Chapter 1 | THE INFRASTRUCTURE OF CONTROL

> Organizational norms and working procedures in the
> territories were formulated a short while after the end
> of the fighting. The major elements took shape that first
> month; the many and frequent changes instituted since
> then have mostly been of marginal importance.
>
> SHLOMO GAZIT,
> *first coordinator of government activities*
> *in the administered territories*

The landscapes and populations of the two regions Israel occupied in 1967 were quite different. The West Bank, which had been under Jordanian rule, is about seventy miles long and thirty miles wide, an area the size of Delaware. It is an arable, mountainous region that spreads from north to south and is circumscribed on the east by a barren plateau and on the west by the 1949 armistice agreement border known as the Green Line. Following the war, close to six hundred thousand Palestinians were living in 12 urban centers and about 527 rural communities, including 19 refugee camps. About 70 percent of the population lived off agriculture in rural villages, while the remaining 30 percent were concentrated in the urban centers and refugee camps; 18 percent of the inhabitants were refugees.[1] By contrast, the Gaza Strip, which had been under Egyptian rule, is a flat, narrow, and arid region that extends some twenty miles along the Mediterranean coast and totals 135 square miles. In 1967, 385,000 Palestinians lived in the Strip in 23 communities: 4 cities, 8 refugee camps, and 11 villages. About 70 percent of the inhabitants were refugees who had either fled to or had been expelled to the region during the 1948 war. Approximately 45 percent of the Gaza Strip's population lived in the cities, 15 percent in villages, and the remaining 40 percent lived in the crowded refugee camps that had been set up by the United Nations.[2]

Even before the 1967 war ended, Israel had adopted a series of strategies

to govern the population living within these two regions. It began overseeing many of the administrative institutions that had been utilized by the Jordanians and Egyptians, using, for example, the already-existing Palestinian municipalities and mayors to help govern urban residents, and the village *muhktars* to manage those living in the rural areas. Simultaneously, however, Israel introduced some crucial changes—the modification of the legal system being perhaps the most significant. Obviously, Israel also deployed its own military to enforce law and order and immediately set up a bureaucracy that was charged with running all of the civil institutions. In addition, Israel's General Secret Services (GSS) dramatically expanded its operations in the territories, as it was given the task of undermining all Palestinian insurgency. These and a few other key institutions and practices, like the permit regime and surveillance apparatuses, served as the basic mechanisms by and through which the inhabitants were managed for years to come. By serving as the infrastructure of control, they also functioned as the vehicles through which all of the other controlling apparatuses operated.

It is important to add here that the infrastructure of control as well as the different apparatuses and practices that have emerged from the infrastructure have been governed by a number of modalities of control. By *modality of control* I mean an underlying principal that informs the way the forms of control have operated in the OT. Unlike the three modes of power mentioned in the introduction, which inform power relations in an array of political contexts and in different countries, the modalities of control characterize Israel's occupation and do not necessarily exist in other places. A modality of control, in other words, is the logic that shapes the operation of numerous controlling practices within a specific historical and geographical context.[3]

Two modalities are worth mentioning at the outset—temporariness and arbitrariness—since both have facilitated the management of the Palestinian population throughout Israel's military rule. The use of the provisional term *occupation* in order to describe the political status of the West Bank and Gaza Strip, as opposed, for instance, to *colonization,* is a prominent example of the temporary modality of control.[4] As we will, see numerous administrative arrangements, legal orders, and policies were constantly modified to conceal the permanent nature of Israel's control. Israel continuously imposed temporary curfews and closures, set up temporary checkpoints and roadblocks, and continuously issued and revoked permits,

thus trying to create the illusion that entrenched practices were provisional. Along similar lines, the suspended status of Palestinian refugees within the West Bank and Gaza Strip, not unlike the temporary status of the Jewish settlements and by-pass roads, was deployed to elide the occupation's permanent nature and to facilitate the management of both Palestinians and Israelis. Temporariness was, in other words, used to prevent opposition and to thwart Palestinian resistance. Even when the lie concerning the provisional nature of certain practices was exposed, the temporary logic was immediately redeployed in new spheres and in new ways. Following Oslo, for example, temporary outposts have replaced Jewish settlements, since the latter are no longer conceived as transitory.

Many controlling apparatuses and practices were also informed by an arbitrary logic that concealed the consistent nature of Israel's military rule. Throughout the occupation, not a single plan about the number of Jewish settlements to be built or where they were to be located was ever approved by the Israeli government, rendering the settlements enterprise "arbitrary," that is, something that is much more difficult to classify and oppose.[5] A structural arbitrariness informed the very operation of the permit regime, which was part and parcel of the colossal juridical-bureaucratic apparatus that upheld the occupation.[6] Numerous rights like freedom of movement were transformed into privileges that were handed out in the form of a permit that could be revoked at any moment for an array of known and unknown reasons. The total absence of transparency in the way decisions were reached regarding permits ranging from family reunification to opening businesses and traveling abroad helped produce a form of uncertainty that was used to manage the population in different ways. The lack of plans and clear procedures alongside the absence of clear and transparent regulations forced the Palestinians to constantly second-guess what the Israeli authorities considered correct behavior, while even those who became docile were often denied permits for no apparent reason.

My claim then is that one cannot really understand how the occupation ticked without examining, even if very briefly, the major systems and institutions that enabled all the other forms of control to work, as well as the underlying principles that informed their effective operation.[7] Thus, before turning to describe the historical development of Israel's occupation and the different ways the inhabitants were managed, I outline in this chapter the infrastructure of control.

On June 5, 1967, the day the fighting erupted, the military advocate general, Colonel Meir Shamgar, issued a letter reminding the military's commanding officers of the principles of international law as well as the operative measures allowed during armed conflict.[8] Immediately following the war, however, this same Shamgar advised Israel to rethink its position vis-à-vis international law. Together with a number of other officials, he formulated a policy that rejected the applicability of the 1949 Fourth Geneva Convention — the most important humanitarian law pertaining to the occupation of conquered territories and their civilian population — to the OT. Shamgar's rationale was that the West Bank and Gaza Strip should *not* be considered occupied territories because the two regions had been seized by Jordan and Egypt during the 1948 war and thus had never been an integral part of a sovereign state. Consequently, he maintained that the West Bank and Gaza Strip should be considered "disputed" rather than occupied areas; they were, he claimed, *sui generis.*[9]

Shamgar's focus on the status of the land (regarding it as *sui generis*) rather than the population (with national rights to self-determination) was, as Lisa Hajjar cogently observes, a strategic legal maneuver to separate the land from its inhabitants.[10] Shamgar further advised the government to abide by the Geneva Convention on a de facto rather than de jure basis by respecting its humanitarian provisions, but he never specified when these provisions should actually be respected.[11] Thus, although the land was not subjected to the Geneva Convention, its Palestinian inhabitants were, but their rights remained ambiguously and, one could add, arbitrarily defined. In this way, Israel hoped to continue a process that actually began in 1948, whereby it ignored the Palestinian national right to statehood.[12] Although the international community has overwhelmingly rejected this interpretation and has regarded the West Bank and Gaza Strip as occupied territories, Israel adopted Shamgar's construal of the Geneva Convention and over the years has firmly maintained this position.

Shamgar also insisted that the Eshkol government accept the 1907 Hague Convention, which stipulates that the occupying power should recognize the laws that were in force before the occupation.[13] By June 7, 1967, the military commander had already issued Proclamation Two, a declaration dealing with the governance and legal arrangements in the territories. The

laws existing in the territories prior to the occupation were declared valid provided they did not contradict any legislation issued by the military commander.[14] Accordingly, a complex legal system was put in place composed of Ottoman, British Mandatory (particularly the emergency regulations of 1945), Jordanian, and Egyptian law (depending on the region), and Israeli military orders. Military orders are decrees issued by the military commander that immediately become law for all Palestinians living in the area.[15]

Over the years, the military commanders have used their legislative powers extensively, issuing more than 2,500 orders, which have dealt with a wide range of topics: from military, judiciary, and fiscal matters to administrative affairs, including education, welfare, health, and even the status of Jewish settlements.[16] The orders codified Israel's control of the OT far beyond the concern for security of its military forces. Already in 1967 one finds orders that reveal how Israel's concerns far exceeded those of a temporary occupying power, as formally understood by international law.[17] For example, alongside orders concerning the restriction of movement and the imposition of curfews, one finds orders regarding the use of public parks, currency exchange rates, duties on tobacco and alcoholic beverages, postal laws, and the transportation of agricultural products. The implementation of this complex and comprehensive legal system has not only enabled Israel to enact any law it wishes, but also to change or cancel local laws that were in place prior to the occupation. Those parts of the Jordanian or Egyptian law that advanced Israel's political objectives were maintained, while other parts that hindered these objectives were altered or annulled.[18] Not unlike its interpretation of the Fourth Geneva Convention, Israel opted for a partial adoption of the pertinent clauses of the Hague Convention, ones that corresponded to its needs.[19]

Israel's idiosyncratic interpretation of international humanitarian law has had an immense impact on the occupation. Its ingenuity lies, on the one hand, in its effective distinction between the people and the land, and, on the other hand, in the fact that it does not reject the law outright but embraces a selective approach toward the law. Shamgar seems to have recognized that even as Israel suspended significant elements of international law and bestowed on the military commander the authority to cancel and enact domestic laws according to immediate political objectives, it was also crucial to espouse a "rule of law" approach. Adopting laws that had existed before

the occupation while making room for the enactment of military orders that could cancel these laws actually enabled Israel to argue that the rule of law reigned in the West Bank and Gaza Strip. In this way, Israel managed to deflect criticism of despotic rule for many years.

To strengthen the conception of "enlightened rule" Israel established a whole institutional apparatus, which consisted of military courts and, after 1989, courts of appeal; it appointed military judges and prosecutors, and even employed translators who were responsible for ensuring that Palestinian defendants understood the court proceedings.[20] The creation of judiciary institutions was crucial, since, as Raja Shehadeh has convincingly observed, Israel aspired to project an image of itself as a community committed to and ruled by principles of justice.[21] Indeed, the complex legal system and institutions Israel established served, in many important ways, to sanction the legality, legitimacy, and morality of the occupation.

Yet, the conception of the law as an instrument that protects the individual from the sovereign—which can be traced all the way back to the Magna Carta (1215) and, more recently, to the French Declaration of the Rights of Man and Citizen and post–World War II international law—was totally foreign to the legal system Israel set up in the OT. It is therefore no coincidence that this system was never applied to the Jewish settlers who moved into the West Bank and Gaza Strip. These settlers, as well as residents of Israel who traveled to the territories, were subjected to Israeli civilian law, which was granted an extraterritorial status. By transforming Jewish citizens into turtles of sorts, i.e. creatures that are entitled to "personal jurisdiction" (i.e., laws that follow people), Israel managed to create a situation whereby two ethnic groups sharing the same space have actually been subjected to radically different legal systems.[22]

Without establishing this comprehensive legal system, Israel could never have effectively administered the occupied regions. The law served as the foundation for almost all of the other controlling apparatuses and practices and in many ways shaped their operations. The legal system established the institutional framework of and for the occupation, determined the military government's mandate, and defined the powers of the military commander as well as the responsibilities of the different civil institutions. Yet the legal system itself, once established, also became a means of control in its own right. It established rules and disseminated a substantive and procedural legal discourse. This apparatus produced a series of norms, which the inhab-

itants were simultaneously encouraged and compelled to emulate, and was used to authorize and legalize administrative detention, house demolitions, land confiscation, and other daily forms of control.[23]

The legal system was also informed by the temporary and arbitrary modalities of control. The fact that the military commander had the authority to issue decrees according to what he considered to be Israel's interests and needs not only enabled him to cancel existing laws and introduce new ones, but also ended up rendering many of the legal arrangements both temporary and arbitrary. New decrees were constantly issued, revising and annulling older ones. The temporary nature of the decrees always left open the possibility that they could be altered for the better or for the worse — the way they would be modified supposedly depended on the inhabitants' behavior, thus helping to shape Palestinian comportment.[24]

Simultaneously, the adoption of several legal frameworks enabled Israel to exploit the gaps and contradictions engendered by their interaction, and to use both the laws and the exceptions that the gaps and contradictions made possible in order to control the inhabitants. The legal system's structure also left a tremendous range of issues at the discretion of the military commander and even at the discretion of officers who were in charge of subregions within the OT or of specific fields like health care and education. The lack of procedural transparency rendered the criteria for obtaining a referral to a hospital in Israel, receiving a permit to build a store, or approval of family reunification unclear. The arbitrariness created both by the lack of transparency and the gaps among the different legal frameworks was used to secure the services of certain individuals and to manage the population through the production of endemic uncertainty.

THE MILITARY FORCES AND ADMINISTRATIVE BUREAUCRACY

Two days after the war erupted, Israel used the newly established legal system to set up a military government so that it, in turn, could actively administer the population in the West Bank and Gaza Strip (and Sinai Peninsula). With the issuing of Proclamation Two, the military commander became both the legislator and the executive authority in the region. There were actually two military governments, one in the West Bank and the other in the Gaza Strip, and both were manned by military personnel (both conscripted and reserve), whose responsibilities were divided between two

branches: security and civil. The officers in both branches had to report to the regional military governor.

The security branch, made up of Israeli military forces, was responsible for maintaining law and order in the territories and for guaranteeing the safety of Israel's citizenry. It established military bases in the OT, deployed troops who were in charge of policing both regions, and, when deemed necessary, punished Palestinian residents by imposing curfews, closing schools, demolishing houses, and deporting leaders.[25]

The civil branch was divided into two sub-branches: the economic and service departments (see appendix 1). The former oversaw industry, commerce, agriculture, labor, and financial activities in the OT. The service department dealt with education, welfare, health care, postal matters, and so on, and, together with the economic department, it was used as the scaffolding for almost all the apparatuses that aimed to normalize the occupation. These two branches served as the infrastructure for an intricate network of controlling practices that were rapidly deployed. While the people who ran these branches and who served as the heads of the different civil institutions were Israelis who worked for the military government, thousands of Palestinians — school principals and teachers, social workers, doctors and nurses, policemen and postal clerks, as well as bureaucrats — constituting well over 90 percent of the military government's employees, ran the daily operation of the different civil institutions. Thus, most residents' day-to-day contact with the civil institutions entailed encounters with other Palestinians rather than Israelis.

Whereas the military government served as the executive branch in the OT, the Israeli cabinet was in charge of introducing policies.[26] A Ministerial Committee for the Affairs of the Administered Territories and two interministerial committees dealing with practical political, economic, and security issues met regularly for more than a decade to determine policy.[27] Because the interministerial committees had a hands-on approach, and since the coordinator of activities in the territories reported to the minister of defense rather than to the military's chief of staff, during the first years of occupation some form of separation between the civil and security branches existed. It is precisely this separation that differentiates the first period of occupation from the ones following it, when the interministerial committees no longer functioned and the coordinator of activities in the territories was asked to report directly to the chief of staff.[28]

In addition to the military government's security and civil branches, the GSS, also known by its Hebrew acronyms Shabak or Shin Bet, played a central role in the OT, rapidly becoming the most influential Israeli authority in the West Bank and Gaza Strip.[29] According to one officer, after the 1967 war the GSS began "to set the pace, methods and timing [in the OT]. The big change was that we were no longer just collecting intelligence. We went operational in our own right."[30] And, indeed, the security services had a major impact on the Palestinian inhabitants, shaping, as it were, a significant part of their daily lives. The GSS influenced decisions about if, when, and where to impose curfews, who to arrest, who to deport, and which houses would be demolished. It was involved in the hiring and firing of principals and teachers as well as doctors and clerks, and decided when to open or shut down schools, universities, and charitable organizations. The military government required the GSS's approval before allowing a resident to travel abroad, giving out licenses to open a business, or providing a permit to establish a medical clinic. Swiftly it became the king of the land, operating like the mythological Indian character Ravana, the ten-headed king who has twenty hands.

Paradoxically, the GSS worked as a legal specter. Until the so-called Shabak Law was passed in 2002, not one Israeli law dealt specifically with the GSS, and, as Avigdor Feldman has pointed out, the organization had little more legal authority than a parking lot attendant; it had no authority to conduct searches, to carry out arrests, or to launch an independent investigation.[31] The secret organization's existence, actions, and power were, consequently, the result of unwritten agreements between it and other state authorities.[32] While at times it used the legal system Israel created in the OT, unlike all of the other organizations and institutions Israel established, the GSS existed and commonly operated outside the law. The GSS was, accordingly, an omnipresent exception, operating through the suspension of the law rather than its implementation and enforcement. As we will see toward the end of the book, following the eruption of the second intifada the suspension of the law became part of the norm for the military as well.

Feldman stresses that the GSS's ambiguous status both within Israeli legal space and within the occupied one is actually the key for understanding its vast powers. The GSS benefited from its extralegal status in

two intricately connected ways. On the one hand, because it had no legal authority, it became a "body snatcher" of sorts. It used the military, police, prison services, and even the attorney general's office to carry out tasks for it. In Feldman's words, the GSS penetrated and assumed control of these state bodies like a parasite that supports itself by "feeding on the powers of the institutions in whose gut it has settled." On the other hand, its extralegal status allowed it to maintain an invisible existence, and its invisibility enabled it to perpetrate numerous illegal activities, not the least of which was torture.[33] Thus, Israel not only set up a dual legal system in the OT, one for Jews and the other for Palestinians, but the legal system that was used by the military and civil bureaucracies to manage the Palestinians was itself also regularly ignored by the GSS, which operated extralegally without oversight. The Palestinians were continuously managed through the simultaneous application and suspension of a legal system. The new Shabak Law has changed some of this, since it purports to regulate the GSS's legal status, defining how the head of the organization is elected as well as the organization's role and authority. The GSS can now legally carry out searches and interrogate suspects, yet the law's wording is vague and formulated in such a way that the secret organization actually continues to maintain its vast powers.[34]

THE HIGH COURT OF JUSTICE

The role played by the Israeli Supreme Court, which acts as a High Court of Justice responsible for reviewing the policies and actions of government institutions, has surely been very different from the one played by the systems and institutions just described.[35] The Court did not serve as a channel through which the means of control directly operated, and, unlike the other institutions, it was never physically present in the territories; I therefore consider it an auxiliary element. It existed before the 1967 War and, in contrast to the GSS, it did not change its structure or receive more operating funds following the war so that it could attend to issues directly relating to the occupation. Nonetheless, one cannot understand Israel's occupation without taking into account the crucial role performed by the High Court. By lending its symbolic capital to the military occupation, it legitimized the deployment of many of the controlling apparatuses and practices.[36]

Since Israel never applied its own legal system to the population in the

West Bank and Gaza Strip, it was not obvious that the Court's authority would extend to the Palestinian inhabitants. Nonetheless, following a petition filed by a Palestinian from the West Bank two weeks after the war, the High Court decided that it did have jurisdiction over the areas and people Israel had occupied and in this way set a precedent in international practice. Israeli sociologist Baruch Kimmerling points out that by hearing cases brought by inhabitants of the OT, the Court "not only bestowed on the occupation an enlightened face and a kind of legitimacy anchored in the modern concept of 'law and order' but committed a 'judicial annexation' of the territories producing an image of 'legality.'"[37]

Over the years, Israel's highest tribunal has been asked to review literally thousands of petitions dealing primarily with the legality of coercive measures employed in the territories, such as house demolitions, extended curfews, harsh restrictions of movement, administrative detention, deportations, torture, and extrajudicial executions, and it has almost always concluded that the military commander exercised his powers in conformity with international humanitarian law without exceeding his authority. In his book *The Occupation of Justice,* David Kretzmer reveals that in almost all of its judgments relating to the OT, "especially those dealing with questions of principle, the Court has decided in favor of the authorities, often on the basis of dubious legal arguments."[38] Thus, the High Court fulfilled four important functions that are relevant to us here. First, it carried out a judicial annexation of the territories. Second, it rationalized Israel's interpretation of international humanitarian law and its applicability to the territories, giving credence to Shamgar's initial construal. Third, through its rulings, it sanctioned and legitimated many forms of control that Israel has deployed in the territories, most notably the coercive ones. Finally, as the major authority on issues of justice within Israel, it helped produce the "morality" of the occupation.

THE PERMIT REGIME

The permit regime and the networks of surveillance also deserve to be considered as part of the infrastructure of control. As with other forms of control, Israel began introducing an elaborate permit regime in the West Bank and Gaza Strip before the armed conflict had ended.[39] This regime was created by a complex fabric of military orders and included licenses,

such as car registration and driving licenses, as well as permits for engaging in certain financial activities like registering a business or exporting and importing goods. Building homes or any other kind of edifice also required permits. Permits also had to be obtained for less obvious reasons, such as traveling abroad for medical treatment or in order to study; live outside the village, town, or city where one was registered; or grow certain kinds of fruits and vegetables. The procurement of a permit often entailed a long process that included filling out forms, paying fees, and frequently being interviewed (i.e., a recruitment attempt) by a GSS officer.[40]

The permit regime managed to transform the most basic rights—ranging from the right to livelihood, shelter, and health to the right to freedom of movement, speech, and association—into privileges that could be taken away at any moment without the revocation being considered a violation. The temporary and arbitrary nature of many permits served the two modalities of control mentioned above. The regime can be characterized by its ubiquitous nature, creating a grid that extended across every part of Palestinian society. Indeed, during the past four decades it has continued to expand and has constantly colonized new domains. While it has functioned through restrictions, prohibitions, and exclusions, it has also aimed to shape the comportment of both Palestinian individuals and the population in general through the dissemination of a series of norms that, if approximated, seemingly increase the probability of receiving the desired permit. For instance, if one does not participate in protests or any other kind of political activity, one has a higher chance of receiving an entry permit into Israel.

All social relations, including the way people relate to their fellow citizens, their occupiers, and to the surrounding environment, as well as the way they govern themselves have been shaped by the permit regime. In order to illustrate just how deeply the regime has permeated the occupation, how it was used both to constrain and harness the inhabitants' energies, I briefly review some of the permits issued during the occupation's first decade, dividing them into three categories according to the predominant field they strove to regulate: livelihood, space, and knowledge. While each permit can be analyzed on its own in order to show how it controlled a specific sphere, by noting examples of several permits from each category I hope to provide a glimpse of how the permit *regime* operated to shape practically every aspect of Palestinian life.

Permits Relating to Palestinian Livelihood

Many of the military orders published during the first years dealt with work and commerce. By June 18, 1967, a week after the war, Israel had issued a military order that made it illegal to conduct business transactions involving land or property without a permit. On the same day, it published an order notifying all Palestinians possessing foreign currency that they would either need to exchange it or acquire a permit. Violations of this regulation could result in five years of imprisonment or a 1,500 Jordanian dinar fine. All merchants who wanted to import or export goods had to obtain a permit, while banks and credit institutions were not allowed to operate without permission. Residents needed permits to work in the public sector, whereas those who were not official residents of the two regions had to obtain permits to work in any sector.[41]

Other permits relating to livelihood involved basic resources. The military commander was given full control over all water resources, and any person or entity wishing to install a water device (such as a pump, irrigation equipment, etc.) had to obtain a permit. Along similar lines, it was forbidden to carry out any kind of electricity work or connect a generator without a permit. It was even prohibited to "harm nature," although the authorities did preserve "the right to permit people to pick flowers or tamper with nature in the course of research studies." Reclamation of one's own land, if it involved bulldozing a piece of property in order to remove rocks, boulders, or any other obstructive material to make it cultivable was forbidden unless the farmer obtained a permit from the military authority. Military orders rendered it illegal to plant new citrus trees, replace old nonproductive ones, or plant fruit trees without permission.[42] The military commander also prohibited the transport of any plant, animal produce, and commodity in or out of the OT without a permit. All forms of transportation for the transfer of goods needed a license, including donkey carts. Farmers needed permits to obtain and operate tractors, and permits were required for grazing livestock in certain areas.[43]

Permits Relating to Palestinian Space

In order to monitor the inhabitants, in March 1968 Israel also began issuing identity cards to every male over the age of sixteen, registering the residents as wards of the military.[44] The cards had to be carried at all times, thus allowing the military to keep track of the movements of individuals. Although the

restrictions on movement during the first years were not nearly as harsh as in later years, movement both within the OT and to and from the two regions was always limited. A cursory examination of the military orders from the first decade reveals that entire areas, such as the Jordan Valley, were declared closed zones, and anyone wishing to enter or exit them required a permit. Whoever entered closed areas without a permit or remained in such areas after their permit expired was regarded as an "infiltrator." In some areas that were otherwise open to Palestinians, those who wished to travel within them had to follow specific routes and enter during specific hours. In addition, it was prohibited to transfer or change one's place of residence either permanently or temporarily without a permit; and if one wished to visit friends in another city for more than forty-eight hours, one had to obtain a permit.[45] It is interesting to note here that during the first two decades, movement restrictions in the OT were not as strict as they had been for Palestinian citizens living inside Israel proper during the military government (1948–1966). Moreover, many of the permits relating to movement were not enforced during the first years, even though Israel's ability to monitor, regulate, and restrict movement served as one of its most prominent and effective forms of control. This is not surprising, given that almost every aspect of daily life is dependent on the ability to move within space.

Permits Relating to Knowledge

The permit regime was also employed to control the fields of knowledge accessible to the occupied population and indeed to help Israel create new knowledge; this occurred primarily through censorship and the regulation and dissemination of information. This part of the regime was based on the 1945 British Emergency Regulations (part 8, articles 86–101). Article 88, for example, states that "the censor may by order prohibit the importation or expropriation or the printing or publishing of any publication . . . which in his opinion, would be or [is] likely to be or become, prejudicial for the defense of Palestine or to the public safety or to public order." Clause two of the same article states that "any person who contravenes any order under this regulation and the proprietor and editor of the publication, in relation to which the contravention occurs, and any person . . . who has in his possession or his control or in premises of which he is the occupier, any publication prohibited under this regulation or who posts, delivers, or receives any such prohibition, shall be guilty of an offense against these regulations."[46]

Military order 50 from July 1967 reiterated these regulations, forbidding the distribution or publication of newspapers without the permission of the military authorities. The order defines "newspapers" as including "any pamphlet containing news, information, events, occurrences, or explanations relating to news items, stories, or any other item of public interest." Those newspapers that did receive authorization were subjected to strict censorship, while the permit itself had to be renewed every three months.[47] News articles describing events taking place in the West Bank and Gaza frequently had the details expunged. Articles reporting on curfews, strikes, protests, and Israeli seizure of land and water were typically reduced to a single paragraph simply pointing out that an event took place.[48] The ultimate goal was to create a regime of truth that did not threaten Israeli military rule and that would actually help normalize the occupation. So, for example, the Israeli communist paper *Al-Itihad* was outlawed in the OT, while simultaneously an Arabic paper published by the governing Mapai party was distributed in the West Bank. When Israel realized that hardly any Palestinian bothered to purchase the latter paper, it increased its Arabic radio news programs and added a few other programs in an effort to reach some of the inhabitants.[49]

Printing, publishing, or distributing political leaflets and articles as well as pictures, posters, flags, and artwork with "political significance" without obtaining a permit from the military commander was also strictly prohibited.[50] The word *printing* is defined in the military order as "lithography, typing on a type writer, copying, photographing or any other manner of representation or of communicating expressions, numbers, symbols, pictures, maps, painting, decorations, or any other similar material." As Virgil Falloon points out, the term *publishing* denotes a wide array of practices, thus allowing the authorities to convict a librarian from Ramallah for "publishing" illegal material after he had purchased what he thought was a permitted publication and made it available to the larger public.[51] Falloon underscores that the military order's key concept, "political significance," is left undefined, and shows that the censor considered "political significance" to be "any suggestion that West Bank inhabitants are suffering under occupation, any talk of love and loyalty to the homeland, or any representation of national aspirations." Common examples of illicit "political content" have included pictorial representations of Israeli soldiers assaulting Palestinian civilians, schools surrounded by barbed wire, and the use of the colors of the

Palestinian flag together—red, green, black, and white. The employment of words like *homeland, return,* or *PLO* in the newspapers were also declared illegal.[52]

As I show in the following chapter, one of the sites in which Israel attempted to control knowledge was the education system. School textbooks were censored, as were hundreds of other books, including classical poetry, plays, and novels.[53] In addition, it was forbidden to protest or associate in groups. Any group of ten or more people who wished to meet in order to discuss issues concerning or related to politics broadly defined had to acquire a permit from the military commander. Finally, all attempts to influence public opinion in a way "detrimental to public order" were rendered illegal. These examples illustrate how the permit regime attempted to manage the population by repressing certain fields of knowledge that were circulating in the public sphere while concomitantly introducing and disseminating others.

Permits and Control

Even this cursory overview suggests that the permit regime infiltrated almost every aspect of Palestinian society, creating an intricate web through which the population was managed. Indeed, revealing the way the permit regime spread across the entire social terrain and the way it shaped the minutest daily practices sheds light on the vast resources and energy put into administering the occupied inhabitants, both on the level of the population as well as on the level of the individual Palestinian. The permit regime functioned simultaneously as the scaffolding for many other forms of control and thus as part of the infrastructure of control, as well as a controlling apparatus in its own right.

As a controlling apparatus, permits obviously function as restrictive fiats, producing and enforcing prohibited zones. But the permit regime was never informed solely by a sovereign mode of power, which uses the regulations in a negative way, through the imposition of restrictions and exclusions. Just as importantly, the permit regime has always operated in the service of disciplinary and bio modes of power, since it has created and promulgated norms of "correct" behavior and thus has helped shape the interests and comportment of the inhabitants in a productive way. The permits determined which crops could be planted, how they could be transported, and where they could be sold, all of which helped shape the behavior and habits

of the Palestinian farmer as well as form the Palestinian economy as a whole. Moreover, by determining who would be allowed to move freely, conduct business transactions, obtain a job, or acquire university training, it helped certain people improve or maintain their position on the social ladder, thereby influencing the economic and political hierarchy of Palestinian society within the territories.[54]

As part of the infrastructure of control, the permit regime was instrumental in shaping the Palestinian economy, space, politics, and civilian life. It helped constrain the development of an independent Palestinian industry and agriculture, and it restricted Palestinian construction. It operated in complex ways to ensure that the Palestinian workforce would consist mostly of unskilled labor. It enabled Israeli officials to determine the curriculum in schools and thus helped promote a certain history while suppressing another history. It determined the licensed medical fields that could be practiced in the OT and the whereabouts of hospitals and clinics. Yet, again it is important to reiterate that the regime shaped not only the economy and the civil infrastructure, but the comportment of Palestinian inhabitants as well. It also enabled the GSS to recruit thousands of collaborators, who not only relayed information to their operators, but also fragmented Palestinian society.

On a different level of analysis, the permit regime was informed by the modalities of control mentioned above. First, the regime itself helped generate, reproduce, and exploit the gaps and fissures among the different legal frameworks, and in this way helped transform the law into an instrument of control devoid of any force to protect the rights of the Palestinian inhabitants. Second, in addition to facilitating the production of a colossal bureaucratic apparatus, the ever-changing character of the regime and the lack of transparency relating to how it operated helped engender the ostensibly temporary and arbitrary character of the occupation. It was instrumental in introducing an uncertain, even aleatory, dimension that was utilized, in turn, to manage the Palestinian population through the constant play of security and insecurity. Israel, for example, issued permits that secured jobs for tens of thousands of Palestinians, and in this way helped secure the livelihood of hundreds of thousands of people. Yet the fact that their livelihood depended on a permit that could be revoked produced a profound sense of insecurity, which during certain periods was merely a hovering threat and during other periods became a reality. Finally, the permit regime also served

to define the contours of the surveillance apparatuses, determining, as it were, which domains needed to be monitored in order to assess whether the inhabitants were following the rules of "correct" behavior. At the same time, though, the efficient operation of the permit regime relied on the ubiquitous surveillance of Palestinian society, since without the ability to monitor the population, the regime was in many respects useless.

SURVEILLANCE

Considering that almost all forms of control depend for their successful operation on the collection and analysis of data pertaining to the population, it is not surprising that within months of the occupation almost every aspect of Palestinian life was surveyed, examined, and registered. The seemingly endless number of tables, charts, and figures published by the military government, Israel's Central Bureau of Statistics, and the Bank of Israel's Research Department, as well as different government ministries reveals the extent to which the population was monitored and provides a sense of the vast amount of resources Israel invested in ensuring that nothing escaped its observation. Indeed, what comes across very prominently in the reports published during the first years following the war is both the swiftness with which the surveillance apparatus was set up and the degree of surveillance and scrutiny to which the population was subjected.

In order to ensure the efficient working of Israeli control, information from several different fields — ranging from population characteristics, employment, and public health to education, infrastructure, and bureaucracy — was aggregated. Data was collected about the number of Palestinians Israel had to manage and how they were distributed across space in terms of regions, urban versus rural habitation, as well as refugee versus permanent residents. Population surveys attempted to ascertain the exact distribution of gender, age, and religion among Palestinian workers in the different sectors of occupation. The military authorities examined the infant mortality rate, the population's growth rate, poverty levels, per capita income, and the size and makeup of the labor force in terms of age, gender, and field of occupation. The scale and type of industry in the territories was also surveyed, as was the amount of arable land and the kinds of crops planted; even the cattle and poultry were counted. Satellite and aerial images were used to monitor the construction of homes, public buildings, and private businesses.

Each cluster of data dealt with specific issues. Several tables and charts appearing in early reports underscore Israel's effort to survey the population's lifestyle. The Bank of Israel's Research Department documented, for instance, a series of social indicators, such as the number of households with electricity, private kitchens, toilets, bathrooms, and the number of people per room. It monitored furniture and household maintenance, keeping track of the per-household percentage of gas-cookers, electric refrigerators, television sets, telephones, sewing machines, and private cars. Israel was accordingly able to track the changing rate of private consumption, the energy and nutritional value of the food basket, and the proportion of household expenditure allocated to services like health, education, transportation, and entertainment.[55] Such surveillance is common among modern states, since the knowledge it produces is necessary for the efficient management of the population. But the rapid establishment of such an extensive surveillance apparatus and the huge expenditure that it no doubt incurred raises the question of whether Israel ever had the intention of withdrawing from the OT or conceived the occupation as temporary. Moreover, this massive investment soon became, as James Ron has observed, a double-edged sword, since by inscribing Palestinian lives and assets into Israel's bureaucratic registries, those entities were transformed into objects of state responsibility.[56] The fact that in the late 1990s Israel ceased to monitor most of the practices it had so carefully inspected during the occupation's first three decades accordingly suggests that it no longer considered itself responsible for the lives of the Palestinian inhabitants.

Several other domains were also constantly monitored, such as the forms of communication among Palestinians. One finds tables enumerating the amount and destination of phone calls made during the calendar year 1969–1970 (90,298 inside the Gaza Strip; 13,554 from the Strip to the West Bank; 66,899 from the Strip to Israel; and 666 from the Strip to other countries); the amount of incoming and outgoing letters sent to and by Palestinians (254,624 and 232,046 respectively); the amount of incoming and outgoing Red Cross dispatches (147,506 and 134,383 respectively); the number of stamps sold (45,000); and the amount of incoming and outgoing parcels, telegrams, and cables (2,297 and 2,343 respectively).[57] Such tables intimate how quickly Israel managed to set up mechanisms that could monitor the different forms of association among the occupied inhabitants. As the years passed, these mechanisms were constantly updated and

expanded in order to deepen the degree of surveillance and to keep up with the development of new communication technologies.

While most forms of surveillance operate through their invisibility (like keeping track of the communication among Palestinians, the use of land, and the movement of individuals), some actually function through their perpetual visibility. Particularly salient among these are buildings. Israel seems to have been aware of this and early on relocated some of its military training bases to the OT.[58] The mere existence of the military bases within close proximity to Palestinian villages and towns helped create the impression that the inhabitants were constantly being observed. The Israeli military was accordingly not only used as a mechanism that enforced law and order through coercive measures, but also as a panoptical tower of sorts, imposing a compulsory visibility on the population. As we will see in chapter 5, the Jewish settlements built on hilltops overlooking Palestinian villages aimed to achieve a similar end. The idea was to use military bases, settlements, and bypass roads in order to strengthen Israel's control over the population.[59]

Palestinian Collaborators as Part of the Surveillance Technology

The seemingly endless amount of data gathered and the construction of buildings could not, however, ensure the perpetual visibility of the Palestinian inhabitants. To further enhance its surveillance of the population, Israel began recruiting a massive number of collaborators.[60] It did not discriminate among Palestinians and enlisted both adults and children, the rich and the poor, urban professionals and rural farmers.[61] There were two main methods used to enlist collaborators. One operated through the permit regime. The permits, as mentioned, transformed many rights into privileges that were bestowed according to the discretion of the occupying authorities. Frequently, a person requesting a permit had to go through the GSS offices and was interviewed by one of the officers. A positive response to a request for a permit, ranging from access to medical treatment and family unification to building a home or opening a business, was at times conditional upon the applicant's willingness to collaborate.[62] Without the permit regime it would have been extremely difficult to recruit so many collaborators. The second recruitment method involved Palestinians suspected, accused, or convicted of security or criminal offenses. Often they were recruited by promising to withdraw charges, lighten sentences, or

improve their imprisonment conditions.[63] "The theory was that if a sufficiently large number of people were approached, some, simply by the law of statistical averages, would likely turn out to be useful sources."[64] Before long, thousands of collaborators were operating in the OT.[65]

Formally, collaborators have had five principal roles: (1) to infiltrate into the ranks of different organizations and institutions, newspaper staff, political groups, and so on, so as to relay information to Israeli authorities about the organization and the whereabouts of its leaders; (2) to extract confessions from political prisoners and to intimidate them; (3) to recruit new Palestinian agents; (4) to help Israel gain control of Palestinian land; and (5) to carry out paramilitary activities such as capturing wanted suspects and at times even killing them.[66] They are, accordingly, part of an apparatus that enforces (by, for example, carrying out arrests) and suspends (by carrying out extrajudicial executions) the law.

On a deeper and informal level, though, the collaborators have assumed a few other roles. They have been used as a surveillance apparatus that monitors Palestinian society at large. As opposed to a military base or a Jewish settlement, which is like a panoptic tower whose gaze is centralized and visible, the collaborators are much more efficient, since they are dispersed throughout society, for the most part invisible, and operate from the bottom up. The uncertainty regarding the collaborator's identity renders the surveillance apparatus omnipresent and therefore much more efficient. Almost anyone, anywhere, at anytime could potentially be a collaborator.

This suggests, in turn, that collaborators serve two additional roles that are probably more consequential than their more formal roles. They function as a means of control that encourages "correct" conduct. The mere possibility that someone could be a collaborator — and practically anyone can be a collaborator — becomes an extremely effective tool for encouraging people to act and even think in a certain way. From a slightly different perspective, the extensive employment of collaborators has helped to create new social hierarchies, since some of the incentives offered to collaborators by their operators have allowed them to climb the social ladder, while harsh restrictions are frequently imposed on those who refuse to cooperate. Simultaneously, collaborators also facilitate the fragmentation of society, undermining the basic trust needed to create alliances, promote solidarity, and spur political resistance. By destroying trust, they also individualize and depoliticize society.[67]

Not unlike the permit regime, the surveillance apparatus that Israel set up served both as part of the infrastructure of control as well as a form of control in its own right. The efficient operation of almost all the controlling apparatuses or practices deployed to manage the Palestinian population depended on the ongoing collection of data. If, for example, Israel wanted to increase agricultural productivity in the OT, it first needed to determine the amount of arable and cultivated land and the kinds of crops being planted. Subsequently, it would have to determine whether the introduction of new kinds of crops and improved seeds as well as the training it offered farmers had helped achieve its intended objectives. Thus, without the ongoing surveillance of Palestinian society, Israel could not test the efficiency of the measures it introduced. Along similar lines, ongoing surveillance was necessary for monitoring Palestinian behavior so as to keep track of transgressive activities, ranging from building "illegal" homes and planting prohibited crops to joining an underground political cell.[68] In these and several other ways surveillance operated as part of the infrastructure of control.

As a form of control in its own right, surveillance encourages each individual to govern him or herself. The notion that someone is always monitoring one's behavior and activities propels forms of self-governing.[69] The gaze emanating from the military government, civil institutions, Palestinian collaborators, and Jewish settlers often penetrates the individual, encouraging him or her to act in accordance with some of the existing rules, codes, and mores set by the occupying authorities—yet, at times, it also encourages subversive acts.

MOVING BEYOND THE CARROT AND THE STICK

The swiftness with which Israel set up the infrastructure of control is worth reemphasizing. Within days of the war's end, the basic rationale informing the complex legal system was established, and the High Court of Justice accepted the role of supreme arbitrator between the occupied inhabitants and the military commander. Just a few weeks later, the civil bureaucracies were operating, and the military and GSS were policing and managing the population. Moreover, the permit regime was created, and many of the surveillance apparatuses were installed within months. One cannot under-

stand Israel's occupation without taking into account this infrastructure of control, since its different components have informed every aspect of Palestinian life from the inception of the occupation until this day.

The legal system, civil and security institutions, permit regime, and surveillance apparatuses continued to develop until the mid-1990s, but the changes introduced were relatively minor. Since all forms of control both depend on and are shaped by the infrastructure of control, the fact that the infrastructural modifications were not substantial helps explain why the means of control did not change dramatically over the years. The significant changes taking place in the West Bank and Gaza Strip over the past four decades are thus a result of the way the means of control were used; their function, as mentioned earlier, was adjusted according to the modes of power that were emphasized during each period. In other words, the way the Palestinian population was managed changed dramatically not so much because the occupying power introduced new forms of control, but primarily because the emphasis on the modes of power shifted. And the alteration in the modes of power was propelled by the excesses and contradictions produced by the controlling apparatuses and practices.

In the following chapters I trace some of the excesses and contradictions that helped modify the modes of power, showing how they shaped both Palestinian resistance and Israel's policy choices. But before turning to analyze the historical developments in the West Bank and Gaza Strip, it is important to underscore the inadequacy of the pervasive "carrot and stick" metaphor, which has been repeatedly invoked by commentators of all stripes in order to explain how the Palestinian inhabitants were administered.[70] This metaphor was introduced by Dayan immediately after the war to intimate that Israel could and would manage the Palestinian population in the OT through appeasement and pacification on the one hand, and coercive punitive measures on the other. The pervasive invocation of the metaphor is unfortunate, since it both reinscribes the statist approach which understands the state to be a free agent that determines policies according to the whims of its leaders and assumes a very limited conception of power. It therefore fails to capture the vast majority of controlling apparatuses and practices deployed in the West Bank and Gaza Strip and ends up concealing rather than revealing most of the methods employed to manage the occupied population. It also obscures or fails to account for many of the reasons why the occupation has changed so dramatically over the years.

Shlomo Gazit, the first coordinator of government activities in the administered territories, who wrote a book about the occupation called *The Carrot and the Stick,* maintains that Israel did not really have a premeditated philosophy regarding how it wanted to govern the population. Thus, in stark contrast to the statist approach that informs the carrot and stick metaphor, he claims that many of the policies were actually shaped from below.[71] Dayan and several other people certainly implemented policies based on their strategic intuition, and the interministerial government committee met every other week to determine policy, but their decisions were shaped by concrete local political, social, and economic developments that arose from the ground. The overall strategy of control in the OT, in other words, did not exist before the occupation or come into being out of nowhere once the territories were captured; rather, it was partially molded by the interactions among the different forms of control that were adopted on the local and regional level in order to manage the population.

The metaphor's major inadequacy, however, results from the fact that it assumes a space, indeed a fairly large space, devoid of all power relations. Israel, according to this metaphor, enabled Palestinians to live their lives without interference so long as they behaved well. The carrot and the stick were used only when Israel wanted to either encourage or discourage the Palestinians from acting in certain ways. Power, according to the metaphor, is reduced to visible acts of intervention. In reality, however, the grid of controlling apparatuses and practices employed to manage the population was so widespread that it saturated every aspect of Palestinian life, leaving no space untouched. All facets of daily life within the territories were continuously meddled with, acted upon, and shaped, often in order to produce and channel the energy of the inhabitants in directions that Israel considered conducive to its own interests. Israel's attempt to increase hospital deliveries, its distribution of improved seeds for agricultural crops, and its vaccination of livestock are not considered forms of control or effects of power according to the metaphor of the carrot and the stick.

In sum, this metaphor presupposes that most daily practices are uncontaminated by power and therefore considers only the most visible, intermittent interventions as the workings of power, thus ignoring the apparatuses that ceaselessly operate on the minutest parts of daily life in order to pro-

duce and disseminate an array of norms and social practices. Referring back to the distinction discussed in the introduction among the three modes of power, the carrot and stick metaphor recognizes only sovereign power. Considering that most forms of social control cannot really be captured by this conception of power, the carrot and stick metaphor has actually served to cover up the more subtle means by which the Palestinians were managed and controlled.