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Citation for final published version:

Preminger, Jonathan 2025. Internal borders and the shaping of noncitizen workers in the context of ethnonational and territorial conflict. *Work, Employment and Society*

Publishers page:

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Internal borders and the shaping of noncitizen workers in the context of ethnonational and territorial conflict

Abstract

This article explores the role of internal borders in shaping conditions for noncitizen workers in the context of ethnonational and territorial conflict. Based on research in Israel/Palestine and drawing on recent scholarship that problematises essentialist understandings of borders, the article asserts that working conditions are shaped by bordering practices which constrain the activities of social actors and determine the legitimacy of organisations in various enclaves within contested territory. Moreover, borders facilitate the creation of individualised workers separated from other 'indigenous' identities and collectives, dividing the 'legitimate' worker from the threatening or valueless. The article thus contributes to recent work on the nexus between employment conditions for migrant workers and immigration regimes, arguing that within contested territory, internal borders do not merely facilitate the exploitation of noncitizen workers, but assist the state in managing conflicting logics: inclusion for exploitation and exclusion of unwanted 'others' from the ethnonationalist political community.

Keywords

Borders, employment, ethnonationalism, industrial relations, Israel, migrant workers, Palestinians, settler colonialism, trade unionism

Introduction

In explaining the employment terms and conditions of migrant workers, scholarship recognises the impact of immigration regimes and mobility rules. National borders filter and constrain, controlling

the quantity and type of workers entering a given sovereign space, while immigration regimes also affect how migrants are integrated into the host economy, in turn impacting 'local' workers (Anderson, 2010). In implementing various immigration regimes, the state is ostensibly responding to and balancing between the interests of key social actors – most prominently employers seeking labour and migrants whose rights must be safeguarded, as well as citizens whose jobs and 'way of life' must be protected (Shelley, 2007).

However, while this literature is relevant to contested territories, there is an additional layer that complicates the story in the context of ethnonational conflict: where a dominant political entity controls adjacent territories subject to conflicting territorial claims, workers who are not citizens of this entity may have to negotiate myriad controls on mobility across shifting territorial enclaves. Moreover, states governing contested territories are likely to be under various pressures beyond employer or 'economic' interests, such as domestic political pressures born of the conflict, security concerns and territorial ambitions, as well as international pressures. This article therefore explores the significance of borders for noncitizen workers, specifically local workers lacking citizenship within the dominant political entity, who migrate across contested territories to seek employment. It asks, how do internal borders and bordering practices shape employment terms and conditions for noncitizen workers within contested territories and an ethnonationalist politics?

Based on a study of Palestinian workers employed by Israelis in Israel-Palestine, the article draws on recent scholarship that problematises essentialist, static understandings of borders (Shahar, 2020) to explore how working conditions in territorial enclaves are shaped by borders and bordering practices which constrain the activities of social actors and determine the legitimacy of organisations in various spaces. 'Borders' are understood to be the physical constraints separating concrete geographical entities, including fences, walls and roadblocks, as well as the lines on the map which may have no physical presence on the ground, but nonetheless divide territories within which different conditions and regulations apply – this is particularly salient in the context of this study,

where borders and barriers to mobility can be transient, unstable and lacking concrete expression. 'Bordering practices' are understood as requirements imposed on those who would pass borders, such as having the requisite permits. However, borders also intersect with conflict in ways that can be exploited by parties to the employment relationship and the state. Crucially, borders delimit worker identities, creating pure individualised *workers* separated from other 'indigenous' identities and collectives: they separate the valuable from the valueless, the 'legitimate' worker from the threatening, illegitimate or ignorable, shaping a normative worker and excluding all other kinds of indigenous being.

The article thus contributes to recent work on the nexus between borders/bordering practices and the shaping of a labour force, arguing that in the context of contested territory, internal borders are as impactful as sovereign borders in shaping employment conditions. Moreover, such borders do not merely facilitate the exploitation of noncitizen workers, but are crucial means in state hands for managing the conflicting logics of capitalist exploitation of a cheap workforce and the exclusion of an unwanted population from an ethnonationalist political community. On the one hand, noncitizen workers are increasingly integrated as individuals in a 'free market' of labour. On the other, borders ensure that these workers are depoliticized, permitting only a minimum of contact beyond the employer-employee relationship. However, like some other recent studies, the article also notes that 'economic inclusion' in the workforce opens paths to claiming rights and representation: the exclusionary ethnonational ethos is made more complex, its application messy and contradictory (Amoruso et al., 2019) as it copes with the interests, agendas and pressures of myriad social actors as well as the tensions inherent in neoliberal settler-colonialism (Farsakh, 2021).

Noncitizen labourers and border regimes

Migrant labour can be understood as a straightforward business proposition: migrants receive better wages than they would at home, their families receive remittances, and host-country employers get

willing workers at lower cost. Employment terms may be poor relative to those of host-country citizens, but migrants accept them since they are better than those back home. However, this on-tap workforce is often vulnerable, open to exploitation and abuse. Explanations for this vulnerability and precarity frequently focus on the individual, and include discrimination by host-country citizens, migrants' poor language skills, the host country's failure to recognise migrants' qualifications (e.g. Bretones 2020; Shelley, 2007), and competition with local workers whose representative organisations have a troubled history with regards to noncitizens.

However, recognising the limits of this focus on individual vulnerability, a growing body of scholarship emphasises the crucial role played by immigration regimes in creating these workers: while immigration controls are often touted as protection for the 'citizen' workforce (Anderson, 2010), migrant workers' status as migrants and their marketplace bargaining power is determined to a large extent by border regimes and mobility rules which contribute to hierarchies within internal labour markets, shape migrants' relationship to host country workers, and impact working conditions (Barron et al., 2016; Könönen, 2019; Maury, 2022; Semyonov and Lewin-Epstein, 1987). Employers and, indirectly, citizens benefit from exploitable (cheap, precarious) workers because the rules and processes governing their entry into the host country have stripped them of the resources that would enable them to bargain for better terms and conditions. Thus, immigration rules can be used as both a tap, 'regulating the flow of labour' and a 'mould, shaping certain forms of labour' (Anderson, 2010: 301).

In analysing the impact of the immigration regime, scholars often focus on the state's role in balancing the interests of employers and those of the migrants, understood as safeguarding basic human rights and reasonable working conditions (Shelley, 2007). The implicit understanding of the state's borders in such literature aligns with a Westphalian conceptualisation of the nation state: the state holds legitimate authority over a given territory, throughout which its laws are applicable, and those within this territory are subject to these laws – even when some population groups are treated

differently (for example, migrant workers may be subject to labour legislation yet not eligible for some kinds of state support). The institutions regulating the labour market operate within that territory: trade unions, for example, concern themselves with the employment relationship that exists within those borders.

Sometimes the premises of this approach may still hold, but studies have shown how the congruence between the regime's control, territorial sovereignty and the application of standard legislative frameworks has been eroded (Fudge, 2022; Mundlak, 2009). Ong (2006), for example, has explored the differential application of law to ethnically distinct populations according to their 'value' to global circuits of capital. Others note how territory has been carved out of sovereign states to create legislative islands in the form of Special Economic Zones, and implications for workers (Gordon, 2022; ILO, 2012). Scholars of the European Union have analysed the different layers of law and effective sovereignty in member states, specifically as regards employment (Lillie and Sippola, 2011). The key claim of such scholarship is that *national* borders are decreasingly important in defining territory throughout which specific working conditions apply. Nonetheless *borders* are still important in controlling movement – especially of 'unwanted' populations or 'others'.

These insights are especially relevant to cases of territorial conflict and shifting borders. On the one hand, workers in contested territories may have to cope with more than just national borders, negotiating myriad controls on mobility across changing territorial enclaves such as fences, checkpoints and directives to keep out of certain areas, not all of which will be directly concerned with their status as workers, but which are likely to impact their working terms and conditions. On the other hand, states governing contested territories could be expected to concern themselves with more than just the balancing of employer and migrant labourer interests, and consider also domestic political pressures born of conflict, anxieties regarding 'the enemy', security concerns and control of territory, while maintaining international legitimacy and responding to international pressures.

Recent scholarship draws our attention to the changing and multiple nature of borders, suggesting that they ‘expand or shrink, selectively and strategically, depending on the target population... creating seemingly endlessly shapeshifting borders and boundaries’ (Shahar 2020: 2). State borders are ‘pushed out’, so that for those wishing to enter a given sovereign territory the physical static border is the ‘last point of encounter’ after other hurdles have been overcome (2020: 5); but borders also reach inward, into state territory, so that newcomers remain contingent and subject to ongoing checks, in ‘constitution-free zones’ where ‘ordinary constitutional rights are partially suspended or limited’ (2020: 6; also Medien, 2022); and privileges can be revoked even after the supposed ‘endpoint’ (entry into the country) has been achieved (2020: 18): border controls ‘extend well beyond borders per se into workplaces and neighbourhoods in the interior of the state’ (Agnew, 2008: 184; Buechel, 2020).

Particularly relevant to contested territories, this literature also notes that borders are not just something to be *passed through*, but a space within which to *remain* (for various lengths of time; Baud and van Schendel, 1997). Borders function ‘as barriers or buffers’ but also as ‘gateways, bridges and *zones of interaction*’ (O’Dowd, 2002: 114; my emphasis). As zones of interaction and control, ‘borderlands’ are *political*:

‘[O]pening up contingent border spaces across time... makes it clear that there is a plurality of actors in this political space and the complexity here is not just a matter of their multiplicity but also that their actions are often at cross-purposes to one another. Thus, border spaces and debates are domains of inherent political conflict’ (Little, 2015: 444).

Crucially, ‘in a world where borders are transforming, but not dissolving, the question of legal spatiality – *where* a person is barred from onward mobility, and by *whom* – bears dramatic consequences’ for their rights and protections (Shahar, 2020: 12). Thus, in analysing the ‘inward’ and ‘outward’ expansion of borders at the European level, Fedjuk and Stewart (2018: xv) note the differential rules and restrictions leading to the stratification of migrant groups, what they call ‘the

inward proliferation of national borders whereby borders are extended; not so much geographically or physically but to the arenas of rights, permissions and restrictions.’

However, the migrant labour literature tells us little about how these pressures, borders and constraints on mobility impact the labour force and working conditions, or shape migrants *as workers*, within the context of ethnonational conflict. Specifically, the literature has largely overlooked the role of internal borders within contested territories controlled by one political entity, in which the mobility of workers who are not citizens of that political entity is extensively controlled. If ‘labour is a key site for analysing overlapping modes of articulation between colonial and neoliberal logics’ (Hackl, 2022: 4), we would expect the control of labour mobility to intersect with interests related to such conflict, including issues of inclusion and exploitation as well as exclusion and fear of the ‘other’; this, in turn, will likely impact employment conditions. The article therefore seeks to understand the significance of internal borders for noncitizen workers within contested territory controlled by a dominant political entity, in the context of ethnonational conflict.

Methods

The article draws on a qualitative study of employment conditions for Palestinians from the Israeli-occupied territories working for Israeli employers, conducted over the course of a year (2022-23). Israel/Palestine is an ideal site for exploring the role of internal borders in shaping employment for noncitizen workers within a specifically ethnonationalist politics: almost the entire territory is under Israeli control (de facto, from the River Jordan to the Mediterranean, though authority is nominally allocated among various Palestinian Authority [PA] and Israeli state bodies); it has a relatively large population of Palestinian workers who are not citizens of the dominant sovereign entity, Israel (in addition to migrant workers from various countries and asylum seekers, who are not discussed in this article); and the territory is divided into enclaves by various kinds of borders and constraints that regulate Palestinian movement and impact their employment, notably the complex permit system

that determines their ability to pass through borders and legitimises their presence within certain spaces.

In seeking to understand how such borders impact noncitizen workers, the empirical research focused on understanding the details of the borders, the way these borders impact the employment conditions within the enclaves that the borders create, and the interests of social actors in the erection or dismantling of borders. The situation 'on the ground' in Israel changes rapidly: a change of minister in a key government position can quickly be felt by Palestinians in changes to employment terms. Nonetheless, even as details changed, the research sought the underlying logic of this bordering as a crucial practice for controlling and shaping workers and employment: to understand how different groups are incorporated into the labour market; how they are regulated; what access to assistance and representation they have; and which institutions are involved in regulating their work and safeguarding their rights.

The research project was approved by the Ethics Committee of [Department] at [name] University. Twenty-four semi-structured interviews were conducted in two rounds (November 2022 and February 2023) with trade union representatives, staff in various civil society organisations (CSOs), chairs of worker committees, Knesset (Israeli parliament) members, and staff in government agencies (a complete list is appended to this article). Interviewees were purposefully selected initially by their position within organisations relevant to the governance of migrant/Palestinian workers in Israel and the occupied territories, then self-selected by their willingness and availability to be interviewed. The project was explained to them, they were assured they could withdraw or stop the interview at any time, and they were asked to give their consent verbally. Interview questions varied according to the organisation with which the interviewee was associated (CSO, trade union, worker committee, government body), but all interviews covered key topics: the activities of their organisations, the territories in which they operate, links with other organisations, Palestinian access to these organisations including extent and type of representation and assistance, and working

conditions for Palestinians including constraints and requirements such as work permits (the interviewees have not seen this article and my understanding of events may differ from theirs). All interviews were conducted face-to-face except three via Zoom; all were conducted at the interviewee's place of work except the online interviews when the interviewees were at home; and were conducted in Hebrew except two in Arabic (with an interpreter) and two in English.¹ Interviews varied in length from around 30 to 90 minutes and audio recorded. [sentence on private conversations cut for peer review]

The research was exploratory, and did *not* aspire to systematically map all borderland enclaves or organisations. Interview material was first categorised and analysed according to the enclave it referred to, the constraints on mobility it discussed, the inter-organisational relationships and organisational representation it described, and the activities noted. This material was supported and verified by material from press releases and reports from CSOs, rights organisations, and government institutions. From this analysis, broader themes emerged according to which the material was rearranged, and that form the subsections to this article, namely the myriad borders across territories under Israeli control; the institutional configuration within the enclaves formed by these borders – particularly Palestinian workers' relationship and access to organisations that can represent or otherwise assist; the importance of the security discourse; and the shaping of Palestinians exclusively as *workers*.

Israel and its noncitizen Palestinian workforce

There are many sociological and political-economic studies of Palestinian workers in Israel, going back to the early days of the occupation post-1967. A key characteristic of these studies is the relationship between the changing political context and the regulation of employment for Palestinians, most notably the possibility of entering the Green Line at all (Farsakh, 2005; Niezna, 2018; Rosenhek, 2003).² Groundbreaking studies of Israeli industrial relations (e.g. Shalev, 1992)

implicitly accept the framing of noncitizen Palestinian labour as migrants entering 'Israel proper', as do studies of Palestinians in the Israeli labour market (Portugali, 1993; Semyonov and Lewin-Epstein, 1987).³ Indeed, migrant labour is the concept most commonly applied to Palestinian workers, both in scholarship and among social actors 'on the ground'. This concept assumes Palestinians 'from there' come into Israel 'here' (Farsakh, 2005; Khattab and Miaari, 2013), an approach which resonates with the Jewish-Israeli political centre and liberal left, whose attitude is 'us here and them there'.

Throughout the profound changes to the Israeli economy following the Oslo Accords, the neoliberalization of governance (Shafir and Peled, 2000; Haddad, 2016), and the rise of nationalist-Jewish political forces with a more explicit agenda of annexation, scholars studied how changing circumstances impacted Palestinian workers: the difficulties of getting work, negotiating bureaucracies, issues of security, unionisation and representation, and the overall political economy (Berda, 2017; Preminger and Bondy, 2023; Tartir et al., 2021). A key issue in more recent work has been the sometimes-contradictory demands stemming from state territorial ambitions and 'economic' requirements. Some have discussed this in terms of colonialism versus capitalism (Mundlak, 1999) or studied the impact of globalised capitalism or neoliberalism on regulation more broadly, including Palestinian labour regulation, and the dynamic between these liberalising forces and the settler-colonial requirements of an occupying power (Alimahomed-Wilson and Potiker, 2017; Hackl, 2022; Yacobi and Tzfadia, 2019). Similarly, in a study of the landmark Israeli High Court ruling from 2007, Preminger (2017) frames the ruling in terms of economic inclusion of Palestinian workers and their ethnonational exclusion; and Preminger and Bondy (2023) discuss the dynamic between the 'contradictory imperatives' of neoliberal inclusion and ethnonational exclusion, and its impact on labour institutions.

These studies reveal decreasing focus on the Green Line in sociological scholarship and increasing focus on 'barriers' between different population groups, regardless of geography. Some kind of border between 'Israel proper' and the Palestinian territories still exists both in various

political and scholarly discourses and ‘on the ground’, manifested in barbed wire, concrete and military control, and in the bureaucracies that control population movement (Adnan and Etkes, 2019; Berda, 2017; Niezna, 2018). However, there is growing recognition in scholarship and among social actors that Palestinians are not ‘standard’ migrant labourers: many speak Hebrew reasonably or even very well, they are familiar with the region including its sometimes-challenging climate, and they go back to their families at the end of the day or week. Israeli institutions often adopt this ‘migrant-workers-with-a-difference’ understanding: for example, staff in the Labour Ministry’s Unit for Migrant Worker Rights reported on a round-table event in which ‘One table discussed foreign workers, one table discussed Palestinian workers... [because each population group] has different needs and challenges’ (interviewee 15: Labour Branch staff member).

For most Israelis, perceiving Palestinian workers as migrant labourers is politically appealing: ‘they’ are not ‘our’ responsibility and are ‘here’ only temporarily. Moreover, as Gorodzeisky and Leykin (2020: 143) note, the category of ‘migrant labourers’ ‘reflect political discourses that privilege an ethnonational definition of the state,’ which chimes with Israel’s official narrative. However, it is misleading to claim Palestinians come from one country and enter another as migrants ‘usually’ do: Israel de facto controls the territories in which they live; there is no sovereign ‘sending country’ and no bilateral agreements with an independent state on the absorption of Palestinian workers (though their employment is regulated by provisions in the Oslo Accords and related agreements from the 1990s):

‘They’re not foreign workers per se, they don’t come here in the framework of a government decision from a faraway county... In principle they can work [in Israel] from their first job to their retirement... The only thing they have in common [with migrants] is that they aren’t Israelis’ (interviewee 15).

Moreover, ‘Israel’ is their country too: many have family in or can trace their roots to locations within Israel; and though decades of conflict have divided territories and populations, contributing to

differentiated group identities, the whole of Israel/Palestine is still the Palestinian homeland in cultural and historical discourses: ‘True, they’ve passed a border but they’re still kind of at home’ (interviewee 15).

Relatedly, the borders they cross do not clearly demarcate the edges of sovereign territory within which Israeli law applies and beyond which some other sovereign entity legislates. The ‘border’ between Israel and the Palestinian territories is multiple, contested and unstable, its rules inconsistently and unequally applied – and crucially, the territories on either side of the border are controlled by Israel.

Borders and borderlands: the territories of Israel/Palestine

Myriad boundaries, physical and administrative, crisscross the territories under de facto Israeli control (e.g. UNOCHA, 2019), though the implications of such constraints can change, as when a checkpoint appears, a fence erected, or a directive issued or enforced. The Green Line is a key conceptual barrier, though it has largely been superseded by the ‘separation fence’ snaking along the ‘Palestinian’ side. The checkpoints that Palestinians transit to enter ‘Israel proper’ are situated along this fence (or, in the Gaza Strip’s case, on the 1948 ceasefire border).⁴

Since the Oslo Accords, the West Bank has been divided into three (non-contiguous) territories under different institutional arrangements: Area C under full Israeli control; Area B under Israeli security control and PA civil administration; and Area A nominally under both civil and security PA control, though still subject to Israeli control of key resources including currency and airspace, and to the Israeli military. A complex web of institutions, formal arrangements, informal practices and personal connections governs movement between these territories and between them and ‘Israel proper’ (Habbas and Berda, 2021; Tartir et al., 2021). In parts of the West Bank, close to the Green Line, industrial zones have been established, ostensibly aimed at promoting economic development,

in practice offering employment to West Bank residents in Israeli-owned businesses. The rules governing entry to these 'seamline' industrial zones are different from those governing entry into 'Israel proper'.

East Jerusalem has a special status (e.g. Shtern, 2017): it was formally annexed by Israel (into a 'united' Jerusalem), but Palestinian residents within Jerusalem's municipal boundaries do not generally hold Israeli citizenship (though they are entitled to apply for it). They hold (contingent and unstable) residence rights, and can move freely around Israel, though municipal boundary adjustments mean that some neighbourhoods are beyond the 'separation fence', so residents must pass through checkpoints to reach 'Israel proper': it is often easier for them to travel around the West Bank.

Within the West Bank there are many Israeli settlements, ranging from just a few houses to large towns like Modi'in Ilit (population c.80,000). Rules governing Israeli residents of these settlements differ from those governing adjacent Palestinians. To work in such settlements, Palestinians need a permit issued by the Civil Administration (under Israeli military authority), as opposed to those working in 'Israel proper' and the seamline industrial zones, whose work permits are administered by the Population and Immigration Authority (PIBA; interviewee 23), though subject to security clearance. The legislation and directives governing the West Bank populations are complex (see Berda, 2017; Paz-Fuchs and Ronen, 2012); however, a key development came in 2007 with the High Court decision to expand the coverage of Israeli labour legislation to include all Palestinians working for Israeli employers, regardless of where they are located (see Preminger, 2017).

Access to organisations: legitimacy and resistance

The borders around these 'borderland' enclaves determine the legitimacy of organisations within them. They thus control workers' access to organisations, determining what paths of resistance and redress are available to Palestinians. The Nitzanei Shalom industrial zone illustrates this. Industrial zones have different permits from other territories, and their own 'quota' of workers permitted to enter (interviewee 12: Tel Aviv Legal Clinic for Workers Rights staff member). This zone, established in

the mid-1980s, lies in West Bank territory, between a fence marking the municipal boundaries of the nearby Palestinian town of Tulkarem and the 'separation fence'. Palestinian workers enter through a gate in the east, and Israelis (employers and managers) through a gate in the west. In the late 1990s, a factory there was the site of labour disputes. Poor (illegal) working conditions led to strikes without the backing of any recognised union, but with help from a Tulkarem resident with vague links to the Palestinian General Federation of Trade Unions (PGFTU). An independent workers' committee was established and negotiations led to an agreement to work according to Jordanian labour law.

Further disputes in 2016 led to extensive strikes to demand the Israeli minimum wage. This time, following the 2007 High Court ruling, the workers were able to turn to an Israeli (Arab) organisation, Sawt al-Amal (now defunct), with assistance from Israeli rights organisation Kav Laoved. The latter, established 1991, rarely works in the industrial zones, but has established its presence in the West Bank and was known among Palestinians. The workers were successful in obtaining the Israeli minimum wage, but the workers' committee head (interviewee 5) believed they needed an Israeli Jewish organisation and contacted a small independent union, MAAN. The same interviewee said, 'MAAN is better [than the PGFTU], because it's Israeli. It can sit with [the management], it can talk to them'. In other words, the PGFTU is outside the borders of Israeli IR, barred from representing Palestinians vis-à-vis Israeli employers or authorities, though it exists in territories under de facto Israeli control and administration, in which its constituents (Palestinians) work for Israelis.

In short, organisations accessible by workers and thus working conditions are determined by borders and the changing context: Kav Laoved was established to assist (noncitizen) workers unable to access union assistance, in this case those outside both Israeli and Palestinian industrial relations frameworks; and MAAN was able to act in the industrial zone thanks to the 2007 High Court ruling. The involvement of the Israeli-Palestinian organisation Sawt al-Amal reflects the fact that there are Palestinian Israeli citizens too, but also the fact that they are, at best, second-class citizens: the Nitzanei Shalom workers believed they needed an Israeli-*Jewish* organisation to make real progress.⁵

A contrasting example is that of Palestinians working for Israeli businesses in rural areas such as the West Bank's Jordan Rift Valley. Those working the fields do not need a permit; they are ostensibly covered by Israeli labour law (since 2007) but must negotiate the changing configurations of territorial divisions created by the activities of Israeli settlers and the military: they too are in 'borderlands', not within clear sovereign legal frameworks of any state. They labour beyond the eyes of enforcement agencies, far from the reach of unions, with only Kav Laoved's mobile unit to help (interviewee 4: Kav Laoved staff member).

Palestinians working in Israeli settlements too are subject to Israeli labour law. However, the PA has long boycotted the settlements, as they are constructed on Palestinian land (Palestinians are desperate for work – the official boycott has little concrete effect; Vickery, 2017), and settlements are also outside the purview of the key Israeli authority – PIBA. Thus, in practice, Palestinians working in settlements have recourse to very little assistance.

There are differences within 'Israel proper' too, regarding the organisations that govern Palestinian workers and to whom they can turn. For example, Palestinians in construction are covered by collective agreements signed by the Israeli New General Federation of Labour (the Histadrut), can receive assistance from dedicated institutions, and since the permit reforms of 2021 can move between employers, with further reforms currently being deliberated (interviewee 23).⁶ Those in agriculture or hospitality are under a different permit regime, are bound to a specific employer, and cannot move freely around the country; they have little chance of union assistance and are dependent on rights organisations.

A key distinction, then, is between Palestinian and Israeli organisations. Palestinian trade unions have little potential to improve working conditions and cannot directly represent workers vis-à-vis Israelis. The PGFTU maintains contacts with Israeli authorities involved in regulating Palestinian workers but has little impact on the lives of Palestinians in workplaces – and in any case is not permitted to operate inside 'Israel proper': for the PGFTU, the Green Line is still significant.

Many workers distrust the PGFTU and Palestinian institutions more generally as being corrupt (interviewees 1, 2: worker committee members, Atarot). This was illustrated in the strikes of August 2022, in response to Israel's intention to transfer Palestinian workers' wages directly to their bank accounts (many had previously received at least part of their wages in cash). Though claims emerged later that illegal permit traders incited the strikes, fearing their source of income would be undermined by the new arrangements (interviewee 23), it is telling that they were able to play on the workers' suspicions of Palestinian institutions.

Nonetheless, while Palestinian organisations are unable to operate in Israel and almost powerless to assist workers who labour there, organisations 'from both sides' maintain links that shift the limits of what can be done in ways that circumvent official borders. The Histadrut, for example, has close links with the PGFTU, which gets a share of the fees deducted from Palestinian wages in Israel. Kav Laoved cooperated with the PGFTU until its report (2007) criticised both the PGFTU and the Histadrut. Since then, it has worked with individual unions and with the Palestinian Labour Ministry and Employment Services, giving workshops, lectures and training days in key Palestinian towns for Palestinians working in Israel, so they understand their rights under Israeli labour law. PIBA too has issued leaflets explaining worker rights; some have included a Kav Laoved staff member telephone number for those seeking advice (interviewee 4: Kav Laoved staff member). Thus, CSOs and unions extend the state's reach beyond its 'official' geographic remit, while finding ways of evading the constraints of borders.

The Israeli organisation most well-known among Palestinian workers is the Histadrut. Although some interviewees (workers) seemed aware of the Histadrut's role in establishing the State of Israel and discriminating against, if not openly oppressing, the Palestinians (see Shalev, 1992), they were more concerned that it simply does little for them as workers ('for us Arabs, the Histadrut does nothing'; interviewee 10: agricultural fieldworker).⁷ Before turning to MAAN, the leaders of the Atarot labour dispute repeatedly contacted the Histadrut, but it did nothing (interviewee 2: worker

committee member). Interviewee 5 (worker committee chair) told me, 'I would be scared of [the Histadrut]... They say it's not good for the workers... because it's so big... everything is a mess... Doesn't help the workers.' Interviewee 8 (agricultural fieldworker) had heard that the Histadrut and Kav Lavoed can help but had had no personal dealings with them. The Unit for Migrant Workers Rights and the Anti-Trafficking Unit, both state bodies, have resources to assist on a case-by-case basis but neither is well known. Most Palestinians who work in 'Israel proper' are more familiar with Kav Laoved, which has a much stronger presence on the ground, though it is almost unknown in the industrial zones (interviewees 24: Justice Ministry senior staff member; and 15: Labour Branch staff member). The Histadrut is not involved in industrial zones either (interviewee 17: Histadrut senior officer).

Borders, then, have a different impact on different social actors and organisations (who serve different needs and interests), whether this is due to rules or expediencies of operations. Palestinian unions cannot operate in 'Israel proper', while Koach Laovdim, a small independent general union established in 2007 (Preminger, 2018: 2), *could* operate in the industrial zones but in practice focuses 'inside' the border, yet its efforts to organise Palestinian bus drivers from East Jerusalem have led it into the Israeli settlements served by those buses as well. CSOs too are influenced by the way borders carve up territory, which in turn influences what rights Palestinians can claim (interviewees 6 and 7: ACRI staff members). Borders thus define the enclaves in which different organisations can legitimately operate, while the objectives, interests and ideologies of these organisations shape their efforts to operate across and beyond these borders, challenging the limitations they impose.

Borders and the security discourse

The conflict impacts employment in ways that intersect with borders. Employers can send workers back across the Green Line if they are deemed troublesome or to avoid addressing claims such as compensation for work accidents (interviewee 3: Histadrut Leumit senior officer). 'Troublesome' workers are easily distanced: a complaint with the police means the work permit is automatically

rescinded for six months, even before any case is made or evidence presented (interviewee 4: Kav Laoved staff member). In Atarot, fear of losing permits determined who was willing to join the workers' committee or give evidence in court (interviewees 1, 2: committee members). Similarly, managers used 'security' to fire a unionising worker at a garage in Mishor Adumim industrial zone (Morton-Jerome, 2021).

However, security is also a discursive weapon, used even if the Israeli authorities have not identified a 'real' threat. As the Commissioner for Foreign Workers Labour Rights put it, 'the worker who gets a permit is someone who has passed security clearance... How they are employed doesn't really interest [the Defence Ministry]... There's no scale: either he is eligible for a permit or he's not' (interviewee 15). In theory, the security arm of the state insists on knowing exactly where every Palestinian worker is located and who they work for (MAAN officer, private conversation). In practice, around one-third of Palestinians are not working for the employer noted on their permit, and hence not located where authorities assume they are.

Moreover, the ease with which Palestinians get through the 'separation fence' even without a permit is well known (interviewees 6, 7, 18: staff in rights organisations): 'Until less than a year ago, the [holes in the fence] were so well established... there were coffee stalls [there]' (interviewee 15), though the state makes greater efforts (performative or real; Bornstein, 2002: 214) to block these holes during times of tension, as it did following the attacks in 2022. In reality, the state 'doesn't care' where these workers are: as the head of Tel Aviv Legal Clinic for Workers Rights (interviewee 12) said, across 20,000 construction sites, multiple contractors and 100,000 workers, the state cannot in fact police their location. 'There was a hole in the fence; [soldiers] saw us [go through] but turned a blind eye' (interviewee 9: agricultural fieldworker).

Security, whether 'real' or performative, is not the only agenda that impacts passage through borders: criteria change according to the requirements of employers and considerations like public holidays. 'Suddenly there is a housing shortage in Israel, we need to build lots, and suddenly people

who were dangerous in the past are no longer dangerous' (interviewee 6: ACRI staff member; Preminger and Bondy, 2023). Even progress in construction of the 'separation fence' is subject to pressures from groups such as settlers' lobbies and environmentalists (interviewee 7: ACRI senior staff member).

Borders, then, are used by various actors to further their interests in ways that build on both the physicality of barriers and the discourse on what such barriers are 'supposed to do' – while also being shaped by the conflicts between these interests. They enable the state to address domestic (Israeli) concerns about security while also responding to the demands of other powerful social actors such as employers.

Shaping Palestinian identity as 'workers'

Borders, then, are instruments, but they also instrumentalise: bureaucracies of bordering require Palestinians to conform to specific identities, rather than enabling their passage simply as human beings, thereby excluding the multi-dimensional richness of human existence. For example, there are 13 different permits to enter the seam zone (between the 'separation fence' and the Green Line), each attached to a particular identity such as farmer, trader or teacher (interviewee 18: Hamoked). As interviewee 6 (ACRI) said, 'The whole system which you're in doesn't see you as a human but as a function'. However, the key identity imposed and shaped by borders is that of *worker*: After a meeting in Atarot, I gave interviewees a lift to the Qalandiya checkpoint. Around me, dozens of employers with businesses in the industrial zone were doing the same – bringing their workers to the checkpoint, from where they would pick them up the following morning for another day of work: bordering practices enable Israelis and Palestinians to meet as employer and employee; other encounters are far more difficult.

An extreme illustration of the constraints on Palestinians and Israelis meeting outside the context of employment is my effort to speak to the interviewee at Nitzanei Shalom: he does not have permission to enter Israel and I cannot walk freely around Tulkarem or enter factory premises (we

spoke on Zoom). Sanctioned meetings are those between employer and workers only; there are few spaces for meetings of other kinds, and the industrial zones are planned for this alone. Israeli bureaucracy has always tried to constrain Palestinian movement 'so they don't start meeting people... Minimum contact with the [Jewish] population' (interviewee 12: Tel Aviv Legal Clinic for Workers Rights staff member).

The long and often humiliating commute is an integral part of Palestinians' workday, serving to distil the identity of the human being permitted to move: a worker without 'suspicious' family or political connections, without a past of activism or resistance, without security risk. All aspects of life outside the workplace and beyond the extraction of labour value are relegated to the PA, including treatment for work accidents (interviewees 6, 7, 18): borders divide workers from all other aspects of their lives. Yet as *workers*, Palestinians have 'earned' an extraordinary level of legitimacy among Israelis, reflected in widespread acceptance of their claim to full workers' rights. Similarly, as *workers*, Palestinians were crucial during Covid, permitted to sleep inside Israel and even vaccinated by Israel (Niezna, 2020). As interviewees 6 and 7 (ACRI staff) said, 'nobody' thinks Palestinians should have freedom of movement, or freedom not to have their houses demolished, yet 'everyone' agrees that Palestinian *workers* should get full rights, including the state representatives these interviewees work with (even if in practice it does not happen).

Discussion

This article set out to explore the role of internal borders in shaping a noncitizen labour force within the context of conflict and an ethnonationalist politics. Studies of migrant labour acknowledge the importance of immigration regimes in shaping migrants as a relatively weak workforce, benefiting employers and citizens. These studies note the state's role as broker, using bordering practices to manage conflicting interests while responding to ostensibly unavoidable economic pressures. Such literature, however, has little to say about the role of internal borders over territories controlled by a dominant political entity in the context of territorial conflict.

The material presented here suggests that in contested territories, noncitizens cope with various shifting borders that circumscribe their lives, creating diverse territorial enclaves subject to complex configurations of laws, directives and military orders, governed and impacted by various organisations. In short, they live and work in 'borderlands' created by the legal, physical and affective borders imposed by the controlling state. This assertion calls out the fiction of the 'Palestinian Authority' as a 'state-in-the-making', but it has theoretical and analytical implications which lead to a more holistic understanding of noncitizen workers subject to the control of a dominant political entity in the context of conflict: these borderlands determine the ways they are integrated into the labour market, delimiting the legal frameworks that govern them, shaping working conditions and the efficacy of regulatory enforcement, and influencing which organisations and institutions are relevant to their working lives.

At 'ground level', immigration regimes can be empirically linked to specific needs, interests and agendas of concrete social actors, but the material above would also suggest that in the context of contested territories, bordering responds to a wider range of interests than those of employers and workers: trade unions which have internalised a nationalist agenda, CSOs, the security forces, and political groups organised within and outside parliamentary politics. A key influence is the state agenda with regards to the contested territories themselves: while details vary considerably from one 'enclave' to another, bordering practices and the interests they serve reflect tensions between the logic of an ethnonationalist politics and the pressures of neoliberal capitalism, or the free-market economic 'imperative' to include and exploit, and the 'imperative' to exclude the ethnonational 'other' (Preminger and Bondy, 2023). The state at a political discursive level continues to talk of 'national' conflict and security, excluding Palestinians from the political community dominated by Israeli Jewish citizens. At the same time, state institutions are under pressure to enable the employment of cheap labour, as well as the pressure of ensuring a minimal income in the occupied territories for the sake of 'quiet'. Bordered enclaves facilitate this.

These pressures are augmented by Israel's position in the globalised economy, and the demands of international organisations, which Israel is wary of ignoring – e.g. OECD, Council of Europe and ILO (interviewees 17, 24). In 2021, a US State Department (2021) report downgraded Israel from Tier 1 to Tier 2, over concerns around rights violations – a move with potentially significant financial implications for Israel (interviewee 23: Foreign Workers Administration senior staff member; see Hacker, 2015). As Shachar (2020: 19) has it, a neoliberal understanding of rights is increasingly disconnected from political status: states are increasingly unable to discriminate on formal categories. Thus, the state attempts to regulate Palestinian labour in line with an individualised understanding of workers' rights (interviewee 18 noted considerable success by CSOs in petitioning on individual rights issues) and shaping an institutional context that makes Palestinians 'more like' Israeli workers (see also Preminger, 2017), promoting a 'free market' of Palestinian labour and encouraging employer competition for Palestinian workers (interviewee 23).

Borders are key to shaping Palestinians as individual workers – and *only* as workers – in this liberalised labour market, and contribute to depoliticising these workers: bordering tools such as the Elmunasek app efficiently channel identities while reducing Palestinian contact with both Palestinian coordinators and the Civil Administration, reducing potentially political encounters.⁸ Privatisation of bordering serves the same end: private management of checkpoints (see OCHA 2023), while perhaps more 'efficient', reduces Palestinian contact with public authorities and thus smooths the political face of occupation. In the context of the Israel/Palestine conflict, borders can thereby be a tool in the 'liberal peace project' that 'seeks to depoliticise the temporal and spatial articulation of selfhood in place of a globally affirmed, institutionalised discourse that seeks conformity to a liberal international political economy' (Jabri, 2010, cited in Seidel and Tartir, 2019: 5).

However, these are not (just) borders to be passed through. There is no point at which Palestinians 'get through' *the* border: borders (plural) shape and control every aspect of their lives – who they can meet and in what capacity, which organisations are available to them, which territories

are open or closed, which rights they can claim. They are barriers and buffers, but also shape the ways humans can interact, the relationships they are able to develop. Crucially, there is no national border that would enable them to exercise their 'transnational exit power to quit bad jobs and defy employers' assumptions about their availability to work under poor conditions' (Alberti, 2014: 865): Palestinians cannot 'exit' Israel's control.

Moreover, borders clearly separate between the spheres of production and reproduction (Bornstein, 2002: 203), where reproduction (social and family life) is conducted in territories ostensibly under PA control and production (extraction of value) in Israeli-owned businesses, thus defining spheres of responsibility and promoting the 'efficient' exploitation of labour. Borders thereby enable the filtering of the valuable and exploitable from the valueless. While the 'separation fence' may be more porous than Israelis like to think, border maintenance is more than a 'symbolic action directed primarily at Israelis' (Bornstein, 2002: 215): borders are tools for creating diverse groups of 'legitimate' workers and differentiating them from the threatening, illegitimate or ignorable. They create and ringfence the normative worker while excluding other kinds of indigenous being. This worker is an individual, bearer of human rights but removed from the ethnic collective.

Borders, then, enable the settler-colonial state to manage the contradictions, pressures, demands and day-to-day problems of competing groups with often conflicting agendas and interests, while still operating under the logic of its 'inherently eliminatory' (Seidel and Tartir, 2019: 3) politics. It is not that the economic inclusion of Palestinian workers and the granting of individual rights makes Israel less 'settler-colonial' (Wolfe, 2006) or that Israel's politics are less eliminatory; rather, the overall settler-colonial ethos cannot be consistently applied 'on the ground'. Myriad internal agendas, external pressures, and the 'zeitgeist' of the international human rights regime preclude the complete elimination of the 'native' as in past settler-colonial projects. Through bordering, the state can usefully integrate the 'native' without impeding the settler-colonial enterprise – these are 'state-mediated structures of exploitation' (Mantouvalou, 2022). Thus, borders not only control the

movement of people; that is what they *do*, but their function within contested territories is to enable the state to navigate the tensions between state-sponsored territorial ambitions and free-market capitalism.

Conclusion

This article explores the shaping of noncitizen workers and their employment conditions in the context of conflict and contested territory, where such workers do not simply come from ‘there’ to ‘here’, passing through a sovereign border that ensures their legitimacy. The workers in this study are not merely ‘filtered by’ but embedded within and controlled by state bordering practices which determine their access to state bodies, unions and CSOs, their ability to claim rights, and ultimately their employment terms and conditions. These practices also facilitate their inclusion as workers, while stripping them of political and collective identities. Indeed, as *workers*, many Palestinians are not as precarious as scholarship on migrant workers would suggest, being covered by collective agreements and having access to unions (Bondy and Preminger, 2022): in the context of settler-colonialism, intervention by the neoliberal state (Howell, 2016) is likely to be driven by various interests, not just the creation of a weak and exploitable workforce. It is important to emphasise that this claim is not intended to deny the multiple points of oppression experienced by Palestinian workers, and Palestinians generally – especially important given the events since 7 October 2023, still ongoing at the time of writing: in addition to extreme constraints on mobility, Palestinians are subject to severe violations of basic rights and destruction of the basic fabric of lives and communities, including land grabs, home demolitions, restricted access to basic necessities such as water, detention without trial, death and worse, and are under the almost complete control of Israeli authorities who are liable to rescind their ‘privileges’ at any time, for any ‘infraction’, while sources of assistance are few. The point is that these things are mediated by sometimes conflicting interests

working through on-the-ground practices that complicate the simple oppressed/oppressor dichotomy.

The article, then, contributes to a growing understanding of how border regimes create 'categories of entrant' to fashion 'types of labour with particular relations to employers and labour markets' (Anderson, 2010: 301), but shows their ongoing impact: In contested territory, internal borders are not just something that migrants must pass through to get to 'better jobs'; rather, they are constitutive, divisive and contentious devices, very much present in the lives of noncitizen workers. In the context of an ethnonational polity, or settler-colonial state, borders enable the state to manage the sometimes-contradictory pressures, interests and agendas of social actors at ground level, in particular balancing the inclusionary logic of capitalist exploitation of labour with the exclusionary logic of ethnonational politics. The management of internal borders thus reflects the 'complexification' of an 'eliminatory politics' in settler society, and facilitates the balancing between 'different modalities, discourses and institutional formations' (Amoruso et al., 2019: 456).

Key to understanding the work of these bordering practices is how the state responds to the pressures of the human rights zeitgeist: the state is not merely a monolithic overseer, creating barriers at sovereign borders for the benefit of its citizens; and the border regime is not just a tap, controlling migrant labour. Rather, bordering is a tool used by various state bodies to promote – and balance between – various interests through the creation of borderlands. Moreover, noncitizen workers are embedded within, and the state's ability to shape the workforce is constrained by, broader political goals and the historical context of conflict which preclude a purely economic or 'efficient' approach to noncitizen labour. The article thus also reiterates the importance to the sociology of work of analysis at the level of the state (Meardi et al., 2016).

While this article focuses on borders within territory controlled by an ethnonationalist state, its insights direct attention to other states in which internal borders function as tools for managing sometimes contradictory interests and agendas, and shape working conditions. In India, for example,

internal migrants are integrated in various ways (Aggarwal et al., 2020), under various levels of social exclusion (Roy et al., 2020) and are sometimes defined purely as labour while their full human selves are left elsewhere (Mezzadri and Majumber, 2022). The claims of this article would suggest we should also explore the role of borders in managing these situations and in maintaining labourers within 'borderlands' to serve diverse interests. Similarly, we should analyse the role of borders in shaping Chinese internal migrants and their intersection with the *hukou* residency permit system (Wang et al., 2015), in 'bordered spaces transversal to traditional state borders' (Sassen, 2013: 30). More generally, we should recognise the importance of bordering practices both beyond and within sovereign territory in differentiating workers – both citizens and noncitizens – and managing myriad, sometimes conflicting interests.

Finally, it must be noted this article makes no claims about worker agency or resistance (see Barron et al., 2016), nor does it discuss common interests between workers and employers in defying state constraints (Dimiatriadis, 2022) or developing relationships beyond those of employer-worker. While it is reasonable to suppose such things exist, the empirical focus of the article means that it was unable to explore such claims.

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Table 1: interviewees

	Interviewee (unless anonymised) and role at time of interview	Date and language of interview
1	Workers' committee member, Atarot SME	7/11/22, Arabic (interpreter)
2	Workers' committee member, Atarot SME	7/11/22, Arabic (interpreter)
3	Histadrut Leumit senior officer	8/11/22, Hebrew
4	Kav Laoved staff member	9/11/22 Hebrew
5	Workers' committee chair, Nitzanei Shalom SME	11/11/22, Hebrew
6	ACRI staff member	13/11/22, Hebrew
7	ACRI senior staff member	13/11/22, Hebrew
8	Agricultural fieldworker, Sharon region	14/11/22, Hebrew
9	Agricultural fieldworker, Sharon region	14/11/22, Hebrew
10	Agricultural fieldworker, Sharon region	14/11/22, Hebrew
11	Former MK (Labour)	16/11/22, Hebrew
12	Tel Aviv Legal Clinic for Workers Rights staff member	16/11/22, Hebrew
13	Machsom Watch volunteer	23/11/22, Hebrew
14	Koach Laovdim senior staff member	5/12/22, Hebrew
15	Labour Branch staff member, Ministry of Economy and Industry	28/12/22, Hebrew
16	Labour Branch staff member, Ministry of Economy and Industry	28/12/22, Hebrew
17	Histadrut senior officer	13/2/23, Hebrew
18	Hamoked, Centre for the Defence of the Individual staff member	14/2/23, English
19	Physicians for Human Rights staff member	15/2/23, Hebrew
20	Koach Laovdim staff member	16/2/23, Hebrew
21	Koach Laovdim staff member	16/2/23, Hebrew
22	Koach Laovdim staff member	16/2/23, Hebrew
23	Foreign Workers Administration senior staff member, PIBA	22/2/23, Hebrew
24	Justice Ministry, senior staff member	9/3/23, English

¹ Translations from Hebrew to English are mine.

² The Green Line is part of Israel's internationally-recognised border, dividing pre-1967 Israel from the occupied West Bank. Other occupied territories include the Golan Heights and Gaza Strip but for reasons of space I shall focus on the West Bank.

³ The terms used for the various parts of Israel/Palestine are contentious, and often reflect the political position of the speaker. I use 'Israel proper' merely as a convenient shorthand to indicate the territory under Israeli sovereignty between 1948 and 1967, and do not wish to imply any normative or political position by this use.

⁴ As of the beginning of 2023, some 80,000 permits were issued to West Bank Palestinians and 12,000 to Gaza Strip Palestinians, though many from the West Bank enter without permits (Gaza's permit quota is rarely fully used; interviewee 23: Foreign Workers Administration staff member).

⁵ MAAN does not define itself as a *Jewish* organisation. Nonetheless, it can act as an independent trade union because of its position as a non-Arab organisation within the 'Jewish'-Israeli IR system.

⁶ For the complexities of the permit system see Adnan and Etkes, 2019; Berda, 2017. For an appraisal of the limited impact of the reforms see Niezna and Tadjer, 2021.

⁷ Palestinians working in sectors with collective agreements are covered by those agreements, so in practice many Palestinians benefit from Histadrut efforts to negotiate agreements.

⁸ Elmunasek: an app developed by the Civil Administration ostensibly to 'streamline' requests for permits, enabling all related bureaucracy to be conducted impersonally online.