



THE GAZA STRIP AS LABORATORY: NOTES IN THE WAKE OF DISENGAGEMENT

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Chronically described as poor, overcrowded, and dangerous, the Gaza Strip exemplifies the longstanding Zionist “dilemma” of how to deal with dense concentrations of Palestinians who must not be granted equality but who cannot be removed or exterminated en masse. This article analyzes key Israeli policies toward the Gaza Strip—specifically, the use of closure, buffer zones, and air power—in the context of the Zionist movement’s broader geographic and demographic goals. It argues that the Gaza Strip can be usefully seen as a “laboratory” in which Israel fine-tunes a dubious balance of maximum control and minimum responsibility, refining techniques that are also suggestive of possible futures for the West Bank.

THROUGHOUT ITS BRIEF HISTORY,¹ there have generally been two ways of looking at the Gaza Strip. The first is to overlook its particularities by focusing on the West Bank or Israel/Palestine as a whole. The second is to exceptionalize it by evoking its crushing poverty, suffocating crowdedness, and mind-numbing isolation. More helpful would be to regard the Gaza Strip and the West Bank as representing two different phases of a common process of segregation, confinement, and surveillance produced by the Zionist project. The “disengagement” from the Gaza Strip marks the most advanced stage of this process yet witnessed.

For this reason, let us put aside the unflattering metaphors typically applied to the Strip—from one perspective: a cesspool, a powder-keg, a burden, a time bomb, a “ Hamas-istan”; from another: a prison, a ghetto, a Bantustan.² Instead, let us think of the Gaza Strip as a *laboratory*, in three senses.

First, the Gaza Strip is a space where Israel tests and refines various techniques of management, continuously experimenting in search of an optimal balance between *maximum control* over the territory and *minimum*

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responsibility for its non-Jewish population. Second, just as laboratory experiments are meant to be replicated elsewhere, the territory is a sort of proving ground for practices that could become increasingly relevant in the West Bank if Palestinian life there is fragmented into an archipelago of isolated “Gaza Strips.” Third, because the Gaza Strip represents a stage of concentration and segregation that is unprecedented in the conflict, it can be seen as a space in which the “pure” conditions of laboratory experimentation are best approximated.

The immediate goal of Israeli policy in the Strip is, of course, “quiet”: management of the conflict with the Palestinians within “acceptable” levels of violence. This in turn buys legitimacy and time for further colonization in the West Bank, Galilee, and Negev. In recent years, three policies have been especially important in fine-tuning the balance of control and responsibility: closure, buffer zones, and the use of airpower. But before evaluating these policies, it is necessary to situate the Gaza laboratory in the broader geographic and demographic context of Zionism.

THE GAZA STRIP AND THE GOLDEN MEAN

The ongoing experiment in balancing maximum control and minimum responsibility arises out of and is shaped by the collision of the Zionist project—broadly speaking, the creation, maintenance, and (when possible) the expansion of a state for the Jewish people³—with certain historical constraints. The first and most important constraint is, of course, the presence and resistance of an indigenous non-Jewish population on the territory being claimed. The collision between project and reality produces a well-known longstanding operational mantra guiding Zionist settlement and annexation policies: *maximum land, minimum Arabs*.⁴

When circumstances prohibit Israel from pushing natives beyond the territory it controls, this dictum produces a corollary: *maximum Arabs on minimum land*. And within these spaces of confinement, the challenge of maximum control and minimum responsibility—with its own corollary for the Palestinian Authority (PA) of maximum responsibility and minimum control—emerges. This double-edged attitude was summarized perfectly by Maj. Gen. Israel Ziv, then head of the operations branch of the Israeli military, in the aftermath of the disengagement: “As long as the PA will *act as a sovereign* entity and prevent the launching of terror attacks from Gaza, we will make the maximum effort to respect its *autonomy*.”⁵

These are general principles of Zionist practice, broadly applicable on both sides of the Green Line.⁶ In order to understand them we must first evaluate the situation through a lens whose geographic range encompasses all areas under Israeli control (roughly, the boundaries of British Mandatory Palestine), and whose demographic wavelengths are “Arab” and “Jew.”⁷ Taken in isolation, the Gaza Strip is often described as one of the most densely populated places on earth: 1.4 million Palestinians crowded into 365 square kilometers. But in the broader Zionist calculus of minima and maxima, this fact can be redescribed

as follows: *some 25 percent of all Palestinians living under Israeli control have been confined to 1.4 percent of the territory of the British Mandate of Palestine.* Maximum Arabs on minimum land, indeed. (See Figure 1 facing.)

At first glance, the circumstances under which the optimal balance of land and Arabs is sought would appear radically different in the West Bank, which is almost nine times less densely populated. But this comparison is misleading, as approximately 60 percent of the West Bank (designated as “Area C” under the Oslo accords) is effectively off-limits to Palestinian habitation. The rest consists of a noncontiguous archipelago of population centers separated by checkpoints, the separation barrier, and bypass roads. If one calculates density based on this available land, the Gaza Strip is only 3.5 times more densely populated than the West Bank—still a significant difference, but far less stark.⁸ And the Qalqilya enclave, fully encircled by the separation barrier, is actually *more* densely populated than the Gaza Strip (though not more than Gaza’s camps).

Obviously, population density statistics say little about the texture of occupation on the ground. Here it is crucial to stress two points: First, to the extent that Israel’s policies are moving toward the creation of new “Gaza Strips” inside the West Bank, this will be a messy process requiring large-scale population transfers from rural areas that are unlikely to be effected in a dramatic single move. Rather, they would be carried out gradually, unevenly, and with exceptions by policymakers at varying levels of authority who may or may not exploit available leeway or resist settler pressure. Second, barring exceptional circumstances such as those of the 1948 war, when the Strip’s population tripled overnight from the inundation of refugees, it is difficult—but by no means impossible—to envision a scenario in which Gaza’s extraordinarily tight confines are replicated in the West Bank enclaves. Nonetheless, we can sketch out possible scenarios for the West Bank from looking at the Gaza Strip by way of contrast. In any event, whether the closure in the Gaza Strip is prediction or merely a warning for the West Bank is by definition an open question. The final route of the barrier—and any additional settlement evacuations or expulsions of Palestinians—will depend on political struggles being waged now on the ground and in cabinet meetings, military planning sessions, community workshops, and courtrooms elsewhere.

PERFECTING THE CAGE: CLOSURE

“Closure” is a broad term that includes various restrictions on the circulation of people and goods, ranging from prohibition on international travel to mass house arrest (“curfew”). Closure has been employed in Israel/Palestine in different forms as far back as the British Mandate. Since the Oslo process, however, total separation has replaced mere residential segregation as the governing principle of Zionist policy toward Palestinians, and accordingly closure has become an indefinite long-term condition with unmistakably demographic contours.⁹



Figure 1. "Maximum Land, Minimum Arabs." This map depicts areas set aside for Arabs in all of Israel/Palestine (excluding the Golan Heights). Reservations in the occupied territories include some 40 percent of the West Bank (Areas "A" and "B"), all of the Gaza Strip, and the Palestinian neighborhoods of Jerusalem. The map also depicts Arab municipalities inside Israel (including most of the Arab-owned land in the country and a minuscule portion of state-administered land) but does not show the "unrecognized" villages or Arab populations in mixed cities such as Lod and Haifa. (Map designed by John Emerson, based on data from UN OCHA and the Arab Center for Alternative Planning).



Figure 2. Map of the Gaza Strip as partitioned by the Gaza-Jericho agreement. From 1994 until 2005, Israel retained direct control over some 42 percent of the Strip, including settlements, military bases, bypass roads, “yellow areas,” and a border security zone. (Foundation for Middle East Peace).

Closure in the Gaza Strip in recent years, and until disengagement, consisted of three layers. Externally, the territory was separated from Israel by a fence, built in the late 1990s, that has successfully prevented suicide attacks,¹⁰ while Israel controlled the coastline and land border with Egypt. Internally, several “bypass” roads linking the settlements to Israel effectively bisected or at times trisected the Strip; these roads, only a few kilometers long and surveilled at virtually all points by heavily fortified observation posts, acted as physical barriers. Finally, the “yellow areas,”¹¹ inside the settlement blocs and largely cut off from the Palestinian urban centers, were home to several thousand Palestinians subjected to more intense and individualized measures of isolation, surveillance, and control. (See Figure 2.)

Disengagement has introduced several modifications to this template: First, internal closure and the “yellow areas” have been eliminated, restoring freedom of movement inside the territory except in the “buffer zones” (see below). Second, Israeli forces no longer patrol the border with Egypt, and the PA now operates the Rafah crossing with Egypt for people with PA identification

documents (still issued by Israel) under European and Israeli monitoring.¹² Israel will retain direct control over all imports, channeling them through its own territory (either at the Qarni crossing or Kerem Shalom, located at the point where Israel, Egypt, and Gaza meet).

The better-known closure conditions in the West Bank contrast sharply with those in the Gaza Strip. At the level of external closure, there has never been an attempt to seal off the West Bank as such, since Israel has never considered the Green Line as an international border. Closure has instead been maintained mostly through a complex and uneven network of hundreds of checkpoints, roadblocks, and other barriers, both manned and unmanned, at the entrances to individual Palestinian communities, as well as on major roads. Supplementing this regime have been the bypass roads, which also serve to restrict Palestinian movement.

This raises three general points of contrast, all of which are sharper in the wake of disengagement. First, closure in the Gaza Strip is more *hermetic*, whether one speaks of the bypass roads that existed before disengagement or the fence. Closure in the West Bank was tight enough to devastate economic and social life, but porous enough to allow determined individuals to try their luck and slip through, often in difficult hilly terrain and at great risk. Indeed, it is not uncommon in the West Bank for Palestinians to circumvent checkpoints on foot in broad daylight under the very eyes of Israeli soldiers (the absurdity of which only deepens the sense of humiliation); this would have been unthinkable in Gaza since the recent intifada. Second, closure in the Gaza Strip is “from a distance” relative to the West Bank, where it is more “up close.” In the Gaza Strip, movement between neighboring areas was generally less impeded than in the West Bank, where the porosity of the closure required positioning checkpoints and roadblocks at the entrances of communities, de facto separating urban centers from their hinterlands. Third, increased control in the Gaza Strip allowed Israel to channel movement through a small number of “hardened” access points, more permanent and better fortified than the impromptu mix of roadblocks and checkpoints used in the West Bank. The bypass roads funneled all north-south traffic in the Gaza Strip through one or two “chokepoints” (physical searches being the exception rather than the rule), and access to Israel occurs through three crossings—Erez, Qarni, and Sufa—the first two of which are now major terminals outfitted with extensive processing facilities. Needless to say, closure in the Gaza Strip is enforced with less military manpower and less “friction” (i.e. direct contact) with the civilian population, entailing less exposure to attack and less potential for negative publicity.

A tighter seal, confinement enforced from a greater distance, and more defined points of circulation—all of these features of the closure in the Strip are also part of Israel’s vision for the separation barrier, which in many ways (and in some places literally) is a concretization of the closure regime. First, the barrier has undoubtedly made unregulated Palestinian movement—be it for economic, personal, or military reasons—more difficult

in the areas where it has been completed; and in encircling the town of Qalqilya, it has created perhaps the first of the West Bank's potential "Gaza Strips." Second, there has been a significant reduction in the number of unmanned West Bank obstacles in the past year, signaling a shift to closure from

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a distance, in part attributable to the completion of the separation barrier in those areas.¹³ Third, Israel is embarking on a major effort to replace the West Bank's territorial contiguity with "transportation contiguity" for Palestinians under Israeli control and is seeking international donor support for the task. Seven major checkpoints have been or are being upgraded into

major terminals and integrated into the barrier route to serve as the primary points of interface between Israelis and Palestinians. Israeli officials argue that the crossings will have facilities and equipment to allow for more thorough checking and more expedited movement.¹⁴ Over the past several years, checkpoints such as Qalandiya (near Ramallah) and Gilo (near Bethlehem) have been gradually transformed from ordinary military control points with makeshift towers and a few concrete slabs to processing facilities with long corridors, electronic turnstiles, concrete bunkers, and parking lots—all reminiscent of the Erez and Qarni crossings between the Gaza Strip and Israel (both of which are being upgraded as part of the same project). Complementing the terminals is an envisioned network of segregated roads and tunnels reserved for Palestinians, for which Israel has been mostly unable to obtain international donor funding.¹⁵

Confining major Palestinian population centers, however, is only part of the story of closure; placing intense migratory pressures on rural Palestinians (whether or not with that specific intent) is the other. Here, one is struck by the parallel between the former yellow areas of the Gaza Strip—the largest being Muwasi, along the southern Gaza coast—and the Palestinian communities caught in the so-called "seam zone" between the barrier and the Green Line. Both are sparsely populated and very fertile areas located in the shadow of Israeli settlements—in other words, tempting candidates for colonization and easy targets for settler violence. The yellow areas were subjected to extraordinarily draconian closure measures, including denial of entry to nonresidents (even medical personnel and teachers working there) and prolonged mass house arrest.¹⁶ There was also the requirement of special permits for residents, given only to those who had been present in their homes during an unannounced census by the army; those absent at the time of the census did not qualify for permits and were legally expelled.¹⁷ Although yellow areas depended on Palestinian urban centers for health, education, and basic economic activity, access to the outside was channeled through specific gates, opened for limited periods of time (if at all), through which only foot traffic was allowed. Similarly in the West Bank, a 2003 military order declared the northern seam zone a "closed military area" off-limits to nearly all Palestinian non-residents while requiring that the approximately 5,000 Palestinian residents apply every six months to the military for the right to remain in their homes. Jews of any nationality are

explicitly allowed free access to the area.¹⁸ Access across the barrier for essential movement is afforded by gates similar to those used in the yellow areas, which require special permits and whose operation is limited and arbitrary.¹⁹

THE BLOODIEST OF FRONTIERS: BUFFER ZONES

Israel's notion of "security" is inherently expansive: security of the Jewish population demands that Arab movement be controlled and that Arabs be kept away from Jews. Securing this arrangement requires putting those Arabs behind a wall. And such a wall in turn demands its own protection. The ideal way to secure a barrier is through a vacant "buffer zone," whose emptiness allows a handful of soldiers to monitor relatively large areas and to respond quickly, decisively, and overwhelmingly to any perceived infiltrators, all while ensconced in fortified positions. In a place as tiny and as densely populated as the Gaza Strip, where Palestinian housing and agriculture are never too far away, such buffer zones had to be forcibly emptied of Arabs, houses, and agriculture.²⁰

While closure policies have done the most to damage the fabric of Palestinian society and economy, the most common proximate cause of direct violence in the Gaza Strip, from civilian deaths to property destruction, was most likely the buffer zone policy. Maj. Gen. Doron Almog, who as head of the Southern Command of the Israeli military was the overall architect of Gaza Strip policy from 2000 to 2003, credited the near-impermeability of the fence between Israel and the Strip to the buffer zone's two "key elements": mass property destruction and aggressive open-fire rules.²¹

In the Gaza Strip, comprehensive house demolition and land razing were concentrated along the entire (nonsettlement) periphery of the territory and the bypass roads, as well as around the settlements blocs.²² Entire agricultural areas and residential neighborhoods were wiped out between 2000 and 2005. The destruction was often carried out in incremental fashion, which gave the impression that individual acts of destruction were tied to specific instances of combat (which may have been the case on occasion), thus attenuating international criticism. The most egregious example is the town and refugee camp of Rafah, located on the border between the Gaza Strip and Egypt. During the intifada, Israeli forces razed over 1,600 homes in Rafah along the border—more than in the rest of the Gaza Strip combined—displacing over 10 percent of the area's population. The primary justification given by Israel was that its forces were searching for and destroying smuggling tunnels from Egypt and that in the course of such operations, homes would have to be demolished, either because they harbored tunnel exits or as a result of combat with Palestinian armed groups. Human Rights Watch, however, demonstrated that such explanations were not credible, given that available technology would have enabled Israeli forces to detect and neutralize tunnels at the point where they crossed beneath the well-fortified Israeli-controlled border, thus obviating incursions and house demolitions altogether.²³ Instead, the pattern of destruction was consistent with the desire for a buffer zone, as expressed by officers such as former

Southern Command chief Maj. Gen. Yom-Tov Samia ("The IDF has to pull down all the houses along a 300–400 meter strip. No matter what the final settlement will be in the future") and the commander of the Southern Gaza Brigade, Col. Pinhas Zuretz ("I'd eliminate at least another 200 meters of houses, leaving my soldiers outside anti-tank weapon range").²⁴ (See Figure 3 facing.)

Once buffer zones are "cleared," they become effective "free fire" areas in which Palestinians enter at their own risk and dozens if not hundreds have died doing so. The notorious killing of 12-year-old Iman al-Hams in Rafah on 5 October 2004 is a case in point; the girl was shot after wandering into the buffer zone by Israeli troops stationed in an outpost along the border. The local commander then left the outpost, emptied his magazine into the girl's body at point-blank range, and announced over his radio: "Any motion, anyone who moves in the zone, even if it's a three-year-old, should be killed."²⁵ The officer was later tried (and acquitted) *not* for ordering an unarmed child shot on sight for entering the buffer zone but for the act of desecration of shooting Hams's corpse. Moreover, shooting into or *beyond* buffer zones (since the buffer zones require their own security) does not necessarily require any Palestinian "provocation"—troops in the Gaza Strip also regularly and indiscriminately fired on Palestinian populated areas at night, a practice sometimes referred to in the Israeli military as "preventive shooting."²⁶ And if for some reason fortifications are moved forward into buffer zones, thus placing them closer to Palestinians, further destruction may be deemed "necessary", as happened with the wall built by Israeli forces inside the Rafah demolished area in 2003. (Demolitions tripled in the year after the wall was built.²⁷)

The buffer zone policy is very much alive in the postdisengagement Gaza Strip. The Israeli military reportedly plans a sophisticated array of sensors and remote-controlled machine guns along the Israeli side of the border fence to kill any potential infiltrators.²⁸ Work continues on the Gazan side as well; on 18 September 2005, just one week after evacuating, the Israeli military returned to the Gaza Strip, leveling land for a new buffer zone some 200 meters deep along the northern border. Construction on a new barrier in the zone began on 12 October.²⁹ On 26 October the Israeli military declared unspecified portions of the Gaza Strip near the northern and eastern borders to be "closed military zones" off-limits to all Palestinian movement,³⁰ and as of this writing it regularly shells these areas with artillery to prevent Palestinians from approaching the fence. The perceived threat from Palestinian homemade rockets led Israel in December 2005 to extend the buffer zones to include the former northern settlements, nullifying any potential land reclamation there.

In the West Bank, buffer zones have a slightly different history. In the aftermath of the 1967 war, Israeli forces "trimmed" the edges of the West Bank, bulldozing a number of Palestinian villages in the Jordan Valley and near Israeli green line communities; nearly half of Qalqilya was destroyed.³¹ Today, where West Bank settlements are perched on hilltops above Palestinian communities, there is less perceived need for property destruction and depopulation.³² Along different parts of the barrier, however, a series of Israeli military orders



Figure 3. This map, based on satellite imagery, depicts the “Block O” section of Rafah, one of the epicenters of “buffer zone” demolitions—over half of the neighborhood was leveled between 2000 and 2004. Note how the military patrol corridor on the border doubled in width between the two images, creating a new “baseline” for demolitions. (Human Rights Watch).

prohibits Palestinian construction within a 150–300 meter wide strip, leading to new rounds of land confiscations and house demolitions. In general, the more tightly the barrier embraces densely populated areas—including Qalqilya, and even parts of Ramallah, Bethlehem, and Jerusalem—the more reason there is for concern about the consequences of buffer zones, especially if the barrier fails to provide perfect “security” in the event of renewed hostilities. For example, after several Palestinians escaped walled-in Qalqilya through a sewage tunnel in June 2003 and fired on passing Israeli motorists, killing a seven-year-old girl, some commentators speculated about the possibility of tunnels being used to circumvent the barrier in the future.³³ Given the expansive logic of “security” at work in general, and the recent history of Rafah in particular, the conceptual distance between such fears and the “need” for further demolition is not very great.

EVERYWHERE AND ANYWHERE: THE USE OF AIRPOWER

The evolution of the occupation of the Gaza Strip is perhaps best manifested in Israel’s use of airpower, especially since the beginning of the al-Aqsa intifada.³⁴ Traditionally, Israel’s air force was devoted primarily to dealing with neighboring Arab states and played little role in the occupation. The air force is now an integral, if not leading, component of Israel’s management of the Gaza Strip, in part to compensate for the diminished reliance on ground troops. Airpower is also seen as less intrusive and therefore less problematic in terms of international opinion.³⁵ As Maj. Gen. Amos Yadlin, the new head of Israeli military intelligence (and the first air force officer to hold this key position), put it in 2004, “Our vision of air control zeroes in on the notion of control. We’re looking at how you control a city or a territory from the air when it’s no longer legitimate to hold or occupy that territory on the ground.”³⁶

Israel’s use of airpower in the Gaza Strip has unfolded roughly along four lines. First, and most ubiquitous, is *surveillance*. Unmanned drones are frequently seen prowling above the Gaza Strip, a silent but near-constant presence, and Israel is a global pioneer in their development and use. Second is *intimidation* of the civilian population, mostly through spectacular displays of military power. In the early years of the intifada, this took the form of bombing PA institutions considered as symbols of Palestinian “sovereignty,” such as Yasir Arafat’s compound and the airport near Rafah (which had previously been closed by Israel). Since disengagement, Israeli fighter jets have begun regularly breaking the sound barrier at low altitude over the entire Gaza Strip, causing sonic shock waves as loud as actual bombardment, shattering windows and reportedly causing psychological damage to children.³⁷ Third are the attempts to *decapitate* the political and military wings of Palestinian parties (especially Hamas) through assassinating leaders. Some 90 percent of the assassinations in the Gaza Strip during the intifada have been executed from the air.³⁸ Fourth, and perhaps least noticed, has been the use of *tactical airpower* against alleged field units of Palestinian fighters. For example, Operation “Days of Penitence”

in October 2004—the last large-scale Israeli military campaign in the Gaza Strip before disengagement—saw extensive integrated use of aerial drones and attack helicopters to target purported mortar teams in the northern Gaza Strip. Whether those killed were actually engaged in armed operations or merely fit a certain profile (a small number of men in the wrong place at the wrong time) is often ambiguous enough at first to attenuate public criticism and complicate legal assessments.³⁹ Since disengagement, the Israeli military has relied heavily on airpower to continue these types of operations inside the Gaza Strip, especially in the north, where airpower is now used to bomb roads as well.⁴⁰

As a general rule, it seems that use of airpower is positively correlated with territorial isolation and segregation. In the West Bank, airpower has thus far mostly been limited to surveillance, specific instances of intense urban combat (Jenin 2002) and a few spectacular assassinations of political leaders early in the intifada (Abu 'Ali Mustafa and Jamal Mansur in 2001). But in terms of everyday control, the conditions that favor airpower in the Gaza Strip do not exist at this time in much of the West Bank. Sonic booms as an intimidatory measure, for example, are impractical as long as Palestinian communities and Israeli settlements are so intertwined. (Indeed, even Israelis living near the Gaza Strip have complained about the noise from artillery units stationed there and leaflets intended to intimidate Palestinians have been carried by winds into Israel.)⁴¹ As for assassinations, Israel continues to rely primarily on death squads, in part because the West Bank has historically been considered less dangerous than the Gaza Strip in the eyes of Israeli forces and in part because use of commandos leaves open the possibility of capture and interrogation.

As for tactical uses of airpower, its near-absence in the West Bank is indicative of the different topographies of occupation involved. The nature of the closure in the Gaza Strip—especially confinement “from a distance” rather than “up close”—allows for some unregulated Palestinian movement outside of dense urban concentrations, which is virtually prohibited in the West Bank. At the same time, disengagement has deprived Palestinian armed groups of Israeli targets such as bases and settlements that can be attacked at close range. These factors have pushed Palestinian armed operations in the Gaza Strip to reliance on crude homemade rockets that must be fired from areas near the green line in order to hit anything. Such a reconfigured battlespace plays to the strengths of Israeli airpower, namely the ability to monitor small numbers of Palestinians moving about in open areas and to destroy them quickly. What appears as a parody of traditional interstate combat (armies meeting in an open field to confront each other head on) is actually an inversion of the terms of traditional guerrilla warfare. Instead of a lumbering conventional army venturing out of its urban base and falling prey to guerrilla ambushes, it is now the irregular fighters who,

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in search of targets, must enter largely depopulated rural areas, with results that are particularly one-sided,⁴² even for this conflict.

POSTSCRIPT: INTERNATIONAL LAW AND ITS FRONTIERS

Laboratory experiments are governed by the laws of nature, but laboratories as institutions are regulated from outside by manmade rules—especially when the subjects of such experiments are human beings. Similarly, the Zionist experiment in the Gaza Strip cannot completely ignore the context of international law. For decades, Israel has assiduously waged a campaign to deny the applicability of international law to the territories, especially insofar as the law interferes with processes of demographic engineering.⁴³ The crux of the Israeli argument, through its many incarnations since 1967, has been to characterize the juridical status of the Gaza Strip and West Bank as fundamentally ambiguous—where Israel is not quite an occupier and the Palestinians are always somewhat less than sovereign. The disengagement and attendant debates over whether Israel is still an occupying power in the Gaza Strip are but the latest stage in this process.

Many observers have commented on the parallel between the land reserves in the Gaza Strip and the West Bank and the South African apartheid regime's failed attempt to create nominally independent "Bantustans" that would relieve it of some responsibility for its disenfranchised native population. Putting aside crucial historical limitations of the analogy,⁴⁴ the juridical context in Israel/Palestine is also different in at least one important sense: The Bantustan experiment entailed South Africa divesting itself of responsibility over some of its *own* territory and, more egregiously, denationalizing its *own* citizens.⁴⁵ In a global legal order that reifies, if not deifies, the territorial integrity of sovereign states, this move was awkward at best and depended on international recognition that was rarely forthcoming. Israel's strategy is slightly more straightforward: It is trying to partially rid itself of territories over which it has never possessed legitimate claim and whose inhabitants have never been its citizens. Its objective regarding the land reserves is therefore theoretically compatible with the international consensus in favor of partitioning Israel/Palestine into two states, allowing for "border adjustments" that would retroactively legalize some of the settlements. Israel's challenge is how to pursue maximum land and minimum Arabs in a way that preserves this consensus just enough to forestall support for a single state based on equal citizenship.

The disengagement is perhaps the best example of this game. The line between the Gaza Strip and Israel is largely agreed upon by all of the relevant players. But the *nature* of that boundary is not at all agreed. For the PA leadership and the international community, the boundary is a *de facto* border; for Israel, it is a frontier. A border is a fixed line separating two proper sovereign political entities. A frontier is more ambiguous and flexible, moving as demography moves.⁴⁶ No matter what the PA may choose to believe, Israel's demarcating a frontier does not mean it is giving up its supremacy on the other

side, as evidenced by the text of the disengagement plan⁴⁷ and Israel's ongoing use of closure, buffer zones, and airpower to exert authority on the ground inside the Gaza Strip. In the West Bank, Israel's frontiers are still penciled in by closure and incrementally being inked by the separation barrier; the outcome, however, is clearly unlikely to bear much resemblance to the Green Line. From the perspective of the international community and its juridical categories, then, disengaging from the Gaza Strip is a step in the right direction, while the separation barrier in the West Bank is a problem. Viewed through the lens of Zionist experimentation, however, this mixture of praise and condemnation makes little sense, for in both places the same process is ultimately at work.

NOTES

1. The city of Gaza is one of the oldest inhabited places on earth, long tied to its hinterland while straddling routes to distant lands, but the Gaza *Strip* is an entirely novel entity, born out of the 1948 war that led to the establishment of the state of Israel. Delineated not by geographic or economic considerations but rather by the exigencies of war, this tiny slice of mandatory Palestine under Egyptian control was crammed with 200,000 Palestinian refugees alongside 60,000 locals. Gaza has more history than almost any other inhabited place on earth; the Gaza Strip has less.

2. One model I will not use here is the figure of the *camp*, as developed by the Italian philosopher Giorgio Agamben. For Agamben, the camp is the spatial expression of the sovereign's ability to indefinitely suspend the legal order and its attendant rights, legitimizing an unlimited violence. Inside the camp, Agamben has argued, a specific form of subjection that he calls *biopower* emerges in its purest form, which renders biological life (not only its termination but also its regulation) subject to sovereign decision. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998) and *Remnants of Auschwitz: The Witness and the Archive* (New York: Zone Books, 1999). Agamben's notion of the camp as a condition of possibility for various kinds of violence is relevant to many contexts (including the Gaza Strip), but for the same reason it is too general to be usefully applied here. In contradistinction, his concept of *biopower*, developed primarily in an analysis of the Nazi death camps, is too

specific, notwithstanding some striking parallels with the Palestinian situation. Rather, Michel Foucault's typology of power, which distinguishes one modality that takes populations as its object (*governmentality*, also called *biopower* but not in Agamben's sense) and treats them according to various notions of risk management—as opposed to the better-known “disciplinary power,” which shapes and controls *individual* subjects—captures better the experimental, calibrated, and contingent aspects of Israeli policy and practice that I would like to emphasize here. See especially Michel Foucault, *Sécurité, Territoire, Population: Cours au Collège de France, 1977–1978* (Paris: Seuil, 2004).

3. The formulation “a Jewish state” is imprecise. Israel is not simply a state whose population happens to be mostly Jewish, nor is it a state ruled primarily by Jewish religious law; it is a “Jewish” state insofar as it is *constituted for the entire Jewish people as one nation*. In other words, the state “belongs” to Jews who are not citizens while excluding the 20 percent of its citizens who are not Jews (to say nothing of the indigenous non-Jews in exile).

4. Nur Masalha employs this phrase primarily in relation to various proposals for the “transfer” of Palestinians from their homes, but it also guides settlement and annexation policies generally. See Nur Masalha, *Land Without a People: Israel, Transfer, and the Palestinians, 1949–1996* (London: Faber and Faber, 1997).

5. Efrat Weiss, “IAF Renews Air Strikes in Gaza,” *Ynet News*, 28 September 2005, emphasis added. Ziv was commander of

the Gaza Division from 2001 to 2003 and of the northern Gaza district in the early 1990s.

6. Limitations of space and competence prevent me from addressing the situation of the Palestinian citizens of Israel here. This article's focus on the West Bank and Gaza Strip should be taken not as a denial of the parallels with the situation inside the Green Line, but rather a recognition that the different juridical situation there, especially the dilemma of citizenship, merits specific attention.

7. Obviously these are categories of nationality as recognized and conserved by the Israeli state ("Israeli" is not a recognized nationality); approximately half of the self-described Jewish population of Israel is of Middle Eastern origin.

8. Statistics for population and land area are taken from fact sheets compiled by the Palestinian Academic Society for the Study of International Affairs (www.passia.org).

9. The laws of armed conflict (international humanitarian law—IHL) permit closure as one of the security measures allowed to an occupying power by Article 27(4) of the Fourth Geneva Convention (1949). Such measures, however, cannot violate other rules of IHL (such as allowing access to medical and aid workers) and must conform to human rights standards generally. The ambiguity of defining when closure become illegal has allowed Israel to use such measures in favor of its own demographic goals, especially settlement construction.

10. Between 2000 and 2003, the fence was reportedly breached eight times, with all infiltrators being captured soon after entering Israeli territory. Ori Nir, "Bush Drops Opposition to Building of Barrier," *Forward*, 24 October 2003. The only two successful suicide attackers from the Gaza Strip since the completion of the barrier were smuggled out through Erez and Qarni, respectively.

11. Designated under the Gaza-Jericho Agreement (1994), Annex I, Article 4(4).

12. Travelers without PA identification generally require explicit Israeli approval. According to the Agreed Principles for Rafah Crossing (15 November 2005), "excepted categories" including diplomats and aid workers should not require Israeli permission, though it is unclear as of this

writing whether this provision is being followed. The principles also provide for the PA to export goods through Rafah (subject to existing trade restrictions), though Israel has not yet allowed this.

13. UN Office for the Coordination of Humanitarian Affairs (OCHA), "Special Focus: Closure Count and Analysis," August 2005.

14. See Israeli Ministry of Foreign Affairs, "Israeli Assistance Steps and Humanitarian Measures toward the Palestinians," May 2005. The U.S. Agency for International Development (USAID) is providing \$50 million to purchase scanning equipment for use at the crossings (USAID West Bank/Gaza Mission press release, 10 December 2005).

15. Amira Hass, "Donor Countries Won't Fund Israeli-planned Separate Roads for Palestinians," *Ha'Aretz*, 30 November 2004. For a map of the proposed network, see "Central West Bank: Road Rehabilitation Project—Sep 2004," available online at www.humanitarianinfo.org.

16. See "Suffering in Isolation: A Report on Life Under Occupation in the Mawasi Areas in the Gaza Strip" (Palestinian Center for Human Rights [PCHR], Series Study 32, August 2003); "Al-Mawasi, Gaza Strip: Intolerable Life in an Isolated Enclave" (B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, March 2003); "The Bitter Life: A Report on Israeli Human Rights Violations in the Yellow Areas in the Gaza Strip" (PCHR, Series Study 16, June 1999); and regular Gaza Strip access reports published by UN OCHA, Jerusalem.

17. The unannounced census took place from 23 to 25 July 2001. "Suffering in Isolation," p. 36.

18. Israel Defense Force, "Declaration in the Matter of Closing Territory Number s/2/03 (seam area) (Judea and Samaria), 2003," 2 October 2003.

19. "Not All It Seems: Preventing Palestinians Access to Their Lands West of the Separation Barrier in the Tulkarm-Qalqiliya Area" (B'Tselem, June 2004).

20. Needless to say, the buffer zone policy is a recipe for war crimes. IHL allows for property destruction absolutely necessary during or preparatory to combat (Article 53, Fourth Geneva Convention),

not as a blanket security measure (see "ICRC Deeply Concerned over House Destructions in Rafah," International Committee of the Red Cross [ICRC] press release, 18 May 2004). Further, shoot-on-sight policies violate the fundamental duty to distinguish between civilian and military persons and objects at all times and to ensure that all attacks are proportional (customary rules of international law, codified in the First Additional Protocol to the Geneva Conventions [1977], Articles 48, 51[5][b]). When illegal property destruction is extensive and wanton, it rises to the level of a war crime; similarly, killing a civilian merely for entering a buffer zone may constitute a willful killing, also a war crime (Fourth Geneva Convention, Article 147).

21. Doron Almog, *The West Bank Fence: A Vital Component in Israel's Strategy of Defense* (Washington Institute for Near East Policy, Policy Focus #47, April 2004). Almog also served as commander of the Gaza division from 1993 to 1995. After retirement from active duty, he was a fellow at the Washington Institute for Near East Policy and Harvard University's Belfer Center for Science and International Affairs. On 10 September 2005, the Bow Street Magistrate's Court in London, exercising the universal jurisdiction provided for by Article 146 of the Fourth Geneva Convention, issued an arrest warrant against Almog for war crimes related to house demolitions in Rafah on the eve of a private visit to the U.K. Almog learned about the warrant upon landing at Heathrow airport and stayed in the airplane until it returned to Israel.

22. In addition, the Israeli military carried out intense campaigns of highly concentrated destruction during specific high-profile incursions into Palestinian population areas, often with punitive intent or as a "show of strength" to both Palestinian and Israeli publics. This was most obvious during major incursions into Bayt Hanun (July 2004, October 2004) and "Operation Rainbow" in Rafah (May 2004).

23. "Razing Rafah: Mass Home Demolitions in the Gaza Strip" (New York: Human Rights Watch, 2004).

24. Samia quote: Akiva Eldar, "Under Cover of Revenge," *Ha'Aretz*, 15 January 2002. Zuretz quote: Tsadok Yehezkel, "Regards from Hell," *Yedi'ot Abaronot*, 11 June 2004.

25. "Evidence: In the Zone," *Harper's*, May 2005, p. 19.

26. Anshel Pfeffer, "On Cloudy Nights, the Soldiers Carry Out 'Preventive Shooting,'" *Ha'Aretz*, 12 February 2002.

27. "Razing Rafah," p. 63.

28. Arieh O'Sullivan, "Army: New Gaza Fence Is Formidable Barrier," *Jerusalem Post*, 8 September 2005.

29. On buffer zone incursions: "Humanitarian Briefing Notes, 14–20 September 2005," UN OCHA, p. 3; "Seven Days Following Their Redeployment from the Gaza Strip, IOF Plan to Create a Buffer Zone in the North," PCHR press release, 19 September 2005; "Israel: Palestinians, Egypt Have Sealed the Border," *Ha'Aretz*, 20 September 2005. On construction of the barrier: "Humanitarian Briefing Notes, 12–18 October 2005," UN OCHA, p. 3.

30. "Humanitarian Briefing Notes 26 October–1 November 2005," UN OCHA, p. 3.

31. *Daily Star* (Beirut), 21 June 1967, cited in Nur Masalha, *The Politics of Denial: Israel and the Palestinian Refugee Problem* (London: Pluto Press, 2003), p. 215; Yossi Melman and Dan Raviv, "Expelling Palestinians; It Isn't a New Idea, and It Isn't Just Kahane's," *Washington Post*, 7 February 1988.

32. Yet similar principles of distance, surveillance, and license apply, as can be seen in how the placement and layout of West Bank settlements utilizes height and lines of sight in order to monitor and better control the Palestinian population. See Eyal Weizman, "The Politics of Verticality," *OpenDemocracy.net*, 27 April 2003.

33. Yossi Klein Halevi, "Fenced In," *New Republic*, 30 October 2003.

34. Israel's ongoing exclusive control over the Gaza Strip's airspace is stipulated in the Gaza-Jericho Agreement, Annex I, Article 12 and reaffirmed in the Revised Disengagement Plan (2004), Article 3(1)(1).

35. Legally, a sharp distinction must be drawn between Israel's use of Palestinian airspace and no-fly zones, such as the one established by the UN Security Council over Bosnia-Herzegovina. (The Iraq no-fly zones were never endorsed by the Security Council.) The Bosnia no-fly zone was meant only to exclude unauthorized air traffic; in contrast, Israel uses the Gaza Strip's airspace as a means of asserting and exercising *authority on the ground*,

bringing it closer into line with the definition of occupation under Article 42 of the Hague Regulations (1907): "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

36. Barbara Opall-Rome, "Israel AF Wants Wider Role in Anti-Terror War," *Defense News*, 5 January 2004. Yadlin obtained a master's degree in public administration from Harvard's Kennedy School of Government in 1994.

37. Gideon Levy, "Demons in the Skies of the Gaza Strip," *Ha'Aretz*, 11 November 2005.

38. Barbara Opall-Rome, "In Israel, Air Power Takes on Ground Jobs," *Defense News*, 28 February 2005.

39. Israel's use of airpower reflects a broader tension in how to evaluate Israeli actions against its international legal obligations. Under international humanitarian law, an occupying power is permitted to use military means against civilians only when they directly participate in hostilities—otherwise, it can resort to either specific penal sanctions (arrest, imprisonment) or general security measures (checkpoints, internment, etc.). While legal scholars disagree about the exact definition of direct participation in hostilities, the availability of law enforcement and general security alternatives expands the scope for reconciling the interests of the occupying power and the civilian population. The disengagement has effectively created a situation in which resort to military means appears as the only recourse available because arrests would effectively require reinvading populated areas. Similarly, the Israeli military court with jurisdiction over the Gaza Strip, whose workload fell precipitously from the mid-1990s onward, was dissolved after disengagement. Israel's assassination policy is thus a form of extrajudicial execution not only in the traditional sense of circumventing a given legal order, but also because *the legal order itself has receded*, without any other authority allowed to fully take over.

40. See "IDF Aerial Attack of Access Routes in Gaza Strip Last Night," IDF press release, 5 January 2006, plus press releases with identical or similar titles and content dated 4 January 2006, 2 January 2006,

29 December 2005, 28 December 2005, and others.

41. Shmulik Haddad, "Leaflet 'Barrage' Hits Sderot," *Ynet News*, 27 September 2005; Hanan Greenberg, "Residents Complain: Artillery Battery to Move," *Ynet News*, 6 January 2006.

42. Before disengagement, the ratio of Palestinians in the Gaza Strip killed by Israeli forces to Israelis killed as a result of Palestinian attacks in or from the Strip was approximately 11 to 1. In the first three months after disengagement, over 30 Palestinians were killed in the Gaza Strip, while no Israelis were killed in Palestinian attacks in or from the Strip. Figures for Israeli casualties were compiled from the Web site of the Israeli Ministry of Foreign Affairs (www.mfa.gov.il), last accessed 11 January 2006. They do not include 11 non-Israeli workers and three American security personnel killed. Figures on Palestinian deaths were compiled from e-mail communications with Suhair Abdi, B'Tselem, 19 December 2005 and Jehan al-Alami, PCHR, 20 December 2005.

43. Colonization of occupied territories is prohibited by Article 49(6) of the Fourth Geneva Convention. At the same time, the legal model of occupation is vastly preferable to Israel to the other viable alternative in the current international legal regime, namely annexation (and Israel has whenever favorable claimed the prerogatives accorded to an occupying power under international law). For this reason, it is difficult to accept the good faith of Zionist partisans who charge the international community with hypocrisy in considering the West Bank and Gaza Strip to be occupied but not Tibet, the Kurdish regions of Turkey, and Chechnya. Unlike China, Turkey, and Russia, Israel itself has never claimed full sovereignty over the West Bank and Gaza Strip.

44. While some observers invoke the specter of the South African Bantustans as a frightening *future* scenario for the West Bank and Gaza Strip, the Bantustan analogy is actually much more apt for the earlier periods of the occupation, since the South African Bantustans coupled residential isolation with continued economic exploitation. As two observers wrote twenty years ago: "Gaza is effectively a Bantustan—a dormitory for day labourers in the Israeli economy. It is for this reason

that the much vaunted 'two state solution' has rather less appeal to the people of Gaza than to some on the West Bank."

Richard Locke and Antony Stewart, *Bantustan Gaza* (London: Zed Books, 1985), p. 2.

45. Niall MacDermot, "Self-Determination and the 'Independent Bantustans,'" *Notes and Documents* 13/85

(New York: United Nations Center against Apartheid, December 1985), pp. 83–93.

46. For an overview of Ariel Sharon's "frontier" thinking in Sinai and the West Bank, see Eyal Weizman, "Ariel Sharon and the Geometry of Occupation," *OpenDemocracy.net*, 10 September 2003.

47. Revised Disengagement Plan, Article 3(3).



Palestinians wait at the Bayt Furik checkpoint southeast of Nablus, one of a number of West Bank checkpoints that have been gradually transformed into permanent processing facilities reminiscent of the Erez and Qarni crossings between the Gaza Strip and Israel, 5 October 2005. (Jaafar Ashtiyeh/AFP/Getty Images)