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Scenes From an Apartheid Regime



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On September 13, 1993, the Oslo Accords were signed during a ceremony held at the White House. The agreements promised to usher in a new age of peace and diplomacy between the State of Israel, then led by Israeli Prime Minister Yitzhak Rabin, and the Palestine Liberation Organization, represented by Chairman Yasser Arafat. At the time, there were a little over 100,000 Israeli settlers occupying the West Bank. Today, that number has increased almost seven-fold, and the systemic violence against the Palestinian people continues at crisis levels.

It has been more than 30 years since that day in 1993, and 2023 has witnessed the highest Palestinian death toll in 18 years, with over 200 deaths and nearly 600 casualties. Israel's increasingly authoritarian oppression of Palestine underscores Likud's lawless ruling philosophy, which sees Palestine not as a people and place deserving of rights and

protections, but as an obstacle to their program of brutal settler colonialism. This project, ongoing since before Israel's founding in 1948, practically requires regarding the Palestinian people as inferior, as unworthy of the land they are from, of human rights, and of dignity. This year, Israel has continued to annex new territories rightfully belonging to the people of Palestine, demolishing Palestinian homes and communities at an astonishing rate. Soldiers lord over the illegally occupied territories, imposing a rule of terror and inordinate violence.

This year has also witnessed an unprecedented move to consolidate unitary power in the government. Israel's increasingly authoritarian and lawless Likud government has attempted to dispose of traditional judicial safeguards. In July, Israel's Knesset passed legislation that would, among other things, limit the Supreme Court of Israel's decades-old power of judicial review and its ability to throw out laws deemed to violate the country's Basic Laws. The high court has long held the power to review the reasonableness of legislation that "disproportionately focuses on political interests without sufficient consideration for public trust and its protection." Israeli Justice Minister Yariv Levin, a powerful and popular figure in Likud, has spearheaded these efforts to limit the high court's traditional powers, pushing a hardcore nationalism that underscores the country's character as a Jewish state. Since the beginning of the year, tens of thousands of Israelis have taken to the streets to protest against these attacks on the rule of law and the balance of power within the government.

Israel today exists in a permanent state of emergency and exception. In this state, Israel is paradoxically both the source of the law and the foremost lawbreaker.^[1] The language of exceptionality surrounds the State of Israel. The specialness of Israel is called upon to justify the dual legal and social system forced on Palestine by an Israeli ruling class. "Israel's self-styled exceptionalism positions the state above and outside both domestic and international law as far as Palestinian citizens, occupied, besieged and refugee subjects are concerned."^[2] The Israeli government has arrogated to itself extraordinary powers and relegated the Palestinian people to what Italian philosopher Giorgio Agamben calls "bare life," in which life is reduced to mere biological survival, stripped of legal protections and any political representation or significance.

Agamben deploys this concept of bare life to develop and clarify the idea of the "state of exception." In the state of exception, ordinary legal protections and political rights are suspended. Palestinians are almost completely excluded from economic life, and subjected to some of the most extreme restrictions in the world. These restrictions have created

conditions of grinding poverty in Palestine. And these material conditions unsurprisingly translate to some of the world's worst health outcomes. Meanwhile, Palestinian traditions and cultural practices are treated as dangerous, suspect, and inherently subversive; peaceful festivals of art and music are subdued and attacked. Palestinian art is defaced and destroyed. Houses of worship are bulldozed and battered. The Israeli colonial ideology practically demands this monstrous treatment. It is part and parcel of an apartheid system calculated to hold the Palestinian people in a permanent state of terror, and to convince them that they deserve such treatment. Taken together, these impositions amount to a regime of terror and collective punishment, predicated on the de facto belief that Palestinians are less than human, a brown-skinned *other* to be subdued and abused.

It is important to point out here that Agamben's work on the state of exception has been criticized for ignoring questions of race and coloniality.^[3] These ideas have since been further developed to include the complex realities within which they exist, and the state of exception, as we find it in Israel and Palestine, has a clear racial dimension, with a ruling class of predominantly white Israelis holding Palestinians in a bondage of daily violence, surveillance, and arbitrary restrictions on movement, economic activity, property ownership, religious practice, and political organizing. This, the racialization of Palestinians, is another of the paradoxes expressing themselves in the history of the State of Israel: "rather than being a solution to European antisemitism, Zionism adopted discourses of race approximating those expressed by antisemitic regimes." Even more in the post-9/11 era, Arabs—Muslim Arabs in particular—have been cast as a racial other.

Within the context of Palestine's struggle for freedom and recognition, concepts like the state of exception and bare life cannot be neatly separated from the issue of race. The global community's treatment of Palestine would not look the same if Israel had not cast Palestinians as a racial and religious other. Israel's program of terror, totally disproportionate and executed with far more sophisticated and deadly weapons, is treated as a legitimate, defensive war, whereas Palestine's justified resistance is cast as the irrational, bloodthirsty terrorism of radical Muslims. It is not difficult to make out the relationship of this narrative to the one that emerged after 9/11: there are radical Islamic terrorists on one side and civilized whites on the other. This black-or-white story—literally and figuratively—prescribes normative stances and loyalties. Americans must, Israel's crimes notwithstanding, identify with Israel because it stands for whiteness and America's imperial edifice. The Israeli project of settler colonialism is intimately bound up with the

racialization of Palestinians, who are regarded as unworthy to own and occupy their own homeland and as in need of civilizing.

“[I]t is crucial to show that state of exception has a long European history and is in fact embedded within its modern theory of the state, it was imperialism that provided the main arena in which the state of exception was practiced most vigorously, systematically and violently.”^[4] It is in the nature of the modern state to pursue colonial projects, to cultivate legibility and uniformity, and to erase peoples and cultures standing in its way. Because the state’s defining means are aggression, violence, and war, it pursues conquest and empire as a matter of course. It will never have enough—expansion at the expense of human beings (cynically called “growth” and “progress”) is the very reason the modern state exists. In his *Essay on the Modern State*, Christopher W. Morris observes that “many of the key concepts of the modern state are borrowed and adapted from Christian theology,” where the state presents itself (and is widely accepted as) an all-powerful, all-knowing, and benevolent deity we need not fear or hold in check. It is not especially difficult to see how this conception of state power creates the hazardous social conditions of systematic class hierarchy and violence we find today. The state of exception exists in the very definition of modern statism, and the pathologies of the state are evident in Israel’s cruel domination of Palestine.

The ongoing subjugation of Palestine is a complex project maintained by an ideology of race and power that is at once unique to its time and place and representative of much broader world-historic trends in the direction of authoritarianism and centralized power. Freedom and justice for the Palestinian people will require a cultivated awareness of the dimensions of the state of exception, coloniality, and race at play.

Notes.

^[1] Marcelo Svirsky, Simone Bignall, eds., *Agamben and Colonialism* (Edinburgh University Press 2012), page 206.

^[2] Ronit Lentin, *Traces of Racial Exception: Racializing Israeli Settler Colonialism* (Bloomsbury 2018).

^[3] See Ronit Lentin, *Traces of Racial Exception: Racializing Israeli Settler Colonialism* (Bloomsbury 2018).

^[4] Marcelo Svirsky, Simone Bignall, eds., *Agamben and Colonialism* (Edinburgh University Press 2012), page 19.

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