



Spatial Violence on Behalf of the Homogeneous “Order”

The Editors

Urban planning deals principally with directing the design and development of the physical, social and economic space on different levels: national, regional, urban, neighborhood, through to the level of the individual home. In this respect, planning is a critical tool in the hands of public institutions for making decisions over the allocation of land, in order to develop the lives of the citizens of the state. The significance of planning is all the greater when the state and its related institutions own 93%¹ of the country's land, as in the case of Israel.

Similar to the Israeli political, social and economic regimes, the land regime in Israel developed into a violent regime, lacking the capability, and indeed the desire, to accept differences on the basis of ethnicity, class and communality. Hence, the regime created, and indeed continues to create, “conflicts” over space and housing, homogeneous spaces which express the vision of “land redemption” and endless spatial violence.

A review of the terminologies used by the authorities with regard to issues of space and majority-minority relations reveals a militaristic discourse expressive of a desire to conquer and control the ‘other’ (i.e. the Palestinian citizens

of the state), as well as a view of the same ‘other’ as a threat, simply by virtue of their being present in the space. Thus, for example, senior officials have been quoted as stating the following in reference issues of spatial settlement:

- “If we do not settle the land someone else will do so.”²
- “The settlements were intended to stop the expansion of illegal Arab settlements.”³
- “We have a circle of settlements surrounding Beer-Sheva... we need to establish a parallel arrangement in order that Beer Sheva will not be strangled. The settlements along Highway 31 are essential in order to prevent [Beer Sheva's] being cut off from ‘Arad.’”⁴
- “In carrying out my various tasks, I always acted to preserve the nation's land, to keep a tight grip on it in order to prevent its coming under the control of foreign elements [...]”⁵

In such a spirit, successive Israeli governments have developed policies to ensure “preservation of national lands,” prevent “control by foreign elements” and promote solely Jewish settlement over significant areas of the state in order “to stop the expanding settlement of Arabs.” This

policy led to segregated housing, the division of the land for separate use by Arab and Jewish citizens of the state and created large gaps between the jurisdictional areas available to Arab and Jewish towns and villages. This policy is also responsible, among other things, for the following:

- Although the Arab population in Israel accounts for approximately 19% of the country's entire citizenry, the area over which Arab local authorities have jurisdiction covers a mere 2.5% of the land area of the state (Yiftachel: 2000: 7). The overwhelming majority of the remaining area is under the control of Jewish local authorities (Yiftachel and Kedar: 2000: 84).
- The Central Bureau of Statistics in Israel defines approximately 89% of all towns and villages in the state as Jewish.⁶ Arabs are not allowed to live in approximately 78% of these towns and villages, owing to the fact that admissions committees monitor applications for housing units, partly in order to filter out the Arab population.⁷
- Arab citizens of the state are not permitted to lease or purchase approximately 80% of the land (Yiftachel and Kedar: 2000: 85).

This policy of segregation is implemented in practice by use of planning, building and land laws, as well as use of the authority granted by these laws. The "Four Cases of Segregated Spaces," presented in this section of *Makan* exemplify this policy at different levels and describe the different means used by the government to achieve the goals behind this policy. The case of the Sawaed family clearly demonstrates how the well-oiled bureaucracy

of planning prevented the issuance of a permit to allow the family to build a house on their privately-owned land for eight years. While the land is designated for residential use, it is located in the "incorrect" place – amidst Mitzpeh Kamoun, a settlement in the Galilee in the north of Israel intended for Jewish residents only.

The second case exemplifies an additional step in the policies of segregation employed by the authorities to divide the Arab and Jewish populations when the two communities live alongside each another. In this case, in the mixed Arab-Jewish city of Led (Lod), a wall was planned to achieve the separation of the Palestinian citizens of Israel who reside in the neighborhood of Shanir from the Jewish residents of the nearby *moshav* (agricultural settlement) of Nir Zvi.

The case of Arab Bedouin living in the unrecognized villages Umm al-Hieran and Atir in the Naqab (Negev) reveals details of a second attempt to expel the villagers from their homes, the first expulsion having taken place at the time of the establishment of the state. The reason given for the second expulsion is that the location of the village produces a "special problem," given the plan to establish a Jewish settlement named Hiran on the site.

The other side of the coin of the same policy becomes clear in the fourth and final case, which describes how vast areas are allocated to Jewish families in the Naqab under the "Wine Path Plan," intended as a way of guaranteeing exclusive Jewish use of the land.

The section concludes with excerpts from a petition submitted to the Supreme Court by



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Adalah on 13 October 2004 against the Israel Land Administration (ILA), the Minister of the Finance, and the Jewish National Fund (JNF), which challenges the ILA's policy of distributing lands owned by the JNF exclusively to Jewish people. Additional excerpts are presented from the JNF's response to this and another petition submitted in this regard by the Association for Civil Rights in Israel (ACRI) and the Arab Center for Alternative Planning (ACAP).

A review of the JNF's response to the petitions reveals that it has failed to deal with a number of claims made concerning the source of its ownership of its lands, its authority, and the impact of the policies for the marketing of its lands. For example, no response is given to the fact raised in Adalah's petition that a large portion of the lands currently owned by the JNF were previously transferred to it by the state of Israel. For its part, the JNF claims that, since it purchased these lands with funds contributed by Jews throughout the world, the organization is permitted to allocate them as it sees fit, even where this contradicts the principle of equality. Such a position contradicts the spirit of the Israeli Supreme Court's decision in the *Qa'dan* case,⁸ which forbids the transfer of resources of public land to organizations which operate, essentially, for the sole benefit of the Jewish population, and which admit that they are not committed to the principles of proper administration and equality. The JNF's response also fails to deal with arguments made regarding the public authority awarded to it in accordance with the state's laws, the extensive power which has been granted to the JNF to determine the state's land policies, and the

contradiction which exists between these responsibilities and the JNF's claim that in all matters related to land ownership it can act as though it were a private company. Finally, the JNF's response clearly demonstrates that, since the organization defines the state as Jewish, it can therefore market JNF-owned lands exclusively to Jews, in fact creating areas of segregation on the basis of national belonging. For instance, in its response, the JNF states that 500 agricultural settlements, solely Jewish of course, have been built on its lands.

Notes

- 1 <http://www.mmi.gov.il>.
- 2 Prime Minister Ariel Sharon, as quoted from a governmental meeting convened on 21 July 2002 in a report by Diana Bachor entitled, "Arab Settlement," source: <http://www.ynet.co.il>, 21 July 2002.
- 3 Minister Itzhak Levi, as quoted from a governmental meeting convened on 21 July 2000 in a report by Diana Bachor, *ibid*.
- 4 Pinni Badash, Head of Omer Municipal Council; as quoted by Nir Hasson in, "Where to Live – in Archovit or Omrit?" *Ha'aretz*, 16 July 2002.
- 5 Former Minister of Infrastructure in his response to the State Comptroller of December 1999 regarding policies on individual settlements. State Comptroller's Report, 50B, 2000, p. 605.
- 6 According to the Statistical Abstract of Israel, a settlement is defined as Jewish or Arab according to the "decisive majority" of the settlement's population.
- 7 Compilation based on data from the Statistical Abstract of Israel 2004, No. 55, Table 2.9.
- 8 H.C. 6698/95, *Qa'dan v. The Israel Land Administration*, P.D. 54 (1) 258.

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