

The Planned, the Unplanned and the Hyper-planned: dwelling in contemporary Jerusalem

Introduction

Since its establishment in 1948, the State of Israel has utilized development, planning and housing policies as key tools for crafting and shaping national space. This process aimed to achieve the dual goal of outwardly defending state borders while internally Judaizing national space (Yiftachel, 2006). Its outcomes, created a stratified socio-spatial system, which is based on management and segregation of people along national, ethnic and class lines (Shenhav, 2003). Although land ownership, spatial planning and housing supply were produced and managed separately, in this paper we propose that it is more beneficial to examine them as complementary elements that allowed for this national project to spatially materialize (Tzfadia and Yacobi, 2011). Yet, while the goals of the national project were only slightly altered since the establishment of the state, the methods and logics through which they were deployed have undergone significant transformations, due to both local and global changes.

During the first few decades, most land and planning resources were centrally managed, regulated and distributed, whereas most housing development occurred through direct state intervention. Since the early 1980s, however, an increasing move toward reliance on the “free market” was accomplished by, *inter alia*, processes of privatization and de-regulation. In the field of land-use planning, these tendencies entailed a dramatic shift from central, comprehensive planning of the national space as a whole to piece-meal planning methods driven by private entrepreneurship (Alterman, 1999; Alfasi 2006; Margalit, 2013). In terms of housing supply, a noted shift occurred from the production and management of a public housing stock (mainly for Jews) to the provision of subsidies to tenants as well as to private developers. Such changes may

be perceived as an outcome of globalization processes which abate the control of the state over the production of national space, and hence encroach on its ability to achieve national goals and universal welfare (Castells, 1997; Bauman, 1998). This argument entails a contrast between the national collective ethos and global neoliberalism (Ram, 2000), which implies that the commodification of space results in the liberation of national space from its ethno-national organizing logic.

Nevertheless, the growing body of literature concerning the relationship between global and local processes, as well as between globalization and nationalism points to the idea that these supposedly opposite notions do not necessarily contradict. Rather, a critical inquiry of current state policies and processes suggests that those very same “new” neoliberal strategies that are associated with amplified globalization, have in fact allowed, and in some cases even enhanced, the “old” socio-spatial stratification of ethno-national space (Filc and Ram, 2004; Fenster, 2004). In other words, despite the changes and adaptations in how the state exercises control over land and space, the state continues to be the main power determining development patterns in accordance with its national ideology (Yiftachel, 2006; Tzfadia and Yacobi 2011).

Therefore, the core question that we pose is, not so much whether or not the state has lost its ability to control and manage national space, but rather what are the ways in which the privatization of space and spatial planning were integrated into the older patterns of organizing national space. Our main hypothesis is that while in some cases privatization poses a challenge to national interests and established order, in many other cases it complements the national project, in effect cementing existing power relations. How, then, does the state maintain its control and peruse its national goals in the era of “free-markets”, where it seemingly has less direct control over the distribution of goods and services? What kinds of overlapping between nationalism,

neoliberalism and colonialism were produced in the process of shifting from a centralized welfare state to a neoliberal state, but also what contradiction and inconsistencies does this transformation entail?

Recent planning processes in Jerusalem will serve us as a case study for examining these questions in depth. As we will explore in more details throughout this article, our analysis is rooted in critical theories, which refer to the city of Jerusalem through a settler colonial prism defining it as an ethnocracy (Yacobi, 2009). Settler colonialism denotes states where a new political order that carried the settlers' own sovereignty was constituted, while the settlers become a majority of the population and gained control over the land (Wolfe, 2006; Veracini, 2010). Accordingly, by ethnocracy, we refer to cases where a hegemonic ethno-national group colonizes, appropriates and controls the city apparatus, producing contested spaces of structural instability. Rather than a “contested” or “divided” city,¹ we suggest that this allows a more accurate understanding of Jerusalem’s urban politics. We therefore accentuate the ethnocratic characteristics of the city, as developed by Yiftachel (2006), i.e. a distinct regime type established to enhance the expansion and control of a dominant ethno-nation in multi-ethnic territories. In such regimes, ethnicity, rather than citizenship, form the main criteria for distributing power and resources. As a result, they typically display high levels of uneven ethnic segregation. Importantly and highly relevant to this article, ethnocratic regimes can combine a degree of political openness and formal-democratic representation with political structures that facilitates the seizure of contested territory by a dominant ethno-national group. During this process, the dominant group appropriates state apparatuses and control over capital flows while marginalizing peripheral ethnic and national minorities.

¹ In the scope of this article, we will not be able to discuss the vast literature on divided and contested cities. For a recent and comprehensive review discussing this body of knowledge see: Allegra et. al: 2012

As an outcome of these and other historical processes, Jerusalem is a sharply polarized city, both between Jews and Arabs and within Jewish society. Yet, we do not see Jerusalem as an exception to current global and national power arrangements. Rather, it is an extreme example that allows us a clear and astute analysis of these powers' workings. More specifically, in this article we examine the production of two dwelling configurations which have developed concurrently in Jerusalem over the last two decades. The first is the intensive planning and construction of luxury apartments in the form of gated communities in West Jerusalem's city center (**Figure 1 about here**). These high-rise compounds mainly house Jews (often religious) from Western countries, who usually reside in Israel seasonally rather than permanently. A quick browse through a few of the projects websites² reveals they market the national project of Judaizing Jerusalem in the form of exclusive and safe lifestyle, blessed by the Old City's sanctity directly out of their 21st floor living-room window. The second case, which at first sight seems fully antithetical to the high-rise gated communities of West Jerusalem, is the recent proliferation of local zoning plans submitted by Palestinians in East Jerusalem to the Israeli planning authorities in order to legalize, expand and save their houses from possible demolition (**figure 2 about here**). This type of act, whether understood as a survival tactic or as the latest expression of staying put, brings an unmediated Palestinian presence into the heart of Israeli planning administration, where it had rarely been seen or heard before. In this way, the independent plans pose a challenge to the ongoing naturalization of the ethno-national project of colonizing Jerusalem through the bureaucracy of planning.

Each of the above described spatial and planning phenomena have been studied separately by the authors of this paper. Hence, the purpose of the current paper is to explain how

² For example: "[Jerusalem of Gold](#)", "[7 Kook St](#)", "[Haneviim Court](#)", "[King David Residence](#)" and "[Jerusalem Gold Garden](#)".

despite the obviously vast differences between the two, both the “hyper-planned” compounds of West Jerusalem and the “unplanned” Palestinian neighborhoods of East Jerusalem are an outcome of the same tensions between processes of neo-liberalization and privatization of the Israeli planning system, especially in the realm of housing development, and ongoing colonization of the city’s urban spaces.

While a similar comparison has been discussed by Charney and Rosen (2014) in relation to high-rise geographies in Jerusalem, our focus is on the politics of planning rather than on the urban landscape. Hence, rather than examining the roots or symbolic meaning of similar built forms, this leads us to examine an array of products and outcome of the same planning apparatuses which operate in all parts of the city, allegedly evenly. In other words, what is comparable in both cases is the planning methods, tools and assumptions, as well as the role planning decisions take in wider political contestations. As we will show, the main differences in outcome are much less an outcome of planners’ agency and political positionality (Rokem and Allegra, 2016), than they are closely related to the divergence in position within the hierarchical system of citizenship between each of the agents involved in these planning practices. Methodologically speaking, such an analysis follows Porter’s approach by referring to cases that are “very different from one another both in terms of the origins of the injustice and also the political actors and claims each generates”. (Porter, 2014:392). Our hypothesis is indeed important, since most literature on planning and development in “contested cities” focuses solely on the ethno-national aspects while overlooking the effects of neoliberal policies in these contexts (cf. Gaffikin and Morrissey, 2011).

Examining the relationship between the two phenomena – the gated high-rises of West Jerusalem and the independent plans of East Jerusalem - leads us to a few of our central

arguments; first, we do not only reject the idea that the growing emphasis on market forces has caused a decline in the effectiveness of state power to shape colonial urban space, but also points to the ways in which the ethno-national power relations continue to play a central part in the organization of space *through* the free market. Second, examining these case studies within one framework, we demonstrate how planning practices entrenched in the operation of the “free-market”, lead to contradicting results. In some cases, they are complementary to colonial-national discourses, while in others they work to undermine them. Finally, by revealing the internal contradictions of neo-liberal restructuring, we emphasize in both cases the links between earlier planning practices and current patterns, rather than viewing neo-liberalism as indicating a break from them.

Our arguments expand a recent vein of research focusing on the interrelationships between neo-liberal urban policies and colonial planning in Jerusalem. The work of Shlay and Rosen (2015) paved the road for understanding the constellation of competing on-the-ground interests including planning, economy, everyday life and debates over the land and territory. While some researchers suggest that the current shift of planning policies towards neoliberalism presents a major shift from national-based planning policy (e.g. Alfasi and Ganan, 2015; Alfasi and Fenster, 2009;), our work joins others who highlight the paradoxes as well as the complementary relationships between neo-liberal urban policies and colonization (c.f. Shtern, 2016; Shlomo, 2016; Nolte, 2016; Braier, 2013; Yacobi, 2012). To build such arguments, we begin by providing a short overview of the changing geopolitics of Jerusalem since the establishment of the state of Israel, aiming to show how colonial planning in the city was directly connected to the project of nation and state-building. By contrast to other scholars (c.f. Benvenisty, 1996; Nitzan-Shiftan, 2004; Misselwitz and Rieniets, 2006), we do not perceive the

1967 war as a turning point, but rather as a moment of up-scaling of previous efforts. In the next two sections we highlight the relevant findings from our previous research on the two case studies – the high-rise gated communities (Yacobi, 2012), and the independent plans (Braier, 2013). In both cases our preliminary sources included the planning documents (maps, drawings and protocols) of the described projects, as well as the planning protocols of the local and district committees who approved them. In addition, we used secondary sources such as newspapers and projects' websites and on-site tours to gain a nuanced understanding of the planning proposals.

However, as aforementioned, the main purpose of this article is not to repeat earlier findings, but to analytically compare the differences and similarities between the two cases, in order to build the theoretical argument about how neoliberal projects actually work in a colonial context. Accordingly, in the final part we discuss both housing phenomena in relation to the Jerusalem 2000 Master Plan. We suggest that Israeli housing policy in Jerusalem displays a dual condition and polarized dynamics under a seemingly uniform set of governance changes that take the form of deepening neoliberalism and privatization of the planning arena, but are also products of overlapping ideology and everyday practice of nationalism, neoliberalism and colonialism.

Planning Jerusalem as a colonial project

It is beyond the scope of this article to explore in depth the geopolitical transformation of Jerusalem; yet some details are relevant to our discussion. Jerusalem is currently the largest and one of the poorest cities in Israel. At the end of 2013 the population of Jerusalem numbered 829,900. The 'Jewish and Other' population totaled 522,200, which are 63% of the city's residents, and the Arab population totaled 307,600, or 37 % of the residents. (The Jerusalem

Institute Yearly Report, 2015³). Beyond the social, economic and cultural divergence between these two ethno-national populations, they also do not hold the same citizenship status – while Israeli Jerusalemites are both residents of the city and citizens of the state, Palestinian Jerusalemites are afforded only the partial status of residency, without obtaining full citizenship. This status provides certain benefits such as freedom of movement and employment in the city, but prevents any participation in state politics. Furthermore, as part of their refusal to accept Israeli annexation of the eastern part of the city, practically all Palestinian Jerusalemites abstain from participating in local politics (though they are not legally prohibited such participation).

The ostensible differences between Israeli and Palestinian neighborhoods in Jerusalem results from its recent urban history; as widely documented and analyzed (e.g. Dumper, 2014; Pullan *et. al*, 2013; Jabareen, 2010; Cohen, 2007), a major spatial turning point in Israel's geopolitical situation occurred in June 1967, when Israel occupied East Jerusalem and other territories. Following the occupation, and despite international objections, the Israeli government issued the Municipalities Ordinance Law (Amendment No. 6), 5727–1967, applying Israeli law, administration and jurisdiction to East Jerusalem. As a result, Israel annexed Palestinian land and declared the city of Jerusalem as its united capital city.

While Israeli rhetoric declared Jerusalem a unified city, its planning policies have reflected the paradigm of a colonial city (Bollens, 2000). Both state and city governments have pursued the same general policy, which persistently promoted the Judaization of Jerusalem - i.e. the expansion of Jewish political, territorial, demographic and economic control (Yiftachel and Yacobi, 2002). Over the past 46 years, Israel has used its military might and economic power to relocate borders and form boundaries, grant and deny rights and resources, shift populations and

³ http://www.jiis.org.il/upload/yearbook/2015/general_table_heb.pdf. (Retrieved 26.7.16).

reshape the Occupied Territories, for the purpose of ensuring Jewish control (Dumper, 2014). Following the construction of the Separation Barrier, Israel is in the process of extending the metropolitan territory of Jerusalem by an additional 160 km² of the Occupied Territories (known as Area E), beyond the 70 km² annexed immediately after the end of the 1967 war. The Separation Wall marks this additional territory, located at the eastern edge of the city, as part of the Israeli city, *de facto* enforcing Israel's political borders in Jerusalem. At the same time, the geographic continuum and functional integration of the Palestinian neighborhoods are disrupted, while the Arab city as a whole is isolated by the Wall from its Palestinian suburbs and hinterland (Amir, 2011).

Indeed, the dynamics outlined above, namely colonial power and governance in an urban context, the demarcation of borders and boundaries, the creation of a hierarchy of urban citizenship as well as the attempt of city dwellers to symbolically and tangibly appropriate space, a *plan* for understanding Jerusalem's territorial dynamics (see: Pullan et. al, 2013) and the role of planning in the production of urban space as we will detail in the following sections.

The neoliberal project #1: gated communities

In recent years, Jerusalem has attracted more Jewish immigrants from Western countries, who do not live permanently in Israel, than any other city in Israel, especially from the United States, United Kingdom and France (CBS, 2009; 2010; 2012). These immigrants, known in Israeli parlance as *olim*, do not disperse equally among the city's neighborhoods, but tend to concentrate in the wealthier, inner-city neighborhoods, such as Rehavia, Talbiya, Baka, and the German Colony (Haramati and Hananel, 2016). Recently arrived immigrants are attracted to neighborhoods which already house other immigrants from the same country (Zaban, 2016), and

that reflect their particular religious preferences and economic capabilities. The numbers are telling; according to Leurer (2007), during 2006-2007 foreign residents bought approximately 35 percent of the apartments in the central neighborhoods mentioned above, while their number in the city in general has reached 10 percent. In Jerusalem's city center itself around 10,000 housing units are owned by foreign residents.⁴

While this influx of wealthy “foreign inhabitants” has caused major price hikes in the local real-estate market,⁵ pricing many existing residents out of central city neighborhoods, it has also given rise to a new typology of housing in the city, which we refer to as the “gated high-rise compound”. These compounds are designed as urban gated communities, composed of luxury-apartment complexes with a building volume and height that far exceeds its typical surroundings. They are usually equipped with indulging amenities like a private cocktail bar, conference rooms and a swimming pool. Significantly, they also provide upgraded security systems, such as electric gates, security guards and CCTV cameras.⁶ Under the guise of “security” and “privacy” concerns, these projects appropriate public spaces or the accessibility to them for private use of the residents.⁷ Furthermore, they change the diversity and character of the businesses around them (Haramati and Hananel, 2016)

The accumulative effect of these compounds is the production of a privatized zone, amidst previously public urban spaces (cf. Tzfadia, 2008; Yacobi and Cohen, 2007; Alfasi and Ganani, 2015). At least 8 such compounds were built in the center of West Jerusalem in the last

⁴ For an updated and comprehensive discussion see: Zaban 2016

⁵ Mirovsky, “The place where you can’t buy an apartment: Jerusalem’s central neighborhoods” *The Marker*, 10.3.2014; Kotler and Tzion, “Price hikes and urban renewal: Jerusalem’s expected” *Ynet* 17.05.15.

⁶ See, for example: <http://jerusalem-of-gold.co.il/Heb/Index.asp?CategoryID=84>

⁷ See for example: Urban scheme 2925 (Kfar David); Urban scheme 2080B (Haneviim Court); Urban scheme 4715 (King David’s Crown). This claim is also supported by the findings of Alfasi and Ganani (2015), who further discuss some of these plans.

decade or so, and 10 more are currently under development (Alfasi and Ganan, 2015; Charney and Rosen, 2014; Yacobi, 2012), causing a significant transformation in the urban landscape of the city's center. However, as Alfasi and Ganan note, from an institutional planning perspective, these complexes are not part of an overall plan or policy for the city center, nor are they initiated by any public body. Rather, they are an outcome of private entrepreneurship, and in few cases of public-private partnership dominated by the latter, practicing "deal-making" with local authorities, which are planned and negotiated on an individual base. The developers of these compounds are private, well established companies, backed by experienced architects and planners who worked extensively in the city for several decades. Their ability to negotiate building rights is based on the fact that there is no authorized Master Plan to the city (as we will discuss it in details in the last section), and thus negotiations of local spot plans is the common practice. From the legal point of view, each of the projects is an individually amended exception to the statutory land-use plan. This lack of general planning allows the planning authorities' central role in the privatization process to fade into the background, while clearing the front stage for private market developers (c.f. Margalit and Alfasi, 2016).

The gated high-rise compounds are mainly marketed to affluent foreign residents and immigrants from Western countries. It is important to note that many of these "foreign inhabitants" differ from other immigrants in that they spend only part of the year in Jerusalem, and the other part in their country of origin. As a result, large parts of the massive apartment complexes stand empty much of the year (Zaban, 2016; Yacobi, 2012; Luerer, 2007). This immigration pattern is institutionally supported by providing tax benefits and exemptions designed to enable Jewish "global" business people to migrate to Israel while simultaneously

allowing them to continue managing their businesses from their previous country of residence.⁸ Moreover, it was reported that foreign investors who buy apartments in Israel will receive favorable terms on mortgages such as unlimited fixed rate foreign currency from Israeli banks. This is in contrast to Israeli property buyers, who must accord with the Bank of Israel's restrictions on foreign currency mortgages, where interest rates may change dramatically over a short period (Yacobi, 2012: 2711)

Thus, the proliferation of gated high-rise compounds in Jerusalem's center represents a local manifestation of transnational flows of highly privileged people and their capital, which has its own particularities. In the case presented here, the capacity to draw global investors to the city, is strongly based on the religious and national centrality of Jerusalem, and the role its built environment plays in the manufacturing of territorial identity. The visual message conveyed in the projects' marketing and construction refabricates historic and religious connections to the past, while eliminating its contested geopolitical present. The "spirit" of the city is encapsulated in its stone architecture and the refurbishment of historic façades, while the social construction of its authenticity serves as an approval of the Zionist project in Jerusalem (Nitzan Shifan, 2004).

These migration and settlement patterns can be explained as based on the logic of the free market, property rights and market competition, which are at the core of the neo-liberal discourse, and in turn, shape temporary spatial practices such as urban planning, land policy and housing policy (Harvey, 2005). According to this approach, in order to acquire urban goods and services such as housing, individuals compete in a free and open market which is not affected by any priorities in allocation derived from affiliation with the state. Indeed, the present-day form of gated communities leads to the production of a neo-liberal cityscape through notions of

⁸ Amendment 168 of the Ordinance "Law for the Encouragement of immigration and return to Israel" (2008).

privatization and globalization (Rosen and Razin, 2008; 2009; Charney and Rosen, 2014; Alfasi and Ganan, 2015). However, viewing the production of such neo-liberal spaces as part of the weakening of state intervention is misleading, because, as Rosen and Razin argue, neo-liberal urban regimes do not imply the demise of regulation "but rather its changing nature" (2009: 1703).

As the prevailing literature has stressed, the state plays a crucial role in shaping neo-liberal policies and thus always crafts certain goals (cf. Blakely and Snyder, 1997). While this body of knowledge highlights the interests of certain class, ethnic or race groups it overlooks the role of neo-liberal policies in advancing geopolitical objectives. The centralized control exercised by the state is obscured by the neo-liberal discourse on "freedom", which in practice benefits particular private bodies such as investors, developers and entrepreneurs. Advancing this argument further, we propose that unveiling the ways in which the "free-market" operates, can expose the influential role of the state and its bureaucratic apparatuses on the organization of the urban landscape. In other words, following Fenster's (2004) view of the interrelationships between the "global city" and the "holy city", we further suggest that in the case of the gated high-rise compounds, the "free-market" has largely become a gatekeeper of the city which constantly aims to control the spatial and demographic dominance of one group of residents over another, i.e. keeping the Jewish population a majority in the city.

The neoliberal project #2: independent plans

Whereas the gated high-rise compounds increasingly dominate the cityscape of West Jerusalem's center, the Eastern part of the city has also seen significant urban development in the last two decades. This accelerated growth, however, is of a very different nature. Israel's continued

colonization efforts, which in recent years include, *inter alia*, the intensification of residency revocations for Palestinian Jerusalemites living in the West Bank and abroad, and the construction of the Separation Wall amid the urban built-up area, have endangered the residential status of Palestinians living in the city (Parsons and Salter, 2008; Amir, 2011).

Coupled with severe restrictions on Palestinian urban development, these policies have considerably intensified pressures on the already limited housing market of East Jerusalem (Brooks et al, 2009; Chiodelli, 2012a). As a result, informal housing development, namely the construction of houses without acquiring building permits from city government, have become commonplace. In 2010, there were an estimated 15,000-20,000 unauthorized housing units, which comprise over 40% of all Palestinian housing units in the city (Schaeffer, 2011). By contrast, since 1967 not even one public housing unit - planned, constructed or financed by the municipality or the state - was built for Palestinians in Jerusalem. Hence, the widespread practice of informal housing production, alongside other informal services and infrastructure, has become one of the most evident features of urban development in the Palestinian part of the city.

National and municipal authorities continuously attempt to enforce the Israeli law on the East Jerusalem's urban space by means of fines, house demolition orders, and executed demolitions. These policies of restriction and demolition are profoundly suppressing for Palestinian urban development and political activity in the city. However, a closer look at 'ground-level' planning processes reveals additional activities that do not always adhere to the ethno-national logic of state policies. A different reaction set off by the practice of informal construction and the threat of demolition, is a seemingly marginal yet growing scope of independent plans submitted by Palestinians to the Jerusalem District Planning and Building Committee (Braier, 2013). Most of these 'spot-zoning' (i.e. local, detailed) plans are initiated by

private residents, or small groups of self-organized landowners, in order to protect against demolition, legalize a house or to make small improvements to existing houses. Due to strict land ownership proof requirements, these plans are limited in scope, applying to only small fractions of Palestinian land. In most cases, their objective is to re-zone the land, usually from 'green area'⁹ to residential use, and to increase the building rights on the plots.

The submission of an independent plan serves a double purpose: it protects homeowners from demolitions, and creates small-scale opportunities for expansion. This dual nature combines survival alongside gradual improvement and accumulation. Hence, this action presents not a direct opposition to the prevailing power relationship in the city, but rather a form of "quiet encroachment" on state mechanism and power (Bayat, 2000). Similar to the informal housing construction itself, the submissions of these plans are uncoordinated, non-collective, actions derived from individual needs, which do not necessarily reflect wider considerations. Similar to the gated high-rise compounds, their most significant effects are of cumulative nature, in this case in two senses: individually, they are formulated not only in terms of defensive resistance but also to accommodate growth; collectively, their power lies in the agglomeration of small and quiet but nevertheless direct acts within the planning system.

Since the mid-90s and until the end of the first decade of the 2000s, there has been a steady increase in the number of independent plans in East Jerusalem submitted to the Jerusalem Planning and Building District Committee. The number of validated plans (i.e. plans receiving final authorization) has risen from just a handful per year in the beginning of the 1990s to a few dozen each during the first decade of the 2000s (Braier, 2013). In terms of housing units this

⁹ In the Israeli land-use code, various open area and landscaping categories are generally indicated by the color green. However, in the context of the history of planning in Israel in general and in Jerusalem in particular these zoning categories were abused for obscuring national and political goals (cf. Misselwitz and Rienets, 2006).

amounts to around 1,000 units approved each year, some in advance but most retroactively. In sum, approximately 800 plans in Palestinian neighborhoods were approved since 1967 until 2012 (Bimkom, 2014¹⁰). Of these, only 120 were approved between 1967 and 1998, most of which were general neighborhood plans and infrastructure plans rather than detailed housing plans. Only very few of these plans actually allowed for building permits to be acquired.¹¹ By contrast, between 1999 and 2012, some 680 plans were approved, the vast majority of which were local, independent plans, primarily aimed at expanding and authorizing housing opportunities. Granted that the significant growth of independent plans is still marginal compared with the extent to which Palestinian development is being stifled, these numbers do demonstrate that a decade and a half of independent plans has created unprecedented planning activity in East Jerusalem. In other words, after decades of planning which did little to improve on-the-ground conditions and led to a *de-facto* inability of the state to promote large-scale plans in Palestinian East Jerusalem, the independent plans allowed at least a certain measure of progress. This is limited to individual land-owners, who possess enough economic as well as symbolic capital to promote their own plans. While benefiting Palestinians on an individual basis, probably contrary to the state's initial desire, these plans do not promote any kind of collective action, at least in their current form.

The notable increase in independent plans can be ascribed, to a large extent, to the 43rd amendment of the planning and building law from 1995. This amendment consolidated the 'spot-zoning' practice, which originally resulted from pressures to undercut regulations and promote 'free-market' oriented planning practices. As demonstrated by the case of the gated high-rise compounds of West Jerusalem, such policies primarily benefit economically powerful Jewish-

¹⁰ The data was collected using the website of the Planning Administration at the Ministry of Interior, for a long-term survey of planning in East Jerusalem. One of the authors was part of the survey's team.

¹¹ In the Israeli planning system, the planning permit is the last link of the document chain one must obtain in order for a house to be considered legal.

Israeli private actors of the real-estate market, who in turn promote national goals (cf. Tzfadia and Yacobi, 2015). Similar neoliberal practices of deregulation have been criticized for increasing social stratification and spatial inequalities (Harvey 2005; Peck et al 2009). Particularly in the context of fierce geopolitical struggle and asymmetric power relations, the uneven economic effects of deregulation have been shown to follow the same ethno-national lines of colonial divisions, despite their alleged neutrality towards national and ethnic affiliations (Shafir and Peled 2002, Filc and Ram 2004).

And yet, the independent plans submitted by Palestinians in East Jerusalem differ from this pattern, since by contrast to the gated high rise compounds they do not represent significant capital nor national interests. They reveal both how deregulation can potentially decrease social inequality, and that the ethno-national logic does not always work hand in hand with the neoliberal logic. Precisely in a context where regulation has been deployed in order to advance a hyper-ethno-national logic, deregulation can become an opportunity. In the case of the independent plans, it has opened a new course of action that allows excluded residents to consolidate their presence in the city and directly partake in the planning of their environs. This is not to say, however, that the submission of independent plans poses a direct opposition to the colonial power relationships in the city, because working from within the bureaucratic system of governance always runs the risk of enforcing and reproducing state coercion. Yet the excess of independent plans exposes the ethno-national logic under which the committee operates thereby destabilizing its proclaimed neutrality and professionalism. Such destabilizing is a structural effect of accumulative pressure, regardless of the planners' personal benevolence or and political positions.

This form of Palestinian encroachment on the Israeli institutional system dwells on the contradictions between ethno-national logics of separation and oppression, modernist notions of rational-comprehensive planning, and neoliberal mechanisms of market-driven urban development. The case demonstrates that it is in the process of urban place-making, rather than on the state level, that such contradictions between the national ideology and market-oriented policies appear. This is because the urban scale provides a site for the articulation of demands that cannot be accommodated on the national scale due to political constraints. These demands include claiming substantial rights while rejecting the political citizenship to which they are usually attributed. In the long run, such practices challenge the common view of the relationship between territory, sovereignty and citizenship as being inseparable.

Conclusion: from regulation to manipulation

The Jerusalem master Plan, known also as the “Jerusalem 2000” Plan, is the first comprehensive scheme designed for “unified Jerusalem” including both the western and the eastern parts. The plan, which has never been authorized but is used as planning guidelines, suggests a comprehensive spatial vision of the city in the twenty-first century. Yet, as analyzed by several planning scholars and activists (Bimkom, 2009; Jabareen, 2010; Chiodelli, 2012b) the “Jerusalem 2000” plan reproduces the colonial logic of demographic and geographic control and unequal distribution of urban goods for the Palestinian residents of the city, especially in the field of housing (Chiodelli, 2012b). It is important to note that since this master-plan was never officially approved, it has also never been scrutinized by the public eye. Despite being criticized for continuing to exclude Palestinians from urban affairs and enhancing Jewish dominance over the city, the plan’s approval was actually blocked by the Minister of Interior Affairs because of

the reverse argument – that it grants Palestinian Jerusalemites too many building opportunities. Nonetheless, the Jerusalem planning authorities regard the plan as a general policy guide. We would suggest that the “Jerusalem 2000” plan also reflects and accentuates the shift from centralistic approach which is based on authorized master plans (and thus a legally approved document) into a neo-liberal planning apparatus “liberated” from any legal commitment (and hence open to negotiations and interpretations).

To put it differently, such transition from centralistic planning and regulation into what we understand as a plan open for manipulation enables private initiatives to develop high-rise gated communities in the city center, without ever stating an official policy on the issue. Furthermore, the idea of stalling such developments until a more comprehensive plan is in place (a common practice in East Jerusalem, as we will soon see) seems to the planners to be absurd in this case.¹² For many planners and policy-makers, the gated high-rise compounds sprouting in West Jerusalem’s center represent a primary tool for attracting capital to the city, for enhancing the architectural qualities of Jerusalem, and for revitalizing urban public space (Alfasi and Ganan, 2015). The neoliberal discourses, images and vocabulary through which they are conceived and implemented in Jerusalem become effective tools for obscuring the geopolitical goals and the ethnic and class segregation produced by entrepreneurial projects described as expressions of “freedom” and “progress”, as the Mayor Nir Barkat states in his vision for the city:

¹² District Planning and Building Committee protocol, Plan No.2080b (Haneviim Court), 29.04.2004

There is room for everyone in Jerusalem – Arabs, Jews, ultra-Orthodox, and secular – and we have to develop the city in a way that will enable the different populations to stay and enjoy the power of the city.¹³

Yet, a few lines later, the demographic vision for the city is revealed, exposing who is supposed to benefit from such progress:

The current population ratio is one-third Muslim, two-thirds Jewish, and two percent Christian. We anticipate that growth will be proportional to the current ratio, and all municipal planning is derived from that assumption (ibid).

Analyzing the relationship between neoliberal adjustments and ethno-national goals leads to an understanding of the ways in which housing policies become not only a stratification instrument, but also a mechanism for advancing appropriation of public space through continued privatization. Such mechanisms simultaneously rely on local administrative regulation of resources (such as tax exemptions) as well as the commodification of the symbolic assets of the city, and the global discourses of security, protection and lifestyle. While the latter highlights the similarity of these projects to gated communities around the world (cf. Caldeira, 2000), the former reveals the particularity of the national and religious relationships to Jerusalem.

In relation to East Jerusalem, the reversed mirror image of the above is expressed when after adopting the 2000 plan as official policy planning officials began to routinely reject plans in areas designated for future expansion, mandating a neighborhood plan to be in place before any further planning takes place. While this allows small, incremental plans within the built-up fabric to advance within the planning system, ultimately getting approved, the requirement to prepare a

¹³ Jerusalem Center for Public Affairs, “the Mayor’s Vision for Jerusalem”, 1.8.2010: <http://jcpa.org/article/the-mayors-vision-for-jerusalem/> retrieved: 9.9.2016

large, neighborhood-scale plans in practice prevents any authorized construction in new areas. This is because in the current system such plans, even when they do get commissioned, are extremely hard to approve in East Jerusalem, take exceedingly long time to process, and usually do not suffice in order to obtain a building permit. In this way, inward legalization and minor densification through the practice of independent plans provides the planning system with a way to release some of the pressure to improve conditions in the Palestinian neighborhoods. Yet, by strictly following the technical procedures of the Master plan wider, development continues to be stifled. Hence, the unapproved 2000 Master plan allows both modes of operation - the flexible use of the guidelines as practiced to enhance high-end development in West Jerusalem's center, simultaneously with strict in mundane development in East Jerusalem.

Whereas the gated high-rise compounds can be described as hyper-planned and over-regulated spaces, where movements and activities are constantly monitored, the Palestinian informal spaces of East Jerusalem are perceived as chaotic spaces of illegality, developing outside and against the formal planning system. For planning officials this type of development represents either indifference or conscious contempt towards both the rationality of planning and the rule of law. Hence, the only way to face such challenges to the sovereignty of the law is by erasure. In these spaces, the Palestinian struggle to cross the complex paths of the bureaucratic planning system emerges as a form of contestation over the right to spatial recognition. Adopting the urban context as an arena for negotiating rights and demands, the Palestinians who submit such plans recognize the power of the governmental agencies but aim to use it to their own ends, enhancing their presence in the city. As small-scale, yet direct, acts operating from within the institutional planning system they must employ the structural categories of urban planning. But

in their use of those very categories, they simultaneously aim to undermine the national and professional logic which lays at the basis of this system, trapping the planning bureaucrats between the contradicting powers of ethno-nationalism and neoliberalism.

Following Ananya Roy (2011) we argue that such informal urban development cannot be viewed as external to the planning system, as planning's (and in this particular case, as the gated compounds') ultimate Other: that which cannot be planned and therefore cannot be governed or controlled. Rather, the *unplanned* and the *hyper-planned* in Jerusalem should be viewed in tandem, as *they are both outcomes of the same governmental logic* through which differentiating spatial values are produced and managed. These bureaucratic mechanisms simultaneously serve two projects – the colonial project and the neoliberal project. Such an understanding, we conclude, allows us to move away from the idea that the gated high-rise compounds of West Jerusalem and the independent plans of East Jerusalem are two complete oppositions, which can in no sense be reconciled. Instead, we determine that both are outcomes of the same complex of power-relation between nationalism, colonialism and neoliberalism which in turn shape the contemporary urban spaces of Jerusalem. We have pointed to processes that extend beyond the discursive dimension and reach the spatial-material realm; recognizing the importance of space as a concrete arena for material practices, which produce the physical space in colonial contexts (King, 2003).

The parallel examination of both phenomena shows that both result from deregulation and neo-liberalization of planning practices, and from the internal tensions these changes create within the colonial project of producing metropolitan Jerusalem. The development of gated high-rise compounds and of the independent plans relies on the same administrative and regulatory framework, which is better known as the “spot-zoning” practice. In essence, these are relatively

small-scale, isolated plans that aim to promote a specific, usually profit driven project on an individual basis and regardless of over-all plans. As several scholars show (Alfasi and Ganan, 2015; Margalit and Alfasi, 2016), such “planning deals” pack together large-scale privatization with public assets, i.e. publicly-owned land and public facilities. The growing dependence of authorities on private capital for infrastructural improvements limits development to market tendencies while compromising the public interest, intensifying the neglect of poor urban areas and exacerbating social, economic and spatial inequality in the city (see also Hasson and Hazan, 1997). This form of neoliberal governance, which encourages both institutions and individuals to conform to market norms while transferring the costs and responsibilities of development on to their shoulders, but not the decision making power, has led to evermore uneven spatial development (Harvey 2005).

As we have shown in the case of Jerusalem, those same practices can nonetheless lead to contradictory results. This is because the practice of urban production does not operate in both cases from the same position within the power structure that results from the tensions between nationalism, colonialism and neoliberalism. The proliferation of the gated compounds marks a planning strategy that binds together political power and financial sway in order to advance the goal of Jewish domination over Jerusalem (Fenster, 2012). The municipality’s willingness to accommodate such development with excessive building rights which translates into their much disputed vertical urbanism (Charney and Rosen, 2014; Harris, 2015) attests to the ways neoliberalism and nationalism complement each other in this case. By contrast, at the Planning and Building Committee discussions over the Palestinian independent plans every minor height addition must be agonistically negotiated. Hence, the submission of independent plans can be understood as a tactic of re-appropriating the neoliberal planning strategies mentioned above into

a different political power-relation, whereby extensive domination may only be fought on an individual basis of staying put. Moreover, because the independent plans are based on individual entrepreneurial initiative that leans on neoliberal logic and discourse, the effort to save the individual home may come at the cost of community claims and political mobilization. In some cases they offer the municipality an opportunity to incorporate much needed public spaces into private housing developments, but most of all they provide a limited avenue for development which helps the system cope with contradicting pressures.

Such retooling of planning practices highlights the possibility of tactic maneuvers and manipulations, taking advantage of evasive opportunities rather than operating solely through strategic interventions. Though they cannot fundamentally alter the power-relations that are dictated by wider political processes, the Palestinian who submit independent plans challenge the ongoing naturalization of the bureaucracy of the colonizers, voicing their distress within the system. While the political impacts of the independent plans are usually limited, this tactic of re-appropriation fractures the hidden unity of the neoliberal planning strategy with colonial practices by revealing its inconsistency and contradictions. Under this colonial regime, the urban becomes a form of control through strategies of mapping, categorization, reorganization and management, which delineate the scope of possibilities. The potential of the city to be a liberating force, however, lays in its potential to offer possibilities for unraveling the dictated order by using everyday tactics of re-appropriation and re-tooling.

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