Criminalising Palestinians: History and Borders in the Construction of the Palestinian Threat

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Abstract

This article investigates the role of the Israeli border in the process of criminalising Palestinians. Defining Israel in contrast to the Arab 'terrorists', waiting to attack, necessitates a grand, looming settler- colonial border and the sequestration of an entire population behind a manufactured prison. The justification for this form of border 'control' is made possible by the historic truths established by the West in the colonial era. The paper outlines this understanding of Arabs as a 'bestial', 'bellicose' group that thrives in conflict situations. It moves on to note that the consequence of this characterisation is the global, all-encompassing understanding of the Arab threat. It finally narrows the border wall down as an Israeli tool of segregation, justified by understandings of a racialised, 'threatening Arab'. The Israeli 'defence' of its borders will be reimagined from a Southern perspective as an oppressive system of segregation justified by the ways in which Arabs have historically been constructed.

Introduction

Increasing attention is being drawn to colonialism and settler colonial societies in criminological research. A significant contribution to the discipline is that of border criminology, which studies the increasing convergence of immigration control and criminal justice measures (Aas 2014; Kaufman 2015). One focal point is the oppressive nature of borders, both in the Global North (Bosworth 2013; Bowling 2013) and in colonial and settler colonial societies (Agozino 2003; Cunneen 2011). Borders serve to differentiate the 'deserving' from the 'undeserving' within a state and maintain the clear boundaries of an idealised moral community (Garland 2001). Stumpf (2006: 381) elucidated that borders also serve as the gatekeepers of membership, cementing the hierarchy of who deserves access to what within a nation-state and criminalising those deemed undeserving. The process through which criminalised groups come to experience border control exposes the deep racialised hierarchies within and across state lines. Unpacking the history and colonial architecture developed to criminalise Arabs is an essential step in accounting for the ways in which Israeli settler colonialism justifies oppression under the guise of border control. The central aim of the paper is to investigate the role of the border, particularly the separation wall, in the process of the criminalisation of Palestinians.

The paper is divided into three sections. The first section contextualises the criminalisation of Palestinians within wider understandings of Arabs developed in the early-to mid-twentieth century, particularly during the British Mandate over the Levant from 1920 until 1948. It outlines the construction of Arabs as an inferior, 'bellicose' group that thrives in conflict situations before moving on to note the more recent, all-encompassing understandings of the Arab 'terrorist'. Defining Israel in contrast to these Arab 'terrorists', waiting to attack, provides the discourse of threat, which maintains 'racialized antagonisms of the Settler versus the Native' (Abusneineh 2021: 102). The second section shows that this need to be secure from the 'Arab other' facilitates the disenfranchisement of Palestinians in Israel's quest for 'security'. The consequence is that the border control strategies of the Israeli State involve an 'us' versus 'them' logic that emerged in a highly exclusionary colonial era.

Carrington, Hogg and Sozzo (2016: 3) pointed out that criminology has a tendency to obfuscate the 'historical role of state violence in nation building [and] expansion of colonialism across' the Global South. state-building becomes synonymous with violence and the exclusion of individuals from the bordered society. The settler colonial wall built to segregate and sequester Palestinians behind a human-made prison will be examined as one of the ways in which a settler colony uses borders to criminalise marginalised groups. The final section will show, from a Southern perspective, how Israel has come to justify the 'defence' of its borders. This involves an outline of settler colonialism and the ways in which discourse and policy come together to cement subject positions of criminality.

The starting point of this article developed from a broader project investigating the sterilisation of Ethiopian women without their consent in Israel (Dawber 2013; Eyal 2013; Greenwood 2013; Knutsen 2013). With criminalisation as the focus, the racialisation of non-Ashkenazi Jews was made evident, and the theoretical investigation progressed into a border-related study. Exploring the historical basis of Israeli statehood was necessary to elucidate the relationship between race and criminalisation today.

Theoretical Context

In this article, scholarship has been gathered from border criminology, particularly the school that has detailed the racialised harms of border control. This is conducted alongside an examination of Israeli expansion. There is a critical analysis of the ways that the border, racialised groups and the relationship between the two have been constructed. This analysis can uncover subtleties in the dynamics of the race/crime nexus at the border (Bowling 2013: 302). This is a quest to unpack the ideological underpinnings of borderisation processes that have become so deeply embedded in social institutions that they are taken for granted (van Dijk 1984). The failure to interrogate the processes through which threats are presented as truths means the longer-term bases for policies are conveniently overlooked (Tombs 2007: 546). The central research aim of this paper is to investigate the role of the Israeli border in the process of criminalising Palestinians.

Instead of simply investigating the over-policing of Palestinians, scholars must 'describe and analyse the social processes that led to the racialization of the phenomena and processes in question' (Holdaway 1996: 23). This requires addressing how 'the individual[s] in question [became] part of a group already viewed as less than full citizens' (Gibney 2019: 16). The starting point is to understand that 'citizenship of a country is historically racist' (Carter 2014: 177) and that crime suppression has historically been connected to managing undesirable populations (Fonseca 2018: 63; Gilroy 2004). Presenting a threatened state in the middle of the global risk of terrorism naturalises juridical exclusion as a necessary precaution for the protection of society. Merely noting the conditions of those experiencing border control does not do enough to address the process through which certain policies become cemented as truths (Fekete 2005: 70). Ultimately, the defence of space and power is governed by racialised principles, but the hierarchies that grant people access to certain territories are a limited subject of analysis in criminology (Bowling 2013).

Criminalisation, Colonialism and the State of Israel

A recent preoccupation of modern global politics is the illegality of (certain) human beings, or foreign 'others' (de Noronha 2019; Turnbull 2017). Framing people as 'illegal' abstracts their experiences of marginalisation and justifies their mistreatment at the hands of the state. Othering is a critical discursive tool for understanding discrimination and exclusion against individuals and/or groups based on their belonging to marginalised populations (Williams 2014: 20). This classification, inherent in colonial practices, is what ultimately leads to the penal, social and legal practices of control found in border policies today. The first part of this section will outline the ideological construction of the orientalised Arab and the way that colonisation succeeded in creating discursive categories of superiority. The second part will note how capitalising on the anti-Arab sentiments of the early twenty-first century allowed for the marginalisation of Arabs in the pursuit of an exclusively Jewish State. The section will provide context for the specific experiences of Palestinians within these colonised lands to outline the rationalisations used for their mistreatment. The section concludes that the colonial origins of Israeli statehood need to be incorporated into studies of bordering in criminology.

The Colonial Project and Orientalism

Colonialism is a process of 'ideological and discursive formation', which involves the constitution of certain subject positions (Kaufman 2015: 191). The main consequence of 'othering' is that a person becomes interpreted and constructed as problematically different. The colonial project established fundamental truths about the colonised, assigning 'problematically different' cultural characteristics to an entire group and constructing certain understandings of Arabs along racialised lines

(García-del Moral 2018: 931). Colonised locations came to be known as places characterised by lawlessness and chaos, and their domination was justified in terms of the colonialist's moral superiority (Agozino 2003: 347; Said 1978).

In the Middle East, Western social scientists attributed an inferior identity to the 'Orient' and a 'civilising mission' to Western Europe (Amin-Khan 2012: 1597; Kaufman 2015: 177). Colonial rule was cast as being in the interests of the colonised, even if their uncivilised state meant they did not recognise the truth for themselves (Neep 2012: 25-26). Orientalism is the hegemonic ideology that dominates Western perceptions of the Arab world and uses narratives constructing the Orient with specific social and cultural traits strictly opposed to those of the West; these constructions are considered by orientalists as 'truths' (Taha 2014: 2). Universal truths about the Middle East entailed nefarious characteristics, such as ideas of a 'shifty, irrational, menacing and exotic Arab' (Nagel 2001: 389). The bellicosity of the Arab man also suggests that he thrives in conflict situations (Said 1978: 49) and has a moral degeneracy about him (Said 1978: 40).

The Pretence of Refugee Protection

After the First World War, the British Mandate administrations were entrusted with 'nurturing a system of modern governance and state institutions' (Gorman 2007: 123) in the Levant. The end of the British Mandate occurred simultaneously with the *Sykes–Picot Agreement: 1916*, a secret treaty splitting up the Middle East with little to no consent gathered from Arab rulers. Following that, the *Balfour Declaration 1917* vowed to establish a national home for the Jewish people in Palestine; this was drafted in collaboration with Zionist leaders, also in secrecy. The agreements splitting up the Middle East created a large number of refugees at the same time that the *Convention and Protocol Relating to the Status of Refugees* in 1951 came into force. These treaties ultimately produced the same refugees that the convention sought to protect. The legal framework for the protection of human rights that emerged after the Second World War came at a time when Arabs were still considered 'vulgar sellers of sheep and camels, whose mentalities they share' (Neep 2010: 44). Many of the legal parameters of the international human rights regime were developed in response to the horrors of the Second World War (Abu El-Haj 2010: 30), with Israel being created in 1948 within the hegemonic narrative of global salvation (Clarno 2014: 1728). Israel came into existence at a time when Europe realised its failures to protect people from mass atrocities that were occurring on its own soil. Césaire (1972: 174) famously stated:

> what [Europe] cannot forgive Hitler for is not the crime in itself, the crime against man [*sic*], it is not the humiliation of man [*sic*] as such, it is the crime against the white man [*sic*], the humiliation of the white man [*sic*], and the fact that he applied to Europe colonialist procedures which until then had been reserved exclusively for the Arabs of Algeria [and] the 'coolies' of India.

What was distinctive about the Holocaust was its scale and barbarity, but more significantly abhorrent was that Europeans were doing to each other what they had been doing (and continue to do) to non-whites in the colonies for centuries (Krishna 2014: 354). The reparations for the victims of the atrocity included the disenfranchisement of a seemingly less-significant group of people in the Middle East. Lentin (2017: 3) stated that 'the Arab world has been taken as the location for reparations for violations which took place somewhere else'. Abu El-Haj (2010: 36) stated that 'Zionist settlement was made possible in the context of an imperial common sense in which Europeans could and should settle elsewhere, bringing European civilization to the global "periphery" '.

'Only the Racially Pure Come to the Land of Israel'

The common sense understanding of the time was that Arabs were 'incapable or deficient in the power of self-government' (Neep 2012: 23) and that the Middle East was a hollow place full of barbarians whose futures could be dictated and controlled. The Zionist ideological movement required subjecting the Palestinians to dispossession, land appropriation and erasure to consolidate a Jewish State in the Middle East. The establishment of a Jewish homeland to escape European persecution was facilitated by 'embedding similar racial ideologies prominent in Europe, and reproducing the polarized binaries of the superior, enlightened West and the inferior, primitive East' (Abusneineh 2021: 101). Said (1979: 24) argued that Zionism 'collaborated with those aspects of Western culture making it possible for Europeans to view non-Europeans as inferior, marginal, and irrelevant despite their geographical origins in the East'. The ideological strategies imposed by the colonialists required the dehumanisation of racialised groups; this does not only function in terms of the Palestinians but also non-Ashkenazi Jews (Sayegh 2012).

The original Zionist manifestos of Theodore Herzl and Arthur Ruppin, the founding father of Tel Aviv, stated that it was 'desirable that only the racially pure come to the land [of Israel]' (Herzl 1902 quoted in Abusneineh 2021: 109). The theoretical foundations for Zionism echoed these sentiments about Africans and Arabs while simultaneously aiming to create a 'super race' in Palestine, in which the Jewish populace could thrive as a superior entity, filtering peoples' inferior characteristics out

(Abu El-Haj 2001; Abusneineh 2017). Lentin (2017: 3) stated that despite the Jewish ethnic and religious heterogeneities, 'Zionist ideology … articulates "the Jewish race", constructing a homogeneous "Jewish people" '. The liberation movement that Zionism propagated seems to be the liberation of a particular European (Ashkenazic) Jewish population. Despite having initially marketed the territory as a 'land without people, for a people without land' (Khalidi 1984), the people on the land are actively framed as subhuman in need of exceptional measures (Clarno 2014; Lentin 2017). Declassified documents show that in the aftermath of the Six-Day War of 1967, Arabs in the country were spoken about as a 'miserable threatening neck … literally stretched out for slaughter' (Pappé 2014). There were cabinet discussions on limiting the annexed territories' access to water and encouraging the Arab populations to emigrate elsewhere (Pappé 2014; TeleSUR 2017). Dehumanising and 'othering' the Arab as more than just an inferior being but a violent threat was an essential step in the securitisation of Israeli statehood.

This section outlined the historical process through which Arabs have been globally condemned and racialised as a dehumanised population in need of pacification and control. The colonial categorisations of Arabs have manifested themselves in Israeli statehood to justify the dispossession of the natives. The next section will investigate the extent to which border control and the continued violent consolidation of territory are reflections of this harsh cycle of dehumanisation.

Bordering and Managing the 'Undesirables'

This section moves on to centralise the border as vital to the functioning of Israel's disenfranchisement policies today. The first part outlines the violent process of border creation in the Middle East and Israel, more specifically. Separating who is deserving and who is not occurs along historically determined lines of inferiority and is solidified through national borders. This section shows how Israel's justification for adopting exceptional measures in the name of border protection relies on the pathologising of certain groups as perpetual threats. The legal state of emergency in Israel is reinforced by the existence of the 'terrorist Arab', with extreme measures being understood as necessary for protection. The ways in which the undesirability of racialised others is imagined in relation to the idealised moral community of citizens within Israel will also be outlined.

The Origins of Israeli Statehood

An area that has received limited attention from criminologists is the study of the origins of statehood, particularly the ways in which settler colonial states are established. Expanding our scope to account for the ways in which humans came to be categorised for the pursuit of a liberated state is a necessary endeavour. Neglecting the history of state-building in the region means that narrow definitions of security often prevail over understandings of contemporary manifestations of colonial violence. The violent origins of securing Israeli statehood began with the Nakba of 1948, which was the mass expulsion of over 750,000 Palestinians from their homes (this was 80% of the Arab inhabitants at the time) (Chatty 2011: 140; Khalidi 1984). The events of 1948 also involved massacres of entire villages, destruction of religious sites, repopulation with Israeli settlers and the renaming of villages and homes (Chomsky and Pappé 2015; Khalidi 2020). Pappé (2014) stated that the 'planned and systematic dispossession of the Palestinians, which ended in the destruction of half of Palestine's towns and villages and the expulsion of 750,000 Palestinians, can only be described as ethnic cleansing'.

Zionist forces took over 78% of Palestine, ethnically cleansing and destroying 530 villages and cities and killing about 15,000 Palestinians in a series of mass atrocities; 34 massacres were documented at the time (Al Jazeera n.d.). Assuming that the Israeli State did not develop through 'the systematic abuse of peoples who are now minorities within [it]' (Cunneen 2011: 252) is to ignore the ways in which power was consolidated through the Nakba. Cementing the Israeli border in such a context was the vital way to displace and dispossess the Indigenous Arab community from their homes and for Israel to claim it as its own, deeming Palestinians undeserving of property, freedom and life (Shalhoub-Kevorkian and Daher-Nashif 2013: 298).

The creation of the bordered society is heavily tied to the identity of the state within it, and borders ultimately produce 'political subjectivity, identity, morality and goodness' (Aas 2014: 34). The British self-identity, for example, was heavily based on its empires and holding itself as the direct binary opposite of those that it colonised (Agozino 2003; Bhabha 1994; Said 1978). As Paul Gilroy (1987) argued in *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation*, it seems that certain (Western) societies base their national identity on the higher morality of Europeanness. Perugini (2014: 53) noted the importance of the moral economy of settler colonialism in particular as the 'social production, mobilization and circulation of moral values and norms politically functional to the perpetuation of settler colonial dispossession'. In situations of 'fear and insecurity about membership, states turn large categories of people into probationary and shadow members who live in conditions of permanent illegality' (Bosworth, Franko and Pickering 2018: 47). Making (certain) human beings illegal resonates with the idea that 'prosperous nation-states [are] closer to the ideal of [a] nation than others are' (Dauvergne 2008: 17). Certain categories of individuals or populations warrant special scrutiny when they attempt to cross borders, mandating attacks or quarantines on them as a legitimate means to limit their access to the state (Benton 2016; Cooper 2004: 271). Israel has

capitalised on this strand of orientalism to justify its continued mistreatment of those that it has deemed inferior within its borders (Shalhoub-Kevorkian and Daher-Nashif 2013: 298). Israel facilitates the production of knowledge and ideologies of what the region and the people within it should be by presenting itself as the binary opposite of the 'undesirables'.

The bellicosity of the Arab man suggests that Arabs thrive in conflict situations (Said 1978: 49); today, this can be understood in terms of crimes of terror. Terrorism has become racialised (Innes 2013: 250), and the Western representations of the Arab other are based on a fear that Muslims (or Arabs) will take over the world through jihad (Said 1978: 287). Notions of a 'violent culture' in relation to Islam legitimises the idea that all Arabs are contaminated by a predisposition to terrorism. After the terrorist attacks of 9/11, 'Western and Israeli threat perceptions converged, providing the international environment that discredited Palestinian resistance as terrorism' (Pogodda 2012: 541). Since 2001, the Israeli occupation has been bolstered by the language on the global 'war on terror' with comparisons being drawn by individuals such as the former Israeli prime minister Sharon's 2001 comment that 'Arafat is our bin Laden' (Ryan 2013: 300; Whitaker 2001). Far-right ideologues in the West celebrate Israel's racism and violence against the perceived common enemy: the Muslims—they see its 'war on terror' and victimisation of Muslims as a model (Baroud and Rubeo 2019). Dutch Member of Parliament Geert Wilders has noted that 'Israel is an island in a sea of Islamic barbarism [and] a beacon of freedom and prosperity in a region of Islamic darkness', and Italy's former deputy prime minister and Minister of the Interior Matteo Salvini, has noted that Israel 'surely is a role model for security and anti-terrorism policies' (quoted in Baroud and Rubeo 2019). Going further than just the security apparatus needed to keep the 'Arab terrorist' out and maintain the Jewish State as it is, Israel's policies also involve the continued exclusion of 'undesirables' from the territory. The *Basic Law: Israel—The Nation State of the Jewish People* of 2018 decidedly stated that Israel is a nation-state 'of the Jewish people' (The Knesset 2018). This completely disregards Palestinians and marginalises their rights, culture, language and history (Baroud and Rubeo 2019; Chapell and Estrin 2019). In 2019, Benjamin Netanyahu said that Israel is 'not a state of all its citizens' in reference to the country's Arab Palestinian citizens (*The Guardian* 2019). He has also stated that African immigrants threaten the identity of Israel as a Jewish State (Sherwood 2012; *The Guardian* 2019). Actively excluding non-Jewish residents by deeming them a threat to the perceived moral identity of the country is an unequivocal statement of prejudice. There are currently 50 laws discriminating against Palestinian residents in Israel (Adalah 2012), including 'rights to political participation, access to land, education, state budget resources, and criminal procedures' (Lentin 2017: 3). It is important to note that this community is not the only marginalised group, with recent studies also drawing attention to Israel's attempt to halt Ethiopian women's reproductive rights (Dawber 2013; Eyal 2013), which 'can be situated with its past and present ties to the eugenics movement, designed to maintain an Ashkenazi-Jewish majority' (Abusneineh 2021: 108; see also Ross 2017).

The Separation Wall

The 'security wall' is one of the ways in which segregation is enforced to separate and isolate Palestinians and 'place the population as a whole under a permanent condition of surveillance and suspicion' (Sheptycki 2007: 402). The wall is a border between territories controlled by Israeli and Palestinian villages, which limits Palestinians' access to basic services and hinders freedom of movement (Clarno 2014: 1728). The wall was built in 2002, cutting through the occupied territory with no regard for Palestinian access to social services, schools or their own farmlands (Al Tahhan 2018). The wall separates villages and towns to designate a clear barrier between Israel and Palestine, with a 'divide and rule' tactic being the main aim (Al Jazeera n.d.).

The architecture is one of annexation, with 8-metre-high walls, watchtowers, surveillance cameras and checkpoints (United Nations Human Rights Council 2013: 8-9). There are 140 checkpoints scattered across the West Bank, and only Palestinians who have special permits are allowed to cross (Samman 2021). Because of the checkpoints' arduous admission procedures, there has been evidence of women giving birth and losing their babies at the border and in a span of four years, '61 women had given birth at checkpoints … and 36 of their babies died as a result' (High Commissioner for Human Rights 2005). The checkpoints are often positioned on high hills and look down onto Palestinian land to add additional levels of intimidation and surveillance by security forces (Zureik 2016). The wall was deemed illegal by the International Court of Justice in 2004 under the United Nations (UN) General Assembly's *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations* on the grounds that it was a 'territorial acquisition resulting from the threat or use of force' and that it curtailed the 'right of peoples to self-determination' (United Nations Human Rights Council 2013: 8). A significant consequence of this wall is that it cements the 'existence of segregated reserves', where Palestinian towns have been ghettoised and oppressed, with a lack of access to basic services, and constantly surveyed by Israeli forces (B'Tselem 2016; UN Human Rights Council 2013). The UN has noted that these architectural forms like 'walls, fences, earth mounds, watchtowers, checkpoints, Israeli-only roads and tunnels are utilised by Israeli Defence Forces … soldiers and settlers to ensure that Palestinians are regulated and disciplined in the ever-shrinking "Palestinian areas"' (UN Human Rights Council 2013: 10). Israel uses checkpoints and permits to control the movement of Palestinian people, the

military invades enclosures almost daily and deploys drones above them for surveillance and assault (Clarno 2014: 1728; International Court of Justice n.d.). Limited freedom of movement and keeping native Palestinians out of sight serve the purpose of bolstering Israeli security to the further dehumanisation of Palestinians.

Rethinking Border Control in Israel

A Southern approach to criminology aims to problematise the assumed universalism of criminal justice institutions and seeks to re-centre the importance of colonialism. Agozino (2003: 355) urged the need to 'develop critical scholarship in criminology to avoid stultifying [the] influence of imperial logic that sees criminology only in terms of police training, security agency and prison admin'. Criminology has not 'reflected on … the implications of drawing heavily on enlightenment theories of equality and justice at the same time these theories were features of the intellectual architecture for colonialism, slavery and racism' (Kitossa 2012: 209). A key colonial project in academia is the 'ideologically driven dismissal of [I]ndigenous knowledge about the social world as subjective/unscientific … [and] illegitimate for purposes of policy-making' (Cunneen and Tauri 2019: 365). By not incorporating Southern voices, we are thinking and legislating for those who are considered 'others' (Bhabha 1994; Fanon 1967; Said 1978).

A starting point for this research is to recognise authors from within the occupied territories and engage from the point of critical awareness that settler colonial states' systems of punishment are based on assumptions of the inferiority of the colonised (Al-Hardan 2013: 69; Crook, Short and South 2018; Wolfe 2016). Reflecting on the role of dominant powers in creating and facilitating Israel's occupation is necessary to develop holistic approaches to countering the oppression of settler colonies. An anti-colonial approach would reject the framings of violence that portray terrorism as intrinsic to Arab culture or tradition (Abu-Lughod 2011) and the formal Israeli system as one that 'undermines [Palestinian] rights through spatial segregation and lack of access to political, legal and economic resources' (García-del Moral 2018: 941).

Patrick Wolfe (2006: 393) defined settler colonialism as an 'inclusive, land-centred project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating Indigenous societies'. The objective of settler colonial societies, according to Wolfe (2006: 395), is to acquire land 'for occupation and domination' and involves the subordination of the Indigenous groups within it. Unlike colonialism, which is about the exploitation of the natives, 'settler colonialism is about replacing the natives, and it always replaces what it destroys' (Lentin 2017: 4).

Israel's genocidal policies have been defined by the Center for Constitutional Rights as ranging from 'the 1948 mass killing and displacement of Palestinians to a half-century of military occupation and, correspondingly, the discriminatory legal regime governing Palestinians, repeated military assaults on Gaza, and official Israeli statements expressly favoring the elimination of Palestinians' (Center for Constitutional Rights 2019). The ethnic cleansing policies Israel has pursued have been defined by the UN Special Rapporteur for Palestine, Richard Falk, as in relation to the 'de facto annexation of parts of the territory, denying the Palestinian right to self-determination' (Nebehay 2014). The Economic and Social Commission for Western Asia affirmed this by reporting that 'Israel is a racist state that has established an apartheid system that persecutes the Palestinian people' (International Commission of Jurists 2022). Despite international condemnation, illegal expansion and sequestration continue to occur within a discourse of the criminality of Palestinians. Understanding the overarching historical context is the first step in accounting for the ways in which colonisation serves to ideologically and practically disenfranchise those it claims to rule.

Being deemed a criminal mass constantly under suspicion, the 'securitisation' of the Palestinian people distracts from the ways in which individuals and groups come to be understood as threats. Colonialism 'relies on discourses, architecture, laws and security exercises to differentiate between Israeli bodies worthy of securing and Palestinian bodies that can be made (in)secure' (Ryan 2013: 306). The consequence of abstracting imperialism is that naturalistic forms of racism can return in forms disguised in terms of 'protection' or 'security'. Over time, understandings of the colonised have shifted 'from one of inconvenient continued existence [and] biological inferiority to inconvenient cultural uniqueness and culturally linked behavioural deviation' (Cunneen and Tauri 2019: 368).

Racial rule in the occupied territories moved away from a belief that others can be civilised to a belief in the permanent inferiority and incommensurability of racial others (Abu El-Haj 2010: 36; Goldberg 2002). This legitimates 'exceptional measures' to handle the security threat, 'justifying actions outside the normal bounds of political procedure' (Hussain and Bagguley 2012: 720) which makes normal and exceptional politics in Israel almost indistinguishable (Lupovici 2014: 402). Spatial segregation is a vital aspect of the attempt to limit the growth of a population, such as through measures to 'prevent the expansion of the living space of that community' (Pappé 2006, 2014).

The wall is a concrete reminder of the mission to segregate, the institutionalisation of which is apartheid. Apartheid was defined by Article 7 of the United Nations General Assembly's *International Convention on the Suppression and Punishment of the Crime of Apartheid* as 'inhumane acts … committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime'. The United Nations Economic and Social Commission for Western Asia (2017) has confirmed that 'Israel has established an apartheid regime that dominates the Palestinian people as a whole'. The violent process through which statehood and borders become cemented and the dehumanisation of those who 'do not belong' are central to all state beginnings but are especially relevant in contemporary settler colonial entities. From a Southern perspective, these 'exceptional' measures are reminiscent of colonial policies that deem Arabs a 'bellicose' mass, deserving of being subject to extreme punitiveness and control (Neep 2012; Owen 2013). The outcome of the watchtowers and checkpoints imposed on Palestinians through bordering processes is not only corporeal control but 'imposing a specific subject status that cannot move freely' (Ryan 2013: 304), this means they become securitised subjects because of the architectural practice of a barrier that is 'necessary' for Israeli security (Blend 2020; Ryan 2013: 304). Core elements of the occupation, such as the separation barrier, checkpoints or and curfews, function to regulate and control corporeal bodies (Ryan 2013: 298). The main instrument of surveillance and control is the separation wall, used to put the Palestinians beyond the sight of the Israeli Jewish population while also perpetually watched by security forces (Zureik 2016: 99).

The war on Gaza and arterial shellings that occurred in 2014 and 2021, as well as the calorie counts imposed on the population annexed by Israeli walls, have been tactics to prohibit the expansion and lives of Palestinians (Al Jazeera n.d.). This continues in Israel's expansion into Palestinian homes and territory, despite the International Court of Justice and International Criminal Court condemnation of the settlements as illegal (International Commission of Jurists 2022; UN News 2022). Israel continues to plan the annexation of the West Bank, aiming to bring 30% of the West Bank, including Palestinian land, homes and families, under Israeli control (*Times of Israel* 2020). The Israeli Information Center for the Human Rights in the Occupied Territories, 'B'Tselem' (2016: 22) stated that 'settlers have exploited the forced separation between Palestinians and their land to build houses, outposts and roads, sow fields and groves, graze livestock and take over natural water sources'. More examples are 'regular raids of Palestinian villages and homes, checkpoints and the separation wall, curfews, house and village demolitions, population transfers, widespread arrests and administrative detention, the detention and torture of Palestinian minors, and culminating in increasing numbers of extrajudicial executions, all of which render the Palestinians subject to, as well as the object of Israeli sovereignty' (Lentin 2017: 2). Exceptionality is permitted in the name of security, due to Israel's successful framing of itself as in a perpetual state of vulnerability from a dangerous threat. Israeli security discourse assigns this terrorist criminality to Palestinians (Weizman 2007: 99-101), deeming them in need of segregation from the wider population through imposing grandiose border walls and settler colonial architecture.

Conclusion

Ultimately, this paper has rejected understandings of violence as intrinsic to Arabs and approached the Israeli system as one that undermines Palestinian rights through spatial segregation. Writing on empires as a thing of the present is vital if we are to understand contemporary processes of criminalisation. The paper has concluded that the spatial separation that happens through the Israeli construction of borders perpetuates and reinforces the idea of a violent, criminal Palestinian deserving of segregation from the wider population. The oppressive mechanics of the Israeli border-making process can be understood as the operationalisation of age-old colonial understandings of Arabs within a settler colonial entity. Promoting a disproportionate security discourse follows the international norm cemented by colonialism, by which certain groups are included in society and are 'deserving' members or are excluded and regarded as 'undeserving' (Ajzenstadt and Shapira 2012: 700). This has been outlined in both terms of European domination over Arabs and the desire of Israel to secure statehood among a sea of those deemed threatening to its territorial expansion. Drawing on the orientalist construction of the menacing Arab, this essay showed how the Arab was turned into a threatening entity. Israel's colonial architecture used to separate the Arab, is reminiscent of an open-air prison, constantly surveying and controlling those it detains behind its settlement wall.

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