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## VISCOUS SPATIALITIES:

### THE SPACES OF THE ISRAELI PERMIT REGIME OF ACCESS AND MOVEMENT<sup>1</sup>

Cédric Parizot

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#### Abstract

This article relies on an ethnographic study of formal and informal chains of mediation triggered by administrative procedures that Palestinians from the West Bank and Gaza have to follow in order to obtain a permit of entry into Israel. By studying the networks these interactions structure it attempts to apprehend the spatial dimensions of the Israeli permit regime beyond national and territorial frameworks. Drawing on Henri Lefebvre's (2000) concept of production of space, this study does not reduce spaces to the shapes of territory but apprehend them through the dynamic articulations of people's streams of actions. This shift provides two advantages. First, it helps scrutinizing the dissemination of power and mechanisms of domination between Israelis and Palestinians much beyond ethno-national hierarchies. Second, it shows that the spatial effects of Israeli control mechanisms do not only manifest themselves through the territorial confinement of Palestinians but also through the viscous texture they impose on Palestinian spatial practices compared to fluid Israeli ones. In that perspective, the Israeli permit regime shows some similarities to bordering technologies of global and postcolonial capitalism.

#### Keywords:

Israel-Palestine, permit regime, mobility, space, bordering

#### Contributor's note

Cédric Parizot is an anthropologist at the Institute of Research and Studies of the Arab and Muslim Worlds (UMR7310, CNRS/Aix Marseille University). He studies mobility and bordering mechanisms in the Israeli-Palestinian spaces since the 1990s. Recently he has extended his investigations towards the relations between art and humanities. He sees the integration of artistic creation and digital technologies into his ethnography as a way to reappraise critically his own research practice. In 2015, he published with Stéphanie Latte Abdallah *Israelis and Palestinians in the Shadows of the Wall. Spaces of Separation and Occupation*. London: Routledge.

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There is an extensive literature on the spatial effects of the restrictions on movements imposed on Palestinians of the Occupied Territories. Yet few studies have analyzed the Israeli permit regime despite its central role in the implementation of those restrictions. So far, most attempts to tackle this issue have been conducted by researchers and NGOs involved in the judicial support of Palestinians applying for permits (Berda 2012; Bocco 2015; Lein 2005; Etkes 2011; Gisha 2011; Cahana and Kanonich 2013; Kadman 2012; Piterman 2007; Palestinian Monitoring Group 2005). This lack of academic literature seems to be linked to the absence of written rules and the opacity of the system.

Most works apprehend the effects of the permit regime together with other Israeli mechanisms of control. It is often treated as a mere extension of the Israeli system of identification (Kelly 2006; Abu Zahra 2007; Abu Zahra and Kay 2013; Tawil Soury 2011, 2012) and seen as participating into the operation of the general regime of mobility (Shamir 2005) or the matrix of control (Halper 2000) that restricts the access of Palestinians to certain zones and means of transportation. The territorial configurations created by these mechanisms of control have been conceptualized through different metaphors: “inclusive-exclusion” (Ophir, Givoni and Hanafi 2009), “politics of verticality” (Weizman 2002), or “hyper-connected archipelago” versus “fragmented enclaves” (Petti 2007). Research on the use of Palestinian and Israeli space (Bishara 2006; Bontemps and Signoles 2012; Handel 2009a; Makdisi 2010; Taraki 2006) has shown the way movement restrictions have deepened the space and time asymmetry between populations (Collins 2008; Handel 2009a, 2015; Peteet 2009; Parizot 2009) and reinforced a colonial regime based on a hierarchy of citizenship according to ethno-national belonging (Abu Zahra 2007; Yiftachel 2009; Yacobi 2016; Zureik et al. 2010).

In this article, I discuss the spatialities of the Israeli restrictions of movement with two shifts of perspective. First, I focus solely on the Israeli permit regime in order to scrutinize more precisely the chains of formal and informal mediation that this mechanism of control sets up between Palestinian applicants and Israeli administrations. I contend that by studying the dynamic of these power relations, I will better examine the specific ways through which this system contributes to articulate Israeli and Palestinian spaces and to regulate Palestinian space practices. In that perspective, my research follows that of Yael Berda (2012) who studied the spatiality of the permit regime through its complex organizational scheme as well as through the ramification of the informal economy it fosters between Israeli employers and the Israeli administrations. But I complement her analysis by taking into consideration the part played by additional actors: at the institutional level, the role of foreign

agencies (International Committee of the Red Cross, Foreign consulates, etc.) and, at the informal level, the chains of mediation between Palestinian applicants and the Israeli administration. By studying the role of these individuals and institutions in the operation of this system, I do not merely wish to insist on the fact that the Israeli colonial mechanisms rely largely also on Palestinian and foreign state and non-state actors<sup>2</sup>, but also to stress their role in its transformations and its historicity.<sup>3</sup>

Second, and more significantly, narrowing the scope of the inquiry helps apprehend the spatial effects of the permit regime beyond national and territorial frames. I do not question the fact that, in Israel Palestine, relations of power and domination flow along national lines, and that the permit regime has allowed the progressive ghettoization of Palestinians; but I contend that being content with such conclusion prevents us from understanding much deeper effects of the Israeli mechanisms of control. Drawing on Henri Lefebvre's (2000) concept of *production of space*, I apprehend spaces not only through the shapes of territory but also through the dynamics and articulations of people's streams of actions. This shift allows me to reappraise the power of this regime through the disjunction it creates between the viscous textures of Palestinian spatial practices compared to fluid Israeli ones.

### **NATION, TERRITORY AND SPACE**

National and territorial frames of thinking fail to take into consideration the fact that Israeli mechanisms of control need to maintain complex interactions between Israeli and Palestinians spaces.

By considering national belonging as a dominant or exclusive principle of organization, national frames divert the attention from other kinds of links such as economic partnership, kinship and certain political affiliation. Thus they tend to raise national categories to the level of analytical concepts. Furthermore, by conceiving space through the metaphor of territory<sup>4</sup>, they often assume a correspondence between, nation, territory and society (Agnew 1994), and that neighboring societies are discretely separated realms (Gupta and Ferguson 1992).

Such a framework posits from the outset a clear-cut separation between Israeli and Palestinian societies as well as between their spaces of life. This separation is all the more taken for granted

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<sup>2</sup> On this issue see Latte Abdallah and Parizot 2015

<sup>3</sup> On this issue see Gordon 2008, Berda 2012, Yacobi 2016, Allegra et al. 2017, Latte Abdallah and Parizot, in press.

<sup>4</sup> The territory is a specific and situated representation that was elaborated in Western Europe between the 16<sup>th</sup> and the 20<sup>th</sup> century in the context of the emergence of the nation-state (Lefebvre 2000).

since spaces and groups are often constructed as unquestionable objects. Embedded in a Cartesian logic, space is conceived as an object standing outside of a “thinking and watching” subject. It is regarded as a container in which one can outline and classify discrete forms according to their functionalities (social, economic, national spaces, ethno-classes, kinship groups, etc.) (Lefebvre 2000). These sub-spaces or elements are so reified that they are apprehended as irreducible realities. Besides, while many works have attempted to assess the complex articulations of these spaces (inclusion/exclusion, superposition/juxtaposition, continuity/discontinuity, etc.), they have systematically overlooked the way they overlap or penetrate one another. In a certain way, the territorial approach comforts the taken-for-granted “objectivity” of separation between Israeli and Palestinian spaces; or to put it in a different way, it *naturalizes* the objects it produces (Brenner and Elden 2009).

The persisting compartmentalization of the research between Israeli and Palestinian fields of study is both an illustration and a factor of such a tendency, since it contributes to hierarchize research objects (Latte Abdallah and Parizot 2015). Processes taking place within the limit of Israeli and Palestinian ascribed spaces are legitimate while those developing “in between” are seen as “peripheral” and without significant consequences.

Yet, recent research has revealed the significance of such persisting links and interactions between Israelis and Palestinians in the functioning of these societies and of the occupation regime. The Israeli separation policy did not put an end to such relations; it transformed their form, content and intensity (Latte Abdallah and Parizot 2015). These ongoing relations have reorganized power relations and solidarities between Palestinians from the West Bank, Gaza and from Israel and affected their feeling of shared identities (Bornstein 2002; Parizot 2006; Marteu 2015). They have also constructed alternative political practices and imaginaries contesting hegemonic representations of spaces among Israeli and Palestinian activists (Pouzol 2015; Lamarche 2015; Swirsky 2012).

Yet, my aim here is less to focus on the contestation developed by these practices and imaginaries than to try to understand how these interactions and mediations contribute to intensify and disseminate the power relations maintained by the permit regime beyond ethno-national hierarchies. Moreover, by departing from national and territorial frameworks, I will also be able to assess the impact of this mobility regime beyond the sole physical movements. Most research on the Israeli mechanisms of control have reduced space to geography and, hence, spatial practice to the physical movement of a person on a surface from a point A to B (Handel 2015). By taking into consideration the many power interactions in which a person needs to engage in order to mobilize the necessary resources she/he needs to obtain a permit and physically move, this article aims to

pursue the analysis of earlier works that have showed how Israeli power “mechanisms have become deeply entrenched in individual, family and community structure” (Hammoudeh et al. 2016).

In order to provide a full picture of the spatial effects and dimension of the permit regime I suggest to rely on the critical approach outlined by Henri Lefebvre (2000) who conceives space as a *production* resulting from the articulation of streams of actions of competing and unequal actors. Space is no longer conceived as an object or a container, exterior to the subject, but as a complex dynamic of flows, a co-production in which even the most powerless actors, as well as academics, have their share.

This *production* can be understood through the articulation of three different dynamics: conceived spaces, perceived spaces, and lived spaces. Conceived spaces (*espaces conçus*) relate to hegemonic representations of planners, technocrats, state authorities and academics that hold sufficient power and means to impose them to others (Lefebvre 2000). They are materialized and conveyed by architecture, institutions and rules. They partially escape the people who enunciate and promote them because they are embedded in discourses and regime of visibility that are themselves structured in much broader frameworks. While hegemonic, they are continuously contested. Israeli ethnic and colonial categories fit into these hegemonic conceptions of spaces.

The second dynamics through which the production of space can be studied is that of perceived spaces (*espaces perçus*) or what Lefebvre also calls spatial practice (*pratique spatiale*). Perceived spaces are related to conceived spaces, although distinct from them. This complex relation is due to the fact that they mutually influence each other while also being structured by their broader logics. Spatial practice is constituted by the assemblage (*agencement*) of the streams of actions of unequal actors. Drawing from the actor network theory of Akrich, Callon and Latour (2006), I regard these streams as circulating through, and structuring socio-technical networks involving humans and non-human mediators (movement permits, roads, phone networks, etc.). They contribute to the emergence of infrastructures that organize mobility and mediate the relations between people (Larkin 2013). They also determine the perception of people’s surroundings as they condition their bodily reaction to lived reality. The complex networks of relationships linking formal Israeli and Palestinian institutions within the permit regime as well as informal mediators and brokers are integral parts of such infrastructures.

Finally, lived spaces (*espaces vécus*) depend on the ways people may appropriate, through their trajectories<sup>5</sup>, the conditions prevailing in this *spatial practice* (their personal position, power relations, accessible resources, etc.) and the *representations of space* prevailing in their surroundings in order to construct their own relation to space. These processes of appropriation and the combination they engender contribute, at their scale, to readjust both spatial practices and conceived spaces.

In the following pages, I insist on the *disjunction* and the *articulation* of these spatial dynamics. I will first highlight the discrepancies between, on the one hand, the ways the Israeli permit regime has rebordered the Israeli and Palestinian territories (*conceived space*) and, on the other hand, the diffuse networks of connections (*spatial practice*) it has created between Israeli, Palestinian and foreign actors. Finally, by drawing on an ethnographic analysis of the formal and informal chains of mediation generated by permit procedure, I will examine the trajectories (*lived spaces*) of Palestinian applicants and Israeli sponsors. I will show that while facilitating the allocation of movement permits, mediators also introduce mechanisms of regulation and domination that affect the functioning of the whole system and thus the broad *spatial practice*.

## **REBORDERING ISRAELI PALESTINIAN SPACES**

At the beginning of the 1990s, the emergence of the permit regime of access and movement did not merely put an end to the relative freedom of circulation that Palestinians enjoyed until then, but it also replaced the old apparatus of control with a new one. Separation succeeded integration, entailing the rebordering of Israeli and Palestinian spaces of circulations, jurisdiction, sociability and economic activities.

After the June 1967 war, a military order defined the West Bank and the Gaza Strip as closed military zones and placed these regions under the exclusive legislative and executive power of the military commander (Handel 2009b). This status was never changed, but it was enforced differently according to the periods (Berda 2012). In 1972, in the context of his “open borders” policy, Moshe Dayan granted a general exit permit to Palestinians. The aim was to allow the integration of the Palestinian labor force into the Israeli economy. Until the end of the 1980s, they enjoyed a relative freedom of movement.

Then, at the beginning of the first Intifada (1987-1993), the army imposed new restrictions on circulation. Together with other ad hoc security measures, such as curfews and closures, they aimed

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<sup>5</sup> Drawing on Michel De Certeau’s 1984, I regard trajectory as the processes through which individuals mobilize the heterogeneous elements of their surroundings (places, temporalities, emotions, memories, statuses, interactions, etc.) and articulate their own spaces.

at repressing and containing the uprising. In 1988, the Civil Administration<sup>6</sup> introduced the first system to filter Palestinians' exits from the Occupied Palestinian Territories (OPT) by applying markers on ID cards. It started with written notations (Handel 2009b) and was followed by the attribution of green colored ID cards to people forbidden to enter Israel as opposed to the orange and red IDs for the rest of the Palestinian population (Hass 2001; Abu Zahra and Key 2013; Tawil Souri 2011, 2012). The denial of exit was mainly based on the political and criminal profile of the person. In 1989, the residents of the Gaza Strip were required to have magnetic cards in order to access Israel (Hass 2001). In 1991, the General Exit Permit issued in 1972 was cancelled and Palestinians wishing to enter Israel were required to obtain an individual permit. In 1993, this rule was extended to prevent Palestinians from entering into the extended municipal limits of Jerusalem.<sup>7</sup>

These new regulations had both economic and political stakes (Kemp and Raijman 2008; Gordon 2008; Grinberg 2015). During the uprising, Palestinian strikes and Israeli closures created a dramatic shortage of Palestinian workers inside Israel to the extent that many Israeli entrepreneurs and politicians became aware of the strong dependency of certain Israeli economic sectors (construction, agriculture) on this workforce. Moreover, attacks and acts of sabotage carried out on work sites changed the perception of the Israeli public. From a cheap, flexible and convenient labor force, Palestinians were increasingly seen as a non-reliable and potentially dangerous population. Israeli decision makers and entrepreneurs started to think about their replacement either by Israeli citizens or by newly arrived immigrants from the Soviet Union, or by workers recruited from Asia and East Europe (Kemp and Raijman 2008). Yet, in turn, this reorganization of the Israeli labor market entailed a rethinking of the whole system of control imposed since 1967. As the integration of Palestinian labor was not only motivated by economic reasons, it was also a central means to ensure a level of prosperity among the occupied population and prevent the risk of uprising (Gordon 2008). The permit regime contributed thus to the rebordering of the Israeli and Palestinian spaces and the emergence of the separation project then promoted by Itzhak Rabin (Kemp and Raijman 2008).

The enforcement of the permit regime came with the unfolding of the negotiations process launched in September 1993 in Washington between Israel and the PLO. Israel withdrew from autonomous zones in the West Bank and Gaza and delegated their administration to the Palestinian Authority.

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<sup>6</sup> The Civil Administration was created in 1981 in order to dissociate the management of security and civil affairs in the Occupied Palestinian territories. Staffed mostly by civilians, it remained under the command of an Israeli army officer and under the tutelage of the Ministry of Defense (Berda 2012).

<sup>7</sup> After the June 1967 war, Israel extended the municipals limits of Jerusalem to the East and the North to the point of including neighboring Palestinian cities and villages (see the map of Ir Amim at [www.ir-amim.org.il/en/maps/greater-jerusalem-2015](http://www.ir-amim.org.il/en/maps/greater-jerusalem-2015), accessed April 1, 2017).



Then, permits were used to regulate the Palestinians' entrance into Israel proper<sup>8</sup> and to reduce their role in the Israeli labor market (Farsakh 2005). While at the end of the 1980s, Palestinians represented 7% of the Israeli work force, in 2011 this percentage dropped to 2, 5%. According to the Israeli Central Bureau of Statistics, 60 000 Palestinians worked inside Israel in 2011, half of whom had a permit (Ekstein 2011).

In 1996, the Israeli Civil Administration imposed the first permits to filter the entrance of Palestinians into the jurisdiction areas of Jewish settlements of the West Bank and Gaza (Diamond 2007). Finally, by postponing the creation of a passage between these two regions until 1999, and by conditioning its access to the holding of a specific permit, Israel was able to reduce the exchanges between them and isolate them from one another.

After the failure of the negotiations at Camp David (July 2000) and the outbreak of the second Intifada (September 2000), the Israeli government and the army decided to reorganize their patterns of control in the occupied Palestinian territories. On the one hand, in order to show the public that they were taking tangible measures, they highlighted the separation policy through the building of the Wall (2002) and the Gaza withdrawal (2005). On the other hand, in order to repress the uprising, the army progressively re-invaded the Palestinian cities and villages in the West Bank and Gaza and imposed new restrictions of movement between and sometimes within inhabited areas. Their declared aim was to make the circulation of Israeli Jewish settlers safe, to reduce the capacity of action and coordination of Palestinian armed groups and to reinforce the Israeli capacity of surveillance over Palestinian enclaves (Amidror 2007; Ben-Ari et al. 2005). These measures increased the confinement of Palestinians to a level that had never been reached in the past.

Circulation between the Gaza Strip and the West Bank were stopped by October 2000 when Israel closed the safe passage<sup>9</sup> (Roy 2007). In 2005, Gazan workers were definitively refused permits to enter Israel, as the army imposed a comprehensive siege following the kidnapping of an Israeli soldier by Palestinian armed groups. The siege was prolonged as a means to pressure Hamas, which seized de facto power in the Gaza Strip in June 2007, and remains in power today.

Inside the West Bank, the new Israeli restrictions modified the status of territories defined during the Oslo negotiations and deeply affected Palestinian circulation. In December 2001, the army declared

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<sup>8</sup> Israel in its 1949 borders.

<sup>9</sup> In 1999, in the frame of the negotiations, Israel agreed to open a safe passage for persons and transportation during daylight hours in order to allow the circulation of people and goods between the West Bank and the Gaza Strip.

all A areas<sup>10</sup> closed military zones and encircled them by imposing new restrictions on movements of vehicles and people (Diamond 2007). In January 2002, the Civil Administration imposed internal permits for travel between Palestinian enclaves (Handel 2009b). In October 2003, the army declared the “seam zone” (*kav hatefer*), located between the route of the Wall and the Green Line<sup>11</sup>, a “closed area,” and limited its access to permit holders. In May 2005, the same decision was taken for the Jordan Valley (Diamond 2007). Despite the progressive lifting of most movement restrictions between West Bank areas after 2007, the army kept restricting access to many zones (such as the Jordan Valley, the Seam zone and all the zones designated as military areas, like the Masafer Yatta) and roads to the holding of a permit. Even visits to the Holy sites in Jerusalem and conditions of traveling abroad became increasingly regulated (Lein 2005).

The permit regime contributed to dissociate Israeli trajectories from Palestinian ones. Alessandro Petti (2007) uses the metaphor of an archipelago of ultra-connected Israeli islands between which movement is secure, fluid and fast, contrasting with fragmented and disconnected Palestinian enclaves between which circulation is unpredictable, discontinuous and slow.

Other scholars (Ophir, Givoni and Hanafi 2009) conceptualize this separation in terms of “exclusive inclusion” since, beyond exclusion and confinement; the permit regime remained a powerful tool in managing processes at work within the Palestinian society. This is explicitly acknowledged by the Israeli establishment (Ekstein 2011). The regulation and the monitoring of Palestinians’ movements has had profound repercussions on their economy (Farsakh 2005; Roy 2007; Garcette 2014), on the health system (Bourmaud, in press), as well as on political dynamics (Taraki 2008).

Moreover, the creation of the permit regime aimed at maintaining Palestinians strongly dependent on the Israeli administration. As popular committees were calling for the boycott of the Israeli labor market and of the Israeli administration, the army relied on a series of edicts and instructions in order to force Palestinians to turn to the Israeli Civil Administration for the most basic activities (Azoulay and Ophir 2008). Later, during the 1990s and 2000s, despite the delegation of the administration of most of the occupied population to the Palestinian authority, permits helped the Israeli authorities to retain the means to put pressure on Palestinians individuals. Besides, they have been extensively used for the recruitment of informants by the Israeli General Security Services (Shabak) (Berda 2012; Be’er and ‘Abd el-Jawad 1994).

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<sup>10</sup> During the 1990s, in the frame of the negotiations and the Israeli withdrawals, the West Bank was divided into three types of zone named A, B and C. In the A zones, Israel delegated security and civil control to the Palestinian Authority; in the B zones, the Palestinian Authority was responsible for public order and the internal security of the Palestinians while Israel reserved the right to act on any questions of external security. Lastly, the C zones remained under Israeli control.

<sup>11</sup> The Green Line corresponds to the armistice line that was fixed between Israel and its belligerents in 1949.

Finally, the permit regime has introduced a great deal of uncertainty in Palestinians movements (Kelly 2006). The army has extensively relied on the changes of locations of flying checkpoints and obstacles as well as on the arbitrariness of closures in order to make it difficult for Palestinians to plan a journey (Handel 2009a). Likewise, the Civil Administration has avoided make public the criteria and procedures by which an applicant can obtain a permit of access and movement. The declared aim of such policy was to prevent “terrorists” from being able to plan a journey and being able to carry out an attack against Israeli targets (Ben-Ari et al. 2005; Berda 2012). Consequently, the permit regime does not solely limit the range of Palestinians’ movement within Israeli and Palestinian territories, it also imposes another relation to space and time on them (Kelly 2006; Handel 2009; Peteet 2008; Parizot 2009).

Yet, as I mentioned earlier, these works have mostly understood space through a territorial approach. I wish now to pursue the discussion on the effects of the permit regime on *spatial practice* (Lefebvre 2000), i.e. on the way it re-articulates the streams of actions of the actors involved in its operation.

#### **FROM TERRITORY TO SPATIAL PRACTICE**

From an institutional and an individual perspective, this regime relies on formal and informal socio-technical networks of relations between Israelis, Palestinians and foreigners. Drawing on the concepts of infrastructure (Larkin 2013), I will now assess how these networks organize specific forms of mediation and circulation between Israeli and Palestinians spaces, and regulate the access of Palestinians to mobility.

According to Yael Berda (2012), the permit regime does not rely on a fixed and precise organizational framework and has never been formalized. It is rather a system of substrates that results from of a process of ad hoc decisions and decrees that have brought together a series of Israeli institutions and state agencies such as ministries (Interior Security, Defense, Labor, Finance, Agriculture, Building, Tourism, etc.), different branches of the Israeli army (Civil Administration, COGAT<sup>12</sup>, DCOs<sup>13</sup>), the Shabak, the Israeli police, etc. Since these decisions and decrees have been made by different decision makers and civil servants, in the context of changing political and security conditions, as well as in the framework of the power struggle, they have led to successive redefinitions of the roles and functions of these institutions over the last two decades (Berda 2012)

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<sup>12</sup> Depending on the army, the COGAT (Coordinator of the Government Activities in the Territories) is in charge with implementing governmental policies in the OPT.

<sup>13</sup> The DCOs (District Commissioned Offices) are branches of the Civil Administration in charge of managing the exchanges with the PA.

The organizational framework of the permit regime has been made all the more complex by the fact that, since the creation of the PA in 1994, it has constantly relied on Palestinian actors with whom the modalities of coordination and cooperation have changed. Until 2000, the DCOs representing the Israeli Civil Administration relied on their Palestinian counterparts to receive permit applications of Palestinians inhabiting the A or B areas of the West Bank or the Gaza strip (Berda 2012). After the outbreak of the second Intifada (2000) and the rupture of the administrative and security coordination between Israel and the PA, Palestinians had to turn directly to the Israeli DCOs. When cooperation was progressively restored between 2005 and 2007, in the West Bank, Palestinian applicants were able to turn to the alternative institutions appointed by the Israeli authorities to transmit or to sponsor a permit request: they included selected municipalities, chambers of commerce, certain ministries, attorneys, etc.

Finally, over the last two decades, the permit system has involved the cooperation of external agencies such as NGOs or foreign consulates and embassies. For instance, in 2008, the International Committee of the Red Cross has taken in charge 192 000 permit applications on behalf of Palestinians from the OPT that visited their kin in jails inside Israel (Latte Abdallah forthcoming). This number is six times higher than that of the work permits delivered to Palestinian workers inside Israel the same year<sup>14</sup>. Likewise, Consulates-General of foreign countries located in Jerusalem channel to the COGAT hundreds and sometimes up to thousands of permit requests each year on behalf of West Bank and Gaza Palestinians who need to benefit from consular services.

The involvement of these external actors in the permit regime has affected its modes of operation and made more complex an already Kafkaesque bureaucracy<sup>15</sup>. The regularity of these external actors' interventions has led to the institutionalization of procedures, jobs and administrative organizations that have been de facto integrated into the broader permit system (Parizot 2015). Moreover, it has fostered the emergence of a dynamic infrastructure based on heterogeneous elements and linking institutions, groups and practices bypassing the boundaries represented by national categories.

At a more individual level, the procedures of permit application give a central role to personal networks because they require the systematic intervention of Israeli sponsors. For instance, a

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<sup>14</sup> According to an official letter of October 14, 2009, from the COGAT to the Israeli NGO Gisha (*Letter to Gisha regarding work permits of residents of the Palestinian Authority* [in Hebrew]) this number reached 23,821.

<sup>15</sup> Israeli and Palestinian NGOs have underscored the discrepancies between administrative procedures between a given region, actor or period and another. Lein (2005) highlighted the differences between the administrative paths one had to follow to obtain a movement permit in the Gaza Strip and in the West Bank in 2004. In 2005, the Palestinian Monitoring Group (2005) reported that the delays, costs, procedures related to the delivery of a magnetic card –which is a precondition to apply for a permit- were distinct within each West Bank district. On the changes of the procedures for obtaining a magnetic card, see also Piterman (2007: 11–12).

Palestinian wishing to obtain a work permit has to contact an Israeli employer that will turn to the relevant governmental agency. In the building sector, an employer will have to register to the Payment Division (Matash) of the Israeli Ministry of Economy that will determine whether he is eligible to recruit Palestinian workers. This process involves inquiries and can often take weeks or even months (Berda 2012; Kadman 2012). Once he is defined as eligible, the employer transmits the personal details (ID number, name, address) of his employee. His request is sent to the Employment Staff Officer at the Israeli Civil Administration. If the person fits the security criteria and is not blacklisted by the Shabak, he/she is sent a work permit for a period of six months<sup>16</sup>. Yet, given movement restrictions and the difficult access to the Israeli labor market, Palestinians can encounter great difficulties in finding Israeli employers. If they do not know a specific person, they have to turn to local Palestinian mediators and, in such a context of scarcity, a contact with an Israeli entrepreneur is not automatically shared.

The fact that a permit is linked to a specific employer reinforces Palestinians dependency on their sponsors as well as their vulnerability. A Palestinian worker cannot change his/her employer without the present employer's agreement and without the latter revoking his permit at the Payment Division. Kav Laoved<sup>17</sup> explains that, technically, this rule allows an employer to "dismiss a worker yet remain in control of his work permit by continuing to make the monthly payments to the Payment Division. This prevents the worker from getting a work permit to work for a different employer" (Kadman 2012). NGOs and academics have often stressed how certain Israeli employers have profited by the vulnerability of Palestinian workers in order to negotiate wages, time and conditions of labor to their advantage and sometimes to take advantage of them (Kadman 2012; Bornstein 2002; Farsakh 2005; Parizot 2008).

Aside from this, the dependency of workers on their employers has fostered durable and dense webs of patron/client relations between Palestinians and Israeli citizens (Jews and Arabs) involving a mix of pragmatic and emotional dimensions. Certain workers invest a lot of effort in order to maintain their relations with former employers and secure their help in the context of future applications. The way some of them exhibit or recount the contacts they maintain by phone or through social networks and, when they can, through visits to former or present Israeli employers reveals the value of these relations. Besides, it is through the emphasis they put on such connections that, in 2005, when I started my investigation in the south of the West Bank, I discovered not only the dense networks of patron/client relations that spread across the Green Line between my hosts and numerous

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<sup>16</sup> For a detailed explanation of the different procedures in other economic sectors, see Kav Laover 2012: 17–18.

<sup>17</sup> Kav Laoved – Worker's Hotline is an Israeli NGO founded in 1991.

contractors in the Bedouin and Jewish cities of the Negev, but also that we sometimes belonged to the same web of interpersonal connections.

Chains of mediation seem often more decisive in determining the chance of obtaining a permit than the characteristics and status of an applicant (age, marital situation, place of residency, number of children, etc.). This is due to the fact that sponsors' activities also determine the procedures that a Palestinian applicant has to follow. Regulations not only show gaps between a given period or place and another, but they also reveal differences according to the economic sector of activity: a permit application in the building sector is not the same as in agriculture (Kadman 2012). Moreover, the criteria of eligibility for a work permit, such as the minimum age required, can also vary according to the activity within the same economic sector. For instance, "in 2011, Palestinians 28 or older were permitted to work in citrus and strawberry picking, whereas tending to citrus groves was permitted only for people who were 35 or older (Kadman 2012: 12)."

Furthermore, sponsors distinguish themselves by their motivations, capacity of influence and dedication to the fate of their client. Ahmad Ga'ud<sup>18</sup> is a Palestinian academic from Hebron who has obtained his PhD from a university of a European country. By chance, in 2006, a friend of his, Antony Schmit, was appointed as Vice Consul at the Consulate General representing this country in Jerusalem. Ahmad had met Antony while he was preparing his PhD in the city where Antony's parents live. In 2007, Ahmad was refused a permit to enter Jerusalem without any explanation. After several failed attempts, he contacted Antony who interceded through diplomatic channels with high Israeli representatives and succeeded in obtaining the precious document. Thanks to Antony, Ahmad enjoyed for a few years privileged mobility. He was able to visit the city where he was born, something that had been denied to him since 1993. Yet, two years later, Antony Schmit finished his term at the X Consulate General in Jerusalem and moved back home with his family. Ahmad Ga'ud was introduced to his successor and invested a lot of time and energy in building a friendly relationship with him. But he never managed to reach the same level of protection. Moreover, he quickly realized that Antony's successor was not as skillful or dedicated as his good friend. Hence, the young Palestinian academic who had briefly enjoyed the same status as some Palestinian VIPs fell back again to the level of other excluded Palestinians, i.e. he became again an invisible prisoner of the West Bank.

In addition to this, the security profile, which is the main criterion of eligibility for a permit, is defined through processes of ascription that escape the applicant's will or knowledge. In fact, it is elaborated on the basis of the connections, or potential connections, that the Shabak establishes between the

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<sup>18</sup> All personal names in this article are pseudonyms.

applicant and political organizations, people or activities that have been classified as representing a security risk (Latte Abdallah 2015; Berda 2012; Piterman 2012). This profiling also takes into consideration links to events or circumstances that might affect one's attitude or behavior. This is why a person whose family member has been killed or hurt by the Israeli army is often excluded for security reasons. This process of ascription is based on the more or less reliable information of the General Security Services and on acts of denunciation by a Palestinian neighbor or an Israeli employer with whom the applicant is in conflict. As a matter of fact, many (Berda 2012; Diamond 2007) report that people who are denied a permit on a security basis often suspect that they are victims of a denunciation by someone who wishes to harm them.

Finally, the authorities are willing to overlook a Palestinian profile that fails to meet security and bio-social criteria if the Palestinian applicant or his sponsor is willing to cooperate with a person linked to the Shabak. Moreover, the case of Ahmad Ga'ud, that I mentioned earlier, shows that once sponsored by influential people such as Israeli civil servants, member of the Israeli Parliament, lawyers or even well-connected diplomats, a Palestinian applicant can circumvent the criteria of eligibility.

### **A DYNAMIC TOPOLOGY**

The regulating effects of these networks is all the more complex to grasp as their topology<sup>19</sup> and dynamic have been constantly readjusted by evolving political, economic and social conditions on the ground and by people's trajectories. Yael Berda (2012) has underscored how, at the institutional level, the organizational scheme of the permit regime has been deeply transformed by the changing political relations between the Israeli and the PA institutions in the Gaza Strip and the West Bank. At a more individual level, she has shown how the involvement of Israeli brokers between entrepreneurs and the Israeli administration has extended chains of mediation and changed the topology of the permit infrastructure. Following in her steps, I would like to extend this analysis to other Israeli and Palestinian brokers. This analysis will lead me to a different approach to the nature of separation and asymmetry between Israelis and Palestinians.

The turn of the 1990s-2000s was marked by a growing investment of NGOs and individual lawyers in the infrastructure of the permit regime. This was due to different sets of factors. In a global context of judicialization of politics, the implementation of Israeli mechanisms of control and the many human rights issues it raised, triggered the mobilization of numerous NGOs and individual lawyers.

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<sup>19</sup> The topology of these networks refers to the relative position of nodes and the number of their connections between one another.

Their judicial mediation was all the more needed by Palestinians because of the opacity that the Israeli authorities had maintained over the procedures of permit delivery, because the tightening of the closure policy had made permits more difficult to obtain, and finally because more and more Palestinians had been blacklisted by the police and the Shabak.

In the absence of explicit and published regulations, NGOs, individual lawyers and certain agencies linked to the PA have attempted, with more or less success, to decipher, through the regularity of Israeli authorities' practices, the principles guiding the allocation of a permit. This process already started during the first Intifada, with the work of Israeli and Palestinian human rights NGOs such as ACRI<sup>20</sup>, al-Haq<sup>21</sup>, Kavlaoved<sup>22</sup>, B'tselem<sup>23</sup>, and Hamoked<sup>24</sup>. It was reinforced with the arrival of new NGOs founded at the beginning of the 21<sup>st</sup> century such as Machsom Watch (2001), the Palestinian Human Rights Monitoring Group (2002) and Gisha in 2005.

It was a long and laborious process, not only because of the Civil Administration and the Shabak's policy of keeping a certain opacity regarding the operation of the system, but also largely because of its incoherencies, the lack of coordination between the administrations and the extreme foot-dragging and negligent handling of communications with the NGOs (Kadman 2012). Palestinian and Israeli NGOs have been caught into the viscous texture that the Israeli bureaucracy has imposed on Palestinian space practices.

Nevertheless, they have put together an impressive body of knowledge that they have disseminated through leaflets and later through internet sites in Arabic, Hebrew and English. It culminated in 2014, when Gisha, by filing multiple Freedom of Information petitions and dozens of Freedom of Information applications, managed to constrain the COGAT to make public more than 60 operating procedures on its internet site<sup>25</sup>. This work has been critical not merely because it has helped Palestinian applicants through administrative procedures, but because it has forced to a certain extent the Israeli authorities to formalize and standardize part of their modes of operation. Yet, in

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<sup>20</sup> [www.acri.org.il/en/mission/](http://www.acri.org.il/en/mission/)

<sup>21</sup> [www.alhaq.org/](http://www.alhaq.org/)

<sup>22</sup> [www.kavlaoved.org.il/en/about/aboutkavlaoved/](http://www.kavlaoved.org.il/en/about/aboutkavlaoved/)

<sup>23</sup> [www.btselem.org/about\\_btselem](http://www.btselem.org/about_btselem)

<sup>24</sup> [www.hamoked.org](http://www.hamoked.org)

<sup>25</sup> See "Procedures and Protocols" Gisha website, [gisha.org/legal/procedures-and-protocols](http://gisha.org/legal/procedures-and-protocols), accessed April 1, 2017.



2016, the information provided by the COGAT's website on permit procedures was still fragmentary, incoherent and presented through bad or misleading translations into Arabic (Roth 2016)<sup>26</sup>.

Moreover, individual attorneys and NGOs have provided a direct administrative and legal assistance to Palestinians, especially to those who were blacklisted for security reasons. While during the 1990s, such blacklisting concerned approximately two thousand people from the West Bank and the Gaza Strip, in the mid-2000s it included a much larger number of persons since, between 2000 and 2005, the Shabak blacklisted 200,000 Palestinians as security threats and the police 60,000 (Berda 2012: 53). Being blacklisted for security reasons is never sustained by any formal explanation on the part of the Israeli administration and precludes the issuance of a permit (Piterman 2007). Palestinian and Israeli NGOs have been quite active in helping the persons concerned by such charges. In 2005, the Association for Civil Rights in Israel (ACRI) published a leaflet entitled "Restrictions on Freedom of Movement – Permits and Security Classifications" (Piterman 2012: 119-129). Yet, the complexity of the process and the opacity of the functioning of the Israeli administration have constrained Palestinians to keep on resorting to the services of Palestinian and/or Israeli attorneys. Whereas a police ban based on a security threat can often be removed through the payment of a pending fee, removing a preclusion by the Shabak can only be done by appealing to the Israeli Supreme Court, which is beyond the financial means of most Palestinians. Again, in order to facilitate such a process, NGOs, such as Machsom Watch or Hamoked, have reached agreements with lawyers in order to lower the fees and appeal on behalf of Palestinian applicants (Piterman 2007, 2012). Machsom Watch has thus filed 5,000 appeals on behalf of Palestinians between 2005 and 2011. As a result, 35% of the preclusions were lifted (Kadman 2012: 17). But even these intermediaries encounter difficulties as it is a common practice of the Israeli administration to discontinue certain procedures, even retroactively without warning lawyers and human rights organizations (Piterman 2012).

The networks linking Palestinian workers to their employers and to the Israeli institutions involved in the issuance of permits have also been restructured by the outbreak of the second Intifada and the tightening of the Israeli policy of closure. In 2000, in addition to the restrictions imposed on Palestinians from the OPT, Israeli citizens were formally forbidden by Israeli authorities to enter Palestinian autonomous areas in the West Bank and Gaza. Yet in practice this affected more Jews than Arabs. Furthermore, given the rising number of Palestinian attacks many Jewish employers feared to enter the Palestinian enclaves. Consequently, in order to recruit workers, Israeli employers found themselves compelled to resort to new intermediaries that could be either Palestinians

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<sup>26</sup> On the issue of misleading translation, see for instance "How long before protocol written in gibberish is removed from an official army website?", posted November 4, 2014, [gisha.org/en-blog/2014/11/04/how-long-before-protocol-written-in-gibberish-is-removed-from-an-official-army-website/](http://gisha.org/en-blog/2014/11/04/how-long-before-protocol-written-in-gibberish-is-removed-from-an-official-army-website/), accessed April 1, 2017.

holding Israeli citizenship or Palestinians living in the occupied territories. Most of them were already involved in the labor market as contractors, former workers or even drivers.

Palestinian workers also became increasingly dependent on these go-betweens and on the information they held about the Israeli labor market. Unless a worker knew a specific person, he could not easily reach an Israeli entrepreneur. Even people who had a permit found difficulties in looking for alternative employers. Since their permits limited their movement to specific time schedules and to their working site, it reduced considerably their access to other job opportunities. Finally, these go-betweens have become as powerful, from a Palestinian point of view, as they have become rare. Given the drastic reduction of permit quotas, only a limited number of people have managed to keep efficient sponsors who could still obtain these precious documents.

Additional informal intermediaries have contributed to increase the complexity of these networks by capitalizing on their access to this shrinking number of brokers and by selling their addresses or phone numbers to Palestinians in need of a permit. Moreover, these brokers entered in competition with certain collaborators. In the southern West Bank, collaborators or family members of former collaborators that had been resettled in Israel tended to use their contacts within Israeli intelligence in order to sell access to a permit. This informal marketing of movement permits has thus a strategic role in the extension of networks of informants.

Yet, this reconfiguration of networks of intermediation did not only concern the relations between Palestinian workers and brokers but also those between Israeli entrepreneurs and a new kind of brokers. Israeli employers have always suffered from a lack of information, from insufficient coordination between the institutions pertaining to the permit infrastructure and from the weakness of its human and material means. These problems have generated regular malfunctions that have made procedures longer and produced contradictory injunctions (Berda 2012; Ekstein 2011; Kadman 2012). Yael Berda (2012) explains how during the years following the outbreak of the second Intifada, the more systematic enforcement of the permit regime, and the difficulty of recruiting Palestinian workers informally made Israeli employers more and more dependent on the Israeli institutions issuing permits. Through a detailed case study of the Jerusalem branch of the Division of Payments, she describes the informal economy that has developed at the heart of the permit system, where a number of strategic brokers have capitalized on their privileged relationship with the clerks in order to accompany Israeli entrepreneurs and facilitate their administrative procedures. In order to secure permits for their workers, certain entrepreneurs have bribed police officers as well as members of the Civil Administration (Kadman 2012).

As they came into play, both legal mediators and informal brokers have increased the number of connections within recruitment networks of Palestinian workers as much as they have increased the topological distance between Palestinian applicants, their Israeli employers and the Israeli bureaucracy. Moreover, by introducing their own practices and forms of mediation, they have reduced the circulation of the flows of information and interaction into these networks.

As in many other instances in the world, the strong dependency of workers on a limited number of patrons (middlemen, employers, etc.) and legal mediators entails new articulations of power relations and new possibilities for exploitation. The way Israeli entrepreneurs and Israeli civil servants (police officers, clerks of the Civil Administration, high ranking soldiers) have profited by this dependency of Palestinian workers within Israel proper and inside the Israeli settlements has already been documented by NGOs and journalists (Kadman 2012). Some lawyers have even capitalized on Palestinians' vulnerability in order to develop their business. Yet, in line with advocacy and the denunciation of human rights violations, these studies endorse a normative approach. Similarly, certain Israeli governmental reports (Ekstein 2011), do not hesitate to condemn these phenomena as forms of corruption and deviances. I would like to take a step back from this normative stance and instead try to understand how this appropriation of the economic opportunities offered by these power relations and chains of mediation fosters the emergence of informal mechanisms of regulation of Palestinian and Israeli spatial practices.

Some Israeli and Palestinian entrepreneurs have set up very profitable activities around the informal trafficking of permits. For practical reasons, Israeli employers often apply for more permits than they actually need. They do this in order to counter the potential refusal of the Israeli authorities to issue permits to some workers, because the latter might be blacklisted or because of procedural defects. The underlying logic is that it is better to ask for more than to have an insufficient number of workers on site. The employer can always use the additional ones to help former or future employees.

In case of a surplus of permits, the recipient will refund to the employer the monthly fees that must be paid to the Payment Division for taxes and social benefits. In 2010, these amounted to 1200NIS (about 240EUR). Such a document provided the beneficiary with the possibility of crossing checkpoints "legally" and traveling inside Israel more or less freely. Yet it also implied finding a job by themselves... "illegally".

Some employers have seized this opportunity in order to develop additional profits. Instead of applying for the 100 permits he needs, an entrepreneur can apply for 200 for a period of 6 months to the Division of Payments. If he succeeds, the additional permits can be sold at a higher price to

Palestinian workers. Instead of asking the worker for the reimbursement of the regular permit fee, 1200 NIS, the entrepreneur can sell the document for 1800NIS (360EUR), thus netting a 600NIS profit. The trafficking of 100 such permits over six months would generate a profit amounting to 360 000NIS (72 000EUR).

This permit trafficking cannot rely on one employer; it necessitates the intervention of a complex network of mediation. Applying for permits on such a scale means gathering the exact details for each Palestinian worker (names, ID card and magnetic card numbers, address, etc.) and, in order to be successful, must target individuals who have little risk of being rejected for security reasons. So, an Israeli entrepreneur involved in such an informal/formal trade needs to rely, on the Palestinian side, on a chain of brokers he can trust enough in order to obtain such information and, eventually, broaden the range of his clients. Moreover, on the Israeli side, such an operation requires the involvement of assistants (accountants, lawyers, etc.) who will clear this business by issuing fake business certificates, contracts and bills in order to justify the application for such an important amount of Palestinian workers to the Division of Payments and to other relevant ministries (Agriculture, Finance, etc.). These networks involve a precisely planned apparatus. Some have even involved high-ranking Israeli civil servants within the Israeli Ministry of Interior and the Civil Administration. In 2009, the media reported on a group of Israeli civil servants that had issued hundreds of forged Israeli residence permits and made transactions that amounted to millions of shekels a year (Kadman 2012: 20).

The development of these different brokerage activities has organized parallel channels of permit allocation. In the southern West Bank, people explained to me that there were four kinds of permits: a regular one delivered through the regular procedure; a regular permit obtained through a real sponsorship but a fake job application; a permit accessed through a Palestinian collaborating with the Shabak; and a fake permit produced by a local falsifier.

The wealth and the power generated through these networks of mediation push the people who master them to regulate the entry of outsiders strictly. As a matter of fact, not everybody can access these networks of facilitators or of permit traffickers. The rules and limitations which make them hard to access for newcomers contribute to the building of new obstacles to the movement of Palestinians and to some extent to the capacity of Israeli employers to recruit workers. In all, they limit the extension of mediation networks and reduce the fluidity of interactions and information they channel.

## **CONCLUSION**

The spatial effects and dimensions of the Israeli permit regime go beyond the sole territorial confinement of Palestinians to isolated enclaves and the transformation of their mobility within their physical environment.

The permit system has triggered the development of formal and informal relations between Israeli, Palestinian and foreign individuals, state agencies and NGOs, giving rise to dense networks of interconnections. But while this *spatial practice* is disjointed from *hegemonic representations of space*, it does not challenge them. On the contrary, far from resisting the functioning of the permit regime, these networks of mediation have acquired a central role in the confinement of Palestinians, for they have introduced additional mechanisms of regulation that extend the delay of permit allocation, increase the complexity of procedures and render even more opaque the criteria of eligibility. Over the last decade, this informal economy has increased the topological distance (i.e. the number of connections and mediators) between permit applicants, their employers and the Israeli administration, as well as narrowed and slowed channels of mediation. In other words, while the number of permits may have augmented since the end of the second Intifada (Ekstein 2011), the weight and power of this system of control on Palestinian lives has become heavier.

This observation gives us a deeper understanding of the kind of asymmetry and the patterns of separation prevailing between Israelis and Palestinians. This asymmetry is not only to be conceived in terms of continuous/discontinuous, or fluid/fragmented territories, but rather according to the fluidity/viscosity of the populations' spatial practices. As they saturate and congest the social spaces, these chains of relations tend to slow down the dynamics of people's interactions. This phenomenon affects not only Palestinians' geographical mobility, but also the content of their relations with Israelis evolving through more fluid social spaces. In other words, by maintaining Palestinians in viscous spatialities and Israelis in more fluid ones, the permit regime introduces another kind of distance between them.

In that respect, the Israeli permit regime shows some similarities to the bordering technologies of global and postcolonial capitalism described, among others, by Makaremi (2008), Mezzadra and Neilson (2013). These technologies do not aim to confine unwanted people territorially or to dissociate their movements from those of citizens, but to inscribe them into temporalities and spatialities that are disjointed to the point of giving these populations the illusion of being territorially separated. Here, the containment of Israelis and Palestinians into disjointed spatialities reinforces the illusion of their (territorial) separation while they remain practically linked through networks of individual relations and infrastructures.

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