

PALESTINIAN EVERYDAY LIFE: LIVING WITHIN AND WITHOUT LEGALITY

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Palestinian Everyday Life: Living Within and Without Legality

Haneen Naamneh, Reem al-Botmeh and Rami Salameh

Abstract

This report is part of the project ‘The Regulation of Palestinian Everyday Life’, a collaboration between LSE and Birzeit University. It inquires into the changing modes of governance impacting upon Palestinians in the West Bank including East Jerusalem, their reaction and engagement with these systems, and the social effects of these engagements. The research investigates regulatory frameworks and how they affect the everyday lives of Palestinians living under the governance of the Palestinian Authority and Israeli occupation. Specific case studies addressed include the impact of colonial and neoliberal regulatory frameworks on farmers in their everyday life; the process of family reunification and ‘illegal’ statuses; and the specific situation of Palestinians who hold the ‘Jerusalem ID’. The report describes the features of these frameworks and the areas of everyday life that they influence. To engage with the research questions concerning how people experience and live these regulatory frameworks, the authors focus on the latter’s meanings and actions rather than their consequences alone.

Introduction

In the occupied Palestinian territories – the West Bank, Gaza Strip and East Jerusalem – the last two decades have seen the formation of new Palestinian state structures alongside other forms of military and civil governance arising from the Israeli occupation. The Palestinian (proto-) citizenry has witnessed a significant transformation in the regulation and management of its everyday life. This regulation is sociologically important and has received relatively little attention in the academic literature. It presents a novel site for investigation, further complicated by the multiple regulatory layers – local, regional and international – that impinge upon and shape the lives of Palestinians living under occupation. The shift from direct occupation to ‘state-building’ subjected Palestinian society to a compounded set of regulatory systems that are transforming and redefining the meaning of Palestinian lives.

Everyday life, seen as an arena subject to various political, socio-economic and private factors, is a site for multiple systems of governance that are both complementary and contested. ‘The everyday’ has recently become the focus of academic research from a wide range of disciplines beyond anthropology; these include sociology, philosophy, politics, law and economics. However, everyday life remains a complex concept, and difficult to coherently define. Its contours can be so vast as to embody almost everything, or rather specific aspects of everything related to human individual and social life. Thus, the everyday is not always obvious and explicit, as it might first appear. It is also a space of alienation, a space of social and legal communication and confrontation, a hidden place, a pretension, and an indirect expression of needs, emotions, ideologies and flows, including those of capital.

One complex aspect of everyday life arises from the trialectical relation between regulations (the systems, whatever they might be), the regulators (humans or materials) and human practices. Thus, the everyday life in this relation of social interactions is embodied in human practices that are both inside and outside of any regulatory framework. In the Palestinian context, the dual authority under which Palestinians live, namely the Palestinian Authority (PA) and the state of Israel, as well as regulation inherited from previous administrations that ruled Palestine, including Britain (1917–48) and Jordan and Egypt (1948–67), have each generated multiple legal systems that manage different but often intersecting aspects of Palestinians’ lives.

These include Palestinian and Israeli civil, religious and military legal systems, some of which arose in different historical contexts but all of which play a role in shaping the current conditions of authority under occupation. In governing the daily lives of Palestinians, the Palestinian Authority’s governmental bodies have also developed in ways that are partly independent and partly dependent on Israeli military and civil bureaucratic administration. The governance and regulatory frameworks of international bodies, including the United Nations and its agencies (such as UNWRA or UNDP), are also significant in Palestinian society. In addition, non-state actors, including national and international non-governmental organisations (NGOs), have also developed strong and growing regulatory aspects, adding a further global dimension to the regulation of Palestinian society.

Following the second Intifada and the construction of the so-called ‘separation wall’ in the early 2000s, Israel forcefully materialised the separation between the West Bank, East Jerusalem and the Gaza Strip, and enforced physical and legal distinctions between them. This led to divergent regulatory effects, dependent on variables such as different IDs, including the ‘Jerusalem ID’,¹ and different locations (the Gaza Strip, the West Bank, Jerusalem and so on). The political implications of such administrative and material distinctions not only affected Palestinian society’s political and social engagement, but also the way each group subjected to these separations perceived and negotiated legality.

Existing (mostly non-academic) studies² on regulatory frameworks and the governance of everyday life in the Palestinian context have been mostly focused on legalist perspectives, specifically the technicalities of the law, and its role as an institutionalised doctrine. Furthermore, legal research has not adequately linked local regulatory frameworks with wider ideological constellations, especially the predominance of neoliberal ideological approaches in economic and political spheres. Most significantly, the ways in which Palestinians from different groups and geographical areas negotiate these multi-layered (often contested, sometimes instrumentally used) technologies of normative governance remain seriously under-examined and inadequately understood in the scholarly literature.

Researching ‘The Regulation of Palestinian Everyday Life’

This research project, ‘The Regulation of Palestinian Everyday Life’, was funded by the LSE Middle East Centre’s Academic Collaboration with Arab Universities Programme. Professor Chetan Bhatt and Haneen Naamneh at LSE worked in collaboration with Dr Mudar Kassis, Rami Salameh and Reem al-Botmeh at Birzeit University. The project’s objectives were to inquire into the changing modes of governance impacting upon Palestinians, their reaction and engagement with these systems, and the social effects of these engagements. The research investigated regulatory frameworks and how they impact upon the everyday lives of Palestinians under conditions of ‘dual authority’ and occupation.

Research Questions

The research project was based on a set of key questions including:

- How do regulatory frameworks shape the lives of, and enable or constrain, Palestinians at particular sites of encounter?
- What kinds of Palestinian lifeworlds emerge out of different regulatory frameworks?
- How are hierarchies of power and domination produced and distributed within lifeworlds that are dominated by regulation, control and perpetual uncertainty?

¹ In 1967 Israel annexed East Jerusalem, rendering large areas of occupied Jerusalem a part of its civic jurisdiction, unlike the rest of the West Bank and Gaza Strip in which it applied military rule. It also applied the legal status of ‘permanent residents’ to Jerusalemite Palestinians, commonly called a ‘Jerusalem ID’.

² Such as the reports and newsletters produced by local and international NGOs, including UN agencies and human rights, humanitarian and legal aid organisations.

- How are these multi-layered regulatory frameworks perceived by Palestinians? What are the discourses developed and deployed by Palestinians in engaging, negotiating and contesting these frameworks?
- How do Palestinians resist and negotiate contested knowledge and truths constructed through a variety of regulatory forms and technologies?
- How do neoliberal modes of governance shape and influence the way these regulatory frameworks operate, the modes of subjectivity they assume, and methods of encounter they establish?

Methodology and Fieldwork

The fieldwork was undertaken between May and October 2017 by a group of 16 graduate students³ at Birzeit University who conducted 47 interviews in total. The research project adopted a qualitative approach which aimed to provide a sociologically rich description of Palestinians' roles as actors negotiating living law. In-depth interviews focused on the following main regulatory sites and institutions: legal status; checkpoints and border crossings; education; housing; agriculture; infrastructure and service provision, including electricity and water supplies; health; and employment.

Interviews covered the regulatory frameworks mentioned above through an initial sample that included the following sampling categories: a student in higher education; a recent mother; an engaged couple; a married couple in which the partners each had a different legal status; an elderly couple living in a remote area; and a young farmer. The factors that determined this sample ensured a diverse group based on demographic categories of age, gender, social class, level of education, employment, profession and civic status.

The sampling criteria for selecting interviewees distinguished itself from other geography-based research projects, as it did not adopt a geographical allocation. The researchers in the field started by identifying a group of Palestinians without initial consideration of their geographical location, whether this was in East Jerusalem, Gaza, the West Bank or within Israel. Instead, the research followed the ordinary pathways of selected interviewees and those of their friends, partners and members of their family as they navigated complex regulatory frameworks across different geographical areas. Following the interviews with this initial group, the students deployed a snowballing technique to broaden the pool of interviewees. Interviews took place in different localities in the West Bank, including Nablus, Jericho, Jenin, Ramallah, Birzeit, Hebron, East Jerusalem, Bethlehem and the villages of Qabaln and Beitin.

A discourse analysis of the interviews was used to track perception of legalities among the interviewees and patterns of engagement and resistance to regulatory frameworks. The Pal-

³ The students who conducted the fieldwork were Alaa Abed, Maha Abualia, Anwar Abu Adas, Muath Al-Tallaa, Ohood Ashour, Anas Aslbakhi, Anan Atteereh, Fatima Hammad, Aseel Ibrahim, Mahed Jamhour, Natalie Kasabri, Hazem Mizyed, Mohammad Obaid, Walid Sabaana, Nourah Sammar and Nadia Tadros. The research team would like to thank the students for their efforts and investment in the project.

estonian and Israeli jurisdictions have produced a different sense of, and engagement with, legality among Palestinians based on different legal statuses, especially IDs. In our analysis, we recognised the existence of these legal statuses while being acutely aware of the ethical implications and challenges that legal distinctions between Palestinian and Israeli jurisdictions impose, as well as their effects as tools of colonial administration. The different IDs and their associated legal statuses constitute a primary framework that regulates Palestinian lives. We therefore took these IDs as the ground upon which people stand when engaging with legality in their everyday lives.

To allow a better understanding of these regulatory frameworks, we divided the report into four sections. The first addresses the broader context of the research; the second engages with the everyday life of farmers; the third focuses on reunification and ‘illegal’ statuses; and the fourth follows a group of interviewees who hold the Jerusalem ID. In each section, we describe the features of these regulatory frameworks and the areas of everyday life that they influence. To engage with how people experience and live these regulatory frameworks, we focused on the latter’s meanings and actions rather than their consequences alone.

The Broader Context of the Research

The West Bank came under Israeli rule after the 1967 war, during which, according to international law and UN Resolution 242, a new spatial terminology was created: ‘the Occupied Palestinian Territories of 1967’ (OPT), which included the West Bank, East Jerusalem and the Gaza Strip. As a result of the war, a new wave of refugees escaped to neighbouring countries and more than one million Palestinians fell under Israeli rule. Since 1967, Israel has established a network of roads to connect the Occupied Territories with Israel and incorporate the area’s economic activity into its own economy. At the same time, Israel has not incorporated the Palestinians living in the OPT through granting them Israeli citizenship.

Israel has also enforced separation policies during the last two decades, particularly after the first Intifada in 1987 and the signing of the Oslo Accords in 1993, and consequently Palestinians have been forced to live in an isolated and fragmented space. This reality has created new living conditions for Palestinians; the realm of everyday life has shifted into a different jurisdiction, one characterised by dispossession, uncertainty and vulnerability.

The signing of the Oslo Accords between the Palestinian Liberation Organisation (PLO) and Israel resulted in the establishment of the Palestinian Authority as a governing body with a state-like apparatus.⁴ The PA was established with a governmental jurisdiction (civil affairs and policing) over the Palestinian population in the West Bank and Gaza Strip, but

⁴ The Oslo Accords refer to a set of agreements, notes, memorandums, annexes and protocols between the Israeli government and the Palestinian Liberation Organisation (PLO). The Accords represent the start of a peace process that was supposed to lead to a Palestinian state in the Palestinian territories occupied by Israel in 1967. For an overall understanding of the Oslo framework see: Geoffrey R. Watson, *The Oslo Accords: International Law and the Israeli-Palestinian Peace Agreements* (Oxford: Oxford University Press, 2000); and Raja Shehadeh, *From Occupation to Interim Accords: Israel and the Palestinian Territories* Vol. 4. (Leiden: Brill, 1997).

without sovereignty over the land, water and borders. The Oslo Accords included arrangements on the transfer of certain powers from the Israeli military authorities and its civil administration to the PA. The responsibility for the health, education, taxation, municipal services and internal security of the Palestinians in the West Bank and Gaza was transferred to the PA. However, the Israeli authorities maintained control over security, land, borders, water, natural resources, the registration of the population, all movement in and out of the Territories and movement between cities and villages. The Territories were divided into three areas: A, B and C. The Accords confined the PA to having limited powers in areas A and B, related to civil and local matters affecting the population.

The PA's powers were not only limited, but also attached to a system of territorial, personal and legal jurisdiction that gave Israel ultimate control over the Palestinian population. In addition, the occupation maintained its system of military courts and military orders which continue to directly subject the Palestinian civilian population to the control of Israeli military institutions. Furthermore, the Oslo systems of jurisdiction were combined with a greatly intensified system of control utilised by the occupation. This includes, on one hand, physical measures of violence directed towards Palestinians, construction and expansion of Israeli settlements over Palestinian land, the building of the 'separation wall'⁵ and checkpoints and blockades at pass roads. On the other hand, it also includes arbitrary and discriminatory regulatory techniques as well as legal bureaucratic measures related to permits, residency, zoning and planning regulations.⁶

After twenty-five years, the Oslo Accords contributed to the consolidation of colonial occupation and the establishment of a neoliberal economy which has brought far-reaching structural changes to Palestinian politics and society.⁷ The Accords facilitated the emergence of a set of institutions and actors within Palestinian society, each associated with the state-building project and its neoliberal economic logic.⁸ The outcomes of these processes included: the growth of a politically influential business sector, the PA's increased reliance on a loan and debt economy, the emergence of competitive individualism, the bureaucratisation of local politics, the enlargement of the middle class, and a weakened and more vulnerable Palestinian working class and rural economy.⁹

⁵ See also International Court of Justice, 'Advisory Opinion of the International Court of Justice - Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', 9 July 2004, paras 111–13.

⁶ See United Nations General Assembly, 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories', *UN Doc A/71/352* (2016); and Richard Falk, 'Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967', *UN Doc. A/HRC/25/67/331 13* (2014).

⁷ Jamil Hilal, 'Rethinking Palestine: Settler-colonialism, neo-liberalism and individualism in the West Bank and Gaza Strip', *Contemporary Arab Affairs* 8/3 (2015): pp. 351–62.

⁸ *Ibid.*

⁹ Tariq Dana, 'The Palestinian Capitalists That Have Gone Too Far', *Al-Shabaka: The Palestinian Policy Network – January Policy Brief* (2014).

Living as Farmers: Occupation and Neoliberalism in Everyday Life

In this section we aim to present a general overview on how different powers are regulating Palestinian everyday life, whether this regulation is implemented by Israeli law and economic policies, by the PA and its neoliberal ordering of Palestinian social and economic life, or by international humanitarian and donor agencies. Although this section focuses on Palestinian farmers and their everyday life, the regulation of everyday life in Palestine is not merely a sectorial nor spatial issue: the everyday life of a farmer living in Burin village in the north of Nablus, for instance, is affected by the same policies as those who are living in the city of Ramallah or Jerusalem, though this may be at a different level. Different concepts and meanings that emerged from the interview data – such as dispossession, uncertainty, general exploitation and vulnerability – indicate the characteristics of everyday life in Palestine.

The overall changes in the political, social and economic horizons of Palestinian society since the Oslo Accords also resulted in fundamental changes in people's perspectives regarding their future, including in the farming sector. For example, a 50-year-old male farmer living in Burin village hoped that his son would get a university degree and work in a bank, rather than follow in his footsteps. This was a prominent theme in our interviews and denoted a change in perspective from a society that used to value farming and agriculture as vital industries, to one that sees farming as an economic burden and the private and service sectors as the economy's lifelines.

These changes in perceptions result from the myriad obstacles that farmers encounter, including exploitive economies and lack of access to land and other essential resources. These factors were well illustrated in a 2018 film, *Bloody Basil*, produced by the Palestinian research centre, Al-Marsad,¹⁰ which documented the everyday lives of Palestinian women farmers in the Jordan Valley, highlighting the exploitative settler-colonial economic system to which they are subjected. Additionally, the absence of the PA in offering any support to marginalised communities results in these farmers being exploited by Palestinian subcontractors.

Difficulties for Palestinian farmers are particularly exacerbated by their inability to access their land. Since the 1967 occupation, and in a process that intensified after the Oslo Accords, Israel has built over 200 settlements on occupied land. Most of the settlements surround Palestinian cities and villages and have produced a new spatiality and lived realities for West Bank farmers. Furthermore, settlements are mostly built on top of hills meaning that the majority of cultivable land is in their vicinity, further exposing the farmers and the land itself to systematic settler violence and sabotage.

The same interviewee from the village of Burin described his daily attempts to access his land as being like the movements of a 'thief': 'I reach my lands as a thief, as someone that

¹⁰ Al-Marsad (The Social and Economic Policies Monitor) is a Palestinian research institution specialised in the study, analysis and critique of social and economic policies in Palestine and the Arab region. The film was the first of its kind to shed light on the lived reality of Palestinian women farmers in the Jordan Valley.

does not want anyone to catch him ... I go farming as if I have a hundred eyes'. Inaccessibility of farming land is further aggravated by the Israeli permit regime imposed on farmers, whereby they are required to obtain permits to be able to cultivate their land if it is located near settlements.

Furthermore, Israel has transformed the Palestinian economy into a captive market for Israeli producers,¹¹ while also having transformed the Palestinian labour market into one dominated by unskilled workers. This started between 1974 and 1992, by which point labour migrants going to Israel represented over a third of the Palestinian employed workforce, generating more than a quarter of the GNP of the West Bank and Gaza Strip.¹² Capturing the market and controlling Palestinian economic activity has forced many Palestinian farmers to abandon their land and work as unskilled workers in settlements or inside Israel proper.

According to interviewees across different villages in the West Bank, few people have remained farmers. In Burin, with a population of over 3,000, there are only three farmers left. In several interviews, Palestinian farmers referred to agriculture as a dying industry in Palestine. However, the reasons for the decline, as farmers have pointed out, is not solely because of the modalities of colonial control but also due to the lack of an active and supportive agricultural policy by the PA. The complex reality narrated in these interviews demonstrate the impact of different layers of regulatory frameworks on Palestinian everyday life, as Israeli restrictions on farmers are compounded by the absence of a clear strategy by the PA to support agriculture.

Farmers described their relationship to the PA Ministry of Agriculture as 'project-based' and referred to the work of the PA as that of a 'charitable organisation'. For example, instead of protecting farmers from settler violence, the PA distribute extinguishers so they can fight the fire when settlers start burning olive trees and other crops.

Active protection of farmers is also lacking within wider Palestinian society. A 50-year-old farmer from Jiftlik village near Nablus described to us how he was forced to change his crops from citrus fruits to palm, firstly because of Israeli control of the water supply, and secondly because of the Palestinian middleman who spiked the price of the water itself, in order to make a profit.

In other interviews, two middle-aged farmers from the village of Beit Dajan, near Nablus, said that, during the 1980s, Ein Shibly spring water used to irrigate more than 170,000 square metres of agricultural land in both Beit Dajan and Jiftlik. However, today Ein Shibly produces no water. They claimed there were two reasons behind this: firstly, Israeli policies that control the overall water supply, and secondly, the wanton wastage of water by some Palestinians, which has dire consequences for the everyday life of farmers. They explained that the Palestinian Water Authority granted permission to a few Palestinians to drill wells while not limiting their daily usage. This negatively affected the water supply of Ein Shibly, resulting in the creation of a new monopoly over water.

¹¹ Neve Gordon, *Israel's Occupation* (Berkeley: University of California Press, 2008), p. 70.

¹² Leila Farsakh, *Palestinian Labour Migration to Israel: Labour, Land and Occupation* (Abingdon: Routledge, 2005), p. 1.

The monopolisation of Palestinian public resources and the transformation of society into one beholden to financial regulations and institutions have been key consequences of the post-Oslo period. The Accords had long-lasting effects on Palestinian everyday life, in particular through a new set of neoliberal regulations that have intensified since 2006 and are characterised by a heavy presence of the private sector throughout society. Policies that result in the monopolising of Palestinian resources have fostered uncertainty, vulnerability and dispossession. The narrative of a middle-aged vegetable and fruit merchant in Qabatiya, a city in the Jenin governorate, shows that financial and banking institutions have not only drowned urban employees with home, car and personal loans, but that this is also true for farmers living in remote areas. Everyday social relations and activities revolve around the repayment of debt and interest to the bank:

Employees are unable to pay shop owners for their daily consumption. Consequently, shop owners are not able to pay their debt to the fruit and vegetable merchants, these merchants are not able to pay back the farmers, and the farmers are not able to pay the agricultural supplies store. In this situation, bank loans become the only solution.

According to this farmer, these processes have produced individuals who work solely to repay debts to banks and financial institutions. Moreover, the interviews also illustrated how the presence of financial institutions, banks and the private sector goes beyond loans, debts and interest. One farmer we interviewed tried to obtain a permit to work as a construction worker in Israel. He was instructed by the District Coordination Office in Nablus to open a bank account and deposit 1,200 Israeli Shekels as a prerequisite for applying for the permit, and to obtain a valid mobile number. Such demands have become normalised in everyday life.

A Dying Agriculture

Palestinian farmers are caught within highly compounded and entangled bureaucratic processes that are consequences of the variety of post-Oslo coercive and regulatory political and economic frameworks they are compelled to negotiate. We investigated how the occupation has created a new everyday reality for those Palestinian farmers living in the Occupied Territories, especially concerning land confiscations, accessibility of land, homes and farming resources, and the agricultural conditions that Palestinian farmers are forced to endure and navigate. Dispossession, exploitation and uncertainty are produced through regulating the everyday life of Palestinians at different levels. Our fieldwork has revealed that regulatory policies have been implemented at various stages and by different powers to control and regulate Palestinian everyday life in the Occupied Territories. These kind of complex relations between colonial policies and how they have been reproduced and used by some Palestinians should be further researched in order to develop a more nuanced and detailed understanding of the effects of settler colonialism, and its complex functionality at the micro-level.

Reunification Procedures: Illegal Subjects in Everyday Life

This research project examined layered interactions of regulatory techniques and bureaucratic measures on the everyday life of Palestinians living with an ‘illegal’ status in the Occupied Territories. Fieldwork explored the ways in which illegality is produced in the context of the West Bank. Israel’s control of the West Bank’s borders means that it determines who enters and how long they may remain, in addition to who receives the status of ‘resident’ and who does not. It also regulates permissions granted for persons to be in certain areas, and has the power to render their status ‘legal’ or ‘illegal’. Israel also governs whether or not a person can receive residency status in the West Bank by becoming a PA ‘citizen’ and whether they can receive a family reunification permit.

Control over the legal status of Palestinians in the West Bank is performed through an authority called the Coordinator of Government Activities in the Territories, which is subordinate to the Israeli Defence Ministry. As stipulated by the Oslo Accords, the Ministry of Civil Affairs was formed by the PA in 1994 to deal and liaise with Israeli authorities over all civil affairs, including the economy, environment, water, population and public institutions.

‘Illegal’ residents may include Palestinians from Gaza who overstay their visit permit to the West Bank; Palestinian refugee families who hold Jordanian passports and entered Palestine through a visitor permit, while remaining in the West Bank with the aim of obtaining residency status; and persons who were children when their parents overstayed their visit permit and grew up before their parents got approval for reunification.

Family reunification cases fall under the responsibility of the Ministry of Civil Affairs. Permits and reunification requests are initially processed by the Ministry, which then sends these requests to the Israeli authorities and relays to the Palestinian individual the results of their applications. Reunification processes apply differently depending on one’s place of residence, namely whether they live in Israel, Jerusalem, the West Bank or Gaza. Each ‘legal’ group has its own procedures and relevant regulatory frameworks, and there are different institutions that process requests for these categories. These categories have to be understood in a context where, for residents of the West Bank, forms of legal status are always shifting and contingent upon the changing policies of Israel.¹³ Our focus in this section will be on individuals who are considered ‘illegal residents’ of the West Bank by Israel’s regulatory framework, while the section that follows will discuss the case of Palestinian residents of Jerusalem.

Family reunification procedures historically arose from mechanisms that were designed to deprive the Palestinian refugees of 1948 and 1967 of their right to return to their homes.¹⁴ As such, while these procedures appear to be the only method to afford some Palestinians the possibility of return, they are also used as a technique of displacement that strips Palestin-

¹³ Tobias Kelly, ‘Returning home? Law, Violence, and Displacement among West Bank Palestinians’, *PoLAR - Political and Legal Anthropology Review* 27/2 (2004): pp. 95–112.

¹⁴ Nabila El-Ahmed and Nadia Abu-Zahra, ‘Unfulfilled Promise: Palestinian Family Reunification and the Right of Return’, *Journal of Palestine Studies* 45/3 (2016).

ians of their right to return as a birthright. Rather, this technique considers their cases on purely humanitarian grounds.¹⁵ The result of a successful application for reunification is the granting of the status of 'legal resident of the West Bank'. The documents associated with obtaining a legal status are central to the everyday life of Palestinians. They determine the person's relationship with the PA and the Israeli authorities. They regulate access to rights and redress.¹⁶ They furthermore determine a person's ability to move around the West Bank, travel on specific roads, or travel between the West Bank and Gaza.

Stories collected through the fieldwork illustrate the specifics of Palestinian lives whose presence in the West Bank is deemed 'illegal'. One 21-year-old male interviewee told us about his father, a Palestinian refugee who used to be a teacher in Saudi Arabia, but was dismissed from his post in 2000. His mother was a Palestinian refugee from Gaza. His father had a temporary Jordanian passport and his mother used to hold an Egyptian travel document, both of which had since expired. The family entered the West Bank with a visitor permit, overstayed, and has since been living with no legal documents.

Another male interviewee in his 20s came to Hebron from Jordan as a young child in 1997 with his mother and siblings on a visit permit. The family overstayed the term of the permit and then started a reunification procedure. The reunification was rejected in 1999, although the Israeli authorities approved a number of other cases at the time. After 2002, the authorities stopped processing reunification requests. However, in 2008 a group of reunification approvals were issued again and the family finally got approval for their eleven-year old request. However, the male interviewee explained that: 'although I had the same status and documents and went through the same process [as the mother and his siblings] all got it [except him]'.

The reunification procedures are designed to deny the right of Palestinians to return to their homeland and instead make reunification contingent on 'humanitarian' grounds. However, people caught in this procedure do not consider it a way to attain citizenship, but rather as a process for getting ID documents to facilitate everyday life. For them, they are already citizens. For example, one interviewee wanted the documents as proof of his citizenship: 'Now we live in the West Bank without any official papers or any documents [serving as] proof that we are citizens'. For another interviewee, the reunification procedure was not to establish his Palestinian identity but rather to facilitate his everyday life: 'I want an identity card that facilitates my movement [rather than establishes] citizenship, which I already have.' However, their fear of displacement is continuous and the process of receiving residency status is perennially uncertain.¹⁷

Over the years, the occupation authorities have implemented reunification procedures arbitrarily and approved very few family reunification requests. The Oslo Accords contained

¹⁵ Sawsan Ramahi, 'The suffering of Palestinians seeking family reunification', *Middle East Monitor* (2015).

¹⁶ Tobias Kelly, 'Documented Lives: Fear and the uncertainties of law during the second Palestinian intifada', *Journal of the Royal Anthropological Institute* 12/1 (2006), pp. 89–107.

¹⁷ *Ibid.*

agreements over an annual quota, but by 2002 Israel had frozen reunification requests, only allowing for a few exceptions as a 'political gesture'.¹⁸ The direct impact of having an 'illegal' status is the lack of freedom of movement and the possibility of getting arrested at checkpoints. However, the process of reunification and the status of 'illegality' it confers upon Palestinians has a far-reaching impact on the everyday life of people involved within this process, as well as the people around them. It furthermore has a tremendous impact on the social and economic domain of everyday life.

For example, one interviewee had faced problems related to education and health since the beginning of his stay in the West Bank. He had to rely on studying in private schools and on private health services, since he could not use public school or health services. He also worried that his status would have an impact on his children's future. Another interviewee faced obstacles in daily activities like attending school, as he had to be accompanied by his father, sibling and mother each day while testing for the official high school exams in order to prove that he was who he claimed to be. Also, he could not go to university as he needed a photo ID, a document that no agency could provide him with, including the PA.

One interviewee had to move house from Hebron to Ramallah in order to be close to the Ministry of Civil Affairs where he could regularly follow up on his application. This move took him away from his social support network. In addition, his employment was affected even though he worked with a foreign organisation as an international trainer. He could not open a bank account nor take out a loan. His fiancée explained, in a separate interview, that for the expenses of marriage a loan was required. As he could not do this himself, she had to take the loan instead. As such, his status affects her life, responsibilities and their overall welfare as a family. He has to rely on his fiancée to get access to services and their life has to be built around the fact that he does not have any relevant identity documents. Their marriage had to be undertaken outside the court system and their children will have to be registered by their mother. To get treated in a public hospital, he has to use a friend's ID and insurance, thus introducing another space of 'illegality'.

One interviewee from Gaza who resides in the West Bank is considered illegal although he has an ID card: his presence in the West Bank is 'illegal' as his ID confines his stay to Gaza. It is also 'illegal' for him to work as a doctor, although he has passed all the necessary exams and is qualified to practice. He explained in the interview how his status prevents him from having a normal family life. None of his family members can apply for a visit permit to the West Bank, including his wife and daughter. He lamented how difficult it is to be far away from his family, with their only contact being online via Facebook. His case shows how 'illegality' is produced by regulatory frameworks through numerous contingent processes.¹⁹

¹⁸ Ramahi, 'The suffering of Palestinians seeking family reunification'.

¹⁹ Kelly, 'Documented Lives'.

Living an 'Illegal' Palestinian Life

These various cases show the depth of legal exclusion to which Palestinians are subject, but also show how regulatory frameworks work together to produce such cases of exclusion. This exposes the interaction between the logic of state-building that emphasises bureaucracy, documents and ID, and colonial technologies of control and exclusion that depend on utilising such categories: citizens, residents, legal and illegal subjects. The situation was and remains neither a division nor a full integration; instead it structurally maintains control through fragmentation, domination and dispossession of Palestinians. In this context, the Oslo Accords and the processes associated with them have effectively consolidated and deepened the control of the occupation over Palestinian life, often utilising the same strategic mechanisms developed by Israeli colonialism in the preceding decades.²⁰ Furthermore, the Accords helped introduce and establish techniques of control and management through systems of jurisdiction and classification of Palestinian territory and the Palestinian population.²¹

Living with a 'Jerusalem ID'

In 1967, Israel occupied the eastern parts of Jerusalem, including the Old City and the surrounding areas, which became known as 'East Jerusalem'. Immediately after the war, the Israeli Knesset enacted a set of laws that declared the application of Israeli civic law on the eastern parts of Jerusalem,²² unlike the rest of the Occupied Palestinian Territories in which it applied military law.

This rendered large areas of occupied Jerusalem officially part of Israel, while at the same time conferring upon Jerusalem's Palestinian residents the legal status of 'permanent residents'. This (revocable) status defines the Palestinian community in the city as an immigrant community, treating its members as newcomers and dismembering²³ them from their historical context. Furthermore, as permanent residents, this community's right to reside in the city is constantly monitored and threatened through the 'Centre of Life' policy,²⁴ most particularly in the last two decades.²⁵

²⁰ See Shehadeh, *From Occupation to Interim Accords*; Adam Hanieh, 'The Oslo Illusion', *Jacobin* 10 (2013); and Arie Arnon, 'Israeli Policy Towards the Occupied Palestinian Territories: The Economic Dimension, 1967–2007', *Middle East Journal* 61/4 (2007), pp. 573–95.

²¹ Raja Shehadeh, 'Multiple Legal Systems in the West Bank', *Palestine-Israel Journal of Politics, Economics, and Culture* 21/3 (2016), p. 6.

²² In fact, the Knesset amended two regulations to enable the annexation of Jerusalem: (1) Law and Administration Ordinance (Amendment No. 11) Law [1967], (2) Municipalities Ordinance (Amendment No. 6) Law [1967], and enacted the Protection of Holy Places Law [1967].

²³ Leila Kavar, 'Legality and (dis)membership: Removal of citizenship and the creation of "virtual immigrants" in the 1967 Israeli occupied territories', *Citizenship Studies* 14/5 (2010), pp. 573–88.

²⁴ This policy was dictated in the Israeli High Court of Justice ruling in the case of Mubarak 'Awad – HCJ 282/88 *'Awad v. Minister of Interior*, 5 June 1988. It stipulated a number of criteria that a person has to meet in order to be granted permanent residency or to continue being eligible for this status if they already hold one.

²⁵ Danielle Jefferis, 'The "Center of Life" Policy: Institutionalizing Statelessness in East Jerusalem', *Jerusalem Quarterly* 50 (2012), pp. 94–103; Usama Halabi, 'Revoking Permanent Residency: A Legal Review of Israeli Policy', *Jerusalem Quarterly* 9 (2000), pp. 40–7.

The Oslo Accords considered the status of Jerusalem a political affair which would be resolved in the future. Therefore, Jerusalem was excluded from the territories under the governance of the PA, and the city's Palestinian residents were denied membership in the PA's quasi-state. In fact, this dismembering rendered the Palestinian residents of Jerusalem stateless subjects 'without identity'. A male Jerusalemite law student in his 30s commented:

The Jerusalemites'... reality tells you about them. They are people with no identity, they are neither able to get the Palestinian identity as Palestinian citizens nor the Jordanian passport which is temporary. Actually, they are not citizens... Even the Jerusalem identity card does not mean that you have a citizenship. It is just a residency card and they [the Israeli authorities] consider you as a resident on their land, not as the owner of the land as a Palestinian.

The permanent residency status of Palestinian Jerusalemites is the primary regulatory framework that determines the lives of this community.²⁶ Legislation and the policies that constitute this regulatory framework have 'institutionalised statelessness'²⁷ and shaped precarious forms of individual and communal relations, including mobility within and outside Palestine, family ties, and places of residence, employment and education.²⁸ An extensive body of literature has addressed the impact of the 'Jerusalem ID' upon the everyday life of Palestinians in the city, within the frameworks of settler-colonial and biopolitical regimes of governance and surveillance and through bureaucracy and the rule of law.²⁹

As law becomes ever more present in the everyday life of Jerusalem ID holders, our research examined the perceptions and reactions of this community to concepts of legality, bureaucracy and (dis)order. What are the main features of the Jerusalem ID regulatory framework? How does the Palestinian community of Jerusalem conceive of, engage with, and live 'legality'? Or rather, how does it experience the 'illegality' of being a Palestinian, giving birth or building a house in Jerusalem? These questions stood at the heart of the interviews held with thirteen residents either holding a Jerusalem ID or being directly affected by someone else's.

²⁶ In everyday conversations in Palestine, references to the Jerusalem ID or West Bank ID are very common. The political and legal implications of these IDs are key. Identifying what kind of ID one holds often determines the topic and themes of daily conversations. Helga Tawil-Souri refers to ID in the Palestinian context as 'the space in which Palestinians meet, confront, tolerate, and sometimes challenge the Israeli state'. See Helga Tawil-Souri, 'Colored Identity: The Politics and Materiality of ID cards in Palestine/Israel', *Social Text* 29/2 (2011), pp. 67–97, at p. 69.

²⁷ Jefferis, 'The "Center of Life" Policy'.

²⁸ Reporting and documenting the impacts of these policies on everyday life has become a primary task of the local and international NGO sector in the city. Among these are several UN bodies including OCHA and UNRWA, in addition to the Civic Coalition for Palestinian Rights in Jerusalem, the Legal and Human Rights Center, Btselem and the Association for Civil Rights in Israel.

²⁹ See for example: Nadera Shalhoub Kevorkian, *Security Theology, Surveillance and the Politics of Fear* (Oxford: Oxford University Press, 2015); Nadera Shalhoub Kevorkian, 'The Politics of Birth and the Intimacies of Violence Against Palestinian Women in Occupied East Jerusalem', *British Journal of Criminology* 55/6 (2015), pp. 1187–206; Helga Tawil-Souri, 'Surveillance Sublime: The Security State in Jerusalem', *Jerusalem Quarterly* 68 (2016), pp. 56–65; Nigel Parsons and Mark B. Salter, 'Israeli Biopolitics: Closure, Territorialisation, and Governmentality in the Occupied Palestinian Territories', *Geopolitics* 13/4 (2008), pp. 701–23; Elia Zuriek, 'Constructing Palestine through Surveillance Practices', *British Journal of Middle Eastern Studies* 28/2 (2011), pp. 205–27.

The Jerusalem ID as a Regulatory Framework

The legal distinction between Palestinian residents of Jerusalem and those residing in other parts of the West Bank has intensified since the beginning in the early 2000s,³⁰ with the construction of the ‘separation wall’³¹ and the ban on family unification processes.³² Both physical and legal separations led to the forcible disconnection of Jerusalem from its political, social and economic continuity with the West Bank.

This exclusion, governing one’s position on either side of the wall, became the dominant framework regulating everyday life for Palestinians in the West Bank and Gaza. The drastic transformation of life in Jerusalem before and after the wall (combined with the restrictions implied by permanent residency status) is best illustrated through the ways in which Jerusalem ID holders speak about their life before the construction of the wall.

Several interviewees reflected on ‘uncalculated’³³ decisions they made ‘before the wall’ or before the family unification (*lam al-shamil*) process. For couples, where one person held a Jerusalem ID and got married to a West Bank ID-holder, or for parents who did not register their children in Jerusalem before 2003, living with the results of these ‘uncalculated’ decisions was a daily burden.

Interview with female Jerusalemite in her 30s, with a BA from Birzeit University:

Interviewer: Was the Palestinian identity card an obstacle for you when you got engaged [in 2004]?

Interviewee: We didn’t think about it then, we just had an agreement and we were engaged. We had not thought that the identity card would be an obstacle... this hadn’t come into our minds at all.

Interviewer: When you were together at university, weren’t you worried that you were from Jerusalem and he was from the West Bank?

Interviewee: No, No.

³⁰ Though the checkpoints system and permits regime started earlier, in the 1990s.

³¹ The separation wall doesn’t only refer to the barrier itself, but also to different types of control mechanism that have become part of the way the wall operates. See Merav Amir, ‘On the Border of Indeterminacy: The Separation Wall in East Jerusalem’, *Geopolitics* 16/4 (2011), pp. 768–92.

³² The Citizenship and Entry to Israel Law (Temporary Order) – 2003. This amendment prohibited most Palestinians in the West Bank and Gaza from applying for family unification with their partner, regardless if they held citizenship or permanent residency, as in the case of Palestinians in Jerusalem. See Mazen Masri, ‘Love Suspended: Demography, Comparative Law, and Palestinian Couples in the Israeli Supreme Court’, *Social and Legal Studies* 22/3 (2013), pp. 309–34.

³³ See Doaa Hammoudeh, Layaly Hamayel and Lynn Welchman, ‘Beyond the Physicality of Space: East Jerusalem, Kufir ‘Aqab, and the Politics of Everyday Suffering’, *Jerusalem Quarterly* 65 (2016), pp. 35–50, at p. 40.

Interview with male Jerusalemite in his mid-20s, with a BA from Birzeit University:

Interviewer: Has your family ever explained the reasons for not registering you in order to get [you] the Jerusalem ID, though that was possible at the time?

Interviewee: As I told you, the situation was different then [in 2000]. From 2003 to 2017 everything changed...everything. Even before '92, people never thought about what might happen to them because there was no [Palestinian] authority...we were subjected to the [Israeli] civil administration.

Living under the threatening regulatory framework of the 'Jerusalem ID', its holders perceive the legal system as a coercive authority, with the capacity and intention to revoke rights at any time, without granting protection or security. Interviewees holding Jerusalem IDs often referred to this regulatory framework as a complex system which enforces unrestrained authority to interfere with and control their lives, with an arbitrariness and contingency that renders predictability impossible.³⁴

Engagement with the law is often described by the interviewees as involving 'impossible and absurd demands' and 'a process of suffering' that entails significant economic burdens. For some, this discourages engagement with the legal system, even when they have a potential case or legal standing in the Israeli courts. They fear the Israeli authorities may come up with other legal issues to use against them.

Impact on Everyday Life

The Israeli regulation of Jerusalem ID holders' private sphere associates documentation and registration with the person's very existence (in legal terms).³⁵ People's descriptions of their daily lives were marked by their awareness of the authority of documents – especially IDs – as well as the importance of registration. Lack of papers was equated by one interviewee with 'air', non-existence and absence, regardless of whether they were referring to a registration of a person, a property or social ties.

Documents in the Palestinian context also represent unpredictable and unstable techniques of governance, due to their changing meanings and interpretations under the occupation.³⁶ Consequently, Jerusalem ID holders developed an awareness of their legal subjectivity as hazardous and vulnerable, and they demonstrated an understanding of the 'doubling' effects of identification documents which created a distance between the physical and the legal persona.³⁷ Thus, developing a system of calculation could be seen as a way to bridge this distance between the physical and legal subject within the Jerusalem ID regulatory framework, as they carried the 'burden of proof' of their legal subjectivity. In this sense, the protection of the ID in the long- and short-term reflected an intense presence of legality that 'lives' with the individuals on a daily basis.

³⁴ Ibid., pp. 43–44.

³⁵ For further understanding of the documents as an authority in daily Palestinian life, see Kelly, 'Documented Lives', p. 89.

³⁶ Ibid., pp. 89–107.

³⁷ Ibid., pp. 90–2.

The legal subjectivity that has evolved from within this regulatory framework is built upon the continuous threat of becoming illegal. Calculations must cover all aspects of life, in both the short- and long- term, including place of birth, residence and education, registration of marriage, and being at home at particular times.

As a result, Jerusalem ID holders have become diligent students of the relevant laws and bureaucracy, abreast of the various deadlines, relevant authorities and procedures, forms and legal consequences. Failure to know the law in detail threatens one's ability to maintain possession of a Jerusalem ID. Interviewees indicated that the consequences of Jerusalem ID revocation are to live in a state of suspension and statelessness, since it is not easy to obtain a West Bank ID upon revocation of permanent residency status in Jerusalem.³⁸

The intensified regulation of everyday life for Jerusalem ID holders over the last two decades has also created a distinction between living in Jerusalem and living as a Jerusalem ID holder. The resident's relationship with the city has become determined by the Jerusalem ID as a document, rather than by Jerusalem as a home city. In this sense the meaning of 'living in Jerusalem', based on the interviewees' responses, refers to physical presence within the municipal border of Jerusalem. The separation wall has created liminal spaces that are heavily populated by Palestinian residents,³⁹ but – while excluded from the route of the separation wall – remain within the municipal jurisdiction.

These grey areas⁴⁰ have become among the few accessible residential spaces for those who seek to protect their Jerusalem ID, by offering proof that their 'centre of life' is within the municipal border. But at the same time, given the restrictive planning regime, there is a severe housing shortage and many Palestinians cannot afford to live within the city's borders.⁴¹ Many others are married to Palestinians with a West Bank ID and are unable to obtain a residency permit in Jerusalem. In this sense, Palestinians in these areas would be counted as living in Jerusalem, but are at the same time physically separated from its daily life and social fabric.

Under these conditions, the meaning of 'living as a Jerusalemite' has also been affected and challenged, as it reflects a form of a relationship with the city that revolves around identity cards, documents and legal status. The bonds of Jerusalem ID holders who live in these grey

³⁸ Merav Amir, 'On the Border of Indeterminacy: The Separation Wall in East Jerusalem', *Geopolitics* 16/4 (2011), pp. 768–92, at p. 784.

³⁹ These emerged as 'excluded areas' following the construction of the wall, which followed the municipal boundaries in most areas, but excluded a few areas including Kufr 'Aqab, where a large population of Palestinians reside. As such, the wall has operated as a demographic tool to reduce the number of Palestinians residing in Jerusalem: *Ibid.*, pp. 778–9.

⁴⁰ Since the construction of the wall the population of two of these areas, Shu'fat and Kufr 'Aqab, has increased to approximately 70–90,000, about a quarter of Jerusalem's Palestinian population: See Candace Graff, 'Pockets of Lawlessness in the "Oasis of Justice"' *Jerusalem Quarterly* 58 (2014), p. 18.

⁴¹ On the illegality of house building in Jerusalem, see Irus Braverman, 'Powers of Illegality: House Demolitions and Resistance in East Jerusalem', *Law & Social Inquiry* 32/2 (2007), pp. 333–72. The last two decades witnessed a fundamental increase of property prices in Palestinian neighbourhoods within the municipal borders, including in the Old City, due to increasing Israeli taxation enforcement policy and the high demand for housing within the wall.

areas of the city are determined by regulations, documents and a regime of bureaucratic surveillance 'built on a framework in which Palestinians are categorically suspect',⁴² rather than a lived and practiced citizenship in Jerusalem. These categorisations have political consequences as they further deepen the distinctions between West Bank and Jerusalem ID holders, and among those of the latter based on whether they live within or without the confines of the wall.

Interview with female Jerusalemite in her 30s, with a BA from Birzeit University:

Interviewer: Do you think that the difference in identities have a great effect on our life? If we had one identity with the same privileges, would there be any difference?

Interviewee: Yes, of course. It would affect us in all fields, especially in housing. This is the biggest obstacle because everything has an alternative except housing. For schools we are allowed to have an alternative but they [the Israeli authorities] are so harsh about the issue of housing because they want to make us feel frustrated and desperate. If you think about it historically and try to ask why Kufr 'Aqab has become as it is now, you will understand that this happened because people were forced to live in Kufr 'Aqab. You see, housing is the main issue...it is the core of the problem. We've got schools, medical centres, everything except housing. They [the Israeli authorities] insist that if someone wants to get – and permanently keep – the Jerusalem ID, he has to reside in Jerusalem.

These distinctions between Jerusalem as an ID and Jerusalem as the city is illustrated in the interviewees' description of the ID's limitations on the place of residence as being the most coercive feature of the Jerusalem ID regulatory framework. Deprivation from the freedom to choose a place of residence is exacerbated by a monitoring system, or 'matrix of surveillance' involving several Israeli authorities⁴³ and tools,⁴⁴ which interfere in the everyday private life of Jerusalem ID holders.⁴⁵

Interview with female Jerusalemite in her 30s, with a BA from Birzeit University:

Interviewee: They [the Israeli authorities] came and checked if I live in the house.

Interviewer: You mean that they were checking to make sure that you really lived there?

Interviewee: Yes, in surprise visits without any [advance] notice. They just come, knock at the door and examine the house in detail.

Interviewer: What do you mean when you say 'in detail'?

⁴² Helga Tawil-Souri, 'Surveillance Sublime: The Security State in Jerusalem', *Jerusalem Quarterly* 68/56-65 (2016), p. 58.

⁴³ One of the main institutions that enforces surveillance policies is the Israeli National Insurance Institute (hereafter: NII). The institution dominates the conversations of interviewees, as it is unlikely that a Jerusalemite has not been subject to violations of privacy, or has felt unease when the institute's employees pay sudden inspection visits to their houses to check that these are actually occupied.

⁴⁴ Tawil-Souri, 'Surveillance Sublime', p. 60. This matrix includes: 'Census, population registers, identification and citizenship requirements and entry permits'.

⁴⁵ See also Hammoudeh, Hamayel and Welchman, 'Beyond the Physicality of Space', pp. 44-5.

Interviewee: I mean they ask about the baby's nappies, if they are clean or dirty, about the baby's milk, where the baby sleeps.

Interviewer: Do they also ask about personal items belonging to your husband in order to make sure that he lives with you?

Interviewee: Oh yes, they open the closets to see where his shoes are, where his clothes are... they even look for the laundry and check whether we have any hanging laundry or in the washing machine...they look at everything...I mean the personal details of the daily life of every member of the family...from the most complicated to the most trivial. They look and ask in such a provoking manner.

Margins of (Il)legality in Jerusalem

Kufr 'Aqab⁴⁶ is one of the localities excluded from Jerusalem by the separation wall, but considered within of its municipal borders. The liminality of this space is compounded by the fact that it is ruled by dual regulatory frameworks, since some parts of Kufr 'Aqab are designated as part of Jerusalem's municipal jurisdiction (although it is located beyond the separation wall), while other parts are designated as Area C according to the Oslo Accords. It has been governed by a village council since 1996.⁴⁷

On the ground, this duality results in the absence of an executive and effective local authority⁴⁸ that could be responsible for the management of the residents' needs. There is a severe shortage in municipal services and the infrastructure is poor. The dual municipal system has given birth to a state of confusion and disorder and produced a legal vacuum, which renders the area a 'pocket of lawlessness',⁴⁹ allowing for different forms of illegalities to thrive – from the spread of drugs to arbitrary construction. The latter is manifested in the mushrooming of high-rise buildings as a part of extensive, rapid and informal residential construction developments.⁵⁰

The lack of central, local and communal executive authority generated multiple forms of random daily practices. These are manifested in the way public institutions, including schools and health centres, are established and operated without any substantive governmental supervision. Interviewees indicated that some essential public institutions (like schools) emerge in private houses and are run by the private sector without supervision or regulation.

⁴⁶ There are of course other areas that exist under similar conditions, like Shufat camp and Ras Khamis, but we chose to focus on this locality since the majority of the interviewees involved in this project are residents of Kufr 'Aqab.

⁴⁷ Graff, 'Pockets of Lawlessness in the "Oasis of Justice"', p. 19.

⁴⁸ In some interviews, residents mentioned that the PA recently upgraded Kufr 'Aqab to a municipal council. However, this council has no real executive effect on the ground. For instance, this council has no authority over planning or infrastructure, neither does it have the financial capacity to deal with this.

⁴⁹ Graff, 'Pockets of Lawlessness in the "Oasis of Justice"', pp. 13–29.

⁵⁰ 'East Jerusalem Palestinians Localities behind the Barrier', OCHA / *The Monthly Humanitarian Bulletin*, July 2016.

Profit-driven private operators have extensive discretion over the employment conditions of the teachers, including determining their minimum wages or holiday payments. Interviewees pointed out that at times, these employers apply Israeli employment law (which is considered to have higher employment standards), while mostly they apply Palestinian law or simply set their own standards. This unregulated discretion is also reflected in these operators' decisions on which curriculum to teach in their institutions; some apply the Palestinian curriculum and others select the Israeli, without any clear explanation, as some teachers pointed out.

The accelerated mass immigration of Jerusalem ID holders from areas 'inside' the wall to Kufr 'Aqab is perceived by some interviewees as the reason behind the inability to create a local communal sense of belonging. Among Kufr 'Aqab residents interviewed, whether native to the village or not, they acknowledged that living in this locality is marked by a sense of multiple crises, which prevents the creation of a commitment to the place and a long-term vision for its communal life. They refer to their life in Kufr 'Aqab as temporary and suspended, since 'Israel might at any point declare this area no longer part of Jerusalem'. In their eyes, this explains why illegal building is allowed in Kufr 'Aqab and other 'outside' localities, while it is absolutely forbidden 'inside' the wall.⁵¹

The case of Kufr 'Aqab illustrates living simultaneously with legality and illegality. While interviewees referred to Jerusalem 'inside' the wall as a place that featured law and order – although oppressive – they understood and criticised the illegality(-ies) in Kufr 'Aqab.

Life under the Authority of the ID

The effects of the Jerusalem ID on those living under its authority are hard to catalogue as they cover unlimited time and space, and are always extending to new domains in private and public everyday spheres of the city. Yet what these interviews emphasise is that this authority has also generated a legal subjectivity that is both vulnerable to and vigilant of its effects, practices and intentions. While the effects on everyday life are burdensome and reduce the space of active social and political citizenry in Jerusalem, the vigilance and understanding of the system residents demonstrate shows that there exist grey areas, between legality and subjectivity, that are not as completely dominated by the Jerusalem ID framework as might be assumed. Within these grey areas of legality, Jerusalem ID holders act, not merely as static subjects of the law, but also as active protectors of this ID and their political and historical rights in holding it. Ironically, through this active attitude, the residents also produce and influence the meanings and boundaries of the Jerusalem ID regulatory framework.

⁵¹ Graff states in *Pockets of Lawlessness*, p. 20, that Israel stopped regulating building in these areas since the construction of the wall, and 'the city building inspectors stopped coming and contractors began to build large apartment buildings'.

Conclusion

This project embarked on a set of questions concerning the way regulatory frameworks shape the lives of Palestinians at particular sites, including through neoliberal modes of governance that have dominated Palestine's everyday life since Oslo. To respond to this aspect of the research, the report identifies several regulatory frameworks, including frameworks based on ID status and others concerned with particular groups, like farmers. However, the complex reality that these frameworks generate blurs the distinction between them and creates discrepancies between legality as a text and legality as an experience. The different cases introduced in the report show multi-layered regulatory frameworks that transcend particular geographies and space. The report also identifies Palestinian communities that live in unregulated spaces, where law and executive authorities are absent and life is left bare.

Accordingly, the report does not suggest that the identified regulatory frameworks be the sole base upon which to inquire the engagement of Palestinian society with legality. It acknowledges that confinement within such regulatory frameworks is a result of the legal structure imposed by the Israeli authorities. Therefore, this report invites future inquiry into how to define regulatory frameworks in the Palestinian context, in juxtaposition to the Israeli legal framing of Palestinian life.

Another aspect of the initial inquiry of this project is concerned with the Palestinian as a subject of these regulatory frameworks. Thus, the report has inquired into the forms of Palestinian subjectivities that have emerged out of different regulatory frameworks and how Palestinians have perceived, resisted and negotiated them. To respond to such questions this report has employed a socio-legal analysis of real-life experiences. This methodology and intellectual framing is a deliberate attempt to bring the Palestinian citizen to the forefront of the regulatory frameworks.

The overarching argument of the report is that this matrix of regulatory frameworks creates the Palestinian as a categorically 'illegal' subject, living in a state of constant uncertainty and ambiguity. This form of legal subjectivity coercively excludes the Palestinians from their historical, political and social environments, and replaces these environments with dying spaces, such as in the case for farmers or in places like Kufr 'Aqab. This report, thus, suggests that future social science-based research in the Palestinian context would benefit from further studying Palestinians' engagement with legality, as this sheds light on the actors within Palestinian society who are otherwise 'outside' the law.

