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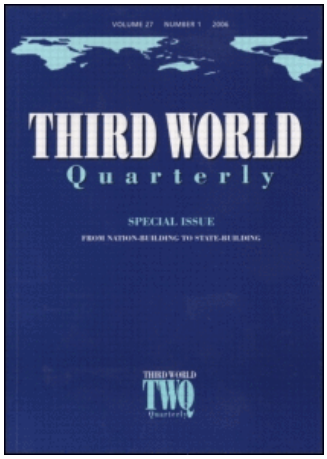

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From Colonization to Separation: exploring the structure of Israel's occupation

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From Colonization to Separation: exploring the structure of Israel's occupation

NEVE GORDON

ABSTRACT *Much has changed during Israel's 40 years of occupation of Palestinian territory. Within the past six years Israel has, on average, killed more Palestinians per year than it killed during the first 20 years of occupation. Those who help manufacture public opinion within Israel claim that the dramatic increase in Palestinian deaths results from the fact that the Palestinians have changed the methods of violence they employ against Israel, and that Israel, in turn, has also begun using more violent means. Palestinians might invert this argument, claiming that they have altered their methods of resistance in response to Israel's use of more lethal violence. While such explanations no doubt contain a grain of truth, they are symptomatic accounts, and do little to reveal the root causes underlying the processes leading to the substantial increase in human deaths. A different approach is therefore needed, one that takes into account the structural dimension of Israel's military rule and tracks the two major principles that have informed the occupation over the past four decades: the colonisation principle and the separation principle. By the colonisation principle I mean a form of government whereby the coloniser attempts to manage the lives of the colonised inhabitants while exploiting the captured territory's resources. By the separation principle I do not mean a withdrawal of Israeli power from the Occupied Territories, but rather the reorganisation of power in the territories in order to continue controlling the resources. The major difference, then, between the colonisation and the separation principles is that, under the first principle there is an effort to manage the population and its resources, even though the two are separated. With the adoption of the separation principle Israel looses all interest in the lives of the Palestinian inhabitants and focuses solely on the occupied resources. Such a reorganisation of power helps explain the change in the repertoires of violence and the dramatic increase in the number of Palestinian deaths.*

It took me a moment before I understood why my story about a few relatively inconsequential incidents at a high school located outside Beer-Sheva had such an effect among the undergraduates taking my political

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science course in the autumn semester of 2006. One of the anecdotes was about my classmates who lived in the Jewish settlements located in the northern tip of the Sinai Peninsula. It was 1981, and the following year they would be forced to leave their homes as part of Israel's peace agreement with Egypt; but, at the time, I told my students, the evacuation did not appear imminent, at least not in the minds of many teenagers for whom each year seems to stretch without end. A particular issue that did occupy us, I continued, was learning to drive. I described to my students how my friends from the farming communities located in the Sinai and the small town of Yamit took their lessons in the Palestinian town of Rafah and were among the first to pass their driving tests.

My students found this story incomprehensible. They simply could not imagine Israeli teenagers taking driving lessons in the middle of Rafah, which, in their minds, is no more than a terrorist nest riddled with tunnels used to smuggle weapons from Egypt, weapons that are subsequently used against Israeli targets. The average age difference between me and my students is only about 15 years, but our perspectives are radically different.

Most of my students have never talked with Palestinians from the Occupied Territories, except perhaps as soldiers during their military service. Their acquaintance with Palestinians is consequently limited to three-minute news bites, which almost always report Palestinian attacks on Israeli targets or Israeli military assaults on Palestinian towns. I, by contrast, frequently hitched a ride back from school with Palestinian taxis on their way from Gaza to Beer-Sheva. Within the current context of the Israeli–Palestinian conflict this act is unfathomable. No taxis from the Occupied Territories are allowed to enter Israel and, even if they had somehow managed to obtain an entry permit, Israeli Jews would be afraid to use them. Palestinians, who not so long ago were an integral part of the Israeli landscape, primarily as cheap labourers who built houses, cleaned streets and worked in agriculture, have literally disappeared. If in 1981 most Israelis and Palestinians could come and go from the Occupied Territories to Israel proper (the pre-1967 borders) and, in many respects, felt safe doing so, currently the Palestinians are locked up in the Gaza Strip and Israelis are not permitted to enter the region. Palestinians from the West Bank are also confined to their villages and towns; however, within this region, Jews, and particularly Jewish settlers, are allowed to travel as they please.

The students' reaction to my teenage experiences brought to the fore an issue that is often overlooked: namely, that Israel's occupation has dramatically changed over the past four decades. Yet the obviousness of this observation does not, in any way, suggest that one can easily explain the causes leading to the transformation. What, one might ask, distinguishes the occupation of the late 1960s, 1970s and 1980s from the current occupation?

Repertoires of violence

While the changes in the Occupied Territories have manifested themselves in all areas of life, they are particularly conspicuous when counting bodies.

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During the six-year period 2001 and 2007 Israel has, on average, killed more Palestinians per year than it killed during the first 20 years of occupation. Moreover, since the eruption of the second *intifada* Israelis have killed almost twice as many Palestinians as they killed in the preceding 34 years (see Table 1). How can one make sense of the increasing violence Israel uses in order to uphold the occupation of the West Bank and Gaza Strip, and why did the Israeli military government radically alter the forms of control it used to manage the occupied Palestinian residents?[1]

Those who help manufacture public opinion within Israel claim that the dramatic increase in Palestinian deaths results from the fact that the Palestinians have changed the methods of violence they employ against Israel, and that Israel, in turn, has also begun using more violent means, which explains the increase in Palestinian deaths. And indeed, the number of Israelis killed has dramatically increased over the years. If during the 13 year period between December 1987 and September 2000, 422 Israelis were killed by Palestinians, during the six year period from the eruption of the second Intifada until the end of 2006, 1019 Israelis were killed. Palestinians, however, might invert this argument, claiming that they have altered their methods of resistance in response to Israel's use of more lethal violence. Even though such explanations contain a grain of truth, they are symptomatic accounts, and do little to reveal the root causes underlying the processes leading to the substantial increase in human deaths. They are therefore not very helpful for those interested in making sense of what has been going on in the West Bank and Gaza Strip. For, although the steady increase in deaths is striking and, no doubt, an important factor that must be reflected upon, it is

TABLE 1. Number of Palestinians killed by Israel

Years	Palestinians killed	Annual average
June 1967 – Dec 1987	650	32
Dec 1987 – Sep 2000	1491	106
Sep 2000 – Dec 2006	4046	674
Total	6187	

Sources: The numbers in this table are taken from several sources. B'tselem, The Israeli Information Center for Human Rights in the Occupied Territories, has documented the number of Palestinians killed since the eruption of the first *intifada* in December 1987. The number killed during the first two decades of the occupation was gathered from several sources. According to the Palestinian Organization of Families of Deceased, an estimated 400 Gazans were killed during the first 20 years of occupation, *Ha'aretz*, 23 August 2005. David Ronen claims that 87 Palestinians were killed in the West Bank from the end of the war until December 1967. D Ronen, *The Year of the Shabak*, 57. Bevenisti notes that, between 1968 and 1983, 92 Palestinians were killed in the West Bank. Meron Benvenisti, *The West Bank Data Project, 1986 Report: Demographic, Economic, Legal, Social, and Political Developments in the West Bank*, Washington, DC: American Enterprise Institute for Public Policy Research, 1986, p 63. In 1986 and 1987 another 30 were killed. Meron Benvenisti, *The West Bank Data Project, 1987 Report: Demographic, Economic, Legal, Social, and Political Developments in the West Bank*, Washington, DC: American Enterprise Institute for Public Policy Research, 1987, p 42. Al Haq notes that, in 1984, 11 Palestinians were killed. Al Haq 'Response to the Chapter on Israel and the Occupied Territories in the US's State Department', in Al Haq, *Country Reports on Human Rights Practices for 1984*, Ramallah: Al Haq, 1985, p 5. Thus the total amount is 620 Palestinians, while there are missing data for 1985 in the West Bank.

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merely an effect of other significant changes that have taken place in the Occupied Territories.

It is also worth noting that, when comparing the Israeli occupation with other military occupations, the number of Palestinians killed is relatively small. During the USA's military occupation of Iraq, for example, on average more civilians have been killed per day than were killed during a whole year in the West Bank and Gaza Strip between 1967 and 1987. Moreover, the United Nations reports that during the four-month period May to August 2006, 12 417 Iraqi civilians were killed, much more than the number of Palestinians killed during four decades of Israeli military rule.[2] The civilian death toll in Chechnya, East Timor and other areas that have been under military occupation tends to resemble the death toll in Iraq and, in certain instances, is much higher.[3]

One should, I believe, try and understand why, in comparison with other military occupations, a relatively small number of Palestinians were killed, particularly during the first 34 years of occupation. The thesis I would like to advance in the following pages is that the occupation's structure, rather than the decisions made by this or that politician, altered the forms of control Israel used to manage the population, rendering them much more violent in later years. By underscoring the structural dimension of Israel's military rule and tracing the two major principles that have informed the occupation over the past four decades—the colonisation principle and the separation principle—I hope to highlight some of the causes leading to the dramatic increase in Palestinian deaths. Before I begin it is crucial to underscore that, even though I describe these two principles as one following the other, they actually contaminate each other so that there is always a trace of one in the other.

The colonisation principle

By the colonisation principle I mean a form of government whereby the coloniser attempts to manage the lives of the colonised inhabitants while exploiting the captured territory's resources.[4] Colonial powers do not conquer for the sake of imposing administrative rule on the indigenous population, but they end up managing the conquered inhabitants in order to facilitate the extraction of resources. After the 1967 war Israel assumed responsibility for the occupied residents, undertaking the administration of the major civil institutions through which modern societies are managed: education, health-care, welfare and the financial and legal systems. Simultaneously it began expropriating Palestinian land and water, the most important natural resources in the region. Two weeks after the war East Jerusalem, alongside 28 villages was annexed, and about three months later, in September 1967, the first Jewish settlement was built in the West Bank.[5] About 40% of the land in the West Bank and Gaza had been appropriated by the time the first *intifada* erupted in December 1987. Within these first 20 years Israel had established 125 settlements and transferred about 60 000 citizens to the two regions (excluding East Jerusalem).[6]

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The colonisation principle thus incorporates some type of separation principle, which one might call the first separation principle. Levi Eshkol, Israel's prime minister in 1967, clearly articulated this separation principle during a Labor Party meeting that took place three months after the war and in which he discussed the consequences of Israel's military victory. He turned to Golda Meir, who was then the party's general secretary, and said: 'I understand . . . you covet the dowry, but not the bride'. The dowry was the land that Israel occupied in June 1967, and the bride was the Palestinian population.[7]

Despite Israel's aversion towards the bride, it considered the Palestinian body to be an extremely important object of management and control, and during the first two decades of occupation it attempted to rule the population in primarily non-violent ways. According to a 1970 military report:

> [the' Six-Day War erased the 'Green Line' that used to separate Israel from the areas now administered and it is quite unavoidable and natural that these areas now depend on Israel in all economic matters and services . . . The only way to avoid a potential outburst of social forces is to strive continuously for the improvement of the standard of living and the services of this underprivileged society.[8]

Therefore it is not altogether surprising that already in the midst of the war Israel provided services to Palestinian farmers in order to save crops and to prevent the death of livestock.[9] And when the fighting subsided Israel established a series of programmes to improve economic productivity. Consider, for a moment, a telling passage taken from a 1969 military report.

> In the course of a veterinary action all cattle herds, about 30 000 heads, were marked and immunization shots against mouth and hoof disease administered. The cattle is examined for tuberculosis and sick cows are purchased by the Military Government for slaughtering without loss to the farmer. The entire poultry stock—about half a million heads—received shots against the New Castle disease. There has been a radical decline in the mortality of poultry as a result of these injections to a very small number this year in comparison with a 60% loss in the past. Thousands of dogs were destroyed to prevent the spread of rabies.[10]

This passage exposes the way Israel immediately put to use up-to-date forms of surveillance, monitoring the number of cattle and poultry and keeping track of diseases to which the livestock had been subjected and of how many had died as a result of infection. To be sure, it had a vested interest in monitoring and preventing any epidemic from developing, since viruses and diseases do not stop at the Green Line (the pre-1967 border). But it also had an interest in increasing the economic utility of the Palestinian farmers. The introduction of an immunisation programme had a huge impact on the mortality rate of livestock and substantially raised the productivity of Palestinian farmers. Moreover, Israel's policy of purchasing sick cows from the farmers suggests that it was also genuinely concerned about guaranteeing the livelihood of the local population. The logic, so it seems, was to render

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the occupied inhabitants docile by raising their standard of living and transforming their lifestyle. Forms of management that promoted a politics of life rapidly became prominent.

The incorporation of Palestinians into the Israeli workforce not only provided cheap labour for the Israeli market, thus satisfying Israel's economic needs, but also had a significant impact on the population's standard of living. It was, according to the Bank of Israel, 'the chief factor behind the vigorous development [in the Occupied Territories] of the early years'.[11] The swiftness of the labourers' incorporation is worth noting. Already in 1968, one year after the war, 6% of the Palestinian labour force had found jobs in Israel. By 1974, 69 400 Palestinians worked in Israel, comprising 33% of the workforce. On the eve of the first *intifada* (1987) the Palestinian workforce was 277 700, of which 108 900 were employed in Israel (39.2%), a phenomenon unparalleled throughout the rest of the world.[12] These figures are widely regarded as understated since they only take into account those who found work through formal channels and do not include unregistered workers. The number of unregistered workers fluctuated over the years and has been estimated to be an additional 40% to 70% of the total number of workers just cited as entering Israel.[13]

At least during the early years the Palestinians who worked in Israel earned anywhere from 10% to 100% more than they would have if they had worked in the territories, depending on their occupation. As a result, the average daily wages of all employees from the West Bank rose by 35% in the period 1970–74 and by 13% during the period 1974–79. In the Gaza Strip they rose by 50% and 18.4%, respectively.[14] Between 1968 and 1972 GNP increased annually by 16% and 20% in the West Bank and Gaza Strip, respectively. From 1973 to 1980 the economic growth continued—albeit at a slower but nonetheless very impressive rate—with a 9% and 6% annual increase of GNP in West Bank and Gaza, respectively.[15]

One should, however, keep in mind that there is a significant difference between growth and development—even though the Palestinians experienced a substantial rise in their standard of living, the development of the local economy was obstructed by a series of restrictions and constraints. The Palestinians were not allowed to establish any industry and Israel's control and continuous expropriation of land and the appropriation of water hindered growth in the agricultural sector. Sara Roy convincingly argues that the Palestinian economy was actually de-developed, by which she means 'the deliberate, systematic destruction of an indigenous economy by a dominant power'.[16] Nonetheless, for a few years Israel's policies managed to produce prosperity in the West Bank and Gaza Strip, which helped mitigate the colonisation principle's most basic contradiction—the separation between the people and their land—and to undermine widespread political resistance to the occupation.

Indeed, the initial outcome of Israel's policies proved to be beneficial. The dramatic rise in individual prosperity served to conceal the communal stagnation that Israel was creating.[17] Thanks to the integration of the Palestinian labourers there was a dramatic decrease in unemployment rates

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accompanied by remarkable economic growth, which helped Israel direct the energies of many Palestinians towards increasing their productive capacity. Simultaneously the military government outlawed all forms of political organising and forcefully suppressed all resistance, thus ensuring that Palestinian opposition would remain local and sporadic.

In addition to its economic strategy Israel employed disciplinary technologies for managing the occupied population in the legal, education and medical fields, as well as in numerous other areas, ranging from movement to planning and zoning. In the legal field, for example, it adopted a *sui generis* interpretation of international law that enabled it to separate the land from its inhabitants.[18] Together with a number of other officials, Meir Shamgar, who was in 1967 the military Advocate General and later the president of Israel's Supreme Court, formulated a policy that rejected the applicability of the 1949 Fourth Geneva Convention—the most important humanitarian law pertaining to the occupation of conquered territories and their civilian population—to the Occupied Territories. Shamgar's rationale was that the West Bank and Gaza Strip should *not* be considered occupied territories because the two regions had been seized by Jordan and Egypt during the 1948 war and thus had never been an integral part of a sovereign state. Consequently, he maintained, the West Bank and Gaza Strip should be considered 'disputed' rather than occupied areas.[19] He accordingly advised the government to abide by the Geneva Convention on a *de facto* rather than *de jure* basis by respecting its 'humanitarian provisions', but he never specified when these provisions should actually be respected.[20] Thus the land was not subjected to the Geneva Convention, while its Palestinian inhabitants were, but their rights remained ambiguously defined.[21]

Shamgar also insisted that the Eshkol government accept the 1907 Hague Convention, which stipulates that the occupying power should recognise the laws that were in force before the occupation.[22] By 7 June 1967 the military commander had already issued Proclamation Two, a declaration dealing with the governance and legal arrangements in the territories. The laws existing in the territories before the occupation were declared valid provided they did not contradict any legislation issued by the military commander.[23] Accordingly a complex legal system was put in place composed of Ottoman, British Mandatory (particularly the emergency regulations of 1945), Jordanian and Egyptian law (depending on the region), and of Israeli military orders. The military orders are decrees issued by the military commander and immediately become law for all Palestinians living in the area.[24]

Over the years the military commanders have used their legislative powers extensively, issuing more than 2500 orders, which have dealt with a wide range of topics: from military, judiciary and fiscal matters to administrative affairs including education, welfare and health, and even the status of Jewish settlements.[25] The orders codified Israel's control of the Occupied Territories far beyond the concern for security of its military forces. Israel's idiosyncratic interpretation of international humanitarian law has had an immense impact on the occupation. Its ingenuity lies, on the one hand, in its effective

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distinction between the people and the land and, on the other hand, in the fact that it does not reject the law outright but rather embraces a selective approach towards it. Shamgar seems to have recognised that even as Israel suspended significant elements of international law and bestowed on the military commander the authority to cancel and enact domestic laws according to immediate political objectives, it was also crucial to espouse a 'rule of law' approach. Adopting laws that had existed before the occupation while making room for the enactment of military orders that could cancel these laws actually enabled Israel to argue that the rule of law reigned in the West Bank and Gaza Strip. In this way Israel managed to deflect criticism of despotic rule for many years.[26]

Thus, during the period in which the colonial principle reigned, a particular legal system based on multiple legal frameworks was established and used to manage the population. The adoption of several legal frameworks alongside the prerogative powers handed to the military commander enabled Israel to exploit the gaps and contradictions engendered by the different frameworks, and to use both the laws and the exceptions that the gaps and contradictions made possible in order to control the inhabitants. While the colonial principle is characterised by the deployment of legal procedures and justifications and by the exploitation of the multiple legal frameworks, as we will see below the separation principle entails the suspension of the law.

The objective of the legal system as well as the other disciplinary technologies employed in the Occupied Territories was different from that elsewhere in the world. In most countries discipline regulates people through processes of incorporation into the state, constituting them as citizens. Because there was never an intention of fully integrating the Palestinian inhabitants and making them part of the Israeli citizenry, discipline was never employed to incorporate the Palestinian inhabitants into Israeli society, but rather to constitute them as non-national subjects.

Since the national subject was conceived to be a demon of sorts, Israel employed violence to expose and annihilate it. Immediately after the 1967 war the military imposed curfews, deported leaders, demolished homes, carried out arrests, tortured detainees and restricted movement. In the West Bank these kinds of actions were carried out particularly during the first two years until the occupation was consolidated. In the Gaza Strip the Palestinians organised armed resistance but, after the opposition was brutally crushed in 1971, Israel changed the repertoires of violence it employed in this region and began implementing measures similar to those utilised in the West Bank, where the sword—during the 1970s—was employed as an ever lurking threat and only rarely as an actual weapon of annihilation.[27]

The general mood in the Occupied Territories during the first decades was very different from that today. For several years the Israeli military government published annual reports entitled *Accountability*, suggesting that Israel felt a need to provide an account of the social and economic developments taking place in the regions that it had captured. In these reports the civilising mission of the colonial principle is omnipresent. Israel

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portrayed itself as bringing progress to the Palestinians. The thrust of the claims made in the reports can be summed up as follows: thanks to our interventions, the Palestinian economy, industry, education, health-care and civilian infrastructure have significantly developed.

Many of the military reports also underscore Israel's ongoing efforts to normalise the occupation. The Palestinians had never had a state of their own and had always lived under foreign rule, a fact that made Israel's efforts easier. The ultimate aim of the military government, as pronounced by the first Co-ordinator of Government Activities in the Occupied Territories, was to create a situation whereby a Palestinian 'resident of the area might be born in the hospital, receive his birth certificate, grow up and receive his education, be married and raise his children and grandchildren to a ripe old age—all this without the help of an Israeli government employee or clerk, and without even setting eyes on him'.[28] In other words, the goal, as Moshe Dayan once put it, was to render the occupation invisible.[29]

Contradictions

While Israel succeeded in containing the Palestinian national movement for several years, eventually its disciplinary technologies of control began producing a series of contradictions which helped empower Palestinian resistance within the Occupied Territories. According to Joel Migdal, for example, the incorporation of Palestinian labourers into the Israeli workforce created two major social cleavages in West Bank villages characterised by generational and income gaps.[30] These gaps ultimately weakened the traditional village leadership, since those who worked in Israel became economically independent and were demanding a say in local politics. While the Palestinian labourers became dependent on Israel for their livelihood, a fact that was used by Israel to expand its control over them, simultaneously the process of incorporation weakened the traditional elites' control over these labourers because the economic power which the latter acquired often put them in a better financial position than the traditional elites. By extension this process also weakened Israel's control over the labourers, since one of the ways Israel controlled the population was through the elites.[31]

By 1976, when Israel carried out municipal elections in the West Bank, many of the labourers had created alliances with the urban nationalists, since only through the nationalists could the labourers obtain some form of political power that reflected their economic power. The nationalists ended up winning the elections, dealing a blow to the traditional elites and to the Israeli military government. Israel's attempt, in other words, to control the population by providing benefits to the traditional elite failed, not least because the incorporation of young men into the Israeli workforce empowered many workers who were looking for ways of translating their economic achievements into political power. Hence the integration of workers, which had been used as a technology to manage the population, helped undo another controlling technology, namely, the use of traditional

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elites to administer the area and repress the national aspirations of the Palestinian subject.

Two other contradictions which undercut Israel's attempts to normalise the occupation were produced as a direct result of the separation between the Palestinians and their land. Simply put, the massive investment in settlement infrastructure and the transfer of thousands of Jewish citizens to the colonised territories flew in the face of Israel's insistent claim that the occupation was temporary. One should note that for several years the 'temporariness of the occupation' was deployed as a modality of control. The deliberately temporary nature of arrangements, legal orders and policies, as well as the temporary or incomplete status of refugees, were all used to thwart resistance, and for a while proved to be a very efficient management technique. Along similar lines the temporary status of the Jewish settlements and bypass roads, which existed for years in an ostensibly suspended state, helped prevent Palestinian opposition. Yet it did not take a great deal of time before the settlement project exposed, at least to the local inhabitants, the grand lie concerning the temporality of the occupation, rendering this controlling technology less and less efficient.

Simultaneously the settlement project created a new spatial reality for the dispossessed Palestinians whose living space was dramatically circumscribed. Because the land was indiscriminately expropriated, the confiscation helped fuse the interests of competing *hamulahs* (clans), as well as of the poor and the rich, urban and rural, Muslims and Christians, thus weakening clan, class, regional and religious fragmentation. Israel's settlement enterprise thus helped widen and deepen national awareness among the Palestinian population, and ended up reproducing the Palestinian national subject, which Israel incessantly aimed to repress. Moreover, the Palestinians came to realise that the settlements threatened the hope of establishing a Palestinian state in the future. What, in other words, is the point of prosperity if one is dispossessed?

These examples are merely indicative of numerous other contradictions that manifested themselves over the years. They suggest, as Timothy Mitchell has argued in a different context, that disciplines often counteract one another, break down, or overreach; they create spaces for manoeuvre and resistance and can be turned to counter-hegemonic purposes.[32] They accordingly intimate that the colonisation principle, and more precisely the contradictions which it created, not only repressed the Palestinian national subject, but also helped construct it, thus empowering the Palestinian resistance movement within the Occupied Territories. All of which helps explain the eruption of the first *intifada*.

The separation principle

At a certain point during the first *Intifada*, Israel realised that the colonisation principle could no longer be used as the basic logic informing its control of the West Bank and Gaza Strip, and began looking for a new principle that would allow it to uphold the occupation. The desire to

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normalise the occupation and successfully annihilate the Palestinian national subject through a series of disciplinary technologies that were supported when need be by the sword proved to be unrealistic. It took a few years before a clear policy was shaped, but eventually the second separation principle was adopted. As opposed to the colonisation principle, which was rarely discussed, the separation principle has been talked about incessantly. The paradigmatic sentence describing this principle is 'We are here, they are there'. The 'we' refers to Israelis, and the 'they' to Palestinians.

If the first principle reflects the logic of the occupation, the second one ostensibly offers a solution to the occupation. The key word here is *ostensibly*. If truth be told, the second principle does not aim to solve the occupation, but rather to alter its logic. In other words, 'We are here, they are there' does not signify a withdrawal of Israeli power from the Occupied Territories (even though that is how it is understood among the Israeli public), but is used to blur the fact that Israel has been reorganising its power in the territories in order to continue its control over their resources. Thus the Oslo Accords, which were the direct result of the first *intifada* as well as of the changing political and economic circumstances in the international realm, signified the *reorganization of power rather than its withdrawal*, and should be understood as the continuation of the occupation by other means. As one commentator observed early on, Oslo was a form of 'occupation by remote control'.[33]

If one reads the eight different Oslo agreements the Israelis and Palestinians signed over the years, not as part of a peace process (ie the way they were presented to the public), but rather as texts that depict the modification or replacement of existing controlling technologies, in an attempt to outsource responsibility for the occupied population to a Palestinian Authority (PA), the strategy Israel adopted becomes clear.[34] Instead of reaching a settlement about the withdrawal of Israeli power, the Oslo agreements actually stipulated, in unambiguous language, how Israel's power would be reorganised in three distinct spheres—the civil institutions, the economy and law enforcement. In exchange for providing Israel an array of services, Israel offered the fledgling PA some sort of truncated sovereignty over the occupied people, while it, in turn, continued to control most of the occupied land. The overarching logic informing the different agreements is straightforward: transfer all responsibilities relating to the management of the population to the Palestinians themselves while preserving control of Palestinian space.

The partition of space and the reorganisation of power were intricately tied. Oslo divided the West Bank into Areas A, B and C, as well as H1 and H2 in Hebron and Yellow and White Areas in Gaza.[35] Areas A, B and C determined the distribution of power in the West Bank by creating internal boundaries. These boundaries produced a series of new 'insides' and 'outsides' within the Occupied Territories, each one with its own specific laws and regulations. While in all three areas the PA assumed full responsibility over the civil institutions, in Area A, which in 1995 amounted

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to 3% of the West Bank's land and 26% of its population, the PA was given full responsibility for maintaining law and order. In Area B, which amounted to 24% of the land and 70% of the population, the PA was handed responsibility for public order, but Israel maintained overriding responsibility for security and in Area C, which comprised 73% of the land and 4% of the population, Israel retained full responsibility for security and public order as well as for civil issues relating to territory (planning and zoning, archaeology, etc). Thus in 1995 the PA was responsible for managing all of the Palestinian inhabitants, but had full control of only 3% of the West Bank's land (ie the cities Jenin, Nablus, Tulkarem, Qalqilya, Ramallah, Bethlehem and Jericho). By 2000, following a series of agreements, the relative distribution of the areas had changed, so that Area A comprised 18%, Area B 22% and Area C 64%.[36] Area A was divided into 11 separate clusters, Area B was made up of 120 clusters, while the 64% that constituted Area C was contiguous.[37] The areas in which the Palestinians had full control were like an archipelago of sorts, while the areas controlled by Israel were strategic corridors that interrupted the territorial contiguity of the West Bank.

Thus, for all practical purposes, the internal borders dividing areas A, B and C did not exist with respect to the operation of civil institutions providing health-care, education and welfare: the PA took on full responsibility for the civil institutions serving the Palestinian population as a whole, regardless of where people lived in the Occupied Territories.[38] From 1994 onwards the PA relieved Israel of the most difficult aspect of the occupation, while Israel, in turn, kept most of the land under its control. Thus the division of space within the Occupied Territories not only determined the distribution of certain powers, but also allowed Israel to maintain the distinction between the Palestinian population and their land.

Initially, the reorganisation of power and space produced the desired effects. A general quiet replaced the social unrest in the Occupied Territories, permitting a sense of normalcy to take over. The nightly curfews in the Gaza Strip ended, children played in the streets, schools and universities were opened, as were coffee shops, restaurants and new hotels. Many of those who had invested much time in the struggle against the Israeli military turned to securing a stable income for their families. For a while the Occupied Territories experienced a construction boom, particularly in Gaza and Ramallah, and money was invested in infrastructure, while numerous co-operation projects between Palestinian and Israeli businesses helped produce an atmosphere of peace. And although 3000 Palestinians remained in jails, the majority of the political prisoners had been released by 1996.[39] There was also a sharp decline in the number of Palestinians killed by Israeli security forces. In 1996, for example, 18 Palestinians were killed in the Occupied Territories in comparison with 155 in 1993. The number of children killed also dropped dramatically. During the three-year period 1994 to 1996 35 children were killed, while in 1993 alone 40 children were killed, and in 1989 78 children were killed.[40] The change in the lives of the Palestinians had quite a bit to do with the redeployment of the Israeli military, which, in turn,

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reduced the price Israel had to pay for the occupation, both politically and economically.

Simultaneously Oslo managed to undo the first *intifada's* most important achievements. If the *intifada* undermined almost all forms of normalisation and exposed the occupation for what it was—military rule upheld through violence and violation—Oslo succeeded in normalising the occupation once again. Moreover, the creation of the PA led to the disappearance of vigorous popular and civil movements that had been the mainstay of the first *intifada*. As Reema Hamami and Salim Tamari point out, popular committees, neighbourhood committees, mass organisations and most of the political movements that sustained them began to collapse towards the end of the *intifada* as a result of Israeli anti-insurgency methods, and their recovery was pre-empted by the Oslo agreements and the ostensible state formation process.[41]

Wittingly or unwittingly the specific organisation of space and the transfer of authority over civil institutions to the PA reflects the beginning of a transformation from the principle of colonisation to the principle of separation, where the latter does not mean the termination of control but rather its alteration from a system based on managing the lives of the occupied inhabitants to a system which is no longer interested in the lives of the Palestinian residents. Consequently Israel no longer provides any kind of 'account' of the conditions under which the Palestinians are living. One important manifestation of this change is that the Israeli Bureau of Statistics has stopped monitoring any development pertaining to the Palestinian population in the Occupied Territories. Another manifestation involves Israel's relation to the law. If up until September 2000 Israel controlled the occupied inhabitants primarily through the application of multiple legal frameworks—including, to be sure, the enforcement of draconian laws that both legalised the incarceration of thousands of political prisoners and permitted deportations, house demolitions, torture, extended curfews and other forms of collective punishment—one of the most striking characteristics of the second *intifada*, alongside the separation principle, is the extensive suspension of the law.

In the first 33 years of occupation any suspension of the law was still considered an exception to the rule, even though the law's actual application did not entail any meaningful administration of justice. In the second *intifada*, the suspension of the law became the norm. One example of this suspension is Israel's pervasive employment of extrajudicial executions. The fact that not one Israeli soldier has been tried for these killings and that they are part of an overt policy suggests that some of the occupied inhabitants have been reduced to what the Italian political philosopher Giorgio Agamben has called *homo sacer*, people who can be killed without it being considered a crime.

Another example of how the law has been suspended involves the massive destruction of Palestinian homes. During the first four years of the *intifada* the Israeli military demolished over 2500 Palestinian houses in the Gaza Strip. According to Human Rights Watch, nearly two-thirds of these homes

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were in Rafah, a densely populated town and refugee camp located on the border with Egypt. As a result 16 000 people—more than 10% of Rafah's population—lost their homes, most of them refugees who were dispossessed for a second or third time.[42] To stop these demolitions a few groups petitioned the Israeli High Court, which had consistently legitimised demolitions for decades but had developed a limited jurisprudence regarding the owner's right to be heard in advance of demolitions.[43] During the second *intifada* the High Court expanded the scope of the military's discretion to dispense with the right to a hearing. The Court ruled that the right to due process could be revoked in three instances: if destruction is absolutely necessary for military operations; if providing advance notice would endanger the lives of soldiers; and if providing advance notice would endanger the success of the demolition. Thus, even though before the uprising there were instances whereby demolitions could go ahead without a hearing and although the hearing itself rarely stopped the demolition, according to Human Rights Watch, the cumulative effect of the 'three exceptions' rule has been 'to give the military discretion to circumvent the already limited role of the Court and to avoid having to justify demolitions in the first place'.[44] Both the extrajudicial executions and the house demolitions indicate that, following the implementation of the separation principle, the rule of law in the Occupied Territories has, in many respects, became superfluous.

The crucial point is that with the adoption of the separation principle Israel looses interest in the lives of the Palestinians and focuses almost solely on the occupied resources. The one exception is the border or the checkpoints, where Israel continues to closely monitor the Palestinian subject, and to disseminate a series of norms through disciplinary practices that aim to teach inhabitants who wish to move the requirements of correct conduct. Israel, in other words, is no longer attempting to normalise the occupation but to constitute and administer the *moving subject*. Following the adoption of the separation principle, all Palestinians who do not want any contact with Israel must remain within the confines of their refugee camp, village, town or city, while Palestinians who want to move either within the Occupied Territories or to exit the region are subjected to Israel's disciplinary practices and must, in order to become moving subjects, adopt a series of normative fiats. It is therefore not surprising that 85% of people in the West Bank did not leave their villages during the second *intifada's* first three years.[45]

In addition to policing the Palestinian moving subject, Israel has adopted a series of strategies that further contract Palestinian space, primarily through the imposition of internal and external closures, the creation of blockades and checkpoints and, more recently, the construction of the separation barrier and the fortification of outposts and settlements. The loss of interest in the lives of the occupied residents and the extensive suspension of the law creates an extremely precarious situation since it sets the stage for the change in the repertoires of violence and the dramatic increase in the number of Palestinian deaths.

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Of ghettos and frontiers

Why, one might ask, did Israel employ more lethal forms of violence after it abandoned the colonisation principle and adopted the separation principle? The insights of James Ron, who examined the violence in the Occupied Territories and Lebanon in the beginning of the 1990s, can help us make sense of some of the changes taking place in the West Bank and Gaza Strip.[46] Ron's basic and straightforward claim is that state violence is shaped by the institutional setting in which it takes place. He employs two spatial metaphors: ghettos and frontiers. Ghettos are areas densely institutionalised by the controlling state, since they are within its legal sphere of influence, and serve as repositories for unwanted and marginalised populations. Frontiers, on the other hand, are distinguished from the controlling state by clear boundaries, and are only thinly institutionalised arenas. The different institutional settings determine the kind of violence employed. Whereas ghettos are characterised by ethnic policing, mass incarceration and ongoing harassment, frontiers are more prone to brutal and lawless violence. Ron, who is writing about the 1970s, 1980s and early 1990s, claims that the Occupied Territories are Israel's ghetto, while Lebanon is its frontier.

The comparison with Lebanon is important. Following the adoption of the separation principle, and the dilution of the Israeli bureaucratic and legal institutions in the West Bank and Gaza (a process that began with Oslo), the means of violence that Israel has employed in the Occupied Territories are becoming more and more similar to the ones it uses in Lebanon: F16 fighter jets, Apache Helicopters and ground-to-ground missiles. Former Shabak (Hebrew acronym for General Secret Services) head, Avi Dichter, who is currently a minister in the Israeli government, said as much before Israel's withdrawal from the Gaza Strip. The withdrawal, he asserted, will give Israel more freedom to carry out military operations in the Strip.[47] Thus there seems to be a strong correlation between ghettos and the colonisation principle and between frontiers and the separation principle.

Ron provides us with the analytical tools to understand the modifications in the modes of violence and the dramatic changes in the number of Palestinian deaths over the years, yet his metaphors do not exactly correspond to the new reality in the Occupied Territories. While the West Bank and Gaza Strip have been transformed into Israel's frontiers, in the sense of institutional thinning, from a spatial perspective they have become hermetic ghettos. We are accordingly confronted with a much more complex and dangerous situation than the one which Ron describes.

A few years before the second *intifada* erupted Israel began imposing a harsh closure regime on the Occupied Territories, whereby it closed off the Green Line altogether, rendering it illegal for any Palestinian to exit the region regardless of whether he or she held an entry permit.[48] In fact, the closure had begun as a sporadic form of control in 1991, and became more frequent and comprehensive over the years. In 1994 the Occupied Territories were under closure for 43 days, in 1996 the territories were closed-off for 104 days, and in 1997 for 87 days.[49] The internal closures had dire results. NGOs

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estimated that for the duration of each internal closure about 200 000 Palestinians (80% of the labour force) were prevented from reaching their workplace.[50]

Also, in the midst of the Oslo process, Israel built a fence around the Gaza Strip to ensure that all Gazans would be subjected to the closure and entry permit regime (during those years many workers succeeded in infiltrating Israel from the West Bank despite closures). Within a relatively short period a patrol road and a series of fences 54 kilometres long closed off the border between the Strip and Israel, leaving only four passageways connecting the two regions (two of which operate in one direction only, from Israel to Gaza) and one more connecting Gaza with Egypt.[51] The Green Line was accordingly converted from a 'normally open' border into a 'normally closed' one. Only a very small number of Palestinian political leaders and businessmen who Israel wanted to support and promote received permits to travel during closures.

Following the outbreak of the second *intifada* Israel also imposed an internal closure which restricts movement within the West Bank and Gaza Strip. According to the United Nations Office for the Coordination of Humanitarian Affairs, as of July 2004 over 700 physical barriers existed *within* the West Bank—including check points, road blocks, earth mounds, trenches and road gates—that divide the region into scores of 'clusters', severely curtailing the movement of 2.3 million Palestinians.[52] The Gaza Strip has been periodically cut into three separate regions, with movement from one region to the other denied. After Israel's withdrawal from Gaza, in August 2005, it was transformed into a hermetic ghetto, which rendered Israel's violence in the region much more fatal. Not only because the Gazans, unlike the Lebanese, have nowhere to flee when Israel bombs them, but because the ghettoisation of Palestinian society has been destroying the civilian infrastructure that did exist.

The hermetic ghetto, alongside the economic sanctions that have been imposed on the occupied Palestinians, produces unique forms of violence. In addition to the F16, Apache Helicopters and missiles, there are walls and fences, roads for Jews only, checkpoints, roadblocks and panoptic towers that restrict the population's movement while destroying the economy as well as the education, health-care and welfare systems. The cruel irony is that, even though the separation principle presents itself as separating Palestinians and Israelis, the primary contradiction (ie the attempt to separate the Palestinians from their land) has, with slight alterations, remained intact. Israel has not withdrawn its power from the Occupied Territories, but rather continues to control Palestinian space, both through forms of violence applied by remote control (surveillance aircraft, fighter jets, missiles, etc) and through the hermetic ghetto, as well as through economic sanctions.

The new violence

The second separation principle produces a totally different controlling logic from the logic produced by the colonial principle. If during the first decade of

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the occupation Israel tried to decrease Palestinian unemployment in order to manage the population, following the new millennium Israel intentionally produced unemployment in the Occupied Territories. Whereas in 1992 some 30% of the Palestinian workforce was employed in Israel, in 1996 that figure had fallen to 7% and the average rate of unemployment in the territories reached 32.6%, rising twelve-fold from the 3% unemployment rate of 1992.[53]

Along similar lines, if during the first years of the occupation Israel provided immunisation for cattle and poultry, in 2006 it created conditions that prevented people from receiving immunisation. As I show in an article written with Dani Filc, following the adoption of the separation principle the health of the Palestinian population deteriorated.[54] The World Bank reports that acute malnutrition currently affects more than 9% of Palestinian children in the territories, and the UN Food and Agriculture Organisation has estimated that in 2003 almost 40% of the Palestinians in the Occupied Territories were suffering from food insecurity.[55] Almost half of children aged six to 59 months and women of childbearing age are anaemic. There has been a 58% increase in the number of stillbirths as a result of poor prenatal care and child mortality increased substantially in 2002 to become the leading cause of death for children under five, and the second leading cause of death overall. It is not only that the Palestinian body is no longer considered to be an important object of management and that Israel has abandoned its objective of constituting the occupied inhabitant as an economically efficient subject, it has also adopted a series of policies which in effect weaken and destroy the Palestinian body.

Indeed, under the separation principle the Palestinian body is no longer conceived to be an object that needs to be meddled with and shaped. The military's policy during the second *intifada*, whereby soldiers shot more than one million bullets within the first month, is poles apart from the policies informing the first years of the occupation and even from Defence Minister Yitzchak Rabin's directive 'to break their bones', given to soldiers during the first *intifada*.[56] The difference between beating the body and killing the body reflects the difference between the colonial principle and the separation principle, between shaping the body and crushing it. If during the first 20 years of occupation Israel killed 650 people, in the past six years it has killed on average more Palestinians each year. Israel's use of more lethal violence is, accordingly, not the result of an isolated tactic whose goal is to accomplish certain objectives, such as the repression of the second *intifada*. Nor can Israel's violence be explained as a response to a more violent resistance. Rather, the different repertoires of violence reflect the transformation from the colonial to the separation principle.

Notes

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1 I refer to the Gaza Strip as occupied territory, even though Israel dismantled its settlements and withdrew its troops from the region in August 2005. The reason I do so is because Israel is still sovereign both in the traditional sense of supreme authority over a given territory and in the sense of monopoly over the means of movement. See John Torpey, *The Invention of the Passport*, Cambridge: Cambridge University Press, 2000, p 4.

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2 Associated Press, 'UN: Iraq civilian deaths hit a record', CBS News, 21 September 2006. In addition to the 6187 Palestinians who were killed by Israelis, no more than 1500 Palestinians were killed by Palestinians. See www.btselem.org and www.iraqbodycount.org for up-to-date information.
3 In East Timor, for example, an estimated 200 000 people were killed out of a population of 700 000. Mathew Jardine, *East Timor: Genocide in Paradise*, Tucson, AZ: Odonian Press, 1995.
4 The colonial enterprise is, to be sure, a multifaceted and complex phenomenon and cannot be defined in one sentence or passage. For an analysis of the different dimensions and types of the colonial project, see Gershon Shafir, *Land, Labor and the Origins of the Israeli Palestinian Conflict, 1882–1914*, Cambridge: Cambridge University Press, 1989.
5 The annexation applied to the territory itself, whereas its inhabitants were given the option to become Israeli citizens, but in order to do so had to relinquish their Jordanian citizenship. Only a small number complied. Nonetheless, all the inhabitants were made permanent Jerusalem residents and could vote for municipal elections. Eitan Felner, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, Jerusalem: B'tselem, 1995; and Yael Stein, *The Quiet Deportation: Revocation of Residency of East Jerusalem Palestinians*, Jerusalem: HaMoked and B'tselem, 1997.
6 Meron Benvenisti & Shlomo Khayat, *The West Bank and Gaza Atlas*, Jerusalem: Jerusalem Post, 1987, pp 112–113; Sara Roy, *The Gaza Strip: The Political Economy of De-development*, Washington, DC: Institute for Palestinian Studies, 1995, pp 175–181; and Yehezkel Lein, *Land Grab: Israel's Settlement Policy in the West Bank*, Jerusalem: B'tselem, 2002, p 18 (in Hebrew).
7 The passage is cited in several places, including Shlomo Gazit, *The Carrot and the Stick: Israel's Policy in Judea and Samaria, 1967–1969*, Washington, DC: B'nai Brith Books, 1995, p 135.
8 State of Israel, Ministry of Defence, Unit for Co-ordination of Activities in the Territories, *Three Years of Military Government, 1967–1970: Figures on Civilian Activity in Judea, Samaria, the Gaza Strip and Northern Sinai*, Tel-Aviv: Ministry of Defence, 1970, p 4 (in Hebrew).
9 Shabtai Teveth, *The Cursed Blessing: The Story of Israel's Occupation of the West Bank*, London: Weidenfeld and Nicolson, 1970.
10 State of Israel, Ministry of Defense, Unit for Co-ordination of Activities in the Territories, *Two Years of Military Government, 1967–1969: Figures on Civilian Activity in Judea, Samaria, the Gaza Strip and Northern Sinai*, Tel-Aviv: Ministry of Defence, May 1969, p 11 (in Hebrew).
11 Raphael Meron, *Economic Development in Judea–Samaria and the Gaza District: Economic Growth and Structural Change, 1970–1980*, Jerusalem: Bank of Israel Research Department, 1983, p 6.
12 Central Bureau of Statistics, *National Accountability: Judea, Samaria and the Gaza Strip, 1968–1993*, Tel Aviv: Central Bureau of Statistics, publication 1012, 1996, p 125 (in Hebrew).
13 Yehezkel Lein, *Builders of Zion: Human Rights Violations of Palestinians from the Occupied Territories Working in Israel and the Settlements*, Jerusalem: B'tselem, 1999, p 8.
14 United Nations, Report of the Secretary-General, 'Development and International Economic Co-Operation: Living conditions of the Palestinian people in the occupied Arab territories', A/35/533, 17 October 1980.
15 Central Bureau of Statistics, *National Accountability*, p 18.
16 Roy, *The Gaza Strip*, pp 4, 128.
17 According to the Bank of Israel, average annual GNP growth in the West Bank and Gaza was 14% between 1970 and 1975, 7% between 1976 and 1980, and 0% between 1981 and 1982. Dan Zakai, *Economic Development in Judea–Samaria and the Gaza District, 1981–1982*, Jerusalem: Bank of Israel Research Department, 1985, p 11.
18 Lisa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza*, Berkeley, CA: University of California Press, 2005, p 56. For a detailed description of the construction of the legal doctrine in the Occupied Territories as well of as Shamgar's role, see ch 2. Not surprisingly, as Chief Justice Shamgar supported Israel's policy of suspending the Geneva Convention on every occasion, rights advocates petitioned this policy in the High Court of Justice. Thus one can gain a glimpse of how Israel's judiciary system supported the occupying power on all principle matters. See also David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories*, Albany, NY: State University of New York Press, 2002.
19 Jordan had actually annexed the West Bank, but only the UK and Pakistan recognised the annexation. Meir Shamgar, 'Legal concepts and problems of the Israeli military government: the initial stage', in Shamgar (ed), *Military Government in the Territories Administered by Israel 1967–1980*, Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, 1982, pp 35–36.
20 *Ibid*, pp 31–43.
21 Ibrahim Dakkak, 'Back to square one: a study of the reemergence of the Palestinian identity in the West Bank, 1967–1980', in Alexander Scholch (ed), *Palestinians over the Green Line: Studies on the Relations Between Palestinians on both sides of the 1949 Armistice Line since 1967*, London: Ithaca Press, 1983, p 67.

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22 The Hague Convention also states that the occupying power will only be the temporary manager and beneficiary of land and other properties in the occupied territories, and is not permitted to create permanent 'facts on the ground' which will remain in the area after the occupation.
23 In the Gaza Strip Egyptian law and ordinances continued to be valid, while in the West Bank Jordanian law and ordinances continued to be valid. See Chief Military Command, *Orders and Proclamations, Judea and Samaria, 1968–1972*, Tel-Aviv: Israeli Defence Ministry, 1972. The Jordanian and Egyptian laws are based on the laws of the British Mandate period. See Sasson Levi, 'Local government in the Administered Territories'; and David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories*, Albany, NY: State University of New York Press, 2002.
24 For a discussion of the military orders, see Kretzmer, *The Occupation of Justice*, pp 27–29.
25 Many of these orders undercut international legal provisions that ensured the rights of occupied populations. See Raja Shedadah, *Occupier's Law: Israel and the West Bank*, Washington, DC: Institute for Palestine Studies, 1985.
26 To support this claim, Israel also set up an elaborate system of military courts, staffed by military personnel who were responsible for trying those who were suspected of illegal activity. Lisa Hajjar, *Courting Conflict*.
27 In 1971 General Ariel Sharon, the head of the southern command, was asked to suppress Fatah and the People's Front for the Liberation of Palestine's (PFLP) armed resistance in the Gaza Strip's refugee camps. A fence was erected, which surrounded parts of the region, as Israeli troops, the Shabak and Palestinian collaborators combed the area with a list of 'wanted' men. The families of these men were also rounded up and some 12 000 inhabitants were sent to the remote Abu Zneima detention centre on the coast of the Sinai Peninsula. An estimated 2000 houses were demolished in refugee camps like Shati and Jabaliya in order to make it easier for the military to patrol the camps. These demolitions displaced, again, over 15 000 refugees.[27] Simultaneously curfews were imposed on the camps, adult males were randomly stopped and searched, and several Palestinians were shot and killed for '[failing] to halt for routine searches'. After the armed resistance was crushed, however, Israel changed the repertoires of violence it employed in the Strip and emphasised disciplinary forms of control. Aside from the Gaza invasion, coercive methods were only intermittently enforced and, when they were employed, they were implemented with less intensity.
28 State of Israel, *Three Years of Military Government*, p 4.
29 As cited in Shlomo Gazit, *Trapped Fools: Thirty Years of Israeli Policy in the Territories*, London: Frank Cass, 2003, p 163.
30 Joel S Migdal, *Palestinian Society and Politics*, Princeton, NJ: Princeton University Press, 1980, p 62.
31 On 19 July 1967 Israel organised a conference for the *mukhtars* (village leaders) in Nablus, where they were 'warned that they would be punished if foreigners or terrorists would be found in their villages and if they distribute the communist party's paper *Al-Itihad*'. Each village *mukhtar* was paid 75 Israeli pounds a month, while the second *mukhtar* in the same village was paid 50. Michael Shashar, *The Seventh Day War: The Diary of the Military Government in Judea and Samaria (June–December 1967)*, Tel-Aviv: Sifriat Poalim, 1997, pp 105, 161 (in Hebrew). See also Military Order 176, which authorises the military commander to dismiss any *mukhtar*.
32 Timothy Mitchell, 'The limits of the state: beyond statist approaches and their critics', *American Political Science Review*, 85 (1), 1991, pp 77–96.
33 Meron Benvenisti, *Intimate Enemies: Jews and Arabs in a Shared Land*, Berkeley, CA: University of California Press, 1995. See also in this context Amira Hass, *Drinking the Sea at Gaza: Days and Nights in a Land under Siege*, New York: Metropolitan Books, 1996; Edward Said, *Peace and its Discontents*, New York: Vintage, 1996; Graham Usher, *Dispatches from Palestine: The Rise and Fall of the Oslo Peace Process*, London: Pluto Press, 1999; and Neve Gordon, 'Outsourcing violations: the Israeli case', *Journal of Human Rights*, 1 (3), 2002, pp 321–337.
34 The eight agreements in chronological order are: Declaration of Principles On Interim Self-Government Arrangements (13 September 1993); The Paris Protocol on Economic Relations (29 April 1994); Agreement on the Gaza Strip and the Jericho Area (May 4, 1994); Agreement on Preparatory Transfer of Powers and Responsibilities Between Israel and the PLO (29 August 1994); The Israeli–Palestinian Interim Agreement on the West Bank and the Gaza Strip (also known as Oslo II) (28 September 1995); Hebron Protocol (17 January 1997); The Wye River Memorandum (23 October 1998); and The Sharam el-Sheikh Memorandum (4 September 1999).
35 In 1997 Hebron was divided into two parts: H1 under nominal control of the PA and the smaller H2 section under the control of the Israeli military. Area H2 is home to about 35 000 Palestinians and 500 Israeli settlers. The Old City and the Tomb of the Patriarchs are also located in H2. Yellow areas in the Gaza Strip are more-or-less equivalent to Area B in the West Bank and comprise 23% of the Strip, while White Areas are equivalent to Area A and comprise a little less than 10% of the Strip.
36 The Agreements were Wye I, II and III and Sharam I.

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37 Yehezkel Lein, *Forbidden Roads: The Discriminatory West Bank Road Regime*, Jerusalem: B'tselem, 2004, p 4.
38 Anex III, Article IV of the Interim Agreement states that 'In Area C, in the first phase of redeployment, powers and *responsibilities not related to territory*, as set out in Appendix 1, will be transferred to and assumed by the [Palestinian] Council in accordance with the provisions of that Appendix', thus indicating that, even though Israel had full authority over all matters in area C, the PA took over responsibilities not related to territory (emphasis added).
39 Noga Kadman, *1987–1997: A Decade of Human Rights Violations*, Jerusalem: B'tselem, 1998, p 10.
40 *Ibid*, pp 10–11.
41 Rema Hammami & Salim Tamari, 'Anatomy of another rebellion', *Middle East Report*, 217, 2000.
42 Fred Abrahams, Marc Garlasco & Darryl Li, *Razing Rafah: Mass Home Demolitions in the Gaza Strip*, New York: Human Rights Watch, 2004.
43 Kretzmer, *The Occupation of Justice*, pp 145–164.
44 Abrahams *et al*, *Razing Rafah*, pp 127–128.
45 Alice Rothchild, 'Pitching in for health on the West Bank', *Boston Globe*, 6 March 2004.
46 James Ron, *Frontiers and Ghettos: State Violence in Serbia and Israel*, Berkeley, CA: University of California Press, 2003.
47 Amos Harel, 'Avi Dichter supports the disengagement...', *Ha'aretz*, 10 June 2005 (in Hebrew).
48 Jewish settlers could continue moving freely across the Green Line, while after Oslo a very small number of Palestinians received VIP cards and could travel even in times of closure.
49 Lein, *Builders of Zion*, pp 9–10.
50 Usher, *Dispatches from Palestine*, p 97.
51 The Palestinians did not oppose the construction of this fence since it was erected on the Green Line. Yehezkel Lein, *One Big Prison: Freedom of Movement to and from the Gaza Strip on the Eve of the Disengagement Plan*, Jerusalem: Btselem, 2005, p 60.
52 See http://www.reliefweb.int/hic-opt/.
53 B'tselem, 'The Palestinian economy during the period of the Oslo Accords: 1994–2000', at www.btselem.org.
54 Neve Gordon & Dani Filc, 'Hamas and the destruction of risk society', *Constellations*, 12 (4), 2005, pp 542–560.
55 Research shows that 'malnutrition is a contributing factor in nearly 60 percent of deaths in children for which infectious disease is an underlying cause'. Bahn Maharj, Bhandari Nita and Bahl Rajiv, 'Management of the severely malnourished child: perspective from developing countries', *British Medical Journal*, 326, 2003, pp 146–151. Per capita food consumption has declined by a quarter since 1998. Human Development Group, *Supplemental Trust Fund Grant to the Second Emergency Services Support Project*, Middle East and North Africa Region: World Bank, 2002, p 2.
56 Akiva Eldar, 'Popular misconceptions', *Ha'aretz*, 11 June 2004 (in Hebrew). See also Reuven Pedatzur, 'More than a million bullets', *Ha'aretz*, 30 June 2004 (in Hebrew).