13 Exclusionary surveillance and spatial uncertainty in the occupied Palestinian territories[1]

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Introduction

Since the outbreak of the second Intifada in 2000, residents of the occupied Palestinian territories (OPT) have been subjected to extremely harsh movement restrictions, affecting all daily activities. Figure 13.1 shows how the West Bank is divided into dozens of "land cells" by the blocks array (the manned checkpoints, physical blockades, restricted roads, and the Separation Wall), which affects nearly every attempted movement (see also Chapter 16, this volume; Handel 2009). It is therefore surprising to note the very low numbers of permits distributed by Israel in 2004 (one of the most restricted years). According to human rights organizations' reports, only 3,412 Palestinians (out of 2.3 million; i.e., 0.14 percent) held a valid permit for passage through internal checkpoints in the West Bank (B'Tselem 2004), while throughout the whole of 2004 only 2.45 percent of West Bank inhabitants held any kind of permit (Machsom Watch and Physicians for Human Rights–Israel 2004).

These numbers are this chapter's point of departure. I shall attempt to show that the ridiculously low numbers subvert the basic political logic of the permits. I argue that the surveillance carried out in the OPT differs from the surveillance dealt with in most surveillance studies, which have a Western (liberal/democratic) bias. Surveillance is usually related, especially since Michel Foucault's *Discipline and Punish* (Foucault 1979) and *The History of Sexuality* (Foucault 1990), to ways of "appropriating" people and constructing "normal" citizens. Observations, registrations, categorizations, drawings, and data comparisons to the "norm" are thought of as an orthopedic practice, aimed at repairing and improving human beings. Other writers, from Deleuze (1992), through Giddens (1985), to Torpey (1998), shed light on the ways in which surveillance is used by the state in order to "embrace" its citizens. Authorities can know citizens down to the most minute details, and thus equip them with the necessary certifications and permits (passports, identity cards, and other "belonging documents") that symbolize identity and grant access to some rights. In contrast to that type of surveillance, which I call "inclusive surveillance," I pit "exclusionary surveillance," which uses the same power/knowledge practices not to "embrace" its citizens but rather to exclude unwanted populations. Like an insurance company that misuses a contract's "small print" for its own good by limiting the insured's rights and benefits, the Israeli authorities use surveillance as a tool to eliminate rights, physical space, or presence, and even – in extreme cases – life.

Paraphrasing Freud's famous remark that "sometimes a pipe is just a pipe," I argue that a tower is not always a *surveillance* tower; that a checkpoint is not always a

Figure 13.1
The "land cells" map in the West Bank

Sources: Based on the UN Office for the
Coordination of Humanitarian Affairs'
closure map from January 2006 (see
www.ochaopt.org) and on analysis of the
Palestinian forbidden roads (B'Tselem
2004); see also Handel (2009)

check-point; and so on. An examination of technologies – mainly technologies of control – must be done in context. What are they made of? What form do they create? How do they work? And what goal are they meant to achieve?

   I argue that in the OPT there is an extensive production of uncertainty as part of spatial control practices, and that the main role of the array of blocks, checkpoints, permits, and Israeli District Coordination Offices (DCOs) is not routine data collection and surveillance but blocking *per se* and prevention of movement. Instead of using spatial management to raise the friction level – namely the number and quality of interactions between the authorities and inhabitants, in order to collect and cross-check data – it is used mainly to prevent movement and freeze everyday life. In the following pages I will analyze the special features of surveillance in the OPT, especially in the second Intifada, from the point of view of surveillance *practices*. I will ask why there are so few permits; what the checkpoints check; and what is seen and

written down. The political-theoretical frame is an attempt to make sense of seeming anomalies.

The first part of this chapter distinguishes between three types of surveillance: *colonial/founding, inclusive/bio-political,* and *exclusionary.* The second part discusses the surveillance and population management arrays in Israel/Palestine. After a brief historical description of their function in the years 1948–2000, I will devote most of this part to a discussion of the situation during the second Intifada. The last part examines the connections between spatial management by means of uncertainty production and the surveillance arrays. I thus claim that Israel becomes indifferent towards the Palestinians: it matters little what they are doing there, as long as they stay there.

Three types of surveillance

Since the rise of the modern state, three ideal types of state surveillance have generally flowed in chronological order. They are not clearly demarcated one from the other; rather, they merge together at times. Nearly every established regime combines the three, either towards different populations or in the practices used towards the same population. Each of the three types also characterizes a specific relation between the state and the subjects.

Colonial/founding surveillance

Colonial and postcolonial research relies on the surveillance, categorization, and investigation that were used by colonial states in their penetration of new territories. Classifying the population into different, mostly imagined, categories was a major part of the production of the new territory and of its daily control (see, for example, Anderson 1994; Cohn 1996; Mamdani 2002). But the colonial type of surveillance was implemented not only "across the sea" but in Europe itself in the early stages of new states' establishment.

From the Middle Ages to the seventeenth century, sovereignty was thought of as sovereignty over territory, and over the population only as one of its derivations. Foucault writes that sovereignty's classic problem was to conquer territories and hold on to them. The main question with which sovereigns had to deal was "how can the territory be demarcated, fixed, protected, or enlarged? In other words . . . the safety of the territory, or the safety of the sovereign who rules over the territory" (Foucault 2007: 65). With the rise of population and cities – especially in the post-Westphalian era that demanded clear definitions of territories, borders, and populations – the authorities aspired to deepen their knowledge of the territory and its elements. If until the seventeenth century the sovereign had to know only the laws and the art of politics, from that point on he also had to know the different elements of the state: the territory, the population, and its sources of power and weakness, in order to be able to defend it from external conquerors or internal threats (Foucault 2007: 274). New administrative arrays – as well as new observation, registration, and research practices – were developed to enable the sovereign to know "his" territory, count "his" subjects, and so on. That new science was called "statistics": namely, the science of the state, or the science of controlling the state. Michel Crozier's (1964) research on the bureaucratic

phenomenon observes the tight connection between the measure of certainty and the level of power. Crozier argues that control and power belong to the group that succeeds in simultaneously making its actions and rationale unclear to the other groups, and understanding the actions and the reasons of the latter. In that way, "most power is exercised by such units as manage to remain the sources of other units' uncertainty" (Bauman 1998: 34).

This governmental stage in new European states – or at the same time and later in the colonies – was characterized by antagonistic relations between the sovereign and the population. The ruler studied the population from the outside. The surveillance was meant to deepen knowledge of the population in order to improve control over it. Of greatest importance was the sovereign itself, which was still synonymous with the territory and the political entity, and not the society – the *res publica*, as it was conceived later, especially after the French Revolution and the rise of the nation-state.

Inclusive / bio-political surveillance

This is the type of surveillance of which we usually speak in the modern era. Its political beginnings can be found in the French Revolution, when a new layer was added to the identification between the state and territory, and the territorial state became a "nation-state." The concept of the nation-state is rooted in the presumption of an overlap between a homogeneous group of people ("the nation") and a defined sovereign geographical space ("the state"). From then on, the society is the heart of the political entity and is the one to be defended (see Foucault 2003). The governmental principle moves from control over territory to control over population. The territory does not lose its significance – it still defines the boundaries of the *demos* – but it becomes one of the control array's attributes and not its initial principle.

Instead of a sovereign and eruptive power characterized mainly by the right to kill, a new governmental form is rising: a bio-political form that focuses on the management of life. This bio-political form is a continuous, consecutive, regulative, and fixing mechanism. Thus the role of surveillance changes: it is not meant only to study the population as a resource or as a danger, but to gain knowledge in order to fix norms and goals for development and improvement. The disciplinary form of government aspires to fix people and convert "bad" (people / actions) into "good" by means of tight control over the minutest acts and behaviors. As for surveillance practices, the disciplinary array acts on the bodies of individuals. It analyzes and disassembles persons, times, places, and actions. Disciplinary institutions – schools, hospitals, factories, prisons, military bases, and more – function as laboratories just as much as centers of correction.

According to Foucault, the disciplinary mode gave way in the eighteenth century to the *security* mode; and the flow of regulation mechanisms replaced, at least partly, the disciplinary institutions. Foucault distinguishes among the three types of control: "sovereignty is exercised within the borders of a territory, discipline is exercised on the bodies of individuals, and security is exercised over a whole population" (Foucault 2007: 11). Surveillance is not applied towards discrete atoms in prison cells or school classes, but towards society as a whole. According to Foucault, the surveillance has changed over time. The schools still transmit societal norms, but in subtler ways that do not break the society into atoms to be dealt with separately. Foucault compares

authorities' reactions to the plague in the seventeenth century and the management of a smallpox eruption a century later. The plague was characterized by closure, division, isolation, and pointed treatment; during the smallpox eruption the main tools were statistic assumptions about the risks of contagion, mortality rate, after-effects, and so on. The disease was not conceived as a deviation from the norm, but part of it, which must be understood in order to improve the sum of flow, life, and mortality in the population as a whole. In the apparatuses of security there are no defined codes of permits and restrictions, but a constant effort to study the systems as they are in order to remove obstacles and encourage growth. *Laissez faire* is therefore the classic example of the security way of thinking of encouraging the "natural" flows of the economy and society (Foucault 2007: 45–47). We should emphasize here the central and important role of the freedom concept, and especially the freedom of movement of both people and goods. Surveillance systems require fewer laboratories than whole-population effective statistical arrays. This means that when examining how surveillance actually *works* we will see a difference between the disciplinary loci that meant to delay and watch (as in laboratory) and the security apparatuses that wish to observe and analyze without delaying and without breaking apart (people and actions).

Gilles Deleuze wrote about the shift from discipline societies to control societies. In discipline societies the individual passes from one closed place to another (from the family to school, military, factory, hospital, or prison, if needed) every time a project ends and another one begins. In modern societies these are continuous and smooth projects. Professional training, outpatient clinics, electronic handcuffs, electric gates, and credit cards: all these tie themselves subtly around the person, limiting, surveying, and following just as they are enabling and opening. Deleuze (1992: 5) writes of a city, imagined by Felix Guattari, in which "One would be able to leave one's apartment, one's street, one's neighborhood, thanks to one's dividual electronic card that raises a given barrier; but the card could just as easily be rejected on a given day or between certain hours; what counts is not the barrier but the computer that tracks each person's position."

That is exactly the array of which John Torpey (1998) writes in his research on the passport and the "legitimate means of movement." Torpey argues that, after expropriating the freedom of movement, modern states redistribute the means of movement as a means of controlling and appropriating people.[2] He rightly claims that the metaphor of a "penetration" of the state into society is not always accurate: it is better to say that the state "embraces" its citizens. The "penetration," which was an apt description in the colonial/founding stage, and also partly in the discipline society, does not always fit in modern states. Surveillance and administrative acts "hold" more than they "penetrate" society: "Systems of registration, censuses, and the like – along with documents such as passports and identity cards that amount to mobile versions of the 'files' states use to store knowledge about their subjects – have been crucial in states' efforts to embrace their citizens" (Torpey 1998: 245).

The redistribution of movement permits has two goals: gaining control and surveillance of subjects' movements and actions, and being perceived as benefiting the population. Hannah Arendt's (1973) famous words about the paperless people, deprived of the right to rights, reflect this clearly: holding a "statist" paper – be it an ID card or a passport – is a right, not a duty. Clearly, the state's interest is to reach as

many citizens as possible in order to give them the right to rights – and embrace them at the same time.

Another type of surveillance is "big brother." Four million CCTV cameras in Britain catch the average citizen 300 times a day; in addition, cellular location, credit card spending and internet surfing habits, and so on, are subject to surveillance. That surveillance is supposedly a parallel to people's daily lives. It does not demand ID or attendance at an office: the citizen is passive. The surveillance is portrayed in such a way that only those who have something to hide will encounter problems; "decent" citizens will be fine.

To sum up the types of surveillance – discipline, security, control, embrace, and "big brother" – all have similar characteristics that distinguish them from the other types (colonial/founding and exclusionary). First, the relation between the state and the population is not antagonistic. Society is the body of the nation and is to be defended. Second, surveillance is part of the population's daily life. It does not penetrate or interfere; it is part of the everyday power and ideology apparatuses. Third (from the point of view of the surveillance practices), *the state needs the subjects to pass through as many inspection points as possible*. These can be schools and clinics; credit cards and cellular phones; ID cards and passports; or CCTV cameras. The state requires friction points with the population in order to study, follow, and embrace. The rationale is one of free movement – but one that needs coordination and cooperation with the authorities. The dialectics of free movement and high friction (a "smooth friction" that does not block the flow, but rather "accompanies" it in order to watch and regulate it) are central to my argument, as I shall show.

Exclusionary surveillance

This type of surveillance is connected to the dark side of nation-states, and to their way of differentiating populations within the territory – mainly citizens from non-citizens.[3] Most of all it symbolizes the withdrawal of the state from responsibility to its subjects, or to part of them. If colonial/founding surveillance is over territory, and inclusive surveillance is over the population as a whole, then exclusionary surveillance is meant to divide and to separate specific population groups from the general *demos* (to which inclusive surveillance is still applied) even though all groups live in the same territory.

While colonial/founding surveillance targeted the population as part of the territory's resources – and inclusive surveillance was interested in it for itself, as the main control object – exclusionary surveillance *ignores* specific populations. It is, to paraphrase the terminology of insurance companies, "small print surveillance": its main goal is to reduce the state's responsibility towards the subjects. The state does not "chase" its subjects in order to catalog and embrace them; rather, it chases them and spies on them in order to prove that they *do not* belong to it. When the Israeli population registry surveys the East Jerusalem Palestinian inhabitants who "move their life center" to another location for a certain time, its aim is not to embrace them but to deprive them of rights. The "struggle over demography" – particularly in Jerusalem, although the same is true of Israel/Palestine generally – is meant to keep some imagined demographic *status quo*, and is characterized by rights deprivation, removal, and misuse of statistical data against those surveyed.

Exclusionary surveillance differs from colonial/founding surveillance, although in both an antagonistic relation between the state and the population prevails. The colonial/founding regime's relation to the population was inclusive. Even when the population was conceived only as one of the territory's attributes, it was still inseparable from and an integral part of it; subjects were part of the territory's strength (or weakness) and comprised one of its natural resources.

However, when certain populations are conceived as unnecessary, surplus, or redundant, the route to rejecting them out of hand is short. Examples abound: indigenous groups – Native Americans, Aborigines – were not needed when settlers in the colonies developed their economic systems (see, for example, Lamar and Thompson 1981); huge slum populations, living in half-independent, informal, unregistered micro-economies, exist on the edges of society (Davis 2006); and refugees fleeing from the horrors of war or natural catastrophe to neighboring countries are similarly peripheral (Arendt 1973) – the fact that they are surplus to requirements leads the state to seek to avoid responsibility for them.

For this reason, we cannot reduce the three types of surveillance to the dichotomy of citizen/non-citizen. First, surveillance practices are partly constitutive of citizenship, and in the colonial/founding stage even precede the modern concept of citizenship. Second, there are cases of inclusive practices towards non-citizens (as in some colonies and towards workers who are needed in the contemporary West), and vice versa (exclusionary practices towards (citizen) slum or underprivileged populations or, in the specific case of Israel, towards the Bedouins living in "unrecognized villages"; Yiftachel 2009). The main questions are those of necessity, on the one hand, and the sensation of danger or threat, on the other. These factors – not the legal titles of citizenship – determine "difference." The necessity-versus-threat factors usually crystallize around racial/ethnic/national lines, creating racism, ethnocentrism, and extreme nationalism.[4]

An example of a combination of two types of surveillance as derived from the question of necessity can be found in the South African apartheid regime. In spite of the desire for racial separation and the wish to take the blacks out of the whites' spaces, it was well known that the South African economy was based on the cheap black labor force. The black population was therefore divided between the "needed" and the "redundant." Surveillance apparatuses first had to distinguish one from the other: an exclusionary surveillance was directed towards the "redundant," who were expelled from the urban space to distant and poor Bantustans (where they were "independent" – that is, not the white South African government's problem any more), while an inclusive (although still oppressive and tough) surveillance was aimed at the "needed." The latter were surveyed and delineated, but kept in proximity to the white public space. In order simultaneously to preserve the needed labor force near the city yet make it as invisible as possible, blacks were placed in closed and supervised dormitories, and certain routes and times were specified for movement from the dorms to the workplaces (Christopher 1984: 189). Architects developed systems in various scales – from the house to the full city – that separated movement routes and calculated sight perspectives in order to avoid unwanted meetings and interactions (Bremner 2005).

The supervision of movement was executed mainly through the Pass Laws and their derivations, which regulated daily movement in and between the different zones. Non-whites had to carry documents and permits for nearly every move. These

documents, or "reference books," functioned not only as identity cards but as labor documents that included work histories and any rules violations. Over 250,000 people were tried each year for Pass Laws violations. Employers participated in the state's efforts by reporting even the smallest violations. A significant part of the white population was employed by that administrative army, comprising 1.2 million workers at its peak (Dayan 2009). The bureaucracy supervised and controlled every movement of non-whites, and a reference book revocation led to expulsion.

What I emphasize here is authorities' seeming need to control and regulate movement. Here as well the goal was to reach every person and not leave any corner unseen by the surveillance arrays: routes were defined, permits printed and handed out, passes registered, and people tried. All of these efforts marked the administration in the physical space as well as on the bodies of passengers. These elements are mostly absent from the contemporary surveillance and population management arrays in the occupied territories.

Surveillance and population management in Israel/Palestine

It is beyond the scope of this chapter to describe in detail the characteristics of surveillance and population management deployed by Israel on the Palestinian population across time, but we can still point to some significant landmarks. First, there was the general census taken by the nascent state of Israel in 1948 (see Chapter 12, this volume). The census (I refer here only to the counting of the Palestinian population in Israel) had a dual role: studying the population, on the one hand, and reducing and negating it, on the other. The decision to impose a curfew, and to count the people *in situ*, was intended to hold each person in his or her "true" place – just as it was intended to reduce the number of those counted. Approximately 20 percent of the Palestinian population that stayed in the new state's territory were away from home on census day. Therefore, they were not counted and were deprived of rights, and their property was expropriated. Some of them were later described as "present absentees," others as "infiltrators" who have no rights in the state of Israel.

After that first filtering, the Arab population was put under an inclusive disciplinary surveillance array. Until the end of the military government in December 1966, Israel employed a branched administrative system characterized by movement limitations, tough policing and monitoring, tight and continuous surveillance, and staged and conditional development. General Security Services (GSS) reports contained detailed information on "subversive" political conferences as well as a count of the number of Israeli flags raised on Independence Day. Special attention was paid to the education system and its employees. The aim was to educate the Palestinian population in Israel to remain quiet and cooperate with the state. It was a disciplinary system *par excellence* (see Chapter 4, this volume; Cohen 2006).

As for the territories occupied in 1967, the situation was already different. Prime Minister Levi Eshkol famously referred to the wish of separating the bride (the Palestinian population) from the dowry (the occupied territories). This principle of separation between population and territory stands at the base of the Israeli control system over the last four decades (see Gordon 2008; Azoulay and Ophir 2008).

Shortly after the 1967 war, the Minister of Defense at the time, Moshe Dayan, who was personally responsible for designing many of the characteristics of the occupation's

early stages, decided not to copy the military government and its apparatuses in the OPT. In opposition to the intended interference policy applied by the military government, Dayan insisted that "the tendency should be that an Arab in the Territories would be able to live his life normally without needing and without seeing an Israeli government worker" (Gazit 1985: 152). Dayan wrote in his diary a week after the war that "we must take out the army units from the Arab cities' centers . . . and reduce their upsetting presence in the population . . . above the Israeli commander office there is an Israeli flag, and there is no reason that every Arab walking in the street will become angry seeing the flag" (Gazit 1985: 185). This type of control, known as "invisible occupation," is the opposite of inclusive surveillance. It does not create symbols of identification; nor does it police subjects' thoughts and actions. It seeks neither to contain the Palestinian population in the OPT nor expel it. Rather, it could be termed "indifferent" surveillance: as long as the population remained quiet, the control array cared for neither it nor its actions. Still, it is more akin to colonial surveillance: the population is necessary to the economy, but can also be a source of danger. Israel never thought seriously of including the Palestinian population in the Israeli *demos*, and never intended to give them Israeli IDs and voting rights.[5] However, since the population was needed as unskilled, cheap labor, it was included *de facto* in the economic system and accepted in the Israeli public space.

This type of control functioned reasonably in the first years of the occupation, but was found to be insufficient as the level of Palestinian resistance rose. The "cheap occupation" times had passed; the control array had to elevate the level of surveillance to make it tighter, more invasive, and more violent. The GSS and the Israel Defense Forces (IDF) penetrated the Palestinian spaces and populations in large numbers and with great force. Checkpoints, raids, and initiated clashes became part of the Palestinian landscape as the numbers of Palestinians killed and injured rose dramatically. And yet, although more antagonistic, surveillance during the first Intifada was still not exclusionary.

Dealing with the first Intifada, James Ron (2003) defines two types of relationship between the state and a population conceived as "dangerous." His point of departure is the question: why did Serbia implement *ethnic cleansing* in Bosnia, while Israel *policed* the occupied territories? His answer distinguishes between two spatial patterns: *frontier*, a peripheral region unincorporated into the state's legal zone of influence, which thus tends to suffer from a lawless, nationalist violence; and *ghetto*, a zone of unwanted and marginalized populations but which is still included within the dominant state's legal sphere of influence, classifying them as quasi-members of the polity. While Bosnia was a frontier *vis-à-vis* Serbia, the West Bank and the Gaza Strip were ghettoes within the state of Israel. Thus, although Israel did not wish to include Palestinians, those quasi-members of the polity, it could not exclude them altogether. Israel still felt some kind of responsibility and therefore continued the life management – even if violent and harsh.

With the signing of the Oslo Accords and the beginning of "outsourcing" the major part of civil responsibility to the Palestinian Authority, institutional relations between Israel and the Palestinians weakened. As Israel was less responsible for the Palestinians it became easier for Israel to neglect them and their problems. Further, the necessity for Palestinian workers in Israel declined dramatically with the re-establishment of the Green Line at the time of the first Gulf War, suicide-bomber attacks in Israel's cities

(mainly in the second half of the 1990s), and extensive labor immigration. The wane in necessity, coupled with the closures that physically separated Palestinians from Israelis and distanced the former from the sight and public space of the latter, heralded indifference. Thus, when the second Intifada broke out, straight fighting and violence took the place of population management and policing (Gordon 2008).

Surveillance and population management in the second Intifada

During the second Intifada, Palestinians were no longer conceived as part of the Israeli polity. The guiding principle of relations between Israel and the Palestinians was that of separation (Gordon 2008). Now, there is no inclusive/bio-political surveillance in the OPT. If there is a defining feature of the second Intifada (excluding the Seam Zones and East Jerusalem, as I will show later), it is the *lack* of paperwork: a significant and near-total absence of administration and management activity. As discussed, the first two types of surveillance require as much friction as possible with the subjects. Checkpoints facilitate identification, registration, and surveillance. Pass permits require people to visit offices and register, and they "embrace" the population. In the Israeli military government years of 1948–1966, movement permits were the ultimate "carrot." Cooperators received permits for their services, and the whole population had to pass through government offices in order to register, identify themselves, and answer questions in order to receive the awaited permit.

In present-day Israel, on the other hand, checkpoints are intended not to raise the friction level but to stop Palestinian movement as much as possible (see Chapter 16, this volume). In most of the inner checkpoints, nothing is written down, and no data are cataloged or transmitted. Passage regulations are unclear and in constant flux, making it nearly impossible for the controlled population to behave "correctly." Permits are printed and dispersed in ridiculously small numbers, and the DCOs that issue the permits go to great lengths to be inaccessible and uncooperative. All of this indicates the profound difference between the current situation and the types of surveillance discussed previously.

First, the checkpoints. In the West Bank there are 103 manned checkpoints and 592 physical barriers. Excluding the 40 "closure" checkpoints[6] that have a different rationale (see below), there are 63 permanent manned checkpoints in the West Bank and an average of over 100 "flying"[7] checkpoints per week. These places – the manned roadblocks – should have been the core of the surveillance array in the OPT. In practice, though, most roadblocks are improvised facilities, lacking computers or even operation diaries. Passage through them resembles more a piece of theater than an administrative act. Palestinians try to convince soldiers – holders of near-limitless discretion regarding the decision on passage – that they are sick, that they must pass through for this or that reason, showing all kinds of documents without knowing which is relevant (see, for example, Kelly 2006). Arbitrariness is the rule rather than the clear and well-known passage regulations towards which other modern administrations tend. *The checkpoints' friction is meant not to survey but to limit movement.* The purpose is to make the passage experience unpleasant, if not impossible, in order to encourage Palestinians to avoid it altogether. There is also a "bingo" practice at the checkpoints, which contrasts with purposive surveillance.[8] Those refused passage, in most cases, are not detained or investigated; they simply return to their point of

origin. There is no follow-up or purpose to the exercise: the delayed are delayed, the refused are refused; nothing is written down either way, and there is no long-term supervision.

The passage regulations, instead of being clear and known (like the citizenship laws in a modern civilized state, for example) are a mystery. Sometimes passage is granted only to women over forty or boys under fifteen; sometimes it is granted to residents of Nablus, but they are then not allowed to return. Palestinians cannot know in advance whether they can pass through a checkpoint (let alone how many "flying" checkpoints will pop up *en route*), and therefore they often prefer to avoid the checkpoint altogether. In that way the rationale of checkpoints as *check*-points is dismantled. A B'Tselem report notes that the movement restrictions in the OPT are never written down (in marked contrast to the system that operated in apartheid South Africa): not in law books or pamphlets, and not on signposts along the restricted roads themselves (B'Tselem 2004).

The surprisingly small number of permits (discussed above) is the best proof of the lack of administrative friction. [9] The DCOs, the only sources of permits, apparently do all they can to prevent people from using their services. Procedures for securing a permit are vague and inconsistent; working hours and access routes to the DCOs change constantly; and the permits are often not respected at the checkpoints in any case. A Machsom Watch report (2004) recounts a few problems:

> Bureaucratic preventions with different, irrelevant, excuses . . .the people who apply to the DCO are usually sent away with false pretexts: come now/go now, today's closed, the officer isn't here, you need more documents . . . the bureaucratic failure is so transparent that it seems clear that the purpose is not to give the service . . . Many times the DCO's location is a trap in itself: to reach it the Palestinian needs a special permit which he can get only in that DCO.

But what seems "inefficiency" is actually a very efficient system. It creates a state of "effective ineffectiveness" (Berda 2006). Another report states clearly:

> When decisions are apparently random, control becomes absolute. No one can be sure that he or she has not been – or will not be – "prohibited for reasons of security." The reasons are so numerous, and the use made of them so changeable, that uncertainty becomes the ultimate system of control within the framework of the certainty of the occupation.
> (Machsom Watch and Physicians for Human Rights-Israel 2004)

It should be clear: the checkpoint is not a surveillance apparatus but an uncertainty production post that is designed to control Palestinian movement – not to *regulate* it but to *minimize* it.

Another example of the uncertainty production at the micro-level of the checkpoint is "the imaginary line":

> Among the many delayed persons there are two taxi drivers . . . "They passed the 'green line'" says the checkpoint commander . . . it turns out that it is an imaginary line next to a green signpost pointing the way to Nablus. The signpost

is found about 200 meters from the checkpoint, and marks the line taxi drivers shouldn't pass. A driver that diverges from this imaginary line is detained.

(Machsom Watch 2004)

The imaginary line is, according to Merav Amir and Hagar Kotef (forthcoming), an apparatus with an inherent failure system. It is produced in order to ensure that the passengers will always fail, and will never understand the system or its rationale; they can never prepare themselves for the checkpoint. The imaginary line produces *a priori* guilt: Palestinians will always fail and can therefore always be blamed and punished for something. But at its most basic, it is an uncertainty tool that is meant to impose self-restrictions on movement. An example of the efficiency of the method is reflected in another testimonial:

Anabta 12/12/05: the flying checkpoint that was in the junction disappeared . . . the gate is wide open . . . two taxis are coming from both sides and change passengers. Just as if there is a checkpoint. But there isn't. Why did they change then? The driver says that just ten minutes ago it was closed and they might close it again, therefore people manage as if there is a checkpoint.

(Amir and Kotef forthcoming)

The spatial uncertainty makes nearly every movement dangerous or at least problematic. The checkpoints' friction becomes unbearable and encourages people to stay at home. One of many examples is that of Samer Sada, from the village of Jit, near Nablus:

We are arrested here. My kids didn't leave the village for four years. Four months since I was in Nablus. Why should I go out? A soldier would tell me "show permit." I have a magnetic card to Barkan [an industrial zone near the settlement of Ariel], but there is a soldier nervous about Arabs, nervous about I don't know what, who will tell me "pull over." So why should I go? I prefer to stay at home, not to go out.

(Levy 2007)

The goal of spatial uncertainty is to minimize Palestinian movement. The "war on terror" is currently the only feature of Israeli's relations with Palestinians. The easiest solution to the problem of "terror export" (or attacks on settlers in the settlements or on West Bank roads) is to freeze all Palestinian movement. The more Palestinians are frozen in one place, the safer Israelis feel (see Handel 2010). The lack of economic necessity, on the one hand, and the lack of a sense of responsibility, on the other, create a severe imbalance between the two societies' needs: a total preference for Israeli interests at the expense of Palestinians' daily life and freedom of movement.

To sum up the relation between space management and movement policing: in the sovereign regime the main function was that of deduction – tax collection on bridges, men forcibly recruiting for the army in villages or along roads, and so on (see Foucault 1990: 136). In the modern, bio-political regime the main principle is that of friction and maximum interaction between the subject and the state. In the exclusionary

regime the main principle is friction reduction, as responsibility decreases. *The exclusionary regime prefers movement prevention to movement regulation.*

Another important point, although one on which I cannot elaborate fully at this time, is the distinction Israel makes between land and people. Israel simultaneously excludes people and includes land – *de facto* and *de jure*. One classic case of conjunction between the two is the "black list" of Palestinians who own land, mainly in the Jordan Valley, but were not allowed to return to the West Bank after 1967 (Eldar 2006). It is a classic paperwork act meant to exclude people and include land. There are currently 700,000 dunams of "survey lands" in the West Bank; of those, around 2,000 dunams are declared "state lands" each year (Benn 2004). It probably goes without saying that Israel does not do the same for people: that is, declare them "state people" and include them in the polity.

The Seam Zone

One place that *is* rigidly supervised, requires significant volumes of paperwork, and is subjected to seemingly classic surveillance systems is the Seam Zone (i.e., the region between the Separation Wall and the Green Line). The first article in the order creating the Seam Zone states that "no one may enter the Seam Zone or stay in it" and that "anyone in the Seam Zone must leave it immediately."[10] The next article allows all other "kinds of people" into the Zone, aside from its Palestinian inhabitants.

In the closed area, every entry and stay requires a permit. Zone villagers must have a "permanent resident permit," which must be renewed every three months, in order to continue to live in their own houses. Non-inhabitants wishing to enter the Zone must request a special permit from the DCOs. Specific categories of people may request a permit: agricultural workers, teachers, irrigation technicians, and others. In general, the permit gives its holder the right to stay within the Zone only during the day; sleeping in the Zone requires separate approval. A permit is valid only at the specific entrance gate that is named on it.

A "spatial table" is thus constituted in the Seam Zone. Each item is put in its specific place, according to the rational justification of the narrow categories set by Israel. Movement, allowed only at one named gate and only during its specific hours of operation, is also bound to specified patterns. The other aspect of the table is its ability to exclude and eliminate. The moment an item fails to fit into its prescribed location, it is considered dispensable and is discarded.

Unique to the Seam Zone is the physico-geographical existence of this table. The translation of bureaucratic documents on to a concrete territory makes classification much more violent than it ordinarily is. The method prepares the ground (or at least produces the potential) for a gradual "bureaucratic exclusion" by which the land will be emptied of its inhabitants by reducing the number of permits and tightening the criteria for eligibility. The spatial imposition of the table allows not only the removal of a person's papers from a drawer but the removal of the individual from the land (see, for example, B'Tselem 2003). The surveillance method in the Seam Zone is classically exclusionary. Each person entering or living passes through a detailed identity check, in order to prove that he or she is *in*eligible – and thus should be excluded from the area. The difference between the Seam Zone and the rest of the

West Bank lies in the wish to keep the border areas "purified," because of the fear of mixture and interpenetration (Sibley 1995: ch. 3).

The only locations at which there is classic inclusive surveillance are the "terminals" separating the OPT from Israel proper. These new facilities are designed as interstate border crossings, and tend to apply the same kind of surveillance.[11] The only people to be supervised "inclusively" are the workers in Israel and the settlements. There are 60,000 Palestinian workers who are economically necessary.[12] While this is not a negligible number, it is still small when compared to the total number of Palestinians. If these workers could be replaced by labor immigrants or Israeli workers, they too would be discharged and excluded from the Israeli surveillance interest.

Even the seemingly most significant example of Israeli surveillance – control over the Palestinian population registry – is actually intended to exclude: to identify a Gazan inhabitant in the West Bank; to identify illegal Palestinians who lack legal status for whatever reason (in the OPT themselves, not in Israel); to prevent people from coming from Jordan or Egypt.

There is, of course, also the surveillance conducted by the GSS: supervising and recording the smallest details, intercepting phone calls, placing agents within the population, and so on. But this is precisely the peak of exclusionary surveillance: temporal exclusion (to prison) or permanent exclusion (liquidation). There is no interest in the population as a whole, and as long as there is no "terror exportation" there is no concern shown for the inhabitants at all.[13]

State of exception

The state of exception is the suspension of the law but also, always, an exception of people. The exception has two aspects: distinguishing between a friend and an enemy; and defining how the law treats and relates to each of them. Exclusionary surveillance is the state of exception's operative tool. It is exclusionary surveillance that separates the people who are part of the *demos* from those who are excluded from it – a separation that stands at the base of the population management practices in the modern-day OPT.[14]

Instead of supervising the population in order to identify specific problems and violations, permanent uncertainty creates a mechanism of *a priori* guilt unconnected to real and specific actions. The extensive deployment of checkpoints and roadblocks is meant to limit movement and to create a state of basic and permanent guilt. Dani Rubinstein (2002) wrote:

> The movement limitations are not only impossible and harsh decrees, but also ones that automatically turn most of the Palestinian population into criminals. Nearly every Palestinian that leaves his house in order to reach work, school, shopping, medical treatment, or to visit relatives, must bypass a checkpoint and therefore becomes a violator of the movement regulations set by Israel.

Criminalization reaches its highest levels in the Seam Zone and in East Jerusalem, where people require a permit even to live in their own homes. Thus the person is always guilty, without the possibility of justification or correction (since there is no rule and exception, right and wrong). The person is guilty just because he lives, moves,

and acts; no correction is possible, and therefore no correcting-inclusive surveillance practices are needed.

Zygmunt Bauman (1998) writes about Pelican Bay Prison in California. The inmates live in windowless cells and have nearly no interaction with the guards or their fellow prisoners. They do not work and have no access to any social activity. The guards are enclosed in their own areas; they manage the jail through loudspeakers and are seen by the prisoners only rarely. Their only mission *vis-à-vis* the prisoners is to ensure that they are locked in their cells (Bauman 1998: 108). The improving and correcting dimensions of the disciplinary prison are totally absent in Pelican Bay. All that is left is separation and closure. In contrast to the panoptic prison which aimed to teach behavior and work habits by watching every action, "what the inmates of the Pelican Bay prison *do* inside their solitary cells *does not matter*. What *does matter* is that *they stay there*" (Bauman 1998: 113; emphasis in original). This is a surveillance-free prison. Guards do not look into cells or supervise – all they do is keep prisoners locked in and alive; they have no other duties. There is neither "correction" nor "rehabilitation" – just locking and removing. The state does not embrace the prisoner in any way – it merely expels him for a specified period.

In a similar way – though for an unspecified period – Israel controls the Palestinians in the OPT. They are kept alive and blocked in their archipelago of isolated cells. What do Palestinians do in their cells? Israel no longer even seems to care.

Notes

1 I would like to thank Cedric Parizot, Yehouda Shenhav and Ronen Shamir as well as the volume editors for their excellent comments on earlier versions of this chapter.
2 Torpey follows Marx's argument about the expropriation of the means of production from workers by capitalists, and Weber's argument about the state's monopoly over the legitimate means of violence.
3 The non-citizen is a person who lives permanently in a specific state, but is not considered part of the state's collective, and many times is conceived as a problem or danger to the common safety and wealth of the national collective. A UN report estimates that there are 175 million non-citizens in the world in 2004. See: <http://www.justiceinitiative.org/activities/ec/ec_noncitizens>.
4 One can think on the rise of the "loyalty" discourse in the 2009 elections in Israel, with Avigdor Lieberman's slogan "No Loyalty – No Citizenship." This tendency to see a whole population of citizens as a threat shows that citizenship and inclusion do not always overlap.
5 Compare this to the Israeli (failed) attempt to force the Golan Druze to accept Israeli IDs after the area's annexation in 1981. In that case Israel used threats and punishments in order to impose its sovereignty on the Golan's 13,000 inhabitants (Azoulay and Ophir 2008: 78). A comprehensive comparison of the Golan with the OPT is beyond the scope of this chapter.
6 The checkpoints that supposedly separate the West Bank from "Israel proper" – although all but one are located a few kilometers from the Green Line and into the OPT.
7 The "flying" checkpoint usually consists of a jeep or an armored vehicle and a small number of soldiers. It can be opened and closed in a few minutes.
8 Once a few passengers have passed through, in a totally random manner, the soldiers will delay one person and pass his name and ID number to their headquarters, and from there to the GSS offices. This process can take anything up to an hour. The important point is that most of the time, even in a case of "bingo" (i.e., some information is unearthed), the soldiers neither detain nor investigate the delayed people; they simply bar them from passing so they must turn back.

9 Compare this to the first years of the occupation, when "[t]elevisions, refrigerators, and gas stoves were counted, as were livestock, orchards and tractors. Letters . . . were checked, registered and examined . . . Even eating habits were scrutinized, as was the nutritional value of the Palestinian food basket . . . An intricate permit regime was introduced requiring licenses to build houses, open businesses, sell produce . . . or work in the public sector" (Gordon 2008: 9–10).
10 Order Regarding Defense Regulations (Judea and Samaria) (No. 378), 1970, Declaration Regarding Closure of Area No. s2/03 (Seam Area).
11 For an excellent analysis of the "terminals," see Braverman (forthcoming).
12 And they are always interchangeable. For every "entry prohibited" worker there are many competitors, so the system therefore has no obligation to any specific person.
13 Ariella Azoulay and Adi Ophir (2008) argue that the Israeli control array's responsibility towards Palestinians is reduced to the prevention of a humanitarian catastrophe. Its bio-political task is therefore to keep the Palestinian population on the verge of catastrophe: as weak as possible, but still alive.
14 See also Didier Bigo's (2006) concept of ban-opticon. Bigo speaks about surveillance as a tool of exception in the Western post-9/11 context. While he concentrates on the West and on the ways of profiling the individuals who cross its borders, this chapter deals with populations in a semi-permanent state of occupation/colonization.

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