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Abstract

Since 2006 the checkpoints along the borders of the West Bank and the Gaza strip have been reorganized and equipped with a new technological platform. They are now managed by private security firms. The instigators of these reforms speak of the “civilianization” of the checkpoints and justify their program on economic, organizational and humanitarian grounds. This detailed study of the concrete means by which the management of the Israeli checkpoints has been outsourced and commodified enables one to establish links between the evolution of Israeli society in terms of the relationship between the state, the market, and society and the actual changes in the operation of the occupation. It would appear that this is not a case of the state receding in the face of market forces in a zero sum game. Rather it is the redeployment in a neoliberal context of the state in which it has adopted the uniquely Israeli layering of the public and the private, the national and the international, the state and civil society.

La réforme des checkpoints israéliens : externalisation, marchandisation et redéploiement de l'Etat

Résumé

Depuis 2006, les *checkpoints* situés le long des limites de la Cisjordanie et de la bande de Gaza ont été réaménagés et équipés d'une nouvelle plateforme technologique. Leur gestion a également été déléguée à des entreprises de sécurité privées. Les initiateurs de ces réformes ont évoqué une « citoyennisation » des « passages » et justifié leur démarche au nom d'une rationalité économique, organisationnelle et humanitaire. L'étude détaillée des modalités concrètes d'externalisation et de marchandisation de la gestion des *checkpoints* israéliens permet d'établir des liens entre évolutions internes de la société israélienne, au niveau des rapports entre Etat, marché et société, et transformations actuelles du dispositif de l'occupation. Il semble que l'on soit en présence non pas d'un retrait de l'Etat face aux forces du marché, dans ce qui est imaginé comme un jeu à somme nulle, mais d'un redéploiement dans un contexte néolibéral, qui renvoie à des formules locales et particulières de chevauchement entre public et privé, national et international, sphère étatique et sphère d'une société dite civile.

The Reform of Israeli Checkpoints: Outsourcing, Commodification, and Redeployment of the State

Shira Havkin

Since 2006, management of the checkpoints located along the border of the West Bank and the Gaza strip has been delegated to private security contractors. The instigators of these reforms speak of the “civilianization” of the checkpoints (*izruach ha’ma’avarim*)¹ and justify their program on economic, organizational, and humanitarian grounds.

Changes in the management of what I refer to as “border checkpoints”² contribute, along with the construction of the separation barrier, to radically altering the geography of the occupation, which reflects a plan to perpetuate and “normalize” a boundary unilaterally drawn by the state of Israel while maintaining control over the entire territory. One aspect of such control is the installation of a new system for screening the movement of persons and goods at checkpoints, which have been reorganized and equipped with a new technological platform.

I chose to analyze this reform not through the often traumatic effects it can have on the lives of the occupied Palestinian population, on Israeli-Palestinian relations, or on the Palestinian economy, but through the domestic political significance it has for the state of Israel. More specifically, I will analyze its interlocking mechanisms, i.e. the new articulations it creates between the state, the army, and the market. This option removes us from the drama played out on the scene of checkpoints: the violence and humiliation, arrests of suspicious persons, land annexation and the creation of enclaves, Israeli regulation of the Palestinian economy through restrictions on movement, and so on. It shifts the focus to the wings, providing a better

¹ The Hebrew word *izruach* does not appear in the dictionary; it is a neologism coined from the root meaning “civilian” or “citizen.” The verb *le’azreach* means “to naturalize,” to grant someone citizenship or make a person a citizen. It has been translated in English as “civilianize” and “civilianized.” In this essay I will use the terms “civilianization” and “civilianize,” which have already been introduced by other authors.

² Like the separation barrier, the large majority of these checkpoints, considered as “the final crossing point before entering Israel,” are nevertheless located east of the Green Line (demarcation line agreed by the Arab countries and Israel in the 1949 armistice), hence inside the borders of what are internationally recognized as occupied Palestinian territories. However, to highlight the process of spatial reorganization that they induce and to distinguish them from checkpoints located east of the separation barrier, I will call these crossing points border checkpoints.

understanding of changes occurring in the Israeli political sphere by examining in detail the practical and administrative modes of outsourcing. This choice rests on the hypothesis that it is impossible to interpret the current reorganization of the occupation and the borderlands along a model of unilateral separation solely in terms of a military response to a security threat or a response to a “legitimacy crisis” affecting the army, deemed unfit to handle sensitive missions. I in fact maintain that this reorganization is closely related to current transformations in Israeli society. I will thus suggest an analysis of checkpoint management outsourcing that examines the restructuring of the role and modes of state intervention, the restructuring of a private security services market, changes in the Israeli labor market, and the specific features of the web of actors involved in this process. This analysis intends to demonstrate that we are not so much witnessing a retreat of the state in the face of market forces in what is thought to be a zero sum game than we are the redeployment of the state in a neoliberal context. Indeed, this reform reflects specific local modes of association between public and private, national and international and the state and so-called civil society.

Political History of Israeli Checkpoints and Restrictions on Movement

The current checkpoint management reform can only be understood within its historical and political framework. Space not allowing for a complete survey of the political history of checkpoints and restrictions on the movement of Palestinians in the Occupied Territories,³ I will only mention some fundamental aspects.

First, it should be remembered that border checkpoints are a fairly recent phenomenon in the history of the occupation and administration of the Palestinian population. In the 1970s and 1980s, there was little control over Palestinian entrance into Israel; this policy moreover constituted one of the factors of the Palestinian economy’s dependence on the Israeli economy.⁴ It was only in the early 1990s that the situation began to change. In January 1991, blanket permission to enter was rescinded, and this ban was made effective beginning in March 1993, with the declaration of the full closure of the Occupied Territories, amounting to an unlimited state of siege. From that time on, any Palestinian wishing to enter Israel was required to have a permit issued in his name and for precise motives.⁵ This restriction was concretized by the erection of checkpoints along the roads linking the Palestinian territories to Israel. Peace negotiations and the various accords signed in the 1990s between the state of Israel and Palestinian leaders did nothing to ease this constraint, on the contrary.⁶ In 1994, a “security barrier” (*gader bitahon*)

³ For an analysis of the political history of checkpoint privatization, see Havkin, 2008 and Havkin, 2011. On the political history of the occupation, see Farsakh, 2005; Gordon, 2008; Azoulay and Ophir, 2008; Ophir, Givoni and Hanafi (eds), 2009; Weizman, 2007.

⁴ Between 1987 and 1988, just before the outbreak of the first *Intifada* (general uprising of the Palestinian population against Israeli occupation, between 1987 and 1993), 39 % of the active Palestinian population was employed in Israel. Swirski, 2005: 35; Farsakh, 2005.

⁵ Kemp and Rajzman, 2008; Handel, 2007; B’Tselem, 2007.

⁶ Farsakh, 2000: 22-25.

was built around the Gaza Strip and, in January 1995, the Israeli government decided to effect a separation between the Israeli and Palestinian populations. Dozens of crossing points were thus erected in the “seam zone” (the buffer zone), in order to control and monitor the passage of vehicles, goods, and pedestrians between the West Bank or the Gaza Strip and Israel. However, due to the absence of a physical separation, the effectiveness of this system remained limited. It was only after the outbreak of the second Intifada in 2000 that the plan to construct a physical barrier was concretized. Construction of what is officially known as the Separation Barrier (*michshol hafrada*) was decided in 2002 and got underway in 2003.⁷ This structure, the largest civil engineering project undertaken by the state of Israel since its creation, aims to prevent suicide attacks, and its location was designed to separate the populations while keeping as much land as possible on the Israeli side.⁸ At the end of 2009, over 400 kilometers of barrier had been constructed, which represents only 58 % of the goal.⁹ Border checkpoints are an integral part of this unilateral separation device. Given that they are the only legal crossing points for persons and goods to and from the Occupied Territories, these interfaces between the Palestinian and Israeli societies and economies are not only the loci of meetings but also of heightened tensions.

Outsourcing the Checkpoints

From the moment construction of the separation barrier began, the Israeli government decided to outsource management of the border checkpoints, which until then had been operated by the police or the army, and entrust it to private security contractors. The stated goal was to “reduce the friction at (military) checkpoints and to increase the level of service, without decreasing the level of security screening. Checkpoints will be defined as official border crossings and will look just like terminals do elsewhere in the world.”¹⁰

The word “privatization” is imprecise, and can therefore lead to confusion. I thus prefer to use two terms—outsourcing and commodification—which each refer to a specific aspect of what privatization denotes. Outsourcing should be understood as a strategic management tool, which according to the standard definition aims to increase the efficiency of an institution or enterprise by enabling it to concentrate on its sphere of activity and subcontract out anything that is not part of this sphere. By commodification, I mean the extension of the domain of what can be bought and sold on the market by the transformation of goods or services into

⁷ The terms “separation obstacle” and “security obstacle” (*michshol bitahon*) are those most frequently used by the Israeli authorities to denote a construction that is made up of a complex system of patrol roads, fences, gates, and in some places, a concrete wall over 20 feet high. Israeli and Palestinian opponents to the project tend to use the term “wall” (*homa*) to emphasize its oppressive nature. In this article it is referred to by the seemingly less controversial term “barrier.”

⁸ Arieli and Sfard, 2008.

⁹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in the Occupied Palestinian Territories, November 2009.

¹⁰ Knesset Research and Information Center, 2006. All translations from Hebrew were made in collaboration with the author.

commodities as well as the development of markets for these goods. These two terms will enable me to treat two majors aspects of the reform analyzed, as the first pertains to the redefinition and redeployment of the state, while the second relates to the transformation of security into a commodity and to the new connections between the state and the market generated in the process.

The first outsourcing of a checkpoint took place in January 2006. Today, operation of the majority of the 34 border checkpoints has been outsourced to private contractors.¹¹ Differences exist, however, not only between regions but also between checkpoints, depending on whether they are designed for Palestinian pedestrians (13 in the West Bank, four of which are designed solely for the inhabitants of Palestinian enclaves cut off from the rest of the West Bank by the Barrier), solely for Israelis (17 in the West Bank), or for the transfer of goods to and from Israel (six in the West Bank and, currently, only one in Gaza, used by the Palestinians), some of them having several functions. The transfer of goods (except for those produced in the Israeli settlements) follows a back-to-back procedure, which involves unloading the goods on one side of the checkpoint and loading them on another truck on the other side. The checkpoints at the entrance to the Gaza Strip are located along the Green Line and were the first to be manned by private operators. However, these checkpoints have been closed or have had their operations considerably reduced since the blockade was imposed on Gaza in June 2007. Among those designed for the Palestinians, located at different points in the West Bank and officially considered as “the final points of passage before entering Israel,” only three are along the Green Line, the others being located several kilometers to the East, inside Palestinian territory. Although operated by private security contractors, official management of these places comes under the purview of the Crossing Directorate (*minhelet hama’avarim*) created in 2005 and converted into the Crossing Authority in 2010 (*rashut hama’avarim*), the term that will be used to refer to this agency hereinafter. The case of checkpoints in the East Jerusalem area (*otef yerushalayim*) is more ambiguous, as they are currently in an intermediary situation: outsourcing there is not officially complete, and so they are staffed by a heterogeneous “assemblage” of military personnel, police, and private contractors, while responsibility for their operations is delegated to the Israeli police who have ultimate decision-making authority.

The “terminals” built after the reform do not resemble the more or less makeshift concrete structures and military installations that have become a symbol of the occupation’s brutality, especially in the years following the outbreak of the second Intifada. The diagram of a checkpoint published in the tender open to private company bids describes an inspection route that is very similar to what is found in airports. Passage from the “Israeli” side to the “Palestinian” side, according to the terms used in official documents, is made up of two main stations. First, passengers and baggage go through a scanner and metal detector for inspection, then documents—ID card or passport and permit—are inspected and the passage is registered electronically. Checkpoint entrance and passage from one inspection station to another are controlled by large turnstiles operated from booths. If an inspector decides to proceed with

¹¹ See map in appendix.

further security screening, the inspected person is directed toward a body search cell and then another equipped with an explosive detection system (*merihan*).¹²

Despite their similarities, the Israeli checkpoints differ from other screening systems characteristic of other border terminals on at least two accounts. First of all, they are not located at a recognized border demarcating two sovereign entities. They merely separate an Israeli territory from a territory occupied and governed by Israel. Second, the difference in attitude toward the populations is evident: while Palestinian vehicles are strictly forbidden from circulating in Israel, Israeli vehicles can circulate freely on the roads of the West Bank. Moreover, the checkpoints designed for Palestinians carry out stringent inspection procedures whereas those designed for Israelis are control posts that more resemble highway tollgates. Except in the event of suspicion, Israeli cars are rarely inspected.

REDEPLOYMENT OF THE STATE

Most studies on the privatization of security, a thriving research field since the 1990s, start by noting a loss of state sovereignty with respect to market forces. According to the authors of these numerous studies, the state is said to have become too weak or insufficiently competent to retain the monopoly of legitimate violence and is thus obliged to delegate this sovereign function to a third party. The privatization of security thus supposedly indicates a crack in the edifice of sovereignty, a “crisis” of the state, unable to cope with competing forms of organization in the era of globalization. This approach is often criticized for its static and ahistoric interpretation of sovereignty, for the binary distinction it makes between state and market, and for the essentialism underlying the definition of these concepts.¹³ My reasoning subscribes to this critical approach.

The study of the implementation of this reform first of all shows that the state has retained many of its prerogatives in the process. A sociologist hired as advisor to the minister of Defense for the “civilianization” of the checkpoints told me, “Administratively speaking, it is not privatization. (...) Privatization means delegating state responsibilities to private actors. The answer is absolutely not; sovereignty in this case is clear.”¹⁴ This definition of privatization can be qualified, and the claim that state responsibility has not been delegated in this case can even be refuted. The fact remains that this argument, frequently advanced by the various actors, should be taken seriously and analyzed, because it relates to the particular modes of this outsourcing process that aims to restructure the task of surveillance in such a way as to delegate the work while maintaining state responsibility.

¹² See diagram of a checkpoint as it appears in an official tender for bids in appendix.

¹³ Hibou (ed.), 1999; Bayart, 2004; Thomson, 1994; Valcarce, 2011; Ollson, 2003.

¹⁴ Interview with L., Herzlyia, April 2010. Unless otherwise indicated, all interviews were conducted in Hebrew and translated in collaboration with the author.

Administrative Modes of Outsourcing

The administrative approach to outsourcing checkpoint management involves two main procedures: the creation of a Crossing Directorate, and the subcontracting of security and inspection to private security service companies.

The decision to create the Crossing Directorate, an institution under the supervision of the Ministry of Defense, was proposed and passed by the Knesset (the Israeli parliament) at the same time as the decision regarding “civilianization,” in order to implement the reform and take over operation of the “civilianized” checkpoints. During one of the parliamentary committee discussions on the subject, Bezalel Traiber, head of the Crossing Directorate at the time, explained, “Companies will operate according to instructions issued by the Crossing Authority (...), under the Ministry of Defense. We will be the ones to control, regulate and closely supervise this system. Moreover, at the crossing points there will be a blend [*tamhil*] of people – civil servants, state officials, and police officers – depending on the required roles. (...) There are things that civilians cannot do and responsibilities that must be borne by the civil service and that will remain that way. State officials will continue to be present at crossing points.”¹⁵ Parliamentary committee discussions moreover dealt extensively with such questions of responsibility, mandate and distribution of roles between the military and police forces, state and private actors.¹⁶ Traiber also pointed out, “You can’t send in a civilian and tell him ‘go ahead, you have full mandate and you exercise a power of government.’ That won’t happen and it’s important to emphasize that.”¹⁷ The Authority’s official responsibility—and thus the state dimension of the new system—implies the presence of Authority employees to supervise and administer operation of the checkpoints. As a regulatory body, this institution took part in drafting the official tender and the specifications at the basis of Ministry of Defense contracts with private companies. These two documents outline companies responsibilities toward the Ministry and the reciprocal commitments of each party¹⁸—conditions which include limits on the power of the private companies, each of which can manage no more than two “blocks” (*eshkol*) of the checkpoints¹⁹—and very precise criteria regarding the training and skills of the employees (those occupying positions of high-level responsibility must be personally approved by the Ministry). Moreover, the Crossing Authority ensures continual presence of at least one state official at each of the checkpoints placed under its supervision who directly represents the state and who can delegate responsibilities to civilians. For the reasons explained above, this is however not currently the case in the East Jerusalem area checkpoints. The number of Crossing Authority officials has been reduced to a minimum (one or two in most checkpoints, six in the largest ones, such as Tarkumia, near Hebron), in keeping with a neoliberal tendency

¹⁵ Protocol no. 495, 2005

¹⁶ Protocol no. 425, 2005; protocol no. 439, 2005; protocol no. 485, 2005; protocol no. 495, 2005.

¹⁷ Protocol no. 495, 2005.

¹⁸ Official tender for bids for the management of crossing points, non-confidential documents published by the state of Israel, Ministry of Defense, May 15, 2005.

¹⁹ This condition was removed, however, from the second tender launched in November 2008.

to distrust the efficiency of state structures and those who embody them. The Authority itself moreover openly states this position.²⁰ The process of “civilianization” of the checkpoints can thus be considered as an official transfer of the power of military officials to civilian state officials. In actual fact, it is more a question of subcontracting to partners in the private sphere while the state retains considerable control.

The second administrative aspect of this reform is the subcontracting of firms to perform security screening and surveillance at the checkpoints. These companies, chosen according to the bids they submitted, are “service providers.” Following the first invitation to tender issued in 2005, five companies were chosen. They provide various subcontracted services including, in addition to security and surveillance, cleaning and maintenance.²¹ As regards security tasks, they do fund transfers by armored truck, protect various sites (schools, hospitals, shopping and industrial centers, etc.), accompany hikes and school field trips, employ armed guards having various levels of training to protect goods and persons, do consulting and installation of electronic detection and surveillance systems. They actually amount to temporary employment agencies that supply manpower to private and public companies, but the fact that they are considered as “service providers” and not as manpower or temporary agencies enables them to skirt Israeli legislation which sets a nine-month limit on employment by a temporary agency in order to prevent this type of employment, by definition precarious, from becoming the norm.²² It thus turns out that in the framework of checkpoint management, the state has not merely adopted neoliberal strategies such as subcontracting, it has become one of the main actors in the spread of such practices, thus participating in the development of flexible and precarious jobs.²³

The inspectors and security guards employed by these private companies are thus hired with a one-year renewable contract. Their roles vary depending on the checkpoint. At those where “civilianization” is considered complete, such as Tarkumia, the inspectors handle nearly all interactions with the people who go through while armed guards are responsible for security. In the area of East Jerusalem, such as Kalandyia-Atarot, near Ramallah, it is soldiers or police officers who handle interaction with the people going through, while security there is also handled by private security guards. Amendments to the law on public order and security in 2005 and 2007 broadened the authority of private security guards and inspectors stationed at checkpoints by granting them the right to request identification and produce permits as well as to inspect persons and their baggage on entering the crossing point.²⁴ However, if other means of intervention are used, such as prohibiting crossing or body searches, the presence

²⁰ A manager for Mikud Security recounted Bezalel Traiber’s comment on the subject: “Civil servants are like nails without a head. They go in, and then you can’t get them out” (interview with E., Tel-Aviv, January 2007).

²¹ Following the second invitation to tender in 2008, only two companies were chosen and it is these two companies today that handle security screening and surveillance at all of the checkpoints.

²² Paz-Fuchs and Kohavi, 2010: 35.

²³ For a theoretical analysis of the role of the state and senior civil servants in diffusing the methods of a market society, see Polanyi, 1983 (1944); and for a more contemporary context, Dardot and Laval 2009. In Israel, between 2006 and 2010, 400 contracts were signed between public bodies and service providers for a total amount of 120 million NIS (New Israeli Shekel, or 24 million euros) per month. Paz-Fuchs and Kohavi, 2010.

²⁴ Military decree no. 1665, 2010.

of a state Crossing Authority employee or a member of the state security forces (military or police) is mandatory.

Lastly, it should be noted that alongside Crossing Authority and private contractor employees, many other actors representing the state security forces are present at checkpoints. The police and the General Security Service (GSS) have been designated as “advisory institutions” for security issues and in this capacity participate in defining and drafting security regulations, setting up inspection procedures and even making decisions regarding facility layout and equipment. Some managerial tasks, especially issuance and confiscation of crossing permits, come under the sole authority of the military unit, the District Coordination Office (DCO).²⁵ The list of offices and areas as it appears in the tender reveals the complexity of the network of agencies that take part in managing these places. The list includes several military and police units but also state agencies such as customs and the Ministry of Agriculture. This explains why I am reluctant to analyze the new checkpoints management in terms of privatization. It is more appropriate to speak of an outsourcing process which, although it certainly involves private actors, also and above all involves administrative reorganization and a different use of state agents.

New Modes of Governing

Analysis of the practical administrative and institutional details of this evolution shows that the state plays a central role in setting up and managing this new system. The decision-making process has been largely influenced by state actors: the reform was initiated following the State Comptroller’s report in 2003²⁶ on the outsourcing of several military missions. Before being approved by the Knesset, the report was discussed extensively in parliamentary committees. For this reason I find it more relevant to start by examining the concrete modes of governing checkpoints to achieve a description of sovereignty as it appears through this reform, rather than discussing sovereignty as an abstract concept.

Categories blurred by continuities

The links between state actors, private security contractors, and the official military and security apparatus are very entwined. In this sphere of activity, the large majority of actors come from the military and are often linked through networks of acquaintance. All checkpoint managers hired by the Ministry of Defense must have “relevant experience,” and are thus all from

²⁵ The DCO (*matak*) was created with the aim to take over certain responsibilities of the Civil Administration after the Oslo Accords, especially issuance of permits to enter Israel, circulation permits, and work permits. Since the deterioration of Israeli-Palestinian relations and the failure of peace negotiations, this office is once again managed solely by the Civil Administration.

²⁶ *Mevaker hamevina* (literally “control of the state”) is an Israeli state institution founded in 1949. Its main functions involve examining the activities of government institutions and civil servants, from the exercise of authority down to the use of public funds, to verify that they are carried out in accordance with the law and set standards, and submit a report to induce improvement in the functioning of government administrations and institutions.

the official security forces—the army, the GSS, or the police. Traiber, for instance, has a long military career behind him. A former member of a special forces team in charge of preventing the infiltration of enemy forces in Israeli territory, today he is an army reserve duty colonel. Current Crossings Administrator Kamil Abu Rukun is an army reserve brigadier general. His military career involved heading the military office of the Civil Administration in the Occupied Territories. Private security team leaders are also often former military officers. One of them told me he had completed his military service in a special forces unit known as “Duvdevan,” an elite unit in charge of “sensitive missions” in the Occupied Territories.²⁷ The recruitment criteria for inspectors and security officers stipulate completion of compulsory military service, and to be hired as an armed guard, the candidate must have combat experience.²⁸ Furthermore, many of the managerial staff hired to operate the checkpoints have already done this type of work during their military service. This is moreover the profile desired by all of the actors: the Ministry of Defense, private contractors, and even the army. The head of a team of inspectors for Mikud at the Sha’ar Efrayim checkpoint described the ideal employee for me in these terms: “The manager should be someone who finished his military service a month before, lives near the crossing point and is willing to work for two years (...) for instance to pay for his studies or take a trip.”²⁹ The military also takes part in setting up these career bridges. One soldier in the inspector unit of the military police for instance told me that her unit had hosted representatives from a private security firm who came to talk to the soldiers about career opportunities in the field.³⁰ As many authors have already pointed out in others contexts,³¹ continuity on a career path and the close links between private contractors and the state military and security apparatus blur the distinction between state civil, military, and private actors. In fact, this confusion has to do with the fact that service in the military is very often followed by service in the state civil apparatus or the private sector for one and the same person. Analysis of the modes of governing is thus characterized by the difficulty of distinguishing between the state sphere and that of “civil society,” both very close to the military apparatus.

Diffusion, dispersion, and dilution of responsibility

Although the Crossing Authority aims to centralize authorities,³² its creation has in fact added an additional institution to the already complex web of state agencies in charge of these places. The Crossing Authority works with the DCO, the Civil Administration, the Coordinator of Government Activities in the Territories, the army, the police, and the border police (*Magav*). According to journalist Haim Levinson, nine different agencies have a hand in

²⁷ Interview with E., cited.

²⁸ Official tender for bids, cited; protocol no. 485, 2005.

²⁹ Interview with E., cited.

³⁰ Interview, Te’anim-Jubra checkpoint, April 2010.

³¹ Valcarce, 2011; Hibou (ed.), 1999; Ollson, 2003; Bricet Des Vallons, 2009.

³² Annual State Comptroller’s Report, 2003.

border checkpoint management.³³ The number of actors and the complexity of the network leads to juxtapositions that produces chaos. What Traiber referred to as a blend has been called a “mess” (*bilil*) by the police officer who is officially responsible for five checkpoints in East Jerusalem,³⁴ a term that better evokes the inherent confusion of the setup. In this area, security guards, police officers, and soldiers work side by side in a distribution of roles that is not always clear. A police officer who worked in these checkpoints explained in a press interview, “Every day you got to the checkpoint and there were other forces there. Sometimes, when they hadn’t hired enough civilian inspectors, they brought in soldiers from the military police or border police officers, and it was confusing. (...) Everyone did what he wanted to. We patrolled in front of the checkpoint, then, all of a sudden, someone decided to check the IDs of everyone going by. Then, suddenly, they’d decide to let everyone through.”³⁵ Although the state officially retains responsibility at these sites, the multitude of state civil and military bodies as well as private actors involved in operating the checkpoints tends to dilute actual responsibility. I observed the consequences of this dispersion of power when the head of the Tarkumia checkpoint told me that none of the checkpoint management problems raised by Machsom Watch³⁶ activists fell under his responsibility. His employees did confiscate permits of a dozen Palestinians who had been working in Israel for over 15 years, but they were simply following instructions given to them via the computer system. The checkpoint manager also agreed that the activists’ criticisms regarding the very poor state of repair of the equipment in the Palestinian waiting area was justified, but explained that this area did not come under his responsibility. Since it was located on the “Palestinian” side of the checkpoint, the Crossing Authority could do nothing about it: “I tried everything, I called everyone on the phone, the Civil Administration, the Ministry of Defense, even USAID. But the other side of the checkpoint is considered Area C [according to the Oslo Accords], and my authority stops there [pointing to the “Israeli” side of the checkpoint]. On the Israeli side, you can see that everything is well maintained.”³⁷ This last example is eloquent: it shows to what extent the multitude of agencies in charge and the ambiguous legal and political status of these pseudo-border spaces that do not actually separate two sovereign entities contributes to the fragmentation and dilution of responsibility.

An Office for the Coordination of Humanitarian Affairs (OCHA) official exposed to me the difficulties and inefficiencies that involving a new authority at the checkpoints was likely to entail: “Before the privatization we already had to deal with two different institutions that controlled the Occupied Territories and the movement of Palestinians—the army and the Civil Administration. Now they’ve added a third one, which has overlapping responsibilities, and this might complicate things even more. When different institutions share responsibilities

³³ Levinson, 2010.

³⁴ Interview with D., Kalandyia, April 2010.

³⁵ Levinson, 2010.

³⁶ Machsom Watch (“Checkpoints watch”). This organization is formed by Israeli women who station themselves every day at dozens of checkpoints in the West Bank to observe soldiers’ behavior, record human rights violations, and intervene whenever possible.

³⁷ Interview with S., Tarkumia checkpoint, April 2010.

for the same things, it becomes easier for each of them to blame the other and to avoid any responsibility by saying: 'It's not me, it's him.'³⁸

Sociologist Nir Gazit speaks of "fragmented sovereignty" to describe situations of protracted military involvement in a civilian environment beyond national borders,³⁹ not only at military checkpoints between the state of Israel and the Occupied Palestinian Territories, but also in Afghanistan and in Iraq. He argues that this particular form of sovereignty is characterized by the delegation of power to ground-level agents,⁴⁰ in this case simple soldiers. The strategy enables the state to be at once "present" and "absent" in a territory suffering from a legal and political structural ambiguity that arises from a situation of "extended temporary" military occupation. The reform of checkpoint operation and the creation of the Crossing Authority have been designed with the aim to "recenter" power and state authority. At the same time, however, a decentralization process has taken place, as the devolution of power to the Crossing Authority has not been to the exclusion of other agencies involved in checkpoint management, nor has it been accompanied by a recognized and accepted political and legal status for these places. The effort to centralize power and reorganize the distribution of tasks thus appears to fall in more with a logic of continuation than of change in practices: the disorder and arbitrariness that characterized the operation of military checkpoints⁴¹ have been partly heightened by an increasingly complex web of institutions that share managerial responsibility for these places.

Formalizing the inspection procedure and reducing operators' margin for maneuver

Even if the reorganization and centralization of policy decisions via the creation of a new state agency have been hindered by complex network web of agencies involved simultaneously on the same premises, the restructuring and formalization of inspection procedures has led to an internal reorganization of the distribution of tasks and authority within the new system.

Soldiers and police offices, can legitimately use force (as long as there is no abuse of power) since they represent state security forces. Delegation of authority is more delicate as regards private security firm employees, however. Their contracts specify limitations on their authority and strictly outline their tasks and procedures. This aspect was discussed at length during parliamentary committees on the reform, and the importance of placing limits on the power delegated to private inspectors was highlighted.⁴² The formalization and regulation of procedures aiming to reduce the employees' margin for maneuver introduces a radical change with respect to military practices. According to Gazit, a significant feature of the system of occupation is

³⁸ Interview, Jerusalem, April 2010.

³⁹ Gazit, 2010.

⁴⁰ Gazit uses this term to refer to employees low on a given hierarchy, further to his reading of Migdal, 1994, and Lipsky, 1980.

⁴¹ Gazit, 2010; Havkin, 2008; Handel, 2007; Machsom Watch and Physicians for Human Rights, 2004.

⁴² Protocol no. 425, 2005; protocol no. 439, 2005; protocol no. 485, 2005; protocol no. 495, 2005.

precisely a lack of formal regulation. It is thus characterized by the microdecisions made by non-commissioned officers.⁴³

In a study devoted to the military power strategies of the occupation, Ariel Handel points out this same phenomenon: “In most cases of friction between the military forces and Palestinian civilians, power is delegated to the simple NCO in charge of the checkpoint, while decisions made by high-ranking officers have virtually no effect on what happens on the ground.”⁴⁴ A soldier’s aptitude to make independent decisions is illustrated by the military expression *rosh gadol* (literally “big head” or broad thinking), which denotes an ability to act on the basis of an overall perspective and an analysis of the situation at hand rather than to settle for automatically following orders. This ability is considered in military circles to be a quality.

Unlike soldiers, private operators are not supposed to have an overall perspective or make individual decisions and are on the contrary sanctioned when they do not follow procedures to the letter. The formalization of the inspection procedure and reduction of these employees’ margin for maneuver sometimes results in preposterous situations. A former security guard thus told me that he was punished for not having obeyed the procedure to arrest a suspected person when a Palestinian carrying a traditional dagger arrived at the checkpoint: “I knew that no one would stage an attack on a checkpoint with a *shabaria* [traditional dagger], all the more since it was in the travel bag that he put through the scanner. It just wasn’t logical. (...) Security guards have to act according to formal procedures, but a good security guard is a guard who uses his head, who looks around and who makes decisions.”⁴⁵ This is a perfectly ordinary example of a bureaucratic institution in which employees are supposed to follow formal procedures, for instance in airports and other ordinary border crossing points. In the case of Israeli checkpoints, it reflects a radical transformation not only in the way of running such places, but also in the ethos that presides over their management. Devolution to private agents has been accompanied with a reduction in the authority of ground-level agents and a centralization of inspection procedure decision-making power in the hands of senior officials at the Ministry of Defense and the “advisory institutions”—the police and the GSS—, considered to be “security professionals.” This change, which establishes a distinction between application of the procedure and responsibility for this procedure, results in removing responsibility from operators who feel they do not have to account personally for their acts. Outsourcing thus moves in two directions: devolution of tasks to the private sphere that until now had fallen to the state and, at the same time, the restructuring of authority and the formalization of procedures that enable the state not only to maintain but also to reinforce its control over the system through its agents.

Another aspect that flows from curtailing private operators’ ability to intervene and their margin of autonomy is the restriction of direct inspector and security guard contact with the population going through the checkpoints, thus precluding any opportunity for dialogue and negotiation. An OCHA official explained to me that new checkpoint rules put them in unforeseen

⁴³ Gazit, 2010.

⁴⁴ Handel, 2007: 110.

⁴⁵ Interview with A., Beer-Tuvia, April 2010.

problematic situations: UN regulations outline the inspection procedures that its employees can be subjected to and those to which they are not allowed to submit. They for instance are not allowed to get out of their vehicle for a security check. Now, in the new checkpoints, operators require UN employees to submit to the same procedure as the Palestinians: "With the soldiers we could negotiate, you could talk your way through. (...) It's not the case with the private companies, they have formal regulations, it's black or white and once they tell you no, it's no."⁴⁶

However, the reduction of direct contact mainly affects interactions with Palestinian men and women. The electronic turnstiles, loudspeakers, surveillance cameras, scanners, and digital fingerprinting devices making up the technological platform are all instruments for carrying out remote inspection that reduce the space for negotiation between the occupying force and the occupied population in situations that are often tense and violent. Wherever possible, operators have been replaced by machines that carry out inspection with no human intervention.⁴⁷ In Gazit's analysis, the lack of formal regulations at the military checkpoints allowed direct interaction between Israeli soldiers and Palestinian civilians.⁴⁸ However, the reorganization implemented by the reform and the ensuing reduction in human intervention have "installed" the decision-making space in the offices of "security professionals," moving it even further from the Palestinians subjected to the system. Combined with the strict regulation of movement through the checkpoints as well as remote inspection technologies, this alienation is not a pacification of the system but instead an institutionalization of the confrontation. The law, or here the formalization of a regulation, is not the end of a war but its continuation by other means in that, to use Michel Foucault's expression, it is born of battles and sustains one side's victory through the other side's submission.⁴⁹ The reduction of human intervention and direct contact fundamentally transforms the modes of domination. The technological platform thus reinforces the unilateral nature of interactions: loudspeakers enable operators to give orders but not to hear reactions or requests for explanation.⁵⁰ Although the aim is indeed to reduce friction that can be the source of an outbreak of tension, the means used are no longer negotiation and interaction but the reduction of direct contact to the greatest extent possible and the adoption of alienation strategies.⁵¹

⁴⁶ Interview, cited.

⁴⁷ This technological "utopia" appears in the description of Comsec's CEO who developed a biometric identification system to be used at the checkpoints: "The Israeli biometric terminal will be the largest in the world. The system will enable the rapid daily crossing of 45,000 persons without the border crossing being manned." Marom, 1999.

⁴⁸ Gazit, 2010.

⁴⁹ Foucault, 2003 [1997]: 50: "No matter what philosophico-juridical theory may say, political power does not begin when the war ends (...) right, peace and laws were born in the blood and mud of battles. (...) The law is not born of nature, and it was not born near the fountains that the first shepherds frequented: the law is born of real battles, victories, massacres, and conquests (...); the law was born in burning towns and ravaged fields"; Neil, 2004.

⁵⁰ Handel, 2006.

⁵¹ See, among others, Andreas, 2000; Andreas and Snyder (eds), 2000; Makaremi and Kobelinsky (eds), 2008; Bigo (ed.), 2007.

Outsourcing as abdication?

The image of a “crack in state sovereignty” obviously does not appear relevant to describe the effects of outsourcing. The idea of “transfer” may prove more useful instead. This notion, discussed by Béatrice Hibou in her interpretation of Max Weber, can be used to describe the creation of a new form of governmentality and examine the areas in which outsourcing has led to transfers of responsibility via “ongoing processes of renegotiation between the ‘public’ and ‘private’ sphere and via processes of delegation and *ex post* control.”⁵²

In an article entitled “Outsourcing Violations: The Israeli Case,” using the concept of outsourcing, Neve Gordon suggests that the devolution of tasks previously handled by state security forces to foreign forces or private partners leads to human rights violations.⁵³ He in particular draws a parallel between the abdication of moral and social responsibility in the context of global capitalism—see the economic strategies of multinational corporations as regards working conditions—and the abdication of political responsibility by the state as regards the preservation of human rights. I am not interested here in the moral dimension transferring state responsibility for safeguarding human rights, as it seems to me too abstract, formal, and normative; I would instead like to mention other instances of transfer entailed by such outsourcing.

Outsourcing constitutes a highly “economical” mode of organization, as the Crossing Authority solely assumes overall responsibility for checkpoint management whereas private contractors and their employees assume the actual responsibility for the work carried out as well as the risks that this work is likely to entail. Risk should be envisaged here in both its symbolic and material dimensions. From a symbolic standpoint, outsourcing offers a way of transferring danger onto individuals who do not “represent” the nation and whose lives do not belong to the highly symbolic collective sphere to which soldiers belong, as they are considered as the nation’s “best sons” (*tovei baneinu*).⁵⁴ From a material standpoint, this transfer of risk, in the event of disability, even death, enables the state, which has a particularly generous regime of allowances and compensation, to transfer its financial responsibility to the security firms whose obligations toward their employees are considerably lesser.

Legal responsibility is also outsourced: since private contractors do not have internal legal departments, unlike the army or the police, in the event a complaint is filed against their security guards and inspectors, they are tried as individuals in the framework of a criminal court.⁵⁵ The consequences of this juridical transfer, which easily exceeds the case of Israel,⁵⁶ are also political, as such violations then appear as individual cases of criminality instead of being seen as the structural outcome of checkpoint management and restrictions on the movement of persons and goods in the context of occupation.

⁵² Hibou (ed.), 1999: 35.

⁵³ Gordon, 2002.

⁵⁴ See the findings of the Winograd Commission, which dispute the fact that the first rule of combat during the Lebanon War was not to endanger soldiers’ lives (Final Report of the Winograd Commission of Inquiry into the Events of Military Engagement in Lebanon 2006, January 2008). See also Levy, 2009.

⁵⁵ Breiner, 2009; protocol no. 485, 2005; protocol no. 495, 2005; protocol no. 425, 2005.

⁵⁶ Senor and Singer, 2003; Ollson, 2003; Schreier and Caparini, 2005.

Lastly, this transfer process also concerns the state's responsibility as employer. Subcontracting and maintaining a lower number of civil servants and permanent staff should be included among the major effects of outsourcing strategy. This again indicates a mode of redeploying the role of the state when it abdicates responsibility for working conditions and relations while maintaining control over the employees. The tender to operate crossing points states that the company will offer the Ministry of Defense compensation in the event that an employee makes demands on it as employer. However, in the event that an employee contract is terminated by the Crossing Authority, the company must replace the employee at its own expense.⁵⁷ It sometimes happens that an employee who has been fired is unable to find out which institution is responsible for the termination of his contract. This was the case of a Mikud employee fired in 2008 following a labor conflict involving failure to respect employee rights: the contractor informed him that the Crossing Authority had requested his dismissal while insisting on the fact that it owed him no explanation as it was not his employer:⁵⁸ "It's a paradise of control with no responsibility. All responsibility rests with the contracting party," summed up Eran Golan, the lawyer who represented the company's employees in this labor conflict.⁵⁹

I would like, however, to point out I am in no way claiming that these various aspects are the designated goals of outsourcing or the rationale behind it. My point here is not to say the checkpoints were outsourced *in order to* abdicate responsibility for certain tasks, but only to study the structural effects of this reform.

Is the Deregulation Caused by Outsourcing Unavoidable?

The last aspect I would like to deal with here is the role of the state as regulator in the civilianized checkpoints. The parliamentary committee protocols on the subject reveal that state structures ensure rigorous regulation and control over security inspection procedures, training and hiring conditions of the employees and on the checkpoint operating process. Such rigor is an exception to the rule by which outsourcing and subcontracting processes usually lead to deregulation. Will this exception be maintained in the medium to long term? Should gradual deregulation not be expected, which in particular would be reflected in less and less detail, from one tender to the next, of hiring criteria and employment conditions or a gradual alleviation of the stringency of control? It is doubtless too early to answer this question, but the control posts located at the entrance to industrial parks⁶⁰ in the Occupied Territories and which are geographically very close to border checkpoints, can serve as a point of comparison.

These control posts are often also managed by private security firms, sometimes the very same ones that manage the border checkpoints. However, unlike the latter, their operation

⁵⁷ Official tender for bids, cited.

⁵⁸ Sinai, 2008.

⁵⁹ Interview with Eran Golan, Tel-Aviv, October 2011.

⁶⁰ These industrial parks are managed by Israeli companies which enjoy certain financial advantages such as tax incentives, low labor inspection levels, and cheap labor. See Alenat and Amar, 2008; Corcos, 2007; Bahour, 2010.

does not come under the purview of the Crossing Authority and their direct clients are the companies operating in the industrial park. State agency regulation is much lower there. Interviews I conducted with employees at these control posts revealed to me a much different situation from that of their counterparts at border checkpoints. First of all, worker supervision at such places is much less regulated and less strict: a security guard at the Atarot industrial park told me he was given only three days of training (training for border checkpoint security guards lasts 21 days). The pay scale is also very different: several guards in these areas told me they made minimum wage (i.e. 21 NIS or 4.2 euros per hour, whereas a border checkpoint security guard sometimes earns twice that). One of them told me he had been hired on a three-month renewable fixed-term contract, whereas border checkpoint security guard and inspector contracts are for one year renewable. According to my observations and interviews, the age of some guards at these control posts seems much higher (around 50) than those of the border checkpoint security guards, who are rarely over 30. Another fact to point out is that a large majority of the security guards I met in the industrial parks are Palestinian citizens of the state of Israel. A security guard at the Nizaney Shalom industrial park explained why: "At night, the security guard remains here all alone. No Israeli [Jew] would agree to remain here at any price." In answer to my questions about the risk run, the security guards told me about the attack perpetrated at this control post in 2008. In a press interview, an officer explained, "There are supposed to be three security guards, but if one runs away as soon as he hears shots fired and another forgets his weapon, it's obvious that such an event ends with tragic consequences."⁶¹ This information clearly indicates that in places where operation of control posts has been delegated to the private sector with no state regulation, supervision is much less strict, working conditions are more unstable and more dangerous, and salaries lower. This is one of the most widespread consequences of subcontracting.

However, even though this comparison is only partially relevant state oversight and regulation of some aspects of checkpoint management may gradually diminish. Two of the security guards I interviewed told me that the wages their company paid them had decreased after its contract with the Ministry of Defense was renewed. Given that one of the primary means for the state to guarantee highly skilled labor has to do with it imposing a lower ceiling on the wages paid by the subcontracting companies, such a change understandably means a decrease in state regulation. Nevertheless, the fact that the initiative for the reform comes from a desire to enhance the national and international image of the border checkpoints and an effort on the part of the state of Israel to reorganize their operations in keeping with "good management" practices must be taken into account. Unlike the industrial park control posts, the border checkpoints are supposed to look like terminals, "elsewhere in the world" and are viewed (and designed) as spaces in which security screening is capital for national defense. Likewise, as devices located at the interface between the Israeli and Palestinian societies, the national and international political significance of their "good management" largely exceeds that of the management of the neighboring industrial park control posts. The importance of these issues is likely to limit the deregulation process and explains why outsourcing goes together with a strengthening of state power over the operating modes of these places.

⁶¹ Breiner, 2009.

RESTRUCTURING THE MARKETS: TURNING SECURITY INTO A COMMODITY

The commodification of security, like security outsourcing, is often analyzed according to a binary logic that sets the state and its domestic policy—security being considered a public good—against market forces. The authors who take this perspective envisage the security market as a military-industrial complex, the actors of which convert the economic power they accumulate via arms sales into political influence to support their interests, a process that is an impediment to democracy.⁶² Challenging this approach, I will demonstrate the connections between the state and the market, showing how the outsourcing of checkpoint management contributes toward making security a “product” and helps develop a market in this field which, first, is closely linked to the state and second, has grown out of the specific characteristics of the Israeli society and economy.

Evolution of the Role of Security in the Israeli Economy

To better understand the evolution of security into a commodity and the development of the security services market, a brief survey of the history of security in Israel is first in order.

For the young state of Israel and up until the late 1960s, security was at once an end and a means to unite the people and build a nation.⁶³ During this period, the definition of security was thus broadened to cover a wide variety of projects. In 1955, Ben Gurion declared that security held a more important place in Israel than in other countries, that “security meant settling and peopling the ‘empty areas,’ the dispersal of the population and establishment of industries throughout the country, the development of agriculture. (...) Security is economic independence, it means fostering research and scientific ability.”⁶⁴ After the war of 1967, and to face the threat of an international embargo, public security spending rose constantly.⁶⁵ In the second half of the 1970s, it reached 40 % of the national budget and nearly 30 % of GDP.⁶⁶ This trend slackened in the 1980s after the peace treaty was signed with Egypt (1980) and a neoliberal reform and “economic stabilization” program was adopted (1985),⁶⁷ but especially because the size of military spending, although justified and legitimated by a discourse underscoring the security threat facing the state,⁶⁸ was challenged by calls for a reduction in public spending and the imposition of budget discipline. The 1990s were marked by the hope

⁶² Pery and Noybach, 1996; Kleimann, 1996.

⁶³ Ben Eliezer, 1998.

⁶⁴ David Ben Gurion, speech before the Knesset, November 7, 1955, cited by Ben-Eliezer, 1995: 276.

⁶⁵ Swirski, 2005.

⁶⁶ Gronau, 2002.

⁶⁷ Swirski, 2005; Meman and Rozenhek, 2009.

⁶⁸ Bichler and Nitzan, 2001.

of a conciliation between national policy and neoliberal economic rationality, and this in a perspective of “normalization” of Israeli politics by the peace accords and integration into the world economy. However, the theory defended by some Israeli scholars⁶⁹ according to whom espousal of neoliberal methods and reduction in public spending, including military spending, would go hand in hand with the pacification of the Israeli-Palestinian conflict and would lay the groundwork for a new economic prosperity, soon fizzled out. The outbreak of the second Intifada in October 2000 and the period of extreme violence following it suddenly brought to an end the dream shared by the Israeli left and the business elite (often made up of the same people)⁷⁰ of a “new Middle East,” to use Shimon Peres’ expression. Since the year 2000, the perspective of political normalization has vanished and the challenge to both economists and politicians has boiled down to ensuring the conditions conducive to economic prosperity in the framework of constraints imposed by large-scale military spending.

The security and defense sector is the largest in the Israeli economy. For every 1,000 Israeli citizens, 33.4 are military (compared to an average of 6.2 in so-called developed countries).⁷¹ Nearly 25 % of the employees in Israeli industry work directly or indirectly for the security sector.⁷² Security spending for the year 2009 was estimated at 60 billion NIS, or 8.1 % of GDP.⁷³ Subtracting the aid supplied by the United States government for weapons and defense, military spending can be estimated at 6.7 % of GDP;⁷⁴ an extremely high figure compared to the military spending of other industrialized countries such as the United States (4.6 % of GDP in 2007) and France (2 % in 2007).⁷⁵

The question for Israeli economists and politicians is then to figure out how to combine a neoliberal economic model conducive to prosperity and economic stability with exceptional military spending that is likely to grow further. Some have opted for a discursive strategy that minimizes the effects of this “anomaly” on the Israeli economy⁷⁶ while altering the terms of the debate.

In fact, since the second half of the 1990s and especially since the 2000s, a discourse has proliferated that, contrary to the classic model in which security expenditures are considered as public spending, considers this spending as a direct or indirect “investment” in the national economy. Thus, some economic and political actors have constantly underlined the positive effects of national “investment” in the security industry on the economy. During a conference

⁶⁹ Shafir and Peled (eds), 2000; Shalev, 2004.

⁷⁰ Peled, 1995; Ben Porat, 2004.

⁷¹ Gronau, 2002: 70.

⁷² Horowitz and Lisk, 1996: 99.

⁷³ These estimates are based on Ministry of Finance calculations. The compilation of figures is in fact a major political issue and divergences between the various data published give proof of this. Other estimates calculated on the basis of information supplied by the Central Bureau of Statistics do not include the police budget or aid to families of soldiers killed in active duty and estimate spending at 49.5 billion NIS, or 6.5 % of GDP. Even, 2010; Basok, 2010.

⁷⁴ Report by the Committee on the Defense Budget, 2007: 51.

⁷⁵ Stockholm International Peace Research Institute.

⁷⁶ Hever, 2010.

held in 2002, Defense minister Binyamin Ben-Eliezer stated, “Security creates a positive dividend as this expenditure stimulates the security industry, contributes to employment in this sector and encourages high-tech industrial projects in the private sector.”⁷⁷ The assumption that this form of state intervention—job creation and direct investment in private companies offering security products—is beneficial to the national economy is never challenged. It is moreover often expressed by authors who also support a neoliberal doctrine of reducing state intervention.⁷⁸ This is a paradox only on the surface because the fact that such intervention is designed to reinforce security legitimates state interventionism as well as the public financing granted to actors on the private market. Thus, the authors of the policy paper for the Tenth Annual Economic Conference organized by the Israeli Democracy Institute think tank suggested formalizing a triangular link between security spending, the level of security and GDP, so as to calculate the *return* on security investment by factoring in the reduction of insecurity. Here is a case of integrating into the sphere of the market economy a sphere that until now had been analyzed in terms of engagement, urgency, and a “nation in arms.”

Although the high level of security expenditure has long been justified by arguments invoking the moral and social value of the collective engagement in national security, today, and particularly since the breakdown of peace negotiations, a new economic discourse has emerged that is no longer limited to justifying the importance, the rationality, or the need for security spending. Public security spending is henceforth considered as a public investment. And from the moment this investment is viewed as a means of regulating an economy of risk management striving for a happy medium, one that allows a minimum of security investment for a maximum of security, there is a convergence between security discourse and the neoliberal economic discourse.⁷⁹

The (Partial) Commodification of Security in Outsourced Checkpoints

The term commodification supposes the existence of a group of buyers and a group of sellers of something that is henceforth considered as a commodity. According to Polanyi, one of the characteristics of the historic shift toward a market society involves turning all sorts of things into commodities, including those that have not been produced for sale on a market. Among these “fictitious commodities” Polanyi includes labor, land, and money, each of which play a basic role in society. One of the subtleties of Polanyi’s analysis is to point out that the commodification of these things does not lie solely in the fact of identifying them as full-fledged commodities but in the dialectic movement between this inclusionary effort and political initiatives to defend their original functions, a movement in which the state plays a central

⁷⁷ Gronau, 2002: 57.

⁷⁸ Gronau, 2002; Nevo and Shur-Shmueli, 2004; Keret, 2003.

⁷⁹ Yagil Levy suggests a historic analysis of the tension between market and militarism in Israel and the evolution of what he calls a “market army”: until the 1980s, the army was considered as “superior” to the market; since the second half of the 1980s, it has been subject to the law of the market. Levy, 2010.

role.⁸⁰ This description of the commodification process is entirely relevant to the present study, because outsourcing control over the border checkpoints involves a partial commodification in which the state is a major actor. Contrary to most private and public establishments in Israel—shopping centers, restaurants, movie theaters, schools, museums, etc.⁸¹—, private security contractors that manage checkpoints do not sell a share of security to the direct users of their services, but to the Ministry of Defense. This is thus a commodification that affects only part of the exchange, the supply side—offered by the sellers of security services—, but not demand. It is difficult to assess the volume of the new security product market, since the costs of outsourcing have not really been calculated or published. Government data in this area are often considered confidential. Moreover, the Ministry of Defense method of budget calculation, often criticized for its opacity and lack of precision, regularly underestimates real costs by presenting a fairly low official budget that omits certain items.⁸² Thus, in the proposed Defense budget presented and passed for the year 2008, the annual budget granted by the Ministry for managing outsourced checkpoints in the “seam zone” was 145 million NIS (29 million euros). A much higher figure appeared one year later in a weekly IDF periodical that indicated the annual budget of the Crossing Authority as 200 million NIS (40 million euros) and that this sum would amount to 270 million NIS (54 million euros) once the outsourcing of all the checkpoints concerned was complete.⁸³ This estimate, between 200 and 270 million NIS, an amount from which day-to-day operating expenses of the Crossing Authority must be subtracted as well as the salaries of its few dozen civil servants, is the most reliable estimate I have found for the dimension of this new market of security services.⁸⁴

These figures thus mean that even if outsourcing encourages the development of a private market to provide security services, the demand for security products resists commodification in this context. Outsourcing as it has been practiced does not replace the state as primary security manager and does not alter the function of security as a public good.

There is nevertheless a competing program for outsourcing, which involves managing these checkpoints along a “closed market” model, i.e. by funding them via fees levied on the Palestinians and Israeli businesspeople who use them. This program was suggested by the Israel/Palestine Center for Research and Information (IPCRI) in 1997, then again after the outbreak of the second Intifada in 2001. According to the Center’s founder, Gershon Baskin, the rationality behind this proposal is the idea that directly remunerating checkpoint managers would establish a link between the volume of traffic and the amount of the company’s profits, and that would prompt the companies to increase circulation: “The idea was to subject the system of passage

⁸⁰ Polanyi, 2001 (1944): 71-80.

⁸¹ The number of guards and security guards in Israel was estimated at 465,000 in 2003. Hendels, 2003.

⁸² Report by the Committee on the Defense Budget, 2007.

⁸³ Tal, 2009.

⁸⁴ This sum concerns only the market of security services. The construction of new checkpoints as well as the setting up of a technological platform have also contributed to the creation of new private markets in these areas. The only available evaluation of the cost of the construction and fitting out of five central “terminals” amounted to 600 million NIS (calculated by the Knesset Research and Information Center in 2002, Annual State Comptroller’s Report, 2003: 77). I have no data regarding the cost of the technological platform installed.

to economic principles by setting up a system based on efficiency.”⁸⁵ This program never came to fruition, but a military decree in November 2010 regarding the authority of the various agents in managing the “crossings” indicates that a fee for using the checkpoint infrastructure to transfer goods as well as a fee for crossing permits might be introduced⁸⁶: “The project has been suspended, but not cancelled. We have been told that for the moment the security issue is a priority. When that changes, I believe our program will be reexamined. When I visited the Sha’ar Efrayim crossing, I saw that even if it wasn’t applied, the list of expenses was posted on the wall.”⁸⁷ This program, which may be on the horizon for these places, raises questions as to the commodification process and the nature of this “fictitious commodity.” Since in the case of outsourced checkpoints, “border” control can hardly constitute a group of buyers except in the guise of the state, the commodification suggested by the IPCRI program transforms the definition of the product for sale, which in this case is no longer security but the act of crossing from one side to the other.

The commodification of security at the outsourced checkpoints is further manifested in a more concrete fashion by the expansion of the private market of security providers. A wide range of companies that can enter into competition constitute the supply side. The tender issued by the Ministry of Defense defines the rules, the criteria, and conditions of this competition, which theoretically should be regulated by the market’s “invisible hand.” The criteria open to competition are the price of the service, professionalism, experience, responsibility, and accountability. In practice, as is often the case, there are considerable departures from the rule of the invisible hand. In 2003, the tender for bids to operate the Alenby crossing, won by security contractor Sheleg Lavan, was invalidated due to suspected manipulation,⁸⁸ which did not prevent this company from winning the tender for checkpoints located in the south of the West Bank and the entrance to the Gaza Strip two years later. In 2009, a Mikud employee was also suspected of falsifying documents submitted for the tender.⁸⁹ In fact, the combination between large contracts (the tender won by Sheleg Lavan was estimated at 230 million NIS, or 46 million euros), the closeness of ties between the political elite and the security elite, both of which are heavily involved in these places, and the opacity justified for reasons of security, foster all sorts of arrangements that hover on the brink of illegality. Competition is of course more or less free or manipulated. The fact nevertheless remains that the thousands of new private sector employees as well as contracts amounting to tens, even hundreds of millions of NIS are a major development and expansion of the private market for security providers. Thus, the staff of Modi’in Ezrahi, which won two tenders, has increased to over 6,000 today.⁹⁰

Analysis of the structure of these companies, which make up a growing segment of the Israeli economy today, the forms of labor and the hiring practices they generate as well as the

⁸⁵ Telephone interview with Gershon Baskin, April 2010.

⁸⁶ Military decree no. 1665, 2010.

⁸⁷ Telephone interview with G. Baskin, cited.

⁸⁸ Kra, 2003; Case 1587/02, 2003.

⁸⁹ Case 9995/08, 2009.

⁹⁰ <http://www.modiin-ezrachi.co.il>

personnel they employ, is essential to understanding the concrete workings of this security market and particularly its signification with regard to the reorganization of the links between state and market.

Hiring Methods of Private Contractors and the Paradoxes of Outsourcing

Private security contractors are supposed to supply skilled labor; that is the whole justification for outsourcing. As a management strategy, it should enable the army to concentrate on its “sphere of activity”—combat and training for combat—by delegating the sensitive and quasi-policing task of managing checkpoints to civilian professionals, perceived as more competent than the young conscripts. Traiber himself was convinced of it: “I always believed it was not a task for soldiers. We need professional individuals to deal with the Palestinians. Civilian guards will receive a salary and therefore will have an interest in doing the job as well as possible.”⁹¹

The nature of these companies reveals a paradoxical image of professionalization. As temporary agencies, their “sphere of activity” is employment. However, they reduce the definition of employment to a minimum. Except for hiring *per se*, all the other components of employment—supervision, job, and physical training—are in turn outsourced in a subcontracting chain: “psycho-technical” tests administered by specialized centers, training by a private school working for the Airport Authority, additional days of training given by a specialized firm. The paradox of professionalization lies in the fact that the temporary agency as “professional employer” reduces to a minimum any employer/employee relations that involve responsibility and which can be politicized. This paradox is at the very heart of the function of these companies.

A similar paradox has to do with the legal and administrative responsibility of the employers. In 2009, three of the five companies mentioned were summoned for an audit set up by the commission in charge of issuing permits to the security companies suspected of having violated their employees’ rights.⁹² The accumulation of complaints in fact challenged these companies’ right to ply their trade. Although they finally managed to convince the commission that their employment methods complied with the law, this event reveals the particularity of professionalism in this context: being a “professional employer” does not necessarily mean complying with labor laws, but rather walking a tightrope of legality.

As Traiber suggested, the definition of professionalism rests on the structural constraint of employer/employee relations more than on training, expertise, or supervision. Salaries are presented as a means of control, regulation, and discipline, in other words of subjection, that is much more effective than military discipline, even when reduced to the legal minimum. What the security guards and inspectors I interviewed told me—and especially what they did not tell me—confirmed the effectiveness of this constraint. Unlike soldiers, always willing to talk, employees of private contractors were far less cooperative and often answered my questions

⁹¹ Greenberg, 2006.

⁹² Sharvit, 2009.

with the official reply: "I can't tell you anything. If you have questions, you can speak directly to the Crossing Authority." They even refused to give me such routine information as the name of the company that had hired them. Since 2008, these employees must sign a legal document specifying 22 rules of confidentiality. An episode regarding this document shows how security arguments are used to hamper the transparency of employment conditions. During the previously mentioned labor conflict that broke out within Mikud in 2008, the union representative of the some dozens of employees involved was called in by the manager who asked him to sign a document forbidding him, among other things, from talking to the media. In this local version of *Catch 22*, the document was held to be so confidential that the employee (who had not yet signed it) did not even have the right to show it to his attorney. The fact that he had consulted a lawyer prompted an inquiry and, indirectly, his dismissal. The lawyer in question, Eran Golan, told me about the effort he went through to try to make this document public: "What's wild is that the Ministry of Defense did not even have to ask that the document be declared confidential, the National Labor Court yielded to the security argument without even being asked. The security rhetoric was used to take revenge against one of the strike organizers."⁹³ Control via labor relations is thus enhanced by the specific measures of the defense system that contributes to hampering individual rights (right to consult a lawyer, right to organize within a labor union, labor laws) in the name of security.⁹⁴ The employees' rights are in fact doubly infringed on: first by the subcontracting agencies, and second by the state institutions, such as the National Labor Court, which tend to bow down before security arguments in the name of preserving the collective good called security.

In the course of my interviews I also noted that the working conditions of inspectors and security guards varied from one company to another and often from one employee to another. This strategy of atomization and individualization is commonplace in this type of job,⁹⁵ and has been found in other studies on temporary work. Pay for instance differs depending on the job category: whereas most inspectors hardly make more than minimum wage (23-26 NIS per hour, or 4.6-5.2 euros), armed guards and supervisors are much better paid (34-55 NIS per hour, or 6.8-11 euros). For both security guards and inspectors, working conditions are described as difficult and dangerous and they are under strict supervision. Furthermore, this sort of job often being a person's first employment, the employee is more likely to be exploited. A former inspector told me she had filed a complaint against the company that hired her for having refused to pay her the money she was owed toward her retirement: "When I signed the contract, I was the one who didn't know my rights, I'd just finished my military service, I knew what minimum wage was, but what was I to know about retirement schemes?! Later, I found out that others got more."⁹⁶ Some have criticized the unstable nature of their jobs. A security guard at the Tarkumia checkpoint was dismissed after having hesitated before accepting a transfer: "I was injured during a training session and when my sick leave

⁹³ Interview with E. Golan, cited.

⁹⁴ For the situation in the United States, see Sassen, 2009 (2006): 147-154.

⁹⁵ For France, see Jounin, 2008.

⁹⁶ Interview with Y., Kiryat Gat, April 2010.

ended, I was offered a position in Erez. I wasn't thrilled at first, as Erez is a lot farther away. But afterward, I changed my mind, and then it was the Erez *kabat* [security officer] who didn't want to take me. I was older, already 29, after the accident, which isn't ideal for a security guard."⁹⁷ Strategies of atomization, precarization, and maximal flexibility of the work force: working conditions for private security companies are finally fairly similar to those found in other sectors where subcontracting is common. However, in the case of checkpoints, this instability helps to maintain a balance between the institutionalization of the system for regulating movement and maintenance of its temporary nature.

Indeed, the fact that the employees have a contract stipulating their hours, their hourly wage, and the type of work for which they are paid is a regulating element that contributes to the institutionalization and entrenchment of the system. At the same time, outsourcing maintains the "extended temporary" and deeply unilateral nature of the separation policy by offering a means to supervise the labor force without the state having to provide any sort of guarantees as regards the future operation of these places. This aspect moreover convinced the National Labor Court of the need to subcontract overland crossing points, including those located at the entrance to the Gaza Strip. The Court ratified the argument that "subcontracted employment of nearly all staff on these premises is required to allow flexibility and adjustment to the management dynamics of crossings which depends, among other things, on the evolution of the political and security situation which are beyond the scope of the Authority."⁹⁸ This system proved highly efficient when the blockade was imposed on the Gaza Strip. A former inspector told me that she had started working at the Erez checkpoint in 2005. "At first, we had 12-hour time slots. That suited us because it gave us overtime, but it didn't last long. (...) After the blockade began, things changed completely. The number of people crossing having decreased to a tenth of the previous figure, they started cutting hours. I was finally transferred to another checkpoint."⁹⁹ Beyond the neoliberal strategy of reorganizing the roles of the state and the market, subcontracting reflects the specific aspects of the occupation. The uncertainty affecting operators' jobs and the flexibility imposed on them are directly related to the inherent instability of checkpoints, the functioning of which the Israeli government can change from one day to the next for political or security reasons.

Commodification of Security Skills

From inspector to private company head and including the instructor hired by training schools, there is a whole array of security knowledge and know-how that outsourcing converts into valued assets on the labor market.

⁹⁷ Interview with A., cited.

⁹⁸ Case 328/07, 2009.

⁹⁹ Interview with Y., cited.

Even if checkpoint jobs are rarely considered a “lifelong” profession, due to job instability and the physical rigors of training in the case of security guards for instance, work at the checkpoints enables young people to highlight an experience gained in the framework of their military service, to some degree compensating them for their late arrival on the job market and enabling them to gain professional experience quickly. All the inspectors and security guards I spoke to were younger than 30 and most of them considered the job as temporary. Located in peripheral areas and far from the labor market, checkpoints often provide a job opportunity for young people who have no professional training other than that gained during their military service and have yet to have any work experience. In a neoliberal social context characterized by a gradual increase in social inequalities and discrepancies between the center and the periphery,¹⁰⁰ this opportunity for a semi-skilled job can enable young people to make a small living, or even acquire the necessary material conditions for a certain degree of social mobility. Thus, for many inspectors and security guards, work at the checkpoints is a means of saving money to help pay for university studies, which are fairly expensive in Israel, while others work at the checkpoints while continuing their studies:

“Not everyone has someone in their family who can pay for their education,” a security guard of Ethiopian origin at the Sha’ar Efrayim checkpoint told me. In a context characterized by a decline in motivation among young people to do their military service,¹⁰¹ this state-sponsored employment niche can thus serve as a material reward for those who have completed it, particularly in combat units.

Inspectors and security guards are not the only ones who can capitalize on their military experience in the job market. As previously mentioned, both private security team leaders and Crossing Authority staff usually come out of the state military and security apparatus. The stratification of jobs and salaries among inspectors, security guards, team leaders, security officers, company managers, and Defense Ministry civil servants follows the formal military hierarchy (according to rank/grade) and informal military hierarchy (between combat units and non-combat units, as well as within combat units). Redeployment of military knowledge and know-how transposes these hierarchies to the civilian sphere and converts them into social stratifications by job and salary. For security professionals, the opportunity to translate military experience into an asset valued on the job market enables elites to diversify the fields in which they exercise power. Thus the stated “demilitarization” of this sphere of activity has gone together with a parallel process of “re-militarization” of society, which translates as the diffusion of military norms and criteria in the civil sphere. Commodification moreover offers opportunities for a “second career” to military personnel who, enjoying the special conditions of their sector, retire at the age of 42-45.

The current buoyancy of the security service sector is thus upheld by the very characteristics of Israeli society, a society in which the proportion of military personnel compared to the population at large is one of the highest in the world. In other words, the development of the

¹⁰⁰ Gardus, 2006; Katz, Degani and Gross (eds), 2008.

¹⁰¹ Hever, 2010: 88-89; Dieckhoff, 2003; Ben Eliezer, 2004.

private security sector deepens and gives a new form to the militarization of society and the blurring of the boundaries between military and civil spheres.

Furthermore, this commodification does not only involve selling concrete knowledge, but also, at the international level, selling what is perceived as local expertise in the fight against terrorism. According to Gordon, the “Israeli experience” is highly valued on the world market for security products, especially since September 11, 2001, because it is deemed compatible with a neoliberal and democratic regime.¹⁰² This value is advanced in particular by the Israel Democracy Institute think tank which claims, “the first thing security product customers want to know is if the IDF uses them.”¹⁰³ Training schools offer courses on the world market inspired by “the Israeli experience,” pointing out that the Ministry of Defense is one of their clients. The Elite Krav Maga combat school, which trains security guards, offers courses based on martial arts and techniques used by IDF and Israeli police counterterrorism units.¹⁰⁴ SecuriTeach, which offers classes in Arabic and courses on “Arab-Muslim culture, customs and tradition,” declares that its founders are veterans of the Israeli security forces and have “long-term personal experience in the ‘Muslim sector.’”¹⁰⁵ This company is the sole service provider for the Ministry of Defense in this area and counts among service providers certified by the Pentagon. Its clients include private security firms abroad as well as state security agencies.

Lastly, one of the most significant transformations is the installation of a sophisticated technological platform designed to increase the level of security while reducing direct contact between operators and the Palestinian population. The new checkpoints are thus equipped with biometric identification systems linked to a computer database, various types of scanners, detectors, and surveillance cameras. These elements are part of a booming field on the Israeli market, that of state-of-the-art security products. Since the 1990s, Israel is the technological product exporter with the highest number of start-ups per capita and that also has more NASDAQ-listed companies than all the European countries.¹⁰⁶ Many of these companies are specialized in security products.¹⁰⁷ Whereas state investment in education has constantly declined since the 1980s,¹⁰⁸ certain military units, with generous Defense Ministry funding, have specialized in developing security products and technologies. Today they are extremely high level scientific training institutions as well as entrepreneurial training centers for in the field of high technology,¹⁰⁹ proof if need be of the state’s central role in setting up a market for technological security products.

¹⁰² Gordon, 2009.

¹⁰³ Nevo and Shur-Shmueli, 2004: 14.

¹⁰⁴ <http://www.elite-kravmaga.com/>

¹⁰⁵ http://www.securiteach.com/index_eng.html

¹⁰⁶ Senor and Singer, 2009.

¹⁰⁷ Gordon, 2009.

¹⁰⁸ Hever, 2010: 85-87; Swirski, 2008.

¹⁰⁹ Senor and Singer, 2009: 69: “While it’s difficult to get into the top Israeli universities, the nations equivalent of Harvard, Princeton and Yale are the IDF’s elite units.”

Checkpoints are one of the main types of facility fitted with inspection and identification technological products. Intended for “low intensity conflicts” and control of a civilian population perceived as a security threat, these products have the commercial advantage of being malleable, in that they can be used in both military and civilian situations. Since being incorporated into the checkpoint inspection system, the biometric identification system, one of the most sophisticated in the world, has been redeployed at Ben Gurion International Airport to facilitate checks of migrant workers.

The prestige of Israeli security knowledge on the world market also increases the market value of these products. The fact of having been used for Israel’s defense system, considered professional and experienced in the fight against terrorism, promotes sales abroad.¹¹⁰

This technological platform is part of a worldwide network of inventions, production and exchange of security products, knowledge and experience bringing together private companies and state institutions at the local and international levels. For instance, the Israeli Ministry of Defense purchases technology from private companies in the United States. USAID lends scanners to the state of Israel,¹¹¹ and the Israeli army sells equipment and technology to the United States government and private US companies that use it for instance to control the border with Mexico.¹¹² This network establishes trade relations among private, state, and military actors and encourages the exchange of knowledge between security apparatuses and the private market. It also constitutes a field of diplomatic relations within which the same actors exchange gifts, make friends and enemies. Lastly, the formation of this network reveals the development of new norms of economic and security governmentality based on a policy of “zero tolerance” and applied simultaneously by the public and the private sphere.¹¹³

CONCLUSION

The privatization of security—a quintessential sovereign attribute—is often perceived as a paradigmatic example of the retreat and the weakening of the state in the face of market forces in the context of globalization. According to this approach, such a process allegedly diminishes the power of the nation-state and fundamentally alters relations between the political and economic spheres, reflecting the decline of national hegemonies, defeated at once from above and below, and their replacement by a global governmentality that imposes neoliberal modes of exercise of power.

¹¹⁰ “For each shekel spent on the purchase of weapons and security industry products, these industries’ exports increase by between 2.5 and 3 shekels,” Pery and Noybach, cited in Nevo and Shur-Shmueli, 2004: 14.

¹¹¹ Spokesman for the Ministry of Defense, 2006.

¹¹² Brown, 2009; Ritaine, 2009.

¹¹³ Hibou, 2011.

The study of the reform of border checkpoints challenges this view of the state's role as well as the relationships between the political and the economic spheres in this specific context. Examining in detail the concrete means by which checkpoint operations have been outsourced helps to demonstrate the links between internal evolutions in Israeli society as regards relations between the state, the market, and society, and current changes in the system of occupation. It then becomes possible to outline the dynamics of these neoliberal reforms and how they relate to local political rationalities.

It thus becomes apparent that outsourcing and commodification are not synonymous with a retreat of the state but on the contrary with its redeployment and the reorganization of its sphere of intervention and the way it exercises its sovereignty. This redefinition of the role of the state enables it to maintain, even to reinforce, its control over the management of border checkpoints. The new modes of state intervention are also reflected in the establishment and financing of a private security market and in the spread of subcontracted employment.

In this outsourcing process, local particularities and national policies play an important role. Far from signifying that national logics have been surpassed by a neoliberal rationality, the new border checkpoint management reveals an intertwining of state and market. Outsourcing draws on the overlapping of state and security networks, the traditional role of security in Israel and the specific aspects of the local political economy. It contributes to a redeployment of the political scheme to control the movement of Palestinians by transforming its *modus operandi* and adapting it to changes in Israeli society. The classic binary distinction between state and market as homogenous social realities must be put in perspective in this case. Through the evocation of individual career paths, the analysis of the web of actors involved in this process helps to show how close the links are between state actors, private security firms, and the official military and security apparatus.

In the new governmentality taking shape through the outsourcing and commodification of checkpoint management, it is a neoliberal rationale that contributes to the redeployment of the state, its role and its interventions, in order to transform the system of occupation.¹¹⁴

Translated from the French by Cynthia Schoch

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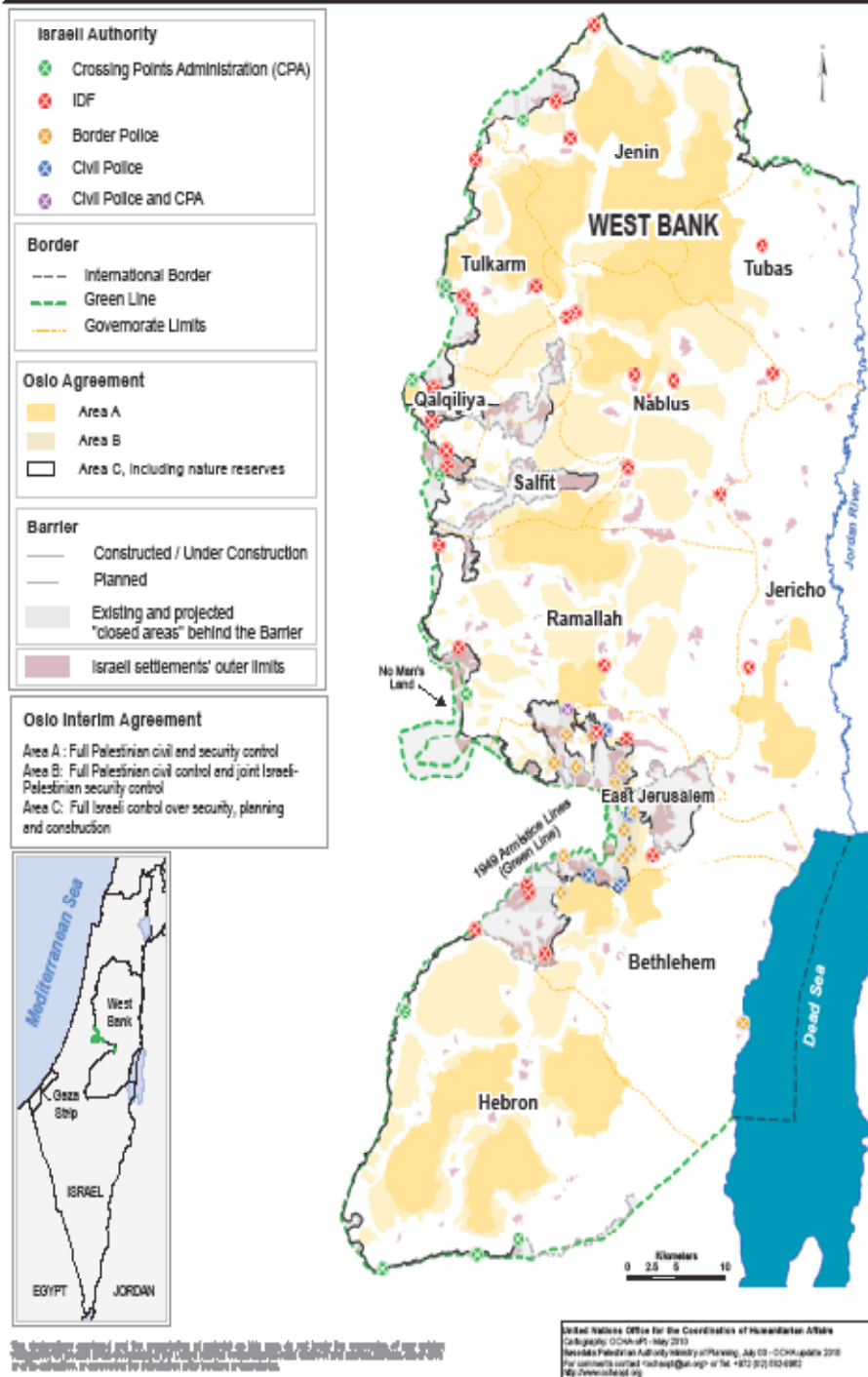
Appendices



United Nations Office for the Coordination of Humanitarian Affairs

Israeli authorities overseeing permanently staffed checkpoints and crossing points

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