

Planning, Land Ownership, and Settler Colonialism in Israel/Palestine

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ABSTRACT

This article discusses the challenges that the settlement process poses to Israeli property regimes, examining the ways that public apparatuses, specifically those related to urban planning, are creatively mobilized to address and mitigate such challenges. The article focuses on two case studies: the Palestinian village of Kamanneh in the Upper Galilee and the Ganey Aviv neighborhood of Lydda, one of Israel's so-called mixed cities. Based on these case studies, the paper argues that the planning process's technical and legal manipulations as well as the raw political power involved produce and reproduce the settler-colonial logic of ownership in land as a territorial and symbolic mechanism of control.

KEYWORDS

land; Israel/Palestine;
planning; settler
colonialism; spatial control

What remains absent from current critical theory is recognition of the colonial cultural roots of planning's epistemological and ontological position

–Libby Porter,

“Planning in (Post)Colonial Settings: Challenges for Theory and Practice”

THIS ARTICLE EXAMINES the ways that settler planning apparatuses are mobilized to contain and mitigate the challenges posed to property regimes by the settlement process. It shows how settler-colonial strategy is rooted in appropriation that Israel codified into law following its establishment and demonstrates the role of spatial planning in translating those novel property regimes into material realities. For the purposes of this discussion, planning is understood to encompass the allocation of spatial resources, the regulation of access to these resources, and the control over land use and land value.

Following the creation of the state in 1948, a rupture known to Palestinians as the Nakba, Palestinian land was nationalized and transferred to “Israel Lands,” a category of land allocated for exclusive settlement by Jewish people and administered by the Israel Land Authority (ILA).¹ The materialization of land ownership in the form of settlements, towns, infrastructure, and landscaping that followed this juridical transformation was spearheaded by planning apparatuses in the newly formed settler-colonial state.² As we will argue, property in land as an assertion of a self-constituting, self-realizing connection to the land cannot be completed solely by means of the law—using the land, and inhabiting it, being essential to the creation of substantive belonging.³

In theoretical terms, the discussion is framed by current debates on land, territory, and ownership as the essential components of property formation in the settler-colonial context,⁴ helping to construct a tangible sense of collective identity while erasing existing (Indigenous)

belonging and ownership claims.⁵ Naama Blatman-Thomas and Libby Porter suggest that there are three dimensions to property in settler-colonial contexts: as object, as redress, and as land.⁶ Using this scheme, they point to the ways in which property is used as a vehicle for dispossession and settlement creating facts on the ground.⁷ However, ownership of property such as land is an ongoing process. As Nikita Sud rightly notes, “Land is far from a static thing: it is continuously made and re-made or unfixed and re-fixed.”⁸ It is therefore the purpose of this article to examine how, in striving to “effectively repress, co-opt, and extinguish indigenous alterities” in space,⁹ Israel’s settler-colonial project is constantly changing and modulating in order to maintain itself in the face of intrinsic contradictions and emerging challenges.

We demonstrate this dynamic using two case studies, each of which has been thoroughly developed elsewhere and is used here in abbreviated format.¹⁰ Here, the case studies seek to illustrate how the settler-colonial logic of ownership is challenged in myriad ways, specifically with regard to the Nakba geographies, that is, the nationalization of Palestinian land with which Israel materialized and reinforced Jewish claims to exclusive identity with the land. These challenges, we argue, drive settlers—both as individuals and as institutions—to develop new tactics in the reproduction of power, dominance, and territorialization. The perspective taken is that of settler institutions and the ways these uphold settler-colonial logic in the face of challenges pursuant to the incomplete and contradictory nature of the settler-colonial project itself. In the scope of this focused discussion, we will therefore not touch upon the important issues of Indigenous resistance.

In the first section of the article, we examine the challenge that enclaves of remaining privately owned Palestinian land poses to the foundational Israeli narrative, according to which Palestine was a “land without a people” and therefore owned by no one. As we will show using the example of Kamaneh—a Palestinian village in the Upper Galilee—when legalized means to erase this property failed, planning was mobilized to devalue it. The second case study, of Ganey Aviv in Lydda—one of the so-called mixed cities located in the geographical center of Israel—exemplifies how the dynamic of the free market and the neoliberal turn in the Israeli economy pose another challenge to the settler-colonial property regime. We will use this case study to show that rather than posing a threat to the settler-colonial logic of nationalized land (by potentially allowing Indigenous people access to property), the logic of the free market is harnessed to the settler-colonial land regime, confirming and reinforcing rather than subverting it.

In the second part of the paper, we elaborate on the legal and spatial aspects of property in the context of settler colonialism in Israel/Palestine, using the two case studies to exemplify the challenges posed to settler-colonial logic and the containment of these challenges by the settler-colonial state’s planning apparatuses. Finally, we discuss the significant role of planning as “the public production of habitat which has played a key role in molding spatio-political relations between ethnic groups”¹¹ with a critical reading of the Basic Law: Israel—The Nation-State of the Jewish People (henceforth the Nation-State Law) adopted by the Israeli Knesset in July 2018.

Property, Ownership, and the Settler-Colonial Production of Space

“To have ‘property’ in land,” argue Kevin Gray and Susan Francis Gray, “is ... to stake out some sort of claim to the legitimacy of one’s personal space in this land. It is to assert that the land is ‘proper’ to one; that one has some significant self-constituting, self-realizing,

self-identifying connection with the land ... To claim 'property' in land is to arrogate at least a limited form of sovereignty over the land."¹² To claim property in land is therefore to claim one's legitimate place in the territory. As Gray and Gray further explain, different property claims can be made in regard to the same land, and "distinct quantum of 'property' in the same land can be distributed simultaneously amongst a number of persons and entities."¹³ Although property potentially allows a multitude of legitimated identities to be practiced in relation to the same land, the Western/liberal notion of property is one of exclusion. This prevailing model of property, the *ownership model*, "assumes a unitary, solitary, and identifiable owner, separated from others by boundaries that protect him or her from nonowners and grant the owner the power to exclude."¹⁴

As extensively explored in a myriad of works,¹⁵ property is fundamental to settler-colonial enterprises. The articulation of property in the land in the form of exclusive ownership by settlers constitutes a narration of entitlement to the land from which settlers construct their sense of belonging and collective identity. Importantly, this articulation projects them as integral to the land, rather than merely as foreign occupiers. Furthermore, in applying the ownership model, settlers render competing affinities and links to the land—particularly those of the Indigenous people—opaque and irrelevant.¹⁶ More specifically, the absence of social arrangements for the use of land, which settlers recognize as forms of private ownership, allows settlers to narrate the Indigenous people as "mere occupants of vacant land,"¹⁷ thereby lacking any substantial affinity to it.

Here, some comments on settler colonialism and its relevance to this article are in order. Settler colonialism is a project to settle newcomers on what are portrayed as contested frontiers in order to achieve political control as well as to access key resources.¹⁸ It is based on the desire to create a new society through the cultivation of what is considered *terra nullius*, a territory under no formal ownership, awaiting seizure and use by supposedly modern and advanced nations, displacing native communities in the process.¹⁹ Settler societies may be external or internal: the former relates to the organized movement of people across borders, often onto other continents, as in the period of European colonialism; the latter references the planned ethnicization of "internal frontiers," such as occurred in Israel/Palestine with the state manipulating the local geography to further the interests of a dominant group.²⁰

In settler-colonial societies, broad "ethno-class" categories tend to form over time, including those of "founders," "immigrants," and "locals."²¹ These ethno-classes are created by geographical processes of expansion and settlement, and by the associated flows of resources and development determined by, and hence reflecting, power relations between groups. This process creates structural economic and political stratification, in which ethnic origin and class affiliation largely overlap, with the founding group gaining dominant status during the critical formative period of the new state.

In Israel, the first group is composed mainly of Ashkenazi Jews, who are considered the founders of Zionism and the state. The second, or immigrant group, is comprised of various non-Ashkenazi immigrants, most notably the Mizrahim (Sephardic Jews from the Middle East and North Africa region) and, more recently, Jews from the former Soviet Union as well as Ethiopian Jews. These immigrants joined the so-called founders in their national project of settlement, albeit from a less privileged economic and cultural position.²² The third, or local, group is made up of Palestinian Arabs who inhabited the land for generations prior to the arrival of most settlers.²³ They are largely excluded from the process of constructing the new nation and are trapped within an inferior ethno-class status.

The case of Israel/Palestine epitomizes the principle of exclusive ownership as a central pillar of the settler-colonial project.²⁴ Interestingly, however, the single proprietor at the core of this exclusive ownership model was “broadened” to include the entirety of the Jewish people as an imagined single entity. Indeed, producing the land as “the common property of the Jewish people” was central to Zionist institutions in establishing the affinity between the Jewish people and the land of Eretz Israel.²⁵ The prestate phase of the settler-colonial enterprise was accomplished through discrete land purchases made by the Jewish National Fund (JNF; *Keren Kayemet L'Israel* in Hebrew), an institution that is both a historical and current key actor in the process of purchasing and controlling land for exclusively Jewish use. Following the establishment of the state, this incremental purchasing process was replaced by massive land appropriation and nationalization, including the appropriation of some seven hundred thousand dunums of Palestinian land in the first years following the creation of the state.

As thoroughly examined by Jeremy Forman and Alexandre Kedar, the Israeli endeavor to portray the land as the collective property of the Jewish people was first and foremost a legal effort.²⁶ This was accomplished by means of a series of laws that produced almost the entire territory of 1948 Israel as nationalized lands to be allocated and administered according to the needs of the national settlement project, most notably: the 1950 Absentee Property Law, which conferred on the state ownership of properties belonging to individuals who fled to so-called enemy territory during the 1948 war;²⁷ the Development Authority Law of the same year, which created the apparatus to manage these confiscated properties; the 1953 Land Acquisition Law, which facilitated the expropriation of an additional 304,700 dunums of Arab lands for what were described as security and development purposes; and the 1960 Israel Lands Law, which merged state-owned land with the holdings of Jewish organizations such as the JNF, defining them jointly as Israel Lands and prohibiting their sale. The outcome of this legal process created the current situation in Israel/Palestine, where 93 percent of the territory—some 19.5 million dunums—is considered Israel Lands and administered by the Israel Land Administration (ILA).²⁸

Planning in Israel is deeply invested in what is known as “property formation,” whereby the land as the “common property of the Jewish people” is translated into concrete geographies.²⁹ Hence, both methodologically and theoretically, property formation has a noticeable spatial aspect, meaning that “it is about the allocation of ground” and that it “raises issues about how the land is to be apprehended and defined.”³⁰ Oren Yiftachel offers a comprehensive delineation of the entanglement of the ILA—formed in 1960 to administer the appropriated and nationalized Israel Lands—with the planning apparatus established in 1965 and designed as a three-level hierarchical system comprising national, regional, and local planning committees. Despite their functional distinction, land administration and land planning in Israel/Palestine are inherently interwoven into a complex structure that reflects land Judaization as one of the “major objectives of the Israeli planning system.”³¹

Planning, we argue, is central to the process of colonization, as illustrated by Israel’s founding comprehensive national development plan, produced in 1951 by architect Arie Sharon, who headed the planning division of the Prime Minister’s Office. Titled *Physical Planning in Israel*, the document officially aimed to double the amount of housing for the Jewish population during the first decade of the state, accommodating the large influx of new Jewish immigrants to Israel and reflecting the centralizing nature of the Israeli regime during the 1950s.³² Heavily influenced by European ideas of regional development planning,³³ the plan

enumerated three principles of spatial development as its ideological basis: “land, people, and time.”³⁴

Land, people, and time, indeed, illustrate the transformation of land-as-property into land-as-an-owned resource that enhances the political construction of an exclusive sense of belonging. These concepts, we suggest, are not solely rhetorical but central to understanding the social, cultural, and political construction of ownership based on moral values that facilitated the formation of the new Israeli national space in Palestine. In other words, the so-called Sharon Plan illustrates how planning takes property beyond its legal and economic dimensions and transforms it into a collective source of belonging and ownership. As the plan states, “Our assorted immigrants-ingathering will become uniformly consolidated only if supported by comfortable physical, social and economic conditions ... A social composition and a planning framework should be provided in order to facilitate assimilation and stimulate the process of integrating different types of settlers . . . into one unified creative whole.”³⁵

Sharon’s plan, which adhered conceptually to modernist development,³⁶ formed the new colonial geographies of Israel. It included the construction of thirty new towns and around four hundred agrarian settlements that replaced a similar number of Palestinian villages and towns that were destroyed or depopulated. In contributing to the construction of the new sense of nationhood and ownership, the plan also highlighted the importance of developing the territory with a view to promoting a modern sense of belonging while providing a means of transforming the very different and newly arrived Jewish ethnic communities into “Israelis.” The plan also created the so-called frontier settlements, towns and agricultural villages that served not only as places of housing and employment, but also as fortifications to Israel’s national-territorial boundaries.³⁷ This linkage between the spatial, political, and social construction of a new locale and novel identities was central to the creation of a sense of belonging through ownership, albeit unequally, among the different Jewish communities.³⁸

Beyond the direct violence, dispossession, and expropriation visited on the native Palestinian population, the production of space in Israel resulted from the appropriation of land that was given legal status. Upholding the assertion of belonging and entitlement, that status was translated into physical patterns through planning. The strategy proved remarkably successful and, as mentioned above, the ILA took control of 93 percent of the lands of the (internationally recognized) territory of Israel, and the landscape underwent complete Judaization, with residual Palestinian communities concentrated mainly in the Galilee and the Negev.

However, the demographic and territorial engineering of settler colonialism is never a completed process. It is constantly challenged, both by Indigenous subversion and by its own inconsistencies, loose ends, and contradictions, as will be shown below. In the following sections, we examine two challenges to the Israeli settler-colonial production of space as a materialization of Jewish property in land. First, we discuss the case of a privately owned parcel of Palestinian land and the ways that planning has been mobilized to subordinate it to the logic of Judaized land. Then we examine the relationship between the neoliberal logic of the free market and the principles of land nationalization.

Our choice of case studies aims to signal the many instances of such fracturing in terms of the contexts in which they take place and of the actors involved. In discussing the reproduction of settler-colonial control, it is important to recognize that the Israeli settler state is a distinctive case of ethnocracy.³⁹ Although marked by high levels of segregation, the ethnocratic regime preserves “a degree of political openness and formal democratic representation.”⁴⁰ And it is

in that context that the settler-colonial property regime is maintained through the manipulation of professional, legal, and economic mechanisms rather than blunt force alone.

Ownership and Land Use Planning: Between the Legal and the Material

Although 93 percent of the land in Israel is in the public domain and administered by the ILA, there remain privately owned enclaves of land belonging to some of the Palestinians who remained in place despite the Nakba. In addition to evidencing the new state's failure to fully enforce the strategy of legalized expropriation, these private lands constitute ruptures in the narratives of ownership which the settler-colonial legal mechanism aspires to anchor. Kedar and Yiftachel briefly comment on these remaining areas of private Palestinian land ownership as follows: "When almost no lands were left in Arab hands, the legal focus went from expropriating the possession to applying restrictions on the use of land, using planning laws and designating municipal areas."⁴¹ The restrictions usually involved designating these lands for agriculture, "natural preservation," and other nonresidential uses, rendering illegal both the presence of housing on these lands and the construction of new structures.

A telling illustration of just such a process is the case of an extended Bedouin family living on their privately owned land, purchased at the beginning of the twentieth century in Kamanneh (known in Hebrew as Camon) in the Upper Galilee. The twelve-dunum parcel, marked in cadastral plans as Parcel 1, was for many decades designated for agricultural use. Although the state made no attempt to demolish the houses in the family compound, it rendered them illegal, thus preventing their connection to infrastructure and municipal services and exposing their inhabitants to permanent risk and health hazards. But in the 1980s, that parcel of land was mistakenly included in the expansion plan of the neighboring Jewish communal village of Camon, thus "unfreezing" its designation (agriculture use) and qualifying it for residential use. In order to avoid having to pay the Bedouin family compensation for the redesignation of their land as an agricultural-use-only property, the authorities decided to produce a new plan that would keep the parcel outside the boundaries of the new development. They designated the area around Parcel 1 as an agricultural "green belt," thereby creating a distinct barrier between the Bedouin compound and the Jewish village. The parcel was naturally severed from the infrastructural benefits of the new plan, most notably the establishment of a main road, which rendered the parcel as an enclave of residential-designated land with no infrastructure. Although excluded from infrastructure that served the Jewish village, the "unfreezing" of the land's designation enabled the family to pursue legal recognition for their houses and to submit a request for a building permit relating to their land parcel. Since 1997, the family has submitted several such requests, but all of them have been rejected or delayed.

A major impediment to obtaining the building permit was Himanota, a subsidiary company of the JNF established in the 1930s to purchase lands and execute real estate transactions that the JNF could not legally carry out as a public entity. Himanota is notorious for purchasing Palestinian lands in the occupied Palestinian territories, including East Jerusalem. In the Kamanneh case, the company purchased the shares of several co-owners in Parcel 1, thereby obtaining property rights in the land that allowed it to systematically block any request submitted by the family, who are the remaining co-owners in the parcel. Ownership became a weapon and the remaining owners filed a civil suit with the Haifa Magistrate Court to dismantle the forced co-ownership with the company.

A second major impediment was the parcel's detachment from the main road planned as part of the Jewish village's expansion. In order for the family to get their building permit, they had to first obtain the infrastructure authorities' consent to connect them to sewage, water, and electricity lines. The regional water company in the area, Kolhey Misgav, conditioned its consent on the construction of a properly planned road where the water and sewage lines could be laid. In 2010, the family initiated and funded the planning and paving of such a road, in coordination with the local planning authorities. After subjecting the family to a complex, lengthy, and expensive process, the authorities subsequently claimed that such infrastructural projects could not be initiated by a private person and that the regional council should take over the process. As a result, the family's efforts to meet the road building requirement were largely nullified in 2018, and the regional council started the project over from scratch.

The case study of the family in Kamanneh is a powerful example of the challenges that remaining Palestinian-owned lands pose to the Israeli settler-colonial narrative of property and ownership. It is in these enclaves, the remaining "loose ends" of the nationalization project, where the law has failed to dispossess Palestinians and take over Indigenous property and the "claim to the legitimacy of one's personal space in this land" has not yet been fully erased.⁴² Granting the family a building permit and allowing them to anchor their claim in the concrete materiality of use and habitation would mean recognizing and affirming their legitimacy, belonging, and ownership—the very legitimacy, belonging, and ownership that settler colonialism seeks to erase among the Indigenous population. Studying such enclaves of Palestinian-held private property exposes how planning is mobilized to actively subordinate remaining Palestinian ownership to the narratives of the settlers where legal means have failed to do so. Planning devalues Indigenous people's legal title to property by delegitimizing their use and habitation of the land, thus shifting the focus from the legal aspects of property as title to its material aspects as forms of use. While initially similar to other villages scattered throughout the Galilee, the Kamanneh case is unique in that the land's erroneous "unfreezing" from its agricultural designation resulted in a lengthy and convoluted process in which the planning apparatus became an insurmountable procedural-bureaucratic barrier and a tangled web of inconsistent processes, requirements, and plans. It is therefore a valuable case that exposes the extent of the planning apparatus' versatility and resourcefulness when mobilized to devalue remaining Palestinian legal claims to property.⁴³

Ownership and Liberalization: Between State and Private Land Ownership

The logic of nationalized lands has served to reinforce the narrative of Jewish belonging and ownership, with the centralization of ownership, and of strategic and regional planning, informed by the socialist ethos on which the state was founded.⁴⁴ However, since the 1980s, a hyper-capitalist and neoliberal impulse has undermined the centralized economy, deeply influencing the real estate market. These shifts have had a subversive effect on the settler-colonial logic of appropriation, as Palestinian citizens in Israel have become more mobile and potentially eligible to buy land.

The case of the Jewish-Arab "mixed city" of Lydda⁴⁵ is a case in point. The 1948 war saw some 250 Palestinians killed in the city of Lydda and turned a further 20,000 into refugees. The Israeli military administration of the time initially placed an estimated 1,030 Palestinians who remained in the city under strict surveillance in the Sakna, a fenced-off area akin to a

ghetto. Meanwhile, the state expropriated Palestinian houses and land in the city, distributing them to Jewish immigrants. This “re-territorialization” of what became Lydda clearly fits the description of the ethno-class structure associated with settler societies referenced earlier. The changes that occurred in the composition of Lydda’s Jewish population are notable: the majority of Jewish immigrants who settled in the city immediately after the war were European refugees from Poland, Bulgaria, Romania, Hungary, and Czechoslovakia, with only a minority of Mizrahim from Morocco, Tunis, and Turkey; twenty years later, the city counted 50 percent Jewish immigrants from North Africa, 18 percent from Middle Eastern countries, and only 24 percent from Europe.⁴⁶

Under the 1950s master plan for the city drawn up by architect Michael Barr, intensive demolition of the historic urban fabric was followed by extensive construction of modernist housing blocks. Infrastructure and services were provided exclusively to Jewish immigrants, while Palestinian housing and infrastructure needs were completely overlooked. Since then, waves of internally displaced Palestinians have settled in Lydda, from Bedouins whose lands in the Triangle region were expropriated to Palestinians expelled from Gaza and the West Bank during the 1967 war on the grounds that they were collaborationists.⁴⁷ While only 9 percent of Lydda’s population was Palestinian in the 1950s, today that proportion has grown to almost 30 percent.

In attempting to control what it terms the demographic balance, the Israeli state has actively continued to settle Jewish immigrants in the city, including in Ganey Aviv—a Jewish neighborhood that enjoys the full provision of services and infrastructure. The neighborhood features high-density zoning and has been populated since the mid-1990s mainly by Russian immigrants who have significantly contributed to increasing Israel’s settler population.⁴⁸ To the south of Ganey Aviv lies Pardes Snir, a neighborhood inhabited by Palestinian refugees internally displaced from villages in the Triangle, whose original land was confiscated and who were compensated with new plots (although these are 10–15 percent the size of their original properties).⁴⁹ Yet, despite the significant reduction in the size of their holdings, the case of these families remains unique because, unlike most other Palestinians in the city, they actually own their land. Planning regulations, however, prevent them from transferring the designation of the properties from agricultural use to housing, resulting in the widespread phenomenon of unauthorized or “illegal” dwelling construction.⁵⁰

For Palestinian residents of the area, Ganey Aviv represented an opportunity to improve their housing conditions. As one Pardes Snir resident put it, “After all, we were born here, and we do not have any other alternatives in terms of housing. Ganey Aviv offers a big stock of apartments, and it is also very close to some of the existing Arab districts, so why shouldn’t I live there?”⁵¹ But the segregated reality is constantly reproduced and maintained in myriad ways, direct and indirect. Thus, for example, a newspaper ad touting the residential project states that “despite the tempting terms which potential clients are offered in Ganey Aviv, do not think that we accept everyone here ... There is a special committee in charge of upholding the standard of living and maintaining the social standing of residents.”⁵²

As researchers, we have so many questions. What is the role of the special selection committee described in the newspaper ad in an urban context where the interests of private capital are promoted and liberal ideas are materialized? Do real estate developers contribute to advancing the settler state’s ethnonational interests in response to economic benefits provided by the state? Or are they concerned that selling condos to minority group individuals would result in racializing discourses that might precipitate a drop in housing prices, as suggested by the

literature on ethnic segregation?⁵³ Furthermore, what is the role of the state and the response of its own apparatuses to the developer's introduction of mechanisms of demographic control? These questions lie at the core of the next section, which will present the case of K. T., a Palestinian inhabitant of Pardes Snir, who tried to purchase a condo in Ganey Aviv. The case highlights the interplay between urban reality and settler-colonial interests, where the so-called free market plays a central role in producing segregation and exclusion and, in so doing, contributes to the social construction of the predominantly Russian immigrants' identification with the Israeli national project.

In 2000, K. T. made an offer on two condos being sold by their original owners, both of whom were facing bankruptcy. K. T. offered to pay a relatively high price for the two condos in a process akin to a public auction. Yet both owners rejected his proposals. "Under the contract with Migdal Hazohar [the developer]," one owner explained, "all sales should be confirmed by the housing committee"⁵⁴ (also referred to in this discussion as the special committee or selection committee). Additionally, according to the official file, "The director of Migdal Hazohar, Mr. Kaplon, told the [condo] owner that K. T. would not be able to live in the neighborhood because he is an Arab who had not served in the Israeli army."⁵⁵ The second owner, who holds their condo in trust, made a similar statement.⁵⁶

K. T. then appealed to the Chief Execution Officer,⁵⁷ arguing that the reasons given for rejecting his offers were illegal since there is no law that makes housing contingent on military service and the ILA leases land to all Israeli citizens, whether or not they are Jewish.⁵⁸ The Chief Execution Officer requested that the ILA look into the Ganey Aviv leasing contract on 12 October 2000. She asked whether the authority had signed a contract with Migdal Hazohar permitting the company to preselect residents. The ILA official responded that "when the Land Authority allocated the land, no restrictions were made in the contract with Migdal Hazohar regarding who was going to live in the new neighborhood . . . and nobody mentioned a selection committee."⁵⁹

The Chief Execution Officer then summoned Migdal Hazohar's attorney, who argued the case as follows:

My client refuses to accept the sale of any apartment to Mr. K. T. Ganey Aviv is a *private* neighborhood. It is an enclosed neighborhood. The Land Authority has nothing to do with the sale, since the Land Authority has never defined the method of marketing. I hereby state that I am free to sell the apartments to whomever I choose . . . I hereby state that the Chief Execution Officer has no official authorization regarding the selection committee. It is a private body, and hence does not have to justify its motives.⁶⁰

While the explanation might be couched in legal language, it is not valid because the land *is* state-owned, and hence the relevant laws, enshrining equality as an axiom, are applicable. Importantly, Migdal Hazohar was hired by the State of Israel to execute the Ganey Aviv construction project. The Chief Execution Officer found that the contract with Migdal Hazohar carried no stipulations pertaining to condo sales by owners and decided to approve K. T.'s offer. But her decision could not override the preselection committee, and until fairly recently only Jews could purchase apartments in Ganey Aviv.

The interplay of the so-called free market and ethnonationalism in advancing the settler-colonial project is complex. In the case of Ganey Aviv, a private real estate developer draws invisible intercommunal borders that correspond to the outlines of the settler-society's nation-building project. Although Migdal Hazohar is a private company that constructed and

marketed the project, it functions as a mechanism of ethnonational logic and as an agent of Judaization. Thus, the project of Judaizing Lydda, which is the covert policy of both the local authority and the state, was executed by a private company with official support.

Furthermore, this case illustrates the ways settler-colonial logic oftentimes operates through implicit practices: visible or explicit practices of segregation are often couched in neo-liberal discourse, signaling egalitarian public policy, freedom of speech and movement, democratic elections, and the existence of progressive and professional juridical authorities. As Neta Ziv and Ronen Shamir have noted, such concealed or implicit practices contribute to the “crystallization of Apartheid” by abstracting the colonial logic from its original sociopolitical contexts, “de-polarizing the conflicts and transforming them into abstract avenues of integrity.”⁶¹

The above case highlights the important relationship between settler-colonial state planning and policy, on the one hand, and neoliberalism, that is, the principles of privatization, decentralization, deregulation, and unfettered markets, on the other. As we argue, the latter constitutes a veneer that masks the persistence of colonial logics. In the case at hand, the selection committee performs the function of a gatekeeper between the ethnonational logic of settler-only residential areas and the neoliberal logic of the free market. In this context, Andy Clarno⁶² has brought needed attention to the political economy of settler-colonial regimes that combine ethnic exclusion, racial capitalism, and territorial control.⁶³

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At the time of writing, several Palestinian families had managed to rent and even purchase property in Ganey Aviv despite efforts to prevent this. However, when in 2018 a Palestinian family applied to the new real estate company that took over the management of the development to formally transfer the ownership of a condo, the neighbors objected loudly, arguing that selling “to the Arabs” would “reduce the value of the apartments.”⁶⁴ There were other more racializing arguments deployed, including statements that Palestinian residents would “harass Russian girls, make a lot of noise and steal ... The neighborhood is now quiet and pleasant, and the neighborhood’s character must not change.”⁶⁵

As for the Kamanneh case, the family there has managed to obtain two building permits allowing them to begin erecting two structures on their land parcel. But the regional council has yet to start paving the road or taking the actions required to connect these buildings to water, sewage, and electricity lines.

Property and ownership in land, which are at the core of the settler-colonial act of appropriation, do not manifest solely in terms of legal title but materialize in notions such as the right to dwell, the right to build, the right to spatial mobility, the right to infrastructure, and the right to use land. Drawing from the case-studies presented here, we conclude that urban and regional land-use planning has a fundamental role in the “continual struggle for ownership” in Israel/Palestine, and that this struggle frames “the very objectives, values, processes and knowledge that constitute the daily practices of state-based planning.”⁶⁶ Most importantly, planning reveals itself as a resourceful apparatus in the constant maintenance of settler colonialism, “a kind of permanent occupation that is always in the state of becoming.”⁶⁷

Finally, it is clear that property formation in Israel is indeed an ongoing project of “refixing” land and territory. While the struggle of Palestinians to inhabit the land despite the planning mechanism deployed against them continues, the state is constantly reshaping tactics and strategies of control. A telling though tangential development that validates our conclusion regarding the centrality of planning to the Israeli settler-colonial project is illustrated by the passing of the Nation-State Bill in the Israeli Knesset in July 2018. This new Basic Law⁶⁸ defines the State

of Israel as the “Nation-State of the Jewish People.”⁶⁹ Although it is a largely declarative exercise (and in many ways reflects years of Jewish ethnonational dominance), we would suggest viewing it, on one level, as a reaction to the territorial challenges Palestinians in Israel have posed to the Israeli state in the last three decades. This legal instrument, which is being deployed to stop ongoing Palestinian attempts to own property, enjoy freedom of mobility, and insist on their right to housing, demonstrates how land and ownership are in a constant state of flux at both material and conceptual levels. Indeed, Israel’s Palestinian minority uses those very notions of land and ownership to “routinely [stretch] the boundaries of state authority”⁷⁰ while the state is constantly seeking new ways to control and contain these challenges using legal apparatuses, spatial planning, and what Sud has called “developmental imaginations.”⁷¹

The Nation-State Law, which opens with the declaration that “The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established,”⁷² further highlights the settler-colonial logic that ties together the imagined common identity of Jewish people with property and spatial planning. Section 7 of the law explicitly says, “The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening,” establishing explicit discrimination in land allocation, planning, and development based on ethnic affiliation.⁷³ Although even prior to the latest Basic Law it was obvious that (colonial) settlements were the key tools for the appropriation of space, this section of the bill exemplifies the centrality of property, land, and ownership as the most essential spheres of exclusion in Israel.⁷⁴ With this section, the law ratifies and reestablishes the links between the exclusive appropriation of space and its exclusive habitation.

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Endnotes

1. The focus of our discussion is on the territory within the Green Line that was set out in the 1949 Armistice Agreements between Israel and Egypt, Jordan, Syria, and Lebanon following the 1948–9 war. For more on the Israel Lands concept and the particularities of land ownership in Israel, see Alexandre (Sandy) Kedar and Oren Yiftachel, “Land Regime and Social Relations in Israel,” in *Realizing Property Rights* in the Swiss Human Rights Book series, vol. 1, eds. Hernando de Soto and Francis Cheneval (Zurich: Rüffer and Rub, 2006), p. 127, <https://ssrn.com/abstract=906336>.
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13. Gray and Gray, “The Idea of Property in Land,” pp. 21–22.
14. Nicholas Blomley, *Unsettling the City: Urban Land and the Politics of Property* (New York: Routledge, 2004), p. 2.
15. See, for example, Stuart Banner, “Why Terra Nullius? Anthropology and Property Law in Early Australia,” *Law and History Review* 23, no. 1 (Spring 2005): pp. 95–131, <https://doi.org/10.1017/S0738248000000067>; Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, NC: Duke University Press, 2018); Nicholas Blomley, “Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid,” *Annals of the Association of American Geographers* 93, no. 1 (2003): pp. 121–41, <https://doi.org/10.1111/1467-8306.93109>.
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18. Daiva Stasiulis and Nira Yuval-Davis, eds., *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class* (London: Sage, 1995).
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21. Stasiulis and Yuval-Davis, *Unsettling Settler Societies*.
22. Yacobi, *Jewish-Arab City*.
23. Ghazi-Walid Falah, “Dynamics and Patterns of the Shrinking of Arab Lands in Palestine,” *Political Geography* 22, no. 2 (February 2003): pp. 179–209, [https://doi.org/10.1016/S0962-6298\(02\)00088-4](https://doi.org/10.1016/S0962-6298(02)00088-4).
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28. Forman and Kedar, "From Arab Land to 'Israel Lands.'"
29. Greer, *Property and Dispossession*, p. 2.
30. Greer, *Property and Dispossession*, p. 21.
31. Oren Yiftachel, *Planning a Mixed Region in Israel: The Political Geography of Arab-Jewish Relations in the Galilee* (Aldershot, UK: Avebury, 1992), p. 88.
32. Smadar Sharon, "The Dialectic between Modernization and Orientalization: Ethnicity and Work Relations in the 1950s Lakhish Region Project," *Ethnic and Racial Studies* 40, no. 4 (2017): pp. 732–50, <https://doi.org/10.1080/01419870.2016.1178787>.
33. Zvi Efrat, *The Israeli Project: Building and Architecture, 1948–1973* [in Hebrew] (Tel Aviv: Tel Aviv Museum of Art, 2004); S. Ilan Troen, *Imagining Zion: Dreams, Designs, and Realities in a Century of Jewish Settlement* (New Haven, CT: Yale University Press, 2003).
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38. Within the scope of this paper, we are unable to detail the unequal distribution of land, housing, and resources with regard to Mizrahi Jews who were settled in these so-called frontier settlements.
39. Yiftachel, *Ethnocracy*.
40. Yiftachel and Yacobi, "Urban Ethnocracy."
41. Alexandre (Sandy) Kedar and Oren Yiftachel, "On Power and Land: The Israeli Land Regime" [in Hebrew], *Theory and Critique*, no. 16 (2000): pp. 67–100, quote at p. 79, <https://bit.ly/3nB30Vf>.
42. Other examples include Umm al-Sahalay in Emek Yizrael, al-Hawalid family's land next to Nofit, and al-Hamdun family's land next to Lotem, to name a few.
43. This section is partly based on Milner, "Enacting Propriety."
44. Jabareen, "Territoriality of Negation."
45. The transformation of the Palestinian city of Lydda into the Jewish-Arab "mixed city" of Lod is not within the scope of this discussion. However, it is important to note that this transformation is based on the expulsion of most of the Palestinian population, the expropriation of their holdings, including land and houses, and the settlement of a Jewish population in their place. For a detailed study, see Yacobi, *Jewish-Arab City*.
46. For a wider discussion of the relationship between Mizrahi Jews and Palestinians in the city, see Yacobi, *Jewish-Arab City*; Benny Nurieli, "Strangers in a National Space: Arab-Jews in the Palestinian Ghetto in Lod," [in Hebrew] *Theory and Criticism*, no. 26 (2005): pp. 13–42, <https://bit.ly/3lHeF3g>.
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52. Advertisement in *Kol Ha-ir* (newspaper), [in Hebrew] 4 August 2000.
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54. Execution Office, file no. 0182128989, 12 October 2000 [in Hebrew]. Only initials are provided for the Palestinian petitioner.
55. Execution Office, file no. 0182128989.
56. Execution Office, file no. 0197332988 [in Hebrew].
57. The Execution Office is a judicial authority in Israel that executes decisions and judgments of the courts and tribunals in civil matters, including decisions on bankruptcy. There is an Execution Office, headed by a chief execution officer, in every magistrates’ court in Israel. Every judge and registrar of a magistrates’ court is vested with the powers of a chief execution officer.
58. Execution Office, file no. 0182128989.
59. Execution Office, file no. 0182128989.
60. Execution Office, file no. 0182128989.
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62. Andy Clarno, *Neoliberal Apartheid: Palestine/Israel and South Africa after 1994* (Chicago: University of Chicago Press, 2017).
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65. Blumental, “Against Arab Residents in Lod.”
66. Libby Porter, “Planning in (Post)Colonial Settings: Challenges for Theory and Practice,” *Planning Theory and Practice* 7, no. 4 (2006): p. 393, <https://doi.org/10.1080/14649350600984709>.
67. Anne Bonds and Joshua Inwood, “Beyond White Privilege: Geographies of White Supremacy and Settler Colonialism,” *Progress in Human Geography* 40, no. 6 (2016): p. 721, <https://doi.org/10.1177/0309132515613166>.
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