

Editorial

De-Fetishizing Law and Order

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When humans began to gather in villages and then to towns and cities, the necessity to keep order and guarantee the safety of the inhabitants became paramount. The word *police* is obviously linked to the Greek word *polis* (city), suggesting a link between city and order. A city without any form of policing was likely doomed to suffer chaos and possibly destruction; yet policing as we know it today was only codified in the eighteenth and nineteenth centuries. Greeks relied on slaves to provide order, while the Romans trusted the army; the Chinese appointed prefects for centuries. Jerusalem's long history indicates that a variety of police forces were empowered by various rulers, and policies directing the tasks of these forces were designed according to the needs of the day.

Obviously, at any stage in history, a police force was not just tasked with keeping order and possibly preventing crime, but was also used as a tool to surveil and control city dwellers. Since a police force is embedded among the inhabitants of a city, it is not a surprise that these inhabitants often viewed policing with some suspicion. On the one hand, communities may have needed police to keep order or to offer protection; on the other hand, they may have been targeted for any number of reasons, including social status, religion, race or ethnicity, and whether or not they were migrants. The mechanisms regulating the relationship between city dwellers and police have been the object of many studies – perhaps most prominently, Michel Foucault dedicated a number of his works to the idea and practice of police – showing their complexities and the politicization of these relations.

In recent times we have witnessed what some call the fetishization of “law and order,” a process that can be described as having two components. The first, common in the United

States, is the idea to substitute the rule of law with a brutal image of order. Sheriff Joe Arpaio of Maricopa County, Arizona, is the quintessential example of the transformation of police into an authoritarian agency dedicated to the dehumanization of suspects and offenders. This aspect of the fetishization of law and order is based on the normalization of abuse of power. A second aspect of this fetishization that has emerged in the last two decades is represented by the equation of more police with more safety. In other words, citizens – mainly belonging to the middle and upper classes – have given the police a new meaning and new powers to address all manner of social problems: rather than focusing on education and prevention, this new trend focuses on repression and punishment. Perhaps unsurprisingly, a number of studies and statistics suggest that this approach has its limits when the same approach is applied to those social classes that support it. Essentially, the middle and upper classes approve of applying a violent form of law and order to the lower classes, migrants, and “undesirable” communities, but not to themselves.

Thus, the fetishization of law and order is characterized by changes to both the character of policing, pushing it to become increasingly punitive, brutal, and dehumanizing, and its scope, supporting both the expansion of the police and the expansion of the kinds of issues that the dominant powers in society understand as rightfully falling under its purview. This trend is observed in the United States and some European countries, but it seems also to be common to Israel, where the difference between the police (*mishtara*), including its quasi-military border police branch (*magav*), and the army (*tzahal*) is often blurred, as are their duties. The police in Jerusalem, in concert with the fetishization of law and order, have thus emerged as a force and symbol of occupation. Though the Israeli police do indeed provide certain services to Palestinian residents of Jerusalem, current events tell us that, for the most part, this force is for the benefit of the Jewish population. A similar trend can be observed in the United States, where it is possible to state that the police serve the white population, at the expense of black, immigrant, and other marginalized communities. Meanwhile, the presence of Arab police officers in Israel and black police officers in the United States illuminates the complexity of the police as an institution, in which service provision, repression, and claims to liberal notions of justice and governance are intertwined.

In this special issue of the *Jerusalem Quarterly* dedicated to policing and its impact, Casey LaFrance develops the comparison between policing in the United States and in Israel within the context of global shifts in public administration. LaFrance unpacks blanket calls for police reform and accountability, noting four general kinds of accountability – bureaucratic, legal, professional, and political – which may conflict with each other. Moreover, the application of new techniques of public administration to the police cannot achieve meaningful change without taking into consideration the structural racism that has shaped their emergence in the United States and Israel: “Much may be said about the need for organizational agility, adaptation, and learning in the twenty-first century, but the real challenge presents itself in the need to *unlearn* beliefs and behavioral patterns.” And though calls for greater representation of historically marginalized communities can

result in certain progress toward improving police-community relations, the legal and institutional frameworks remain those created by social elites.

In essence, representative bureaucracy and broader community engagement efforts serve merely as invitations to participate in a game whose rules marginalized or oppressed groups still have very little say in creating or enforcing. Short of large-scale changes, this is likely to remain a concern for those seeking full integration of police and community perspectives.

As LaFrance compares the report prepared by U.S. president Barack Obama's Task Force on Policing in the Twenty-First Century, with its "six pillars" of twenty-first-century policing, with the "nine principles of law enforcement" proposed in 1829 by Robert Peel, widely considered the father of modern policing, it becomes apparent that resolving problems of policing may have less to do with rethinking the fundamental goals of policework than with adhering to them.

Peel was not only influential in the establishment of the Metropolitan Police, but, as chief secretary of Ireland, oversaw the implementation of the Peace Preservation Act of 1814, which introduced the first British-organized police force in Ireland. Scholars of British colonial policing thus often trace its origins back to Ireland, identifying the Royal Irish Constabulary (formed in 1822) as a model for forces throughout the empire, including the Palestine Police established by the British Mandate administration. In his comprehensive and compelling genealogy of scholarship on the Palestine Police, "Bridging Imperial, National, and Local Historiographies," Yoav Alon illuminates how developments in the study of colonial policing and those in the scholarship on Mandate Palestine have converged to shape this small but rapidly growing field. In the context of Mandate Palestine, Alon emphasizes the significant influence of "relational history," which "does not negate the centrality of a national conflict between Jews and Arabs, but . . . does not view these categories or the conflict as static, but as dynamic, reconfigured through the interactions between and within these groups, as well as with other forces, such as the British." Alon sees study of the Palestine Police – a force comprised of British, Arab, and Jewish policemen and involved in the suppression, negotiation, and sometimes even the resolution of quotidian and political conflicts – as particularly well suited to histories employing or influenced by the relational model.

Studies of the Palestine Police in an empire-wide context have also served to put Palestine's history, and its legacy, in conversation with other British colonial territories, particularly in Asia, Africa, and the Mediterranean. In this issue of *JQ*, for example, Richard Cahill draws attention to the role of Sir Charles Tegart, an Irishman who rose to the top of the ranks of the British colonial police in Calcutta, India, in the British effort to crush the 1936–39 Arab Revolt in Palestine. Having successfully carried out a plan "to move police stations from inferior rented buildings into permanent, purpose-built police stations" in West Bengal, Tegart applied a similar logic to establish heavily fortified police stations, which became popularly known as "Tegart forts," in Palestine.

These forts remained significant sites of security infrastructure in the wake of the British Mandate (a legacy discussed by Yasid El Rifai, Dima Yaser, and Adele Jarrar in *JQ* 69), and this – as well as the fact that major outlay of funding for their construction took place *after* the revolt’s suppression, Britain’s entrance into World War II, and the introduction of partition as the prevailing “solution” to the “Palestine problem” – leads Cahill to question the long-term strategic logic of their geographic placement. Cahill’s study is thus in keeping with another recent development described by Alon, in which scholars, “undoubtedly spurred by the type of transnational approach that is currently in vogue,” have focused on colonial policing in efforts “to reexamine or reevaluate global phenomena, such as decolonization and the Cold War, while other efforts in this vein have placed the legal and tactical aspects of the U.S.-led ‘global war on terror’ in a longer genealogy of imperial counterinsurgency.”

More recent global circuits of security expertise and technological transfer are the subject of Shimrit Lee’s “Simulating the Contact Zone: Corporate Mediations of (Less-Lethal) Violence in Israel, Palestine, and Beyond.” Lee examines the marketing of Israeli-branded “non-lethal” or “less-lethal” weapons – including tear gas, stun grenades, electronic stun technologies, kinetic impact weapons, and the malodorous liquid called Skunk, among others – at international weapons expositions, online, and elsewhere, where they “gain particular meaning and mobility through their incorporation into visual and performative marketing narratives.” These narratives cast these weapons as hi-tech, adaptable, even environmentally friendly. Corporations emphasize their weapons’ global appeal and applicability by “placing them within a hyperreality which is depoliticized and deliberately ambiguous.” This hyperreality conjures abstracted threats, most commonly presented as “a masked male who embodies the role of rioter, terrorist, and common criminal all at once” – an “individualized threat that blurs internal dissent with criminality.”

The abstracted terrorist/criminal produced by corporations as part of a “fear prototype” to sell “security,” is, needless to say, a distortion of the individuals and communities who are the actual targets of these weapons, and Lee suggests a practice of “critical seeing” to unravel a “reductive culture of fear that tells us little about agency or the courage and creativity at the heart of resistance.” One element of this agency, courage, and creativity is addressed by Malaka Mohammed Shwaikh in her article on Palestinian hunger strikers, “Dynamics of Prison Resistance.” Shwaikh shows how Palestinian prisoners – the ultimate subjects of policing, both in the sense of their imprisonment being the final outcome of policing and in the sense of prison being a site within which all actions are regulated, constrained, and policed – manage to find ways of making demands and asserting their humanity. Shwaikh draws on Banu Bargu’s concept of “necroresistance,” through which those who resist are capable of “seiz[ing] the power of life and death from the state, thus establishing an active counter to sovereign power.” By refusing sustenance, hunger strikers make themselves physically weak, “thereby creating particular conditions of possibility to mobilize strength elsewhere” and thus participate in “a mode of actively doing politics that expands repertoires of protest and asserts agency and ownership of one’s body.” Israeli prison authorities devise various methods to undermine hunger strikes, including

force-feeding – which is then spun by these authorities as a “humanitarian” measure – but the persistence of Palestinian hunger strikers in recent years indicate that people willing to put their lives on the line cannot be rendered completely powerless.

The centrality of the body to questions of policing and resistance is affirmed also by Sarah Ihmoud in “Policing the Intimate.” Ihmoud uses the concept of “social policing” to explore the way individuals and organizations outside of the state – though often working in concert with or with the tacit approval of state bodies – enforce norms. In this case, Ihmoud examines the anti-miscegenation movement in Israel, which seeks to prevent and punish romantic relationships between Arabs and Jews, in particular those between Arab men and Jewish women. This movement takes various forms, from vigilante violence against Palestinian men to “educational” presentations in public schools. Ihmoud connects this “social policing” of gender and racial boundaries to the broader project of Jewish Israeli nationalism, “which construct[s] Jewish men (and women) as heteropatriarchal and hypermasculine protectors of the Jewish body and, hence, the Jewish nation.” The campaign against Jewish-Arab relationships is thus not only about maintaining national boundaries, but about maintaining national hierarchies: “By inflicting pain on the Palestinian body, the Jewish subject seeks to feminize Palestinian masculinity, and in doing so perform a gendered sense of racial superiority.”

Yad L’Achim and Lehava, two of the groups that Ihmoud describes in her article, are part of a rising populist Right in Israel, a trend found not only in civil society, but also in elected office. Shir Hever, in “Securing the Occupation,” addresses the impact of this political shift on Israeli security policy, where a traditional security elite (predominantly secular and Ashkenazi) advocates “a ‘rational’ approach to the occupation, operating behind the scenes by relying on intelligence gathering, recruiting collaborators, and sowing divisions among Palestinian factions,” and a populist Right (“anchored in Mizrahi politics and religious discourse”) presses for “a direct show of force” against Palestinians. Hever points to a number of instances – including the summer 2017 efforts to install metal detectors at the entrances to al-Haram al-Sharif and subsequent Palestinian protests, Israeli soldier Elor Azaria’s execution of ‘Abd al-Fattah al-Sharif in Hebron and the popular support he received in Israel, and Israel’s decision to purchase submarines from Germany – that have illuminated the growing tensions between these two camps.

This discord is particularly apparent in Jerusalem, to which the populist Right attaches enormous symbolic significance and where it is thus more aggressive in its defiance of the traditional security elite. The result, Hever argues, is that especially since 2014, “cracks in the Israeli security apparatus . . . have expanded and created a space for Palestinian residents of the city to resist and, occasionally, to achieve symbolic victories.” Foremost among these was the success of the 2017 protests in having metal detectors removed from al-Haram al-Sharif. Hever’s long-term prognosis, however, is not triumphalist:

The growing tension between the different elite groups in Israel shows that the decline of the Israeli security elite may not reduce settler-colonial violence toward the native Palestinians, but likely heralds the privatization

and decentralization of this violence, now increasingly expressed in the form of individualistic religious and political violence, and decreasingly expressed as organized violence executed according to orders through the chain of command.

The privatization and decentralization that Hever predicts – as well as the way rivalries within Israeli institutions shape the daily struggles of Palestinians – echo dynamics described by Yael Berda in her recent book on Israel’s permit regime, *Living Emergency*, reviewed in this issue of *JQ* by Alex Winder. Berda’s examination of the “effective inefficiency” of this system highlights its opacity and unpredictability, characterized by the personalization of decision-making and the rise of an informal economy of permits driven by Israeli middlemen. Coming full circle, *Living Emergency* makes for an interesting read in combination with LaFrance’s article. Israel’s permit regime may defy all standards of efficient and accountable public administration, yet, as Berda writes, its “bureaucratic cruelty . . . , the disorganized mayhem that caused such suffering and despair, was incredibly efficient for achieving institutional and legal segregation between Jews and Palestinians, creating disorientation and atomization that turned life in the West Bank into a daily struggle within a perpetual emergency.” Both Berda in her book and Winder in his review close with calls for the kinds of “large-scale changes” that LaFrance, too, sees as necessary to produce real change. “Where legal solutions are insufficient,” Winder writes, “political solutions point the way forward. This entails recognizing that labor rights, freedom of movement, and transparent governance are intertwined, and that all must be defended rigorously from the justification of ‘security’ that seeks to undermine them.”

This of course raises questions about how to translate scholarship into political change. In July of this year, while receiving an award from the World Congress for Middle Eastern Studies, Palestinian historian Rashid Khalidi delivered a poignant speech on the state of Middle East studies in the twenty-first century. He suggested a need for more master’s and doctoral students to enter the policy, non-governmental organization, and media spheres. What if (an inevitable and possibly a rhetorical question) more academically trained experts were actively engaged in shaping police policy and practice in Israel, Palestine, and around the world? Perhaps it is naïve to think that things would be better and that the police could be a body made of the people and for the people, yet it could be a step forward and an improvement.

Finally, this issue of *JQ* is rounded out by the memoirs of two prominent Palestinian figures, Tarif Khalidi and Taufiq Canaan, continued from previous issues. In these, Khalidi, the prominent historian long based at the American University of Beirut, and Canaan, the physician and influential ethnographer of Palestinian society, detail the influences on their intellectual and professional lives and stand as models for the kind of scholarship

that the *Jerusalem Quarterly* aspires to support – scholarship that is alive and vibrant, unafraid to explore new ideas, and rooted in a sensitivity to experiences of Palestinians from all walks of life.

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Corrigenda (corrected online):

In *Jerusalem Quarterly* 74, endnote 5 (page 55) of Rona Sela's article "Ali Za'zur and Early Palestinian Photojournalism: The Archive of Occupation and the Return of Palestinian Material to Its Owners" misstated the time period of Za'zur's tourism photography. It was from 1956 to 1972, and not 1956 to 2000.

The editorial in *Jerusalem Quarterly* 73 misstated the publication source of "The Fall of Lydda, 1948: Impressions and Reminiscences" by Reja-e Busailah (page 6). It was published originally in English in *Arab Studies Quarterly* 3, no. 2 (1981), and not in *Shu'un Filastiniyya*.