

Kafka at the West Bank Checkpoint:

De-Normalizing the Palestinian Encounter Before the Law

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Abstract: The checkpoint has emerged as a quintessential trope within the contemporary Palestinian imagination, to such an extent that “checkpoint narratives” have arguably come to assume a dangerously “normalized” status as everyday, even iconic features of Palestinian existence. Turning to the films *Route 181* by Michel Khleifi and Eyal Sivan, and *like twenty impossibles* by Annemarie Jacir, this article explores how alternative representations (and theorizations) of checkpoint encounter might serve to “de-normalize” the checkpoint in a way that invites us to interrogate the very nature of the checkpoint apparatus in itself, including the nature of the “law” that it represents. Mobilizing the critical paradigms of the “state of exception” and “*homo sacer*” drawn from the theoretical work of Giorgio Agamben and the literary work of Franz Kafka, the article argues that apprehension of the enduring oddity and abnormality of the checkpoint serves as a vital mode of critical resistance to the policies of “spatio-cide” (Hanafi), “securitization” and colonialism exercised at the hands of the State of Israel through the checkpoint mechanism.

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Several decades after its appearance as a feature of the “architecture of occupation” (Weizman 9), the checkpoint has emerged as a quintessential trope within the contemporary Palestinian imagination. From memoir to poetry, documentary to feature film, representations of the checkpoint have proliferated to such an extent that they have assumed a number of stock functions in the cultural landscape, operating variously as a “rite of passage” through which returnees to Palestine must reconnect with the realities of the land (Barghouti, *Ramallah*; Jarrar); as a site of brave and defiant confrontation with the Israeli occupier (Amiry; Darwish); or as

an emblem of separation from one's "beloved" (who may, metaphorically, be read as the Palestinian homeland, or as the condition of freedom) (Abu-Assad; Suleiman).ⁱ While such representations constitute important acts of testimony to the incursions on life and liberty within what Azmi Bishara has come to describe as "the land of checkpoints" (Bishara), such narratives have also arguably come to prescribe predetermined "scripts" to the performance of the checkpoint in a way that, to appropriate a term from Israeli-Palestinian political discourse, risks "normalizing" (Zreik 42) the checkpoint's operation as an everyday, even iconic, feature of Palestinian existence.ⁱⁱ While such "checkpoint narratives" certainly do not seek to condone or sanction the checkpoint's function, the emphasis that they place on collective and routine experience nevertheless shifts attention away from what appears, to the outside observer, as the enduring *oddity* and *abnormality* of the checkpoint within the Palestinian landscape. Of tremendous significance, then, are the rare moments when "checkpoint narratives" break from the dominant performative scripts by drawing attention to the idiosyncratic, *irregular* nature of the checkpoint encounter, consequently interrogating the very apparatus of the checkpoint itself. By exploring "de-normalized" instances of checkpoint encounter as they occur in two very different filmic narratives, Michel Khleifi and Eyal Sivan's documentary *Route 181* and Annemarie Jacir's short film *like twenty impossibles*, it becomes possible to interrogate the authority of the checkpoint's own performance of the "laws" that it ascribes to the Palestinian landscape. Narratives such as these invite us to consider the Palestinian subject's encounter "before the law" as a state not of normality but of exception: one that, as we shall see, might be described as nothing less than "Kafkaesque".

That the checkpoint should have surfaced as such a dominant preoccupation within the Palestinian cultural imagination (as affirmed in Gertz and Khleifi's identification of the category of the "roadblock movie", 134-170, for example) is hardly surprising. Since 1993, Israel has exercised a policy of "internal enclosure" in its occupation of Palestine, which, by 2006, resulted in the emergence of over 500 physical obstacles in East Jerusalem and the West Bank, ranging from permanent, manned checkpoints to earth trenches to mobile or "flying"

checkpoints (Weizman 146). Manned checkpoints exist at every possible point of crossing out of the West Bank, but a further “web” (Kotef and Amir 56) of checkpoint mechanisms that operate in conjunction with a complex permit system within the West Bank itself restricts the movement of people, goods and services between Palestinian towns and villages in a way that imposes devastating restrictions on the wellbeing and freedom of their populations (Weizman 146). Checkpoint mechanisms therefore function through the imposition of a “regime of movement” (Kotef and Amir 56) that isolates Palestinians from both Israel and from one another. The ostensible purpose of such restrictions is to enforce the occupation of Palestinian territories acquired by Israel during the *Naksa* of 1967 (Cottrell 115), through the dual strategies of colonization and separation characterizing what Hanafi terms Israel’s “spatio-cidal” (rather than genocidal) policy towards Palestine (190-205). The nature of the “law” that governs such territory, however, is deeply ambivalent.

As “occupied territory”, the West Bank is not subject to the laws of the Israeli State through which Israel grants rights to its own citizens; rather, it is subject to Israeli-defined “laws of occupation” that have been described by the international community as “belligerent” and in violation of international law, particularly in their use of partition strategies such as the construction of the “Separation Fence”, or West Bank Wall (International Court of Justice 136-203). The Israeli High Court of Justice rejects such international definitions both in principle and in practice, however, and continues to enhance Israeli military interests through expansion of its occupation laws (Harpaz and Shany), which it justifies through the discourse of “securitization”. Such a discourse constructs Palestine as an erroneous threat to the State, against which Israel must defend the security of its self-determined boundaries at all costs. As Wendy Brown notes, the checkpoint mechanism is paradigmatic of this securitization discourse, which claims to

requir[e] not just containment, but movement, flow, openness, and availability to inspection [...] not only the ability to survey, inspect, process, count and record, but the ability to channel, transfer, relocate, or simply drive out certain populations. [Hence

t]he checkpoint rather than the barrier [...] these are the contemporary signatures of securitization. (Brown 100)

Thus, despite their “hyperbolic” (Brown 24) performances of Israeli legal authority within Palestine, checkpoints also testify to a “dubiousness, or instability at the core of what they aim to express” (Brown 24): an instability founded not only on the apparent multiplicity of their function (to ban and isolate, to survey and remain inscrutable, to create stasis and movement), but also on the dubiousness of the very nature of the “law” or authority that they represent. While Brown therefore views the emergence of the checkpoint-controlled “walled state” as a sign of “waning sovereignty”, it is instead possible to suggest that in the context of Palestine, the checkpoint reveals a sovereign “law” that is subject not to a state of demise, but rather, as Giorgio Agamben would have it, to a “state of exception”: a condition in which the simultaneous self-determination and suspension of the “law” assumes the terrifying status of normality.

While it might be assumed that the “state of exception” is similar to a “state of emergency” whereby the law is suspended temporarily due to a period of exceptional violence or threat, Agamben argues that “*sovereign law*” – that is, a supreme authoritative power that has “the legal power to suspend the validity of the law [and thus] legally places himself outside the law” (*Homo Sacer* 15) – renders the “state of exception” a permanent condition through which it is capable of exercising continual “legitimate” extra-legal action. This exercise of “legitimate” extra-legal action is arguably embodied in Israel’s ongoing use of checkpoints: a strategy that has been employed to varying extents throughout the past two decades. Yet at an even more profound level, Israel appears to exemplify “sovereign law” through its inclusion of the Palestinian subject under its auspices according to mechanisms of exclusion – or what Agamben terms “the ban”. For Agamben, “*the originary relation of law to life is not application but Abandonment*” (*Homo Sacer* 29, italics in original): a relationship whereby the sovereign law enforces its supreme authority by denying the subject access to its very legal structures. Yet as Agamben continues:

He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. (*Homo Sacer* 28)

Thus sovereign law functions by situating the subject on the permanent cusp of access to, and exclusion from, legal agency and State protection: a condition of perpetual liminality that is captured lucidly by the poet and memoirist Mourid Barghouti in his second narrative of return to Palestine, *I Was Born There, I Was Born Here*. Barghouti writes that

The traveller to Palestine does not *cross* its threshold in order to enter, he *dwells* at that threshold for a period that is not determined by him and waits for the instructions of the masters of the house, who determine everything. (*I Was Born There* 39)

In the context of Palestine, the checkpoint assumes precisely this role, operating as a site where Palestinians are not only subjected to the scrutiny and authority of the Israeli State, but where frequent dissolution of the checkpoint's "laws" – for example, arbitrary closures, refusal of permits or of passage, or the exercise of violence – also exclude the Palestinian subject from access to Palestinian space, and indeed from agency, and rights (see Parry 100-103). Indeed, Agamben himself writes that "the sovereign is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence" (*Homo Sacer* 32). Hence it is possible to suggest that the checkpoint operates as a physical manifestation of the "state of exception" exercised by Israel as "sovereign law", according to which the Palestinian subject is reduced to the status of "*homo sacer*": a figure who is marked out as "a banned man, tabooed, dangerous" (Agamben, *Homo Sacer* 79), who "it is [thus] permitted to kill without committing homicide", and whose death should not be considered "a sacrifice" (Agamben, *Homo Sacer* 83). If read in Agamben's terms, then, it becomes apparent that when the Palestinian subject stands "before the law" of the checkpoint, s/he does so not in with the promise of passing into a state of self-protection or agency, but as a subject reduced to the condition of "bare life" – a position of extreme vulnerability and de-humanisation. For the

Palestinian creative practitioner, the “normalization” of such exceptional conditions within the everyday lives and routines of Palestinians living under Israeli “sovereign law” poses an interesting challenge: how to “de-normalize” such pervasive enforcements of the “state of exception”?

An uncannily pertinent response to this question emerges in the documentary *Route 181*, a collaborative visual project between Palestinian director Michel Khleifi and Israeli filmmaker and scholar Eyal Sivan. The collaborative element to this film operates as an important mode of “de-normalization” in itself: rather than assigning the position of “man before the law” solely to the Palestinian subject, as in the classic “checkpoint narrative”, Khleifi’s decision to co-direct the documentary with Sivan constructs an unstable subject-position before the checkpoint whereby the act of witnessing is mediated through a gaze that holds an ambivalent identification with and alienation from the structures of “law” before which it presents itself.ⁱⁱⁱ Thus, as Sivan himself notes in interview, the instability engendered by such a directorial perspective leads to an inherently interrogative filmic mode in which the documentary mode does not just record “statements but a process of thinking”, enabling the directors to reveal “the structure of a discourse as the starting point for opposing it” (Keenan and Weizman online). Subtitled “fragments of a journey through Palestine”, the documentary is, at one level, a “road movie” through which the directors seek to document their experiences of the “regime of movement” that dominates Palestinian space; but the specific journey undertaken by the directors is loaded with a further political significance. Beginning in the South of Israel at Ashod and travelling up to the top of the country where it meets the Lebanese border, the directors seek to journey along the partition line set out in “Resolution 181” by the UN Special Committee in 1947, which was intended to terminate British mandate, to partition Palestinian territory and to create separate Palestinian and Israeli states (Smith 194-199). Treating the dividing line drawn up by the Resolution as a literal line of enquiry, they set out to explore the very different spatial and representational realities that have emerged following the failure of this Resolution, focusing particularly on moments of encounter “before the law” that

governs such space. Many such moments ascribe to what have, by now, become recognizable traits of checkpoint encounter: for example, the arbitrary restrictions placed on personal freedom, evident when the directors are commanded to stop filming despite possessing a permit, or are turned away from checkpoints in an aggressive manner by a young guard who states that he “owns” the checkpoint and the directors must do as he says: a decidedly “sovereign” assertion of a “state of exception” (see Shamir for similar instances).



Figure 1. An armed guard rests casually on portions of concrete roadblock in Abou Dis: one of many instances of a “normalized” “state of exception” encountered by the directors. *Route 181*, dir. Michel Khleifi and Eyal Sivan (2004). Image courtesy of Memento Films.

So, too, does the “regime of movement” imposed by the checkpoint system appear to have acquired a deeply “normalized” status at many moments of the film. In one scene, for example, the directors encounter the surreal sight of a Palestinian wedding party, complete with men in suits and people transporting huge floral arrangements, trekking through dirt roads in the dusty countryside and clambering over walls in order to get out of “Zone A” from Bethlehem to the

hotel where the wedding will take place, in Beit Jala, as they are forbidden to cross through the roadblocks surrounding their area. Extraordinary as this spectacle appears, though, members of the wedding party recount their plight with an air of bored resignation: these conditions are only to be expected, and planning for them is as much a part of the experience of a family wedding as the ceremony itself.

While this instance within the film presents the “normalization” of Palestinian oppression at one level, though, the directors also seek to “de-normalize” such experiences through their visual presentation of them. Within this episode, the members of the wedding party arguably resemble the figure of the *Muselmann* (literally, “the Muslim”^{iv}) within Agamben’s theorisation of “the camp” as a “state of exception”: figures who, through extreme subjection, are reduced to a condition of “bare life” whereby they no longer hold the ability nor will to resist (Edkins and Pin-Fat 9). For Agamben, though, such figures are not simply debased beyond recognition; rather, the *Muselmann* is a figure that “marks the threshold between the human and the inhuman” (*Remnants* 55) and as such, invites us to consider the basis upon which we determine “humanity”. For Agamben, the *Muselmann* ultimately “is the guard on the threshold of a new ethics, an ethics of a form of life that begins where dignity ends” (*Remnants* 69): in their radical difference from the kind of humanity authorized and recognized by “the law”, such figures acquire a humanity that exists on its own terms, and that is in some way all the more “human” as a result of its exclusion. Similarly, Khleifi and Sivan imbue their filmic subjects with a humanity that exists beyond the state of “bare life” ascribed to them by “the law”; for despite their continued subjection, they display a quiet will, a gentle resistance through their very endurance of such conditions – that typical Palestinian quality of *sumud*.^v This quality is evident in small details such as the pristine suits they wear to honour their family members; in the glorious flowers that they carry carefully to the bride, for it is with her scrutinising eye in mind, not that of the checkpoint guard, that they ultimately seek to complete their journey. It is with incredible subtlety, then, that Khleifi and Sivan circumvent the “normalized” politics of subjection and disenfranchisement that so often accompanies the

checkpoint in the filmic imagination. There is a further extraordinary moment within the film that shatters the “normalization” of “sovereign law” still further, however, by turning away from the checkpoint altogether, and casting their gaze upon its keeper.

As filmmakers, Khleifi and Sivan could be said to appropriate the representational authority of the checkpoint for themselves – for all of those who cross their paths as they journey down Route 181, whether men or women, young or old, Israeli or Palestinian, are invited to halt, to identify who they are and to assess their current situation before the directors’ scrutinising gaze. Checkpoint guards themselves are not exempt from such scrutiny, and in Ramallah, which had been placed under curfew at the time of filming (in 2004), the directors encounter a young IDF soldier enforcing an impromptu roadblock who declares that he longs to be subject to a curfew such as this so that he could be “shut in for a month with twenty good books”. He confides that among these books would be Kafka’s *The Trial*, which, he tells the directors, contains a story that he finds particularly fitting for his own situation. This story, which he describes as “about a man who confronts a guard of a door that exists only for him”, is in fact a parable entitled “Before the Law”, which is recounted by a priest to the novel’s central character, Joseph K, who has been inexplicably detained by the authorities. The parable relates the tale of a man in search of “the Law”, whatever that might be, who seeks entry to it through a gateway. This gateway, however, is protected by a guard who tells him that he cannot pass just now, and indeed even if he were to force entry, two other guards wait at further gateways behind this one, each the more terrifying than the last. The man waits for years and bribes the guard with everything he possesses, but still he is not allowed through. In the last moments of his life, the man, now too weak to pass through the gate, asks why, even though everyone seeks the law, no-one else has come to this gate in all these years. “No-one but you could gain admittance through this door, since this door was intended only for you,” the guard replies, “[and] I am now going to shut it” (Kafka 237). According to the guard, this parable suggests both that the subject “must break the law to enter”, and that “there is no law”. Thus he seems to express a deep-seated anxiety about the very system that he implements, and

implies a “tremulousness” to the authority of the law, as Brown would have it. Yet read in Agamben’s terms, this parable can instead be interpreted as a demonstration of the “sovereign ban”, whereby “law affirms itself with the greatest force precisely at the point at which it no longer prescribes anything – which is to say, as pure ban” (Agamben, *Homo Sacer* 49). The “exceptional” nature of the law within this parable, which constructs an impassable gate especially for an individual, does not, as the soldier thinks, reveal the absence of law, nor the man’s lack of bravery or initiative; instead, it denotes the impenetrability of the law itself for a man who, now on the brink of death (a death that will be neither a sacrifice nor punishable, given that it has been permitted to take place beneath the gaze of the law), is reduced to the status of *homo sacer* before it.

Khleifi and Sivan’s bold decision to turn their gaze towards the guard himself, rather than the more usual protagonist of the checkpoint narrative (the Palestinian “man before the law”) results in a moment of heavy dramatic irony that disrupts straightforward performances of the checkpoint encounter. Viewing the checkpoint guard not through the weary eyes of the seasoned checkpoint traveller but through the distancing device of the camera lens, the directors expose the deficiencies in the guard’s recounting and interpretation of Kafka’s parable, calling attention to his ironic misapprehension of the nature of the “law” upon which the checkpoint is based. Thus, at this moment, the “law” of the checkpoint is subjected to a profound moment of de-normalization, where the sovereign authority of the checkpoint is presented in parodic terms, collapsing its unquestionable authority. The result is a disruption of the checkpoint’s routine performance that, as Amoore and Hill suggest when writing about artistic interventions mobilised at the checkpoint, serves to “deny the repetitions on which [checkpoints] are dependent” and “expose what is present” (301), yet usually concealed beneath the guise of everyday familiarity. When confronted by Khleifi and Sivan’s camera, then, it is the guard who is forced to stand and testify “before the law”, estranging him from the apparatus of power that is usually subject to his control, and revealing his own very existence to be uncannily “Kafkaesque”.

If the camera lens operates as a distancing device that enables Khleifi and Sivan to de-normalize the sovereign law of the checkpoint, then the gaze of the “outside insider” also proves integral to its de-normalization in Annemarie Jacir’s 17-minute short film, *like twenty impossibles*. Like many of the narrators of checkpoint encounters, the protagonist of this film is a Palestinian “returnee” (as Barghouti is in both *I Saw Ramallah* and *I Was Born There, I Was Born Here*, for example): a film director of Palestinian parentage named “Annemarie” who has been living in America, and now wishes to make a film in Jerusalem, involving actors from the West Bank. Though a fictional scenario, the film seeks to establish an aura of authentic documentary (a mode that has come to characterise many filmic checkpoint testimonials – see Awwad, for example) through its use of shaky, hand-held camerawork and apparently unscripted dialogue. The ostensible purpose of the film being made is in no way extraordinary: it is presented as the work of a film director charting the progress of her project in the medium most familiar to her; indeed, the recording of the filmmaking process is a common device used by many directors. Yet as the character Annemarie and her film crew progress on their journey, the film soon begins to assume a very different significance, as it becomes a form of visual testimony to the crew’s traumatic encounter “before the law”. Seeking to head out of the West Bank, the crew soon pull up to a checkpoint, the mechanisms of sovereign law and the classic visual tropes of the checkpoint fully in evidence, from the “hundreds of human beings standing outside their cars waiting to be inspected” to the “children and old people...peasants and old men and priests and business men” who, when forced into stifling proximity, “make you furious at yourself, at your countryman, and at the Occupation all at the same time” (Barghouti, *I Was Born There* 133). Infuriated themselves by the sight of this checkpoint that “within a year or two, will be a border” according to one of the crew (suggestive of the way in which Israel, for Brown, seeks constantly to “harden [its] defensive, besieged, and defended condition” (130) and told that it has closed, the crew decide to seek an alternative route into Jerusalem by heading off down a side road one of them knows. Initially, the landscape appears to undergo a softening, the tone shifting from militarised urban setting to gently undulating

hills – a pastoral landscape that remains centre-shot as we hear snatches of an intimate conversation between director and actor about her decision to leave Palestine, and his love of acting. In contrast with the fraught and artificial setting of the checkpoint, the naturalness of this environment seems to invoke a very different “law”; one that perhaps recalls the original meaning of the term *nomos* (law) as derived from *nemein*, meaning “to pasture” as well as “to divide” (Schmitt 70) and that speaks to the deep-rooted connection to the land prevalent in much pre-colonial Palestinian discourse (Swedenburg).



Figure 2. A brief moment of delight at the “normality” of the natural landscape, before encountering an *ad-hoc* checkpoint. *like twenty impossibles*, dir. Annemarie Jacir (2003).

Image courtesy of Philistine Films.

This natural, peaceful state of normality is soon shattered, however, when the crew are confronted by an ad-hoc checkpoint at which three armed guards call them to a halt, forcing them to confront the authority of Israeli sovereign law.

Just like the fabled man in Kafka’s “Before the Law”, each of the would-be travellers find their passage barred by the guards according to conditions that seem unique to them. The

soundman, for example, finds himself in the paradoxical situation of being excluded from Palestine because, though Arab and self-identifying as a Palestinian, he is officially an Israeli citizen and therefore “banned” from travel within the West Bank because, as the guard puts it, “we protect the security of all citizens of the State [of Israel]” (an enforcement of Israeli law that, while in keeping with its discourse of securitization, appears particularly arbitrary, given the thousands of Jewish Israeli settlers whose illegal rehoming in the West Bank has been sanctioned by the Israeli government; see Galchinsky). The character Annemarie, meanwhile, is told that as she has an American passport, she must obey the laws of Israel or “go home”: a remark of particular irony to a woman of Palestinian heritage. It is the actor, though, who finds himself subjected to the most Kafkaesque response from the guards. As a Palestinian resident of the West Bank, the actor is singled out as requiring special permission to visit Jerusalem. He, for the Israeli guards, is *homo sacer*: “an outcast, a banned man, tabooed, dangerous” (Agamben, *Homo Sacer* 79) who must not to be allowed to pass through the “door to the law” constructed uniquely for him. While the director, Annemarie, is simply turned away, however, the Palestinian actor is taken aside and detained for undetermined reasons – though it is hinted that he may be on a list of people “wanted for questioning”. When placed before the law, then, it is the Palestinian West Bank resident who finds himself singled out as potentially guilty in a way that his fellow crewmembers are not. As Agamben puts it, within the “state of exception”, “*Guilt refers not to transgression, that is, to the determination of the licit and illicit, but to the pure force of the law, to the law’s simple reference to something*” (*Homo Sacer* 27. Italics in original). Separated from the rest of the team and, as Annemarie is forced to drive away, an increasingly distant figure within the grasp of the camera’s gaze, the actor therefore comes to occupy the “state of exception” *par excellence*: included in the law through his exclusion, he finds that just as in Kafka’s parable,

life...in the state of exception [is one] in which the most innocent gesture or the smallest forgetfulness can have extreme consequences ... It is exactly this kind of life that Kafka describes, in which law is all the more pervasive for its total lack of content,

and in which a distracted knock on the door can mark the start of uncontrollable trials.

(Agamben, *Homo Sacer* 52)

The checkpoint encounter staged in Jacir's short film therefore calls attention to the apparatus of sovereign law through a detailed analysis of its absurd and arbitrary operation. This is in itself a distinctive approach to the checkpoint narrative: whereas many Palestinian filmic narratives conveying the restrictions of the checkpoint tend to identify with the plight of the border-crosser him or herself, setting their narrative up as a confrontation between the humane Palestinian and dehumanizing "law" (see for example Masharawi), Jacir's film mobilizes a directorial gaze that seems to exercise relatively little control over its characters' subjection, seeking instead to reveal the divisive power politics at stake within a Palestine subject to "spatio-cide" at the hands of the Israeli State. Yet Jacir de-normalizes this encounter still further by enacting a conscious destabilization of the performativity of the "checkpoint narrative" itself. Despite the crew's protestations that they carry press cards and have permission to film, they are ordered to turn the camera off, though they manage to carry on filming illicitly, at a skewed angle. As the soundman is taken aside, the sound recording becomes oddly disjointed from the visuals before it is finally switched off altogether. With both the actor and soundman detained by the soldiers, Jacir is forced to leave with only the cameraman and driver still in tow, and as they drive away, the film is soundless and the visuals are shaky and partial. Jacir's film therefore insists upon the representational disenfranchisement that besets Palestinians at the checkpoint, while its radically deconstructive, fragmented aesthetic also presents a subversive alternative to the panoptic gaze sought by the Israeli State. Consequently, Jacir's film consciously reveals the performativity of the "rituals of security" (Amoore and Hall 299) that characterize the checkpoint mechanism. In their visual, visible break-down, such rituals are denied their expected course of narrative closure (which usually ends, as in Kafka's parable, with the closure of the gate) while also imbuing the Palestinian landscape with an aura of the surreal, unfamiliar and uncanny (or more literally, the *unheimlich*, or unhomely) – one might even say of the Kafkaesque. Thus, while

the Palestinian subject's own representational agency is shown to be severely under threat in this film (reduced, it would seem, to the status of *homo sacer*), it is also beneath the control of Jacir's directorial gaze that the authority of the checkpoint is "unhomed" and estranged from its surroundings, performing a powerful de-normalization of its functioning within the Palestinian landscape.

Like so many of Kafka's ambivalent parables, both *Route 181* and *like twenty impossibles* therefore present something of a conundrum for those who encounter them. As "checkpoint narratives", these works blankly refuse to perform the expected trajectories of either subversive transgression or total subjection that have come to characterise so many portrayals of the Palestinian encounter "before the law". Yet they remain far from complacent in their visual engagement with the West Bank checkpoint. Rather, in their focus not on transition but on the static moment of encounter with the law itself, and in their attention not only to the "man before the law" but equally to the gatekeeper, these films move beyond critical exposé of the *experience* of the checkpoint for the Palestinian subject (a focus that, in its emphasis on collectivity and pervasiveness, arguably normalizes the checkpoint's presence) in order to scrutinize, deconstruct and ultimately de-normalize the very functioning of the "law of the checkpoint" in itself. Through the carefully moderated (and, at times, constructed) realism of Khleifi, Sivan and Jacir's filmic lenses, the extraordinary abnormality of the checkpoint's function as a mechanism of "spatio-cide" is laid bare; an exposition that is achieved just as often through the *self*-representation of such a "law" (for example, in *Route 181*'s narrative of the checkpoint guard) as through critique at the hands of its "other". Equally disconcerting about these checkpoint encounters, though, is their employment of an uncannily "Agamben-esque" visual vocabulary. In their presentation of the checkpoint as a manifestation of Israeli "sovereign law" that enforces an ongoing "state of exception" whereby the Palestinian subject is reduced to the condition of *homo sacer*, these films seem to contest Brown's hypothesis that Agamben's model of nationally-based sovereign power is "waning"; rather, what Brown describes as the "backward looking...forces sustaining or shoring up

nation-state sovereignty [such as] nationalism, despotism and imperialism” (23) seem to be flourishing within the landscapes conjured in both films.

Far from shoring up the structures of power that they encounter, though, both of these films succeed in drawing our attention to the extraordinary oddity of the “laws” encountered at the checkpoint (themselves microcosms of much broader structures of sovereign law exercised by Israel in Palestine), and indeed of the abnormal existences that they produce for both Palestinians and indeed for Israelis, who are themselves subjected to the ongoing, highly disruptive and fear-inducing discourse of “securitization” at the hands of the State. The refusal to present or accept such conditions as normal is, in itself, a deeply subversive strategy – for as Barghouti puts it, the Occupation (represented most pertinently for Barghouti in the West Bank Wall, but also of course evident in other manifestations of the “architecture of occupation”, such as the checkpoint) “will be demolished by our refusal to become used to it ... demolished by our astonishment at its existence” (*I Was Born There* 129). These directors also succeed in de-normalizing the checkpoint through their own utilization of an aesthetics of astonishment - but there is perhaps no more astonishing reminder of the abnormal, even absurdist nature of the checkpoint’s “law” to be found than in the figure of the young IDF guard who, standing before “the door to the law” that is the West Bank checkpoint, unwittingly misreads his own role in the Kafkaesque narrative that he is, himself, complicit in authoring.

Notes

1. In both Barghouti’s *I Saw Ramallah* and *I Was Born There, I Was Born Here*, passage through the checkpoint at the Allenby Bridge assumes symbolic significance as a “rite of passage” that enables Barghouti to reconnect with the Palestinian homeland by enduring the same trials of scrutiny and indignity as other Palestinians. In Amiry’s memoir, meanwhile, checkpoint security at the airport becomes a site of comical encounter and triumph as she bravely transgresses its “law” upon her return to Palestine from overseas, while Darwish’s classic poem “Identity Card” records a similarly resistant encounter between a Palestinian

subject and an officer who forces him to account for his identity and presence in a precursory manner to the function later assumed by the checkpoint. The checkpoint also frequently separates lovers, as in Abu-Assad's *Rana's Wedding*, in which the wedding itself finally takes place at the checkpoint, in defiance of the laws that would keep the couple apart, while Suleiman's *Divine Intervention* also features a recurring encounter between two lovers who meet at the Qalandiya crossing between Ramallah and Jerusalem simply in order to sit in a car together and hold hands.

2. The term "normalization" has emerged in political discourse, particularly that surrounding the Boycott, Divestment and Sanctions Movement. It refers to the presentation of Palestine's abnormal conditions of oppression as "normal", and thus as conditions that must be endured or accepted, and extends to the idea that Israel presents its own behaviour as a "norm" to which Palestinians must adapt if they wish to achieve peace and reconciliation with their Israeli neighbours. It is often viewed as a form of political "whitewashing" by the Israeli State, though elements of the international community – for example, those who enter into trade agreements with Israel – are also sometimes viewed as participating in normalization. Normalization has sometimes been described as akin to what the Kenyan anti-colonial author Ngugi wa Thiong'o described as "the colonization of the mind" (Ngugi).

3. It must be noted that neither Khleifi nor Sivan occupy a straightforwardly nationalised subject-position in relation to the "laws" of the Israeli checkpoint: while an Israeli citizen, Sivan is well-known as an outspoken critic of Zionism and Israeli state policies, while Khleifi, though identifying as Palestinian, was born in Nazareth (formally recognized as a location in Israel) in 1950, emigrated from Israel in 1970 and now resides in Belgium (see Gertz and Khleifi 37). Thus both directors arguably possess a level of international agency that divorces them from the everyday experiences of the checkpoint experienced by many permanent

residents of the West Bank: a position that is at once a privilege, and an important facet of their ability to discern the abnormal nature of the checkpoint.

4. It should be noted that the term “Muslim” does not in fact have political significance in the context of Agamben’s usage but rather, draws upon the term used within the camps to describe those suffering from starvation. The derivation of the term is uncertain, but may have been used to apply to those too weak to stand, who consequently assumed a bowed position, as though in prayer.

5. *Sumud* describes the qualities of “steadfastness”, “resilience” and “endurance” that operate as important forms of resistance for Palestinians, who are frequently unable to enact other forms of agency (Halper 46). The symbol of *sumud* for many Palestinians is the olive tree, whose natural rooting in the ground symbolises strong, enduring connection to the earth: a motif in stark contrast to the artificial architecture of the checkpoint mechanism.

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