the widespread use of torture.<sup>109</sup> Even when it does ratify international

conventions, Israel makes reservations, rendering itself immune from almost any action against it. Thus, while Israel has signed the 1949 Geneva Convention (enacted in the wake of the Nazi Holocaust), it has not signed the 1977 Additional Protocols, keeping it outside the remit of the Rule of Law in Armed Conflicts (RULAC) that has criticized Israel for its annually renewed state of emergency discussed earlier. Israel has also refused to recognize the competency of the Committee of the Convention Against Torture<sup>110</sup> to examine “well founded indications that torture is being systematically practiced” in Israel.<sup>111</sup>

This unilateral exemption by Israel means that anti-Palestinian governmentalities such as widespread torture, administrative detention without trial, detention of minors, house and village demolitions, population transfers, and extrajudicial executions continue without control or censure by international law. Targeting the Palestinians as the sole recipients of these policies also entails a dialectical racialization that discursively addresses Palestinian suspects and offenders as “terrorists” while benevolently treating Israeli Jewish offenders such as Elor Azaria, discussed earlier, going as far as declaring him “our collective son.”

The Israeli state uses the law to punish Palestinians for “offenses” such as home construction without permits, even though it is near impossible for them to legally access building permits. The January 2017 demolition of eleven homes by the Israeli security forces in the 1948 Israeli-Palestinian village of Qalansuwa is a case in point (as are the ongoing demolitions of “unrecognized” Bedouin villages discussed in Chapter 3). The Qalansuwa demolitions came nearly a month after Prime Minister Netanyahu called for increased demolitions of illegal buildings in Israeli-Arab towns, apparently to counterbalance the demolition of the illegal Jewish outpost Amona in the occupied West Bank. Netanyahu wrote on his Facebook page after the demolitions: “I am not deterred by the criticism and as I have directed, we are continuing to implement *equal* enforcement in Israel.”<sup>112</sup> The Qalansuwa demolitions and other demolitions of Palestinian homes and Bedouin villages within the State of Israel are a potent illustration of the liminal position inhabited by Palestinian citizens in the State of Israel that makes it impossible for them to obtain planning permissions to expand their communities thereby forcing them to resort to building without obtaining permits, leaving them liable to demolitions and homelessness.<sup>113</sup>

Another illustration of the use of the law in the service of the racial state is the February 2017 passing by the Knesset of the so-called Regularization Law that allows Israel to retroactively expropriate private Palestinian lands in the West Bank on which Jewish settlements were established. The law was a response to successful petitions to the Supreme Court by Palestinian landowners on whose

lands illegal Jewish “outposts” were built, the most notorious being Amona, evacuated several days before the law was passed. The law allows Jewish settlers to remain in their homes, even though it does not grant them ownership of the land they live on. It denies the Palestinian owners the right to claim the land or take possession of it “until there is a diplomatic resolution of the status of the territories.”<sup>114</sup> The Regularization Law contravenes both international law and Israeli constitutional law; in fact, even the attorney general said he would not be able to defend it in court.

Israeli legal scholar Aeyal Gross reminds us that as the West Bank is under belligerent occupation, Israeli law does not apply to this territory, and that the Israeli parliament legislating a law that denies the property rights of Palestinians who are not citizens of the State of Israel is “a violation of the basic principles of democracy, and ... exceeds the Knesset’s sovereign powers.”<sup>115</sup> The law also

violates the principles laid out in the international law of occupation, according to which the occupying power must act for the benefit of the local occupied population, and it transgresses specific provisions restricting the taking of private property only for military needs. These rules are included in the Hague Regulations, on whose basis the Israeli Supreme Court has ruled many times in the past.

The “Regularization Law,” Gross continues, also “contravenes the prohibition in the Geneva Convention on occupying states transferring civilian population into occupied territories—a prohibition which most of the international community, as well as the International Court of Justice, considers, contrary to Israel’s position, as prohibiting the settlements.”<sup>116</sup> Besides illustrating how the law serves the racial state, this law also exemplifies the exceptionality of the Israeli occupation of Palestine in allowing the executive and legislative powers to ignore the judiciary by overriding the court’s judgement, and in working toward full annexation of the occupied Palestinian territory.

Yet another illustration of the complicity of the law with the racial state is Israel’s Supreme Court repeatedly rejecting petitions calling on the state to reveal the government’s arms exports to genocidal regimes including Argentina, Pinochet’s Chile, Rwanda, Sri Lanka, Serbia and Myanmar, as highlighted in November 2017 with the sentencing of the Serbian general Ratko Mladić by the International Court of Justice for his role in the 1995 Srebrenica massacre. According to Brown, in rejecting the petition, the Supreme Court ruled “that exposing Israeli involvement in genocide would damage the country’s foreign relations” and national security.<sup>117</sup>

At the time of writing, the latest addition to Israel's racial legislation was the controversial "nation-state bill," defining Israel as "the national home of the Jewish people," and revoking Arabic as an official language, though "its speakers have the right to language-accessible state services."<sup>118</sup> While the bill does not subordinate democracy to the state's Jewish character, as did an earlier version, Gross argues, albeit referring to ethnicity rather than race, that the bill is undemocratic as "linking self-determination and the state's identification with a certain ethnic group within it, at the expense of others' equality and sense of belonging, is not anchored in the law or practice of democratic countries."<sup>119</sup>

In addition to legal inequalities, Israel's rule over Palestinians is racial in many other ways. These include institutionalized discrimination against Palestinian citizens in relation to land and settlement rights (since 1948, 700 Jewish settlements but no Palestinian settlements have been established)<sup>120</sup>, the huge disparity in the allocation of most basic resources such as water, and, in the case of "unrecognized" Bedouin villages within 1948 Palestine, also electricity, roads, schools, and other services. And racialized disparities are much worse in the occupied territory (1967 Palestine).

One glaring example is the acute shortage of water in the besieged Gaza enclave, particularly after the 2014 Israeli assault, where only 10 percent of the population have access to safe drinking water (compared to 90 percent in the West Bank)<sup>121</sup>. Gaza is also experiencing limited electricity supply, making the operation of hospitals, schools, and manufacturing near impossible, and further cut by 40 percent in June 2017 by Israel at the request of the Palestinian Authority, turning an already dire situation into a catastrophe.<sup>122</sup> While the shortages of electricity and water in Gaza are relatively well publicized, the huge disparity in water availability between occupied West Bank Palestinian subjects and Jewish settlers, as well as Jewish (but also most Palestinian) Israeli citizens, is less well known. Water deprivation is but one example of everyday acts of racial governmentality in the occupied West Bank. The Israeli human rights organization *B'Tselem* outlines the disparities in water allocation:

The average water consumption in the West Bank for domestic, commercial, and industrial purposes is approximately 79 liters per person/per day. In the northern West Bank average consumption is even lower. According to 2014 figures, a mere 39 liters in the Jenin area and 56 liters in the Tubas area. Average water consumption in Israel is much higher. According to the Israeli Water Authority, average consumption for domestic, commercial and industrial use is 287 liters per person/per day—nearly four times the corresponding consumption in the West Bank.<sup>123</sup>

## Democracy in Decline or Apartheid State?

Responding to analyses of Israel as “ethnocracy,” state of exception, and racial state, even critics of Israel claim that in spite of everything, Israel is a democracy. A democracy in decline, perhaps, particularly since the 1967 occupation, but a democracy nonetheless. One of the myths Ilan Pappé debunks in *Ten Myths About Israel* is the myth of Israel being a democracy.<sup>124</sup> According to Pappé, many critics of Israel assume that Israel had been a democracy prior to the 1967 war that “corrupted an honest and hardworking society by offering easy money in the occupied territories, allowing messianic groups to enter Israeli politics, and above all else turning Israel into an occupying and oppressive entity in the new territories.”<sup>125</sup> Setting the record straight, Pappé writes that since its establishment Israel had operated a military government regime that denied Palestinians basic rights, allowing even the lowest-ranking IDF soldier to rule, and ruin, Palestinian lives, leaving them helpless in the face of house demolitions and arbitrary detentions. Pappé lists many examples of Israel’s permanent war against the Palestinians, from the 1956 Kafr Qasim massacre when, on the eve of the Suez Campaign (termed in Israel the ‘Sinai Operation’) forty-nine Palestinian citizens were killed by the IDF on the pretext of breaking the military curfew, but actually as part of a policy of expelling the Palestinians from the areas of Wadi Ara and the Triangle in which the village was situated,<sup>126</sup> to the shoot-to-kill policy toward Palestinian refugees trying to retrieve their lands, crops, and husbandry, and the 1956 colonial war aiming to topple Gamal Abdel Nasser’s regime in Egypt. Pappé further argues that Israel’s policies toward its Palestinian citizens including the discriminatory land policy whereby over 90 percent of the land is owned by the JNF, are anything but democratic.

The illusions about pre-1967 Israel being a democracy notwithstanding, the 1967 occupation erased any doubts in this regard, Pappé argues: “From the legal infrastructure put in place at the outset of the war, through the unquestioned absolute power of the military inside the West Bank and outside the Gaza Strip, to the humiliation of millions of Palestinians as a daily routine, the ‘only democracy’ in the Middle East behaves as a dictatorship of the worst kind.”<sup>127</sup> Furthermore, he argues, demolishing Palestinian houses is not democratic; crushing Palestinian resistance is not democratic; imprisoning Palestinians without trial and torturing Palestinian detainees, including children, is not democratic. In short, although it claims to be a democracy that upholds an “enlightened occupation,” Israel is not a democracy, an argument supported by Steven Salaita: “the same state that pulverizes democracy on the West Bank

makes a mockery of democracy inside Israel ... There is no such a thing as real democracy in legal systems that create hierarchies of access and belonging based on nothing more than biology.”<sup>128</sup>

Indeed, already soon after the 1967 war Israeli cabinet members expressed doubts regarding both the morality and the feasibility of ruling over the Palestinian population in the newly occupied territory, as documents released in May 2017, 50 years after the 1967 war, attest.<sup>129</sup> The archives poignantly reveal that, despite the then government’s apparent scruples regarding the occupation of Palestine, the then Israeli premier, Levi Eshkol, went as far as proposing to deprive the Gaza Strip of water in order to encourage the Palestinians to leave the occupied territory, as Ofer Aderet writes in *Haaretz*:

Eshkol expressed the hope that, “precisely because of the suffocation and imprisonment there, maybe the Arabs will move from the Gaza Strip,” adding there were ways to remove those who remained. “Perhaps if we don’t give them enough water they won’t have a choice, because the orchards will yellow and wither,” he said in this context. Another “solution,” he said, could be another war. “Perhaps we can expect another war and then this problem will be solved. But that’s a type of ‘luxury,’ an unexpected solution.”<sup>130</sup>

However, the current Israeli government insists that Israel is both democratic and Jewish, an oxymoron which, I suggest, relies on white Jewish supremacy. Israel also rejects the definition of the Palestinian territory as occupied land. Deputy Foreign Minister Tzipi Hotovely actually demanded that the United Nations stop using the term “occupation,” arguing, rather paradoxically, that “the fiftieth anniversary of Israel’s liberation of Jerusalem and the West Bank,” is “proof” that Israel is not occupying another people’s land.<sup>131</sup>

Ironically, and in complete opposition to Hotovely’s rationale, a growing number of Palestinian and Israeli theorists as well as human rights advocates also reject the term “occupation,” believing, as Pappé argues,<sup>132</sup> that after 50 years and two generations of Palestinians who have lived under occupation, the problem is rooted in something else, much harder to defeat or change: colonization, or settler colonialism, the topic of Ilan Pappé’s 2017 book, *The Biggest Prison on Earth*,<sup>133</sup> and of Chapter 3. Likewise, Neve Gordon and Mark LeVine write that after 50 years of repression and settlement the occupation itself rather than its specific manifestations has become illegal.<sup>134</sup> For them, the correct term should no longer be “occupation,” but rather apartheid, despite some criticism that the apartheid label is a false analogy that ignores the historical and political differences between the South African and Palestinian experiences.<sup>135</sup> Seraj Assi



goes as far as arguing that the idea of using the term “apartheid” to describe Israel’s treatment of the Palestinians was not invented by Israel’s critics, but by Israel itself:

For decades, Israeli officials have employed the Hebrew term *Hafrada* (“Separation” or “Segregation”) to describe Israel’s governing policy in the West Bank and Gaza, and its attempts to separate the Palestinian population from both the Israeli population and the Jewish settlers population in the occupied Palestinian territories. The so-called Israeli West Bank Barrier, known in Hebrew as “Gader Ha-Hafrada” (“Separation Fence”), was built on this *Hafrada* vision. But the magic has apparently turned over the magician: by citing the term “apartheid” to describe Israel’s official policy towards Palestinians, Israel’s critics are simply using Israel’s own terminology against it. They have at their disposal a long series of official declarations, platforms and plans predicated on Israel’s commitment to the principle of *Hafrada*.<sup>136</sup>

Making analogies with apartheid, John Dugard and John Reynolds argue that

on the basis of the systemic and institutionalized nature of the racial domination that exists, there are indeed strong grounds to conclude that a system of apartheid has developed in the occupied Palestinian territory. Israeli practices in the occupied territory are not only reminiscent of—and in some cases, worse than—apartheid as it existed in South Africa, but are in breach of the legal prohibition of apartheid.<sup>137</sup>

However, like many others, in analyzing the conditions of Palestinian living under Israeli rule, Gordon and LeVine and Dugard and Reynolds define apartheid as a legal category. By contrast, Raef Zreik and Azar Dakwar use sociopolitical instruments to analyze the analogy between blacks living under South African apartheid and Israel’s Palestinian citizens (as opposed to Palestinians living under Israeli occupation).<sup>138</sup> They argue that although Israel is based on Jewish supremacy and on deep institutional discrimination, the situation of Palestinian citizens is not as bad as that of the blacks in South Africa since Israel’s Palestinian citizens still enjoy political rights including electoral rights as well as freedoms of expression and association. They caution, however, that the increasing presence of Palestinian citizens in Israel’s public sphere may bring about an apartheid-like discursive structure. Differentiating between the Palestinian and the black South African reality, they conclude by proposing that patterns of racialization are articulated in Israel in nonracialist language. They further argue that Israel managed to avoid apartheid by expelling the majority of the Palestinians in 1948 and by granting those who remained a

package of political, economic and social rights that allowed them to lead a better existence than the one led by South African blacks. However, they argue, the conditions of Palestinians living in Gaza and the West Bank are much worse than in the South African Bantustans.

## Conclusion: Beyond Exception

Summarizing the genealogy of the term “state of exception,” Agamben notes that the state of exception is not a dictatorship but a space devoid of law, a zone of anomie in which all legal determinations are deactivated. He discards necessity as the originary source of the law and rejects the state of exception as the mere exercise of the state’s right to its own defense—a discourse regularly employed by the State of Israel claiming self-defense to justify its permanent war against the Palestinians. Agamben also rejects theories (such as Schmitt’s) that inscribe the state of exception within a juridical context and within the division between norm and law, proposing that the state of necessity is not a “state of law” but rather a space without law.<sup>139</sup>

Agamben cites Henk S. Versnel who proposes an analogy between mourning and periods of political crisis in which social institutions and norms seem to suddenly dissolve. According to Versnel, “all societies are constructed in the face of chaos. The constant possibility of anomic terror is actualized whenever the legitimations that obscure the precariousness are threatened or collapse.”<sup>140</sup> If during periods of anomie and crisis normal social structures can collapse, then periods of mourning may be characterized by suspension and alteration of social relations. In the light of this, I would argue that Israel has always shifted between periods of national mourning, periods of national crisis and periods of unbridled national celebrations of victory over “the enemy,” in all of which normal social relations and norms are suspended. These crisis-mourning-celebration periods have related, *inter alia*, to the post-Shoah trauma, to Israel’s ongoing perceptions of victimhood and precarious existence, to the constructed fears of antisemitism and isolation, and conversely, to periodic wars, both those deemed victorious—1948, 1956, 1967, and those regarded more ambivalently—1973, the Lebanon wars of 1982 and 2006, and the assaults on the Gaza enclave, which, as *Haaretz* columnist Gideon Levy argues, amount to deliberate massacres of Gaza’s besieged and captive population.<sup>141</sup> These periods signify anomie and lawlessness, the consequences of which are always racialized though they do not merely refer to the treatment of the Palestinians,

but also to intra-Jewish Ashkenazi-Mizrahi relationships, the racial echoes of which continue to reverberate as discussed in Chapter 4.

As I argue in this chapter, several gaps in theorizing Israel as state of exception remain. In *Agamben and Colonialism* (2012) Svirsky and Bignall argue that Agamben's project is firmly anchored in Western political thought and society and conceived without reference to colonialism, though the contributors to their collection demonstrate the wider relevance of Agamben's thought once postcolonial frameworks are taken into account and explore the extent to which Agamben's conceptualizations of "Western" political processes are indebted to an original imperial event. However, Svirsky and Bignall's critique does not specifically focus on the settler colonial aspect of Israel's war against the Palestinians, yet the settler colonial analytical framework is a key approach to theorizing Israel and is the focus of Chapter 3.

## Unexceptional Exceptionalism: Israeli Settler Colonialism

### Prologue: Death and Demolitions in Umm al-Hiran

At dawn on January 18, 2017 scores of Israeli police vehicles and hundreds of police officers raided the “unrecognized” Bedouin village Umm al-Hiran in the Naqab, southern Israel, preparing to demolish it in order to enable the construction of the national-religious Jewish settlement Hiran. The Bedouin villagers and their Israeli supporters who were neither expecting police violence, nor planning active resistance, reported extensive use of riot control technologies, even though no stones were thrown, and no counterattack was mounted. The police blocked the entry of Knesset members, journalists, and demonstrators to the village.

The police raid of the village and the state’s reaction to the events that took place during the raid are part of the ongoing colonization of Bedouin lands and the racialization of Israel’s Bedouin citizens. During the raid a van driven by Bedouin schoolteacher Yaqoub Moussa Abu Al-Qia’an was seen suddenly speeding into a group of police officers causing the death of one of them; Abu Al-Qia’an was shot by the police and died of his wounds some time later.<sup>1</sup>

Immediately after the shooting the police framed Abu Al-Qia’an as a terrorist and an ISIS sympathizer, an accusation rejected by his family. According to eyewitness accounts, forensic evidence, and police helicopter footage, he was hit by two bullets, one to his knee, leading to the van’s sudden acceleration as he lost control, and one to his chest, leading to his death after 20 minutes of bleeding. Abu Al-Qia’an was not offered medical assistance, although there were three mobile intensive care units on the scene. The police also shot and injured the Palestinian member of Knesset, Ayman Odeh, leader of the Joint (Arab) List, who came to Umm al-Hiran to mediate in the negotiations between the authorities and the villagers. The Minister of Public Security and

Strategic Affairs, Gilad Erdan, was quick to defend the police and accused Odeh of incitement to violence.<sup>2</sup> Two months after Abu Al-Qia'an's killing, although it was clear that he had lost control of his vehicle and had not aimed to kill the police officer, Minister Erdan refused to apologize for his killing. Instead Agriculture Minister Uri Ariel issued a qualified apology, while thanking the police officers and pledging to continue to evict the Bedouins, stating on *Arutz Sheva* (Israel National News, which is identified with religious Zionism): "We will not relinquish state lands and whoever squatted illegally will be evicted. We will return to the state hundreds of thousands of dunams this year, God willing."<sup>3</sup>

The first demolitions in Umm Al-Hiran, on whose lands the religious Jewish settlement Hiran were to be constructed, began in November 2016. Though the houses slated for demolition are outside the area designated for Hiran, the whole village is due to be demolished, like 1,136 other "illegal" Palestinian buildings demolished in 2016 alone.<sup>4</sup>

The demolition of Umm Al-Hiran is but one aspect of Israeli settler colonialism demonstrating, as Lorenzo Veracini argues,<sup>5</sup> that settler colonialism is unfinished and ongoing. Israeli blogger Idan Landau<sup>6</sup> writes for *Tarabut: Arab-Jewish Movement for Social and Political Change* that the interlinked histories of the Bedouin village Umm Al-Hiran and the Jewish settlement Hiran epitomize the "Judization" of Palestine, the declared aims of which are Zionist dictums of "settlement," "redemption," "creating Jewish contiguity," "safeguarding the nation's lands," and "stopping the Bedouin invasion." The demolitions infringe the rights of Israel's Bedouin citizens who happen to belong to the wrong race. Palestine's Bedouins are racialized by Israel beyond the general racialization of Palestinians, even though, alongside the Druze, some Bedouin citizens, unlike other Palestinians, show their civic loyalty by serving in the Israeli military.<sup>7</sup>

According to Landau, Umm al-Hiran's inhabitants, like other Naqab Bedouins, were forcibly transferred by the state to their present location. After the 1948 war, the Israeli government settled 15,000 Naqab Bedouins—an eighth of the region's pre-Nakba Bedouin population, mostly expelled to Gaza and Jordan—in a 900 dunams (222 acres) reservation northeast of the city of Beer-Sheva, surrounded by a military zone from which the Bedouins were barred. Over the years, the area allocated to them has steadily shrunk as the state confiscated some 235 dunams (58 acres) in order to construct Jewish settlements, army camps, and seven government-funded Bedouin townships built to house rural Bedouins. These seven purpose-built townships plus eleven Bedouin villages are

the only recognized Bedouin settlements in the region, consisting of 1 percent of the area in which the 192,000 Bedouin citizens who constitute 31 percent of the population are confined. The rest of the region's Bedouins reside in forty "unrecognized" villages, or 2.7 percent of the Naqab: just 1 percent of the area for 31 percent of the Naqab's Bedouin citizens, who are claiming just 5.4 percent of the Naqab's lands. Over the years several government commissions and plans have further limited the land allocated to the Bedouin.

Umm al-Hiran is home to the 1,000-strong Al-Qia'an tribe originating from Hirbet Zubala from which it was expelled in 1948 to make space for the Israeli settlement, kibbutz Shuval. After a few nomadic years, the military government instructed the tribe to settle by the Yatir River, where tribe members have lived since 1956. Although the tribe was instructed to settle in its current location by the Israeli military governor and has official documents confirming this, the state has never recognized the village, which, like other "unrecognized" Bedouin villages, is not linked to water, electricity, refuse collection and sewage services, and it does not have roads, schools, and health services. As Landau writes: "the State of Israel was expecting the tribe to disappear ... And when this didn't happen, it took action," demolishing the village again and again.<sup>8</sup> Although the Bedouin had lived in Palestine long before the Zionist colonization, the tribe's appeals to the Supreme Court resulted in the court advising them to move to the "legal settlements provided by the state."

The war waged by the State of Israel against Bedouin citizens is never-ending. By the time of writing al-Araqib, another "unrecognized" Bedouin village, has been brutally demolished more than 118 times since July 2010, forcing most of its residents to move to neighboring government townships. It is worth noting that all of these demolitions are legal. Al-Araqib was demolished under the 1953 Land Appropriation Act. In 2015 the Israeli Supreme Court ruled that "the Bedouin way of life does not create any legal rights in the land they lived on and cultivated for generations" and thus they have "no Indigenous rights."<sup>9</sup> In 2017, adding insult to injury, an Israeli court ordered the residents of al-Araqib to pay a total of 541,000 dollars for the cumulative cost of destroying their homes 118 times since 2010.<sup>10</sup>

The cycle of racializing the Bedouin was completed with the Israeli Interior Ministry revoking the Israeli citizenship of hundreds of Bedouin, claiming they had been mistakenly registered as citizens. As revealed by Jack Khoury,<sup>11</sup> Bedouin citizens would arrive at the ministry for some bureaucratic procedure such as applying for a new passport, and would leave with a new status: noncitizen resident, whose presence in Israel is now dependent on the regime's good will.<sup>12</sup>

## Introduction

*“Settler colonialism” is a decontextualized White supremacist euphemism for White supremacy/White terrorism/White invasion & seizure.<sup>13</sup>*

Theorizing Israel’s rule over Palestine using Giorgio Agamben’s concepts of “state of exception” and “bare life” can only be employed, as already argued, critically and “under erasure.” As the ongoing demolitions of Bedouin villages such as Umm al-Hiran and al-Araqib demonstrate, instead of “bare life,” the figure of the Bedouin citizen of Israel should be understood as the ultimate liminal racial subject positioned in a “zone of nonbeing.”<sup>14</sup> Because they epitomize legal and conceptual liminality, and because of their position as both exceptional and exemplary even in relation to the conditions of Palestinian citizens, occupied, besieged, and diasporic subjects,<sup>15</sup> the Bedouin are central to theorizing Israel not only as a racial state that differentiates between Israeli Jews and Palestinians, among Palestinians and among Jews (as argued in Chapter 4), but also as a settler colonial project, the focus of this chapter. The position of the Bedouin is particularly emblematic of the Israeli settler colony because, as Patrick Wolfe argues,<sup>16</sup> in settler colonial discourse Natives are typically represented as unsettled, nomadic and rootless in contrast to the representation of the settlers as rooted and “settled” despite having moved to and colonized the Natives’ territory. Thus, the Israeli settler colony treating the Bedouin Natives as nomadic long after they had abandoned their nomadic lifestyle<sup>17</sup> to fit the state’s master plans, is a prime demonstration that settler colonialism continues in the present.

This chapter begins by critically evaluating Patrick Wolfe’s theorization of settler colonialism and his settler versus Native binary. Unlike colonialism, which is about the exploitation or enslavement of the Natives, settler colonialism aims to gain access to the Natives’ territory and is about the elimination and replacement of the Natives. Although Wolfe’s 2006 essay “Settler Colonialism and the Elimination of the Native” is often cited as the principal work theorizing settler colonialism as a structure, not an event, Wolfe himself had always insisted it was rather Native scholars who created the field of settler colonial studies.<sup>18</sup> The chapter discusses Wolfe’s relational analysis of Australian, North American, and Israeli settler colonialism, and his theorization of settler colonialism as premised on securing territory as illustrated by the expulsion of the Palestinians from their lands during and after the 1948 Nakba, by the resettlement of their villages and urban neighborhoods by Israeli Jews, by the 1967 occupation

of the West Bank, the Golan, and Gaza, by the progressive dispensing with Palestinian workers from the occupied territory, and by the increasing military and civilian control of the Palestinian territory through military actions and Jewish settlement projects. A poignant example of the ongoing nature of Israeli settler colonialism is the building of the so-called separation wall, that, as Wolfe reminds us, is a potent concrete expression of spatial sequestration, making Palestinians more and more dispensable and Gaza and the West Bank more and more like reservations and ghettos.

Many scholars currently theorizing Israeli settler colonialism rely on Wolfe's analysis. However, Ilan Pappé's claim that "Zionism is the last remaining active settler-colonialist movement or project"<sup>19</sup> overlooks the continued existence of settler colonial regimes in the Americas, Australia, Brazil, and Canada, among others, as featured in Wolfe's work. Pappé describes colonialism as the movement of Europeans to different parts of the world, and the creation of new "white" nations where Indigenous peoples had once had their own "kingdoms" [sic].<sup>20</sup> The new nations, he follows Wolfe by arguing, could be created only because the settlers employed the logic of elimination—getting rid of the Indigenous by all means possible, including by genocide. However, unlike Wolfe—particularly but not exclusively in his last book, *Traces of History: Elementary Structures of Race* (2016)—Pappé does not highlight race as central to theorizing the colonization of Palestine.

Though Pappé claims that the term "colonization" is not easily applied to the present and is more often associated with past events, he argues that present-day scholars writing about Israel, aided by what he calls "recent and exciting research," are increasingly using the settler colonialism analytical framework.<sup>21</sup> Instead of the "deceitful" paradigm of a conflict between two competing national movements with an equal claim to the land, Pappé proposed during the launch of *Israel and South Africa: The Many Faces of Apartheid* (2015), that there was a need to "establish a new paradigm, already common amongst activists and marginalized academics, that relates to the reality on the ground; one of 'settler-colonialism and its connection with apartheid.'"<sup>22</sup>

However, even for Pappé himself settler colonialism is not quite a "new paradigm." Indeed, without explicitly naming it as such, he had already emphasized in *The Ethnic Cleansing of Palestine* (2006) how central settler colonial ideals and desires were to political Zionism from the late nineteenth century onward, referring to "how consistent the Zionist leaders—from Herzl down to Ben-Gurion—were in their desire to empty the future Jewish state of as many Palestinians as possible."<sup>23</sup> John Docker,<sup>24</sup> who also rejects Pappé's "ethnic



cleansing” theoretical frame to describe the Zionist colonization of Palestine, prefers to translate “ethnic cleansing” as “genocide” of a group or society by deploying the argument of Raphaël Lemkin, the creator of the concept of “genocide” and the prime mover in drafting the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. Docker suggests that Zionist settler colonialism had a genocidal logic that Wolfe calls “the logic of elimination.” This logic, with its informing vision of destruction via de-Arabization and replacement via Judization and its motivating racism, was actualized in 1947–1949 and, as Pappe shows,<sup>25</sup> pitilessly continues unabated to this day.

Moreover, I would propose that claiming that settler colonialism is a “new paradigm” tends to occlude the long history of analyzing Israel through the settler colonial theoretical prism by Palestinian, Israeli, and international scholars as discussed later. Settler colonialism, Elia Zureik writes, is intrinsically associated with the dispossession of Indigenous populations through violence, repressive state laws and practices, and racialized forms of monitoring and surveillance, and is central to theorizing the Zionist colonization of Palestine from the nineteenth century to the present day.<sup>26</sup>

Historicizing Israeli settler colonialism in Palestine must employ a relational approach regarding other settler colonial regimes including the Americas, Australia, South Africa, and Algeria. Tracing the historical antecedents to theorizing Israel as a settler colony, I aim to include as much Palestinian scholarship as possible, by inter alia the Palestinian scholars Constantine Zurayk, Fayez Sayegh, and Elia Zureik, the Israeli-Palestinian organization Matzpen,<sup>27</sup> critical Israeli and Palestinian sociologists Baruch Kimmerling, Gershon Shafir, and Nahla Abdo and Nira Yuval-Davis, as well as international scholars including the French Marxist historian Maxime Rodinson, the British-Lebanese scholar Rosemary Sayigh, the Australian scholars Patrick Wolfe and Lorenzo Veracini, the Irish-American literary scholar David Lloyd, the Australian scholar John Docker, and the Israeli political scientists Marcelo Svirsky and Ronen Ben Arie. I use further examples of ongoing acts of Israeli settler colonialism to illustrate that settler colonialism is not merely historical, but rather, continues in the present.<sup>28</sup> Inspired by Wolfe’s last book, I conclude the chapter by inserting race into the analysis of settler colonialism in the specific context of Israel. Race, Wolfe writes, is not only “colonialism speaking,” it is also a distinctly European phenomenon and a classificatory concept that constructs hierarchical differences between settlers and Natives, as discussed in Chapter 4.<sup>29</sup>

## Settler Colonialism: A Structure, Not an Event?

Commemorating the late Patrick Wolfe, Lorenzo Veracini credits Wolfe with being the key influence in the developing field of settler colonialism.<sup>30</sup> Wolfe's innovation, Veracini writes, was in examining the role of settler colonialism in the subjection of Indigenous peoples in settler societies, and in clearly dividing the world of settler societies into a binary of Indigenous versus settlers. Acknowledging the tendency, especially in the United States, to repudiate binarism, Wolfe argues that as "one who argues that settler colonialism is premised on a zero-sum logic whereby settler societies ... uniformly require the elimination of Native alternatives,"<sup>31</sup> he had been often accused of binarism, but never by a Native. Could it be, he asks, that the "repudiation of binarism represents a settler perspective ... that takes us directly to the affective dimensions of settler subjecthood?"<sup>32</sup> Veracini does not agree with Wolfe's binarism, arguing instead that "settler colonialism was like a waltz, a three-step dance involving settlers, Indigenous peoples and exogenous others." Furthermore, while Wolfe regarded settler colonialism as a form of colonialism, Veracini regards them as antithetical, and while Veracini focused on what settlers do, Wolfe's focus was on indigeneity under attack.<sup>33</sup>

As practiced by Europeans, Wolfe writes, settler colonialism (like genocide, although for him settler colonialism, while inherently eliminatory, is not invariably genocidal) has typically employed the organizing grammar of race,<sup>34</sup> a factor often not foregrounded by scholars of settler colonialism, as I argue in the concluding part of the chapter. Though settler colonials employed race in eliminating the Natives (and, in the case of the United States, in racializing and enslaving black people), the primary motive for elimination was not race, religion, ethnicity, or perception of civilization, but rather access to territory. Informed by various interpretations of *terra nullius* ("a land without people" as the Zionist discourse went), settler colonialism is a land-centered project, or, as Wolfe stresses, "territoriality is settler colonialism's specific, irreducible element."<sup>35</sup>

Discussing the relationship between settler colonialism and genocide, Wolfe argues that the logic of elimination refers not only to the summary liquidation of Indigenous peoples, though it includes it. Settler colonialism strives to dissolve Native society and, because the settlers, unlike franchise colonists, come to stay, it builds a new colonial society which the settlers regard as their own. Crucially, however, elimination is not a one-off occurrence but rather an organizing

principle of settler colonial society. The outcomes of the logic of elimination may include not only frontier homicide or prolonged genocide—although it often entails these processes—but also miscegenation, the breaking down of Native title into individual freeholds, Native citizenship, child abductions, religious conversions, and a whole range of biocultural assimilation strategies.

As Wolfe further argues,<sup>36</sup> unlike colonialism which is about the exploitation of the Natives, settler colonialism is about eliminating the Natives, and it always replaces what it destroys, as the quote he uses from Zionism's founding father Theodore Herzl's allegorical novel *Altneuland* attests: "If I wish to substitute a new building for an old one, I must demolish before I construct."<sup>37</sup> The policy of replacement was employed by Zionist settler colonialism since long before the establishment of the State of Israel in 1948, and entailed replacing depopulated Palestinian villages and urban neighborhoods with Jewish settlements, roads, and national parks, replacing Palestinian orchards with imported European conifers (a project the Zionists termed "making the desert bloom"), and the present replacement of Bedouin villages with space for Jewish settlements and military maneuvers—all typical settler colonial governmentalities.

In the process of destruction, effacement, and replacement, renaming becomes a key strategy as exemplified by the Zionist colonizers Hebraizing Palestinian place names.<sup>38</sup> Wolfe reminds us, however, that renaming strategies serve different objectives in different settler colonies: while the Zionist colonists sought to erase Arabic place names and replace them with Hebrew, and at times biblical, names, aiming to distance Zionism from its European origins by rejecting Yiddish in favor of Hebrew and by rejecting the Jewish diaspora,<sup>39</sup> in Australia and other settler societies the settlers often sought to recuperate indigeneity in order to express their distinction from the mother country.

Wolfe differentiates between positive and negative aspects of settler colonialism. On the positive side, settler colonialism does not simply replace the Natives tout court but rather seeks to maintain "the refractory imprint of the Native counter-claim." Thus, as Gershon Shafir argues, the Zionist doctrine of the Jewish "conquest of labor" that distanced the Jewish settlers from European productivization actually mirrored European antisemitism that relegated Jews to urban (mostly financial) occupations stigmatized as parasitic and unproductive.<sup>40</sup> This assisted in the construction of the "new Jew" who became a tool of racial (Jewish) supremacy in Palestine. In its positive aspect then, the logic of elimination "marks a return whereby the Native repressed continues to structure settler colonial society,"<sup>41</sup> which explains why Wolfe theorizes settler colonialism as a structure, not an event.

Wolfe further notes that the doctrine of discovery, which typifies European conquests in the Americas, derives from relations between European sovereigns rather than between Europeans and Natives. The rights accorded to Natives reflect the balance between European powers, and Europeans often acquired the right to buy land from the Natives on the strength of being the first to visit and claim a given territory. Wolfe terms this preemption, which sanctioned European priority but not Indigenous freedom of choice.<sup>42</sup> Importantly, Native nations often surrendered their rights not to governments and regular armies but rather, to irregular “frontier rabbles” made up of categorically white economic migrants drawn from the ranks of Europe’s landless, whose murderous activities constituted the colonial state’s principal means of expansion. Later on, the irregular acts were regularized, and the boundaries of the white settlement were extended, as officials often expressed regret for the irregularities, while resigning themselves to their inevitability. Wolfe understands this as a stage in the formation of the settler colonial state.<sup>43</sup> We need to question, however, to what extent do settler colonial states continue to avail of the services of the “frontier rabble” to do their dirty work (as is evident on any given day in the West Bank as settler rabbles attack the Native Palestinian farmers and shepherds with the passive presence of the Israeli military in attendance)<sup>44</sup>? In other words,

settler colonialism is an inclusive, land-centred project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating Indigenous societies. Its operations are not dependent on the presence or absence of formal state institutions or functionaries.<sup>45</sup>

Wolfe argues that settler colonialism was foundational to modernity, since “behind it all lay the driving engine of international market forces,”<sup>46</sup> although modernity cannot explain the insatiable dynamics whereby settler colonialism always needed more land. In settler colonial terms, agriculture and the extractive industries enabled population expansion by constant immigration at the expense of Native land and livelihoods. The inequities, contradictions and pogroms of metropolitan society ensured a recurrent supply of immigrants, especially from among the landless, as individual motivations dovetail with the global market’s expansion aspirations. The settlers’ agriculture tends to eat into Indigenous territory and curtails the Native modes of production—even though the settlers must learn from the Indigenous how to grow new crops (such as corn and tobacco in the Americas)—making Indigenous peoples both dependent on the settlers’ economy and victims of the colonial death squads.<sup>47</sup>

Not surprisingly, the settlers—as we saw in relation to the Bedouin—regard the Natives as nomadic and unsettled and themselves as settled and destined to inherit the colony that they regard as their own “homeland,”<sup>48</sup> and in the case of the Zionists, a homeland allegedly promised to “the Jewish people” by their god. Like many generations of Jewish children born in what is popularly called *Haaretz*—*the land* (as if there is no other)—I was indoctrinated with that promise, that *homeland*, which we sang songs and read stories about, a homeland that was definitely “ours” to return to, and “to build in and be built by,” as the popular early Zionist lyrics went<sup>49</sup>—a classic settler colonial dictum.

Wolfe concludes his seminal article by reiterating his refusal to equate settler colonialism with genocide, because, apart from the need to retain the specificity of settler colonialism as a social formation, the etymology of genocide derives from the notion of *genos* that denotes group membership over time, while settler colonialism, though constructing racial categories, is not reduced to them. Furthermore, equating settler colonialism with genocide means that the Holocaust risks becoming the key referent and this can only disadvantage Indigenous peoples “because it discursively reinforced the figure of lack at the heart of the non-Western.”<sup>50</sup> Moreover, whereas the Holocaust exonerates antisemitic Western nations that opposed Nazism, these same nations were culpable of colonial genocides. Therefore, “on historical, as well as categorical grounds ... hyphenated genocides devalue Indigenous attrition.”<sup>51</sup> Settler colonialism’s logic of elimination, however, requires the elimination of the owners of the colonized territory, but not as a specific *genos*, or in any specific way. It entails rather the elimination of the Native as Native, and is thus, Wolfe argues, a larger category than genocide. When invasion is theorized as a structure rather than an event, its history does not stop after the frontier era and involves charting both continuities and discontinuities,<sup>52</sup> a complex yet necessary task.

Developing Wolfe’s argument that conflating settler colonialism and genocide devalues Native attrition, Kēhaulani J. Kauanui argues that exclusively focusing on the settler colonial without meaningful engagement with the Indigenous—which is the way Wolfe’s work tends to be used—can (re)produce another form of “elimination of the Native.”<sup>53</sup> Revisiting Wolfe’s dictum that settler colonialism is a structure, not an event, she insists that “any meaningful engagement with theories of settler colonialism ... necessarily needs to tend to the questions of indigeneity,”<sup>54</sup> and that Settler Colonial Studies cannot replace Indigenous Studies. Kauanui points out that although the study of Indigenous people is foundational to American (and colonial) history, culture, society, and politics, and although understanding settler colonialism as a structure makes

clear it cannot be relegated to the past, in American Studies indigeneity tends to be erased and conflated with race, ethnicity, and nationality as a category of analysis, while Indigenous peoples' assertions of distinction are often marginalized as essentialist rather than regarded as based on original, or at least prior occupancy. In the process of settler colonialism, the settlers first erased and then often memorialized Indigenous peoples (in Australia and the United States, though not in Palestine), processes that served a practical colonial goal of refuting the Indigenous claims to land and rights, relegating the dispossession of the Indigenous to the past rather than regarding it as ongoing, as is the case with the continuing dispossession of the Palestinians by the Israeli settler colony as I argue throughout the book.

This is as apt a place as any to interrogate the use of the term "settler colonialism" itself. As the Indigenous Australian scholar Sandy O'Sullivan writes on her Facebook page:

Seriously, the rapidly increasing use of "settler colonial" either unexplained or without the accompanying literary winkey eye is incredibly unsettling. Colonisation cast as a touchy feely, smoothing the pillow lingo is alarming. That it's done by people who profess a desire to recognise their position relative to colonisation, makes me honestly wonder if they have considered exactly what their position suggests. Do they see colonisation as benign, a kind of settling?<sup>55</sup>

Indeed, Pappé's claim that settler colonialism is a "new paradigm" in analyzing Israel and that Israel is the "last remaining active settler colony" calls into question the use of the term by (white) settler scholars as O'Sullivan argues. One way out of this conundrum is to take a relational approach to theorizing settler colonial regimes, as Wolfe does. The relationality approach, as Alana Lentin suggests, "yields more than a comparativist one does because, mired in methodological nationalism, the latter misses the conjunctures and continuities across and between time and space that conjure race and keep it alive as something that *does* rather than *is* something."<sup>56</sup> According to Alexander Weheliye, relationality "provides a productive model for critical inquiry and political action within the context of black and ethnic studies, because it reveals the global and systemic dimensions of racialized, sexualized, and gendered subjugation, while not losing sight of the many ways political violence has given rise to ongoing practices of freedom within various traditions of the oppressed."<sup>57</sup>

In the introduction to his 2016 book, Wolfe writes that teaching Aboriginal history at an Australian university brought him into unexpected contact with race politics in the United States, and his book theorizes race as traces of history

in relation to Indigenous peoples in Australia, the United States, Brazil, and Palestine, and to antisemitism in Central Europe. Interestingly, however, he notes the difference between the understanding of relationality by US students and Australian Aboriginal students, the former understanding race in terms of color, the latter in terms of indigeneity:

Mention Native Americans ... and the response of Aboriginal students was immediate and positive, as it was to the mention of Maoris, Palestinians, Sami, West Papuans or Native Hawaiians ... The community these students shared with other Indigenous people is deeper than colour ... It is a common history: one of invasion, of loss of land, of elimination, of resistance, of survival and the hazard of renaissance.<sup>58</sup>

Though not using the term relationality, in *Inter/Nationalism: Decolonizing Native America and Palestine*, Steven Salaita argues in a similar vein that the decolonization of Native America and Palestine is interlinked across cultures and colonial borders: "A central tenet of inter/national scholarship is insistence on transnational dialogue ... in opposition to the physical and legal parameters of the nation-state ... The actions and ideas of today's Indigenous scholars and activists highlight the importance of inter/national theory and analysis."<sup>59</sup> Writing about decolonizing Native America and Palestine (of which more in Chapter 6), Salaita stresses there are problems inherent to comparing cultural practice rather than examining the context of intellectual and historical interchange across restrictive categories and geopolitical borders. Natives and Palestinians, he writes, have much to discuss and must be liberated together, and "our scholarship should be an asset towards that goal, not a mere recapitulation of state power."<sup>60</sup> Similarly, the Palestinian scholar Yara Hawari uses Canada's 150th anniversary to situate her research on Palestine, as she writes on her Facebook page:

I have been educating myself on the struggles of Indigenous people worldwide and my recent work has been about locating Palestine within this global struggle against settler colonialism. Many people wrongly assume that Israel is the last settler colonial project ... Not only is this incorrect, it dangerously situates Israel as exceptional. It is NOT ... (Like Canada's anniversary), Israeli Independence Day ... embodies and symbolizes the destruction of Palestine and the continued elimination of the Palestinian people. It is a gross display of dominance and, as with so much "patriotism," white hetero-masculinity.<sup>61</sup>

While relationality is a necessary analytic device in countering both comparability and exceptionalism, exploring the specificities of each settler

colonial locus remains crucial, as I now do regarding Israeli settler colonialism, beginning with the history of theorizing it by Palestinian, Israeli, and international scholars and moving to critically engaging with Wolfe's analysis.

## Israeli Settler Colonialism: Not a "New Paradigm"

Defining Israel as a settler colonial state goes against the self-image of Zionism as a nineteenth-century liberatory Jewish response to European antisemitism that led to the settlement of what is generally accepted that Zionists described as a "people without land" in "a land without people." As settler colonialism centers on notions of *terra nullius*, it is worth examining this ubiquitous description of the Zionist project. While in *The Question of Palestine* Edward Said<sup>62</sup> mistakenly attributes this slogan to the British Zionist writer, playwright, and poet, Israel Zangwill,<sup>63</sup> it was first used as early as 1843 by the Church of Scotland clergyman Alexander Keith<sup>64</sup> in *The Land of Israel According to the Covenant with Abraham, with Isaac, and with Jacob*, and was in fact a Protestant rather than a Zionist concept.

Keith was an influential evangelical thinker ... and an advocate of the idea that Christians should work to encourage the biblical prophecy of a Jewish return to the land of Israel; he wrote that the Jews are "a people without a country; even as their own land, as subsequently to be shown, is in a great measure a country without a people."<sup>65</sup> Keith was aware that the Holy Land was populated because he had travelled to Palestine in 1839 on behalf of the Church of Scotland.<sup>66</sup>

Adam M. Garfinkle argues that it was not at all clear that "the land" meant Palestine—after all, at various times Zionist leaders considered other territories including Uganda, Kenya, Madagascar, and Argentina<sup>67</sup>—or that "no people" was meant literally.<sup>68</sup> In fact, Garfinkle writes that most Zionists believed that Palestine was desolate only because "there was not in Palestine 'a people' in the then current *European* sense of a group wedded to a particular land whose members defined themselves as composing a separate nation."<sup>69</sup> The history of Zionism demonstrates clearly that the use of this slogan overrode Zionist leaders' awareness that Palestine was already populated when the Zionist colonizers started arriving. In his biography of Theodore Herzl, the Austro-Hungarian Jewish journalist, playwright, political activist, and writer, also known as "the father of modern political Zionism," Ernst Pawel notes that Herzl's "attitude toward the Indigenous population was one of benign indifference at best."<sup>70</sup>



Allan C. Brownfeld quotes Pawel as writing that Herzl “never questioned the popular view of colonialism as a mission of mercy that brought the blessings of civilization to stone-age savages. . . . He fully believed that the Palestine Arabs would welcome the Jews with open arms; after all, they only stood to gain from the material and technological progress imported by the Jews.”<sup>71</sup>

Furthermore, as Rodinson argues,<sup>72</sup> despite the fact that Zionism’s socialist ideologues Ber Borochov, A. D. Gordon, and David Ben-Gurion interpreted Jewish history in terms of class struggle, the Zionist movement was seen by Arab leaders such as Egypt’s Gamal Abdel Nasser as a “multi-tentacled imperialist agent,” and an “imperialist base set up in the Middle East by British imperialism, part of a world-wide imperialist system.” According to Rodinson, the fact that the Zionists were not concerned about the reactions of the Arabs denoted the “unconsciously imperialist element in their thinking”: “the Jewish immigrants came to Palestine believing it to be a desolate, sparsely inhabited country. They were too busy with their own business and too ignorant of Arabic to notice what was going on around them.”<sup>73</sup>

Indeed, the current trend of theorizing Israel as a settler colony is anything but new, though Omar J. Salamanca et al. seem to concur with Pappe’s “new paradigm” claim<sup>74</sup> in arguing that

despite the endurance of Israeli settler colonialism, settler colonial analysis has largely fallen into disuse in Palestine studies. As a framework, settler colonialism once served as a primary ideological and political touchstone for the Palestinian national movement, and informed the intellectual work of many committed activists and revolutionary scholars, whether Palestinians, Israelis, or allies. Today research tends to focus on Palestine as an exceptional case, constituted in local contexts, in particular the West Bank.<sup>75</sup>

It is worth noting, however, that the earliest studies of Israeli settler colonialism were written by Palestinian scholars. As far back as 1948, in *The Meaning of the Disaster*, the Palestinian historian Constantine Zurayk theorized Zionism as an imperial project and his description of settlement and replacement should be read as an early theorization of the conquest of Palestine in settler colonial terms: “The aim of Zionist imperialism is to exchange one country for another and to annihilate one people so that another may be put in its place. This is imperialism, naked and fearful. In its truest colour and worst form.”<sup>76</sup>

In 1965 the Palestinian-American political scientist Fayez Sayegh wrote an explicit analysis of Israeli settler colonialism in *Zionist Colonization in Palestine*, published by the Palestine Liberation Organization. Sayegh’s theorization of

the Zionist colonization of Palestine as part of the 1880s “scramble for Africa” is entirely relational: “As European fortune-hunters, prospective settlers, and empire-builders raced for Africa, Zionist settlers and would-be state-builders rushed for Palestine.”<sup>77</sup> Sayegh racializes the Zionist colonization of Palestine, writing that under the influence of European nationalism, some Jews came to believe that

the religious and alleged racial bonds among Jews constitutes a ... so-called “Jewish nation” ... including the right to *separate existence* in a territory of its own, and the right to create a Jewish *state*, a right other European nations had ... Imitating the colonial ventures of other nations, the “Jewish nation” could send its own *colonists* into a piece of Afro-Asian territory, establish a *settler community*, and in due course set up its own state, not as an imperial outpost of a metropolitan home base, but as a home base in its own right, upon which the entire “Jewish nation” would converge.<sup>78</sup>

Sayegh historicizes Zionist settler colonialism from the initial haphazard European-financed colonization of Palestine to the nationalistic program of organized colonization formulated in the 1897 Zionist Congress in Basle, the objective of which—as clearly articulated by Herzl’s famous declaration: “at Basle I founded the Jewish state”<sup>79</sup>—was the establishment of a Jewish state.

Zionist colonization, Sayegh writes, differed from European colonization in three ways. First, while European settlers had economic or politico-imperialist motives, the Zionists colonized Palestine in order to attain nationhood for themselves and establish an independent Jewish state which would in due course attract the Jews of the world. Second, while European settler colonials could coexist with the Natives whom they exploited and dominated but whose services they required, the Zionists refused to coexist with the inhabitants of Palestine, and assumed neither colonialism’s physical dimension—particularly since the Palestinians continued to inhabit their homeland—nor their political aspirations of racial self-segregation and statehood while the Arab aspirations continued to exist. And third, while European colonists could count on receiving protection from their imperial sponsors, the Zionist colonists could not, and, as they fought their way toward control of the colonized land, they encountered the opposition of both the Natives and the Ottoman authorities.<sup>80</sup>

However, the Zionist settler project was not progressing as fast as expected because land purchases increased very slowly due to the Palestinians’ persistent refusal to sell their lands to the colonists. British government statistics reveal that the total area acquired by the Zionists from 1920 until the dislodgement of

the Palestinians in 1948 was less than 4 percent of the total area of Palestine.<sup>81</sup> To counter their difficulties in accessing land, the Zionist colonists, Sayegh writes, established a quasi-state apparatus with the aim of planning, supervising, and financing the process of colonization. By the late nineteenth century, they created a variety of institutions, some with explicitly colonizing titles, including the World Zionist Organization, The Jewish Colonial Trust, The Colonization Commission, the Jewish National Fund, the Palestine Office, and the Palestine Land Development Company. The Zionist leadership also negotiated diplomatic ties with the Ottoman Empire, the German Emperor, and, after World War I, the British government that was granted the Mandate over Palestine by the League of Nations thus combining its imperial interest in controlling the land link between Asia and Africa with Zionism's colonial interests. After years of struggle, and with the support of the British, Zionist colonialism was beginning to flourish, and it was around the time of the outbreak of World War II "that Palestinian Arabs—debilitated by thirty years of British oppression—proved incapable of withstanding the assault of the Zionist community, organized and trained and armed ... and supported by the European-American international community of the day."<sup>82</sup>

Despite the consolidation of the Zionist settler colony that culminated in the establishment of the State of Israel and the expulsion of the Palestinians during the 1948 Nakba, the Zionist settler state remained an alien body in the region. Its continuing association with European imperialism, its introduction of the practices of Western colonialism in Palestine, and its chosen patterns of racial exclusiveness and self-segregation all contributed to its alien existence in the Middle East. Sayegh<sup>83</sup> cites Israel's first prime minister, David Ben-Gurion, as acknowledging that the State of Israel was part of the Middle East only geographically, while in terms of "dynamism, creation and growth" it was part of world Jewry, from which it "draws all the strength and the means for the forging of the nation in Israel and the development of the Land; through the might of world Jewry it will be built and built again."<sup>84</sup> And this reliance on world Jewry, both for financial support and as a colonialist human reserve continues to the present with the Israeli settler colony regarding itself as the state of the "entire Jewish nation."

The next milestone in theorizing Israel as a settler colony was *Israel: A Settler-Colonial State?* by the French-Jewish Marxist historian, sociologist, and orientalist Maxime Rodinson, first published in French in 1967. Acknowledging that, unlike other colonial projects, Zionism had no "mother country," Rodinson argues that Zionism must be placed firmly within the framework of European

imperialism.<sup>85</sup> Paradoxically, although Britain was regarded by Jewish settlers in Palestine as a colonizing power (that many of them fought against), it “served ... as mother country for the colony being settled in Palestine because it had protected the formation and growth of the *Yishuv*—the name given to the Zionist pre-state polity in Palestine—as it had protected the colonization of North America and as the French had protected the French colonization of Algeria, even though Jewish colonists did not come from Britain.”<sup>86</sup>

Like Sayegh, Rodinson notes that despite initially denying its intention of establishing a state, the Zionist leadership behaved as if such a state was its aim, and from the very start the Jews in Palestine constituted a cohesive colony.<sup>87</sup> Interestingly, the early Zionists themselves explicitly cast the Zionist project in settler colonial terms: *Yishuv* literally means “settlement” or “colony” in Hebrew. Furthermore, the first Zionist Congress of 1897 that voted in favor of Jewish migration to Palestine, explicitly decided to establish “three types of colonies in Palestine: *kibbutz*, *moshav* and town.”<sup>88</sup> Indeed, many Israel-born generations of Jews were brought up on ideals and discursive tropes of “settlement,” “conquering the land,” and “fulfillment” through the “redemption” of “the land of our ancestors,” ubiquitously used in literature, songs, and everyday talk, informing life choices like becoming a kibbutz member and, after 1967, joining a West Bank settlement in the service of the colonizing collective.

The Zionist settlers were granted relative individual autonomy under the Ottoman regime, but the League of Nations mandate granted to Great Britain recognized their leadership as a Jewish provisional government. As a result, on the eve of the 1948 war, the *Yishuv*—united albeit internally fragmented—was able to organize a system of military service, while the Palestinian Arabs were divided into Christian and Muslim communities. Palestinian Jews were also united by semiautonomous economic networks such as the *Histadrut*<sup>89</sup> trade union, which doubled as banker, capitalist entrepreneur, insurance agency, and landowner. All this led to laying the foundations for the Jewish state, and once immigration—or rather colonization—was protected by the British Mandate, the Zionist demographic base increased to one third of Palestine’s population.<sup>90</sup>

Rodinson concludes by providing another relational analysis:

The creation of the State of Israel on Palestinian soil was the culmination of a process that fits perfectly into the great European-American movement of expansion in the nineteenth and twentieth centuries whose aim was to settle new inhabitants among other peoples or to dominate them economically and politically. This is a colonial process: there was settlement of colonists—unlike the cases of India and Greenland for example. The colonists did not come from

the mother country, a major part of the Native population was displaced (as was the case of Indians in New England). Not all were left in a state of direct economic dependence on the colonists, but in a state of political dependence for those who remained inside Israel, while for the rest the settling and establishing of the state brought a fate over which they had no control.<sup>91</sup>

Finally, responding to the question as to whether the term “colonization” applies in the case of Israel, Rodinson argues that the definition “a collection of people who leave their country to go populate another” does fit, and reminds us that the term *Yishuv* is translated as “inhabited country, colony, inhabited province ... colonization.” But it is another definition of “colony” as “exotic country, generally subjugated by conquest and placed in a state of political and economic dependence on the conqueror” that applies to Israel. He cites the sociologist Rene Maunier who writes that “one can speak of colonization when there is ... *occupation with domination*; when there is ... *emigration with legislation*.”<sup>92</sup> The Jews attracted by Zionism migrated to Palestine and then dominated it; they occupied it *de facto* and then adopted legislation to justify this occupation *de jure*.<sup>93</sup>

The Yemeni-English scholar Nu'man Abd al-Wahid also focuses on imperialism in his reading of the Zionist settlement of Palestine.<sup>94</sup> Researching early-twentieth-century British media accounts of the 1917 Balfour Declaration, he argues that the British wanted Palestine for their own interests, and thus that the Jewish colonization of Palestine existed independently of the ideology of Zionism.<sup>95</sup>

The Israeli historian Avi Shlaim concurs with Abd al-Wahid that in supporting the Zionists, Britain believed it was serving its own imperial interests, particularly against the French in the wake of the secret Sykes-Picot agreement of 1916.<sup>96</sup> But he also thinks that in facilitating the establishment of a “national home for the Jewish people,” the Balfour Declaration, issued on November 2, 1917, and supporting the Jewish minority at the expense of the Arab majority in Palestine, was based on mistaken calculations. Britain’s Prime Minister Lloyd George, Shlaim writes, acted in the mistaken, and antisemitic, view of the Jews as extraordinarily influential, and Britain’s wartime support for Zionism “was rooted in an arrogant colonial attitude towards the Arabs and a misconception about the global power of the Jews.”<sup>97</sup> Writing in 2017, one hundred years after the fateful Balfour Declaration, Shlaim concludes that in issuing the Balfour Declaration, Britain made a “colossal strategic blunder,” the end result of which was the Zionist takeover of Palestine, “a takeover that continues to this day in the form of illegal but relentless settlement expansion on the West Bank at the expense of the Palestinians.”<sup>98</sup>

Like Shlaim, Abd al-Wahid also racializes his analysis, noting that in supporting the establishment of a future Jewish state in Palestine, the British were guided by racist contempt for the Indigenous Arabs, who they regarded, in the words of the first British military governor of Jerusalem, Sir Ronald Storrs, as the “present aborigines.” Furthermore, “in the spirit of colonialism, the *Guardian* editorial racially degenerated and dehumanized the Arabs of Palestine as ‘at a low stage of civilisation.’”<sup>99</sup>

The Columbia professor of Modern Arab Politics, Joseph Massad also interprets the Balfour Declaration in race terms, ascribing it to a combination of British Protestant Zionism, antisemitism and imperialism: “Chamberlain was an imperialist, a Protestant Zionist, and an early enthusiast supporting Jewish Zionism. As a known antisemite, he was not solely motivated by his Protestantism, but also by finances and money that could aid British imperialism, which, in line with common antisemitic views, he thought ‘the Jews’ possessed.”<sup>100</sup> Responding to Herzl’s 1902 testimony to the Royal Commission on Alien Immigration, “the anti-Semitic and Christian Zionist Chamberlain would soon meet with Herzl to organize how British imperialism and Protestant Zionism could help Jewish Zionism get rid of Britain’s Jewish problem.”<sup>101</sup> Balfour too, Massad writes, was an ardent Protestant Zionist who had shepherded the racist 1905 Aliens Act, described as “a watershed in British history, marking as it did a victory for the opponents of unrestricted alien access into Britain,”<sup>102</sup> and who wished to save Britain from what he called the “undoubted evils” of “an immigration which was largely Jewish.” Like Neville Chamberlain, the antisemitic Christian Zionist Balfour had in mind another destination for Jewish immigrants.<sup>103</sup>

Another key reason for the Balfour Declaration, Massad argues, was purging Britain of the communist peril. With the triumph of Russian communists following the 1917 February Revolution, East European Jews had no more reason to emigrate, putting British imperial and Zionist plans at risk. In pledging to grant a “national home” for “the Jewish people” in Palestine, the British government also offered another venue for East European Jews, encouraging them not to support communism.<sup>104</sup>

Israel was also theorized as a settler colonial project by Israeli scholars in the 1980s and, as early as the 1960s, by the radical left organizations Matzpen, that provided probably the first *Israeli* theorization of Israel as an imperial settler colonial project,<sup>105</sup> and Etgar, that offered a geopolitical analysis of the Israeli settler colony as part of the Semitic Orient.<sup>106</sup> In his 1993 book on critical aspects of Israeli society the Israeli sociologist Uri Ram argues that being a settler colony was “the most decisive factor in shaping Israeli society,” stoking “the ongoing

conflict” with the Natives. Although he doesn’t cite Zurayk, Sayegh, or Rodinson, colonization, Ram writes, has shaped Israel’s institutional structures and cultural characteristics.<sup>107</sup>

Ram differentiates between two academic approaches to theorizing Israel as a settler colony: a Weberian approach that emphasizes power and territory<sup>108</sup> and a Marxist approach that focuses on the labor market.<sup>109</sup> In *Zionism and Territory: The Socio-Territorial Dimensions of Zionist Politics*, the Israeli sociologist Baruch Kimmerling follows historical analyses of the American frontier in differentiating between “high frontierity,” a frontier area available for settlement that enables individualization, and “low frontierity,” an already settled territory that facilitates collectivization. In order to control the frontier, resources have to be collectively mobilized, as happened in the Israeli case, where lands were purchased through using national capital and collective settlement strategies. Controlling the territory necessitated the three-pronged approach of purchase, settlement, and military power. Kimmerling’s central thesis was that Israeli-Jewish society is characterized by the bi-national encounter. Settling the territory and the ensuing conflict were the central factors shaping Israel’s political dynamic, and explain, Ram cites Kimmerling as arguing, the long-standing supremacy of the Israeli Ashkenazi labor hegemony.<sup>110</sup>

In *Land, Labour and the Origins of the Israeli-Palestinian Conflict 1882–1914*, Israeli sociologist Gershon Shafir also regards settlement and conflict as the central characteristics of Israeli-Jewish society, though he shifts the emphasis from the struggle for territory to the struggle for exclusively Jewish labor, based on racial lines. Shafir characterizes the Jewish settlement project as a “pure settlement society” based on poor white settler labor, as opposed to “plantation colonies” that imported slaves or indentured workers, and “mixed colonies” that incorporated Native workers.<sup>111</sup> For Shafir the Zionist project fits the “split labour market” model that hurls together, through settlement and incorporation, distinct labor forces from unevenly developed regions, enabling one group of (white) workers to block the entry to the labor market of other groups of (racialized) workers.<sup>112</sup> What happened in the Zionist settler colony, Shafir argues, was white Jewish European settlers blocking the labor market to cheaper Palestinian workers, in a policy known as the “conquest of labor” by Jewish workers—an avowed objective of the Zionist colonists. Later on, this strategy was supplemented by the importation of cheap Arab (Mizrahi) Jewish labor, first from Yemen and later from other Arab countries. When this failed, the conquest of labor turned into the collective conquest of territory, financed by world Jewish capital.<sup>113</sup>



Palestinian-Canadian sociologist Nahla Abdo and Israeli-British sociologist Nira Yuval-Davis note that although the Zionist movement presented itself as representing the entire Jewish nation, it was actually a movement of Eastern European (Ashkenazi) Jews, the majority of the pre-1948 Zionist settlers in Palestine.<sup>114</sup> Any analysis of the Zionist settler project, they argue, has to consider intra-Jewish ethnic and class divisions, not only the Jewish/Palestinian dichotomy. Abdo and Yuval-Davis divide Zionist settler colonialism into three periods. The first was the pre-1948 period, backed by the alliance between British imperialism and Zionist colonialism. The second period, 1948–1967, brought about the Israeli national collectivity and the segmentation and dislocation of the Palestinian national entity. The third, post-1967 period, was characterized by Israel ruling over large numbers of Palestinians and exploiting their labor and captive market. The 1967 occupation of the Palestinian territory, they write, intensified Israeli capitalism, and Mizrahi Jews were brought in from the cold by the 1977 Likud electoral win, having been marginalized by Ashkenazi Zionist elites up until then. At the same time, after 1967 diaspora Palestinians started organizing against Israeli rule: the struggle began as an armed intifada (1987–1993) followed by an international diplomatic campaign and a civil resistance campaign in the occupied territory.<sup>115</sup>

The Palestinian-Canadian sociologist Elia Zureik also focuses on settler colonialism in terms of “the dispossession of Indigenous populations through violence, repressive state laws and practices, and racialized forms of monitoring.” Zureik bases his analysis on Foucault’s concept of biopolitics, even though he acknowledges that Foucault did not explore the relation between biopolitics and colonialism, and on practices of surveillance as an indispensable tool of governance, as I explore later.<sup>116</sup>

Some scholars make a distinction between colonialism and colonization, the latter allegedly reflecting a benevolent view of settlement as cloaking the distinction between colonizer and colonized and claiming that the intention is not to displace or dominate the Natives but to live with them side by side, yet separately. Israel, Zureik reminds us, has been using this excuse, claiming that its Palestinian citizens enjoy a better standard of living than citizens of neighboring Arab states, to justify the confiscation of Arab lands, the racialization of the Native population, and the spatial segregation of colonizer and colonized. Zureik rejects this distinction between colonialism and colonization since “settling is bound to involve imposition and control of the Native population.”<sup>117</sup> He posits the concept of “internal colonialism” that distinguishes between citizen and subject, and argues that Israel’s rule of the West Bank constitutes internal



colonialism. Palestinians in Israel, although formally citizens, are also internally colonized by a political regime that curtails their access to resources (such as land, education, housing, jobs) and deprives them of full citizenship rights.<sup>118</sup>

In stark contrast to prevalent Zionist depictions of Israel as “pioneering” and a multicultural “settler-immigrant society,” Zureik quotes historian Shira Robinson’s apt relational depiction of Israeli settler colonialism as a racial project:

Like the European colonists in North America, Africa and Australia with whom they often identified, Zionism’s luminaries believed that their rights to Palestine exceeded those of its “Natives.” Although the movement’s leadership could not deny that the land was full of people, it portrayed Palestinians as “a mixture of races and types,” a “multitude” distinguished not by their shared history or national character but by their inferior “human quality.”<sup>119</sup>

### Israeli Settler Colonialism: A Historical Analysis

In the annals of settler colonialism, Wolfe writes, Zionism is an unparalleled example of deliberate, explicit planning, making it particularly revealing for research on settler colonialism.<sup>120</sup> This is despite the fact that Palestinian entitlement does not depend on proving that somewhere in Europe a Jewish theorist planned the expulsion of the Natives from the land of Zion. Like me and many other anti-Zionist Jews, Wolfe is particularly perturbed by Israeli settler colonialism due to his Jewish heritage. He acknowledges that, “the evidence that Zionists planned the expulsion of Palestinians is seen as injurious to the image of Israelis as victims. As long as Jews are seen as victims, their opponents are seen as persecutors of Jews.” Therefore intentionality, he insists, is not the main issue; what matters is rather the outcome, because regardless of whether many, though definitely not all, Jews arrived in Palestine as refugees of persecution, pogroms, and the Holocaust, the Palestinians were nonetheless dispossessed, and the 1948 Nakba was undoubtedly based on a well-established legacy of Zionist settler colonization.<sup>121</sup>

Wolfe’s 2016 analysis of Israeli settler colonialism consists of two main parts. In the first part, in a chapter titled “Purchase by Other Means: Dispossessing the Natives in Palestine,” he describes how Zionism’s diffuse Jewish metropole financed Jewish land purchase in Palestine. Though metropolitan funding for colonization was not unique to Zionism, in this specific case the metropolitan funders—mostly wealthy diaspora Jews (many of whom continue to fund and politically support the State of Israel to this day)—did not expect a return on their

investments. And crucially, Zionist land purchases during the pre-state period were commensurate with the legal structures of both the Ottoman Empire and the British Mandate.

Wolfe outlines how the emergence of a subproletarian class of landless Natives led to the British Mandate authorities imposing limits on the transfer of lands from Palestinian to Jewish ownership that had been previously sanctioned.<sup>122</sup> The fear that Palestine's Arabs would side with Germany in World War II was a strong motive for imposing restrictions on Jewish immigration, as recommended by the 1937 Peel Commission, despite the rise of Nazism. Continuing Jewish immigration led to Native opposition making the British shift away from their pro-Zionist policies. This meant that, "Britain provided the military protection necessary for world Zionism to coordinate its importation into Palestine of international finance and East European immigrants, an arrangement that enabled the would-be Jewish nation to marshal its pre-accumulated combination of capital, culture and labour with unparalleled effectiveness."<sup>123</sup>

In its pre-state phase then, Zionist settler colonialism was based on land purchases and imperial tutelage. However, its limited success in purchasing sufficient lands, and the fact that—despite the "conquest of (Jewish) labor"—Jewish settlers did not have to be productive, meant that Zionism had to also embark on the conquest of society, which it did through establishing a network of colonial institutions as detailed earlier. However, in order to gain control over the territory, Zionism also needed military might that was provided by both the British forces and by unofficial local Zionist militias. Thus, Wolfe points out, in contrast with Australia and the United States, Zionists deployed violence and the threat of violence to secure territorial gains made by other (land purchase) means rather than to gain territory in the first place.<sup>124</sup> Only in 1948 did large-scale violence become the main way of gaining territory, when the Zionist forces drove more than 750,000 Palestinians away from their lands and destroyed some 531 Palestinian villages and urban neighborhoods, many of which were taken over by the Zionist and later the Israeli military forces during the Nakba.<sup>125</sup> This completed the initial phase of the Zionist settler colonial project.

Rather than focusing on the 1948 Nakba, and despite its crucial role in the colonization of Palestine, Wolfe situates the Nakba within the half century incremental Zionist colonization, aided by imperial and comprador connivance.<sup>126</sup> The first part of his analysis concludes by arguing that the construction of the Zionist state in Palestine was facilitated not only by purchasing Palestinian lands, but also by establishing the Zionist militias, by building a formidable Jewish-owned financial, administrative, and industrial infrastructure, by consolidating

a distinctive settler culture, including the resuscitation of biblical Hebrew as a modern language, and by recruiting a pioneering group of European Ashkenazi Jewish immigrants who have remained Israel's ruling elite to this day, despite the increasing numbers of Arab Jews in Israeli society. Ultimately, Wolfe writes, "Zionism succeeded spectacularly and Palestinians have been immiserated."<sup>127</sup>

In the second part of his analysis, in a chapter titled "New Jews for Old: Racialising the Jewish state," Wolfe argues that Zionism is different from other forms of settler colonialism, the twin aims of which were first eliminating Native territoriality and then constructing a new society in its place.<sup>128</sup> With Zionism these twin aims were merged in the concept of *return* to the "old new" homeland—"Erez Israel" ("the Land of Israel"), a term invented, as Shlomo Sand argues,<sup>129</sup> for the territorial space allegedly belonging to "the Jewish people," another invented Zionist term. The centrality of the notion of "return" to the supposed Jewish ancestral land reverses the usual colonial order of first expropriating the territory and then constructing a settler polity. Instead, with Zionism the construction of a settler polity ("the Jewish nation/people") was a prerequisite to the physical expropriation of the territory. The name of the territory between the River Jordan and the Mediterranean Sea was translated from "Palestine," used in European languages, to "the land of Israel," used in the Hebrew language. Countering the Zionist myth of return, Sand argues that, "Just as the Jews were not forcibly exiled from Judea in the first century AD, they also did not voluntarily 'return' to Palestine and later to twentieth century Israel."<sup>130</sup> In fact, "Erez Israel"—just one of the names given to the territory (others included "the Holy Land," "the Land of Canaan," and "the Land of Zion")—was actually a Christian and rabbinical invention, a latter day theological, but definitely not political invention. Sand suggests that

the term first appeared in the New Testament, in the Gospel according to Matthew (B: 19–20) ... This one-off usage of the term, defining the area around Jerusalem as "the land of Israel," is exceptional as most New Testament books prefer the term "the Land of Judea." It is possible the new term appeared because the early Christians defined themselves as "the children of Israel" and not as Jews, and it is also possible that the term "Erez Israel" was inserted into the text much later (than the presumed first century date of writing the Gospel according to Matthew).<sup>131</sup>

Sand racializes his analysis, arguing that while most people are aware that "the Jews" are not a "pure race," too many, Judeophobes and Zionists alike, tend to adhere to the erroneous belief "that most of the Jews belong to an ancient

race-nation, an eternal ‘ethnos,’ who had found a place among other nations and at a crucial stage, when these nations rejected it, began returning to its ancestral land.”<sup>132</sup>

Wolfe<sup>133</sup> argues that the terms “Australian” and “American,” not ready-made categories, were initially applied to Natives rather than to settlers, and that the Australian and American nations were made in the process of settling. With Zionism, premised on the concept of return, the new/old society Zionism was seeking to construct would become quasi-Native, atavistic, reverting to ancestral type. While Natives might merge into Euro-Australian or Euro-American futures, there was no place for Palestinians in the renovated past of Ashkenazi Zionism.

The Palestinian legal theorist Raef Zreik agrees there is little doubt that in its praxis and tools Zionism is settler colonialism: “its takeover of the land, its dream of the disappearance of the Native, the importance it allocates to the frontier, its expanding nature and the stories that it tells itself about the land as being *terra nullius* all match the settler colonial paradigm.” Like Wolfe, Zreik argues that the political imagination of the Jewish settler project is different from other settler projects because of the Zionists’ self-image of returning home to the ancient Promised Land, invented or otherwise.<sup>134</sup>

The second part of Wolfe’s analysis focuses specifically on the demographic profile of the post-Nakba Israeli state and examines how the problems faced by the Palestinians were translated into the language of race, a focus I return to briefly in the conclusion of this chapter and further develop in Chapter 4. Before I conclude, I outline the continuing settler colonization of Palestine by Israel.

## Settler Colonialism in the Israeli Present

*Haaretz* columnist Amira Hass writes about the confiscation in early July 2017 by the Israeli occupation’s Civil Administration of solar panels and other electricity generating equipment in the village of Jubbet Adh-Dhib, east of Bethlehem, which “illegally” connected the village to the electricity grid.<sup>135</sup> The Dutch officials who signed-off on a half a million euro donation to the Israeli-Palestinian organization Comet-ME for an ecological electricity project in Palestinian villages in the West Bank (Area C) knew that the project had not been granted a permit by the Israeli occupation authorities, but decided to take a risk on the assumption that in return for the Netherlands not criticizing Israel for its breaches of international law, Israel might allow the Dutch authorities

to finance a humanitarian project. Most of the Dutch donation was invested in Jubbet Adh-Dhib, whose requests to be connected to the electricity grid had been refused by the Civil Administration since 1988. For eight months after Comet-ME completed the installation of a micro-grid in November 2016, it seemed that the Dutch gamble was paying off. Instead of noisy, polluting generators that provided electricity for only three hours out of twenty-four, the environmentally friendly electricity system led to improvements in health and hygiene thanks to refrigerated food and medicines, in security thanks to street lighting, and in school achievements thanks to lights and computers.

Hass speculates as to whether the Israeli contempt toward one of the most Israel-friendly European governments is due to the lack of European and Dutch censure, to the fact that previous demolitions of European-financed humanitarian equipment went ahead unpunished, or to the citizens of the “Jewish and democratic” state who see nothing wrong with the demolition of the electricity grid of a Palestinian village. Many of Jubbet Adh-Dhib’s young people have left the village to Areas A or B because they could no longer stand living without construction permits and electricity. If they all leave, Israel hopes, there will be more land for “us,” Jewish citizens of the “Jewish and democratic state.”

The demolition of the solar panels in Jubbet Adh-Dhib, like the ongoing demolitions of Bedouin villages within Israel’s 1949 Armistice borders, exemplify the ongoing nature of the Zionist settler colonial project. Apart from the periodical lethal assaults on the besieged Gaza Strip, there are many other examples. They include the widespread detention of Palestinian prisoners: according to *Addameer*,<sup>136</sup> in May 2017, Israel was holding 6200 Palestinian prisoners including 490 administrative detainees, 300 child prisoners, 56 female prisoners, 70 prisoners from the 1948 territories, 400 prisoners from east Jerusalem, 380 prisoners from Gaza, and 12 imprisoned members of the Palestinian Legislative Council. They also include the widespread use of extrajudicial executions<sup>137</sup>; the disparity in land and water resources, leading to some West Bank Palestinian villages having water for just two hours per day while the West Bank Jewish settlements enjoy blooming gardens and swimming pools<sup>138</sup>; the strict construction permit regime that prevents Palestinians both within the State of Israel and in the occupied territory from expanding and alleviating housing shortages in their villages and urban neighborhoods while Israel continues to expand West Bank Jewish settlements; and the surveillance regime throughout occupied Palestine,<sup>139</sup> to which I return in Chapter 4.

Highlighting the ongoing Israeli settler colonization of Palestine, Israeli and Palestinian human rights organizations<sup>140</sup> list the many ways in which the

occupation regime continues to control Palestinian lives and curtail the rights of Palestinians under Israeli rule in terms of freedom of movement and expression and freedom to work their lands and enjoy a semblance of dignified existence. In its weekly (June 15–21, 2017) report on the Israeli human rights violations in the Occupied Palestinian Territory, the Palestinian Centre for Human Rights lists the following items (bear in mind that though this is a randomly selected report, such violations continue unabated week in week out):

Israeli forces killed four Palestinian civilians in occupied Jerusalem; 12 Palestinian civilians, including three children, were wounded in the West Bank and the Gaza Strip; Israeli forces conducted 42 incursions into Palestinian communities in the West Bank and a limited one in the southern Gaza Strip; 65 civilians, including six children and two women, were arrested in the West Bank—23 of them, including six children, were arrested in Jerusalem; Israeli forces continued practicing the collective punishment policy with collective punishment measures imposed against Palestinian civilians in Jerusalem and Deir Abu Mesh'al village; Israeli forces continued to target Palestinian fishermen in the Gaza Strip Sea; Israeli forces had turned the West Bank into cantons and continued to impose the illegal closure on the Gaza Strip; dozens of temporary checkpoints were established in the West Bank and others were re-established to obstruct the movement of Palestinian civilians; 15 civilians, including two children and a B'tselem fieldworker, were arrested at military checkpoints in the West Bank.<sup>141</sup>

The Israeli-Palestinian group *Ta'ayush*, describing itself as “striving together to end the Israeli occupation and to achieve full civil equality through daily non-violent direct-action,”<sup>142</sup> accompanies Palestinian farmers working their lands and herding their animals. It reports the daily acts of violence by Jewish settlers against Palestinian Natives, often in the presence of the Israeli security forces who regularly choose not to protect the Palestinians against their Israeli attackers.

Commenting on his 2017 book on the 1967 occupation, Pappé says:

I see the whole project of Zionism as a structure not just as one event. A structure of settler colonialism by which a movement of settlers colonises a homeland. As long as the colonisation is not complete and the indigenous population resists through a national liberation movement, each such period ... is just a phase within the same structure.<sup>143</sup>

In the spirit of citing Palestinian scholarship, and beyond the truism that Israeli settler colonialism continues in the present with every encounter between Israeli Jewish settlers and their state and Palestinian Arab Natives as just argued, I want to briefly explore the question posed by Zreik as to when a settler becomes

a Native, that I return to in Chapter 6 when I discuss decolonization. Asking whether the colonized has an ethical duty to theorize the status of the colonizer, Zreik puts forward the possibility of transcending the settler-Native dichotomy, arguing that the challenge for the Palestinians is to accept Jewish nationalism of the here and now, while rejecting the settler colonial aspects of Zionism. But, he stresses, the Palestinian can do that only

if the settler gives up his settler project, recognizes his role in Palestinian dispossession—the Nakba and its ongoing consequences—and takes responsibility for his actions, stands ready for reparations, gives up on his privileges and seeks partnership instead of domination.<sup>144</sup>

Zreik points to another unique feature of Israeli settler colonialism.<sup>145</sup> Unlike other settler colonial projects that ended with the near-annihilation of the Native as a collective group, the ongoing Zionist project did not succeed in annihilating the Palestinian Natives. While in other locations, the settler colonialists want to forget they are settlers and to transcend the process, which succeeds when it buries its colonial settler traces, the Zionist settlers, who see themselves as the land's "returning" original Natives, have not yet stopped settling. Zreik argues, however, that the settler can stop being a settler, but only when he stops settling, expanding and taking over more lands, and when he gives up all privileges including his supremacy, in favor of full equality with the Native. And this, as we know, has clearly not yet taken place in the Israeli context.

## Conclusion: Racializing Settler Colonialism

As this chapter makes clear, analyzing Israel as a settler colony has been ongoing, albeit not as long as the colonization of Palestine itself. Although academic analyses are secondary to the lived experiences of the colonized, the occupied, the oppressed, and the racialized, and although academic debates do not by themselves bring about decolonization, academic definitions can assist the colonized and the Indigenous in their struggle to decolonize. That said, I conclude this chapter by arguing that the colonization of Palestine is profoundly racialized. Being a member of the racializing collectivity makes it acutely urgent for me to theorize this racialization which I had unwittingly participated in throughout my socialization as a young Israeli Jewish member of the collectivity of former victims of racial oppression turned perpetrators. As Rodinson argues, being Jewish does not automatically oblige one to use two

different sets of weights and measures.<sup>146</sup> Otherwise one must be frank and state that whatever the circumstances, a given group of people, namely, the group to which one belongs, in this case, using both antisemitic and Zionist criteria, “the Jews,” is always right. Such belief in the infallibility of one’s own “ethnic” group is a frequent phenomenon in the history of human groups. It’s called racism.

In his analysis of the Israeli settler colonial project Sayegh notes that racism was neither accidental nor an acquired trait of the Zionist settler state, but was rather its congenital, essential, and permanent feature and the basic motivation of Zionist colonization and statehood.<sup>147</sup> Zionism, Sayegh argues, is the belief in the national oneness of all Jews identified as such in terms of their supposed common ancestry. Zionist racial identification produced racial self-segregation, racial exclusiveness, and racial supremacy, creating, as argued in Chapter 2, a racial state par excellence. Because the impulse for Zionist colonization was the pursuit of “national self-realization” by what Sand terms the invented “Jewish people,”<sup>148</sup> racial self-segregation was Zionism’s essence. Its main aim was to oppose assimilation, decried by Zionists as far back as Herzl (himself an assimilated Jew). Today’s anti-“miscegenation” Jewish far-right group *Lehava*, which explicitly works toward the “Prevention of Assimilation in the Holy Land” and strictly opposes any personal relationships between Jews and non-Jews,<sup>149</sup> is essentially motivated by similar self-segregation aims. Antisemitism and Zionism, Sayegh reminds us, agree on the basic premise that all Jews are one nation with common national characteristics and a common national destiny. But while antisemitism disdains the Jews’ alleged “national characteristics,” Zionism idealizes them and strives to gather all Jews in a single Jewish nation-state.

By the same logic of repudiating the assimilation of Jews into non-Jewish societies in the European diaspora, the Zionist principle of racial self-segregation demands racial purity and racial exclusiveness in the land in which Jewish self-segregation is to be attained. Jewish self-segregation rejects the coexistence of Jews and non-Jews in the “Jewish homeland.” Such coexistence is as much a blemish on the image of Zionist racial purity as is Jewish residence in the lands of the Jewish exile. Only in such conditions of self-segregation can Jewish superiority and special destiny manifest themselves.

Although it was not until 1948 that the Zionists managed to expel or frighten into fleeing the majority of the Palestinian Natives, the objective of de-Arabizing Palestine was pursued by the Zionist movement from its very inception. Sayegh argues that “the Zionist concept of the ‘final solution’ to the ‘Arab problem’ and the Nazi concept of the ‘final solution’ to the ‘Jewish problem’ consisted essentially of the same basic ingredient: the elimination of the unwanted human



element in question.”<sup>150</sup> While not wishing to compare all that is wrong with Israeli racism with Nazi anti-Jewish racism, one must ask whether he has a point.

Developing Wolfe’s concept of the elimination of the Native, Marcelo Svirsky and Ronen Ben Arie speak of “double elimination”:

In Palestine, Native elimination involved the rampant attack on Arab society—the annihilation of its cultural hegemony, the dispossession of land, and the removal of its demographic supremacy—but also *the racial rejection of Arab-Jewish sociabilities, of shared life*. Both series of operations intertwined as part of the organization of the emergent settler colonial society ... Elimination in Palestine ... developed as *double elimination* ... The dispossession and displacement of the Arabs of Palestine became a necessary but insufficient condition in the Zionist settler project. For the settler project to thrive, the process of dispossession and displacement of the Arabs was complemented with the destruction of the social and cultural infrastructure that made Arab-Jewish life an identity and a historical reality. Native life in Palestine had, from the point of view of the settler, two aspects: Arab-Jewish shared life had to go as much as the Arabs of Palestine had to go.<sup>151</sup>

While racial discrimination against “inferior Natives” was the *raison d’être* of racially supremacist European settler colonialism, the *raison d’être* of the racially supremacist Zionist settler regime was racial elimination of both the Arab Natives and, as Svirsky and Ben Arie argue, also of Arab-Jewish shared life and of any Arab aspect of Jewish life as I argue in Chapter 4.

Sayegh’s analysis was published in 1965 and is thus relevant only to the pre-1967 era, as he describes post-1948 Palestinians living under the military government, segregated in Bantustans, ghettos, and reservations, living under martial law and emergency regulations, and restricted in relation to employment, agriculture, land ownership, and the law.<sup>152</sup> I have used Sayegh’s analysis of Zionist racism in order to demonstrate that early Palestinian analysts of Zionist settler colonialism were already fully aware of the race dimension, which I develop in the next chapter.

## Racializing the Israeli Settler Colony

### Prologue: Israel and the “Disappeared” Yemeni Children

In June 2017, *Israel Hayom* reported that unauthorized medical experiments and experimental treatments were performed in the late 1940s and early 1950s on children of Yemeni Jewish immigrants, some of whom went missing.<sup>1</sup> The disappearance of hundreds of Yemeni and other non-European Jewish immigrant children that became known as “the Yemeni Children’s Affair” is an open sore, erupting periodically as parents and communities demand that the truth be revealed. Three government inquiry commissions appointed in 1967, 1988, and 1995 all found that the children had been kidnapped. The minutes of the 1995 commission include testimonies by doctors, nurses, social workers, and parents, as well as hitherto unpublished photographs, confirming that dozens of children who supposedly died, but for whom no death certificates were issued, might have been adopted by Ashkenazi parents in Israel and abroad without their parents’ knowledge or consent.

Doctor George Mendel, former head of the children’s hospital at Rosh Ha’ayin in central Israel, told the commission about medical experiments he had conducted on live Yemeni children to discover whether they had sickle-cell anemia, considered a “black disease” despite overwhelming evidence to the contrary.<sup>2</sup> Mendel spoke of an Israeli hematologist who tested live children’s blood and conducted autopsies on children who had died to discover whether they had African blood. He insisted that all the tests were “meticulously documented,” though the records were later destroyed.

That Jewish Ashkenazi doctors were conducting medical experiments on other Jews such a short time after the Holocaust during which Nazi doctors conducted cruel experiments on Jewish and other racialized concentration camp inmates, is hugely disturbing. Richard Silverstein describes the role of

Professor Chaim Sheba, a senior Israeli doctor who experimented on Arab-Jewish immigrant children:

The 2004 documentary “The Ringworm Children” is dedicated to the greatest national medical scandal in the state’s history... . Israel looked with deep suspicion on Arab (Jewish) immigrants. They were viewed not only as culturally inferior, but as reservoirs of disease... . Israel allowed one senior health official, Dr Chaim Sheba, to conduct a massive program of unnecessary medical treatments, at enormous expense, which actually killed many of the victims. At that time, many children developed ringworm, a non-lethal condition of fungal origin which affected the scalp... . 100,000 Jewish (and Palestinian) Arab children were irradiated in order to treat the condition... . 6,000 of the victims died within the first year or so after treatment. To this day, many of the remaining victims suffer cancers, epilepsy, infertility and other brain disorders. Even their children have been impacted through genetic abnormalities passed on from one generation to the next.<sup>3</sup>

The radiation treatment constituted “social medicine,” a euphemism for a eugenics technology aimed at purifying Ashkenazi-ruled Israel of the racial inferiority imported by Arab-Jewish immigrants.

The fact that Chaim Sheba was my mother’s beloved first cousin makes this particularly painful for me. Like my mother, Sheba migrated to Palestine from Bucovina, northern Romania. After commanding the IDF Medical Corps, he became director general of the Ministry of Health, and in 1953 the director of Tel HaShomer Hospital, later named the Chaim Sheba Medical Centre in his honor.<sup>4</sup> Raphael Falk, whose *Zionism and the Biology of the Jews* argues that Zionism conceptualized Jews as a race,<sup>5</sup> collaborated with Sheba in studying the genetic characteristics of isolated Jewish immigrant communities (*edot*, Hebrew for “ethnic groups”). Fascinated with the ethnic origins of diseases, Sheba traced groups of diaspora Jews since biblical times and launched the Israeli version of medical anthropology. Falk believes that Jewish communities were characterized by their traditional lifestyle and enforced geographical and social isolation, not by specifically Jewish biological traits.<sup>6</sup> Sheba, however, used the epidemiology of diseases occurring among Arab-Jewish immigrants to interpret Jewish history, and employed genetic research to differentiate between genetically “stronger” groups of Ashkenazi Jews allegedly originating from the first-century Roman “first exile” and “weaker” groups of non-European Jews allegedly originating from the 586 BC Babylonian “second exile.”<sup>7</sup>

The Israeli anthropologist Meira Weiss, who documented the Yemeni children’s affair as part of her study of the National Forensic Institute,<sup>8</sup> notes

that during the late 1940s and early 1950s the ruling Ashkenazi establishment applied racial categorizations to immigrants from Asia and North Africa.<sup>9</sup> Jewish people have migrated from Yemen to Palestine in small numbers since the fifteenth century.<sup>10</sup> Larger groups arrived between 1880 and 1947. The last wave of some 50,000 Yemeni immigrants arrived after 1948 in what became known in Zionist historiography as “Operation Magic Carpet,” denoting the Yemenis travelling “through space and time from the backward nation of Yemen to the modern and advanced State of Israel.”<sup>11</sup> The reality, however, was much harsher: the Yemeni immigrants arrived hungry and sick at the Aden transit camp, and many had died on the way.<sup>12</sup> Yemeni Jews were easily identifiable by their dark skin, beards, and side locks, as well as by their religiosity and docile demeanor. Israel housed them in transit camps where poor hygiene, insufficient food, and disease explained why many children required medical treatment. Weiss writes that while the Zionist establishment claimed it was “saving” Arab Jews, the medical treatment they received was a colonial instrument of control and objectification.

The inquiry commission’s findings regarding the disappearance and enforced adoptions of the Yemeni children and the 2017 protests by Yemeni activists challenge the Zionist consensus and debunk the Israeli “melting pot” myth of uniting the “Jewish nation” in one territory, a myth that obscures the white supremacy of the ruling Ashkenazi elites.

Israel is a small, familyist society. Just as Chaim Sheba’s centrality to constructing intra-Jewish racial categorizations through experimental treatments disturbed me personally, for Weiss too, researching the Yemeni Children’s Affair had personal resonance. A conversation with a spokeswoman for Uzi Meshulam,<sup>13</sup> a Yemeni rabbi and activist vilified for forcing Israel to face the abduction of Yemeni babies, aroused her suspicion regarding the disappearance of her dark-skinned sister Ofra, who had allegedly died of polio in the hospital where many of the disappeared Yemeni children were treated. Weiss is still unable to discover what had happened to her, 60 years after her sister’s disappearance.<sup>14</sup>

The Yemeni Children’s Affair demonstrates the centrality of race to the story of the Israeli settler colonial state. It shows that Jewish people, though targeted by European antisemitism for generations, are capable of racializing Palestinians under their rule, and at the same time of constructing intra-Jewish racial categories, singling out Arab and Mizrahi non-European Jews. In a study of the media coverage of the Yemeni Children’s Affair, Shoshana Madmoni-Gerber concludes that Arab and Mizrahi Jews in Israel have experienced state, media, and societal racism.<sup>15</sup>

Using the example of the abduction of aboriginal children, Patrick Wolfe cites Article II (d) of the UN 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which includes “measures intended to prevent births within the group.”<sup>16</sup> He argues that the abduction of children of a subjugated population constitutes genocide in that second-generation offspring were born into a group that was different from the one from which the child/parent had originally been abducted. It is impossible to draw a line between culture and biology in such cases, “although a child was physically adduced, the eventual outcome is as much a matter of a social classification as it is of a body count.”<sup>17</sup> The abduction of Yemeni and Arab Jewish children denotes a similarly genocidal process of purging the white Jewish nation of its racialized Jewish others.

Marcelo Svirsky and Ronen Ben Arie’s concept of “double elimination”—the elimination of the actual Palestinian Natives and the elimination of forms of Arab-Jewish shared life that existed in Ottoman Palestine<sup>18</sup>—is also applicable to the racialization of Arab Jews by the Zionist project. While European Zionists conceived the Native content of Palestinian indigeneity—its Arabness—as racially and culturally incompatible with Zionism, they also rejected the Arabness of Arab-Jewish immigrants as demonstrated, *inter alia*, by the Yemeni Children’s Affair.<sup>19</sup>

## Introduction

Israel’s racial governmentalities have been theorized in relation to racism while occluding race *per se* and Israel as a racial state,<sup>20</sup> or in relation to intra-Jewish racialization.<sup>21</sup> This chapter expands on both approaches and posits race as central to theorizing Zionism and Israel, arguing, after Barnor Hesse,<sup>22</sup> that the concept of race has been overtaken by the Eurocentric concept of “racism.” Racism, Hesse argues, arises from twentieth-century critiques of the politics of National Socialism, antisemitism and racial eugenics applied to the Jews in Europe during the 1930s and 1940s, ignoring coloniality, slavery, and settler colonialism.

The centrality of race has been noted by several legal scholars analyzing Israel as an apartheid state. According to Richard Falk and Virginia Tilly, the authors of the UN Economic and Social Commission for Western Asia (ESCWA) report “Israeli Practices towards the Palestinian People and the Question of Apartheid,”<sup>23</sup> Israel practicing “the crime of apartheid towards the Palestinian people entails policies and practices of racial segregation and discrimination as practiced in

southern Africa ... [and] establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.”<sup>24</sup> Summarizing the report’s findings, Jonathan Ofir argues that Israel is operating an apartheid regime as apartheid is “the aggregate body of private racist practices by the dominant society as a whole, whereby State involvement is a contingent tool for enforcing a draconian social system based on racial hierarchy, discrimination and segregation.”<sup>25</sup>

The Irish legal scholar John Reynolds notes that Eurocentric theorists of exception like Carl Schmitt and Giorgio Agamben and their followers share certain lingering blind spots with regard to colonial history and questions of race and racialization.<sup>26</sup> Reynolds analyzes the various ways in which racialized difference has been created and defined in settler colonial contexts such as Kenya, Palestine, and Australia. Emergency doctrines, he writes, are a racialized component of sovereignty and governmentality, and racialization is integral to emergency politics, since the racial aspects of emergencies are illuminated by reference to European imperial history and the proliferation of emergency modalities in colonial law.

As I am not a legal scholar, my analysis is anchored in race critical theory, following race critical theorists including David Theo Goldberg, Barnor Hesse, Alana Lentin, and Alexander Weheliye. I begin by positioning race rather than racism front and center of my analysis of Israel’s rule over Palestine. This does not mean obscuring the fact that racism, racialization, racial categorization, and racial discrimination constitute the Israeli realities of occupation and siege, the discrimination against Israel’s Palestinian citizens, and the racialization of non-European Jews and of non-white non-Jews residing in Israel. The chapter then focuses on what I term, inspired by Wolfe’s *Traces of History*, “traces of race” in the context of Zionism and the Israeli state. As Jonathan M. Gribetz notes, like religion, race has been a taboo subject in the scholarship of what he terms “the Arab-Zionist encounter,”<sup>27</sup> where nationalism is the generally accepted category of analysis. The reasons for this, Gribetz believes, are the post-Holocaust Jewish inclination to obscure racial discourse among pre-World War II Jews, and the polemics surrounding the identification of Zionism with racism.

The tendency to occlude race in favor of racism is evident in Yehouda Shenhav and Yossi Yonah’s edited collection on racism in Israeli society.<sup>28</sup> Shenhav and Yonah’s introduction acknowledges that the absence of analyses of race and racialization in Israel is due to regarding Israel as exceptional and to what Israeli Jews see as their own victimhood and traumatic racialized past. In explicitly theorizing racism in Israel as “racism without race,” Shenhav and

Yonah occlude the workings of race, despite their awareness that disavowing race and state racism derives from a “logic of justification” that ultimately leads to a theoretical dead end.<sup>29</sup> That being said, several of their contributors<sup>30</sup> do confront the centrality of race with particular focus on its use in medicine and genetics (as does Falk), and in Zionist ideology.<sup>31</sup>

I continue by arguing that despite being initially conceived as a secular political movement, Zionism built on biblical discourses of Jewish racial supremacy.<sup>32</sup> The chapter outlines leading early Zionist thinkers (including Max Nordau and Arthur Ruppin) employing notions of Jewish supremacy, and explicitly conceptualizing Jews as a race and Zionism as a eugenic project.<sup>33</sup> This leads me to discuss the contradictory relationship between Zionism and antisemitism—both of which “claimed that Jews do not possess unique culture and tradition, but are rather . . . a separate biological entity, a race.”<sup>34</sup> Explicitly racial, European Zionism aimed to “regenerate” diaspora Jewry by creating the racially superior “New Jew”<sup>35</sup> who would “return” to the Jews’ “old-new” (home)land in Palestine. Zionism also dialectically constructed the non-Jewish Natives of Palestine, Arab Jews<sup>36</sup> as well as non-Jewish labor migrants and asylum seekers as racially inferior. All this demonstrates the centrality of race and “racialized assemblages”<sup>37</sup> to the Zionist project. In view of the reality of racial categorizations of Jews versus Arabs and of European versus non-European Israeli Jews, I explore the role of racial categorizations through Wolfe’s “racial regimes” and Elia Zureik’s regimes of citizenship and surveillance.

The chapter then links settler coloniality and race, exploring the link between race and genocide in the specific Israeli context.<sup>38</sup> After positing “white fragility”<sup>39</sup> in relation to Zionist discourses of Jewish victimhood used to justify Israel’s racial and genocidal regime, I discuss Weheliye’s critique of Eurocentric theorizations of exception as relevant to the occlusion of race by many scholars writing about Israel and Palestine, who, preferring to use the term “ethnicity,” obscure Israel’s ethnic heterogeneities. The chapter concludes by returning to the concept of racialized assemblages,<sup>40</sup> leading me to the question of gender in the context of the Israeli settler colony, the focus of the following chapter.

## Race or Racism?

I stress that race be placed front and center in considerations of political violence, albeit not as a biological or cultural classification but as a set of socio-political processes of differentiation and hierarchization, which are projected onto the

putatively biological human body . . . humans create race for the benefit of some and the detriment of other humans.<sup>41</sup>

According to David Theo Goldberg, race emerged as an expression of dehumanization, establishing lines of belonging and estrangement for modern European social life.<sup>42</sup> Frantz Fanon terms the mode of dehumanizing in the name of race “racialization,” as race was invoked in delineating a European “we” as opposed to those considered Europe’s constitutive outsiders, Jews, Muslims, and blacks.<sup>43</sup> Race differentiated origin, kinship, and lineage, tying color to culture, bodies to behavior, and biology to ascribed mentalities. Ever morphing and shifting, race, Goldberg argues, was increasingly adopted as a central state technology, assuming defining and categorizing powers, and establishing racial states that constructed homogeneity and controlled populations in a racially ordered way.

Tracing the trajectory of race as central to nation-state formation, Alana Lentin focuses on race as performative, and on what race *does*, rather than on what it *is*.<sup>44</sup> In the Zionist context focusing on what race *does* means exploring how Zionism historically conceptualized Jews as a superior race and Palestinians and Arab Jews as inferior races, leading the State of Israel to enacting racial technologies of segregation, categorization, and discrimination, as argued later.

Race, Alana Lentin stresses, does not preexist the contexts of its making as a preformed idea, but is rather created in these contexts. Thus, colonialism and settler colonialism do not presume race but are rather imbued by the racial. As Wolfe reminds us, “race is colonialism speaking” and is “a distinctly European phenomenon.”<sup>45</sup> Lentin invokes Goldberg’s racial naturalism—ordaining Europeans as inherently superior and non-Europeans as ontologically inferior<sup>46</sup>—as the unacceptable face of race, and racial historicism that allowed room for progressive inclusion, as its more acceptable face. She argues, however, that in Goldberg’s account of naturalism/historicism underpinning the development of racial thought and racial rule, the “roots and routes” of race itself remain obscured, because racism is linked to bio-racial explanations and occludes the economic and geopolitical dimensions of race. This occlusion of race as disciplining humanity into “full humans, not-quite-human and nonhumans”<sup>47</sup> privileges the Western logic of progress that argues that all people are able to access full humanity despite the reality that progress is defined by white Europeans as a linear trajectory from primitive Nativehood/blackness (in the case of Zionism, “Arabness”) to civilized Europeanness/whiteness (in our case “Jewishness”). Racial structures, Lentin reminds us, are bound by racial logics



with specific historical origins in European invasion, slavery, and colonization, that are imbued with inherent discourses of non-European inferiority on the one hand, and of the possibility of progressive inclusion on the other.

As Hesse argues, the term “racism,” conceived by Europeans following the Nazi genocide, posited a world divided into historical “races” as discrete, physically distinctive (inferior versus superior) population groups.<sup>48</sup> This obscured the analytic frame of race that can only be understood beyond the European context by referring to the power-knowledge relation of European colonialism, Atlantic slavery, and Apartheid. Only a knowledge-based politics based on the colonial relation can account for practices of racism as a political technology of empire. Likewise, Weheliye argues that the failure of European theorists of modern violence (particularly Foucault and Agamben) to begin with the Middle Passage instead of the Holocaust occludes the link between the degradation and exploitation of black people and the establishment of Western dominance. Relating “the concentration camp, the colonial outpost, and slave plantation”<sup>49</sup> highlights the former’s non-exceptional, rather than exceptional nature.

As argued in Chapter 1, in the Israeli context discourses of race are occluded not merely by speaking instead about racism (as in Shenhav and Yonah’s 2008 collection), but also by academics privileging ethnicity rather than race and thus homogenizing population categories despite their obvious heterogeneities. This approach raises contradictions even for the originators of concepts such as “ethnocracy.” Thus, ten years after theorizing Israel as an “ethnocracy,”<sup>50</sup> Oren Yiftachel compares the *racialization* of Israeli citizenship categories to South African apartheid’s racial categories.<sup>51</sup> Jews, he writes, are “white” citizens, “Arabs” in Israel<sup>52</sup> have “colored” (partial) citizenship; and Palestinians in the occupied territory have “black” citizenship, without any political rights. His explanation of the racialization of various Palestinian population groups homogenizes just as much as does his use of the terms “ethnicity” and “ethnocracy.” It omits intra-Palestinian subcategories such as Palestinians under occupation in areas A, B, and C of the West Bank,<sup>53</sup> besieged Palestinians in the Gaza enclave, Palestinians with residency rights but without citizenship in occupied Jerusalem, Syrians in the annexed Golan, exiled and diasporic Palestinians without the right of return, as well as Bedouin Palestinians who, despite being Israeli citizens, are subjected to life in “unrecognized villages”—and to regular house and village demolition as argued in Chapter 3—and Palestinian citizens of Israel allocated unequal basic services such as roads, building permits, education, and health facilities, as well as experiencing huge disparities in employment and wages.<sup>54</sup>

Yiftachel's analysis also omits intra-Jewish subcategories divided by religiosity (*haredi* or "ultra-orthodox," *dati* or "orthodox," *dati-leumi* or "national religious," and secular Jews, who vary in their adherence to Jewish traditions), and by ethnic origin—Arab or Mizrahi versus European or Ashkenazi Israeli Jews, Ethiopian Jews, some of whom had to undergo orthodox conversion, and Russian Jews, not fully recognized as Jews by the Orthodox establishment as far as family law and burial regulations are concerned due to some 50 percent of them not meeting the Orthodox "Jewish mother" criterion.<sup>55</sup> Finally, Yiftachel's analysis ignores non-Jewish asylum seekers and legal and illegal labor migrants residing in the State of Israel, whose conditions shift between imprisonment in refugee concentration camps in the south of the country and impending deportations and life under the radar in Israel's cities where many migrants perform menial labor.<sup>56</sup> Ethnicity, therefore, is clearly an insufficient theoretical lens for analyzing the Israeli settler colony.

Although dating race to the eighteenth century rather than to the origins of colonialism, Wolfe theorizes race as a "classificatory concept with two general characteristics. First, it is hierarchical . . . second, it links physical characteristics to cognitive, cultural and moral ones. . . . Thus race is not a negotiable condition but a destiny, one whose principal outward sign is the body."<sup>57</sup> Lentin cites Jasbir K. Puar who also links race (like gender and sexuality) to the "encounter between bodies," which, Lentin insists, points to race *doing* rather than *being*.<sup>58</sup> In this respect, Wolfe's account of the racial encounters between Jewish people and Europeans in Europe and between Jewish and Arab people in Palestine suggests the active doing of race that conceptualized Jews and Judaism as both superior and needing to relinquish their erstwhile diasporic degeneracy and inferiority, as argued below, and Arabs and Arabness as inferior and targeted by the logic of elimination.

Lentin further reminds us that as history attests, the attachment of race to particular bodies is never arbitrary or static. The reason black and non-white (brown) bodies are coded as racially inferior has everything to do with the fact that black and brown people were to be found in the territories invaded by Europe from which slaves were taken. Thus Ashkenazi-European Jewish people, conceived by Europeans as other than white, "became white" in the United States in relation to blacks.<sup>59</sup> In Palestine, I would add, European Jewish colonists consolidated their whiteness in relation to Palestinians but also to non-European Jews.

Weheliye posits racialized assemblages as constructing race not as biological or cultural but rather as sociopolitical processes of differentiation and

hierarchization which are projected onto the putatively biological human body and as representing “visual modalities in which dehumanization is practiced and lived.”<sup>60</sup> As Ruth W. Gilmore argues, categorization and classification are at once the prerequisite and the consequence of racial dehumanization.<sup>61</sup> In the Israeli case dehumanizing racial classifications emanate from the aim of ensuring that Jewish Israelis live at the expense of the Palestinian other(s). Such dehumanization, based on separation, segregation and self-segregation, affirms Israel’s control over discriminated Palestinian citizens and occupied and besieged subjects, whose lives are regulated by the Israeli state’s civil and military authorities through racial technologies of surveillance, population transfers, raids of Palestinian homes, the West Bank checkpoints and separation wall, curfews, house and village demolitions, arrests and administrative detentions, the detention of minors, practices of torture and interrogation, culminating in regular extrajudicial executions, as well as imprisoning and deporting asylum seekers and migrants, all of which render the Palestinians (as well as Israel’s non-Jewish others) subject to, and the object of Israeli rule.

In Chapter 2 I posited Israel as a racial state where what Goldberg terms “the war of races”<sup>62</sup> transmuted the hounded, persecuted Jew into “oppressor, victimizer, and sovereign,” performing race and racial supremacy. Jewish supremacy was instilled via Zionism’s articulation of “the Jewish race” as creating coherence and homogeneity of and for “the Jewish people” in the face of the uneasy reality of a scattered and diffuse “Jewish nation,”<sup>63</sup> as I now discuss.

### Traces of Race: Zionism, Race, Eugenics and Jewish Supremacy

On July 17, 2017, the right-wing Israeli parliamentarian Bezalel Smotrich tweeted a photograph of thousands of Palestinians praying outside Jerusalem’s Al-Aqsa mosque, guarded by armed Israeli police. Under the photograph Smotrich quoted from Isaac’s blessing to his son Jacob (Genesis 27): “Let peoples worship you and nations bow down to you,” adding that the photograph reminded him of the prophesy by Isaiah (60, 14): “The children of your oppressors will come bowing before you; all who despise you will bow down at your feet and will call you the City of the Lord, Zion of the Holy One of Israel.” According to Israeli bible teacher and writer Ra’anan Shemesh-Forshner, by posting the photograph and the biblical quote that privileges Jewish supremacy and calls for Arabs to bow down and become the slaves of the Jews, Smotrich incites to racism, and

should be prosecuted under the relevant Israeli Incitement to Racism Law.<sup>64</sup> Smotrich was referring to the July 2017 events in which thousands of Palestinians prayed in the streets outside Al-Aqsa mosque as an act of nonviolent resistance, having refused to enter the mosque through the metal detectors installed by Israel, following the killing of two armed Israeli officers. The worshippers were assaulted by armed Israeli forces with live ammunition, stun grenades, tear gas, and water cannons, that led to the killing several Palestinians and to the injuring of several hundreds.<sup>65</sup>

The Al-Aqsa standoff was not about the metal detectors but rather, about sovereignty over one of Islam's holiest sites. According to Palestinian lawyer Diana Buttu, the metal detectors aimed to deliberately bar Palestinians from their places of worship, while at the same time turning a blind eye to Jewish extremists openly announcing their intention to destroy the Al-Aqsa compound and build a Jewish temple in its place,<sup>66</sup> as documented by Dan Cohen.<sup>67</sup> The violent Israeli reaction to the nonviolent protests by Jerusalem's Muslim and Christian Palestinian worshippers culminated in raiding Jerusalem's Al-Makassed Hospital in an attempt to arrest Palestinians injured by the security forces and to snatch the bodies of those killed. Following the events, Tsachi Hanegbi, a senior minister in Netanyahu's government speaking on Channel 2 TV, warned the Palestinians that their "continued violence" would lead to a "third Nakba."<sup>68</sup> Reacting to the killing of a settler family around the same time, several politicians, including Prime Minister Netanyahu called for the death penalty to be reimposed for Palestinian "terrorists," a penalty not used since the 1961 execution of Nazi mastermind Adolf Eichmann.<sup>69</sup>

The racist contempt shown by Israel to the Al-Aqsa worshippers, Smotrich articulating Jewish racial supremacy, Hanegbi's genocidal threats, and senior politicians calling for the reimposition of the death penalty have their roots in historic Jewish religious discourses and practices which informed Zionist thinking from the very start. According to Israel Shahak, Jewish racial supremacy and racial discrimination against non-Jews (exemplified by the Talmudic prohibition on saving the life of a non-Jew during the Jewish Sabbath) is foundational to the definition of Israel as a "Jewish state" that grants Jews exclusive land purchase rights in the State of Israel, denied to Palestinians and other non-Jews.<sup>70</sup>

Jewish isolation and the stigma of interbreeding have been explained by "the Jews" being a national, religious or cultural entity, but Falk argues that Jewish people have always regarded themselves as a biological entity, linked by blood to the descendants of the patriarchs Abraham, Isaac, and Jacob.<sup>71</sup> Even though

according to Orthodox Judaism, “a Jew” is she who has a Jewish mother, Jewish people have always mixed with the people among whom they lived (which explains their ethnic heterogeneity). However, with the advent of European emancipation, industrialization, and colonization, the blurring of specific Jewish cultural signifiers reintroduced biological notions since Jewish people were persecuted in Europe as belonging to a different race. It is rather shocking to discover that identifying the Jews as a race was the work of both nineteenth century antisemites and of Zionist thinkers, as I now argue.

In contrast to Jewish espousal of discourses of Enlightenment rationality and Romanticism, Falk suggests that Zionism did not regard Jews as a culture, nation, or religion, but rather as a unique biological entity, a *volk*, a race-nation configured in *Blut und Boden* (blood and soil).<sup>72</sup> According to the Zionists, the Jewish race-nation required its own homeland, which, under the influence of nineteenth-century European nationalism, was to be a replica of Europe albeit away from Europe. Thus, in making contact with European heads of state, Theodore Herzl envisioned a Jewish state that “could only be achieved in a Europe that was not Europe, an old new land of colonialism’s making ... In excluding the most obvious criterion for Jewishness, religion, from the basis of his new movement, Herzl committed Zionism to a concept of race that reflected the volkish colonial nationalism.”<sup>73</sup> Zionism, Wolfe adds, sought to be internal to Europe, a civilized nation-state thoroughly European in culture and allegiance.<sup>74</sup> However, by laying claim to Palestinian territory, Zionism placed itself outside Europe, “an exteriority that found expression in the diasporan narrative of temple destruction and ensuing exile,” at once European and Oriental in provenance.

What followed was the invention of the “New Jew” in the wake of Nordau’s “Jewry of muscle”—active, warlike, and, as discussed in Chapter 5, also masculine, in opposition to the feminization of the Jewish diaspora.<sup>75</sup> In the process, the Jews from Europe became sabras<sup>76</sup> in Zion through consolidating their takeover of Palestine. Ironically, however, by escaping from Europe, New Jews became like European Gentiles and their contempt for their diasporic co-nationals continues to be apparent in encounters between Israeli Jews and Jewish communities abroad.<sup>77</sup> The allegiance with Europe was commensurate with European practices of colonization as Europe’s persecuted Jews became Palestine’s European colonists. Israel’s allegiance with Europe resurfaced during Netanyahu’s July 2017 visit to Hungary when he attacked the European Union for “conditioning its relations with Israel,” claiming that Israelis “are part of the European culture. Europe ends in Israel. East of Israel, there is no more Europe.

We have no greater friends than the Christians who support Israel around the world.”<sup>78</sup>

Since racial identity—as opposed to racist ideology—was accepted as a biological “fact” even by socialists, liberals, and humanists, including the Socialist leaders of twentieth-century Zionism, it is not surprising, Falk writes, that prominent Jewish intellectuals (such as Albert Einstein<sup>79</sup>) attributed biological race characteristics to the Jews. Furthermore, Falk argues, the nineteenth-century claim that European society was in a process of degeneration influenced Zionist thinkers who argued that the “Jewish characteristics” vilified by the antisemites resulted from the degeneration of diaspora life from which Zionism was entrusted to save Europe’s Jews.<sup>80</sup> In line with Falk’s argument that the biological essence of the Jewish experience was key to the Zionist idea from its inception, Zionist leaders in the 1920s and 1930s aimed to escape the legacy of the past by conceptualizing Zionism as a eugenic movement aiming to save the Jewish biological stock from the degeneration of its enforced diaspora existence.

The 1859 publication of Charles Darwin’s *The Origin of the Species* supported claims that differences between humans are essentially biological. The formulation of Darwin’s thought in racial terms led to the belief that “in order to ensure the survival of the human species, it was necessary for stronger and superior race nations to vanquish their weaker competitors.” Ideas of the “survival of the fittest” increased in popularity after Darwin’s cousin Francis Galton posited “eugenics” in order to prevent the biological degeneration of Western societies and improve the (white) race through planned breeding, while at the same time inhibiting the birth of the “racially feeble,” including the “lower classes.”<sup>81</sup>

In view of the Nazi regime employing eugenics to racialize and then massacre millions of European Jews, it is hugely uncomfortable to suggest that the Zionist settlement project in Palestine was conceived as a eugenic project that aimed to restore Jews to conditions of “normal” natural selection by replacing the degenerate conditions of Jewish life in (Eastern) European shtetls and ghettos. Eugenics, however, was a guiding principle in Zionist discourses and practices of racial supremacy that persist to the present. Falk cites a 1910 *Jewish Chronicle* interview<sup>82</sup> in which the older Galton opined that the hygienic regulations of the “Mosaic code” contributed to what he considered the fitness of the “Jewish race,” saying that the most important thing the Jews did was to “determine that the children shall be born from the fit and not the unfit.”

Herzl established the Zionist movement 35 years after Galton invented eugenics, but Zionism and eugenics had similar aspirations: “while eugenics aspired to save the human species by confronting it with its biological essence,

Zionism aimed to save the Jew by forcing him to face his biological origin. Like eugenics, Zionism derived many of its claims from social Darwinism's distorted ideas."<sup>83</sup> Ironically, both Herzl's and Galton's utopias materialized, the former through the establishment of the State of Israel, and the latter through the Nazi atrocities.<sup>84</sup> Zionist thinkers including Theodore Herzl and Leon Pinsker who promoted Jewish "auto-emancipation,"<sup>85</sup> calling on Jewish people to take responsibility for their own liberation, conceptualized Judaism as a race rather than a nation or a religion. By considering how some early Zionist thinkers articulated notions of race, racial supremacy, racial regeneration, and eugenics, I aim to substantiate my argument about the centrality of race to theorizing Zionist settler colonialism.

One of the earliest Zionist leaders to articulate Jews as a race was Moshe Hess, Jewish philosopher and socialist and one of the founders of Labor Zionism. In *Rome and Jerusalem: A Study in Jewish Nationalism*, Hess described the Jews as "above all a race."<sup>86</sup> Probably one of the first social Darwinists, Hess stressed Jewish supremacy and the unique nature of Jewish survival:

The Jewish race, which was so hard pressed and almost destroyed by many nations of antiquity, would have disappeared long ago, in the sea of the Indo-Germanic nations, had it not been endowed with the gift of retaining its peculiar type under all circumstances and of reproducing it. If Judaism owes its immortality to the remarkable religious productivity of the Jewish genius, this genius owes its existence to the fertility of the Jewish race ... Jews and Jewesses endeavor, in vain, to obliterate their descent through conversion or intermarriage with the Indo-Germanic and Mongolian races, (but) the Jewish type is indestructible... The Jewish race, throughout the world, possesses the ability to acclimatize itself more than all other races.<sup>87</sup>

Probably the most prominent Zionist eugenics enthusiast was Arthur Ruppin, known as both the "father of Zionist settlement" and "the father of Jewish sociology." In 1907, Ruppin was sent by the Jewish Agency to Palestine to assess the possibilities of Zionist settlement there and in 1908 he settled in Jaffa, became the director of the Zionist Organization's Erez Israel Office, and was responsible for purchasing Palestinian lands and establishing Jewish settlements.<sup>88</sup> While Ruppin's Zionist credentials are well known, his belief in eugenics, racial purity, and white supremacy—inspired by antisemitic race theorists—is less well known.<sup>89</sup> Tom Segev cites Eitan Bloom who uncovered Ruppin's "definitive influence" on the German construction of Jews as a race.<sup>90</sup> Ruppin's own research, according to Bloom, some of it conducted at the Hebrew University, showed that



Jews had originally belonged to agricultural non-Semitic tribes but mixed with Semitic tribes, compromising what Ruppin termed their “racial purity.” As their Semitic element became dominant, they relinquished agriculture and developed commercial instincts, which, Ruppin argued, emulating antisemitic stereotypes, explains their “avarice.”

Ruppin tasked Zionism with identifying the “original” group of Jews who he alleged had direct biological connection with the ancient, racially pure Israelites. He traced this group to Eastern Europe’s (white) Ashkenazi Jews, as opposed to “atrophied” (non-white) Arab and North African Jews. This was probably why, as director of the Erez Israel Office, he only reluctantly authorized the importation of Jewish laborers from Yemen. In fact, Bloom argues that the discrimination against Arab Jews began already in the 1930s, and was not the result of “cultural misunderstanding,” but rather of cultural planning based on racial theories<sup>91</sup> and eugenics. Ruppin’s “belief that Ashkenazim were the definitive Jewish type in the modern era enabled him to accept German racial theory, and effectively remove the majority of Jews from the Semitic category. Indeed, in his view, the original, ‘healthy’ Jews who were responsible for the virtuous aspects of the culture belonged, in racial terms, to the Indo-Germans.”<sup>92</sup>

The Zionists’ use of eugenics, according to Dafna Hirsch, had the dual purpose of using race as a unifying force in the service of Jewish nationalism, and of classifying Jews into diverse racial groups, and was consistent with Ruppin’s eugenic position.<sup>93</sup> In his work on Zionist regeneration and the invention of a new masculine Jewish model, Todd S. Presner writes that by 1919, Ruppin was no longer convinced that Palestine would regenerate the Eastern European Jewish masses.<sup>94</sup> In his article, “The selection of human material for Palestine,” Ruppin argued that a more selective policy was needed to safeguard the racial fitness of the Jewish population in Palestine. Invoking social Darwinism, and keen to “keep pure the Jewish race in Palestine,” Ruppin wrote that, “the fear is that Palestine, because it is the gate to Eastern Europe, will become a free-for-all for many unwanted elements.”<sup>95</sup> It is worth noting that eugenicist terms such as “unwanted elements” and good or bad “human material” were in regular use by the Zionists even after the Nazi genocide when, as documented by Yosef Grodzinsky, Zionist immigration officials were sent to the Displaced Persons camps selecting “good human material” from among the Nazi camp survivors and preventing the non-Zionist socialist Bundists who did not wish to immigrate to Israel from organizing.<sup>96</sup>

Ruppin was also well aware of the Palestinians, arguing they should not be treated as Natives in the colonial sense, though this did not prevent him from



adopting the Zionist position of superiority toward the Native population.<sup>97</sup> Zureik cites Palestinian anthropologist Nadia Abu El-Haj who argues that the links Ruppin made between “race science,” eugenics, and Jewish nationalism enabled the Zionists to justify the colonization of Palestine.<sup>98</sup>

Another prominent Zionist race theorist was the Hungarian-born Jewish physician, writer, and cofounder of the World Zionist Organization Max Nordau, whose book *Degeneration* (1895) was hugely popular. Nordau, another enthusiastic supporter of social Darwinism, and a close associate of Theodore Herzl, regarded “the Jew” as the nomadic antithesis of *volkist* nationalism’s “blood and soil” doctrines. Nordau was profoundly critical of what he saw as the degeneration of Jewish diaspora life, brought about by isolation, and believed that Jewish regeneration would bring about changes in Jewish biology. Nordau promoted “Jewry of muscle,” physical activity, and particularly gymnastics as ways of improving the race and regenerating the Jews’ “normal existence in natural conditions’ preferably in their own homeland.”<sup>99</sup> The image of the new “muscle Jew” was attuned both to antisemitic stereotypes of weak Eastern European Jews, and to their opposite. As Presner argues, “contrary to contemporary anti-Semitic representations of Jews as scrawny, weak, and inferior (an image also internalized by many Jews through the violent mechanisms of self-hatred), Jews were at one time, Nordau reminded his readership, muscular and heroic, as the mythic story of Bar Kochba<sup>100</sup> attested.”<sup>101</sup>

While the people just mentioned were socialist or liberal Zionist leaders, discourses of “blood and soil” were also promoted by the leader of right-wing revisionist Zionism Vladimir Ze’ev Jabotinsky, who argued that races were crucial to human progress and that conceptualizing the Jews as a race was key to understanding their history.<sup>102</sup> Jabotinsky also believed that the continuity of the Jewish race was only possible in “the homeland,” where it would be able to continue its “natural development,” an impossible task anywhere else. Jabotinsky acknowledged that while a Jew living among Germans could adopt German customs and German words, his core would remain Jewish, because his blood, his body, and his physical-racial type was “Israelite.”<sup>103</sup> He further acknowledged that the Zionist settlement in Palestine was an act of colonization, and wrote in “The Iron Wall: We and the Arabs” (1923), that “any Native people views their country as their national home . . . and they will not voluntarily allow, not only a new master, but even a new partner.”<sup>104</sup> This was true also for the Arabs who, he wrote, “would not abandon their birth right to Palestine for cultural and economic gains.”<sup>105</sup> Although he considered the Natives of Palestine racially inferior and “culturally five hundred years behind us,” Jabotinsky understood

that “they look upon Palestine with the same instinctive love and true fervor that any Aztec looked upon his Mexico or any Sioux looked upon his prairie.”<sup>106</sup> Clearly aware of the racial element of the colonization of Palestine, Jabotinsky derided the belief that the Palestinians might abandon their homeland as a childish fantasy by Zionist “Arabo-philes,” arising from “some kind of contempt for the Arab people, of some kind of unfounded view of this race as a rabble ready to be bribed in order to sell out their homeland for a railroad network.”<sup>107</sup> Falk concludes that political Zionism—though espoused only by a minority of Europe’s Jews until the rise of Nazism—was both a Jewish response to European Romanticist concepts of nation, homeland, blood and soil, and a reaction against the biological aspects of the antisemitic racialization of the Jews.<sup>108</sup>

Having considered several historical examples from the writings of Zionist thinkers, I concur with Zureik’s contention that debates about Zionism, eugenics, and racial supremacy remain current,<sup>109</sup> as reflected *inter alia* in ongoing discussions in Israel and throughout the Jewish world as to “who is a Jew.” That said, the Israeli government’s policies regulating non-European Arab Jews invoke eugenic notions of European Jewish supremacy, as reflected by the medical experiments conducted on Yemeni migrant children in the 1940s and 1950s discussed earlier. Another example of intra-Jewish racialization mentioned by Zureik is Israeli health officials administering the long-acting contraception drug Depo Provera to Jewish women from Ethiopia, while in transit camps in Africa on their way to Israel.<sup>110</sup> Israeli Ethiopian documentary maker Sava Reuben interviewed women from her community; one interviewee said that the women agreed to take the injections only when told that their immigration would be blocked and that they would receive no further medical care if they refused.<sup>111</sup>

Exploring the role of eugenics in relation to Israel’s immigration, mental health, and child-rearing policies, Zureik cites Yotam Feldman’s claim that “the eugenics based concept of ‘social engineering’ was part of the psychiatric mainstream here from the 1930s to the 1950s.”<sup>112</sup> This was due to the influence of eugenics on German Jewish psychiatrists, who introduced the concept of race in aptitude tests constructing intra-Jewish racial classifications.

Zureik argues that Israeli debates over genetics spilled over into the relationships between Israeli Jews and Palestinians. He gives the example of an article in *Human Immunology*<sup>113</sup> that examined genetic variations among people in the Middle East region. The article demonstrated that the region’s Jews are not genetically distinct (and thus not a “race”) and that the Palestinians are genetically closer to Mizrahi Jews than either are to Ashkenazi Jews though all three share

distinctive genetic characteristics.<sup>114</sup> Wolfe claims the authors homogenized the three groups concerned, all in fact containing Greek and Ethiopian/sub-Saharan populations. He links the controversy surrounding this article to an earlier controversy generated by the Hungarian-Jewish writer Arthur Koestler who published a study of the long-lost Jewish Khazar Empire whose population, he argued, became the Ashkenazi population of the Russian Pale of Settlement.<sup>115</sup> The controversial aspect of Koestler's thesis was that "rather than inheriting their Judaism from the Hebrew prophets by way of the diasporan scattering that had allegedly followed the destruction of the second temple in 70 CE, the Khazars had converted to Judaism for strategic political reasons." Thus, Wolfe argues, "lacking the core premise of return, which furnished its transcendent linkage of Jews to Palestine, Zionism would have been left as just another European colonial enterprise."<sup>116</sup> And, I suggest, if true, this thwarts all attempts by early and latter-day Zionists to conceptualize Jews as a race and Zionist ideology as racial supremacy, despite the realities of race and racism in present day Israel-ruled Palestine.

Returning to the link between Zionism and eugenics, Falk writes that advanced research makes it impossible to prove Jewish racial uniqueness. Although the Zionist discourse of the Jews' "return to their ancestral homeland" did not invent the biology of the Jews, the questionable essence of the "Jewish race" was central to the Zionist movement.<sup>117</sup> However, "although there is no agreement about what it means to be a Jew, most writers agree about rejecting the idea of Jews as a race ... [as] Jews do not fit any racial classifications..."<sup>118</sup> It is ultimately the close social and cultural relations between various Jewish communities, and the limited relations with the communities among whom Jews lived, more than their common genetic origins that sketched the Jewish genetic map; in other words, Falk concludes, "there is no biology of the Jews."<sup>119</sup>

## Zionism and Antisemitism

In conceptualizing Jews as a race, European Zionist thinkers believed that Jews were alienated from their surrounding cultures into which they were unable to assimilate. Therefore, for Zionists the only solution to "the Jewish problem" was gathering Jews in a homeland where they could express their racial identity. By declaring—as did the antisemites—that the Jews were not merely a nation with its own traditions and culture, but a biological racial entity, Zionism adopted racist discourses approximating those expressed by the antisemites. It is nonetheless

somewhat astounding to find Zionist writers and intellectuals seemingly siding with antisemitic statements, as did Chaim Grinberg, editor of the New York Zionist workers' journal *Jewish Frontier*, who wrote in 1924 that "in order to be a good Zionist, one has to be a bit of an antisemite."<sup>120</sup>

Importantly, as Suzanne Schneider writes in the Jewish American newspaper *Forward*, the alliance between Zionism and anti-Semitism has colonial roots:

Even before the modern Zionist movement ... Christian philosophers and statesmen debated what to do with the "oriental" mass of Jewry in their midst ... [O]ne "solution" popular among Enlightenment figures who harbored Anti-Semitic feelings was to deport Jews to a colonial setting where they could be reformed. Johann Gottlieb Fichte, among the founders of German Idealism, noted in 1793 that the most effective protection Europeans could mount against the Jewish menace was to "conquer the holy land for them and send them all there."<sup>121</sup>

Upholding Jewish racial uniqueness, Zionist leaders and intellectuals inadvertently linked Zionism and antisemitism. The world-renowned physicist Albert Einstein wrote already in 1920: "Anti-Semitism ... will be with us as long as Jews and non-Jews intermingle. But what's the harm? Perhaps thanks to anti-Semitism we can protect our existence as a race. At least this is what I think."<sup>122</sup> Israel's "national poet" Chaim Nachman Bialik said in 1934: "I too, like Hitler, believe in the power of blood," adding that Jewish blood and Jewish willpower enabled the Jews to subvert what he called "the pagan relics of the Christian world."<sup>123</sup> And Theodore Herzl himself wrote thus of antisemitism: "I achieved a freer attitude toward anti-Semitism, which I now began to understand historically and to pardon. Above all, I recognized the emptiness and futility of trying to 'combat' anti-Semitism."<sup>124</sup>

As Joseph Massad argues, Zionist leaders consciously recognized that state antisemitism was essential to their colonial project, and reports Herzl as saying that all the governments of antisemitic countries would be interested in assisting the Zionists in achieving sovereignty and would contribute handsomely to getting rid of "their" Jews.<sup>125</sup>

According to Israeli Holocaust survivor, chemistry professor, and public intellectual Israel Shahak, Zionism was at once a response to antisemitism and its reactionary accomplice.<sup>126</sup> Zionists, he writes, have always justified the classic rabbinical argument that since the goyim<sup>127</sup> had always hated and persecuted the Jews, only removing the Jews from life among the goyim and sending them to Palestine would solve their problem. Shahak lists various approaches made by

Zionist leaders to known antisemites whose support they attempted to enlist. Thus in 1903 Herzl asked the Russian Count Von Plehve, author of the worst pogrom in Russia, the Kishinev pogrom, to help transfer most of Russia's Jews out of Russia.<sup>128</sup> In 1921 Jabotinsky approached Symon Petliura, the antisemitic Ukrainian leader whose troops massacred a hundred thousand Jews between 1918 and 1920, proposing that Petliura enlist units of Jewish soldiers in the hope that the Jewish divisions in Petliura's army would defend Ukraine's Jewish population from pogroms. The proposal enabled Petliura to claim that he was not antisemitic, and that the pogroms were simply "unfortunate" events that had occurred in the heat of battle.<sup>129</sup> When Jabotinsky came to Palestine, he was welcomed by right-wing activist Abba Ahimeir as "our Duce," revealing the Zionist right's admiration for Mussolini and Italian fascism.<sup>130</sup>

Shahak highlights the satisfaction expressed by some German Zionist leaders at the rise of Nazism through the figure of the German Zionist rabbi Joachim Prinz, who eventually migrated to the United States where he became the deputy chairman of the World Zionist Congress. In his 1934 book *Wir Juden*, Prinz lauded the Nazis for putting an end to Jewish assimilation:

We are interested in a new law replacing assimilation: a declaration of belonging to the Jewish nation and the Jewish race. A state constructed on the purity of race can be respected only by a Jew who declares his belonging.<sup>131</sup>

Shahak argues that Zionism used the persecution of the Jews as a justification for the racialization of the Palestinians that he regards as part of Zionism's general antipathy towards non-Jews, which led to the controversial alliance between Zionism, modern antisemitism, and Nazism.<sup>132</sup>

The controversial alliance between Zionism and Nazism resurfaced in Britain in 2016 when former London mayor, Ken Livingstone, raising the controversial 1933 *Haavara* (Transfer) Agreement between Nazi Germany and the Zionist leadership led to accusations of antisemitism in the British Labor Party, the reverberations of which continue as I write.<sup>133</sup> According to *Encyclopaedia Judaica*,

*Haavara* was a company for the transfer of Jewish property from Nazi Germany to Palestine ... following an agreement with the German government in August 1933, to facilitate the emigration of Jews to Palestine by allowing the transfer of their capital in the form of German export goods. The *Haavara* Agreement is an instance where the question of Jewish rights, Zionist needs and individual rescue were in deep tension. Jewish organizations outside of Germany had declared a boycott against German goods and hoped to delegitimize the Nazi

regime. The Zionists saw this agreement as a way of attracting Jews to Palestine and thus rescuing them from the Nazi universe even if that meant cooperation with Hitler. For a time the Nazi program of making Germany *Judenrein* and the Zionist policy of seeking *olim* (immigrants) coincided.<sup>134</sup>

According to Segev, while Zionist leaders were cognizant of the mortal danger posed by the rise of Nazism, they were also keen on the unique opportunity Nazism offered them to promote the Zionist colonization of Palestine.<sup>135</sup> In summer 1933, when thousands of Jews had already been fired from their jobs as academics, doctors, lawyers, and judges, and as the SS was already patrolling streets deterring German customers from patronizing Jewish businesses, Arthur Ruppin was dispatched to Berlin to negotiate the *Haavara* Agreement with the Nazi leadership. While the agreement saved the lives of many German Jews, it was also significantly helpful in establishing the Jewish state. Though many German Jews were keen to remain in Germany, the *Yishuv* leadership had no qualms about signing what Segev calls “the agreement with Satan.” Both Zionism and Nazi antisemitism benefitted from the agreement, the former bringing some 20,000 Jews and transferring some 30 million dollars to Palestine, a significant contribution to the fledgling *Yishuv* economy, the latter getting rid of the Jews.

The contradictory relationship between Zionism and antisemitism goes on. On the one hand, present-day Israel is waging a bitter battle against its Jewish and non-Jewish, domestic and international critics and Boycott, Divestment, and Sanctions (BDS) supporters, explicitly equating anti-Zionism and antisemitism, calling non-Jewish critics antisemitic and Jewish critics “self-hating Jews.”<sup>136</sup> On the other hand, present-day Israel continues to align itself with known antisemites and with genocidal regimes that it supplies with arms and military training.<sup>137</sup>

There is little doubt that antisemitism continues to target Jewish people in Europe and the United States. This became obvious during the August 2017 “alt-right” race riots in Charlottesville, Virginia, where white supremacist demonstrators displayed swastikas and shouted antiblack, antisemitic, and Nazi slogans such as “blood and soil,” and “Jews will not replace us.” According to Emma Green, white supremacists claimed that Charlottesville “is run by Jewish communists and criminal niggers.”<sup>138</sup> While the city’s Jewish congregation prayed at the local synagogue, Nazi websites posted a call to burn it down. Highlighting the “alt-right” linking anti-blackness and anti-Judaism, Green writes: “the durability of anti-Semitic tropes, and the ease with which they slide into all displays of bigotry is a chilling reminder that the hatreds of our time rhyme with history and are easily channeled through timeless anti-Semitic canards.”<sup>139</sup>

The Charlottesville race riots made it clear that antiblack racists, as Fanon noted, are also antisemites.<sup>140</sup> However, the blogger The Cranky Librarian<sup>141</sup> calls on white US Jews to deal with their white privilege and condemn Jewish support for white supremacy. Like other Jewish antiracist and pro-Palestine activists, I am often targeted, mostly online, by both antisemites criticizing my antiracist activism and designating me as a “Jewess,” and Zionists criticizing my pro-Palestine activism. However, although the European Network Against Racism claims that European antisemitism is increasing,<sup>142</sup> according to the Pew Research Center, “Anti-Semitism represents around 1.5 percent of reported Hate Crimes in the UK,” and “in comparison with other hate crime incidents, the actual level of (antisemitic) incidents ... are about one-quarter of those claimed.”<sup>143</sup>

Yet, despite the “alt-right” demonstrators’ virulent antisemitism, it took Prime Minister Netanyahu three days before he tweeted what Bradley Burston describes as a “mealy-mouthed” statement.<sup>144</sup> While expressing “outrage by expressions of antisemitism, neo-Nazism and racism,” Netanyahu was clearly less concerned with antisemitism than with anti-Zionism. Though describing himself as “the Prime Minister of the Jewish people, not just the State of Israel,” Netanyahu effectively told American Jews that he is only the prime minister of Jews who support Israel’s occupation policies, and “as for you American Jews facing down those Nazis over there—Nazis who hate you Democrat liberals, along with your friends the blacks, the Muslims, the immigrants and the Left—well, you brought this upon yourselves. . . . You’re on your own.”<sup>145</sup>

Netanyahu’s weak and belated condemnation of US racism, neo-Nazism, and antisemitism should come as no surprise. Israeli lawyer-activist Eitay Mack lists several historical examples of Israeli support for racist regimes from apartheid South Africa to Pinochet’s Chile, as long as these regimes serve Zionist interests.<sup>146</sup> In 1976 the Rabin government supported the apartheid regime as Israel was selling South Africa chemical weapons aimed to harm Africans only and target African women’s fertility. The Rabin and Begin governments collaborated with the Argentinian junta that included many Nazis who had found refuge in Argentina, and Nazi supporters who used Nazi symbols while torturing detainees, although between 1976 and 1983 many Argentinian Jews were made to disappear and were murdered by the Argentinian regime. Between 1973 and 1991 Israel sold arms and trained Pinochet’s junta, which tortured and made disappear tens of thousands of people, ignoring Pinochet’s links with Nazi war criminals who had escaped to Chile. Israel has also supplied arms and training to genocidal regimes in Guatemala, Rwanda, Serbia, and



South Sudan, and the Netanyahu government has been providing arms and training to Myanmar, whose war crimes against the Rohingya Muslims have been universally condemned. In spite of verified reports of burning villages, rapes, and crimes against humanity, the Israeli Ministry of Defense has so far refused to halt its security exports to Myanmar.<sup>147</sup> At the time of writing the latest in the list of Israel's collaboration with genocidal regimes was Saudi Arabia, courted by Israel despite its genocidal war against Yemen, just because the Saudis are determined to defeat Iran in the race to achieve hegemony in the Middle East.<sup>148</sup>

All this demonstrates that successive Israeli governments seem happy to collaborate with genocidal and racist regimes, as long as they support, or turn a blind eye toward, Israel's racial policies against the Palestinians.

The close Zionism-antisemitism link is further elucidated by the adoption, in May 2016, by the International Holocaust Remembrance Alliance (IHRA), of a working definition of antisemitism that problematically uses several examples equating anti-Zionism and antisemitism.<sup>149</sup> The IHRA definition derives from the conflation by Israel and its supporters of first, Israel and world Jewry and second, anti-Zionism and antisemitism. The claim that anti-Zionists are closet antisemites is used by the Israeli *hasbara* (propaganda) machine, and supported by the appointment of a designated cabinet minister of Public Security, Strategic Affairs and Information who heads Israel's anti-BDS campaign. As part of the campaign Israel and diaspora Jewish leaders exert strong pressure on anti-Zionist Jewish critics including the renowned feminist philosopher Judith Butler, who, after being attacked for her criticism of Israel and support for BDS, felt compelled to pull out of a lecture she was scheduled to deliver in March 2014 at the Jewish Museum of New York.<sup>150</sup> The *hasbara* machine has been compiling "black lists" of BDS activists who Israel prevents from entering Israel,<sup>151</sup> and in November 2017, the anti-BDS campaign went a step further, when a bill, tabled by Israel's governing coalition Knesset members, proposed to allow activists who promote anti-Israel boycotts to be charged with a crime carrying a penalty of up to 7 years in jail.<sup>152</sup> In January 2018, following the antiboycott legislation, Israel published a list of twenty organizations whose members were now banned from entering the country.<sup>153</sup>

However, despite Israel's modicum of success in persuading world leaders, including France's President Macron that "anti-Zionism is antisemitism 're-invented,'" <sup>154</sup> Jewish and non-Jewish anti-Zionist critics of Israel insist that their anti-Zionism does not make them antisemitic, and that it is the Israeli occupation that leads to antisemitism.<sup>155</sup>



In conflating anti-Zionism and antisemitism, the State of Israel allies itself not only with US white supremacists and with racist regimes with whom it trades in arms as argued earlier, but also with the worst of Europe's racist and antisemitic politicians. These include the Netherlands' anti-Muslim politician Geert Wilders, a regular visitor to Israel, who declared in 2010 that "without Judea and Samaria, Israel cannot protect Jerusalem," a speech proudly reported by *Israel Resource Review*<sup>156</sup>; the Belgian Filip Dewinter, leader of the extreme right-wing Vlaams Belang party, a successor to the Flemish National Movement—many of whose members collaborated with the Nazis—who was invited by former right-wing Knesset member Eliezer Cohen to attend a conference on Islamophobia in Israel; and Heinz-Christian Strache, leader of Austria's Freedom Party, who as a university student belonged to an extreme right organization from which Jews were banned, and hung out with neo-Nazis.

According to *Haaretz* journalist Adar Primor, the right-wing Israeli organizers of these visits claim they have tamed European extremists, "who after trading in their Jewish demon-enemy for the Muslim criminal-immigrant model are now singing in unison that Samaria is Jewish ground."<sup>157</sup> However, Primor cautions, these extremist politicians have not cast off their antisemitic and racist beliefs, but are rather seeking Jewish absolution to help them access political power. And it is worth noting that the alliance with Europe's antisemites is not limited to Israel's extreme right as demonstrated by Netanyahu's support for Hungary's Prime Minister's antisemitic campaign against the Jewish Hungarian-American financier and philanthropist George Soros, accused by Hungary of "Muslimizing [sic] Europe," because Soros, who supports the Israeli human rights and anti-occupation organizations *B'Tselem* and *Breaking the Silence*, is a critic of the Israeli occupation.<sup>158</sup>

Likewise, Israel's American Jewish supporters often form close alliances with antisemitic politicians and groups. Commenting on the close relations between "alt-right" elements in Donald Trump's administration and American Zionists, Schneider writes that both share a vision of the "greater Israel."<sup>159</sup> She cites the example of US white supremacist Richard Spencer, whose admiration for Zionism reflects his support for notions of racial homogeneity and his belief that America might be better off with a "peaceful ethnic cleansing of those population segments that are not of white, European descent." In fact, in the wake of the Charlottesville riots, Spencer, displaying both blatant antisemitism and commitment to Israel's occupation policies, said on Israeli television:

Let's be honest, Jews are vastly over-represented in what you could call "the establishment," that is, Ivy League educated people who really determine policy,

and white people are being dispossessed from this country ... (however) you should respect someone like me, who has analogous feelings about whites. You could say that I am a white Zionist—in the sense that I care about my people, I want us to have a secure homeland for us and ourselves. Just like you want a secure homeland in Israel.<sup>160</sup>

## Settler Colonialism, Race, Genocide

Theorizing race in the context of settler colonialism, Wolfe regards race as performative, or, like Lentin, as *doing* rather than *being*, and as a “set of classificatory regimes that seek to order subject populations differentially in pursuit of a particular historical agenda.”<sup>161</sup> Not a single narrative, race is performed on the ground and emerges as a set of local practices of imposing classificatory grids on colonized populations. As a trace of history, Wolfe sees race as bringing human groups into being as interrelating social categories: if racialization refers to the active production of race, colonialism refashions its human terrain. Racialization, he further argues, “represents a response to the crisis occasioned when colonizers are threatened with the requirement to share social space with the colonized.”<sup>162</sup> This was obvious in the post frontier period of the Zionist settler colonization, when it became clear that the Palestinians had to be expelled or otherwise excluded (from access to land ownership and other resources) not only because the Zionist settlers wanted their territory, but also because their presence sullied what the European Ashkenazi settlers imagined as racial homogeneity, already challenged by intra-Jewish heterogeneities with the arrival of Arab and Mizrahi Jews. But exclusion, Wolfe reminds us, can never fully eliminate the Natives’ counterclaim to the territory that settlers have transferred from their possession, but it rather preserves Native sovereignty in parallel to settler sovereignty that, as with Israel’s rule over Palestine, has to be constantly reiterated and restated using a panoply of racialized governmentalities.<sup>163</sup>

Thus race is a practice mobilized by what Wolfe terms “regimes of race” that employ political, moral, mythic, legal, institutional, sexual, and aesthetic resources and combine political domination with contestation and resistance.<sup>164</sup> Because race is a process, not an ontology, requiring constant maintenance, regimes of race change across time and are indicative of an ever-shifting hegemonic balance between those with a will to colonize and those with a will to be free. Importantly, Wolfe insists, the common factor in the

working of race is whiteness: amid the differences distinguishing the various regimes of race, the overriding goal is white supremacy. Indeed regimes of race are incomplete projects, whereby colonizers repetitively impose and maintain white supremacy, and in the case of Zionism, Jewish-European supremacy as discussed earlier.

In regimes of race, Wolfe further argues, the main feature of the elasticity of the colonial project is demography.<sup>165</sup> However, while settler colonialism is intent both on acquiring territory and on the logic of elimination, which in the case of Palestine, culminated in the 1948 Nakba, can we claim that settler colonial racialization is always genocidal? As discussed in Chapter 3, Wolfe declines to equate settler colonialism with genocide, because deriving from *genos*, genocide denotes a specific group membership, and he rather suggests that settler colonialism's logic of elimination is larger than genocide.<sup>166</sup> Wolfe's demurring, however, stands in contrast to the opinion of Raphaël Lemkin, the Polish-Jewish jurist who coined the term "genocide" and defined it as a subject of international law. Speaking of the "destruction of the national pattern of the oppressed" as the first stage of genocide, the second being "the imposition of the national pattern of the oppressor,"<sup>167</sup> Lemkin might as well be describing the genocidal nature of settler colonialism: "this imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals."<sup>168</sup>

Precisely due to the derivation of genocide from the racial concept of *genos* (in the case of Israel the racialization of the Palestinians as a racially inferior *genos*), the discourse of genocide is increasingly being applied to the elimination and continued targeting of the Palestinian Natives by the State of Israel. The Israeli activist Tali Shapira substantiates the claim that Israel is committing genocide against the Palestinian people by reminding us of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on January 12, 1951.<sup>169</sup>

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.<sup>170</sup>

Shapira summarizes Israel's recent actions against the Palestinians on the *Israel Genocide?* Facebook page. While the list certainly demonstrates their racialization, Israel's actions, she argues, actually amount to genocide as legally defined, illustrating the thin line between racialization and genocide, particularly pertinent in settler colonial conditions:

(Between January 2016 and July 2017) Israel executed over 360 Palestinians in the streets of the West Bank. Approximately a fourth of them children, the majority of them youths. There are over 6,000 Palestinian prisoners at any given time. The number of child prisoners is over 300, while the number of prisoners interned without charge, trial, or release date is approximately 500 at any given time. All Palestinian prisoners ... are subject to systemic ill-treatment, arbitrary fines, medical neglect, beatings, and torture. House demolitions have doubled since 2016, leaving over a thousand people homeless, over half of them children ... There are currently almost 800,000 Israelis colonizing over 60 per cent of the West Bank, while 1.7 million Palestinians are under Israel's tight military control. Gaza is still under debilitating siege. Two million people—over 50 per cent of them children—crammed into less than 365 square kilometres, with power outages of up to several days at a time in some areas. 96 percent of the water is undrinkable, civilian infrastructure—including hospitals (which are running on their emergency generators as of April 2017, leaving hundreds under threat of immediate death), schools, places of worship, businesses, and institutions—devastated. Over ... 80 percent of the population rely on humanitarian aid to cover their very basic needs, including food (which in June 2017, the UN reported it will have to significantly decrease for lack of funds), basic education, basic healthcare, shelter, blankets, mattresses, and cooking stoves. The UN has declared (in July 2017) that despite its public predictions that Gaza will be “unlivable” ... by 2020, it has in fact been unlivable for years. Israel's restrictions on movement trap the population inside the unlivable area, without recourse to better living conditions than it is providing, while Israel's militarily attacks civilians and civilian infrastructure on a daily basis. There are approximately 1.7 million Palestinians within Israel. Massive displacement of whole communities is fast becoming a legal norm, while the separation of families remains the fundamental method of displacement, along with decades-long processes of systematic impoverishment, gentrification, and ghettoization ... Persecution of Palestinian political parties and parliamentarians escalates, while politicians and public figures continue their unabated incitement against the Indigenous Palestinian minority, with brutal results often meted out by Israeli civilians as well as armed forces.<sup>171</sup>

## Deracination and Demographic Anxiety

Israel's deep demographic anxiety and its desire to ensure a Jewish majority, Wolfe notes,<sup>172</sup> has led not merely to expulsions and population transfers, but also to immigration policies that discriminate against the immigration of non-Jews, including migrant workers and asylum seekers.<sup>173</sup> Importantly, Israel's immigration policies are also deeply racialized. Having expelled most of the Palestinian Natives in 1948, the nascent Israeli state set about replacing their labor with that of Jews from Arab and North African countries by sending Zionist emissaries to persuade them to migrate to Israel. The conditions greeting Arab Jews were poor—they were housed in frontier “development towns,” ghettoized and neglected—and the discrimination against them continued for many years. Konrad cites Israeli Foreign Minister Abba Eban describing Mizrahi Jews in 1957 as a direct threat to the nascent State of Israel: “The goal must be to instill in them a Western spirit, and not let them drag us into an unnatural Orient. One of the biggest fears . . . is the danger that the large amount of immigrants of Mizrahi origin will force Israel to compare how cultured we are to our neighbors.”<sup>174</sup> As a settler colonial labor force, Wolfe argues, Arab Jews were racialized more like American slaves than Australian convicts, their subordination remaining encoded across generations.<sup>175</sup>

However, since in Israel religion operates as a racial amnesty, in the wake of the airlifts bringing Arab (and later Ethiopian) Jews to Israel, Zionism turned the Mizrahim into Jewish participants in the colonization of Palestine through what Wolfe describes as a process of deracination. Ultimately, he writes, “though Zionism had incorporated nineteenth century nationalism’s disastrous fusion of race and nation, Arabs could not be incorporated on the basis of race.”<sup>176</sup> What remained was religion, and Israel as a state for Jews, not a state of its citizens, enabled the socially excluded Mizrahim, some 50 percent of its Jewish population, to partake in the settler colonial project under the umbrella of the Jewish religion, initially repudiated by secular Zionism. Twenty-eight years after Ella Shohat argued that “within Israel, European Jews constitute First-World elite dominating not only the Palestinians but also the Oriental Jews, (who) as Jewish Third World people, form a semi-colonized nation-within-a-nation,”<sup>177</sup> Mizrahi activist Tom Mehager writes that, “the principle of white supremacy, which remains a prominent characteristic of Israeli society even now, was brought here from Europe . . . [and] we, the Mizrahi Jews, like the Palestinians, are victims of this pernicious idea.”<sup>178</sup>

The deracination of Israel's Arab Jews was seemingly successful, despite their ongoing racialization. During the 2006 Lebanon war, Mizrahi activists Reuven Abarjel and Smadar Lavie wrote about Mizrahi subordination and complicity with Ashkenazi Zionism:

When the cannons roar, the Mizrahi communities fall silent. Like servants before the master, the Mizrahim habitually comply. They are the generations flowing from the Jews who were in Palestine from time immemorial, as well as descendants of those brought here from the Arab World and other non-European countries during the previous century ... Mizrahim provide the demographic majority on whose civic docility the Eurocentric Israeli regime rests ... [and] the Jewish labor turning the cogs of the European-Zionist colonial project ever since its inception ... Mizrahim freed Zionism from its total dependency on Indigenous Palestinian labor. Mizrahim were the Zionists' "natural laborers," employed in near-slavery conditions ... The Zionist movement's leadership has always conducted itself, in front of the Mizrahim, the Palestinians, and the citizens of the Arab World, through the tools of occupation, oppression and humiliation. Yet Mizrahi communities keep silent. Along the way, the US-European minority has co-opted the Mizrahi moral, economic and cultural power to resist.<sup>179</sup>

Abarjel and Lavie suggest that the Zionist alliance with Western imperialism "will come to an end only if Mizrahi communities are able to conjoin the memories of their Arab past with a vision for a future that will be shared with the people of this region—not just the Palestinians, but the rest of the Arab World as well."<sup>180</sup>

Like the importation of Arab Jews—despised by the Ashkenazi elite that nonetheless recognized their indispensability—the 1967 occupation of the Palestinian territory left Israel ruling over too many despised enemy subjects, and a new solution to maintaining Israel's Judeocratic majority had to be found. The 1967 occupation brought about a change in priorities, and in 1991 the Law of Return was relaxed to allow the immigration of approximately one million Jews and their non-Jewish relatives from the former Soviet Union, who, ironically, were useful to upholding Israel "Jewish" (or rather European) majority. In other words, "confronted with the radically different demographic scenario that resulted from occupying so much more of Mandatory Palestine without effectively dispersing the Natives ... Israel found itself in the pre-Nakba conundrum of how to reduce the Native population to manageable proportions."<sup>181</sup>

## Race-ism

Racism is the ordinary means through which dehumanization achieves ideological normality, while, at the same time, the practice of dehumanizing people produces racial categories ... This culture, in turn, is based on the modern secular state's dependence on classification, combined with militarism as a means through which classification maintains coherence.<sup>182</sup>

Whether or not he read him, Wolfe appears to concur with Hesse,<sup>183</sup> in suggesting that “racism seems redundant as race itself is already an ‘ism.’”<sup>184</sup> His proposal that Israel's Arab Jews were “deracinated” might have been relevant to the initial enlisting of Arab Jews to the Zionist project, but their continuing racialization tells a different story. I acknowledge the claims by Mizrahi scholars that segregating Israeli Jews from Palestinian Arabs spills over into intra-Jewish processes of segregation and racialization and maintain that race is key to theorizing Israel's permanent war against the Palestinians. Following Gilmore's definition of racism as enabling the production of dehumanizing racial categories and as supported by militarism, and in view of the racialization of everyday encounters between Israeli Jews and Palestinians within Palestine's colonial spaces, I am inspired by Weheliye in highlighting some of the ways in which race creates sociopolitical processes that discipline humanity into (Jewish Israeli) full humans, (Palestinian and Arab-Jewish citizens) not-quite-humans, and (occupied, besieged and diasporic Palestinian) nonhumans.<sup>185</sup> To substantiate my argument I use the examples of racial profiling, the racialization of citizenship, surveillance technologies, segregation and the West Bank permit regime, and everyday racism.

Racial profiling, or the practice of picking people out based on racial stereotypes—experienced by all present-day air passengers—is so self-evident in Israel that there isn't even a Hebrew term for it. *Haaretz* journalist Anshel Pfeffer, discussing the acceptance by Israeli Jews of airport profiling as a “security must” that requires no debate or apologies, writes that

every month or so the Israeli media publish the case of an Arab-Israeli [sic] who missed a flight because of the security checks, and of course all of us have privately heard horror stories of visitors who were put through hell. But the basic premise remains unquestioned and the authorities never apologize. These are simply the procedures ensuring everyone's security, they respond.<sup>186</sup>

Israeli security firms export their airport racial profiling expertise, and racial profiling has always been an everyday reality in Israel. In fact, in September

2016, Israel's police commissioner Roni Alsheich, speaking to an audience of lawyers, described the racial profiling of Palestinians and Jewish migrants from non-European countries as "natural."<sup>187</sup>

Race thinking underpins Israel's racialized citizenship regime that privileges the "ingathering of (Jewish) exiles" on the strength of the 1950 Law of Return discussed in Chapter 2. Jewish immigrants (and Russian immigrants with Jewish relatives) are granted *jus sanguinis* citizenship while Palestinian refugees are denied the right of return—a right recognized by UN resolution 194, the Geneva Convention, and the Universal Declaration of Human Rights.<sup>188</sup>

Another instrument of the racialization of Palestinian lives is surveillance. Zureik posits the settler colony as a laboratory for developing and testing surveillance technologies. In Israel military surveillance technologies including census taking, map making, and racial profiling have proven successful in racializing and controlling the Palestinian population.<sup>189</sup> Surveillance technologies originated in colonial settings: the British transferred surveillance mechanisms such as identity cards, map making, and census categorizations from India to Palestine during the 1936–1939 Arab revolt to stave off Arab opposition to colonial rule and to illegal Zionist immigration.<sup>190</sup> Zureik cites Laleh Khalili who argues that the difference between Israel and other colonial settings is Israel's use of encirclement and enclavization of vast terrains that become easier to control through watchtowers and security fences that the British had used to cope with the Arab revolt and that the Israelis use to police the occupation of Palestine.<sup>191</sup> The main surveillance instruments are the separation wall and the Jews-only road system, used not only to prevent and monitor the passage of people between Palestinian towns, villages, hospitals, schools, universities, and work places, but also to segregate the Palestinians and put them beyond the sight of Israeli-Jewish settlers and citizens.<sup>192</sup>

Zureik also highlights the centrality of statistics for colonial rule in constructing classification criteria of land, population, and other forms of record keeping used to govern racialized populations, and to "make up" and "unmake" people. According to Anat Leibler, the first Israeli census in 1948 excluded some of the Palestinians, who remained in the territory after the Nakba and who were consequently "unmade," or not counted as citizens.<sup>193</sup> To this day Palestinians who were absent for census purposes in 1948 are labeled "present absentees" and their property and lands have been taken over by the Custodian for Absentee Property per the 1950 law that defines "absentees" as persons (a definition not including Jews) who were expelled, fled, or who left the country after November 29, 1947, mainly due to the war.<sup>194</sup> Some descendants of Palestinian "present



absentees” continue to reside in “unrecognized” localities with no access to their original homes. The 1967 census in the occupied West Bank and Gaza repeated the 1948 exercise by undercounting the resident populations of the occupied territory and denying the right of return to Palestinian residents who were absent from their homes on census day for study, work, or travel purposes. According to the United Nations Relief and Works Agency for Palestine (UNRWA), in addition to the 800,000 Palestinians displaced during the Nakba, the 1967 war displaced a further 900,000 Palestinians.<sup>195</sup>

In colonial settings census categorizations always involve identity construction, enabling census data to reflect the wishes and needs of the colonial sovereign. However, colonial rule cannot be executed by records alone and needs local power through the appointment of village leaders, the distribution of favors, and the use of threats to recruit collaborators. As Hillel Cohen documents for the 1948–1967 period, Israel employed tight surveillance in order to construct an “Arab-Israeli identity” and conversely erase Palestinian identity by recruiting a network of Palestinian collaborators who reported on Palestinians who criticized the state or engaged in acts of resistance.<sup>196</sup> Cohen reminds us that state surveillance was supported by some Palestinian public figures who served as the authorities’ eyes and ears in their own communities. This state of affairs illustrates Zureik’s argument that while liberalism justifies the treatment of Natives as a racially inferior group, colonial governmentalities often rule from a distance employing information gathering through local informers, census taking, and mapping of the national territory.<sup>197</sup> Yael Berda argues that colonial surveillance signifies a shift from controlling the territory to managing the population.<sup>198</sup> The creation of dual and separate legal systems, a civilian court system for the colonizer and a military court system for the colonized, is another feature of surveillance and control by the colonial administration.

Maps are also a tool of surveillance, indoctrination, and hegemony, and map making was used by the Zionist settler colonial project of claiming the colonized territory as the settlers’ biblical home. Ilan Pappé writes that already in the early 1900s the Jewish National Fund (JNF)—charged with buying Palestinian lands to facilitate the colonization of Palestine—created “the village files,” a detailed registry of all Arab villages that facilitated the Zionist takeover of the land of Palestine and the racialization of the Natives.<sup>199</sup>

Zureik argues that in colonial settings the rationale for surveillance is guided by racial exclusion through restrictions of mobility and access.<sup>200</sup> As a colonial occupying power, Israel is interested less in the management of the population and its well-being than in appropriating the territory in which the

population resides, and in controlling data collection and categorization which is why identity documents, discussed in Chapter 2, are used as an instrument of surveillance. Crucially, in the occupied Palestinian territory identity cards are the product of three political environments: Israeli administrative and military rule, the 1993 Oslo Accords that transferred the day-to-day running of some of the territory to the Palestinian Authority that issues its own ID cards, and the East Jerusalem system that issues identity cards in different colors to different categories of Palestinian residents. Thus, identity cards become primary instruments of racialization and surveillance, facilitating the granting or withholding of permits and controlling the movement of Palestinians within the occupied territory, where they become essential tools in Israel's matrix of control, regulating mobility and residency, albeit not bestowing citizenship rights, in keeping with Israel's racialized citizenship regime. As Helga Tawil-Souri suggests, the identity card regime provides a "low-tech, visible, physical and tactile" means of colonial power.<sup>201</sup>

Another sinister surveillance technology is monitoring social media use. During the 2014 Israeli assault of the Gaza enclave, hundreds of Palestinians were fired from their jobs because of negative social media comments about the Gaza attack. According to Israeli Palestinian Knesset member Ahmad Tibi, "almost all Arabs of the 1948 areas who have written anything against the Israeli assault on Gaza on their Facebook pages have been summoned by the Israeli security authorities for investigation and interrogations."<sup>202</sup>

Ever since the pre-1948 "village files," racializing surveillance technologies have been used by the Israeli settler colony against the Indigenous Palestinians. However, in recent years, with growing international support for the Palestinian struggle, Israel has been casting its surveillance net more widely, targeting dissident Israeli and diaspora Jews, as well as international supporters of Palestine and the BDS campaign. In addition, Israeli companies have been exporting sophisticated high-tech surveillance and spyware technologies to foreign governments, including dictatorial and/or genocidal regimes such as South Sudan and Mexico with the full knowledge of the government, as Idan Landau<sup>203</sup> outlines in his report about one such Israeli high-tech company, the hugely profitable NSO Group Technologies. The export of spyware systems and of arms "combat tested" on Palestinian populations, mostly but not exclusively in Gaza,<sup>204</sup> means that Israel is exporting its successfully trialed racialized surveillance technologies well beyond Palestine.

A poignant illustration of the racialization of everyday life in occupied Palestine is the occupation's colonial bureaucracy's permit regime employed

daily in every West Bank checkpoint. Berda analyzes the colonial permit regime through racial hierarchies, managerial flexibility, and the constant production of exceptions by an “absent sovereign,” as Palestinian workers never know who actually decides to grant or refuse them a work permit.<sup>205</sup>

Despite the dubious reliability of quantitative surveys, it is nonetheless useful to note the 2016 Pew Research Center’s study of Israeli racism (albeit presenting the results as evidencing a religiously rather than racially divided society).<sup>206</sup> According to the study, 48 percent of Israeli Jews (and 59 percent of Orthodox Jews) want Palestinian Arabs expelled, 79 percent believe that Israel should give preferential treatment to Jews, 97 percent of Jews don’t want their child to marry a Muslim, and 89 percent are against marriage to a Christian, while the vast majority of Israel’s Palestinian citizens regard Israeli society as discriminatory.<sup>207</sup>

A final example of racialization comes from the field of education. In her study of Palestine in Israeli school books, Nurit Peled-Elhanan argues that many Israeli schoolbooks are imbued with “ethnic” prejudice toward an enemy that “includes not only subjugated out-of-sight Palestinian non-citizens in the occupied territories but also the Palestinian citizens of Israel, often termed by Israeli officials ‘the enemy within’ or ‘fifth column.’”<sup>208</sup> Peled-Elhanan concludes that the books she studied employ visual and verbal forms of racist representation and legitimate unacceptable official modes of discrimination and present Israeli-Jewish culture as superior, and Israeli-Jewish concepts of progress as superior to the Palestinian way of life. Peled-Elhanan’s findings, hardly surprising in a society riven with racial tensions, were upheld by a 2015 State Comptroller report that found that the Education Ministry failed to use education to combat racism and build bridges between the disparate sectors of society.<sup>209</sup> Moreover, in October 2017 the right-wing Education Minister Naftali Bennett abolished a rule prohibiting racist answers in the civics matriculation exam. The racism rule, distributed to all civics teachers, referred to a civics exam question asking students for their opinion on a controversial public issue such as “allowing different population groups to live in separate neighborhoods.” Seemingly, racism in Israeli schools is now officially sanctioned.<sup>210</sup>

Although racism is a prevalent feature of Israeli society, most Israeli Jews disbelieve that it exists and minimize the lived experience of racism. Reacting to the 2017 Nationality Law, Abed L. Azab argues that for Palestinians in Israel

racism covers all aspects of life ... We are demeaned at the airport even when travelling with a delegation representing Israel: our Jewish colleagues go through while we are stripped and humiliated. Jewish army veterans receive favorable mortgages while we get nothing ... Jewish veterans get university grants while

we pay full university fees ... Young Arab candidates with the same qualifications as Jewish candidates have far fewer chances of getting a job ...<sup>211</sup>

Azab outlines the discrimination against Palestinians in relation to construction permits and local authorities' budgets, and bemoans the law abolishing Arabic as Israel's second official language. The Nationality Law, he concludes, "merely confirmed what has been known for the past 69 years, that Israel is a racist state." Ethiopian antiracist activist Mesi Aychek of the Association of Civil Rights in Israel claims that most Jewish Israelis deny that racism exists:

Any time I experience or witness racism, the "persuaders" rush to tell me, It's not really racism ... When I speak of racism against Arabs I am told "Not at all! We are all Semites"; when I mention racism against African migrants and asylum seekers the answer is "it's not their color, it's because they're illegal"; and when I talk about anti-Ethiopian racism they say "You're exaggerating, we are all Jews!"<sup>212</sup>

In order to fight racism, Aychek concludes, we must stop denying its existence.

## White Fragility, Jewish Victimhood and Non-Jews in Israel

Avowedly established by the Zionist movement with the support of the international community in the wake of the Nazi genocide as a haven for racialized and oppressed Jews, Israel legitimizes its existence as a Jewish state by exploiting historical and present-day Jewish victimhood and at the same time denying its own racism, which it cloaks under the self-defense mantle. Wolfe, commending Shafir<sup>213</sup> for invalidating the Eurocentric negation of Palestinian existence through the appeal to Jewish victimhood,<sup>214</sup> argues that "the suggestion that Zionists arrived in Palestine innocent of the invasive praxis that climaxed in the Nakba ... naturalizes that praxis as arising spontaneously ... Whatever Israeli apologists may say about Zionism being an anticolonial movement (since it resisted the British), founding Zionists were in no doubt as to their colonising aspirations."<sup>215</sup>

The appeal to Jewish victimhood, though initially rejected by the New Jew as shamefully reminiscent of diaspora passivity, was rehabilitated during the 1967 war when Israel was depicted as allegedly "facing another Holocaust" despite the evidence that Israel was the aggressor.<sup>216</sup> As the occupying power, Wolfe reminds us, Israel "sought to clothe its aggression in the trappings of self-defence,"<sup>217</sup> still employed today to justify its permanent war against the Palestinians, while denying the centrality of race and racism. The denial of racism and the appeal

to victimhood resonate with the concept of “white fragility,” which in the US context, Robin DiAngelo argues, “is a state in which even a minimum amount of racial stress becomes intolerable, triggering a range of defensive moves (including) the outward display of emotions such as anger, fear, and guilt.”<sup>218</sup> According to Ruth Frankenberg, “whiteness remains unexamined—unqualified, essential, homogeneous, seemingly self-fashioned, and apparently un-marked by history or practice.”<sup>219</sup> Whiteness means that most white people are leading segregated lives in a white dominated society, and regard the absence of people of color in their schools and neighborhoods as a “good thing.”<sup>220</sup> White superiority, DiAngelo further suggests, is explicitly denied by most whites who often do not recognize or name their whiteness, regarding it as a universal reference point.<sup>221</sup> In *Are We All Postracial Yet?* Goldberg argues that whiteness is the defining power in the relational conditions of raciality. With post-raciality—the current pretense that race is a thing of the past, and that there are no more racial subjects—whiteness describes “the man without racial qualities . . . invisible and transparent . . . the absolute arbiter of power.” Blackness, in contrast, now more than ever before, stands for hyper visibility, and for “persistent suspiciousness and social marginalization.”<sup>222</sup>

Unlike white privilege and white fragility, Jewish privilege and Jewish fragility are anything but unrecognized or unnamed, but rather allow Israeli Jews to explicitly exploit not only the history of Jewish persecution culminating in the Holocaust, but also discourses of Israel being “the only Jewish state in the world” situated in the midst of “a hostile Muslim world.” As such, Israeli politicians repeatedly argue that Israel needs to defend itself, even as it operates one of today’s most repressive regimes. Thus, the periodic attacks on the besieged Gaza Strip are reconceptualized as a defensive war against Hamas, the assaults on Lebanon as a defensive war against Hezbollah, and the extrajudicial executions of young Palestinian stone throwers and would be attackers as the imperative to defend “our soldiers” who “fear for their lives.”

There are countless examples of Israel employing the twin discourses of Jewish supremacy and Jewish victimhood and fragility. Writing about the Regularization Law, that allows the state to retroactively legitimize the expropriation of private Palestinian land on which settlements have been built, Neve Gordon and Nicola Perugini argue that the Israeli government attempts to justify the law “by portraying the Jewish settlers as the subjects of human rights abuse and as potentially traumatized citizens.”<sup>223</sup> They argue that this is an integral part of Israel’s claim that colonization is a “form of healing aimed at preventing settler trauma.”<sup>224</sup> They link the 2017 Regularization Law to the

“traumatic” 1982 evacuation of Jewish settlements in Northern Sinai, as part of the peace agreement with Egypt, arguing that conceding occupied territory was portrayed as producing traumatic and “painful concessions.”<sup>225</sup> A similar settler trauma was allegedly caused by the 2005 evacuation of Gaza and a handful of settlements in the northern West Bank, connected in the Israeli imaginary to the history of Jewish suffering: evacuation as “the ongoing repetition of the Holocaust.”

Not theorizing “settler anxiety” in terms of white fragility, Gordon and Perugini rather relate it to the fear of a Palestinian return, “the fear of the potential reversal of the Palestinian history of displacement.”<sup>226</sup> Settler trauma, they argue, is addressed not through abolishing domination “but rather through the repetitive regularization and legitimization of conquest and dispossession.”<sup>227</sup> However, they conclude, the attempt to overcome this trauma by legalizing land theft fails to assuage the colonial perpetrators’ fears. Thus, white fragility and Jewish victimhood remain central instruments of racialization that enable Israel to morally justify the colonization project.

Jewish supremacy and Jewish fragility are also central to Israel dealing with other non-Jewish populations, evidenced by the racialization and victimization of African refugees. Asylum seekers, mostly from Eritrea and Sudan, had been crossing the porous Egypt-Israel border since 2006, braving kidnappings, torture, and rape by Bedouin traffickers, and have been rounded up and deported by the Israeli immigration police since 2012.<sup>228</sup> The deportations were presented as “protecting the Jewish identity of the state” and copper-fastening Israel’s racialized citizenship regime. Thus, in August 2012 Interior Minister Eli Yishai instructed the Population and Immigration Authority to arrest Eritreans and North Sudanese, since the “infiltrator threat is just as severe as the Iranian (nuclear) threat,” insisting that deporting “illegal migrants” upholds the “Zionist dream” and that “until I can deport them I’ll lock them up to make their lives miserable.”<sup>229</sup> Israel has enacted a series of laws aimed at preventing people it contentiously calls “infiltrators” rather than asylum seekers from entering the state.<sup>230</sup> It is worth noting that the term “infiltrators” was used in the 1950s to describe Palestinians attempting to return to the lands they had been expelled from in 1948.

The attempts to deport asylum seekers to “third countries” in Africa, mostly Rwanda and Uganda, with whom Israel trades in arms and security equipment, followed the deportations of “unauthorized” labor migrants since the early 2000s. In order to ensure their deportability—the threat rather than the act of removal from the nation-state<sup>231</sup>—Israel constructed an electric fence along its

border with Egypt, and the “world’s largest detention facilities” able to hold up to 11,000 people, where the “infiltrators” could be detained up to three years without trial—allegedly the longest such detention period in the West.<sup>232</sup> Israel has a uniquely low refugee recognition rate: as shown in a Knesset report, only 200 people had been awarded refugee status in Israel since its establishment in 1948, and between 2009 and 2012, of 14,000 asylum applications, only twenty-two people were recognized as refugees.<sup>233</sup>

David Sheen, who has been documenting the racialization of African migrants and asylum seekers, describes Israel’s success in reducing the number of Africans living in the territory it controls as “ethnic cleansing,” the term Pappe employs to describe the 1948 Nakba. Documenting the unapologetic racialization of African asylum seekers by politicians, Sheen notes Prime Minister Netanyahu’s pre-2015 election boast about limiting the access of African asylum seekers, racialized as “terrorists,” to the Jewish state: “We shut off, completely closed off access to terrorists, to infiltrators to the State of Israel ... The only state that managed to control its borders.”<sup>234</sup> Once Netanyahu secured reelection, Sheen adds, he appointed to his cabinet three Likud lawmakers who were featured speakers at a May 2012 anti-African rally in Tel Aviv that devolved into a full-on race riot: “For years, Netanyahu has led a team of ministers who demonized Africans in the minds of the Israeli public by associating them with terrorism and fatal diseases.”<sup>235</sup>

In September 2013 the Israeli High Court ruled against the constitutionality of the Anti-Infiltration Law that allowed jailing asylum seekers for three years without trial, refusing to examine their asylum applications and treating them like criminals. However, Sheen writes, Justice Minister Ayelet Shaked, who headed the parliamentary “lobby to return the infiltrators to their countries”—a group dedicated to expelling all African refugees from Israel—introduced a bill that would limit the high court’s power to overturn laws.<sup>236</sup> In 2015, as judges were concluding the deliberations over the Knesset’s third amendment to the Anti-Infiltration Law, Shaked was busy uploading videos to the internet depicting African refugees in a negative light.<sup>237</sup>

Commenting on the Supreme Court as negating Zionist values in her speech before the Israel Bar Association in Tel Aviv, on August 29, 2017, Shaked pitted Zionism against human rights. According to Gideon Levy,

if in 1975, Israel’s UN ambassador Chaim Herzog dramatically tore up a copy of UN General Assembly Resolution 3379, equating Zionism with racism, the justice minister has now admitted the truthfulness of the resolution (which was later revoked) ... Shaked prefers Zionism to human rights, the ultimate



universal justice. She believes that we have a different kind of justice, superior to universal justice. Zionism above all. It's been said before, in other languages and other nationalist movements.<sup>238</sup>

Zionism according to Shaked, Levy argues, means “Judaizing” the Negev and Galilee, removing asylum seekers who the government terms “infiltrators,” cultivating Israel’s Jewish character and preserving its Jewish majority obliterating any inclusive discourses regarding its Palestinian and non-Jewish minorities. In other words, Levy writes, according to Shaked and other members of Netanyahu’s government, Zionism circa 2017 equals “the occupation, the settlements, the cult of security, the army, which is primarily an occupation army”<sup>239</sup>—in other words, it means racial rule.

In November 2017, Israel further escalated its racializing asylum policies announcing its intention to forcibly deport 40,000 African asylum seekers—including 27,500 from Sudan and 7,800 from Eritrea—and to close the Holot detention facility by 2018. Asylum seekers, whose applications Israel does not recognize, were given a choice to either leave Israel voluntarily for Rwanda or Uganda within three months, or suffer indefinite detention in Israel. Israel would pay Rwanda—which it had armed during the 1994 genocide against the Tutsi—5,000 dollars for each asylum seekers it accepts, and would grant 3,500 dollars plus airfare to each African who agrees to leave. Netanyahu referred to the policy as the “increased removal” of the “infiltrators”: “This removal is enabled thanks to an international agreement I achieved, which allows us to remove the 40,000 remaining ‘infiltrators’ without their consent.” Interior Minister Aryeh Deri, who introduced the proposal, said the deportations were necessary to “return peace and quiet” to the country and “ease the suffering of residents in south Tel Aviv and other neighborhoods where the infiltrators reside.”<sup>240</sup> While the main opposition “Zionist Camp” party approved the proposed deportations, the United Nations refugee agency expressed concern, stressing that “Israel has legal obligations to protect refugees and other persons in need of international protection.”<sup>241</sup>

It is worth noting, however, that Israeli civil society mobilized against the proposed deportations as many Jewish citizens demonstrated, signed petitions, lobbied and tracked the experiences of asylum seekers Israel had already deported to Rwanda, where they received no assistance or security.<sup>242</sup>

Governmental technologies of occupation, siege and discrimination, racialized citizenship legislation and the deportation of unwanted subjects are racialized control mechanisms intended to regulate the circulation of foreign bodies, expelling people constituted as endangering the state and damaging the



purity of what Israel calls its “Jewish and democratic” character, affirming Jewish supremacy and (white) Jewish fragility and victimhood.

## Conclusion: Beyond Bare Life

This chapter outlines the centrality of race in theorizing the Israeli settler colony as motivated not merely by imperatives of colonial expansion, but also by discourses of both Jewish supremacy, the roots of which date back to biblical narratives of divine promise, chosen people and genocidal retribution, and of Jewish victimhood—both enthusiastically adopted by the secular European founders of the Zionist movement and their Israeli successors.

Having established the Zionist construction of the putative “Jewish nation” as a race and the dialectical racialization of the Native Palestinians and other non-Jewish people, I return to Weheliye’s critique of Agamben’s Eurocentric and race-blind theories of exception and bare life. Weheliye criticizes Agamben for basing his analysis primarily on the Nazi extermination camps without giving credence to their colonial antecedents including the German colonization of Namibia and the genocide of the Herrero people.<sup>243</sup> Weheliye writes that in *Homo Sacer* Agamben paradoxically posits the *Muselmann* (a term used for concentration camp inmates who reached rock bottom, and who were thus named because, totally depleted of life force, crouched as if in Muslim prayer) as transcending race, although it is an explicitly racial appellation referring to Muslims. Agamben’s analysis, Weheliye argues, rests on the philosophical *unseeing* of what he calls “racializing assemblages.”<sup>244</sup>

Weheliye’s black studies standpoint, relevant to analyzing Palestine, insists that since humans create race for the benefit of some and to the detriment of other humans, as Wolfe’s analysis of settler colonialism demonstrates, employing the Nazi camps to explicate race is both Eurocentric and theoretically inadequate. According to African American feminist theorist Hortense Spillers, the racializing assemblages of the middle passage, plantation slavery, and Jim Crowe, not included in most conceptualizations of the biopolitical nomos of modernity, highlight how routine the brutalization of black flesh continues to be in the world of (Western) Man.<sup>245</sup> Just as black flesh was routinely created by “the calculated work of iron, whips, chains, knives, the canine patrol, the bullet,”<sup>246</sup> so Palestinian flesh, I argue, is routinely created by the calculated work of sponge, rubber, and metal bullets, tear gas, riot control equipment, air bombardments and ground offensives, segregated military court systems,

torture, jails, administrative detention, checkpoints, walls and extrajudicial executions. The grammar and practice of racializing Palestinian flesh illustrate not only the routine rather than exceptional workings of Israel's racial settler colony, but also confirms that theories of exception and bare life are inadequate in theorizing the embodied centrality of race in the Palestinian context.

Resisting comparativity, which he argues leads subjugated groups to compete for limited resources while white humanity and Western theorists take home all the prizes, Weheliye follows black feminists tackling the human rather than the specificities of black womanhood,<sup>247</sup> one of the lines of inquiry, following the work of Palestinian feminist theorists, discussed in the next chapter.



## Beyond *Femina Sacra*: Gendering Palestine

*All resistance, in effect, manifests in gender, manifests as gender. Gender is indeed both a language of oppression [and] a language of resistance.*<sup>1</sup>

— Angela Davis

### Prologue: Rape in Nirim, 1949

On August 12, 1949, the atmosphere at the Nirim IDF outpost in the Naqab desert near the Gaza Strip was particularly festive. It was the end of an arduous week of dusty chases in the western Naqab sand dunes after Palestinian “infiltrators,” refugees attempting to get back to the homes they had been expelled from by the Zionist forces, and the platoon commander, lieutenant “Moshe,” told his soldiers to get the dining tent ready for a party. Tables were set with sweets and wine, and at eight o’clock he gave a pep talk about Zionism and the important contribution the soldiers were making to the newly established State of Israel. Just before the end of the party “Moshe” reminded the soldiers of the 12-year-old Bedouin girl they had captured earlier that day, now locked up in one of the huts. He gave the men two options: the girl was to be either a kitchen worker or a sex slave. Most of the men shouted “we want to fuck,” so he drew up a three-day gang-rape schedule for his three squads. Earlier that day the girl was brought into the outpost, her clothes were ripped off and she was forced into the shower by the sergeant who washed her down with his own hands while the soldiers looked on. She was gang-raped by three soldiers. They then brought in a barber who cut off her hair, after which she was forced to shower again in front of the officer and the sergeant. During the first night the officer and the sergeant raped her, leaving her unconscious. In the morning, as she tried to speak, they executed her and placed her body in a shallow grave.<sup>2</sup>

This was one of the most horrific rape and murder cases in the history of the IDF, the self-styled “world’s most moral army,” ranked as the ninth most

powerful army globally<sup>3</sup> that waged several wars against Israel's Arab neighbors, periodically assaulted the Gaza enclave, and has been operating a brutal racialized regime of occupation since 1967. The IDF's myth of morality was reiterated in April 2016 by Chief of Staff Gadi Eisenkot in a letter distributed to all IDF soldiers: "From the day it was founded, the army has sanctified important values, among them human dignity and the purity of arms. These values are based on many years of Jewish heritage."<sup>4</sup> The Nirim rape and murder case was known about at the time and was recorded in Prime Minister David Ben-Gurion's August 22, 1949 diary. Although seventeen of the soldiers involved stood trial for "negligence in preventing a crime" and some served jail sentences, the case was kept secret for a long time and was only publicly exposed when *Haaretz* reported the story in 2005, 56 years after it happened.<sup>5</sup>

Many Jewish Israelis refuse to accept that rapes of Palestinian women by Zionist soldiers were frequent occurrences during the Nakba, despite ample evidence by international agencies including the United Nations and the Red Cross, and despite Israeli state archives evidence. Ilan Pappé cites a Red Cross official, de Meuron, reporting that "as Palestinian men were taken away as prisoners, their women were left at the mercy of the Israelis."<sup>6</sup> David Ben-Gurion, Pappé writes, regularly entered news of rapes in his diary, including one that happened in Acca where "soldiers wanted to rape a girl. They killed the father and wounded the mother, and the officers covered for them. At least one soldier raped the girl."<sup>7</sup>

The Nirim rape illustrates the intersection of race and gender in Israel's permanent war against the Palestinians. The responses to the 2005 *Haaretz* report ranged from opprobrium to refusal to accept that Israeli Jews were capable of raping Palestinian women. The disbelief rests on racist rather than moral reasons, even though fantasies of Palestinian men sexually abusing Israeli-Jewish women abound.<sup>8</sup> Thus the reaction of journalist and political activist Uri Avneri, who served with the pre-state *Palmach* militia,<sup>9</sup> displayed both anti-Palestinian racism and disdain toward new Jewish immigrants:

I knew we committed nearly every human atrocity ... everything apart from rape and sex abuse. The only explanation I can think of is that the people who did it were the new army (of immigrants), created after the Palmach was dismantled ... We in the Palmach would not have done it, for racist reasons. Having sex with an Arab woman was considered demeaning.<sup>10</sup>

Tal Nitzan reiterated the denial of the prevalence of military rape of Palestinian women. She argues that the avowed rarity of such rapes actually prevented

individual Israeli soldiers from following their desires seen as incompatible with the collective's interests.<sup>11</sup> Basing her study on interviews with male Israeli soldiers stationed in Palestinian population centers, Nitzan argues that rather than abusing Palestinian women's sexuality, the soldiers "de-womanized" them. She identifies the process of neutralizing the soldiers' sexual desire by constructing Palestinian women as "impossible sexual objects," and seeing them as mothers, sexually unattractive and inhuman, or as polluting and impure. She quotes her interviewees as describing the women as "an older woman, fat, veiled, unattractive," or as "yuck, she's disgusting, the very fact that she is Arab means she is disgusting."<sup>12</sup>

By contrast, Palestinian law professor Nadera Shalhoub-Kevorkian claims that rape was widely used as a military tactic during the 1948 Nakba.<sup>13</sup> Though no statistics exist, Shalhoub-Kevorkian says that the Palestinian refugee families she interviewed claimed they had fled their homes in 1948 because of the rapes. In 2006, I interviewed the Palestinian writer Salman Natour in relation to the notorious April 1948 Deir Yassin massacre that became the epicenter of the Nakba intended by the Zionists as a "warning to all the Palestinians that a similar fate awaited them if they refused to abandon their homes and take flight."<sup>14</sup> Natour told me: "The moment people heard that the soldiers were approaching, they ran away, because, they [...] were afraid, afraid of being raped, concerned about their honour."<sup>15</sup> Likewise, Isis Nusair argues that rape was used during the 1948 war to terrorize the Palestinian population and ethnically cleanse certain areas in order to mark the new territory.<sup>16</sup> She interviewed first- and second-generation Palestinian women who, in describing the fear and terror invoked by the Nakba, spoke about the violation of honor in Deir Yassin. She quotes Nazareth-born Jamileh: "When the war broke out, there was fear from what happened in other villages ... in Deir Yassin, where they killed and raped."<sup>17</sup>

Pappe writes that oral history testimonies of both victimizers and victims have uncovered many cases of rape and of women being humiliated and harassed by the soldiers during the Nakba.<sup>18</sup> Even the Zionist historian Benny Morris, one of the first to document the Nakba<sup>19</sup>—though he later recanted, writing that "Israel conducted no ethnic cleansing in 1948"<sup>20</sup>—acknowledged that there were many rapes during the Nakba that usually ended in murder.<sup>21</sup>

Pappe, however, argues that bound by tradition, shame, trauma, and psychological barriers, Palestinians are reluctant to speak about the rapes of women during the general havoc that the Zionist troops wreaked in rural and urban Palestine during 1948 and 1949.<sup>22</sup> And Nusair argues that although the majority of first- and second-generation women chose to be silent or speak only indirectly about the rapes during the Nakba, "the gendered impact of

these events was present at nearly everything the women said.”<sup>23</sup> Despite the understandable reluctance, Shalhoub-Kevorkian reminds us that rape and the threat of rape remain relevant to understanding the position of Palestinian women under Israeli rule. She cites Israeli Middle East scholar Mordechai Kedar who suggested in 2014 that “the only thing that can deter (Palestinian) terrorists . . . is the knowledge that their sister or their mother will be raped.”<sup>24</sup>

Raping Palestinian women is apparently also sanctioned by Jewish religious edicts. In 2002 Rabbi Shmuel Eliyahu, the rabbi of Safed and one of most notoriously racist rabbis in Israel, ruled that in times of war, Israeli Jewish soldiers are allowed to rape Palestinian “enemy” women. He based his ruling on the biblical and Talmudic *mizvah* (religious commandment) of the “Comely Woman.”<sup>25</sup> In 2016 Rabbi Colonel Eyal Qarim of the Israeli Military Rabbinate ruled that in order not to weaken the soldiers during war, they are permitted to rape Palestinian women.<sup>26</sup> Clearly inspired by their religious leaders, on August 24, 2017, Jewish settlers from the Kiryat Arba settlement near Hebron verbally abused a Palestinian woman who was filming them harassing residents of Palestinian Hebron’s al-Hariqah neighborhood, threatening her with sexual violence for many hours, in the presence of Israeli soldiers and police, using explicit language including, “you can take your big camera and stick it straight up your big ass.”<sup>27</sup>

All this suggests to me, despite Nitzan’s claim that military rapes were a rarity, that rapes of Palestinian women by Israeli-Jewish security forces are not just a thing of the past. Nahla Abdo, who documented Palestinian women’s anticolonial struggle within the Israeli prison system, argues that many, if not most, Palestinian women political detainees experience sexual abuse, molestation, threat of rape, and even rape.<sup>28</sup>

## Introduction

The 1949 Nirim rape case and the significance of the threat of rape for Palestinian women under Israeli rule highlight the centrality of gender to the racialization of the Palestinians. As Western theories of exception and bare life and of settler colonialism rarely include gender in their analyses,<sup>29</sup> this chapter—while aiming to move beyond rigid gender binaries—focuses on theorizing the intersection of race and gender in Israeli settler colonial practices.

Before I begin, let me say that I theorize gender—like race—in terms of doing, rather than being, and, despite Judith Butler’s limitation of drawing on mostly

Western theories, I use her work on gender performativity as a starting point. Butler argues that gender identity is a performative accomplishment compelled by social sanction and taboo and residing in bodies, that she terms “acts of embodiment,” not as natural but rather as historical ideas.<sup>30</sup> However, in bringing together Western feminist theories that assume the universality of the concept “woman” and calling into question the universal “Man” and phenomenology, Butler becomes aware of the problems of gender performativity:

In a culture in which the false universal of “man” has for the most part been presupposed as coextensive with humanness itself, feminist theory has sought with success to bring female specificity into visibility and to rewrite the history of culture in terms which acknowledge the presence ... and the oppression of women. Yet, in this effort to combat the invisibility of women as a category feminists run the risk of rendering visible a category which may or may not be representative of the concrete lives of women.<sup>31</sup>

Butler critiques compulsory heterosexuality that cultivates bodies into binaries of discrete sexes with “natural” appearances and “natural” heterosexual dispositions, prescribed by familial structures to ensure the reproduction of the species, and stresses that gender performance is never an individual act, but neither is it imposed or inscribed upon the individual. The body, in other words, is not passively scripted with cultural codes, and “a gendered body acts its part in a culturally restricted corporeal space and enacts interpretations within the confines of already existing directives.”<sup>32</sup>

While theorizing gender, like race, as performative is a useful analytical strategy, Butler’s premise stands in opposition to African American feminist theorists, first, as Alexander Weheliye argues,<sup>33</sup> by assuming (like other Western theorists such as Foucault and Agamben) the category “human” in Eurocentric terms as “Western man,” and second, by not seeing enfleshment, nor understanding that “the body whose flesh carries the female and the male to the frontiers of survival bears in person the marks of a cultural text whose inside has been turned outside.”<sup>34</sup>

Discussing the work of African American feminist theorists Hortense Spillers and Sylvia Wynter on genres of the human as the object of knowledge as central to black studies, Weheliye takes Butler to task for dismissing Wynter’s work as being interested not in human trouble but “merely” in woman-of-color trouble, “even while she [Wynter] deploys the liminal perspective of woman-of-color to imagine humanity otherwise.”<sup>35</sup> Responding to Butler’s Western feminism, Weheliye argues that Wynter<sup>36</sup> had often stated that her object of knowledge is



not gender but genres of the human. He cites her as writing: “Our struggle as Black women has to do with the destruction of the genre; with the displacement of the genre of the human of ‘Man.’”<sup>37</sup> Unlike Butler’s project of undoing gender, for Wynter, Weheliye writes, “destroying only the western bourgeois conceptions of gender leaves intact the genre of the human to which it is attached.” In addition to rejecting gender as independent of other axes of subjugation, Weheliye cites Wynter as arguing that in her writings “race” is a code word for “the genre of Man”:

Wynter does not privilege race over gender as much as she insists that the master’s tools (a universal notion of gender) cannot dismantle the master’s house (Man) in Audre Lord’s formulation. Rather, Wynter’s is a feminism typified by a critique of race and coloniality that focuses on the liberation of humans from all “isms” versus only one specific form of subjection such as sexism.<sup>38</sup>

This chapter derives inspiration from this insistence on the insufficiency of focusing on gender subjection in analyzing the racialization of the Palestinian and other Jewish and non-Jewish women by the Israeli state. I start the chapter by debunking the Israeli myths of gender equality in relation to the position of women in Israeli society and to the reality behind the “pinkwashing” claims about Israel as a haven for LGBTQ (lesbian, gay, bisexual, trans, and queer) people. I continue by critically theorizing the position of women in Palestine under Israeli rule as *femina sacra*—the female version of Agamben’s *homo sacer*<sup>39</sup>—as ultimately inadequate as is Agamben’s “bare life” theory to thinking Israel’s rule of Palestine, discussed in Chapter 2.

Palestine and Palestinians, I then argue, are feminized in contrast with the hyper-masculinization of Israeli Jews and of Zionism that invented “the New Jew” not only as epitomizing white Jewish supremacy as argued in Chapter 4, but also as an active heterosexual masculine subject in contrast with the feminization of the Jewish diaspora and with the allegedly passive conduct of Jewish people during the Nazi Holocaust.<sup>40</sup> Ironically, Laura Khoury et al. posit the feminization of Palestine through the metaphor of “Palestine as a woman and women as Palestine” as found in the works of Palestinian artists such as novelist Ghassan Khanafani, cartoonist Naji al-Ali, and poet Mahmoud Darwish.<sup>41</sup>

Rejecting claims by Israeli feminist scholars that Palestinian women are oppressed mostly by Palestinian culture, religion and patriarchy, Nahla Abdo argues that their subordination emanates primarily from living in a settler colonial state, where Palestinian women not only face humiliation and sexual abuse, but also experience repressive measures such as land confiscations and

house demolitions in gender-specific ways.<sup>42</sup> Palestinian women also often become boundary markers through “thanatopolitical” control over birth and death, for instance at Israeli army West Bank checkpoints.<sup>43</sup> Dorothy Roberts speaks of “killing the black body” in the US context,<sup>44</sup> and the thanatopolitics exercised by Israel against the Palestinians amounts to “killing the Palestinian body” or to what William Cook calls the “rape of Palestine”<sup>45</sup> in describing Israel’s ongoing attempts to commit genocide against the Palestinians.

Racialized Palestinian women cannot be unproblematically theorized as *femina sacra* as this constructs them as mere victims of gendered Israeli governmentalities rather than as active agents of resistance, as they are described by Palestinian feminist scholars Nadera Shalhoub-Kevorkian,<sup>46</sup> Rhoda Kannaneh and Isis Nusair,<sup>47</sup> Fatma Kassem,<sup>48</sup> Laura Khoury, Seif Dana and Ghazi-Walid Falah,<sup>49</sup> and Nahla Abdo.<sup>50</sup> I therefore conclude by returning to Spillers’s insistence that gendered racialized assemblages tell us not only about black or Palestinian womanhood, but rather about humanity and agency more generally, leading me to focus on Palestinian women as agents of gendered resistance.<sup>51</sup>

## Israel’s Equality Bluff

Jewish settler women’s struggle for gender equality began during the early years of the pre-state *Yishuv*, as Zionist women workers fought for equal division of labor between women and men and for a place at the political table. However, already in the late 1920s, despite socialist Zionism’s formal espousal of gender equality, the Zionist struggle for an independent Jewish state marginalized gender issues.<sup>52</sup> Exploring the female equivalent of the “New (Jewish) man”—a central tenet of Zionist ideology—Margalit Shilo argues that the multifaceted pre-state realities of Jewish women settlers discursively produced a dual image of the “new Hebrew woman” exemplifying the hoped-for gender equality, and the traditional Jewish woman, loyal to her husband and children.<sup>53</sup> The “new Hebrew woman,” Shilo argues, remained subordinated to the nationalist endeavor, and gender equality was largely irrelevant to Israeli society and academia until the 1990s, when feminist scholars began debunking the equality myth.

In her research on pre-state Jewish women settlers, Deborah Bernstein argues that the Jewish settler, or “pioneer,” was essentially a masculine myth of heroic men struggling to “tame the virgin land,”<sup>54</sup> dry its lethal swamps, and “clothe it in a cloak of concrete and cement.”<sup>55</sup> They fought British colonialism and “hostile Arabs” with their allegedly “pure” weapons, and believed they were making

Palestine's "desert" bloom, in the best tradition of settler colonialism's *terra nullius* fantasies. Though women "pioneers" collaborated in the colonial project, their stories were erased from the his-stories of early Zionist colonization. While women also aspired to become "new Hebrew persons," Bernstein argues that the men did not accept them as equal partners while the women themselves were reluctant to sacrifice their private lives on the altar of equality. Proposing a radical feminist analysis of Israeli society, Barbara Swirski argues that gender inequality results from Israel being a masculine-military society that oppresses women in all spheres of life, including the domestic and familial domains, and that prevalent gender-based violence epitomizes men's control over women.<sup>56</sup>

Though Israel's Declaration of Independence<sup>57</sup> commits to ensuring "complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex" (although this commitment applies to neither Israel's Palestinian occupied subjects nor to non-Jewish people living in the state), gender inequalities persist. Thus, while Israeli law prohibits gender discrimination in employment and wages, there are significant wage disparities between women and men.<sup>58</sup> Furthermore, Israel boasts being one of the only countries with a mandatory military service for women, and 88 percent of all IDF positions are open to women soldiers whose images are proudly used to further the equality bluff. It is debatable, however, whether the claim of gender equality in the IDF can be regarded a victory for feminism, particularly considering the prevalence of sexual harassment of women soldiers by male commanders and colleagues. The year 2016 saw a 20 percent increase in reported sexual assaults in the IDF, with a quarter of the complaints being filed against high ranking officers.<sup>59</sup>

As a patriarchal Jewish theocracy, Israel's gender equality myth is only skin deep. Family law pertaining to marriage, divorce, and child custody is under religious control. Israel does not recognize civil marriage and all marriages are conducted by orthodox Jewish, Christian, or Muslim courts, leading to discrimination against women who can initiate divorce only in civil, but not religious courts (a Jewish divorce can only be obtained with the husband's permission, and a divorced Jewish woman can remarry only upon getting a religious *get*, or divorce).<sup>60</sup> Although gender segregation is illegal, women are often segregated in Orthodox-controlled Jewish schools and in public transport, where Orthodox Jewish men refuse to share space with women who are not their immediate relatives. Furthermore, vigilante "modesty patrols" regularly harass women perceived as immodestly dressed in ultra-Orthodox neighborhoods.<sup>61</sup>

At the same time, rape and sexual harassment, though illegal, are prevalent in Israel, whose former president, Moshe Katzav, served a jail sentence for rape and sexual assault, and where a long list of senior Israeli officials, including members of Prime Minister Netanyahu's inner circle, have been investigated and, in some cases, convicted for sex crimes against women and girls, so much so that Israel is regarded as having a widespread "rape culture".<sup>62</sup>

According to Natasha Roth, Israel's culture of rape and sexual harassment is primarily due to its militaristic nature: "The IDF is Israel's heart and soul, and much of its body. The majority of Jewish Israeli citizens have been or will be soldiers. Given the IDF's perceived moral and practical standing in Israel, its former high-ranking officers are frequently parachuted into top-level positions ... (in government and in) high-tech companies, banks and even schools and other educational institutions."<sup>63</sup> While not referring directly to the intersectional performativity of race and gender, Roth blames the occupation for Israel's rape culture: "For nearly fifty years, Israelis have lived with the example that one's desire for something is worth more than what—or whom—may be harmed in the quest to pursue it. The idea that something is there for the taking simply because one covets it is toxic, contagious, and under Israel's current leadership, only becoming more entrenched."<sup>64</sup>

And as David Sheen argues, Israel's rape culture is being weaponized against Palestinian men who right-wing politicians accuse of sexually assaulting and harassing Jewish women for "nationalist motives."<sup>65</sup> This is despite police statistics indicating that the number of sex crimes in mixed cities where Jewish and Palestinian citizens live in close proximity, has decreased in recent years. Framing Palestinians as sex offenders is a favorite far-right tactic, and Jewish anti-miscegenation groups such as *Lehava* ("flame" in Hebrew) cast the relatively rare romantic relationships between Jews and Palestinians as abusive, and women as the carriers of Jewish honor. As Jonathan Cook writes:

In 2014, some 200 *Lehava* supporters—many wearing the group's "Jewish honour guard" T-shirts—protested noisily outside the wedding of a Palestinian man and a female Jewish convert to Islam in the city of Jaffa... Some carried placards with the slogan: 'Miscegenation is a Holocaust.' Jerusalem's streets, meanwhile, are littered with fliers and stickers in Arabic warning, "Don't even think about a Jewish girl" and in Hebrew stating, "Beware the goys ... they will defile you."<sup>66</sup>

Sheen argues that the rape smear strategy is also being used by Jewish supremacists to thwart liaisons between black Jews and black people of other religions. In 2013 an Israeli journalist falsely accused African refugees of

kidnapping 1,000 Israeli citizens of Ethiopian descent. And in 2014 Naftali Bennett, then Israel's Diaspora Affairs Minister, was promoting the importance of the "Jewish family"—a thinly veiled reference to endogamy—allocating 50 million dollars to a 2014–2017 program aimed at preventing sexual relations between Jews and people of other religions.<sup>67</sup>

In this atmosphere of sexual incitement, it is unsurprising that African migrants and asylum seekers and their supporters are regularly being threatened with rape. At a December 2012 rally in a southern Tel Aviv's working-class neighborhood, the prominent anti-African activist, May Golan harassed a group of leftists trying to ensure that Africans were not attacked, shouting at one of them: "Just as women are raped, may you be raped in your grave."<sup>68</sup>

The intersection of gender and race in Israeli society also means, according to Abdo, that Ashkenazi white Jewish feminists as members of the settler-colonial group largely control the epistemological sphere through researching and representing the "other"—Palestinian and Mizrahi women—a practice challenged by Mizrahi and Palestinian feminist scholars.<sup>69</sup> Abdo's *Women in Israel: Race, Gender and Citizenship* is the first book written by a Palestinian feminist exploring race, gender, and citizenship in relation to the three distinct racial groups of women in Israel—Ashkenazi, Mizrahi, and Palestinian. Challenging Israel's gender equality myth, Abdo argues that defining Israel as a settler-colonial and racist state "allows us to see the exclusion of Palestinian citizens (and Mizrahi women), and their racially based inclusion or marginalization, not in terms of ethnic, religious or cultural polarity ... but rather as fundamental components of the political economy of the settler-colonial state."<sup>70</sup>

Besides boasting gender equality in promoting "Brand Israel," Israel also markets itself as LGBTQ friendly and a gay haven, in contrast with Palestinian society that allegedly regards homosexuality as taboo. The "Brand Israel" campaign, commissioned by the government of Israel and the Jewish Agency, was launched in 2007 with two posters. The first featured "an almost naked Miss Israel, Gal Gadot" (who was heavily criticized for her enthusiastic support for the IDF's 2014 assault on Gaza<sup>71</sup> before she starred in Hollywood's 2017 blockbuster *Wonder Woman*), aimed to attract heterosexual young Americans to a rebranded Jewish state. The second featured four scantily dressed young men, meant to advertise Tel Aviv as the gay capital of Israel.<sup>72</sup> Not surprisingly, Israel's LGBTQ community, whose members serve in the IDF, collaborated with the Brand Israel campaign which depicts Israel as a dream come true. However, as Aeyal Gross points out, the Israeli state is taking credit for rights that the LGBTQ community had to actively fight for, often through the courts, smugly lauding itself for

rights and achievements the state had actively resisted.<sup>73</sup> Boasting of Israel as an LGBTQ haven is dubbed “pinkwashing,” which according to *No to Pinkwashing, No to Israeli Apartheid*,<sup>74</sup> is a cynical Israeli PR strategy aimed at diverting attention from its human rights crimes against Palestinians: “Pinkwashing plays on racist stereotypes—that Muslims and Arabs are all violently homophobic and transphobic, while Israelis are western and civilized.”<sup>75</sup>

Myths of gender equality and gay friendliness do not apply to Palestinian citizens and occupied female and gay subjects, who most Israelis firmly believe are oppressed and ostracized by their own society rather than by Israeli colonization. This is despite evidence that “Israel’s current policy regarding Palestinian asylum-seekers not only places gay Palestinians at risk, but also violates the international humanitarian law it is bound to . . . While gay Palestinians should be provided asylum in Israel, discrimination still continues on the basis of race and country of origin.”<sup>76</sup> Gender and gay equality, then, is clearly just a myth, serving Israel’s ongoing *hasbara* (propaganda) efforts and further racializing the Palestinians.

## Beyond *Femina Sacra*

Though I accept the critique by Weheliye and others that Agamben’s theories of exception and bare life are Eurocentric and thus inappropriate in theorizing Israel’s permanent war against the Palestinians, I find it useful to critically engage with the gender aspects of Agamben’s theories due to the close etymological link between “nation” and “birth.” The English word “nation” derives from the Old French *nacion* (“birth” or “rank”) and from the Latin *nationem* (“birth,” “origin,” “breed” but also “race of people,” or “tribe”). The word “nation” literally means “that which has been born,” yet over the years the political sense has become predominant, and earlier English examples tended toward the racial meaning of nation as a “large group of people with common ancestry”—highlighting the intersection of gender, race, and nation.<sup>77</sup>

Despite the clear etymological link between “nation” and “birth”—a gendered function performed by women as the “biological reproducers,” the “symbolic border guards,” and the “embodiment” of racial and national collectivities<sup>78</sup>—Agamben dwells only momentarily on the gendered meanings of *homo sacer*. I have therefore coined the term *femina sacra*,<sup>79</sup> later also employed by Cristina Masters in relation to the erasure of women in the war on/of terror,<sup>80</sup> and by Mark LeVine in examining the role of women in the Egyptian revolution.<sup>81</sup> In precarious situations including genocidal acts that combine state racism and

state sexism, the link between birth and national and racial collectivities means that women are often permanently banned as the producers of future generations of the racially inferior. It also means that woman is abandoned as she who can be killed with impunity, but also impregnated, yet who is excluded from the sacred and from the political, and the racially superior domains. Sovereign power, according to such logic, makes a further exception in relation to women's lives, as they are often also highly sexualized. Thus, in cases such as the rape camps in Bosnia, the mass rapes of Rwandan and Congolese women, and the rapes of Palestinian women by Israeli Jewish men, human lives are also dislocated along gendered lines.

This abandonment by sovereign power becomes explicit in the position of gendered occupied and citizen Palestinian subjects. In line with Masters's argument about the absence of women in narratives of the war on/of terror,<sup>82</sup> Shalhoub-Kevorkian argues that in order to make Palestinian women's absent lives visible, researchers must "engage with the past (mainly the history of injustice, including the ongoing effects of the Nakba) and how this impacts the lives of women."<sup>83</sup>

Discussing gendered citizenship and arguing that Palestinians cannot be part of the (Jewish) nation, leaving them with inadequate access to citizenship rights, Abdo posits the centrality of land in defining Palestinian women's citizenship in the Israeli state.<sup>84</sup> For Abdo, land is a gendered concept that has historically served Palestinian women as their primary means of survival, productive activity, public socialization, and a resource for future security. While also an instrument of marginalization and exploitation, landed property has an intimate relation to women's social and economic status, playing an important role in dynamics of marriage and affecting the very structure of patriarchy and family relations, particularly for the majority of Palestinian women who spend much of their lives at home. The absence of sufficient land, combined with Israel's systematic policy of demolishing the homes of Palestinian Jerusalemites, Bedouin and people living in "unrecognized" villages, violate Palestinian women's right to safety and obstruct their sociocultural productivity, often leaving them in overcrowded family dwellings. Israeli land policies place additional restrictions on Palestinian women's movement, as Palestinian women from the occupied territory are rarely allowed to join their Israeli citizen husbands, leaving them in civil limbo and often cutting them off from their children.

The Women's Centre for Legal Aid and Counseling documents the gendered impact on East Jerusalem's Palestinian women of threatened and actual forced evictions in Jerusalem's Sheikh Jarrah, Silwan, and Bustan neighborhoods that

illustrate the “particular relationship that women have with their homes.”<sup>85</sup> According to one woman facing eviction and living with threats and intimidation by Israeli settlers planning to take over her home:

I have no sense of security, I am living constantly with this feeling of not knowing what is going to happen to my home. I also feel insecure in my relationship with my husband and towards my children. I try and make things feel normal but it is so difficult—I feel tense and nervous and take out these feelings on my husband and on the children.<sup>86</sup>

Importantly, however, although Palestinian women are particularly jeopardized by evictions and house demolitions, subject to Israeli sovereignty that disregards Palestinian housing needs and uses legalistic excuses to demolish their homes, they are also agents of resistance, as argued later. Positioning Palestinian women’s bodies at the intersection of state and gender, Rhoda A. Kanaaneh and Isis Nusair argue that the state’s civilizing mission not only views Palestinians as racially inferior but also affects gender relations and reinforces gender hierarchies.<sup>87</sup> One wonders, however, about Israel’s civilizing intentions in view of blatant anti-Arab racism, exemplified inter alia by rabbis and Jewish anti-miscegenation groups obsessively warning Jewish women against relationship with Arab men as mentioned earlier.

If we are to use the term *femina sacra*, albeit “under erasure,” we must regard it as the embodied feminized subject par excellence. Women and other feminized subjects such as trans and gay people in precarious situations are often reduced to their body. This is illustrated by women becoming racialized instruments of genocidal acts via mass rapes and mass impregnations, or by motherhood becoming charged by political regimes with the production of “racially appropriate” future generations. Thus, by administering Depo Provera contraceptive injections to Jewish Ethiopian women, as discussed in Chapter 4, the state uses women’s bodies to control the birthing practices of those Jewish mothers considered racially inferior.

Israel has the highest number of fertility clinics and the highest per capita rate of in vitro fertilization (IVF) procedures in the world.<sup>88</sup> Its pro-natalist policies are motivated by demographic anxiety, as discussed in Chapter 4, by the biblical edict to “be fruitful and multiply” (which explains the high birth rates of Israel’s ultra-Orthodox Jews), by the legacy of the Holocaust, and by the centrality of militarism that equates military service for men with childbirth for women.<sup>89</sup> In *Reproducing Jews*, Susan Kahn argues that the availability of state subsidized fertility treatments is not the result of high infertility but rather, reflects the



centrality of reproduction in Jewish culture.<sup>90</sup> While Israel employs state-of-the-art reproduction technologies as a strategy of ensuring a Jewish majority, Palestinians in Israel, as Kanaaneh argues,<sup>91</sup> use reproduction as a strategy of affirming indigeneity and tradition,

in a context where the field of reproduction has become one of the privileged ways to “measure” the modern or traditional character of ... ethnicities and populations, Palestinians have responded by, on the one hand, internalizing and reproducing the modernist outlook and, on the other hand (and in opposition to the dominant Zionist construction), by representing the Arab large family as the symbol of their “authentic” culture and a gendered powerful tool for national resistance.<sup>92</sup>

Abdo’s critique of Orientalist, Eurocentric, and essentialist Western feminist approaches to researching women in the Middle East sharpens my awareness of Western feminism’s problematic position in relation to majority world feminisms,<sup>93</sup> which, as Chandra T. Mohanty argues, it “discursively colonizes.”<sup>94</sup> I therefore attempt to keep Palestinian gendered subjects at the heart of the analysis. Taking a “critical border thinking”<sup>95</sup> approach, I am mindful of my own subject position as an Israeli Ashkenazi Jewish feminist and consciously decenter the “master’s tools” (in this case Agamben’s theorizations of exception and bare life) by gendering and decolonizing them.

## Feminizing Palestine, Masculinizing Israel

*We have on this earth what makes life worth living: on this earth, the Lady of Earth, mother of all beginnings and ends. She was called Palestine. Her name later became Palestine. My Lady, because you are my Lady, I deserve life.*

—Mahmoud Darwish, “On this earth”<sup>96</sup>

Beyond rigid gender binaries of masculinity versus femininity, and while aware of the strictures of Palestinian patriarchy, I now explore processes of feminization and suggest that while the racial state controls women’s gender positions and roles, in some situations colonized, racialized, and occupied men are either feminized<sup>97</sup> or hyper masculinized by colonial and state governmentalities in ways that efface their humanity. It is crucial, however, to keep in mind that while Palestinian women are positioned precariously vis-à-vis the settler colony, they also reproduce feminized resistance as part of the feminization of the landscape in cultural images of “Palestine as woman” as the Darwish quote just mentioned

illustrates.<sup>98</sup> Exploring the feminization of Palestinian men through analyzing homoerotic Israeli narratives, Kaithlyn Griffith writes that:

The particular brand of hegemonic masculinity imagined through a Jewish nationalist or Zionist lens competes with the presence of a Palestinian masculinity, and therefore demands the feminization of Palestinian men. Additionally, the Orientalist gaze simultaneously feminizes, objectifies, and sexualizes Palestinian male bodies . . . One of the ways in which Zionist masculinity defines appropriate male behavior is through military service. This construct does not allow for the fact that women also actively serve in the modern Israeli military, nor does it acknowledge that the limited sexuality enforced by Zionist nationalism and its resulting military structure is ascribed to many who do not fit into these inflexible gender norms. As a result, the experience of lesbians in the military is frequently negated or left unacknowledged.<sup>99</sup>

At the same time, Israeli Jewish imaginaries perform the masculinization of Palestinian men as misogynist and homophobic Muslim religious leaders, hyper sexualized molesters of both Palestinian and Jewish women, or ruthless masterminds of terrorist acts. These performative gendered imaginaries also feminize them in Israeli narratives of cowardice and meekness. This results in humiliating Palestinian fathers in front of their families, targeting and torturing male Palestinian prisoners, and sexually harassing male and female Palestinian workers in every encounter with the Israeli security forces and Jewish settlers.

The feminization of Palestinian men, and of Palestine by both the Israeli settler colony and by representations of "Palestine as woman,"<sup>100</sup> stands in contrast to the hyper masculinization of Israeli men by European Zionism. According to Presner, the Zionist "regeneration" project constructed the "New Jew" as masculine, muscular, active, aggressive and opposed to effeminate diaspora Judaism.<sup>101</sup> In *Muscular Judaism: The Jewish Body and the Politics of Regeneration*, Presner argues that in producing a new type of man through tough physical training, the IDF aims to change the actual physiognomy of the modern Israeli and erase the Eastern European "traditional Jew" reputed for enduring persecution and mental suffering. Subjected to racial discrimination, most Eastern European Jews were not conscripted to Europe's armies and reputedly preferred commerce to manual labor, resulting, according to Zionist ideologues, in having "weak arms and soft belly muscles."<sup>102</sup> Presner traces the roots of contemporary Israeli aggressiveness to the origins of the Zionist relationship with European discourses of regeneration.<sup>103</sup> He argues that "muscular Judaism" derived not only from unsavory nineteenth-century regenerative discourses

of social Darwinism, eugenics, nationalism, and colonialism (as discussed in Chapter 4), but was also a masculine concept emblematic of Zionism's "body culture" drawing both on Jewish historical images of biblical and post-biblical heroism and on antisemitic stereotypes of internalized diaspora degeneracy.

While not explicitly equating Zionism and fascism, Presner argues that the healthy muscular masculine new Jewish body had some of the same cultural, social, and intellectual origins as the fascist body.<sup>104</sup> Focusing on the 1890–1930 period that also gave rise to fascism, he problematizes Zionist ideals of muscularity and militancy that define Jewish-Israeli identity. Presner traces the relationship between male bonding and state formation to Hans Blüher, one of the founders of the German Youth Movement, which like other societies for male bonding cultivated a specifically male Eros constitutive of state formation.<sup>105</sup> This leads to positing the family as heterosexual and the state as a homosexual construct, and women as reproducing the species and men reproducing the state.

Daniel Boyarin argues in a similar vein that the European representation of the Jewish man as a woman was not an antisemitic stereotype but rather an assertive Jewish historical product that frequently represented Jews as "feminized" (with double m, in the sense of the *femme* in the femme-butuh lesbian pair), a way of asserting Jewish identity against its surrounding.<sup>106</sup> Boyarin argues that for both Theodore Herzl and Sigmund Freud, Zionism was not just a political program but rather a form of assimilation, "a sexual and gendered enterprise, an overcoming of the political and cultural characteristics that marked Jewish men as a 'third sex,' as queer in their world ... a return to Phallustine, not to Palestine."<sup>107</sup> For Boyarin it is impossible to separate the question of Jewishness from the question of homosexuality, as in Freud's world, "passing, for Jews entailed homosexual panic, internalized homophobia, and ultimately, aggression." Zionism, Boyarin insists, was seen by many as a cure for Jewish effeminacy since Zionists and assimilationists shared ideals of manliness willing Jews to "become like all nations"<sup>108</sup> in the sense of becoming "like all (male) gentiles" in contrast to the "feminization" of both the Jewish diaspora<sup>109</sup> and of Palestine and of gendered Palestinian objects of militarized Israeli masculinity.

Gendered discourses of muscular Judaism and regeneration did not stop in the 1920s but became embedded in Israeli culture. Today, in the age of Israeli aggression, militarism, and state terrorism, it is hard to imagine a time when Jews were not muscular and masculine, and where homoerotic bonding did not lay the foundation for the militarization of Israeli society. And militarization spills over from the control of occupied and besieged Palestinian populations into Israeli society itself, where, according to a 2012 survey of Israeli women,

one in every three women can expect to be sexually assaulted during the course of her life.<sup>110</sup>

Militarization has also become a central component of Israel's heteronormative regime. Heteronormativity, according to queer theorist Eithne Luibhéid, "normalizes sexuality channeled into childbearing within patriarchal marriage, especially among members of the dominant racial/ethnic and class group, as the standard to which everyone is expected to aspire. Yet the ongoing production of that norm is naturalized and rendered invisible."<sup>111</sup> Luibhéid argues that heteronormativity is rooted in white supremacist ideologies that use state regulation of sexuality to designate which individuals are truly "fit" for the full privileges of citizenship. This resonates with the Israeli regulation of sexuality, reproduction, and childbearing that differentiates between (fully human) European Israeli Jews, (not quite human) non-European Jews and Palestinian citizens, and (nonhuman) Palestinian occupied subjects.

The Israeli heteronormative spectrum includes processes of differentiation not only between women and men, and not only between Israeli Jews and Palestinians, but also between racialized and classed Ashkenazi and Mizrahi Jewish women in Israel. Smadar Lavie argues that the racialized formation of the Ashkenazi-Mizrahi distinction means that although Ashkenazi feminists are known internationally for their peace and human rights activism, from the Mizrahi perspective their critique and activism are limited, if not counterproductive.<sup>112</sup> Ashkenazi feminists, she writes, have not included racial, social, and cultural justice issues in their "peace activism," and have not merged the struggle for a just peace with the struggle against the racism experienced by the Mizrahim. The racialized Ashkenazi-Mizrahi distinction continues to sustain itself through historical changes such as the upward mobility of Mizrahim after 1967, when West Bank and Gaza Palestinians replaced them as blue-collar workers, and the mass immigration of Ashkenazim from the former Soviet Union in the early 1990s. Israeli lesbians are also excluded from articulations of mandatory heterosexuality, the family, masculinity and motherhood in Zionist ideology, as the lesbian represents a threat to the nation because she refuses to sacrifice herself to the "heterosexist priorities" of Zionist nationalism.<sup>113</sup>

## Killing the Palestinian Body

Beyond discourses of masculinization and feminization, and despite the high prevalence of violence against women, both Jewish and Palestinian, it is

Palestinian women, as well as Mizrahi and Ethiopian Jewish women and non-Jewish migrant women who bear the brunt of the nexus of racial and gender discrimination performed by white Jewish Israelis and by the Israeli state.

In *Killing the Black Body*, African American feminist scholar Dorothy Roberts chronicles the war against black reproduction.<sup>114</sup> She traces this war from slavery—when enslaved black women, valuable for their reproductive labor, had no legal right over it as slave owners had full ownership of female slaves' bodies and children—to post-slavery America when policies of containing, controlling, and punishing black reproduction deemed a danger to society were put in place. These policies continued through the eugenics era and into the 1960s and 1970s. And, Roberts writes in the preface to the reissue of her book 20 years after its first publication, they continue in the present as the bodies of black women on welfare are being regulated and as they are often deterred from having children in white America.<sup>115</sup>

Jewish Israel has no explicit policies aimed at regulating Palestinian citizens' or Mizrahi women's bodies. However, racialized discourses in relation to Palestine and occupied and besieged Palestinians are always also deeply gendered. During the 2014 assault on Gaza, Sheen writes, a banner was hung by the city council of Or Yehuda in support of the invading Israeli soldiers, reading "Israeli soldiers, the residents of Or Yehuda are with you! Pound their mother and come back home safely to your mother."<sup>116</sup> In Hebrew the word for "pound" (synonymous with "bang") is *kansu* ("enter"), connoting sexual penetration and the rape of Palestinian mothers. Coming just after two rabbis published op-eds encouraging Israel to "exterminate" the Palestinian enemy, this banner promoted the sexual violation of Gaza. As did a composite image circulated on WhatsApp of a woman labeled "Gaza," wearing conservative Muslim dress from the waist up and nearly nothing from the waist down, striking an alluring sexual pose and accompanied by a Hebrew text reading: "Bibi, finish inside this time! Signed, citizens in favor of a ground assault."

Returning to the notion of killing the Palestinian body, the Palestinian sociologist Honaida Ghanim cites a 2005 Amnesty International report that highlighted many dramatic accounts of Palestinian women detained at IDF checkpoints on their way to hospital to give birth.<sup>117</sup> Rula, a Palestinian woman whose story Ghanim recounts, ended up crawling behind a concrete block to give birth in the dust "like an animal": "I held the baby in my arms and she moved a little but after a few minutes she died in my arms." Pregnant herself at the time, Ghanim writes: "[I] lived in Dahiyat al-Barid, in Jerusalem, between two main checkpoints that were strictly controlled by the Israeli army ... I could

not help imagining myself experiencing the same fate ... I kept thinking about international humanitarian laws, but eventually became more desperate and scared: these laws did not save Rula's baby."<sup>118</sup>

Like my own realization that theories of exception are ultimately inadequate, Rula's experience prompted Ghanim to argue that "in order to understand population management under colonial occupation it is inadequate to use Foucauldian theories of biopolitics and biopower."<sup>119</sup> Instead she posits biopower's opposite, thanatopolitics—the management of death and destruction—as a more appropriate frame for understanding the management of colonial occupied spaces and subjugated populations.

Although starting from the patently gendered experience of birthing at an IDF checkpoint, Ghanim's thanatopolitics analysis is not specifically gendered. However, there are several reports and much Palestinian feminist scholarship documenting the gendered impact of Israel's rule over Palestine, some examples of which I now detail. Staying with birthing, several reports describe the terror experienced by women waiting to give birth during Israel's bombing raids on Gaza in 2009, 2012, and 2014. According to a report by the National Program for the United Nations Population Fund (UNFPA), "six maternity units suspended their operations due to the destruction of the hospitals," pregnancy care services declined by more than 70 percent and family planning services by 60–90 percent during the July 2014 Israeli assault. According to Maryam Shaqoura, head of the Gaza Women's Health Centre, during the 2014 war, pregnant Gazans faced increased risks of abortion, premature births, and complications after birth.<sup>120</sup>

Commenting on Mai Masri's 2015 film *3000 Nights*, the story of a pregnant Palestinian teacher forced to give birth in an Israeli jail, Gaza-based researcher Asmaa AbuMezied writes: "The movie touched upon the conditions of pregnant prisoners and their struggles when giving birth inside prison. Palestinian women are chained to bed when giving birth while surrounded by Israeli soldiers holding their guns."<sup>121</sup> Palestinian women's birthing agonies are compounded by the fact that between the years 2000 and 2007, 69 Palestinian babies were born at West Bank checkpoints where 35 babies and five mothers died.<sup>122</sup> This is striking in view of the contrast between the low 2008 maternal mortality rate of 6 per 100,000 live births in Israel and the relatively high maternal mortality rate of 46 in Palestine.<sup>123</sup>

Writing about the murder of Palestinian women in Israel for so-called family honor, another aspect of "killing the Palestinian body," Palestinian sociologist Manar Hasan rejects Israeli scholars attributing these murders to inherent Palestinian patriarchal structures while ignoring the political factors that shape

these practices.<sup>124</sup> Hasan argues that murdering Palestinian women because of “family honor” is bound up with the interests of the Israeli state. These crimes are premised on the assumption that the honor of the women’s male kin resides in the bodies of their female relatives. But Hasan also explores the economic basis for the control of women’s bodies that facilitates denying women the right of inheritance. Illustrating the intersection of race and gender, Hasan stresses the collusion between the Israeli state and heads of Palestinian *hamulas* (extended families) whose support the state seeks in order to control the Palestinian population. This collusion is demonstrated by the policy of handing over Palestinian women escaping their families, who they suspect may murder them, to the Israeli police (who then returns them to the local sheikhs, often leading to their murder). Such collusion “is a product of conscious social and political control whose price tag is minimal: no more than a few female corpses per year. The policy, therefore, encourages the continuation of the murder of Palestinian women.”<sup>125</sup> Hasan concludes by arguing that the people who shape Israel’s policy toward Palestinians in Israel are part of the Israeli defense establishment who believe in nurturing tradition as a policy of preventing Palestinian nationalist organizing. In contrast to the policy of preserving traditional Palestinian patriarchal structures that facilitate “honor killings,” Israel pursued the opposite in relation to Jewish immigrants from Arab countries whose extended family structures it sought to dismantle with the aim of assimilating Mizrahi Jewish immigrants into the Israeli “melting pot.”<sup>126</sup> As already mentioned, the project of assimilation has ultimately not succeeded beyond enlisting the Mizrahim to Israel’s war against the Palestinians.

Extending the discussion, Shalhoub-Kevorkian posits the term “femicide” to denote not only murdering women but also placing women, who live with permanent threats of being killed, on “death row.”<sup>127</sup> Femicide is not about culture but is rather a sociopolitical and economic instrument of oppression. The Palestinian national struggle, she argues, though encouraging women’s resistance, has also upheld the family and Islamic constructions of female sexuality. In cases of domestic violence and “honor crimes,” gendered structures of masculine hegemonic manipulations are “exacerbated by the violence of the Israeli occupation and by depressed economic conditions.”<sup>128</sup> The violence of both poverty and the occupation means that “the more Palestinian men have suffered at the hands of the Israeli occupiers (e.g., beatings, incarceration, humiliation), the more they have been prone to vent their anger and feelings of helplessness.” West Bank Palestinian women face the dual oppression of the occupation and of Palestinian patriarchy, leading Shalhoub-Kevorkian to extend

the definition of femicide to include women being forced to live in prisons (both home imprisonment and actual incarceration), forced to marry their rapists, or to change their lives because of the perpetual threat or murder.<sup>129</sup>

My final example—though the list is anything but exhaustive—relates to Palestinian women political prisoners in Israeli jails. According to the Palestinian prisoner support association *Addameer*,<sup>130</sup> of more than 800,000 Palestinians imprisoned since 1967 under military orders in the occupied territory, 10,000 were women arrested since 1967 and 8,000 were children arrested since 2000. In July 2017 there were 62 female political prisoners in Israeli jails, and the lack of gender-sensitive services in two of the prisons holding female Palestinian political prisoners, Damon and Hasharon, seriously affect female prisoners' health. A 2008 *Addameer* study<sup>131</sup> found that 38 percent of female prisoners had treatable diseases such as asthma, diabetes, kidney and eye diseases, sickle-cell anemia, cancer, and seizures, but had little or no access to medical treatment. No gynecological services or Arabic-speaking female medical specialists were available despite repeated requests. Furthermore, female prisoners were subjected to the same psychological and physical abuse as their male counterparts, including beatings, insults, intrusive body searches, and threats of sexual harassment.

In its April 2017 newsletter, the Women's Organization for Political Prisoners (WOFPP) documented ten girl prisoners and at least two female administrative detainees, and twelve female prisoners injured during their arrests, who did not receive adequate medical treatment. The experiences of female prisoners in Israeli jails outlined by WOFPP include the harsh conditions of transport from prison to court, long sentences and steep fines imposed by Israel's military courts, and the lack of provision of handcraft and study materials, and personal hygiene products which prisoners must buy at exorbitant cost in the prison canteens. According to WOFPP, incarceration within Israel's 1967 borders away from their families—"a flagrant violation of the Fourth Geneva Convention"<sup>132</sup>—and the reduction in the number of visiting permits is particularly hard for women prisoners, depriving them of seeing parents, husbands, and children.<sup>133</sup>

In her study of Palestinian political detainees, Abdo focuses on their experiences of incarceration, including the use of sexuality, especially in the form of attempted rape as a method of torture.<sup>134</sup> She also details methods of resistance that Palestinian women political detainees invented while in prison, a process of resistance, that, as her interviewees said, "has undoubtedly contributed to their personal, social, and political development" and continued long after their detention was over.<sup>135</sup>



## Conclusion: Racialized Assemblages and Feminized Resistance

In August 2017 the Palestinian pharmacist, trainee solicitor, and Israeli citizen Sirin Hatib-Shahbari published an article about her decision to veil. Hatib-Shahbari is an independent modern woman successfully combining motherhood and family life with work and studies, yet in the context of global Islamophobia, sharing her article on Facebook attracted many hostile comments by liberal Israeli Jews questioning how actually free her choice to veil had been, and using strong language to vilify her and other veiled Muslim women. For me, Hatib-Shahbari's article, "The hijab and I: How a meter and a half of cloth changed my life,"<sup>136</sup> written in Hebrew, exemplifies strategies of feminized resistance performed by Palestinian women citizens and occupied subjects against their racialization by Israeli state and society.

I am aware, however, that concepts such as resistance, body, and gender binaries are not universally acceptable when race is positioned front and center in analyzing subjection and dehumanization. Building on Hortense Spillers's distinction between body and flesh, and on the writ of habeas corpus, Weheliye coins the term *habeas viscus* ("You shall have the flesh") to signal that violent political domination uses the flesh to sustain its brutality and to reclaim the atrocity of the flesh as a political arena.<sup>137</sup> The flesh, he writes, rather than displacing bare life, represents racialized assemblages of subjection that are unable to annihilate practices of liberation and freedom. Liberation and freedom, however, cannot be understood merely within the lexicon of resistance and agency because this lexicon blinds us to real possibilities of freedom. Spillers's theory of the flesh as an antecedent to the body, Weheliye writes, does not understand the flesh as a biological occurrence, but rather as designating "those dimensions of human life cleaved by the working together of depravation and deprivation."<sup>138</sup>

Weheliye is concerned with how we can think gender categories based on anatomical foundations of sexual distinction through the lens of racialization and vice versa, and how we can account for what Spillers calls "female flesh ungendered" that she insists affects all black subjects.<sup>139</sup> Based on black feminist theorists, Weheliye claims that black subjects' genders and sexualities operate differently from those found in the mainstream world of (Western) Man. However, unlike Spillers and Weheliye, Palestinian feminists tend to retain the lexicons of resistance, agency, and the body to describe what Khoury et al. call Palestinian women's "feminized resistance."<sup>140</sup>

Arguing that Palestinian women's embodied resistance to colonialism "has redefined gender roles," Khoury et al.<sup>141</sup> suggest that Palestinian women's bodies become "trans-border bodies that cross territorial boundaries. While the occupation dispersed Palestinian bodies, nonetheless their common refugee status and the representations of women in popular literature formed a collective gender identity."<sup>142</sup> Moreover, through exploring the notion of "Palestine as woman" in popular literature, they argue that the status of Palestinian women has been rejuvenated as resistance was feminized by strategically using the domestic and the maternal as sites of political expression. Employing James C. Scott's concepts of "the weapons of the weak" and "hidden transcripts,"<sup>143</sup> they deconstruct gender-role binaries in "doing resistance" and argue that women in Palestinian camp society "perform many acts that, left undone, would have curbed the resistance." Although the hidden transcripts of resistance require that women remain within the confines of the home, in occupied Palestine the home itself becomes a site of resistance.<sup>144</sup> And, as Kannaneh argues in a similar vein to Roberts's work on black slave women's reproduction,<sup>145</sup> reproduction too becomes a resistance strategy as Palestinian women's pregnant bodies produce and are reproduced by ideas of Palestinian nationalism.<sup>146</sup>

Feminized resistance strategies performed by Palestinian women<sup>147</sup> range from the discursive—as in Hatib-Shahbari's hijab article—through regular participation in protests and vigils against the occupation and the ever encroaching West Bank separation wall, Palestinian and international NGO activism, contribution to the Israeli-Palestinian "future vision" documents,<sup>148</sup> joining and standing as candidates for Palestinian and Israeli political parties (of 33 women Knesset members, two are Palestinian women members of the Joint Arab List<sup>149</sup>), rap and hip-hop music,<sup>150</sup> participation in education at all levels as illustrated later, telling personal narratives and reclaiming Nakba memories as sites of empowerment,<sup>151</sup> to armed resistance and participation in the anticolonial struggle within the Israeli prison system.<sup>152</sup> I follow Palestinian feminists' use of the grammar of resistance by outlining three examples of Palestinian women enacting feminized resistance against their ongoing racialization as an "insurrection of subjugated knowledges" that, according to Michel Foucault,<sup>153</sup> stand in opposition to professionalizing, medicalizing, and state knowledge, and the only way of enabling criticism to perform its work.

The first example is women's everyday feminized resistance to Israel's occupation practices. In *Militarization and Violence against Women in Conflict Zones in the Middle East: A Palestinian Case Study*, Shalhoub-Kevorkian uses

the grammar of resistance strategies to posit “counter spaces.”<sup>154</sup> She uncovers the effects of militarization and occupation and the way that the bodies of Palestinian women become a battlefield for the occupation. Refusing to cast Palestinian women as mere victims of the occupation, she describes the effect of Israel’s geopolitical spatial policy as a way of controlling Palestinian spaces, and argues that Palestinian women respond to the threat of house demolitions by sometimes sleeping in their clothes to avoid being caught by the soldiers in their night clothes. While they are at home, she writes, they are in exile as the private space is militarized and controlled by the Israeli security forces. Militarization constructs Palestinian women as boundary markers who often become “the punching bag” for both the men outside and the men inside. Palestinian women, she maintains, are in a state of “betweenness” because the need to protect their homes and the men inside the home means that sometimes they have to let go of their freedom and rights, while still getting their children to school and caring for their families.

Through the narratives of Palestinian women, the occupation itself assumes a gender. As part of the 2016 UNDP/UN Women report, *In the Absence of Justice: Embodiment and the Politics of Militarized Dismemberment in Occupied East Jerusalem*,<sup>155</sup> Shalhoub-Kevorkian describes the embodied, gendered, social body politics, and blockages facing women in Occupied East Jerusalem as “the politics of militarized dismemberment.”<sup>156</sup> While such blockages sever and “amputate” women’s ability to access justice, the report also details women attempting to “re-member” the self and the social body through daily acts of survival and the creation of countermaps to access justice. Personal accounts show how women and girls open up new spaces of resistance through the use of E-resistance (Facebook, WhatsApp, and more), music, writing and dancing, or through their religious beliefs and spiritual practices. Interestingly, and corresponding with Weheliye’s rejection of the lexicon of resistance, a woman whose house was demolished by settlers described her experience not in terms of resistance, but rather in terms of survival and *sumud*—steadfastness:

It’s not about justice, but about us women coping with the injustice with all we have. So, we use the law if we can and if Sharia law or the Israeli law does not stand by us, we use our connections if and when we can, use our money, our bodies, and our education, all we have, just to maintain our ability to survive, to stay in our houses, to prevent its demolition, to protect our children from being arrested or shot. . . . It is our *sumud*, our survival, and not the availability of a justice system.<sup>157</sup>

The second example is of Israeli Bedouin citizen women in the Naqab accessing education. They do so although their education is often forcefully curtailed by the modernizing Israeli state that ignores the needs of Bedouin women by not providing gender-segregated schooling and thus encouraging their parents to take daughters out of mixed schools for traditional reasons. This creates an internal conflict within Bedouin communities, leading to the high school dropout rates of Bedouin girls. Bedouin scholar Sarab Abu Rabia-Queder, who gained her PhD from Ben-Gurion University, documents Bedouin women's routes to resistance through returning to complete the education they had failed to obtain as children: by 2007, 250 Bedouin women attended university.<sup>158</sup> Despite the high cost of university education, many families support their daughters' education. And Bedouin women graduates say they are treated with more respect, have more authority, and are seen as community decision makers and role models. Many have been giving public lectures in their villages on education and on physical and mental health.

The third example deals with the participation of Palestinian women in the armed struggle. Based on interviews with *munadelat* (female prisoners), and aiming to de-orientalize and de-racialize Palestinian *munadelat*, Abdo argues that the event most often mentioned by the women as a primary reason for their political and military activism was the Nakba and its consequences of forced exile and trauma.<sup>159</sup> Contrary to Western perceptions of Palestinian women as oppressed by Islam and Palestinian patriarchy, Abdo's interviewees were all well-educated, left wing, and respected by their families. She argues that discourses about sexuality, women's bodies, family honor, and virginity "must be located in Israel's colonial policies, especially as expressed in its prison policies."<sup>160</sup> In *Captive Revolution: Palestinian Women's Anti-Colonial Struggle within the Israeli Prison System*, Abdo argues that women's experiences of political detention between the 1960s and the 1980s as a result of their involvement in the anticolonial struggle "served as a reminder of the ... important place women occupied in the anti-colonial movements."<sup>161</sup>

Abdo's relational analysis of women political detainees' anticolonial struggles in different political contexts demonstrates gendered resistance through the women's daily experiences as political prisoners and affirms their resilience. On the other hand, she argues that women activists are controlled through sexual harassment and humiliation, including rape and attempted rape, as a means of controlling their society and an attempt to deter the women from participating in the struggle. Palestinian women detainees, she writes, turn their bodies into a site

of resistance, “demonstrating to the occupier that they were aware of the former’s tactics and that they were willing to challenge and defy them.” At the same time, they expressed dissatisfaction about finding themselves upon discharge from prison in a society still under occupation, colonialism, and Israeli settler colonial policies. Many of the women, she notes, were unable to find jobs when released, and for others, the patriarchal structure of Palestinian society that privileges male ex-political prisoners, added to their disillusionment, compounded by the post-Oslo fragmentation of Palestinian society that delegitimized most women in the armed struggle who belonged to the forces opposed to the Oslo Accords.<sup>162</sup>

Returning to Weheliye’s critique of Agamben’s theorization of bare life that leaves no room for “alternate forms of life that elude the law’s violent embrace,”<sup>163</sup> it is useful to remember that in the aftermath of colonialism, genocide and racial slavery, the “hieroglyphics of the flesh” remain a potential “that lingers affixed to the racialized body as not-quite-human,” and that “freedom and humanity conjured from the vantage point of the flesh” offer the ultimate potential for freedom and decolonization to which I turn in the final chapter.

## Conclusion: Traces of Race and Acts of Decolonization

*Resist, My People, Resist Them*  
*Resist, my people, resist them.*  
*In Jerusalem, I dressed my wounds and breathed my sorrows*  
*And carried the soul in my palm*  
*For an Arab Palestine.*  
*I will not succumb to the 'peaceful solution,'*  
*Never lower my flags*  
*Until I evict them from my land.*  
*I cast them aside for a coming time.*  
*Resist, my people, resist them.*  
*Resist the settler's robbery*  
*And follow the caravan of martyrs.*  
*Shred the disgraceful constitution*  
*Which imposed degradation and humiliation*  
*And deterred us from restoring justice.*  
*They burned blameless children;*  
*As for Hadeel, they sniped her in public,*  
*Killed her in broad daylight.*  
*Resist, my people, resist them.*  
*Resist the colonialist's onslaught.*  
*Pay no mind to his agents among us*  
*Who chain us with the peaceful illusion.*  
*Do not fear doubtful tongues;*  
*The truth in your heart is stronger,*  
*As long as you resist in a land*  
*That has lived through raids and victory.*  
*So Ali called from his grave:*

*Resist, my rebellious people.*

*Write me as prose on the agarwood;*

*My remains have you as a response.*

*Resist, my people, resist them.*

*Resist, my people, resist them.*

—Dareen Tatour (Translation Tariq al Haydar)<sup>1</sup>

## Prologue: The 2017 Prison Hunger Strike

On May 27, 2017, the forty-days hunger strike by Palestinian prisoners in Israeli jails was suspended following 20 hours of negotiations between the strikers' leadership and the Israel Prison Service (IPS), with the strike leaders announcing victory. The "Strike of Dignity and Freedom" by 1,500 Palestinian prisoners—out of a total of nearly 6,500 Palestinian political prisoners in Israeli jails—was launched on April 17, 2017. The strikers presented a series of basic demands, including ending the denial of family visits and returning to twice-monthly visits, the right to pursue distance higher education, proper medical care, access to public telephones, and ending solitary confinement and administrative detention without charge or trial.

Imprisoning West Bank Palestinians within the State of Israel (1948 Palestine) is entirely illegitimate under the Fourth Geneva Convention. According to the Palestinian Prisoners Solidarity Network, *Samidoun*,<sup>2</sup> after 40 days of consuming only salt and water, the prisoners' health was deteriorating, and dozens of prisoners were transferred to Israeli hospitals. Though many had lost weight, were vomiting or urinating blood, were experiencing severe fatigue and pains, and were unable to walk, they continued to face punitive measures including frequent abusive transfers from one prison to another in the infamous "*bosta*" prison transit vehicle,<sup>3</sup> solitary confinement and isolation, frequent raids, fines, and confiscation of personal belongings, including clothing, blankets, and even salt. According to *Samidoun*, forty hunger striking prisoners in the Hadarim prison were transferred to civilian Israeli hospitals. The IPS asked doctors to consider force-feeding them, despite opposition by the Israeli Medical Association,<sup>4</sup> as force-feeding is a form of torture prohibited by international human rights conventions and medical ethics. The striking prisoners reported that doctors were trying to persuade them to stop the hunger strike saying it was endangering their health, and said they were forced to undergo medical tests that constituted further pressure. Despite their weakening health, prisoners said their morale remained high and they were determined to strike until victory.

The prisoners received Palestinian and international support despite attacks on protesters in 1948 Palestine and in the occupied territory.

The suspension of the strike was declared a victory for the strikers and for Palestine. However, as the Israeli prisoner rights activist Anat Matar wrote on her Facebook page, while no prisoner died or was force-fed, and despite some minor achievements, the suspension was far from a genuine victory.<sup>5</sup> Indeed, when the strike was suspended *Samidoun*<sup>6</sup> released details of the agreement, which, while encouraging, did not lead to ending administrative detention or granting prisoners the right to study.

More broadly, the hunger strike did not mention the abolition of what the black American activist Angela Davis calls the “prison industrial complex.”<sup>7</sup> Speaking about the theoretical and ideological links between the Black Lives Matter (BLM) movement and the struggle to liberate Palestine, Davis says that Palestine helped black US activists to broaden their vision of the abolition of imprisonment and policing:

The experience of Palestine pushes us to revisit concepts such as “the prison nation” or “the carceral state” in order to seriously understand the quotidian carceralities of the occupation and the ubiquitous policing by not only Israeli forces but also the Palestinian Authority. This, in turn, has stimulated other research directions on the uses of incarceration and its role, for example ... in naturalizing segregation.<sup>8</sup>

In their introduction to *Threat: Palestinian Political Prisoners in Israel*, Abeer Baker and Anat Matar politicize the category “security prisoner,” defined by Israel as “a prisoner who is convicted and sentenced for committing a crime, or who is imprisoned on suspicion of committing a crime, which due to its nature or circumstances was defined as a security offense or whose motive was nationalistic.”<sup>9</sup> Unsurprisingly, all prisoners in this category are Palestinian (although Jewish Israelis have also been convicted of offences motivated by nationalism). Baker and Matar argue that the Israeli state considers all Palestinians, not only prisoners, as “security threats”:

Applied in a blind, categorical manner, without distinction, [the “security prisoner” rubric] transforms thousands of Palestinians as they are seized, interrogated, detained and imprisoned in Israel into a single group that poses ... an identical level of danger which justifies special treatment ... In contrast to the general approach towards prisoners, which is based on an individual assessment ... the attitude of the State of Israel towards these “security prisoners” is based on their group identification as “threats” ... What is



resounding in its absence from this “security” discourse is its background: the long years of occupation of the Palestinian Territories ... the [prevention of] self-determination and national independence.<sup>10</sup>

Baker and Matar’s analysis does not mention that the “security prisoners” category is profoundly racialized. Palestinian prisoners are differentiated from “criminal” Israeli and Palestinian prisoners and from Israeli-Jewish prisoners sentenced for security offenses (such as the Jewish assassin of the late Prime Minister Yizhak Rabin). The racialized category of Palestinian “security prisoner” enables the state and the IPS to strip Palestinian political prisoners of their rights, depoliticizes their actions, and erases their subjectivity, turning them into objects of fear that Israelis must protect themselves from. Depoliticizing prisoners’ subjectivity means depoliticizing and denying the entire Palestinian struggle: “All of Palestinian political existence is fossilized by means of the ‘security threat’ label, turned into a type of dangerous *object* for the only subjects around, Israeli citizens.”<sup>11</sup>

## Introduction

The hunger strike by Palestinian political prisoners is but one strategy of decolonizing Palestine—the topic of this concluding chapter. Categorizing Palestinian prisoners as “security threats” means the racialization of Palestine and Palestinians by the Israeli state and by white Jewish supremacy. To paraphrase Ta-Nehisi Coates writing in *The Atlantic* about Donald Trump as “The first white president,”<sup>12</sup> since race is an idea, not a fact, the construct of Jewish supremacy (or as Coates has it to the construction of the “white race”) is based on not being an Arab (or in the US context, not being a “nigger”).<sup>13</sup>

The prisoners’ hunger strike also demonstrates the inadequacy of theorizing Palestinians under Israeli rule as Agamben’s “bare life” rather than as agents of decolonial resistance. I concur with Marcelo Svirsky’s caution, following William Walters, that minoritized and occupied subjects are never just “bare life” because “vesting subaltern subjects with the mark of exception reterritorializes their underprivileged place in language” and imagines them as “subjects to whom all manners of things are done ... but who are rarely agents in their own rights.”<sup>14</sup> The inappropriateness of theorizing the colonized as passive victims cannot be overemphasized. Thus, the prisoners’ hunger strike, as well as the nonviolent protests by thousands of Palestinians praying outside Al-Aqsa when Israel

installed metal detectors at the entry to the mosque, mentioned in Chapter 4,<sup>15</sup> point to significant potentialities of decolonization.

I begin by outlining Frantz Fanon's argument of decolonization as "total disorder" and "an act of removing order from the structures of foreign authority."<sup>16</sup> As Steven Salaita argues, "this removal of order is total because, according to Fanon, the colonial entity must be rejected completely, subverted, dismantled, decentralized—that is, dis-ordered."<sup>17</sup> I continue by juxtaposing Fanon's argument that decolonization aims at the colonized making the territory their own and Raef Zreik's rejection of Fanon's view of decolonization insisting that colonized Palestinians must include the Israeli colonizers in their future vision of a free Palestine.<sup>18</sup> This view includes the insistence on nonviolence as the best mode of decolonization, particularly in relation to the Boycott, Divestment, and Sanctions (BDS) campaign that I critically discuss. Following Steven Salaita, I discuss the inter/national nature of decolonizing Palestine and his privileging of other modes of decolonization such as literature and poetry. The Palestinian poet Dareen Tatour, whose poem "Resist, My People, Resist Them" is cited at the beginning of the chapter, is an example of this mode of decolonization.

I believe that recent Israeli media articles about Zionism as racism and white supremacy,<sup>19</sup> though not focusing on race per se, vindicate my insistence on theorizing Israel in terms of race and coloniality and Palestine in terms of decolonization. Returning to my positionality as an Israeli-Jewish member of the perpetrator collectivity, I concur with Eve Tuck and Wayne Yang that decolonization is not a metaphor,<sup>20</sup> and with Steven Salaita and Angela Davis that decolonization cannot be reduced to projects of reconciliation, dialogue, assimilation, coexistence, or normalization. I end by asking whether decolonization must insist on the total dismantling of the settler-colonial state, or whether the Zionist settlers can become partners in the decolonization of Palestine.

## Decolonization: Between "Total Disorder" and Recognition

In *The Wretched of the Earth* Frantz Fanon posits a theory of decolonization that "sets out to change the order of the world." Fanon defines decolonization as "a programme of total disorder," albeit one that cannot be accomplished by the wave of a magic wand, a natural cataclysm, or a gentleman's agreement:

Decolonization, we know, is an historical process: that is to say that it cannot be understood, it cannot become intelligible nor clear to itself except in the exact measure that we can discern the movements which give it historical form and content. Decolonization is the meeting of two forces, opposed to each other by their very nature, which in fact owe their originality to that sort of substantification which results from and is nourished by the situation in the colonies.<sup>21</sup>

According to Salaita, Fanon's phrase "total disorder" does not denote chaos in the sense of the absence of law, but rather describes a total rejection of colonial rule and its socioeconomic precepts and an act of removing order from the structures of foreign authority.<sup>22</sup> In other words, decolonization is an act of dis-ordering. Ironically, Fanon's theorization could be seen as echoing the Zionist construction of "the New (Jewish) Man" in the biblical land of Judaism's forefathers, in that he posits decolonization as "the veritable creation of new men. But this creation owes nothing of its legitimacy to any supernatural power; the 'thing' which has been colonized becomes man during the same process by which it frees itself."<sup>23</sup>

In the first chapter of *The Wretched of the Earth*, "Concerning Violence," Fanon focuses on decolonial violence as emanating from the determination of the colonized to overcome all the obstacles they come across in aiming to turn society upside down.<sup>24</sup> Because the very first encounter of the colonizer and the colonized was marked by violence, the Native who decides to put the program of decolonization into practice is ready for violence at all times. However, since reducing the discussion of Fanon's theory of decolonization to discussing violence is misleading, Salaita argues that for Fanon, decolonization is less about physical resistance to foreign occupation and more about the psychological expulsion of the colonizer (though, he notes, this can only occur through physical resistance).<sup>25</sup> Decolonization, Salaita adds, is also successful on the linguistic level, whereby the Native "can begin the arduous process of psychic and political reimagination." Positing the inter/national nature of decolonizing Palestine and Native America, Salaita also highlights the role of Native poetry to the decolonization of Palestine, as discussed later.

Fanon acknowledges the racialization of the colonized and argues that while "the colonial context is characterized by the dichotomy which it imposes upon the whole people,"<sup>26</sup> decolonization strives to unify the people not only on a national but also on a racial basis. I find Fanon's analysis of decolonization useful in counteracting Eurocentric theorizations of exception, biopolitics, and bare

life. *The Wretched of the Earth*, written while Fanon was deeply involved in the Algerian struggle, recognizes that the forces of occupation cannot last and that for the colonized Natives the most essential value, because the most concrete, is first and foremost the colonized land.<sup>27</sup> The colonizer's argument that the colonized understand only force—an argument regularly employed by Israel to justify its brutal colonization of Palestine—stems from the colonial project of keeping the colonized at arm's length, dehumanizing and racializing them, and the settlers' preoccupation with security reminds the Natives that they alone are the masters. Perhaps predictably, Yehouda Shenhav's postcolonial reading of Fanon neither foregrounds race nor invests the Palestinian Natives with potentialities of decolonization,<sup>28</sup> the aim of which is to "disrupt the interplay of colonial ethos with predominant conceptions of universal meaning and common sense" and to "identify the extirpation of a foreign occupier from one's economy, education system and self-image" rather than to merely expunge the foreign occupier from one's ancestral land.<sup>29</sup>

However, Fanon's theory of decolonization is deemed inappropriate by Raef Zreik to theorizing the decolonization of Palestine.<sup>30</sup> Zreik juxtaposes Fanon's "conflict thesis," guided by rage and aiming at the victory of the colonized over the colonizer, with the "consensus thesis" espoused by Mahatma Gandhi and Martin Luther King, for whom decolonization must entail the liberation of both oppressor and oppressed, and means overcoming colonialism and racism, not just the colonialist and the racist.

In contrast with Fanon, for Zreik, a Palestinian citizen of Israel and former member of the Balad political party,<sup>31</sup> the decolonization of Palestine entails the duty of the colonized to offer a solution to the settlers as well as to themselves.<sup>32</sup> He argues that despite its military power and apparent success in colonizing Palestine, Israel is incapable of annihilating the Palestinians. While recognizing that considering the status of the Jews after the Palestinians decolonize might be internally divisive, Zreik believes that in the long run mutual recognition is the more, though not the only, reasonable decolonization strategy, and he proposes replacing the settler-Native dichotomy with the principle of citizenship that has the potential of ending the legal monopoly of the settler project.<sup>33</sup> Aware that Fanon's logic of the persecuted who wants to become persecutor threatens the settler and inspires a fear that the category of citizenship is a sham or even a trap, Zreik suggests that the colonized have a role in giving flesh and reality to the category of citizenship, which can never be achieved without the Natives' contribution and consent.

According to Zreik, recognizing Zionism as both a settler colonial and a national project gives the Palestinians an important role to play, but they need to reject the settler colonial nature of Zionism while accepting Jewish nationalism of the here and now. This approach to decolonization, Zreik argues,

means that while the Palestinians say “No” to Jewish supremacy they can say “Yes” to Jewish equality, while they say “No” to Jewish privileges they can say “Yes” to Jewish rights, “No” to Jewish superiority but “Yes” to Jewish safety. Such a “Yes” can be both the ultimate triumph and ultimate defeat of the Zionist project as a settler-colonial endeavor. It is victory, because after a hundred years the project may finally manage to fully normalize national Jewish existence in Israel/Palestine. It is defeat, because the project must give up its colonial aspects, and give up all privileges and claims to supremacy.<sup>34</sup>

In insisting that the Palestinians can recognize Jewish nationalism only if the settlers give up the settler project, recognize their role in Palestinian dispossession, including the Nakba and its ongoing consequences, and take responsibility for their actions, Zreik’s approach to decolonizing Palestine is definitely not a fudge. To earn the recognition of the colonized, the settlers must offer reparations, give up their privileges and seek partnership instead of domination. Only facing history, Zreik insists, will allow the settler to settle down and move from conquest to contract. Rather than oppose Israel’s demand to be recognized as a Jewish state, Zreik argues that such recognition, while galling for the Palestinians, might be a starting point for a discourse of recognition and for a conversation about Natives and settlers. This might entail an “(Israeli) anxiety of recognition”: “asking for recognition without recognizing the power of the Palestinians to recognize . . . But Israel is undecided if it wants recognition or not, oscillating between the logic of elimination and logic of recognition, between the logic of conquest and logic of consent.”<sup>35</sup>

The Committee for one Secular and Democratic Republic in the whole of Palestine also includes Jewish settlers in its vision of a single secular democratic state in historic Palestine. The constitutive assembly of a secular democratic republic, according to this vision, will be elected by all citizens, Arabs and Jews, including returning Palestinian refugees. The process will be led by the Arab Palestinian nation, the main victim of the settler colonial project, and will culminate in the establishment of a Palestinian nation-state with full equality for Arab and Jewish citizens.<sup>36</sup>

We must remember that the project of decolonizing Palestine originated with the Palestinians themselves who also initiated the BDS campaign, discussed

later. Already in 1980, in his introduction to *The Question of Palestine*, Edward Said wrote that his aim was to represent the Palestinian position, “something not well known . . . even now, as there is so much talk of the Palestinians and of the Palestinian problem.”<sup>37</sup> Though this can no longer be considered the case today, many supporters of Palestine continue to refer to the 1967 occupation rather than to what the Hawaiian-American scholar J. Kēhaulani Kauanui terms “One Occupation,”<sup>38</sup> referring to the commonly held southern hemisphere view of the whole of Palestine being occupied, and signaling “the potential for radical approaches to decolonization.”<sup>39</sup> Said based *The Question of Palestine* on the Palestinian experience that “became a self-conscious experience when the first wave of Zionist colonialists reached the shores of Palestine in the early 1880s,” identifying, already in the late 1970s, Palestinians constructing a political identity and will of their own. Despite their geographic dispersal and fragmentation, Said argued, Palestinians have achieved a degree of unity because “the Palestinian *idea* (which we have articulated out of our own experience of dispossession and exclusionary oppression) has a coherence to which we have all responded with positive enthusiasm.”<sup>40</sup>

It is crucial that allies—including anti-Zionist Israeli allies like me—remember that decolonization is above all a Palestinian project, and take note of what the Palestinian poet Remi Kanazi says in his poem “Solidarity”:

Palestinians are not victims  
that need to be saved  
children that need to be dictated to  
solidarity is not a golden pass  
to stomp, abuse, and run over  
you want to battle oppression?  
confront your own complicity  
in communities of solidarity.<sup>41</sup>

## Decolonization as Inter/national

Examining the body of critique arising from Palestinian society ever since the British Mandate era, the cross-fertilization between Natives in the Americas and in Palestine leads Salaita to posit decolonization as an inter/national process.<sup>42</sup> By taking up BDS and the cause of decolonizing Palestine and using Palestine as a test case of their decolonial and scholarly credibility, many Native and African American scholars and activists have deepened their understanding

of the decolonization of America and the intellectual and political activism performed in the service of Palestinian liberation. In a radio interview after her 2012 trip to Palestine as part of the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) delegation, Kauanui acknowledged her debt to 1948 Palestinians shifting the settler colonial discourse from their concern with the Palestinian question to broader concerns relevant to her own work on fighting the US occupation of Hawai'i.<sup>43</sup>

Salaita notes that the colonization of the so-called New World was infused with biblical narratives of salvation, redemption, and destiny, as settlers assumed the role of Joshua crossing the Jordan into Canaan and obeying his God's command to exterminate the Natives and establish a "land of milk and honey," the allegedly underused and unappreciated *terra nullius* of settler colonialism.<sup>44</sup> And it is Indigenous peoples, particularly in Latin America and Africa, who are the first to suffer from Israel's ongoing exports of arms, security and surveillance equipment, and military training, used, inter alia, in Mexico against the (Mayan) Zapatistas in Chiapas. In fact, Israel's billion-dollars arms and security exports to major human rights abusers and genocidal regimes—from arming and enabling Sudan's and Myanmar's racist regimes to quashing dissent and arming despots across the Middle East, Africa, Latin America, and Asia—has a long history of fomenting civil strife and damaging Native peoples.<sup>45</sup>

Unsurprisingly, Native Americans have become actors in the rhetorical battlegrounds of Palestine and Israel as both Zionists and Palestinians claim to be like the "Indians" while both Zionists and non-Zionists recognize in Natives a sort of moral authority on the subject of dispossession. While for Salaita both sides' rhetorical associations are problematic and a-historical,<sup>46</sup> Native scholars' transnational interest in Palestine seems logical. As Kauanui notes, the politics of indigeneity brings much to bear on critical analyses of Israeli exceptionalism that is bankrolled by American exceptionalism that denies the colonization of Native North America.<sup>47</sup>

Angela Davis similarly links the liberation of Palestine with the African American struggle. In an interview with Gaye T. Johnson and Alex Lubin, she points to the pivotal place Palestine had occupied in her political history, "precisely because of the similarities between Israel and the United States—their foundational settler colonialism and their ethnic cleansing processes with respect to Indigenous people, their systems of segregation, their use of legal systems to enact systematic repression, and so forth."<sup>48</sup> In 2011, Davis joined a delegation of Indigenous and women of color feminist scholar-activists to the West Bank and East Jerusalem. She writes of their shock at how little they knew about "the

quotidian violence of the occupation.” Many other delegations of academics and activists visiting Palestine have helped accelerate, broaden, and intensify the Palestine solidarity movement by joining and strengthening the BDS campaign.

Davis explicitly racializes the link between Palestine and the BLM movement. Solidarity with Palestine, she tells Johnson and Lubin, has the potential to further transform the political consciousness of contemporary antiracist movements:

BLM activists and others associated with this very important historical moment of a surging collective consciousness calling for recognition of the persisting structures of racism can play an important role in compelling other areas of social justice activism to take up the cause of Palestine solidarity—specifically the Boycott, Divestment, and Sanctions movement. Alliances on university campuses that bring together Black student organizations, Students for Justice in Palestine, and campus chapters of Jewish Voice for Peace are reminding us of the profound need to unite antiracist efforts with strong challenges to Islamophobia and anti-Semitism, and with the global resistance to the apartheid policies and practices of the State of Israel. Theoretically and ideologically, Palestine has also helped us to broaden our vision of ... the abolition of imprisonment and policing.<sup>49</sup>

Palestinians have actively engaged in acts of decolonization since the early days of Zionism, performing acts of decolonization—both armed resistance, including two intifadas and the armed resistance by military groups in the Gaza Strip which has met with violent Israeli attacks on the besieged enclave—and nonviolent resistance, including strikes and weekly vigils and protests against the Israeli occupation throughout the West Bank. Though Fanon expresses disdain for nonviolence, which he regards as serving the colonialist bourgeoisie,<sup>50</sup> BDS is an avowedly nonviolent strategy of decolonization, initiated by Palestinian civil society and modeled on the antiapartheid campaign, inter-national in nature albeit somewhat problematic, particularly in not addressing race, as I argue later.

## Boycotting Israel as a Strategy of Decolonization

In 2005, 170 Palestinian civil society organizations—unions, political parties, refugee networks, women’s organizations, popular resistance committees, and other groups—inspired by the South African anti apartheid movement, called a campaign of boycott, divestment, and sanctions (BDS),<sup>51</sup> as a form of nonviolent pressure on Israel until it complies with international law by meeting its demands. The first demand is ending the occupation and colonization of



all Arab lands in the West Bank, East Jerusalem, Gaza, and the Syrian Golan Heights: the occupation, the checkpoint regime and the separation (apartheid) wall as well as the siege and periodic assaults on Gaza are widely condemned as war crimes and crimes against humanity. The second demand is recognizing the right of Israel's Palestinian citizens, a fifth of the state's population, to full equality. And the third demand is respecting, promoting, and protecting the right of Palestinian refugees to return to their lands and homes as stipulated in UN Resolution 194 issued in December 1948.<sup>52</sup>

Counteracting opponents' claims that the BDS campaign foments antisemitism, and while acknowledging that some people involved in the BDS campaign may be motivated by antisemitic sentiment, it is important to stress that conflating anti-Zionism with antisemitism and the state of Israel with Jewish people worldwide stems first and foremost from Israel declaring itself as the state of the entire "Jewish nation." Such conflation also assumes that all Jewish people outside Israel support Zionism and Israel's policies of racialization, segregation, occupation, and siege, which is definitely not the case as attested by the growing numbers of Jewish people turning away from Israel and Zionism.<sup>53</sup> Countering accusations of antisemitism, the BDS campaign declares it is "an inclusive, anti-racist human rights movement that is opposed on principle to all forms of discrimination, including antisemitism and Islamophobia."<sup>54</sup>

The BDS campaign includes The Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI),<sup>55</sup> initiated in 2004, advocating the boycott of Israeli cultural and academic institutions (albeit not individual Israeli academics or cultural producers, only those financed by the Israeli government or representing their academic institutions). The academic boycott is due to Israeli universities' persistent complicity with Israel's denial of Palestinians' rights and their specific involvement in the occupation and in Israel's arms and security industries.<sup>56</sup> BDS, Salaita argues, is not based on solidarity or alliance but rather on kinship. Kinship "bespeaks investment not in identical narratives, but in organizing for a future that envisions a life distinct from the common sense of neoliberal and colonial political systems." The academic boycott, Salaita argues, entails the intellectual rigors of both theorization and political labor, and the "primacy of difference as a prerequisite to inter/national familiarity."<sup>57</sup>

Theorizing BDS as an inter/national strategy of decolonization, the Gaza-based academic Haidar Eid writes that,

the formation of the Boycott National Committee in 2007, two years after the (BDS) call, together with the current uprising against Israel's multi-tiered system

of oppression, are parts of a process of decolonization—as opposed to what the Oslo accords have done, namely, improving the conditions of oppression. Having learned that lesson, Palestinians’ anti-colonial resistance—especially the BDS movement—depends, like that of Black South Africans under the inhumane apartheid regime, and African Americans under Jim Crow laws, on the higher moral ground that they occupy as a result of being dispossessed of their internationally recognized basic rights and land. BDS activists do not buy the faint promise that redemption—in the form of “statehood” and “self-determination”—lies at the end of “negotiations” and “dialogue” with Israel. In fact, activists’ message is crystal clear: the problem is not only with the occupation, but also with settler colonialism, apartheid, ethnic cleansing, and Israel’s genocidal policies. Palestinian Civil Society strongly believes that the BDS movement is forging a new leadership, one that understands the unity of the cause of all Palestinians, whether inside or outside historic Palestine, whether refugees from today or from long, painful decades ago.<sup>58</sup>

Like Salaita, who lists and counters the Zionist myths about BDS,<sup>59</sup> I totally reject the Zionist attacks on BDS and the academic boycott of Israel as constituting a ban on Israelis, as impinging on academic freedom, as targeting “liberal” Israeli academics who “have nothing to do with the occupation,” and who we should dialogue with rather than boycott, as antisemitic, as unfairly singling out Israel, as secretly aiming to destroy Israel, as harming Israeli students and academics (who, in fact, benefit from the occupation while Israeli universities discriminate against Palestinian students and academics), and as a “strategy without a distinct purpose.” In fact, as Edo Konrad writes, although Israeli universities have long been viewed as a bulwark against extremism, a new database, compiled by a group of Israeli dissident academics—Academia for Equality<sup>60</sup>—reveals the depth of complicity between the Israeli racial colony and Israeli academic institutions.<sup>61</sup>

However, as chairperson of Academics for Palestine, Ireland, and while I wholeheartedly support the BDS campaign and uphold and promote the academic boycott of Israel, I have a few questions regarding the aims of the campaign in terms of their contradictory message and their lack of reference to the racialization of the Palestinians by the Israeli settler colony. My first question is whether the BDS campaign can be regarded a Fanonian decolonization strategy and an act of “total dis-order”? In other words, does BDS aim to dismantle the State of Israel or does it rather focus on making Israel a more just and equal state? A second question is whether demanding the end of the 1967 occupation of the Palestinian territory, but not the territory occupied in 1948, actually amounts to

ending the colonization of the whole of historic Palestine? Third, does granting equal rights to Israel's Palestinian citizens not in fact perpetuate the existence of the state of Israel rather than replace it with a single secular democratic republic? And fourth, does granting all refugees the right of return not contradict the continued existence of the state of Israel?

Interestingly, according to Ali Abunimah, "the vast majority of organizations represented on the Palestinian Boycott National Committee (BNC)—the movement's steering group and collective leadership—explicitly support a two-state solution."<sup>62</sup> Abunimah also counters the Jewish American Israel-critical scholar Norman Finkelstein's opposition to BDS as "tantamount to the destruction of Israel," arguing that both Finkelstein and Zionist opponents of BDS are not really worried about upholding the two-state solution; what they are really after is maintaining Jewish privilege.<sup>63</sup>

Abunimah's insistence that the main target of the opponents of BDS is maintaining Jewish racial supremacy brings me to my final question as to why BDS does not explicitly address the racialization of the Palestinians by the State of Israel. The recent nation-state constitutional bill avowedly aims "to secure the character of Israel as the national state of the Jewish people in order to codify in a basic law the values of Israel as a Jewish democratic state in the spirit of the principles of its Declaration of Independence."<sup>64</sup> It seems to me that the BDS campaign is not explicitly challenging the racialization of Palestinians, which, if this bill is enacted, would ensure will continue in perpetuity.

## Poetry in the Service of Decolonizing Palestine

In her interview with Johnson and Lubin, Angela Davis speaks of the influence of the black feminist poet June Jordan who, despite Zionist attacks, pushed the issue of the occupation of Palestine to the fore, becoming a powerful witness for Palestine.<sup>65</sup> June Jordan, Davis says, taught her and other African American feminists "about the capacity of political affinities across national, cultural, and supposedly racial boundaries to help us imagine more habitable futures." In her poetry, Davis further says, Jordan "felt impelled to embody the juncture of Black and Palestine liberation," and she cites Jordan's poem written after the Sabra and Shatila massacre: "Moving Towards Home":

I was born a Black woman  
and now

I am become a Palestinian  
 against the relentless laughter of evil  
 there is less and less living room  
 and where are my loved ones  
 It is time to make our way home.<sup>66</sup>

In line with Davis citing poetry as a way of inter-connecting Palestinians and African Americans, Salaita surveys Native poetry on Palestine, arguing that cultural production is necessary to decolonization.<sup>67</sup> For Native poets, he suggests, Palestine is not an abstract space, but rather a component of their own political identities and is integral to global projects of liberation. In Native poetry, Palestine is a place of great suffering that deserves great empathy, and it exists in a historical continuum that dislodges it from the Arab world locating it as originating in North America. Rather than condemning Israel, Native poets center the humanity of the Palestinians and see Palestine as a site of renewal. Importantly, Native poets connect Palestinian suffering to US and Canadian policies, and in Native poetry Palestine is mentioned in the context of the carceral state, police violence, and class inequalities.<sup>68</sup> Salaita reads in tandem the poetry of the Palestinian poet Mahmoud Darwish and the Native writer Russell Means, proposing that their interaction illustrates the inter/national nature of decolonizing Palestine and Native America. Native writers who explore Palestine do so as a mode of self-reflection that, as Salaita concludes, emerges “from a liberationist desire and national survival.”<sup>69</sup>

Any discussion of poetry as a strategy of resistance and decolonization would be incomplete without mentioning the 33-year-old Palestinian poet, photographer, and activist Dareen Tatour, who was arrested in her home in Reineh, a small town near Nazareth, on October 11 2015. She was arrested at the beginning of a wave of Palestinian attacks on Israeli targets and a corresponding violent crackdown by the Israeli security forces in the course of which 181 Palestinians suspected of “terror” attacks were extra-judicially executed by the Israeli security forces between October 2015 and February 2016.<sup>70</sup> Tatour was arrested after she posted a video on YouTube in which she recites the poem quoted at the start of this chapter set to music against footage of Palestinian men throwing rocks at IDF soldiers.<sup>71</sup>

Beside the absurdity of arresting Palestinian artists and journalists—both citizens like Tatour and occupied subjects—for social media posts, Tatour’s case is emblematic as her trial centered on mistranslating the terms she used in her poem calling on her people to resist colonization. Tatour’s trial was postponed

several times and at the time of writing she remains under house arrest without access to the internet and to social media.

Reporting an event in which hundreds of Palestinians and Israeli Jews gathered to show support for Tatour, Yoav Haifawi notes that although the conditions of Tatour's house arrest had somewhat improved, successive court decisions continued to silence her, prohibiting her from publishing anything directly or through others, and forbidding her to read the news or attend political gatherings.<sup>72</sup> One way around it is republishing Tatour's previous works—which is why we are able to publish her disputed poem here. Tatour's poems deal mostly with the oppression of women, and speak about the persecution of the innocent and about her "chewing my shackles." I would argue that as a hijab wearing woman, Tatour was most probably targeted by the Israeli authorities not only as a Palestinian citizen supporting decolonization, but also as a Muslim woman racialized by Israeli and global Islamophobia. Notably, the central element in Tatour's trial is the refusal of Israel's judicial system both to accept Palestinian resistance as legitimate and to understand the terms used in her poems. This illustrates the deep chasm between (Israeli) colonizer and (Palestinian) colonized, and demonstrates that what can be said freely in Hebrew by dissident Israeli Jews, can most definitely not be said in Arabic by a hijab wearing Palestinian.

The reason given for indicting Tatour was the poem she wrote in protest of the killing of Muhammed Abu-Khdeir, Hadeel al-Shalamon, and members of the Dawabshe family in Duma. As Israeli activist Ofra Yeshua-Lyth<sup>73</sup> writes, the indictment cites the poem's translation by a police officer with no experience in translating poetry. However, even according to the officer's inaccurate translation, while the poem calls to resist the occupation, it does not incite to violence. Yeshua-Lyth, who has accompanied Tatour throughout her legal ordeal, writes that testimonies by Israeli experts in poetry and the Arabic language make patently clear that her arrest was unjustified. In the first expert opinion, literature professor Nissim Calderon claimed that poets should not be arrested even when their poems can be interpreted as supporting violence. Calderon cited in court classical Jewish poets such as the "national poet" Haim Nachman Bialik and the revisionist poet Uri Zvi Grinberg, both of whom are lauded for having called for (Jewish) vengeance and armed resistance. The second expert witness, translator and Arabic language specialist Dr. Yonatan Mendel, who heads the Van Leer Institute for Jewish-Arab Relations, argued that the poem described by an Israeli policeman as "incitement to violence," "is actually a passionate national poem in the best tradition of the Arabic language, without any call for taking arms or spilling blood."<sup>74</sup> Mendel focused on the false

interpretation by Israelis of the word *shahid*, Arabic for “martyr” or “victim,” that Hebrew speakers automatically identify with terrorism. A *shahid*, Mendel said, is not only someone who performs an act of terrorism but also a cancer patient who dies at an IDF checkpoint. Most people described as *shahids* are civilian victims who do not attack Israelis, including the thousands of victims of Israel’s 2014 assault on Gaza. In fact all the victims Tatour mentions in the poem were civilians: “the child who was burned is probably Muhammad Abu Khdeir; Ali is Ali Dawabsheh; and Hadeel al-Hashlamoun<sup>75</sup> was shot in Hebron by a soldier who suspected—mistakenly according to all testimonies—that she intended to perform a terror attack.”<sup>76</sup>

As Tony Greenstein argues, Tatour’s arrest

speaks volumes about the insecurity of the settler mentality that they seek to gaol someone whose only weapon is the pen and the keyboard. No matter how powerful the Zionists are they know that their existence as a settler colonial state is illegitimate. Israel is only in existence as a “Jewish” state because of the expulsion and dispossession of the Indigenous population, hence why calls to resistance are considered “terrorism” i.e. a threat to the legitimacy of the state itself . . . [C]an anyone imagine anywhere else in Europe . . . where a poem calling for resistance can merit arrest and gaol? Underneath its democratic skin, which these days is almost invisible, Israel is a police state for its Palestinian citizens.<sup>77</sup>

Dareen Tatour’s case illustrates not only the crucial role poetry and cultural production play in processes of decolonization, but also the centrality of race in targeting a hijab wearing Muslim Palestinian poet whose words are deliberately taken out of their cultural and political context.

## Decolonization is not a Metaphor

It might be tempting to use poetic discourse as a metaphor of decolonization, but decolonization, as Tuck and Yang persuasively argue, is not a metaphor.<sup>78</sup> Theorizing decolonization in material rather than metaphorical terms, Tuck and Yang write that “because settler colonialism is built on an entangled triad structure of settler-Native-slave, the decolonial desires . . . can similarly be entangled in resettlement, reoccupation, and reinhabitation that actually further settler colonialism.”<sup>79</sup> While the trendy call to decolonize education and research occludes settler colonialism, Indigenous peoples’ struggles for the recognition of their sovereignty, and the contribution of Indigenous intellectuals to theories of decolonization, the metaphorization of decolonization, they argue, enables a

problematic set of evasions that reconcile settler guilt and complicity. Tuck and Yang further propose that

When metaphor invades decolonization, it kills the very possibility of decolonization; it recenters whiteness, it resettles theory, it extends innocence to the settler, it entertains a settler future. Decolonize (a verb) and decolonization (a noun) cannot easily be grafted onto pre-existing discourses/frameworks, even if they are critical, even if they are anti-racist, even if they are justice frameworks. The easy absorption, adoption, and transposing of decolonization is yet another form of settler appropriation.<sup>80</sup>

Moreover, the too-easy adoption of decolonizing discourses is part of what they cite Janet L. Malwhinney as describing as the settlers' "moves to innocence," that "represent settler fantasies of easier paths to reconciliation" of what is essentially irreconcilable.<sup>81</sup>

Like other settler colonists who aim to indigenize themselves as a way of substantiating their claim to the colonized territory, Israeli settler colonists have always attempted to indigenize themselves by claiming originary biblical rights which, they repeatedly assert, supersede any claims by the Indigenous, who, Zionist settlers argue, are but recent immigrants to what Sholmo Sand calls the invented "land of Israel."<sup>82</sup> These indigenizing claims render Israeli settler law—ironically much of it based on Ottoman and British colonial law—superior to Indigenous laws, customs, and epistemologies, enabling the occupation of Palestinian territory and society.

North American settlers' fascination by indigeneity meant "playing Indian": "Americans wanted to feel a natural affinity with the continent, and it was Indians who could teach them such aboriginal closeness. Yet, in order to control the landscape they had to destroy the original inhabitants."<sup>83</sup> Likewise, Zionist settlers were fascinated by and emulated Palestinian indigeneity while simultaneously racializing it. As Yuval Evry argues, the Zionists regarded the settlement of Palestine as both a territorial and a textual return to the Jews' biblical origins, enabling the settlers to negate both the Jewish diaspora and Palestine's Arab history.<sup>84</sup> The so-called first wave Zionist immigrants expressed their indigenizing desire through a mixture of proximity to and rejection of the Indigenous Palestinians whose life and folklore shaped the narrative of Jewish return to the land and the biblical text, considered foundational to the claimed Jewish ownership of Palestine. At the same time Israeli academic research tends to occlude the lived experiences of Palestinian citizens, occupied, besieged, and diasporic subjects who Israeli academics help

their state to eliminate through colluding with Israel's permanent war against the Palestinians.<sup>85</sup>

Above all, according to Tuck and Yang, the decolonization metaphor is an expression of settler anxiety (that Robin DiAngelo terms "white fragility"<sup>86</sup>) as the settler attempts to avoid confronting her complicity. Arguing that reconciliation cannot replace decolonization, they caution that the settlers' reconciliation desire is as relentless as their desire to make the Natives disappear, signifying a wish to no longer face the Indigenous or deal with the "Indigenous problem." In the race to innocence, depicted in countless Israeli fictional narratives, settlers attempt to relieve their guilt without giving up land, power, and privilege. Unlike most settler writers, who rarely reflect on their positionality as members of the perpetrating collectivity, the "state generation" Israeli writer S. Yizhar is an exception. His story *Khirbet Khizeh* is the emblematic first-person account of the rage felt by a 1948 soldier against his company for expelling the inhabitants of the Palestinian village that they demolish.<sup>87</sup> By contrast, reflexive accounts by Israeli settler scholars must be theorized as a move to innocence that serves only the settlers, as they invent ancient biblical nativist roots. Tuck and Yang outline various moves to innocence used in settler scholarship, including the bracketing of Indigenous peoples as mere footnotes, the discursive move to "decolonize your mind,"<sup>88</sup> and colonial equivocation whereby different groups (for instance, Mizrahi Jews) are deemed "colonized" even though their relationship to settler colonialism goes mostly unmentioned.

However, as Fanon insists, decolonization must mean the actual rather than symbolic repatriation of all the colonized land,<sup>89</sup> which is why decolonization unsettles all settler moves to innocence. This does not mean Indigenous peoples dominating white people but rather, breaking the very structure of settler colonialism by returning the land to sovereign Native nations and dismantling the imperial metropole. Beyond the debate as to whether decolonization is a Fanonian project of dis-ordering and dismantling the settler state or a joint colonized-settler project of building a joint future as suggested by Zreik, decolonization stands in contrast to reconciliation, dialogue, and coexistence, all of which underpin settler moves to innocence.

Rejecting the calls by many supporters of Palestinian liberation to "normalize" the relationship with Israel through dialogue and a variety of reconciliation and coexistence projects, Haidar Eid writes:

The question we, Palestinian academics and cultural workers, always raise whenever we get approached to participate in such normalization projects is



whether the Israeli partners in these projects are going to acknowledge the horrors inflicted on their Palestinian counterparts? There are no two “equal” parties here: there is one side that has colonized both history and the land, ethnically cleansed most of the Natives, and has been discriminating racially against the 1.4 million Palestinians who remain inside Israel as nominal citizens, as well as the roughly 10 million more Palestinians in the occupied West Bank and the besieged Gaza Strip and the diaspora. Are these proposed “dialogues” between the oppressors and the oppressed expected to “speak truth to power” as Edward Said put it, and take cognizance of the demands endorsed by Palestinian civil society?<sup>90</sup>

Instead of reconciliation and normalization Tuck and Yang propose incommensurability and argue that the question, “what will be the consequences of decolonization for the settler,” need not be answered for decolonization to take place. Decolonization, they argue in stark contrast to Zreik’s insistence on the moral duty of the colonized to contain the settler future, is not accountable to settler futurity, but rather to Indigenous sovereignty and futurity.

## Conclusion: Decolonization beyond Racialization

As I am writing this conclusion, a *B’Tselem* video from March 19, 2017<sup>91</sup> appears on my Facebook feed showing a force of some fifteen IDF soldiers seizing the 8-year-old Sufian Abu Hitah as he was wandering about barefoot, looking for a lost toy outside his grandparents’ Hebron house. Two soldiers grabbed Sufian and dragged him to the al-Harika neighborhood, and demanded that he point out children who had allegedly thrown stones and a Molotov cocktail at the Kiryat Arba Jewish settlement earlier. Sufian’s mother Amani Abu Hitah, who was visiting her parents that day, told a *B’Tselem* researcher:

I went up to one of the soldiers and asked him to give me back my son. He refused and said: “If you want to get him back, convince him to tell us the names of the children who were throwing stones.” I tried to explain that we don’t live in the neighborhood and ... told the soldier that Sufian doesn’t know the names of the neighborhood kids. He ignored me, and the soldiers kept on dragging Sufian by the arms ... Sufian was shaking with fear. I saw him talking to the soldiers and telling them that he doesn’t know anything, but it didn’t help. The soldiers dragged him along and made him enter Muhammad a-Nahnush’s house ... When they came out, Sufian was crying. They didn’t arrest anyone in that house. I don’t know whether they beat Sufian ... or what happened inside.

I was really scared and worried about Sufian. I started crying and ran after the soldiers as they moved from house to house, to try and get them to let him go.<sup>92</sup>

The bewildered little boy's face reminds me of my three granddaughters' faces; like them, he is the epitome of childhood innocence and vulnerability. This makes me aware again of my responsibility as a member of the perpetrator collectivity who is also vilified as a Jewish critic of the State of Israel, often accused of antisemitism and of being a "self-hating Jew." At times these accusations get to me, even though I am aware of how much safer and more privileged I am than colonized and exiled Palestinians.

Similar videos appeared regularly on my Facebook feed throughout the writing process, strengthening my resolve to highlight what Weheliye calls the "racializing assemblages"<sup>93</sup> of the Israeli colonization. It makes me think of what the Australian Muslim race scholar Yassir Morsi writes about the consequences for the Australian settler colony of *not* speaking about racism:

The white noise of racism obsesses over discussions about tolerance and demands respect. It's about the good will of the corporate brand with slogans of "racism ends with me" or whatever. All this noise drowns out a discussion on racism for what it is. A colonial structure, racism originates in the violence of white settlement. Violence expressed in the practice of social and political institutions. It shapes disparities in wealth, justice, employment, health, housing and our sense of selves. When we unpack this talking without talking, caring without caring, what does it say? For me there are no double takes, it means discussing racism becomes a fleeting attempt at saving face. It becomes about preserving the fragile image of a tolerant Australia. These discussions centre whiteness.<sup>94</sup>

In the course of writing this book, racializing discourses in Israel but also in the United States and elsewhere are becoming more explicit. With Donald Trump arguably "the first white president,"<sup>95</sup> and with white supremacy gaining greater visibility from Charlottesville to London to Tel Aviv, Israel seems to be leading the racializing posse rather than following suit, and red lines get crossed on a daily basis while the so-called international community seems content to let Israel carry on colonizing, occupying, besieging, starving, torturing, demolishing, and killing. Ironically, the more blatantly racist the state of Israel becomes, the more justified I feel in centering race in analyzing the Israeli settler colony. As the increasingly explicit Israeli articulations of racial supremacy are condemned by the Israeli media, my theoretical choice to make race the main building block of my analysis is vindicated.

Just days before I wrote this concluding chapter, Jewish Home Party Knesset member Bezalel Smotrich presented his genocidal plan to officially annex the occupied Palestinian territory and coerce the Palestinians to either relinquish their national aspirations and live under Israeli apartheid, be expelled, or—if they resist—face greater violent repression by the Israeli security forces.<sup>96</sup> Smotrich's plan illustrates Israel's demographic anxiety and "white (Jewish) fragility," ignoring the fact that the numbers Jews and Palestinians in Palestine are approaching equivalence: according to a report issued by the Palestinian Central Bureau of Statics (PCBS), the total number of Palestinians in historical Palestine (Israel, the West Bank, and the Gaza Strip) at the end of 2015 was 6.22 million, compared to 6.34 million Jews. The number of Palestinians worldwide in 2016 was estimated at 12.37 million, with 4.75 million living in the Gaza Strip and the West Bank (1.85 million and 2.9 million, respectively), 1.47 million in Israel, 5.46 million in Arab countries and some 685,000 in non-Arab countries. But the Palestinian birth rates of 4.1 in the occupied territories (during 2011–2013) and 3.2 in the State of Israel (in 2014)—compared to a rate of 3.1 births among Israeli Jewish women—are expected to bring the numbers to 7.13 million Palestinians in the entire territory compared to 6.96 million Jews by the end of 2020.<sup>97</sup>

Smotrich is clearly not the first or the only Israeli politician to racialize and dehumanize the Palestinians and to represent Zionism as Jewish supremacy. I have already mentioned the Regularization Law permitting Israel to retroactively legitimize the expropriation of private Palestinian lands for settlement building, Justice Minister Ayelet Shaked's insistence that Zionism is superior to universal human rights and to the rule of law, and Education Minister Naftali Bennett abolishing the rule prohibiting racist comments in the civics exam. Smotrich, Shaked, and Bennett openly express what many other Zionists—"left," liberal, and right-wing alike—actually think. I am encouraged by the fact that a growing number of Israeli media commentators increasingly speak of Israel as a racial fascist state.<sup>98</sup> Holocaust historian Daniel Blatman goes as far as calling Shaked's brand of Zionism "the new national Zionism," likening her worldview to the racist xenophobia of the southern US of the 1930s and to the European anti-immigrant racist right. Shaked's Zionist vision, Blatman argues, is based on white Jewish supremacy and guided by an ethnocentric-racist vision:

Shaked's Jewish state doesn't want to separate from the Palestinians, and certainly doesn't want to make them citizens. Just as in the American South the segregation and political discrimination against blacks created a brutal, racist social and political order, so will Shaked's new national-Zionist state, which

won't be prepared to bow its head before universal definitions of individual rights, and will continue to brutally oppress minorities, whose only protection against the ideological tyranny she's advancing are those universal definitions.<sup>99</sup>

As this book argues, the racialization of the Palestinians is nothing new and has been the core Zionist approach to the land and its Native inhabitants, and to non-European Arab Jews, ever since the beginning of the Zionist colonization of Palestine. This makes theorizing Israel in terms of race an urgent undertaking.

It is near impossible to put a final period to a text dealing with Israel and Palestine, where the volatile situation changes constantly. While putting the finishing touches to the manuscript, US President Donald Trump shocked the world by announcing that the United States formally recognizes Jerusalem as the capital of Israel and "will begin the process of moving its embassy to the city, breaking with decades of US policy".<sup>100</sup> The announcement was followed by rage, condemnations and demonstrations across the world, and by widespread acts of Palestinian resistance that Israel reacted to fiercely by bombing the Gaza enclave and by attacking West Bank demonstrators, injuring hundreds and killing several people.<sup>101</sup> Like everything to do with Israel and Palestine, this announcement is profoundly racialized: the Palestinians are rendered invisible, mere pawns in the geopolitical chess match between Israel and its imperial funder and ally. The Palestinians are not consulted as Trump takes it upon himself to give Zionism yet another gift, close to the centenary of the Balfour Declaration that had gifted Palestine to European Zionists, one imperial power replacing another in facilitating the Israeli settler colony to colonize Palestine and racialize and eliminate its Natives.

Reacting to violent acts of resistance against Trump's Jerusalem announcement by Palestinian citizens of Israel in Wadi 'Ara, Israel's Defense Minister Avigdor Lieberman made the racialization of the Natives patently clear: "The residents of the Wadi 'Ara region should be boycotted," Lieberman told Army Radio ... "They should understand that they are not wanted here, they are not part of us." According to the defense minister, Wadi 'Ara residents "have no connection to this country."<sup>102</sup>

But put a period I must, so I conclude by proposing that those of us who abhor Israel's permanent war against the Palestinians and yearn for the decolonization of Palestine should above all be listening to our Palestinian sisters and brothers. As Palestinian literature professor Rima Najjar writes, decolonization can only

be achieved if we understand that “the core policy in the liberation of Palestine is that of return, which means the end of the Jewish state.”<sup>103</sup> Najjar believes that any tactical alliance with people who espouse the Zionist core ideology that Palestine belongs to Jews worldwide and not to its Indigenous inhabitants, regardless of religion or ethnicity, is “bound to lead to another decade or two of obfuscation regarding the ‘right’ of Ashkenazi Jews to Palestine. Fighting to make Israel ‘Jewish and Democratic,’ rather than one truly democratic state for all, is a non-starter for the liberation of Palestine.”<sup>104</sup> Like Najjar, and like my comrades in the Committee for one Secular and Democratic Republic in the whole of Palestine, I believe in an equal democratic Palestine for all its citizens, Palestinians, Jews, and other humans. However, we must also acknowledge that decolonization, as Fanon argues, is ultimately unsettlingly dis-ordering. And, pace Zreik, that, as Tuck and Yang conclude, decolonization “is not an ‘and.’ It is an elsewhere.”<sup>105</sup>

# Notes

## Preface

- 1 This is an adaptation of Ghassan Hage's elegiac and angry *J'Accuse* against settler colonial white Australia, posted on Facebook on October 19, 2016, and used with Ghassan Hage's kind permission.

## Chapter 1

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## Chapter 2

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## Chapter 3

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## Chapter 4

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