

Content notice: This text includes references to torture and sexual assault.

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The Case of Rasmia Odeh: The parallel biopolitics of the US and Israel

It was the catastrophe of 1948, however, that broke our hearts. Tell me, what did the Palestinians do to warrant having their homes seized from them, their worlds disrupted, their lives bulldozed now for over sixty years? Because another people wanted the land the Palestinian had always lived on, they- the Palestinians- must be dispossessed into misery and squalor? Indeed the genocidal horror inflicted on the Jewish community in Europe was evil unmasked but what has this to do with the Palestinians, except to turn them into the victims on another policy of extermination and cultural supremacy? It seems I am asking so many questions, but why you continue to deny the rights of the Palestinians just confounds me. It seems their “crime” is simply to be born Palestinian, and in this scheme, a Palestinian life counts less than another.

(Bayoumi 2015: 28)

Moustafa Bayoumi in his collection of essays on the Muslim diasporic experience in America post September 11 includes a narrative throughout that admonishes the actions of the state of Israel in the treatment of Palestinians and declares outrage at the US displays of support for the state of Israel. In the above quote, he imbricates the crime of the Nakba — the forcible removal of Palestinians from their land that inevitably made way for the creation of the state of Israel. In *Discipline and Punish*, Michel Foucault outlines what he indicates as the distinctive qualities of the modern Western State, such as the political incorporation of the body as potential for state control (1978). Giorgio Agamben, in *Homo Sacer*, touches on similar themes of inclusion and exclusion, projects of nation building, and the interaction between the body and the state. The case study of Israel and Palestine indicates the urgency and importance of Foucault and Agamben's theories and, more pointedly, the experience of Palestinian refugee Rasmia Odeh animates Agamben's and Foucault's theories in a specific geopolitical context and individual experience that is tied to broader narratives of exclusion. In this essay I will use parallel analyses

of Foucault and Agamben in order to implicate the Israeli state's treatment of Palestinian bodies as exceptional.

In *Homo Sacer*, Giorgio Agamben uses the concept of 'camps'—the sites responsible for the mechanisms and enactment of Nazi eugenics—as his evidentiary framework to illustrate what he theorizes as the state of exception. Agamben defines the state of exception as “the inclusion and capture of space that is neither inside nor outside. Being-outside and yet belonging: this is the topological structure of the state of exception” (Agamben 2005: 35). The state of exception exists within the law, because it is acknowledged by the presence of law, yet exists and functions outside of law. The state of exception cannot be governed by judicial proceedings because it exists as the suspension of law. The 'camps' operate, in Agamben's analysis, as sites where bodies are reduced to bare life. Agamben defines bare life as pure natural life--a body without its political context. He opens *Homo Sacer* with the Western linguistic foundation of “*zoe*, which expressed the simple fact of living common to all living beings (animals, men, or gods) and *bios*, which indicated the form or way of living proper to an individual or a group” (Agamben 1998: 3). After acknowledging this historical linguistic foundation, Agamben expands on Foucault's theory of biopolitics: “the inclusion of bare life in the political realm constitutes the original-- if concealed-- nucleus of sovereign power. It can even be said that the production of a biopolitical body is the original activity of sovereign power” (Agamben 1998: 6). Agamben indicates the distinction between natural life and the political life of a body as a foundational myth of Western governing and the source of sovereign power.

Michel Foucault's biopolitical body is the distinction between "man remain[ing] what he was for Aristotle: a living animal with the additional capacity for political existence; [and] modern man [as] an animal whose politics calls his existence as a living being into question" (Foucault 1978: 188). Foucault argues that the movement to modernity is indicated by the incorporation of the natural body into political life:

"To say that power took possession of life in the nineteenth century, or to say that power at least takes life under its care in the nineteenth century, is to say that it has, thanks to the play of technologies of discipline on the one hand and technologies of regulation on the other, succeeded in covering the whole surface that lies between the organic and the biological, between body and population. We are, then, in a power that has taken control of both the body and life or that has, if you like, taken control of life in general – with the body as one pole and the population as the other" (Foucault 1978: 252-3).

In *Discipline and Punish*, the incorporation of the natural body into political life is illustrated by Foucault's analysis of state sanctioned punishment and its historical iterations. The history of punishment moves from the spectacle of public punishment to punishment that lives through the body. The Western liberal state's project moved away from punishment focused on "the juridical subject, the possessor, among other rights, of the right to exist" into the sphere of the:

"political economy' of the body: even if they do not make use of violent or bloody punishment, even when they use lenient methods involving confinement or correction, it is always the body that is at issue- the body and its forces, their utility and their docility, their distribution and their submission[...]power relations have an immediate hold upon [the body]; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies to emit signs. This political investment of the body is bound up, in accordance with complex reciprocal relations, with its economic use; it is largely as a force of production that the body is invested with relations of power and domination[...] the body becomes a useful force only if it is both a productive body and a subjected body" (Foucault 1977: 3, 25-26).

Foucault outlines the regulation and control of the body as part of the state's project by presenting the instruments of disciplinary power: hierarchical observation, normalizing judgement, examination, and surveillance (Foucault 1977: 170). These mechanisms of control and maintenance of ideal citizens are interpreted as manifesting on the site of the body and in the body, controlling gestures and movement, and rendering the body docile.

In *Homo Sacer*, Agamben qualifies his argument from Foucault's by elucidating that the inclusion of the biological body into political life is not a marker of the modern Western liberal state but instead has always been a part of politics (Agamben 1998: 9). Agamben takes issue with Foucault placing State regulation and control of the body at the moment of this shift into modernity. He asserts instead that "the 'body' is always already a biopolitical body and bare life" and that it always exists within the juridical order rather than the inclusion being a facet of modernity: "together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoe, right and fact, enter into a zone of irreducible indistinction" (Agamben 1998: 9).

The 'camps,' in Agamben's analysis, reside as the pinnacle of subjects being reduced to 'bare life.' He provides a historical example: "one of the few rules to which the Nazis constantly adhered during the course of the "Final Solution" was that Jews could be sent to the extermination camps only after they had been fully denationalized (stripped even of the residual citizenship left to them after the Nuremberg laws)" (Agamben 1998: 132). The camps as the state

of exception were a historical moment of violent facism that caused the deaths of thousands of people: suspected homosexuals, Romani people, people with mental illnesses and/or disabilities, and Jews amongst others. It is a worthwhile case study for Agamben's analysis of the state of exception and bare life, but Agamben falls into the hegemonic Western discourse associating the Holocaust as the most prominent and visible moments of genocide in modern history. Mahmoud Mamdani in *Settler Colonialism: Then and Now* provides some elaboration on this claim:

All the defining institutions of settler colonialism were produced as technologies of native control. The prototype concentration camp from which the Nazis drew inspiration was not the one built by the British to confine Boers during the Anglo-Boer War; rather, it was the reservation built to confine Indian tribes—under the watch of Presidents Lincoln and Grant in mid- nineteenth- century America (Mandami 2015: 608).

Agamben, however, does not explicitly include the history of colonial genocide in his essential texts, though these histories provided inspiration for the techniques and spatial organization of Nazi actors during the Holocaust (Lloyd 2012: 74).

Agamben provides the tools to examine other potential iterations of bare life, exclusionary state citizenship projects, and the state of exception despite the missed opportunity in *Homo Sacer* to provide nuance to the established discourse surrounding genocide, where the scholarly and cultural attention to the Holocaust holds a possibility to contribute to the erasure and invisibility of colonial violence. Other scholars such as Adi Ophir, yehouda Shenhav, and yael Berda respond to Agamben's work by applying the state of exception to the Israeli state's treatment of Palestinian land and people and how the "Occupied Palestinian Territories and [the Israeli state's] political logic of exclusive inclusion—the logic by which the occupied territories

are excluded from the state of Israel in order that Israel— can introduce Palestine under its system of control” (Morton 2013).

The Israeli state as a regime resists the juridical order and international human rights laws in its treatment of Palestinians. Israel blatantly disregards international human rights law: “Palestinian refugees in the Occupied Territories have long existed in a state of exception, as Israel denies the applicability of the Geneva Conventions to the Bank and Gaza, with well-documented consequences” (Blecher 2005: 730). The forced removal of Palestinians during the War of 1948 created a state where nation, territory, citizenship became contested grounds for the Palestinian people. Moustafa Bayoumi makes a parallel between the camps and the Palestinian experience: “The camp is the necessary consequence of the loss of citizenship and the nation because displacement is a necessary consequence of the loss of citizenship. Similarly, Palestinians are a people without rights because they are a people without land, for occupied land too is displaced land, displaced from the functioning of law and the concept of human rights” (Bayoumi 2015: 88).

The framework of loss of citizenship, land, and rights and the incorporation of the body in the political sphere explain the experience of Palestinian refugee, Rasma Odeh. Odeh was forcibly removed from her childhood home during the Nakba, the expelling of Palestinians from their homes in 1948 that was an integral (and often overlooked) part of the history of the emergence of the state of Israel. The US government is now removing Odeh from Chicago, which has been her home for the past two decades, because of a charge that she failed to disclose

her previous conviction by the Israeli government (Richardson 2017). In 1969, the Israeli military court found her guilty by confession of being involved in the bombing of a Jerusalem supermarket (Abunimah 2017). Odeh has expressed that the confession that led to her conviction was extracted through both physical means of torture and sexual assault, explicitly going into the details of the sexual violence she endured at the hands of the Israeli military officials (Abunimah 2017). The case of Rasmia Odeh, and the state violence she has experienced, provides insight into how the state projects of the US and Israel reinforce one another through mutual and perpendicular modes of attempting to control, discipline, mechanize, and exclude bodies which are seen as sites of, and objects of, sovereign power.

Rasmia Odeh's case also highlights how the concept of the refugee and the living embodiment of refugee status contest the boundaries of the nation-state and reveal the presence of bare life within the juridical order. By deporting Odeh, the US reveals its anxieties around maintaining order and the dominance of the nation state: “by breaking the continuity between man and citizen, nativity and nationality, they put the originary fiction of modern sovereignty in crisis. Bringing to light the difference between birth and nation, the refugee causes the secret presupposition of the political domain--bare life--to appear for an instant within that domain” (Agamben 1998: 131). The parallel experiences of being expelled from land and territory in both Israel and the US expose the connections between the two violent state regimes, both with histories of expelling indigenous people from territory and land, and suspending the rights of those people in order to maintain the state project.

State projects, such as that of Israel or the US, enact violence at a degree that is both exceptional in its level of terror and normalized by the everyday reality of this violence. Bodies become disposable in the government's quest for control and desire to maintain sovereignty. Everyday citizens become the vanguards of the nation: in larger acts of violence or everyday manifestations of aggression that produce and reproduce habituated understandings of citizenships. Agamben and Foucault provide the tools to deconstruct the fictions and mythology of the violent sovereignty of nations such as the US or Israel. An analysis of Agamben and Foucault reveal the urgency of creative resistances to state power, which are happening from places such as Palestine to the US borders to within the 'US.' To conclude this essay with potential, the Red Nation in the "Red Nation manifesto" offers radical demands of resistance to state violence and provides future opportunities for justice to address the history of violence to native peoples. The Red Nation's demands include ending, "the racist state institutions that unjustly target and imprison Native peoples and all oppressed peoples," eliminating "all corporate and U.S. control of Native lands and resources," and addressing "the destruction and violation of our nonhuman relatives wrought by militarization, toxic dumping and contamination, and resource extraction as violent"(Red Nation 2010). This manifesto is a reminder that while naive optimism or historical revisionism is not an option, critical engagement can provide potential for alternative futurity.

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