THE POWER OF INCLUSIVE EXCLUSION

Anatomy of Israeli Rule in the Occupied Palestinian Territories

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Regimes of Separation: Israel/Palestine and the Shadow of Apartheid

Hilla Dayan

If I were to wake up one morning and find myself a Black man, the only major difference would be geographical.

—John Vorster, prime minister of the Republic of South Africa, 1966–78

Apartheid, one of the infamous regimes of the twentieth century, has been conceived in terms of spatial political separation, or euphemistically as "separate development." Spatial political control promised to keep a citizens’ society separate from the disenfranchised masses. Separation meant a coercive reconstitution of noncitizen populations and their living environment. Racist, but not genocidal, apartheid visionaries and practitioners did not seek the systematic annihilation of an out-group population. Rather, the regime and its social base anticipated their own annihilation if they were to let go of command over the movements, places of residence, and labor of that population. Forsaking control spelled disaster. It meant that the state and society, which benefited from an advanced capitalist economy and constituted a polity institutionally fashioned on the traditions of European liberal democracies (particularly those of British colonial forbearers), would be utterly lost. Separation with control, especially from the 1960s on, was thus constantly reconfigured. Experiments with redefining populations and their relation to political space marked a qualitative leap from a classic colonial-era "divide and rule." Despite serious policy-implementation failures, significant tension with capital interests, international blows, and pressure mounting from resistance campaigns from within, the Republic of South Africa committed itself to these experiments for decades. And hence, spatial and socioeconomic apartheid survives today long after control and political power have been conceded. The “pathological geography of power,” as Ann McClintock aptly describes it, the “only” major difference envisioned by John Vorster, indeed shows no signs of disappearing anytime soon.
In what follows, I argue that a similar long-term commitment to the principles of spatial political control over the mass out-group population began to take a distinct turn in contemporary Israel/Palestine in the aftermath of the first Palestinian uprising in 1987. From the outset, however, it is important to clarify that apartheid in South Africa is neither a precursor to nor repeated in Israel/Palestine, nor is apartheid a conceptual basis for comparing the two countries. The tendency in most comparisons of the state of Israel to the apartheid regime is to take at face value seemingly apparent analogies and to draw straightforward, easy conclusions. The problem with various genres through which comparisons are made is that they attempt to capture complex processes and conditions in occupied Palestine through the lens of extremely narrow and superficial catch phrases about apartheid. Too often, the result yields no more than pedestrian knowledge of both. At the same time, precisely because the historical analogies between Israel and South Africa’s settler societies are indeed striking and convincing, countercomparison propagandists attempt to block any informed discussion on the basis of a blank and visceral rejection of the very premise of comparison. South Africa and Israel/Palestine deserve more rigorous analytical consideration than what the popular, academic, and political debate over Israeli apartheid has so far managed to produce. They are paradigmatic cases for anyone interested in the dynamics, systemic features, practices, and trajectories of hegemonic regimes. I proceed by delineating principles identified as sui generis to a political type. Studying the type of regimes I call “regimes of separation” enables an extensive evaluation of their historical singularity. Contributing to existing theories of dictatorship and democracy a new regime type, I hope thus to escape the serious limitations imposed by the comparison discourse.

REGIMES OF SEPARATION: A CONCEPTUAL OUTLINE

Supposedly an anachronistic and exceptional relic of colonialism, one of the fundamentals of the apartheid regime was that it controlled the movements and spatial distribution of disenfranchised populations. Apartheid set a precedent, but not as a system serving capitalist interests, economic exploitation, and racial exclusion, which are the underlining premises of most modern polities. Contrary to conventional wisdom, it was not a deviant regime, but a system of rule that emerged from within the logic of the nation-state form. From the 1960s on, however, the Republic of South Africa sets itself up to implement measures that in unprecedented ways robbed its excluded out groups of the capacity and sources for sustaining an independent existence as collectives and political communities. It did so by force and through a massive border apparatus that allowed it to control the status of populations, their movements, and their means of movement (through identity and travel documents) in a political space in which it functioned as the supreme sovereign.

The ability to delineate finite borders and to control movements across them practically defines all modern polities. However, only rarely is this normal prerogative of states, a monopoly over movement and the means of movement, put to use domestically. A sovereign power that uses this monopoly for the demographic and territorial gerrymandering of a political space containing masses of noncitizens disrupts “the natural order of things for the overwhelming majority of the population,” as Ian Lustick puts it. Israel/Palestine is a geopolitical entity where this disruption has taken unique and unprecedented dimensions, especially since the early 1990s. There, a domestic border regime overrides the distinction between domestic and international space. A quintessentially unsettled polity, the state of Israel systematically intervenes in and constructs domestic, semidomestic, and peripheral areas in an attempt to manipulate an entire political space demographically and geographically according to its own design and perceived interests.

Etienne Balibar notes the rise of domestic border grids in his important essay on the transformation of political spaces. While international borders have been the historically overdetermined sites of contestations and exclusions, today, contestations and exclusions are no longer situated “at the border.” Borders are not “purely external realities,” but are situated everywhere and nowhere. Their multiplicity and ubiquity as a means of demarcating differentiated degrees of citizenship is apparent in virtually all nation-states. Balibar points out the paradox that “the more we reduce border externalities the closer we are to a border operating as a grid...ranging over the new social space, and ceasing simply to border it from the outside.” His provocative contention is that such domestic grids now perpetuate a global apartheid in virtually “all societies.”

Anthony Richmond, analyzing immigration regimes, argues that a new world order defined by restrictions of movement indeed amounts to a global apartheid. Global apartheid in his definition stands for the “forcible isolation of people.” It occurs “when separation is imposed by a dominant group upon a less powerful one.”

It is highly suggestive to think of apartheid as a grid of differentiation through a border regime and as a regime of forcible isolation of less powerful populations. Balibar’s and Richmond’s contributions are an invitation to examine seriously how grids of differentiation and isolation work today and how they functioned in the past. We need to know how separation rationalities have been put to work and where they produce acute crises of disenfranchisement and violence today. Considering the commonplace division of political spaces and new developments in the regimentation of borders, it is perhaps risky to single out either South Africa
or Israel/Palestine. Yet this is where the longevity and peculiarity of domestic border regimes and of forcible isolation of populations suggests that a certain type (as opposed to a global phenomenon) of a disenfranchising logic is at stake.

Many argue that trends toward globalization of the past two decades brought the once self-evident governmentality of nation-states itself into severe crisis, pointing out that issues of the administration of justice, political claims, economic redistribution, and cultural recognition are no longer confined to domestic spaces. Echoing the notion of global apartheid, they argue that exclusions and disenfranchisement no longer begin or stop at national borders, but are more pervasively global in scope. Nancy Fraser is convinced accordingly that “globalization has put the question of the frame squarely on the political agenda.” She critiques theories of globalization for stopping short of addressing the injustices created by the very politics of framing itself. Fraser identifies, for instance, the “Keynesian-Westphalian frame” as a “powerful instrument of injustice.” She calls “misframing” a condition in which “the community’s boundaries are drawn in such a way as to wrongly exclude some people from the chance to participate at all in its authorized contests over justice. . . . The architecture of the interstate system protects the very partitioning of political space that it institutionalizes, effectively excluding transnational democratic decision-making on issues of justice.”

Fraser thus invokes the crisis of the nation-state, whose spatial, political, and social parameters are shaken by globalization, in order to reconsider what she calls the metapolitical dimension: the splitting of political space in a way that unjustly excludes the possibility of developing democratic decision-making membership outside the nation-state. For Fraser, misframing is a broadly defined metainjustice in that it denies participation in frame-making processes by people both domestically and internationally. It skews the political frame.

**SKEWED POLITICAL FRAMING**

Thinking of the concept of misframing or skewed political framing in the context of global configurations of power indeed suggests new forms of mass disenfranchisements. Yet there is no clear answer as to what actually generates it. Is misframing inherent in the Keynesian-Westphalian frame, in the partitioning of political space to nation-states, an old problem only exacerbated by globalization? Or is it rather the case that the politics of the frame is forced to the fore as a result of the changing nature of the territorial state as an effect of globalization’s destabilization of the territorial paradigm of sovereignty?

In either case, Fraser’s spatial political metaphor—misframing—captures well the disenfranchising logic of an enforced frame. Let us therefore take this concept momentarily out of the context of current debates over globalization. Misframing may be conceived not as a consequence of globalization or as a byproduct of nation-statism, but as the logic of specific forms of coercive rule. It can describe the skewed correlation between a governmental apparatus and out-group populations that generates intense contestation over the frame. Most nation-states (on their last legs or not) still tend to be stable and uncontested framing entities, largely conforming to a division between domestic and international space. But some hegemonic regimes intentionally override this distinction with their framing-agendas and domestic border regimes. Regimes of separation, our cases in point, seek not only to contain, but also to control the distribution of their undesired populations within territories lacking such clear determinacy. Their “solution” to the problem of how to keep a safely separate (and often already ethnically cleansed) polity requires that other peoples be ruled by force. Michael Mann’s monumental study *The Dark Side of Democracy* shows that democratic or democratizing nation-states often have sought to oust or expel out groups when domination over a minority population considered problematic is no longer a tolerated option. Regimes of separation, by distinction, develop unprecedented mechanisms of containment, with forcible separation and isolation of masses trapped in their overextended political space.

Semipermanent misframing (and its perverse democratic justification and political authority), together with the ensuing chaos, resistance, and disorder it generates, does not fit comfortably any of our definitions of ethnic or territorial conflict, conventional war, or civil war. The paradigms of imperialism, of old forms of colonialism and of neocolonialism also do not sufficiently explain its sanctioned violence and logic of rule. Colonial powers, after all, did not initially conquer for the sake of imposing a frame of rule on the conquered, but simply ruled in order to extract resources. Conversely, the imposition of coercive rule by regimes of separation is a costly and dangerous enterprise, yet is justified as a necessary evil. Notwithstanding the fact that this imposition serves, in a conventional colonial fashion, the overexploitation of territorial, natural, and labor resources, it also exacts a heavy price from the misframing polity. And yet sustaining the interests of the polity’s constituencies, particularly the socioeconomic order from which its elites benefit most, is utterly unimaginable without it. Separation and isolation of out-group populations thus becomes an inescapable reality, a reality manufactured by the political project of separation, rarely challenged from within and pursued at all costs.

**MISFRAMING DEMOCRACY AND POLITICAL VIOLENCE**

For Fraser, what is at stake, the most pernicious consequence of misframing, is nothing short of a collective “political death.” There are concrete political spaces
where such an outcome is plausible. These are spaces where hegemonic polities continuously define out groups and their living environment in relation to their own hegemonic order. Misframing must be seen then neither as an incidental nor an abstract form of metainjustice. Hannah Arendt, for instance, argued that exclusion from the realm of the political is chronic, not to say inevitable in a world of nation-states. This was the tragic byproduct of just struggles to obtain and expand citizenship through acts of self-determination. Most acts of self-determination entailed some form of misframing, as the bloody history of ethnic minorities in nation-states clearly demonstrates. But in a regime of separation, the misframing of out groups—not minorities but mass populations—is not a coincidental effect of nation-statism, but its raison d’être. The colonial formula is also taken a step further. An insatiable accumulation of territory on which to impose an imperial order by a sovereign endowed with the mission to civilize foreign people in far-away lands is not quite what is ultimately at stake. In regimes of separation, misframing mass populations rather becomes an entrenched, fully internalized and rationalized feature of self-determination. Setting the frame is what the survival of the polity and the nation depends upon.

This misframing is guided by an overarching principle, the principle of fundamental mass disenfranchisement through misframing. This principle emphasizes the dynamic constitution of political space, such that a sovereign power determines the condition of belonging to a political frame—to any or to none—for out groups. This contested constitution takes place on the “metapolitical” level, as Fraser calls it, pointing out the lack of agreement over the political frame. On the metapolitical level, this misframing implies a denial of the right to have rights, as the famous Arendt formulation goes. More crucially even, misframing takes place on the ground, on the level of the phenomena of population. A regime of separation thus proceeds by implementing radical means of manipulating, destroying, and exploiting a physical environment and its populace. It is fundamental because it involves the metapolitical dimension. It is a mass phenomenon, having an impact on a massive scale, on entire social-political groups and their environment, and finally, it is disenfranchising in a series of negations and deprivations. 10

Separation regimes thus narrowly define the parameters of political existence for specific population groups. Giorgio Agamben’s writing on the threshold comes immediately to mind, because this political near death remains close to, yet still at the threshold of actual catastrophic annihilation, mass killing, and genocide. 11 Significantly, in a regime of separation, all attempts at active expulsion or annihilation are subordinated to a higher rationale of containment and control. Out groups are not quite “cleansed” in the territorial sense. That is, they do not disappear from a territory through organized campaigns of killing and expulsion. The most effective efforts at the destruction of their environments, displacement, and political destabilization occur well within the skewed frame. Could chronic violence under such conditions turn into mass killings? One notes, for instance, that the apartheid regime was neither genocidal in intent nor in effect. It did, however, attempt to destroy populations as political communities. In regimes of separation, containment as a strategy for the nonphysical political elimination of out groups is a rather peculiar twist on two fundamental aspects of sovereign power—a monopoly over the means of movement and a monopoly over the distribution of status in the population. Containment is achieved through the imposition of a democratically enabled administrative dictatorship (as I explain in more detail in the next section) and a monopoly over the means of movement through a peculiar border regime. As already noted, monopoly over the means of movement is a normative prerogative of modern sovereignty. When mechanisms of misframing are in place, however, we observe the perversion of this principle. Demarcated outsiders are continuously and dynamically distinguished from the democratic core, the inside, while in effect being part of one political space where a sovereign attains full monopoly over the means of domestic and “external” movement. A regime of separation is able thus to construct and maintain artificial, circumscribed environments placed under dictatorial authority. It aims at disrupting the relationship of populations to their geopolitical environment, ensuring their total separation from the misframing polity.

APARTHEID REVISITED

Throughout the decades of apartheid, most South Africans lived under a dictatorship, albeit for the most part not under an official state of emergency. A central organ of the government, a virtual “state within a state,” the department that went by different names over the years: the Native Affairs Department, then the Department of Bantu Affairs and Development, and finally, in the euphemistic spirit of reform, the Ministry of Co-ordination and Cooperation orchestrated the coercive administration of populations, generally enjoying the collaboration of the courts, government branches, and the civil service. 12 Single-handedly determined all aspects of life for those it defined as belonging outside the polity, or, in more cynical terms, as “migrants,” “aliens,” and “surplus populations.” This regime included residential and labor placements, draconian restrictions on movement, and forced spatial political affiliation to the Bantustans as remote extensions of its administrative reign of terror. More than the accessses of state violence and military repression, what constituted the gist of apartheid’s political authority was the successful normalization and routinization of oppression. When it was gradually
conceded that sustaining the matrix of control was unsustainable as a day-to-day practical regime, to a large extent simply because it failed miserably to achieve its own declared goals, apartheid began to unravel. As United Party Member of Parliament Marais Stien put it in 1968, it was a “dinosaur with a massive body and small brain.”

The out-group population under apartheid was coerced and conditioned to obey the will (and often whim) of the population-administration authorities, who considered them foreign and whom they considered hostile and foreign. Under the administrative dictatorship of apartheid, encompassing geographically the whole of South Africa (even spilling over to Namibia at some point), the decisions made from the lowest to the highest levels of the bureaucracy were both arbitrary and final, as under an occupation government. The democratic structures of the white polity created a semblance of separate spheres of political authority, but in fact together with the coercive administration constituted a hostile government functioning as a supreme sovereign without consent. As noted above, in the case of apartheid, it was not probable that political violence would or could deteriorate into genocidal catastrophe, harsh as the repression was, because the logic of containment and control charted another course: the implosion of hostile rule and the establishment of a population domain including all within the geographical boundaries of South Africa. What the process of regime collapse did eventually was to bring about on the level of political organization and political authority an end to an “impossible form of government,” in Hannah Arendt’s terms—the hybrid form combining a liberal democracy at home and rule over “subject races” in the colonies. In South Africa, an impossible government gave way to a possible government, or in other words, to a rehabilitated order of popular sovereignty. It is probably not by chance that the mechanism of coercion most plagued by chaos, inconsistency, and failure—influx control, the attempt to regulate the movement of blacks into urban areas—collapsed first, already in 1985, less than a decade before executive-political apartheid gave way.

Before I examine how influx control, apartheid’s domestic control of movement, was actually put to work, it is necessary to stress that although this system dates back to the colonial era, apartheid revolutionized it for its misframing purposes. Countering a tendency toward South African exceptionalism, Mahmood Mamdani maintains that systems controlling labor and the experience of disenfranchised populations in the entire region of sub-Saharan Africa generally were not so markedly different under colonialism and in its aftermath. Indeed, apartheid did not emerge in a historical vacuum, and the experience of colonized populations outside South Africa may not have been less harsh. No doubt apartheid must not be artificially plucked out of the context of the continental experience of colonialism. Still, it cannot be fully appreciated as a political rationale if treated as yet another colonial regime. Apartheid, with obvious continuities with its colonial foundations, was a particular type of regime with a distinct population problem to which it sought to devise unprecedented “solutions.” Apartheid was defined more by a series of radical spatial political experiments than by any of its ideological premises and proclamations.

Of the gamut of apartheid’s experiments, restrictions designed to curb the flow of populations from the rural to the urban areas dealt the most serious blow to individuals and communities. This flow was viewed as a menace to the integrity of white South Africa. Its management was thus implemented through the systematic supervision of movement, residence, and labor, all with the intention of eventually delegating all “nonwhites” to the rural areas. The microcontrol of movements through pass laws indeed dates back to the slavery era of the eighteenth century. Already in a famous speech in 1942, Jan Smuts compared the likelihood of success of influx control to sweeping back the ocean with a broom. Apartheid in any case would not have existed without such relentless attempts at “sweeping.” One must always keep in mind that the impetus of apartheid was not the preservation of a colonial status quo of racial segregation, but the radical reconstitution of populations in their relation to a disenfranchising governmental sovereign. This dynamic constitution, which could not have come about without influx-control mechanisms, entailed varying conditions and degrees of dispossession and destitution.

By the end of the 1950s, the impact of new pass laws and influx-control policies began to be felt as a tidal change. Through pass laws and influx control, movements, residential placements, and labor assignments were controlled in and between prescribed areas. Prescribed areas were any areas declared white, but where a large number of nonwhites lived and worked. The modernization of the pass laws entailed the introduction of a comprehensive scheme that created so-called Group Areas for each of the racially defined groups. Thus there were predominantly “colored,” black, or Indian concentrations of populations within townships or populating separate townships altogether. Significantly, while restrictions of movement applied only and categorically to all nonwhites, they were internally administered according to bureaucratic categories, and not primarily on a racial or ethnic basis. For instance, members of a black family could have different administrative statuses in a given area—some allowed to “remain” and work, some allowed entry for seventy-two hours only for the purpose of work, and some banned from the area altogether.

Notwithstanding the racist bravado of apartheid demagogues, much depended on the extent to which the ambition to order through separation and isolation of populations could be actually translated into practice. The legal fetish of apartheid
has been its most memorable feature, and every intricate minutia of racist legislation was put on record with official diligence. It is nevertheless the principle of despotic administrative rule that gave the regime its institutional force to command daily life. Government departments such as the labor and immigration authorities collaborated with the state within a state. The “bureaucratic behemoth,” as Deborah Posel calls the bloated civilian army of 1.2 million, had a very clear goal. The majority of South Africans were to be members of nations other than the South African nation. Under apartheid, most people were to be forced to live in the country of their birth as if on a foreign territory. This de facto and de jure mass denationalization (along with the infamous racial classifications, although those were not novel) was made possible through the creation of a national register, the Population Registration Act, Act No. 30 of 1950. Administrators issued identity cards, which contained information on the racial classification, registered residence, and authorized movements of people, using this quintessential tool of government for the purpose of denationalization. Ironically, by forcing identity cards and travel documents on practically all within its political space, the apartheid regime was compelled to govern the very vast populations it turned into stateless people in their own land. The intention to impose order and sort out populations administratively was quickly overshadowed by more ambitious plans for reordering the political space.

From the 1960s on, a more intense geographic upheaval began, with the administrative reconstitution of colonial-era reserves into Bantustans, beginning with the “independence” of Transkei in 1963. Intensified “disorganization and reorganization of the African population in South Africa” ensued. External border movements remained monopolized by the regime, so even the rulers of the Ciskei and Transkei homelands traveled to advertise their newly “independent” status on South African passports. Internally, waves of relocation and forced removals uprooted millions of “surplus people,” mostly from rural lands. This constituted a form of domestic ethnic cleansing—ethnic cleansing without expulsion outside the boundaries of sovereignty. With the bulldozing of entire neighborhoods in urban areas, the population of townships began to swell. New townships and “relocation centers” were erected in haste, lacking even basic amenities. These were the refugee camps of apartheid. The disorganization of political space had only gradually acquired the ultimate rationale of defining all who were non-whites administratively as citizens of homelands, with no recourse to permanent presence (and potential stakes) in the Republic of South Africa. The regime “Plan A” was first to turn populations into refugees by defining them as the official out groups of the South African polity. Only later the apartheid Gedachte (the idea of apartheid) evolved into manufacturing “for” them a perverse version of self-determination—pervasive, since this type of self-determination was not meant to exist outside or independent of the enveloping governmental apparatuses of South Africa.

About eight million people have been officially denationalized by apartheid and about three million forcibly removed. It is difficult to ignore the fact that apartheid was successful in redefining spaces and populations radically and permanently. But despite what may appear to be a staggering success, the situation was never ideal as far as apartheid cabinets and their administrative army were concerned. The more they tightened the controls of movement, the more people found ways to circumvent them. The more the regime depended on the Bantu Stans as containers, in effect viable social and economic environments, the more traffic flowed back in desperate search for residence and work in the cities. Gray resistance to pass laws was rampant—the business of buying and selling passes boomed, passes were faked, and many used the simple trick of losing passes and then earning a few months before a new pass book (known as a “reference book”) could be issued and then lost again, and so on. The list of “endorsements,” papers approved and signed by employers, renters, and township administrative authorities, was so long that there was no practical way to verify all the information. Squatters’ camps, “informal settlements,” and shantytowns boomed. This is a well-known phenomenon in practically all countries with similarly gigantic economic disparities, yet only from the 1960s on did it become an epidemic in South Africa, making the shanty town population there one of the largest in the world. Needless to say, this was one of the unintended consequences of influx control about which apartheid officials were not very happy. In short, the administration of influx control and pass laws was a logistical nightmare, closer to a grand failure than to a grand success. One commission after another tried to think of ways to “rationalize” this system.

Absurd as it was, the result of the imposition of an apparatus of control in such a way was nevertheless social and spatial engineering of a breathtaking order of magnitude countrywide. The landscape of white towns, industrial zones with adjacent matchbox townships and squatters’ camps, remote settlements, and former relocation zones in rural areas leave one with an eerie impression of uniformity. The impact on individuals and communities differed considerably, though. For instance, not in all cases did people suffer serious degradation in living conditions by being relocated to government-built townships. Still, hardly anyone was left untouched by it. In a recent interview, Deborah Posel pointed out that her classic study of the apartheid state, The Making of Apartheid, left unresolved the question of how, despite its own internal contradictions and failures, apartheid actually managed to implement separation. That apartheid was no linear, smooth execution
of an ideologically well-conceived plan tells only half of the story. The redefinitions of spaces and populations transformed the physical and social landscape of South Africa well beyond merely heightening earlier segregation tendencies. The dynamics of the sovereign demarcation of spaces and insides was so comprehensive and bewildering in scope that experts believe that at the very least, apartheid's physical legacy is bound to remain a permanent feature of South Africa. According to the leading geographer of apartheid, A. J. Christopher:

The physical inheritance of the apartheid era will survive for a very long time. Apartheid social engineers were part of a post-World War II global movement of professional planners seeking to construct new and improved living conditions for a "better" society. The physical constructions of the era were substantial and effectively permanent. The fabric of apartheid cities, the homeland settlements patterns and the infrastructure can be adapted but not erased.

Perhaps key to understanding the ultimate success of the spatial and demographic revolution of apartheid, as Ivan Evans has suggested, is the fact that the regime did manage to ensure (by sheer force, but also through more subtle practices) a sufficient degree of submission to and compliance with its spatial-political logic for a very long time. However, success was not solely dependent on administrative despotism, but also on the particular role the administration played within the South African Republic. For the citizen constituency, the state within a state seemed to have managed to address security concerns sufficiently enough without raising too much outrage at misconduct. It kept a semblance of normality and demographic, spatial, and political continuity for the white polity. This helped nourish the illusion that out groups conveniently placed under their thumb occupy a separate planet, an underworld beyond the pale, rather than right next door. A democratic veneer was certainly vital to maintaining this illusion. Depoliticized, bureaucratically spirited debates in the media, in parliament, and following the recommendations of commissions of inquiry focused on how influx-control and pass laws functioned badly or could function better. This maintained a vital horizon of hope that a "cleaner" way of ridding the republic of its problem of population might one day be found.

ISRAEL/PALESTINE: THE SOVEREIGNTY OF "AUSCHWITZ BORDERS"

From the outset, the specter of political incorporation of out-group populations haunted prestate Zionist institutions and, later, successive Israeli governments. The Palestinian catastrophe, al-Nakba, during the short seven months in 1948 in which an estimated seven hundred thousand Palestinians were forced into exile by Jewish militias following an apparently organized military plan, remained incomplete. Those who remained were placed under a military regime until 1966, and Israel firmly blocked the trickle of returnees during the 1950s. Occasional military raids across the border, including the indiscriminate massacres of villagers, effectively prevented refugee dwellings and shantytowns from forming in the backyards of what became the Jewish-dominated metropolitan area on the coast. The state did establish a complex and highly selective procedure for "family reunification," allowing qualified entry options to some, but kept it under tight control. All the while, a persistent ideological defiance of the armistice lines of 1948 perpetuated an unterritorially bound conception of political space. For Abba Eban, a memorable foreign minister in the 1960s, the 1948 boundaries were reminiscent of the borders of Auschwitz. Curiously, when the "Auschwitz borders" were swiftly overrun in 1967, the encroachment over a mass of undesired population did not immediately present itself as an existential concern. In the first two decades of the occupation, the territories were swiftly, if not officially or legally annexed. The people living there were to be subjects overwhelmed by force, resigned to accept a condition of permanent statelessness alongside and outside Israel proper. Thus, 1967 marked a second wave of mass disenfranchisement through intentional misframing.

This convenient arrangement suffered a devastating blow with the outbreak of the intifada, the first Palestinian uprising, in 1987. It was then that the issue of containing the undesired population arose to unprecedented levels of poignancy. In the 1990s, Israel/Palestine entered into a new configuration of territory and sovereignty. We may identify the years between the first intifada up to the signing of the Oslo agreement an uncertain transition phase in which there were already early signs of the emergence of a regime of separation. To be sure, the geopolitical rationale of separation with control had been already at work since 1948. The two waves of misframing, in 1948 and in 1967, already had "caged" out-group populations within the exclusive and contentious Israeli polity. But, intervention in the geopolitical environment of the Occupied Palestinian Territories and the regimentation of the everyday life of its population began to change beyond recognition from 1987 to 1993. "Peaceful separation," which took on all sorts of geopolitical shapes and ideological signifiers, was accompanied by new means of control and spatial designs. With the rise of peace on the political horizon, mechanisms of misframing shifted gear, becoming even more pervasive and permanent. Both their scope and their rationale had changed. In the new paradigm, the territories began to be projected as external, while their enemy population became a problem to be dealt with seriously. Since then, and certainly after the second intifada (2000), violent revolts had to be crushed by means so severe in their overall impact that
the prominent Israeli sociologist Baruch Kimmerling referred to it as “politicide”—a geopoliticide, one might add. It was “the Auschwitz borders” inverted: an imposition and supervision of borders perceived as the only means for ensuring the survival of the misframing polity.

In what follows, I look closely at the early stages of the 1990s revolution in Israel/Palestine. I discuss three principles already dealt with above in connection to apartheid—despotic administrative rule, domestic borders, and population destabilization through misframing. These are general principles that help explain how the particular disenfranchising, occupying, and territorial sovereign logic in a separation regime is effectively put to work. As early as the transition period of 1987 to 1993, the prerogative of sovereign power in the Occupied Palestinian Territories began increasingly to depend on new practices of administrative rule over populations. The emerging domestic grid of borders and the use of a monopoly over the means of movement began severely to destabilize the population’s relation to their environment. The physical aspects of this geopolitical revolution are there for everyone to see: the ever-expanding infrastructure of Jewish settlements, the Separation Wall, the system of bypass roads, and the ubiquity of checkpoints and roadblocks. In addition, there is the less visible operation of an administrative grid whose transformation dates back to the pre-Oslo transition period. Documentation and analysis of the administrative grid is made possible through the depository of a veteran human rights organization, Physicians for Human Rights—Israel. I intermittently interrupt this focus on Israel/Palestine to consider some apartheid mechanisms that help further flesh out principles of separation regimes.

THE PRINCIPLE OF DESPOTIC ADMINISTRATIVE RULE

In 1993, following the Oslo agreement, the West Bank was divided into so-called Areas A, B, and C, and Gaza was partitioned into four areas. In the West Bank, Area A was to become autonomous under the Palestinian Authority. Area B under coordinated Israeli and Palestinian control, and Area C, with the most Jewish settlements, under Israeli control. The interim agreement signed in 1995 established a joint Civil Affairs Coordination and Cooperation Committee, regional committees (for the West Bank and Gaza Strip) and district committees (in the West Bank) whose function would be “coordination and cooperation on civil affairs between the Palestinian Council and Israel.” Matters such as passage to and from the West Bank and the Gaza Strip, including crossing points and international crossings, as well as the granting of permits, were to be coordinated along with “other matters of common interest.” Each side was to establish and operate District Civil Liaison Offices (DCOs) in major West Bank cities (Jenin, Tulkarem, Qalqilya, Nablus, Ramallah, Bethlehem, Hebron, and Jericho) and in the Gaza districts. Senior officials were to convene in regular meetings. At the time, the Oslo agreement and its planned interim stages were generally received as a breakthrough formula en route to territorial partition and the establishment of a Palestinian state. The contractual language of Oslo suggests ongoing communication between legal-civilian representatives hammering out mutual interests. The nitty-gritty details, however, often were hashed out solely by and between IDF officers and future Palestinian Authority security officers in meetings that often took place inside Israeli military bases.

Civil affairs in the Occupied Palestinian Territories has been the purview of the military government of the IDF since 1967. The legal bases for the operation of the Israeli administration were the proclamations on law and administration issued soon after the war ended in June 1967, which granted the IDF full appointive and administrative powers of government and legislation. In 1981, under Ariel Sharon as defense minister, a new position was introduced, separate from the IDF military government. It was entitled “Coordinator of Activities in the Territories” (Meatem Ha’Peulot ba’Shacham), and its job was to “instruct, guide, advise, coordinate, and supervise the activities of all government ministries, the Civil Administration, state institutions, the various public authorities and private bodies in all matters concerning their activities in Judea, Samaria and the Gaza Strip.” The coordinator reported to the minister of defense. Civilians employed by the defense ministry and the army unit, known since 1981 as the Civil Administration, reported to the coordinator. The military Civil Administration of the Occupied Palestinian Territories has been entangled in complicated structures over the years. Generally speaking, since 1967, authority over civil affairs in the Occupied Palestinian Territories has been the prerogative of the IDF chief of staff and the defense minister.

The arrangements created by the Oslo agreements did not change this structure of administrative authority in the Occupied Palestinian Territories. Authority remained with the military governor of the territories. According to a former legal advisor of the Israeli Foreign Ministry and one of the architects of the Oslo Agreement, Yoel Zinger.

The nature of the regime established in the West Bank and the Gaza Strip, for the duration of the transitional period, is that of Palestinian autonomy under the supreme authority of the Israeli military government. Israel will continue to be responsible for, among other things, external security as well as the external relations between the West Bank and the Gaza strip... Unlike the Civil Administration, the military government does not dissolve. Instead, it simply withdraws physically from its former location and continues to exist elsewhere as the source of all authority for the Palestinian Council and the powers and responsibilities exercised in the West Bank and the Gaza strip.
Note that the IDF monopoly over what it already then defined as external relations between the West Bank and the Gaza Strip and external movement on the boundaries of Areas A, B, and C and via Israel abroad was written into the fine print of various Oslo agreements. The Oslo negotiators cemented the IDF monopoly over all aspects pertaining to passage, permits, and the means of movement in the Occupied Palestinian Territories. The Oslo interim agreements thus retained the supreme authority of the military government in the Occupied Palestinian Territories, with some amendments with regard to the physical location of some IDF bases. Specific areas of civil affairs were delegated to a new body, the Palestinian Authority (PA), operating under the IDF umbrella of overall responsibility for "security."

The old Civil Administration was reborn as District Civil Liaison Offices (DCLs) and District Coordination Offices (DCOs). Shlomo Gazit, a former IDF general and the first military governor of the Occupied Territories, who participated in the Oslo agreement negotiations, explains that while the establishment of the DCOs was supposed to reform a decades-old structure, it was never the intention to do away with the principle of administrative governance altogether. A crucial component of what was defined as the IDF security responsibility became the monopoly over the means of internal movement. A new system of movement permits and passes was to be created exclusively by means of the DCOs. The DCOs redefined both the means and the rationale of military administration, but the IDF did not make any effort to create even the appearance of a changing of the guard. The same symbol of the old Civil Administration army unit tag remained patched on the uniform of the military governor of the Gaza Strip. He now held the title of "coordinator" in the Gaza DCO, yet his portrait adorned a wall along with the portraits of all former military governors of the strip. This was one link in a long chain of unfortunate mistakes, Gazit laments retrospectively, especially since "to the Palestinians, it seemed to make no difference at all. It was the same mechanism; the same landlord that they hated before."

Let me pause here to consider, in comparison, the administrative machinery of apartheid. Notwithstanding the use of coordination as a euphemism for coercion, absolutely no institutional or historical likeness exists between the South African Ministry of Cooperation and District Coordination Offices in the OPT. The administrative apparatus of apartheid overall involved a huge number of people. It was the occupational vocation for a large segment of the Afrikaner population. This cannot be said about IDF DCOs soldier/administrators, who numbered approximately five thousand and issued 229,150 movement permits in 2003 at the time when restrictions of movement in the OPT peaked and the violent clashes of the second intifada raged. The scale and authority for issuing authorizations of movement under apartheid and in Israel/Palestine are likewise not comparable, not to mention the fact that authorizations of movement have served different functions under the two regimes. The apartheid regime had an economic interest in regulating the flow of laborers in and out of industrial centers and a demographic interest in displacing millions of people out of areas it "reserved" to whites. During the Oslo years, the function of authorizations of movement in the OPT was to control the flow of labor, but by and large also to be able to literally "hermetically close the OPT," as the official language put it. The policy was to restrict to the minimum the number of OPT residents entering Israel proper at Israel's will, with the consequence of eliminating economic ties altogether. Gradually, it became an imperative to be able to bring movement within the OPT to a complete halt as well, an imperative that, contrary to IDF propaganda, preceded the suicide campaigns launched by militant Palestinian groups against Israeli civilians. In South Africa, the national security rhetoric often invoked "Communist agitators," which later became simply "terrorists." National security, however, was in fact a relatively weak rationale, if not absent for justifying the influx-control and pass laws.

That said, endowed with the mission and means of imposing despotic administrative rule both the Ministry of Cooperation and Development in South Africa and the District Coordination Offices of the Israeli Defense Force today appear to adhere to a principle that may be summarized as a prerogative administration of movement, an administration directed or set apart for out-group populations. Ultimately, various institutional structures and their peculiar motivations matter less than what the imperatives and assumptions of this operational principle entail. For instance, setting up separate mechanisms for the administration of the movements of out groups entails that movement through political space is not a matter of ordinary individual choice. Movement must be authorized and controlled by the regime. The separate and population-specific administration of movement applies on an individual basis, as well as collectively, targeting all belonging to a population group, albeit in myriad uneven ways.

Apartheid's movement-control formula was the pass book known as dompas (stupid passes). The method adopted for the magnanimous task of implementing pass laws and influx-control was paper persecution. Everyone had to obtain papers authorizing daily activities. The pass book functioned not only as an identity card, but also as a labor card, requiring employers to fill in endorsements for their workers. Violators of residential laws, movement restrictions, labor placements, and generally people not carrying a properly kept pass book were prosecuted, penalized, and banished to rural oblivion at an astonishing pace of an average of two hundred and fifty thousand cases a year. At a certain point, employers were also required to report and monitor paper violations. A pamphlet, Everybody's
Everybody's Guide to the Pass Laws

This pamphlet has been produced to try to present the laws and regulations which govern the day-to-day life of Africans in the urban areas in a comprehensible form. We hope that it will be of use to both employers and employees and to the thousands of people who have to live their lives by these laws.

It should be noted that this summary has been drawn up in Johannesburg and some of the minor regulations and details may differ in other towns.

We have found that many people are finding themselves in trouble because of regulations they did not comply with in the past.

We wish to stress the following:

EVERY AFRICAN SHOULD KEEP IN HIS POSSESSION ALL DOCUMENTS HE HAS EVER HAD: SUCH THINGS AS BIRTH CERTIFICATES, BAPTISMAL CERTIFICATES, SCHOOL CERTIFICATES, REFERENCE PAPERS, RENT RECEIPTS AND DEATH AND BURIAL CERTIFICATES.

These papers may well be needed at some time to prove his or her rights to be in an area, and some are irreplaceable.

Definitions

A prescribed area is one which has been declared prescribed in the Government Gazette, and in practice means any area which is considered to be a white area, but where a large number of Africans live and work.

Section 10 of the Native (Urban Areas) Consolidation Act, 05/10/10 is the most important clause in all legislation affecting Africans. On it depends a person's right to come to, work and remain in a prescribed area.

Notes to Africans

1. You must never write anything in your Reference Book or Reference papers. You should carry it with you always.

2. You should obtain a notice of permit if you wish to stay in any area other than the one you are entitled to be in for more than 30 hours.

3. If you should go on holiday from a prescribed area you should not stay away for more than 36 days. If you do, you may not be allowed to return.

4. If you live in a township with your family you should re-enter your own and your children, parents and any relatives in your area are on your housing permit.

5. If you are seeing your children out of the area to school you should take them to the supervisor in the area in which you live and explain that they are delayed with you but are going away to school and will be returning for their holidays and will wish to be registered in your area when they have to take their reference book.

6. If you have paid trouble, arrangements can sometimes be made with township superintendents and welfare offices and employers.
is valid. Most permits are valid only for very brief periods, often just hours, forcing perpetual reaplication. Permits are also issued to “inhabit one’s own house” for residents in close proximity to military posts, Jewish settlements, or the Separation Wall. VIPs hold special permits that ease their movement in the Occupied Palestinian Territories. And there are the ubiquitous “humanitarian cases” for which, in addition to regular permits, there are special movement-authorization procedures handled by “humanitarian centers” (a relatively recent development) staffed by DCO soldiers.

During the first intifada, movement through the political space of Israel/Palestine and between Gaza and the West Bank became simultaneously intolerable and more necessary to monitor. With obvious continuities, there has been a paradigmatic shift. In the first two decades of the occupation, a permit allowing movement worked as a general rule, the exception being when it was retracted to disqualify the individual from entering the Israeli job market. On the external rim, there was a similar general permission to cross over to neighboring countries, known as the Open Bridges policy. During the first intifada, at the same time that the first individual movement authorizations were granted, movement was gradually prohibited until this prohibition now became the general rule.

THE PRINCIPLE OF DOMESTIC BORDERS

The basic ingredients of controlling populations through a draconian monopoly over the means of movement within the Occupied Palestinian Territories—internal curfews, closures, and general authorizations of movement—were at work on a rather small and highly localized scale during the first two decades of the occupation. According to Shlomo Gazit, imposing a curfew used to be a complicated procedure. It passed upward from the lower levels to the highest military levels and passed down again as a command on behalf of the IDF chief of staff. The command would specify the task, the forces designated for its execution, and a clear timeline for a curfew. A curfew recommendation would climb up the bureaucratic ladder on the civilian side, as well, and required the approval of the highest civilian executive, the minister of defense.36

In response to the intifada, the Israeli security apparatuses first employed short-term curfews as ways of controlling the uprising, with their outpourings of demonstrating crowds into the streets. In 1991, curfews were frequently used, albeit to a large extent still locally. In the village of Anabta in the Tulkarem region, for instance, between January and March 1991, seventy-four days of curfew were imposed on the population, leaving only seven days without a curfew.37 In order to enforce its curfews, the military had to dispatch patrols into major cities. Pictures of soldiers storming streets and the alleys of refugee camps, shooting at demonstrators, became iconic media images of the intifada. Gradually, the strategic spatial advantages of closures over curfews became apparent: Closures could be imposed simply by blocking main roads to and from certain areas, significantly reducing the need to risk direct “contact” with the population and the inevitable international embarrassments that accompanied these violent scenes. Although both means, curfews and closures, were used during the first intifada, the frequency and severity of closures increased as rapidly as mass and generally nonviolent resistance declined. In 1991, during the First Gulf War, the concept of a protracted “total closure” pertaining to the entire population of the Occupied Territories was first introduced, and in the following years, total closure was used more frequently and lasted for longer periods of time. Closure began to be applied not only following eruptions of demonstrations or attacks on Israeli citizens (mostly settlers), but habitually around Jewish holidays, periods of heightened tourism in Israel.

In the late 1980s and early 1990s, mass mobilization in the Occupied Territories gave way to occasional “knife” attacks, random attacks on Israeli-Jewish passersby. In March 1993, a closure was imposed on Gaza after such an incident in Tel Aviv. The closure lasted three days before forty thousand workers from Gaza were allowed to return to work in Israel. General Dany Rothschild, then the coordinator of government operations in the territories, announced with the lifting of this closure that only workers picked up by Israeli employees from the Erez checkpoint were to be allowed in.38 General Amnon Shahak relayed the IDF version of influx control: “economic pressure pushes 25,000 workers to the checkpoint terminals at Erez each day. They go through physical checkup, sample checkout of vehicles and magnetic card validation.”39 The instability of the flow of Palestinian day laborers became a headache for Israeli employers, who then aggressively lobbied the government to expand the importation of cheaper and “safer” international migrant workers.

The gradual process of disappearing the Palestinian day laborers from the Israeli job market did not, however, put them off the radar. The magnetic cards that Shahak referred to in 1993 had been first introduced in 1986 as digital versions of the old paper entry and work permit. This device contains information identifying a person’s security status and other computerized data. Those caught in Israel without valid permits were given a police-issued “prohibition” that appeared on the IDF computer screens. Many others were “prohibited” by the General Security Service for undisclosed reasons. Highly restricted though it was, Palestinian labor in Israel was never completely eradicated or officially banned. In 1999, for example, about one hundred thousand permits to enter Israel were issued to Occupied Palestinian Territories residents, and about thirty thousand workers employed
by sixteen thousand Israelis obtained special permits to enter Israel at times of closure “in the framework of a special program of consistent employment [avoda retzika].” That same year, the IDF also approved a “passage quota” 1000 people from the West Bank and 1000 from Gaza were authorized to move between the strip and the West Bank, in addition to 3,450 employees of the Palestinian Authority.42 Initially then, general closures turned the West Bank and Gaza Strip into two isolated islands. Soon followed an internal splintering of the Occupied Palestinian Territories by domestic borders in the form of military checkpoints.

In studying how domestic borders worked in South Africa, one encounters the difficult task of following confusingly changing and often overlapping spatial divisions and jurisdictions. The most important local administrative unit of central government in apartheid South Africa was the magisterial district. Magisterial district boundaries typically appeared on cartographic presentations of the state. Municipal boundaries, however, did not appear on the national map series and frequently changed. This is significant, because municipal boundaries were the focal point for the implementation of influx-control and pass laws. The boundaries of the Bantustans, for instance, remained fixed and stable throughout, but were not included in the national map series. Despite periodic proclamations of the Bantustans as “independent” throughout the 1970s, only in 1985 census did district boundaries actually reflect the Bantustan territories under a complex system of overlapping jurisdictions. This, in turn, substantially modified the entire map of the magisterial districts of South Africa.41 To make a complicated story short, we need note only that the boundaries of jurisdictions, geographical, and administrative units were subject to very frequent changes under apartheid. Presence inside or outside these flexible territorial units depended less upon the juridical coherence or territorial integrity of areas as such and more on a person’s ability to obtain official papers to qualify for being in or entering them.

A particular procedure called “endorsing out” captures the schizophrenic nature of a domestic border regime and sheds light on the principle of domestic borders themselves. The function of a domestic border regime is to determine what individuals belong outside the administrative realm of a common political space. Being “endorsed out” meant that a person no longer “qualified” as the official term put it, for residing in and/or working in a certain area. One could qualify to be in an urban area under “section 10 of the Native (Urban Area) Consolidation Act No. 26” only if able to produce evidence that he or she was born in the urban area or had worked continuously there for ten or fifteen years. The endorsement was forfeited and the person lost his or her credential if, for example, the person left the area for a short period or if a person was sentenced to a fine exceeding 1,000 rand or a term of imprisonment exceeding six months. With the level of random arrests based on violations of pass laws alone averaging two hundred and fifty thousand cases a year, this was a highly precarious credential.

In the Black Sash archive, the bureaucratic hassle over a person’s administrative status was recorded in appeals to and responses from the authorities. The Athione Advice Office of the Black Sash in the Cape Town region, for instance, reported its legal expenses for the year 1969–70 in terms of successes and failures to stave off endorsements out. For example, success was recorded in canceling an endorsement out proving a certain person’s registered employment and in diminishing the rate of endorsement out in the area of Stellenbosch through advocacy or legal interventions. Failure, most often due to “broken records,” in which case a person “disqualified him/herself,” in official language, by not providing proper documentation of consistent whereabouts, laconically appears in this document under the heading “not qualified.”42 In 1973, the Athione Advice Office also reported the expansion of administrative boundaries and pondered the implication of this with regard to freedom of movement:

The imaginary line dividing the City Council from the Divisional Council portions of the Cape Peninsula is said to be on the verge of dissolution… An advantage will be that the Cape Peninsula will form one area, movement within which will be freely allowed; unfortunately, it is to remain separate from the rest of the Western Cape, but that too will become one area. One might reasonably hope that in view of the coming amalgamation, the authorities would exercise their discretionary powers when asked, for instance, to sanction a change of employment between areas within the Peninsula. But no, on the contrary… Even after April those who have broken their continuous residence in one area by living in another area will not be considered to qualify for permanent residence in either area.43

What we learn from this report is that in Cape Town at the time, where even the flat top of Table Mountain has been declared a white area (even though only a white cloth of clouds appeared to occupy it continuously) people could not move freely, even within previously established areas, without risking “breaking records.” What mattered most, then, were not the boundaries of the area per se, but the administrative status that people had managed (or failed) to acquire and to retain in relation to it. The implications of endorsement out—not qualifying to be in one area or another—have been of catastrophic proportions to individuals, families, and entire communities.

The operation of this administrative grid functioned as a “soft” or invisible domestic border. In a domestic border regime, boundaries do not distinguish or create territorial outsides of political sovereignty. Instead, they set up an internal administration for the purpose of differentiation, separation, and control. It is
useful to recall Balibar’s point here, that borders exist no longer as purely external realities, but are situated everywhere and nowhere. The principle of domestic borders in separation regimes is a particular manifestation of this situation. Borders cease to operate “externally,” distinguishing one sovereign territory from another. Instead, borders function as mechanisms of domestic population differentiation and control.

In the Occupied Palestinian Territories, the administrative status that people have to maintain in relation to the territory is monitored through the use of physical “hard” barriers and in the form of “flying,” “spontaneous,” and “permanent” military checkpoints. This form of monitoring did not exist in South Africa, where it was difficult to distinguish even the areas of the Bantustans from the rest of the country in the absence of borders or border signs. Over the past few years, Kalandia checkpoint, separating residents of Ramallah from residents of East Jerusalem, evolved rapidly from an improvised military checkpoint into a permanent one. More recently, it began to resemble an international terminal, complete with a parking lot and a visitors’ waiting hall. Kalandia is nevertheless an artificial physical and administrative divide, a wedge between Ramallah and East Jerusalem, the largest and most important population centers in the OPT.

The domestic border regime in the OPT thus has both physical manifestations of a static and permanent nature (the Wall, checkpoints turned “international” terminals), and a dynamic grid of administrative differentiation (shifting, arbitrary, and short-term authorizations of movement, categories of authorized residence, and so on, managed ad hoc by checkpoint and DCO influx administrators who are soldiers). In Israel/Palestine, the domestication of borders has had the distinct effect of creating closed-off, prisonlike environments, or in IDF terminology, “land cells,” echoing John Vorster’s vision of geographical difference.

THE PRINCIPLE OF POPULATION DESTABILIZATION THROUGH MISFRAMING

In the transition period from 1987 to 1993, when domestic borders just began to appear in their current form, the sovereign monopoly over the “external” boundaries of Israel/Palestine severely destabilized the Palestinian population. Skewed framing was put to work through the use of unprecedented impositions of internal and external exile. Examining a particular mechanism of population destabilization in the transition period sharpens our understanding of the process by which the occupation regime morphed into a regime of separation.

To be sure, policies that force de facto exile on the Palestinian population were in practice long before what is identified here as a transition period to a separation regime. It is common knowledge that arbitrary denials and harassments when crossing the Occupied Palestinian Territories into neighboring countries were practiced before the first intifada. Physicians or patients’ appeals to Physicians for Human Rights—Israel between 1988 and 1993 involved requests for assistance in attaining travel permits to leave the Occupied Palestinian Territories and go abroad. The archive of PHR-I contains documents beginning in 1988, the year it was founded in response to the first intifada. The permits that the organization helped people to obtain at the time were issued by the offices of the old Civil Administration, which was responsible for authorizing “external” border movements. Some files contain a description of the medical circumstances of applicants: victims of security-forces shootings, practices of torture, beatings, egregious detention conditions, and medical neglect. In some cases, reentry permits were denied for obscure security reasons. Such was the case of the chief neurologist in the East Jerusalem Al-Mukassad Hospital. In February 1991, Dr. N., a resident of East Jerusalem and a holder of a Belgian passport, was refused entry several times while attempting to return from a visit to Jordan. Only after relentless pressure from Al-Mukassad and PHR-I citing Dr. N.’s vital functions at the hospital was entry granted. Many Palestinians experienced similar difficulties, suggesting that the Open Bridges policy of the first two decades of the occupation did not mean that all traffic was automatically or actually authorized. As a matter of fact, for years, the IDF Civil Administration had an unofficial policy of encouraging emigration from the Occupied Palestinian Territories. The state blacklisted people who at one point became “prohibited” and denied entry or who simply were encouraged to leave and not come back. Some high-profile public deportations took place, usually targeting militant leadership (the most memorable being the 1992 expulsion to South Lebanon of 300 Hamas members by Yitzhak Rabin). While some expulsions were handled in the open, in a much less public fashion, Palestinian administrative detainees, incarcerated without trial for indefinite periods, were forced to negotiate exile periods in return for their release. In one case, according to the veteran human rights advocate Tamar Pelleg Syrck, an administrative detainee was forced not to return for seven years in order to end two years of incarceration without charges or a prospect for a trial. Sordid “deals” such as these were first struck with the General Security Service before being secretly approved by the State Prosecutor’s Office.

But a practice I refer to as “forced self-exile” had a particular application in the transition period of the early 1990s. In forced self-exile cases, exit permits from the Occupied Palestinian Territories were to be obtained only provided that a person agreed not to return within the foreseeable future. Although it is difficult to establish a clear statistical picture, it is possible that such random cases found in PHR-I’s archive (see below for details) have been merely the tip of the iceberg. In 1990, the
organization was not as well known in the Occupied Palestinian Territories as it is today. Moreover, a person's medical condition was perhaps not the only urgent need that could be exploited to extract the improbable promise not to return in exchange for a travel permit. Some traveling abroad to study were also forced to sign a form obliging them not to return. Other human rights organizations may have encountered this practice in other contexts. It is unclear who authored the requirement and what its legal basis is in military or any other law. How it was handled is also unclear. For instance, I know little about whether persons who accepted the imposition in return for an exit permit were in fact allowed to return at the end of their forced self-exile period. Archive findings, nevertheless, conclusively show that it was not an accidental occurrence, but a policy, officially corroborated in IDF responses to inquiries made between 1988 and 1993.

**Forced Self-Exile: Sample of Cases Handled by Physicians for Human Rights—Israel**

1. A., a resident of Jenin, was shot by IDF soldiers in November 1989. A. was arrested and transferred to an Israeli hospital in Afula. Afula physicians did not remove bullet shrapnel from his chest despite serious pain caused by it, on the premise that this condition did not endanger his life. After A. was released from six months of administrative detention, he applied to the Civil Administration office requesting an exit permit for medical treatment abroad. The Civil Administration made his exit permit conditional on a requirement that he should sign a document that obliged him not to return to the Occupied Territories for a period of three years from the day of his departure. A. refused to sign the document and did not obtain an exit permit.

2. In June 1990, B., a resident of Tul Karem, sustained five shots while an operation of special IDF units took place in proximity to his place of residence. Seriously injured, he was first taken for interrogation and only later transferred to a medical center inside Israel. His spine injury resulted in lower-body paralysis. B. applied to the Civil Administration requesting an exit permit for treatments in Jordan. The Civil Administration made issuing a permit conditional on a requirement that B. would sign a document that obliged him not to return to the West Bank for a period of two years. B. refused to sign the document. He has been prevented from leaving the Occupied Palestinian Territories ever since.

3. PHR-I received a letter from the office of the legal department of the Civil Administration dated September 24, 1990, in response to a request for a permit on behalf of patient C., who sought medical treatment abroad and was refused exit. In the letter, Officer Nava Mantus stated that “should she submit a request to exit the area for a period of a full consecutive year, and upon providing the appropriate document, our position in her case will be reconsidered.” A similar letter was also received on February 24, 1991, in response to a request for a patient’s exit permit, this time stating that the person's exit permit was to be approved, provided that he would spend a period of at least eighteen months abroad from the day of his departure.

4. D., from the area of Bethlehem, had repeatedly requested exit permits since 1988 for medical treatments abroad and was denied. The Civil Administration made his permit conditional on an obligation to not return for a period of five years. The case was brought to PHR-I in March 1990.

5. E., a student from the small village Ida in the West Bank, requested an exit permit for the purpose of attending medical school in Romania. Israeli secret services warned her that she could not obtain an exit permit unless she signed a document obliging her not to return to the West Bank for a period of five years. The case was related as oral testimony to PHR-I in February 1990.

It should be emphasized here that forced self-exile, like the curfew and closure methods used by the IDF from the very beginning of the occupation, was not a new method. It had been nevertheless previously imposed in a quite selective and exclusive manner. The notable innovations in the transition period of the early 1990s were the sophisticated way in which the regime implicated its subjects in their own exile and the widespread and indiscriminate use of the regime's monopoly over the means of movement as a tool for population destabilization. Forced self-exile was nevertheless not a coherent policy. For instance, there are counterintuitive discrepancies in the length of exile. Periods of self-exile range broadly from eighteen months to five years, usually from the day of intended departure. Young men from cities such as Jenin and Tul Karem, where serious clashes with the IDF took place during the first intifada (cases 1 and 2) were required to leave for “only” two to three years, while a period of five years was proposed for a young female student from a small, peaceful village (case 5). The only consistent information in all cases seems to be a document that persons were required to sign. The existence of this paper trail is confirmed in the letters PHR-I received from the legal advisor to the Civil Administration office (September 24, 1990, and February 24, 1991, case 3) and in a more recent sample of a pledge of obligation found in the records of the Association for Civil Rights Israel. [See document on pages 305–309.]

The system of authorizations for internal movement had just taken its first steps while this was happening on the external borders of the Occupied Palestinian Territories. One of the earliest indications I found in the PHR-I archive of authorizations for domestic movement involved special permits issued for all Occupied Palestinian Territories medical staff members. The officer in charge of the health unit at the Civil Administration responded to PHR-I's report on restrictions
AN UNDERTAKING OF A PALESTINIAN STUDENT not to return to the Territories for
two years in exchange for being permitted to go abroad to study.

1. I , I.D. Number: , hereby undertake to leave the area of Judea and Samaria
(hereafter: the area) and the territory of the State of Israel and the Gaza Strip, including the
areas under the control of the Palestinian Council, and not to return to them until the end of my
studies, and in any event for a period not less than two years from the day I leave the area, which-
ever is later.

2. I am aware and I agree that this undertaking and the particulars set forth herein constitute a
condition for my being permitted to leave the area, and had I not agreed to this condition, I would
not be allowed to leave the area.

3. I undertake not to engage in hostile activity that is liable to endanger the security of the State of
Israel and/or its residents and the security of the area and/or its residents or the security of the
Gaza Strip and/or its residents. Also, I undertake to refrain from being a member and engaging in
activity in any terrorist organization and/or any organization that has been banned in the area.

4. I understand and agree that I shall leave the area, and return to the area at the end of my studies,
only via the Allenby Bridge border crossing.

5. I am aware that, if I breach my aforesaid undertakings, I shall not be permitted to leave the area in
the future, and that I shall be subject to punishment as specified by law.

________________________
Date

________________________
Signature
on medical staff movements and the lack of access to medical care under curfews on December 4, 1989: "Contrary to PHR's irrelevant and untruthful report...at the beginning of the uprising in Gaza two years ago, special movement in curfew permiss have been distributed to all workers of the local health office, numbering 1700, including physicians, nurses and administrative workers." Evidently, because of sustained curfews and closures, the need arose to produce special curfew permits facilitating the movements of these professional sectors.

Gradually, blank "humanitarian" movement authorizations were replaced by ad hoc "emergency" permits, yet these exceptions at some point became indistinguishable from other types of permits and frequently did not help those in need of medical assistance. My impression from studying the evolution of the regime of Israeli movement authorizations and restrictions from 1987 to 1993 is that the Civil Administration was scrambling to turn itself into a comprehensive and direct administrative mechanism for the supervision of movement. Significantly, this process of gravitation toward tighter monitoring of everyone's whereabouts had already occurred before the Oslo agreement had sealed it with the establishment of the District Coordination Offices. Leaving aside for a moment the institutional dynamic of the Civil Administration, what is curious about the cases of forced self-exile is that they reveal a semirandom deportation method that required no use of explicit violence on the part of the state and that was designed for the population at large. This particular method was only semirandom, since it actually targeted the needy, the sick, and the injured. While previously, political leaders and people suspected of engaging in activities hostile to the state were likely candidates for draconian measures of expulsion, during the transition period from 1987 to 1993, the entire population of the Occupied Territories became equally "suspect."

New methods of deportation, expulsion, and separation or isolation through arbitrary restrictions have developed continuously since then. In May 2006, the Israeli High Court of Justice rejected appeals of a legal ban on family unification in Israel. As a result of an amendment to the Israeli Citizenship Law of 2003, all Occupied Palestinian Territories residents categorically are refused the ability to apply for permits to reside in or obtain civic status in Israel, even when they are married to Israelis. Similar restrictions now also apply to Palestinians carrying foreign passports. Palestinians wishing to enter or exit the Occupied Palestinian Territories who have no passport, or who have a European or American passport, for that matter, can all expect to be banned regardless. Israeli in effect imposes a double ban on Palestinian family unification. It does so by controlling Palestinian immigration and residency status on both sides of the Green Line.

Collective and individually tailored bans are staples of regimes of separation. The banning of persons was a daily routine in the restricted universe of apartheid, and here, as well, the banning involved both restrictions on internal movement and external exile. Just as a skewed framing of the parameters of the nation-state severely destabilized the Palestinian population, skewed framing in South Africa enabled the apartheid regime to turn large portions of the population into exiles of one kind or the other.

Based on the Ritus Act of 1930, together with the Suppression of Communism Act of 1950, later again renamed The Internal Security Act in 1976, the apartheid regime established its authority to issue "banning orders." Specific movement controls were tailored to specific categories of people. Ban orders were particularly used to curtail activists in the black townships. Measures confined certain people to a particular area, forcing them to report periodically to the police. Another method, house arrest, confined a banned person to a place of residence. Ban orders were valid for a period of five years and could be renewed. The regime crackdown on black leaders most infamously took the form of assassinations, death penalties, cruel practices of torture, confinement, and prolonged imprisonment. Yet for those who escaped actual imprisonment, other restrictions of movement applied. To some, through the Departure from the Union Regulation Act of 1955, the government offered an alternative to imprisonment, which was to leave the country with an "exit permit" once the secretary of the interior had established that they intended to leave the country permanently. In some cases, the state refused to issue passports to agitators such as the famous playwright Athol Fugard. Some were handed instead exit permits. In the usual euphemistic fashion, the exit permit procedure actually was an entry ban. Not granting permission to return, it sent people off into forced exile.

South Africans with exit permits were for the most part the elite few and were fortunate in that they received political asylum outside South Africa. This mechanism was thus a relatively orderly and transparent form of imposing exile. In 1983, Amnesty International reported cases in which people who held pass books and South African birth certificates were held incommunicado for periods of up to twelve months. They were forced to confess that they were aliens, and the regime ordered their deportation to Zimbabwe. From 1983 to 1984, twenty thousand alleged citizens of Mozambique were deported from South Africa this way. According to Amnesty International, a considerable number of them had no country of origin other than South Africa.

The difference between these two methods of deportation is between those who had lost their South African status because of activities perceived as hostile to the regime and those who the regime did not recognize as South Africans in the first place. In the first example, individual passports were denied. In the second, entire groups were summarily ejected. It is worth noting here that the apartheid
regime did not see its population problem as a problem confined to the boundaries of South Africa alone. Its impact on the entire sub-Saharan region in terms of the control of population flows as well as in terms of economic, demographic, and territorial gerrymandering time and again transgressed South Africa's colonial boundaries, the prolonged occupation of Namibia being a conspicuous example.

Most South Africans, however, experienced exile and displacement at home. Apartheid did not simply ban people. It ensured that any relation they might have to their environment would be made neither stable nor permanent. No brief account of the phenomenon can do justice to its overwhelming complexity and magnitude. Permits required for residence in townships specified who may or may not visit residents. One also could be endorsed out, crucially, from any peripheral township, not simply from the so-called prescribed (urban) areas. Special powers were given to township administrators to expel from the township the "idle or undesirable," the "redundant," and those "detrimental to the maintenance of peace and order."10 Adding to a maze of administrative decrees, there were the complications stemming from various statuses of pseudocitizenship and noncitizenship. There were those who remained citizens of South Africa while also obtaining citizenship in the "self-governing" Bantustans, in contrast to those who had been denationalized and who became citizens only of the "independent states." Children born after the date of independence of their respective Bantustans and hence were assimilated to the position of "foreign blacks" sometimes had parents with South African citizenship. Single workers from rural areas who were forced into hostel accommodations in townships acquired the status of "migrants"—alien or foreign workers. In 1984, the South African government allowed 355,560 workers from neighboring countries to enter. They, too, were subject to pass laws and racial and administrative classifications, but nevertheless remained foreign.

The categories of alien (noncitizenship status) and migrant worker (labor status) applied to them, as well as to some eight million born South Africans in a clearly intentional conflation.

"Dompas," says Zackie Achmat, a famous anti-apartheid and AIDS activist, "were legal documents which made me a foreigner in my own country."11 While all individuals had in one way or another to deal with the tyranny of paper persecution on a daily basis, the experience of forced removals, the "exodus," as it was called, of entire communities, differed considerably from one place to the other. Experiments in the actual removal and reconstitution of communities and their environment succeeded to inflict social and economic mayhem in some cases more than in others. Various sorts of methods and degrees of violence, coercion, or persuasion were used to dislocate different groups. Communities mounted varying degrees of resistance, although in many cases, particularly in squatters' camps, people also "moved willingly...because they could have their own homes in the new townships" or simply "because they would be deemed qualified by the authorities to live at these new locations.

Nevertheless, the dislocation and disorganization of the population of South Africa was broadly envisioned, with the result of displacing millions internally. What made the coinage of "separate development" that sanctioned it, in an attempt to sustain an illusion of the spatial political integrity of a white South Africa, so strong, despite its evident irrationality and unworkability? Not only were the Bantustans widely known by the early 1970s to be unviable political-economic entities, but influx-control and pass laws also failed to purge the urban population, at the same time dispossessing rural populations of land. Both "separation" and "development" were bound to fail to produce independent, separate nation-states. But, was this really the intention?

First as the head of the BAD (Bantu Administration Department), apartheid's most infamous executioner, Hendrik Verwoerd, already had begun orchestrating mass campaigns of forced removals in the late 1950s. Converting ideological proclamations into practical force, Verwoerd was the quintessential apartheid "bulldozer." He advocated a strong republic that need not worry too much about the economic or political viability of territories or populations. He disregarded, for example, policy recommendations arguing that in order for separate development actually to work, it would be necessary to commit huge resources for the development of the Bantustans. The rhetorical ploys of apartheid indeed called for each citizen to harness a "personal commitment" to "widen your horizons to become nation builders instead of township builders."12 Yet to put it bluntly, the viability that Verwoerd and apartheid architects worried about was not primarily of any of the "Bantu" nations. Sustaining the Republic of South Africa was the goal, which in the context of South Africa meant a long-term commitment to the political destruction of those nations. It could not have been as hegemonic an idea, surviving as long as it did, if the ruling elite, and Verwoerd most memorably, had failed to convince citizen constituencies that this program, as costly, complicated, and morally abject as it was in the eyes of the rest of the world, was absolutely necessary for the survival of their polity. This nation-building project turned populations in South Africa into stateless people at the mercy of a hostile foreign government.

The principle of population destabilization through misframing or skewed framing in the form of forced (internal and external) exile is the operational side of separation with control. Normally, the expelled are no longer monitored by a regime and are simply taken out of its frame. More frequently, though, in a regime of separation, the function of domestic expulsion, banning, or confinement is to mark people as outside the frame and still to bind them coercively to
the misframing sovereign. In multiple ways, both individually and collectively, the undesired population must be reined in by a regime that at the same time attempts to sever any sustained relation it has to its political space. As a consequence, both individuals and communities are under a chronic threat of destabilization through external and internal exile, which more often than not becomes their actual predicament. This feature of a separation regime may or may not have the potential to turn into something else, such as a full-fledged regime of expulsion begetting a more conventional version of ethnic cleansing or even mass (as opposed to chronic) killings and genocide. In light of this principle, we can look back and reflect at forced self-exile in Israel/Palestine during the transition period from 1987 to 1993 as not a particularly coherent, rather low-key, secretive experiment in population destabilization.

It may be, as the South African political analyst Steven Friedman is inclined to believe, that Israel, replicating the high apartheid of the 1960s, had entered its Verwoerdian moment in the twenty-first century, with Ariel Sharon as prime minister and his plans for so-called “unilateral separation.” One may be taken by the analogy or reject it outright as an anachronism. Israel’s capacity to conceive and to implement programs of population destabilization is, in any case, apparent. A total onslaught on an entire group in an attempt to wipe it out or to oust it from certain territories permanently is carefully avoided. Population problems are taken care of by designing unique, sometimes discrete spatial, administrative, and demographic measures. To accede momentarily to the temptation of the analogy, in contemporary Israel/Palestine, as under apartheid, out groups are offered the choice of actual imprisonment, spatial confinement, self-exile, or internal displacement—all of which point in the direction of creating conditions for a near political death without actually having to kill or expel en masse.

REGIMES OF SEPARATION AS A POLITICAL TYPE

Describing the principles of separation with control by which a regime of separation rules masses of disenfranchised populations obviously invites a more nuanced analysis. Of course, we must then look not only at generic features, but perhaps even more suggestively, at breakdowns, the inevitable systematic failures plaguing this implausible and complex system of domination. The challenge in this regard is to advance a phenomenology and typology of regimes of separation so that the features identified here do not turn into a rigid or arbitrary model bowing to a set of predetermined laws. In addition, one of the difficult questions that this analysis raises is the following: Are there other local, regional, or global instances of regimes of separation, especially recalling Richmond and Balibar and their global or European apartheid thesis? To be sure, this is a highly pertinent question, especially considering the operation of border regimes elsewhere, but one that must be left largely unanswered here.

What I hope to have made sharper by analyzing the regime of separation as a distinct political type is the immediate here and now: the inescapable realities of separation in contemporary Israel/Palestine and the way they have come about. The geopolitical horizon in Israel/Palestine is uncertain, the already irreversible human and environmental damage of the apparatus of separation with control is not. In the aftermath of the “disengagement” from the Gaza Strip that took place in August 2005, one witnessed the intensification of the use of war apparatuses against civilians, along with a sharp disinvestment of responsibility for the condition created there for a besieged population. Refusing to give up its monopoly over movement, the state of Israel has shown no intention of relinquishing its prerogative as a sovereign over the Gaza Strip. The administrative dictatorship grinds on. The aggressive campaign of the politico-security establishment to continue on the trajectory of separation with control indicates what lies ahead. Pondering whether this strategy is indeed believed to be the most viable for the long haul, I interviewed Reserve General Dani Rothschild, former coordinator of government operations in the territories in his high-tech company office in Kfar Saba, a town to the west of the Separation Wall, which fully encircles the adjacent city of Qalqiliya in the Occupied Palestinian Territories with its garish camp towers. He indeed contends:

Gaza is the model for the future. Why do I need to take care of Qalqiliya? We are not inside—we just make sure that [Palestinians] do not enter Israel. . . . When someone is willing to commit suicide, you cannot deter, you can only block the attempt by halting movement. Freedom of movement is a security issue. After Oslo, we are no longer in control, except for security issues, and movement is one of them. Checkpoints are necessary for security and information, to help us capture suicide bombers. Rabin at the time [of Oslo] did not give up an inch of control over passages and border crossings and rightfully so, otherwise we would have already had al Qaeda in Tel Aviv.

By this logic, in order to defend Israel from al Qaeda, Kfar Saba must continue to strangle the neighboring town of Qalqiliya, without taking responsibility for those caged in what once was a thriving commercial center and had now become a ghost town. Rothschild, a labor-oriented ex-general, is genuinely convinced that Israel wants to end the occupation this way. Enforced separation often generates euphoric bravado from the politico-security establishment. High echelons of the IDF consider “what is happening on the ground” as “almost ideal.” Thanks to the Separation Wall and the border matrix, for instance, the “quality of intelligence” is
different places and points in time. The reference to the "quality of life" indicates the importance of understanding the social and economic conditions of the occupied territories. The term "Palestinian" is used to refer to the inhabitants of the occupied territories, emphasizing their rights and status. The phrase "in Jordan" is mentioned to highlight the significant role of Jordan in the region.

The reference to Israel/Palestine is used to denote the complex political and historical context of the region. The term "apartheid" is often used to describe the political and social systems in these areas, emphasizing the discrimination and inequality experienced by the Palestinian people.

The term "comprehensive" is used to describe a particular approach or strategy, indicating its inclusiveness and the need for a holistic understanding of the situation. The term "self-determination" is crucial in discussing the rights of the Palestinian people to govern themselves and establish their own state.

The phrase "Palestinian culture" is mentioned to acknowledge the unique traditions, values, and practices of the Palestinian people. The reference to "Palestinian identity" highlights the importance of preserving and understanding the cultural identity of the Palestinian people.

The terms "Israel/Palestine" and "Israel/Palestine history" are used to refer to the historical and political developments in the region, emphasizing the complexity and duration of the conflict.

The reference to "Israel/Palestine" is also used to denote the political entity composed of the state of Israel and the territories occupied by the Israeli military post the 1967 Six-Day War. The term "Palestine" is used to refer to the Palestinian territories, including the West Bank, Gaza Strip, and East Jerusalem.

The reference to "Israel/Palestine" is often used to contrast the two entities, emphasizing the differences in their governance, economy, and societal structures. The term "Israel/Palestine" is also used to describe the political situation in the region, including the ongoing conflict and the challenges faced by both sides.

The reference to "Israel/Palestine" is also used to denote the importance of understanding the regional context and the role of external actors, such as the United States and the European Union, in shaping the political dynamics of the region.

The term "Israel/Palestine" is also used to refer to the ongoing conflict, emphasizing the need for a peaceful resolution to the ongoing conflict. The reference to "Israel/Palestine" is also used to denote the importance of understanding the international community's role in the conflict, including the United Nations and other international organizations.

The reference to "Israel/Palestine" is also used to denote the importance of understanding the role of regional actors, such as Jordan and Egypt, in the conflict. The term "Israel/Palestine" is also used to refer to the ongoing conflict, emphasizing the need for a peaceful resolution to the ongoing conflict. The reference to "Israel/Palestine" is also used to denote the importance of understanding the role of external actors, such as the United States and the European Union, in shaping the political dynamics of the region.

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7 Nancy Fraser, Reframing Justice. Spinosa Lectures, Department of Philosophy, University of Amsterdam (Assen: Koninklijke Van Gorcum, 2005), pp. 48–45.


9 Fraser, Reframing Justice, p. 46.

10 Disenfranchisement is used here not in its "weak" sense—that is, when the right to vote is denied. I use it in the "strong" sense to depict a lack of basic conditions for the political, when a meaningful membership in one or any political community is deliberately made impossible. In recent years, residents of the Occupied Palestinian Territories exercised a "right to vote" under conditions imposed by belligerent military occupation. A right to vote under military occupation does not terminate the condition of profound disenfranchisement.


12 A good reference for the early names for the department is in Ian Evans’s list of abbreviations, available online at http://www.escholarship.org/editions/view?docid=f7znj57f6&chunk-id=0eq6&toc.depth=1&toc.id=8brand-upersp (last accessed March 3, 2009). All references mentioned on this list are relevant up to the late 1950s. In archive materials from the 1960s, the heading that appears on official letters is that of the Ministry of Co-operation and Development.

13 Quoted in Deborah Posel, "Whiteness and Power in the South African Civil Service: Paradoxes of the Apartheid State," Journal of Southern African Studies 25, no. 1 (1999), p. 111. This article follows the internal struggle with inefficiency and dysfunction within the “administrative state” as “widening powers and responsibilities were being allocated to an increasingly less qualified or competent civil service” (p. 103).


NOTES

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1 Anne McClintock, Imperial Leather: Race, Gender, and Sexuality in the Colonial Conquest (New York: Routledge, 1993).

2 Even seriously researched, “good” comparisons tend to have a single premise, which is also their necessary conclusion. Usually they negatively argue that Israel is or is becoming an apartheid state and therefore should be censured by the international community. Some comparisons find a positive side to the situation: Israel/Palestine could become a “new” South Africa. Reconciliation is possible if Israelis (!) and Palestinians find their “Mandela” or if a one-state solution course is chosen. See, for example, Herbert Adam and Kayla Moodley, Seeking Mandela: Procemeaking between Israelis and Palestinians (Philadelphia: Temple University Press, 2005) and Virginia Tilly, The One-State Solution: A Breakthrough for Peace in the Israeli–Palestinian Deadlock (Ann Arbor: University of Michigan Press, 2005). Popular, activist, and sociopolitical discourse puts the comparison to use to depict current conditions in occupied Palestine (for example, the “apartheid wall” or “apartheid roads,” in virtually all human rights reports published on Palestine), while more resolution-oriented projections tend to come from legal, conflict-resolution, or diplomatic circles concerned with the viability of a two-state solution, for example, Jimmy Carter’s Palestine: Peace, Not Apartheid (New York: Simon and Schuster, 2006).

3 To the classical formulations of Weber and Marx on the state monopolizing the legitimate


16. Ivan Evans, Bureaucracy and Race: Native Administration in South Africa (Berkeley: University of California Press, 1997), p. 95. Evans, who studied apartheid administrations and in particular the Department of Native Affairs, is convinced that “the department was more than just central to the apartheid project: the department gave apartheid its particular institutional form” (p. 17).


21. Evans studies in particular the routinization of oppression through the expansion of administrative law. Bureaucracy and Race, p. 18. He argues, moreover, that the imperfections of apartheid’s system served its authoritarian logic.


23. Eban said this in an interview to the German magazine Der Spiegel, November 5, 1969.

24. When “separate development” was conceived in South Africa in the 1960s, it was supposed to inaugurate a new dawn of “racial peace,” in the words of Dr. D. F. Malan, the first prime minister of the 1948 apartheid government. Quoted in Richmond, Global Apartheid, p. 267.

25. Baruch Kimmerling, Politicide: Ariel Sharon’s War against the Palestinians (London: Verso, 2006). Kimmerling believed that Sharon’s intention in crushing the second intifada was to return Palestinians to a pre-1967 state, that is, to break them as a political community once and for all so that self-determination will be out of the question for the long haul.


30. Interview by the author with Shlomo Gazit, October 2004.

31. Figures are available in reports regularly published by the organization MachsomWatch. See http://www.machsomwatch.org/en (last accessed July 23, 2008). Before the outbreak of the second intifada, there were parallel Palestinian DCDS functioning alongside IDF DCDS and under the PA. Since 2000, those have largely ceased to function as a mediating subbureaucracy for the IDF.


33. Pass-law persecution practices and imprisonment statistics are described in great detail in Kevin Boyle, South Africa: Imprisonment under Pass Laws (New York: Amnesty International, 1986). One particularly egregious practice was to transfer prisoners of pass violations to the custody of white farmers as forced labor to pay back their fines or in exchange for prison terms.


35. IDF Civil Administration, “Judea and Samaria under Israeli Administration.” These reports are to be found in the Civil Administration file at the Moshe Dayan Center for Middle Eastern and African Studies Library, Tel Aviv University.


44. PCHR has more than eleven hundred and fifty members today. The organization runs a mobile clinic in the Occupied Territories in collaboration with the Palestinian Medical Relief
Society and an open clinic in Tel Aviv that provides services for those who have no legal status in Israel and therefore no access to medical treatment. I owe much of the inspiration for this study to my work at PHR-I dealing with the bureaucracy of the occupation in the late 1990s and to Dr. Rachama Martin, its founder. I thank the PHR-I staff for the generous support during my research at the archive. For more information, see http://www.phr.org.il/phr/.

The entry “Military Administration” in The Political Dictionary of the State of Israel actually confirms that especially males aged twenty to thirty have been unofficially required not to return for nine months from the time of their exit. Susan Hartis Rolef, “Military Administration,” in Rolef (ed.), Political Dictionary of the State of Israel, p. 234.

Peleg Stryck also knows of a detainee who was forced to sign an agreement that, upon return, he could be again put under administrative detention. Interview by the author with Peleg Stryck, October 11, 2005.

Classified letter, dated December 4, 1989, sent by Civil Administration Health Officer David Livonon to the assistant of the Minister of Health, Dror Nages, in reference to PHR-I’s report of October 11, 1989. A copy of this letter was sent to the office of Izhak Rabin, then minister of defense. (My translation).


The figures are quoted in Boyle, South Africa: Imprisonment under Pass Laws.


These were legal categories that were specified in pass law stipulations.

Achmat has been campaigning for the last decade against the South African government’s AIDS policies. In Cape Town, January 2006, I watched his film on laws under apartheid and in South Africa today: It’s My Life, with the Transregional Center for Democracy seminar participants. The quote is from this documentary.


Interview with Steven Friedman, January 13, 2006. Friedman is an ardent supporter of the Israel-as-apartheid analogy or comparison: “If you want to understand how the Israeli-Palestinian conflict is going to unfold, you have to understand the South African case as an analogy. Let’s get the red herrings out. If you are looking for a logic and at a trajectory of a society, it is much the same. The analogy enables you to know what to look for.”

Interview with General (Res.) Dani Rothchild, October 21, 2006.


Ibid., p. 154.

Ibid., p. 153.

THE OCCUPATION’S PAPER TRAIL V

MOVEMENT PERMITS INSIDE THE WEST BANK In a report published in Aug. B’Tselem lists nine types of permits for movement inside the West Bank: a permit for the humanization of permits, which is given sparingly and enables the holder to area under siege; a humanitarian permit, which allows the holder to leave under siege to receive medical treatment; a movement permit for passage and another permit for the movement of commercial vehicles, both of which are in certain areas; a movement permit for public—transportation needed to operate taxis and buses; a permit given to permanent residents the Seam Zone; a permit to enter the Seam Zone, given selectively to service personnel and to first-degree relatives of residents of the enclave; a permit for the Seam Zone for farming or work purposes, and a permit to enter the Jordan, issued to selected persons to provide services and to relatives of residents in added value. In addition, Palestinians living in the West Bank must obtain a permit they wish to enter Israel and obtain approval to cross into Gaza. According supplied by the Civil Administration, in 2006, it issued 423,716 permits to West Bank to enter Israel or cross to the Gaza Strip, 40,406 encirclement permits, and 23,485 Seam Zone movement permits. The criteria for refusing a movement permit and the number of requests that are rejected are generally made public.