

Book review of *Threat: Palestinian Political Prisoners in Israel*, Edited by Abeer Baker and Anat Matar

Professor Lisa Hajjar

Associate Professor of Sociology at the University of California – Santa Barbara

Imprisonment of Palestinians is one of the key mechanisms of Israeli control over the occupied West Bank and Gaza. *Threat: Palestinian Political Prisoners in Israel*, edited by Abeer Baker and Anat Matar, is an excellent, sweeping survey of the rationales and effects of this carceral order, and it illuminates the various ways mass imprisonment has shaped Palestinian political culture and social relations as well as the lives of individuals and families. Unlike many edited collections, every chapter in this volume makes a strong and original contribution. I do have a quibble with the title, however, because it elides the geopolitical fact that the territories are not “Israel”; my preference would be “Israel/Palestine.”

Since 1967, more than half a million Palestinians have been imprisoned, whether as a result of conviction in the Israeli military court system or administrative detention without trial. For the first two decades, as Alina Korn documents, between 45 and 60 percent of the overall prison population in Israel was Palestinian, between 75 and 82 percent of them serving relatively long sentences. During the period of first intifada (1987-93), Israel had the highest per capita prison population in the world. These numbers decreased after the signing of the Oslo Accords in 1993, a trend that was reversed after the outbreak of the second intifada in 2000. In 2006, it reached its highest record of 9,516 (about 46 percent of the overall prison population in Israel). As of 2010, there were 6,620 incarcerated Palestinians.

In the preface, Baker and Matar critically analyze the concept of “security threat” as operationalized by the Israeli state. Palestinians, regardless of the crime for which they are convicted or detained, are classified as security prisoners. In contrast to criminal prisoners for whom there is no official definition because it comports with the “normal” meaning of criminality (i.e., an individualized accusation of a past prohibited act), a security prisoner is someone who committed a crime or is suspected of committing a crime, “which due to its nature or circumstances was defined as a security offense or whose motive was nationalistic” (p. vii). Security offenses encompass acts (actual, intended or suspected) that harm Israelis or menace the state (including the apparatus of occupation) and are motivated by Palestinian nationalistic purposes. Even civil disobedience and non-violent protests are treated as punishable security offenses. All Palestinians are, therefore, potential security prisoners, vulnerable to being seized, interrogated, prosecuted or administratively detained, and treated in a manner categorically unlike the treatment and rights available to criminal prisoners.

Threat is the finest and most up-to-date collection on the topic of the imprisonment of Palestinians. It should be essential reading for anyone interested in understanding the Israeli occupation and the ongoing conflict.

The chapters by Alon Harel and Yael Berda further elaborate on the security prisoner concept through which Palestinians are defined as inherently threatening to Israeli security, and to which incarceration is portrayed as a legitimate response to the requirements of national defense. Harel expounds on the sticky grip of the label to criticize the fact that in this system there is no entitlement to individualized, periodic assessment in terms of dangerousness or “transformations of individuals’ character, lifestyle, convictions and identities” (p. 41). This systemic rigidity, he argues, defies the legal

requirements for human dignity because it deprives people of the right to hope. Berda strikes a tone that blends objective analysis (“I wish to describe the classification of the GSS [General Security Services] that has become known to me through my work as a human rights lawyer in Jerusalem”) with biting yet understated analysis of this system: “The category of the security threat is a master category...a tool for classifying people; it becomes a paradigm of thinking, a binary schema for seeing the Palestinian population” (p. 45). Israeli carceralism is a racialized bureaucracy based on the model of colonial administration, and envelops not only Palestinians from the occupied territories, but those who are Israeli citizens as well. Drawing on Hannah Arendt’s *The Origins of Totalitarianism*, Berda describes and analyzes the role of the security services in transforming Palestinians from “suspect populations” into “objective enemies” of the state, the latter deemed “carriers of tendencies.”

Chapters by Sharon Weill, Smadar Ben-Natan, and Michael Sfard address the requirements of international humanitarian law (IHL), which should govern Israel’s belligerent occupation over foreign civilians in territories seized in war, and the manifold ways in which Israel violates the legal limits and duties of an occupying

state. Weill notes that the “preliminary question of the legality of the Occupation itself was left to the political front” – meaning that the politics of IHL interpretation and enforcement has failed to address major legal questions such as the right to self-determination and the prohibition against permanently seizing foreign land as a result of war. She uses the different laws and sentencing policies in Israel’s multiple court systems to illustrate how the occupation has become a form of apartheid. Paradoxically, she notes, “the exclusive reference to IHL [by international lawyers, academics and practitioners] left the Palestinian land and people to become existentially occupied” (pp. 137-38). Why Palestinian militants were never given prisoner-of-war (POW) status is the focus of Ben-Natan’s chapter. During the period of fedayeen armed struggle (1968-71), Israel rejected prisoners’ claims that they were POWs based on the fact that they were not members of the armed forces of a state. The 1977 Additional Protocol I (API) to the Geneva Conventions was devised to bring the Palestinian struggle for self-determination (as well as the anti-apartheid struggle in South Africa and the remaining anti-colonial wars in Africa) within the ambit of IHL by providing a right to fight for freedom for non-state groups that abide by the laws of war. Israel is not a signatory to API, and has consistently refused to accord POW status even to Palestinians who carry arms openly, wear visible insignia and operate under a chain of command on the grounds that these are terrorist organizations whose targets have included civilians. Sfar focuses on the IHL prohibition to transport people from an occupied population to prisons in the territory of the occupying state—which Israel does by the tens of thousands. He examines the derivative rights violations and personal hardships that result for prisoners and their families (e.g., denial of travel permits to visit) and the collective significance of this flagrant violation on Palestinian society writ large. In March 2009, 7,119 Palestinians were imprisoned within the territory of the State of Israel (p. 190). As the crow flies, those prisons are not very far away from the occupied territories, but for all intents and purposes prisoners have been dispatched to a “devil’s island.”

Many chapters offer profound and insightful analyses and first-person accounts of the experience of imprisonment from Palestinians’ perspectives. Maya Rosenfeld’s contribution focuses on the centrality of the prisoners’ movement to Palestinian national politics. The organizing and activism that emerged inside prisons and, to some extent, the cross-factional alliances among prisoners have been a major influence beyond the walls. Also, she notes: “mass imprisonment is most directly discernible in the biographies of entire strata of political officials, public figures and community leaders in the West Bank and Gaza” (p. 6). Walid Daka, a Palestinian citizen of Israel who is serving a life sentence, writes about the current state of affairs inside prisons and the effects of torture and other aspects of imprisonment on the consciousness of prisoners.

Although the vast majority of prisoners have been men, women have been imprisoned as well, and female family members have been detained and abused instrumentally in the interrogation of males. Nahla Abdo’s and Ittaf Alian (Hodaly)’s chapters combine

analysis of women's imprisonment and nationalist activism (including armed struggle and acts of violence) with a critique of the kinds of orientalist feminism that would portray them as mere dupes and victims of Palestinian patriarchalism.

No book about Israeli imprisonment of Palestinians would be complete without coverage of the pervasive use of torture and cruel, inhumane and degrading treatment. *Threat* contains many chapters that address this issue. In 1987, Israel had the ignominious distinction of being the first state in the world to officially and publicly "legalize" torture by endorsing the use of "moderate physical pressure" in the interrogation of Palestinians as a "necessary" and thus legitimate means of combating "hostile terrorist activity," the latter being the GSS's description of all activities that challenged the occupation and/or were motivated by the goal of national self-determination. As contrasted to official assertions that such "pressure" tactics (including but not limited to protracted stress positions and isolation, exposure to extremes in temperature and noise, beatings and shakings, and sensory deprivation through hooding) were limited to ticking bomb situations, they were in fact used on the vast majority of Palestinians who passed through Israeli interrogation centers. In 1999, the Israeli High Court of Justice (HCJ) rendered a decision that the "routine" use of such tactics was henceforth forbidden, but the option would remain available in cases of real emergency. Bana Shoughry-Badarne addresses the question of what has changed since that ruling. Although the GSS operates behind a thick veil of secrecy (and unaccountability), testimonies from people arrested since 1999, and especially during the peak waves of the second intifada, suggest that "torture is still carried out with authorized permission" (p. 120). In 2008, the Public Committee against Torture in Israel filed a contempt of court motion against the GSS, but the HCJ decreed in 2009 that the 1999 decision is declaratory and therefore not enforceable by this means.

Avigdor Feldman contributes two chapters, "Colonel and Major" which is a poem about the old masters of torture, and "Welcome to Shin Bet Country" written in the form of a travel brochure for a "visitor" to the land of prisons. For example: "In Shin Bet country, your diet will consist mainly of the fruits of the imagination...How so? The black bag, while tangible, foul-smelling and revolting, is not believed to exist by the court, which considers it a fruit of the imagination. You, who have partaken of this fruit of the imagination, will never forget its taste" (p. 110). The first-person accounts of Sheikh Muhammad Abu Tir, Osama Barham, Alina and Daka render that "you" into "me."

The limits of space prevent me from mentioning every chapter. In sum, *Threat* is the finest and most up-to-date collection on the topic of the imprisonment of Palestinians. It should be essential reading for anyone interested in understanding the Israeli occupation and the ongoing conflict.