Working Paper V

The Role of Social Sorting and Categorization Under Exceptionalism in Controlling a National Minority: The Palestinians in Israel

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Introduction

This report explores how surveillance and categorization were used by the state of Israel to control the Palestinian minority during the first two decades after Israel's establishment in 1948. The methods of surveillance, which involve collection of data about the population, its storage, classification, and the categorization of citizens according to various organizing principles, have been essential tools for modern states in managing their populations. The collected data and its presentation through various statistical measures, which enhances the power of the state, may be used positively – to address the needs of the population efficiently, to target groups which are in need of special attention, to empower citizens – or negatively to subjugate or marginalize certain groups. Michel Foucault has famously argued that power is constitutive of the self, though he also maintained that power could have a positive or negative role. In the latter form it is used for domination. While the naïve perception of social groups as "natural" or as positioned around an interiority that sets them apart from others is disappearing, the recent research on surveillance, following Foucault, has focused on the role that power plays in the constitution of social categories and identities. Thus, social sorting, categorization and the construction of polarities are examined. This approach is employed in the first section of this report. In it, I shall probe the construction of the Palestinians as non-Jewish population and as a collection of ethnicities by exploring the historical origin of these categories and tracing their evolvement. Moreover, I shall point to the social order and power hierarchies that they serve.

Meanwhile in the second section I shall examine the structures of power and their functioning, which have constructed these categories and presented them as normal and time-honoured. This section deals with the surveillance techniques employed by the Military Government, the body which ostensibly ruled the Palestinians. In addition to the description of these techniques, they will also be theorized. Two alternative perspectives which could be helpful in framing this regime are examined: the Panopticon, as it was described by Foucault, and the state of exception, which Carl Schmitt and more recently Giorgio Agamben have explored. Yet, the aim of this theorization is not to anchor the Military Government within a theoretical body; rather it looks to explore how concrete practices resist fitting neatly into a general model. Before going into this, however, I shall start by providing a short description of the conditions of the Palestinians in the discussed period and the role that surveillance and identification methods have occupied in the matrix of state-minority relations.

Israel and its Palestinian citizens
The 1948 war ended with a larger Jewish state than the 1947 UN partition plan decreed and a much smaller Palestinian-Arab minority. Only 156,000 Palestinians remained out of the 900,000 who had resided in the area upon which Israel was established. Yet, while Israeli leaders were discontented with these results in terms of the territorial gains and the inconclusiveness of the transfer of the indigenous population, nevertheless, as early as 1952 they began to realize that they had to rule this unwelcome minority for many years

to come and maybe forever (Sa'di 2011). However, their relationship with the Palestinians had a long history. They could thus draw on their historical experiences during the formation of the state of Israel, which were ultimately materialized in the building of institutions and the preparation of specialized staff, the emergence of conventions, rules, perceptions and stereotypes, as well as the development of an ideological edifice to justify prevailing conceptions and dogmas. One fundamental principle of these relationships was the racial boundary between Jewish settlers and native Palestinians. While the results of the war might have created an opportunity for the establishment of a non-racial order, Israeli leaders preferred to go ahead with the achievement of Zionist goals, which are premised on the dispossession and subordination of Palestinians. Consequently, the Jewish-Arab dichotomy became constitutive of a racialized socio-political and legal order (e.g. Sa'di 2004).

This settlers-natives binary was followed – as in other colonial settings – by divisions and subdivisions of the natives for the purposes of surveillance and political control. For, as Michel Foucault has argued, "[i]nstead of bending all its subjects into a single uniform mass, it [the regime] separates, analyses, differentiates, carries its procedures of decomposition to the point of necessary and sufficient single units" (1991: 170). These processes of categorizing and labelling, particularly when they entail differential treatment, can result in the hardening of identities and the instigation of conflicts (Lyon 2009: 30-38).

Section one:
Social sorting, divisions and subdivisions

1. JEWS VERSUS PALESTINIANS

The Jewish-Palestinian division is foundational to Zionism. Racialized boundaries are engrained in the idea of establishing a homeland for European Jews through migration and political and military domination of a country overwhelmingly populated by indigenous Arabs. While the history and implications of the struggle over Palestine have been the subject of much scholarly research, this section attends to the particular way in which the separation between Jews and Palestinians was reinforced during the first two decades of the establishment of the State of Israel.

From the start, the state itself has served as a vehicle for the achievement and the furthering of national [Jewish] goals. The term Israeli has been used as being synonymous with Israeli Jew. For example Israel's founding father and first Prime-Minister, David Ben-Gurion, stated at the twenty-fifth World Zionist Congress held during 1960:

> Here everything is Jewish and universal: the soil we walk upon, the trees whose fruit we eat, the roads on which we travel, the houses we live in, the factories where we work, the schools where our children are educated, the army in which they are trained…the language we speak and the air we breathe, the landscape we see and the vegetation that surrounds us – *all* of it is Jewish.
>
> <div align="right">(cited in Peretz 1991: 86)</div>

This state/ethnic identification that has led to what Yiftachel (2006) calls an "ethnocracy" precluded the plausibility of an over-arching frame of identification for all citizens. Given this, the state embarked on two parallel projects: the homogenization of the Jewish population, and the Judaization of the space. The first embodied a vigorous promotion by the ruling elite of a melting pot policy and the construction of a national character of "Israeliness" (Kimmerling 2001). The second project entailed the creation of a sense of exclusive entitlement to the country through ideologically inspired school textbooks (e.g. Firer 1985) and "scientific" knowledge in archaeology, geography, cartography, history, sociology and political sciences as well as through the de-Arabization and de-signification of the country's landscape (Abu El-Haj 2002; Falah 1996; Benvenisti 2000: Ch.1; Azaryahu and Golan 2001). Moreover, this notion of state/ethnic identification was linked to security. As Kretzmer argues:

> The perception of Jewish ownership of land and settlement as essential mechanisms of maintaining the security of the Jewish collective means that security measures which restrict basic liberties of Arab citizens may be employed to facilitate them.
>
> <div align="right">(1990: 137)</div>

Consequently the road to ethnically-based hierarchy and internal colonization (Zureik 1979) was short. Indeed the Jewish-Palestinian dichotomy was translated to a hierarchy of rulers and ruled, as Peretz observes:

> No Arabs were designated as officials in charge of Arab affairs in the various ministries. Rather responsibility for such matters, even in ministries unrelated to security such as social welfare, agriculture, health and education, and the like, were entrusted to Jewish employees.
>
> (1991: 98)

The level of absurdity this racial hierarchy reached was apparent when a Jew was appointed as the head of the Islamic religious administration; Muslims cynically referred to him as "Mufti Hirshberg" (ibid: 98).

This hierarchy also formed a guiding principle for those who ruled the Palestinians directly. For example, Yehoshua (Josh) Palmon, the first Advisor to the Prime Minister on Arab Affairs, argued that:

> I opposed the integration of the Arabs into Israeli society. I prefer separate development…This separation made it possible to maintain a democratic regime within the Jewish population alone.
>
> (ibid: 100)

Palmon's observation seems to go beyond the analysis presented hitherto, as it touches on the relationship between political control and the rule of law – a point which I shall explore later. Yet, it illustrates that the power of categorization of citizens stems not only from their construction and their use by the state's bureaucracy, but also from their impact on the social structure and consequently on individuals' life chances and experiences. In the current case, various policies had the impact of translating the Jewish-Palestinian dichotomy into ethno-class relations (Zureik 1979; Sa'di 1995). Those in charge of Arab affairs were already aware in the initial stages of statehood that the massive transfer of Palestinians' lands to state and Jewish bodies would result in "condemning them [the Palestinians] to a life of perpetual poverty" (Peretz 1991: 94). Indeed, an increasing percentage of the Palestinian workforce had become semi-skilled or unskilled laborers in the state/Jewish companies, thus introducing the ethnic hierarchy into the workplace (Zureik 1979; Lustick 1980; Sa'di 1995).

Moreover, Jewish citizens, as collective or specific groups of Jews, were conceived by policy makers as active participants in the control and surveillance of Palestinians. This led the head of the Military Government, Mishal Shoham, to declare during the course of a discussion on the future of this administration held on 14 August 1958:

> In order to abolish the Military Government from half of the Galilee, it
> must be settled so that half of the resident ought to be Jews… I am ready
> to take Nazareth out of the Military Government [jurisdiction] provided
> that six Jews and not Communist members sit in the municipality and at
> least the Jews constitute half of its residents.
> (Protocol of the Committee on Arab affairs' meeting, 14.8.1958, p. 25)

Officially this division was reproduced in the ID cards, where each citizen fell into one of two dichotomous ethnic categories: Jew and Arab (the blurred Druze category added in 1962 will be discussed below). Israel's decision to conduct a census/survey at the end of the 1948 war and grant ID cards to its citizens was not a novel idea in the country's history. A previous attempt was made during the Palestinian revolt of 1936-1939. Prior to his departure in 1938, the British General John Drill hoped to introduce identity cards to control the citizens' movement across the frontiers and between districts as a measure for quelling the revolt. Yet, Drill's identity card plan was hampered by Jewish objections to a system that would have helped identify illegal Jewish immigrants (Thomas 2008: 249). The Israeli ID system had aims beyond those of Drill, however. In addition to the goals of stopping movement across borders – i.e. to prevent the return of refugees - and linking Palestinian ID holders to places of residence, it had additional restrictive functions similar to those of Stalinist Russia's internal passport system (Lyon 2009: 26). The ID card includes information that could be used for policing, for determining eligibility for movement in certain areas and providing a short-cut for affiliating persons to friendly/hostile groups (this will be discussed in the following section). Indeed, Ben-Gurion affirmed the security implications of the national categorization of citizens, stating: "[f]or security reasons we did not abolish the registration of religion or nationality in the identity card" (quoted in Bauml 2007: 77). Realizing the import of identification cards (to use Lyon's 2009 conceptualization) for surveillance, the Military Government's Arabists advised the Population Registry Bureau of the Ministry of Interior to include information about hamula membership – significant information used for the exercise of control - in the official population registry, next to the regular entries marking each Palestinian citizen's name, date of birth, residence, and so on (Eyal 2006: 158).

Yet the import attached to the identification of citizens was not matched by a speedy issuing of ID cards to Palestinians. The granting of ID cards and citizenship to Palestinians was a lengthy process mired in bureaucratic confusion and inefficiency (Robinson 2005: 46-182). Moreover, it was pursued half-heartedly at best, since the state was interested in decreasing the number of Palestinians and the granting of ID cards and citizenship might complicate the transfer operations, although as Carl Schmitt (2005) suggests, and various cases in Israel show, the legal order shouldn't be fetishized; citizenship rights could be easily withdrawn, as happened in the case of Al-Majdal residents who, despite having been awarded ID cards, were deported in the early 1950s.

Beside ID cards, other means of identification which would make Palestinians visible were introduced. For example, specific plate numbers for cars owned by Palestinians

were issued, and the police were instructed to follow the journeys these cars made and identify their parking places (Bauml 2007: 248).

2. SUBDIVIDING THE PALESTINIANS

After the affirmation of the basic Jewish-Palestinian binary, the subdivision of the Palestinians ensued. Already in 1920, "The Information Bureau", which was established by the World Zionist Organization, laid down a plan to manipulate the differences among Palestinians. The document it produced included the following principles:

1) To reach an agreement with Haidar Toqan, the mayor of Nablus and a member in the Ottoman parliament. In return for a payment of 1,000 EP he would organize a petition in support of Zionism in the villages of his district and establish a pro-Zionist political club.
2) To establish an alliance with the influential Emirs of trans-Jordan (the assumption was that they opposed the nationalist urban leaders).
3) To make payments to newspapers hostile to Zionism in order to change their policy line to a pro-Zionist one.
4) To establish friendship with Arabs and to found clubs of cooperation.
5) To instigate hostilities between Christians and Muslims.

<div align="right">(Cohen 2004: 18)</div>

It seems that the idea of segmenting the Palestinians comprised a cornerstone in the plans of the Zionist/Israeli leaders for the Palestinians from the start. Accentuation of differences, instigation of conflicts and the awarding of benefits of various sorts were conceived as appropriate strategies for achieving Zionist goals against the will of the Palestinian population. Indeed, while the Arab Bureau of the Jewish Agency maintained some informal relations with Palestinians during the Mandate period, the main aim was confined to the gathering of intelligence and "manoeuvres to split Arab ranks" (Peretz 1991: 88).

Yet, this general scheme would have had limited impact had it not been pursued concretely by collecting and filing data, exploring new subdivisions in light of the new data, and creating a specialized body with knowledge of the indigenous population and its customs, language, religions, economy and socio-political structures. Indeed, these processes, which had been partly demonstrated in the assemblage of the village files (discussed in detail later on), had a great impact not only on the Israeli war effort but also on Israel's control of the Palestinians during the period of the 1950s and 1960s. Furthermore, many of those who managed the Palestinians after the establishment of Israel acquired their expertise before 1948. Yet, social categorization is frequently the end result of arduous socio-political sorting processes that not only construct the way in which citizens conceive themselves and others but also the ways in which ethnic relations are structured. In the following, the division of Palestinians by state bodies into different and occasionally contending groups will be explored.

2.1 Druze Particularism

Historically the constitution of the Druze category goes back to a meeting held at the beginning of 1932 between the president of the Jewish National Council (JNC), *Va'ad Le'umi,* Yitzhak Ben-Zvi and the person in charge of the JNC's political department (responsible for the relationship with the Arabs), Aharon Chaim Cohen, with Abdullah Khayr, an educated Druze from the village of Abu-Snan. Ben-Zvi and Cohen wanted to learn about the attitude of the Druze towards the conflict over the country between Palestinians and Jews. During the course of the meeting Mr. Khayr seems to have suggested that the Druze should organize themselves as an autonomous religious group (i.e. millet) and distinguish themselves from the Muslims. Although Khayr's ideas were born out of factionalism and struggle within the Druze community over leadership and prestige between leading hamulas (extended families) - principally Khayr, Tarif and Muadi (see Firro 1999: 23-24) - his remarks led to an insight for the Zionist leadership with regard the segmentation of the Palestinians. Thus, Ben-Zvi wrote in a letter addressed to Moshe Sharett, the head of the Jewish Agency's political department on 2 August, 1940:

> In my opinion there are shared interests between us and the Druze more than with any other group in the country and its surroundings… Among them [the Druze] there are two trends: A. One which aspires to free itself from the Islamic Sharia court; B. [one] which does not want to free itself from this court. I think by an appropriate deception we can help the trend which seeks to achieve independence from the authority of the Mufti and his representatives.
> (quoted in Avivi 2007: 24 [Translated by Ahmad Sa'di])

However, the 1948 War comprised the landmark in the construction of the Druze as a distinct category. Their history and behaviour during this period are fairly clear now (see e.g. Firro 1999; 2001; Parsons 2000; Cohen 2006; Avivi 2007). The Druze's war record is mixed, ranging from active collaboration (such as in the case of Shafa'amr) to armed resistance (in the case of the villages of Yanuh and Jat). The defeat of the Druze battalion of Syrian volunteers in April 1948 and the changing of sides by some of its soldiers and officers, which was partly mediated by local Druze dignitaries who collaborated with Zionism (Firro 1999: 50-57), in addition to the formation in May 1948 of a small contingent of some twenty five men from the Druze Carmel villages, Daliyat al-Karmel and Isfiya, under Shai's [the intelligence organization of the Yishuv] officer Giora Zaid added another dimension to this mixed picture (Avivi 2007: 72). During the war the Druze (both locals and Syrians) who were attached to the Israeli army numbered some 60 persons. Although their significance to the war effort was negligible, their symbolic participation was essential (Parsons: 104-106) since as Palmon put it "…this act has destroyed all ways of going back for them" (quoted in Firro 2001: 42). After the War the number of Druze who volunteered to the newly established "minorities unit" remained small, reaching no more than 400 (ibid).

Yet, this was enough for Israeli policy makers to engage in the construction of the Druze ethnic category. According to Firro (1999) and Parsons (2000), three external and internal policy considerations led to the pursuance of this undertaking. First, they can be used as a link to the large Druze communities in Syria and Lebanon. Thus, they were viewed as an instrument in furthering Ben-Gurion's strategy of building an alliance of non-Arab or non-Muslim minorities in the Middle East (Parsons 2000: 142). Their role was to comprise "a poisoned dagger to stab into the back of Arab unity[1]" (Parsons 2000: 104; also Firro 2001: 42). Indeed on two occasions, Israel tried to intervene in Syrian affairs through the Druze connection. The first took place in 1954 during the struggle between President Adib Shishakli and his many opponents including Druze officers. Moshe Dayan, the Chief of Staff, thought that Druze men could be trained and sent in sabotage missions to Syria. Yet as Sharett unveiled, Dayan's plan did not materialize, as the local Druze leaders failed to mobilize enough volunteers (Avivi 2007: 356-360). The second occasion was following the Six Day War. On 20 August 1967, the then Minister of Labour, Yigal Allon, wrote a letter to the Prime Minister Levi Eshkol, suggesting that Israel should seize the opportunity that had risen from the struggle between Syrian Alawi and Druze officers to intervene in order to set up a vassal Druze state in the area known as Jabbal Al-Durze. This state would constitute a buffer zone between Israel and Syria and block Syria's access to the newly occupied Golan heights, thus nullifying Syrian claim to it (Avivi 2007: 363-5).

Second, Israel found the Druze beneficial for propaganda purposes (Parsons 2000: 125). They were to be presented as an example of the fair, human and progressive nature of the Israeli regime as well as the harmonious relations which exist between the various ethnic groups.

Third, at the local level they were viewed through the colonialist prism as "'friendly native', rather like the Gurkhas in India, whose particularistic nature was encouraged in order to help controlling unfriendly natives" (ibid: 127). More importantly Israeli leaders' interest in furthering Druze particularism was aimed to stir up acrimony among Palestinians. In this regard, the head of the Military Government, Mishal Shikhter (Shoham), argued in Mapai's Committee on Arab Affairs in 30 January 1958, that:

> The Arab minority (and I am opposed to the concept Arab minority; in my opinion we should say the Arabs in Israel) – are not a unified thing… we are able to encourage this dissimilarity. If we succeed in making Arabs suspicious of the Druze – and not because they are loyal to us – this would be very important.
> (Protocol of the Committee on Arab affairs' meeting 30.1.58)

Similarly, the Deputy Advisor to the Prime Minister on Arab affairs, Aharon Layish, contended that "[The conscription of the Druze] heightened the mistrust between the Druze and the other communities" (Cohen 2006: 196). The causes for suspicion to many

Palestinians were real, given the tasks entrusted to Druze soldiers. The Druze battalion operated from two bases in the north and the south. In the north it engaged along the borders in blocking the return of Palestinian refugees, in sweep operations – detention and expulsion of refugees who return to their villages (officially labelled infiltrators) - and in stopping cross-border commerce. Meanwhile in the south (the Negev) it engaged in the cleansing (*Tihor*) of Bedouin tribes and other Arabs deemed unfriendly to the state and in stopping cross-border commerce (Firro 1999: 106; Cohen 2006: 196; Avivi 2007: 76).

The highlighting of the Druze distinction had already begun in 1948 with one of the first acts of distinguishing the Druze from the Muslims. In October, Yaakov Shim'oni, the deputy head of the Middle Eastern department at the foreign ministry, wrote a letter to the Muslim department in the Ministry for religious affairs to change its name to the Muslim and Druze department, a change which was done by June 1949 (Avivi 2007: 25). However the complexity of the new categorization was manifested in the Druze's conscription to the army, upon which the whole project pended. By 1949 the military was no longer interested in the Druze unit. For example, Mr Amnon Yanai, the first commander of the minorities battalion recalled in 30 January 1958 that:

> … During the first years the struggle was very difficult, mainly of the security services against the army. They confined them [to certain areas] and argued that they shouldn't be trusted. They even confined their operation within the areas in which they live. Within three years, there were at least three orders to terminate this business.
> (Protocol of the Committee on Arab affairs' meeting 30.1.1958, P. 33)

On 20 September 1949, Ben-Gurion held a discussion on the future of this unit with Yaakov Dori, the Chief of Staff, and Chaim Herzog, head of the Military Intelligence Branch, who wanted to demobilize it. However, Ben-Gurion and Sharett objected, fearing that such a move would have adverse repercussions on the relationship with the Druze community in Israel as well as on Israeli policy toward the Druze communities in the Arab countries (Avivi 2007: 78). The struggle between the military establishment on the one hand and politicians and those in charge of Arab affairs on the other continued until 1951. Then the battalion's status was institutionalized and was renamed as battalion 300 (ibid 78-79). In 1953 the Chief of Staff issued an order to mobilize Druze men who had not joined the IDF in order to train and incorporate them in reserve units, known as "the recruitment joint B" (Firro 1999: 114-15). This move increased the divisions and rivalries within the Druze community, and added a new dimension to the competition which had begun in 1951 over the Druze representation in the Knesset. Two camps had emerged by 1951: the first, headed by Salih Khnayfis, included among others Labib Abu-Rukun from Isfiya, Farhan Tarif from Julis and Quftan Halabi from Daliyat al-Karmel; the second was headed by Jaber Dahish Muadi from the village of Yirka, and was supported by Sheikh Amin Tarif, the longstanding spiritual leader of the Druze community, Salman Tarif and Najeeb Mansour from Isfiya (Avivi 2007: 80). Although this division was not around the

conscription, the main representatives of the two camps took opposing stands on conscription. While Khnayfis was an ardent supporter of conscription, Sheikh Tarif opposed it (ibid).

Sheikh Tarif's reservations were explained on the following grounds. Young Druze men who serve in the army are exposed to unacceptable cultural norms and conscription would tarnish the reputation of Druze communities in the Arab countries. Moreover, in wartime Druze servicemen might be exposed to disproportionate dangers. Thus, when the registration began, Sheikh Tarif's supporters visited various Druze villages and openly spoke against the conscription (ibid: 81). Furthermore, Sheikh Amin himself threatened that young Druze men who served in the Army might be deemed inappropriate for marriage, and in fact in 1953 refused to certify the marriage papers of a Druze man who served five years in the army (ibid: 82-3). Thus, for some time the state's policy of stressing Druze particularism by underscoring their religious identity (epitomized by the authority of the Druze spiritual leader) contradicted the policy of conscripting them to the Army. In this conflict, as in future ones, the state had chosen to promote its instrumental goals; the main attempt to make the separation of the Druze irreversible was to be pursued through their conscription. To achieve this, Israel resorted to its favored tactic of absolving the state of actions through inducing or soliciting unofficial actors to initiate the move it aims to promote. Indeed, it seems that Druze dignitaries were persuaded to write letters (probably by the Military Government) asking the state to impose conscription on Druze men. Although such letters were sent from time to time, the bulk of them were sent in one month: December 1955 (ibid: 87).

Although it was known to state officials that these letters were not in line with the Druze's public opinion, nonetheless they used them as an alibi to go ahead with the conscription. Indeed, a report composed by the northern district of the Military Government in January 1956 indicated that the majority of the Druze opposed conscription. Those who signed letters in support of it were afraid to show signs of their support. Moreover, Jaber Muadi – who by then had become an ardent supporter of the draft, and sent and signed several such letters – was viewed among the Druze as being motivated by personal interests. Yet, on the basis of these letters, the state decided in January 1956 to impose conscription on Druze men (ibid: 88).

This move triggered widespread opposition from the start. This took various forms including petitioning, sending letters of protest to state officials, establishing anti-conscription organizations (the most well-known is the Druze initiative committee headed by Sheikh Farhoud Qasim Farhoud), anti-conscription meetings, refusal to report to the conscription bureaus, desertion, appeals to the high court of justice (Avivi 2007: 89-90) and physical assaults on supporters of the draft (Cohen 2006: 187). In contrast, very few letters in support of the conscription were sent at this stage (Avivi 2007: 90). The priority given by the state to the conscription in the construction of Druze particularism spilled out during the meeting of the Central Committee [a coordinating body of the Military Government, the Shin Bet, the police and the Prime Minister

Advisor's office] on 24 April 1956. A decision was taken that "until the end of the conscription affairs no act should be taken regarding the status of the [Druze] community or recognition of its [spiritual] leadership" (ibid: 94). The bargain was clear: Druze particularism can be pursued only on the basis of conscription. Eventually, the activities of the police combined with the pressure employed on the community's leaders brought about a reasonable conduct of the conscription, although it remained an unsettled issue until 1967.

Contrary to the policy of separating Druze from the rest of the Palestinians, in the army they served until 1962 exclusively in battalion 300 (the minorities battalion) which included Bedouins, a few Muslims and Christians, as well as Circassians. The reasons for this are that this unit was designated for specific assignments and that they would only be able to acquire limited military knowhow. In public, however, their service in a separate battalion was explained by their mentality and special educational and cultural needs. Moreover, concentration of Druze servicemen would enhance the cohesion of the Druze community, and make it easier to present them in parades to local and international audiences (ibid: 118-19). Even after 1962 very few army units –mainly supply units – became accessible to Druze servicemen. Yet, even those who served in such units were to serve their reserve duty in battalion 300. In order to raise the morale and reduce criticism of this quarantining, three symbolic measures were introduced: changing the battalion's name from minorities' unit to battalion 300; giving the soldiers new black hats (instead of the khaki ones they had) and training limited number of outstanding soldiers to parachute once a year; and stationing the battalion one month a year in the north of the country in the vicinity of Druze villages. Only in 1967 after the Six Day War did additional units became accessible to Druze servicemen (ibid: 120-122). Moreover, the advancement of Druze soldiers in the army's hierarchy was blocked at certain ranks in order not to expose them to specialized military knowledge (ibid: 126).

Exclusivity
The hardening of a constructed category's boundaries seems to hinge on four factors: preferential treatment, reasonable degree of exclusivity, the institution of the constructed categories in the consciousness of the population, and the obtainment of the local elite's collaboration. These factors will be explored in the following with regard to the Druze ethnic category.

A. Preferential Benefits
Druze villages were not uprooted, including the two villages which supported the Arab Rescue Army – Yanuh and Jat. Moreover, Druze received privileges which were mostly economic in nature. They were allowed to harvest their fields during the war and soon after it, while the Arab villages were prevented from reaping the crops (Firro 1999: 54). They were allowed to bring supplies into their villages and the families of those who joined the Israeli army were given free medical care (Parsons 2000: 142). Moreover, following the conscription to the Army they were awarded improved travel arrangements outside the zone of the Military Government, the ability to enter security areas, and the

ability to move their residence outside the military area (Avivi 2007: 96). As of 6 July 1956 an annual movement permit within the boundaries of the Military Government area was to be issued to any Druze person who would demand it, provided that security considerations would not block the granting of such as a permit (ibid: 153). And since 1962 the Druze were allowed to move freely in most of the country's regions without the need for passes (ibid).

Moreover, at the symbolic level certain sections of the Druze were allowed to possess arms. These included persons who got written letters from the founders and commanders of the Druze unit during the war in 1948, Zaid and Shikhvitz, soldiers and dignitaries who collaborated with the state (ibid: 157). Although, the confiscation of weapons from the Druze after 1948 was not all-inclusive, when illegal weapons were used in familial feuds the state did not hesitate in confiscating the weapons of dignitaries and collaborators (ibid: 158-60).

B. Consciousness

The state intended to construct Druze particularism, first of all to the Druze themselves, as a fact of life. Already in 1949, Dr. Chaim Hershberg, the head of the Islamic and Druze department at the ministry of religious affairs, proposed the establishment of separate schools for the various religious groups. This never materialized and until 1964 the curriculum for the Druze was the same as for other Arab schools (Avivi 2007: 297). The educational goals were Jewish-Zionist in nature and had very little relevance to Arab pupils. Specific goals for Druze schools were formulated only in 1976 (ibid; Firro 2001:50). The share of Druze among the teachers in the Arab educational system, including the Druze, was small. For example, in 1952, the religious composition of the teachers working in the Arab education system (including Druze schools) was as follows: Christians 45 per cent; Moslems 41 per cent; Jew 9 per cent; Druze 4 per cent and Baha'i 1 per cent (Avivi 2007: 298). Needless to say, Arab teachers did not proper promote the state policy towards the Druze. Thus a policy was adopted by Mr. Gadish, the head of the Ministry of Education's Arab department, of employing Druze teachers and headmasters in Druze schools (Protocol of the Labour Party's Arab committee meeting, 16.5.1968, P. 6). Army veterans were seen as plausible agents for prompting Druze particularism. Indeed, the state made considerable efforts to increase the number of Druze teachers, particularly from among ex-soldiers. For example, in the two years 1967/68-1968/9, 66 new Druze teachers were employed, some of them ex-soldiers who were trained in a special program, and in 1967 the first Druze inspector was hired (regarding these arrangements see, ibid: 14-15). However, the increase in the Druze teachers had to reflect the emergence of an educated stratum. In this regard, preference to Druze over other Palestinians was given in higher education, which was reflected in the awarding of scholarships and grants even when these come from non-governmental sources (Avivi 2007: 303). Moreover, "Druze students …. were pressured [channelled](after the mid-1960s) to study in the department of education at the university in order to educate within 3-4 years educational leadership from teachers to inspectors and directors…." (Protocol

of the Labour Party's Arab committee meeting, 16.5.1968, P. 7, these are Abba Hushi's words).

The more far-reaching proposal to affect the Druze's consciousness was laid down by Gadish who proposed:

> [To] increase the teaching of the Hebrew language, without causing an opposition by Arab nationalist Druze…. if we gradually train teachers not in Arab but in Jewish teacher training colleges, the language which they feel at home with will be Hebrew, thus without [official] declarations the teachers will teach in Hebrew from the first grade, and I think we can help through education in integrating the Druze in Israeli Society.
>
> (ibid: 16)

Firro (2001) has argued that in addition to education and army service, Druze consciousness had partly been shaped by the type of jobs to which they were drawn. Given the massive confiscation of Druze lands and the absence of other viable productive sectors or developed services, the bulk of Druze men have been absorbed at the lower tiers of the security sector, in jobs where the discipline of the body is essential. These jobs demand "discipline, identification with the official policies, loyalty and subordination" (Firro 2001: 50). About half a century after the first Druze joined the Israeli army, some 40 per cent of all employed Druze worked in security related jobs (ibid: 42).

C. Official and legal boundaries

After the creation of the de facto Druze category, the state proceeded in its legalization. Although Ben-Gurion initiated a discussion on the recognition of the Druze as a distinct community during the war and the first meeting in this regard between Sheikh Amin Tarif and the minister of religious affairs took place at the end of 1948 (or early 1949), and other meetings between Druze leaders and state officials occurred thereafter, it was only in 1957, after the end of the conscription affair, when the formalization of Druze particularism begin (Avivi: 2007: 167). The same tactic which was applied to the conscription was replayed; dignitaries were solicited to send letters of request to state officials asking for recognition of the Druze as an ethnic community. To this end, the Advisor on Arab affairs, Ziama Divon, met with the leading Druze hamulas' representatives. And indeed by early 1957 several such letters by Druze dignitaries were addressed to the Prime Minister, Ministers, and state officials. The letter which Mr. Tarif sent to the Prime Minister was particularly interesting. In it he made it clear that in various aspects, the religious symbolic power should be retained by Druze community, embodied in its spiritual leader. Therefore he set various conditions for the recognition agreement: the spiritual leadership ought to be composed of one person; a special court of appeal on religious matters would be composed of the spiritual leader and two persons of the religious council; the judges in the Druze courts would be selected by the Druze community, according to a law which should be enacted and designed according to the

community's tradition; moreover, the spiritual leader would be associated with the Druze religious center in Hasbia in Lebanon (ibid: 173-4). On 15 April 1957 the minister of religious affairs issued recognition of the Druze community as independent (ibid: 1975). Yet various matters remained unsolved, particularly the corpus of substantive laws according to which the Druze religious court would act. Eventually in 1961 the official bodies and Druze leadership agreed to adopt the Lebanese Druze personal status law with two significant amendments: the omission of the reference to the Shari'a (Islamic law) and to the Hanafi School of jurisdiction in matters of inheritance. In this way religious and legal dimensions were added to the formal separation of the Druze from the Muslims community (Avivi 2007: 195-6). In 1962 the formal separation of the Druze from the Muslim community was completed.

D. A Loyal Elite

As explained above, the Druze elite played a significant role in supporting the state's policy of constructing the Druze as a separate community. Indeed, as Firro (1999) illustrates, no Druze figure could have become a political leader without having one or more Jewish patrons from among those in charge of the apparatuses of surveillance and control. Thus, loyalty to the state constituted a precondition for joining this elite, and indeed all Druze Knesset members collaborated with the Yishuv [the Jewish community in Palestine] and were loyal to the state. They were ready, without much questioning, to propagate state policy and to keep silent in cases of infringements of their constituents' rights, such as during land confiscation. Moreover, this elite has been characterized by three features. First, its members did not come from hamulas or branches of hamulas which had traditionally held leadership roles. Rather, the members of this class in many cases had to push aside the leaders who relied on traditional legitimacy (to use Max Weber's terminology). Thus for example, Labib Abu Rukun became the leading figure in Isfya instead of the longstanding mukhtar Najib Mansur, and Salih Knayfis became the Druze leader in Shafa'amr after the mukhtar Sa'd Nakad was prevented from playing any political role due to his unacceptable stand towards the state (Firro 1999: 92-3). Meanwhile Jaber Muadi, although from a leading hamula, came from a less prominent branch.

Secondly, this new elite rapidly gained wealth through the association with the state. Already by 1953 members of this elite had accumulated considerable wealth, which distinguished them from their community, by fulfilling all sorts of mediatory functions, such as acting as brokers for Jewish employers (ibid) or by using their access to influential persons in the state to get personal benefits or favors for their associates (e.g. ibid: 161). Thus, while this elite acquired its wealth partly through the exploitation of its community, it was dependent on the state for its power, and in fact its members acted more like emissaries of the state than representatives of their community. Thirdly, factionalism and bitter struggle among the members of this elite developed, as shall be described in the next section. Given its structure, the emergent Druze elite could do nothing other than play a subservient role and contribute to the idea of Druze exceptionalism, which was the basis for its wealth and power.

The flimsiness of Druze particularism

In its meeting on 13 August 1966, the Central Committee decided on two principles in dealing with the Druze: A. To encourage the unity and distinctiveness of the Druze community (vis-à-vis other Arabs). B. To act against cohesion within the Druze community (Avivi 2007: 31). Yet, it seems that these principles had guided the official policy from the beginning, and were only formalized in this meeting. The way in which the first principle was pursued has been explored at length above. As to the second, Israel adopted the colonial style of patronage and the instigation of rivalries and competition among local dignitaries in order to prevent the emergence of a self-assured elite with bargaining power (Robinson 1972). The manipulation of the dignitaries was a convenient strategy as Abba Hushi – a leading figure in the control and surveillance apparatuses – declared in 1962: "Those who think of slowly relinquishing the dignitaries and the sheikhs and supporting the young generation are mistaken. If we line up with the young people and discard the Sheikhs and the elderly we shall fail" (Protocol of the Committee on Arab Affairs' meeting, 4.5.1962, P. 14). In this strategy Hushi himself played a pivotal role. Conversely, this strategy also meant the silencing of alternative voices and the suppression of dissent. Indeed the many attempts by all kind of groups to promote political, cultural or social demands were thwarted by the security services and various official bodies. They harassed an association which had emerged in the 1960s for the betterment of the socio-economic conditions of demobilized soldiers, the cultural association for the promotion of education in Druze villages and the celebration of *Eid Al-Fitr* in schools (Firro 1999: 154-6; Avivi 2007: 312-13), and the anti-conscription Druze initiative committee headed by Sheikh Farhoud Farhoud, mentioned above. Even groups of young Druze men who identified with the state and the ruling party (Ma'arach, previously Mapai) and demanded direct membership in the party and the promotion of young men to leadership positions were rebuffed (Avivi 2007: 342). Indeed, at two meetings of the Central Committee, held on 28 October and 8 December 1966, to deal with Druze organizations, the Committee decided to continue the official line of encouraging associations at the local level while blocking the establishment of any nationwide organization (ibid: 320-1).

Various statements indicate that Israeli leaders and bureaucrats did not hold the Druze leadership in high regard nor approved of the road the community had taken. The in-fighting within the community and the letters of slander sent to Israeli leaders by rival dignitaries and their associates accentuated this attitude. For example, Salih Abu Rukun wrote a letter to the Prime Minister Ben-Gurion in which he detailed a series of crimes and sins which Jaber Muadi had supposedly committed. In response Ben-Gurion entrusted Hushi to investigate the matter. In detailing the result of his inquiry Hushi wrote:

> Concerning the letter of Salih Abu-Rukun who called himself the Imam of Isfiya: As far as I could establish from reliable sources, Jabber Mu'addi was subject to the three accusations (a), (b), (c) [all of them cases of murder] of Abu Rukun's letter respectively. Even in these cases he did not

commit the crimes but others 'at his inspiration'. However, crimes of this kind have been committed by many other important [figures] notably Druze residents….. In addition, the motives which led Salih Abu-Rukun to write the letter have nothing to do with conscience and morality, but [are all about] disputes between hamulas etc...

<div align="right">(quoted in Firro 1999: 109-110)</div>

Moreover, a pseudo psychological profile of Muadi by the Shin Bet stated:

….one of the chiefs of Mu'addi family who among the Druze are considered as one of the notable families…. He has the natural characteristics of the Oriental "leader", he is crafty, an embroiderer of conspiracies, pursuer of power, and quarrelsome…

<div align="right">(ibid: 124)</div>

More revealing is the statement made by Golda Meir on 15 January 1951 in Mapai's meeting. She said that when she sees an Arab swear allegiance to the State of Israel three times a day, "I feel bad", the same ill feelings she has when, as a Zionist, she sees an assimilated Jew (Benziman and Mansour 1992: 19).

So far I have discussed how the Druze category was constructed so as to harden the boundaries between the Druze community and other Palestinians. This category depended on the principle of opposition to others [Arabs] while entailing very little principles of particular interiority; a hollowness which the Druze religion by itself, given its secrecy and accessibility to few individuals only, could not rectify. Yet, habitually the state's attitude toward the Druze had not been different in essence from its approach to the Palestinian minority at large. This similarity is manifest in three spheres: the identity of bodies which were charged with Druze affairs, the confiscation of land, and discrimination in development.

The Druze were managed by the same official bodies which dealt with Arab affairs. The addition of the word Druze to the official names of these departments was mostly meant to emphasize their separation from the Muslims. Thus the existence of separate bureaucracies for dealing with Jewish and Arab affairs was not affected by the Druze's semi-category: Druze affairs were managed by the Arab departments in the various ministries (for example religion and education), their representatives were elected to the Knesset through the Arab list that Mapai organized, the Central Committee which was in charge of the daily running of Arabs' affairs was also responsible for Druze affairs, and their service in the army that was supposed to epitomize Druze particularism took place in the minorities battalion.

Secondly, the efforts by Zionist organizations and the state of Israel to take over lands of the Druze date back to the pre-state period. During the late 1930s some officials of the Jewish Agency devised a plan of buying lands from Druze villages and transferring the

<div align="center">16</div>

Druze population to Syria (Firro 1999: 26-32). Moreover, during the 1940s an endeavor by the Jewish National Fund (JNF) aimed to buy Druze's lands with the help of Labib Abu-Rukun (Avivi 2007: 216). During the 1950s the state confiscated large swathes of lands from Palestinian villages, a process that did not spare Druze villages (Firro 1999: 134-143). The lands which were registered as state lands but which were intended for the development of the villages were confiscated in contradiction to the spirit of the law. Moreover, considerable portions of the private land owned by Druze villages were confiscated and their expropriation was legalized under the 1953 Land Acquisition Law. For example, during the first decade the state confiscated 13,000 dunams of land owned by residents of Beit-Jann. The JNF official Nahmani wanted to acquire part of these lands, located in an area called "Ard al-Khayt", and threatened the titleholders that they would be prevented from working their lands if they refused to sell it to him; indeed, since 1949 they have been barred from entering their lands as the area was declared a "security zone", and the lands were distributed between adjacent Jewish Kibbutzim. The fact that the Druze served in the army did not matter; one of the proposals put forward by the villagers that only ex-soldiers would work the land was turned down (ibid: 136-7; Avivi 2007: 228-238). The point, after all, was not the question of Druze's loyalty or the vicinity of these lands to the border; rather it was part of a logic of control and surveillance, which included segmentation and quarantining of Arab localities along with the establishment of a network of Jewish settlements.

Thirdly, the Druze's conscription did not guarantee them socio-economic integration. Although in some areas Druze received better treatment than other Palestinians, they were not treated as equal to the Jews. Those in charge of the surveillance and control agencies were well aware of this inconsistency and were wary that it might push them back to Palestinian identification. For example, Uri Lubrani stated words to this regard on 1 February 1962:

> We conscript them for two and half years in the army, impart to them civilized practices, and do not give attention to the reality after the army service where they return to their undeveloped villages, which have remained at a medieval level of development. We don't give them the feeling that after the Army service we do things for them, and this causes bitterness among them. If these young men do not move to cities they turn back to the Arabs.
> (Protocol of the Committee on Arab affairs' meeting, 1.2.1962, p.3)

Following an announcement by the Prime Minister Levi Eshkol on 10 October 1967, in which he declared that the Druze's affairs were to be dealt with by the general bureaucracy [i.e. the one that serves Jews], a special meeting classified as secret was held by the Labour party's Arab department on 1 February 1968. At this meeting, Gadish of the minorities' department at the Ministry of Education, adopted the line that Israeli officials frequently take, namely, the progress argument:

When the state was established the Druze lacked the three components of
education: students, schools and teachers. They were shepherds and
burners of firewood in the Carmel forests. They did not go to schools.
They were at the bottom of the scale of the Western part of Eritz Yisrael's
[i.e. Mandatory Palestine] Arab population.

(ibid: 13)

He went on to elaborate on the progress which was made in the education of the Druze –
the building of schools, the increase in rates of school attendance by Druze kids and the
graduation of teachers – yet ended with the note "… we should be realistic, integration
[of the Druze] will not be accomplished in our times" (ibid: 16). Abba Hushi too
acknowledged that "I suppose if we sinned to a segment of the non-Jewish population in
this country, we erred to the Druze. We said one thing and did something else" (ibid: 6).
Yet, all the proposals for change revolved around the continuation of activities that had
been aimed at strengthening their consciousness of particularism. This included
employing Druze teachers and headmasters in Druze schools, increasing the number of
educated Druze through special programs and employing them in secondary schools in
Druze villages (ibid: 6-7), and encouraging the Druze to reconstruct a particular history.
In this regard Abba Hushi stated:

The leadership is in the hands of Sheikhs and elderly persons, who are
ignorant and we have to do something in this regard. When a book was
published in Lebanon that proves they are Arabs, I called first the elderly
and the students including those who studied in Jerusalem and told them:
are you angry at this book? Why doesn't one of you sit down and write a
monograph that refutes it and we shall publish it. But there was no one
who would do it. Therefore we should begin with education.

(ibid: 25)

Other proposal included the transfer of the Druze's affairs from the minorities'
department to the official bureaucracy, and their acceptance as members in the Labour
party (Protocol of the Committee on Arab affairs' meeting, 1.2.1962). Yet, the most
important proposal was to use Hebrew as the language of instruction from an early age at
schools and the training of Druze teachers in Jewish colleges.

2.2 A Christian Identity?

Given the isolated nature of Druze villages, the localized interests of the Druze
communities, their small numbers, and their lack of coherent leadership, the Druze were
not incorporated in the Palestinian national movement (Parsons 2000: 143) and therefore
their particularism was possible. In contrast, the Christian community was more
cosmopolitan, better educated and, due to its shared religion with Western societies, had
the feeling of enjoying the protection of Western powers. This feeling that had been
nurtured by a long history of European protection – particularly during the long closing

phase of the Ottoman Empire – and the ubiquitous presence of missionary institutions and Europeans in the Holy Land. However, during the 1948 War, the European "safety net" proved to be unreliable. Moreover, Zionists' promotion of a "minorities' coalition" (Linn 1999: 136-141) which would counter Arabs'/Moslems' domination in the Middle East, found more of a hearing among Lebanese Christians – particularly Maronites – than among Palestinian Christians. During the 1948 war, the Zionist strategy of "minorities' coalition" had no impact on the transfer of Palestinian Christians.

On the other side, Christians have always been highly represented among the Palestinian political elite, particularly among those who remained. The greater part of the Arab communist party's leadership – the only organized political body that was permitted to operate - were Christians, including Tawfiq Tubi, Emile Touma, and Emile Habibi. They also composed a substantial part of the small remaining nationalist elite, including Elias Kusa and Yani Yani, Kafr Yassif's mayor.

Consequently the control-surveillance apparatuses had to rely on the co-optation of individual priests, mainly Arabs, as Israelis have been cautious in their treatment of European clergy. The Egyptian born Archbishop George Hakim, the head of the Greek-Catholic church (1949-1967), has been the most conspicuous figure in supporting the state's policies (Linn 1999: 134). His activities included the establishment of *al-Rabbita* a publication in which official propaganda was rehearsed, the foundation of a collaborationist Catholic scout movement and Christian Labour Union in Nazareth, support for the displacement of Tarshiha's residents (which eventually was not carried out due to popular resistance) and an unsuccessful attempt to persuade Iqrit's inhabitants – who were relocated on 8 November 1948 with an official promise to return after a fortnight – to forego their demand of return (Cohen 2006: 64-70).

Yet, the state's policy of creating a "Christian identity" similar to the Druze one had, eventually, to pass through the Army conscription threshold. It was estimated that this would lead the Christians into a one-way road of separation from the Muslims. Various state organs collaborated in an unsuccessful experiment in 1957 to draft Christian men. Amnon Linn (1999) described the chain of events that ended in the experiment's failure, where many ordinary Christian citizens actively challenged those who registered and persuaded their majority to withdraw their names from the draft's list (1999: 136-7). On the other side, the few Christians who joined the army were treated with suspicion and contempt by the Israeli soldiers. Amnon Yanai, the first commander of the minorities battalion, stated that "… it was decided to draft the Christians, with the aim of treating the Christian community in the same spirit (as the Druze). However, this was spoiled. Today Christian soldiers are second class. There are closed areas, such as Eilat, which they are not allowed to reach" (Protocol of the Committee on Arab Affairs' meeting 30.1.58, P. 33). Overall the Christians were conceived by leading figures in the control and surveillance apparatuses as an unfriendly community. Expressing this attitude, Abba Hushi stated on 16 May 1968 that "I think Christians are the least trustworthy and reliable

[community]" (Protocol of the Labour Party's Arab department meeting 16.5.1968, P. 20).

2.3 The Bedouins

Unlike the previous two categories of Druze and Christians, identified by the clear marker of religion, which has a bearing on ordinary peoples' lives and is legally sanctioned, the Bedouins are Sunni Muslims like all Palestinian Muslims. Therefore they couldn't be declared a separate community according to the Ottoman millet system that Israel had adopted. Instead, the fuzzy terms of culture or "nomadic way of life" were employed to distinguish this heterogeneous group. The Bedouins reside in the Galilee and Negev areas, and in fact the bulk of their population had already settled – particularly in the Galilee - when the state of Israel was established. Moreover, for many Bedouins, the nomadic way of life was history, but in the name of this past, Israel tried to construct them as a distinct community. Furthermore, despite the absence of any affinity or relationships between these two groups of Bedouins which might set them apart from the rest of the Muslim population, they were marked as a category, meant to position them in the official hierarchy of loyalty to the state (Parizot 2001:102). Indeed, Landau (1993) maintained that "This is a group generally loyal to the state and ready to integrate into the Israeli circle of identity, so much so that a number of Bedouin have volunteered for service in the defence forces" (quoted in Yonah, Abu-Saad and Kaplan 2004: 393) The term Bedouin was emphasized to highlight their exotic, traditional or "primitive" culture (Parizot 2001: 102), a designation which was meant to nurture orientalist perceptions and legitimize state policies towards them (e.g. Parizot 2001; Yonah, Abu-Saad and Kaplan 2004). This designation would serve the surveillance apparatuses and the official bodies in engineering the inter-societal relations among Bedouins, the wheeling and dealing with Sheikhs (Cohen 2006: 210-214), and the confiscation of Bedouins' lands, as well as the efforts toward their forcible settlement in planned townships (Falah 1985). Thus the seclusion of the Bedouin population in the Negev and the elevation of individuals who lacked the traditional authority – as was also the case among the Druze – to the status of Sheikhs in possession of substantial authority over the tribe's men created a shared interest between this elite and the regime (Cohen 2006: 210-15). Similar to that seen in the newly emerged Druze elite, in many cases the state nominated Sheiks were chosen for their collaboration with the Yishuv, such as Ode Abu M'amar, who worked as guard of Kibbutzim's land (Cohen 2006: 212). A far more reaching tactic was the increase of Bedouins' fragmentation. In this regard existing tribes were split and new ones, whose Sheiks owed their leadership positions to the surveillance apparatuses, emerged. By 1986 the nineteen tribes which existed in 1948 were split into thirty seven (Meir 1988: 264).

The considerable power of the Sheiks did not stem from their traditional authority, rather from the new conditions which emerged after the establishment of the state of Israel. Not only was Negev emptied of the Palestinian population, including the town of Beersheba which constituted the administrative and the economic centre of the region, but the displaced were concentrated in the infertile Seig area, which amounted to less than 10 per

cent of the Negev district. Consequently, eleven out of the nineteen tribes became landless (Falah 1985: 38). Their placement under the Military Government, their seclusion, as well as their economic hardship, rendered ordinary Bedouins dependent on the Sheiks who were granted substantial authorities. As the tribe was considered an administrative unit headed by the Sheik, he became responsible for registering the residents with the Interior Ministry – recording births and deaths, validating marriages and signing affidavits. Moreover, he was given the role of gatekeeper, whose endorsement was indispensible for anyone who wished to get employment as a teacher or in the civil service. He was permitted by the state to collect fees for most of these activities, thus increasing his wealth and status (Yonah, Abu-Saad and Kaplan 2004: 395). Furthermore, Sheiks acted as middlemen and whenever a demand for workers appeared the employers – through the Military Government - approached the Sheikhs, who would then decide who got employment (Swirski and Hasson 2006: 87).

The Sheiks acted as middlemen not only in such benign matters but also in security related issues. In the 1950s, during the years of austerity where foodstuff in Israel was in short supply, they organized, on behalf of the state, smuggling networks which brought to the local markets "all the goodies of the earth" - some of which found their way also to the state's depots (Swirski and Hasson 2006: 87-88). The most notable was Moshe Dayan's personal involvement with Bedouins Sheikhs in organizing contraband livestock networks that brought livestock from countries as far and diverse as Syria, Iraq, Saudi Arabia and Yemen (Parizot 2001: 6).

The Bedouins were not drafted to the Army, although some Sheikhs committed their men to fight during the 1948 War alongside the Israeli army. By 1949, the majority of these men were demobilized, yet some Sheikhs continued to collaborate with the Israeli army in preventing the return of Bedouins who had been expelled in the course of the war or in its aftermath. In some case they even stopped the return of Bedouins who were members of their tribal coalitions (Cohen 2006: 213-14). Generally speaking, the number of Bedouins who entered into regular service with the Israeli army remained very limited throughout the studied period, and were assigned special functions, particularly as trackers (Parizot 2001: 4). Yet, as Cohen (2006) reveals, their service to the state took another, no less intimate collaboration, than that of Druze. Some Sheikhs organized and operated under the direction of Aman's (an acronym of the Military intelligence) unit 154, various espionage rings which operated in Jordan and Egypt (see the details of some operations in Cohen 2006: 215-222). Moreover, they reported to the police Palestinian teachers from the Triangle and the Galilee who worked in the Negev and aired dissent or distributed nonconformist material (ibid: 224). (It is important to emphasize that "dignitaries" from the Triangle, such as Knesset Member Faris Hamdan, were also involved in such undertakings.)

This categorization of the Palestinians to faith communities and ways of life was the beginning of more intrusive processes of segmentation. Given the breadth of this categorization, more refined ones were needed in order to make the surveillance and

control of the Palestinians more efficient. The refinement of the categorization of Palestinians at the locality level and beyond will be explored bellow.

Local Level Segmentation

Unlike the broad vertical divisions which distinguish faith communities or "ways of life", horizontal divisions subdivided these communities according to localities. Each locality was treated as a single unit and the differentiation among them was based on their attitude in the past and the present towards Zionism and the state of Israel. Yet, the local communities themselves were subdivided vertically again according to religious affiliation, and each faith community was subdivided horizontally according to hamulas/ tribes (extended families). This refinement was instrumental in the creation of hierarchies in each village and within each local faith community. These multiple divisions allowed the state's surveillance and control to function like "a machinery that is both immense and minute, which supports, reinforces, multiplies the asymmetry of power" (Foucault 1991: 223).

Similar to the vertical divisions, the horizontal ones date back to the pre-1948 period. During the Mandate era, the Jewish Agency's organs were well-aware of the need to enforce Zionist strategies and policies towards the Palestinians with specialized knowledge of the diversity within Palestinian society at the community level. A systematic collection of data on Palestinian villages began as early as the 1930s, and by the end of the decade an archive for storing such information was completed. It included:

> precise details … about the topographic location of each village, its access roads, quality of land, water springs, main sources of income, its socio-political composition, religious affiliations, names of its mukhtars, its relationship with other villages, the age of individual men (sixteen to fifty) and many more. An important category was an index of 'hostility' (towards Zionism).
>
> (Pappe 2006: 19)

An aerial photograph was also attached to each village's file (ibid: 18-19).These files were updated several times: during 1940, 1945 and 1947. Since 1945, Shai member Ezra Danin, who oversaw the surveying effort, revealed that the survey was comprehensive and included more than 1,000 Palestinian localities. The gathered data related to the inhabitants' pedigrees, number of *hamulas*, inter and intra-communal relations, water resources, identity and addresses of local leaders and influential persons (Danin 1987: 162-3).

Local-Level Categorization and Local Rivalries after 1948

After 1948, the officials in charge of Arab affairs drew attention to local-level categories, particularly the hamula – a unit which is large enough to allow manageability of

information but small enough to enable surveillance, intimate knowledge and influence of individuals' behaviors. They therefore demanded the addition of the hamula affiliation to the entries on Palestinians' ID cards. This information was partly gleaned from the old village files, partly provided by the mukhtars, or was registered in the course of the census (Eyal 2006: 158). Indeed, officials in the Military Government and the office of the Prime-Minister's Advisor on Arab affairs viewed the hamula as the proper social unit for the exercise of efficient surveillance and control. Their method seems simple, as Pappe writes:

> All what you have to do, according to this group's perception [Mapai's intelligence officers and activist Arabists called by Pappe also security nationalist, such as Palmon, Danin and others], was to find an Arab notable, frighten him or seduce him, and you have the loyalty, or at least the obedience, of the social unit associated with this notable.
>
> (Pappe 1995: 642)

Yet, in order for this simple method to function, there was a need for a social recognition of the notable, and such an acknowledgment was not a single act; rather, as a part of a system of patronage, it was established over time. Firstly the notable had to be associated with those who could influence Palestinians' lives. Thus rubbing shoulders with officers in the Military administration or Mapai Arabists - and in the case of junior notables with senior ones – was essential. Secondly, he had to prove that he was able to deliver some "favors" to his hamula members and associates. Under the Military Government the whole system of governance was structured in such a way as to bolster the authority of the "dignitaries"; only through them could "favors" such as passes, jobs in the public sector, and the like could be obtained (Eyal 2006: 158; Sa'di 2003). In short, Palestinians were walled by their hamula affiliation, and their obedience to the "elders" and dignitaries became unavoidable.

Therefore, the officials in charge of Arab affairs, particularly in the Military Government and the Advisor's office, did their best to maintain the system of elders and mukhtars and the hamula. They also obstructed the initial initiatives for the establishment of local councils. Vindicating his disapproval of elected local councils, Palmon, maintained that:

> Democratic elections will only augment family feuds and are not in keeping with the existing conditions in the Arab community. The establishment of local councils is also bound to lead to bloodsheds [sic]. In the Arab community, one must choose a 'middle road' of not-too-much democracy.
>
> (Peretz 1991: 98)

Palmon's reasoning is paradoxical as he was among those who employed the method of divide and rule and presided over the system which aimed to exploit and manipulate such divisions and conflicts. Here it seems that he was motivated by the wish to continue the method of surveillance through mukhtars, which he had practiced, and to maintain the

impressive network of collaborators and associates that had been established over a long period of time.

Yet, if the system of mukhtars was appropriate for control and surveillance, why did the state try to change it by allowing elected local authorities? Paradoxically, the first reason was what Palmon argued against: to amplify rivalries and discord between hamulas and religious groups, thus increasing their precariousness and dependence on the state. Indeed a top-secret memorandum from 1959 stated that:

> The government's policy. . . has sought to divide the Arab population into diverse communities and regions. . . . The municipality status of Arab villages and the competitive spirit of local elections deepened the divisions inside the villages.
>
> (quoted in Segev 1984: 78)

The second reason was to use local authorities as an employment venue for the growing strata of educated Palestinians and to award favors for collaborators, as mentioned by Mishal Shikhter (Protocol of the Committee on Arab Affairs' meeting, 30 January 1958). Thus the Palestinians would take part in financing their own surveillance and control.

Eventually the opposition to the establishment of local authorities softened, although it did not disappear altogether. For example, in his 1968 memorandum, the Advisor to the Prime Minister on Arab affairs, Tolidano, argued for measures that would decelerate the hamula's disintegration (Sa'di 2011). His adherence to the hamula politics was connected with his opposition to the establishment of local authorities (Cohen 2006: 238). However, bureaucratic and procedural arrangements were made to ensure the benefits that the state desired in both systems, i.e., the mukhtars and the elected councils. This was possible as both systems rested on the manipulation of local level categories, particularly the hamula.

Supplied with tables of the religious and hamula composition of Palestinian localities, Mapai Arabists, representatives of the Military Government (who were in most cases also Mapai members), the office of the Prime-Minister's Advisor and interior ministry officials (in most cases the district's commissioner) made their decisions about whether and when to establish a local council in a given village[2], its size and the names of its chairperson and members. In this way, they controlled the foundational moment of the Arab local councils, which seemed to them essential for controlling the community's future socio-political relations. Indeed, a decision was taken on 29 June 1960 by Mapai's Arab Affair Committee which indicates that "[local] authorities will not be appointed until lists of candidates are prepared in coordination with the relevant bodies. And the elections will be delayed until appropriate preparations are conducted" (Summary of the committee on the Arab Affairs' meeting 29.6.1960).

In line with this decision, elections usually took place a few years after the inauguration of the local council. After the holding of elections, local politicians were supposed to

reflect the will of the residents. However, local politics was managed through elders and struggles between hamulas, which were largely manipulated by Mapai. In this regard, Amnon Linn stated in 1968:

> There are about 44 [Arab] local authorities, and there are villages that do not have such councils. We act along with the Ministry of interior for the establishment of local authorities. In the vast majority of the cases we established family based lists which contest among themselves, except one place where we were not able to do so– Kafr Yassif, and this is the reason for our failure there.
>   (Protocols of the Committee on Arab Affairs' meeting, P. 6)

Section Conclusion

In this section the state's approach of dividing and subdividing the Palestinian population and the historical background of these divisions were described. These subdivisions became one of the main tools of governance used by the state. Israel's endeavor to segment the Palestinians has achieved mixed results. While it has been successful in distinguishing the Druze from the rest of the Palestinians, it has not achieved the same level of success with the Bedouins. Meanwhile its endeavor to distinguish the Christians has failed. These subdivisions of the Palestinians, which were also introduced at the local level by dividing each local community into faith groups and hamulas, and which became instrumental in the competition for local-level power, did not overshadow the main legal and administrative divide between Jews and Palestinians. The latter divide has remained the major one which distinguishes between rulers and subordinates as well as between ethno-classes. Yet this policy of segmentation, which has relied on new elites, fashioned the tactics through which the ethnic relations are managed. Moreover, this policy reflects a more generalized style of governance and structures of power which shall be explored in the following section.

Section Two
Surveillance and Control in a State of Exception

Introduction

In this section I discuss the multiple structures of power in the state of Israel and the ways in which they affected the lives of Palestinians and eventually made possible their categorization into contending groups. Israel's first piece of legislation, passed soon after the declaration of Israel's independence, was the Law and Administration Ordinance (1948); published on 19 May 1948, this affirmed the continuity of the legal system that had existed hitherto, including the Mandatory Emergency (Defense) Regulations of 1945, except those which restricted Jewish immigration. The declaration stated:

> (a) If the Provisional Council of State deems it expedient so to do, it may declare that a state of emergency exists in the State, and upon such declaration being published in the *Official Gazette*, the Provisional Government may authorize the Prime Minister or any other Minister to make such emergency regulations as may seem to him expedient in the interests of the defence of the State, public security and the maintenance of supplies and essential services.

> (b) An emergency regulation may alter any law, suspend its effect or modify it, and may also impose or increase taxes or other obligatory payments.

> (c) An emergency regulation shall expire three months after it is made, unless it is extended, or revoked at an earlier date, by an Ordinance of the Provisional Council of State, or revoked by the regulation-making authority.

> (d) Whenever the Provisional Council of State thinks fit, it shall declare that the state of emergency has ceased to exist, and upon such declaration being published in the *Official Gazette*, the emergency regulations shall expire on the date or dates prescribed in such declaration[3].

Institutions and Objectives

Although the state of emergency was declared during the war for three months, as Walter Benjamin has rightly suggested, such a regime often becomes the rule (Agamben 2005: 6). In fact, the state of emergency in Israel has never been revoked, and the emergency regulations, which curtail the rule of law, were enforced almost exclusively on the Palestinians between 1949 and 1966 by a Military Government that was imposed on the Palestinian-populated areas. The number of these regulations varies as over the years

Israel has made some additions and omissions to the Mandatory ones. In the first two decades of the state, there were some 150 regulations (Segev 1998: 49). Yet, Mishal Shoham, who headed the Military Government, stated in 1958 that his apparatus relied mostly – though not exclusively – on six of these regulations: 108, 109, 110 and 111 "[which] are used against individuals and make possible their placement under police supervision"; and regulations 124 and 125 which relate to "territories and crowd" (Protocol of the Committee on Arab Affairs' meeting, 30.1.1958, pp. 5-6).

These regulations are quite restrictive. For example, according to regulation 110, an individual may be required to live in a specified place, not to leave the area of a town or village without permission, to present himself at the police station at designated times, and to remain within the confines of his home from one hour after sunset until sunrise (Kretzmer 1990: 142). Regulation 111 empowers the military commander to imprison a person for up to six months without trial or formal charges. At the end of this period, the case must be reviewed, and the detention can then be renewed. Candidates for administrative detention may appeal to a military advisory committee; however its recommendations are not binding. Moreover, evidence can be kept from the candidate and his lawyer for security reasons. Regulation 124 empowers the military to confine people to their homes or offices for an undetermined length of time. A military commander may, by order, require every person within any area specified to remain indoors between such hours as may be specified in the order, except those with a written permit by the military commander. Meanwhile, regulation 125 authorizes the military commander to issue a closure order in respect to any area under his jurisdiction. Once a closure has been issued, no person within the area may leave it and no person outside it may enter it without a permit – and indeed, Palestinians were not allowed to leave their areas of residence without a pass from the Military Government. Other regulations empower the military commander to banish a person or prevent him/ her from acquiring certain articles – such as typewriters – to prevent him from communicating with certain people, or to outlaw any association or organization[4]. Moreover, a combination of various regulations may also be enforced.

In line with these regulations, the Palestinian-populated areas were declared closed areas and a Military Government was established. Although it existed earlier, the Military Government was officially established on 3 September 1948. It was headed by a military general who was responsible for all aspects of the Palestinians' lives. Hence he was part of two hierarchies at once: the military and the civilian. On issues under military authority he reported to the Chief of Staff and on civilian aspects he worked under the Minister of Defense. The area under military rule was divided into five regions at first, but was divided into three from 1950 onwards: the northern district (the Galilee), the central district (the Triangle) and southern district (the Negev). Each of the three regions was headed by a military commander. The Arab population which remained in the cities of Haifa, Jaffa, Lydda, Ramle and Al-Majdal (before their transfer during the early 1950s) was concentrated in poor Arab neighborhoods and was put under military rule (Segev 1998: 52-58;) until 1 July 1949 (Ozacky-Lazar 2002: 111), when Jewish

immigrants were settled in deserted Arabs' houses, thus converting some of these cities – which had all along been Arab cities – to mixed ones.

By the end of 1949 the Military Administration was composed of some 1,000 employees (Segev 1998: 48); however its staff steadily declined. In 1958 they numbered 116 persons, 87 of which had all sort of administrative and operational (such as liaison with the local population) duties, while the remainder composed three squads for escorting and patrolling (Protocol of the Committee on Arab Affairs' meeting 14.8.1958, p. 9). This decreasing staff was responsible for a rapidly growing population. For example, in 1958 the staff of 116 persons ruled over 180,000 (ibid: 2), and had to fulfill the formidable duties which were entrusted to the Military Government. Indeed, on 14 May 1950, Prime Minster Ben-Gurion decreed that the various ministries would act only through the military governor (Kafkafi 1998: 354). Ziama Divon, the second Advisor to the Prime Minister on Arab affairs, detailed the following assignments which were entrusted to the Military Government, beside its main task of stopping the return of Palestinian refugees:

> 1. The imposition of emergency regulations: the closure of areas, military courts, administrative detention, imposition of curfews and confinement of movement.

> 2. Gathering of up-to-date information on the population under its jurisdiction.

> 3. Allotment of passes and work permits outside the areas of the [Military] Government.

> 4. The granting of licenses for carrying arms.

> 5. The establishment of local councils.

> 6. The appointment of Mukhtars.

> 7. Giving advice in the appointment of teachers and civil servants.

> 8. The leasing of land.

> 9. The granting [of permits for the purchase] of tractors.

> 10. The granting of various franchises.

> 11. Encouragement for the establishment of development projects in the villages.
>
>   ("The Problem with the Military Government", a discussion paper
>   prepared by Mapai's Arab department, n.d.: 2-3).

Yet, perhaps the most salient feature of the Military Government is its projection of state power, which is occasionally no less significant than its deployment. In this regard Uri Lubrani, the third Advisor to the Prime Minister on Arab affairs, summed up the significance of the Military Government at the end of its first decade as follows:

> 1. It represented to a frightened, segmented and distressed population the new regime.
>
> 2. It presented to this population the Military power which this regime has built.
>
> 3. It comprised the only address for all state branches which were active in the Arab sector. As such, every Arab citizen felt dependent in his everyday life on the military governor of his area.
>
> 4. Through Mukhtar, Sheikhs and heads of Hamulas it had been able to rule over an entire population through very small staff.
>
> <div align="right">(Bauml 2007: 224).</div>

Lubrani's assessment might create the impression that this administration was reminiscent of Bentham's panopticon, where the projection of power induces compliance amongst a large and segmented population. Moreover, the small staff of the Military Government and the popular characterization of the areas under its rule as a prison might strengthen this image (Ozacky-Lazar 2002: 110; Eyal, 2006: 162). Yet, this metaphor of the panopticon merits further exploration. In fact, in various points the Military Government is, I argue, strikingly different from the panopticon.

First, it is different with regard to the goals. The objectives for the Military Government were not confined to surveillance and normalization as in the case of Bentham's panopticon prison diagram; rather, they stemmed from a generalized conception of state security. Mishal Shoham, the head of the Military Government, in 1958 made a distinction between two conceptions of state security: overt/direct and covert/ accumulative. The first includes the aims of preventing the return of the refugees, smuggling, espionage, preventing the establishment of Palestinian organizations deemed hostile to the state, and the seizure of Palestinians' lands for military training [when it is necessary and when it is not] (Protocol of the Committee on Arab Affairs' meeting,14.8.1958, P. 6).

Meanwhile, the accumulative conception of security encompassed various goals including: preventing Palestinian internal refuges from returning to their villages (by declaring them closed areas); stopping the Palestinian workforce from reaching the labor market in the cities and Jewish settlements in order to keep them for Jewish migrants; preventing Palestinians from moving in "security sensitive areas" (ibid: 7), and protecting newly established Jewish settlements that were physically and organizationally weak by

preventing Palestinians from passing through their lands (ibid: 8). Another goal to which Shoham alluded, but did not elaborate upon, is the transfer of Palestinians in the case that an opportunity for such a move arose. Indeed, an internal memorandum of the Military Government specified that in the case of war it should "encourage and make it possible for certain parts of the population to move to neighboring countries" (quoted in Eyal 2006: 154).

Shoham used a canonized conception of security, which means – in the words of Kretzmer (1990) – that:

> security of the state is synonymous with security of the Jewish collective, and that is often seen as being dependent on promoting "Jewish national goals". Acts that strengthen the Jewish collective are perceived as acts that promote security. On the other hand, acts that tend to strengthen Arab national aspirations among Israeli Arabs are regarded threatening to the Jewish collective…

> (ibid: 136)

Given these goals, it might be misleading to evaluate the Military Government according to its success in perfecting surveillance. Rather, it should be analyzed in accordance with the political plans and schemes of the regime. More theoretically, one cannot argue here, as Foucault has maintained on various occasions, that power fulfills a positive role. This power is only negative; it serves to suppress, exploit and harness the minority for the achievement of the majority's goals. In Foucauldian terms it is a domineering power.

The second difference between the Military Government and the panopticon metaphor relates to the way in which power is practiced. The Military Government was not based on routinized procedures or sets of rules and rituals as in the institutions described by Foucault; rather, in representing a state of exception, it was based on unrestricted arbitrary power. Indeed, the emergency regulations gave the military governors unlimited authority that was neither subject to administrative nor to judicial review. For example, the first head of the Military Government, Colonel Elimelech Avner, thought that these powers would make each governor an "absolute monarch" in his small domain (Pappe 1995: 639). Later his main job would become protecting Palestinians from acts of revenge and looting by his own staff (Robinson 2005: 89). The head of the Military Government, along with the Prime Minister and his Advisor on Arab affairs, would be bothered not as much by the abusive behaviors towards Palestinians as by the collapse of discipline within the organization (ibid: 153; 89). However, given the quality of the soldiers and the nature of their work, disorder and corruption were inevitable. The soldiers mostly came from the human surplus of the army: they were either unfit due to age or health or were injured in battles (Segev 1998: 51; Robinson 2005: 89).The only body which could have imposed restrictions, the high court of justice, ruled that "it cannot interfere in the military governor's absolute discretion when he is driven by security considerations, and that the military governors are not to be interrogated

regarding their reasoning as this might endanger state's security" (Jiryis 1976: 20; Ozacky-Lazar 2002: 105).

The third difference between the Military Government and the panopticon model has to do with Bentham's main concern, namely utilitarianism. The Military Government did not rule effectively over the Palestinians; rather it was the outer layer of multiple control and surveillance apparatuses. However, it has drawn the attention of researchers because of both its visibility and the legal powers awarded to it by the emergency regulations. As Lubrani put it, it was the symbol of the occupying army. In governing the Palestinians, the Military Government collaborated with various bodies which were in charge of surveillance and security directly as well as with organizations employing subtle forms of power. The first group includes the Shin Bet (General Security Services – *Sherut Bitachon Klali*), and the police, particularly "the department for special assignments" (*Matam),* which was also entrusted with surveillance over the Palestinians as well as coordinating the police activities with the Shin Bet and the Military Government. The *Matam* has sub-organizations at the district and the regional levels, known as *Latam*.

These three organizations – the Military Government, the Shin Bet, and the police (*Matam*) – along with the Prime Minister's Advisor, coordinated the running of Palestinians' everyday lives. This coordination was carried out at two levels: the central committee (*Hava'ada HaMerkazit*), through which the overall policies, conduct and activities of these bodies are coordinated, and district committees (*Va'adot Mirchaviot)*. The central committee was headed by the Advisor on Arab affairs and included the head of the Military Government, representatives of the Shin Bet and the police. It dealt with general issues but also with specific cases. (Avivi 2007:33-54; Protocol of the Committee on Arab Affairs' meeting, 14.8.1958, P. 9; Cohen 2006: 244). Meanwhile, the three district committees (corresponding to Military Government's areas) were composed of three representatives of the security agencies along with the head of the regional bureau of the Advisor's office.

While the functions of these organizations were to supervise, punish, inhibit, disallow, restrict, suppress and expropriate, and were directed towards preventing dissent and persuading collaboration, the goal of the trade union, the Histadrut, was to incorporate Palestinians in state structures and the economy as second class citizens. Indeed, the Histadrut – through its offices and activities in Palestinian localities – was the only body that symbolized the state's presence in these areas. Furthermore, given its multiple tasks, it was used by other surveillance apparatuses as a venue through which some side benefits were awarded or withheld, such as the awarding of jobs or dismissal from work.

Yet in three aspects, the Military Government could be compared to the panopticon: its fixing of the population to specific spaces, its use of polarities as basis for judgment, and its close and continual surveillance and registration. The majority of Palestinians lived in closed areas, where movement in or out required passes. The three regions under the Military Government were divided and subdivided to smaller units, which in many cases

formed the boundaries of a single locality; for example, until 1954 the region of Galilee was divided to forty-six areas, and passes were required to move between them (Kafkafi 1998: 357). Even after the relaxation of restrictions, the areas under military rule were divided into sixteen units. These spatial divisions were used as the criteria according to which the military commanders made decisions with regards the allocations of permits, supplies, transportation and services. The social communications and relationships between the residents were consequently confined to their areas of residence, thus giving rise to localism (Eyal 2006:156). Moreover, such divisions make it easier to control Palestinians through state sponsored programs. In this regard Barkat stated: "... clubs should be established and not only for youth and young people ... where they can play their games and drink coffee etc. In this way it becomes possible to concentrate, and [consequently] influence them" (Protocol of the Confined Secretary of the Arab Committee's meeting, 19.3.1964).

The policies towards the Negev Bedouins and the plans for their forced settlement represent perhaps one of the clearest examples of this principle of fixing and concentrating Palestinians. Although they were confined to the *Seig* area after the 1948 War, two plans were hammered out to confine them to much smaller areas (less than 10 per cent of the areas in which they previously lived). There is no doubt that the plans for the Bedouins stem from the Zionist principle of "liberating the land", yet they also reflect the principle of fixing the population in small fragmented zones. The first plan, outlined by Moshe Dayan in 1960, was premised on the notion of settling the Bedouins in working-class neighborhoods in the mixed cities of Ramla, Jaffa and the town of Beersheba. Meanwhile the second, devised by Yigal Allon in 1962, aimed at concentrating them in a small number of townships. Both plans were premised on the spatial confinement of the Bedouins (see e.g. Bauml 2007: 190-200).

The second similarity between the Military Government and the panopticon is the deployment of a binary classification. It was argued in the previous section that the binary division of the population to Jews versus non-Jews comprised a corner stone in Israeli policy. In the following, I explore the legal implications of this dichotomy. The imposition of the Military Government on Palestinian populated areas meant, in the legal sphere, the establishment of two legal systems: one for Palestinians and another largely for Jews. Although the emergency regulations are stated in universalistic terms, their application was confined mostly to Palestinians. The discrimination in the application of the law was not only on spatial criteria, but on ethnic grounds as well. Indeed the state comptroller stated in his 1957/8 report:

> An order from the military governor declaring an area closed is, in theory, applicable to all citizens without exception, whether living in the area or outside it. Thus anyone who enters or leaves a closed area without a permit from the military governor is in fact committing a criminal offense.

> In practice, however, Jews are not expected to carry such permits and in
> general are not prosecuted for breaking the regulations in article 125…
>
> (quoted in Jiryis 1976: 26)

Another dimension of the legal duality was the establishment of military courts alongside the civilian ones. While the emergency regulations specify the nature of offenses which are tried in either of these courts, the military commanders were given discretion in deciding on the identity of the court that would deal with any case. The military courts epitomized the decisionism which is the essence of the state of emergency. They were of two types. The first, composed of three officers (not necessarily possessing any legal education), had been mandated to deal with any breach of the emergency regulations and to pass any verdict the officers deemed appropriate. The second, a lower ranking one, was composed of a single officer who could pass sentences of up to two years of imprisonment and impose fines. Until 1963 the verdicts of these courts were final. Indeed many Palestinians passed through this legal system. For example, during March-December 1951, some 2,028 Palestinians stood in these courts (Korn 1995: 668). Another type of military court was added – tribunals for the prevention of infiltration – established on the basis of the Prevention of Infiltration Law, 1954. This one-officer tribunal was authorized to deal with all offences of this law, though an appeal could be filed to request a tribunal of three officers, and it operated until 1959, when offences under this law were transferred to civilian courts. To make these arrangements more effective, the police force acting in the military government zones was put under military authority (Korn 1995: 668-9). The implication of this duality, according to Korn, was the criminalization of Palestinians on political grounds:

> … many categories of crime are a clear 'outcome' of the political
> character of the law and its selective implementation on the Arab
> population. During the military government…crime in the Arab
> population was, to a large extent, a result of political control over it…the
> political use made of the criminal law, both in respect of its content and
> the methods of its enforcement, played a central role in 'creating' crime
> and delinquency among Arabs…[thus] a very broad area of social,
> economic and political activity was defined as 'crime' and was dealt with
> by the rhetoric and practices of crime control.
>
> (1995: 659)

Thirdly, intimate surveillance was sought not only through Palestinian collaborators – who passed on information which people made public in social gatherings or while traveling on public transportation (e.g. Cohen 2006: 13) - but also through their operators. The regional representatives of the Military Government were required to live in the area under their supervision in order to obtain first-hand and uninterrupted information when necessary and to be in reach of the Mukhtar and collaborators. Moreover, they preserved what might be considered a primitive archive, a "record of sins" in which the names and addresses of offenders and their punishments were recorded (Eyal 2006: 155). More

generally, Cohen (2006) maintains that the security agencies paid special attention to the method of face-to-face interview with Palestinians, assuming that the balance of power in such encounters was in their favor as the majority of their interviewees would be anxious and shaken. Moreover, they would be able to use methods of hearsay, promises, or intimidation (ibid: 250-1). The desire for intimate knowledge took two forms: attempts to get in-depth knowledge, which took the form of psychologism such that pseudo-psychological profiles were constructed for "leaders and collaborators by the security agencies" (ibid: 21), and the opening of a file by the security agencies for any Palestinian who approached any of the state's institutions for any reason: work, license for business, a pass, permit etc. (Baumel 2007: 246).

I have discussed thus far the structures of power that characterized the Military Government and the ways in which power was deployed to control the Palestinian population. In the following section, I shall look at this form of power through the premise of exceptionalism. This chapter opened with a discussion of the adoption of the emergency regulation and the institution of the military government; what follows here explores the question, what was the impact of this method of governance?

Exceptionalism

Daunting Lives

What characterizes the state of exception is not only the suspension of the law but the awarding of power to people who would render the law irrelevant and whose behaviors would turn any appeal to justice or rule of law a mockery[5]. Indeed, the Military Government in this state of emergency possessed the vices which characterize such systems, where large-scale abuses prevail. Such abuses have taken many forms, two of which will be discuss at some details: spectacular punishment and the pleasure of control. There is hardly any Palestinian community in which stories of spectacular punishment from that period do not exist. The story of one village revolved around commander Blume.

> He used to patrol the village; and whenever he encountered a man he would ask him: "Are you married?" If the answer was positive he would beat him up saying: "Do you want to increase this wicked nation?" If the answer was negative he would say: "what is a donkey like you lacking? Do you think you are still young?" Then he would beat him up. Once he encountered an elderly man and ordered him to draw a circle and stand inside it. He threatened the man that he would kill him in case he steps outside it. The man stayed inside the circle from the morning till the evening. The commander left him and returned in the evening to check if the man was still standing inside the circle. When he found him standing there he hit him saying "what a stupid donkey, why you did not run away?"
>
> (Ghanim 2009: 11)

Jiryis (1976) provides many such stories (see pages 27-30). Probably the one which has stuck in the public imagination more than others is the story of Ahmad Hasan, a man from a tribe which resides close to the village of Arraba.

> [I]n august 1958 …the military governor ordered him to sit every day for six months, from sunrise to sunset, under a large carob tree which stands to the west of the village of Deir Hanna. The purpose was to prevent him from contacting smugglers.
>
> (1976: 28-9)

While these forms of spectacular punishment might have been intended to frighten the population and to break its resolve or resistance there were other forms which represented direct assaults on the Palestinians' fundamental beliefs, dignity and what they considered the essence of their humanity. Among these were the desecration of holy sites or scriptures and the violation of fundamental moral values. For example, a Military Government officer named Avraham Yarkoni and his assistant, a "Haggai", were accused by the residents of the village of Deir Hanna of extortion, theft and severely beating residents of the village. More ferocious behaviors included "urinating on residents in public places and taking Avraham's dog to defecate inside the mosque" (Robinson 2005: 152; confirmed by personal communication with an elderly resident of Deir-Hanna).

Although such abuses were not exceptional, the manner in which the Military Government managed the daily life of Palestinians was by its nature abusive. For example, the Military Governor of Jaffa was surprised by the brutality of his soldiers, complaining that "They do not stop beating people" (cited in Pappe 2006: 205). The way of getting passes was also a humbling experience (see e.g. Ozacky-Lazar 2002: 109) and was often used as means of exerting reward and punishment. Jiryis writes:

> …the refusal of a permit to enter or leave a closed area meant that a worker, for example, could not get to his place of work or a peasant to his land. Usually the confinement to a village or a particular area and the consequent inability to go to work continued for an unlimited period. These restrictions were most frequently used against Arabs connected with political organizations or engaged in independent social or cultural activities disapproved of by the military government.
>
> The imposition of the travel restrictions was so frequent in Israel's first years that the military and civilian police made a habit of stopping both public and private traffic, especially on the main roads and sometimes daily, in order to check Arab identity cards. Those without passes, whatever the explanation, were arrested and driven off to prison, and from there they were taken before military court.
>
> (1976: 27-8).

Exceptionalism is also characterized by the absence of knowledge by those who are under surveillance, a state which guarantees their precarious position. The passes were written in Hebrew, a language that the vast majority of the population could not read (Ozacky-Lazar 2002: 110), and the boundaries of the closed areas were not known to the population.

> The military government never published the extent of the areas under its control and very rarely disclosed anything about its activities. Anyone wanting to find out which areas he or she could visit without a permit had to go to one of the few military government offices or to a police station, which could rarely provide the information. Anyone entering or leaving a closed area without a permit is liable to prosecution for breaking the emergency regulations, despite the fact that he or she does not, and cannot, know the boundaries. Ignorance is not a valid excuse before a military court.
>
> (Jiryis 1976: 23)

The pleasures of control

Contrary to the above mentioned abusive and restrictive acts, Military Government officials and Jewish employees in Palestinian communities made a habit of inviting themselves to the houses of Palestinian citizens or making sure that Palestinians understood that hospitality was part of the dues they had to pay (Robinson 2005: 155-7; Benziman and Mansour 1992:103). In late 1949, the Military Government sought to tackle this habit by reminding low level officers and clerks that everyone but the Governors themselves had to follow "strict orders on gatherings and meals in Arab villages", and should take care "to undertake visits… without promis[ing the residents] to take care of anything" (Robinson 2005: 156).

Such lunches and celebrations were often explained by reference to Palestinians' cultural values of generosity and hospitability. However, in practice they violated the essence of these values, since hospitability and generosity rested on underlying perceptions of mutuality, reciprocity, goodwill and voluntarism. In this case it was obvious that they were not supported by any of these perceptions. No mutuality, reciprocity or voluntarism existed, rather, they reflected the existing hierarchy of power and they reinforced the power relations. In fact, they were a sort of extortion.

Aestheticizing Power

Exceptionalism is imposed to confront imminent real or imaginary danger; and it is supported by the covert or overt promise of overcoming the danger and establishing a better state of affairs. But how can those who reject exceptionalism and its false promise impose it themselves? This contradiction has been at the heart of Israeli leaders' discussions on the aesthetics of power; namely how can the representation of the exception conceal its nature. Before 1948, Zionist politicians, lawyers and jurists

condemned the Mandatory emergency regulations in the strongest language (Jiryis 1976: 12-13); "[e]ven in Nazi Germany there were no such laws…It is mere euphemism to call the military courts 'courts'. To use the Nazi title, they are no better than 'Military Judicial Committees Advising the Generals'….No government has the right to draw up such laws…" declared Yaakov Shimshon Shapira, who after 1948 became the legal advisor to the Israeli government. (ibid: 12). However, when the state of Israel reintroduced these regulations after 1948 to rule the Palestinians, there seems to have been a need to justify this change. In 1953, Ben-Gurion explained this alteration as follows:

> We opposed this law of the Mandate government because a foreign government, neither elected by us, nor responsible to us, had given itself the right to detain any one of us without trial. In the present instance the law is being applied by the state of Israel, through a government chosen by the people and responsible to them.
>
> (quoted in Peretz 1991: 91)

Ben-Gurion's argument is problematic since the juxtaposition which he makes between elected/non-elected government and the right to impose a state of exception is not valid. Imposition of a state of exception has to do with sovereignty rather than legitimacy. This is clear from the first sentence of Schmitt's *Political Theology,* where he declares "[s]overeign is he who decides on the exception" (2005: 5). Democratic and non-democratic countries alike, as recent history has shown, have imposed decrees of emergency. The state of emergency should be compared to the juridico-formal point of view (in Agamben's words), or, as Schmitt postulated, exception as the sovereignty of men should be juxtaposed to normalcy as the sovereignty of law. Given this contradiction in the Israeli imposition of the mandatory emergency regulations, various sections of the Israeli elite have been uncomfortable with the Military Government, though not with its goals. For example, the left-Zionist party Mapam publicly stood at the forefront of the struggle for the abolition of the Military Government. Yet its leaders did not hesitate to pressure military governors and commanders to confiscate land of Arab villages and transfer it to their settlements (Protocol of the Committee on Arab Affairs' meeting, 30.1. 1958, P. 12). They wanted to keep the Military Government but in a different form. The main question which bothered the Military Government's opponents was the way it was represented, rather than what it did. For example, in the discussion on the political plan of 1958 (Sa'di 2011), Michael Assaf, one of Mapai's leaders, suggested playing down this contradiction through obfuscation by "maintaining the Military Government but changing the name--the Military Government-- which has become a monster…" (Protocol of the Committee on Arab Affairs' meeting, 30.1. 1958; ibid). Assaf's idea has been repeated on several occasions by other Israel leaders. For example, Mordechai Namir stated in the discussion on the Military Government in 14 August 1958:

> …in general I also claim that we can achieve the same social and economic goals, which adjoin the security issue after ten years of Military Government rule, not under this awful title 'Military Government'. Maybe

a change of the name under existing complex circumstances plays a
positive role….
>   (Protocol of the Committee on Arab Affairs' meeting, 14.8.58, p.18)

He went on to suggest:
>   … I don't see that others have better methods… and I don't absolve our
>   party and those who work [on this issue] from looking for ways to add
>   "lipstick, powder and rouge"…

>   (ibid: 21)

Yet, the severity of the Military Government was eased in the 1960s, not due to theories of justice or moral considerations but two other reasons: firstly, the fast economic growth which was triggered by the import of capital, particularly from West Germany, following the reparation agreement and consequently the growing demands for workers in the labor market (Sa'di 1995:432-37); and secondly, the political pressure by other Jewish parties from the right and left, that argued that the Military Government was used to coerce Palestinians to vote for Mapai (see e.g. Jiryis 1976; Sa'di 2003:78; Bauml 2007: 232-45).

Several relaxations were introduced by the early 1960s. In 1963 the Prime Minister Levi Eshkol, who succeeded Ben-Gurion, expressed his wish, in line with the colonial vision, that the Military Government would, like Bentham's inspector, "see without being seen" (quoted in Bauml 2007: 238). That year, most Palestinians were no longer required to acquire specific passes for movements outside the areas of residence, although they were not allowed to enter closed areas. By 1965, the heads of the security apparatuses in the Central Committee reached the conclusion that the Military Government had run its course, and on 1 December 1966 it was abolished. Its responsibilities and authorities were transferred to the police and the Shin Bet. However the emergency regulations remained unchanged and many of the restrictions imposed on Palestinians were not lifted. Moreover, the new system was no less oppressive than its predecessor. The Military Government was reinstituted for the week of the six days war and the following week. The abolishment of restrictions on Palestinian citizens' freedom of movement finally took place 3 October 1967 (for a discussion on the abolishment of the Military Government see Bauml 2007: 226-245).

Conclusion

This essay is composed of two sections, both of which deal with the deployment of power. The first discusses the segmentation of the Palestinians into various groups in an effort to create a political reality wherein one group – Israeli Jews – enjoy group rights, while the other, the Palestinians are considered a collection of groups, and are defined negatively, as non–Jews. Various boundaries were constructed to affirm the Jewish-Palestinian polarity: principally, through the establishment of *de jure* dual legal system whereby Jews are ruled by civilian laws and Palestinians are subjected to the emergency regulations and the institution of two, almost separate, bureaucracies. While the policy

towards the Jewish population was premised on their integration, the policy towards the Palestinians aimed to achieve the opposite. Thus, the Palestinians were subdivided at first to faith communities and ways of life, and then according to residency and hamulas. These groups where hierarchically arranged according to their loyalty to the state and good behavior. Through the appointed chiefs, these groups of identification became subsidiary agents of surveillance, thus walling Palestinians by their religious and blood affiliation.

By pursuing a policy of dividing the natives, through fomenting conflicts among them, arranging them hierarchically and the appointment of local compradorian chiefs, Israel did not diverge from age-old colonial practices. Yet, in one respect it introduced a noteworthy innovation: the use of political rights as an instrument of surveillance. At the local level the surveillance agencies established local councils and encouraged the formation of hamula based lists which competed among themselves. In most localities, all these lists went all-out to achieve the backing of one or more patrons among those who ran the Arabs' affairs. Thus elections increased the communal fragmentation and accentuated the venerability of Palestinians. Moreover, through the voting results, the surveillance agencies were able to monitor the political attitudes of each hamula and religious community and treat it accordingly. This state of affairs is antithetical to the premise of the democratic theory, where political rights (political citizenship in T. H. Marshall's conceptualization) are meant to give the citizens control over the political system. The (ab)use of the political rights as an instrument of surveillances raises a host of theoretical questions regarding the relationships between democracy and surveillance. Chiefly among these is the question of, under what circumstances would voting behavior constitute an instrument of surveillance and political control?

The second section of the essay attempts to answer this question, although indirectly. It analyzes the structures of power through which Israel ruled the Palestinians. Generally speaking, two paradigms were introduced as explaining the functioning of these structures, principally the Military Government: the panopticon and the state of exception. The premises of these paradigms are contradictory. The panopticon, at least as it was employed by Foucault (1991), meant both to achieve a low cost strategy of total surveillance, and normalization of those deemed as deviants. Politically, this would mean an administered integration of unfit citizens into mainstream society. This could be achieved through the use of some of the techniques that Bentham (1995) and Foucault (1991) have described, including the fixing of the subjects, [the illusion of] their subjection to continuous supervision, their quarantining, the documentation of their offenses and the application of rewards and punishment on the basis of binary divisions and branding, their division and subdivision to governable units, etc… Indeed, most of these techniques were used by the Military Government. Yet, according to the panopticon paradigm, normalization is carried out by clear and universal set of rules. In this regard the Military Government was closer to the premises of the state of exception paradigm, where the governing body is not confined by a set of laws and their universal application. Rather decisionism is the driving force, where the subjects lead a precarious life, lack

control over their environment, and their ability to predict events relating to their lives is radically decreased.

The analysis of the control and surveillance practices that Israel employed shows that both paradigms were used concurrently. While various surveillance methods relating the panopticon were employed, normalization – as integration – was not sought. Palestinians have lived for a long period under a state of exception. What is the final aim of this combination of surveillance methods? It seems that it meant to normalize the aspects of life that the state of exception engenders. That is, to bring Palestinians to stop imagining that an autonomous life is feasible.

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[1] This statement was made by Ya'akov Shim'oni, an Arabist and an official in the Foreign Ministry.

[2] The following table shows the number of Arab local councils and the period of their establishment.

Year	New localities
1956-1960	1
	4
1961-1965	1
	3
1966-1975	13

(Adapted from Al-Haj and Rosenfeld 1988: 27-29).

[3] On the web: http://israellawresourcecenter.org/israellaws/fulltext/lawandadministrationord.htm
Law and Administration Ordinance (published May 19, 1948).

[4] http://www.israellawresourcecenter.org/websitematerials/mapsg/mapsg1der1945.html
Also see Jiryis 1976.

[5] Interestingly Shimon Peres thought that "The military government is a small apparatus that does not oppress the Arabs…[it even] helps them" (quoted in Kafakafi 1998: 360).

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