

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

Otherwise Occupied: An Analysis of the Causes and Consequences of Zionist Carceral Practice

A thesis presented in fulfillment of the requirements of the degree of

**Master of Arts
in
Politics**

at Massey University, Turitea
New Zealand

Jane Young
2012

*To my Dad,
who couldn't quite hang on long enough to see this project through...*

Abstract

This thesis examines the employment of particular carceral tactics both inside and outside Israeli prisons in the context of the Zionist colonial occupation of Palestinian territories. Together these tactics are considered to form an overarching strategy to crush Palestinian resistance to the forty-five year-old occupation. Central to this study is application of Michel Foucault's model of carceral practices which occur within the walls of the modern prison and extend capillary-like into wider Palestinian society, to the extent it resembles a Foucauldian "carceral archipelago" of control. Various components of Foucault's concepts of power, discipline, punishment and resistance are applied in order to analyse overlapping canons of colonialism and Zionism, and the response of Palestinians to them. Occupied Palestinians are also linked with Giorgio Agamben's concept of people killed with impunity - homo sacer - whom Agamben refers to as living a "bare life" without human or political rights, at the margins of society or beyond. Colonial-era laws and regulations are found to have dehumanised Palestinians as a mass security threat to Israel. This categorization is in turn used to justify mass incarceration, detention without trial, torture, extra-judicial executions, collective punishments and the commodification of Palestinian prisoners exemplified in lop-sided prisoner exchanges. The thesis finds Zionist carceral practices entrench the occupation and immiserate Palestinian society, disrupting economic, social and political cohesion, and the potential of the Palestinian people. The thesis identifies hunger strikes, the commandeering of Zionist prison space as sites of Palestinian nationalist education and political recruitment, and a refusal to vacate their own land as clear mechanisms of Palestinian resistance. An oppression-resistance cycle is evident, reinforcing the centrality of the prisoner and the prison in Palestinian life. Contemporary behaviour by Israel indicates this cycle will continue for as long as Zionist carceral practice criminalizes all resistance to its occupation.

Acknowledgements

Thank-you to Dr Nigel Parsons for extraordinary inspiration and guidance in this tumultuous arena of Middle East politics. His doggedly academic approach to analysis of a subject as polarizing as this thesis always drew a clear line between scholarship and advocacy, but in a manner which maintained respect for the human narrative.

I would also like to thank the staff at Massey who make distance learning possible. At times it is lonely out here on Planet Extra-Mural, but the academic and support staff have assisted greatly and Massey well deserves its reputation as a leader in distance learning. In particular I would like to thank Associate Professor Richard Shaw, who, early on when I couldn't decide which discipline to major in, gave me great encouragement to go with what I love - politics.

To my family and friends - especially David and Lucy who have lived this daily - thank-you all for your enduring support and belief I would get here. Proofreading, book buying and printing have been superb, but nothing can prepare essentially innocent bystanders for the need an extra-mural student has to test hypotheses and generally rant until a point is proven. I truly appreciate you all. You deserve your break from my study.

Abbreviations

| | |
|-------|---|
| AD | Administrative Detention |
| AI | Amnesty International |
| GCIV | Fourth Geneva Convention |
| GSS | General Security Service |
| ICG | International Crisis Group |
| ICRC | International Committee of the Red Cross |
| IDF | Israel Defense Forces |
| IHL | International Humanitarian Law |
| IMFA | Israeli Ministry of Foreign Affairs |
| IPS | Israeli Prison Service |
| ISC | Israeli Supreme Court |
| NGO | Non-Governmental Organization |
| OPT | Occupied Palestinian Territory |
| PA | Palestinian Authority |
| PFLP | Popular Front for the Liberation of Palestine |
| PMPA | Palestinian Ministry of Prisoner Affairs |
| PLO | Palestine Liberation Organization |
| POW | Prisoner of War |
| PTSD | Post Traumatic Stress Disorder |
| UN | United Nations |
| UNCRC | United Nations Convention for the Rights of the Child |
| UNGA | United Nations General Assembly |
| UNHRC | United Nations Human Rights Committee |
| UNSC | United Nations Security Council |

Table of Contents

Chapter 1

| | |
|---------------------|----------|
| INTRODUCTION | 1 |
| 1.1 Methodology | 5 |

Chapter 2

| | |
|--|----------|
| CONCEPTUAL FRAMEWORK | 8 |
| 2.1 Introduction | 8 |
| 2.2 The Prison | 8 |
| 2.3 Prisons in the context of the Occupation | 9 |
| 2.4 The dynamics of the prison and Palestinian resistance | 10 |
| 2.5 The Power of Resistance | 11 |
| 2.6 Israeli punishment of resistance | 12 |
| 2.7 Palestinian experience of punishment | 12 |
| 2.8 Theories of Punishment | 13 |
| 2.9 Control through Surveillance | 13 |
| 2.10 The Colonial Gaze | 14 |
| 2.11 Zionism | 15 |
| 2.12 Colonialism | 15 |
| 2.13 The place of the indigenous people in the Zionist Colonial paradigm | 16 |
| 2.14 Palestinian responses to entrenched colonialism | 17 |
| 2.15 Conclusion | 17 |

Chapter 3

| | |
|---|-----------|
| LITERATURE REVIEW | 19 |
| 3.1 Introduction | 19 |
| 3.2 The Prison: a central tool of modern punishment | 20 |
| 3.3 Homo Sacer and Bare Life | 22 |
| 3.4 Israel as a State of Exception? | 23 |
| 3.5 Empirical Literature | 24 |
| 3.6 Sealed off and under perpetual gaze | 27 |
| 3.7 Resistance through hunger and knowledge | 28 |
| 3.8 Uneven Odds | 30 |
| 3.9 Giving voice to the Occupied | 30 |
| 3.10 Conclusion | 31 |

Chapter 4

| | |
|---|-----------|
| ISRAEL'S CARCERAL REGIME | 33 |
| 4.1 Israel's 'smart' occupation | 33 |
| 4.2 Emergency Defense Regulations (1945) | 35 |
| 4.3 Construction of Palestinians as 'Security Threat' | 36 |
| 4.4 The Geneva Conventions I-IV | 38 |
| 4.5 Occupation Law | 39 |
| 4.6 State Sanctioned Torture | 41 |
| 4.7 Arbitrary Detention | 42 |
| 4.8 Military Orders | 42 |
| 4.9 Colonial policing | 43 |
| 4.10 Physical infrastructure | 45 |
| 4.11 Conclusion | 48 |

Chapter 5

| | |
|---|-----------|
| PALESTINIANS IN ISRAELI PRISONS | 49 |
| 5.1 Introduction | 49 |
| 5.2 Political context | 50 |
| 5.3 Prisoner profiles | 50 |
| 5.4 Administrative Detention | 52 |
| 5.5 Torture | 54 |
| 5.6 Children - terrified, arrested, detained, tortured...killed | 57 |
| 5.7 'Atfal al-Hijara' - Children of the Stones | 58 |
| 5.8 Night visits | 60 |
| 5.9 Child detention | 60 |
| 5.10 Conclusion | 61 |

Chapter 6

| | |
|--|-----------|
| TURNING THE TABLES: PALESTINIAN RESISTANCE TO THE ZIONIST CARCERAL REGIME | 63 |
| 6.1 Introduction | 64 |
| 6.2 The War of Empty Stomachs: The Hunger Strike | 65 |
| 6.3 The April 17 - May 14, 2012 Mass Hunger Strike | 66 |
| 6.4 The Faces of Hunger..... | 67 |
| 6.5 The May 14 Deal..... | 69 |
| 6.6 Israel Violates the Deal | 70 |
| 6.7 The Prison as University | 70 |
| 6.8 Prison outside the prison | 74 |
| 6.9 Repressive responses | 74 |
| 6.10 Conclusion | 75 |

Chapter 7

| | |
|--|-----------|
| AN EXTRAORDINARY EXCHANGE RATE | 77 |
| 7.1 Introduction | 78 |
| 7.2 Transactional diplomacy - the business of prisoner exchanges | 78 |
| 7.3 Consistent Inconsistencies | 79 |
| 7.4 Commodification of Prisoners | 81 |
| 7.5 A History of Exchanges | 83 |
| 7.6 The Wafa al-Ahrar / Shalit Deal | 85 |
| 7.7 Restocking the Cells | 87 |
| 7.8 Revenge via aerial "liquidation" | 88 |
| 7.9 The Named and the Nameless | 89 |
| 7.10 Conclusion | 91 |

Chapter 8

| | |
|-------------------|-----------|
| CONCLUSION | 93 |
|-------------------|-----------|

| | |
|---------------------|-----------|
| Bibliography | 98 |
|---------------------|-----------|

***"No one truly knows a nation
until one has been inside its jails."***

Nelson Mandela, 1994:174