

own histories and contemporary controversies regarding nationality, citizenship, immigration, and identity. The book's appeal is to a wide multidisciplinary audience and its contribution to the field of migration and mobility studies is particularly pertinent and valuable. Klaaren's contribution to sociolegal studies is considerable – and particularly exciting for law and society scholars who are engaged in research on the global movement of people. His books will also be useful to law and society scholars examining the possibilities and limitations of law and legal processes.

\* \* \*

*Living Emergency: Israel's Permit Regime in the Occupied West Bank.*  
By Yael Berda. Stanford: Stanford University Press, 2018.

Reviewed by Noura Erakat, School of Integrative Studies, George Mason University

Yael Berda's *Living Emergency* uses ethnographic data compiled during her career as a human rights attorney and legal analysis to scrutinize Israel's permit regime in the occupied West Bank. The short book, part of Stanford University Press's *Briefs* series, is divided into four chapters and uses Israel's management of Palestinians as an "extreme case (study)" of population control through a logic of security (9) and demonstrates the interplay of surveillance, emergency, and law. Berda relies on conversations with Palestinian clients as well officials from the military Civil Administration to provide a penetrating analysis of the, often, erratic logic, processes, and effects, of a bureaucratic edifice that appears otherwise formidable. She highlights that the permit regime regulating movement and predicated on data collection and surveillance is not as deliberate nor as precise as we tend to imagine repressive regimes to be.

Israel has directly controlled the movement of Palestinians from the West Bank and Gaza within the territories and across a nonexistent border into Israel since the 1967 War. Israel has attempted to integrate as much of the territories with as little Palestinians as possible in order to expand the state's jurisdiction without disrupting its Jewish demographic majority. Israel's overarching ambitions, for territory without its natives, has shaped its military bureaucracy.

Berda highlights that a Palestinian Population Registry and a military decree declaring the territories closed military zones marked the two inaugurating administrative events of the military occupation while “emergency laws, classification of the population, and spatial closure” constituted the three primary tools to oversee it (16). Since July 1972, a general exit permit regime enabled Palestinians to enter and remain in Israel between 5 am and midnight and facilitated the growth of the Palestinian labor force in Israel from 6% in 1968 to 32% in 1974. (20–21) In 1991, in the aftermath of the intifada and ongoing peace negotiations, Israel canceled the general exit permit and replaced it with the current permit regime which made each Palestinian “an individual target of surveillance and monitoring” (37).

Two significant junctures have since shaped the permit regime. The first was the transfer of delegated spheres of authority from Israel to the Palestinian National Authority (PNA) pursuant to the Oslo Peace Framework. The PNA became the primary interlocutor between Israeli police and the occupation civil administration transforming the Israeli-Palestinian relationship into a colonial partnership to manage the Palestinian population. The Second Intifada beginning in 2000, the second juncture, led to a massive implosion of the permit regime, and transformed the military bureaucracy into an “administrative weapon of population control” (32). Thereafter, all Palestinians became a security threat on a sliding scale. Within 5 years, Israel classified more than 200,000 men and boys as security threats and another 60,000 as criminal security threats. Meanwhile, the size of Israel’s administrative force shrunk and the queue of Palestinian applications for permits to enter Israel for medical and work purposes grew exponentially thus exacerbating Palestinian vulnerability. Berda highlights how Israeli civil and security officers have leveraged this vulnerability to recruit Palestinians to be informants in exchange for permits necessary to fulfill their basic needs.

Berda rightly traces Israel’s permit regime to Britain’s imposition of emergency law to squash Palestinian protest against the usurpation sovereignty under League of Nation’s Mandatory framework that designated Palestine as a site of Jewish settlement. She also highlights that in the post-1967 environment, Israel has desired the West Bank and Gaza without its inhabitants. Still, she never explicitly describes the context or modal apparatus of dispossession as a structure of settler-colonialism. I think doing so would have helped the reader better understand the permit regime as a system aimed at ensuring control and segregation for the sake of native elimination and the entrenchment of Israeli settler sovereignty.

The text could thus benefit from a deeper engagement with settler-colonialism, as a literature and governance structure, to

consider how it shapes two of the theoretical frameworks Berda draws upon: surveillance and emergency. Throughout the book, Berda grapples with the concept of the sovereign exception and specifically with the idea that the sovereign, rather than a rule-based order, determines law. Hence, she observes that Palestinians are not entirely within or outside an ill-defined zone of law. This explains a permit regime that is simultaneously rigid and chaotic as indicated, for example, by Israel's security matrix that corresponds to the duration of stay within Israel rather than to an individual's potential threat. What does this sovereign exception Berda discusses have to do with settler-colonialism and how does that shape methods of population control like surveillance?

In his work on surveillance practices, Elia Zureik (2001) highlights how Britain's imperative to establish a Jewish national home in Palestine, drove a surveillance regime aimed at gathering information and transforming it into policy-relevant categories. This historical context has made information gathering in Palestine deeply contentious not least because of its implications for the distribution of land and public goods based on ethnic and racial categories. Thus Zureik (2001: 206) observes, "the majority of Palestinians have been living under constant surveillance [for the past four generations] ... [and] have experienced social ordering of the highest degree." As Berda herself intimates, Israel not only adopted Britain's emergency law framework for the sake of racialized population control, but its surveillance technologies as well.

In her work, Nadera Shalhoub-Kevorkian (2015) takes this analysis a step further to entwine it with Israel's settler-colonial logic of erasure. She argues that Israel has established a political economy over fear wherein the Palestinian native is confined to the "polity of threatening others who must be placed under constant surveillance and control, trapping them in a space in which they 'must always be disappearing'" (Shalhoub-Kevorkian 2015: 5). Like Zureik, she shows that surveillance is a method of colonial control but highlights the eliminatory purpose of that dominion. The State diffuses its surveillance authority by empowering civilian settlers to attack and harass Palestinians with absolute immunity. As a result, the surveillance regime is not just physical but psychological as well by instilling a sense of "being watched, haunted, and trapped" (Shalhoub-Kevorkian 2015: 27).

The Palestinian experience is emblematic of settler-colonial regimes, which include native populations only to manage, exclude, and remove them as necessary. The sovereign exception, predicated on a self-defined threat, becomes a permanent system of racialized governance whereby the exception and the logic that engendered it are co-constitutive. The native population is securitized precisely because mere markers of native belonging threaten

Israel's settler sovereignty. It is not then paranoia about what Palestinians may do to Israelis but the fact that Palestinians threaten to stay and assert belonging. Considering these imbrications offers a way to not just think about implications of Israel's permit regime to security studies but to settler-colonial studies as well.

Berda's critical appraisal of the permit regime also fits into an expanding literature critiquing the role of law in the Occupied Territories as a framework that has helped facilitate, rather than stem Israeli settlement of Palestinian lands (see Ben-Naftali, Gross and Michaeli 2005; Li 2011). In my work, for example, I show how Israel's argument that the Palestinian Territories are *sui generis* has enabled Israel to draw on Occupation Law to legitimate its presence in the territories while simultaneously evading the law's strict prohibition on civilian settlements (Erakat 2017). As a result, Israel has been able to successfully annex Palestinian lands under, rather than in spite of, a rule of law framework. Demanding compliance with Occupation Law thus reifies a false partition between Israel and the West Bank and obscures Israel's settler-colonial expansion across varied legal regimes. Similarly, Berda shows that narrow concern with the regulation, and coordination, of work permits obscures a broader and more troubling regime of racialized population control. The permit regime is predicated on the temporal fiction that Israel's occupation is "indefinite" but not "permanent" and thus not a constitutive feature of Israeli governance (Shamgar 1971). Berda's work raises an urgent question about how to overcome this legal trap in human rights advocacy, and whether it is possible to overcome it in legal terms.

## References

- Ben-Naftali, Orna, Aeyal M. Gross, & Keren Michaeli (2005) "Illegal Occupation: Framing the Occupied Palestinian Territory," 23 *Berkeley J. of International Law* 3.
- Erakat, Noura (2017) "Taking the Land without the People: The 1967 Story as Told by the Law," 47 *J. of Palestine Studies* 18–38.
- Li, Darryl (2011) *Roundtable on Occupation Law, Jadaliyya, September 22, 2011*. Available at: [http://www.jadaliyya.com/pages/index/2705/roundtable-on-occupation-law\\_part-of-the-conflict-:](http://www.jadaliyya.com/pages/index/2705/roundtable-on-occupation-law_part-of-the-conflict-).
- Shalhoub-Kevorkian, Nadera (2015) *Security Theology, Surveillance and the Politics of Fear*. Cambridge: Cambridge Univ. Press.
- Shamgar, Meir (1971) "The Observance of International Law in the Administered Territories," in *Israel Yearbook on Human Rights*, Vol. 1.
- Zureik, Elia (2001) "Constructing Palestine through Surveillance Practices," 28 *British J. of Middle Eastern Studies* 205–27.