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Securitization as a nation-building instrument in weak states
The Israeli Case

Tese no âmbito do doutoramento em Relações Internacionais, Política Internacional e Resolução de conflitos, orientada pelo Professor Doutor José Manuel Pureza e pelo Professor Doutor Manuel Loff e apresentada à Faculdade de Economia da Universidade de Coimbra.

Outubro de 2019

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Tese de Doutoramento em Relações Internacionais, Política Internacional e Resolução de Conflitos apresentada à Faculdade de Economia da Universidade de Coimbra para obtenção do grau de Doutor

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To my parents, who taught me

all I needed to know about love and stubbornness.

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'If it may be said of the slavery era that the white man took the world and gave the Negro Jesus, then it may be said of the Reconstruction era that the southern aristocracy took the world and gave the poor white man Jim Crow. He gave him Jim Crow. And when his wrinkled stomach cried out for the food that his empty pockets could not provide, he ate Jim Crow, a psychological bird that told him that, no matter how bad off he was, at least he was a white man, better than the black man. And when his undernourished children cried out for the necessities that his low wages could not provide, he showed them the Jim Crow signs on the buses and in the stores, on the streets and in the public buildings. And his children, too, learned to feed upon Jim Crow, their last outpost of psychological oblivion.'

Martin Luther King, Address at the Selma to Montgomery March (25 March 1965).

RESUMO

A extensa literatura produzida sobre a história do Estado de Israel tende a opor os cidadãos Palestinianos de Israel a uma maioria judaica homogénea. Esta dicotomia é alimentada pela falta de atenção oferecida pela área das Relações Internationais ao estudo dos processos de construção nacional e estatal, o que inevitavelmente esconde processos de fragmentação e polarização social entre grupos étnicos, culturais e religiosos. Nesta tese argumentamos que a construção nacional em Israel tem sido minada pelas tensões étnicas e religiosas que remontam à criação do Estado. A exclusão de vários grupos judaicos dos centros de poder conduz à intensificação das suas identidades de grupo, e até à sua mobilização política em função de critérios étnicos e religiosos. Confrontadas com esta situação, as lideranças Israelitas escolhem identificar a minoria Palestiniana como uma ameaça, criando uma dependência negativa da identidade nacional israelita em relação à presença de um grupo distinto. Através da aplicação do conceito de "estados fracos" de Barry Buzan ao estudo de caso Israelita, pretendemos compreender de que forma processos cumulativos de securitização, que transformam minorias em ameaças à segurança, podem contribuir para uma identificação positiva (ainda que instável) com o Estado. Este enfoque na securitização enquanto teoria política de segurança permite compreender de que forma as identidades coletivas são construídas e reproduzidas através da securitização, assim como identificar a marginalização e exclusão de outros grupos, frequentemente mascaradas pelo discurso securitátio. Através de uma análise histórica aprofundada dos processos de construção nacional e estatal em Israel, e procedendo à análise do discurso das lideranças israelitas no período pós-segunda Intifada (2000-2018), destacaremos os principais focos de disputa entre os diferentes grupos étnicos e religiosos israelitas, e indicaremos como a presença de uma minoria palestiniana, vista como hostil e ameaçadora, encoraja sentimentos de solidariedade coletiva entre a maioria judaica, ao mesmo tempo que coloca entraves ao processo de construção nacional.

Palavras-chave: securitização; Estados fracos; construção nacional; Israel; cidadãos Palestinianos de Israel

ABSTRACT

Extensive literature produced on the history of the Israeli state has reproduced a dichotomy between the Palestinian citizens of the State and a homogeneous Jewish majority. This dichotomy is itself nourished by International Relations' academic neglect to study nation- and state-building processes, which inevitably mask processes of social fragmentation and polarization between ethnic, cultural, and religious groups. In this thesis we argue that nation-building in Israel has been undermined by ethnic and religious tensions that date back to the establishment of the State. The exclusion of several Jewish groups from the centers of power leads to the reinforcement of their group identities, and even to their political mobilization along ethnic and religious lines. Confronted with this situation, Israeli leaderships choose to construct the Palestinian minority as a threat, and Israel national identity becomes negatively dependent on the presence of a distinct outgroup. By applying Barry Buzan's concept of "weak states" to the Israeli case study, we aim to understand how cumulative securitization processes, which transform minorities into security threats, can contribute to a positive (albeit unstable) identification with the state. This approach to securitization as a political theory of security, allows us to understand how collective identities are forged and reinforced through securitization; and to focus on the marginalization and exclusion of other groups, often hidden behind a security discourse. Through an in-depth hystorical analysis of state- and nation-building efforts in Israel, and resorting to an analysis of the Israeli leaderships discourse in the post-second Intifada period (2000-2018), we will highlight the main loci of struggle among Israeli Jewish ethnic and religious groups, and point out how the presence of a seemingly threatening and hostile Palestinian minority fosters collective solidarity among the Israeli Jewish majority, while simultaneoulsy hinders the process of nation-building.

Keywords: securitization; weak states; nation-building; Israel; Palestinian citizens of Israel

LIST OF ABBREVIATIONS AND ACRONYMS

ABL – Anti-boycott law

ACRI – Association for Civil Rights in Israel

AI – Amnesty International

BDS – Boycott, Divestment and Sanctions

CBS – Israel's Central Bureau of Statistics

CEC – Central Elections Committee

CDA – Critical Discourse Analysis

CS – Copenhagen School

CT – Critical Theory

DT – Development towns

EU – European Union

FRA – European Union Fundamental Rights Agency

FSU – Former Soviet Union

IDF – Israel Defense Forces

IDI – Israel Democracy Institute

IR – International relations

JA – Jewish Agency

JNF – Jewish National Fund

MACAM – Center for the Advancement of Special Populations

MAPAI - *Mifleget Poalei Eretz Yisrael* (Worker's Party of the Land of Israel)

MCP – Multicultural policies

MEMO – Middle East Monitor

MENA – Middle East and North Africa

MK – Member of the Knesset

NGO – Non-governmental organization

OECD – Organization for Economic Cooperation and Development

OHCHR - Office of the United Nations High Commissioner for Human Rights

OPT – Occupied Palestinian Territories

PCI – Palestinian citizens of Israel

PIVO – Perpetual ingroup victimhood orientation

PLO – Palestine Liberation Organization

PLP – Progressive List for Peace

PM – Prime-minister (of Israel)

PNA – Palestinian National Authority

SCJ – Israel's Supreme Court of Justice

ST – Securitization Theory

STIP – *Social Theory of International Politics* (1999 book by Alexander Wendt)

UNSC – United Nations Security Council

UK – United Kingdom

UNICEF – United Nations Children's Fund

UNSCOP – United Nations Special Committee on Palestine

USA – United States of America

USSR – Union of Soviet Socialist Republics

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INTRODUCTION

When, in May 1948, the leaders of the Zionist Movement declared the establishment of the State of Israel, following decades of Jewish immigration to Palestine and a rushed exit by the British Mandatory administration, several months of open conflict between the new state and its Arab neighbors erupted. During this period, Israeli leaderships, with the help of several paramilitary groups (*Haganah*, *Irgun* and *Lehi*), underwent a process of mass expulsion of most of the Palestinian population living inside its borders. It is estimated that around 750,000 Palestinians either escaped or were forced to leave to the territories now comprising the West Bank and Gaza, but also other Arab countries, namely Jordan and Lebanon, where they became refugees.

Despite the pressure to leave the territories, 150,000 Palestinians remained inside the Israeli state. A large number of these became internal refugees, not allowed to go back to the villages and towns they had escaped or were expelled from, and which were declared closed for security reasons, only to be populated by new Jewish immigrants during the following months.

While these Palestinians were allowed to stay inside the borders of the new state and given Israeli citizenship, they were placed under Military Administration until 1966, and were subjected to several instruments of control by the Israeli state. During the period of open conflict in 1948-1949, but also during the following years, many were subjected to repeated massacres perpetrated by the paramilitary groups, the Israel Defense Forces (IDF) and the Israeli Police, as in the cases of Deir Yassin (April 1948) Abu Shusha, Lydda and Ramle (May 1948) and Kafr Qasim (October 1956).

The history of the Palestinian people in the 20th century was marked - and still is - by colonization, dispossession, and expulsion. Subjected to one of the longest occupations in contemporary history, the situation of the Palestinians in the Occupied Territories is well documented both in academic circles and by several organizations that have incessantly denounced the systematic violation of their rights by the Israeli state. While a lot of work remains to be done on this account, we believe that the study of the Palestinian citizens of Israel (PCI) has remained marginalized, despite the efforts of academics, many of them Palestinian citizens of the Jewish state, to bring their disadvantaged status to the fore of academic and public debate.

This research is centered on the Israeli state's policies and discourse over the Palestinian citizens of Israel, but not on the history of this minority *per se*. However, their presence and (albeit limited) empowerment over the last 70 years are the ultimate reminder that the process of Judaization of the Israeli state is incomplete, notwithstanding the multiple tools of social control and demographic engineering that have been employed by the State. Not only Zionist and early Israeli leaderships were unable to expel from the territory all Palestinian presence, it has become increasingly clear that they were unable to remove the traces of Palestinian identity from this community.

Many authors, namely Israeli Jewish academics who had as their main motivation to portray Israel as a democracy, such as Sammy Smooha and Ruth Gavison, often depicted the Palestinian minority as divided and apathetic. Their argument usually goes that Palestinians in Israel, despite knowing they will never be able to reach full equality in a state that identifies as Jewish, have benefitted from Israel's democratic features, thus becoming increasingly detached from the Palestinian struggle and increasingly identifying as "Israelis".

In many ways, the October 2000 protests, which have erupted inside what Yiftachel calls "Israel proper" (the internationally recognized borders of Israel), following the start of the Second Intifada in Jerusalem and the West Bank, came to prove these authors were wrong or, at least, that their estimations on the loss of their Palestinian identity had been grossly exaggerated. Perhaps more importantly, they failed to take into account how the Palestinian minority's apathy had been sustained by a vast system of control, and by their "entrapment" between their collective experiences as part of the Palestinian people and as citizens of Israel.

What could have represented a momentary suspension of Palestinian compliance with the Israeli state, or a short-lived display of solidarity with the Palestinian struggle in the Occupied Territories, gave way to a growing assertiveness and multiple demands for the reconfiguration of the State. In the early 2000s, several organizations and prominent members of the Palestinian community in Israel released a series of declarations that came to be known as *The Vision Documents*, reclaiming their Palestinian identity and their indigenousness to the land, and demanding the end of Jewish privilege

in (and to) the State. Ultimately, what they demanded was not limited rights in the Jewish state, but the abolition of Israel as a Jewish state itself. It is worth noting that these initiatives, while directly a consequence of the October 2000 protests, were in fact possible due to the empowerment of Palestinian civil society in Israel in the 1990s, either through the creation of anti-Zionist Palestinian political parties, such as Balad[1], and Palestinian NGOs, such as Adalah and the Association for Civil Rights in Israel (ACRI).

While the October 2000 protests were quickly suppressed by the police and the army, in an unprecedented use of police violence that until then had been almost exclusively used over the Palestinians in the Occupied Territories, the calls of the Palestinian minority, made through peaceful and democratic instruments, demanded another type of approach by the State.

And thus, we argue, began a period of increased calls for the protection of the Jewish identity of the State that depended, among others, on the intensification of the image of the Palestinian minority in Israel into a threat: their presence has been increasingly described as a menace both to the physical existence of the state, due to their proximity to the Palestinian struggle in the Occupied Territories, but also as an existential threat to Israel as a Jewish and Zionist state. In other words, they were transformed into a threat to Jewish privilege in Israel.

A significant part of this securitization process is found in the political discourse that calls for the protection of the Jewish character of the State, and the adoption of legislation that restricts access to citizenship for non-Jewish spouses of Palestinian citizens, hinders the minority's political participation, and even forbids certain public manifestations of Palestinian culture and experiences, as in the case of the commemoration of the Palestinian *Nakba*.[2] Like in many other securitization processes, the discourse (the securitizing move) and its effects (i.e., legislation, policies and non-

[1] Balad is a left-wing secular Palestinian party founded in 1994, as the successor of the Progressive List for Peace. Balad's agenda includes the establishment of "a state for all citizens", Israeli withdrawal from the Occupied Palestinian Territories, the granting of return to Palestinian refugees, and the separation between religion and state in Israel. In 1996, Balad ran on a joint list with Hadash (another Palestinian party), but in 1999 formed another list with Ta'al. Since 2015, Balad has been part of the Joint List, along with Hadash, Ta'al and the United Arab List (all of them Palestinian parties).

[2] Nakba (or "catastrophe") is the name given by the Palestinians to describe the displacement and ethnic cleansing causes by the establishment of Israel.

formal practices of discrimination) maintain a symbiotic relationship and contribute to the growing popular support for extreme and extraordinary measures, such as the possibility of "transference" (i.e., expulsion) of Palestinian citizens, border adjustment and use of police violence over Palestinian protesters. It is as if, as Rouhana and Sultany (2003: 9) argued, Israeli Jews became suddenly aware that there were Palestinians in Israel who identified with the Palestinian people.

On the other hand, this period was also marked by a growing awareness of the ethnic and religious divisions and of the economic and social inequalities that plague the Jewish majority of the country. Since the 1980s, following the first electoral victory of Likud in 1977 (itself a rupture with the Labor monopoly of Israeli politics), a growing number of academics in Israel and abroad have paid significant attention to these cleavages and to the way they intermingle and often crystallize in very distinct and contradictory visions and expectations of the Israeli state. Since then, many authors, namely sociologists, have challenged the idea of Israeli Jewish society as an integrated whole, but as "hierarchical system of differences", as Uri Ram (2011: 64) describes it.

When it comes to the study of the internal cleavages among the Israeli Jewish community, it is surprising that academic interest came in so late when Israel is a state that has been built and depended on successive waves of Jewish immigrants. Most of these immigrants, who were described by the Zionist movement as part of the same "Jewish nation", had never set foot in Palestine before and had been living in distinct locations of the globe, where they inevitably developed parallel identities and even different sets of religious practices. Nonetheless, for the purposes of Zionist colonization of Palestine, they were all, first and foremost, Jews, and it was demanded from them loyalty and identity to a group that, more often than not, they had never identified with (particularly in the cases of immigrants that were well integrated in their own societies), and that sometimes failed to share the same values, cultural and religious practices and historical experiences.

While it can be argued (as some indeed pointed out during the phase of project development) that many other states struggle with ethnic and religious cleavages, in the Israeli case the identification with certain groups is extremely politicized: the proliferation of political movements and parties that openly represent different communities in Israel

(such as Shas[3] and Yisrael Beiteinu[4]) means that the collective identity of the State, its "Jewishness" (incorrectly assumed by most specialized literature and media outlets as a closed debate), is being permanently challenged.

Furthermore, as Baruch Kimmerling and Dahlia Moore (1997: 32-33) pointed out, these ethnic and religious identities in Israel are also reified as "either-or" cleavages. While individuals can identify simultaneously with multiple collectivities, some identities in Israel do not overlap or represent conflicting loyalties, and "attain transcendent stature so that they remain salient and central regardless of the issue at hand, and are reproduced in the basic social order".

In fact, when we look at the Israeli political scene and, specifically, at Israeli political discourse, we find a conundrum: while the Jewishness of the State is often invoked to justify political decisions that are openly racist and exclusionary towards its non-Jewish citizens - mostly Palestinian population -, there is no consensus among the different Jewish communities, or even among Jewish leaderships, on what it means to be Jewish, and even less on what a Jewish state effectively means. This has become even more obvious after the 1970 revision of the Law of Return[5] and the mass immigration of "non-Jewish Jews" (those who are simultaneously covered by the Law of Return, but are not considered Jews according to halachic law), particularly from the former Soviet Union. The growing presence of these "non-Jewish Jews" has aggravated the debate over the Jewishness of the State and effectively shattered any illusions on an Israeli Jewish consensus over the nature of the State. At a point when it is estimated that more than half of the new immigrants are not halachically Jewish, and that a vast majority does not identify as Jewish, and has even embraced other religions, it seems that Lustick's (1999) observation that a Jewish state means, in fact, a non-Palestinian state is more relevant than ever.

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[3] Shas is an ultra-Orthodox political party in Israel, established in 1984 by Rabbi Ovadia Yosef. Shas is said to represent the Sephardic and, more specifically, the Mizrahi community in the country, in response to their political underrepresentation. Since its creation Shas has been part of almost every ruling coalition.

[4] Yisrael Beiteinu ("Israel is Our Home") is a right-wing, secular nationalist party founded by Avigdor Liberman in 1999. A significant part of its electorate is composed by immigrants from former Soviet Union countries, but the party's target is also right-wing secular Jews. Yisrael Beiteinu is deeply influenced by Revisionist Zionism, which leads the party to adopt hawkish positions when it comes to foreign policy and the relations with the Palestinians.

[5] Israeli Law of Return, 5 July 1950 (amendment no. 2, introduced in 1970).

Therefore, disagreements over public transportation and commerce during *Sabbath*, for instance, must be analyzed, not as small spasms or temporary convulsions among an otherwise solid Jewish collectivity, but in a context of a 70-year old struggle between religious and secular leaderships in Israel. Similarly, reports that reaffirm the still marginal presence of Mizrahi Jews in certain spheres of activity must take into account the unequal processes of absorption of Jewish immigrants in the early years of the State, which condemned the Mizrahi to a subordinated position in Israel.

The more we read on these phenomena (increased securitization and fragmentation) the more we believe that the internal dynamics within the Israeli Jewish population can help us explain the securitization and the exclusionary measures adopted after 2000. In broader conceptual terms, we have decided to follow Guzzini's (2011: 331-332) proposal to investigate the role securitization plays as a political theory of security: the goal, therefore, is not only to understand what security *produces*, or *how* security problems are defined, but how security *shapes the political order*.

While a superficial reading suggests that these two phenomena are not connected, there are theoretical instruments, both within and outside IR, to believe that there is a correlation between the two, and that the intensification of the securitization process is used to mask social and identitarian tensions among a divided Israeli Jewish majority. To be clear, in this research we do not argue that these two phenomena (the transformation of the Palestinian citizens into a threat and the cleavages among the Israeli Jewish community) have commenced in the post-second Intifada period. Both are, in fact, as old as the state itself, as we shall see in chapters 2 and 3.

This research project came from the need to explain the securitization process and the adoption of exclusionary measures targeting the Palestinian minority in Israel after the second Intifada, and the feeling that these were not simply a by-product of what Israeli Jews perceived as an objective threat, but of domestic dynamics within the Jewish population, namely the lack of a strong collective identity. From the exploratory readings we have made during the development of this research project, we were bewildered by the fact that most literature on the Israeli case failed to establish a link between the marginalization of some Jewish groups and the institutionalized exclusion of the PCI.

Taking into consideration the current process of securitization and the divisions among Israeli society, this research seeks to answer one major question:

How did the transformation of the Palestinian citizens of Israel into a threat became a tool of nation-building in Israel?

This main research question can unfold into three separate questions:

i. Is there a securitization process, marked by the transformation of the PCI into a threat, taking place in Israel in the post-Second Intifada period?

ii. Is the Israeli Jewish collectivity divided and, if so, what is the nature and extent of these divisions?

iii. Are these two processes (securitization and fragmentation) connected?

In this research we argue that the nation-building project in Israel has been undermined by the ethnic and religious tensions that date back to the creation of the State, and which have been exacerbated by overlapping social and economic gaps, as well as by the "Status quo agreement" signed between Ben-Gurion and religious authorities, and which gave the Orthodox Rabbinate in Israel significant leverage in matters of the utmost importance for the country (such as immigration to Israel, autonomy for religious schools, conversion, and marriage, among others).

Because some Jewish groups in Israel face or feel different levels of exclusion, they tend to reinforce their ethnic and religious identities and, in many cases, to mobilize politically in order to protect the interests of their own groups. Israeli political leaderships, aware of the perils this fragmentation poses to the consolidation of an Israeli Jewish identity, have chosen to intensify the processes of securitization that construct the Palestinian minority as a threat, becoming negatively dependent on the presence of a distinct ethnic group. In this regard, the main marker of the collective identity of the state (its Jewishness) is not defined by what it is but by what they *do not want* it to be: Palestinian. This conclusion, we hope, will highlight even further the colonial nature of the Israeli state.

We do not reject the existence of a material component in the securitization of the identity of the State. In fact, as we address in chapter 2, Israel's development and

prosperity depended on the exclusion and dispossession of the PCI: a great number of laws and regulations adopted in the first decades of the State, namely those allowing the confiscation of land from the Palestinians, served primarily material goals, such as the settlement of villages and towns by Jewish immigrants and the growth of Israeli economy. These regulations and laws are currently still in place, and ensure that the PCI are unable to take back what was taken from them during those formative years of the State. Moreover, the securitization process in the post-second Intifada period also contributes to the prevailing sense that Israeli Jews cannot allow for any political shifts (e.g., the participation of Palestinian parties in governmental coalitions) that might risk the process of Judaization of the State initiated in 1948.

Nonetheless, since 2000, most of the measures adopted pertain mostly to the withdrawal of political and social rights, aim for spatial segregation and place obstacles to the reproduction of Palestinian identity. While these measures are still clearly part of Israel's colonial project, these are regulations that further entrench Jewish privilege in the state, without necessarily following a clear material logic or dispute over resources.

This research will offer contributions in two different levels. Theoretically and conceptually it will expand the field of securitization studies and shed a light on the study of the genealogy of the State in International Relations. We will do that, not only by focusing on securitization as a "thick signifier", but also by responding to Rita Floyd's (2011) call for a "just securitization theory". While we only venture on the impact that accumulated securitization has on Israeli regime in our concluding remarks, we continuously highlight how the securitization of the Jewish character of the State has placed various obstacles to the empowerment of the Palestinian citizens of Israel, and therefore we question the fairness of these processes of securitization.

Empirically, we offer an in-depth analysis of Israeli society and we break away from the fallacious dichotomy between majority and minority, by bringing together two bodies of work that have developed autonomously: one on the Palestinian minority of Israel and another on Israeli Jewish society. By spreading the debate beyond this dichotomy and others that are usually used to describe the Israeli-Palestinian conflict (West *vs.* East; Israeli *vs.* Palestinian; Arab *vs.* Jew), we introduce in our analysis

marginalized groups within the Jewish majority and are able to identify subtler forms of state violence.

Furthermore, we hope this research offers some insights beyond the Israeli case. At a time when populism and nationalism (two phenomena that were often perceived as dormant) make steady strides across Europe, this research will be useful for those who observe the growth of social and economic inequalities and the dismantlement of welfare structures across European societies, and the rise of hate discourses towards migrant communities, refugees, and minority groups. It is often easier to accuse those who we feel do not belong in our midst, than confronting the roots of our problems. It might be easier, but it is not fair and it is not inevitable.

- **LITERATURE GAPS**

The scarcity of studies on the processes of securitization in Israel is particularly startling, considering the prominence of security narratives and practices in the country. This problem was pointed out by Amir Lupovici (2014: 391), who sustained that the reluctance in applying the securitization theory – one of the most fruitful in IR literature and critical security studies – to the Israeli case study is both a result of the prominence of "traditional" security studies, and the fact that insecurity in Israel is routinized. Because emergency is the normal politics in the State, Israel defies stricter securitization approaches, as securitization scholarship is based on the ability to analyze how issues are moved from normal politics to emergency politics. Israel has been in a continuous state of emergency since 1948, has still in place the Defense (Emergency) Regulations that date back to the Mandatory Period Regulations (1945), and regular issues are usually framed from the onset as existential threats.

On the other hand, Buzan and Waever's work indicates that one issue can no longer be dealt as an existential threat when "a shift in orientation toward other issues reduces the relative attention to the previously securitized issue" (Buzan and Waever, 2003: 489). Securitization theory, as it has been proposed by the Copenhagen School (CS), is therefore unable to understand situations in which new securitization moves do not lead to the desecuritization of previous issues (their transference from politics of emergency to regular politics) but, instead, enhance previous securitizations.

Likewise, and as Lupovici (2013: 403) also pointed out, the lines between nontraditional and traditional security discourses in Israel are often blurred. That is the case, for instance, of the discourse regarding the existence of the Palestinian "demographic threat" that is often invoked to sustain arguments in favor of settlement evacuation (as in the case of the Gaza withdrawal in 2005) and of border adjustment. Not only this has been the traditional Zionist discourse since 1948, it is also a source of consensus between Zionist parties and movements across the political spectrum.

In the specific case of the discourse and polices enforced by the Israeli state unto the Palestinian minority, only two authors, Olesker (2013) and Abulof (2014), have attempted to apply the securitization theory to their works. Still, and as we shall see from the analysis of these works on chapters 4 and 5, both of them show reluctance in acknowledging the unbalanced power relations between State and minority.

Abulof succeeds in demonstrating that Israel lives in a state of "deep securitization": in this case, he argues, not only the securitization of one sector (e.g., societal) does not come at the expense of other sectors (e.g., military), as Buzan and Waever predicted: the securitization of new threats can, in fact, exacerbate previous successful securitizations.

However, Abulof also attributes this "Zionist culture of threat" to the Israeli Jewish "siege mentality", which arises from the Jewish condition as a "small people". The "smallness" of a people, he had explained in a previous article, "is not quantitative" and does not depend on the existence of effective threats; on the contrary, smallness "is a state of mind", for it "refers to the community members' intersubjective we-belief about the fragility of their own collective existence" (Abulof, 2009: 230). The impact of such overpsychologizing of Israeli Jewish society is clear: Abulof does not explain how this feeling of "smallness" among Israeli Jews came into being, how is nurtured, who nurtures it, and what (political) purposes it serves. This flaw is particularly relevant if we take into account that Israeli Jews not only constitute a demographic majority within the internationally recognized borders of the state, they are also indisputably the dominant side, as the (almost pristine) record of military victories and a 50-year old occupation can certainly show.

Olesker's work, on the other hand, focused on the post-second Intifada period, is limited because it offers a restrictive reading of securitization theory, focused exclusively on bills that were successfully passed into laws in the Knesset, and whose debate entailed the unequivocal transformation of the PCI into a threat, as in the case of the Citizenship and Entry into Law in Israel from 2003.[6] Bills and laws that can *only* be considered discriminatory and exclusionary are thus excluded from Olesker's analysis.

This choice, which is justified on the grounds that the securitization process is only successful when emergency measures are taken, is also normatively charged and does not take into account that securitization processes have to be analyzed in their historical context. The fact that some bills are not approved does not mean that their discussion does not add up to the further securitization of the Jewish identity of the State. Furthermore, even when Palestinian citizens are not openly addressed as a threat by the legislation and policies adopted, such as in the case of the "Nation-state law" adopted in 2018,[7] they are disproportionally affected by them, considering their status as a non-Jewish and indigenous population. While Olesker's work was released before the adoption of this controversial law, we are certain she would leave it out of her analysis as it does not fit the strict criteria she set.

Furthermore, in a previous article (2011), Olesker had argued that the peace process had encouraged the State to further securitize its Jewish identity and to suppress the identity of the minority, by locking Jews and Arabs in Israel into a security dilemma. In Olesker's work there is no normative evaluation of the power relations between a Jewish majority, whose interests and privilege are protected by a Jewish state, and an indigenous minority who is increasingly deprived of access to the centers of power and decision-making. It is this type of conclusion (which is a result of either the understudy of the history of the Israeli state or of a conscious depreciation of the inferior status of the Palestinian minority), that constitutes the backbone of Israel's own image as a "self-defending democracy" or, as Ram (2009: 530) explained, of the discourse (already prevalent in Israel) that Israeli democracy feels the need to practice "harsh measures

[6] Citizenship and Entry into Israel Law (Temporary provision), 31 July 2003.

[7] Israeli Basic Law: Israel as the Nation-State of the Jewish people, 18 July 2018.

sometimes by transgressing democratic stipulations, in order to secure the very existence of the State".

We cannot look at discourse as devoid of power, just as we cannot expect securitization to begin with the utterance of the word "security", as "securitizing actors may reconstitute an issue such that it avoids the high-pitched nodes of radical, barbaric, blood-thirsty Others, while still situating it within a modality of securitization" (Hansen, 2012: 533). The reason why securitizing actors might choose to moderate their discourse (as, for instance, in anti-immigration discourse that does not describe immigrants as "threats", but as "non-assimilatory"), Hansen adds, is because the audience is less likely to rebel against such discourse. In our case study, this is visible on the growing amount of Israeli Jews that support the "transference" of the PCI, but reject overt calls for "expulsion", even if both represent the physical removal of the Palestinian population from Israeli territory (Rouhana and Sultany, 2003: 15-16).

This positioning is not uncommon among those who study this process of threat-construction in Israel within the fields of social and political psychology. For instance, Bar-Tal and Antebi (1992: 258) believe that "the belief about the world's negative behavioral intentions against Jewish people has become part of the Israeli ethos". Just like Abulof, the authors argue that it is irrelevant to determine if the world or certain outside groups are hostile towards Israeli Jews: all that matters is that the group believes so, and thus it reacts accordingly. Therefore, this leads them to argue that mistrust towards out-groups contributes to the adoption of hawkish political positions, such as the perpetuation of the occupation of the Palestinian territories. While the authors trace the roots of a fear-based collective memory to the history of the Jewish people, they offer no explanation for how this so-called "collective experience" (that is, in fact, as diverse as the Jewish people itself) was transferred to the Israeli state and, most importantly, they do not seem interested in analyzing the manipulation and exploitation of collective trauma for political gains. It is as if, as Peled-Elhanan (2012: 70) points out, collective trauma in Israel was a "self-directed phenomenon that acts independently of human social actors".

Most of the literature focusing on the transformation of the PCI into a threat tends to contribute to the securitization process, either by signaling the strong ties of this minority with the Palestinians in the OPT (themselves perceived as a threat to the Israeli

state), by arguing that the minority has claims of their own that risk the nature of the State as Jewish and democratic, or by portraying the minority as a demographic threat, de-historicizing the Palestinian's struggle against Zionist colonialism. As such, these accounts fail to explain that the increasing mobilization of the PCI only constitutes a threat because of the exclusionary nature of the State, and they are also unable to provide a normative analysis both on the securitization process and on the effects this process has in the erosion of Israeli democracy.

This academic approach that deals with the "minority as a problem" had been already denounced, in 1979, by Elia Zureik, an Israeli Palestinian sociologist, in what became one of the most paradigmatic works on the history and status of the PCI. In his opinion, this biased research threatened to turn academic work into a problem itself:

> The formulation of the solution to a particular social problem is rooted within the problem itself, which in turn has been defined in terms of the minority at hand; in short, the minority is seen as the problem. (Zureik, 1979: 4)

Literature on the divisions among Israeli Jews has also suffered from important lacunae. It is clear that for many decades, the Israeli myths of the *Ingathering of the Exiles* and the integration of these immigrants into an Israeli Jewish "melting pot" was sustained by the continuous state of war Israel lives in, which transformed Israel into a "nation in arms". Likewise, academia was deeply influenced by the militarization of Israeli society and chose to focus on what seemed to be the most compelling topic at hand, the Arab-Israeli conflict. It seemed consensual until the 1990s (and partly it was, as you will see from our analysis on Israel's stance on the Holocaust and the creation of a "Jewish collective trauma" in chapter 3), that Israeli Jews developed what Bar-Tal called a "siege mentality", the widespread fear that their extinction remains a possibility and that the Jewish people are left alone to face a hostile world.

As we shall see, following the establishment of the State, Israel's leaderships have tried to construct a new collective identity for the State's Jews anchored on the image of the Israeli *sabra*, or pioneer. The *sabra* represented the antithesis of the image of the Diaspora Jew (which was, in turn, informed by anti-Semitism): whereas the exiled Jew was egoistic, helpless and physically weak, the new *sabras* were represented as brave, resourceful and athletic.

Since the beginning of Eichmann's trial in Jerusalem (1961) and Israelis' direct confrontation with the Holocaust, a new identity marker began to gain momentum among Israeli Jews: collective trauma and anxiety. While the image of the *sabra* informed Israeli Jews that they constituted a new glorious phase in Jewish history, the growing focus on collective trauma, which connects the past historical experience (namely the Holocaust) to the ongoing conflict with Israel's Arab neighbors and the Palestinians, told them that, notwithstanding the establishment of a Jewish state and the accumulation of resources (namely military power), Jews in Israel remained isolated, persecuted and on the verge of extinction.

Both of these images (the former of strength and renewal; the latter of weakness and victimhood), while seemingly incompatible, have coexisted in Israel since the 1960s, because ultimately they both advised Israeli Jews to be self-reliant and encouraged them to distrust those who are not part of the Jewish "tribe". Nonetheless, the fact that the Israeli Jewish collectivity is often described as a society suffering the consequences of a "collective trauma" is very indicative of a nation-building process that has been almost exclusively based on the contact with what is perceived as a hostile world.

Due to mainstream academic focus on the conflict, literature tends to portray internal Jewish divisions in Israel as merely temporary or circumstantial, even if they have been in place for over 70 years: these divisions are taken as secondary and, as Shuval (1989) and Horowitz and Lissak (1989) argued, could only be addressed once the main problem of the state – the lack of peace with its neighbors – has been solved.

Take, for instance, the work of Sammy Smooha, one of Israel's leading sociologists, famous for his work on Jewish-Palestinian strife in Israel. Despite the fact that he coined the term "ethnic democracy", in an attempt to argue that Israel can be simultaneously dominated by one ethnic group and remain a democracy, Smooha dedicates only a small part of his work to the analysis of ethnic and religious variation among Israeli Jews, and draws a picture of a state split between two homogeneous groups (Jews and Palestinians) that is far from reality.

As Amal Jamal, an Israeli Palestinian political scientist points out, not only Smooha ignores the role the Israeli state plays in the reproduction of sectarianism among the Jewish community, he is also neglectful of

> the obvious connection between the domination of Israel's liberal Western self-image, or the domination of the Ashkenazi elites in politics, economy, society, culture, and security and its effects on the nature of the regime. (Jamal, 2002: 422-423)

Most literature on Israeli society and ethnic divisions in Israel simply reproduces Zionist political discourse, by opposing a threatening Palestinian minority to a very homogeneous Jewish community. Consequently, they also tend to assume that the presence of different ethnic and religious communities within the same territory is, by itself, an invitation for violence, even if they fail to take into account that the vast majority of modern states, including those living in peace, are multinational states. In short, their approach to state violence absolves state leaderships from the structural conditions that promote the minorities' exclusion, oppression, and even persecution, and pave the way for explanations that treat the minority as an objective threat to state unity and depoliticize the security discourse.

An exception, however, should be made for another Israeli sociologist, Baruch Kimmerling, whose work on Israeli Jewish cleavages, system of control and militarization was always insightful and ahead of his time. In *The Interrupted System,* Kimmerling wrote that

> The major salient characteristic of the Israeli civilian social system is not necessarily the fact that it is a society involved in an extended conflict with its surroundings, but that it is an immigration society in which, during the course of a very limited period of time, immigrants from developed and extremely developed countries met immigrants from developing countries upon a common religious-traditional basis. (Kimmerling, 1985: 148)

Furthermore, he added, Israel deals with internal conflicts that threaten to "to unravel, or at least cause great damage, to the Israeli society". Instead of the traditional Israeli approaches to the conflict, which sustain that the solution to the internal conflicts can wait until the external conflict is resolved, Kimmerling believed that some of the resources used in the war against the Arabs are needed to address the internal divisions.

Despite being written over 30 years ago, Kimmerling's work remains innovative and was of the utmost importance in the definition of our study. Just as we felt during the preparation of this thesis, Kimmerling was also aware of the difficulties in tracing the link between "securitism" and nation-building and legitimacy in Israel, because "it is almost impossible to isolate the influence of the variables related to the conflict from the influence of other variables that are not related to or do not stem from the conflict". On

the other hand, just like Kimmerling, we also believe "we do have some parts of this exciting puzzle" (Kimmerling, 1985: 147-148).

- **THEORETICAL AND METHODOLOGICAL CONSIDERATIONS**

In order to identify and explain the link between threat construction and identity formation we will make use of a constructivist framework.

Theoretically, we will do so in three ways. Firstly, we will combine critical constructivism and literature on state-building and nationalism in order to explain the process of identity construction. We will highlight the deficiencies in conventional constructivism and the self-imposed limits on the deconstruction of state identities, and we will demonstrate how critical constructivism, with its focus on socio-historical contexts, and with the contribution of fields such as History and Sociology, has the potential to present a theoretical alternative able to explore the violent and exclusionary origins of the state.

Secondly, we will reclaim Barry Buzan's concept of "weak state", a term he coined in 1984 to describe states that display low levels of sociopolitical cohesion. According to Buzan, a state is made of a physical component (population, territory, wealth and resources), an institutional component (government, regime, rules and norms) and the idea of the state, translated as both a feeling of belonging and a generalized agreement among the state's population on what the state should do and how it should do it (Buzan, 1983: 44).

Whereas Buzan's work on securitization gained prominence, his conceptualization on weak states has remained marginal in IR theory. Nonetheless, his contribution represents a rupture with previous IR approaches to the state in three fronts. First, it deconstructs the popular idea among IR theorists (even constructivists) that states are identical objects that can only be differentiated by an external power analysis.

Second, it emphasizes the ideational component of the state – its collective identity – and departs from exclusively institutionalist approaches. Finally, it holds the state accountable for the way it manages its vulnerabilities, by underlying that an ethnically diverse population is not the root of state's weakness: instead, the state *becomes* weak if it fails to create an all-encompassing collective identity, chooses to treat

large segments of the population as security threats, and allocates resources in an unequal way to different groups (Buzan, 1983: 32, 67).

Lastly, we will make use of securitization theory (ST) in order to understand how minority groups are constituted as a threat to the collective identity sponsored by the state and, most importantly, the role these securitization processes play in the internal organization of the state and in fostering sentiments of collective solidarity among disperse groups. Despite the seemingly reluctance to apply ST to societies where there is an accumulation of successful securitization processes, such as the case of Israel, securitization theory still has a number of advantages when compared to other security theories, because it allows us to track the processes of production of insecurity, to emphasize their intersubjective nature, and even to denounce the normative implications of the adoption of extraordinary security policies.

Considering the use of a critical constructivist lenses in this research, this research will use both historical analysis and critical discourse analysis in the context of an in-depth case study. We would like to make a few notes on these choices.

Despite the fact that we have chosen to focus on the securitization processes occurring in the post-second Intifada period, the study of the nation-building process and the relationship between State and the Palestinian citizens demanded we began our analysis even before the establishment of Israel, in the late 19th century, when modern Zionist emerged in Central and Eastern Europe. Therefore, our first chapters are dedicated to state and nation-building efforts in Israel, to the discussion of the status of the PCI, to the multiple mechanisms of control the state has imposed on them from 1948 until 2000 (chapter 2), and to the origins and reproduction of internal Jewish divisions during the same period (chapter 3).

This historical analysis is mostly grounded on the revision of existing secondary sources dealing with the themes of majority-minority relations and Israeli Jewish society. We have also analyzed the works and the diaries of Theodor Herzl, the father of modern Zionism, and David Ben-Gurion, prime-minister of Israel between 1948 and 1963, and one of the leading figures of nation-building efforts in Israel. Furthermore, we have also analyzed some of the laws and regulations adopted, and which effectively excluded,

discriminated and dispossessed the PCI of Israel during this period, and whose effects are still visible nowadays.

From the beginning, it was crucial for us to place the divisions among the Jewish majority at the center of our research. As we have already mentioned, we acknowledge the existence of the conflict, but we have chosen to treat it as a factor that solidifies Jewish-Arab tensions, and that coexists with another (perhaps the most important) feature of Israeli society: the fact that it is society built by settlers who did not share the same mother country.

The choice of the cleavages under analysis - between Mizrahim[8] and Ashkenazim and secular and religious - were based both on the existent literature on Israeli Jewish divisions, and on the fact that these are the most representative in Israel, both in terms of self-identification of individuals with these groups and because, when they overlap (as in the case of the process of religionization of Mizrahi Jews), they translate into conflicting views of the state. These divisions, which are unique to the Israeli case study, are the ones who represent greatest potential for social strife in the State, along with Jewish-Palestinian relations. Furthermore, unlike other cleavages that permeate Israeli society (e.g., gender, class) and which are timely addressed throughout this research, the secular-religious and the Mizrahi-Ashkenazi divisions were created and maintained by State arrangements and policies since 1948. Therefore, the accountability of State leaderships in the reproduction and intersection of these divisions is even more glaring.

In order to prove the existence of a successful securitization of the identity of the state we made a three-level analysis: i) on the production of a security discourse; ii) its reception among Israeli Jewish audience; and iii) the adoption of emergency measures.

[8] We believe we should address a terminology problem concerning the use of the terms "Mizrahim and "Sephardim", which will be visible in some of the literature we used. "Mizrahim" and "Sephardim" are often used interchangeably by many authors to describe Jews of Oriental origin. Technically, the term "Sephardim" should be used to describe exclusively the Jews of the Iberian Peninsula who were expelled from Spain and Portugal in 1492 and 1497, some of them seeking refuge in Greece, Morocco or Palestine. Nevertheless, Jews from the MENA region who immigrated to Israel both before and after the creation of the State, despite not having substantial contact with the Sephardic community, have retained the religious tradition of the Sephardim and are, for religious purposes, part of the Sephardic religious milieu (Abutbul-Selinger 2017: 1631). For a matter of consistency, we give preference to the use of the term "Mizrahim", for we feel it encapsulates the ethnic and class differences in a way the "Sephardim" term does not allow. Some of the quotes used throughout this text, however, use the term "Sephardim" to refer to Jews of Oriental origin as a whole.

Considering our critical constructivist approach to identity and security, discourse plays a central role in this research. We approach language with two considerations in mind: language has a productive-constitutive role in shaping our reality, and discourse is itself a site of control and power. As such, we will apply critical discourse analysis (CDA) to Israeli Jewish discourse produced on the PCI during this period. This choice can be justified on the fact that CDA has ultimately a purpose of social transformation: by becoming aware that certain actors enjoy a privileged position in the production of narratives, we are encouraged to unravel the role of discourse in the reproduction of power relations within a certain society (Fairclough, 2001: 123).

The first consideration means that we will look at language, not only as a mechanism of communication and signaling that describes reality, but as a field of "social and political practice" that is constitutive of what is "brought into being" (Hansen, 2006: 15, 18).

For Bernstein and Swirski (1982: 79), the mere act of describing social actions is a social action on itself because "description and explanation give meanings to actions – meanings which become a factor in the further development of these actions". The same opinion is shared by Peled-Elhanan (2012: 33-34) who emphasizes the "legitimatory function" of discourses, for "they are about why we do things, and are about the practices and the ideas and values attached to them".

This leads us to the second feature of language. If language is imminently a political site for the production and reproduction of certain identities, meanings and understandings, that means that there is always an element of uncertainty and instability, even if "discourses will try to construct themselves as stable". This also means that "the construction of discourse itself includes, therefore, the exercise of power – it is an act of selection and legitimation, as well as omission and marginalization" (Cravo, 2012: 39).

The ability to impose a certain meaning when describing social processes (e.g., the identification of a certain collectivity as a threat) plays a significant role in determining how that process will work out, not only because it encourages a certain outcome (e.g., the adoption of exclusionary policies), but also because it prevents alternative meanings and outcomes (e.g., Israel's self-definition as a binational state and the reformulation of the State's identity).

As such, even if discourses are always contested, the extent to which one can impose a different narrative is not the same for everyone, and those who are dominated cannot participate freely in the "language game" (Peled-Elhanan, 2012: 27).

The attention to the role of discourse in the organization of society is not a recent development. Already in 1989, Bruce Lincoln explained how discourse and its many elements (myth, ritual, classification) are employed as efficient mechanisms to reproduce established social forms and, even more broadly, for the construction, deconstruction, and reconstruction of society itself. In fact, he added that, along with force (i.e., the exercise or threat of physical force), discourse helped determine which individuals and groups occupy positions of privilege and enjoy disproportionally large parts of a state's limited resources (Lincoln, 1989: 3).

In the specific case of security discourse, this means we should be more attentive to the use of concepts veiled as being universally valid in a certain society, such as "national security", for they are ideologically charged and provide descriptions of events and processes which are consistent with the securitizing actor's interests (Bernstein and Swirski, 1982: 79). That is not to say that security is not important for states and collectivities; however, one should try and understand its use in its historical and political context. As Hansen argues:

> Underpinning the concept of 'national security' is a particular form of identity construction—one tied to the sovereign state and articulating a radical form of identity—and a distinct rhetorical and discursive force which bestows power as well as responsibility on those speaking within it. (Hansen, 2006: 30)

In the Israeli case, for instance, Peled-Elhanan (2012: 33-34) sustains that discourses on security and on redemption "legitimate practices of oppression, discrimination and assassination and transform them into practices of defense, 'deterrence' and retaliation".

Therefore, we choose to approach "security" as a "thick signifier", as Jef Huysmans (1998) suggested. This means that one should not just focus on how a "security story" leads to the definition of threats (the PCI, in this case) or a referent object (the identity of the State), but also "how it defines our relations to nature, to other human beings and to the self". In short, how the label "security" articulates a particular way of organizing life.

Huysmans' proposal is also consistent with Thierry Balzacq's sociological view of securitization that emphasizes the practices, the context and the existent power relations, and is therefore more well-equipped for normative research than philosophical views of securitization, which tend to be merely explanatory (Balzacq, 2015).

When it comes to dominant security discourses, political elites have privileged access to symbolic resources, such as media, and are therefore in a powerful position to define the limits of public discourse over certain matters as well as to shape the audience's positioning on them (Gavriely-Nuri, 2014: 50). In this regard, Shaul Shenhav argues that

> the role of the political leadership (…) is not merely to provide logical arguments for a policy, but to know how to tell the national story so that the policy will be seen as justified, and hence to connect the policy in hand with the foundational principles of the political community. (Shenhav, 2008: 235)

By emphasizing the role political leaderships play in developing dominant narratives of security and, in turn, how these narratives articulate security policies to address security threats we also expect to "bring the state back in", as described in Theda Skocpol's research program presented in 1985. However, we aim to do it in our own terms, avoiding what Lev Luis Grinberg (1993: 89-90) called the "state/society dichotomy": the tendency to perceive the state as an actor with its own interests and a means, with the capacity to act autonomously, without interference of internal forces. This anthopomorphization of the state is, in fact, still visible in Alexander Wendt's conventional constructivism, which we shall debate and reject in the next chapter.

As Jamal pointed out when looking at literature written on the Israeli state:

> Such an attitude reduces the state to an institutional centralizing agent with autonomous interests that dictate its behavior separately from society […] The state has several means to penetrate society. However, attributing too much power to the state ignores social reality or the effect of social and political groups on the structure of the state and its policies […] The contemporary political reality indicates that despite certain changes, political power relations that were established with the inception of the state are still partly in existence. The effect of the political power relations in society on the structure of the state was no less than the effect of the state on the social and political relationships within it. (Jamal, 2002: 416-417)

The state in our research is not an autonomous actor with pre-conceived identities and interests. Instead, it is a tool in the hands of strong social forces: dominant ethnic and religious groups, interest groups, political elites, dominant classes, etc. This

outlook on the state, we believe, will allow us two things: first, to analyze power relations between the different groups that constitute the Jewish majority in Israel and which, the vast majority of the literature on Israel society would make us believe, have equal access to the State's material and symbolic resources. As such, we are able to analyze the changes (as well as the continuities) in this society that weaken the State and which could not be observed from a purely institutional-structural perspective (Jamal, 2002: 414).

Secondly, we are able to reintroduce the State as an active player and as a valid object of scrutiny and criticism, by holding political leaderships and elites accountable for the treatment of their most vulnerable groups (e.g., ethnic minorities, women, LGBTQ+). As Hansen clarified, security is an ontological necessity for the state (and, we would add, for other forms of political organization), not because the state needs to be protected from external threats, but because a state's identity depends on the identification of these threats:

> Threats and insecurities are not just potentially undermining of the state and things that could be eliminated, they constitute the state: the state only knows who and what it is through its juxtaposition against the radical, threatening Other. And, the protection of the state against an external Other is often intimately linked with the delineation of an internal Other, be that communism in 1950s America, immigration, or homosexuality. (Hansen, 2006: 30-31)

In other words, we are equipped to recognize that relationships within states and, most notably, between majority and minority groups, can take many forms, and labeling the latter as a security threat is only one of them and is the product of a choice. This means, that the use of the concept security – and the definition of security policies – "is neither innocent nor inevitable, and therefore it is political" (Huysmans, 1998b: 244-245).

After all, as Jamal (2007: 476-477) later claimed, the dynamics of inclusion and exclusion spearheaded by the state must be part of any theory whose goal is to imagine more equal societies. Similarly, no critical research is worth it of its name if from the onset prevents questioning over the processes through which certain dominant actors, narratives and policies are maintained.

We have decided to expand the analysis of political discourse from members of the government and parties in the ruling coalitions to leaders and members of the Knesset from the opposition parties, and even religious authorities. This allows us to

understand how pervasive the security discourse around the Jewish character of the state is, as well as to identify continuity between Zionist parties with different ideological orientations.

Several elements of discourse have been analyzed, from speeches, press releases, transcripts of Knesset debates, and even interviews given to various media outlets. These elements are easily available in English in the official website of the Knesset, as well in the parties' online platforms, NGO websites and across newspapers in Israel.

Newspapers in Israel are commonly associated with different political orientations and even religious groups. When it comes to the use of articles, op-eds, or interviews collected from newspapers, we have tried to diversify as often as we could, from amongst all the newspapers that have online editions in English[9]. Therefore, we have collected material from *Haaretz*, *Israel Hayom, The Jerusalem Post*, *Jerusalem Online, Arutz Sheva,* the *Times of Israel,* and *YNet News.* When relevant, we have also used material made available by international (including Middle Eastern) online newspapers and other platforms, such as *The Guardian, Electronic Intifada,* and *Middle East Monitor*. It is worth noting that we confronted the information provided in these articles with other media outlets, in order to ensure their validity.

We have also made use of reports, calls for action, and articles provided by Adalah and the Association for Civil Rights in Israel, two Palestinian-led NGOs in Israel, as well as by the Israel Democracy Institute. Their work was particularly insightful for the analysis of the October 2000 protests and subsequent investigations on the use of police violence, as well as for the numerous appeals made to the Supreme Court to invalidate several laws adopted in the post-2000 period.

The analysis of the securitization process also demanded the consultation of several opinion polls and surveys conducted among Israeli citizens, regarding the issues of inter-ethnic relations, democracy, religion, and national identity. These are conducted on a yearly basis by the Israel Democracy Institute, but we have also used data collected by

[9] The excessive use of material in English is related to the fact that we do not possess working knowledge of neither Hebrew nor Arabic.

the Pew Global Forum, and even media outlets, which tend to conduct opinion polls following relevant events and/or the adoption and amendments of certain laws.

While we have not made an exhaustive description of all the legislation and regulations that affect negatively the Palestinian minority of Israel (according to Adalah's database of discriminatory laws in Israel, 35 laws have been enacted in the period between 2000 and 2017), we analyze and debate the historical context in which several blatant discriminatory and harmful laws were debated. That was the case, for instance, of the "Nation-State law", which declares Israel as the nation-state of the Jewish people, and removes Arabic from the list of official languages of the State. Despite being enacted in July 2018, the debate over the adoption of similar bills started several years before. We believe that this debate and the several amendments that were made to it that allowed its enactment are just as important as the enactment of the law itself for the analysis of the securitization process in Israel. We have repeated the same strategy for the other laws under analysis.

In some of the legislation under analysis we were unable to trace the exact date in which they were published; in those cases, we merely provide the year of publication. An English translation of the text to all legislation, regulations and amendments made between 2000 and 2018 can be found in Adalah's website, along with the appeals made to the Supreme Court. The English versions of other laws and of the Basic Laws of Israel, along with their amendments, are provided in the Knesset website. We have attempted to provide links to official and unofficial translations for all the legislation analyzed.

Finally, we have also conducted seven semi-structured interviews with individuals that we believe could give us more information on the relations between minority-majority relations, the tension between Jewishness and democracy, and the ethnic and religious gaps in Israel. These interviews were conducted between May and July 2016.

Invitations for interviews were made twice to the members of the Knesset, between May and July 2016 and January and April 2017. In most cases, our invitations were left without a response, despite providing a document certifying that these interviews would be exclusively used for this research. Only one Member of the Knesset,

Michal Biran, from the Labour Party, showed availability for an interview, which took place in July 2016.

While we know that the information that could have been provided by these interviews would have been invaluable (as the interview to MK Biran proved to be), we understand that Members of the Knesset have a busy schedule. However, we also believe that their rejection to be interviewed gives us an insight on security climate in Israel, as well as to the limits it imposes on academic debate and public scrutiny.

- **ADDITIONAL NOTES**

Regarding the use of Israel as the case study to illustrate this research, we believe some explanations are in order, as since this research project was being drafted and discussed, this was the choice that has raised more doubts. In some cases, this questioning resulted from serious methodological concerns. In other cases, however, the underlying question was: if Israel, a country with stable political structures and no history of civil war, is to be considered a weak state, how should we then describe its neighboring states?

When one looks at exclusionary states and the persistence of bigotry in most societies (including democratic ones), one must wonder why the status of the Palestinian citizens *vis-à-vis* the Israeli state has remained so marginal. After all, Israel is the product of a colonialist endeavor, defines itself as a Jewish state, and has remained in an imminent state of war since 1948.

The overall acceptance among IR scholars that Israel is a strong, solid and stable state (and, subsequently, the reluctance to use Israel as a case study for weak states) is one of the reasons why the institutionalized exclusion of the PCI and other forms of discrimination of some Jewish groups, namely those of Middle-Eastern and African origins, has been consistently ignored in IR literature.

Moreover, at 70, Israel can still be considered a recent country (despite the Zionist narrative that the Jewish nation is a millennial one, and that the State is nothing more than the most recent political expression of it), and possesses every feature of a society in continuous (re)construction: its physical and societal borders are unstable or undefined; more than half of those who are part of the “Jewish nation” live outside the

borders of the State and show no inclination to immigrate to Israel; it was constituted through waves of immigration, and the origins of these immigrants have a significant weight on their socioeconomic opportunities, lifestyles, perspectives on the conflict and on the occupation, the role of religion in public life, among others. All things considered, Israel is a perfect laboratory to study the complex processes of state and nation-building.

On the other hand, there was the genuine concern that Israeli might not be the most illustrative case to demonstrate the link between securitization and state weakness. In this case, the concern was grounded on the fact that it might be argued that the securitization process is an inevitable effect of the State's permanent state of war.

In reality, what some may believe is a methodological problem we believe is our main contribution to critical security studies. Unlike other research on securitization, which tends to focus on the "hows", "whos", "whens", as well as the effects securitization has on the polities under study, our research is centered on the political intentions and gains that can be attributed to securitization, most notably its role in fostering national cohesion. Inevitably, and because the agents under observation – both those who produce and receive the security discourse – are human individuals and communities, the access to their true intentions is restricted and impossible to be analyzed. That is the crux, we believe, of social sciences and of any research on social identities.

On the other hand, in order to present a bullet-proof link between the two phenomena we would have to isolate the effects Israel's continuous state of war with the Palestinians has on the Israeli Jewish collective psyche, as well as decades of nation-building based on collective trauma and existential anxiety. This is not a problem restricted to Israel, as any other human collective identity under study will necessarily share a set of cultural values and historical experiences, either real or imagined. As Hansen (2006: 15) sustained, while presenting her research on the link between foreign policy and identity through the analysis of Western debate on the Bosnian war, it is impossible to establish a causal relationship between the two elements, as conventional rationalist approaches always attempt to do, because it is impossible to "formulate hypotheses about the (relative) explanatory power of discourse as opposed to material explanations". Still, she argues, "the absence of causalty between identity and foreign policy does not imply a lack of structure" (Hansen, 2006: 15).

While it is true that Israel has been living in a state of conflict since its establishment, when one addresses Israel's "state of war" we should not focus solely on its participation in wars and low-scale conflict. In fact, we believe these are only but a small – even if the most visible – part of Israeli society's permanent state of preparedness. We should take into account other factors, such as the use of education to propagate narratives of fear or to prepare young Israelis for their looming conscription, and even the fact that those who serve in the military are maintained in a list of reserves and are yearly called on to update their military training. These are the tools that keep Israelis in a state of permanent preparedness for conflict.

One of the suggestions proposed during the final stages of proposal drafting to avoid a "validation bias" on the case study was the introduction of another control case, namely Pakistan, for it was also a product of a partition plan.

The introduction of a case study was rejected for two reasons. First, the study of the link between securitization and state weakness demanded the placement of a magnifying glass over Israeli society: in other words, not only on the status of the Palestinian minority and its relation with the State, but also on various cleavages among the Jewish majority. The fact that we place the beginning of our analysis in 2000 does not mean that is the starting point of our research. In this case, extensive research on the history of the Palestinians in Israel and of different Jewish groups had to be done.

This historical approach to the case studies – a feature that is frequently absent in IR research - is absolutely necessary, especially when it comes to the study of conflict and structures of violence. However, it comes at the expense of multiple case studies, as it would be impossible to maintain the same degree of detailing.

Secondly, as we have said, the relation between securitization and state weakness came from the observation of these two phenomena in Israel. In other words, Israel was chosen to illustrate this link, not *in spite of* its permanent state of war, but *precisely* because of it. While we cannot isolate Israeli Jewish siege mentality from our analysis, we can acknowledge that just as contexts of formal peace hide other forms of conflict and violence, contexts of war also have that capacity. To ignore this fact would be the same as to agree with Horowitz and Lissak's (1989) argument that Israel is an overburdened polity, whose major problem has to do with its location in a hostile

environment. It is our belief, after researching Israeli society for so long that, had peace accords been signed between Israel and the Arab states in 1949, Jewish structural domination over the Palestinian citizens would still have happened, for that is a natural consequence of the colonial nature of the state.

Finally, a remark should be made on the terminology we use to describe the Palestinian citizens of Israel. Most literature describes them as "Arab citizens of Israel", "Israeli-Arabs" or "Arabs of the land of Israel". In some cases, they are merely categorized as a "minority" or "non-Jewish population". These terms reproduce the language used in the Balfour Declaration (when the British Government promised that the rights of "non-Jewish communities in Palestine" should not be harmed), in the UN Partition Plan of 1947 (which called for the establishment of an "Arab state" alongside a "Jewish state"), the Declaration of Independence of Israel (which called them "Arab inhabitants of the state of Israel"), and the categorization made in the *Teudat Zehut*, the Israeli compulsory identity card, between Jewish, Arab, Druze, and Circassian[10] .

The results of this seemingly innocent wordplay are evident: this indigenous Palestinian population is defined in relation to the Zionist state, and this range of categories subconsciously establishes a dichotomy between the "Jews" and "the others". While the use of the term "Arab" to describe the members of this community is not wrong nor it is by itself derogatory, it portrays PCI as foreign to the land and/or as belonging to the Arab world. In other words, it imposes a disconnection between the people and the land, in the sense that they [the Palestinians] are perceived as living in the Land of Israel ("The land of the Jewish people"), while having no historical or moral claim to it.

Ultimately, this way of categorizing, describing and shaping the reality of the PCI, is what underlies Israeli political discourse that tell us that, while the Palestinians have 22 other Arab states where they can live, the Jews only have this one Jewish state. Furthermore, this idea is not circumscribed to extreme right-wing parties, such as in the

[10] As of 2005, information on the ethnic group of Israeli citizens has disappeared from their identity cards. The ethnic group, however, can be inferred by the calendar used for the date of birth of its bearers.

case of Kach, led by Meir Kahana, whose slogan, in the 1980s, was "they must go".[11] As we shall see, in 2008, Tzipi Livni, then Minister of Foreign Affairs of a Labor-led government, reaffirmed the idea that only Jews have the right to self-determination in Israel and toyed with the possibility that once a Palestinian state was created, the PCI should look for their "national solution" there (Livni *apud Haaretz*, 2008).

On the other hand, the use of the term "Palestinian" to describe them, as we do in this researc, challenges Zionist historiography and the legitimacy and morality of the Zionist project, as it tacitly recognizes these Palestinians as a homeland minority and validates their feelings of exclusion and dispossession.

[11] Kach was a far-right, Orthodox and ultranationalist party founded in 1970 by Rabbi Meir Kahane. Kach's agenda included the transfer of the Palestinian minority from Israel, Israeli control over all the territories (including the West Bank and Gaza), as well as the transition to a theocracy. In the three first legislative elections the party participated (1973, 1977, and 1981), it did not manage to elect a single MK. In 1984, the Central Elections Committee disqualified the party from running, due to its racist language and agenda, a decision that was overturned by the Israeli Supreme Court, and which allowed the party to elect its first Knesset representative in those year's elections. Changes made to Basic Law: the Knesset prevented the party from running in the 1988 elections. Meir Kahane was assassinated in New York in 1990, and the two factions that had emerged from the Kach (Kach and Kahane Hai) were illegalized and declared terrorist organizations, following the massacre committed by Baruch Goldstein (a member of the original party) in the Cave of Patriarchs (Hebron, West Bank), in 1994.

1. THEORETICAL AND CONCEPTUAL FRAMEWORK

1.1 SOCIAL CONSTRUCTIVISM: MAIN TENETS AND INTERNAL DIVISIONS

There is a consensus among International Relations (IR) scholars to pinpoint the emergence of social constructivism applied to the discipline at the end of the Cold War. Its origins, however, go back to the inter-paradigm debate in the 1980s and 1990s, during which the study of IR opened up to the influence of others fields, namely social and political theory, and broke away with the consensus around positivism.[12]

Constructivism emerged from a context of post-positivism, which also included post-modernists, neo-marxists and feminists (Wendt, 1995: 71-72), all of them rejecting materialism and rationalism, along with the shared belief that the reality of international politics is socially constructed, and paying closer attention to the role IR plays in the (re)production of power structures.

According to Reus-Smit (2005: 188), the end of the Cold War allowed the emergence of a constructivist approach that questioned simultaneously the rationalism and positivism of neoliberalism and neorealism, and encouraged Critical Theory (CT) to expand towards empirical analysis. This shifts was possible thanks to three conditions: the challenged made by rationalism to CT, pushing it beyond the meta-theoretical project of IR's third debate (Price and Reus-Smit, 1998: 263), the acceptance of neorealist and neoliberal inability to foresee and explain the systemic transformations of the final stages of the Cold War (Kratochwil, 1993), and the emergence of a group of scholars who recognized the potential of CT for the conceptual and empirical improvement of the discipline (Reus-Smit, 2005:195).

One of the issues that remained at the center of the constructivist debate was the position it would adopt in relation both to rationalist and relativist approaches that Adler (1997: 322) described as a "middle-ground".

[12] According to Kurki and Wight (2013: 18), although this stricter version of science – the idea that knowledge is only relevant if is quantifiable – has softened over time, its main tenets are still deeply present in the a way one perceive science in IR as well as in the way methodology is taught in academia.

According to Zehfuss (2002: 1), despite the fact that constructivism rejects rationalist tenets, such as the immutability of international reality, it is problematic to find the origins of constructivism in a debate against rationalism, for such a debate never really took place.

Guzzini (2000: 155) reaffirms the end of the Cold War as one of the historical events facilitating the emergence of constructivism, along with a self-appraisal of Western social sciences, but rejects the idea that constructivism is only a critique to traditional theories, for what underlies constructivism's criticism of those theories is not their inability to predict change, but the fact that they do not contemplate the possibility of change in international relations

Therefore, the consensus around the period in which constructivism emerged contrasts with the debates around their sources of inspiration. Different opinions on this issue inevitably created different normative positions among the authors.

Both to Wend (1995: 71) and Price and Reus-Smit (1998), constructivism was born out of CT and the need to link its principles and (interpretive, discursive and historical) techniques to empirical analysis. In a subsequent article, Reus-Smit (2002:489) claimed constructivists were inspired by the English School,[13] which would explain their common focus on the cultural bases of state identity, for instance.

For Hurd (2010: 312-312), to be a constructivist means to accept that the behavior of individuals and states is a product of the way they understand the world around them. That belief does not entail the absolute rejection of material power from the decision-making process of the actors. The same opinion is shared by Adler (1997: 330) and Reus-Smit (2005: 188), the latter noting that constructivism's aim is to reinforce the role of identity on political action and understand the constitutive relation between agents and structures.

[13] The English School of IR theory is a body of work that emerged as an alternative to the mainstream theorizations of International Relations. Like constructivism, the English School sustains that ideas and values – and not only material capabilities – shape international interactions, that IR is fundamentally a normative practice, and that the central goal of world politics is to form an international society that is both "orderly and just". English School theoricists tend, however, to give more prominence to historical understanding and international law (Dunne, 2013: 135-136).

More importantly, constructivism poses an alternative to the dominant materialism of orthodox theories. For materialists, international relations can be explained by material forces (e.g., military capacity or population), whose allocation and accumulation define the level of power, and not by ideas, which are perceived as insufficiently relevant to explain reality. On the other hand, constructivists reject the assumption that material forces *per se* are able to determine international life, and argues that interaction impacts both the identities and interests of international actors, and not only their behavior.

Ontologically, constructivists agree in a series of propositions, and the hard core of the theory is the idea that reality is socially constructed or, as Adler (1997: 323) sustains, that international relations are mostly constituted by social facts, that only become facts after being agreed upon.

According to Fearon and Wendt (2005: 57), this premise is part of a need to understand the processes of construction of objects, whose appearance and reproduction have been naturalized. The example suggested by Fierke is that of wood: despite existing in nature as a material object, it takes different shapes, functions and meanings thanks to human action. While maintaining a material existence, the objects created from wood become social constructions themselves.

> Explicitly social phenomena, such as states or alliances or international institutions, that is, the collective subjects of international relations, may build on the basic material of human nature, but they take specific historical, cultural, and political forms that are a product or human interaction in social world. (Fierke, 2013: 189)

It is from this core principle that stems constructivism's interest on normative or ideational structures. Since meanings are socially constructed, systems of ideas hold structural features that affect political and social action. They become significant, not only because they shape relations and bestow different meanings to material structures, but also because they define the social identities of political agents.

Their influence on social identities is developed through three mechanisms: *imagination,* by affecting what the actors think to be possible from a practical and ethical point of view and setting boundaries on their behavior; *communication,* through norms of conduct that justify behavior (e.g., when foreign intervention is justified by international norms on Human Rights); and *constraints,* through a process of rationalization which

allows norms to function only in social contexts where they have moral strength (Reus-Smit, 1999: 35-36; 2005: 198).

According to Wendt (1992: 396-397; 1995: 73), human resources only acquire meaning through a structure of shared knowledge that guides human actions, leading individuals to act upon objects (including other actors) according to the meaning they assign to them.

Besides being socially constructed, ideational structures are also intersubjectively constructed, for they are much more than an agglomerate of individual convictions, and can be found in collective memories. They are also institutionalized, as they are routinely expressed in practices and identities (Wendt, 1992: 399; Zehfuss 2002: 49). In short:

> Although individuals carry knowledge, ideas and meanings in their heads – where else would they be? – they also know, think and feel only in the context of and with reference to collective or intersubjective understandings, including rules and language. (Adler, 2005:121)

The importance given by constructivists to ideational structures does not mean, however, they reject the existence of material forces: what is argued is that they should be understood in a context of shared social concepts. By giving the example of 500 British nuclear weapons which constitute for US leaders a smaller threat than 5 North-Korean nuclear weapons, Wendt makes his case for constructivism:

> Constructivism is therefore compatible with changes in material power affecting social relations, as long as those effects can be shown to presuppose still deeper social relations. (…) Ideas always matter, since power and interests do not have effects apart from the shared knowledge that constitutes them as such. (Wendt, 1995:73-74)

The third tenet of constructivism is the belief that identities shape the interests and, subsequently the behavior of the actors. Neoliberal and neorealist theories suggested that states hold immutable basic interests (i.e., survival, power, resources and security). Traditional views imply that "states are minimally constructed" (Hurd, 2010: 302), since they accept that material forces constitute the states, and that state-building processes are irrelevant in the constitution of the states' interests and actions.

Constructivism rejects the traditional belief that preferences are exogenously determined, or that they exist even before interactions. Instead, it pushes the analysis to the way actors develop their interests, in order to explain political and social phenomena that are often neglected by traditional approaches.

Because actors' identities are constructed and reproduced through social interactions, interests cannot be identified without taking into account social relations, which explains the focus of some constructivist scholars – such as Finnemore (1996) or Weldes (1999) – on the historical construction of national interests. Identities are a crucial part of constructivism, because they grant a minimal level of predictability and order, but it is important to analyze them in their historical, cultural, political and social context (Hopf, 1998: 174-176).

The fourth main tenet of constructivism also serves to reaffirm its rupture with traditional approaches: the idea that agents and structures are mutually constitutive. Although the relations between actors and structures are equally relevant for rationalists and constructivists, the way both groups approach it is significantly different. For rationalists, the structure is conceived in terms of allocation of material resources and competitiveness, and actors are guided by a logic of consequence, according to which a rational act will maximize the interests of the agent (Fierke, 2013: 190).

On the other hand, for constructivism, structures are made out of institutions and shared meanings that create the context for social action, and build and constrain the identities of the actors able to operate in a specific context. Accordingly, actors are guided by a logic of appropriateness, according to which actors tend to act in a manner deemed as adequate for that context.

This relationship between actors and structures was thoroughly developed by Wendt, inspired by Anthony Giddens' structuralist theory, according to which social structures are no more than physical and discursive practices turned into routines.

Although Wendt's approach has become a locus of tension among constructivists, his arguments embody the constructivist struggle against determinism in the international system, by holding the actors accountable for the social construction of practices and structures and, subsequently, for their interests and identities. Not only normative structures constrain the actors' identities and interests, through the definition of what is cognitively possible and impossible, they are also established and reproduced by the behavior of those actors: "Humans as socially embedded, communicatively constituted and culturally empowered" (Reus-Smit, 2005: 195).

Faced with the criticism that constructivists are just as structuralist as neorealists and marxists, Reus-Smit (2005: 197) claims they are "structurationists", because they highlight the impact of non-material structures on identities and interests, while valuing the role of practices in the reproduction of those structures. For Finnemore and Sikkink (2001: 393), reciprocal constitution helps explaining why the political world is build in one way rather than another, and why certain behaviors and effects are more likely to occur.

This struggle against determinism nourishes constructivist expectations concerning the possibility of change in the world. Therefore, meanings and practices, while stable, should not be reified or taken as final. For Fierke (2013: 189), variations in the behavior of actors, towards coopetion or integration, or towards isolation and conflict are not, and cannot be, properly explained by traditional approaches.

Therefore, by referring to "a world of our making" (Onuf, 1989), constructivism acknowledges the possibility of agency and the actors' ability to make choices during interactions that turns them into interactive agents (and not only reactive actors).

Most importantly, political leaderships are not the only actors able to produce change, as identity politics are a continuously disputed arena for the power to produce and change meanings within a group, "so long as there is difference, there is a potential for change" (Hopf, 1998: 180). According to Onuf,

> We *make* the world what it is, from the raw materials that nature provides, by doing what we do with each other and saying what we say to each other. Indeed, saying is doing: talking is undoubtedly the most important way that we go about making the world what it is. (Onuf 1998:59)

Although emphasizing this important potential to change, constructivism does not claim it is infinite. For Adler (1997: 323), constructivists are also ontological realists, because they believe the material world will offer resistance when acted upon it. Guzzini (2000: 155) shares this same view, and rejects the idea that constructivism is a form of voluntarism and the proposition that any social world is possible.

The ideational character of the structure, identities and interests does not ensure their unlimited transformation, because language creates patterns and interactions create fairly stable identities and expectations (Berger e Luckmann, 1966: 53; Hopf, 1998: 180; Zehfuss, 2002: 43). As Wendt proposes, "sometimes structures cannot

be changed in a given historical context. My idealism is that of Durkheim and Mead, not Pollyanna and Peter Pan" (Wendt, 1994: 389).

For Zehfuss (2002: 10), the awareness of both a limited reconstruction of reality and the existence of a reality prior to the analysis are common to all forms of constructivism. However, the elasticity of the processes of redefinition of intersubjective meanings (and, therefore, of reality) remain a major point of debate within a heterogeneous body of work.

According to Hurd (2010), the divisions among constructivists are particularly strained on an ethic level, namely after the emergence of post-positivist groups sustaining that the ethic implications of a particular theory start as soon as the observer/researcher adopts an interpretative posture and begins their work with a set of preconceptions.

The schisms some of the authors identify among constructivism vary. For Reus-Smit (2002: 494-495), the theory can be split in three categories. *Systemic constructivism* is the closest to neorealist, for it tends to focus on the interactions between unitarian state actors, while ignoring all the phenomena happening inside the states. Alexander Wendt is considered the only constructivist scholar sustaining this approach. His commitment to the development of a systemic theory of international relations forced him to neglect the origins of the states' corporate identities[14], focusing instead in the structural context in which these identities are internationally reproduced.

According to his critics, this model reveals a very limited conception of structuring: by arguing that international structures create states as legitimate actors, and that subsequent state structures reproduce these structures, Wendt's systemic constructivism is unable to explain changes in states' identities and social structures:

Without introducing non-systemic sources of state identity – such as domestic political culture – systemic constructivism is unable to offer anything past a static conception of the state and the international system, providing no clue as to how agents or structures change (Price and Reus-Smit, 1998: 268).

[14] According to Wendt, corporate identities are made of the intrinsic features that constitute the actor's individuality (e.g., members, material resources, institutions). Despite their unique features, according o Wendt, all actors develop the same four basic interests: physical security, stable social relations, international recognition and development.

The second constructivist trend identified by Reus-Smit, *unit-level constructivism*, focuses on the relationship between the social and legal domestic norms and the constitution of the identities and interests of the states (in other words, it emphasizes the elements excluded from Wendt's work). The most representative author of this trend is Katzenstein who focuses in the institutionalized norms within the states, and attempts to understand how states with seemingly similar historical trajectories adopt different identities and interests.

In an attempt to bridge the gap between these two approaches, and by claiming that both plans (domestic and international) are essential to explain international transformations, a third approach, *holistic constructivism*, emerged, mainly in the works of Kratochwil (1989), Hall (1999) or Rae (2002).

Zehfuss (2002) proposes a different categorizaion of constructivist approaches, illustrated by the work of three authors: first, Wendt's constructivism, inspired by Giddens' theory, which recognizes the existence of a reality autonomous from the human mind. Zehfuss's description of this type of constructivism is very similar to Reus-Smit's.

Kratochwil's constructivism is committed to the role of rules and norms in political life. Inspired by the linguistic turn and, especially, by speech act theory, for Kratochwil (1989: 213) the decision-making processes always demand the selection of a narrative. The language and the narrative used do not merely describe the action: they *are* the action. Although norms do not determine human behavior in absolute terms, they influence choices through *reasoning processes*, and thus the processes of deliberation and interpretation should also be scrutinized (Kratochwil, 1989: 12). This constructivist approach had a key role in the development of the securitization theory, which will be discussed later in this chapter.

Finally, Zehfuss considers that Nicholas Onuf is the leading representative of a latter constructivist approach, according to which physical and discursive actions should act as the starting point for any analysis, even if they depend on the existence of rules that guide the world, constrain human behavior and, simultaneously, create a space for agency (Onuf, 1989: 36). In short, the same rules that allow individuals and society to mutually constitute themselves, also define *who* gets to actively take part in society and *when* they get to do that: "People are agents, but only to the extent that society, through

its rules, makes it possible for us to participate in the many situations for which there are rules. No one is an agent for all such situations" (Onuf, 1998: 59). Just like Kratochwil, Onuf resorts to the discursive act, claiming that language has both descriptive and performative functions: "People use words to represent deeds and they can use words, and words alone, to perform deeds" (Onuf, 1989:82).

In 1998, Hopf introduced a new distinction, this time between conventional and critical constructivists, allowing Wendt to leave his relative solitude within the theory. Although both groups aim for the denaturalization of the social world and agree on the intersubjectivity of reality and on the symbiotic relationship between actors and structures, conventional constructivists widely reject the use of an interpretative methodology.

On the other hand, critical constructivists advocate the demystification of all identities (Hopf, 1998: 184). While conventional constructivists naturalize *us-others* type or relationships, a staple in all identity building projects, and attempt to maintain an analytical neutrality before power relations, for critical constructivists, identities are only constituted through contact with the *other*. Therefore, critical constructivists' final goal is to unmask the power relations at work during those processes.

Palan (2000) claims constructivism is too broad as a theoretical approach, with varied inspirations, namely from interpretative sociology, symbolic interactionism, marxism and post-structuralism, and chooses to establish a division between *hard* and *soft* constructivism. The first, represented by Onuf and Kratochwil, sees institutions and structures as nothing more than a human product and the international system and the states as normatively constructed practices. The latter, soft constructivism, he argues, is nothing more than a merge of all the authors interested in matters of culture, identity and norms, who accept the idea that interests change and are a by-product of a certain context.

For many constructivists, these differences are also relevant because they impact the role theory plays in our understanding of the world and human relations: Wendt's commitment to systemic theory, in order to elaborate a general theory of international relations, clashes with the goals of most constructivists. According to Reus-Smit (2005:

202), “there is no such thing as a universal, transhistorical, disembedded, culturally autonomous idea or identity”.

For both Adler (1997: 334) and Onuf (1998: 58), constructivism does not provide – nor it should want to – generalized explanations: its goal is to offer a theorization on questions that, at first glance, seem disconnected.

According to Price and Reus Smit (1998: 272), the real strength of constructivism is that it consciously produces small conclusions pertaining to specific phenomena, in a certain period of time, based on certain indicators, and always open to different interpretations.

Inevitably, the disagreement among constructivists on the contribution the theory brings to the field has also led to schisms pertaining to its relation to rationalism, methodology, and its role either as a critical or merely interpretative method. Some authors suggest that international critical theory is one of the pillars of constructivism and argue that the rejection of constructivism’s critical potential, although seemingly valid from an individual’s point of view, could jeopardize the theory’s ethic dimension.

This opinion is, for instance, elaborated by Price (2010: 321) who claims that by empirically unveiling the role of norms in international relations, as well as by challenging realist skepticism towards the possibility of change, constructivism automatically took on an ethic commitment. Thus, even if it is not explicitly acknowledged, the constructivist analytic focus has intrinsic normative commitments:

> By bringing the centrality of power to the study of moral norms, constructivism implicitly acknowledges that the resolution of any genuine moral dilemma entails the trumping of some morally substantive visions of politics over other. (Price, 2010: 321)

According to Price and Reus-Smit, the problematization of agents and structures, the questioning on crystallized understandings and constructivism’s basic premise – the concept of a socially constructed world – underline, from the very beginning, its critical mission: “(…) the chief implication of the idea that the world is socially constructed is an assumption of responsibility for how the world turns out” (Price and Reus-Smit (1998: 279).

Nevertheless, Price considers insufficient constructivism’s argument that change is possible: what is needed, he argues, is a more aggressive normative posture by

constructivists as a response to conservative agendas that consistently search for predictions and explanations, while neglecting or outright rejecting normative theorizing. In other words, the future of constructivism depends on the definition of a research agenda that strives to show *how* norms and practices are constructed, but also to suggest *what to do*, *what is fair* and *what will work* (Price, 2010: 322-323).

For Adler (1997: 334), constructivism is a *middle ground* theory because it is simultaneously a critical approach and a *problem-solving* theory, exploring the origins of the present world order while acknowledging the world as it is as the starting point for action. Although he considers this positioning to be convenient for constructivists, we believe this middle-ground inevitably leads to the reification of certain institutions and practices, such as the state.

In the end, Adler (1997: 337) admits that the idea that interpretation plays a role in the construction of international reality forces constructivism to call into question why certain ideas, during certain periods, acquire more discursive and institutional authority than others. Likewise, constructivism is also encouraged to ask how collective expressions, seemingly as valid as others, are established and reified within political and social systems. Therefore, although Adler rejects the idea that constructivism is not interested in the exposure of structures of marginalization, he later shows concern with the close relationship between knowledge and power, its role of the allocation of resources and its capability to shape collective understandings (identities, interests and state practices) and practices of exclusion and inclusion. This worrying showcases constructivism's critical approach:

> Since social reality is a result of imposing meanings and functions on physical objects that do not already have those meanings and functions, the ability to create the underlying rules of the game, to define what constitutes acceptable play, and to get other players to commit themselves to those rules, because those rules are now part of the players' self-understandings, is, perhaps, the most subtle and most effective form of power. (Adler, 2005:186-187)

According to Wendt (1999: 420), it is normal that structures and ideas are reified during periods when identities are stable, as if they existed regardless of social action. Thus, he argues that one of constructivism's functions is their denaturalization, through the identification of practices that reproduce seemingly unavoidable ideas of *ourselves* and the *others*: "To that extent, it is a form of 'critical' rather than 'problem-solving'

theory. The result of such a criteria should be an identification of new 'possible selves' and aspirations" (Wendt, 1999: 420).

Years before, responding to Mearsheimer's criticism on the utopian nature of constructivism, Wendt argued that constructivist scholars have a normative interest in the promotion of social change, through the explanation on how social structures are by-products of practices. In Wendt's opinion, there is space in critical theory for the explanatory function of constructivism:

> If critical theories fail, this will be because they do not explain how the world works, not because of their values. Emphasizing the latter recalls the old realist tactic of portraying opponents as utopians more concerned with how the world ought to be than how it is. Critical theorists have normative commitments, just as neorealists do, but we are also trying to explain the world. (Wendt, 1995:74)

However, the vast majority of authors do not feel as comfortable as Adler and Wendt with constructivism's depiction as a middle-ground theory.

According to Zehfuss, to place constructivism as a middle-ground theory suggests that any approach daring to challenge rationalism might be labeled as constructivism, which could lead to an involuntary marginalization of other critical approaches. This opinion is shared by Weber (2001: 62), when he claims that constructivism resembles nothing more than common sense: "there is something for everyone in constructivism. It provides the answers to all our IR problems".

According to Guzzini, this middle ground positioning, often depicted as one of the reasons for the success of the theory among IR scholars, ultimately meant abandoning some of its basic premises, and led to a harmful selection of information, particularly regarding nation-building processes. Furthermore, it created a tendency to ignore constructivism's inherent reflexivity, which encouraged an automatic questioning on the relationship between meanings/knowledge and power:

> For, if social constructivism is fundamentally stating that the present is not determined by the 'nature' of things, then it is analytically akin to power analysis which is always about a counter-factual and how things could have been different. If meaning attribution and the social world are in interaction, then the political status quo and the legitimacy of public action fundamentally depend on this interaction, on this construction. (Guzzini, 2000: 148-150)

Guzzini added that "the 'art of possible' is a central theme of the concept of power. Constructivism is part of a wider definition of the international political agenda. Metatheories do matter both empirically and politically" (Guzzini, 2000: 156).

Kratochwil (2006: 22) shows the same reservations, arguing that Wendt's middle ground, originating on his commitment to neorealism, jeopardizes constructivism's critical work and threatens to turn the theory into a new orthodoxy. For Finnemore and Sikkink (2001: 398), what is needed is an alignment with critical constructivists who are aware of the processes of naturalization of objects and give ideas a weaker role, for they are intimately connected to the reproduction and materialization of power relations. Moreover, they argued, critical constructivists are more prone to adopt an openly normative posture, by identifying actors and groups that possess a privileged role in social construction processes, and by committing themselves to denaturalize dominant narratives.

1.2 CONSTTRUCTIVISM AND THE STATE

State-centrism in IR has been one of the issues causing major ruptures within constructivism, while also attracting major criticism from post-structuralists, who see it as a constructivist concession to traditional theories.

Because it is such a striking issue for this research, we think it is necessary to deconstruct Wendt's posture towards the state, to analyze some of the criticism around his work, as well as to identify some constructivist efforts to avert his systemic constructivism and his naturalization of the state apparatus.

Nonetheless, we would like start by taking into consideration the persistence of two flaws underlying these critiques: first of all, the rushed attempt to judge constructivist theory by resorting solely to Alexander Wendt's work, while ignoring that his state-centrism and systemic theory are deeply contested issues by other constructivists. Therefore, these conceptions should not be taken as pillars of constructivism. That is, for instance, the case of Weber (2001: 79-80) or Zehfuss (2001) who have criticized Wendt's state-centrism, only to present it as a shortcoming of constructivism. As Reus-Smit argues:

> The problem is that there is a tendency to conflate Wendt's writings with constructivism more generally, and to treat other constructivists as a chorus amplifying Wendt's central themes. (…) The concentration on Wendt homogenizes what is actually a very heterogeneous body of constructivist scholarship. What emerges is a mistaken view of constructivism as state-centric, systemic, structuralist, positivistic and oriented toward comprehending continuity rather than change. (Reus-Smit, 2002:491)

To some extent, this direct association is partly the responsibility of Wendt himself who tends to present state-centrism as basic premise of constructivism (1996: 48). However, for Guzzini and Leander (2006: 73), Wendt's constructivism is a unique and relentless attempt to combine distinct – and even conflicting – theoretical positions.

By trying to bridge a gap between constructivism and realism-liberalism, and between reflexivity and rationalism, while developing a systemic theory, according to which identities and interests are the dependent variable (Wendt, 1992: 394), Wendt sought to simultaneously theorize agents and structures, an effort culminating in his structuration theory. According to this theory, agents and structures, distinct entities, are mutually constitutive: social structures are the consequences of human action, but human action is also mediated by a structural context (Wendt, 1987: 360).

But how can one study these constitutive processes? According to Wendt, even if they cannot be observed, they exist and their effects are visible. While trying to explain consent in societal orders, especially those considered to be unfair or unequal, Wendt and Shapiro (1992) sustained that scientific realism was the most adequate tool to study processes such as latent conflicts, power structures, or the manipulation of political agendas, as well as causal mechanisms. However, as Rigmar (1997: 303) points out, according to scientific realism the world creates the representations we make of it, whereas for constructivism it is us who create the representations of the world: the metaphysical principle of scientific realism is therefore incompatible with the foundations of constructivism.

What brings Wendt's approach closer to neoralism is the fact that he rejects the idea that interests are shaped *outside* an interaction context, and that interaction has only the ability to change behaviors, not identities (Wendt, 1994: 384).

According to rationalists, collective identification within the international system is not possible, and cooperation is only transitory and behavioral, able to lead to alliances (temporary and instrumental coalitions), but never to collective security communities. As an example, Wendt (1992: 404-405) introduces the interaction between aliens *alter* and *ego*, who have not interacted previously and who seek to determine each other's intentions. They exert a choice in the way they behave, thus having agency on how their relationship develops (Fierke, 2013: 191). Because the aliens do not have any biological

imperative other than mere survival, and because there is no record of security or insecurity between them, they initiate a *social act*, a process of signaling, interpreting and responding which, through repetition, allows the accumulation of knowledge about the other and creates expectations around future actions:

> The mechanism here is reinforcement; interaction rewards actors for holding certain ideas about each other and discourages them from holding others. If repeated long enough, these 'reciprocal typifications' will create relatively stable concepts of self and other regarding the issue at stake in the interaction. (Wendt, 1992: 405)

Through this metaphor, Wendt argues that actors – and, specifically, states – are accountable for the systems of anarchy[15] they establish, because identities and interests are constantly (re)constructed through collective meanings, and changes in their practices might change the intersubjective knowledge that makes up the system (Wendt, 1992: 407-409; 1994: 388).

According to Wendt (1994: 385; 1996: 50-51), states hold two types of identity that play different functions in the explanation of their actions: a corporate identity and a social identity.

Corporate identity corresponds to the intrinsic features that constitute the actor's individuality. In organizations, these elements correspond to their members, material resources, their shared beliefs, and the institutions that allow the members to function as a collectivity.

Corporate identity is said to produce four basic interests, common to all states: physical security, ontological security (or the predictability in relationships that allow the stabilization of social identities), international recognition by other actors, and overall development (as, in a collective level, states are seen as providers). According to Wendt, these are motivational interests that precede any action and interaction: they originate in the state's domestic policies that, he states, ontologically precedes the state system.

Wendt does not question the origins of a system of states, and he tries to justify his indifference towards this issue by arguing that sovereignty and territoriality are

[15] The idea that the international system functions in a state of anarchy emerged with Realist theory. It does not mean that the system exists in a state of chaos, but it sustains that "anarchy is an ordering principle" where "there is no centralized authority or ultimate arbiter that stands above states" (Mearsheimer, 2013: 79).

exclusively negotiated internationally (Wendt, 1992: 402), because "empirical statehood is (in general) prior to juridical statehood" (Wendt, 1996: 51).[16]

Simultaneously, states also hold a social identity (or "role identity"), a set of meanings that each actor ascribe to themselves as a social object, taking into account the others' perspective. A single state can hold multiple social identities, whose relevance varies, according to the relations it maintains internally and internationally. Social identities are in a permanent state of construction and reconstruction during interaction processes and are ontologically dependent on the relationships with others, even if they tend to stabilize in certain contexts (Wendt 1994: 386).

Based on the intersubjective and adaptable nature of these social identities, Wendt argues that society is not doomed to live in conflict, because enmity is ultimately a social relationship (Wendt, 1994: 386; 1995: 71).

For Wendt, all identifications, even negative identities where the *other* is objectified and meant to be manipulated for the satisfaction of our interests, always entails the existence of the *other*. The positive identification with the *other* – which is never absolute, because corporate interests demand a differentiation – emerges when they are seen as cognitive extension of the *self*, and Wendt sees this as the basis for feelings of community and loyalty that encourage the definition of collective interests. This identification does not mean that states stop calculating the costs and benefits of their relationships, only that they can do it on a higher level of social aggregation (Wendt, 1994: 386).

In order to explain these processes of identification among states, Wendt resorts to symbolic interactionism, grounded on a psychological theory of the "self", suggesting that states behave in a similar way to individuals, an idea he later develops (Wendt, 2004).

Wendt's compromise with neorealism is also visible in the persistence of anarchy, even if he rejects that systems of anarchy are inevitably egoistic and claims they are also affected by the interaction between states (Wendt, 1992: 392). In order to

[16] In our opinion, this demonstrates the absence of historical knowledge over the process of attribution of a "state-status" to entities that do not possess internal legitimacy.

support the three cultures of anarchy he identifies (hobbesian, lockean and kantian), which corresponde to different levels of enmity, rivalry and friendship, Wendt rejects the idea that states have intrinsic features, such as egoistical identities and interests, because these can only be acquired in a social context. Therefore, "self-help"[17] is no longer a constitutive element of anarchy: instead, anarchy is "what states make of it" (Wendt, 1992: 401-402).

Although Wendt tries to escape the reification[18] of anarchy, he only manages to escape the neo-neo debate over its conflictive nature and the potential for cooperation: in the end, Wendt's work is centered around a non-deterministic international anarchy, but only at the expense of the reification of the state, while offering no explanation on how it comes into being. As Ashley (1984: 231) points out, the naturalization of the state in this theory was inescapable due to his insistence on a logic of anarchy:

> Despite the fact that the state is an intrinsically contested, always ambiguous, never completed construct – a construct that is itself always in the process of being imposed in the face of never-quieted resistances – theoretical discourse of the anarchy problematic must 'find' the state to be a pure presence already in place, an unproblematic rational presence already there, a sovereign identity that is the self-sufficient source of international history's meaning. (Ashley, 1984: 231)

The same opinion is shared by many other authors. Weber (2001: 80), for instance, sustains that Wendt's constructivism will never be able to contemplate the creation of states, for they are the creators of anarchy. In his opinion, the success of this constructivism can be explained by the limitations imposed on his own the deconstruction of the state:

> By making the state the key decision-maker of the "nature" of international anarchy, constructivism contradicts its own argument that identities and interests are always in flux. It allows that the *interests* of states, conflictual or cooperative, change. But by making the character of international anarchy dependent upon what states decide to make it, constructivism produces the *identity* of the state as decision-maker, *and this identity cannot* be changed. (Weber, 2001: 62)

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[17] Mearsheimer described the "self-help system" as a "brutal arena where states look for opportunities to take advantage of each other" (Mearsheimer *apud* Lebow, 2013: 61).

[18] Berger and Luckmann (1966: 89) describe reification as "the apprehension of the products of human activity as if they were something else than human products – such as facts of nature, results of cosmic laws, or manifestations of divine will. Reification implies that man is capable of forgetting his own authorship of the human world, and further, that the dialectic between man, the producer, and his products is lost to consciousness."

For Doty (2000: 137-138), who beings her critique of the *Social Theory of International Politics* (STIP) praising Wendt's attempt to develop a general theory applied to IR, the permanent reification of the state in Wendt's work seems to suggest that the naturalization of actors and entities should be done whenever it suits his arguments.

According to Palan (2000: 583: 584), anarchy in the international system, as proposed by Wendt, originates in an interpretative act, made by the state, according to its position in the system of states. This results in a fundamentally individualistic approach, unable to escape state-centrism, and places Wendt closer to neorealism, whose proposal is that the international system is an external force to which the states have to adapt to. For the author, affirmations such as "anarchy is what states make of it" would not hold up to a more robust constructivism, such as that of Onuf, who argues that social organizations, such as states, do not produce meanings and cannot therefore be used as units of analysis by constructivism: states are problems that need to be explained, they are not a solution.

Constructivists themselves recognize these limitations: in 1998, Hofp described (conventional) constructivism as a mere approach that would only turn into a political theory if it adopted a more critical posture towards the origins of identities and the nature of power:

> By assuming that the identities of the Self and the Other are inextricably bound up in a relationship of power, and that the state is a dominating instrument, critical theorists can offer theoretically informed accounts of the politics of identity: at least along the dimensions specified, that of hierarchy, subordination, domination, emancipation, and state-society struggle (Hopf, 1998: 197).

When questioned on who created the anarchic international system, Wendt is unable to offer an answer other than the states *are* socially constructed. However, they are not absolute social constructions, because in Wendt's formula states can only be social constructed as unitary actors, an idea that places serious limitations to the meaning of social construction. This conclusion is particularly paradoxical if we take into account that any state is a textbook example of a non-unitary actor.

In Doty's (2000: 138) opinion, even state agents, acting in the name of the state, recognize their own lack of cohesion, and it is only IR scholars who seem to have a

problem in acknowledging it. Wendt, in particular, has serious problems in dealing with a world – and a system of states – full of contradictions, complexities and instability.

Therefore, even if he rejects the neorealist idea that states only differ in power distribution, and even if he presents as a solution a theory on the causality of social interaction, by ascribing similar corporative interests to States, Wendt falls back into the same trap Ruggie identified in traditional theories: "When we first encounter them, they are already fully constituted and poised in a problem-solving mode" (Ruggie *apud* Fierke, 2013: 190). For Abizadeh (2005: 46), constructivist assumptions towards state identity lead to the reproduction of realist conclusions.

Wendt's constructivism does not take into account the political implications of the non-problematization of the reality of the States, leading to a depoliticization of the theory and the limitation of critical thinking:

> Through this move 'reality' comes to constitute the boundary to what we can think and, as a consequence, do. The point, however, is not to simply accept this boundary but to recognize it as a limit which, although always already there, is one of our vocabulary, our representations, our imagination rather than a limit which is imposed on us by an outside force. It is therefore necessary to make problematic what is portrayed as real.(…) Attempting to think and act beyond the boundaries which seem impossible to transgress is part of the way in which deconstruction constitutes a political intervention in the world. (Zehfuss 2002: 262)

Wendt's systemic theory constrains the knowledge on the process of international societies, a fact that he attempted, several times, to justify. In "Anarchy is What States Make of It" (1992: 397), Wendt acknowledges that the state-centric perspective and the anthropomorphization of the state are problematic, but justifies it with the argument that this is a common practice in IR theory, and that states are collectivities composed by individuals who, through their practices, pass on their interests, fears, etc. onto the state.

Later on, he belittles the relevance of the history of the states in their identity building processes, because

> A theory of the states system need no more explain the existence of states than one of society need explain that of the people. The result is a weak or essentialist social constructivism, but one that still leaves the *terms* of state individuality open to negotiation. (Wendt, 1994:385).

Wendt would avoid the theme once again in a chapter published in Lapid and Kratochwill's collective book (1996: 49), when he argued that the structure of the

international system depends on the characteristics of the states, and those – including their identities – depend on the features of the system of states.

In *STIP* (1999: 221-222), Wendt once again acknowledges the tension, but claims that even if the state possesses multiple internal personalities, those can be articulated when reacting against *outside* forces. Finally, one year later, facing criticism against *STIP*, Wendt reaffirmed his intentional naturalization of the states because, despite of all their flaws, "states are the only democratically-accountable institutions we have today to provide security and political order. Perhaps other, better institutions can one day be developed, but until then we would do well not to tear states down too quickly" (Wendt, 2000: 174).

According to Palan (2000: 387), however, this problem is not circumscribed to Wendt: it can also be found in Adler's work on "cognitive regions", or communities "whose people imagine that, with respect to their own security and economic wellbeing, borders run, more or less, where shared understandings and common identities end." (Adler, 2005: 179). Adler argues that the formation of international communities or organizations stems from individuals and states' initiative, a claim that hinders the description of social construction mechanisms:

> The mechanics of the social construction of identities, how the individuals, state and international organization mesh together in an interactionist order, how, indeed, people come to 'imagine' that their own security and economic well-being runs more or less with the boundaries of the state, is not examined (Palan, 2000: 387)

In Palan's opinion, a better understanding of states as cognitive communities is only possible if one bridges the gap between theory and human history, one of constructivism's weaknesses.

Ringmar (1997: 296-297) presents a similar suggestion: while the structure of the international system can impact states, it cannot explain their constitution. Wendt's link between agents and structures is too mechanical, and individuals – carrying culture and historical awareness -, as well as social change, cannot be explained through his structuration theory.

Moreover, Wendt argues that states are the main units under analysis in international political theory, and it is from this idea that stems the other two central

tenets of his constructivism: the main structures of the state system are intersubjective and the identities and interests of the states are affected by these social structures (Wendt, 1994: 385).

This idea stems from the Westephalian notion of indivisibility of sovereignty, and its concentration on a single entity: the state. It has long been adopted in IR theory and it explains the unique *status* that has been allocated to states, as actors able to command their citizens and act in their names.

For Halliday (1987: 227), IR's resistance in abandoning the image of unitary states, along with related terms such as "sovereignty", "nation-State" or "national interest", arises from the difficulties that would bring to theorization on world relations. For Barkin and Cronin (1994: 107-111; 130), the problem lies in the legal content of the concept, which presents it as a static phenomenon, not subjected to the changes of the international system.

In their opinion, sovereignty should be taken as a variable, and the state must problematized in IR theory: that is only possible with an institutional understanding of sovereignty (instead of a strictly legal one), which would force us to understand that legitimacy tends to change throughout history, and that the rules of sovereignty are, therfore, subjected to interpretations.

State-centric theories are likely to perceive state societies as composed by one single national group and that, within that territory, citizens are awarded similar rights and duties, and where there is no domination of one group over the other(s):

> The assumption of unity which goes along with this anthropomorphic conception of the state leads to a specific understanding of identity which seems problematic […] It makes it impossible to acknowledge the complexity of identity and ultimately restricts identity to a question of boundaries (Zehfuss, 2001: 333).

Once again, this problem is particularly visible in the work of systemic constructivists, such as Wendt and Finnemore, who believe the processes of legitimization of the state are concluded when one is accepted into the system of states, exaggerating the external component of sovereignty. For Zehfuss (2001: 317, 2002: 253-254), this constructivism is merely residual and it can only be accepted as an alternative because it accepts the scientific rules of the game imposed by traditional theories. Their

theorization on identities ends up hiding more dynamics than those it is set to denaturalize.

Against this background, is constructivism compatible with a non-state-centric approach? Price and Reus-Smit (1998: 285-286) believe so, and add that constructivists have been leading the efforts on the analysis of the normativeness of the state, as well as bringing up issues on moral communities unto the table. Moreover, constructivists, they argue, have been responsible for the link between processes of exclusion within the state, and issues over the legitimacy of political actions:

> To be denied recognition as a rightful participant in social and political life is to be excluded from moral community; to be recognized as a legitimate actor, but to have one's realm of legitimate action circumscribed when others are not subject to the same constraints is to occupy the precarious frontiers between inclusion and exclusion; to be recognized as a rightful member of society, enjoying all of the rights and benefits pertaining to that status, is the mark of true inclusion, and the nature and extent of those rights and benefits reveal the depth, breadth and texture of one's moral community. (Price and Reus-Smit, 1998:286)

Adler's (2005: 179) work is not particularly instructive in regard to the existence of different groups, identities and loyalties within the state, but he admits that even if states are still the prominent actors in the international system, some have already begun to image new communities and to identify with others beyond their states, with whom they share values and expectations of adequate behavior. In that sense, loyalty and belonging to states are no longer seen as exclusive or absolute:

> People who share ethnic or national identities and organize themselves into states imagine boundaries that separate 'us' from 'them'; as citizens occupying the space within state boundaries, they give expression to community life. When, however, for reasons referred to above, their self-identification and loyalties begin to change, their identities will be directed to (and boundaries will be imagined to run between): (a) territorial regions or locales within states; (b) newly formed territorially based (super)states; or (c) transnational non-territorial regions constituted by peoples' shared values, norms, and practices. (Adler, 2005: 181)

Institutional facts - such as states –, in order to be perceived as innate and intuitive forms of organization, go through a process of naturalization. This does not mean that reified ideas are the most adequate, efficient or fairest, only that they were the most successful in the imposition of collective understandings:

> Institutional facts are more likely to become established when agents, asking on their behalf, manage to frame reality around authoritative meanings (scientific or not) and/or gain control of the social support networks of politics, making it

> too difficult and costly for opponents to deconstruct institutionalized intersubjective ideas. (Adler, 1997: 340)

According to Hopf (1998: 192-195), constructivism commits itself to understand how nation, ethnicity, gender, religion and sexuality – among other intersubjective communities – are involved in state identity and action in international politics.

The analysis of states' collective identities, despite being one of the most important sources of change in international relations, has been devalued, and constructivism, despite its focus on collective ideas, shows problems in explaining how they change.

For Campbell, who defends that the violence in Bosnia was accentuated by an external idea that ethnic groups with a history of intolerance and violence should be separated, the international consensus around the idea that a national community needs a demarcated territory and a fixed identity has also contributed to the state of war, because "inscribing the boundaries that make the installation of the nationalist imaginary possible requires the expulsion from the resultant 'domestic space' of all that comes to be regarded as alien, foreign, and dangerous" (Campbell, 1998: 13).

Two constructivist initiatives stand out from this body of work. The first one is the collective book organized by Biersteker and Weber (1996), on the social construction of state sovereignty. In their introduction, both authors commit themselves to answer questions over the historical variations of sovereignty, its internal and external dimensions, and the reasons underlying the crystallization of the concept in IR theory, along with the problems it causes. For that purpose, they acknowledge that related concepts, such as "territory", "population", "authority" and "state system" are socially constructed. In other words, instead of assuming that all states are equally sovereign, they aim to explore the ways through which states continuously negotiate their sovereignty.

The modem state system is not based on some timeless principle of sovereignty, but on the production of a normative conception that links authority, territory, population (society, nation), and recognition in a unique way, in a particular place (the state). Attempting to realize this ideal entails a great deal of hard work on the part of states elites, diplomats, and intellectuals, dominant classes, etc. The ideal of state

sovereignty is a product of the actions of powerful agents, as well as of the resistance offered by those who are located in the periphery of power (Biersteker and Weber, 1996: 3).

The authors also recognize that state sovereignty is closely linked to the establishment and negotiation of borders, and that those are also constructed around populations. While doing so, they recognize that national communities are the target of exclusionary practices, such as through the establishment of criteria for the acquisition of citizenship (Biersteker and Weber, 1996: 13-14).

The different authors who participated in this book share the same concern. For Doty, the dominant realist approach has undermined the distinction between *state*, *nation* and *sovereignty*, and promoted IR disengagement from the role national identities play on the study of sovereignty. For the author, the concern with this relationship should not emerge merely from the perpetuation of violent and open conflict in relatively new states, but also from the observation of older states, seemingly solid and stable, that are often the stage for identity crisis. In this regard, the internal and external borders of states should not be perceived as merely territorial:

> Instead, the inside/outside boundary is a function of a state's discursive authority, that is, its ability, in the face of ambiguity and uncertainty, to impose fixed and stable meanings about who belongs and who does not belong to the nation, and thereby to distinguish a specific political community - the inside - from all others - the outside. (Doty, 1996: 121-122)

By using the example of Great Britain and the identity crisis that took place after the end of the British Empire, Doty shows how states are constituted through social, political and discursive practices, and establish collective meanings through an inevitable – though flexible – differentiation between interior and exterior. Therefore, although discourses and behaviors of differentiations aim for closure, the shift between inside and outside they are mutually constitutive: “Terms such as ‘alien’, ‘immigrant’, and ‘refugee’ imply something other than a ‘normal national identity’ and, at the same time, act as constitutive elements in the construction of national identities” (Doty, 1996: 128).

Although national identities are built through various practices, state leaderships hold a privileged position in the production and reproduction of the state. Doty, therefore, chooses to analyze the formal and official positions of British political

leaderships, and the legal instruments adopted, when confronted with the arrival of British citizens from the Commonwealth countries.

By doing a historical analysis of the concept of "sovereignty", Murphy (1996: 81, 90) prefers to distinguish between the principle that governs external relations and the territorial ideal, allowing him to understand the role territorial structures and ideologies play in the development of the sovereign system of states.

The generalized acceptance within IR that the surface of the earth must be parceled out in territorial units is proof to the success that the modern system of states obtained in shaping our ideas regarding world organization and our perception of non-state units. The recurring use of the term "nation-state" is, in fact, a sign of the absence of a critical questioning, which stimulates a resistance to any change in the current territorial order (Walker, 1990: 5-6). Although the notion of sovereignty has gone through significant changes, the ideal of the sovereign state, as a pre-condition for global stability, has hindered the development of alternative forms of political organization. IR rarely contemplate the way that the current territorial order limits our spatial imagination.

Another important contribution is that of Hall, in his book *Collective Identity* (1999). In it, the author pledges to break way with what he believes to be IR's neglect with the study of nationalism. This neglect, he believes, is part of the reason why the state is perceived as a non-problematic unit of analysis, why "state" and "nation" are used interchangeably, and why domestic and societal relations have been downgraded to the status of epiphenomena. His goal, however, is the implementation of his knowledge on sources of conflict and societal cohesion to an action-oriented systemic theory, able to explain historical change in the international system.

Hall does not claim that societal collective identity determines the international system, and rejects the notion that he is developing a monocausal theory on system change, where material and structural variables are replaces by ideational and cognitive ones. However, he argues that the cognitive factors of collective identities produce significant effects in the constitution of the system.

In order to break away from Wendt's anthropomorphization of the State, Hall (1999: 27-28) argues that states are only the rational, bureaucratic and institutional

manifestation of societal collective identities, and that state and nation are different things:

> Historically the state has both preceded and followed the nation. Significantly, it is the legitimating principles of a given, historical, social order that privilege this rational bureaucratic manifestation of those principles as an institutional artifact of the system. (Hall, 1999:28)

Because the State is still currently seen as a privileged unit in the system, communities build them to provide their needs as *nations*, which is why Hall gives an ontological status both to (sovereign) nations and states (the institutional manifestation of their sovereignty). Despite Hall's assumption that communities are attracted to projects of state-building, this does not ensure that change in the system has the capacity to produce changes in social identities, as the legitimizing principles of societal orders tend to favor some institutional orders over others (Hall, 1999: 47-48).

Notwithstanding these crucial contributions and efforts, it is necessary to acknowledge that constructivism has self-imposed limits to its task of deconstruction of states and collective identities, and that a gap remains in theories that explain diversity within the states and their consequences for the state and for the international system:

> Even if we focus on states as states, there is more variation in the real world than we currently allow in our theories. States are more complicated entities and relations between states are more variegated than we commonly recognize (Lake, 2010: 56).

For Agnew (1994: 68), the state's privileged spot in IR was developed in three steps: by decontextualizing the processes of state formation (and disintegration), and reifying state territories as fixed and extraordinary units of sovereign space; by establishing the national-international dichotomy, and masking the interaction between those two; and by presenting the territorial state as preceding society itself. Eventually, not only society in IR is described as a "national community" it is also often subordinated to a territorial and totalizing state.

The limits imposed to our geographic imagination, already mentioned by Murphy, also led to a restrictive interpretation of the "security" concept, commonly depicted as the defense of the territorial integrity of the state. However, the relationship between sovereignty and security of the state is undermined by the persistence of other collective identities (e.g., ethnic, class, gender) that frequently emerge and are mobilized as a response to the repressive apparatus of the state (Agnew, 1994: 63-64).

The enduring privilege of the state in IR theory produces dangerous consequences. First of all, it imposes an unnecessary limit to the deconstruction of identities and transforms the State into an unavoidable reality, instead of recognizing it as a relatively new form of social and political organization. Subsequently, it ignores the repercussions brought by a forced conjugation between state and nation, which more often where achieved through forced assimilation and/or marginalization of other forms of identification, as well as through processes of exclusion.

This neglect leaves systemic constructivists in a vulnerable position to the criticism of other constructivists, who believe that the presence of individuals, social groups and processes within a state need to be explained:

> It is more than disappointing that such questions are practically ruled out by Wendt's insistence on the ontological priority of the state. He also cuts himself off from the analysis of the shifting boundaries of the political, as exemplified by the debates in political economy. He thereby excludes the possibility of engaging with crucial issues of inclusion and exclusions that animate the discussion of citizenship and the state's capacity to act. (Kratochwil, 2006: 43)

As Kratochwil explains, the anthropomorphisation of the state is incompatible with constructivism, because "there are no simple givens for constructivists, such as 'structures' or 'forces' that are not again result of particular actions and 'constructions' that require further explanations" (Kratochwil, 2006: 30).

Secondly, the definition of political identity made exclusively in state terms, immediately transforms other forms of organizations into threats to a state's security and stability. By forcing us to image states as innate objects, autonomous from their social context, we accept the existence of state-sponsored dominant identities, while excluding other forms of national (even if not territorial) identification.

Therefore, identity – a central element to constructivist theory-, never reaches its full potential in Wendt's work

> Within this approach identity is, and indeed due to its logic must be, conceptualized as circumscribable state identity. In other words, Wendt needs identity to be constructed but at the same time in some ways given. The necessary givenness can only be upheld by excluding dimensions of constructedness by view. (Zehfuss, 2001: 316)

On the other hand, the commonly held assumption that the state represents the only legitimate moral frontier, and that it holds the monopoly over the definition of collective identity, force us to perceive those who are outside of this moral community as

not having the same rights. Therefore, systemic constructivism does not take into account how political elites, with access to cultural and symbolic resources (in other words, non-systemic elements) reconstruct collective identities *within* the state and establish the borders *between* states as moral frontiers (Rae, 2002: 14, 23). Simultaneously, state identity is not seen as a socially construction, but as a natural feature, thus depoliticizing its construction and devaluing variations in the relations between state and society.

This naturalization of the state encourages us to think of economic exploitation, political exclusion or even denial of basic rights to minority groups as necessary – even if unfair – to maintain the integrity of the state, as Birch (1980: 64), for instance, supports.

Thirdly, by assuming that most states are ethnoculturally homogeneous, and that homogeneity is the basis for a solid and stable state, constructivism does not allow for spaces of agency among those who feel they do not belong to the collectivity the state represents, but to other (namely ethnic) groups, whose existence sometimes precede the establishment of the State (Copeland, 2006: 13). For Guzzini and Leander, this positioning represents an inaccurate understanding of "politics":

> Having settled on states, and unitary ones, Wendt's theory necessarily reduces the nature of politics to what states make of it, actually something a structuralist should not do […] Instead, he takes it for granted and subsumes it under the progressive domestication of violence under the different strategies of collective identities. (Guzzini and Leander, 2006: 40)

Concurrently, the dangers of the invocation of "national interests" or "national security", in a context of heterogeneous states, are not taken into account. Similarly, constructivism tends to neglect the ways in which state policies affect individuals and groups in different ways, as well as the ways these are mobilized in the political process of state-building: "Different issues create and mobilize different political cleavages within societies. Countries are driven by internal cleavages – both material and normative – that mobilize individuals differently in different contexts" (Lake, 2010: 46).

This happens because the state is only considered in abstract terms, with no analysis of their historical particularities. In this sense, the use of the term "nation-state" to refer to any sovereign state mirrors this non-problematization.[19]

[19] Murphy (1996: 106) offers the example of the expression "United Nations" to illustrate the fact that the vast majority of UN member states are sovereign states, but are not nation-states.

These are the assumptions that have been underlining the positioning of IR theory towards the state. Even if states remain a strong entity in international relations, their naturalization bears problems, because the social, economic and political life of individuals and collectivities – along with their identifications – cannot be contained by state borders.

Does this mean that it is useless to mull over the State, or that reflecting over the state nourishes its reification as a homogeneous and benign actor?

Even if some authors argue that we live in an era of global systems and threats, quasi-federal structures (to which the EU usually serves as an example) and post-national identities, some groups' demands for territorial self-determination. As Ben-Israel (2011: 71-72) sustains, even those who support multiculturalism only demand the adaptation of the state, not its dismantlement, and they base their multiculturalist programmes on the same principles underlying nationalism: the collective consciousness of cultural identity and the right to practice it autonomously, using the same tools made available to majority nations.

The same is sustained by Murphy (1996) and Kymlicka (2000: 20), who are reluctant to believe that changes in this period will lead to a world of non-territorial units: besides, the re-emergence of ethnonationalist movements, associated with specific territories, reveals that these remain crucial components of collective identity.

According to Brubaker (2004: 119, 124), the assumption that we live in a post-national age, where the state plays an increasingly marginal role, should be dismissed if we take into account the intensification of technologies of border control and, for Rear (2008: 67, 75-77), the expansion of the state system, during the 20th century, along with the proliferation of ethnic conflicts are proof that the state has become an inescapable reality.

For Walker (1999: 5), the state remains a political category, different from abstract categories such as the "world" or "humanity": even if we acknowledge the state's growing vulnerability to global processes, those will not necessarily impact the way we are politically organized. Finally Madriaga (2010: 81), whose work is centered on the north-american case - often pointed out as a paradigm of post-nationalism-, rejects

the idea that we live in a post-national era, as we find ourselves in a process of (re)imagination of national identities:

> Negotiating similarity and difference within and outside ethnic boundaries are processes that allow national identities and nationalisms to be invented, imagined and re-imagined. Thus, nations and nationalisms are always evolving and changing, never static. This means we can talk of 'new' nationalisms. However, talk of 'postnationalism' may be a bit premature, as well as problematic. (Madriaga, 2010: 91)

In order to overcome the limits IR theory imposed to the study of the state, we find necessary to bring in literature on processes of state- and nation-building, particularly developed by History and Social Psychology. We should, however, avoid the mere theoretical appropriation about which Hall (1999) and Mandelbaum (2013: 531) warned us about. The co-optation of theories on nationalism by IR, particularly after the end of the Cold War), has been done uncritically (e.g., ignoring, for instance, the internal debates among nationalism scholars) and the undifferentiated use of the concepts of "state-building" and "nation-building", in order to avoid a much needed revision of IR theory:

> One could say that in order to justify the existence of IR as a discipline that is predicated on the states system, IR theory has not been trying to revise its theoretical foundations and engage with alternatives; rather, IR theory seems to wish to revise reality so that it fits the discipline's theoretical underpinnings. (Mandelbaum, 2013: 531)

Therefore, our insertion of this literature in IR will be done, not to perpetuate the misguided use of these terms, nor to naturalize the idea of the state, but to acknowledge that national identity is a fairly recent form of collective identity, and to reject the existence of self-reproducing features in nationalism and in the way the state is discursively reproduced.

By recognizing that nation and state only rarely converge (i.e., only in an extremely reduced number of cases the totality of citizens are part of the same ethnonational group), this literature will allow us a critical reading of the processes of state-building, the categorization of groups as "minorities", and of the states' programs to manage the presence and allocate rights to those groups. In short, it will give us a new look at the rigid and fallacious dichotomy between inclusive and exclusionary states, by reminding us that the direct and centralized control of those actors over their populations neglects minority groups.

1.3 STATE IDENTITIES AND STATE-BUILDING

The socially construed nature of states and national identities is perhaps one of the few points of consensus among the different theories on nationalism and nation-building that prospered after the 1980s, with the works of Benedict Anderson, Ernest Gellner and Eric Hobsbawm, among others.

The vast majority of the authors know that states and their association to a political community with a sovereign national identity are a recent creation. Taking into account that only a small number of states have an ethnically homogeneous population, the convergence between state and nation – a collectivity perceived as culturally distinct from the others - was only made possible through nationalism. Nationalism, therefore, emerged from the need felt by state leaderships to solve problems of cohesion and legitimacy, through the argument that national populations exist as entities (Wallerstein, 1991: 82; Billig, 1995: 37).

The denaturalization of the state demands that we acknowledge that other forms of identification and social and political organization preceded the state. The first goal of any political leadership, with control over a certain territory and over its population, is power consolidation. Consolidation is done, in the first place, through force and coercion, followed by administrative penetration and the establishment of tax-collecting system and common institutions (Birch, 1989: 8-9). It is this process of power-consolidation that we call state-building.

Simultaneously, state-building demands the promotion of a feeling of identification and loyalty towards the state among the population, often subjected to new laws, new taxes, and new duties, such as military conscription. The collective compliance to these new demands and duties is only sustainable in a society experiencing a process of identification with the state: processes of state-building *precede* the emergence of popular loyalty to those states, making nation-building efforts even more complex and imperative.

Although national communities can be forged through various methods, it is possible to identify a common pattern: the creation of national symbols, such as flags and national anthems, the establishment of political systems regarded as legitimate by the

community they represent (even if not necessarily democratic or just), and the development of a sense of collective pride, usually stimulated by a common educational system, and, particularly in the post-Second World War period, by the media:

> The control of the educational system is an instrument of socialization which no modern state can afford to neglect (…) In most, if not all, societies the activity of extracting an historical narrative from the multitudinous events of the past is an exercise in national mythmaking which serves the end of national integration. (Birch, 1989: 9-10)

For Ernest Gellner, as well, it is education that allows individuals to break away from local sources of solidarity in exchange for a new form of collective identity:

> It is the establishment of an anonymous, impersonal society, with mutually substitutable atomized individuals, held together, above all, by a shared culture of this kind in place of a previously complex structure of local groups, sustained by folk-cultures, reproduced locally and idiosyncratically by the micro-groups themselves. (Gellner, 1983: 57)

According to Anderson (1995: 6-7), nations are "imagine communities", inspired by the Enlightenment and the French Revolution: their members recognize themselves as part of the same collectivity, and are brought together by a sense of common duty and collective interests, while limited by physical barriers and by a certain territory. Laitin claims that a nation is

> A population with a coordinated set of beliefs about their cultural identities […] whose representatives claim ownership of a state (or at least an autonomous region within a state) for them by dint of that coordination either through separation, or amalgamation, or return. (Laitin, 2007: 40-41).

Although the authors make an effort to demonstrate the innovative role of national identity in comparison with other forms of identification, the definition of "nation" most of them use is very similar to the one presented by Barth, in 1969, to define "ethnic group": a population who shares fundamental cultural values, whose members identify as being part of the same group, and that are identified by others as a distinctive category (Barth, 1969: 11; *cf*. Hechter, 1975: 36-37; Gellner,1983: 157).

Even if Barth acknowledges the analytic utility of this definition, he claimed that it forced us to imagine all ethnic groups developing their culture in isolation, without questioning how groups maintained their cultural frontiers. This difficulty was passed unto how we think about the "nation". Therefore, even if ethnic categories take into account cultural features, the differential traits which are more enhanced are those its members perceived as more relevant (Barth, 1969: 14).

This opinion is shared by Birch (1989: 6-8), according to whom the self-recognition of a group as a nation, despite being an important intersubjective element, is not analytically useful, for it does not take into account the fact that neither individuals nor groups can freely choose the identities attributed to them. For Jenkins (1997: 54, 63), ethnicity is situationally defined, produced and reproduced through interactions with other groups, a feature that turns ethnicity into a fundamentally political element. Social categories that emerge from these interactions, even if they don't find institutional expression, are still minimally institutionalized, for they establish patterns of social practices that subsequently constrain decisions and guide behaviors.

For Deudney (1996: 132-133), national identities and communities are constituted by a "we-feeling", a sense of group solidarity, and a "here-feeling", arising from the sharing of a common space (which is why nationalist rhetoric often claims control over specific territories). In his opinion, even if the link to the territory is often overlooked when compared to cultural elements, topophilia can easily be found in national anthems, monuments and literary works.

As Hechter (2000: 14) sustains, territoriality – or the existence of a real or potential motherland – is an objective criteria necessary for the nation, and the one thing that differentiates national identity from other ethnic identifications. For Jutila (2006: 177), the reason why it is so easy to securitize the presence of minorities is due to the fact that nationalism reified the idea of "nation", which the author describes as a category of "social vision and division that structures perception, informs thought and experience and organizes discourses and political action". Brubaker (2004: 116) shares the same opinion: the nation is not an ethnocultural fact, but a political claim, and it cannot be used to explain a world that exists outside of the language used to describe it.

Nevertheless, the success of nationalism meant the reorganization of our contemporary understanding of the world, and turned nation-based images into banalities, or "invented permanences" (Billig 1995: 29:30). One of the most illustrative of their trivialization is that of national languages, taken by many as an innate element of national identity, but in fact created during the "nation-state" era, leading to a redefinition of the modern map of communication:

> The mediaeval peasant had no official forms to complete, inquiring whether the respondent speaks Spanish or English. No acts of parliament decreed which language was to be used in compulsory public education or in state broadcasting; nor would the mediaeval subject have dreamt of ever going to war over such matters. The questions about language, which today seem so 'natural' and so vital, did not arise. To put the matter crudely: the mediaeval peasant spoke, but the modern person cannot merely speak; we have to speak *something* - a language. (Billig 1995: 31)

All theories agree that the nation-state is the physical and ideological expression of the nationalist premise of the convergence of state and nation. Similarly, all recognize that humanity is not naturally divided into nations and that these are built from economic, social and political amalgamation of different historical communities residing in a certain territories.

However, authors diverge on the depth and artificiality of those constructions, and it is possible to identify two trends. On one hand, we find the primordialist/ethnonationalist theories, represented by Anthony D. Smith (1998; 2003) or Llobera (1994), who claim nationalism resorts to existing ethnic, cultural and religious ties; on the other hand, he have instrumentalist/modernist theories, who argue that national identities emerged with modern phenomena, such as industrialization, capitalism or press (Anderson, Hobsbawm, Gellner).

While the first group perceives ethnic identity as deeply rooted in the historical experience of communities and, therefore, available to be used by nation-building projects, the latter claims that ethnocultural identities emerged in a circumscribed context.

We argue that these positions are not mutually exclusive: in fact, they are even complementary. Constructivist theory on the construction of collective identities, usually presented as a subcategory of instrumentalist theories, offers us a middle-ground between the two approaches, by claiming that ethnocultural identities inherit a series of features from previous identifications, but are also determined by societies and, in particular, by the way these are politically manipulated and mobilized.

Therefore, even if there is always room for the manipulation of collective symbols and identities, this manipulation is constrained and propelled by structural conditions: nations are a by-product of their members' choices, for they develop when

they recognize themselves as part of the same collectivity, but these are interdependent choices, because national identities are more than the mere sum of individuals' wills.

1.4 THE EXCLUSIONARY NATURE OF STATES

To advocate the existence of nation-states is inherently a dangerous task, for it assumes a link between what is perceived as a historical people and a modern political entity, with an unprecedented military and administrative capacity. Primordialist theories, because they recognize the ethnic nature of nationalism, are more prepared to recognize the non-neutrality of the state in relation to ethnic groups.

For Smith (1986; 2003), for instance, the durability of national identities can only be explained if we take into account the exploitation of collective feelings and traditional religions by nationalism. However, this approach has also contributed to the representation of contemporary loyalties to the state as endemic to human condition itself and as necessary to the survival of individuals.

> [Nationalism] was innovative in precisely two points: it added an additional dimension to individual liberty by proclaiming that an individual is only truly free if and only he or she can express his or her collective national identity, and that the ultimate guarantee of such freedom is the ability to live within a polity controlled by members of one's own nationality. (Kook 2000:59)

On the other hand, instrumentalist theories emphasize the political nature of national identities, and easily foresee the existence of power dynamics. Therefore, these theories are more prepared to explain the success (or failure) of nation-building processes.

However, as we have seen, an important gap remains: the idea that state- and nation-building projects are as exclusionary in nature and they are inclusive, and that the very concept of "nationality" is used to demarcate groups and societies.

The consensus among theories on the social construction of national identities has become orthodoxy: the idea that nationalism is a politically and socially integrative force, which allowed the rupture with traditionally hierarchical and exclusionary forms of organization, and favored the gradual integration of several segments of the population and the introduction of redistributive policies.

In Hechter's (1975: 7-8) opinion, this consensus results from the theoretical adoption of the "diffusion model of national development", based on the idea that

interaction, facilitated by industrialization, would make groups gradually aware of what connects them, and more dependent on a central structure of government. The diffusion model is essentially an evolutionist model that devises acculturation as automatic and irreversible, while ignoring the persisting dynamics in modern and industrialized societies. It also assumes the *a priori* existence of incentives to assimilation.

However, even if acculturation can be encouraged through contact, ethnic frontiers persist despite mobility and information exchange, and might even develop into negative identifications: in this sense, the nature of the contact and the situational conditions in which it occurs will determine if accommodation will take place. Without a few conditions (e.g*.,* absence of violent conflict among groups), the most likely scenario is that contact will encourage stereotyping, suspicion and hostility (Barth, 1969: 9-10, 16; Kelman, 1999: 583; Hechter and Okamoto, 2001: 193-197).

The diffusion model of national development rejected by Hechter is partly inspired on Karl Deutsch's work, according to whom modernization (in the form of urbanization, industrialization, education and communication processes) would contribute both to the development of states (at the expense of traditional forms of organization) and to a process of social modernization: "the process in which major clusters of old social, economic and psychological commitments are eroded or broken and people become available for new patterns of socialization and behavior" (Deutsch, 1961: 494).

As Connor (1972: 327) demonstrates, however, even states with high levels of modernization and economic and technological integration, ethnic loyalties persist. In those cases, an overwhelming knowledge about the *other* produces hostility and resistance. For Anthony D. Marx (2003: 8) the problem with a large portion of instrumentalist theories on nationalism and, in particular, with Anderson's formula of "imagined communities", is that they do not recognize the off-chance that communication and instruments of linguistic standardization can lead to the reinforcement of local and ethnic differences. When these cases are taken into account, they are often depicted as mere convulsions or exceptions in a process that, otherwise, should have been progressive and permanent.

In some cases, the authors identify exclusionary processes related to the imposition of external borders (Walker, 1990; Laitin, 2007). However, they remain silent with regard to the management of internal divisions and ignore the role states play in signaling which community it identifies with: Ernest Renan's "daily plebiscite - or the continuous decision made by individuals on their loyalty – remained unquestioned:

> Put differently, if nationalism is defined as mass sentiment engaged with state power, and not all of the masses can be or want to be included, then any explanation of nationalism must allow and account for how such choices about membership in the nation are made amid conflict. (Marx, 2003:16)

This neglect has severe implications on the way that states under study are categorized: traditionally, a division emerged between western nation-states, assumed as solid, built upon a relatively homogeneous cultural basis, and non-western states, with a shorter existence, pervasive cultural differences, and under the risk of fragmentation. These categorizations often rely on the idea that the state corresponds to the last phase of nationalism and is the ultimate winner over the loyalty of individuals, while overlooking the endurance of other ethnic identities (Mandelbaum, 2013: 520; Connor, 1972: 335).

Most works choose to ignore the multitude of cases, in which there is no convergence between "state" and "nation", and the group identified as "nation" is the majority or dominant group. This premise is both valid for recent states, whose borders were artificially established by colonial powers and do not correspond to the spatial distribution of ethnic groups, but also for older states, whose heterogeneity is hardly taken into account (e.g., Great Britain, France, Spain, Belgium). Especially in these latter cases, the absence of open violent conflict and the coexistence of different groups in the same political structure have been used as proof of perfectly integrated states (Connor 1972: 350).

Despite the expansion on the theories on nationalism since the 1980s, the definition of this phenomenon – as well as of related concepts (e.g., "nation", "national identity", "nation-building") – remained problematic, especially if we consider the incompatibility between historical reality and the main tenet of nationalism: the idea that nations precede their political expression.

For Tilly (1985: 175), a particularly critical author in what concerns the violent dynamics of state-building processes, what distinguishes state-perpetrated violence from

other forms of violence is the fact that states have used it in a much larger scale, in a more efficient way and with the broad consent of the populations. This consent has allowed the naturalization of the violence committed by the state, and the differentiation between "legitimate" and "illegitimate" violence. In other words, although in retrospect, the elimination of rivals within a territory might be considered a noble project, aiming for the pacification of the populations, in reality this followed a logic of power expansion whose ultimate goal was the extraction of economic resources. Tilly's analysis of this process – which he circumscribes to the European experience – can be summarized in his statement that "war made the state and the state made the war."

For Rear (2008: 47-49), not only violence plays a crucial role in political development and social transformation, it should not be stopped by international intervention. The author seems to conflate processes of state-building – as described by Tilly – with nation-building processes. This is clear when he sustains that ethnic conflict should be tolerated because of its constitutive role in the definition of state borders. His position reveals, not only the inversion of the two processes (for he considers ethnic minorities an obstacle to state-building), but a severe normative malfunction, as it contributes to the idea that ethnic plurality is a threat to State stability.

Similarly, and because most states are home to various ethnoreligious groups, the transference of these collectivities' loyalties to the state can only be achieved through the elimination or marginalization of other identifications, in a process named by Connor (1972) as "nation-destroying". Their elimination, however, is not necessarily followed by an integrative national identity (Hall, 1999: 23-24).

Brubaker (2004: 117, 122) recognizes that, in some situations, which he identifies as "post-colonial" states, the "nation" might not refer to a national identity encompassing all ethnic groups. In those cases, the state *raison d'être* is "to assert 'ownership' of the polity on behalf of a 'core' ethnocultural 'nation distinct from the citizenry of the state as a whole, and thereby to define or redefine the state *of* and *for* that core 'nation'".

While relevant, these positions only admit the possibility that nation-states can be exclusionary during shorts periods of time. As explained by Wimmer, the inherent violent nature of states has remained marginal in scholarly work:

> Little attention was given to the making of the boundaries of this egalitarian and inclusive community: the struggles over who belongs to the nation and thus should enjoy equal rights before the law, be called upon to participate in politics and be granted the privilege of having one's own culture and language valued and legitimated by school an d state. Thus, the fate of those who end up on the other side of the boundary went almost unnoticed: those not treated as equals before the law but as aliens or second-class citizens; who's political voice will be disregarded as that of 'minorities'; who's culture will be excluded from the national sanctuary of museums and school curricula; whose language will not be understood by administrators, university professors, policemen or judges (Wimmer, 2006: 335-336).

In Wimmer's opinion, horizontal inequality between states was replaced by vertical inequality *within* the state, and by the exclusion of those alien to the nation. Wimmer identifies a "methodological nationalism" in the way social sciences deal with the issues of inclusion and exclusion within states, and argues this is a by-product of a generalized ignorance on the heterogeneity of states, and of the traumatic processes underlying homogenization (which are often described as historical by-products, with no analytical relevance).

This "methodological nationalism" explains the virtually uncritical acceptance of Brubaker's 1995 distinction between "ethnic" (or "nationalizing") and "civic states".

Brubaker describes "nationalizing states" as ethnically-divided states that have been conceived as nation-states: states where the nation is perceived as preceding the state, playing a fundamental role in state-building. The organizing principle of these states is ethnicity, and the political elites promote the (linguistic, demographic, cultural, economic and political) hegemony of a certain ethnonational culture. These states' aim is to promote cultural homogeneity within its borders, even if that can only be achieved through acculturation, oppression or exclusion of minorities (for instance, through extreme mechanism of coercion such as ethnic cleansing) (Brubaker, 1995; *cf.* Linz *et al*., 2004: 3).

At the other extreme of this spectrum Brubarker indentifies "civic states", those where citizenship is granted, irrespective of their ethnic group, and where ethnicity plays no role in state policies: in these cases, the state is culturally neutral, and responds to all cultural identities with "salutary neglect" (Glazer *apud* Kymlicka 1995: 9), because it is defined by identical rights and political, legal and social obligations. The idea underlying these states is that nations emerge from a certain political structure, as well as through

the state's commitment to nation-building (e.g., fostering loyalty to political institutions and norms through, for instance, a common education system).

Brubaker's dichotomy is, apparently, analytically attractive and useful: in fact, there are differences between states where different communities had the chance to mature a common national identity and accommodate their differences and those where the state-promoted national identity was created violently As Wimmer (2006: 341-342) claims, states do move in a spatial and temporal continuum of inclusion, even if we can find some form of ethnic exclusion in all of them.

Nevertheless, this proposal suggests that in some states effectively existed a separation between state and ethnocultural groups. The concept of a "civic nationalism" perpetuates the myth of a culturally neutral state.[20]However, in one way or the other, either through acculturation or exclusion, the state is always involved in the recognition and reproduction of certain ethnocultural groups.

For instance, in the USA, frequently pointed out as one of the countries where multicultural policies (MCP) have resulted in the integration of minorities, and is therefore described as a civic state, the majority of the southern states refused voting rights to the black community until the 1960s. Not only the state placed obstacles to the political participation of the minority, the USA government still actively promotes integration in an Anglophone culture (e.g., the acquisition of citizenship demands fluency in English and knowledge of American history). Taking into consideration the difficult survival of non-official languages in modern society, governmental decisions on how and where they can be used are also decisions over which cultures are allowed to survive within their borders.

In Kymlicka's (2000: 14-25; 35) opinion, it is surprising that states' support for certain groups remains unexplored, for it is visible in the states' own organization and functioning, and one of the reasons while national minorities still demand the formation of autonomous political units. For Jenkins (1997: 87), nationalism always entails a process

[20] Kymlicka (1995: 24; 2000: 11) argues that the idea of the existence of a pure civic and culturally neutral state results from the analogy made with the separation between church and state. However, as he sustains, this analogy is not valid: while it is possible for a state not to adopt an official religion, it is considerably more difficult for a state not to promote a certain dominant culture, namely when it comes to decisions concerning official languages, national holidays or citizenship tests.

of social identification and categorization, and thus the concept of “ethnic nationalism” is obsolete.

According to Madriaga (2010: 90-91), in his work with north-american national identity, a racial divide persists and is visible on the complaints his African-American interviewees made about practices of exclusion and marginalization within society. Therefore, the author rejects the idea that the USA lives a post-national age, because “white hegemony” is a vital part of the collective feeling and the memory of the “nation”. For Nieguth (1999: 162), the idea of north-american “racial neutrality” masks forms of personal, institutional and systemic racism that have excluded non-white citizens from full citizenship and equal participation in American society.

Brubaker’s dichotomy is also frequently used to form normative judgments, by placing, in different categories, states with similar policies but different geographical locations. The author himself predicted that most Eastern European states would eventually become nationalizing states, in contrast to democratic western countries that he depicts as civic states, while paying no attention to the different trajectories in the state-building efforts. In short, he makes a distinction between “good nationalism” (civic, progressive, and western) and “bad nationalism”, ethnic, peripheral, post-colonial (Kuzio, 2001; Marx, 2003: 199).

The dangers behind this differentiation had already been reported by Billig (1995: 5-7), when he argued that nationalism is always seen as a problematic, exotic and peripheral force, belonging to the *other*, but never to the West, where the concept is usually replaced by “patriotism” or “loyalty”. In his perspective, the term should be analytically expanded, in order to include the ideological tools through which all states are daily reproduced and reified. Billig warns that this form of “banal nationalism”, always present, but constantly “forgotten”, should not be whitewashed only because it is wrapped in a quiet normalcy:

> The analyst cannot place exotic nationalists under the microscope as specimens, in order to stain the tissues of repressed sexuality, or turn the magnifying lens on to the unreasonable stereotypes, which ooze from the mouth of the specimen. In presenting the psychology of a Le Pen or Zhirinovksy, 'we' might experience a shiver of fear as 'we' contemplate 'them', the nationalists, with their violent emotions and 'their' crude stereotyping of the Other. And 'we' will recognize 'ourselves' among the objects of this stereotyping. Alongside the 'foreigners' and the 'racial inferiors', there 'we' will

> be - the 'liberal degenerates', with 'our' international broad-mindedness. 'We' will be reassured to have confirmed 'ourselves' as the Other of 'our' Other. (Billig, 1995:12)

In order to analyze the violent nature of states we should also avoid comparisons between states conducting early-stage state-building efforts and western, inclusive and modern nation-states, as we find them nowadays: if anything, that comparison should be made with the exclusionary origins of western states, where even nowadays important segments of those populations still resist assimilation, with various degrees of success (Northern Ireland, Basque Country, Catalonia, Galicia Bretagne, Corsica, Québec) (Ayoob, 1991: 266; Marx, 2003: 200).

With this in mind, the trivialized idea among social sciences and, especially in IR, that we are witnessing a post-Cold War revival of nationalism suggests that nationalism had been previously dormant. Minorities' very resistance to assimilation in certain states suggests a relationship with a traditional and stagnant group, incompatible with the "modern ideal of state" (Hechter 1975: 23). Connor (1972 334) even adverts that this problem stems from the categorization of groups as "ethnic", when, in fact, they are "nations" in their own right.

The benefits of the minorities' assimilation for national integration is one of the arguments advanced by Birch (1989: 36-37), along with his image of the state as a historical need. An ethnocentric devaluation of smaller cultures persists, as well as the idea that progress demands the assimilation in larger and highly centralized cultures. According to Billig (1995: 9), this should be taken as an incentive for a critical research on banal nationalism.

Simultaneously, this "methodological nationalism" is unable to explain how civic nationalisms are able to build their own states without their own myths, how they establish their borders, how they define their *others*, or how they (violently) resist movements that aim for their redefinition. In other words, it is wrong to question the strength of the bonds connecting minorities to their national identities, without doing so for majority and dominant groups.

Some authors provide exceptional work on the study of the exclusionary origins of nationalism. For Anthony D. Marx (2003: 113), the idealization of consistently civic European nationalisms only took place because it conforms to instrumentalist theories'

that nation-building was made possible by education, press and industrialization. In his opinion, 18th century European nationalism only managed to be inclusive because, by then, the population inhabiting within state borders had already been purged, and states had reached homogeneity through forced and violent exclusion:

> Indeed, exclusions and intolerance provided the early foundation and cohesion on which later more liberal and inclusive orders could be built, including parliamentary democracy. Such attempts at liberal nationalism and toleration as we understand it today were only possible after the earlier dirty work was largely completed and despite later denials. (Marx, 2003:115)

Billig argues that we are witnessing a double neglect on the part of social sciences, which are involved in an intellectual task to create a "collective amnesia", through the selection of the most convenient historical events of states, while omitting banal episodes.[21] Most approaches make serious omissions, forgetting the various social practices that daily nourish social identities:

> In between times, citizens of the state still remain citizens and the state does not wither away […] Indeed, it seems strange to suppose that occasional events, bracketed off from ordinary life are sufficient to sustain that a continuingly remembered national identity is part of a more banal way of life in the nation-state. (Billig, 1995: 45-46)

Hobsbawm (1983: 12-14) had already expressed the same concern, arguing that historians contributed to the creation, deconstruction and reconstruction of past images of the state, and lending their work to the legitimization of political actions.

Numerous authors have chosen to emphasize the conscious use of collective memory by nationalism to erase the violent strategies that tarnish the states' past. One of them was Ernest Renan:

> Forgetting, I would even go so far as to say historical error, is a crucial factor in the creation of a nation, which is why progress in historical studies often constitutes a danger for nationality. Indeed, historical enquiry brings to light deeds of violence which took place at the origin of all political formations, even of those whose consequences have been altogether beneficial. Unity is always effected by means of brutality […] Yet the essence of a nation is that all individuals have many things in common; and also that they have forgotten many things. No French citizen knows whether he is a Burgundian, an Alan, a Taifale, or a Visigoth, yet every French citizen has to have forgotten the

[21] Billig gives the example of sociology, where the definition of the "society", which is identified as the discipline's object of study, has been neglected, as it it was an unproblematic concept. Moreover, sociology became used to link the concept "society" to the collectivity that interacts within a certain territory, and any questioning made to the use of this terminology is perceived as a threat to the discipline itself. This positioning maintains the idea that societies can be dealt with as conditioned units that can be isolated and analyzed.

> massacre of Saint Bartholomew,' or the massacres that took place in the Midi in the thirteenth century. (Renan, 1990)

In this regard, the very processes of industrialization, literacy and communication – identified by some as an essential part of the consolidation of nationalism – have contributed to a collective amnesia, while simultaneously encouraging individuals to remember the nation as something immemorial.

For Billig (1995: 37-38), the nation-building process implies a complex dialectic of remembering and forgetting that takes precedence over previously established nations. All nations depend on the existence of a collective memory, and remembering one nation's history always demands a certain degree of forgetfulness: in short, the celebration of the nation is only possible if the violence that made it a reality is forgotten or, at least, redescribed. During the continuous reproduction of the nation, multiple small reminders are placed in the social environment and routines of the nation. To illustrate his argument, Billig gives the example of the numerous flags hoisted in public buildings, whose presence is for the most part ignored by citizens: "There is, then, a movement from symbolic mindfulness to mindlessness" (Billig 1995: 41).

According to Hobsbawm (1983: 5-6), the modification, ritualization and institutionalization of traditional practices for national purposes persist in "modern lives" and in the public lives of citizens, from symbols (flags, anthems) to semi-ritualized practices, such as elections.

The cases where nation-states were created harmoniously are far in between. On the contrary, by imposing a specific form of identity, the process is typically violent: "The battle for nationhood is a battle for hegemony, by which a part claims to speak for the whole nation and to represent the national essence" (Billig 1995: 27).

Jenkins (1997: 86-88) reminds us that racial categorization was essential in the legitimization, not only of colonialism and imperialism, but also of nationalism, which he sees as a form of hegemony: an imagined community of national similarities and inclusion, base on cultural homogeneity, created and evoked to justify or mask dynamics of exclusion. Furthermore, he highlights that nationalism, being an ideology, inform us of how the world *should* be, and it can become a burden for those who don't conform with the group they *should* belong to.

However, the most prominent work on the violent character of the nation-State is Anthony D. Marx's *Faith in Nation: The Exclusionary Origins of Nationalism.* Using three western states (Spain, Great-Britain and France) as case studies, Marx rejects the idea that their nation-building processes only began in the 18th century, and shows how state-organized exclusion, as seen in informal discrimination, citizenship policies, and forced assimilation and expulsion, were part of the experience of these states:

> Ethnic subgroups have been retained as victims or expelled. Citizenship rights have often been allocated selectively, not universally. The franchise has been limited. The imagined community has been so constrained; fellow feelings and loyalty have been contained. Nationalism has been internally exclusive—for instance, according to cleavages of ethnicity, race, gender, class, or religion. Such difference has been institutionalized and reified within and by states, contrary to the assumption that states sought to unify all within. (Marx, 2003: 24-25)

Simultaneously, Anthony D. Marx (2003: 140, 143) indirectly rejects Brubaker's proposal, arguing that periods of inclusion are the exception in most states' history, and that states display a greater tendency for intolerance and exclusion than most accounts let on. Moreover, the author sustains that exclusionary practices of national consolidation were used in a conscious and planned way, partly due to the idea that unity cannot be achieved through inclusiveness.

For Banting and Kymlicka (2006: 17), who are focused on the relation between plural societies and redistributive policies, the criticism around the adoption of multicultural policies, based on the argument that they undermine the welfare state, cannot be sustained as they assume there were high levels of interethnic solidarity before their adoption. In their opinion, western states adopted both exclusionary and assimilation policies precisely because solidarity was non-existent. This way, in some cases, MCP serve to make amends with record of exclusion, suspicion and hostility that, otherwise, would persist even in state institutions that are no longer formally discriminating.

In the long run, the practices that Brubaker identifies in nationalizing states expose the impossible existence of pure civic states. For the author, nationalizing states are those where, besides the existence of exclusionary citizenship, we can still find restrictions placed on non-official languages, where members of minorities are estranged from the administrative apparatus, where ethnic factors impact on the economy, and

where the legal system benefits the costumes, practices and institutions of the majority group.

By extending the criteria for the identification of nationalizing states beyond political rights, Brubaker drastically reduces the number of states that can be considered as purely civic, and automatically excludes most liberal democracies. According to his formula, the author inadvertently concedes that all states aree built upon civic and ethnic factors, and that even the most inclusive of states create *others* in order to define their frontiers of belongingness.

The so-called "commonly-held values" can never be neutral in the face of ethnic divisions. Therefore, the difference between civic and ethnic states does not lie in the existence or absence of ethnocultural components, but in the quality of a state's efforts to integrate its minorities in a common culture (Kymlicka, 1995: 24; Kuzio, 2001: 146-147). Even if there are important differences between states that define belonging in terms of common ethnic origin and those who define it in terms of participation in a societal culture, open to all, any modern state demands the politicization of certain ethnocultural groups, constructs national belonging around a sole societal culture, and uses public policies to perpetuate that culture, while encouraging the extinction of many more.

In short, while Brubaker's distinction between civic and nationalizing states can facilitate a superficial debate over specific and paradigmatic cases, it does not illustrate the multitude of personal, institutional and systemic discriminatory experiences that cannot be solved by political rights alone.

Therefore, Kuzio's (2001: 144) proposal for the application of the concept of "nationalizing states" only to ethnic states, where minorities do not have access to political rights, is also obsolete. Even if it would allow the identification of non-western States as civic, it would also mask discriminatory policies and practices and the existence of permanently disadvantaged groups in those societies. The same happens with Ben-Ami's (2011: 69) simplistic proposal to identify civic states as those that recognize individuals' equality before the law.

Nevertheless, the depth of the criteria defined by Brubaker produces simultaneously positive and negative effects. On one hand, they cancel his empirical analysis and reject his arguments that western states are traditionally inclusive, as most states maintain structures of segregation. On the other hand, the application of this model allows us to identify cases that would escape questioning: ultimately, the goal should not be the development of a model that allows for the inclusion of non-western states in the civic category, but to question the viability of a civic states label.

In fact, all states are nationalizing states, because all undertook processes of nation-building, and all promoted the reproduction of certain cultures at the expense of others: the state not only is not inherently inclusive, it has deeply exclusionary origins. By adapting Brubaker's conceptual framework to a continuum along which all states – with various degrees of nationalizing policies and practices – move, we open the debate beyond states where violence over their minorities is fairly visible: we also take into account seemingly solid, homogeneous and democratic states where obvious forms of repression gave way to less obvious – and even naturalized – mechanisms of marginalization.

The range of nationalizing policies adopted by states goes from the most mundane, which allow the daily reproduction of the state, to the most violent, that allow the convergence between state and nation. The categorization of different policies of inclusion, assimilation and exclusion is not uniform, and many authors choose not to differentiate between the first two. However, we consider that inclusion and assimilation present different levels of violence over minorities: while inclusion implies the accommodation of the cultural identities of these groups, the same does not happen with assimilation policies, where members of minorities are expected to adapt to the majority's culture. Similarly, it is important to take into account that all these strategies can be adopted in different periods – or even towards different groups – by the same state.

By policies of exclusion we understand those that limit the belonging of individuals and groups in the state, privileging one or more ethnic groups, through restrictions in the access to citizenship, the political apparatus or, in more extreme cases, ethnic cleansing and genocide. For Wimmer (2006: 339), these "final solutions" for ethnic

diversity are typically modern phenomenon, taking place in states where a "phobia to ethnic plurality" persists, and were deeply violent strategies play a role in the identification of enemies and aim to remove a "tumor from the flesh of the nation's body".

Hechter's (1975) work on the concept of "internal colonialism" must be mentioned, due to its relevance in the identification of minorities' exclusion practices and exploitation that do not necessarily lead to their physical removal from the territory. While rejecting the idea that intensified contact between the majority ("core") and minority ("periphery") always leads to convergence, Hechter argues that the core group maintains the periphery in a state of political subordination and material exploitation. Ethnic differences (exploited by racial and cultural stereotyping) are used as a legitimizing factor in a stratification system and cultural division of labor, but they also encourage the crystallization of distinct ethnic identifications. In these systems, the most likely scenario is that the disadvantaged group will present itself as a distinct nation (Hechter, 1975: 9).

Hechter's work, despite establishing a closed-off relationship between national development and governmental control over the access to resources, is significant for various reasons. First, it considers the possibility that the presence of a minority inside state borders can be beneficial for the majority and for the state it controls. Secondly, because it admits that unequal access to economic resources can only be solved through the strengthening of the political power of the peripheral group (Hechter, 1975: 34).

Wallerstein (1991: 78-81) subscribes this idea when he argues that the nation is closely related to the political superstructure of the historical system of sovereign states, which only emerged after the establishment of administrative borders. While questioning the calculations underlying the presence of minority groups within state borders, Wallerstein sustains that similarly to the creation of "nations", states also create ethnic groups, whose presence in the state creates internal cohesion and provides cheap or unpaid labor force.

Assimilation measures are those that promote the cultural integration of culturally distinct groups in the dominant culture. For Laitin (2007: 51), the persistence of marginal groups, such as European Jews in the 19th and 20th centuries or the "untouchables" in India, can only be explained through the calculation of costs and

benefits those minorities make of their own assimilation. The author argues that the marginalization of this groups is self-imposed and a rational choice: these groups remain marginalized because the profits their members would draw from the integration in the dominant culture would be smaller than those they get from marginalization.

The author never attempts to search for explanations among the majority, choosing to ignore systemic forms of exclusion sponsored by states. Although he acknowledges that the costs of elimination of diversity are too high, especially in democratic societies, the author sustains that pluralism weakens national solidarity, a feature he finds essential for a healthy public life (Laitin, 2007: 107-108).

Latin's perspective, shared by authors such as Birch (1989) or Mylonas (2013), is the type of posture that Balibar (1991: 24:25) described as "neoracism", a racism without race: this "differentialist racism" sustains the idea that cultural differences are immutable and incompatible and, therefore, undesirable. In some cases, this neoracism is desguised by a discourse of assimilation, which promotes the integration in the dominant culture as a unique opportunity of progress and liberation.

For Wimmer (2006: 339: 340), a pattern can be found in the way states deal with permanent minorities. In the first place, ethnic categories are used to describe, administrate and control those minorities. This strategy is visible in openly racist descriptions, such as the identification of a "Jewish problem" in Europe, or the acceptance in the USA of categories such as "Hispanic" or "Asian" (Hechter and Okamoto, 2001: 197-198).

This step is followed by the distinction between "national majority" and "ethnic minority", by segregation policies aiming at reducing interaction between members of different groups (e.g., prohibition of mixed marriages; segregated residential areas); by legalization (e.g., limits to citizenship rights; creation of a differentiated citizenship); and, finally, by policies of institutionalized discrimination, that offer unequal treatment to different groups (even when formal rights are granted). Lastly, members of the dominant group, that maintain a privileged relationship with the state, attempt to reproduce and control those ethnic frontiers, impeding assimilation. The explanation advanced by Wimmer is consistent with Barth's (1969: 16) proposal that the reproduction of ethnic

frontiers is subjected to a complex organization of social relations that encourage its continuous expression and validation.

According to Uçarlar (2008: 170), the very philosophy of the nation-state demands an opposition between majority and minority. This opposition is not a direct result of original differences between communities, but a product of power asymmetries. Power asymmetry, not only declares minority and majority as homogeneous entities, it also places majority in a dominant position, while describing minority as inferior, deviant and as an exception. The problem, thus, precedes the adoption of exclusionary measures: it is a by-product of the distinction between "national majority" and "ethnic minority" that, among other things, suggests ethnicity is an exclusive trait of minorities. The same is argued by Holsti:

> The majority community, supposedly by its largesse, *grants* specific rights to 'minorities' as some sort of favor to them. But the logic of an official 'minority' status is permanent insecurity because what can be granted can also be taken away. (Holsti, 1996:55)

Strategies of inclusion are those whose goal is the egalitarian incorporation of culturally diverse members and groups in the state, through the promotion of multinationalism. In these cases, collective rights are granted to the minority in order to encourage their cultural reproduction through institutions and legal structures.

Authors centered on multicultural agendas are those who dedicate most of their work to strategies of minority inclusion, even if debates over the concept of "multiculturalism" persist, along with discussion on whether multicultural policies (MCP) help or hinder minority inclusion.

For Kymlicka (1995: 1-3), it is clear that ethnocultural conflicts are focused on issues that are typically neglected by political theory. Minorities increasingly demand the recognition and accommodation of their cultural differences, and those go beyond the scope of basic individual rights. The granting of collective rights to minorities is the most robust form of non-discrimination: language rights demanded by minorities, for instance, only aim to achieve the same rights granted to the speakers of the majority language. Even if cultural issues are often presented as non-negotiable, some states' reluctance in developing MCP is essentially a political question (Hechter, 2000: 122).

Although the principle of "non-discrimination" seems attractive when one sustains the existence of culturally neutral states, the multiculturalist model is the most adequate if one is aware that non-state ethnic identities are still in place, and that an all-encompassing identity has not yet developed.

In general terms, MCP thus refer to the policies of recognition, support and accommodation of ethnocultural groups, and they extend far beyond policies that simply promote non-discriminatory access to citizenship rights for members of ethnic groups. Although the attribution of citizenship rights is a form of accommodation towards the members of these groups, they do not constitute an effort towards the accommodation of the minority itself. Furthermore, the focus on the individual can become an obstacle, for it masks the different treatment accorded to various groups inhabiting the same state. Simultaneously, it favors the members of the dominant group, for their ethnocultural characteristics help their mobility in the centers of influence and power (Van Dyke, 1995: 49-50).

The defense of multiculturalism implies the recognition that states are naturally diverse, that ethnic groups exist between the individual-state nexus have remained excluded, and that these groups have different needs that demand policies of differentiation: the definition of the political community and its identity is a never ending process, and can be adapted in order to include all the segments of the population. In short, MCP also work as a form of compensation:

> 'Recognizing' a group, in the context of MCPs, often involves acknowledging its sense of historic grievance, and acknowledging that it has historically been stigmatized and excluded, and mistreated in a paternalistic and condescending way by the dominant society. Recognizing a group then involves including the story of the historic injustices it has suffered within the school curriculum, or within the media, or within the national narratives more generally. (Banting and Kymlicka, 2006: 12)

Nevertheless, the adoption of multiculturalism is not always perceived as the best strategy. Birch (1989: 58-59), for instance, opposes the granting of collective rights to minorities by the states: in his opinion not only the preservation of cultural identities should be an exclusive task of minority groups, the state should stand firm against linguistic cleavages and not contribute for the reproduction of minority languages. Although he states that minority groups should be tolerated, Birch argues that the state's

duty should be the fulfillment of the interests of the majority, for as long as they are "real interests" and not the expression of prejudice (a difference that he does not explain).

In order to justify his position, Birch chooses to hide his opposition not only to multiculturalism, but the very existence of plural states, on the grounds that concessions made in collective rights might lead to an "ethnic trap". Birch does not question at any moment the viability of an absolutely homogeneous state.

A broader conception of MCP allows us to acknowledge that the boundaries between inclusion and exclusion are not as linear as one might think, and that the frontiers within a state can be seen, not only on who is physically allowed or excluded from that space, but in the allocation of resources, access to the political centers, and economic participation:

> It is important to note that exclusion can take different forms: it can mean to bar individuals and collectivities and thus the cultures they carry from physical entry into a given society - that is, its territory. However, exclusion can also mean the marginalization of individuals and their cultures and collectivities which already and despite the sanctions regarding physical entry exist within this society - for example, by restricting their access to public goods and institutions, by relegating them to lower ranks in the socioeconomic order, or by establishing segregated institutions. In effect, this amounts to an exclusion from full and equal societal membership. (Nieguth, 1999: 166)

For Peled and Brunner (2000: 66- 67), the multiculturalism proposed by Kymlicka is limited because it ignores the value of the cultural capital of minorities in their socioeconomic success. Only when we consider the relationship between culture, politics and access to material goods we are able to expand the debate to the practice of autonomy and freedom.

While observing the different forms of autonomy granted to ethnic and religious groups in Israel, the authors conclude that various groups are victims to cultural marginalization and economic exploitation, a problem which cannot be solved solely by the granting of cultural rights.

Therefore, they propose the adoption of "democratic multiculturalism", whose function is both the protection and the participation of minority groups. Democratical multiculturalism focus is on the quality of citizenship and the ability that members from minority groups have to participate in an equal and significant form in all the spheres of

social activity. In short, they state that we need to link demands for cultural recognition to claims for redistribution.

Although Peled and Brunner do not quote Hechter's (1975) work, their works mirror each other, especially when they question the reasons behind states' willingness to grant multicultural rights to some groups whilst knowing these can impair their socioeconomic integration. By using the Haredi (Ultra-Orthodox Jews) and the Palestinian citizens of Israel as examples, the authors argue that their cultural autonomy has been used as a tool of cultural and economic exclusion. In other words, their peripheral cultural and economic status are mutually enhanced:

> Thus, if a minority culture fails to train its members to cope with the demands of modern life and instills types of knowledge and attitudes that alienate them from the surrounding society, they equip their members with cultural currencies that cannot be 'exchanged' outside the narrow confines of the minority group. Though such a culture may be rich in its own terms, that is, possess a long and diverse tradition, it leaves its members poor in terms of capabilities for autonomy. (Peled and Brunner, 2000:82)

For Jenkins (1997: 96), the same happens in Northern Ireland where the ethnoreligious issue has, since the Plantation years, translated into the exclusion of Catholics from land ownership and political positions. Although Protestants reject the existence of labor discrimination, and attempt to justify their economic position as rewards for their work ethics, the author rejects this explanation:

> The economic advantages enjoyed by Ulster Protestants must be traced back to the Plantation and the systematic dispossession of the indigenous Irish population. This act of initial domination, creating as it did two ethnicities in conflict – one advantaged, one disadvantaged – was consolidated during the industrial revolution, institutionalized during the fifty-one years of semi-autonomous Unionist government, and has yet to be completely undermined. (Jenkins, 1997: 107)

A similar proposal is presented by Kook (2000), for whom the concession of cultural rights should take into consideration the potential benefits for the group. For instance, language rights should have a practical function of mitigation or minimization of discrimination, instead of a mere symbolic function. If these rights are inconsistently granted (e.g., if minority languages are taught in schools, but the majority language is the only being used in public), and if there are no practical benefits from being educated in a minority language, Kook argues that the states can be using MCP as a mechanism of control of those minorities.

Through the analysis of the Kurdish minority in Turkey, Uçarlar (2008: 170, 184) argues that legal equality (forced by the EU on the Turkish state) merely maintained a hierarchy between groups, for it masked the differences in political, economic and social opportunities available to each group: on behalf of the principle of equality before the law, the state treats the minority as if it was as powerful as the majority, and law becomes a source of violence and injustice. Identical treatment in unequal societies reproduces the domination of one group over the other, and is therefore necessary to abandon the ideal of abstract neutrality in favor of a politics of difference.

1.5 WHAT IS A STRONG STATE MADE OF?

Particularly since the end of the Cold War, when the internal crisis of the states were frequently singled out as threats to the international system, we have witnessed the proliferation of concepts, which can be traced back to Max Weber's (1994[1918]: 310-311) definition of a state, "a human community that (successfully) lays claim to the *monopoly of the legitimate use of physical violence* within a given territory".

According to this definition, a state's strength can be determined by its capacity to ensure security and by the ability of its institutions to impose authority over society. A state is as strong as its coercive and institutional capacity to dominate society, because only then it can fulfill its main function, as perceived by conservative and authoritarian accounts: the maintenance of order and security. According to this line of thinking, a weak state is a political entity that is unable to implement and impose policies and to offer security, basic services and the protection of basic civil freedoms.

This weberian approach to the state encouraged the appearance of concepts such as "failed states" or "collapsed states". Subsequently, these concepts have legitimized the use of international mechanism of interventions, especially in post-colonial contexts.

In Connor's (1972: 353) opinion, these approaches reveal an underestimation of the power of attraction of ethnic identities, because they use the absence of institutional cohesion as the principal cause for the failure of states when, in reality, instability is a product of the absence of common purposes and identity. For Lemay-Hébert (2009: 22), the restriction of these concepts to a matter of means, instead of ends, has led to the

idea that this is a new phenomenon in the process of state consolidation. In his opinion, a new approach, focused on the legitimacy and sociopolitical cohesion evoked by central authorities, is needed, because "as a state represents more than the mere expression of its institutions, state collapse encompasses more than the failure of governmental institutions" (Lemay-Hébert, 2009: 22).

In other approaches, which introduce social cohesion in the calculation of states' strength, we perceive a different problem: the link between the population's homogeneity or plurality and state's stability.

For instance, for Birch (1989: 36) social homogeneity is a precondition for a stable governance, and this believe leads him to reject the principle of minority rights: in his view, if a society is so divided that belonging to ethnocultural groups determine political loyalties, there is neither availability for compromise nor support for a government of a majority.

Rear (2008: 93) also believes that the assimilation of groups in a single entity reduces the popular expectations on the services provided by the state, and therefore popular pressure placed upon it. Rear assumes that there is a natural progression in state-building, which in turn allows him to argue that a transversal ethnic identification will mitigate the economic, social and political demands of the population.

In short, according to these theories, modern states that do not have a homogeneous society are perceived as an anomaly even if – as it has been mentioned before – the number of states with ethnic homogeneity is far smaller than that of plural states. By establishing this link between homogeneity and stability and security, foreign populations who are not part of the majority group are discursively construed as a threat to the state:

> What arises here is a form of inclusive exclusion, where weak and/or incongruent states are on the one hand excluded from the 'normal' referent-object of IR theory (i.e., an international system/society that is predicated on unitary and congruent states), and on the other hand are rendered as a problem and even a threat to regional and world stability, security, and peace. This also means that 'weak' and 'failed' states are constructed discursively as abnormal and should thus be 'assisted' through various development and interventionist mechanisms so that they can become part of the 'normal' IR states system. (Mandelbaum, 2013:528-529)

Conversely, numerous authors reject this approach. For Lijphart (1995), from this fallacious link between homogeneity and stability stems another fallacious connection between homogeneity and democracy: the idea that stable democracies cannot be maintained in contexts of cultural diversity. As he demonstrates, it is the responsibility of the political leaderships of these states to recognize plurality and implement special measures that ensure the representation and participation of minorities (e.g., adoption of principles of proportionality or veto, to ensure the protection of the vital interests of these groups in decisions that affect them in a disproportionate manner).

For Laitin (2007: 11), the biggest challenge in understanding the relations between communities lies in the explanation of ethnic cooperation: unlike conflict, whose existence is not directly related to the number of ethnic groups, "people belonging to different ethnic groups cooperate nearly all the time."

On the other hand, Hechter (1975: 35) is particularly interested in understanding *why* ethnic frontiers are maintained, for he sustains that we need to progress beyond the assumption that culture stems from culture. Therefore, if a researcher is interested in societies where groups are constantly in contact, but where differences are still reproduced, we should aim to understand the nature of the contact and the relations between the groups.

In 1983, in *People, States and Fear*, Barry Buzan introduced a new form of state categorization, which includes an evaluation of the levels of sociopolitical cohesion. In his opinion, a state is made out of a physical component (population, territory, wealth and resources), an institutional component (government, regime, rules and norms) and the idea of the state, a component to which he gives a renewed significance, for it is what allows the state to be perceived as legitimate by its population.

The idea of the state can be translated as a feeling of belonging (or "we-feeling", as proposed by Linz *et al*., 2004) to the state, a notion of common purpose and a consensus on *what* the state should do and *how* it should do it (Buzan 1983: 44; *cf.* Neumann 2006: 7). It is this notion of collective purpose that distinguishes the social component of the state from its physical and institutional basis.

When the idea of the state is not firmly rooted in the population, the state does not have a secure basis and becomes weak, for "it is in the realm of ideas and sentiment that the fate of states is primarily determined" (Holsti, 1996: 84). In other words, a weak state does not possess social and political cohesion and has failed in the creation of a common identity, weakened by the privileges granted to a certain group or identity, and by the adoption of exclusionary policies.

Through the identification of physical, structural and behavioral differences between individuals and states, Buzan concludes that damage to the physical component of the state does not affect its survival as much as physical damages to the individual. The state, as a shared idea between groups of people persists, and retains its essence, in the social plan, because "without a widespread and quite deeply-rooted idea of the state among the population, the state institutions by themselves would have great difficulty functioning and surviving" (Buzan, 1983: 38-39). And he adds another conclusion: if the idea of the state ought to be the privileged component, then it can become an object of national security.

A state's strength, as Buzan proposes, does not rely on power (as traditionally we understand it), because some states considered world powers can have internal fragilities that turn them into weak states:

> In a real sense it is about the degree of stateness that a state possesses. All states can be placed along this spectrum. Those towards the stronger end, being more internally cohesive, will tend to find most of their threats coming from outside their borders. Those towards the weaker end lack much in the way of empirical sovereignty, and so in one sense have less claim to stateness. (Buzan and Waever, 2004: 22)

Therefore, the identification of national security threats in (potentially) weak states is also different, for they usually carry a larger concern with internal threats. In deeply divided states, the state can treat large segments of its population as security problems, while it establishes patterns in the allocation of resources to different groups (Buzan, 1983: 32). In extreme cases,

> weak states either do not have, or have failed to create a domestic political and social consensus of sufficient strength to eliminate the large-scale use of force as a major and continuing element in the domestic political life of the nation. (Buzan, 1983: 67)

As a state grows weaker, the more ambiguous it becomes the use of the concept of "national security", and the more likely is the existence of a conscious entanglement

between the security of the state and the interests of specific groups. In these situations, "we need to be much more suspicious of the assumption that national security is what the government deems it to be" (Buzan, 1983: 68).

This formula represents a rupture on three fronts with what is usually proposed in IR theory and weberian-inspired approached to the state. Firstly, it deconstructs the idea that states are identical objects, only distinguishable through power analysis. Even if states share various physical, institutional and legal features, the differences between them are significant:

> Differences in size, power, physical geography, relative location, character of population, resources, domestic political economic and social structures, and degrees of independence, are so obvious and so great as not to require illustration. (Buzan 1983: 42; 68)

Secondly, because it emphasizes the ideational component of the state, breaking away from the institutionalist approach inspired by Weber's work. And, finally, because it holds the state accountable for the way it manages its vulnerabilities: ethnic, religious and cultural diversity does not transform states into weak entities (the same way that belonging to the category of "nation-state" does not condemn state-building projects to failure).[22] In other words, a state's weakness is not determined by the heterogeneity of its population, but by the way the state, more specifically, state leaderships and elites, react to those differences. While doing it, Buzan rejects cultural determinism and the majority of IR takes on nationalism.

As Hechter and Okamoto (2001: 202-203) and Mylonas (2013: 10) sustain, the existence of distinct social identities does not necessarily mean political mobilization: support to nationalist movements is mostly instrumental, and tends to occur when the state has been closed off to the demands of minorities, or when it excludes some groups from access to power.

For Mandelbaum (2013: 521), the categorization between weak and strong states contributes to the production of an ideal of state and to the glorification of the convergence between state and nation. We agree that a dichotomization between weak and strong states risks becoming as dangerous as Brubaker's labeling of nationalizing and

[22] In *Regions and Powers: The Strucure of International Security*, Buzan and Waever add that the "weak state" formula aims to break away from a Eurocentric trend that perceives states as equal entities (Buzan and Waever, 2004: 22).

civic states. We therefore suggest that we analyze their strength by placing states in a continuum of strength and weakness.

Neither Buzan nor Holsti (who later would recover Buzan's work) admit the existence of an absolute strong state, and both reinforce the idea that states move, over time, along a continuum of strength. Therefore, they reject the assumption that nation-building is a unidirectional, irreversible project.

For Dory (1996), for instance, issues pertaining state identities remain unsolved in old, seemingly solid and stable states (such as the case of Great Britain), where periodical crisis lead to questions of their national identities. For Wimmer (2006: 341-342), who makes a clear reference to a continuum of inclusiveness and exclusion, all societies are characterized by some level of ethnic exclusion.

Although the idea of a continuum is not mentioned, Hechter (1975: 19-21) argued that the political integration of some groups was not permanent, and that at some point the minority could grant or withdraw legitimacy to the central government, by conditioning it to their feelings of "satisfactory social belonging". The author admits that many groups are in an intermediate position, where they perceive their status as negative, but accept it as inevitable.

Mandelbaum also insists that measuring the strength of a state will inevitably lead to the scientification and the establishment of weak and strong regions, through the discursive construction of states as an anomaly that begs for assistance and correction, especially in post-colonial regions. However, what we suggest is precisely the opposite: because there is no such thing as pure strong states, and by recognizing the existence of regular practices of exclusion, weak states are no longer perceived as an exception but as a normal phenomenon in the international system.

While his work preceded Buzan's, Hechter tried to imagine what a perfectly integrated society would look like (Hechter, 1975: 22). In his opinion, this would be a society where political disputes between members of different ethnocultural groups would persist, but where there were neither permanent constellations of distinct cultural groups, nor a regular distinction between "insiders" and "outsiders". Moreover, all groups would recognize the central power as legitimate, because all would have equal access in

the definition of national symbols. Hechter rejected the idea that Switzerland constituted an example of a politically integrated multiethnic society, and avoided pointing out examples of model states. This suggests that, just like Buzan, he does not believe that such a state exists. He does, however, see this issue as an encouragement for further questioning

Case studies situated at the extremes of the continuum add very little to our understanding of nation-building processes. The critical case studies are those where an *intermediate* level of national development has occurred: either economically integrated societies composed of distinct cultural groups, or culturally integrated societies composed by groups at different levels of economic development (Hechter, 1975:22).

Even if Buzan's criteria, later developed by Holsti, are dimensional and not absolute, because the state's assurance of equality of freedom and rights might not cease non-official forms of exclusion and discrimination, the largest share of responsibility for the management of internal divisions is still in the hands of state leaderships: "the state cannot compel individuals to love one another or attribute groups to tolerate each other, although it can do a great deal to promote balance and to prevent discrimination" (Holsti, 1996: 96; *cf.* Nieguth, 1999: 156).

According to Doty, for whom nation-building is a function of the authority and discursive power of the state, the legal sphere is simultaneously an important instrument of identity stabilization and a space for debate:

> Law, and the state in whose name it acts, does not exist independently of society. Thus, the power of the law is not solely due to the fact that it is ultimately backed by the sword, that is, the coercive power of the state. It is, therefore, not only the discursive practices manifested in legal statutes that create identities, but also the way that these practices are infused with societal norms and values. In examining the discursive production of national identity, one needs to examine not only laws per se, but the debates, interpretations, and professed needs and interests that surround legal statutes and the social practices to which these are linked. (Doty, 1996: 129)

For Brown, as well, the solution essentially involves looking simultaneously for the way political elites construct national goals, insecurities, threats and enemies, but also the popular reception of that discourse:

> Political elites who wish to close off their society against external influences or employ scapegoat strategies against minorities might, as previously noted, find it useful to depict the threats in racial terms, and to popularize their own myths of common history in racial terms. The influence of such depictions upon

> national consciousness partly depends, no doubt, both on the culture of the society, and on the actual situational challenges, and hence the types of insecurities facing the society; but political elites do have flexibility in the portrayal of enemies, and this gives a fluidity to the character of nationalism, and in particular to the liberalism or illiberalism of nationalist politics. (Brown, 1999: 298-299)

For Barth, the maintenance of hierarchical multiethnic systems, where there is a differentiated control of resources/goods that are coveted by all groups, is only possible due to the state's interference. Even if all societies include various ethnic groups, the interaction between them in these systems does not emerge from a context of complementarity, but "within the framework of the dominant, majority group's statuses and institutions, where identity as a minority member gives no basis for action" (Barth, 1969: 31-32).

If the term "national security" suggests a strong connection between nation and state, perhaps the purpose of the state is the protection and expression of an independent cultural entity. If it is the state who bears the creation of nations, Buzan (1983: 45-46) acknowledges that the convergence between state and nation, in terms of concentration of forces, facilitation of communication and the definition of a collective purpose is a powerful idea, but often unfeasible.

In 1996, Holsti added to Buzan's proposal the elements of "vertical" and "horizontal legitimacy". In the author's opinion, demands for authority can arise from multiple sources, and not only from periodical elections or at an institutional level. By vertical legitimacy we understand the popular recognition of political leadership and the loyalty the individuals show towards the ideas embodied by the state and the institutions that represent them:

> Legitimacy is precisely the belief in the rightfulness of a state, in its authority to issue commands, so that those commands are obeyed not simply out of fear or self-interest, but because they are believed in some sense to have moral authority (Barker *apud* Holsti, 1996: 87).

The feeling of belonging and the emotional ties between different political communities are also incredibly important. Therefore, horizonal legitimacy depends on the behavior that individuals and groups inside the state adopt towards each other. Political communities where the exclusion, marginalization and oppression of one or more groups are a constant, tend to lack feelings of belonging and of horizontal legitimacy (Holsti, 1996: 87-88, 93): "strong states are different from other kinds of states

primarily because they enjoy in common extensive degrees of vertical and horizontal legitimacy. They are, in a sense, 'family', and one does not go around shooting its members" (Holsti, 1996:146).

1.6 SECURITIZATION IN WEAK STATES

A strong state is built from the inside, but the propensity to conflate "strength" with "power", as well as to evaluate states from an external point of view, can obstruct our ability to admit that some states, internationally recognized as legitimate, might not possess internal legitimacy (Holsti, 1996: 107-108).

Therefore, what we intend to offer is an analysis of the mutually constitutive relationship between state and society, where societal cohesion is seen as an element of the state's strength, instead of a mere product of the institutional strength of the state (Lemay-Hébert, 2009: 28). We argue that neglecting – or even rejecting – the existence of this relationship is the equivalent to the rejection of the existence of nation-building efforts in what are commonly perceived as "strong states".

What could be the reasons behind the state's exclusion of a minority and, ultimately, its depiction as a threat to the state?

There is some consensus regarding the relational quality of identities or, in other words, the existence of an "us-them" nexus in identity formation. Social psychology offers us plenty of literature explaining how the construction of the "other" contributes to the formation of our own identity (Erikssen, 1995; Petersson and Tyler, 2008: 226). These theories have gradually made their way into IR and, more precisely, to theories on national identity formation, in the works of Neumann (1996), Campbell (1992), Buitrago (2012), Rae (2002) or Göl (2005).[23]

For Madriaga (2010) this is, in fact, the main reason why post-national states do not exist: national identity – like any other collective identity – is formed and reproduced through a continuous process of differentiation. Therefore, the existence of the *other* is crucial for the development of our own identities.

[23] The introduction of social identities theories to IR is also a result of the influence of Edward Said's *Orientalism*, in which the author demonstrates how the image of a mysterious, exotic and wild Orient "has helped to define Europe (or the West) as its contrasting image, idea, personality, experience" (Said, 1979: 2).

For Campbell, the starting point should be the reassessment of the state as a paradoxical entity, lacking any pre-discursive identities, and in a permanent state of reproduction

> States are never finished as entities; the tension between the demands of identity and the practices that constitute it can never be fully resolved, because the performative nature of identity can never be fully revealed. This paradox inherent to their being renders states in permanent need of reproduction: with no ontological status apart from the many and varied practices that constitute their reality, states are (and have to be) always in a process of becoming. For a state to end its practices of representation would be to expose its lack of prediscursive foundations; stasis would be death. (Campbell, 1992: 11)

One of the dissonant voices among this literature is that of Abidazeh, for whom the creation of the *other* is not necessary for the formation of group identity: "It is one thing to say that identity presupposes *difference*; it is quite another to say that it presupposes an external *other*" (Abizadeh, 2005: 48).

The author does not reject the existence of practices of exclusion and antagonism, and even admits that collective identities are more easily formed by resorting to these phenomena. However, his conclusions also entail the idea of accountability, when he warns that "one must be careful not to redescribe the empirical phenomena in terms of conceptual or metaphysical necessity" (Abizadeh, 2005: 58-59).

The debate therefore escalated when we analyze the terms in which this construction is made: for Hechter (2000: 99) and Hechter and Okamoto (2001: 191), social identities tend to emerge when individuals are treated as members of a certain group, and start to identify with others treated in a similar way. The reason behind identification with groups is mutual dependence, which, in turn, arises from common situations and experiences. This identification tends to grow exponentially when that group feels threatened or stigmatized (Litvak-Hirsch *et al.,* 2008).

According to Petersson (2003), it is important to acknowledge that negative images of *others* are not inevitable: they are social constructs, whose rigidity and longevity are a product of the nature and frequency of interactions between individuals and groups. For Neumann (2006: 8-10), cultural differences are only relevant if they are presented as such, and he believes that the real danger lies, not in the objective existence of differences, but in the discourses that take them as constitutive of what we are and as central to the political and social life.

Thus, the construction of *us* by opposition to the *other* is unavoidable in our quest to know and understand the world, but it does not mean that images have to be necessarily negative or hostile. However, to perceive the *other* simply as different is empirically difficult, and processes of "othering" (the processes through which we construct the "other") often include a hierarchical and stigmatizing dimension. These processes, both formal and informal, can be found in all types of relations, including international relations: through the construction of other states as enemies, pariah, or, conversely, as exceptional and superior; or through the definition of policies motivated by perceptions of inferiority and superiority, which call for a differentiated treatment over individuals or groups (Buitrago, 2012: xi-xiv; Neumann, 1996; Jenkins, 1997:65).

The reasons leading to the exclusion of a community may vary, but they are often related to a discourse that turns a group into a threat to the interests and to the identity of other, to the point the one group might believe that the acquisition of rights by one of the parts can only be made at the expense of the other.

The demystification of identities becomes even more crucial when one faces situations of conflict, extreme situations in which identities are not solely a part of the conflict: in these cases, identities are shaped, reinforced and reinvented by the conflict itself. In these cases, conflict and ethnic categorization tend to find their way into the political system, through discourse, administrative and legal acts, resource allocation, or even the rejection of the existence of certain groups (Jenkins, 1997:71).

Furthermore, during conflicts the identification of individuals as members of a community assumes a greater significance. According to Kelman (1999: 588-589), a relationship of negative dependence between the two parts is created: besides the necessary promotion of one's identity, there is also the need to discredit the authenticity of the other's identity is made.

For Neumann (1995: 4), even if the debate around the "other" suggests a permanent flux of ideas, states play a crucial role, by establishing the limits around that same debate and rejecting *a priori* certain positions. For that reason, it is important to contemplate situations in which, even recognizing the political costs of exclusion, states choose to turn minorities into internal threats in order to encourage social cohesion among the dominant group.

As it has been proposed before and, especially, in Buzan's work, even if states are responsible for multiple communities, whose presence limits the range of available policies, they are still accountable for the way they choose to manage those differences.

> The weak state is not an inevitable or irreversible *status quo*: symptoms of weak state can be mitigated by policies of inclusion and the creation of a complementary political identity, which is open to all citizens of the state. Otherwise "so long as such states fail to solve their nationality problem, they remain vulnerable to dismemberment, intervention, instability and internal conflict in ways not normally experienced by states in harmony with their nations. (Buzan, 1983: 47)

Therefore, just as it is important to understand state- and nation-building processes, we also need to question the political use of the concept of "national security" and the transformation of identity as an object of security.

The atmosphere of insecurity felt in deeply divided societies also depends on the discursive work produced by leaderships. In order to understand the way this discursive process is developed, and in order to evaluate the populations' openness to this discourse, we will make use of the theory of securitization.

The Copenhagen School (CS) constitutes the most intense attempt to elaborate a constructivist approach applied to security studies (Huysmans, 1998a: 480; McDonald, 2008: 59), and has became popular for their theory that "the sense of threat, vulnerability and (in)security are socially constructed rather than objectively present or absent" (Buzan *et al.*, 1998: 50-51). The CS presumes that threat is not an objective condition, and that is subjected to a process of interpretation, which helps us to explain why not all risks are perceived as dangers (Campbell, 1992).

The securitization theory's main goals are to understand in which way threats are discursively constructed and explore how intersubjective processes about what is considered – and collectively accepted – as a threat work, especially at a time when security terms are no longer circumscribed to matters of military nature.

Unlike what was suggested by McSweeney (1996), the CS does not call for an expansion of the concept of security, but aims at offering an approach that explains the expansion of the concept in political discourse, especially after the 1980s. As Weaver (1995: 46-47) explains, this approach was propelled by the dissatisfaction with the traditional use of both the concept and the agenda of security. In other words, its goal is

to encourage us to part ways with the idea that security precedes security language, that threats can be objectively measured, and that the "more security" is always the desirable outcome.

The use of the term "national security" should not, therefore, be perceived as inevitable or politically innocent: political leaderships make regular use of ambiguous concepts, such as "nation", to describe issues closer to individuals' fears (e.g., their physical integrity or the ability to express their identity) as being under threat, and facilitate public acceptance of extraordinary, even extreme, measures. In other words, the conceptual ambiguity of the term "security" serves the purposes of those who practice state policies of security and has become convenient to implement some policies that otherwise would have to be thoroughly debated and justified (Buzan, 1983: 9).

By feeling the need to understand the uncontrolled used of the concept of "security", Buzan *et al*. retrieved the sectors previously identified by Buzan himself (military, political, economic, societal and environmental), and set out to identify referent objects of security other than the state (e.g., individuals, humanity, social groups) (Buzan *et al.*, 1998: 8).

The authors identified a continuum in the way issues are managed, going from non-politicization (when issues are not publically identified, debated or solved), to politicization and, finally, securitization, during which a certain matter is presented as a threat: securitization demands the adoption of emergencial measures, justifying actions outside of the regular political procedures, often escaping public debate (Williams, 2003: 213). As Waever reminds us, to make security is also a political process, and "politics is inherently about closing off options, about forcing the stream of history in particular directions" (Waever, 1995: 76).

According to the CS, the securitization process is initiated by a speech act, because to invoke security is the same as to practice security:

> We can regard 'security' as a *speech act*. In this usage, security is not of interest as a sign that refers to something more real; the utterance *itself* is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering 'security', a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it (Waever, 1995: 55).

The use of the term "security" contributes to the prioritization of some issues at the expense of others, and it can optimized if these are presented as existential threats. The terms in which a threat can be accepted as "existential" varies according to the referent object of security:

> If one can argue that something overflows the normal political logic of weighing issues against each other, this must be the cases because it can upset the entire process of weighing as such: 'If we do not tackle this problem, everything else will be irrelevant (because we will not be here or will not be free to deal with it in our own way).' Thereby, the actor has claimed a right to handle the issue through extraordinary means, to break the normal political rules of the game (e.g., in the form of secrecy, levying taxes of conscription, placing limitations on otherwise inviolable rights, or focusing society's energy and resources on a specific task). 'Security' is thus a self-referential practice, because it is in this practice that the issue becomes a security issues – not necessarily because a real existential threat exists but because the issue is presented as such a threat. (Buzan *et al.,* 1998: 24)

Nonetheless, the process is only concluded if the audience it was aimed for accepts this discourse. The security act is negotiated between securitizing actor and audience, throughout three steps: the identification of an existential threat by the securitizing actor (securitizing move), its reception by the audience, and the effects in the relationship between the units, following the abandonment of rules and the adoption of emergency practices (Buzan *et al.,* 1998: 25-26).

The fulfillment of some conditions enhances the reception of the discursive act. Some of these conditions are internal, such as the prioritization of the issue in the political agenda, the clear identification of the referent objects, and the generalized perception of an absence of alternative responses. External conditions are a by-product of the context in which the discourse is produced, such as the authority of the securitizing actor or the record of relationships with the object or subject defined as threatening. A successful speech act is therefore a combination of linguistic and social elements, and of the intrinsic features of discourse and the group who recognizes it as valid.

The securitization theory was not accepted uncritically, and was particularly attacked for the introduction of a societal sector (and the idea that societies can constitute a referent object of security). According to McSweeney (1996: 82), this innovation encourages the reification of collective identities for its excessive focus on the discursive act and the absence of normative concerns.

On one hand, the concepts introduced by Buzan *et al.* have dynamically evolved within the CS. On the other hand, post-Copenhagen School authors have chosen to address issues that had been previously neglected.

The introduction of a societal sector to the analysis emerged from the frequent construction of collective identities as referent objects of security, through, for instance, the abusive use of the "national security" concept, and the absence of an in-depth questioning over the identification of the "nation" as a security unit. Referent objects in the societal sector can be "whatever larger groups carry the loyalties and devotion of subjects in a form and to a degree that can create a socially powerful argument that this 'we' is threatened" (Buzan *et al*., 1998: 119).

The CS recognizes that it is extremely hard to establish fixed limits between existential threats and less severe ones, for collective identities evolve according to internal and external developments that, in turn, can be perceived either as natural or invasive. Similarly, The CS also acknowledges that national identities are often mobilized by actors in power positions (Buzan *et al.*, 1998: 22-23, 123).

While trying to explain the divide between societal and political security, Waever (1995: 66-68) argues that, whereas the first has ideas and practices that identify individuals as members of a societal group as referent objects, the later is linked to the organizational stability of states, systems of government, and their ideologies. However, he admits that the duality state-society is not linear: a society can, in certain moments, resort to the state for its own defense and this can lead to the reinforcement of one community at the expense of others. Furthermore, Buzan *et al*. had already stated that the nation can work as a referent object, but cannot be reified as a securitizing actor, because groups, movements, parties or elites act and speak in its name (Buzan *et al.,* 1998: 41-42).

For Huysmans (1998a: 489), issues of societal security have priority because the CS places the relationship between state and society at the centre of its research agenda: the introduction of the concept of societal security does not encourage the identification of certain threats and vulnerabilities. Instead, the goal is to provide an understanding of the relation between threat construction and the constitution of society, and its identity as a threatened object.

While replying to McSweeney's critique, Buzan and Weaver rejected the accusation that the identification of identity as a security object by the CS contributed to its reification. Thus, although they agree that identity is not an objective fact, but a product of a continuous process of negotiation, they argue that their motivation is to understand how identity is labeled and securitized:

> Security discourse always uses a symbol or a concept –as all other discourse, it is unable to grasp the thing or people as such. A label surely can be securitized. (…)If we want to understand the peculiarities of the branch of security policy that is conducted on behalf of identity, it is indeed helpful to investigate the inherent paradoxes of acting in defense of an identity which is never simply constant in itself, but always contains a longing for a desired self. Collective identities of this sort can never be more than a series of partially or temporarily successful, but ultimately impossible, closures. (Buzan e Waever, 1997: 244)

On the other hand, some authors have chosen to go beyond the speech act theory, by reinforcing the role played by audience and the social context. Others choose to question the public's ability to think critically about the credibility of threats, and the legitimacy of the use of exceptional measures, when confronted with an emergencial discourse (Jabri, 2006: 138-141).

For Balzacq (2005), for instance, the securitization process, as it was formulated by the CS, is a process with a fixed, strict functioning, where the speech act is seen as an attempt to convince the audience to accept a discourse on what it already knows about the world. As an alternative, the author proposes we look at securitization as a strategic practice, through the recognition of methods of persuasion (use of metaphors, emotions, stereotypes, gestures, etc.) and by paying special attention to facilitating conditions (e.g., context, psychological and cultural context of the audience, power relations between securitizing actors and audience).

With this proposal, Balzack (2005: 176) argues that is possible to take into account inequalities in security interactions and the influence of power relations in securitizing dynamics, which the CS had been unable to consider, due to its focus on the speech act. Methodologically, the mere analysis of discourse is no longer sufficient: an in-depth analysis of the agent's capacity, of the nature of interactions and of the social arena in which they occur are also necessary. In short, it demands a connection between discourse analysis and the real world:

> Since the audience is not fully informed, for instance, on the temporal proximity of threats, it usually relies on state officials' discourses because it thinks that the latter, who are the site of constitutional legitimacy, must have 'good reasons' to assert, in this case, that 'X' represents a threat to a state's survival. Of course, by virtue of 'good reasons' (i.e., the claim that they know more than they can say or the argument of secrecy) public officials would find it easier, compared to any other securitizing actor, to securitize an issue, primarily, because they hold influential positions in the security field based on their political capital, and have privileged access to mass media. (Balzacq, 2005: 190-191)

Despite the CS's excessive focus on the speech act, its authors had already recognized that the relationship between subjects is asymmetrical, and that is one of the reasons why some actors are in a better (power) position to become "security voices". Therefore, "to study securitization is to study the power politics of a concept" (Buzan *et al*., 1998: 31-32).

Another criticism often made to the CS is the absence of normative concerns and the fact that it presents itself as a purely explanatory theory. To some extent, this criticism stems from the explicit rejection by some CS's scholars that a threat can be identified as an objective security problem, on the grounds that this position would force them to take the place of the securitizing actor. By refraining from making that analysis, the CS moves away from critical security studies (Buzan *et al.,* 1998:34).

In Huysmans' (1998a: 489) and McSweeney's opinion, the most serious gap in the theory is related to the fact that it assumes that some identities and structures are deeply rooted. This is a problem rooted in the constructivist debates over the connection it attempts to establish with traditional theories (conventional constructivism) and critical theory (critical constructivism) (McDonald, 2008). By absorbing this contradiction, the CS neglects the constitutive relationship between securitization processes and the identity of referent objects (e.g*.,* society, nation).

However, this position has suffered some changes, and itis possible to identify a normative orientation in securitization theory. Firstly, the SC assumes securitization as a likely negative development that silences public debate over the securitized issues. That way, Buzan *et al.* call for the desecuritization of issues, and warn on the dangers of the idealization and unrestrained use of a security discourse, which. they claim, silences dissent and exploits "threats" for internal political purposes:

> Ideally, politics should be able to unfold according to routine procedures without this extraordinary elevation of specific 'threats' to a pre-political immediacy. (…) Desecuritization is the optimal long-range option, since it means not to have issues phrased as 'threats against which we have countermeasures' but to move them out of this threat-defense sequence and into the ordinary public sphere. (Buzan *et al.*, 1998:29)

For Waever (1995: 54-57), the securitization of an issue means that, in practice, the state and the political elites, who claim for themselves the right to maintain security, will act upon it in a special way. Ultimately, the CS claims that the goal should be the minimization of security, and not the expansion of the concept to the point that regular political problems are turned into security ones. The same happens when one tries to determine who speaks in the name of society, which, unlike the state, does not have institutions of formal representation:

> In practical terms, it is not a society itself that speaks but, rather, institutions or actors in society. Normally and traditionally, according to liberal contract ideology, it is the state that has spoken about security in the name of a presumed homogeneous, amorphous society that it allegedly represents, with what is assumed to be a clear focus and voice. The notion of 'societal security' might strongly imply that this homogenous, amorphous society now speaks on its behalf. But societies are, of course, highly differentiated, full of hierarchies and institutions, with some better placed that others to speak on behalf of 'their' societies. But 'society' never speaks, it is only there to be spoken for. (Waever 1995:69-70)

Against this background, we believe the most urgent question posed to the securitization theory is not the identification of its normative potential (which exists) but its development as a political theory of security, as proposed by Guzzini (2011: 331-332). In other words, the interest should be not only what security *does*, nor the context in which security problems emerge, but the role security plays in the political order. The same proposal was also advanced by Huysmans, when he suggested a reflection on security as a "thick signifier" and its role in shaping relationships:

> While conceptual analyses of security in IR assume and external reality to which security refers – an (in)security condition – in a thick signifier approach 'security' becomes self-referential. It does not refer to an external, objective reality but establishes a security situation by itself. It is the enunciation of the signifier which constitutes an (in)security condition. Thus, the signifier has a performative rather than a descriptive force. Rather than describing or picturing a condition, it organizes social relations into security relations (Huysmans, 1998b: 231-232).

Although Huysmans' proposal has been around for over 20 years, research over the motivations and functions of securitization has remained underpriviliged. Among these options, the possibility that political leaderships choose to institutionalize exclusion

and deprive internal *others* from participation in the community as a strategy of national consolidation has not been properly addressed, even if outside IR and Security Studies, many works suggest the existence of this link.

Has we have addressed before, the definition of our own identity always implies the rejection of the *other*'s identity as our own, for we define what we *are* in opposition to what we *are not:* it is easier for a group to agree on who *does not belong* than to establish criteria for identification. The securitization process, however, elevates this construction to another level, by turning the *other* into a threat. Therefore, it nourishes negative stereotypes, because (the perception of) the existence of an enemy is not compatible with the security of the majority (Petersson, 2008: 156).

Although social psychology has already shown that individuals' loyalty to a group is reinforced by the segregation and demonization of an internal enemy – who becomes a common referent – the application of these theories to national identities is far from reaching its full potential.

For Eriksen (1995: 425), despite being a volatile and dangerous process, the construction of the *other* as a threat can serve temporary purposes of internal cohesion. The author gives the example of Great Britain, and the political use of the Falkland war to face a deeply divided state. For Anthony D. Marx (2003: 21-23), the strategy was also used during the initial period of nation-building in Spain, when 80,000 Jews were expelled: political leaderships, confronted by internal opposition, manipulated and enhanced popular hatred against the Jewish community, and this antagonism served as the basis for a popular support that did not exist until then.

According to Rear, some states have shown problems governing over plural societies, leading political elites to initiate a process of ethnic mobilization that served as a distraction from the state's inability to meet popular expectations. In these cases, the legitimacy of the state was built on ethnicity, instead of its fulfillment of the common good:

> The use of ethnicity as an organizing principle for the state provides a powerful ideological basis for the mobilization of the members of society in defense of the ethnic state, which represents the tangible expression of the group's political identity. This mobilization is total. It may include a willingness on the part of the masses to serve in the armed forces in order to defend the new state. Alternatively, it may take the form of the adoption of military

> conscription. Likewise, there is likely to be a greater willingness to contribute economically to the support of the state whether through the assumption of heavy tax burdens for defense and/or the conversion of peacetime manufacture of consumer goods into wartime production of military hardware. Finally, the removal of ethnic rivals also facilitates the extraction of resources by would-be state makers through the expropriation of property left behind by members of the ousted community for use either by the state or by members of the dominant community. (Rear 2008: 93)

Petersson (2008: 160-161) offers the example of the use of the "tchetchen question" during presidential campaigns in Russia to hide several popular Russian concerns, such as separatism, economic crisis, and organized crime. For as long as the minority was described as a source of insecurity, the debate around these issues was never open. Jenkins (1997: 96), following up on his work on the exclusion of the Catholic minority in Northern Ireland, argues that the differences between Catholics and Protestants also served to construct a shared ethnic identity between Anglicans and Presbiterians.

For Lipschutz (1995: 8), if the collapse of identities can lead to the weakening of the State, then even solid-looking states are susceptible to those problems:

> For more than forty years, the United States knew it was *not* the Soviet Union, the Federal Republic of Germany knew it was *not* the German Democratic Republic, Israel knew it was *not* Palestine. Who or what, now, are these places? What defines then when the knowing enemy is gone? (Lipschutz, 1995: 8)

The most complex work on the construction of internal enemies was made by Douglas (1995), who sustained that "scapegoats", those that publically or privately are unjustly blamed for certain events, are essential to ensure that the group keeps functioning. Their existence and identification is a response to a need of self-preservation of the community. By making a genealogy of scapegoating processes throughout history, Douglas demonstrates how problems caused by poor governance, bad political calculations or even natural catastrophes are linked to certain groups.

In other cases, when society does not want to search for the true causes behind instability, look for individuals or groups they can blame: in other words, a myth of survival that assigns the blame for the problems and vulnerabilities of the group, not to the reality of its behavior, structure or social organization, but to elements that are perceived as foreign or different. The scapegoat thus becomes – especially during crisis – a diversion from reality.

The chosen victims (either individuals or groups) are generally perceived as weak or incapable to retaliate:

> While people may be tolerated in a society even though their behavior and personal characteristics are significantly different and thus somewhat threatening, they do not necessarily become scapegoats until and unless the society becomes frustrated by its inability to cope with some major crisis—that is, until the level of aggression becomes intolerable and has to be discharged. Then those who were disliked but tolerated become the victims of that aggression and are usually blamed for the crisis. (Douglas 1995:130)

Scapegoats are usually relegated to the periphery of the group of society, but never fully ostracized, for their function as scapegoats might be once necessary in the future.[24] In the case of scapegoated minorities their position is even more dramatic because they find themselves in a fragile position: their vulnerability, however, does not prevent their description as potentially powerful and dangerous (Douglas, 1995: 29, 110).

According to Holsti, "the idea is to build a stronger foundation for the 'right to rule' by excluding some over whom that rule is to be exercised". However, the author also warns that

> any state/regime, and the community over which rule is exercised, that bases legitimacy on exclusionary principles contains an inherent weakness. 'Others' will always constitute an actual or potential threat (as perceived by the rulers) to the integrity of the state and/or to the solidarity of its underlying community. (Holsti, 1996: 89).

The weak/strong states formula foresees states' accountability in the management of plurality and differences. Therefore, it is important to acknowledge that hostility is a variable and not a fixed condition, that multiple identities and loyalties can overlap (and, indeed, they do) in most societies, and that states' weakness is connected to the mechanisms of domination and social, economic and political injustice they have institutionalized, reproduced and naturalized.

In these situations, in which state leaderships feel threatened from within, their own culture turns into a culture of security, where the most obvious response is the use of cultural means "to reinforce social cohesion and distinctiveness and to ensure that society reproduces itself effectively" (Waever *apud* Roe, 2004: 289).

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[24] For Anthony D. Marx, this is one of the reasons why the physical removal of Jews did not offer, in the long run, a solid basis for national solidarity in Spain: "No other heretical group remained in Spain to become the new target of exclusion that might further bind the populace. Oddly, Spain's comparative peacefulness, relatively early exclusion, and resulting homogeneity left its populace less engaged, with homogeneity having just the opposite of the expected outcome" (Marx, 2003: 86).

The biggest difficulty faced by weak states is related to their incapacity to break away from the processes of social fragmentation they promote, leaving them in a vicious cycle. The state begins by recognizing its own fragilities and its inaptitude to create legitimacy and chooses the adoption of predatory practices that exploit the social divisions between different communities.

Nonetheless, any cohesion propelled by scapegoating is undermined by securitization itself, due to its demand for a continuous intensification of exclusion. This propels the reaction of the minority and accelerates its weakening: the bigger the exclusion of a group by the state, the bigger will be the identification of individuals with those treated in a similar way, for differentiated treatment tends to strengthen the identification of the marginalized group.

Not only images of enmity are hard to unravel, they tend to be self-reinforcing, creating a social reality that seems to confirm negative opinions. Therefore, ironically, the categorization and marginalization of these groups leads to the development of a group consciousness that, in the long run, leads to a "state strength dilemma":

> Everything it does to become a strong state actually perpetuates its weakness […] Their 'right to rule' is undermined by their actions, which are often discriminatory, short-range, and self-serving. The exclusion of important groups by denial of access to power or to resources helps destroy horizontal legitimacy and exacerbates social tensions. (Holsti, 1996: 117)

Furthermore, scapegoating becomes a pre-condition for the cohesion of society without offering true bases of unity. During following crisis, the state is pressured to identify and sacrifice the next victim, instead of finding a solution to its real problems.

If the time gained by the expedient is used to deal with the actual causes, then scapegoating might be beneficial. If, on the other hand, it becomes a self-sustaining and long-term crutch, the original causes will tend to persist (Douglas, 1995: 122-123).

For example, by referring to the Maronite and Protestant minorities in Lebanon and Northern Ireland, Crighton and Iver (1991) argue that, even if the institutionalized domination they benefited quelled their fears temporarily, it did not managed to eliminate the true origins of their insecurity: the fact that they are regional minorities, and the existence of external claims for the territory they occupied.

On the other hand, a second dangerous effect of securitization in these contexts should be considered: the continuous requirement for the prioritization of some issues (Waever, 1995: 74). By concentrating efforts and resources in the control of a minority, and demanding the popular support for extraordinary measures, state leaderships lose the ability to work on other fronts and to respond to other problems that, facing permanent neglect, might generate new tension points in the national project and aggravate the erosion of its legitimacy (Douglas, 1995: 132; Williams, 2011: 457):

> Less dramatic, but equally important, is the effect a lack of legitimacy has on the *degree* of cooperation, and the *quality* of performance, that can be secured from them, and therefore on the ability of the powerful to achieve goals other than simply the maintenance of their position. Where the powerful have to concentrate most of their effects on maintaining order, they are less able to achieve other goals (…) To that extent the purposes for which power is held will not be achieved, and this may lead in turn to a further erosion of legitimacy. (Beetham, 1991: 28).

2. ZIONIST PROMISES OF LIBERATION AND THE PALESTINIANS

2.1 ZIONISM: MAIN TENETS AND CONTRADICTIONS

In the last quarter of the 19th century, Zionism invented "the Jewish people". Despite the fact that the *Hovevei Zion* (or Lovers of Zion), an amalgam of organizations promoting Jewish immigration to Palestine, was created in 1884, as a response to Russian pogroms, it was by the hands of Theodor Herzl that the movement started to gain momentum, both in ideological and in international support for the cause.

The Zionist movement emerged in Central and Eastern Europe, following exhaustive debates about the meaning of Jewishness, Jewish identity and what place Jews could and would take in the modern world. It was both a response to persecution and to the processes of secularization and Jewish *Haskalah* - the Enlightenment process through which Jewish individuals and communities were starting to integrate in distinct European societies – or, more specifically, by a growing awareness of its limitations.

Since the 1860s Jewish nationalism was heavily influenced both by 18th century European rationalism and 19th century European nationalisms:

> The example of other peoples, national aspirations, the tension between Jews and gentiles, messianic views expressed in secular terms, secular Jewish self-understanding strongly tinged by Jewish traditional values, a sharp anti-assimilationist position - all together, a vigorous and continuing Jewish peoplehood consciousness influenced by modern European concepts. (Friesel, 2006: 288, 291)

From the onset, Zionist ideologues had to tackle the mission of weaving different communities, with different experiences, living in different locations, into a single "collective biography". This was done by constructing the idea of a Jewish nation – the collective consciousness or awareness of being a people – around the themes of unity and continuity: in other words, by applying the "organic principle of collective wholeness and the teleological principle of historical linear progression" (Ram, 2011: 7; *cf.* Zerubavel, 2002: 115). Despite spatial dispersion and periodical separation between the Jewish nation and Zion, the Jewish people was believed to have preserved a common identity and called to become aware of that fact.

According to Ben Zion Dinur, a teacher born in Ukraine who would become a member of MAPAI[25] and later Minister of Culture and Education of Israel between 1951 and 1955, exile had not torn the "complete and unbroken unity" of the Jewish nation, which had remained "a distinctive organic entity" throughout the Diaspora (Dinur, 1969 *apud* Ram, 2011: 17).

The same theme can be found in the works of a Russian Jewish historian, Simon Dubnow:

> Each generation in Israel carries within itself the remnants of worlds created and destroyed during the course of the previous history of the Jewish people. The generation, in turn, builds and destroys worlds in its form and image, but in the long run continues to weave the threat that binds all the links of the nation into the chain of generations. (Dubnow, 1911 *apud* Friesel, 2006: 287)

Dubnow was nevertheless skeptical about Zionism and, in 1905, was the founder of a Jewish political party, the *Folkspartay*, whose aim was to strengthen Jewish institutions and ensure the political representation of the Jewish national group within Russia. Dubnow's ambivalent position towards Zionism was not at all foreign among Jewish thinkers and communities at the time.

Until the Holocaust, the Zionist movement had to compete with other ethnic-based orientations and movements. At the same time, pre-Zionist Jewishness was based on communal and cultural identification, without the political imperative of mass immigration and the establishment of a state.

The most prominent of these Jewish-based movements was the Bund (or the General Jewish Labor Bund), a Jewish socialist movement founded in the Russian Empire in 1897. The Bund claimed cultural autonomy for the Jewish people, but argued that this could only be achieved within democratic states (namely those that would have emerged from the end of the tsarist empire). The Bundists felt that territorialism (as advocated by Zionism) would not solve the problem of Jewish oppression, because the further development of capitalist society would increase the tensions between national groups inhabiting the same territory. Instead, they subscribed the idea that the right place for

[25] MAPAI, or the Workers Party of the Land of Israel, was a party founded in 1930, following the union of two centre-left parties: Hapoel Hatzair (The Young Worker) and Ahdut HaAvoda (Labor Unity). MAPAI was the most dominant political party in Israel, and was also in control of the Histadrut. In 1968, MAPAI, Labor Unity (which had split from MAPAI in 1954), and Rafi merged into the Israeli Labor party.

Jews was where they already lived (Perlmutter, 1969: 38; Dieckhoff, 2017: 275; Farber, 2017). As Vladimir Medem succintly described the Bund's goal of cultural autonomism, "It is territorial autonomism with a change in the territorial principle" (Medem, 1904 *apud* Perlmutter, 1969: 37-38).

These divisions were not simply matters urged by an intellectual debate, as different Jewish communities and individuals felt compelled to react in different ways to the opportunities brought by Emancipation and new forms of persecution. Ram (2011: 13-14) and Dowty (1998: 35) emphasize the new challenges posed by Emancipation, and the replacement of religion by citizenship as the main reference point, which left the Jews wondering if the path to integration was really open when some states continued identifying with a single nationality:

> Exclusive nationalism gave rise to a new and more vicious ethnic anti-Semitism, which for many nullified assimilation as a solution to the problematic position of Jews. When religion was the criterion, Jews a least had the option of conversion. But one could not convert to a new ancestry; consequently, even the most thoroughly assimilated Jews were not totally accepted by the new hypernationalist European societies […] Thus the achievement of political sovereignty was seen not only as an inherent right but also as a necessary response to the position of Jews as an exposed minority in Europe and elsewhere. (Dowty 1998: 37)

The idea of Jewish self-determination when faced with the unwanted results of Emancipation[26] was born with Herzl, himself an advocate of assimilation until confronted with the Dreyfus affair, an event he was covering as a journalist in Paris:

> We Jews have maintained ourselves, even if through no fault of our own, as a foreign body among the different nations. In the Ghetto we have taken on a number of anti-social characteristics. Our character has been damaged through oppression and must be repaired through some sort of pressure. As a matter of fact, anti-Semitism is a consequence of the emancipation of the Jews. The peoples around us who lack an historical understanding – in a word, all of them – do not see us as an historical product, as the victims of earlier, crueler, and still more narrow-minded times. (Herzl, 1956: 9)

Moreover, Herzl considered that the decision to assimilate or to remain a foreign body in European societies was not voluntary, but a result of external pressure:

> We might perhaps be able to merge ourselves entirely into surrounding races, if these were to leave us in peace for a period of two generations. But they will not leave us in peace […[Thus, whether we like it or not, we are now, and shall

[26] Jewish Emancipation refers to the process initiated in the late 19th century during which numerous states in Europe have began to eliminate the barriers placed to Jewish participation and granted equality and full citizenship rights to Jewish individuals.

> henceforth remain, a historic group with unmistakable characteristics common to us all. (Herzl, 2010[1896]: 25)

The path to Zionism – or the acceptance of Herzl's argument - was not as straightforward as one might think from Dowty's work. Along with Zionism, Ram (2011) identifies four other trends: a secular-individual option, aiming for assimilation, sustaining Judaism was merely a religious affiliation; a secular collective option, pursuing autonomy, which argued for the maintenance of a culturally autonomous Jewish community, while urging Jews to integrate as equal individual citizens; a religious-individual option, based on the idea that Judaism is an historical religion, able to adapt to changing situations, and seeing no contradiction between Jewishness and citizenship(s); and, finally, a religious-collective option, or Orthodox trend, based on the rejection of modernity or of any changes in the situation of Jewry that were not caused by divine intervention or guidance (Friesel, 2006: 295), while pushing for a reaffirmation of religious values and traditions. In spite of arguing that Jews were a people united by religious culture and rabbinical authority, Orthodox rejected the political (and territorial) implications of Jewish nationality.

Zionism came much later into the debate, and its popularity among Jews in the beginning of the 20th century is usually exaggerated for political purposes in the Israeli-Zionist narrative. Up until the end of the Second World War, Zionism was confronted by these Jewish alternatives or even outright rejections both by non-observant Jews, who preferred acculturation, and by the ultra-orthodox, who considered the movement and its aspirations a violation of Judaism. Anti-Semitic persecution, in all its forms, led Jews to give preference to America and other regions instead of Palestine and, in 1939, only around 3% of all Jews had chosen Palestine, and a significant part of those were non or anti-Zionists. Regardless of Zionist narrative, Zionism only gained momentum with the Balfour Declaration, in 1917, and later on with Nazi persecution and the Holocaust (Dowty, 1998: 35; Friesel, 2006: 298; Abulof, 2014b).

However, it was Zionism that transformed Jews into a historical-territorial political agent, or a nation, by inserting the right of the Jewish people to its own state into the universal principle of self-determination. Therefore, the growing interest on the return to Zion or to *Eretz Yisrael* represented a shift from ethnicity-based to ethnicism-based views of the Jewish people, which soon grew into diverse movements, one of

which was Zionism. Zionism can thus be considered only one – even if the most fertile - of the many faces of Jewish nationalism.

The theme of Jewish peoplehood is the starting point for Theodor's Herzl manifesto, *The Jewish State*, published for the first time in 1896, and considered the most important text of early Zionism:

> I think the Jewish question is no more a social than a religious one, notwithstanding that it sometimes takes these and other forms. It is a national question, which can only be solved by making it a political world-question to be discussed and settled by the civilized nations of the world in council. We are a people – one people. (Herzl, 2010[1896]: 8

In contrast to other orientations and platforms, Zionism's central tenet is that a "compact and viable Jewish life and tradition" could never be maintained "within the framework of a modern society outside of Palestine". Remaining in Diaspora meant that Jews would cease to exist, either by cultural annihilation (integration) or by physical destruction, due to modern society's incapacity to accept a non-assimilating *other* (Einsestadt, 1967: 117).[27]

In the State years, the Holocaust was used to support the Zionist cause, showing its urgency and validity, and as a proof that an Israeli state would be the final solution for a long history of persecution. According to Bar-Tal and Antebi (1992: 256), Jewish "siege mentality" was one of the bases upon which Zionist ideology developed and was afterwards absorbed by the Israeli state.[28] By looking at Jewish history as a continuous history of persecution, Zionists concluded that anti-Semitism was a global and permanent phenomenon, which could not be fully understood or explained, or solved by assimilation.

This unexplained hate towards Jews discussed by Bar-Tal and Antebi is one of the sources from which stems the image of a unique Jewish people propagated by Zionism. Abulof (2009: 236-237), while examining Israel's existential uncertainty, contends that the Holocaust still plagues the community's collective memory and behavior, and that the idea propagated by Ben-Gurion that "Israel faces security problems unlike those of any other country" is still very much alive in Israel's all-encompassing security agenda.

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[27] In many ways Zionism's fundamental belief that Jews are metaphysically unique beings unable to assimilate stems from European anti-Semitism.

[28] The Israeli calendar is therefore full of holidays that memorialize Jewish people persecution and attempts of annihilation, such as Passover.

Meanwhile, this image of uniqueness and singularity is openly celebrated and regularly used to justify controversial policies or reactions.

Amir Bar-Or (2010: 267) shows how the Zionist movement managed to create the idea of liberation and revitalization of the Jewish people and draws a distinction between other historical conquests and Zionist conquest of Palestine, as the later is "a conquest that may be likened to a genesis".

In his *Memoirs*, Ben-Gurion expressed the same idea: "The heart and soul of our movement is not based on the might of the arm […] our movement derives its sustenance from the deepest roots of humanism and morality". The myth of an inherently peaceful Jewish people, who abhor violence, was later incorporated in the IDF slogan as the "most moral army in the world".

Likewise, Ben-Gurion insisted that "only the Jews loved the land for itself, have worked it, improved it, made it theirs through their care of it […] Israel is ours in the twentieth century, not because we fought wars over it, but because we settled it" (Ben-Gurion, 1970: 26-27; Bar-Or, 2010: 276).

This myth of a peaceful and benevolent colonization was supported by another idea, that of an empty or barren land. In his memoirs, the idea that "there was nothing here" or "there were no others" (Ben-Gurion, 1970: 26) coexisted with the absolute rejection of Zionism as a form of colonialism, as "the local Arab population, by the way, has been the first to profit from our development" (Ben-Gurion, 1970: 71).

In an entry befittingly called "The Bible is our Mandate", Ben-Gurion's opinion on the contributions of Palestinians to Palestine are even clearer:

> From the time the Jews ceased to rule here, no other people were able to make anything of Israel. This is not a 'patriotic' or metaphysical statement on my part but cold fact. Only in the Jewish hands has this country been a true and viable independent State […] Whenever the Jews have been sovereign in Israel, the earth has burst forth with life. And each time they have forsaken it, it has withered and lain barren. (Ben-Gurion, 1970: 113, 115)

Along the same lines, in 1921, David Gordon, a member of the Zionist's Labor movement inquired:

> And what did the Arabs produce in all the years they lived in the country? Such creations, or even the creation of the Bible alone, give us a perpetual right over the land in which we were so creative, especially since the people that came after us… did not create anything at all. (Gordon, 1921 *apud* White, 2012: 5)

This type of thinking is not circumvented to political, military and religious discourse, and can also be found in academia. While trying to explain the *Yishuv*'s success story, both Horowitz (1989) and Sandler (1997) choose to emphasize the work ethic of Jewish settlers, their ability to organize, grow and intensify the community autonomy.

Horowitz downplays the ideological differences within the *Yishuv*, and Sandler ignores the strategy of conquest of the Israeli state-building efforts by focusing on territorialization (the gradual transfer of the Zionist movement's centers of power from Europe to Palestine). Both, however, emphasize Jewish unique task of building a State, in contrast with Palestinian apathy, mostly guided by traditional sectarian politics and the incapacity of Palestinian leaderships to establish clear goals.

Ruth Gavison (2010: 53-54), for instance, while recognizing that the myth of an empty Palestine was an important pillar of Zionist legitimization, openly states that the Jewish settlement differs from other colonial endeavors for the reason that "Jews came to Palestine because it was going home for them, even if one does not think that history gave them historical or religious rights to the country". At the same time, when Zionism became politically active, Jews were not a majority in any territory of the world, so the dislocation and injury inflicted to Palestinians meant that a more robust justification was needed than the usual used by modern claims for self-determination was needed.

While trying to show how Israel can manage to retain its Jewish character and still be democratic, Gavison stresses that being Jewish is a "unique combination" and that Israel has a "*sui generis* nature" that defies analogies and comparative analysis. She justifies her position arguing that "Judaism is almost the only known religion that is not multinational" (Gavison, 1999: 55)[29]. By placing Israel in a unique category, and by conflating Jewish religion with a Jewish state, Gavison shuts down any debate or analysis on the implications of its Jewish nature and self-definition on the quality of democracy.

Israel's distinctiveness can also be attached to the fact that it identifies itself as being, not only a Jewish State, but also the State of the Jewish people. In 1970, academic

[29] Ben-Gurion had already expressed the same idea: "If the Bible is one main pillar holding up the Jewish ethos, the other (and equally important one) is nationhood. The uniqueness of the Jewish people and of Judaism consists in this: no other religion is connected with the physical existence of a nation. Remove Jewish history and there is n Judaism" (Ben-Gurion 1970: 21).

Eliezer Schweid, writing for the World Zionist Organization, explained what made Israel different from other states:

> As a Zionist state, the State of Israel, contrary to other states, must regard itself as the State of a people the majority of which is not concentrated within its borders. As a Zionist state, it must bear the responsibility for the security, well-being, unity and continuous cultural identity of the Jewish people. (White, 2012: 9)

Despite the fact that Zionism is presented as a secular movement, which seems to be confirmed by its initial rejection among religious Jews, the symbiotic relation between Zionism and religious Judaism is at least debatable.

First of all, the fact that Zionism relied on primordial factors was particularly severe as Jewish religion was the only common denominator between the diverse Jewish communities. Religion is still nowadays the criterion determining the frontiers of Zionist society and of *nationality* in Israel, even if cultural variation and differences in religious practices persist among different groups (Shuval, 1962: 323; *cf.* Barzilai and Shain, 1991: 349; Pehdazur and Yishai, 1999: 115). By offering a common external enemy, the gentile, and dividing the world between Jews and all the *others*, religion also gave a deterministic character to the Israeli-Arab conflict (Kimmerling, 1993: 414). However, the endurance of these commonly held religious symbols and beliefs were not enough to overcome deep schisms and state leaders are still on the search to overcome the dislocation suffered by Jews once they moved to Israel.

Second, the choice of the movement's target territory for Jewish settlement – Palestine – carries a profound religious Jewish symbolism, which was unavoidable for the legitimization of the movement and Jewish right over that land. Zionism was forced to link modern mass Jewish immigration to Palestine to the idea of a Jewish national revival, redemption and repatriation. In other words, Palestine was not chosen for political or economic reasons, but for its messianic role (Kimmerling, 1993: 414; Dowty, 1998: 42; Coskun, 2010: 289; Ram, 2011: 35)[30].

[30] On the disagreements among Zionists on which territory they should settle see, for instance, Waxman (2006: 19-20) description of the sixth Zionist Congress in 1903. During the congress, Herzl proposed the delegates to accept an offer made by Great Britain to establish a Jewish state in Uganda. This proposal was supported by West European and religious delegates (the latter group opposing settlement in Palestine due to their religious beliefs. However, this proposal was rejected by the Russian delegation, then led by Chaim Weizmann, who claimed that only Palestine – due to its symbolic role in Judaism – could be the territory chosen for a Jewish state.

Even if Herzl and most members of the movement were not particularly attached to Jewish traditions, their followers in Eastern Europe were, and so Zionism had to look for selected elements in Judaism and reinterpret them to serve a political purpose: "Against Palestine is its proximity to Russia and Europe, its small size, as well as its unaccustomed climate. It its favor, the mighty legend" (Herzl, 1956: 40-41).

Sandler (1997: 685) goes as far as to say that the choice of territory was simultaneously a source of inspiration and a focus of authority, while trying to pinpoint out the reasons for the success of the *Yishuv*: "It was the ethnonational attachment that sanctified the work of the pioneers in the Land of Israel rather than the socialist ideology and value system."

Sorek and Ceobanu (2001: 480) attempt to show how Israel is the perfect example of a conscious use of religious symbols and memory in the construction of a national identity. Despite the fact that this is common in nation-building projects, where religious and secular interpretations of national identities abound, Zionism had to face early on the challenge of secularizing Judaism while simultaneously attracting Jewish settlers to Palestine. For these authors, the challenge was not met neither by Zionism nor Israel, but Cohen (1989: 87), while arguing that the State's conflict with its Palestinian minority is not expressed in a religious idiom, asserts that Zionism managed indeed to secularize Jewish themes and symbols, emphasizing their historical meaning. Dowty is more open about the role played by Judaism on the Zionist project:

> It was unrealistic to believe that a Jewish state could be established without reference to four millennia of Jewish history. Tradition supplied Zion itself as the focus of Zionism; even for the most secular of Jews, only Palestine had the power to mobilize the imagination of would-be settlers. (Dowty, 1998: 43)

Ram adopts a more conciliatory approach. In his opinion, the Bible fulfilled two roles in the Zionist national tradition, both by linking Zionism to Jewish history and culture and enabling Zionism to forget Jewish Exile (*Galut*) (Ram 2011: 21). By overlooking two millennia of Jewish history or portraying it as a mere pause in the history of the Jewish people, Zionism was then able to describe Zionist settlement in Palestine in terms of Return and progress:

> In the dominant perennialist or essentialist nationalist approach in Zionist historiography and schooling, Jewish-Israeli identity is not presented for what it is – an 'imagined community', and invented tradition, a narrated nation – that is as a *historical contingency*, but rather as a realization of the nation's innate

> *historical destiny*. The Zionist movement is (self-) praised as the heroic carrier of this predetermined goal, but not as a positive generator of it. Zionist settlement is considered a 'realization', the immigration to Palestine or Israel is called *Aliya*: an act of elevation, and the acquisition of territory is considered its *geula* 'redemption.' Such expressions confer upon the Zionism movement the image of a carrier of a trans-historical mission, rather than viewing it as a historical agent which proposed to Jews a new identity. (Ram, 2011: 27)

The curriculum set up by Dinur, once he became Minister of Culture and Education in 1951 appropriated the Bible for an attempted secular national education, which would create the new Hebrew or Israeli, as opposed to the corrupted, weak *galut* Jew. Albeit secularized, the Bible remained "the foundation book of the culture of Israel" (Ram, 2011: 21).

Moledet[31] studies, available in Jewish schools even before the creation of the State, encouraged Jewish children to think about Israel's natural features and the history of Jewish society, and to establish emotional ties between them and their motherland. In Israel, *moledet* studies were often linked to the study of the Bible, for its combination was thought to "tighten the connection to the country and foster the consciousness that this corner of the world was dedicated to the child and his nation-mates" (Ram, 2011: 21-22). Ichilov *et al.* (2005: 31) add that Geography also emphasized Zionist's realization of the right of Jews to return to their ancestral land. Nurit Peled-Elhanan (2012: 106) notes, on her work of analysis of Israeli school books, how biblical verses are still casually inserted in scientific texts in order to endow them with the sanctity of the Bible and its divine truth, which cannot be disputed.

By using the Bible as an authoritative historical source, supported by Israeli-Jewish archeological endeavors, Zionism is able to assert Jewish presence and dominance in that territory and foster a "cult of continuity". Consequently Zionist narrative manages to create a narrative according to which Jews, no matter their origin and religious practices (which vary from community to community) constitute a natural nation.

This overuse of the Jewish religion to link the nation to the land, even if some authors considered to be done at least in partially secularized terms, suggestively supports Kimmerling's claim that there is an intrinsic problem with the legitimacy of the existence of the Israeli collective, who relies almost exclusively on religion to justify the

[31] *Moledet* is the Hebrew word for one's own motherland. Not necessarily the country of birth, in the Israeli case, Zion is considered the *moledet* of every Jew.

“right to the land”. The more severe the problem of legitimization becomes “the more the entire system has tended to gather about and fall back on religious symbols” (Kimmerling, 1985: 155). Even if we accepted that Zionism is not based on metaphysical or theological doctrine, as Bar-Or (2010: 274) argues, its goal was to give to the Jewish people the same right as other nations, so that religious doctrine and symbols played an essential role in advocating that same right.

The same opinion is shared by Abulof (2014b), who claims that the intensification of religion’s role in political legitimization is an answer to the ongoing delegitimization of Zionism: “Entangled in the ethnical-political triangle of the people, the land and the book, Zionism has resorted to all the aforementioned modes of legitimation” (Abulof, 2014b: 523-524).

Even if the author argues that “sacred legitimation” (e.g., the Jews “chosen people”) was usually instrumentalist, exploited for political projects, biblical legitimation was often used by secular Jews. While trying to deconstruct the idea of Israeliness, by presenting how multiple national identities coexist inside the Israeli state, with various degrees of popularity, Regev (2000) claims that among religious groups the emphasis is placed around Jewishness, instead of Israeliness, and shows how this has a strong presence in the construction of historical myths and narratives, ideology and public culture, especially after the 1967 war.

As an example, while the Israeli Declaration of Independence makes no references to God, it praises the Jewish people for giving the world the “eternal Book of Books” and it was signed “with faith in the Rock of Israel” (*Tsur Israel*), a biblical phrase used as a metaphor for God.

In 1949, while discussing with its aides the conditions for the armistice agreements he would sign with Arab countries following the 1948-1949 war, and arguing that peace should not come at any price, Ben-Gurion resorted to religion to justify its position: “As for setting the borders – it’s an open ended matter. In the Bible as well as in our history there are all kinds of definitions of the country’s borders, so there’s no real limit. No border is absolute” (Ben-Gurion, 1949 *apud* Segev, 1986: 6).

The use of religious images and parabolas in Ben-Gurion's *Memoirs* are used for various reasons. First of all, to encourage the idea of Jewish continuous connection to the Land of Israel, while denigrating Palestinian similar claims to the land: "Our title is older by a matter of four thousand years" (Ben-Gurion, 1970: 116). In this sense, he argued, the presence of Jews in Israel nowadays is Messianic, for the "restoration of sovereignty is tied to a concept of Redemption" and a secular vision of the Bible is possible to reaffirm the postulate of the Jews as a Chosen People (Ben-Gurion, 1970: 122).[32] Rejecting Arabs' claims that the Palestinians were paying the price for European anti-Semitism, Ben-Gurion added:

> We are here in this place because of Abraham and Moses, Joshua and David, the Maccabees, the Prophets and our history. We are because this land is ours. And we are here because we have made it ours in this time with the work we have put into it. Nazism and our history of martyrdom abroad do not concern our presence in Israel directly. (Ben-Gurion, 1970: 166)

Religion was also used to justify Jewish – and Israeli – moral superiority (*Amsagolah*), as well as their "self-appointed mission as thinkers, questioners and formulators":

> *Amsagolah* doesn't mean 'special' or 'superior'. It has the connotation of 'unique' and also one of its meanings might be expressed by the phrase 'higher virtues'. We might say that Moshe's message from God could thus be summed up: 'The Jews must be a unique nation in that they should embody the higher virtues.' […] *Amsagolah* implies an extra burden, an added responsibility to perform with a virtue born of conscience and to listen to what Elijah later called 'the still, small voice'. (Ben-Gurion, 1970: 127, 177-178)

Ben-Gurion's thoughts are filled with contradictions on his relationship with religion, a contradiction that stems Zionism's problems of legitimacy and extreme dependency on Judaism and that he recognizes: "The one thing they all have in common is their Jewish tradition. Far from allowing that tradition to be diluted we must emphasize it strongly as we integrate these disparate groups into our Israeli society". Despite saying he is not religious, as the majority of the founders of the state weren't, and that he rejects theology, Ben-Gurion goes on saying that the single most important book of his life is the Bible, which he quotes several times. Secularism, he says, threatens knowledge

[32] "The message of the Chosen People makes sense in secular, rationalist and historical terms when turned around to describe an act of selection by Abraham and successor of a God they had formulated. In other words, first came man, then his gods. This does not decrease the power of the Jewish God to work for good, nor the validity of the Bible's message of righteousness". (Ben-Gurion 1970: 124)

in Israel as well as the affinity of Jews with the land, the Bible and Hebrew, “the pillars whereon the condition of being Jewish rests” (Ben-Gurion, 1970: 121, 163).

Zionism and the orthodox establishment

Despite Zionism’s reliance on the religious factor and the need of the movement to conquer at least the approval of Jewish spokesmen - the Orthodox rabbis - the relationship between the Zionist movement and the Jewish religious establishment in Europe was initially of great distress, based on the rabbis’ theological argument that the creation of a state rejected the hope for a Messianic Redemption, and challenged the religious uniqueness of the Jewish people. By aiming for the establishment of a secular Jewish state, Zionism was not seen as part of a Redemption process, because a secular Land of Israel was seen as deviance from religion and tradition and from the epitome of Exile (Friedman, 1989: 178).

This opinion lingered even after the Holocaust and the creation of Israel among some religious circles. The Agudat Yisrael, created in Poland in 1912 by Orthodox Jews, from different orthodox congregations who rejected Zionism, believed that an Israeli state was the most extreme manifestation of Jewish exile, or “an exile among Jews”. The movement’s goal was to serve as a bulwark against the new Jewish national identity and Zionists, which they considered to be “hornets’ nests of aggressive heresy and atheism, shaking the very foundations of traditional Judaism” (Segev,1986: 240).

Moshe Scheinfeld, one of the party’s founders would go as far as to blame the Holocaust on Zionism, for it not only impeded the victims’ rescue, but also because “always cynically exploited Jewish Holocaust victims, most of whom were observant Jews, to establish a secular state in the Land of Israel” (Friedman, 1989: 197). Scheinfeld’s goal was to repudiate the Zionist and Israeli portrayal of Holocaust victims as “Exile-minded Jews”, responsible for their own fate as they went to their deaths “as lambs to the slaughter”.

The Agudat Yisrael’s position did not reflect the position of all religious Jews towards Zionism, although it is true that from the onset religious Zionism had problems justifying its cooperation with the secular Zionist movement and its institutions. The more the movement portrayed itself as secular, the more the rabbinical authorities felt pressed

not to give their approval.[33] Perhaps even more important is the fact that the British Mandate gave an important advantage to the Orthodox, by supporting the creation of the Orthodox Rabbinate, in 1921, which has become the religious authority for the Jewish community in Israel, and has jurisdiction over matters of personal status issues, such as marriage and divorce, but also over conversion and immigration.

The difficulty of religious Jews to endorse the Zionist movement was mostly due to the inherent contradiction in the movement. Even if it presented itself as a secular movement, aiming for the creation of a secular state, the chosen territory was considered the Holy Land. For religious Jews, the new Jewish society settling in Palestine was on its way to become the only fully secular Jewish society, with no commitment to Jewish law, the *Halacha***.** From this point of view, religious Judaism perceived this new society as a revolt against Judaism, and as big a threat as the Haskala movement, which they also opposed (Friedman, 1989: 169; Dowty, 1998: 41).

The only way cooperation could be sustained was within a context of a religious-utopian mentality that learned to embrace secular Zionism as a partial "return" to the Jewish faith, to be completed once the Land was resettled by Jews. The secular Zionist movement was then seen merely as a phase in the whole process of Redemption. Instead of considering Zionism as an invalid, nonreligious means to bring Redemption, religious Zionism re-imagined secular Zionist settlers as "audacious" individuals "fulfilling a divine mission in the process of Redemption" (Friedman, 1989: 171; Waxman, 2006: 21). This revision destroyed the harmonious – even if strict – structure of orthodox Jewish thinking and ripped apart consensus among religious authorities towards Zionism.

Once again, it was the rise of Nazism in Germany and later on the Holocaust that propelled anti-Zionist religious movements to get on board with the Zionist movement, as Eastern European Jewry, which sustained the Agudat Yisrael, became the community who suffered more losses. The concept which started being used around 1937, among religious Zionists, was the hazy term of "advent of Redemption" (Waxman, 2006: 21).

[33] Shlomo Sand argues that the opposition of Jewish religious authorities to Zionism was not guided by moral imperatives or humanist identification with the Palestinians. Instead, he says, "they [religious authorities] understood that Zionism represented, in the end, a collective assimilation to modernity, and that worship of the national soil, expressed in a new secular faith, would supplant devotion to the divine" (Sand, 2014: 75-76).

Therefore, it was during the 1930s, with the rise to power of Hitler in Germany, and a Palestinian revolt in the making, that some of Agudat Yisrael's leaders began cooperating with Zionist institutions. It was this cooperation that encouraged the creation of the Neturei Karta, a religious group that to this day opposes secular Zionism and calls for the dismantlement of the Israel state (Segev, 1986: 239-240)[34].

Until the UN Partition Plan, approved in November 1947, Agudat Yisrael remained in an ambiguous position, rejecting the idea of a Jewish state but not openly opposing its creation. In short words, it was still a non-Zionist movement, but was no longer anti-Zionist. As Friedman (1989: 183) puts it, the preferable solution for the group would have been the establishment of political rule without Jewish sovereignty over the territory. This ambiguity allowed the group to encourage internal debates about alternative plans, such as the prolongation of the British Mandate or the creation of a Jewish-Arab federation, while simultaneously engaging in negotiations with Ben-Gurion, in an attempt to shape the nature of the future state.

The negotiations served in the first place the interests of the Zionist movement, who wanted to present a united front during the visit of the United Nations Special Commission for Palestine (UNSCOP)[35] delegation, in charge of the Partition Plan, but they also served the Agudat Yisrael, who wanted to ensure the minimum living conditions for the Orthodox Jews to live in a secular state.

The negotiations culminated with the famous "Status Quo letter" signed by Ben-Gurion. In it, Ben-Gurion attempted to placate the Agudat Yisrael's fear that the Orthodox Jews would not be able to live in a secular State, by meeting some of the demands earlier presented: the recognition of *Sabbath* as the official day of rest, the following of kosher dietary laws, autonomy in education, orthodox control over matters of marriage and

[34]Segev argues however that Neturei Karta and Agudat Yisrael were closer than it seemed in their position to Zionism, despite the former's accusation that the latter was trying to pass the State of Israel as the first step towards Redemption. While it is true that Agudat Yisrael favored Jewish immigration to Palestine, in order to create an autonomous religious Jewish community, Segev sustains that the movement remained anti-Zionist and did not deny the legitimacy of the Jewish Diaspora (Segev, 1986: 241).

[35] The UNSCOP was created in May 1947, following a request made by the United Kingdom to the United Nations to provide recommendations concerning the future of Palestine. The commission met with representatives of the Zionist movement in Palestine and the USA, but it was boycotted by the Arab Higher Committee. In the report presented in September 1947, UNSCOP proposed the partition of the Palestinian territory into two (one Jewish, one Arab) states.

divorce, and freedom of religious conscience (including the freedom to organize in separate orthodox communities).

The document signed by Ben-Gurion was also ambiguous: no promises were made in any of these points, and he made sure that even while ensuring the autonomy of a religious education system that the State would enforce the minimum compulsory general studies. Both parts agreed that if the Zionist movement wanted the Orthodox leadership to support the creation of the State, and even take part in the first government, new negotiations would have to be held.

Nevertheless, the "Status Quo agreement" set up a precedent and the accommodation of this community's demands still affects Israeli politics until today. Most importantly, the electoral growth of the religious parties has curtailed the state's ability to take initiatives in non-religious issues, and gives these groups a leverage to expand religious jurisdiction. Their growing presence inside Israel's political arena also places them in a better position to recruit supporters in the United States, forcing Israel to deal with the struggles of American Jewry, but also intensifying struggles within the Israeli system, such as the definition of the boundaries of the community and matters of conversion (Kimmerling, 1989a: 256). As Migdal concludes:

> They [Orthodox] have helped make Israel a strong state with a weak government. That is, the state has had high relative success in implementing the social and fiscal policies, the rules that it has adopted, but it has increasing difficulty in coming to decision about which rules of the game should obtain in society. (Migdal, 1989: 25)

The creation of the State produced a new "Jewish reality", full of contradictions that neither Zionism nor Jewish religion were prepared to respond to (Kimmerling 1989a: 237), but that were promptly addressed by Yeshayahu Leibowitz, a Latvian-Israeli orthodox scientist in a series of articles published in 1954, emphasizing the tension between the eagerness for a Jewish state and the reality of a secular one. In his opinion, while religious Zionists were in favor of a state ruled by the *Halacha*, their leaders didn't have halachic responses regarding the functioning of a modern state. Whereas until then the Jews constituted a minority in different states, they could rely on services provided by non-Jewish society during *Sabbath*. Furthermore,

> The traditional Jewish conception does not recognize or relate to a sovereign Jewish state at any state prior to the coming of the Messiah. Hence it lacks the tools and conceptual system enabling satisfactory adaptation of *Halacha* to the

> realities of a modern Jewish state and operation of its vital services. (Friedman, 1989: 194)

As a consequence of the negotiations between the Zionist movement and religious groups, and the concessions that came out of that debate, State and religion have not been separated in Israel. Not only Israel is defined as a Jewish state, other questions, such as "who is a Jew?", became central political issues. Its definition over the years became increasingly restrictive, due to the concessions made to the Orthodox community and the fact that religious parties are recurrently needed to form viable government coalitions.

While the "Status Quo agreement" was required to show a united front once the state was established, religious expansionism, mainly from the 1980s onwards is seen as threatening for many Israelis, who consider their capacity to manipulate the political agenda to be out of proportion to the size of their voting constituencies (Shuval, 1989: 226-227).

2.2 THE CREATION OF THE STATE

According to Sandler (1997: 668-669), the *Yishuv* (the Jewish community which emigrated to Palestine between the end of the of 19th century and the creation of the state, and launched the the bases for the Israeli state) was functioning as a polity or as a state in the making even before its international recognition, and was a creation of the "indigenous Jewish population", a state building process from within. While ignoring that the Jewish community who built the modern *Yishuv* in Palestine was not part of the indigenous population in that territory, Sandler goes on to argue that the Jewish state's institutional framework was concluded before the Great Arab Revolt of 1936-1939, ignoring the role played by the British Mandate in its construction.

While recognizing the role played the Zionist Movement in the creation of the state, Kimmerling (1993: 399) urges us to look on how the foundations of the State were launched by the British Mandate, who managed to set a minimal state which, ensuring that both communities (Jewish and Palestinian) remained familial associations. It was also the British who were responsible for the establishment of a judicial system and its implementation, the creation of a modern system of bureaucracy and the implementation of collective services (roads, communication networks, post, education,

health services, etc.). The same opinion is shared by Migdal (1989: 11), for whom the "British early encouragement and latter sufferance of the building of central Jewish institutions contrasted sharply with their policies in most of the empire".

Although the *Yishuv* is mainly presented as an all-inclusive pre-state structure, informed by socialist ideology and concerned with the ingathering of the exiles and the need to integrate Jewish mass immigration from different locations, several authors show how the *Yishuv* was exclusionary in its nature, especially when it came to the Palestinians. Peled and Shafir (1996: 398), for instance, were able to demonstrate how the *Yishuv* was shaped by the Jewish-Palestinian frontier struggle, and constituted as an ethno-republic community, where the fulfillment of Zionism became a shared moral purpose.

Israeli historiography tries do demarcate the Zionist experience from other colonial experiences, by presenting it as a Jewish return to Palestine[36]. A recurring theme with Herzl, including the correspondence he maintained with some prominent figures of the time, was the benefits the creation of a Jewish would bring to humanity, to European states, and even "many other over-burdened and oppressed beings" (Herzl 2010[1896]: 7). Friedman (2006: 301), however, points out how Herzl managed to gather the support of European powers by tying historical perspective or the idea that Jews had a right to an independent political life, with practical logic, as a Jewish state would solve the problem of European anti-Semitism.

This commitment to Zionism is deeply attached to the idea of pioneering (*chalutziyut*) and the redemptive nature of Jewish pioneers' (*chalutz*) activity, which consisted of physical labor, agricultural settlement and military defense. The pioneer was meant to be guided by self-sacrifice and the readiness to be deprived of immediate material comforts for the sake of the collectivity's future and wellbeing.

It is worth noting that the Israeli *Sabra* was shaped to convey all the qualities embodied by Ashkenazi Jews. This portrayal did not necessarily correspond to reality but, as the civil religion of the *Yishuv*, it would set the basis for the discrimination not only between Jews and Palestinians, but also among different Jewish communities, who were thought to contribute differently to the Redemption process.

[36] An in-depth analysis and deconstruction of Zionist arguments on why Zionism did not constitute a colonial project will be provided in the last section of this chapter.

Bar-Tal and Antebi (1992: 251), while focusing on the persistence of a siege mentality in Israel, suggest another possible explanation. While not referring explicitly to pioneering as a by-product of Israel's siege mentality, they suggest that the collective feeling of standing alone against a hostile world forces Israelis to hold no expectations regarding help from outside, accentuating the need for self-reliance.[37] This was a self-serving strategy for Zionism: by looking at Jewish history as an ongoing persecution, the failure of assimilation strategies during the Exile showed the urgency of a definite alternative for what seem to be an irrational, universal and permanent phenomenon.

The ideal of pioneering as an act of Redemption in (and of) the land (*Ge'ulat Hakarkai)* was also deeply connected to the idea of the "Ingathering of the Exiles" and the rupture with the Diaspora (*shliat ha-golah*). In Ben-Gurion's words, Jewish power was "rooted in the soil and labor" and the Israeli nation was to be built from different Jewish tribes. Once they reached the new state, it would be necessary

> To melt down the debris of Jewish humanity which is scattered throughout the world […] in the melting-pot of Independence and national sovereignty. It is necessary to create a Hebrew character and style, which did not exist, which could not have existed in the Diaspora, among a people without a homeland, without Independence and national freedom. (Ben-Gurion, 1949 *apud* Segev 1986: 292)

In his view, what he calls the "rebirth of Israel" had already in the 1870s with Jewish immigration from Eastern Europe and Russia, and remained an ongoing project, especially in the desert, the Naqab, where he lived during his early years in Palestine, and "where we have to do everything ourselves, from scratch" (Ben-Gurion 1970: 18).

According to Zionism, and more specifically Labor Zionism, Jews had been performing unnatural economic roles and professions, and their return to Israel would encourage them "to build and to be built in it", to "work the ground and [let] the ground work on us", in a dialectic relationship:

> If the spirit of Israel is to endure, pioneering must go on. That is another reason why Jews should come here […] The Jews today have the opportunity missed by so many generations in exile. They can follow the prophets who demanded that Israel be two things: that it represent a covenant between all the Jews so as to strengthen their cohesion, as a people and that its mission also be to act as an example, 'a light unto the nations', for all mankind. For me, pioneering is setting the example and there can be no higher Jewish ideal than creating from this

[37] The same association is made by Einsenstadt (1967: 118-119).

> bare, besieged little land a rich and enduring way of life. (Ben-Gurion 1970: 28-29)

A pamphlet from the Jewish Agency (JA),[38] dated from 1949, presented the same message:

> In the lands of the exile the Jewish people was denied the privilege and joy of suckling at the breast of the soil, of merging its soul with the soil. Strange and alien, hated and persecuted, the Jew moved around the world mentally harassed and spiritually embittered. The whole Jewish people was an invalid, an abnormality, and it is therefore its greatest ambition that the major part of the people should be rooted in the soil of the Homeland (Jewish Agency, 1949 *apud* Segev, 1986: 293).

The discredit in the exilic history of the Jewish people is also influenced by anti-Semitic descriptions of European Jews, simultaneously powerless and manipulative, helpless and materialistic, or extremely religious[39]. In fact, even Herzl accepted this portrayal of Jews whose character, he argued, had been deformed by Christian oppression and had become "Ghetto creatures, quiet, decent, timorous" (Herzl, 1956: 38). On a letter to Maurice de Hirsch, a German Jewish business who had sponsored Jewish settlement in Argentina, Herzl complained that Jews had not the capacity to understand his project:

> I shall try to do something *for* the Jews – but not *with* them […] Our political lethargy clearly betrays the degeneration of our once vigorous race. I would be derided – or suspected of God knows what commercial schemes. I should have to wallow in disgust – and I am not ready to make this sacrifice for the Jews. They are incapable of understanding that a man can act for other motives than money; that a man can refuse to be dominated by money without being a revolutionist (Herzl, 1956: 26-27).

Ben-Gurion (1970: 21) also believed that Jewish spiritual life had become increasingly impoverished during the Exile, to the point that the Jews accommodated themselves to the "cocoon of the ghetto civilization" and to a condition of permanent exile.

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[38] The Jewish Agency was established in 1929 as the operative branch of the World Zionist Organization in Palestine. Its predecessor was the Palestine Office, and its goals were to represent the Jews of Palestine in their dealings with Ottoman authorities. The main goal of the Jewish Agency is to foster the immigration and absorption of Jewish immigrants in Israel. Initially, along with the Jewish National Fund, the Jewish Agency was involved in the purchasing of Palestinian land and the creation of centers of absorption and the establishment of Jewish towns and villages in Palestine. Nowadays, the organization is responsible for attracting Jewish (namely young) immigrants, particularly through programs such as Taglit-Birthright, which organize free of charge temporary trips to Israel for young Jews from around the world.

[39] In their research, Lomsky-Feder and Ben-Ari (2010: 282) also argue that the "weak, effeminate body" of the Diaspora Jew versus the ideal of "man-the-warrior" played a significant part in the normalization of war and military service in Israel. Erel Shalit (1994: 416) had previously argued how Zionism emphasized a "mystique of violence", by rejecting what was seen as weakness and helplessness.

In contrast, the New Hebrew (*Sabra*) was "young and robust, daring and resourceful, direct and down-to-earth, honest and loyal, ideologically committed and ready to defend his people to the bitter end" (Zerubavel, 2002: 116).[40] Politically, the transformation of the *Yishuv* into the political core of Jewish life would also put a stop to the fragilities of the Diaspora. More importantly the creation of the State was presented as a pre-determined result of all Jewish history, the cradle of a "truly creative Jewish life" (Ben-Gurion, 1970: 22), leaving the Exile period to a mere preparation for this stage:

> Jews should come to Israel. In the Diaspora they cannot really be Jews without an artificial self-consciousness and tension that disappears completely from their lives once they arrive here (…) We offer a full Jewish life and a full human life, which, if not richer economically than elsewhere, promises greater spiritual fulfillment. (Ben-Gurion 1970: 24)

The construction of the New Hebrew and what was thought to be the period of Jewish revival required simultaneously individual and collective efforts: not only a growing rejection of Hebrew names associated to the Diaspora (such as Abraham, Isaac, Jacob, Sarah, Rachel) and the adoption of others, associated with the Hebrew roots in the land (Tamar, Amos, Uri, Uzi), but also the change of the names of public places, also alluding to Biblical times, the introduction of the Hebrew calendar (Cohen-Almagor, 1995: 469-470), and the rejection of Yiddish and other "Ghetto languages" (Herzl, 2010[1896]: 87) or "languages of humiliation" (Ben-Gurion, 1970: 27).

As it always happens in processes of nation-building, education was an important instrument in the construction of this new collective: in the curriculum adopted by the first government, the Diaspora and all it entailed (mixed marriages, conversions, the cultural variants of the different Jewish communities) was downplayed or described on a negative note. This trend still prevails in nowadays' Israeli textbooks under the guise of text, maps and images as Peled-Elhanan (2012: 93) shows.

The rejection of the Diaspora is by itself one of Zionism's contradictions: not only the existence of a state required the economic and diplomatic support of a strong Diaspora, for as long as the majority of Jews still live outside of Israel, the Israeli state

[40]Ben-Gurion preferred to reject the Diaspora mentality by focusing on the historical context that led Jews to complacency than on the character of the Diaspora Jews themselves. In his *Memoirs,* he would call for a rupture with the "material, political, spiritual, moral, and intellectual dependency that resulted from living in an alien environment, minority status, lack of homeland, and separation from natural resources such as soil, labor, and economic creativity" (Ben-Gurion, 1970: 265-266).

remains "the Diaspora". Moreover, substantial sectors of the Jewish people – as well as extremely organized Jewish movements – still reject Zionism due to assimilation but, most importantly, for ideological reasons. Without this source of legitimacy – the idea that all Jews would want, at some point in their lives, to make *Aliyah*[41] and become Israeli citizens-, the only remaining sources of legitimacy are those anchored in Judaism and primordialism.

Furthermore, while nation-building always entails a process of remembering and forgetting, Zionism looks at almost two millennia of Jewish existence as an aberration, condensed into an unrefined narrative of "from dispersal to redemption".[42] Ram (2011: 26) concludes that "After 100 years of Zionism, it requires a feat of imagination to perceive that Zionism in fact denied the reality of Jewish life and proposed an imaginary alternative to it." We would add that, even if Zionism and the creation of the state are perceived as a revolutionary process in the history of Jewish people, the use of ideas that are deeply entrenched in traditional Jewish thought, such as *galut,* as an attempt to attract broad sectors of the Jewish people, made the disconnection impossible from the beginning.

2.3 THE PALESTINIAN NAKBA

Under the "new republican civic virtue", *mamlachtiyut*, the process inaugurated by Ben-Gurion of state centralization, in 1948, the State was to keep its commitment to the values of pioneering, and shift from partisan interests to general interests. Shafir and Peled (1998: 416-417) note that the *mamlachtiyut* process did not mean a rupture with the pioneering ethos or the settlement project; it merely legitimized it under the guise that the State would treat its citizens according to their presumed contributions to the common good of the Zionist collectivity.

Segev notes as well that prejudices towards Diaspora Jews were transferred to the new state, as the new government tried to screen what they thought to be the "good immigrants" among the massive waves of immigrants and refugees Israel was meant to

[41] *Aliyah* is a theological term, used for the first time in the Hebrew Bible, which means "ascent".

[42] Peled-Elhanan (2012: 7, 9) observes that Zionist narrative also denies the existence of any meaningful life in Palestine during the same period. The negation is therefore twofold, concealing simultaneously Jewish life in Diaspora and Palestinian life without Jews.

take in the next decade. In fact, As Eliezer Kaplan, former Israeli Minister of Finance, explained, "workers and fighters" and those who were ideologically committed to Zionism were needed in Israel, but the mentally ill or physically weak – many of those refugees from European concentration camps - were not welcome (Kaplan, 1949 *apud* Segev, 1986: 117).

The same explanation can be used to analyze the ambiguous attitude of the Zionist movement and the first state leaders towards the Holocaust. Not only there was an attempt of psychological distancing[43] (Zerubavel, 2002: 118), but also the debates among Ben-Gurion's government show rejection towards Holocaust survivors who were not deemed fit to build the state.

Even if a genuine readiness to sacrifice individual welfare for a collective purpose might have existed since the third *Aliyah* (1919-1923) - the first one considered to be driven by ideological motives - this readiness coexisted with the individual's desire to pursue a good, comfortable life, even if at the expense of others, mainly the Palestinian community. As Segev (1986: xviii, 78-79) concludes, those who built the *Yishuv* and became the first Israelis were "no more virtuous or idealistic than those who came after them" and, in many cases, the prosperity of the settlers fell into a grey area, between outright robbery and official expropriation of Palestinian belongings and properties.

The initial position of the Zionist movement was to exclude Palestinian workers altogether, whose wages were considerably lower, from Jewish employment structures. Zionism's strategy, established as early as 1905, was that of a "conquest of labor", or the "conquest of all occupations in Palestine by Jews". This strategy partially failed because Palestinians were a relatively cheap and a large labor force, looking for seasonal work in the Jewish settlements. In contrast, Jewish workers were used to a higher income and were searching for year-round jobs in agriculture, a sector the vast majority of them was not acquainted with.

[43]Zerubavel claims that although the Eichmann trial, in 1961, became a turning point for Holocaust memorialization in Israel, it was only after the Yom Kippur war, in 1973, that Israelis have shown more interest in the Holocaust and growing sympathy towards its victims. Furthermore, he believes that the enduring effects of collective trauma around these events also constitute a challenge to the mythology of the Sabra and a test to the bracketing off the past (Zerubavel, 2002: 119, 136).

The shift to a closed off job market to the Palestinians only happened with the creation of the Jewish National Fund (JNF)[44] and the national trade union, the Histadrut.[45] Along with the Jewish Agency, created in 1929 to assist with the absorption process of immigrants, these three organizations have helped protecting the Jewish character of the State for the benefit of its Jewish population, taking over the powers usually belonging to the State, even if they remain private or parastatal organizations. For Ben White (2012: 35), the State is aware of the advantages these bodies bring, for instance in the management of lands only available for Jewish settlement, for they facilitate discrimination in a way that conceals state involvement[46].

Thus, as Peled and Shafir succinctly put, despite "the celebrated universalism of Zionist pioneering, the newly founded Jewish economic sector was actually based on practices of exclusion" (Peled and Shafir 1996: 399; *cf.* Ram 2011: 79).

The boycott of Palestinian labor was developed hand in hand with the idea of "Hebrew work" (or *Avoda Ivrit*), the idea that the Jewish community should live off its own work. Because Palestinians were considered a cheap labor force, and because until the 1930s Ashkenazi Jews were still not considering Palestine a suitable country to settle in, Zionist authorities began to focus on getting Mizrahi Jews to immigrate to Palestine. Mizrahi Jews were, according to the Zionist movement, used to non-intellectual and non-urban work and easier to satisfy, two traits that placed them in a good position to

[44] The Jewish National Fund was created in 1901 to facilitate the purchasing of Palestinian land for the purpose of Jewish settlement. However, as Meron Benvenisti (2007) sustained, the vast majority (2 million dunams out of 2.5 million) of the land owned by the JNF in 1949 had been lands abandoned or confiscated from the Palestinians, which were then sold by the Israeli state to the organization in 1949-1959. By doing so, Ben-Gurion transferred the ownership of lands that were not the property of the Israeli state to a non-governmental organization that was, however, controlled by his party, MAPAI. As of 2017, 13% of the country's land was owned by the JNF (Peretz, 2017).

[45] The Histadrut, Israel's National Trade Union, was founded in 1920 by Ben-Gurion. Despite the fact that, in 1959, the Histadrut began accepting Palestinians as members, they were confined to its Arab Department (later called Integration Department). Moreover, along with the other state and quasi-state bodies, it works as a social control mechanism, aiming to "pacify Arab activists and neutralize the influence of Rakah (the Israeli Communist Party)" (Zureik, 1979: 129). Since the liberalization of Israeli economy in the 1980s, the Histadrut has been reduced to a trade union, no longer owning or controlling the country's largest enterprises.

[46] The same had already been acknowledged by the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights, in 1998, when they argued that Zionist organizations chartered under private law (i.e., World Zionist Organization/Jewish Agency, Jewish National Fund) are authorized to control most land in Israel and benefit exclusively the Jews. Furthermore, the Committees argued, the State could not divest itself from its obligations even after privatizing governmental functions (Masalha, 2005: 49).

compete with the Palestinians. Even if the vast majority of Mizrahi Jews only immigrated to Palestine following the creation of the State, during rescue operations organized by the state, Jews from Yemen went to Palestine even before the 1st World War, between 1910 and 1914 (Shohat, 1988: 14; Massad,1996).

The opposition to Mizrahi immigration inside the Zionist movement was nonetheless great. While Jewish immigration before the creation of the state was mostly composed of Ashkenazi Jews, who brought with them capital (both financial and educational), most of the immigrants who arrived after the Declaration of Independence, both from European refugee camps and North African and Middle Eastern countries, were described as destitute and with no-skills compared to the established Jewish population (Segev, 1986: 297). The conditions in which they arrived helped sustain the idea that Ashkenazi Jews were creative individuals, fit to build a state, whereas Mizrahim were seen as "natural workers" with "minimal needs":

> The visionary dreams of a Zionist Jewish state were not designed for the Sephardim. But the actual realization of the Zionist project in Palestine, with its concomitant aggressive attitude toward all the local peoples, brought with it the possibility of the exploitation of the Sephardi Jews as part of an economic and political base. (Shohat, 1988: 16)

The discrimination towards North African and Middle Eastern Jewry started therefore long before the creation of the State, even inside MAPAI. The Histradut, in charge of the agricultural sector, the *kibbutzim*[47] and the major industrial unions would ensure that Ashkenazim were placed in the management positions, while forcing the Mizrahim to take on the manual work and condemning the community to a position of underdevelopment. As Shohat (1988: 17-21) points out, the Labor Party and the Histadrut

[47] The *kibbutz* (or *kibbutzim*, in its plural form) is a form of collective settlement in Palestine. The first *kibbutz*, Degania, was established in 1909 in what it is nowadays northern Israel; by 1947 there were already 150 *kibbutzim*. The *kibbutz* movement attempted to fuse together the ideals of egalitarianism and socialism with Zionism and Jewish nationalism: *kibbutzniks* (members of the *kibbutzim*) enjoyed joint ownership of property, economic equality and cooperation in production (Assi, 2016). Furthermore, all income generated by the *kibbutz* and by its members would go to a common fund, used to run the collectivity, to invest, and to guarantee "reciprocal and responsibility between members" (Jewish Agency, 2019). Currently there are still 274 *kibbutzin*: the vast majority is located inside the internationally recognized borders of Israel, but 20 of those are located in the West Bank and the Golan Heights. Despite the fact that the population leaving in *kibbutzim* is less than 2% of the total population of Israel, their population has been growing since the 2010s: in 2014, for instance, *kibbutzim's* population grew 3% (Lubell, 2015). As Achouch and Morvan (2012: 4-5) demonstrated, however, whereas the original *kibbutzim* were based on the ideas of "social justice founded on equality and collective ownership in its allocation of space", these spaces have also suffered transformations to the point that some of them have become privatized.

held the monopoly of a socialist narrative, and it was this socialist-humanist discourse that masked this dialectic of exploitation of the Mizrahi community. Likewise, even though the mythological *Sabra* was imagined and portrayed to reflect Ashkenazi's values, culture and aspirations, only 3% of the individuals living in rural and border areas were of Ashkenazi origin.

The confrontation with a diverse immigrant Jewish society shattered the possibility of having the *Sabra* representing little more than the descendants or European pioneers (Zerubavel, 2002: 116-117). The road to "Zionist socialism" and the development of the Jewish sector would have not been possible without the economic exclusion and near destruction of the Palestinian economic sector (along with the exploitation of non-European Jews' labor). Jewish industrialization destroyed the small Palestinian industries (e.g., soap, textiles, olive oil), and flourished at the expense of Arab consumers, without absorbing Arab workers.

The conquest of labor was accompanied by another of the State's canons: the acquisition and conquest of land (*kibbus haadama*). Bernstein and Swirski (1982: 66) estimate that around 40% of the capital of Jewish communal organizations during the Mandate period was spent on the purchase of land and agricultural settlement. Nevertheless, until the end of the Mandate, only around 7% of the land had been voluntarily sold to the Jewish Agency, at an inflated price.

From the onset, Zionism had to face the internal contradiction that its project for the creation of a Jewish state conflicted with the existence of an Arab, thus non-Jewish majority. It was the ethnic cleansing of Palestine that allowed the creation of a Jewish majority (Masalha, 2005; White 2012: 11). According to data provided by the Israeli Central Bureau of Statistics, in 1946, the Jews comprised only 30% of the population living in Mandatory Palestine (543,000 out of a total population of 1,810,000). By 1948, the year of the creation of Israel, despite no significant increase in the number of Jews (716,000), Jews became 82,1% of the total population. Almost 80% of the Palestinian population was driven out from the territories occupied by Israel in 1948, whether by psychological or physical warfare (White, 2012: 11).

The 1948-49 war provided the security, military and strategic explanation to purge the Jewish state of the vast majority of Palestinians, and is at the forefront of the

Israeli refusal to grant Palestinians the right of return even nowadays. From the onset, it was clear that the expulsion and escape of Palestinians during the war benefitted demographically the Jewish community, and that the return of refugees was not on the table, as Foreign Minister Moshe Sharett stated only a few weeks after the start of the war:

> The most spectacular event in the contemporary history of Palestine, in a way more spectacular than the creation of the Jewish state, is the wholesale evacuation of its Arab population. The opportunities opened up by the present reality for a lasting and radical solution of the most vexing problem of the Jewish state, are so far-reaching, as to take one's breath away. The reversion of the *status quo ante* is unthinkable (Sharett, 1948 *apud* Segev, 1986: 29).

Sharett's position was shared by Ben-Gurion, who set up a "Transfer Committee",[48] whose conclusions dictated that Arab refugees were not to be allowed in the state due to economic and security reasons: not only their "rehabilitation" would impose an extra burden on the economy, there was also the possibility that they would become a "fifth column". The possibility of transference of Palestinians kept being considered as the ideal solution until the 1960s, when the residents of Kafr Qasim remained in the village after the 1956 massacre[49] (Segev, 1986: 30; Ghanem and Mustafa, 2011: 182).

The expulsion of the Palestinians in 1948 was never acknowledged by Israeli leaderships, who often refer to it as a "voluntary exit" or one which is merely a result of war times. For instance, in his *Memoirs*, Ben-Gurion rejects Israel's accountability on the Nakba:

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[48] The "Transfer Committee" was composed by Yosef Weitz, head of the Jewish National Fund, Zalman Lifshitz, surveyor and cartographer, and Ezra Danin, secret advisor.

[49] The Kafr Qasim massacre was carried out by Israeli border policemen on the 29 of October of 1956, the first day of the Suez Crisis. Due to the escalation of tensions between Israel and Jordan, the village of Kafr Qassem, situated next to the border with the West Bank (then under Jordanian control) was placed under curfew. Palestinian villagers – 51 men, women and children -that were returning that night from their work, and who had no knowledge that a curfew was in place, were shot by IDF soldiers. While 8 of the 11 officers involved in the massacre were put on trial and convicted, by 1960 they had all been released, after having their sentences commuted by Ben-Gurion. As of 2018, most of the material pertaining to the trial of the officers remains classified, despite the efforts of the families of the executed, who believe that the massacre was part of "Operation Mole", a plan to expel the Palestinian inhabitants from the Little Triangle region. According to the Military Prosecutor, "any additional revelation of the minutes from the Kafr Qasem trial, beyond those that the public can already examine, will harm the security of the state, its foreign relations, and in certain cases will certainly compromise people's privacy and well-being, precluding release of the material from a legal standpoint" (Aderet, 2018; Aderet, 2018b; Aderet 2016b).

> As the Prime Minister of the period, I can state absolutely that this country never by any official act expelled an Arab innocent of plotting against its security […] During the War of Independence our troops had to enter some Arab villages and hunt for munitions' stocks and armaments. That I consider a legitimate action, unpleasant to all concerned but legitimate (Ben-Gurion 1970: 167).[50]

While arguing that all excesses are unjustifiable and even "less excusable when committed by Jews than by anyone else because of our humanist traditions", Ben-Gurion considered these operations against the Palestinians as legitimate because of the state of war. The War of Independence, in Zionist mind, along with other conflicts, is portrayed as a period of exception, when all excesses were deemed acceptable – even legitimate. Moreover, the harassment of Palestinians is described as an "unpleasant" event, a sensation that, according to him, was shared equally by the harassed and the harasser. As Peled-Elhanan (2012: 221) demonstrates, the same state of mind prevails nowadays, in Israeli school books, as massacres committed during the founding period of the country are inserted into Israeli collective memory in a "digestible way", as the pain inflicted on them (the Palestinians) is tolerable for it prevented a much greater pain from being inflicted on the Jews.

Despite the fact that Plan Dalet – the military strategy developed by Haganah to conquer Palestinian territory within the borders allocated by the Partition Plan to a Jewish state[51] - was implemented as early as March 1948, around 160,000 Palestinians remained inside the borders of the State, and many of those – around 25,000 according to official records - became internal refugees or internal displaced,[52] leaving Israel with the task of preventing their return to their villages and the reoccupation of their lands once the war was over.

As the idea of transfer (or even "voluntary" transfer by military pressure) was a recurring theme within the Zionist Movement and the first government of Israel, the resistance shown by some Palestinians to leave their homes and lands became a blind

[50] Since the 1990s, with the emergence of the New Historians in Israel, the direct involvement of the Israeli state in the expulsion and displacement of Palestinians has been confirmed. This research has been mostly led by Ilan Pappé, Benny Morris and Nur Masalha, and focuses not only during the period of open conflict, but also on the adoption of Plan Dalet, implemented by the Haganah (the strongest Jewish paramilitary group during the British Mandate), since March 1948.

[51] The ultimate goals of Plan Dalet are disputed. The most cohesive work made on this strategy is by Ilan Pappé, in his book *The Ethnic Cleansing of Palestine* (2006).

[52] The Israeli state does not recognize the term refugee (*palit*) when it concerns the Palestinians in Israel.

spot for the Israelis. As Toft (2012: 33) explains, "because the Zionists were emotionally tied to the land of Israel, they assumed that no other group could possess the same passion of attachment as they did". This idea is still present in the Israeli belief that while Jews have rights *to* the land, Palestinians can only strive to have conditional rights *in* the land.

Twenty years after the creation of Israel, Ben-Gurion still maintained the same attitude, and the lack of attachment between the Palestinians and their land was a recurring topic in his memoirs, and one that served to demean the Palestinian national movement, which he described as "individualistic and rooted to a piece of small personal property":

> The Jews are known to fight with passion, with all the strength they possess. Each Jewish soldier has a deep personal commitment to defending this country which is its home and the only one he knows he will ever have. The Palestinian Arab shows no such emotional involvement. Why would he? He is equally at ease whether in Jordan, Lebanon, or a variety of places. They are as much his country as this is. And as little. He doesn't really think in terms of countries! […] Certainly to compare the 'nationalist' outlook of Palestinian Arabs to the Jewish ideal of Israel doesn't make sense. It's like judging oranges in terms of lemons. (Ben-Gurion 1970: 118-119)

Even if the unwanted presence of these Palestinians was seen as a threat to the existence of Israel as a Jewish State, those who remained in Israel became automatically a socially and politically weakened community, deeply affected by the exodus of the Palestinian *intelligentsia,* and the majority of their middle and upper classes (Ghanem, 1998; Al-Haj, 2004: 110; Lowrance, 2005: 491). Rabinowitz (2001: 65) describes them as a "trapped minority", part of a nation stretching across two or more States that became marginal twice: "once within the (alien) state, and once within the (largely absent mother nation". For Ghanem and Mustafa (2011: 183) and Migdal (2001: 176), this community's fragilities were already exposed before 1948, with the process of "proletarization", or the forced transference of the Palestinian *fellaheen* (peasants) into nonagricultural, unskilled and semiskilled wage labor.

The formal policy of the Israeli State designed to deal with the Palestinian presence was determined by three main factors: the democratic character (or image) of the State, its Jewish-Zionist nature, and security considerations. When a conflict between these principles arose, the latter too gained greater relevance at the expense of democracy. Unlike the accommodation of the religious minority, which entailed

negotiation and concessions, the arrangements pertaining to the status of the Palestinians in Israel were all along decided by the Jewish majority, leaving no room for Zionist concessions.

One of the strategies adopted earlier on by the Israeli State was the erasure of these Palestinians and their villages from official records, maps and statistics. Their status as internal refugees was not explicit in formal records and they are registered as belonging to the villages where they sought refuge, not where they came from. Meanwhile, the names of Palestinian villages were quickly replaced by Hebrew names and their houses were occupied with 140,000 –160,000 Jewish settlers (Segev, 1986: 76). Until recently, most of the Palestinian villages situated *inside* the Israeli territory were not depicted on the maps used in Israeli textbooks, even if outposts and settlements situated *outside* the official borders were (Peled-Elhanan, 2012: 115-116). This process of hebraization of the country and its physical landscape should also be seen as an act of conquest.[53]

However, the presence of 160,000 Palestinians could hardly be hidden for long, so measures of control, surveillance and containment were developed, which in turn encouraged the shift from a narrative of invisible Palestinians to that of an apathetic Palestinian minority. The myth of Palestinian apathy has been used to explain *Yishuv*'s success *vis-à-vis* the failure of a similar Palestinian project, but also to justify the seemingly quiet posture of Israeli Palestinians towards the State.

Sandler (1997: 681-683), for instance, argues that Palestinians were too sectarian, unable to form modern, territorial-wide parties, establish clear collective goals or able to prioritize their interests, which were subordinated to other Arab States' interests. This apathy, he argues, persisted in the years following the creation of Israel, during which Palestinians never struggled for a State in Gaza and the West Bank. The same opinion is partially shared by Rabinowitz (2001: 77), to whom Palestinians in Israel display chronic ideological and political internal divisions.

[53]According to Ben-Gurion, the removal of Arab names was made for "reasons of State", because the new State did not recognize Arabs' "political proprietorship over the land so also we do not recognize their spiritual proprietorship and their names" (Ben-Gurion, 1949 *apud* Ram 2011: 100-101).

Cohen (1989: 73-74), while comparing Israel and Thailand, argues that one would expect the Israeli Palestinian community to display a greater tendency than the Malays in Thailand for an irredentist, separatist or secessionist struggle against the State. On the contrary, Israeli Palestinians are said to have been remarkably dormant under Israeli rule, a behavior he justifies with the greater control Israeli authorities have over the community. Despite recognizing the role played by control mechanisms on the minority's behavior, namely the policy of separation and marginalization, Cohen mistakes control with legitimacy, by stating that the minority learned to recognize the majority's rule and domination as legitimate.

The same argument had been previously presented by Smooha, in 1980, while doing a comparative analysis of what he called the "non-assimilating minorities" of Palestinians in Israel and Catholics in Northern Ireland. Smooha advocated for the Israeli "exclusionary domination model", in which the whole State apparatus (laws, internal security services, central administration) was successful in enforcing Arabs' accommodating behavior. Israeli mechanisms of control are, not only acknowledged in Smooha's work, but glorified for preventing the minority to escalate its demands to the state.

This belief that Palestinians couldn't devise the means to resist the creation of Israel, and chose to "abandon" their lands and their homes serves the Zionist narrative well: unlike the "wandering Jews" who spent almost 2000 years yearning for the return to Zion, the Palestinian plight is ridiculed for not being messianic enough (Peled-Elhanan, 2012: 93). A few weeks before the Declaration of Independence, with Plan Dalet in place, and the escape of tens of thousands of Palestinians, Ben-Gurion stated:

> Now history has shown who is really attached to this country, and from whom this country is a luxury which is easily given up. So far, not a single Jewish settlement, however remote, helpless or isolated, has been abandoned. The Arabs, on the other hand, have abandoned entire cities, like Tiberias and Haifa, with the greatest of ease, after their very first defeat. Despite the fact that they did not have to fear destruction of massacre. Indeed, it has now been made amply clear which people is deeply attached to this country. (Ben-Gurion, 1948 *apud* Segev 1986: 25)

A more progressive approach is offered by Peleg and Waxman (2007: 457), when comparing Israel's behavior towards its Palestinian minority with the Turkish policy towards the Kurds. In their opinion, the general absence of violence in Israeli Palestinian

responses to Israel is due to the effectiveness of the control mechanisms, but also a result of Israel's violent control of the Palestinians in the Occupied Palestinian Territories. Unlike Smooha and Cohen, who seemingly agree that Israel's control is enough to avoid confrontation, Peleg and Waxman don't believe that any strategy of control can offer long-term stability to the State.

The marginalization of the Palestinian minority (and other non-Jewish communities) in Israel draws heavily from two normative bases that sustain Israel as the State of the Jewish people: the Declaration of Independence, from 1948, and the Law of Return, from 1950.

The first document institutionalized the creation of a Jewish State in Israel, open to Jewish immigration and to the return of all Jews in Diaspora:

> We, members of the People's Council, representatives of the Jewish Community of *Eretz Yisrael* and of the Zionist Movement, are here assembled on the day of the termination of the British Mandate over *Eretz Yisrael* and, by virtue of our natural and historic right and on the strength of the resolution of the United Nations General Assembly, hereby declare the establishment of a Jewish state in *Eretz Yisrael*, to be known as the State of Israel.[54]

The Declaration of Independence also mentioned Jewish "historic and traditional attachment" to the land, and reaffirmed the belief that several Jewish generations had tried to re-established themselves in their "ancient homeland, a mission which was successfully accomplished by "pioneers, defiant returnees, and defenders" who

> made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

The Declaration of Independence stated that the development of the country would bring benefits to all its inhabitants, and that the new State would "ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex", and guarantee "freedom of religion, conscience, language, education and culture", according to the principles of the United Nations charter. It also urged Palestinians to take part in the "upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

[54] Declaration of Establishment of the State of Israel, 14 May 1948.

As liberal as a first look at the document may look, by establishing the Jewish character of the state and affirming that Israel would be open to Jewish immigration, the Declaration of Independence launched the basis for an unequal distribution of citizenship and citizenship rights, and for the exclusion of non-Jews from the definition of the national community.

The State's policy on immigration and absorption was already being drafted before the Declaration of Independence: the Provisional Council of the State had abolished the British regulations limiting Jewish immigration only a few days after the establishment of the state, leading to a 50% increase in the population of the state in only 18 months (Segev, 1986: 95-96).[55] However, it was the Law of Return of 1950[56] that formalized the conditions in which the "Ingathering of the Exiles" would be made, by granting visas to all Jews willing to immigrate and settle in Israel. It also produced retroactive effects, by recognizing every Jew who had immigrated to Israel prior to its establishment as an *Oleh*.

According to Ben-Gurion, who submitted the proposal for approval to the Knesset,[57] the Law of Return did not compromise the principles of equality for all Jewish and non-Jewish citizens of the State, for the rights it granted exclusively to the Jews were not granted by the State: "These rights preceded the State, and Jews had possessed them by virtue of being Jews" (Ben-Gurion, 1950 *apud* Peled, 1992: 435). Moreover, and once again reaffirming the uniqueness of the Israeli State, he also noted that the Law of Return was different from other countries' immigration laws, for it entailed a return from exile to the fatherland (White, 2012: 10), hence the use of the concept of *Olim* to refer to those who make *aliyah* to Israel (as opposed to other immigrants, the *mehagrim*).[58]

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[55]Within three years of the creation of the State, the number of newcomers was the same as the number of resident who had lived in pre-1948 Palestine. These numbers went beyond the expectations of the Zionist movement and the new government and were also beyond the capacity of absorption of the State's services. The poor conditions in which many of these immigrants has to live for months, in tents inside crowded transition camps with no adequate sanitary infrastructures, are also depicted by Segev, along with the debate inside MAPAI on whether immigration should be regulated.

[56] Israeli Law of Return, 5 July 1950.

[57] The Law of Return was debated and approved unanimously by the Knesset in just two days, to ensure that it was enacted on the anniversary of the death of Theodor Herzl (Harpaz and Herzog, 2018: 2).

[58]Interestingly, in his 1999 article "Is Israel democratic? Substance and Semantics in the 'Ethnic Democracy Debate", Alan Dowty prefers to point out that many states confer citizenship by descent and/or ethnicity to

In fact, even if the Law of Return started to resemble an immigration law with the 1970 amendment, it was not meant to be one, as Jews who move to Israel are not seen as immigrants, but as returnees, the same way that Jews in the Diaspora are not just seen as potential Israeli citizens, but as part of the nation.[59]

The same idea was recently expressed by Aharon Barak, former president of the Israeli Supreme Court, who said that Israel "is a Jewish home, the home keys are given to the Jews through the Law of Return, whereas anyone living in this home deserves equal rights" (Barak *apud* Ghanem and Mustafa, 2011: 177).

The Law of Return was consolidated by the Entry into Israel Law of 1952 (also known as Citizenship Law)[60], which established the definition of "Residence", a category to be applied to the non-Jews in Israel. To qualify for residence, an individual would have had to be inside the new State's borders from May 1948 until the registration survey of 1952. By doing so, Israel denationalized the 700,000 Palestinians that were expelled during the Nakba, even if that policy went against UN Resolution 181, which stipulated that residents of Mandate Palestine were to "become citizens of the State in which they are resident and enjoy full civil and political rights" (White, 2012: 10-11). At the same time, automatic citizenship is granted to any *oleh* upon immigration to Israel, without requiring from them any previous residence in the country.

Moreover, as Rouhana and Sultany (2003: 17) explain, while citizens have rights *over* their homeland, residents cannot claim the same rights, even if limited rights are given to them. In their opinion, apart from the right to vote (whose effectiveness is very limited in the Israeli polity), the status of the Palestinian citizens can be worse than those of non-citizen residents in democratic countries, for they are treated as unwanted or even enemies.

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those who can prove an ancestral link, and that the Law of Return is only unusual because it claims an ancestral link over two millennia. This argument leads him to conclude that Israel belongs to the "Old World" model of how nations form the State, as he simultaneously ignores the efforts made by the State to allure Jewish immigration to Palestine and the decades-long debate in Israel on who can be regarded as Jew, according to the *Halacha*.

[59] Interestingly, the Israeli Law of Return shares several traits with immigration policy in Germany, given their policies of ethnic-priority immigration and the use of the expression "returnees" to describe immigrants of Jewish and German descent. For more information on Israel and German Laws of Return see, for instance, Joppke and Rosenhek (2001).

[60] Entry into Israel Law, 5 September 1952.

These two laws – Law of Return and Citizenship Law – became the most important legal expression of the Jewish nature of the State,[61] by establishing an ethno-nationalist citizenship, applied to Jews only, and by giving the Orthodox establishment a privileged position on the definition of "Jews".

In 1970, the Law of Return was amended in order to include those individuals who have one Jewish grandparent, and to encourage immigration to Israel. However, a significant number of the immigrants from the Soviet Union and of Ethiopian immigrants are not considered Jews according to the Orthodox definition. Even if they are granted citizenship upon their arrival, they are often required to convert, since marriages, divorces and burials are under the exclusive jurisdiction of the Orthodox monopoly.

Those Palestinians who were recognized as residents in 1952 were granted Israeli citizenship. Nonetheless, as many authors remind us, formal citizenship does not mean an equal status. Lowrance (2005: 490), for instance, argues that the citizenship attributed to Palestinians in Israel is dysfunctional because its legal content and the identity as members of the community do not overlap. Therefore, they are not able to enjoy civic citizenship, only an ethnonational conception of citizenship which is, by itself, an aberration.

This abnormality stems from the chasm between citizenship and nationality in Israel, which does not occur in other democracies, where a member of a minority is both a citizen and a national: a Palestinian can be a citizen, but will be identified as an Arab national.[62] As nationality determines the criteria of substantive participation in the political community (as opposed to the formal participation instilled by citizenship), this participation tends to be particularistic and exclusionary (Cohen, 1989; Rouhana, 1998; Rabinowitz, 2001: 76-77; Olesker, 2013: 11).

As the boundaries of the national community are defined in religious and primordial terms, citizenship is far more meaningful for the Palestinians than it is for

[61] The Jewish nature of the State has been reaffirmed several times in various Basic Laws, the most important of which the "Nation-State Law", enacted in July 2018, which will be analyzed in the chapter 4 of this thesis.

[62] In fact, until 2005, the ethnicity of all Israeli citizens was printed in all Israeli identity cards (Jews, Arabs, Druze and Circassian). Following a debate on whether the cards should indicate the ethnicity of people who had converted to Judaism according to the Reform movement, the indicator was dropped.

Jews, for it enables them to participate (albeit limitedly) in the polity. Simultaneously, the intermingling of religion and nationalism influences the political agenda and automatically favors Jews (even those who are not yet citizens) at the expense of the State's non-Jewish citizens (e.g., the allocation of resources for the absorption of Jewish immigration).

Ben-Porat and Turner (2011: 2) argue that citizenship in Israel is a site of contention that highlights various struggles between different social groups and, among them, between Jews and non-Jews. This unequal distribution of citizenship and rights leads them to focus on the contradictions of being Jewish and democratic and the clash between principles of equality and preference. As the Israeli State was created to promote the interests of the Jewish people, the discrimination against Palestinians is not a result of recent power shifts but a product of the State structure (Ghanem and Rouhana, 2001; Jamal, 2002).

Cohen (1989) presents a more benevolent opinion of the State's dual policy towards these Palestinians, arguing that the decision to grant them political and civil rights, while curbing their national aspirations, arises from the acceptance that while their symbolic identification cannot be resolved, they could become loyal citizens with a partial Israeli identity. Nonetheless he recognizes that the State inherited from Zionism and Judaism the impossibility to commit simultaneously to civil universalism and national particularism, to religious symbols and democracy.

Cohen's theory is debunked by Kemp (2004: 73-74), to whom there was never the intent to include this community in an extensive way: Palestinians in Israel were, at once, included via formal citizenship and excluded from the community, treated as a "dangerous population", imagined as disloyal, and thus subjected to an intricate system of control and discipline. In short they became simultaneously "those who are members of the society and polity yet do not belong to them". The same idea is thoroughly developed by Shafir and Peled (1998) to whom citizenship, in multi-ethnic societies, can function as a tool of stratification instead of differences leveling.

Their theorization on the multiple "citizenship discourses" (the mode of incorporation of individuals and groups into a society, including formal principles and informal social practices) coexisting in Israel (republican citizenship, ethno-national

citizenship and liberal citizenship) provide a crucial tool to understand differentiation, not only between Palestinians and Jews, but among Jewish groups.

In the Israeli case, while an ethno-nationalist discourse (according to which citizenship is an expression of membership of a homogeneous community of descent) served to discriminate between Jewish and Palestinian citizens, a republican discourse has been invoked to justify the different positions and status of Ashkenazi and Mizrahi Jews, on the basis that they contribute asymmetrically to the common good (Peled and Shafir, 1996: 395-396).[63] For example, as military service is seen as the highest form of sacrifice for the collective good, participation in it has served to exclude the Palestinian citizens from the recognition and privileges it brings, but also serves to justify the status of Ashkenazi men, at the expense of women and other groups. To be granted full membership in the collectivity "one has to be Jewish, male and serve in the military" (Lomsky-Feder and Ben-Ari, 2010: 298).

The gulf between the exclusionary impetus towards the Palestinian territories (under the control of Egypt and Jordan between 1948 and 1967), and the Israeli need to showcase democratic features inside its borders has thus produced a hierarchy of citizenships.[64] The State and its affiliated institutions, such as the Histadrut and the Jewish Agency, allocate rights, privileges and resources according to a complex system of memberships, determined by ethnicity and not territorial citizenship.

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[63]The idea of a republican conception of citizenship in Israel is also very present in the decision and the justification to not adopt a Constitution. According to Ben-Gurion, what was needed was not a bill of rights, because those were already guaranteed, but a bill of civil obligations "to the motherland, to the nation, to immigration, to the ingathering of the exiles, to building the land, to security for fellow members of society and for the weak. " Instead of making demands, Israeli citizens "would become people of whom demands could be made" and "they would demand of themselves to act on behalf of society" (Ben-Gurion, *apud* Rozin, 2007: 258).

[64]Ben White (2012: 83) points out that when Israel refutes charges of *apartheid* and racism it tends to allude to the fact that the state granted citizenship to the Palestinians in Israel and to showcase their presence in the political, judicial and cultural spheres. This argument is, in fact, used by authors like Ruth Gavison, Alan Dowty and Sammy Smooha to sustain the idea that Israel is a strong democracy, even if all recognize Palestinians will never be able to achieve full equality in a Jewish state. Smooha (1976: 649-650), for instance, recognizes that ethnic stratification in Israel resembles a caste system, as "there is virtually no position in the society in which Arabs exercise authority over Jews and the same position when occupied by a Jew carries more prestige and privilege than when it is held by and Arab." Nonetheless, Smooha contends that Israel is an ethnic democracy.

2.3.1 THE MILITARY ADMINISTRATION

Israel's self-conception as a democracy is also tested by the most draconian of the mechanisms of control of the Palestinian minority: the imposition of a military rule until 1966,[65] which ambiguously coexisted with the attribution of citizenship to the Palestinians. The basis for this military regime were the British Defense Regulations of 1945,[66] and one of its most restrictive features – nowadays reproduced in the Israeli control of the West Bank – was the restriction of movement and travelling: Palestinians were required to carry their identification documents and travel permits at all times, and vehicles were often stopped to check Palestinians' documents.

The military government, which was enforced only over areas inhabited by Palestinians, was used to justify their detention, and enable military authorities to close off Arab areas, restricting entry and exit to those who had permits. The permits were issued by Israeli soldiers, who could refuse to do so, without providing any explanation other than "security considerations". The Regulations also allowed the deportation of people from their villages and towns, gave the military government the power to summon any person to a police station, and are also behind the implementation of the Administrative Detention mechanism: the possibility to place a person under arrest for unlimited time, without further explanation or a trial. Those who were accused of violating the Emergency Defense Regulations were brought to and judged in a military court.

The Military Government was initially presented as a temporary measure, but within 3 months Ben-Gurion had turned the Military Governor into the sole representative of the Palestinian population within the government. A special committee underscored the same idea, concluding that, for security reasons, and considering "the social conditions of the Arabs", martial law should be maintained. The official discourse states that the reason for the imposition of martial law in Arab areas was security. However, the military government served other goals, as explained in a report from 1949,

[65]Although the Military Government was abolished in 1966, the Emergency Defense Regulations were retained by the Knesset in a special law, allowing the maintenance of the state of emergency in Israel until nowadays.

[66]All of the British Defense Regulations, except those which placed limits to Jewish immigration were adopted and complemented by the Knesset during the months following the Declaration of Independence.

whose conclusions supported its maintenance: to prevent the infiltration of Palestinian external refugees, to evacuate semi-abandoned Arab areas to settle Jewish immigrants, to reduce the number of Palestinian internal refugees and to "prevent the Palestinian community from becoming a fifth column" (Masalha, 2005: 29).

Thus the military government's major success was its capacity to suppress dissent and curb political resistance among the Palestinians. In 1959, Yigal Allon, then Member of the Knesset (MK), and later Prime-Minister of Israel, while trying to defend the need for a Military Administration, argued that it served as "a basis to prevent and deter hostile political actions and organizations" (Allon, 1959 *apud* White, 2012: 75). The strategy was not simply to suppress Palestinian resistance, but to create a controlled space for Palestinian frustrations, by building institutions, and by engaging in "elite and leadership selection with the goal of winning Arabs over to the Jewish majority" (Smooha, 1980: 270).

It is relevant to notice, however, that the adoption of these Regulations inaugurated a trend in the Israeli legislative sphere, through the adoption of seemingly neutral laws that affect different populations (Jews and non-Jews) in different degrees. In this case, a territorial language was adopted, that defined administratively and judicially the borders of the State as "security areas". In practice, however, only Palestinians remained under Military Administration and were disciplined by its practices:

> The craving to know everything about the actions, opinions, and behavior of the Palestinian population in Israel and to 'keep an eye on it' was realized primarily through the introduction of a rigid and comprehensive regime of permits that involved the surveillance and disciplining of every single sphere of life: distribution of transit permits, work permits, entry and exit permits, marriage permits, food and clothing coupons, and supervision of delivery of mail, organized transportation, and the like […] Indeed, the regime of permits enabled the border to be shaped as an area protected against the Palestinians in Israel by imposing restrictions not on the territory itself but on the people residing in it (Kemp, 2004: 95).

The military regime created two different systems inside Israel: a democratic system for Israeli Jews and a non-democratic one for Israeli Palestinians. Even if the State granted the latter political rights and eventually citizenship, some rights were denied to them, such as the right of association and the freedom of movement and assembly.

Not only they were subjected to military law, the system of permits and closed zones also left this population reliant on the MAPAI. While denying Palestinians the right

to vote for their village council elections, on the grounds that the community was unsuitable for democratic elections (White, 2012: 76), the ruling Zionist party took it upon itself to create satellite Arab lists, headed by traditional Palestinian leaders, whose goal was to mediate Palestinian demands in exchange for individual favors, such as traveling permits. Therefore, MAPAI found in the Military Administration system an electoral instrument which ensured the largest share of Palestinian votes, while the Israeli Police and the General Security Service (*Shin Bet*) were also actively intimidating dissention and encouraging cooperation (Jamal, 2011: 230).

By fostering communal divisions in the Palestinian community (e.g., mistrust between the Druze and the rest of the population[67]), the State hindered "the formation of a unified Arab bloc and left considerable leeway for the leaders of the respective communities to concern themselves with their communal affairs, instead of Arab general ones". This "divide and conquer strategy" was strengthened by the creation of a network of collaborators and informers who, among other things, controlled Palestinian schools and schoolteachers (Segev, 1986: 66; *cf.* Smooha, 1980: 272; Sa'di, 1992: 115; Ghanem and Mustafa, 2011: 183).

As Ilan Peleg pointed out, the Military Administration had another long-term effect: not only it signaled the Palestinians as second-class citizens, it also "declared them to be an unmeltable, unintegratable minority, people of a different kind, the 'ultimate other'". Therefore, he concludes, the Military Administration became "not merely a fact of political significance, but a reality of far-reaching psychological importance" (Peleg *apud* Waxman 2006: 31).[68]

The abolition of the Military Administration only happened in 1966, even if some of the obstacles to the circulation of Palestinians were gradually being lifted during the 1960s. Its end, however, was not a result of opposition or of any concern about the pressure it placed on Israeli democracy. Instead, the pressure came from the opposition

[67] The Druze community gets disproportionate amounts of subsidies and collaboration with local development plans, plus autonomy with their religious affairs.

[68] The same was sustained by Gal Levy, an Israeli sociologist, in an article he wrote for *Haaretz*: "The military administration handled the "Arab problem" by creating a real and violent border between Jews and Arabs. This border not only enabled the exercise of Jewish-Zionist control of the land, but also preserved the cultural distance and social distinction between the two groups" (Levy, 2017).

who were worried about MAPAI vote-stacking among the Palestinian community, accompanied by an economic rationale, and the increased demand for unskilled Palestinian labor.

2.3.2 LAND EXPROPRIATION AND SPATIAL EXCLUSION

The Military Administration had another long-term effect on the relationship between the State and the Palestinian minority, by facilitating the dispossession and confiscation of the land.

In June 1948, in order to prevent the return of Palestinian refugees and create an irreversible reality on the ground, Israel began demolishing Palestinian villages or resettling Jewish immigrants directly in Palestinian abandoned homes[69]. Uri Ram (2011: 98) describes this process as one of "physical forgetting", whose goal is "the physical annihilation of sites that might have stayed as monuments to the former Arab presence and the abolishment of such presence from the country, by the transformation of its material landscape". Simultaneously, Israel initiated a process of "Judaisation" of the land, by spreading out settlements and segregating Palestinian villages, towns and neighborhoods.[70]

Evictions carried out after 1949, in order to fragment areas of greater Palestinian concentration, such as the northern Naqab, Little Triangle and Galilee,[71] or border areas, were done under the pretext of security needs, by resorting to the Emergency Defense Regulations. Between 1948 and 1990, 80% of the land (the equivalent to 1 million acres) owned by Palestinians were confiscated and placed at the exclusive disposal of Jews. The Defense Regulations have proved to be useful to the Israeli state, especially since the official lifting of the Military Administration in 1966, for they still allow the government to close any area, impose curfews, and issue administrative detentions.

There is also the fact that planning authorities rarely approve the construction of new Palestinian towns, in stark contrast with the expansion of Jewish ones: Between

[69] Around 45,000 Jews were settled in Palestinian homes in Jaffa, 40,000 in downtown Haifa and 5,000 in Akka (White, 2012: 23).

[70] The most obvious symbol of segregation was the wall built in some Palestinian neighborhoods of Lydd and Ramla, to separate them from Jewish ones (Monterescu, 2015).

[71] Most of the Palestinians in Israel still live in these areas (Ghanem and Mustafa, 2011: 178).

1948 and 2012, over 700 Jewish settlements were established inside pre-1967 borders, while no Palestinian villages or towns were created (White, 2012: 39). This leads Palestinians to resort to illegal construction, even if that means being constantly under the threat of demolition. Masalha (2005: 15) explains how the Palestinian urge to return to their homes and lands is an objective need, not just a matter of nostalgia: the amount of land available to Palestinians is shrinking and there is a pressing need for housing among internal refugees and their descendants.

Once the 1948-49 war was over, the Israeli state started looking for permanent legal measures that would allow the confiscation of Palestinian land to proceed. The most important of these legal instruments was the Absentee Property Law of 1950,[72] which placed all the property belonging to the Palestinians refugees, who were not in the territory between November 1947 and May 1948, under the control of a *Custodian of Absentee Property*.[73] The Absentee Property Law also benefited from the Ottoman Land Regime, according to which most of the Palestinian lands fell under the *Miri* category, state-owned lands, whose rights were on the hands of Palestinians. The lands were handed down from generation to generation, on the condition that if they remained uncultivated for a period of five years they would be declared *Mahlul*, to be redistributed by the state. As the use of these lands was made in an informal way, many Palestinians did not have the chance to register their lands during the British Mandate.[74]

As a result of this policy, the Custodian was in charge of more than 65,000 houses and businesses and more than 3.25 million *dunams*[75], and it is estimated that over 40% of the land owned by Palestinian residents was confiscated under the Absentee

[72] Israeli Absentee Property Law, 14 March 1950.

[73] The first draft of the Law, which started being prepared in the latter half of 1948, defined "present absentees" as those who were not present in the territory when the State was created. Moshe Sharett, the Israeli Minister of Foreign Affairs between 1948 and 1956, demanded the definition to be changed to define those who had left their "usual place of residence" by the end of November 1947 (Segev, 1986: 80).

[74] In 1858, with the adoption of the Land Code the Ottoman Empire initiated a process of registration of land ownership, as part of a wider program of reforms. The registration was declined by many Palestinians who feared they would be called to serve in the army and/or pay taxes. By the end of the Ottoman period, only 5% of Palestinian land had been registered (Amara and Miller, 2012: 82).

[75] *Dunam* (or *dunum*) was the Ottoman unit of area used by the Ottomans, and still used in many countries which were under the Ottoman Empire. The *dunam* represents the amount of land a man could plough in one day, and therefore its actual area varied from place to place. In Palestine the size of a *dunam* varies from 900 to 1,000 square meters.

Property Law alone. The law, however, was supported by another seemingly neutral instrument of state-building: the first Israeli census of November 1948.

The Israeli census of 1948 differed from other national census for two main reasons: it was carried out during wartime, by military personnel under a seven-hour curfew, and it served both to count the population and to register citizens. An order was given out by the Provisional Government of Israel, led by Ben-Gurion, stating that citizenship should not be granted to those absent from their homes, and that their ownership of property and land was not to be recognized.

As Leibler and Breslau (2005: 880-881) convincingly demonstrate, while the census of November 1948 enumerated all the residents in the Israeli territory, It also "created the population that it was counting" or "brought into existence the very entity it was counting". As those who were absent during the curfew were not registered or counted, the census served a clear political program to exclude and forfeit the rights of a significant part of the native Palestinian population.[76]

The concept of *present absentees* (*nifkadim nokhahim*) is in itself paradoxical because it implies these Palestinians "were *present* physically but legally and conceptually *absent* in relation to their homes and lands of origin" (Masalha, 2005: 13; *cf.* Zureik, 1979: 132; Cohen 2005).

In 1953, the absentees' property was transferred from the Custodian to the Development Authority, who was able to sell land to the State and to the Jewish National Fund, in order to avoid the accusation that the State was confiscating land classified as abandoned property.

The Absentee Property Law was complemented by numerous other laws which gave the government the power to confiscate land in case of "emergency". Military governors also had the authority to expel villagers from their homes and forbid them from entering their lands and cultivate them, according to Article 125 of the Emergency

[76] Leibler and Breslau (2005: 891-892) also note on how the census served simultaneously to appease the international community's pressure to grant full citizenship to anyone living within the state's borders while taking advantage of the displacement of Palestinians during a period of chaos and conflict. In other words, the Israeli government found a way to observe international norms while legalizing the divide between those who stayed and those who left, laying the basis for the rejection of the right of return.

Regulations. The Land Acquisition (Validation of Acts and Compensation) Law of 1953[77] permitted the Ministry of Agriculture to then declare those lands as "uncultivated". This way, many Palestinians lost their lands without actually losing their title to them.

Accordingly, the Land (Acquisition for Public Purposes) Ordinance of 1943, a British Mandate regulation, was also used by the State to confiscate land, without having to provide details about which public purpose they would serve. Ottoman-era regulations and laws were also used to confiscate Bedouin lands in the Naqab, a process which facilitated by the Bedouin traditional approach to ownership. Bedouins' presence in this area have been constantly under attack, by the presence of the Green Patrol, an enforcement unit created in 1977 by Ariel Sharon, then Minister of Agriculture, and still active today.[78] By 1991, almost 900 Bedouin settlements had been removed (White, 2012: 29), and a vast majority of those who stayed in the area still live in "unrecognized villages", with no access to public services and under the constant threat of house demolition.

The Absentee Property Law was presented as a tool to "protect the property of absentee owners", while facilitating the "use of this property for the development of the Israeli economy and state". While formally none of these legal instruments made any distinction between Jewish and Arab citizens, they were used all along to restrict Palestinians' rights, in as much as the Emergency Defense Regulations had only been enforced over Palestinian areas (Masalha, 2005: 33). Following the confiscation of the land, Israeli policy dictated that under no circumstances Palestinians should be able to lease them or work there if those originally their lands. As many settlers gravitated towards urban centers in the 1960s, they started leasing their lands to Palestinians, forcing the state to adopt the Agricultural Settlement Law of 1967,[79] which defined "state land" on national (ethnic) criteria.

Adalah identifies 6 other laws, enacted between 1953 and 1981, that interfere directly with the land and planning rights of the Palestinians, all of them still currently

[77] Israeli Land Acquisition (Validation of Acts and Compensation) Law, 20 March 1953.

[78] For a more recent account on the activities of the Green Patrol see, for instance, Qupty (2003).

[79] Israeli Agricultural Settlement (Restriction on Use of Agricultural Land and of Water) Law, 28 June 1967.

active. Among them is the Basic Law: Israel Lands of 1960,[80] which formalized the Israeli land regime and stipulates that the ownership of "Israel lands" - land under the control of the State, the JNF, and the Development Authority - cannot be transferred in any manner. The lands can, however, be exchanged between these entities, allowing the JNF to maintain its policy of leasing them exclusively to Jews. The infrastructure of discrimination is then outsourced by the State to the JNF.

As an outcome of the confiscation of land, more than ¾ of the Palestinian citizens in Israel lived in segregated villages, cities or neighborhoods (Zureik, 1979: 111). Little to no interpersonal contact existed between the two groups and, if that happened, it would not be on an equal basis.

The confiscation of land was accompanied by the uprooting of Palestinians from their main source of livelihood, agriculture, condemning the next generations to a life where the chances for socioeconomic mobility are limited, especially when compared to their Jewish counterparts. This process continued even after the establishment of the state: while in 1945, 49% of Palestinians worked in agriculture; in 1999 they were only 2.3%.

This process of economic delocalization, not only abolished the basis of Palestinian economy, it also forced a process of proletarianization, creating a Palestinian labor force dependent on the Jewish economic structure, concentrated in services, construction and manual jobs in industry. The preference for Jewish workers is also the source of income gaps and obvious differences in standard of living. The few industries and agricultural ventures that are on the hands of the Palestinians are underfunded and underdeveloped. The same happens with Arab localities that have at their disposal lower budgets than those given to Jewish localities. Despite remaining a big rural population, Palestinians have access to less land, and show less productivity and lower incomes.

For instance, the designation by the state of National Priority Areas (NPAs), a designation given to certain areas and communities which are allocated economic benefits and incentives, is also unbalanced and used as a strategy to develop Jewish

[80] Israeli Basic Law: Israel Lands, 29 July 1960.

communities (and West Bank settlements) while depriving the Palestinians citizens of Israel.

Despite the noticeable underdevelopment of Palestinian villages and towns, out of the 553 NPAs approved in 1998, only 4 of those were Palestinian. Since 2009, the situation has worsened, as the adoption of the new Economic Efficiency Law, gives the government the right to "classify towns, villages and areas as NPAs and to allocate enormous state resources without criteria" (White, 2012: 68).

While the expansion of the Israeli economy raised the standard of living of Palestinian citizens, the gap between them and the Jewish citizens was maintained and even widened. In the 1960s, Palestinians working in agriculture earned half as much as Jews working in similar jobs. In the early 1990s, the disposable income of a Palestinian family was around 40% lower than the average Jewish family, and while 20% of the Israeli children live below the poverty line, the number for Palestinian children is close to 50% (Zureik, 1979; Peled and Shafir 1996: 404; Jamal 2007). This happens even if the number of Palestinian men employed is higher than their Jewish counterparts. The liberalization of the market in the late 1980s and 1990s also negatively affected the Palestinian labor force.

Modernization, even among the Palestinian community, has remained selective. Even if the new generations have a greater access to education (and, particularly, higher education), the slower growth of the Palestinian economic sector means there are fewer employment opportunities for highly educated and skilled Palestinians. Moreover, the deferment from military service and the security discourse around Palestinians works as a screening mechanism, preventing their access to certain sectors, such as high technology applied to the defense industry (Rivlin, 2011: 197-199; Bior, 2015; Grinberg, 2014: 152).[81]

Just like what happens with the citizenship discourse imposed on the Palestinians, the community has also been subjected to a controlled mobility and social change:

[81] Paul Rivlin (2011: 199) notes, however, that even if most high tech companies justify the non-employability of Palestinians in Israel with “security concerns”, their exclusion from the sector is most likely driven by prejudice.

> Advances at the individual level have not been reflected at the group and collective level. The prevailing ethnic stratification blocks any possibility of translating individual achievements into real assets for changing the group status of the Palestinian population. (Al-Haj, 2004: 112-113)

Once again, the relation between politics and ethnic citizenship plays a crucial role in the allocation of benefits between Jews and Palestinians, such as the allocation of funding for communities and towns and infrastructures where Palestinians are the majority, which remain below the funds allocated to their Jewish counterparts.

Sharkansky (2004: 144) tries to exonerate the Israeli state from the gap in the standards of living between Palestinian and Jews on three grounds: first, the unusual high expenditure with security and absorption of immigrants; second, by looking at the cuts in government subsidies in services usually used by poorer segments as a global trend (dismantlement of the welfare state, governmental downsizing, privatization); third, and probably more telling, is his accusation that the poor services in Arab communities are at least part of a "disinclination of their local authorities to collect taxes".[82]

Smooha (1980: 270) acknowledges that the economic relation between Palestinian and Jewish citizens is one of domination: not only the "degeneration of agriculture" was not followed by the creation of an Arab industry, the Palestinians were also incorporated as a lower stratum in the Jewish economy, which still is determined by the Jewish power structure: the government, the Jewish Agency and the Histadrut.

Nonetheless, as it happens with the other mechanisms of control that Smooha describes, he considers them to be necessary for the maintenance of ethnic stability in Israel. More importantly, he considers the socioeconomic gaps to be a mere by-product of "the divergences between the modern and backward sectors in non-industrialized societies, and hence should be considerable appreciable in a more egalitarian and industrialized state like Israel" (Smooha, 1980: 267).

[82]This argument had already been countered by Zureik: while *per capita* taxes are higher in Jewish towns and villages (due to differences in the inflow of capital), when comparing villages with equivalent property tax, the government grants and subsidies given to Jewish towns still exceed the ones given to Arab towns.

2.3.3 SOCIAL CONTROL

Besides the spatial segregation and land alienation imposed by the Military Administration and the regulations on land control, Palestinians in Israel are also subjected to other means of social control, namely through education and media.

According to Israel's State Education Law of 1953,[83] which established separate and independent systems (secular and religious), the Palestinian community had access to a state-funded separate school system, taught in Arabic, one of the official languages of the State (until the adoption of the "Nation-State law",[84] in 2018, when Hebrew became the sole official language of the State). Palestinian children can attend Jewish schools, but due to spatial segregation and a system of enrollment based on residence, there's little support for mixing (White, 2012: 71).

The law also codifies that the goals of the educational system are to advance Jewish culture and Zionist ideology. The Israeli State has a total control of Palestinian education, from the definition of the school curriculum, to allocation of funds and appointment of staff. The situation of the Palestinian education system is clearly distinct from those of religious Orthodox schools: despite being financed by the State, the Haredim control their schools without minimal supervision.

As Peled and Brunner argue, the attribution of cultural rights to Palestinians, which could be labeled as a form of liberal multiculturalism, has been used as tool for economic and cultural exclusion, as well as for political domination. The limited autonomy given to Palestinians in the educational sphere clashes with the opportunities that are given to these citizens outside that sphere:

> It could be, and has been argued, correctly, that Palestinian citizens do not control their separate school system, and that the system is seriously underfinanced, relative to its Jewish counterpart. It is doubtful, however, whether the rectification of these injustices would significantly enhance the capacity of the graduates of these schools to function in the larger, Jewish society. (Peled and Brunner, 2000: 85)

Take, for instance, the example of Technion, Israel's leading science and technology university, located in Haifa, that, in 2016, decided to raise the level of Hebrew

[83] Israeli State Education Law, 1953.

[84] Israeli Basic Law: Israel as the Nation-State of the Jewish people, 18 July 2018.

proficiency required for admission. While the university administration argued that the goal was ultimately to reduce the dropout rates among Palestinian students, organizations such as Adalah argued that Technion's science and engineering courses do not fall into a category where a high level of Hebrew is necessary (as in the case of Hebrew literature), and stated that the decision would harm Israeli Palestinian applicants (Skop, 2016).

Education in Israel is also a tool for social control because it promotes a depoliticized Palestinian identity, trying to detach the community from the rest of the Palestinian people and from the land they inhabit, while instilling Zionist values. The goal of creating a homogeneous identity to all the Jewish groups in Israel – one of the aims of the Zionist narrative in every phase of state building – is anchored on the attempts to erase memory of the Palestinian life on the land (Peled-Elhanan, 2012: 15).

As a result, formal education for the PCI became a "disorientating experience" because it took the shape of a "bilingual and bicultural experience, with both cultures being somewhat out of place". Because Jewish culture (namely fluency in Hebrew) still establish the norms of achievement, Palestinian limited opportunities only exist depending on their knowledge of a curriculum which includes Hebrew literature, Jewish history and Zionism. The implicit message given by the curriculum in Arab schools to Palestinian students, in which Arab or Palestinian contemporary achievements are never addressed, is that "the Ottoman Empire represented the end of their history" (Migdal, 2001: 182).

Zureik (1979: 143-147) even admits that the dehumanization of the culture and way of life of the native people has been internalized by the Palestinians, to the point that both Jews and the minority believe in the latter's inferior image. Al-Haj (2004: 115-116) also agrees that cultural control tries to instill a limited conception of Jewish-Arab coexistence that entails the Arab acceptance of their inferior status.

The attempt to further invisibilize Palestinian history has been recently intensified with the amendments made, in 2011, to the Budget Foundations Law (commonly known as the "Nakba Law"),[85] which authorizes the reduction of state funding

[85] Israeli Budget Foundations Law, 1985 (amendment no. 40, introduced in 2011).

for institutions organizing activities rejecting Israel as a Jewish and democratic state or "Commemorating Independence Day or the day of the establishment of the state as a day of mourning" (Adalah, 2011).

Jamal states that there is also a gap between the control of the minority through education and Israel's self-definition as a democratic and liberal system:

> The gap between the formal structure and the daily translation of its policies in practice is never explained, feeding a kind of cognitive dissonance in most Arab children. This type of education creates the illusion that discrimination against Arabs is a temporal or circumstantial flaw, rather than part of an institutionalized policy tied to the identity of the Arab children as Palestinians. This identity is misrepresented in civic education in order to justify the *status quo* and legitimate the system. (Jamal, 2007: 487)

The gap between Jewish and Palestinian schools is also determined by the budgets allocated to each system, as well as by the quality of the education and the occupational opportunities open to their graduates. Palestinian schools tend to be overcrowded and understaffed, in bad structural conditions, with fewer facilities than those offered to Jewish students.

The schooling condition for Palestinians affect their ability to pursue undergraduate and graduate studies which, in turn, affect their jobs prospects and their integration into the Israeli economy. Palestinian high school students in Israel display lower success rates that those of the Palestinians in the West Bank, due to structural poverty which forces families to send children to work at an early age,[86] lack of preparedness of the teachers and lack of adequate facilities. According to White (2012: 72), the "systematic discrimination in questions of budgets, employment, and education cannot be seen in isolation from the rest of the regime, which serves to perpetuate Palestinian citizens' inferior position as a colonized minority".

Perhaps the more blatant proof of the control of the education system was the reveal, in 2003, that the deputy director of the Arab Education Department was a Shin Bet agent, appointed by the Ministry of Education (Olesker, 2011: 387). This agent's tasks included the approval and control of all personnel working in Palestinian schools. Through the control of teachers' appointments, the Israeli authorities ensure that radical or

[86]This is also one of the reasons why the rates of employment among Arab men are higher than those among Jewish men.

nationalist Palestinian teachers are not allowed to work. In 2017, Emmanuel Koplovich, a former official at the Israeli Ministry of Education admitted that Shin Bet was still active in Arab schools, and had prevented the appointment of qualified teachers, either because they were active in "political activities" or because of the "political activities of one of their relatives" (MEMO, 2017e).

In *Arabs in the Jewish State*, Ian Lustick (1980: 144-145) described how Arab university student organizations have also been a target of Israeli control. Until the 1980, no Arab Students Committees had been officially recognized by university administrations or by the government, for fear that it would lead to the politicization of Arab students. He also recounts how, in the 1970s, many Arab Student Committees were subjected to night raids, searches and interrogations, which often culminated with the arrest of their leaders. Among those detainees was Azmi Bishara, secretary of the Haifa University Arab Student Committee, and later an MK for Balad.[87]

The activities of these committees were also described by the Office of the Adviser to the Prime Minister on Arab Affairs as a threat to the security of the State, thus justifying the infiltration of these groups with informants and agitators, or even the identification by the Shin Bet of individual students according to the "degree of political hostility or cooperativeness" (Lustick, 1980: 145)

Cultural control is also backed by the control of the media. Jamal (2012: 1) shows how the control of Arab media outlets after 1948 helped the State create "quiet Arab citizens who accepted the Israeli national legal authority, but also the ideological authority of the state." Jamal's argument on the extent this submission has been successful is open for debate, as the control of media was only part of a greater system of repression. Moreover, as was explained before, the myth of Palestinian apathy serves the Zionist narrative of a community not attached to the land, and ignores that the control system did not legitimize the discrimination, it merely restrained resistance to it.

Nonetheless, his work on the control of Arab media as a way to frame reality and mould consciousness remains relevant. All the Palestinian newspapers printed before 1948 ceased to exist after the creation of the State, creating a communication

[87] Balad is an Israeli-Palestinian secular party founded in 1995 by Azmi Bishara. Following the rise of the electoral threshold in 2014, Balad has joined other Palestinian-dominated parties to form the Joint List.

disturbance within the community. The only newspaper that circulated was the Communist Party's *al-Ittihad*, and even that was placed under close surveillance. This vacuum was then filled by State-sponsored and State-controlled Arabic newspapers, such as the *Al-Yom*, the *Sada al-Tarbiya¸* the *al-Hadaf* and *Leka'a*.

Jamal recalls how the editorial positions in these newspapers were filled by Mizrahi Jews, whose original mother tongue and cultural background were Arabic. These individuals contributed to the reconstruction of the Palestinian's collective image, in full coordination with state authorities, in an attempt to create the feeling that Israel was an immutable fixture, and recommending integration (Jamal, 2012: 9):

> The newspaper [*al-Yom*] propagated the idea that Israel was a state, one of many, that had won its independence in the late 1940s, and thus it should be seen as a part of the wave of international de-colonization after the Second World War. This was meant to distract readers from the dominant Arab position during this period, which viewed Israel as a colonial occupying power. (Jamal, 2012: 13)

Meanwhile Israeli media was also deeply influenced by the state's policy towards the Palestinian population, who were portrayed as "strangers", "suspicious" and "dangerous" (Jamal, 2007).

As with all the other mechanisms of control, restrictions on media were only possible while working within a wider the system. That was the case of the al-Ard party, the first Palestinian political movement, which in 1962 submitted a request to publish a newspaper. Their request - along with their request to register as a political party – was rejected by the government, and later by the Israeli Supreme Court, by invoking the Emergency Defense Regulations (Zureik, 1979: 173).

One of the ways education and media worked to control the Palestinian minority was through their detachment from Palestinian identity and historical memory, and the attempts to construct a new "Israeli-Arab" identity. In Israeli social, political and educational discourse, the Palestinian citizens are called "Israeli Arabs", a label that Peled-Elhanan (2012: 51-52) considers to be demeaning.[88] The term was kept even after

[88]Peled-Elhanan also points out that on the rare occasions Palestinians are addressed as such is to indicate that despite being citizens of the State they do not belong there.

the signature of the Oslo agreement, in 1993, when there was a mutual recognition of the two nations.[89]

This choice is politically charged and is part of the Israeli belief that the Palestinians are not a nation by themselves, but part of the Arab nation. Therefore, they have multiple Arab states at their disposal, unlike the Jewish people who only have Israel. It also suggests a disconnection between the Palestinian people and the land.

Between 1948 and 1967, relations between Israeli Palestinians and the rest of their people were almost completely severed. As a homeland minority, they remained trapped in two different ways: a historical entrapment, as a minority within a foreign state; and an entrapment between two contemporary societies, their host state and their mother nation. Even when the 1967 occupation brought them closer to the other Palestinians, their sense of alienation did not waver:

> Their residence, acculturation and formal citizenship in a state dominated by an alien hegemony implicate them. Thus, the Palestinian citizens of Israel, labeled 'Arabs' or 'Palestinians' by Israelis are equally suspect for Palestinians and Arabs abroad due to their citizenship and general association with Israel. (Rabinowitz, 2001: 74)[90]

In 1991, probably as an effect of the first Intifada,[91] Barzilai and Shain (1991: 351-352) stated that around 90% of the Palestinians in Israel had begun to define their nationality as "Palestinians". As in any case of social identification, external pressure – in this case, the Israeli system – also played a role in this shift, as was expressed by Souheil Fahoum, then Mayor of Nazareth:

> We are part of the Palestinian people and those who are in the West Bank and Gaza are our brothers and relatives. Everywhere I go, everything I do, I believe I'm Palestinian. Even if I didn't want to believe it, the Jewish attitude toward us makes me believe so. (Fahoum, 1990 *apud* Cowell, 1990)

Kimmerling and Moore (1997) confirmed that the majority of the Palestinian citizens either ignored or outright rejected their identity as Israeli, and only a small number (less than 9%) ranked it high in their identification scale. This latter group was mostly composed by Palestinian Christians and Druze. They also found out that those who

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[89] Other terms used are "Arabs", "Arabs of Israel" or "non-Jewish population".

[90] Rabinowitz explains that Palestinians in Israel are implicated because, as a trapped minority, their credentials as Palestinians are devalued within their mother nation.

[91] The first Intifada was a Palestinian uprising that took place between 1987 and 1991, against the occupation of the Palestinian territories.

chose “Palestinian” as their most salient identity – at the expense of the Israeli or even Arab one – are those who exhibit greater frustration with the system and the lack of opportunities: their frustration is expressed in their support for Palestinian parties and participation in social and political protest:

> Those who feel closest to the Israeli state are less likely to challenge it through protest and vote boycotting, whereas those who lack significant identification with Israel and wholeheartedly embrace the Palestinian identity are much more likely to engage in system-challenging behavior. (Lowrance, 2005: 498)

Ghanem (1998: 440) believes that for Israeli Palestinians neither the Palestinian identity nor the Israeli identity are completely satisfying, as “the core of the problem is not the conflict between two identities […] but the incompleteness of both”. Therefore, the PCI remain marginal in the State of Israel and remain distant from the Palestinian national movement.

It is also necessary to take into account that, while there were efforts on the part of the Israeli establishment to impose the “Israeli Arab” label on their Palestinian citizens, there were never attempts to fully integrate them in Israeli society. Moreover, community fragmentation along religious and ethnic lines (Muslims, Christian and Druze) was promoted by the State because a unified – and political aware - minority was deemed threatening to the state, as seen in the Israeli response to the commemoration of the Nakbah and Land Day. While the Palestinian minority is either seen as part of a bigger Arab nation or as a fragmented mosaic of distinct groups, the Jewish majority is portrayed as an homogeneous community.

This means that the identity problem remained unsolved and worsened when the younger more educated generation came in touch with the other Palestinians in 1967. As a Palestinian university student voiced to Zureik:

> An Arab in Iraq, Egypt or Syria doesn’t have any problem in defining his nationality. In Arabic, nationality has two meanings: *wataniya*, meaning the link to one’s homeland […] and *Qa’umiya,* meaning overall Arab nationality, or pan-Arabism. If an Israeli Arab wishes to be *Watani,* he has to oppose the existence of the state of Israel. His *Watan* is Palestine and the people of Palestine are a part of the Arab people […] I was born in this country, but I feel like a stranger in my homeland. (Anonymous Palestinian student *apud* Zureik, 1979: 177-178)

A final feature contributing to the identification problem of Palestinians in Israel is the politically-biased research made in Israel on this community. Zureik already worked extensively on this topic in 1979, but it is worth noting that, even after the critical turn in

social sciences in Israel, Sa'di (1992) identified the same problem. Not only Palestinian national identity is still perceived both as a reaction to the state of Israel and as a disruption of modernization, the numerous images through which Palestinians are represented in surveys and researches ("Israeli", "Israeli-Arab", "Israeli-Palestinian", "Palestinian-Arab", "Christian Arab", "Muslim Arab", among others) are situational, non-exclusive identities, because technically, legally, and socially all of them describe the minority Moreover, Palestinian individual's choice of what image fits them best reflect one's particular situation in a specific moment and is the result of the power-struggle within the state.

As in many other cases, research on this community has been influenced and shaped by state policy. As Migdal explains, Israeli policy's goal towards its Palestinian citizens was not merely determined by sheer force, but by a system o control that denied their connection with the Palestinian community and hindered their unity:

> The Israeli political leadership worked consciously to nullify the Arabs' Palestinian identity [while] having no goal of integrating them into a larger state identity. As Israeli Arabs, they were designated as neither Israeli – in the ways that Jews could be Israeli – nor Palestinians. (Migdal, 2001: 179)

2.3.4 OBSTACLES TO POLITICAL PARTICIPATION

The last tools of social control were the obstacles to an effective political participation in the Israeli system. From the beginning, and even while under Military Administration, Palestinians have had the right to vote, and most found political representation within the Israeli Communist Party, and in MAPAI's satellite parties, the latter created to capture Palestinian votes while controlling their political activity.

Until the early 1970s, Palestinian voters overwhelmingly chose to vote for MAPAI (and, later, for the Labor party),[92] and their allied Arab lists, who usually took their support for granted. Their choice was made at the expense of right-wing parties like Likud[93] which, not only ignore their demands, also tend to express more violent attitudes

[92] The Labor party, established in 1968, was the result of the union between MAPAI, Ahdut HaAvoda (Labor Unity) and Rafi (The Israeli Workers List). Labor remained the dominant party in Israel until 1977, when, for the first time, lost the legislative elections to Likud. Since 2015, the Labor party is part of a joint electoral list along with Hatnua.

[93] Likud is a party established in 1973, following the union of centre right and conservative right parties: Herut, the Liberal Party, the Free Center, the State List, and the Labor Movement for a Greater Israel. Likud has its origins in Revisionist Zionism, Labor Zionism's main ideological opposition, and whose main figure is

and discourse towards them. It is worth noting as well that, until 1966, the year the Military Administration was lifted, the Labor party had at its service all the various methods of control of the Palestinian population previously discussed (Migdal, 2001: 180; Mendales, 2018: 6-8).

In 1965, a Palestinian list, the Arab Socialist List, organized by the Al-Ard movement, was submitted for the upcoming Knesset elections. The Al-Ard had been born out of a Palestinian public committee set up in 1958 to protest against the imprisonment of Israeli Palestinians demonstrators on May Day. The group had been previously described by Shmuel Divon, the Prime Minister's Adviser on Arab Affairs, as a "Nasserite group whose purpose is to provoke the Arabs of Israel". Soon after the attempt to register the list four of its members were arrested for "provocative activities against the state" (Divon, 1965 *apud* Zureik, 1979: 173-174).

The Israeli Central Elections Committee disqualified the list on the grounds that it was illegal, because it denied the territorial integrity and the existence of the State. The list complied with the criteria imposed on the Electoral Law, and the commission did not have back then the statutory authority to judge on the list or its members' political goals. Furthermore, the list's program recognized the UN 1947 partition plan, and stated that its goal was to respect the rights of both Israeli-Jewish and the Palestinian-Arab people. Nonetheless, the Israeli Supreme Court forbid their participation in the elections and considered it an illegal association that rejected the very existence of the State of Israel.

In 1984, another list, with both Jewish and Palestinian members, the Progressive List for Peace,[94] was once again rejected by the Israeli Central Elections Committee because it

> Advocates principles that endanger the integrity and existence of the State of Israel, and the preservation of its unique character as a Jewish State in

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Vladimir Ze'ev Jabotinsky. Revisionist Zionism is deeply influenced by integral nationalism and militaristic values, and insists in the maintenance of the territorial integrity of *Eretz Yisrael* (Waxman, 2006: 20).

[94] The Progressive List for Peace was a party founded in 1984 by Palestinian and Jewish left-wing peace activists. The party managed to win two seats in the Knesset following the 1984 Knesset elections, but in 1992, after the rise of the electoral threshold, it lost its representations in the Israeli parliament. Nonetheless, the PLP is considered the predecessor of Balad, a Palestinian political party that, since 2015, is part of the Joint List.

> accordance with the foundations of the State as expressed in the Declaration of Independence and the Law of Return.[95]

The Supreme Court of Justice (SCJ) would reject the decision considering there were no substantial proofs that the list rejected the existence of the Israeli State. In this case, the SCJ adopted a more restrictive interpretation of what the rejection of the State entailed than the one it had adopted previously for the Al-Ard case. In other words, it chose to look at the existence of the State and the preservation of its Jewish character as two separate issues.

It was not until the 1970s that Palestinians were able to politically mobilize outside Zionist parties. Al-Haj (2004) adds that the decade also marked a shift in political campaigns, from "politics of protest" to a more pragmatic approach of "power-sharing". This shift was possible, not only by the end of the Military Administration, in 1966, but also with Israel's occupation of Gaza and the West Bank, in 1967, which for the first time in almost two decades put the Palestinians in Israel in touch with their brethren in those territories and sharpened their sense of a common national identity.[96]

There is a consensus around the importance of 1967 events for Israeli Palestinians, even if the terminology used to describe this new process of mobilization varies according to the authors. Kimmerling and Moore (1997: 31-32) state that the Palestinians adopted a predominant nationalistic identity combined with some features of Israeliness. Reckhess (2014) refers to the period between 1967 and 1993 as a process of "Palestinization". Both Smooha (1980) and Ram (2009: 528), however, address it as a phase of political radicalization, a concept they use interchangeably with that of "Palestinization".[97]

Gavison (1999:45) maintains that the Palestinian citizens of Israel were able to develop an intellectual and political elite, making their political demands more visible, and even improving their status within the State apparatus. Ghanem and Mustafa (2011: 185) suggest another interpretation: having been at the bottom of Israel's economy,

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[95] Neiman v. Chairman of the Elections Committee, EA 3/84, 15 May 1985.

[96]The 1967 occupation produced important shifts as well among the Jewish society in Israel which will be addressed in the next chapter

[97]Smooha admits that the beliefs he thinks are signs of Palestinization (e.g., widespread support for the right of return and the creation of a Palestinian state; separate but equal status in Israel; a democratic secular state with equal rights) are all opinions that are considered "extremist" by Israeli standards.

Israeli Palestinians were able to experience slight economic improvements, along with the emergence of a middle class, a bourgeoisie and a class of highly educated individuals. This progress however, they sustain, was only possible due to the incorporation of the Palestinians from the occupied territories in the Israeli job market as a cheaper labor force.

It was also during the early 1970s that a series of regional and national institutions were created to mobilize Palestinian society in Israel. Among them we find the National Committee for the Heads of Local Arab Municipalities (1972), the Regional Alliance for Arab University Students (1974), and the Committee for Defense of Arab Lands (1975). In the early 1980s the High Follow-up Committee for the Arab Citizens of Israel was created, following the events of the 1976 Land Day.[98] Within the Palestinian civic society, numerous NGOs and movements have been created, among them Adalah and the Association for Civil Rights in Israel (ACRI), which operate within State law, but challenge the hegemonic symbolic order and try to encourage democratization. Not only they provide multiple services to the Palestinian society (education, healthcare, religious services, etc.), they also advocate for the rights of Palestinian citizens and attempt to build political consciousness.

Despite these changes, the position of Palestinian parties, candidates, and even members of the Knesset, remains politically irrelevant in terms of the scope of changes they can produce.

Sharkansky (2004: 145) argued that the problem lied not in the system, but in the political postures of Palestinian MKs, who "tend to cluster in antiestablishment parties". In his opinion, politics in democratic systems involves "'one hand washing the other' or 'you roll my log and I'll roll yours'", so their critical posture towards the Israeli government and its leaders is one that should not expect rewards.[99]

[98] On 30 March 1976, following the Israeli state's announcement of a project to expropriate Palestinian lands for state purposes, Palestinians in Israel, namely in Galilee and the Naqab, organized a general strike and peaceful demonstrations. The Israeli army and police intervention led to the killing of 6 Palestinian citizens.

[99] Already in 1999, Alan Dowty (1999: 12) shared the same opinion: in his view, the direct participation of Palestinians in the decision-making process will only occur when Arab parties which accept Israel as Jewish state are called into government coalitions.

Sharkansky's argument is flawed for two reasons: first of all, he ignores the record of Palestinian participation – as members of parties and electorate – in Zionist parties until the 1970s, during which Palestinian complacency was never met with any type of compensation on the part of the Israeli governments. Secondly, he does not acknowledge that the power struggle between majority and minority in a political system like the Israeli is unbalanced, preferring to maintain Palestinians to a role of soft opposition and contentment with their current situation. Ira Sharkansky's concept of democracy is deficient, for it only approves of dissent if it is within the borders established by the majority.

Smooha (1980: 263), on the other hand, acknowledges that Palestinian representation in decision making structures is practically non-existent, but argues that is just a by-product of the centralistic character of the government in Israel.

The flaw in Smooha's argument is that he does not take into account the fact that Palestinian-based parties are never called to be part of a government, even when their support for the government is crucial: this occurred during the Rabin-Peres government (1992-1996), when they were only allowed to support from the outside, as a "blocking majority", and later, in 1999, when 96% of the Arab votes helped in the election of Ehud Barak (Ghanem and Rouhana, 2001: 79; Ben-Porat, 2011: 212).[100] They are also permanently excluded from important Knesset committees, such as Finance, Foreign Affairs and Defense (or State Controllership).

Their exclusion is more so accentuated by the fact that smaller Jewish and Orthodox parties have been consistently called to become part of governmental coalitions. The problem of Palestinian parties is thus one of ethnic exclusion sustained by the ethnic character of the state. While the "democratic" features of the State gave Palestinians the opportunity to organize, their political endeavors and activities are not always compatible with the ethno-national character of the state. Therefore, Palestinians in Israel "have remained outside the borders of legitimacy in the Israeli political culture

[100] Following the 1999 general elections, the Labor party conquered 26 seats in the Knesset (a loss of 11 seats from the previous legislature), while Likud won 19 seats (in 1996, Likud had won 27 seats). The third political force was Shas, which won 10 seats, followed by Yisrael BaAliyah, Shinui and the Centre Party (each with 6 seats).

and denied all access to the national power center" (Al-Haj, 2004: 115; *cf*. Jamal, 2011: 236).

For a few authors, the participation of Palestinians in Israeli political life was, from the very outset, limited by the Jewishness of the State. The 1985 amendment made to the Basic Law: The Knesset,[101] as a response to the election of two members from the Progressive List for Peace (PLP), prevents the participation of lists and candidates who deny the existence of the State of the Jewish people:

> For non-Jewish citizens in Israel to be able to run for the parliament, they first have to circumvent an open confrontation over the question of whether the state in whose parliament they want to serve is equally theirs. (Rouhana, 1998: 280)

When a few years later Nadim Rouhana (2004: 3) addressed the debate on the constitutionalization of Israel as both a Jewish and democratic country, and debated on whether or not this constitution would get the approval of the Palestinian minority, he expressed that the only Palestinian present in the Knesset's Constitution, Law and Justice Committee would face an enduring dilemma if exposed to this decisions: he could either boycott the debate and reject the proposals, and be accused of missing an opportunity to change the outcome, or he could participate in it and be accused of legitimizing an initiative that would formalize Israel as "Jewish and democratic".

The same dilemma was interpreted by Ghanem and Rouhana (2001) when looking at the growing levels of abstention among Palestinians. According to these authors, there is a growing awareness among the Palestinian electorate that they remain a marginal group in the political system and that Arab parties are not able to work past the limitations imposed on them. Even if the Palestinians show a growing support for their own parties, the electorate is now fragmented between those who remain loyal to Zionist parties or the Communist party, and those who choose either nationalist parties or religious parties. While in theory Palestinian voters have the same option as the Jewish electorate, some options (i.e., Zionist right-wing parties) remain unrealistic:

> The bottom line is that Arab voters have no real choice. They support the [Zionist] Left simply because the Left is relatively more amenable to some of their goals, not because it truly represents or is even close to their values and political needs. The Jewish Left's attitude that the Arabs are 'in their pocket' reflects the Arabs' real situation. Arab political forces, like the Arab population

[101] Israeli Basic Law: The Knesset, 1958.

> in general have been shunted to the margin of the political camp, from where they provide the Jewish Left with sure votes in the latter's contests with the Jewish Right. (Ghanem and Rouhana, 2001: 76)

Since the 1980s, we have witnessed a drop of Palestinian participation in elections and a growing number of calls for boycott of elections, even from Palestinian academics, who view an "imbalance between the benefit the Arab community secures by being represented in the Knesset, and the price the community pays by legitimating the Zionist character of the political system" (Jamal, 2011: 231-232).

In 1992, two new Basic Laws were adopted: Human Dignity and Liberty and Freedom of Occupation[102]. While on the surface these laws seem to promote liberal values in Israeli society, they also cement Israel as a Jewish state. In the case of the first law, for instance, it is stated that its purpose is "to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state".[103] In Basic Law: Freedom of Occupation, the same idea is reiterated: "The purpose of this Basic Law if to protect freedom of occupation, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state".[104]

As the Jewish character of the State has been formalized in the Declaration of Independence and numerous Basic Laws, the boundaries of political behavior and participation and democratic rights of the Palestinians are subordinated to its preservation. The Basic Laws eliminate the possibility of change through the democratic process, hallowing even further Palestinians' citizenship.

The Oslo peace process, despite its promises to change the security dilemma and the way the minority was perceived inside Israel, proved itself to be fragile, as the events of the late 90s and early 2000s have showed. Oslo also underscored some of Israeli leadership's strategy for a demographic trade-off, as seen in the spread of the idea of total separation between Palestinians and Jews. Implicitly, it also sent the Palestinians in Israel the message that, once a Palestinian state was created, they would have to choose between moving there or be satisfied with their minority status in Israel.

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[102] "Freedom of occupation" means that every Israeli citizen or resident has the right to engage in any profession or activity.

[103] Israeli Basic Law: Human Dignity and Liberty, 17 March 1992.

[104] Israeli Basic Law: Freedom of Occupation, 10 March 1994.

The status of the Palestinians in Israel was not mentioned in the agreements, as it was perceived by Israel – even among left-wingers – as a solution for a "demographic problem" and the reaffirmation of Israel's Jewishness. Therefore, what emerged from the peace process was a growing consensus on Jewish unity, all along the Israeli political spectrum, and a growing marginalization of the Palestinian minority, which has gotten worse since 2000.

For the 1996 campaign, the Labor Party adopted the slogan "We are here, they are there, a fence in between", several years before the Separation Wall started being built. The contrast between Labor and Likud and the thought that the former adopts dovish positions towards the Palestinians are both deceitful: for instance, the consolidation of the occupation between 1967 and 1977 was done by Labor-led governments, while it were Likud-led governments that signed the peace agreements with Egypt and Jordan in 1979, and initiated the Oslo peace process in 1991.

In fact, Al-Haj (2004) believes that following the Oslo peace process, the Zionist Left lost its identity and that the difference between Left and Right involves the price (concessions) of peace, not the principle itself. Moreover, some of the issues that were perceived as being part of the Zionist Left's agenda – citizenship, democracy, and human rights – were always subordinated to the maintenance of the Jewish character of the State. Asher Arian (1993) had already confirmed that: even if the Israeli Jewish electorate trusted Likud for security and defense issues, voters of both Right and the Left had in common the preference for a Jewish majority and peace over the values of democracy.

Peleg and Waxman (2007: 455-456) argue that the failure to establish a Palestinian state in the West Bank and Gaza, as it was established in in the Oslo Accords, might increase Palestinian support for a binational solution, which in turn will heighten the anxiety of the Jewish ethnic majority. For Al-Haj (2014), the deterioration of the relations between State and minority from 2000 onwards was accelerated by the peace process, which deepened the status of the Palestinians as a "double periphery" (Rekhess, 2014: 189).

Until today, Israel refusal to *de jure* annex the Occupied Territories has allowed the State to maintain control over those territories and their population, without granting them citizenship or acknowledging its reality as a binational state.

The relationship of domination between State and Palestinian minority is one born out of the need for control. And while the ethnonational character of the State demanded the segregation of the Israeli Palestinians "the governmentality logic strives toward an ever more total incorporation of the minorities as subjects of the bureaucratic, disciplinary, and administrative mechanisms of the state" (Kemp, 2004: 80).

While analyzing the different ways through which the Israeli state exerted social control over the Palestinian minority – from the spatial constraints imposed by the Military Administration, to the more subtle forms of seemingly neutral legislation approved– we come to the conclusion that it has worked, because it is all-encompassing mechanism of domination directing every single sphere of Israeli Palestinians' lives. Unlike Smooha's positive outlook that the control of minorities brings stability to the State we, however, argue that not only Israel's nationalizing policies harms ethnic stability, but also puts too much pressure on the state structure hindering its ability to face other centrifugal forces.

2.3.5 COLONIAL AND SECURITY DISCOURSE

The mechanisms of social, economic and political control of the Palestinian population were implemented with the help of a colonial discourse that portrayed the Palestinian society as a backward society.

The creation of the State and the presence of a Palestinian population within State borders – a situation that was foreseen, but barely acknowledged as problem, by the founding fathers of Israel – produced a shift in this discourse, turning Palestinians into a threat to the Jewish State. In fact, the security discourse around the Palestinians in Israel is decisive for the implementation of mechanisms of control, for it legitimates practices of discrimination and exclusion, by turning them into practices of defense and deterrence and, therefore, essential for Israel's survival.

Both colonial and security discourses coexist in Israeli political and academic discourse and complement each other: the security discourse is nurtured by a racist ethnocentric discourse that treats Palestinians (and Arabs in general) as backward, primitive, underdeveloped or criminal:

> Racist discourse repeatedly refers to minorities, especially those with real or imagined affiliation abroad, as tips of dangerous icebergs, ominous protrusions of external threats into the nation's corpus. (Rabinowitz 2001: 78)

The main targets of the anti-Arab discourse are Muslims, as Christianity and Christians are seen as much closer to Judaism and the Jewish people. As Peled-Elhanan (2012: 31) notes, "the term 'Christian' belongs to another, more positive, discourse, which evokes Western civilization, development, liberalism, beauty, good manners and wealth". All of these features are qualities that the Zionist movement has claimed for itself and for the State, as an enclave of modern, democratic ideals in the midst of undemocratic, barbarian Arab states.

While Israel is portrayed as westernized and moderate, Palestinians are usually described as fundamentalist, irrational and "only amenable to physical rather than intellectual means of discourse" (Zureik, 1979: 145).

This more refined, culturalist approach to the Palestinian community are still regular and trivial occurances in Israel, as the statement of Moshe Katzav, former President of Israel, in May 2001, shows:

> There is a huge gap between us and our enemies not just in ability, but in morality, culture, sanctity of life, and conscience. They are our neighbors here, but it seems as if at a distance of a few hundred meters away there are people who do not belong to our continent, to our world, but actually belong to a different galaxy. (Katzav, 2001 *apud* Rouhana and Sultany 2003: 17)

The orientalist discourse on the "out of place" Palestinians is even more problematic when we take into consideration the fact that Israel is a State established by a European settler society in the midst of Arab, and mostly Islamic, countries. Moreover, this discourse pervades academia and scientific work, even when research sustains that the Palestinian citizens of Israel as a minority under control. Smooha (1980: 269), for instance, called Palestinians a "Third World minority in a European-transplant society", and when he enumerated the reasons for their lack of competitive resources, western culture was mentioned, along with money, education and urbanization. Palestinians' non-western culture is then considered a handicap.

On the other hand, the division between Jews and non-Jews (or gentiles) helps compartmentalize *progress* and *backwardness*, a rigid, undifferentiated view that is typical of racist discourse. Simultaneously, the definition of Palestinians as a non-entity ('non-Jews') serves do depersonalize, invisibilize and segregate the minority. Rouhana and

Sultany (2003) also note the use of metaphors that compare Palestinians to undesirable animals, such as snakes, scorpions, insects, or lice.

When Pedahzur and Yishai (1999) set themselves to understand the level of xenophobia in Israel towards Palestinians, foreign workers and Ethiopian Jews, they concluded that first group was the most hated and that over 56% of the respondents opposed granting Palestinians the same rights as Jews. Therefore, the concern with the Palestinian "demographic threat" does not come as a surprise, once we look at the Israeli State as profoundly ethnocentric: the concern with a non-Jewish minority is unavoidable, because the protection of the State (its security) is deeply attached to its maintenance as a Jewish State.

As the State's security is defined in ethnic terms, demography becomes securitized, which in turn explains the different strategies adopted by the Israeli State to deal with Palestinian birthrates, Jewish immigration. and even the degree of Jewishness of those who make *Aliyah*. As domination was seen as a viable solution for as long as the Jewish community remained a solid majority, the physical separation of the two communities, pushed by the Military Administration and by spatial segregation, had far-reaching implications in the Israeli mindset, marking them as the ultimate *other* inside the state.

Due to their unwanted presence in the territory and Israeli objections to identify as a binational State, Palestinians were, from the very beginning, described as a demographic threat. Even if the demographic threat theme is more commonly applied to the Palestinians in the Occupied Territories,[105] the discourse, used both by the Zionist Right and Left in Israel, places the Jewish character of the State outside the debate, and excludes permanently the Palestinian citizens of Israel.

Already in 1949, during an interim meeting of MAPAI, and with the presence of members of the Knesset, Shlomo Lavi expressed his worry with the natural increase of the Palestinians which would force Israel to face a situation "when the interests of the Arabs rather than of the Jews will determine the character of the country." Lavi's concern was

[105] The belief among the Labor party and some of the right-wing parties in Israel that Israel should withdraw from the Occupied Territories is especially motivated by the fear of a "demographic bomb", the expectation that the continuous control of the territories would turn Jews into a minority.

echoed by other MKs, who declared that the State should be entirely Jewish, contemplated the transfer of the remaining Palestinians and argued that the landscape would be more beautiful if "there is not a single Arab to be seen" (Lavi, 1949 *apud* Segev, 1986: 46-47).

The concern with the presence of a native population had already been around since the partition plan presented by the Peel Commission, which offered 17% of the territory to the Jewish state. The proposal was rejected by the Zionist Movement on the grounds that the territory was not sufficient to absorb the Jews who were still in the Diaspora. Peled-Elhanan (2012: 174) states that, while the goal of a Palestinian-free territory is never openly declared in Israeli textbooks, the virtues of a Jewish majority are exulted, as we can see from the reports on Palestinian massacres, often depicted as "miracles".

Following the ethnic cleansing of 1948, the majority of Palestinians who remained inside the State's borders were concentrated in the Galilee and the Naqab, two regions that were deemed areas of "strategic control", and particularly targeted by the processes of land expropriation and spatial exclusion already described in this chapter. This approach is based on the belief that there were "too many of the wrong kind of a citizen in a particular area" (White, 2012: 51).

One of the strategies adopted to avoid the concentration of Palestinians in a certain area was the construction of *mitzpim*[106] settlements, during the 1980s. Between 1978 and 1988, 52 of these settlements, where currently around 20,000 Israeli Jews live, were constructed in hilltops overlooking Arab towns, to "contain the Arab population's takeover of State lands by increasing the Jewish presence in Galilee." As a research from the University of Haifa on the successes of the *mitzpim* project stated, "underlying the project were principles of ethnic discrimination, demographic phobia, and the concept that the country's Arab citizens are not equals but constitute a threat to its existence" (Zandberg, 2004).

[106] *Mitzpim* are a type of lookout settlement, usually considerably smaller that other settlements. They were mostly built in the late 1970s, in Galilee, in order to create Jewish clusters between Palestinian villages (Holzman-Gazit, 2007: 140).

Not only the Palestinian citizens are described as a demographic time bomb, other phenomena, such as the emigration from Israel, or *Yeridah* (descent) are seen as a threat to Zionism and the State:

> The *yored* (emigrant) not only weakens the system and adversely affects security, but also denies or at least weakens the validity of the Zionist claim that there can be no Jewish existence or security except within the framework of the Jewish sovereign entity (Kimmerling, 1989a: 245).

The securitization of regular phenomena, such as emigration or the slowdown in immigration rates, is also a sign of one of the internal contradictions of Zionism that were carried unto the State. While the Zionist narrative assured that the only place where Jews could be free from the perils of persecution and annihilation was Israel, the Israeli State placed the pressure of dealing with the community's security problems in the community itself, conveying the belief that high birth rates and immigration would strengthen the nation. As Shafir and Peled (1998: 415) observe, Jewish women are also pressured to win a "battle of cribs", leaving them to enjoy fewer rights than their male counterparts.[107]

Since 1948, Israeli police has been guided by the belief that the military conquest would be insufficient without what Ben-Gurion called "the real conquest": the construction of settlements and the growth of immigration. When confronted with a debate on the absorption of immigrants and the poor conditions in which thousands of Jews were living, Golda Meir reaffirmed the same idea, that a "little less extravagance" in their living conditions was a small price to pay for the State and a great immigration (Meir, 1950 *apud* Segev, 1986: 298).

Toft (2012: 36) believes that immigration into Israel will not be a solution to the country's demographic problems as Jewish communities abroad enjoy better conditions in their home countries than they would ever had in Israel, and have gone through a process of assimilation. However, in a way the author also contributes to the demographic securitization, when she argues in numerous occasions that a Jewish majority is essential for the maintenance of Israeli democracy. By using this rationale, Palestinian demographic trends are seen as a threat to the State's democratic regime: the

[107] For instance, even if one of the declared roles of the IDF was to promote gender equality, Ben-Gurion (197: 101) admits that as soon as it became possible, women were taken out of the front-line units and assuming non-combatant roles.

minority's presence is described as the only obstacle to Israel's democratization, whereas the State's nationalizing policies are not addressed.

The first reports and policy documents on the problems of Jewish birth and fertility rates are from the early 1960s, when Jewish immigration rates started to slow down. In 1968, a new Demographic Center was created at the Prime Minister's Office, whose goal was to promote larger Jewish families. In the 1950s and 1960s, pro-natalist policies were adopted, such as a monthly allowance for families with more than four children, birth grants for children born in hospitals, along with the introduction of maternity leave. A prize named after Ben-Gurion, given to any woman pregnant with her tenth child, was only abandoned in 1959.

The obsession with Palestinian birth rates started as early as 1976, when Israel Koenig, from the Ministry of Interior, reported the higher fertility rate of the Arab population, posing it as a threat to Israel's national security. Many of Koenig's proposals became official policy, such as the need to "expand and deepen Jewish settlement in areas where the contiguity of the Arab population is prominent" (Koenig, 1976: 12).

Other demographers, such as DellaPergola, under the guise of scientific work, regular give Israel the same warning, and contribute to the demographic alarm. Consequently, the existence of a minority and social heterogeneity, features of any regular state, are seen as a problem, justifying the adoption of demographic engineering.

In 2000, the report for the Herzliya Conference on the Balance of National Strength and Security in Israel, an annual meeting of the political, military and academic elite, stated that "the present demographic trend, should they continue, challenge the future of Israel as a Jewish state". Moreover, these trends "pose a severe threat to Israel in terms of its character and identity as a Jewish state belonging to the Jewish people" (Editor, *Journal of Palestine Studies*, 2001: 51-52).

In order to shut down what was thought to be the "most immediate and most likely to materialize threat", some of the recommendations of the report included the Judaisation of the Galilee and the Naqab, forcing Palestinians in Israel to choose between the Israeli and a potential Palestinian state, the adjustment of borders, and the

attribution of social benefits to encourage birth rates among Jews (Editor, *Journal of Palestine Studies*, 2001: 52).

Two years later, in 2002, the Israeli government created the Public Council for Demography, whose goal is to monitor the activity of the Demographic Center and define policies to ensure "the preservation of the Jewish character of the State" (Zureik, 2003: 626). The quasi-statal World Zionist Organization also created the Strategic Forum for the Advancement of the Jewish Character, whose goal is to influence positively Jewish birthrates with financial benefits for couples with three and four children.

Besides constituting a demographic threat, Palestinians citizens are also seen as a dissidenting, non-assimilating minority,[108] affiliated with the enemy. They are often referred to as "the Palestinian problem", a fact that Peled-Elhanan (2012: 65, 94) finds disturbing due to the resemblance to the anti-Semitic framing of a "Jewish problem" in Nazi-era. In one of the history textbooks analyzed by the author, their presence is presented as one of the factors for the "aggravation of the conflict". On the few times they are depicted in an Israeli textbook, they are never depicted as modern, productive human beings, but as "problems" and "threats" that require adequate measures:

> All the left-wing people complain about my observation that there are no images of Arabs in Israeli schoolbooks, and then they realize it is true. They [Arabs] have to be eliminated in order to keep up with the plan of a pure society. And then you need reasons to eliminate them, so when one speaks about them, they are 'evil', 'inferior', 'they will never develop', they don't like to be developed', 'they don't pay taxes', 'they are outlaws'. An 'inferior evil race,' this is what they are described as […] And they called them the 'Palestinian problem,' just like the Nazis talked about a 'Jewish problem'. [109]

Palestinian exemption from the Israeli military is a sign of the deep mistrust and reluctance on training and arming Palestinians. Although military conscription would certainly pose a moral dilemma for many PCI, military service in Israel is attached to several economic and social benefits that are denied to those who don't serve. For instance, Palestinians are barred from security-related positions in public service and are denied – by custom – from Israel's military industries. Besides their exemption,

[108]Despite being portrayed as a non-assimilating minority, a term also used by Smooha (1980), no real attempts were ever made by the State to integrate the Palestinian population.

[109] Interview conducted by the author to Nurit Peled-Elhana, in July 2016.

authorities also refuse to extend the *Mishmar Ezrachi*, a civil guard composed by armed civilians to patrol their own communities, to Arab localities (Armendáriz, 2015: 17-18).

The distrust among Israeli Jews goes beyond the potential dangers that a Palestinian community, fully armed and with military training, can bring. For instance, out of all the scenarios presented by Pedahzur and Yishai (1999), two political scientists set to study xenophobia in Israel, the possibility of having a romantic relationship with an Arab was the one that aroused more rejections. There is also a growing support for groups that intend to prevent mixed relations and marriages: in 2010, a 'task force' was created by the municipality of Petah Tikva to "patrol the city at night and break up Arab-Jewish dates" (White, 2012: 55).

Perhaps even more tellingly is the fact that the Pedahzur and Yishai (1999) could not find significant variation among Jewish groups when it came to their perception of the Palestinians. While religious Jews tended to be more hateful and intolerant towards non-Jews, the Israeli Jewish consensus towards Palestinians transcends ethnic origin, social class, level of education gender, age and even political affiliation. The same had been acknowledged by Kimmerling (1993) when describing the existence of two subcultures in Israeli Jewish society with different views on the occupation: one pushing for the full annexation of the territories; the other pushing for a peaceful resolution of the conflict and Israel's recognition of its plurality. Despite their apparent differences, Kimmerling argues that:

> What is common to both subcultures is the belief in Israel's exclusive Jewish communal identity, or, in other words, both subcultures are determined that Israel will not become a multinational state in formal terms, although it is a multinational state in point of fact. All of the other reasons cited for returning to the *status quo ante* of the nation state, preservation of democratic values, public morality, etc., are not part and parcel of exclusively political considerations but are rather concerned with the nature and procedures of the state's regime. Only when they are directly related to the possible weakening, or demise, of the state can the reasons given by a subculture for its position be considered of a purely political nature. (Kimmerling, 1993: 420)

This seems to confirm Sa'di's (1992) argument that the ideas of the Israeli State on the Palestinians have been adopted by the Israeli Jewish public. Through their acceptance, this system of ideas has become hegemonic, and the securitization process has been completed. This has become a problem within the Zionist Left in Israel, which describes itself as "liberal", while showing no efforts to question the ethnic exclusivity of

the State. While improvements in the allocation of resources are open for debate, the advantages of the Jewish collective are almost always safeguarded.

Either as a demographic problem or a potential "fifth column", Palestinians in Israel are seen as an existential threat to the State, an image that has been enhanced since the second Intifada, following the displays of solidarity shown by many of these citizens. Jewish Israelis are generally suspicious of these protests and manifestations.

Even before the second Intifada, Smooha (1993: 108) believed some elements in the PCI's behavior confirmed Israeli Jewish suspicions, and considered that the high level of solidarity showed towards the Palestinians in the Occupied Territories justified their unequal treatment by the State, for it reinforced "the Jewish view of the Arabs as a threat to national security and the Arab reluctance to share in the defense of the country". Along with the sheltering of Palestinian "infiltrators" in the 1950s, and the participation in terrorist groups, Smooha includes the 92 cases in which Palestinians were detained for hoisting the Palestinian flag during the first Intifada as a sign of how Jewish suspicions are justified.

In the same article, and only a few pages later, Smooha argued that, while Israeli Palestinians do not constitute a security risk, they constitute a "latent threat" to Israel, and reaffirmed his 1980 argument that their compliance was a by-product of the control mechanisms imposed on them. He then offered a list on why the Palestinian minority is alienated and constituted a problem to the Israeli State.

Once again, Smooha conceded that the relation between majority and minority is unbalanced and one of domination. However, according to his argument, the potentiality for conflict stemmed from the fact that this minority population refused to subordinate to the status of minority, instead of the control the state exerts on that population. Additionally, Smooha's position resembled that of the Israeli government's position towards the Military Administration, and that of Shmuel Divon, the second of Ben-Gurion's Adviser for Arab Affairs:

> Ben-Gurion always reminds us that we cannot be guided by subversion which the Arab minority has *not* engaged in. We must be guided by what they *might* have done if they had been given the chance. (Divon, 1958 *apud* Lustick, 1980: 66)

The concrete conditions of the minority were disregarded and replaced by imaginary scenarios in which they posed a threat to the state, wrapped in an emergential tone and the call for the use of what was initially presented as a temporary, extraordinary measure.

A great deal of research has focused on the inevitability of threat perceptions both due to the ongoing conflict and to the historical collective trauma of the Jewish people, which were transferred to the Israeli State.

Canetti-Nisim *et al.* (2008), along with some of the researchers already mentioned, concluded that out of all the minority groups in Israel, Israeli Palestinians are perceived as the biggest threat. The authors state that the reason behind their image as a "hostile minority" or an "enemy" (along with the rest of the Palestinian population and the Arab world) is due to the ongoing conflict. Moreover they are also perceived as an economic threat because, as the most underprivileged group, they are substantially dependent on the welfare system.

The relative impact of threat sources vary: according to Canetti-Nissim *et al.*'s research, while most Israeli Jews are willing to look past economic and even symbolical threats, they are not willing to do so with threats to the security of the state. This means that security threats boost a series of mechanisms of exclusion that are not used to tackle other perceived threats, and are more significant in predicting negative political attitudes towards outgroups.

The problem with this approach is that it labels all these threats as realistic, neglecting the role political elites play in their securitization, and in shaping of public opinion.[110] For instance, the authors do not explain how, despite the fact that only a residual part of the Israeli Palestinians offered objective material support to terrorist activities since 1948, the whole community is still seen as a "fifth column".

[110] The same situation occurs when the authors conclude that the new Jewish immigrants in Israel pose a real "economic and symbolic threat" to the State. While this note does not discard their work and conclusions on threat perception in the Israeli society, it is important to explore the implications of the language they use to frame those results.

On the other hand, another body of research justifies Israel's nationalizing policies with the persistence of a national trauma stemming from Jewish persecution and threats of annihilation that were carried onto the new State.

Bar-Tal and Antebi (1992: 252) choose to focus on Israel's "siege mentality", or the perception among Israeli Jews that external groups have intentions to inflict harm to their group.[111] This perception is accompanied by a feeling of isolation and no expectations regarding external help. The authors warn that siege mentality is not an inherited disposition, and that it depends on "the group's perceived experiences and on the educational, cultural, political and social mechanisms"; they also recognize that political discourse on threats helps shape public perceptions, and that threatened groups tend to selectively search for information that is in line with their beliefs.

However, Bar-Tal and Antebi also tend to trivialize these mechanisms: in their opinion, the determination of the world's hostility is irrelevant to understand the group's behavior, as people act and react to the world they believe it exists. Moreover they believe that recent history, that "forced [Israel] to fight several major wars with Arab states" which refused to recognize Israel's and "employ instead the rhetoric of 'liberation of Palestine' and the 'liquidation of Zionist aggression'", provide Israeli Jews a direct expression of the world's hostility and anti-Semitism.

The prevailing siege mentality in Israel – along with latent hysteria, fears and prejudices – are therefore a not a surprising result, they conclude. According to Yair (2014: 349), Jewish cultural trauma is not only of extraordinary significance in the formation of Israel's national identity, it is also "the causal driver of Israeli chronic existential anxiety". The same opinion is shared by Kelman (1999) to whom Israeli sense of vulnerability stems from the Holocaust experience.

This opinion on the effects of national trauma on Israelis' threat perception and security policy are not circumvented to social psychology studies. Olesker, for instance, when writing about Israel's societal dilemma *vis-à-vis* the Oslo peace process, shows

[111]Peled-Elhanan (2012: 225) remembers the Jewish old saying repeated every Passover - "Every generation they rise to exterminate us" – which, in her opinion, is still presented as a fact of the present in Israeli schools and the political discourse.

himself very apologetic of the Israeli State, choosing to introduce the readers' to the case study in this manner:

> The slaughter of the Jewish people during World War II and later the attacks of the Arab nations on Israeli following its declaration of independence served to elevate the principle of security to mythical proportions. In Israel, security is not merely a national objective, it is a value all of its own. Israel's constant sense of insecurity has led to the development of a position that largely focuses on the military dimension of strategy to the exclusion of diplomatic or political ones. The experience of the Holocaust taught Jews an important lesson – their physical survival was too important to left in the hands of others (…)The attitudes of the Arab nations, and their refusal to recognize the Jewish state, further aggravated this sense of insecurity and the deep psychological dimension of its defensive-offensive posture. (Olesker, 2011: 385-386)

Olesker's introduction to the case study is problematic for numerous reasons. First, despite mentioning "Arab nations" twice, the Palestinian native community is once again invisibilized; second, his subtle association between the Holocaust and the creation of the State of Israel reproduces the Zionist narrative that the latter was a consequence of the former, ignoring that the Zionist movement emerged almost 50 years before the Holocaust; third, despite its military superiority, Israel is represented as a state under constant attack, whose military power is only used for defense and deterrence. This image clashes, as well, with his theory that it is national trauma that leads Israeli leaders to choose military tools over diplomatic ones.

These gaps (or voluntary omissions) lead him to conclude that it is the history of the Jewish people as a minority that makes the need for a Jewish majority in Israel so important. Despite having its own state, the Jewish majority is portrayed as frail and permanently unsafe, and their security concerns justify its nationalizing policies, passing them as "compensatory" measures for a collective past trauma.

Moreover, collective trauma should not be seen as a natural feature of a State, but as part of a nation building strategy, a "critical historical event that was culturally worked on – identified, developed and communicated and made into a societal cornerstone" (Yair, 2014: 348). Tragic events – like the Holocaust – are frequently used to fabricate a communal past that does not exist and create national narratives that are often memorialized and politically exploited.

The growing memorialization of the Holocaust, and even the fact that its annual commemoration falls just days before the Memorial Day for the Fallen Soldiers and

Victims of Terrorism, is ideologically manipulated to insinuate that one and the other are related, that there is a link between the persecution of the Jewish people and the involvement of Israel in multiple wars and, finally, that the Israeli State holds the monopoly of Jewish suffering and its memorialization.

As Abulof (2014b) acknowledges, it is not a coincidence that public discourses on the Holocaust are especially acute during moments of crisis. While on the first phase of the State there was a distancing between Israelis and Holocaust survivors, seen as weak and incapable of resistance, the second phase - inaugurated by the Eichmann trial, in 1961, but explicitly more obvious since the 1970s – coincided with the occupation of Palestinian territories and represents the use of a collective narrative of victimhood to justify Israel's positions towards the Palestinians (*cf.* Litvak-Hirsch *et al.*, 2008; Peled-Elhanan, 2012: 225; Abulof, 2014b: 526).[112]

The "siege mentality" argument fails in accounting Israeli attitudes towards the Palestinians for three main reasons.

First, it assumes that Jewish communities who remained dispersed for almost two millennia share the same historical past. In that sense, their argument falls on the same trap as Zionism's rejection of the Jewish exile: whereas some exilic event, such as the Holocaust, became central to Zionist narrative and national trauma theories, the historical past of the majority of the Israeli population, namely the Mizrahim, is ignored.

Second, siege mentality theories encourage the depoliticization of the security discourse, making it impossible to hold political elites accountable for the creation of threat perceptions around the Palestinian citizens. According to this logic, exclusionary measures are seen as inevitable and as a natural response to the fears of annihilation among Israeli Jews. The public legitimization of these measures is made through a persuasive discourse that attaches benefits to their adoption for the majority group, and are considered morally justifiable in the face of crisis and threats. According to a securitizing logic, "Israel needs to suppress and dominate the Palestinians in order to contain the conflict and 'prevent terror'; the use of force comes to be seen as an inevitable component of interaction with the enemy" (Rouhana and Sultany, 2003: 9-10).

[112] An in-depth analysis of the political use of the memory of the Holocaust in Israel will be presented in chapter 3.

The naturalization of Israel's permanent state of crisis and war, or as a permanently interrupted system,[113] as Kimmerling (1985) describes, is what allows the maintenance of an extended state of emergency since 1948 and the reason why "policies that would be considered grotesquely racist applied in other contexts are routine and institutionalized in Israel" (White, 2012: 83). In Israel, a society under "deep securitization" (Abulof 2014a), the lines between politicization and securitization are blurred, as issues that usually belong to the realm of *normal politics* are always wrapped in a discourse of "existential threat".

In 1979, Zureik (1979: 3) had already decried the a-historical research surrounding Israel and the Palestinian citizens, which was "dedicated to singling out the cultural and psychological peculiarities of Arabs and Jews, thus anchoring the roots of the conflict in the mental and psychic configurations of the protagonists".

Finally, the role siege mentality and external/internal threats play in the creation of an Israeli collective narrative are underplayed. This issue will be explored in the next chapter, where we analyze the problems faced by the Israeli state to create a collective identity among distinct Jewish communities. As Israel lives in a state of permanent mobilization against the Israeli Palestinian threat, national priorities are always set in an emergencial tone, burdening the Israeli state to a point that it is not able – nor wants to - to respond to other problems.[114]

2.4 ZIONISM'S COLONIAL NATURE

Following the discussion of the context for the creation of a Jewish state in Palestine and the various instruments (including discursive) used for the dispossession and control of the Palestinian community living inside the new State's borders, we think it

[113] Baruch Kimmerling (1985) uses the term "interrupted system" to describe Israel's permanent state of war and preparation for conflict. Through the analysis of literature on conflict and research on the strain these interruptions place on Israeli civilians, soldiers and reservists, Kimmerling concludes that Israel's interrupted system is one whose aim is, from the outset, to return to the condition existing before the crisis. Therefore, the interruptions are no longer temporary: there is a continuum of conflict and/or security state of mind, to the point that they became an inherent part of the social system.

[114] For instance, both Lissak (1993) and Horowitz (1993) argue that Israel's perception that is permanently in a state of dormant war or in a war for survival clashes with the absence of a clear cut security strategy. This results from the all-encompassing conception of security that has been adopted since the creation of the state and the lack of social consensus in matters such as strategic goals and borders of the state.

is important to analyze the Zionist settlement in Palestine from a colonial perspective, as well as to understand its relation with European imperialism.

The 1967 occupation of East Jerusalem, the West Bank and Gaza propelled many authors to write about a shift in Israeli politics and society. Simultaneously, the aftermath of the 1967 occupations – along with a growing awareness and sensitivity to Third World and post-colonial issues – encouraged the emergence of other type of work, one that sheds a retrospective light on the entire process of Israeli state-building. This body of work rejects the idea that the 1967 occupation of Palestine constitutes an exception in Zionist-Israeli history, and showcases the colonial nature of early Zionist settlement in Palestine:

> It was the aftermath of the 1967 war which brought issues that had been submerged under layers of Israeli official historiography and sociography to the consciousness of a wider Israeli public, namely, the nature of the appropriation of territories, the relationships with the Palestinian inhabitants of these territories, and the implication these issues might have on Israeli society itself. This period saw a sort of replay of an anterior (pre-1948) history, secluded from public awareness by official Zionist historiography, and it provided a blunt demonstration of the applicability of the colonization process. (Ram, 1999: 59)

Despite the growing attention paid by Israeli and non-Israeli academics to the colonial features of the Israeli state, and despite the fact that many of the early-Zionist and Israeli leaderships have blatantly described Zionist settlement as colonial, the identification of Zionism with colonialism is still thoroughly rejected in the country. As Lloyd points out, early Zionists "were far more willing to admit the colonial dimension of Zionism and correspondingly the legitimate existence of the Palestinians as a people than are Israel's contemporary defenders" (Lloyd, 2012: 62).

This rejection stems from the fact that the idea of Israel as a colonial society goes against Zionist self-portrayal as a movement for "a people without land returning to a land without people". As Ram (1999: 57) also sustains, this idea also contravenes Zionist narrative on the liberation of the Jewish people and development of the land, as well as on the Jewish historical rights to that territory.

Generally speaking, we find that Zionist narrative regarding its non-colonial nature can be split in two different arguments. First, those who reject the idea that Zionism was not a colonial enterprise tell us that Zionism could not be colonial in its nature because it did not exploit the Palestinian population, as it often happened in

European colonies at the time. In this regard, they take refuge on the fact that the Zionist Movement adopted the strategy of "conquest of labor", whose goal was to exclude Palestinian workers from Jewish-owned companies and economic infrastructures, while favoring the employment of Jewish settlers (Grinberg, 1993: 93).

The second argument goes that Zionism, and particularly Labor Zionism, was strongly influenced by socialism, which prevented the emergence of colonial attitudes and policies. In the following sections we will attempt to deconstruct these arguments.

Argument 1 - There was no exploitation of the Palestinian population

The accusation that Israel is a colonial settler state, and that Zionism was – and still is - informed by European imperialism, is frequent among Palestinians and the Arabs. In his *Philosophy of the Revolution*, Gamal Abdel Nasser had already denounced the creation of Israel as a product of imperialism:

> It was clear that imperialism was the most prominent of these forces; even Israel itself was but one of the outcomes of imperialism. If it had not fallen under British mandate Zionism could not have found the necessary support to realize the idea of a national home in Palestine. That idea would have remained a foolish vision, without hope of realization. (Nasser, 1963: 62)

The first in-depth academic attempt to present Israeli as a colonial settler state was made by Maxime Rodinson, a Jewish Marxist scholar, who, in 1973, released *Israel: A Colonial Settler State.* In this book, Rodinson attempts to expose the various ways in which Zionists attempts to safeguard itself from comparisons with other colonial projects, either by emphasizing the non-exploitative nature of Zionist settlement in Palestine or by stressing the socialist character of the Zionist project.

Rodinson rejects the Zionist narrative, according to which colonial rule had to be imposed through force and lead to the exploitation of the native population, by arguing that throughout history colonialism took many forms, and by rejecting the stereotyped images of both colonized and colonizers (Rodinson, 1973: 36).

Regardless of the expansion in post-colonial studies that have extensively demonstrated how diverse colonial experiences were, authors committed to the idea that Zionism constituted a unique experience of colonization without colonialism – or, in other words, settlement without oppression, domination and/or exploitation – still argue that

Jewish economy developed parallel to Palestinian economy, and priority was always given to the employment of Jewish labor.

As we have seen, it is true that from the onset Zionist leaderships had given preference to a strategy of conquest of labor, and have attempted to create an isolated economic infrastructure where only Jewish labor was hired. However, this strategy was not completely successful, because, as we have seen, until the establishment of the State the Zionist movement was unable to attract sufficient Jewish immigration. The *Yishuv* was unable to develop in complete isolation from the indigenous Palestinian population, and thus a relation of exploitation of the Palestinian subordinated labor force emerged[115].

This strategy was not designed by economic considerations alone, as by 1905 the Zionist call for Jewish mass immigration to Palestine was not enough to impose the total exclusion of Palestinian workers: it was mostly designed by Zionist aspirations to invisibilize the Palestinian native population:

> The native, even when he assumes an impressive numerical superiority, becomes, in the eyes of spokesmen for settler regimes, invisible. The indigenous ethnic, religious, national, and linguistic institutions are either submerged or are redefined so as to reflect a value-system which is consonant with the hegemonic structure of the colonizers. (Zureik, 1979: 29)

Furthermore, even if the dual economy strategy, based on segregated land and labor market, had worked, its success cannot be read as anti-colonialist tendency, for it stems from the assumption that economic and social segregation would have had minimal impact on the Palestinian population (Peled, 2017: 112). As Shlomo Swirski pointed out, the basis for present day inequality between Jews and Palestinians can still be traced back to the period of Jewish settlement, when the Palestinians lost their subsistence economy, due mainly to the gradual loss and confiscation of lands[116].

As Lloyd (2012: 66) argues, the anomaly of a recently imagined people trying to settle a land which they had not occupied continuously in recent history could only be solved by colonialism. Early Zionists were aware of this paradox, as well as of the

[115] In reality, the way the Zionist movement adapted to the needs of production through the employment and exploitation of Palestinian labor force was replicated later on, in 1967, following the occupation of East Jerusalem, the West Bank, and Gaza. Between 1967 and 1991, Israel followed an economic logic and benefited from cheap Palestinian labor, particularly useful during years of inflation. During that period, Palestinians would only need a General permit, issued by the General Security Service (Shin Bet).

[116] Interview conducted by the author to Shlomo Swirski, in June 2016.

existence of a native people in Palestine (or in any of the other territories considered for settlement). In the author's opinion, Israel constitutes an example of a settler colonial society, because from the outset the settlement's focus was on the permanent appropriation of land from the native populations, rather than on its political and economic subordination and exploitation (which would be typical of an administrative or extractive colony).

That is the conclusion reached by Tikva Honig-Parnass, a former member of Matzpen, an Israeli anti-Zionist and Marxist group created in 1962, when she compared the Israeli colonization with that of Australia and the United States:

> [Zionism] aimed at eliminating the native population instead of keeping them as a reserve of cheap labor power. Unlike the Blacks in apartheid South Africa, Palestinians were considered dispensable, which explains the notion of mass expulsion looming in Zionist thinking long before 1948. This 'solution' is still adopted by Israeli political and intellectual elites […] However, until the right circumstances appear, a consistent policy of ethnic cleansing in slow motion—physical, political, and social—has been taking place all over historic Palestine, albeit with different methods and levels; by disconnecting Palestinians from their cultivated lands, banning their access to basic resources of livelihood, not to mention the devastation and massacres which took place in Jenin and Gaza. [Honig-Parnass *apud* Fischer, 2010]

As history has shown, the "liberation of the Jewish people" in Palestine clashed with the Palestinians' freedom and rights, and blurred the lines between post-colonial and colonial space. As Massad argues, "whereas an Ashkenazi Jew after May 1948 would view her/himself as living in a post-colonial space and era, Palestinians would view themselves as still living in a colonized space and in a colonial era" (Massad, 2006: 13).

One example of Israeli reluctance to accept Zionism's colonial nature is that of Ran Aaronsohn, a professor at the Department of Geography of the Hebrew University of Jerusalem, who argues that Israel is a product of "colonization without colonialism". His argument is sustained on the distinction he makes between colonization, which he describes as a "geographic phenomenon whose essence is immigration and the establishment of immigrant settlements in a new land that are distinctive from older traditional settlements", and "colonialism", which he sees as a "political and economic phenomenon, characterized by the forcible dominion and exploitation of a state over territory and population beyond its own borders" (Aaronsohn, 1996: 217).

Aaronsohn also offers examples of cases in which there was "colonialism without colonization" and of "colonialism by colonization". This categorization of colonial experience could have been valuable, if it were not for the fact that Aaronsohn consistently ignores the violent nature of the Zionist enterprise (to which the existence of several paramilitary groups is only a small part of), and the support that the *Yishuv* found in other European colonial powers, namely Great Britain. In fact, his work is reminiscent of Shmuel Sandler's argument that the *Yishuv*'s ability to act as a proto-state even before 1948 was a mere product of Jewish resilience and organization. In fact, Aaronsohn states that Israel is a "unique case" of immigration and colonization, because

> The Jewish-immigrant settler coming to Eretz Israel saw himself as returning to the one and only land of his forefathers – without any consideration of its (lowly) material situation or of his own expectations (minimal, if at all) for thereby improving his personal economic situation. (Aaronsohn, 1996: 224)

Another author, Yosef Gorny goes, as far as to say that the gap between Zionist ideology and social ideals and Zionist praxis was due to the existence of a "reality that was beyond their [Zionists] control". Gorny also rejects the possibility of comparison between Zionist movement leaders and other European nationalist-socialist leaders, because the Zionist movement represents a unique case of "constructive socialism":

> Constructive socialism, with its diverse strands and different personalities, was the outgrowth of the unique national condition of the Jewish People, a condition that became ever more critical with the rise of nationalist sentiment in Central and Eastern Europe and the parallel growth of socialism in those regions. (Gorny, 1996: 301)[117]

In Gorny's work there are no mentions made about the Palestinians nor the outcomes of Zionist's colonial project. Moreover, the effects of its "constructive socialism" had on the indigenous population are summarized in his idea of a "reality" on the ground that was "beyond the control" of Zionist leaderships. Gorny's ability to write an article rejecting Zionist colonial nature without mentioning its victims is reminiscent of how Zionism approached the presence of an indigenous population as an "Arab problem" that needed to be solved, as well as of the enduring presence of Darwinist tendencies (i.e., the belief that European Jews could develop Palestine for the common good, in a

[117] The overuse of the argument that Zionism constituted a unique experience which cannot be tested against other colonial enterprises or nationalist movements has also been exposed by Peled (2017: 106-107).

way that Palestinians would never be able to do) among the Zionist left. Rodinson (1973: 39) would describe this absence as "an indifference linked to European supremacy".

For Peled, the strategy now called "constructive socialism" was nothing more than the solution found by the Zionist Labor movement following the realization that the "conquest of labor" could not be achieved without the "conquest of land" (Peled, 2017: 111), and that the latter could not be achieve through purchase.

As Massad argues when countering a similar argument made by another author, the problem with these arguments is not whether or not these are supported by doctored documents, but the fact that their subtext is "the stuff Zionist ideology had relied on since its very inception" (Massad, 2006: 25), namely the conviction that Jewish settlers in Palestine were not regular immigrants or colonizers, but the direct descendants of ancient Hebrews, who were then *returning* to their homeland. In this regard, he offers the examples of the Rhodesian "Unilateral Declaration of Independence" (1965), the formation of the Union of South Africa (1910), and the American Revolution in 1776 to show how the Israeli "Declaration of Independence" (1948) is merely another situation when "settler-colonists declared themselves 'independent'[118] while maintaining colonial privileges for themselves over the conquered populations". Moreover, the very renaming of the "Declaration of the Establishment of the State of Israel" to "Declaration of Independence" represented an attempt to rebrand Israel as a state established *against* colonialism, instead of *via* colonialism, at a time when European empires were coming to an end (Massad, 2006: 13).

For Ilan Pappé, this rejection among Israeli academic circles makes no sense in the age of professional historiography, because

> Zionism was not, after all, the only case in history in which a colonialist project was pursued in the name of national or otherwise noncolonialist ideals. Zionists relocated to Palestine at the end of a century in which Europeans controlled much of Africa, the Caribbean, and other places in the name of 'progress' or

[118] In the same essay, Massad argues: "the 'Declaration of Independence' and its derivative correlate the 'War of Independence' became the operative terminology in popular parlance as well as in the ideological discourse of apologist politicians and academics. Independence from whom, however, remains unclear. After all, the British had already left voluntarily without being party to the war. The Arab armies had not been in occupation of any Palestinian land prior to the Zionist 'Declaration.' The Palestinian people had no regular army and were being bombarded by the mainstream Zionist forces leading to their expulsion beginning as early as December 1947. From whom then were the Zionists declaring their independence?" (Massad, 2006: 19).

> idealism not unfamiliar to the Zionist movement. It happened in a century when French settlers colonized Algeria, claiming an atavist and emotional link to the Algerian soil no less profound than the one professed by the early Zionists with regard to Eretz Yisrael. Similarly, the cynical reassurances of the Zionist settlers to the native population were heard before by British settlers in Africa and Asia. Like the Zionists, the colonies built by Europeans in these continents were allegedly for the benefit of the local people. As it turned out, the colonies became imperialist communities serving only the strategic interests of European powers and the settlers themselves. (Pappé, 2008: 612-613)

In fact, even if the Zionist movement attempted to purchase land from the Palestinians, the amount of land sold to Jewish settlers was negligible: by 1947, only 6.5% of the area of Palestine had been purchased by Jewish settlers (Peled, 2017: 106). The conquest of land was mostly realized through force and confiscation, supported by the ethnic cleansing of the Palestinians and legal tools, and enforced through the imposition of a Military Administration between 1948 and 1966:

> The colonization of Palestine proceeded always as a fact of repetition; The Jews were not supplanting, destroying, breaking up a native society. That society was itself the oddity that had broken the pattern of a sixty-year Jewish sovereignty over Palestine which had lapsed for two millennia. In Jewish hearts, however, Israel had always been there, an actuality difficult for the natives to perceive. Zionism therefore reclaimed, redeemed, repeated, replanted, realized Palestine, and Jewish hegemony over it. Israel was a return to a previous state of affairs, even if the new facts bore a far greater resemblance to the methods and successes of nineteenth-century European colonialism than to some mysterious first-century forebears. (Said, 1980: 86-87)

Another reason to sustain the argument that Zionism was from the onset a colonial project stems from the support the Zionist Movement had from other European colonial powers during the establishment of the *Yishuv*. Already in 1900, during the opening address to the 4th Zionist Congress, Herzl admitted he had expectations regarding the role Britain would play in the establishment of a Jewish state: "From this place the Zionist movement will take a higher and higher flight. England the great, England the free, England with her eyes on the seven seas, will understand us" (Herzl, 1900 *apud* Massad, 2006: 15).

At that time, the Zionist Movement had not yet agreed on the settlement of Palestine[119], and what ensued was a back and forth debate with British authorities, during which the British proposed the creation of a Jewish state in the Sinai Peninsula and Uganda. Simultaneously, Herzl was conducting negotiations with a Portuguese diplomat and the Italian king for Tripolitania, as Mozambique and Libya were also temporarily

[119] The decision on Palestine was only to be made during the 6th Zionist Congress, in 1903.

considered as possible territories for a Jewish state. During these negotiations, it was made clear that Herzl was aware that these territories – not coincidently all colonized by European countries – were already populated (Massad, 2006: 16-17).

Israel shared the interests of European powers, and this agreement was partly due to their similar takes on anti-semitic views of Jews. Both Zionists and their "gentile advocates" believe that the presence of Jews among gentiles was one of the causes for anti-semitism. After all, one only has to go back to Herzl and his belief that anti-semitism could never be completely eradicated until the Jews had established their own homeland. This goal – the removal of Jews from Europe, Massad argues, was the basis for "their shared imperial vision" (Massad, 2006: 15).

A similar argument is advanced by Kelemen (1996: 346) when he explains that the Zionist movement's ability to sell the idea of a Jewish state in Palestine as an European buffer state in the Middle East stems from anti-Semitic stereotypes, namely the "Jews' perceived otherness" and their ability to carry "European ideas" while still belonging to the "Asian race".

The support given by Britain to the Zionist Movement, particularly in the early stages of settlement, can also be traced back to 19th century European imperialism reliance on a system of "client-patrol relations", or collaboration. In non-formal methods of imperialism, European colonial powers found collaborators among clergymen, traders, and merchants, and local elite groups. When it came to Palestine, Britain found support among a small yet well connected network mostly composed by urban Christian Arab or Armenian and Greek elite minority groups, who lived in the country's major cities.

By 1914, when the collapse of the Ottoman Empire was already looming, Great Britain started giving preference to the Zionist movement: not only the pre-1914 Arab elites were considered less Europeanized and lacking the financial and technological means needed for large-scale development, they were also affiliated with France, Great Britain's main rival in the Middle East. A British official in Palestine, Sir Ronald Storrs, who served as military governor of Palestine, went as far as to say that Zionism was "forming a little loyal Jewish Ulster in a sea of potentially hostile Arabism"(Golan, 2001: 136-137; Storrs, 1937 *apud* Peled 2017: 117).

There was, therefore, a relation of mutual support between Great Britain and the Zionist movement, which was essential for the establishment of the *Yishuv*. While advocates of a "benevolent Zionism" often take refuge on the fact that the Jewish settlers had no "mother country" to help them in their efforts, it is clear that Great Britain, for all intents and purposes, functioned as the "mother country" of this colonial movement, supporting it during the most crucial and formative years (Pappé, 2008: 620). Furthermore, a more nuanced observation of Zionist discourse helps us realize that, whereas Zionist settlers did not have the opportunity to make the constant reference to the "mother country", there was always the constant reference to "a more diffuse but no less potent 'Western civilization' of which Zionism has believed itself representative since the earliest days of the colonization of Palestine" (Lloyd, 2012: 68).

The British support to Zionist settlement took many shapes: 1) the flexible approach to Jewish immigration to Palestine, which only changed with the White Paper of 1939; 2) the permission given to the Zionists to establish their autonomous educational system (unlike the Palestinians, who were subjected to the traditional colonialist system); 3) the preferential treatment given to Jewish economy, which was allowed to flourished and be self-sufficient; 4) the encouragement given to the creation of a separate administrative structure (a unique feature in British colonial praxis); 5) through the fulfillment of the promise made in the Balfour Declaration for the establishment of "national home for the Jewish people"; 6) the suppression of the Arab Revolt of 1936-1939; and 7) for paving the way to a Partition Plan that was exceedingly advantageous to the Jewish minority.

As Williams (1991: 351-352) concluded, in an article where he rejects the comparison between Zionism and Pan-Africanism, the creation of Israel would have not been possible without Zionist courtship to European powers and without imperialist sponsorship. That was the same conclusion advanced by Ilan Pappé almost two decades after: despite the Zionist myth that the state of Israel was built solely through the efforts, resilience and pragmatism of Jewish settlers, "had London wished otherwise, the Jewish

state would have been a *fait accompli* in 1917—or it would not have come into being at all" (Pappé, 2008: 628)[120].

Argument 2: Zionism was influenced by socialism

Labor Zionism was founded in the aftermath of the third Zionist Congress (1899), inspired by the thinking of figures such as Dov Ber Berachov, who believed that only Zionism could liberate – both historically and economically – the Jewish people from centuries of oppression. While the socialist Zionist camp was varied, and included orthodox Marxists, non-Marxists, and populist socialists, they all shared the same conviction: the establishment of a (socialist) Jewish state would necessarily mean the expulsion of the native Palestinian population.

Alan Dowty (1998: 38-39) presents socialism as one of the revolutionary ideologies that impacted the Zionist movement and the settlement in Palestine. In his opinion, certain elements present in socialism come naturally in Judaism, such as the concern with social justice and the support for legitimate revolt against the established authority, making it compelling for the movement and the Jewish settlers. He goes on saying that the *Haskala* movement and the limitations it had created to European Jewish communities, encouraged the adoption of socialism among the masses.[121]

While not mentioning socialism directly, Ben-Gurion also shared the idea of a Jewish inherent and natural moral superiority, a trait he thought came directly from the fact that Jews are the "children of the Book":

> I think this Jewish emphasis on negative rules and positive virtues accounts for a certain drive towards achievement and for a highly developed sense of justice, or rather of injustice. The Jews have always had a tendency to become passionately committed in any spiritual war against injustice, not only when it has concerned them directly but in the name of mankind as a whole. Where there are Jews, there are people fighting man's inhumanity to man. (Ben-Gurion, 1970: 16)

[120] Even Joel S. Migdal, a thorough supporter of the thesis that Zionism was not colonial, recognizes that "the earlier actions of the British proved to have the longest and deepest impact on the Yishuv's social and political organization" and that if had not been for the British giving so much autonomy to Jewish agencies and bodies the distribution of social control in Palestine could have been different (Migdal, 2001: 75-76, 136).

[121] As we have observed previously in this chapter, while it is true that socialism was adopted among the Jewish masses, particularly in Eastern Europe, most of those that identified as socialists gave their support to non-Zionist socialist movements, namely the Bund.

Eventually, Alan Dowty backtracks by saying that Judaism (and Zionism) played a more significant role, even among secular Jews, than any revolutionary ideology (1998: 43). However, the incompatibility between nationalism and socialism and egalitarianism is never addressed. This is only possible because, in his opinion (1998: 36-37), Zionism emulated an early version of nationalism, more liberal and moderated. He rejects the notion that, despite its late emergence, Zionism was shaped after a more particularistic, assertive version of nationalism which, when taken to the extreme, preaches ethnic homogeneity and rejects the right to self-determination of other people.

If socialism presumes the transcendence of national differences by the elimination of class-based oppression, it is also incompatible with the exclusion of Palestinian labor from the Jewish market and the growing pauperization of the Palestinian working class.

Moreover, even if we accepted that some of Zionist ideologues were committed to socialist values that should not exempt us from analyzing the effects the colonization of Palestine had on its indigenous population. As Zureik sustained:

> The fact that some of the early Zionist ideologists embraced socialist ideals and looked upon the Zionist settlement in Palestine as fulfilling a revolutionary aim and solving the problems faced by persecuted European Jewry should not in any way distract the researcher from examining critically the *unintended consequences* of this process and how it actually materialized. (Zureik, 1979: 9)

By "unintended consequences" Zureik means the transformation of the Palestinian class structures "from a communally based, land owning peasantry to a 'declassed' stratum", accomplished through Palestinian dispossession and patterns of prejudice and exclusion. A similar argument, pertaining to the "idealist" undertones of Zionist leaderships, was also presented by Peled (2017) and Pappé (2008). According to Peled, social-historical analysis, such as the ones debating the colonial nature of Zionism, must deal with actual consequences, as those can diverge significantly from the agents' intentions. Moreover, he explains, "there is no inherent logical or empirical contradiction between a settlement movement's being national and its being colonial at the same time" (Peled, 2017: 107).

For Pappé, Israeli historians' reluctance to perceive Zionism as a colonial enterprise stems from their unwillingness to work outside an empiricist and positivist

approach. Therefore, they tend to focus exclusively on the Zionist discourse prior to the settlement, which, in general, does not include colonialist intentions (Pappé, 2008: 613).

To Pappé's observation we would add the fact that those who reject Zionism's colonial nature purposely select segments of Zionist discourse that fit their arguments. In reality, the discourse produced by some of the most prominent figures of Zionism are blatantly colonial.

Take, for instance, Theodor Herzl ideas on the colonization of Palestine. Even if the idea of an empty land was a central tenet of the movement, Herzl, as we have the opportunity to observe, knew the land was inhabited by Palestinians. Their existence was, however, self-servingly ignored during the Zionist congresses or turned into a matter of "European chauvinism": resistance to Zionist settlement in Palestine was not taken into consideration because, as Herzl wrote in 1896, a Jewish state would become as "the portion of the rampart Europe against Asia, an outpost of civilization against barbarism" (Herzl, 2010[1896]: 30). The Palestinians were, according to this view, in need to be cultivated and civilized like the "neglected" landscape Jews found in Palestine (Peled-Elhanan, 2012: 225).

An entry in Herzl's diaries, from 14 June 1895, stated clearly what should be the Zionist strategy used for the conquest and colonization of Palestine:

> We must expropriate gently the private property on the estates assigned to us. We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it employment in our own country. The property owners will come over to our side. Both the process of expropriation and the removal of the poor must be carried out discreetly and circumspectly. The property owners may believe that they are cheating us, selling to us at more than [the land is] worth. But nothing will be sold back to them. (Herzl, 1895 *apud* Penslar, 2005: 67)

According to Palestinian historiography, Herzl was aware of the existence of a native population in Palestine, even before he released *The Jewish State*, and the lack of attention paid to this fact within the Zionist Congresses is part of a "conspiracy of silence". The same argument has also been developed by Rodinson:

> The element that made it possible to connect these aspirations of Jewish shopkeepers, peddlers, craftsmen, and intellectuals in Russia and elsewhere to the conceptual orbit of imperialism was one small detail that seemed to be of no importance: Palestine was inhabited by another people. (Rodinson, 1973: 38)

The same can be seen in the discourse of Yaakov Rabinowitz, who was the leader of Haopel Hatzair ("The Young Worker"), a Zionist group established in Palestine in 1905 that claimed to possess a socialist agenda. Rabinowitz saw no contradiction between leading a socialist movement and the call for a segregated labor market, and even compared the Zionist project to other colonial enterprises: "The Zionist establishment should defend the Jewish workers against the Arab one, as the French government protects the French colonialists in Algeria against the natives" (Rabinowitz, 1908 *apud* Pappé, 2008: 618).

On the other hand, socialism was also completely absent from Herzl's proposals. Considering the important role Theodor Herzl played in the history of modern Zionism, this absence seems to reject the notion that the socialist ideals of egalitarianism and social justice came naturally to Judaism and Zionism. In fact, Herzl's attitude towards the poorest among the Jewish community is one of blatant opportunism. In his opinion, the poorest should be the first to go to Palestine, in order to cultivate the soil and build the necessary infrastructures, in order to attract wealthier and well-educated Jews in the later decades:

> The emigrants standing lowest in the economic scale will be slowly followed by those of a higher grade. Those who at this moment are living in despair will go first. They will be led by the mediocre intellects which we produce so superabundantly and which are persecuted everywhere (Herzl, 2010[1896]: 27-28).

According to Herzl's earlier plans, these unskilled laborers would be placed in shelters upon their arrival, and would only be given permanent houses after three years of work and good conduct. Herzl expected this "carrot and stick" strategy would "secure energetic and able men" who would "be practically trained for life by three years of labor under good discipline" (Herzl, 2010[1896]: 39). While he thought that it would take a few decades to attract the Jewish elites to Palestine, he was sure the poorest strata would emigrate en masse because of their poverty and fragile status:

> Will people say, again, that our enterprise is hopeless, because even if we obtained the land with supremacy over it, the poor only would go with us? It is precisely the poorest whom we need at first. Only the desperate make good conquerors (Herzl, 2010[1896]: 97).

This approach contrasted sharply with the absorption of those Herzl described as "prosperous colonists": once in Palestine, "rich Jews who are now obliged carefully to

secrete their valuables, and to hold their dreary banquets behind lowered curtains, will be able to enjoy their possession in peace, 'over there'" (Herzl, 2010[1896]: 45-46).

In the rare instances where Herzl's colonial posture towards the Palestinian native population is addressed, his discourse is often dismissed as being a natural part of the political context of the 19th and 20th centuries. That is the case, for instance of Derek Penslar's (2005) work. Penslar rejects the idea that Herzl meant to expel and expropriate the Palestinians, on the grounds that some of the entries in his diaries are not representative of his thinking, for he wrote them on a feverishly state. These entries, he argues, are part of a "great outburst of logorrhea", during which he "indulged in an orgy of narcissistic fantasies about power, control and domination" (Penslar 2005: 71).

These entries, however, are consistent with Herzl's other diary records and political manifestos. In *Altneuland* (Herzl, 2009[1902]) for instance, Palestinians are virtually absent from the plot and, when they make an appearance, the aim is to compare them with the Jewish colonizers, the latter described as vehicles of development and civilization.

Moreover, Penslar's suggestion that we overlook some of Herzl's diatribes in favor of his more reconciling posture (or the distinction between mere fantasies and political realism) implies an incisive selection of information that is not fit for academic research and has normative implications as well. Penslar insists that Herzl was a humanitarian, whose humanitarianism coexisted with "Eurocentric, condescending and paternalistic" attitudes towards the Arabs. His conclusions, however, affect not only the perceptions held around Herzl, but those held on Zionism, and perpetuate the myth of a benevolent colonialism:

> Herzl was indeed more solidly wedded to a colonialist economic scheme than some of his apologists would like to believe, but there is no necessary contradiction between the perception that the Zionist project must begin as a colonialist venture and the aspiration that it mature into a model of European social progressivism. (Penslar, 2004: 74)

It is not our goal to dismiss the role the historical context of that time played in naturalizing the colonial nature of the Zionist project. Similarly, we believe it is relevant to analyze historically the role European social democracies played in legitimizing and encouraging Zionist settlement in Palestine, at a time when European social democracies did not recognize their own crimes as colonials powers. In fact, as Anita Shapira (2017: 97)

explains, it is no wonder that the British Labour Party was the closest to the leadership of the Zionist Labor movement, because of the lesser role they accorded to ideology (or, in other words, their lack of commitment to a revolutionary strand of socialism).

As Kelemen notes, one of the reasons why the Zionism and, in particular, Labor Zionism, was attracted by social democracy was the fact that both Zionists and several European social democratic groups and movements had in common the idea of "benevolent colonialism". The position of socialist and labor parties regarding Zionism and colonial policies, in general, had already been addressed during the Stuttgard Congress of the Second International, in 1907. At that time, a proposal to advocate for a "positive colonial policy" had been rejected by most delegates. However, in 1928, at the Labor and Socialist International congress held in Brussels, it was decided that imperial rule should be maintained in those cases where the "abolition of colonial states would not bring with it any progress towards a national culture, but rather a relapse into primitive barbarism" (Kelemen, 1996: 336-337).

It was in this context of European socialist parties' support for the maintenance of colonial states that the Zionist movement found the opportunity to make its case, by declaring that Jewish productive activities were being carried out according to socialist principles, and by reinforcing the idea that the colonization of Palestine would not be exploitative, and would even help the native population "overcome their primitive standards of civilization and economics" (Kelemen, 1996: 338). Not only did European socialists of the early 20th century found a common ground with Zionism, which they believed was carrying out "marvelous social experiments, brimming with idealism" (Vandervelde[122], 1929 *apud* Kelemen, 1996: 340), they also dismissed any instances of Arab and Palestinian resistance as reactionary upheavals:

> Zionism, for mainstream social democracy, was not merely an outpost of European civilization and economic progress but represented, under the aegis of the Jewish labor movement in Palestine, trade unionism and socialism, the highest achievements of that civilization […] From this perspective, Arab hostility to Jewish settlers belonged not to the nationalist awakening in the colonial world but to the ruling elite's resistance to working-class politics. (Kelemen, 1996: 340)

[122] Emile Vandervelde was a Belgian social democrat and member of the Belgian Labor Party.

However, we believe these links are not enough to sustain, in the 21st century, the Israeli mainstream perspective that Zionism was not a colonial movement, even among some who usually sympathize with those oppressed by colonialism.

Therefore, while Aaronsohn (1996: 217) argues that the terms "colonization" and "colonialism" need to be understood in the context of the "spirit of the times", in which they still had not yet acquired the "negative connotation which became attached to them during the process known as de-colonization", that should not be used by an academic to mask the colonial nature of the Zionist movement in an article written in 1996. In fact, this argument would only be valid (from a purely scientific point of view) if other colonization processes were subjected to the same unaccountability and contextualization, and that would naturally pose tremendous moral issues. As it is, Aaronsohn's argument is merely anchored on the Zionist (and Israeli) self-portrayal as "unique".[123]

In short, Zionist colonialism can be historically contextualized to be explained as a product of the "spirit of the times", but that will not make it less colonial than it is. As Rodinson succintly put:

> The Europeanism of the Zionists made it possible for them to present their plan as part of the same movement of European expansion that each power was developing on its own behalf. Hence, the many statements pointing out that it was in the general interest of Europe or civilization (which amounted to the same thing), or even in the particular interest of this or that power, to support the Zionist movement. This was perfectly natural given the atmosphere of the period. There is no need for us to moralize by applying to the Zionist leaders or masses of that time criteria that have become common today. But neither do we have to deny that their attitude was what it was, not to disregard its objective consequences. (Rodinson, 1973: 45-46)

A significant part of Israel's early image as socialist is attached to the myth of the *kibbutz*, often described as spaces of "socialist paradise". The *kibbutzim* were a type of Jewish settlement that attempted to merge the values of egalitarianism and communal ideals with those of Zionism and Jewish nationalism. Those who lived in the *kibbutzim* – the *kibbutzniks* – would find "joint ownership of property economic equality, and

[123] As Sternhell wrote in a 1996 article, "The writing of Jewish History in Israel, especially in the study of the modern period and the history of Zionism, has often paralyzed genuine and significant criticism, perpetuated myths flattering to the sanctioned definition of collective identity, and enclosed Israelis in an intellectual ghetto without benefit of comparison with the experience of other peoples or reference to criteria of universal validity. Such exclusiveness can result in ignorance" (Sternhell, 1996: 304).

cooperation in production, and the maxim 'from each according to his ability, to each according to his needs'" (Assi, 2016).

The *kibbutzim* have contributed to the generalized believe that Israel was genuinely struggling to build a classless society, albeit on a religious basis (Williams, 1991: 353).However, not only was there always a small percentage of Israeli population living in the *kibbutzim* and/or according to socialist principles, they played a far more crucial role in occupying land stolen from the Palestinians than they ever did in building a socialist state:

> The Kibbutz, that unique achievement which rightly fired the imagination of the Jewish world, was primarily a tool of building up the country, not a means of transforming society […] Those who entered a kibbutz and put those principles into practice were, as we know, a very small minority. To the first native-born generation – the generation of the War of Independence - youth-movements provided a happy childhood and left many people with the feeling of a lost paradise. However, they never endowed the society as a whole with special norms of conduct, never contributed to the lessening of social differences, and did not make the society of the Yishuv one with greater justice than a normal bourgeois society. (Sternhell, 1996: 308-309)

However, it was not merely the experience of the *kibbutzim* that Sternhell saw as limited. In his opinion, Israeli nationalism - which he describes as "holistic", "tribal", and leaving no room for dissidence – was absolutely incompatible with Marxist's vision of man and society, as well as its philosophy of history:

> This type of nationalism was unable to assimilate democratic socialism, which, on the one hand, saw itself as the heir to liberalism, and, on the other, was strongly attached to its Marxist roots. The only form of socialism that Zionism was able to assimilate and use as an effective working tool was the anti-Marxist variety, which saw man as the product of his cultural environment and not of his place in the system of production. (Sternhell, 1996: 305-306)

Moreover, the *kibbutzim*, not only contributed for the hegemony of the Labor party, they also ensured the privileged position of Ashkenazi Jews which constituted the vast majority of *kibbutzniks* (Peled and Shafir, 1996: 399).

As Pappé explains, while the idea of the *kibbutzim* carried with it the wish to lead a communal life, the way it was constructed actually transformed it into "an aggressive settlement against a local population and a wish to utilize that space economically" (Pappé, 2008: 615).[124] Assi describes Socialist Zionism as "uneasy marriage of conflicting

[124] Pappé goes on to say that the *kibbutzim* (and the *moshavim*) shared various characteristics with the "model villages" built by European missionaries in many colonies: "Both outfits were meant at first to serve as an ideal for the world or at least for the closest reference group, Christians or Jews. Then the collectives

characters", and the *kibbutz* as being guided by "ethnic separatism, not class-based egalitarianism or socialist internationalism":

> Rather than forging class solidarity across ethnic lines, Labor Zionists reinforced social hierarchies, ethnic hegemony, and religious oppression […] Part of the reason for the muddied waters is the conflation of 'communal' and 'socialist.' As defined by its founders, the Jewish kibbutz was a communal settlement based on the principles of joint ownership, economic equality, and cooperation of production. But it was Jewish ownership, Jewish equality, and Jewish cooperation — a communal paradise, perhaps, but only for one ethnic group. (Assi, 2016)

Therefore, it is not that Zionist socialism did not meet its promises for egalitarianism, it is just that it never existed in the first place, as international proletarian solidarity is incompatible with the conquest of labor and dispossession of the Palestinians. As Seraj Assi (2016) recalls, the most important thinkers of Labor Zionism, such as Moses Hess or Ber Borochov, acknowledged that the creation of a socialist Jewish state in Palestine would demand the expulsion of the native population.

The shift towards a more critical study of Israeli society since the 1970s, and most prominently since the 1990, with the emergence of the "New Historians", has deconstructed the socialist discourse of the Zionist Labor Movement, portraying it as no more than a mobilization ruse.

The colonialist perspective that opposes Jews, as representatives of the West and of progress, and non-Jews (mostly Arabs), as representatives of the Orient and backwardness is still reproduced in Israeli education, literature, and media, and has remained one of the major contradictions of the Zionist enterprise in Palestine. While Labor Zionism offered a pioneering ideology as a framework for a new collective identity in the making, only partially informed by socialism, a tension remained between the ideal of egalitarianism and the emergence of a differentiated economic and political structure (Einsenstadt, 1967: 12).

Furthermore, the almost unquestioned socialist nature of the Jewish enterprise also devalues the existence and the efforts of several Jewish socialist groups that opposed Zionism. As Golan (2001: 128) notes, Marxist Jewish workers' organizations proliferated in

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were seen to serve solely and exclusively the needs of the settlers in a hostile environment. The settlers and missionaries were so overwhelmed by local antagonism and hostility, on one hand, and developed racist attitudes toward indigenous peoples, on the other, that the collectiveness was no more a universal dream but a means of survival for the settlers and missionaries" (Pappé, 2008: 624).

Imperial Russia and Eastern Europe, in the 1890s, and those tended to perceive Zionism as part of the "Old World", which would disappear in a popular revolution. That was the case of the Bund, the most prominent Jewish Marxist organization, which proposed the formation of a Jewish cultural autonomous entity in a post-revolutionary Europe. The Bund vehemently opposed Zionism, which they saw as legitimizing anti-Semitism in Europe and rejecting the rights of the Palestinians, and described the establishment of the state, in 1948, as "designed to serve the imperialistic interests of the Western powers, [that] would only perpetuate the conflict between Jews and Arabs" (Scharf, 2014).

Moreover, while the Zionist movement gained traction among European labor movements and parties in the aftermath of the 1st World War, it is also true that there was reluctance in accepting Poale Zion (the predecessor of MAPAI) into the international socialist movement until then. Jewish territorial self-determination had been opposed at the 1891 International Socialist Congress, on the grounds that "it would hand anti-Semites the propaganda weapon of portraying socialists as the defenders of Jews". Even after Britain's invasion of Palestine (1917) and the end of the war, some European socialist figures maintained their opposition to Zionist, partly due to the outbreak of Palestinian revolts in 1920. That was the case of Karl Kautsky, who believe that "the most deep-seated reason why Zionism could not succeed was the dependence of Jewish colonization on the victorious great European powers and the opposition in the Muslim world to Jewish colonization" (Kautsky, 1929 *apud* Kelemen, 1996: 334).

Other Jewish Marxist ideologues shared the same opinion. That was the case of George Novack, a Jewish-American Marxist who, in 1969, wrote a political manifesto called *How can the Jews survive? A socialist answer to Zionism*. In it, he described the actions of middle- and working-class Eastern European Jews who opposed Zionism and believed that Jewish liberation could only be achieved by overthrowing capitalism. Furthermore, Novack argued, Marxism struggled with "the mystique of the chosen people in reference to the Jews or any other nationality", for its goal was to provide historical and materialist explanations for the marginalization of the Jewish communities:

> The Jews have maintained existence and individuality as a nationality primarily because of the special role they played as a people-class in pre-capitalist society, where they were agents of the money economy among peoples living

> in a natural economy. Judaism and anti-Semitism had common roots in the distinctive functions which marked off the commercial Jew from the rest of the nations (Novack, 2018[1969]: 8).

When he addresses the reluctant decision of Eastern European Jews to support Zionism, Novack perceives it as a matter of "self-preservation", but points out that the settlement of Palestine "pushed aside the internationalist program and perspective", and represented the embracement of "a bourgeois nationalism of its own […] at a time when the progressive potential of that form of political organization within the capitalist framework had been reduced to a minimum" (Novack, 2018[1969]: 9-10).

Not only Novack denounces the "Zionist chauvinism" that transformed "a persecuted minority in other land into an oppressor nation in their present habitat", he also considers the *kibbutzim* a perversion of socialist ideals, as they were transformed into part of the national defense system and have taken an "aggressive character" due to "the expansionist and militarist course of the Zionist government" (Novack, 2019[1969]: 14-15). Novack's conclusion could not be any clearer:

> The salvation of the Jewish people cannot come from reliance upon Zionist chauvinism, American imperialism or Stalinist bureaucratism. Every expedient short of the struggler for socialism, any substitute for that, will end in calamity for the Jews […] The Jews have to link themselves with those forces in their own country and on a world scale that are fighting to overthrow imperialism and striving to build the new society. The solution of the Jewish question is indissolubly bound up with the complete emancipation of humanity that can be brought about only along the road of international socialism (Novack, 2018[1969]: 19-20).

The idea that Zionism had a colonial nature and functioned as a branch of European imperialism was also present in the activity of radical left-wing activists in Israel. That was the case of Matzpen, a Trotskyist faction established in Israel in 1962. Matzpen rejected the idea that Israel constituted a unique case of settlement, instead perceiving it at as a nationalist movement allying itself with imperialist powers:

> Though the colonization of Palestine was unusual in not being brought about by an imperial power, but rather by a nationalist movement, this movement nonetheless allied itself with imperialist powers against the progressive forces of the region. In Israeli politics the Project of colonization overshadows any other concerns including class concerns, therefore the real assignment of the Israeli Labor Movement is not the protection of workers or the attainment of socialism, but rather 'to organize Jewish labor for the Zionist cause' (Matzpen *apud* Ram, 1999: 58).

As Nakhleh pointed out in 1978, in an article that is still very timely, the Israeli Zionist Left defines its position in relation to other groups, parties and movements in the

Israeli polity, while always emphasizing that its ideological locus is Zionism, and not socialism. This allows them to deflect accusations from the Right that they are not Zionist enough, but also to demarcate themselves from the non-Zionist socialist Left.

That was the feeling shared by Tikva Honig-Parnass, to whom there were no other groups, parties or movements in Israel (other than Matzpen) making the connection between Marxism, class-analysis, anti-Imperialism and anti-Zionism:

> Anti-Zionists are considered by left Zionist intellectuals, as well as by wide strata in Israel, as traitors who challenge the very existence of the state. The discourse around this issue blurs and confuses the idea of the physical existence of the Jewish citizens of this state with that of its existence as a "Jewish state." Moreover, the Jewish identity of Israel has become synonymous with the notion of its 'security' and thus further deepens the commitment of most progressive Israelis to its racist nature as well (Honig-Parnass *apud* Fischer, 2010).

3. THE ISRAELI JEWISH DIVIDED NATION

Even before the birth of the State, the Zionist movement had to deal with deep rifts between different Jewish communities who would settle for different reasons in Palestine, carrying distinct individual and collective agendas, and coming from numerous different locations.

The major rifts amidst Israeli Jewish society are those between secular and religious (and, specifically, Orthodox) Jews, Ashkenazim and Mizrahim, and old-timers and newly arrived immigrants. Despite the need to identify these trends for methodological purposes, it is important to notice that these divides often intersect and overlap, and create other fractures, among class and political affiliations. Due to this overlapping, these divides, just like those between Left and Right (or, perhaps, even more), represent contesting visions of the Israeli State. While social boundaries (economic, stratificational, educationally-based) are easier to overcome, boundaries originating in primordial, religious or national differences are less permeable. The overlapping of social and primordial rifts has encouraged their endurance in the Israeli social scenario.

The naturalization of the divide between Jews and Palestinians inside the State of Israel often obscures these tensions and power struggles within the Jewish majority and downplays their importance when, in fact, they have no less impact on the character and strength of the State than the Jewish-Palestinian divide. This is true even among the more critical academics who argue that the nature and structure of a Jewish state, which does not offer an all-encompassing Israeli identity, are what allows for the social, political and economic discrimination of its Palestinians population.

While the roots of this minority's problems are easily diagnosed, for they are ingrained in the discriminatory legislation and structure of the State, the rifts among the Jewish population are harder to identify, especially considering the persistence of an official discourse on the "Ingathering of the Exiles". Nonetheless, these gaps exist, persisting for the last 70 years. For instance, in his 2006 work, Peres (2006: 131) noted how a significant number of the Israeli public was aware of the gravity of the religious-secular rift, considering it a threat to the integrity and the existence of Israeli society.

On the other hand, as Kimmerling (1985: 148) pointed out, the militarization of Israeli society, as well as the focus placed on the Israeli-Arab conflicts, manage to hide what he considers to be the most important characteristic of Israeli society: the fact that it is an immigration society where individuals and groups came together upon a common religious-traditional basis. The *Altalena* incident[125], happening only a few weeks after the creation of the State, was only a mere manifestation of the difficulties faced by the transitional government in putting an end to dissident terrorist organizations and the lack of common precepts among the new country's citizens.

The "ethnic democracy" model advanced by Smooha – which will be subjected to an in-depth analysis in the next chapter – is the most illustrative of the academia's myopia towards the fragmentation of Jewish society in Israel. The model is mainly problematic because it sustains that a country can remain democratic despite the dominance of one ethnic group. Furthermore, it also assumes the existence of equality between individuals belonging to the Jewish majority, ignoring the processes of sectorialization in the Jewish society:

> Israel-proper qualifies as a political democracy on many counts. These include universal voting rights, a multi-party system, fair elections, change of governments, civil rights, independent judiciary, free press, civilian authority over the army, and popular and elite support for democratic institutions […] Simultaneously, Israel is a special case of an ethnic state. It defines itself as a state of and for Jews, that is, the homeland of the Jews only. Its dominant language is Hebrew, while Arabic has an inferior status. Its institutions, offcial holidays, symbols, and national heroes are exclusively Jewish […] In many other ways as well, the state extends preferential treatment to Jews who wish to preserve the embedded Jewishness and Zionism of the state. (Smooha, 1997: 205-206)

The dominant Zionist discourse under analysis in the previous chapter has served to cloud the domination of the Palestinian native population, but is also used to mask Jewish internal divisions. To challenge of the Zionist narrative on the Return and the Ingathering of the Exiles is therefore doubly important.

[125] The Altalena affair took place in June 1948, when a ship carrying recruits and arms was shelled off the coast of Tel Aviv. The arms shipping was a result of an agreement between the Irgun militia – then led by Menachem Begin – and the French government, which had been reached before the agreement signed between Ben-Gurion, Irgun and other paramilitary groups, in order to integrate them in the Israeli Army. Despite knowing in advance that the ship was making its way to Israel and had preceded the agreement, Ben-Gurion saw it as a sign of insurrection, sent to destroy the Israeli army and murder the state" (Ben-Gurion, 1948 *apud* Segev, 1986: xi). As a result of a direct order from Ben-Gurion to attack the ship, 19 people were killed (16 members of Irgun and 3 IDF soldiers) (Segev, 1986: xix-xx, 283; Green, 2005).

The mass immigration following the creation of the State created a deeply ethnic differentiated country, as Jews immigrated from a wide variety of countries, carrying with them different cultural backgrounds, norms and even different languages and dialects. Some of them – as it happened with Mizrahi Jews, emigrating from North African and Middle Eastern countries – were also distinguishable by their physical appearance[126], making their presence more visible. As it happens in other settler societies, in the early period of statehood, the identification with their ethnic group served as a tool of emotional support in a foreign environment, and the boundaries with other groups were drawn (Shuval, 1962: 325). The hostility perceived by other communities also served as an additional source of solidarity and identification within these groups.

Interestingly enough, Zionism, like other colonial experiences, oscillates between the attempt to modernize itself (commonly associated with Western values of progress and development) while preserving some Orientalistic traits, that overemphasize the local and Jewish roots in Palestine (Ram, 2011: 104). Certain carefully selected elements of Middle Eastern culture are then appropriated for the benefit of the dominant group, while being labeled exotic and, more often than not, as inferior and undesirable. Ram (2011: 104-105) offers the example of the gentrification of Jaffa, since the 1980s, combined with the exclusion of its poor Palestinian inhabitants and the construction of gated communities and compounds inhabited by Jews. According to Ram, Jaffa became a symbol of the "reification of Oriental style combined with the exclusion of the 'Orientals' themselves".

Shuval (1962: 323), for instance, following the absorption process of the 1950s and 1960s, argued that the religious and ethnic common background among Israeli Jews, along with a strong element of identification with the idea of the State of Israel, would work as a cohesive bond, powerful enough, to overcome the cultural variations developed by each community while in Diaspora. For Ben-Porat (2011: 208), the reconciliation measures taken in the aftermath of the assassination of Yitzhak Rabin, in 1995**,** highlighted the common Jewish identity encouraging Jewish society to turn "inward".

[126] For more information about the social significance of skin color in the Israeli context see, for instance, Kalev and Maor (2015).

Fifty years separate these two academic attempts to make sense of the Ingathering of the Exiles. Still, their conclusions do not take into account the endurance of schisms among the Jewish collectivity in Israel. First, they help to sustain Israel's ethnonationalism and subsequent attempt to "indigenize" Jewish immigrants while trivializing the existence of a Palestinian native people (Peled-Elhanan, 2012: 103). Moreover, they conceal the fact that while Israeli leaders embraced common-held religious symbols, these were not enough to overcome deep differences in traditions and the dislocation suffered by Israeli immigrants (Migdal, 1989: 8).

According to Abulof (2009: 237), Israel's existential uncertainty, that he believes to be a feature of "small peoples", is mostly centered on the future of the polity and not on the lack of a common past. In his opinion, the Jewish people's longevity helps Jews cope with the anxieties of the future.

Abulof's argument does not take into account that, 70 years after the creation of the State, problems related to the basic structure of the Israeli society have not yet been solved and date back to the Zionist movement and the formative years of the *Yishuv*: the relationship between State and religion, the definition of borders, the convergence of social inequality with ethnic origins, the contradictions between democracy and blatant nationalism. The focus on the procedural and institutional features of the regime, especially on part of those who insist Israel is a democracy, also masks the tensions within the Jewish society in Israel, and does not explain how these seem to be entrenched in the political system.

According to Einsenstadt (1967: 121), Jewish identity in Israel is no longer defined in relation to a majority group or culture and "does not involve the various problems, uncertainties, and anxieties which have constituted such an important aspect of Jewish life and identity." It is our opinion, however, that Israeli identity still carries such angst, as Israel's self-promotion as the only State where Jews can be Jews without fearing (physical and cultural) annihilation contrasts with the similarly propagated image of a population under siege, surrounded by an hostile Arab world. Moreover, while extenuating effort has been taken by the Israeli State to foster cohesion among Israeli Jewish society, there is an ongoing debate on whether an Israeli identity exists, at a time when some features of tribalism (the ongoing focus of ethnic and religious sectors in

advancing their own interests) persists and is fueled by government policy in exchange for limited political support.[127]

Just like the Zionist movement, which had been struggling with internal divisions from the start, the Jewish people in the age of the Israeli state lacked binding mechanisms. Although Zionism presented the Jewish people as a homogeneous nation, some of the features that usually characterize nations – common language, culture and history – were not available to the Jewish-Israeli nation, and had to be manufactured by means of education, literature, media and political discourse. Perhaps more importantly, despite the fact that the Jewish community always suffered from internal rifts, the Jewish world was never as divided according to primordial differences (ethnic groups, race, external appearance) as it currently is in Israel:

> It was hoped that the new Jewish society developing in Israel would be rather harmonious because of the common Zionist denominator. In contrast to these expectations, however, Israeli society appears to be split by primordial cleavages (Orientals *vs*. Westerners, Jews *vs*. Arabs), class distinctions (the rich *vs.* the poor) – which partly overlap ethnic origin – and ideological splintering (religious *vs.* non-religious, 'hawks' *vs.* 'doves', the left *vs.* the right, etc.). (Kimmerling, 1989a: 244)[128]

Immigrants arrived in Palestine and Israel with different conceptions of the State, distinct historical experiences and varied cultural codes. While the Israeli State absorbed them, they were accepted into Israeli society in different ways, and the Ingathering of the Exiles was not made in identical terms for everyone. Zerubavel's (2002: 136) analysis of Israeli literary works points out the discrepancy between the Zionist narrative of the Ingathering of the Exiles and the Israeli social reality. All the literary works under analysis challenge the Zionist myth that there was a native Israeli identity to be discovered upon Jewish return to their homeland. On the contrary, they show that the "post-traumatic situation [of return] undermines the possibility of establishing clear and stable identities as well as coherent and authoritative narratives about the past".

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[127] Since 1948, the vast majority of governmental coalitions in Israel – even those led by Left-wing parties - have included one or more religious parties.

[128] The same opinion was shared recently by Avraham Infeld, the first Jewish Agency envoy to the United States, in 1967. Regarding the increasingly rightwing shift in Israeli politics, in contrast with the "staunchly progressive" posture of American Jews, Infeld declared that "Israel had become the most disunifying force in the Jewish community". He also stated that the recent government concessions to the Orthodox, regarding gender-segregated space in the Western Wall, was perceived as an attack to Diaspora Jewry and inaugurated an unprecedented crisis between Israel and the Jews in Diaspora (Infeld *apud* Maltz, 2017a)

In Israel, as Regev demonstrates, there is a growing need to emphasize the uniqueness of the Jewish nation, in order to justify the existence of a Jewish state. As the Jewish nation is not a homogeneous cultural community, Israel's national culture inevitably became a site of contest:

> 'National culture', as the coherent world of meanings through which the 'nation' as community comes into being, is constantly and continuously produced and reproduced from the plethora of cultural materials that exist within and flow into the national context. That this process of creation and recreation exists, is a result of the commitment to and belief in the idea of 'one nation – one culture'. (Regev, 2000: 242-243)

The army was seen as Ben-Gurion as a nation-building force, a "molder of the nation's leaders, the cultural instrument of the ingathering of the exiles, their unification and spiritual uplifiting" (Ben-Gurion, 1949 *apud* Segev, 1986: 268). Since the beginning of statehood, mandatory military service has been considered the most crucial "pioneering" activity, and Ben-Gurion considered that it was successful in "welding this diverse people into an entity in the course of only a few years" (Ben-Gurion, 1970: 66-67):[129]

> Let me add that even with defense so major a preoccupation, the mission of our armed forces remains as oriented towards constructing ends such as education and the unifying of Israeli youth through common training and experiences as it does towards warfare. (Ben-Gurion 1970: 75)

Military service was then considered as a vehicle to transcend ethnic and class divides and promote gender equality. In comparison with other European armies, he argues, these schisms are not of importance in the IDF, as hierarchies are determined by performance, not by class or education:

> He might speak with an accent in Hebrew and not have the grasp of Israeli social habits that his native-born companions could display, but the Army is judging him not on these elements or on his civilian status so much as on the talent he has shown on the field. (Ben-Gurion, 1970: 99)

Nonetheless, despite this seemingly integrative rhetoric, when addressing IDF recruits from Middle Eastern countries, he adopts a paternalistic posture, stating they have a "mentality apart from that of Europeans, Americans, South Africans, the ghetto populations of less developed areas or wherever else in the world they had come from" (Ben-Gurion 1970: 103). Thus, the IDF is not only a vehicle for nation-building, where each

[129] It is important to note how Ben-Gurion oscillates between the reaffirmation that the Jews constitute a people and a single nation, sharing a common history and permanently connected to the Land of Israel, while at the same time finds the IDF a necessary tool for nation-building and "the most positive creation of a Jewish state".

member contributes in an equal way to an Israeli (militarized) identity, but a vehicle of re-socialization for those who were not deemed yet fit for society.

The same opinion was shared by Ben Zion Dinur, the Israeli Minister of Education and Culture between 1951 and 1955 that was responsible from the adoption of the State Education Law (1953)[130]. In his opinion, the new State could not afford to delegate its educational functions and its border defense function to non-state actors, for "the physical defense of the state and the spiritual guarding of the nation" were equally central issues (Dinur, 1953 *apud* Ram 2011: 19-20).

Ben-Gurion's position towards the creation of an Israeli national identity was at first very pragmatic, as he refrained from any discussion on matters related to national identity, who were the Israelis, and what they strived to be:

> We shall disappoint the Zionist movement and miss our target if we suddenly start to philosophize over [such issues as] who am I and what am I. At the moment the only question we are faced with is practical and we have to solve it. (Ben-Gurion, 1948 *apud* Rozin 2007: 261)

He was, however, concerned that the nation without a State had given room to "a state without a nation" (Ben-Gurion, 1954 *apud* Segev 1986: 115) and, in 1949, he engaged in a debate with Israeli writers and intellectuals. S. H. Behmann, a Jewish Israeli philosopher contested that Zionism had given the Jewish people a new purpose – the creation of the State. Once the goal was achieved it was time to face the questions on what Judaism and the Jewish State were. In his opinion, the new Israelis showed a tendency to xenophobia and self-segregation, which he thought to be a a result of the Exile and the Holocaust.

Both Ben-Gurion and the intellectuals' concerns were valid: for most Israelis, the new immigrants – mostly coming from Arab countries and European refugee camps – were "debris" of the Jewish people that existed outside the already established population and some even spoke about the existence of "two nations" coexisting in the same state. The relations between the pre-state Jewish populations with the new immigrants were therefore strained from the beginning of the state.

[130] Israeli State Education Law, 1953.

The new State's collective identity, the *Israeliness*, was to be defined both by the Jewish veterans in Israel and the Jews who had not yet moved to Israel, throughout a long and profound process. The debate around the proposed Constitution was one of the vehicles through which the issue of Israeli collective identity was brought up.

There had been a previous commitment of the Zionist Movement, following the UN's Resolution 181 and the Declaration of Establishment of the State, that a Constitution would be adopted by the new State. For those in favor, the Constitution would have an educational role in the development and maintenance of a collective identity. Despite this, Ben-Gurion opposed the adoption of the Constitution, on the grounds that the majority of the Jewish people had not yet "returned" and was therefore unable to take part on the identity debate. Moreover, he argued that the Constitution could lead to a cultural struggle, as there was no consensus regarding the boundaries of collective identity (Kedar, 2013; Rozin, 2007).

A Constitution would also serve other political and legal purposes, defining the relations between citizens and State, establishing the rights and freedoms of all citizens, including the non-Jewish. Despite Ben-Gurion's justification, his rejection of an Israeli Constitution was based on his search for temporary compromises that would free the Israeli State from constitutional restrictions. It was also a result of the alliance he had established with the Orthodox leaderships, with whom he shared similar views on the Palestinians and issues of security.

As Kimmerling and Moore (1997: 29) argue, two basic collective identities were formed for the Jews: a Jewish identity, excluding from the collectivity all non-Jews, but including the Jewish people in Diaspora; and an Israeli identity, which encompasses all the citizens of the State.

Regev (2000) explains the traditional approach to Israeliness was one of "Hebrewism" (*Ivriut*), supported by the State since the 1950s, but still anchored on the ideals of pioneering and of the *sabra*, which we have explored in the previous chapted The goals of "Hebrewism" were the invention of a "native" Jewish culture, through the institutionalization of Hebrew as a native language (a process starting already in the 1920s with the definition of Hebrew as teaching language) and the emergence of a differentiated feeling (*Hebrew nativeness*) among those who immigrated to Palestine

before the creation of the State. According to the author, “Hebrewism” remained the dominant national culture in Israel until the 1980s, when it was challenged both by globalization and by ethnic subcultures among those who, against the expectations, had not been culturally absorbed by the state.

“Hebrewism” - and subsequently Israeli national identity – was an exclusionary force by nature, as it placed European *old comers* in a privileged position in the definition of *Israeliness,* while excluding those Jews who immigrated afterwards to Palestine. As it happens in any nation-building process, Israeli national culture became a disputed space, where several groups (ethnic, religious, generational, class and gender) struggle to gain recognition and/or to impose their own “national culture” or shape the collective identity to their profit.

What distinguishes Israel from other states is, first of all, the discrepancy between the State’s representation of its national culture as homogeneous and the persistence of divisions and internal struggles which are – at least partially – nurtured by the State; secondly, as Kimmerling and Moore (1997: 29) point out, is the fact that overlapping and central group identities are, not only politicized, but reified as “either-or” (bipolar) cleavages. While all individuals possess a repertoire of personal and collective social identities and may identify with several collectivities simultaneously (giving them priority according to the situation at hand or the agenda in a particular society), several overlapping bipolar cleavages coexist in Israel, turning them into a potential source of conflict.

Even if the growth of criticism towards political institutions and leaders – such as the one postulated by post-Zionism – can be a symptom of democracy reinforcement, other sectors of the population, with growing influence in shaping policies, have developed “strong characteristics of many modern fundamentalist movements – promulgating a very specific total, uncompromising and highly political interpretation of tradition” (Einsenstadt, 2011: 38).

Despite the plurality of Israeli society, no perception of multiculturalism developed in Israel as the ethno-national structure of the State prevented a total inclusion and no civil identity was encouraged by leaderships. According to Kimmerling (2001), Israel is no more than an amalgam of separate tribes, defined by their cultural

identities, resulting in a State that is plural without being multicultural. Subsequently, the identities of several groups have grown as mutually contradictory, resulting in a form of tribalism, where each group, focused on its own interests, participates – in an unequal way – in a struggle over sectoral rights. This struggle is fueled by successive governments in exchange for political support, hindering any productive long-term dialogue.

As Al-Haj (2004: 117) concludes, in Israel "the legitimization of one identity means the delegitimization of the counteridentities". The same opinion is shared by Kimmerling (1993) to whom the Israeli system presents some symptoms of ungovernability due to its incapacity of managing contradictory political claims and its "double identity", oscillating between primordialism and civic orientations. Its autonomy is therefore low, becoming hostage of rival groups.

The relation between State and ethnic differentiation is therefore symbiotic: the "ethnicization of politics" in Israel was initiated and reproduced by the State, but it also has great impact on the State's functioning.

This aversion to multiculturalism in Israel – and the incapacity to offer an appropriate response to its pluralist reality - is simultaneously a result and an explanation for the dependency on Judaism, and the refusal to develop a purely universalistic Israeli identity which could embrace all citizens, due to the lack of a social consensus around the meaning of civil identity (Cohen, 1989: 71; Kimmerling, 1993: 412; Zerubavel, 2002: 137; Doron, 2008: 587). In other words, while the identity of the State has been constructed as "Jewish" through the imposition of Jewish national symbols (flag, national anthem, holidays) and the stack of privileges offered to Jews (even those who are non-citizens and do not live in Israel), citizenship rights are allocated in a selective way and bound to be cut back in situations of "bad-behavior" and suspicions of disloyalty towards the Jewish State.

The discussion of the two following rifts (secular *vs.* religious; Ashkenazi *vs.* Mizrahi) are meant to portray the contradiction between the promises made by the Zionist movement to non-Jews and Jews alike (of a democratic state for all citizens) and the actual position of some disadvantaged Jewish groups. By exposing this contradiction, we are also highlighting the failure of the Israeli State's central tenet: the establishment a Jewish state with a unified collective. The position of these groups (secular and Mizrahim)

within the Israeli society is different, as well as their level of exclusion: while the Mizrahim have encountered a hostile Israeli society dominated by the Ashkenazim, the secular group finds it increasingly difficult to navigate in a society where a religious minority has displayed a growing capacity to impose its religious-political agenda.

The Mizrahim, seen as backward Jews, in need of re-socialization and cultural change in order to be fully integrated, were subjected to discrimination even before 1948, and their mentality was often described as primitive, only comparable to that of "children, the retarded, or the mentally disturbed" (Karl Frankenstein, 1951 *apud* Segev, 1986: 157).

Goldberg and Bram (2007) argue that the Orientalist categorization of Jews only happened after massive immigration starting in 1948. Their categorization as "Mizrahim" by the Israeli public can be explained, according to the authors, by a "cognitive overload", or the Israelis' need to deal with an extreme social complexity in such a short time. However, Segev (1986: 186-187) recalls already an orientalist approach towards the Yemenite immigrants who were among the Third *Aliyah* (from 1919 to 1923).

Several authors view ethnic differentiation as a non-problem or one that should be naturalized. Peres (1985: 7-8), for instance, by analyzing patters of consumption among Mizrahi and Ashkenazi Jews, argued that ethnic cleavages have vanished, for Mizrahi Jews had adopted, by the 1980s, a modern lifestyle. He concludes as well that, unlike the Palestinians and the Orthodox, Mizrahi Jews proved to be an assimilating group. By resorting to the narrative of Zionist and Israeli exceptionalism, he counters that integration in Israel was possible because, unlike other cases of settler societies, immigration to Israel was "caused by relatively collectivistic motives; not just individual survival or pursuit of private goals but also a vision of national revival". The collective impetus to immigrate, combined with the lack of attachment to their former countries, which "had turned against them" (Peres, 1985: 8-9), encouraged their adaptive behavior and turned nation-building – the adoption of an Israeli-Jew identity - into a bottom-up process.

Shuval (1989: 223) believes that ethnic separatism was never institutionalized in Israeli society and that the ideology of the Ingathering of the exiles is enough to emphasize a collective identity and counter the fragmentation of Israeli society. In a

previous article, from the early 1960s, Shuval (1962: 324) had already stated that the general identification as Jews allowed the emergence of "a strong cohesive ideal of social justice and equality" and of a "relatively narrow range of social and economic classes, simplicity in style of life which has been associated with the strong pioneering ideal, highly developed social rights and benefits for all workers".

Peres and Shuvals' arguments ignore the historical process that led to the establishment of the State of Israel, as well as the role played by social and political organizations in the shaping of ethnic stratification in the new State. The Ashkenazi elite which immigrated to Palestine before 1948 influenced the building of the State and ensured that the power relations were maintained until nowadays. The State, as a continuation of the pre-State Ashkenazi-dominated structures, plays a significant role in the perpetuation of these gaps and, despite some minor changes, the power relations established even before 1948 are still in place. More recently, the politicization of these gaps and the sectarian processes shake the Israeli image of a single Jewish nation.

The seemingly willingness of the Mizrahim to adapt to the Israeli State is not as idyllic as Peres describes it either. As several authors suggest, their immigration to Israel began with traumatic departures from their countries of origins – partly provoked by Israeli interference and forceful transfer – and followed by a pervasive pressure to let go of their identities and culture, producing a sentiment of rupture.

The romanticization of the pioneer "simple lifestyle" was also instrumentalized to justify the poor conditions in which the new immigrants were welcomed in the new country and shackled to poorer life conditions. The contrast between them and their Ashkenazim counterparts undermines the image of the pioneer, believed to have been forced to abandon the mundane comforts in favor of the collective.

Moreover, later in the same article, Peres (1985: 10) recognizes that the decrease in the "horizontal" distance – which he describes as the aggregate of all cultural differences which are transferred by socialization and crystallized into what is commonly seen as "style of life" - between Ashkenazim and Mizrahim is more of a result of the latter's impulse to distance themselves from anything Arab. Their convergence towards the Ashkenazi group has then been paid at the price of a perception of cultural inferiority and backwardness. Shuval also recognizes the existence of correlations between ethnic

origins, socioeconomic status and political affiliations. Moreover, she mentions a "crisis in Israeli pluralism" and a tendency to delegitimize the existence of specific groups, which she sees as a result of lack of tolerance as a social value:

> However interpreted or expressed, a minimal definition of tolerance involves acceptance of alternative groups and cultural contexts as legitimate. This value has not been emphasized in Israeli culture […] Its general absence is a threat to pluralism with regard to any of its dimensions since its converse, intolerance, denies the legitimacy of cultural alternatives. (Shuval, 1989: 233)

A source of consensus among the Jewish majority is the need to preserve Israel as a "Jewish State". However, despite the general agreement on Israel's self-definition as a Jewish State, the concept itself is contested, for it carries different meanings depending on the agenda and interests of different sectors of the population. The most basic definition, which easily elicits wider consensus is demographic: the Jewish State is a State retaining a large Jewish majority. A large Jewish majority allows the Jewish people to exercise political self-determination and it is the element that differentiates Israel from the Jewish communities across the world.

The second meaning of a Jewish State is a State inspired – or even ruled - by Jewish law. In both cases, for a State to be Jewish it needs to have either a Jewish majority or a Jewish particular identity (Gavison, 1999: 53). Not only Israel has a large Jewish majority, the State's symbols are an exclusive reflection of the Jewish majority's culture. The State also favors Jews over non-Jews, a preference anchored in legislation, which gives them advantage in matters of immigration and citizenship and access to land and resources.

While the two definitions, demographic and cultural, are described by Gavison as distinct - as this distinction is what allows her defense of Israel as both Jewish and democratic-, they overlap, as Israel is not only the Jewish State of its Jewish citizens, it also belongs to the entire Jewish people. A distinction should then be made between a state *for* Jews and a Jewish state. While both definitions are inherently exclusionary, the first definition entails a preference of Jewish citizens over non-Jewish citizens, while the second entails a preference of Jewish non-citizens of the State over non-Jewish citizens of the State.

Both definitions are used interchangeably as if they did not have different connotations and implications. For instance, throughout our interview with Amir Fuchs,

head of the "Defending Democratic Values Program" at the Israel Democracy Institute, while most questions were made using the term "Jewish state", the interviewee often preferred to talk about Israel as "the State of the Jewish people"[131]. This wordplay is politically charged, and it is representative of the ongoing attempts by Israeli governments to bring Jews from Diaspora to Israel and thus ensure the maintenance of a Jewish majority.

For instance, in 1988, an attempt was made to prevent the Progressive List for Peace to run for elections, on the grounds that it had suggested that the Israeli State should be described as "the State of its Jewish and Arab citizens". The Supreme Court of Justice found weak evidence that the party denied the existence of Israel as a Jewish State, thus allowing it to run for the Knesset. However, the definition Justice Shlomo Levine, writing for the majority, gave to the unclear term "State of the Jewish people", broadened the term and set up a precedent: "[The State of Israel] was established for the entire Jewish people, with all its individuals and with all of its communities, both those living in the State and those residing in diasporas and exiles (Peled, 1992: 439).

As Ben-Porat (2011: 209-210) points out, while different groups agree on the Jewish identity of the State, this consensus masks a deterioration between them, both due to the decrease in the identification with Judaism among the secular and the confusion around the concept of "Jewish State". As no agreement was ever reached around the concept, two phenomena are visible in the Israeli polity: on one hand, the pervasive influence of the religious (especially ultra-orthodox) in the definition of "Jewish", partly due to the cohesiveness of religious thought on the matter and the lack of viable alternatives; on the other hand, the Jewish-Israeli identity is defined negatively, in contrast with a non-Jewish (mostly Palestinian) population.

The most visible face of this negatively defined Israeli identity was the program of Tzav Pius, a private initiative for the dialogue between different Jewish communities in Israel, and especially between religious and secular, created in 1996, with the support of the Rabin Center. Under the justification that the Jewish society was on the verge of a breakdown, the meetings of the organization talked about "Jewish roots" and "Jewish

[131] Interview conducted by the author to Amir Fuchs, in July 2016.

heritage" and drew from common experiences such as military service and the Holocaust. According to the organization's website, its goal is to develop a society in which "Jews of differing perceptions along the secular-orthodox spectrum, share a strong commitment to Jewish and democratic values" (Ben-Porat, 2011: 210; Tzav Pius, 2019). While all Jewish communities were represented in Tzav Pius (even Jewish settlers of the West Bank and Gaza), the Palestinian citizens of Israel were absent. Their absence means that, even in situations when Jewish internal strife is at the center of reconciliation measures, the Palestinians of Israel are seen as an obstacle to reconciliation.

3.1 THE SECULAR-RELIGIOUS STRUGGLE

The most obvious and institutionalized split among Jewish Israelis is between the religious and secular (or those who hold a secular conception of Jewish identity): the differences are visible in lifestyle, educational institutions, judicial courts, place of residence, socialization, and political preferences (which, in some cases, are translated in favor of social separatism).

Secular and religious Jews also display different conceptions of Judaism and the nature and direction the State should take. The power struggle between religious and seculars is particularly visible on the discussion around Israeli collective identity and on the question of "who is a Jew", a matter that was never settled and which causes profound rifts both within the Israeli political sphere and between Israel and the Jewish Diaspora.

The ideology of change and rupture with the Diaspora was challenged by the reality of a Jewish State, where a profoundly heterogeneous and diverse society preserved a cultural continuity with the Jewish religion. Israel's definition as a Jewish State, which had been negotiated with the religious communities, impeded from the start the separation of State and religion.

Even if the deepest rift is the one opposing those who identify as secular (or non-religious) and Orthodox Jews (Haredim), religiosity in Israel, as in any other country, is far more complex and matters of religious identification and practice must be analyzed along a continuum. In his 2006 work on religiosity and national identity in Israel, Peres set four

different categories along this continuum: secular (or non-religious[132]), traditional, religious (or national religious or 'modern Orthodox') and ultra-Orthodox. The same categories are often used by other actors and on the publications of the Israel Democracy Institute.

The vast majority (83%) of Israelis identify as secular (51%) or traditional (32%)[133]. Only 17% of the population identifies as religious (11%) or ultra-Orthodox (6%). Interestingly, despite the claims that Mizrahi Jews are more traditional and religion-orientated, the Haredi (ultra-orthodox) community is mostly composed by Ashkenazim, as Mizrahim tend to identify primarily as traditional. Ashkenazim also dominate the other extreme of the continuum, with the majority identifying as secular. Despite holding different views on the direction the State should take and the role Judaism should play on public life, the power-struggle thus happens among the most privileged ethnic group (Ben-Rafael and Peres, 2005: 65).

This interpretation is particularly important because, for the most part, in social discourse and academia, Jewish nationalists and right-wingers are identified as Jews of Oriental origin, less educated and with lower incomes. This is visible, for instance, in the works of Kimmerling and Moore (1997) and Cohen (2004), and perpetuates the myth of secular, modern Ashkenazi Jews, while scapegoating the traditional, conservative Mizrahim, thought to be responsible for Israel's shift to the right in the 1970s, when Likud has reached power for the first time since the establishment of the state.

Peres (2006) and Ben-Rafael and Peres (2005: 66) conclude that, because an overwhelming majority identifies as secular or traditional, and because second-generation Israeli Jews tend to be less religious than their parents, the trend of secularization is stronger. However, it is important to note that, according to Peres data, 3rd generation Israeli Jews are also increasingly religious. Among those who identify as religious or ultra-Orthodox there is a tendency for this generation to be more religious

[132] Ben-Rafael and Peres (2005: 64) hesitate in calling those who define themselves as "non-religious" as "completely secular", since the percentage of Israeli Jews who defy all cultural and religious markers of Judaism is very small (i.e., almost all Jewish male babies in Israel are circumcised").

[133] Traditional Jews are those who value traditional Jewish life but who are prepared to adapt their religious beliefs to the needs – and wants – of modern life. Therefore, it includes those who have fundamentalist religious beliefs but flexible religious practices, as well as those who interpret Judaism the most modern manner while still retaining certain customs and practices.

than their parents. Furthermore, Cohen (1999: 393-394) had already admitted to a growing polarization of lifestyles between religious and secular youth. Peres data also contradicts Peled's (1998: 704) prediction that the level of religiosity would probably decline with the arrival of non-observant immigrants from the former USSR.

Ruth Gavison (1999: 45) describes what she calls the debate on "democracy *versus* theocracy" as a matter of "differences" resolved "based on negotiation and agreement, exhibiting clear signs of non-majoritarian democracy, of power-sharing and consensus-seeking between representatives of these two major conceptions of Israel". Despite recognizing that the "Status quo Agreement" gave rabbinical courts monopoly over matters of marriage and divorce, she argues that the Orthodox generally accepted that laws are democratically enacted by the Knesset. Therefore, Gavison chooses to disregard the fact that the Orthodox community is a minority both in Israel and in the Jewish population in general, and that the influence attributed to them went beyond their numerical representativeness.

Most importantly, because the religious Orthodox leaderships were considered to be a key legitimator of the Zionist project, they were privileged since the inception of the State: not only they were accepted as full citizens of the State, their cultural autonomy allows them to control the lives of all Jewish Israelis and curb their rights and freedom.

Due to the religious character of Israeli nationalism and the State and the maintenance of the "Status Quo Agreement" of 1947, the State has ensured that religious groups – particularly the Orthodox community - have had all along the ability to impose a religious agenda and their own interests, despite the fact that throughout the nation-building period they remained a minority.

Since the 1970s the myth of a predominantly secular Zionist ethos has been completely abandoned. This is both a result of the messianic message surrounding the 1967 occupation, but also of the decline of the Israeli Left, the growth of the Orthodox population and their internal cohesiveness.[134]

[134] Finkelman (2014: 266) notes, however, that the Haredi community, more so than the one in Diaspora, lives in a state of permanent ambivalence stemming from their desire for isolation and an appreciation for their financial, material and military dependence on the State of Israel. This creates a tension between the

The fact that they are recurrently needed as part of viable government coalitions has reinforced their bargaining potential, expanding it beyond the proportion of their electorate and forcing the ruling-party leaders to engage in a continuous bargaining situation (Shuval, 1989: 226; Doron and Kook, 2004: 18). Even when a coalition is considered 'religion-free', no ruling party can ignore the religious parties, a condition which deeply impacts the action of the State and the way Israelis define their collective identity.

Moreover, the absence of a Constitution led to the adoption of Basic Laws that should serve as the backbone of a future Constitution. Despite their constitutional status, Basic Laws can be modified by a simple majority in the Knesset (61 Members of Knesset), making them vulnerable to changes according to the needs of the coalition or personal needs and interests:

> Because of the fluidity of the legal framework that 'temporarily' substitutes for a constitution, the ease with which Basic Laws have been amended, and the existence of legally undefined 'gray areas' – particularly regarding issues of religion and state and civic liberties – the Supreme Court has constantly been asked to intervene. Its excessive intervention to identify 'solution' to ongoing political problems has transformed the Supreme Court into an active political player (Doron and Kook, 2004: 17-18).

It is worth highlighting that Doron and Kook's observations was already written in aftermath of the second Intifada, a period that – as we will demonstrate in the next chapter –has been marked by a stream of new legislation, whose constitutionality has been questioned, leading several civil society groups (especially Palestinians) to make appeals to the Israeli Supreme Court. However, the same problem was pointed out by Amir Fuchs, according to whom Israeli constitutional structural is "very fragile and unstable", because Basic Laws can be amended without requiring a special procedure.[135]

Orthodox Judaism is able to control Israel's public life especially around four areas: a) the strict observation of the *Sabbath* and of Jewish holidays and festivities; b) educational autonomous institutions funded by the State; c) the exemption from military service granted to Orthodox women and Orthodox men pursuing religious (*yeshiva*) studies; and d) exclusive jurisdiction of Orthodox rabbinical courts in matters of family

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way individuals *want* to behave and the expectations – and social control – the Haredi community places on them.

[135] Interview conducted by the author to Amir Fuchs, in July 2016.

law and the definition of Jewishness. Although the four have been spaces of a power-struggle between secular and religious, and the *status quo* in all of them place limitations upon the secular/non-observant majority, due to the militarization of Israeli society and problems in the definition of the collective, we believe the last two to be more relevant.

3.1.1 THE *SABBATH*

The agreement signed between Ben-Gurion and Rabbi Yehuda Leib Maimon, head of the Religious Zionist movement and later the first Minister of Religions of Israel, a few days before the visit of the United Nation Special Committee on Palestine (UNSCOP), in 1947, ensured that *Sabbath* would be "obviously the day of rest in the Jewish state", without promising the prohibition of its violation.[136]

While the "Status Quo Agreement" stated that the *Sabbath* would be the weekly official day of rest in the country, in order to meet the demands of the Orthodox rabbinate, it did not specify what activities should not be allowed during the day of rest (productive activity, commerce, financial activity), nor the sanctions imposed in case of violation, ensuing religious and orthodox opposition on the grounds that it was not sufficiently restrictive.

The lack of clear-cut boundaries meant that the secular parties could in time set a more progressive approach to *Sabbath*, but the resistance of orthodox movements since 1949 until nowadays, and government coalitions' integration of religious parties led to an increasingly stricter reading of the "Status Quo" on this matter. Furthermore, as decisions on what type of activities can be carried out during that day are usually left to municipalities, a *Sabbath* law was never enacted.

More than any other issue present on the "Status Quo Agreement", the battle for *Sabbath* was, since the beginning, the one eliciting more resistance, with local rabbis, religious councils and representatives of the religious parties in local councils and municipalities taking note of every public violation of the day of rest and Orthodox protests often turning violent (Segev, 1986: 252-253).

[136] Under the British Mandate, in 1932, the assembly of the Knesset had already demanded Jewish local authorities to respect the *Sabbath*. The impact of the decisions was limited, though, as the British mandatory government refused to approve laws that limited freedom of conscience (Ben-Porat, 2013: 181).

Perceived as a violation of the biblical commandment, the violation of the *Sabbath* in public, more so than when done in private, was seen as a sign that a frightful divine retribution would fall upon the State. The violation of the *Sabbath* by the State, which operated water and electricity supplies, multiple industries, broadcast services and military activities during *Sabbath*, was met, a few times, by the Orthodox with the use of force and violence, even if they knew the functioning of the State depended on the provision of these services.

Most Israelis did not wish for a strict regulation of the *Sabbath* as it conflicted with the order of their lives in the new country, and tend to perceive it as a day of rest and leisure. On the other hand, the Orthodox position is that *Sabbath*'s perception as a day of rest is inseparable from the holiness of the day.

While some communities – such as the modern Orthodox - have learned throughout the years to acknowledge the needs of the State and even compromise with the reality of it, the problem of the *Sabbath* remains unsolved and unable to meet the demands of the State and the majority of its citizens. This early complacency on part of the secular population, combined with the strong link between Judaism and Israeli national identity, ensured that religious coercion remained a permanent topic in Israel until nowadays.

As Ben-Porat (2013: 177) demonstrates, the problem was enhanced by the emergence of an Israeli consumer society, especially in the 1990s', which turned shopping during the *Sabbath* into a leisure option. While most Israeli Jews agree that the *Sabbath* is a day of rest and a family day, secular Jews are reluctant to support restrictive legislation on the *Sabbath* "based on their preference to educate people to value the *Sabbath* for social and cultural reasons" (Ben-Porat, 2013: 190).

Whereas some proposals for a *Sabbath* Law were presented, Orthodox goals to prevent any kind of activity – even cultural – from taking place on *Sabbath* clashes with secular accusations of Orthodox interference in their private lives. As Ben-Porat (2013: 197) concludes: "The regulation of the *Sabbath* is a striking example of the weakness of the political system, expressed in the inconsistent and ineffective to formulate innovative compromises".

In the absence of a "*Sabbath* Law", the Working Hours and Rest Law of 1951,[137] which determined *Sabbath* as the day of rest for the Jewish community (and either Friday or Sunday for non-Jews) remained the most comprehensive legal restriction to commercial activities during *Sabbath*. Because it is a labor law, it could be evaded by employing non-Jewish workers. Moreover, the small fines it imposes in cases of violation are not enough to counter the profits made.

In January 2018, however, the governmental coalition enacted what is commonly known as the "Supermarket Law", which gives the Minister of Interior – currently Arye Dery from Shas – the authority to overrule municipal bylaws concerning the opening of grocery stores during the *Sabbath*. As the new law does not apply retroactively, several municipalities rushed to approve bylaws to circumvent the new law.

According to Dery, "the passage of the law is not a Haredi victory, it is the preservation of the *status quo* and the victory of the silent majority, which is interested in the continuation of the Jewish character of the country and is interested in resting on the day of rest" (Dery *apud* Lis, 2018a). Itzchak Tessler, reporting for *Ynet News*, declared that the law is not an attempt at religious coercion, but "simply the required and fair response to the long-standing disrespect toward the Haredi public", and warned that pressure placed by politicians, media and the Supreme Court upon the Haredim will be followed by "counter-pressure" applied upon the political system (Tessler, 2018).

The new law was only approved in the Knesset by a marginal vote (58-57). Following its approval, Meretz[138] filed a petition to the Supreme Court of Justice, on the grounds that the new law is unconstitutional for it violates basic civil rights and imposes a religious lifestyle on all Israelis. Not only the Knesset was torn around the bill, the debate around it also produced a new crisis in the coalition, with Avigdor Lieberman of Yisrael Beitenu, and current Minister of Defense, fiercely opposing its adoption, for it was considered a violation of the *status quo* (Verter 2017).

[137] Israeli Working Hours and Rest Law, 1951.

[138] Meretz is a left-wing green party formed in 1992, following the union of MAPAM, Ratz and Shinui. Meretz advocates equal rights for Palestinian citizens, social equality, the end of occupation and the two-state solution. It also supports the separation between state and religion.

The Prime-Minister, Benjamin Netanyahu, voted in favor, justifying his vote with previous commitments of the coalition that "must be upheld to continue maintaining the government" (Netanyahu *apud* Lis, 2018a). His decision came after the resignation of Yaakov Litzman as Minister of Health, from the United Torah Judaism[139] (an Ashkenazi ultra-Orthodox party) following the performance of train construction work during *Sabbath*.

According to Nahum Barnea, the *Sabbath* crises that have threatened the coalition are a product of a shift within the Haredi community that, up until recently, was content with the *status quo* and their isolation from Israeli society. In his opinion, the fact that Netanyahu and Likud are now more favorable to ultra-Orthodox demands - on which they depend to maintain the coalition - has only encouraged Haredi demands:

> The street changed. Now it wants it both ways—both exaggerated sectorial benefits and an impact on the non-Haredi public domain. Both to receive an exemption from military service and to halt Israel Railways' infrastructure work and close supermarkets on *Sabbath*. The fact that the current government is more generous towards the Haredim than any other government in the past only increases their appetite. The street isn't grateful to Netanyahu for what he has given. It seeks and demands more (Barnea, 2017).

3.1.2 EDUCATION

Four Jewish educational systems coexisted in Palestine throughout the British Mandate: two secular, affiliated with the Labor Party and the Herut Party[140], and two religious, associated with the Zionist Mizrahi Movement and the non-Zionist Agudat Yisrael.

The State Education Law of 1953 established a two-track system in the Israeli education system, one secular and one religious. The logic underlining this decision was the need felt by Ben-Gurion to meet the expectations of the Orthodox community and provide a religious education that "religious people would be satisfied with" (Segev, 1986:

[139] United Torah Judaism is a list resulting from the merge of Agudat Yisrael and Degel Hattorah, and it represents Israel's (mostly Ashkenazi) ultra-Orthodox community. The party opposes the separations between state and religion, military draft for ultra-Orthodox men, civil marriage, or any changes that might allow a more flexible approach to *Sabbath*. The party identifies as centrists, but it usually supports righ-wing parties and policies.

[140] The Herut party was founded in 1948, as the political continuation of the paramilitary group Irgun. Identifying with right-wing Revisionist Zionism, Herut adopted hawkish position in matters pertaining to security and foreign policy: it opposed the 1949 ceasefire agreements, and championed the idea that Israel should occupy all the territories comprising *Eretz Yisrael.* Herut joined other right-wing forces in Likud in 1988.

222). Simultaneously, he rejected the possibility of religious parties having a monopoly on religious education. However, even if the religious system is funded by the State, its *de facto* control remains on the hands of religious authorities.

The spirit of Agudat Yisrael's ultra-Orthodox schools was stricter, with the bulk of the curriculum dedicated to religious studies, while ignoring, for the most part, secular subjects. The children were segregated by gender, and taught in Yiddish. Since 1953, when it was recognized as a school subsystem, the number of children enrolled in these schools has substantially grown, partly due to the enrollment of Mizrahim children.[141]

The need felt by Ben-Gurion's government to foster an Israeli national identity through education was therefore undermined by the State Education Law itself, which allowed religious parties to maintain their state-funded separate educational system, the *mamlakhti-dati*. Cohen-Almagor (1995: 468) believes this compromise came from the need to achieve legitimacy among all citizens, including the most religious, by ensuring sectorial interests that the establishment thought to be legitimate and non-dangerous.

Nonetheless, we believe this bifurcated system, which gives the religious establishment more autonomy than any other in matters of education, also compromised the emergence of an Israeli national identity. While Ben-Gurion and the MAPAI wanted to abolish the four-track system and establish a nation-wide school system, based on the ideology of the party, the four streams were maintained, giving parents the choice to enroll their children in whichever system they thought would suit their needs.

As proposed by the State Education Law, the secular schools were integrated into a single system, while the religious schools continued to operate in their own way, technically under the supervision of the Ministry of Education, but in the hands of religious authorities. As Segev understands it, it was not only a matter of allowing parents to choose a religious education for their children, for the debate went further than the private lives of parents and children:

> It was both an ideological conflict and a power struggle for the future soul of the state, between different world views and opposing concepts, between the

[141] In the case of some immigrant transitory camps, where most Mizrahim were living during this period, there was a general assumption that they would need a religious education, a choice that pushed the Mizrahi to the modern-religious and ultra-orthodox camps (Segev, 1986: 198-205).

> vision of national unity and the need for pluralism, between the secular majority and the religious minority. (Segev, 1986: 205)

Even in the education provided by the State-religious stream (religious schools funded and controlled by the state) a halachic Jewish identity is promoted, and students are taught that European Jewish Orthodoxy is the "true faithfulness to Judaism", a view held even by most secular Israelis (Zohar, 2006: 136)[142]. In 1957, in response to an "anxiety about Israeli youth's possible estrangement from their Jewish heritage" (Peled and Shafir, 1996: 400), an intensive program of Jewish consciousness was also introduced to the secular system curriculum. This program has intensified Jewish studies ever since, compromising the character of the secular system.

Furthermore, it has been complemented by other measures, such as the 2016 initiative by the Agriculture and Rural Development Ministry to promote "Jewish agricultural values" in the country's elementary and secondary schools. The program, which was being run with the cooperation of Zehut, an organization that promoted Jewish education in Israeli public schools, wanted to "connect the students of Israel to the land, to agriculture and to their Zionist identity in the country." (Kashti, 2016c).

The struggle over the curricula in religious schools is also under way. In 2013, Education Minister Shai Piron (Yesh Atid)[143] decided that Haredi schools who did not include core subjects (e.g., English, math, science) in their curriculum would no longer be eligible to receive state funding, declairing that, while these were private institutions which could not be told what to teach, there was also no reason for the government to keep funding them (Hadar, 2013).

The measure was never enforced and ended up being reversed by Piron's successor, Naftali Benett. In August 2016, a law nullifying that requirement for haredi

[142] Zohar (2006: 142) demonstrates how despite this association prominent halachic sages of Sephardic-Oriental origin held a much more dynamic view of the *Halacha* and a more positive stance on modernization, science and technology, as well as a sense of solidarity with non-Jewish communities. This stance contrasted with Eastern European Orthodox rabbis to whom true Judaism demanded the preservation of a pre-modern halachic *status quo* and even the closure of the community to non-Orthodox Jews and non-Jewish communities.

[143] Yesh Atid is a centrist political party founded by Yair Lapid, a former journalist, in 2012. The party seeks to represent the Israeli secular middle-class, and supports the conscription of ultra-Orthodox men, equality between the different strands of Judaism, civil marriage (including same-sex marriage), the renewing of peace talks with the Palestinians and the halting of settlement expansion in the West Bank.

schools, was approved, pushed forward by United Torah Judaism, one of the religious parties that was part of the governmental coalition led by Likud.

The new law technically can only be applied to "exempt institutions". Those that are exempted are Haredi schools that, according to the Compulsory Education Law of 1949, are either "unofficial recognized institutions" or "unofficial and unrecognized institutions". Exempt institutions are allowed to make decisions on their educational program, the teaching methods, the teachers they hire, and matters of school administration with minimal control by the Education Ministry, while still receiving state funding.

Most of those are run by non-profit organizations, which are associated with religious political parties, such as United Torah Judaism and Shas, and the Minister of Education has discretionary powers to decide which institutions are given "exempted" status (Dattel, 2019). The measure surely seemed to be part of Bennett's strategy for education and of his vision for the state of Israel. In September 2016, in a ceremony marking the 40th anniversary of the TALI Education Fund,[144] Bennett stated that "studying Judaism and excelling in it is more important to me than studying math and sciences", and that Israel should be "a spiritual power and export spiritual knowledge to the world" (Bennett *apud* Skop and Kashti, 2016).

The current situation clearly affects the skills that can be acquired by haredi students: by 2016, there were 400,000 Haredi students (between the ages of 3 to 18) out of a total of 1.6 million in Israel. The vast majority graduated 12th grade lacking the skills to succeed in the labor market. Out of all these Haredi students, it is estimated that 27% are enrolled in institutions that are exempt from teaching the core curriculum (Rosenbaum, 2016).

3.1.3 MILITARY DEFERMENT AND INTERFERENCE

A similar process to what had happened with the educational department happened with military service in Israel. Despite the importance granted by Ben-Gurion to

[144] The TALI Education Fund (whose name comes from the Jewish acronym for "Enriched Jewish Studies"), established in 1976, is an organization that promotes "Jewish education, tradition and the awakening of Jewish identity" in public schools and pre-schools in Israel. The goal of the organization, as stated in its website, is to take "Jewish learning to the secular Israeli classroom, connecting pupils with their heritage, and educating towards religious pluralism in the Jewish state" (Schechter Institutes, 2019).

military service as a nation-building instrument, and despite the fact that the Defense Service Law of 1949[145] declared that military service was mandatory for all men and women, Orthodox Jewish women were exempted from serving, breaking the premise that all citizens of Israel must share equally the burden of defense.[146] Male *yeshiva* students are able to defer their military service until the end of their studies. The deferment has produced the biggest number of *yeshiva* students in Jewish history. The deferments became *de facto* exemptions and, as the Haredi population grows, so do the deferments.[147]

As the *yeshiva* authorities have to certify that one is indeed enrolled there, it has also turned *yeshiva* students' dependent on religious authorities. The *yeshiva* authorities' power ensures the individuals' conformity with the codes of the community and prevent their exit into the larger community (Peled and Brunner, 2000: 85).

Moreover, their deferment, while not seriously affecting Israel's military potential, has a symbolic importance: the refusal among the Orthodox to serve in the Israeli military, not only reinforces the particularistic identification of the group, it also heightens the resentment among the majority of the Israelis who do (Shuval 1989: 228; Cohen 1999: 396).

This resentment is enhanced by the Orthodox conviction that the study of Torah is comparable to the role of the army in the defense of the country, or even that it is the "Jewish army's secret, a necessary weapon" (Finkelman, 2014: 268). Hence, in Orthodox thinking, there is no burden to share because they already contribute to the security of the State through their religious observance. Their requests for deferment are also grounded on their belief that it is impossible to maintain religious observance in the military.

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[145] Israeli Defense Security Law, 1949.

[146] Orthodox women wanting exemption from military conscription had, in the past, to present themselves to a rabbinical board. Since 1981, however, in response to Orthodox complaints that their appearance before a rabbinical court infringes on their privacy, Orthodox women are now only asked to submit a *pro forma* declaration (Cohen, 1999: 395-396).

[147] In 2005, the number of *yeshiva* students in Israel, and thus elegible for deferment, was 41,000 (Yoaz, 2005). All deferment turns into full exemption when one reaches 41 years old.

Unlike the fight for the *Sabbath*, whose *status quo* has been opposed by the Haredi leaderships, changes to the deferment of Haredi men have mostly been pushed by the secular groups.

The last attempt was made in 2018, following the attempt made the previous year by ultra-Orthodox parties to approve a bill that reaffirmed *yeshiva* students' deferment from the military. The bill was struck down by the Supreme Court of Justice on the grounds that "the law perpetuates inequality between secular youths who are required to enlist in the army and religious youth who are exempt" (Rabinowitz and Lis, 2017). Menachem Eliezer Moses, an MK for United Torah Judaism, responded by saying that the Supreme Court was detached from Judaism and religious tradition and that "the time has come to return [the Supreme Court] to its natural proportions" (Moses *apud* Rabinowitz and Lis, 2017). The same opinion was shared by Arye Dery, head of Shas and Ministry of Interior, who added that the Jewish people "have known through all generations that what holds us together against persecution and evil decrees was Torah study" (Dery *apud* Rabinowitz and Lis, 2017).

In July 2018, a new bill was presented and approved by the Knesset, following the Supreme Court's order that new legislation, formalizing effective and egalitarian requirements for Orthodox participation in the army, would have to be approved in 12 months. According to the proposal – that was rejected by Orthodox parties in the Knesset –, *yeshivas* would have to meet a quota of students who volunteer for military or national service: if those quotas are not met, cuts in funding to the *yeshivas* would be applied (Lis, 2018b). Since then, Israel has been the stage to several Haredi demonstrations which often culminate with confrontations with the police.

Unlike Haredi traditional deferment, a growing number of national-religious (or religious-Zionists) are choosing to do military service in Israel. A disproportionate number of them have enrolled in combat military service, before dominated by individuals from the secular *kibbutz* system. Between 1990 and 2008, the percentage of national-religious officers had increased from 2.5% to 26%, and it is estimated that they now represent between one third and one half of the total number of army cadets (Lubell, 2016). These

numbers convey an overrepresentation of the national-religious, as they are less than 10% of the total population of Israel.[148]

Whereas the Haredi community argues that Jewish law forbids the enlistment of women and male students of the Torah in the military, the national-religious – who believe that the State of Israel is a crucial step towards Jewish redemption – perceive their enlistment as a "holy calling" and "as much a religious obligation as a civic duty" (Cohen, 1999: 396-397).

National-religious face a dilemma, because they define Jewish peoplehood in religious terms, but want to be a part of Zionist project and a society that nonreligious Zionists created. In order to make sense of these two elements, the national-religious – in a similar way to the ultra-Orthodox – are convinced they constitute a "vanguard" and that they are the keeps for the "genuine" combination of Zionism and Judaism:

> While the first model—religion and Zionism—limits the political role of the religious to lobbying society at large for the right to be one of its constituents, the second model—Zionism accounted for by religion—bases Israel on a religious narrative that is linked to the Biblical calling of Judaism. Zionism, the ideology of return to the Holy Land, is then termed as a religious imperative, and so are the national policies that this camp believes appropriate. (Ben-Rafael and Peres, 2005: 88)

Until the 1980s members of the political, economic and cultural elites were recruited from military ranks. The liberalization of the market and the globalization trend allowed them to rip social and economic benefits from other sources, leaving military functions to be fulfilled by other groups, such as the Mizrahim, the Druze, immigrants from the former USSR and even the national-religious. Libel and Gal (2015: 216) and Cohen (1999: 397) also note that since the 1990s, the IDF has suffered from a "Motivation Crisis", a growing unwillingness of the Ashkenazi upper middle class to serve in the military, which has led to the IDF's growing reliance on other groups.[149]

The integration of the national-religious, and even a small number of Haredim, in the military apparatus has not been made without a few setbacks. These soldiers have

[148] Their overrepresentation can also be seen by the number of casualties among *kippot serugot* (those who adhere to Jewish Orthodox practice and wear a knitted skullcap): during the second Intifada the number of deaths among these groups was twice the number of those among the rest of the male soldiers (Cohen, 2010: 120; Libel and Gal, 2015: 213).

[149] Cohen (1999: 397) also points out how the "liberation of Judea and Samaria", in 1967, impacted the national-religious view of military service, who describe the IDF as "the army of God".

the choice to combine military service – in their own separate units - with theological studies during five-year programs (*yeshivot hesder*). Others enroll for a year in pre-military religious colleges (*mekhivot*) in order to prepare themselves spiritually and physically for enlistment. Moreover, since the early 2000s that the military rabbinate of the IDF – the department responsible for providing religious services within the ranks - has in place a "Jewish Awareness Programming", which combines religious teachings with military lessons and tours to Jewish sacred places (Lubell, 2016).

These arrangements are perceived by some IDF commanders as an attempt to fragment authority by allowing rabbis to exercise their influence and undermine the chain of command (Cohen, 2010: 122). Peled and Shafir (1996: 400-401) call these *yeshivot* "hotbeds of radical Jewish nationalism" and a recruiting ground for Gush Emunim.[150]

These suspicions were seemingly confirmed in two different moments: the assassination of Prime Minister Yitzhak Rabin, in 1995, by a national-religious reservist who had graduated from a *yeshivot hesder*, and the disengagement from Gaza, in 2005. After the approval by the Knesset, in October 2004, of the settlements' removal from the Gaza Strip, some rabbis from the community were encouraging those serving in the IDF to refuse to participate in the disengagement operations, by encouraging conscientious objections, or even outright disobedience of their commanders' orders. The fear of a general refusal among these soldiers – which did not happen - even led an IDF spokesperson to talk about an "existential test" (Cohen, 2010: 123).

Those who refused to participate in the disengagement plan did it on the belief that the Jewish people possess a religious and exclusive right to the entirety of the Land of Israel. Subsequently, the government's decision conflicted with God's plans for the Jewish people: the IDF was contradicting its role as an instrument of God's will, and therefore void of any authority.

[150] Gush Emunim (or Block of the Faithful) was a religious Zionist movement established in 1974, only a few months after the 1973 Yom Kippur war. It espoused the philosophy of a Greater Israel (the occupation of all territories deemed sacred for the Jewish religion), and as such rejected Israel's withdrawal from the West Bank, Gaza, East Jerusalem and the Golan Heights. The movement spearheaded the settlement of the West Bank, first with the aid of Shimon Peres, when he was serving as defense minister for Yitzhak Rabin's government, and later by the first Likud government, led by Menachem Begin. While the movement has been dissolved during the 1980s, some of the settlements it created, such as Beit El (Ramallah), are still in place (Newman, 2005: 192-194).

Cohen (2010: 135) notes that while the disengagement from Gaza did not prove to be a greater problem for religious conscripts than it was for others, certain issues, pertaining the functioning of the military service, still troubled them: the problems in balancing military service with religious study, the need to perform military duties during *Sabbath*, the relations with secular soldiers and gender relations in military units. This list reveals a dilemma between religious obligations and military duties: a significant number of national-religious soldiers consider that their military service is conditional to their ability to preserve religious laws and obligations:

> Like many of their rabbis, religiously observant soldiers, female as well as male, are by and large more troubled by other concerns: how can they best reconcile the need to perform military service with the religious duty to devote their time to the study of the sacred texts? How can they avoid unnecessarily desecrating the *Sabbath*? How can they harmonize military life with the observance of traditional laws of 'modesty'? Perhaps most encompassing of all – how can they best preserve their distinctive identities in a military environment? There are issues on which no compromise is at all possible. (Cohen, 2010: 139)

In June 2018, a considerably less severe episode, illustrated once again these tensions, when four soldiers, enlisted through a *hesder* refused to visit Rabin's grave on Mount Herzl. The IDF spokesman, while presenting the IDF as a "people's army", stated that their refusal "was not commensurate with the army's values and would be dealt with by the relevant officials" (Sharon, 2018a).

The growing number of national-religious among the soldiers and even senior ranks has raised the fear that their commitment to the IDF will always be dependent on their religious understanding of security. Libel and Gal (2015: 218), however, say that when the *yeshivot hesder* were created, in 1953, the arrangement actually prevented the growing religiosity of the IDF, by circumscribing the rabbis' influence to those units. It was only with the creation of the *mekhinot* (pre-army academies combining studies with military preparation before conscription), in 1987, that a "lobbying group" started attempting to shape the service conditions, culture and norms of the IDF as whole. Most of the *mekhinot* established since then are religious, and are funded by the Ministry of Education, but also by religious groups and parties, such as the National Religious Party.

They have contributed, along with the *hesders*, to the growing religiosity in IDF (Libel and Gal 2015: 219). Moreover, according to the list of *mekhinot* available in the

Israel Science and Technology Directory, 6 out of all the 15 *mekhinot* are located in the West Bank, and 2 more are located in the Golan Heights.

Even if these soldiers are troubled by the need to adjust their military service with religious obligations, their service conditions differ from secular soldiers, as detailed in the "Proper Integration" order. These privileges include the right of a male soldier to refuse physical training in mixed clases or to serve under a female commander; the commanders' obligation to allow them to pray at regular times; the refusal to wear training clothes that violate religious rules of modesty, among others (Libel and Gal, 2015: 221-222).

As Cohen (1999: 391) warns, the role of the Rabbinate in the IDF goes beyond the harmonization of the national-religious' soldiers, since the IDF also draws its legitimacy from religious symbols:

> They are designed to infuse the IDF as a whole with a sense of shared identity, values and purpose. Traditional religious associations are thus employed as a social coagulant and as a vehicle for fostering the feelings of affinity and reciprocity that have always been recognized as essential criteria for military cohesion. (Cohen 1999: 391)

Instead of becoming a "nation-binder", the religionization of the IDF is generating tensions and, as Cohen (1999: 393) warns, it is now turning military service into a "nation-divider", as "segregated services" distances the group of national-religious from other troops.

It is worth noting, however, that the IDF's religionization did not begin with the growing presence of religious individuals. Just like many other institutions in Israel, the separation between religion and state was never completed.

For instance, until 2018, the Israeli Army used to force soldiers who were not recognized as Jewish according to Orthodox Jewish Law to take part in informational seminars on the conversion course organized by the army itself, where they would "receive an explanation about Judaism, conversion and its advantages in Israel". The refusal to attend these seminars were tantamount to refuse an order, and the commanders frequently pressured the new soldiers even after they declared they did not want to convert. As Tal Hassin, attorney ACRI, stated the pressure to convert to Judaism is even stronger in the army because "The army is a rigid hierarchical framework. No small

measure of grit is needed for a soldier to dare to refuse the offers of his commanders regarding his personal matters" (Hassin *apud* Kashti, 2018a).[151]

3.1.4 FAMILY LAW AND LAW OF RETURN

Both under the Ottoman Empire and the British Mandate, the officially recognized religious communities of Palestine retained jurisdiction over family law, including marriage and divorce. With the creation of the state of Israel, the same system was maintained, and rabbinical courts have to this day control over matters of marriage and divorce of Jews, making civil marriage and inter-religious marriage unavailable to all Israeli citizens. Jewish (and subsequently Israeli) family law is deeply pro-male, resulting in marriage and divorce laws that discriminate against women. The situation of females is also aggravated by the fact that only men are allowed to become *dayanim* (judges of the rabbinical courts).

Despite Orthodox monopoly on matters of marriage and divorce, there is a growing number of Israeli Jews marrying outside the Rabbinate's authority, instead choosing to be married by Jewish Conservative and Reform authorities, despite knowing their marriages will not be recognized by the State. It is estimated that in 2017 alone, the number of couples choosing this option was over 2, 400. However, official records do not exist, because those who are wedded in these ceremonies cannot register as married with the Population Registry, managed by the Israeli Ministry of Interior. Those who choose to marry outside of Israel can, however, have their marriage recognized upon their return to Israel, but, in case of divorce, they will be required to go through the Rabbinate (Maltz, 2018a).[152]

For those who still opt for marrying under the auspices of the Rabbinate, a previous registration will have to take place at the Rabbinate's office, and often a proof of their Jewishness (according to the *Halacha*) has to be provided. This means that around 400,000 Israelis are not eligible for marriage in Israel. Most of these Israelis are

[151] Following a petition by the Association for Civil Rights in Israel (ACRI), the High Court of Justice determined that the seminars could not be mandatory for they violated the freedom of conscience and religion (Kashti, 2018a).

[152] Most of those who choose not to have an Orthodox wedding were eligible to do so (i.e., no questions would be raised pertaining their Jewishness). They choose not do so because they reject the authority of the Rabbinate (Maltz, 2018a).

immigrants from the former Soviet Union and their offspring, but the group also includes gay couples (8%) and those who are part of the Rabbinate's list of "unmarriageables": this list includes all of those who are recognized as Jewish by the Rabbinate, but are prohibited from marrying in Israel, such as in the cases of *mamzers*[153] and divorcees.[154]

Despite the growing number of weddings performed outside the Orthodox Rabbinate, any traditional Jewish wedding performed by Reform and Conservative movements were outlawed in 2013. The law was enforced for the first time in July 2018, when Conservative Rabbi, Dov Haiyun, was detained in Haifa for allegedly "marrying those who are not eligible to be married". In this case, the individual who was not eligible to get married according to the *Halacha* was a *mamzer* (Sales, 2018; Rabinowitz *et al*., 2018).

Similarly, the Chief Rabbinate in Israel retains the control over matters of divorce. This means that while a woman can initiate the proceedings for a divorce, divorce is only finalized upon the man's consent. In 2018, Tzviya Gorodetsky, a Jewish woman who had filed for divorce in 1995, and whose husband refused to grant it, was finally able to circumvent the "Get process" (the process of divorce through rabbinical courts) and get an annulment (Pfeffer, 2018a). Although the rabbinical court had ordered the husband to grant her a divorce – and had, in fact, placed him in jail after he refused to do so -, it stated that there was nothing the Rabbinate could do, even in such an extreme case, for "Jewish law prohibits the annulment of a marriage by outside parties" (Sharon, 2018b).

[153] *Mamzers* is the religious term used to describe those born out of "forbidden relationships" (i.e., incest and adulterous relations). According to Jewish family law, *mamzers* are only allowed to marry other *mamzers* or Jewish converts, and their children and descendants are also refused the same right. Contrary to Orthodox refusal to marry these Jews, the Reform movement rejects the idea that *mamzers* can be denied the right to marry whoever they wan because of the sins of their parents. In 2017, the Orthodox Rabbinate released for the first time the list of "unmarriageable" Israelis. While no names were revealed, the list of "doubtful *mamzers*" also included people who had been abandoned as babies and whose parents' identity could not be checked (Maltz, 2017f).

[154] The number of Israeli Jews who were subjected to background checks necessary to have an Orthodox wedding, and were rejected afterwards has also been steadily growing. In 2017, 20% of those placed on the Rabbinate's list of "unmariageables" had a "pending clarification" regarding their Jewishness. Their placement in the blacklist not only denies them the right to marry under the Rabbbinate, but it also leads to the revocation of their Jewish status, along with that of their relatives (Maltz, 2018b).

In fact out of all the divorces in Israel, around one fifth are refused, at least temporarily, by the husband, and around 10,000 Israel women have remained in that situation for many years. As Merav Michaeli (2012), a journalist and member of the Knesset for the Labor party, argued in an opinion article for *Haaretz*, a 1995 law that allows the arrest of people who consistently refuse to grant divorce to their partners is not a solution:

> Men and women are being locked up in jail to get them to divorce. In other words, we begin with a law that violates basic human rights by enabling a man to deprive the woman he marries of the fundamental freedom to marry and have children. Yet instead of correcting this distortion by abolishing the law that harms these basic human rights, we enact a law that worsens the violation of human rights by enabling people to be sent to jail, instead of simply giving both parties a divorce. (Michaeli, 2012)

Because marriage and divorce are religious in Israel, and because no government has seriously challenged the Orthodox hegemony, women remain subjugated: their status is also incompatible with Israel's image of a democracy. Ironically, and despite the persistence of these cases in Israel, in May 2018, the Israeli government was pushing for the approval of a bill that would grant rabbinical courts in Israel the power to punish foreign Jewish men who refuse to grant divorces if the divorce proceedings were initiated in Israel. The justification given by the Rabbinical Courts Authority was that “Israel has an obligation to help Jews in distress anywhere” (Kashti, 2018b).

Moreover, after 70 years Israel faces the same uncertainties about what kind of State it is, as the debate on who is part of the community and who is not is yet to be settled. While religion is the main criteria for the determination of social boundaries, the Orthodox Rabbinate has maintained the monopoly on the definition of who is a Jew and who should be allowed to participate in the Israeli State with full membership. Their control on the definition of the political community, however, clashes with the existence of diverse Jewish communities inside the State and in Diaspora who are considered to be not Jewish enough and are therefore marginalized or subjected to Orthodox rules on conversion.

This confusion surrounding *Jewishness* has deepened since the 1990s with the absorption of new immigrants from the former USSR, many of whom without religious attachment to Judaism and married to non-Jews. While the secular majority holds that these immigrants’ readiness to identify themselves as Jewish and to immigrate to Israel is

an expression of their national belonging, according to the Orthodox Rabbinate they are not Jewish.[155]

It is estimated that around 60% of these immigrants (26% among those who immigrated to Israel only during the 1990s) are not Jews according to the Orthodox definition (Shafir and Peled, 1998: 413; Canetti-Nisim *et al.*, 2008: 93). Since marriages, divorces and burials are under the exclusive jurisdiction of the Chief Rabbinate, when in need of these services these immigrants encounter problems unless they accept to convert to Judaism.

A 1970 amendment to the Law of Return[156] had reestablished the criteria to determine who was to be considered a Jew and eligible for Israeli citizenship. According to the amendment, it became sufficient to have one Jewish grandparent to entitle an individual and their spouse to the Law of Return. The 1970 amendment (or "the grandfather clause") was introduced after Benjamin Shalit, a Jew married to a non-Jewish woman, sought to register his children in the population as Jewish nationals. After the state's refusal, Shalit made an appeal to the Supreme Court, which decided their registration as Jewish should be allowed on the basis of his subjective self-identification.

While maintaining a religious definition of Jewishness, the law broadened the scope of people eligible for *aliyah*, for as long as they have close ties to Jews. However, a tension persisted between the halachic definition of *Jew* (religious definition) and a definition based on ethnicity/ancestry. The amendment did not represent a transformation, but a mere procedural change to solve the gap between the understandings of Jewishness (Harpaz and Herzog, 2018: 4).

The Chief Rabbinate's *de facto* control over these matters, and its appointment as the religious leadership of Israeli society, contrasts as well with the reality of the existence of non-religious individuals and of those who adhere to Conservative and Reform Judaism, all of them eligible for immigration according to State law. Additionally,

[155] The same problem affects Jews from Ethiopia. Israel organized "rescue" operations from Ethiopia since 1979 to bring the *Beta Israel* to Israel. Among them, there was a group of Falashas, descendents of Jews, who converted to Christianity, while retaining some Jewish traditions. In 1992, the state ruled that this group (around 33,000 people) were not eligible for the Law of Return and left them in transitional camps, eligible for citizenship, but only after they undergo conversion (Harpaz and Herzog, 2018: 16)

[156] Israeli Law of Return, 5 July 1950 (amendment no. 2, introduced in 1970).

it also contrasts with the demographic goals of Zionism, accentuated with the amendment to the Law of Return that created the conditions for the existence of a non-Jewish, non-Palestinian population in Israel.

The problem did not emerge with the arrival of Russians, but their arrival disrupted a religious 'consensus' on who was considered a Jew. While until the 1990s the debate on "who is a Jew" was done in abstract terms, the absorption of hundreds of thousands of non-Jewish immigrants has turned it into a severe political problem.

The most prominent case was that of Oswald Rufeisen, popularly known as Brother Daniel, a Jew born in Poland who had converted to Catholicism. Rufeisen tried to apply for Israeli citizenship under the Law of Return in the 1950s, arguing that he had Jewish ancestry, but his petition was refused on the grounds that he had formally converted to another religion. After an appeal to the Supreme Court, his request was once again denied, in 1962, upholding the previous decision that by professing another faith he had forfeited his ties to Judaism.

The decisions of the government and the Supreme Court emphasized the religious dimension of what was always presented as a national definition (i.e., "the Jewish people") (Doron, 2008: 596), and blurred even further the distinction between State law and Jewish religious law. While this case highlights the contradictions between the ideas of Jewish peoplehood, secular Zionism and the Law of Return, it does not come as a surprise when we look at the division between citizenship and nationality in Israel, which were discussed in the previous chapter.

The limbo in which Russian immigrants live in Israel and the suspicions surrounding their commitment to Judaism have also produced another effect: the definition of Russian immigration and presence as a threat to the Jewish character of the State. As a group, they tend to preserve their Russian cultural identity, with some of them practicing openly their Orthodox Christian faith, which is perceived as greater source of symbolic threat to Israeli Jews than that posed by the Palestinian citizens (Canetti-Nisim *et al.,* 2008: 93).[157]

[157] Russian immigrants are also viewed as an economic threat to Israeli Jews. Canetti-Nisim *et al*. (2008: 93) and Bernstein (1984: 132) explain this perception by the large number of immigrants and the pressure they put in welfare services as well as the special material benefits granted by the Israeli State to new

The preliminary explanation they put forward is that they are non-Jewish newcomers who are perceived as having no legitimate right to citizenship, unlike Palestinians who were granted citizenship in 1948. Russian immigrants are also portrayed in political and media discourse as "people who have faked their Jewish identity to earn their tickets to the Jewish state", while Israeli Arabs are never depicted as such (Canetti-Nisim *et al.,* 2008: 100).

The other possible explanation is the relevance of religion in Israeli Jewish identity. As it happens with the Palestinian presence in the State, these groups disturb the concept of a Jewish State and of a Jewish demographic majority, which in Israel is deeply connected with the survival of the State itself.

The Russian community in Israel is politically represented by two parties, both secular. The first one was Yisrael BaAliyah, founded in 1996 to represent non-Jewish Russian immigrants in Israel. Because most of its members were not recognized as Jews according to the Orthodox Rabbinate, the discourse adopted by the party was overtly secular. Shas (an ultra-Orthodox Mizrahi party) had been in control of the Ministry of Interior, the body responsible for the absorption of Jewish immigrants and the definition of the citizens' personal status, between 1996 and 1999, and had carried a very strict policy towards Russian immigrants.[158] Following the 1999 elections, Yisrael BaAliyah competed with Shas for the control of the Ministry of Interior, and this struggle was perceived by the Orthodox as an attempt to disturb the religious-nationalist influence over Israeli national identity. The party was dissolved in 2003 and merged into Likud.

The second party is Yisrael Beiteinu, founded in 1999 by Avigdor Liberman, Minister of Defense between 2015 and 2018. It defines itself as a secular party, and is part of neo-Zionist wave which is profoundly anti-Arab, Revisionist and nationalist.

Even if the terms under which these conversions were never legally defined, partly for fear of confrontation with the American Jewish community, conversions made abroad are usually tracked by the Ministry of Interior, while those who take place in Israel

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immigrants since the 1960s. The access to these benefits created resentment particularly among Mizrahim Jews, whose welcome in Israel decades earlier had been much different.

[158] During this period, Eliyahu Suissa, a member of Shas and Minister of Interior, made use of section 11 of the Citizenship Law of 1952 to revoke citizenship of those considered to be using false information (i.e., those whose origin of family ties to Jews were considered suspicious) (Harpaz and Herzog, 2018: 6).

are in full control of the Orthodox Rabbinate. The lack of legal and formal criteria, however, has been leading to a growing number of petitions presented to the Supreme Court of Justice, for the recognition of non-Orthodox conversion made abroad, the vast majority coming from Russian Jews.

In the 1990s, the Reform and Conservative branches of Judaism in Israel began demanding more authority in some areas, namely family law and conversion processes. In 1998, the Ne'eman Commission presented a proposal for a Conversion Law, favoring the creation of a conversion institute run by the different branches of Judaism (Reform, Conservative and Orthodox), while ensuring that the actual conversion would only happen in Orthodox courts. The proposal was rejected by the Israeli Chief Rabbinate and recently new proposals have been advanced in order to enshrine Orthodox monopoly over matters of conversion, the latest being a joint bill by Shas and United Torah Judaism presented in June 2017.[159]

The situation is even tenser when we look at the growing number of Israeli Jews who identify with the Reform movement (7%) or state that do not identify with any religious stream (44%). Moreover, the Chief Rabbinate's contribution to the identity of the state is rejected by a majority of 58%, and 81% agreed that all branches of Judaism should enjoy full equality (Eichner, 2017).

The tension between Orthodox and other branches of Judaism has also created new tensions with the Jewish Diaspora, especially in the USA. In July 2018, Yinon Azoulay, an MK from Shas, declared that Reform and Conservative Jews "are not Jews" and that they should "take the money you [Conservative and Reform American Jews] invest in the State of Israel and build a Kotel in the U.S." (Azoulay *apud* Lis, 2018c). During the same speech, Azoulay also blamed the earthquakes that had happened that same week in Galilee on the lobby to build a gender-mixed prayer area in the Western Wall:

> Today we heard there was some kind of earthquake, maybe we should do some soul-searching that this earthquake was because someone is trying to touch

[159] The goal of the proposed bill was to deny citizenship under the Law of Return to Jews converted in Israel by Reform, Conservative and private Orthodox rabbinical courts. The bill – if approved – will circumvent a ruling by the High Court of Justice of March 2016 which allowed the recognition of conversions performed by private Orthodox courts. Meanwhile, Reform and Conservative movements' pressure the government to recognize their processes of conversion, by declaring Orthodox monopoly as unconstitucional, for the Law of Return does not specify on which grounds conversions should be made (Maltz, 2018).

> that which is sacred to us? Hear our pain, they are not Jews (Azoulay *apud* Lis, 2018c).

The leader of the Reform Movement, the largest Jewish movement in the USA, Rabbi Rick Jacobs, responded by stating that Azoulay's comments only have place because Netanyahu's government has "normalized expressions of hate towards millions of Reform Jews", and that "these types of comments poison relations between U.S. Jews and Israel, and contribute to the growing disconnect between our two communities" (Jacobs *apud* Tibon, 2018).

3.2 THE RELIGIONIZATION OF ISRAELI POLITICS

Since the "Jewish nation" is a mix of people from all over the world with hardly anything in common (Peled-Elhanan, 2012: 14), the questions of collective identity and who should be accepted in the collectivity are still passionately discussed. The existence of a situation of conflict exacerbates these debates as the need to preserve a Jewish majority contrasts with restrictive conceptions of the Jewish people.

The "Status Quo" exchange between secular and religious leaderships was based on the Zionist conviction that the religious community could become a threat and it was therefore important that the State, through concessions to the community, could contain rebellions. However, the concessions made to the Orthodox community made the separation between religion and State inconceivable in Israel from the start, and turned *Jewishness* into a central issue in the political agenda, generating political crisis and intensifying religious sentiments.

More concerning is the fact pointed out by Shafir and Peled (1998: 422) that even among the mostly secular Ashkenazi Jews, who have adopted liberal citizenship as a framework of reference, and who recognize the conflict between individual rights and the role played by Judaism in the public sphere, the option to separate State and religion is rarely advanced as it would force the State to reassess its Jewish character.

For Gavison (1999: 66) the Orthodox capacity to impose a religious agenda in Israel is a non-issue, as "secular liberals will have to be reminded that it is the religious origin that establishes the essential unity of the nation" and that Judaism "is a totalistic religion which does not easily recognize the private-public distinction". According to Gavison's argument, Orthodox monopoly over central issues in Israel is not a by-product

of political concessions and political agendas, but a direct result of Judaism's nature. The Orthodox authorities are therefore consecrated as the true and only representatives of Jewish religion in Israel, despite the fact that they constitute a minority group.

Despite a seemingly accommodating secular posture, both seculars and Haredim feel involved in a situation of open conflict, even though a more acute sense of threat is felt among secular Jews (Ben-Rafael and Peres; 2005: 72; Peres, 2006: 131). Some segments of secular Jews display "some sympathy for the orthodox cause", but there are signs of growing prejudice against the more religious, as well as intolerance for the expansionism of the Orthodox.

Shuval argues that this sense of threat emanates from the Orthodox's claims for exclusivity or dominance, and their attempts to delegitimize other forms of Jewish religious expression and organization:

> The form it has taken in the recent pasts and seems to be taking now violates certain basic premises of a pluralistic society as defined here; this is seen in growing particularism through separatism that weakens the consensual component as well as growing demands for dominance and control by one group such as to de-legitimize others. (Shuval, 1989: 229)

Eva Etzioni-Halevy chooses to look at it as two-way fragmentation process. On one hand, the religious public has grown considerably more religious, and is prone to conceive its identity in religious terms; on the other hand, the Jewish identity of the secular has been weakening with each generation. The two communities rarely mix, and live in geographical separation. Furthermore, she adds,

> the growing religious extremism in the religious camp, leads the secular to be alienated not only from religion and the religious, but also from Judaism and Jewishness, which they see as the latter's domain, and under their hegemony. This also leads to a decline of their own Jewish identity: the more they feel estranged from the religious, the more they feel alienated from their own Jewishness. And the less the secular identify themselves as Jews, the more the religious feel distanced from them. (Etzioni-Halevy *apud* Waxman, 2006: 118)

Etzioni-Halevy's observation seems to prove what Nurit Peled-Elhanan observed from the textbooks used in religious schools in Israel. According to her, while the Arabs are portrayed as "an ephemeral kind of evil force", because they constitute "the eternal enemy from the Bible, that we should all face together with the help of God", in those

books the “real war is against secular Jews”, and the problem to be solved is how to “take the land away from secular Jews”.[160]

According to a poll conducted by the Israel Democracy Institute, in December 2017, 53% of Israeli Jews agreed that “the religious are gradually taking over the country/society”, and among those that declare themselves as non-observant the concern is shared by 79% of the population (Maltz, 2017b).

The overwhelming majority of Israeli Jews states they prefer to be friends with people that share the same views on religion with. Interestingly the most secluded group are the Traditionals, and the least secluded the religious (the most ethnically diverse of all the groups). When questioned about readiness for intermarriage, the ultra-orthodox seem to be the most endogamous group, with less than 30% stating they would allow their daughter to marry a Jew from the religious community. The other groups are not even contemplated. On the other hand, both traditional and secular seem open to other groups but overwhelmingly reject the ultra-Orthodox. The ultra-Orthodox and the secular are the groups where a larger part of the population (21% and 24% respectively) do not feel integrated or even feel alienated from Israeli society (Peres, 2006: 128). Both religious and traditional display the highest sense of belongingness.

The secular community is the only population who identifies primarily as Israeli, while the three other groups primarily identify as Jewish (Peres, 2006: 125-126). This can be explained by the lack of an all-encompassing Israeli identity – or one that is deeply connected to a secular Ashkenazi one – and by the fact that since its inception the Israeli State has defined itself as a Jewish State. This seems to contradict Kimmerling and Moore’s (1997: 39-40) perception that those agents of “Jewish identity” are limited to a distinct demographic group of “Asian-African origin, less educated, with big families and low incomes”.

Friedman points out that most Israeli Jews consider themselves to be secular and enjoy a materialistic Western lifestyle, a reality that contradicts the Redemption that religious Zionists talk about:

[160] Interview conducted by the author to Nurit Peled-Elhanan, in July 2016.

> Most problematic of all is the following dilemma: the further that observant Jews perceive the state of Israel as part of the Redemption process, the greater the tension between this perceived situation and reality and the more intense the motivation to eliminate the contradiction. (Friedman, 1989: 206-207)

There is a consensus around the 1967 war and occupation effects on the *ethos* of Israeli society, with some authors referring to it as a crisis. One of the arguments is that until 1967 the problems inside the Israeli polity were manageable because the most important issues – territoriality and demography – seemed to have been defined in 1948 (Kimmerling, 1989: 271).

The occupation of the West Bank, Gaza, and East Jerusalem, in 1967, expanded the territories under Israeli control, placing the Israeli State in charge of the entire territory of what had been Mandatory Palestine. The control over these territories and their population (2 million Palestinians in 1967; over 5.3 million nowadays) deepened the power struggle between a national religious right, aiming for the full annexation of the territory (while excluding – legally or even spatially – its residents), and a universalist, secular Left that demanded the withdrawal from the territories. It is worth nothing that despite having what seem to be diametrically opposed views, the Zionist Left's position is equally grounded on the need to preserve the Jewishness of the State through demography. The withdrawal from the Occupied Territories is therefore seen as the most logical step to maintain a Jewish majority.

Eisenstadt (2011: 34) argues that the 1967 events strengthened the primordial religious or national components (while simultaneously a left-wing post-Zionist discourse also emerged). Abulof (2014b) believes that the secularization of Judaism as a tool of national legitimation of Zionism was interrupted in 1967, as Israeli Jews were reintroduced to biblical territories and the contact with the Palestinians has undermined the idea of a secular self-determination. Abulof, however, concludes that, even if a process of religionization with the Israeli society is under way, the use of Judaism as a legitimator of Zionism has been losing its potential.

Shalit (1994: 421) talks about the 1967 military victory as a catalyst to national euphoria, to feelings of grandiosity and omnipotence, which contrasted with the previous prevailing feeling of threat and fear of annihilation. Migdal compares the 1967 war, the "sense of being collectively plucked from the precipice at the last possible moment, a

feeling of miraculous, redemptive deliverance shared by religious and secular Jews alike" to that of a "death-row convict celebrating wildly after having been granted a pardon minutes before execution". He also adds that these feelings led to a collective Israeli obliviousness to the "post-war currents" and the "domestic difficulties caused or exacerbated by the war" (Migdal, 2001: 150).

According to all these accounts, 1967 produced changes in Israeli society and political centers, replacing dovish *Israeliness* with militant religious primordialism and a tendency to rely on strength and aggression as a way to deal with conflict.

While we agree that the 1967 occupation accelerated the shift towards religious neo-Zionism, we argue that the crisis of Israeli polity is anchored in the developments preceding even the creation of the State and are attached to the contradictions of Zionism.

Even if the State itself was set to be based in democratic principles, religion and religious identity have been key legitimators for the foundation of the State and the luring of Jewish population. The claim that the Jews constitute a nation and have the right to national sovereignty in their ancient homeland is crucial for the legitimation of the Jewish state, and that claim is embedded in religious images and symbols. The link of Jews to the land of Israel is where secular Zionist and religious Orthodox ambitions overlap (Cohen, 1989: 69). While the Declaration of Establishment of the State tried to avoid this contradiction, by affirming equal and social rights to all its citizens, it offers no more than a reactive position to the confrontation with a Palestinian minority.

We therefore reject the idea that the upsurge of religious neo-Zionism in Israel is a mere result of the 1967 occupation, and the Israeli meeting with territories that hold a special place in Judaism, as many authors simplistically sustain (Cohen, 1989; Kimmerling, 1993; Ram, 2011: 36). The interpretation of the Israeli State in religious terms was a fatality within Zionism, and the capture of the State by religious and nationalist pressure groups started even before the creation of the State, as the transformation of Judaism from religion into peoplehood demanded all along religious legitimation and the boundaries of the Israeli collectivity have always been defined in religious and primordial terms.

Ben-Gurion, more than others among the Labor movement, was aware of this limitation that he perceived simultaneously as an opportunity. Already in 1949, during a debate on Israeli national identity with Israeli intellectuals, where some pointed out that the Messiah had not yet come despite the creation of the State, Ben-Gurion responded:

> I say the Messiah has not come, and I do not wait the Messiah […] the Messiah is needed so that he will not arrive, because waiting for the Messiah is more important than the Messiah himself and the Jewish people lives awaiting him and believing in him. Which is the reason why the Jewish people exists at all. (Ben-Gurion, 1949 *apud* Segev, 1986: 288-289)

Furthermore, the rift between an increasingly nationalist Right and a universalist secular Left is greatly exaggerated. After more than 50 years of occupation, Zionist Left-wing parties and governments were uninterested in translating these public views into policies. As Kimmerling admits:

> While it appears that the locus of power gradually shifted, and was almost indiscernible, in actual fact the shift was built into the situation and in some elements of the initial political culture from the start […] This [1967] annexation did not come about because any authority made a positive decision to effect it, but rather because no alternative decision was taken, and because no individual group had the strength to make any alternative decision. (Kimmerling, 1993: 412).

Nevertheless, we recognize that the 1967 occupation granted an edge to the "primordial society", for the boundaries of the Israeli control system and the theological "Land of Israel" coincided, and encouraged religious and nationalist parties which were able to exploit the religious value of those territories to their profit. The colonization of the West Bank and Gaza, labeled as "liberated territories" by Israel in 1967, was described as an act of religious significance (*mitzvah*), and turned the settlers into carriers of God's message. As the Orthodox become gradually more nationalistic – itself a contradiction of Jewish Orthodoxy – the national-religious become more Orthodox, an alliance visible in the synchronization of their political agendas, in an union that is derogatorily known amongst the secular population as *Chardal*, the acronym for *charedim-dati'yim-le 'umiyim* (Orthodox-religious-national) (Ram, 2011: 36).

Yaniv (1993c: 228) talks about the occupation of the Palestinian Territories using security lingo and ensuring that it gave Israel "strategic depth". However, even if initially the debate on the occupation was done around security concerns, soon it became about the existence of a "historic right" of the Jewish people to the whole biblical "Land of

Israel", as the 1967 war was even described as being of greater religious intensity than that of 1948, and the settlement in "Judea and Samaria" justified on religious terms:

> The semi-mystical, ideological legitimation for such settlement is based less on political-strategic notions than on religious-historical values which have been used by these groups to justify the location of Jewish settlements and the activation of religious sites in areas populated primarily by Arabs. (Shuval, 1989: 230)

Until 1967, Friedman (1989) argues, the spatial separation from Judaism holy places had neutralized the State from the more religious. But the "renewed encounter of the Jewish people with its holy places" encouraged religious and traditional Jews to think about these events in terms of a Messianic Redemption.

That was the case with the creation of Gush Emunim (Block of the Faithful), in the wake of the 1967 occupation. The movement, initiated by younger members of the National Religious Party, had as a primary goal to encourage the settlement on the West Bank in order to block any future withdrawal from those territories. In fact, they did oppose Israeli withdrawal from the Sinai, following the signature of the Camp David Accords with Egypt. Peled and Shafir (1996: 401) note how, despite having a religious and messianic discourse, the movement's leaders considered themselves to be "the direct and legitimate offspring of the pioneers of Zionism".

The movement gained support among non-religious sectors of the population, as well as a significant financial, military and political support from the State. The experience of Gush Emunim is representative of the symbiotic relationship between radical Jewish nationalism and the so-called secular Zionist leaderships.

The intensification of primordialism since the 1970s is particularly noticeable if we take into consideration the fact that religion one's primary identification as *Jewish* (instead of Israeli, for example) is a significant variant when analyzing attitudes of intolerance and prejudice towards other communities.

Pedahzur and Yishai (1998) have found that religious Jews in Israel tended to be more hateful towards non-Jews, even more than those who identified as "patriotic Israelis", willing to sacrifice their lives for Israel's survival. Moreover, the combination of religion and nationalism encourages resentment towards others. Orthodox Jews, in particular, show unwillingness to accept non-Jews (both Palestinians and foreign workers)

as equals and tend to favor right-wing parties and reinforce the Jewish character of the State.

Nine years before Pedahzur and Yishai's research, Kimmerling, shared the same concern:

> The lower significance attached to the state of Israel, the better the position of the collectivity's traditional elements, producing a decivilization of the Jewish system and an increase in the power of movements preaching return to the Orthodox way of life. Redefinition not only of 'who is a Jew' and 'who is a convert' […] but also of 'who is a religious Jew' is an integral part of redefinition of the boundaries of the entire control system (Kimmerling, 1989b: 273).

The numbers from the 2016 democracy index organized by the IDI reveal the same trend: while almost 70% of the Haredim stated they were proud to be Israeli, only 1% declared that Israeli identity is more important than their Jewish identity. Other numbers also reveal a rejection of democratic values: 96% stated that Jewish law should always take precedence; 83% believe that human rights organizations cause damage to the state; 94% argued that only Jews should have a say in matters pertaining to the security of Israel; and only 14% would accept a Palestinian as a neighbor (Sharon, 2016).

If we take into account Peres' data that points out to a growing religionization among the younger generations, Kimmerling and Moore's (1997) conclusion that those who identified primarily as "Jewish" displayed more inflexible political positions, over matters such as territorial annexation, is troublesome. The justifications they advanced for their attachment to the State are primordial and religious (e.g., "the land of the Jewish people"; "we are the chosen people"; "the land of the Bible").

Kimmerling and Moore tended to focus too much in the differences of demography and social profile between these two groups. It is our opinion, though, that when it comes to their political stances "Jewish" and "Israelis" are closer than they let on: "Jewish" justifications contrast with those who tend to identify primarily as "Israelis", but their positions towards attachment to the country, maintenance of law, obedience and rejection of the right to protest are staggeringly close, even if the later tend to identify as left-wingers (unlike the former who are usually affiliated with religious and/or right-wing parties).

While the Haredim have managed to preserve their culture in isolation, the autonomy granted to them by the State has prevented their full integration (both

symbolic and economic) in Israeli society, and has tightened the social control of the religious establishment over the members of the community.

Furthermore, while the Haredim use the language of multiculturalism in order to justify the concessions made to them, they are not interested in extending the same multicultural rights to other groups, exacerbating the tensions with non-Haredi Jews, and seculars.

In fact, as Finkelman (2014: 273-274) demonstrates, the Haredi community is filled with contradictions stemming from the fact that they live in state with a secular/non-observant majority and the need to advance their interests with the State's help. Therefore, while the survival of the community depends on the rejection of secularism, they feel attached to the Land of Israel and do not reject entirely the Zionist project, only its secular features. They're also protected by the IDF - particularly those living in illegal settlements – but they refuse to serve and, to some extent, they even vilify military service and the Israeli army; while maintaining a gender-essentialist approach to family, according to which women are linked to the household, women are the breadwinners of the Haredi families, for as long as men pursue their religious studies; finally, while pursuing maximal autonomy from the State in matters of education, religious schools are still funded by it.

In short, the resentment felt by the majority of Israeli Jewish population towards the Haredi community is also a symptom of a weak state and the lack of social cohesion in Israel. While "Israelization" depicted a community coming together, the presence of a self-segregated Haredi community illustrates Israeli society as various "swirling currents moving in multiple directions simultaneously":

> Haredi people and institutions are ambivalent not because they need to play mutually exclusive roles to function properly, but because the social system has not solved its own problems and internal contradictions. Ambivalent appears because social institutions or status roles, even as they strive for functionality, retain significantly dysfunctional elements. (Finkelman, 2014: 276)

Moreover, while Haredi isolationism and cultural autonomy has ensured that the frontiers of the community were thick and impenetrable, their capacity to outreach and affect other segments of the population has meant the development of a fundamentalist culture in Israel (Lehmann and Siebzehner, 2011: 91).

3.3 THE ASHKENAZI-MIZRAHI DIVIDE

Mizrahi Jews are Jewish immigrants originating from North Africa and Middle Eastern countries, who arrived in Israel mainly during the 1950s and the 1960s. For analytical purpose, and because of the need to juxtapose the Mizrahim's status to that of Ashkenazi Jews within Israeli society, we are treating the Mizrahim as one ethnic category. It is important to note, however, that they do not constitute a monolithic category and that they indeed carry other identities, defined by their specific countries of origin (e.g., Moroccan Jews; Iraqi Jews; Yemenite Jews). In fact, as Susan Abulhawa explained, their identification as part of the same group only happened once they found themselves in Israel:

> Before Israel, Jews of Iraq identified as Iraqi, of Morocco as Moroccan, of Tunisia as Tunisian, of Iran as Persian, of Syria as Syrian, of Egypt as Egyptian, and of Palestine as Palestinian. They spoke Arabic, ate the same foods as their Christian and Muslim compatriots, celebrated and partook in the same national events and traditions, lived by the same social protocols, and moved through their respective cultures as other natives did. And despite the similarities of their cultures, Tunisians were distinct from Egyptians, who were both distinct from Iraqis, who were distinct from Moroccans, etc. But Israel collapsed them all under a single identity, which was to be distinguished only from Ashkenazis, European Jews, who were higher up on the social order, and, of course, from non-Jewish Palestinians and Arabs, who were to be despised. (Abulhawa, 2017)

The immigration and absorption of Mizrahi Jews was made in a way that prevented their upward mobility and perpetuated the dominance of the Ashkenazi elite, composed mostly of Jews born in Central and Eastern Europe, who had been at the front of the Israeli state-building endeavor, and their descendants. It was the establishment of Israel and mass immigration from the region that gave the Orientalist division between Ashkenazi and Mizrahi strength, as until then Jews in Palestine would often identify simply as Jews or by their country of origin. It was only in 1949 that immigration officials and the Israel Central Bureau of Statistics switched from a classification by country of origin to one of "continent of origin", facilitating the division – later adopted in academia – between Ashkenazim and Mizrahim (Goldberg and Bram, 2007: 230).

It is important to note that these categorizations are artificial, do not represent the complexity of Israeli social reality, and contribute to a reification of the power structures, as the power to define, categorize and confine is usually with the stronger

social groups. Likewise, the term “Ashkenazim” only took meaning in a special historical context of enhanced contact with the so-called Mizrahi Jews.

Despite these problems, we consider that the Mizrahi/Ashkenazi categorization provides an analytical advantage for this research, not only considering the existence of a structure of broad discrimination against the first group, but also because the term “Mizrahim” – as Shlomo Swirski advocates – highlights the issue of social power and is anchored on the disadvantaged situation of Mizrahi Jews in Israel rather than their countries of origin. The term Mizrahi has thus developed into a tool to describe what some authors claim to be an “ethnoclass”, a social position based on the combination of ethnic identity and socioeconomic class (Goldberg and Bram, 2007: 231).

Zionism was presented as the movement that would save these Jews from the primitive Arab world, welcoming them into a modern, westernized society. When their full absorption proved to be impossible, the most common argument goes that they were incapable of full integration as a result of some of the habits they held in middle-eastern societies, described as sexist, illiterate, authoritarian and despotic. What was expected of Mizrahi Jews was not an equal contribution to the shaping of Israeli society, but their *Ashkenization*, seen as “the appropriate mechanism for ethnic groups to enter the society and be accepted by it” (Shuval, 1989: 223; *cf.* Peres, 1985: 17; Cohen-Almagor, 1995: 472).

While referring to the Yemenite community Ben-Gurion would confide in a letter to Yigael Yadin, his Chief of Staff, in 1950: “The passage from there [Yemen] to Israel has been a profound human revolution, not a superficial, political one. All its human values need to be changed from the ground up” (Segev, 1986: 187).

Even if some Mizrahi communities emigrated on their own volition, responding to Zionist propaganda, or were forced by persecution in their countries following the establishment of Israel, others found themselves in Israel against their will or simply carried out among the wave of immigration with no ideological attachment to Zionism.

This process of compelled immigration was accentuated by a discourse of demonization of the Arab countries these immigrants came from as well as the relations between these States and the Jewish minorities. Although retaining a sort of Jewish

collective identity, for the most part these Jewish communities were integrated in Arab states.

Nevertheless, the operations through which these communities were taken to Israel were described as "rescue operations", even if for some of these Jews the immigration to Palestine was not their first choice: their contact with Palestine had always been frequent under the Ottoman Empire, and the image of a Promised Land – and abandonment of the Diaspora – did not arouse the same excitement as it did among European Jews.

In fact, some of these Mizrahi Jews had shown blatant rejection of the Zionist project, such as the Jewish community in Iraq which had denounced the Balfour Declaration and participated in protests against it. The national Arab movement in Palestine had carefully distinguished in an early phase between the Zionist immigrants and the local Jewish inhabitants. Moreover, the idea that one can be simultaneously Jew and Arab is not surprising for anyone familiar with the Middle East (Goldberg and Bram, 2007: 234; Shohat, 1988: 10).

As it happened with the rifts within world Jewry, the impossibility of an Arab Jew is a recent creation, triggered by the creation of the State of Israel. It was only after the growing intensification of Ashkenazi immigration to Palestine that all Jews were viewed as potential Zionists, forcing Mizrahi Jews to choose between *Arabness* and *Jewishness*. Shohat (1988: 26) even adds that Mizrahi's hate for the Arab world is made in Israel: "for the Sephardim, self-hate (of themselves as Orientals) has to be 'learned' from the Ashkenazim, who themselves had 'learned' self-hatred at the feet and among the ranks of the Europeans."

In Iraq, for instance, in order to encourage immigration to Israel, Israeli secret agents planted bombs in Jewish centers and neighborhoods, as a result of the clash between the Zionist movements and the Iraqi government led by Nuri Said. The official Israeli version of the events tell us that "Operation Ezra and Nehemiah", from 1951 to 1952, was a result of a longing felt by Iraqi Jews for the Holy Land. In reality, Jewish emigration from Iraq in the early 1950s was a result of the confiscation and forced departure imposed by the Iraqi State, following Mossad's activities in the country. Segev (1986: 165- 166) notes that overall harassment of Jews in Iraq did not exist, except

towards those who were involved in the activities of the Zionist underground, as Mossad files show. Shohat (1988) states that the Iraqi Jewish community was integrated in the Iraqi society, and occupying prominent places in the cultural and public life. In other cases, as North African countries, Israeli agents were sent to encourage emigration, while the desire to leave for Israel increased in tandem with persecution and pogroms.

The same happened with the Yemenite Jewish community who was brought in mass to Israel during "Operation Magic Carpet", in November 1949. Yemenite Jews had been one of the first middle-eastern communities to immigrate to Palestine, and by 1948 around 35,000 of them were already in the country. After the creation of Israel, the Yemenite State had forbidden men of military age to leave the country, and negotiations between Israel and Yemen were initiated, resulting in the lift of the ban. Also in this case, Israel had to convince the Yemenite Jews to immigrate to Israel, and agents were sent to spread "missives of redemption", and later it would be a Jewish Agency emissary, Shlomo Schmidt, to ask Yemenite authorities to expel the remaining Jews. Only in the first 18 months of the State, Israel received 35,000 people from Yemen and, in the following years, 14,000 more arrived in the country, at a cost of 4 million dollars, including the payments made to the Yemenite authorities (Segev, 1986: 185).

The Israeli State has also used the excuse of a "population exchange" in order to justify the expulsion and expropriation of the Palestinians, a necessary condition to take on Mizrahi communities. This argument is farfetched as Mizrahi Jews were placed in transition camps (*ma'abarot*) once they were welcome into Israel, as most of the houses were already occupied and priority was given to European immigrants (Segev, 1986: 168). Most of them had not received enough preparation before immigrating to Israel, a consequence of the smaller budgets and fewer Jewish Agencies emissaries sent to these countries when compared with the ones allocated to European countries.[161]

[161] In September 1949, the Polish government allowed Polish Jews to emigrate to Israel, and the Israeli state had estimated that around 15,000 to 25,000 people would do so during the next year. The conditions in which these immigrants would be welcome in the new country were considerably different than those provided to Mizrahi Jews who were left in immigrant camps. The Jewish Agency decided that Polish Jews deserved a better treatment and so preparations to house them in hotels or evacuated camps were made. They also obtained priority in the access to permanent housing and special budgets for the acquisition of apartments as, unlike the Mizrahi, Polish Jews were deemed as part of the "same tribe" and able to fulfill their financial obligations (Segev, 1986: 174-177).

For this reason, the discrimination against these communities started even before they reached the country, and the obstacles and inequalities they were faced with determined their sense of inferiority. Due to the hardships they faced once they reached Israel, voluntary Mizrahi immigration to Israel soon began to decline, with accounts of people "have to be taken aboard the ships by force" (Segev, 1986: 170).

During the first two decades of the State, Zionism's claim that the modernization of the Mizrahi communities would mean their full integration in Israeli society was sustained in academia by sociological analysis, mainly dominated by Samuel Noah Eisenstadt's work. According to his modernization theory, Israel remained, during the 1960s, a "transitional" society, and its full transition into a "modern society" would imply the adoption of Western values (Goldberg and Bram, 2007: 227-228).

Issues of discrimination and prejudice towards the Mizrahim were not seen as important for sociological analysis, as it was assumed that their successful integration was not only desirable, but inevitable as well. The persistence of ethnic divide, that defied modernization theories, led to the adoption of critical approaches to ethnic relations in Israel, which, among other claims, insist that Zionism created an "Eastern/Oriental/Mizrachi" ethnicity with no intentions to cherish it.

Even if some level of Westernization was expected of these immigrants, this ethnocentric style of becoming "Israeli" imposed from the start limits to their mobility that could never be overcome within the Zionist project. The official Israeli narrative, which states that the differences between Ashkenazim and Mizrahim were merely temporary, soon to be overcome, contrasts with the State's policies that never allowed full integration to take place.

Even among more traditional, less critical authors, such as Shuval (1962: 327), there is a generalized agreement that prejudice towards Jews of Oriental origin exists, that ethnic relations in Israel are strained, with the possibility of escalation towards an open ethnic strife. In 1976, five years after the creation of the Black Panthers Movement in Israel, Smooha admitted that inequality among ethnic groups was particularly visible in the socioeconomic status and access to power: the Ashkenazim held simultaneously economic power (ownership and management of public and private economy), para-political power (control of the media and national associations) and political

representation, both in political parties and governmental positions, as well as in the Jewish Agency and the Histadrut.

Written in 1976, Smooha's analysis of the peripheralization in Israel might look outdated, but as several authors demonstrated, among them Peled (1998: 708-709; 2001: 8) and Tzafadia and Yiftachel (2004), the situation did not change substantially since then. While all the ethnic groups improved their socio-economic status in Israel (until the mass immigration from former USSR countries, at least), the gaps between them, and particularly between Ashkenazim and Mizrahim, remained and even widened. Furthermore,

> Most of the gains made by Mizrahim in this period have been either outstripped by the gains made by the Ashkenazim, such as in the areas of education, occupational status or income, or else have been in fields that have declined in their social significance. (Peled, 1998: 708)[162]

Supposedly, the socialist orientation of the *Yishuv* and of the State during the first decades of its existence should have ensured the non-discrimination of the Mizrahim. In practice, however, and as it happened with the Palestinians, the visionary dreams of the Zionist project were never designed for them:

> The actual realization of the Zionist project in Palestine, with its concomitant aggressive attitude toward all the local peoples, brought with it the possibility of the exploitation of Sephardi Jews as part of an economic and political base. (Shohat, 1988: 16)

In fact, even if Mizrahi Jews were seen as a demographic and economic asset by the Israeli State, the overall opinion among the political elite at the time was that "the North African human material is not particularly good", and that the steadily growth of a non-Ashkenazi community in Israel constituted a threat to the country's cultural standards (Segev, 1986: 155-156; Shenhav, 2003: 74). Their visibility – both as a consequence of the physical traits they shared with the Palestinians and the large size of the Mizrahi community -, while not offering an explanation on why they became a target of prejudice, helps to explain why they were so easily *scapegoated*:

> [The Mizrahi] when not ignored by the Israeli 'left', appear only to be scapegoated for everything that is wrong with Israel: 'they' have destroyed beautiful Israel; 'they' are turning Israel into a right-wing anti-democratic state; 'they' support the occupation; 'they' are an obstacle to peace (Shohat, 1988: 27).

[162] Peled gives the example of Mizrahim's increased presence in the higher ranks of the Israeli military, which was only posible due to the decline in the status of the military (1998: 708-709).

Furthermore, Mizrahi immigration following the establishment of the State disrupted the demography of Israel: until 1948, almost 90% of the Jewish population of Israel originated in Europe and America, who then became a minority of 48.4%, according to 1973 data collected by the Central Bureau of Statistics (Bernstein, 1984: 130). This demographic shift was worrisome for the Israeli State and MAPAI, who complained that soon they would "have to speak of the Ashkenazi communities" (Segev, 1986: 174). The Mizrahi communities were turned into a threat to the demographic *status quo* of Israel, even if the trade-off between quantity and "quality" of the immigrants was seen as a necessary evil for the establishment of a Jewish majority in the territories.

Mizrahim's background was described as medieval and they were often viewed as sick and degenerate, and their mass immigration was faced with anxiety and hostility, even if their presence was needed to further colonize the territory. The process of de-socialization and re-socialization started even before they reached Israel, in the transit camps, where they were given foreign western clothing that did not match the more demurred garments they – especially the women – were accustomed with. In some cases, new names, considered easier to pronounce, were given to them by those responsible for registration at the camps. Others complained that their personal objects – including religious items, jewelry and garments – were confiscated and then vanished or declared communal property (Segev, 1986: 183-184).

Peres (1985: 9) argues that the need felt by Mizrahi Jews to reject their traces of Arabness is a direct result of the ongoing conflict and the tendency to devaluate the enemy's culture. Shuval (1989: 230) sustains that Mizrahi's hostility against the Arabs is a result of their bitter experience in those societies and that their antagonism is passed on to the youngest generations through mechanisms of socialization. In Peres and Shuval's explanations the Israeli State plays no role in the dissemination of hostile behavior between Mizrahim and the Arabs as well as in the self-hating attitudes towards their own Arab traits.

Others, such as Jamal (2002: 419; 2012: 6) and Shafir and Peled (1998: 415) argue that the problem lies in Zionism as a "strategy of the ruling class", who fosters the Jewish domination over the Palestinians, but also serves a process of cultural assimilation shaped according to the image of the dominant Ashkenazi elite. The negative attitudes of

the Mizrahim towards the Arabs are part of an attempt to meet the expectations of the Ashkenazi elite and to receive legitimization within the State. For Shenhav (2003: 75-77), the Zionist "discovery" of the Arab-Jews (the term she favors to designate the Mizrahim), as a "reservoir for immigration to Palestine" was done in a colonial context according to a Jewish orientalist perspective.

Tzfadia and Yiftachel (2004: 42) describe the Mizrahim as a "trapped community", to explain, not only their feelings of insecurity towards their identity in a settler society, but also their shift to the right, expressed on their support for Likud and Shas, and also the relatively moderate level of public protest among the Mizrahim, when compared with other sectors of Israeli society (Yiftachel, 2000: 431-432). This feeling of entrapment is, in itself, a vicious cycle:

> Trapped communities have few alternative paths for identity development or political mobilization, except the oppressive structure established by the state. The main open option is inclusion at the national center, but this comes at a heavy price of structural inferiority. (Tzfafia and Yiftachel, 2004: 42)

Shohat (1988: 25-26) argues that the problem lies on the fact that the Mizrahim were forced to look at Zionism and Judaism as synonyms and Jewishness and Arabness as incompatible, "when in fact they are both Arab and Jewish, and less historically, materially and emotionally invested in Zionist ideology than the Ashkenazim".

What is striking is that the considerable ethnocentrism in social relationships in Israel has led to the partial internalization of the negative stereotypes and marked hostility against members of their own Mizrahi group, along with a "pro-European" bias (Shuval, 1962: 328; 1989: 224; Peres, 1985: 13).

This rejection of their Arabness, which can be seen in the decline of the knowledge of Arabic among Mizrahi Jews, coexisted from the 1980s onwards with a growing resentment and feelings of alienation, as well as with political mobilization along ethnic lines. Despite a few complaints that the Mizrahi culture had been degraded, and that the State did not offer them any kind of cultural autonomy, the Mizrahi communities tended to focus on the integration in Israeli society. According to Shuval (1989: 225), this is possible because Mizrahi Jews have tended to focus on matters of power and allocation of resources, instead of cultural issues, as these "are seen as marginal and decorative

while the real issues are unemployment, deprivation, equal opportunity for jobs and leadership, and full participation in the power game."

This apparent disregard for cultural and identity issues seems to validate Kymlicka's expectations that immigrant groups tend to focus on their integration into mainstream culture. However, this perception that Mizrahi communities are not concerned with their cultural preservation and representation is by itself problematic for two different reasons: firstly, it ignores the fact that, due to the ethnic stratification apparatus of the Israeli State, the Mizrahi community and its leaderships had early on to prioritize their struggles. The focus on what Shuval calls "real issues" does not represent a free choice of the Mizrahim, as much as it represents a conditioned decision to strive for the best within an unbalanced power system. In fact, as Tzfadia and Yiftachel (2004: 46) explain, the relatively limited focus of Mizrahi's protest, and the deferment of issues considered "ideological" are also a symptom of their entrapment within Israeli ethnocracy, which silences their voices and creates "a fairly docile 'ethno-class' identity".

Second, it does not acknowledge that since the 1970s and the 1980s the Mizrahim have attempted to politically articulate their feelings of difference, even if those are not aligned with the ethnic labels imposed on them by the State:

> The cultural endeavor of *mizrakhiut*[163] is characterized by acceptance of its hegemonic image of collective identity, of being an experience of sameness (despite the obvious differences between, for example, Moroccan and Iraqi Jews), but rejection of the meanings and connotation attributed to the entity as a whole. (Regev, 2000: 236)

They were also expected to develop new skills in order to adapt to work in industry, construction and technologically advanced agriculture; to adopt the norms and values through education and state-sponsored programs of re-socialization; and to organize politically within the previously established parties. These measures were justified by the need to absorb and to move forward with the "merging of the exiles", even though they pushed Mizrahi immigrants to a passive, submissive position.

The debate on the regulation of immigration in 1948-49 – for fear that the new State would not have the economic conditions to host such massive waves of immigration – was also based on the need to "select" the type of immigration that would bring more

[163] Regev describes *mizrakhiut* as "'Oriental' Israeliness" or "the specific hybrid constructed by Israeli Jews from Arab and Muslim countries, as the major 'ethnic' or 'sub-national' grouping" (Regev, 2000: 227).

benefits to the State, and that selection was exclusively done in ethnic terms. Those who were old to the country, most of them European Ashkenazi Jews, feared the Mizrahim – and particularly the sick and the old amongst them - lacked the desired "human material" needed to build a State. These opinions were shared openly within MAPAI, the Knesset, the Jewish Agency and Mossad (Segev, 1986: 142).

In December 1948, a list of diseases was arranged to impede those who suffered from them to enter Israel. The former Minister of Immigration of the Provisional Government, Haim-Moshe Shapira, gave instructions along those lines to the immigration officers that, while the State needed to be open to any Jew, their job was to encourage the immigration of those who could contribute to the development of the country while impeding the immigration of those who would "hold up our war effort". The same opinion was shared by Eliezer Kaplan, Minister of Finance, for whom Israel needed "workers and fighters", not the mentally and physically ill or the old (Segev, 1986: 117, 144).

There was thus a contradiction between the "rescue operations" designed by the Israeli government to bring these Jewish communities and its reluctance – shared by the old-comers – to accept refugees. As Segev argues, these practices are by themselves a contradiction of Zionism, and a result of the absolute rejection of the Diaspora and ancient Jewish cultures, based on the belief that the Ashkenazi old-comers had been making the only relevant history:

> There was something un-Zionist about all this, and occasionally and anti-Jewish note was struck. The attitude of the first Israelis toward the newcomers was complex and self-contradictory, charged with emotions and infused with prejudices, reflecting their self-images as Jews and as Israelis. (Segev, 1986: 117)

Nevertheless, Israeli old-comers' attitudes towards these new immigrants were not only based on the idea of superiority of the Israeli pioneer. As Mizrachi (2004) draws from Etienne Balibar's work, the prejudices exhibited towards the Mizrahi are part of a neo-racism which does not seem to affirm the superiority of a certain community, but reinforces the idea that cultural differences are insurmountable and abominable.

Shohat (1988: 12-13) argues that this places the Mizrahim's ability to counternarrate in an even worse position than those of the Palestinians, as their seemingly voluntary "return from exile" hid a series of coercions and aggressions, and

prevented them to express their "communal nostalgia". Moreover, the treatment accorded to them was seen as legitimate as they – like the Palestinians – were perceived as having no cultural, historical or material achievement or contribution to bring to the new State. Kimmerling (1993: 408) shares the same opinion: Mizrahi's condition as an unprotected group prevented them to transform their immigration tales into mythology, unlike pre-1948 Ashkenazi had converted the image of the pioneer into status and power.

Even if the violence and discrimination exerted over the Mizrahi should not be dismissed, they had in their favor their *Jewishness*, which placed them above the native Palestinian population, a point even Ben-Gurion wanted to stress:

> Even the immigrant from North Africa who looks like a savage, who has never read a book in his life, not even a religious one, and doesn't even know how to say his prayers, either wittingly or unwittingly has behind him a spiritual heritage of thousands of years. (Ben-Gurion, 1949 *apud* Segev, 1986: 156)

3.3.1 THE PERIPHERALIZATION OF THE MIZRAHIM

Mizrahim's position in the last tiers of Israeli society has been dismissed by social scientists and leaderships as if it was a natural consequence of the immigrants' cultural and educational characteristics and traits. At the same time, their absorption into Israeli society has been described as one of modernization and adaptation to a foreign westernized culture, even after they became a numerical majority, as if their receptiveness to it would mean the dispersion of inequality and discrimination. According to the theory of *absorption through modernization,* the old European community's task was to re-socialize the Mizrahi newcomers, encouraging them to become modern Israelis.

Unlike the Palestinians, Mizrahi Jews were considered an assimilating community, who would disperse throughout the social and class structure as they acquired new skills and competences. The burden of absorption was then placed on the Mizrahim, even if the myth of the "Ingathering of the Exiles" persisted, and "Israel has taken upon itself to 'cleanse' the Sephardim of their Arabness and redeem them from their 'primal sin' of belonging to the Orient" (Shohat, 1988: 7-8). Through this linear perception of modernity, the State unburdened itself from the incorporation on equal terms of the Mizrahi communities, while safeguarding the hegemony of the Ashkenazi communities.

Kimmerling, for instance, one of the most acclaimed Israeli critical sociologists, argues that the division of the Israeli population along ethnic lines was not planned, just the result of the control dynamics over resources (e.g., language, culture, skills, and connections):

> In other words, the processes [of absorption] resulted primarily from the inner logic involved in the building up of the Jewish nation-state and from the desire to enable the state to function autonomously without becoming an agent for the interests of other groups. At the ideological level, the concept of Zionism was reduced to the task of building up a strong state, while the other goals of Zionist ideology (i.e., welfare, quality of life) became secondary in importance. It was felt that only the state could ensure both the security and continued existence of the country's Jewish community in the face of the protracted conflict with a hostile environment. (Kimmerling, 1993: 408)

In other words, Kimmerling naturalizes ethnic stratification in Israel by looking at it as a necessary, albeit involuntary, by-product of the processes of state-building and not as a consequence of the ethnocentric and colonial logic underlying Zionism. However, there is nothing unavoidable in the Zionist and Israeli's perception of Mizrahi and their Arabness as a threat:

> Feelings of ethnocentrism and paternalism, mixed with intolerance, impermeability, and sometimes even pure cruelty brought about the notion of 'us' and 'them'. The Middle Eastern tradition was looked upon as a threat to progress, development, and Israeli democracy. (…) The enunciated view was that 'we' were benevolent people who brought the Middle Easterners to a higher stage of development and that it was to their own advantage to change their culture. (Cohen-Almagor, 1995: 463-464)

As Bernstein and Swirski (1982) explain, this is a false argument because it arises from the assumption that Mizrahi Jews immigrated at a time when the Israeli social structure was already established, by filling up lower positions that already existed due to their background. Moreover, the idea that Israel was then a modern industrial society is incorrect. In fact, the process of industrialization and of expansion of agriculture (i.e., Mizrahi Jews were responsible for the establishment of new settlements and the steady growth of production) only started after their arrival and it was a process in which they participated actively, to the point they were over-represented in industrial production:

> Rhe modernity of the Ashkenazim was being made possible, was becoming a fact, thanks to the very presence of the 'non-modern' orientals, who provided the labour power which made economic growth possible (…) The ideological apparatus which focuses attention on the orientals, obscured the fact that the 'modernity' of the Ashkenazim was not part of their heritage, but rather something to be achieved, to a large degree, by the role played by the 'traditional' orientals in the new economy. (Bernstein and Swirski, 1982: 81)

Israeli social structure as it is – with the Mizrahim occupying one of the lowest strata – would be different if not for their immigration: the lower tiers, that propelled the unequal, rapid growth of Israeli economy, were not simply occupied by the Mizrahim, they were *created for them*.

The progress that the Ashkenazi old-timers claimed as their own was a result of a series of legal and political reforms and the introduction of new technologies in communications, transportation, agriculture and industry as well as urbanization, initiated by the Ottoman Empire as early as the 19th century (Zohar, 2006: 137). In many cases, Mizrahi Jews were significantly more affected by modernity than the Ashkenazi narrative discloses.

Mizrahi's participation in the economic and social structure of the country was not realized in equal terms with their Ashkenazi counterparts. The masses of dispossessed and confused Mizrahi immigrants were, first of all, dependent on the Ashkenazi dominated institutions, such as the Histadrut and Jewish Agency that, in turn, used the large flows of capital to reproduce their dominance, while turning the Orientals into a cheap labor force. The economic infrastructure in place played a crucial role in ensuring the hegemony of the Labor Party, which remained in power until 1977, and maintaining the privileged position of the Ashkenazim.

The Zionist goal of "Hebrew work" (or *Avoda Ivrit*) – the idea that the Jewish community should live out of its own labor – and the boycott of Palestinian workforce was only possible due to the existence of the Mizrahim, seen as natural workers with minimal needs. Despite the Zionist myth that perceived immigration to Palestine as an individual and communal improvement, in the case of the Mizrahi the situation was largely reversed:

> What for Ashkenazi immigrants from Russia or Poland was a social Aliyah (literally 'ascent') was for Sephardi immigrants from Iraq or Egypt a *yerida* (a 'descent'). What was for persecuted Ashkenazi minorities a certain solution and a quasi-redemption of a culture, was for Sephardim the complete annihilation of a cultural heritage, a loss of identity, and a social and economic degradation. (Shohat, 1988: 20).

In other words, the process that allowed Ashkenazim to maintain their privileged dominant position is the same that relegates Mizrahim into a subjugated position: the exploitation of the latter cannot be undone by means of cultural "modernization". In

some cases – such as those as where a sole factory is responsible for the employment of the whole population of a Development Town (DT)[164] – the dependence was enhanced.

The development and "modernization" of the Ashkenazi elite should thus not be perceived as a separate phenomenon from the stagnation and even underdevelopment of the Mizrahi community, as the first was made possible at the cost of the other. Not only Mizrahim's integration in the new society was impossible in the 1950s, the persistence of economic and social gaps until nowadays show they reproduced themselves, unlike the optimistic modernization theory claimed.

These disparities are also often justified by some academics by culturalist approaches. According to Shuval (1962: 325), the correlation between Mizrahi's ethnicity and their lower economic status could be justified by their lower educational and socioeconomic background, and by the contact with the cultures of their countries of origins which led them to "acquire a more passive orientation to life problems in general" and display "reduced aspirations for social mobility".

When two decades later Peres confronted the persistence of socioeconomic inequality between the two ethnic groups, he offered another interpretation: the general perception among Ashkenazim that Mizrahim's achievements are of lower equality becomes a self-fulfilling prophecy, as the underestimated individual tends to lower their level of aspirations and therefore their performance (Peres 1985: 13). A similar position had already been assumed in 1971, by Reuven Abergil, a co-founder of the Black Panthers Movement:

> The fact that there is a prosperous sector and a backward sector, already creates an association of inferiority. It is very natural that when you progress and I remain behind, I treat you with deference and you treat me with contempt. (Abergil, 1971 *apud* Bernstein, 1984: 138)

[164] Development Towns was the name given to the cities established in the 1950s and 1960s, where the majority of Mizrahim were installed. Development Towns also served the purpose of creating Jewish clusters in inhabited areas or territories that had been abandoned and subsequently confiscated from the Palestinians. In many cases, as Achouch and Morvan detail, Mizrahi Jews were forced to settle in these towns, and from the onset these cities were spaces of marginalization and underdevelopment (particularly when compared to the *kibbutzim*. Before the construction of these Development Towns, Mizrahi immigrants were temporarily housed in "transit camps" (*ma'abarot*) (Achouch and Morvan, 2012: 15-17). By 1951, there were already 250,000 people living in the *ma'abarot*, and 80% of them were immigrants from Islamic countries (Gavriely-Nuri, 2015).

The fact that Mizrahi Jews did not display anti-clericalism (e.g., the outright rejection of Judaism or of the Jewish religious establishment) in their countries of origin is also pointed out as a symptom of their non-modernization. Zohar (2006: 138) explains that, as it happened with their Muslim compatriots, Jews who advocated modern ideologies such as socialism, communism or secular Zionism never openly criticized the community's religious leaders or traditions. The association between modernity and outright rejection of religion is particularly relevant in Israel if we take into consideration that Haredi Judaism is a fairly recent phenomenon in Judaism, born among Eastern European Jewry, in the 19th century, as a backlash to Jewish Emancipation and Enlightenment.

Carl Frankenstein, a German-Israeli intellectual who became a prominent figure in the field of education during the 1950s and 1960s, accused the "Levantine individual" of bragging, lying, lack of identity, impaired thinking, among others, as a part of a "pathology of the self, rooted in cultural causes" that makes them behave like "a mentally retarded person" (Frankenstein, 1983 *apud* Mizrachi, 2004: 228-22). These outright racist ideas did not prevent him from being awarded the Israel Prize for "excellence" in the field of education, in 1965.

In fact, his opinions worked in tandem with the mindset of the Israeli provisional government. According to Ben-Gurion, while European Jewry had been at the forefront of the entire Jewish people, Jews from Islamic states had, "in the past few hundred years, played a passive role in the history of the nation" and were compared to the Africans taken as slaves to America. The fundraising capabilities of American and European Jews placed them as "the leading candidates for the citizenship in the State of Israel", while Mizrahi Jews showed "no trace of Jewish or human education" and came from "dark, oppressed, and exploited countries" (Ben-Gurion, 1954 *apud* Segev, 1986: 156-157; Ben-Gurion, 1950 *apud* Bernstein and Swirski, 1982: 80).

This focus on the European Jewry's contribution to the Jewish people and to the state of Israel is in itself a contradiction of Zionism's rejection of the Diaspora, as it becomes blatantly obvious that the only Diaspora's experiences and achievements to be dismissed (and even deemed as inferior) are those who took place amongst non-Western communities. As Ben-Gurion clearly stated:

> We do not want Israelis to become Arabs. We are in duty bound to fight against the spirit of the Levant, which corrupts individuals and societies, and preserve the authentic Jewish values as they crystallized in the Diaspora. (Ben-Gurion, 1966 *apud* Shohat, 1988: 4)[165]

As both Shohat (1988) and Zohar (2006) prove, Mizrahi's history before their immigration to Israel has been erased, serving the myth that these communities were passive and in need of rescue. Even the names assigned to these operations carry clear orientalist perceptions (e.g., Operation "Magic Carpet" in Yemen, in 1949-1950; operation "Ali Baba" in Iraq, in 1950-1951).

Furthermore, the State's project to "nurture" (*tipuach*) these communities was not a tool of affirmative action, but a "rehabilitation programme for the 'culturally challenged/mentally impaired'". The terms "compensatory education" and "cognitive rehabilitation" were used frequently to describe the need to prepare these individuals for modern life. Ben-Gurion described the "spiritual absorption" of these immigrants as a moral effort "accompanied by deep and pure love for these forlorn brethren", whose goal was to "endow them with the riches and values of the nation, in order to absorb them into our society, culture, language and accomplishments – not as do-gooders, but as brothers of fate" Ben-Gurion, 1950 *apud* Bernstein and Swirski, 1982: 80-81).

The goal of this programme was not to question the practices of exclusion and segregation which were pushing Mizrahim to the margins of Israeli society, but to help in the stratification of Israeli society, by placing automatically Mizrahi children in vocational schools or special education programmes, for instance. These schools were usually underfunded and the presence of lower strata children was often made at the expense of education quality. For instance, Mizrahim children often scored less than their Ashkenazim counterparts at the *seker*, the exam at the end of primary school.[166]

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[165] Ben-Gurion's position towards Mizrahi Jews was not very different from the one espoused by Ze'ev Jabotinsky, founder of the Revisionist branch of the Zionist movement, and the greatest opponent to Labor Zionism. According to Jabotinsky: "We Jews have nothing in common with what is called the Orient, thank God. To the extent that our uneducated masses [Arab Jews] have ancient spiritual traditions and laws that call the Orient, they must be weaned away from them, and this is in fact what we are doing in every decent school, what life itself is doing with great success. We are going in Palestine, first for our national convenience, [second] to sweep out thoroughly all traces of the Oriental soul" (Jabotinsky *apud* Abulhawa, 2017).

[166] A research conducted in 2016 by Rubinstein and Brenner suggests that, not only Mizrahi children still score less than their Ashkenazi counterparts in their *seker* exam, the Israeli labor marker discriminates

This choice was not unconscious, nor it was part of a governments' willingness to sponsor policies that aim for the integration of Mizrahim, as Smooha (1975: 70-71) used to argue. By channeling these children to special tracks of "low achievers, the school system did not fail its purpose: its goal all along was to preserve the *status quo* of Israeli society and ensuring these target populations were educated to be the future generation of proletariat" (Mizrachi, 2004: 225; *cf.* Bernstein and Swirski, 1982: 81; Ram, 2011: 71-72).

A few decades after the first contact of the Mizrahim with Israel, in 1979, a similar logic underlined the creation of a special military unit for individuals from disadvantaged social backgrounds. The name of the unit was MACAM, the acronym for "The Center for the Advancement of Special Populations". The unit consisted mostly of Israelis of Oriental origin, with poor educational backgrounds or problems of adjustment to the regular military system.[167]

Theoretically, while in the 1950s and 1960s cultural and psychological differences between ethnic groups were essentialized, this naturalization was later abandoned. In practice, however, a discourse and selection process that are described as "objective" and "ethnically neutral" continued to focus on individuals without focusing on their social context, perpetuating the reproduction of ethnic hierarchies even within the IDF (Lomsky-Feder and Ben-Ari, 2010: 286). Furthermore, the medical guidelines that determine the profile of MACAM soldiers reinforce some of the pathologies once associated with Mizrahi individuals: difficulty delaying gratification of desires, impulsiveness, heavy sense of deprivation, discrepancy between ambition and ability, low self-esteem, among many others. These traits, easily explained as reactions to social inequality and exclusion or even as a reaction to pathologization, are then disconnected from their social context in order to fit the profile of Mizrahi individuals:

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based on perceived ethnicity (depending on whether the surname individuals carry is perceived as being of Ashkenazi or Mizrahi origin) (Rubinstein and Brenner, 2016).

[167] It is important to note that even before the creation of MACAM, and even if the IDF is presented as a "People's Army", the IDF sorting process is based on the recruits' personal characteristics as well as on their socioeconomic background and education level. The sorting process is determined by exams conducted by the Recruitment Office before the conscription (Libel and Gal, 2015: 214-215).

> In this modern, technological organization based on 'instrumental rationality', the Northern European adult male cultural model re-emerges and provides the 'proper' image of the ideal military selfhood, in direct opposition to the Mizrahi 'mentally impaired' type. The discourse of nurture provides once again a powerful device by which ethnic demarcation are conceptualized and exercised. The ethos of nurture is based both on scientific and on moral righteousness (Mizrachi, 2004: 236).

The conception of Israeli society as modern and advanced, especially in contrast with the surrounding Arab countries, was viewed as an embodiment of Ashkenazi's modernity, sophistication and democratic values. It also represents an attempt by a numerical minority to mask the *easterness* and *"third worldness"* of Israel. According to this argument, general discrimination and inequity felt by the Mizrahim phenomenon detached from the Israeli social structure and a by-product of their inherent passivity and contact with backward societies.

Shuval (1962: 328) argues that prejudice in Israel usually appears within a social framework, such as the unwillingness to establish social relationships with individuals who are considered to carry undesirable physical or social traits. Ashkenazi hostility and prejudice, she continues, can be explained by Mizrahi's "visibility" as an ethnic group, both a result of the size of this group and its concentration in the lower strata. Shuval recognizes that these conditions do not explain why the Mizrahi were chosen as a target group, as prejudice is not founded on their objective characteristics. This concession on Shuval's part is only possible because she makes no effort in the deconstruction of Zionism's inherent ethnocentrism and its meaning for non-European peoples, and chooses to perceive the discrimination of Mizrahi communities as a social phenomenon, detached from State actions and policies.

As was contemplated before, because the burden of absorption and "modernization" was placed on the Mizrahim, their inability to be fully integrated has been blamed on their inadequate education and lack of experience with democracy. This discourse is present along the political spectrum and in Israeli academia, and has fostered the myth that the Mizrahim are naturally reactionary and politically conservative.

For instance, the need for a *nurture programme* was justified by Carl Frankesntein with the fact that he considered Mizrahi Jews to be

> laggard, incapable of understanding the content and values of Western culture other than by imitation and passive absorption and incapable of making a

> productive contribution to the way in which the [European] Jewish majority is trying to build its life (Frankenstein, 1947 *apud* Mizrachi, 2004: 228)

The pathologization of the "Mizrahi condition" and the essentialization of "culture" are an attempt to depoliticize the ethnic differentiation in Israel. In reality, this process is not much different than the dehumanization of the Palestinians by the Israeli state.

As it happens with his work on the status of Palestinians in Israel, Sammy Smooha's work incorporated orientalist ideas on the Mizrahi, even when he attempted to offer a semblance of a critical reading on Israeli society. Nevertheless, when attempting to demonstrate that the Mizrahi occupy an intermediate place between Ashkenazi Jews and Palestinians, Smooha (1976: 640) distinguished between Mizrahi's mentality and social values and those of the Ashkenazim, who he thought to possess intelligence, sophistication, ambition, planning abilities and calculative orientation to people.

Following Segev's take on how the Ashkenazi's position towards the Mizrahi's waves of immigration was profoundly anti-Zionist, Shohat (1988: 24) takes it a step forward stating it is also anti-Jewish. In her opinion, the Mizrahim's oppression happens not only because of their Middle Eastern origins, but because they were represented in the Zionist-Sabra imaginary as those who were inferior in their *Jewishness*:

> The immigrants from the Third World, and especially from Arab-Moslem countries provoked 'anti-Jewish' feelings in the secularly oriented Sabra culture both because of the implicitly threatening idea of the heterogeneity of Jewish cultures and because of the discomforting amalgam of 'Jewishness' and what was perceived as 'backwardness' (Shohat, 1988: 24).

The other justification commonly offered for Ashkenazi dominance is a chronological one: as the first settlers in Palestine were of European origin, by the 1950s, when the first steady waves of Mizrahi immigrants arrived in Israel, the old-timers had already set up all the institutions in which they were in command. Their different trajectories in the country were supposedly a reflection of the organizational capacity of the Ashkenazi Jews, who perceived themselves as "idealistic pioneers", who had relinquished a comfortable urban life in Europe in order to build a country through the conquest of land and labor. On the other hand, Mizrahi Jews were portrayed as "natural workers" or, as Peled and Shafir (1996: 401) explain, as those who did not necessarily

have agricultural experience but were able to perform hard work, obey and easier to content.

This argument is anchored on the classic Zionist distinction between those who chose to go to Palestine for religious reasons or to pursue individual interests and those who were ideologically motivated by Zionism. This distinction between the "Old *Yishuv*" that set the basis for the new state, and the "New *Yishuv*", inspired this social divide along ethnic lines. While the image of the pioneer became one of the pillars of the *Yishuv*, its crystallization and transference into the Israeli state became a problem when a new differentiated social structure developed.

This argument is flawed because Jewish immigrants from Yemen arrived around the time of the Second *Aliyah* (from 1904 to 1914), the first ideologically motivated wave of Jewish immigration. Although there is no agreement on whether the Yemenites from the Second *Aliyah* were motivated by Jewish national reasons or economic motives (*cf.* Friesel, 2006: 292), no other Jewish community immigrated to Palestine in such large numbers before the creation of the State.

However, their absorption as a replacement for Palestinian labor in Ashkenazi-owned settlements meant that they remained subjugated and in an economically inferior position. Yemenite Jews were thought as being accustomed to "non-European" wages and satisfied with "non-European" work conditions. This strategy applied to this community was afterwards extended to the whole Mizrahi community, placed between low earning Palestinians and high earning Ashkenazi Jews.

This argument continued to be used even after those associated with Labor Zionism had abandoned the settlements and manual and agricultural work. While the majority of Mizrahi Jews were integrated in agriculture, construction and industry, the Ashkenazi were entering civil services and white collar jobs. The hegemony of the Ashkenazi elite – expressed in the imposition of the rules of the game and the control over resources – was then justified by its real and apparent successes:

> The elite group was also successful in popularizing the axiom that the oligarchy's values (western, modem, equalitarian, achievement oriented and Zionist) must be accepted by other groups in Israeli society, even if such groups were not represented in the various power centers, and even if the implementation of these values was not always in the best interests of 'outsider' or marginal groups. Included in the category of the 'outsider' were

> the elite cluster of old, established Sephardic families: Palestine's organized non-Zionist Jewish community, which predated the Zionist pioneers' arrival in the country: the members of the pre-Zionist colonies (*moshavot*) founded in the late nineteenth century: most of the urban bourgeoisie; and, members of non-East European immigrant groups (that is, immigrants from Central and West Europe, Yemen, and - in the post- 1948 period - Asia and North Africa). (Kimmerling, 1993: 405)

Albeit flawed, this argument was – and still is - necessary to explain Ashkenazi privileges in a country in need to captivate Jewish immigration from the Diaspora. Therefore, while Mizrahi Jews were granted citizenship rights under the Law of Return, they were from the onset marginalized, forced to settle in border or deserted areas, and become the unskilled labor that allowed Israel to industrialize.

Despite the fact that bigger budgets were allocated to Ashkenazi agricultural settlements and housing, or that most of the Ashkenazi *moshavim*[168] were built in central regions, on better land, their superior development and the prosperity of Ashkenazi settlers was due to "their initiative, their skills and adaptability" (Segev, 1986: 190). Meanwhile, Mizrahim were assigned the least lucrative of the country's land, in the mountains, in Galilee and Judea. For Arye Eliav, a former immigration official, the unequal allocation of lands was not part of an "Ashkenazi conspiracy", even if he noted that those in charge of the settlement projects tended to look for others "who most resembled them, in their general mentality and worldview, and so, inevitably, in their background" (Segev 1986: 172).

Mizrahim's were mainly placed in "Development Towns" (*Ayarot Pituha*), small urban settlements placed strategically along the outlying regions of the state or in underpopulated areas. Until the immigration of Russian Jews in the 1990s, around 75% of the population in these Development Towns (DT) were of Oriental origin (Peled, 1998: 711).

D were part of the Israeli attempt to fulfill its mission of the "Ingathering of the Exiles" while having to deal with the rapid absorption of immigrants in the new State. By combining this mission with the need of "Judaization" of the territory (already analyzed in the previous chapter), DTs were created to encourage the dispersal of population (named

[168] A *moshav* (*moshavim* in plural) is a type of Israeli settlement, centered on community farming. Unlike the *kibbutzim*, the members of this settlement preserve a large degree of economic autonomy, even if they share elements of mutual assistance. The first *moshavim* were established in 1921, soon after the second *Aliyah* to Israel (1904-1914) (Israel Ministry of Foreign Affairs, 2019).

“population decentralization” in Israeli official policies) and prevent the potential return of Palestinians to their villages.

According to Yiftachel’s (2000: 420) critical research on planning in Israel, 28 DTs were established in Israel during the 1950s, mainly in the Naqab and the Galilee. The process was inevitably facilitated by State’s ownership of the land.

The dispersal, however, was not made in equal terms: these medium-size centers in the periphery became the home of Mizrahim immigrants, while Ashkenazim tended to stay there only for a few years and then find their way into to the big city centers. As part of a process of “rationalization” of settlement procedures, Mizrahim were the main victims of a policy of “ship to village” policy. This has resulted in the settlement of these immigrants in small and distant villages or in the poorest urban areas which, in turn, weakened their bargaining power (Goldberg and Bram, 2007: 243).

Simultaneously, the state also gave incentives to certain industries to be installed in DT, particularly those that were labor-intensive and required low-skilled labor. This led to a geographically-based division of labor in Israel that also had obvious ethnic undertones:

> Immigrants from Middle Eastern countries were concentrated in jobs and locations that impeded their physical and social mobility. Concentrated at the lower end of the occupational ladder and shunted to the geographical margins of the country, Jews with Middle Eastern roots formed a labor force within a labor force. (Migdal, 2001: 168)

As Tzfadia and Yiftachel (2004: 45) point out, even if the State of Israel was a creation of Ashkenazi Jews, as they were also in control of Israel’s centralized planning system, the Mizrahim were transformed by the former group into a settlement force, to serve the territorial interests of the dominant group, even if these were discursively presented as needed for “Israeli security”. Meanwhile, the Mizrahim’s distancing from the economic and political centers allowed Ashkenazim to maintain their dominance. This regime of stratification, encouraged by policies of spatial segregation, is described by Oren Yiftachel as an “ethnocracy” (2000: 420).

Mizrahim’s housing situation was achieved both through consensus and force, and their weaker economic position upon their arrival in Israel made them more dependent on governmental housing than the previous Ashkenazim immigrants. The

housing made available to them was of lower quality and in outlying areas where Ashkenazim immigrants refused to go. These differences were maintained until nowadays, surviving the great construction boom of the 1950s and 1960s that consolidated Ashkenazi control of firms and banks. Meanwhile,

> Orientals obtained lower grade housing in non-central locations. As workers in construction, they received low wages which did not allow them the same kind of consolidations brought by the boom to the owners, skilled workers and bureaucrats. (Bernstein and Swirski, 1982: 73)

Mizrahim's DTs did not have the same military security offered to Ashkenazi settlements and, in fact, only 3% of the Ashkenazi community lived in these rural and border areas, even if the image of the Zionist pioneer ready to sacrifice their life for the security of the country is that of an Ashkenazi immigrant.[169] The *kibbutz*, presented by the official Israeli narrative as an alternative social order and as a representation of a just and equal society, should be understood, not only as a form of settlement and colonial expansion, but as a product of a rigged labor market.

On the other side of the spectrum, as Yiftachel has repeatedly shown on his work on urban planning in Israel, these DTs form peripheral "spatial sectors". Even if none of the official policy documents or planning discourse mentioned Mizrahim's marginalization as a goal of planning, Yiftachel (2000: 423) believes these were not unintended consequences: "Rather, it reflected the hierarchy of values and political group power prevalent at the time, when 'national' goals (as defined by the Asheknazi elites) took precedence over social justice or civil equality".

The division of labor – and geography - along ethnic lines thus took shape as early as the 1950s, allowing Mizrahi Jews to be governed and administered by an Ashkenazi elite and Ashkenazi-led bureaucracy (Bernstein and Swirsky 1982: 77). Shohat (1988) argues that the Mizrahi represent a semi-colonized nation within the Israeli State, brought to Israel against its will to satisfy the needs of European Zionism.

[169] Bernstein and Swirski (1982: 70) note how two-thirds of the members of the new *moshavim* were Mizrahim. Despite being once the most common form of settlement (for instance, during the 1960s there was a total of 366 *moshavim*, compared with 229 *kibbutzim*) the amount of arable land and of investment made in agriculture was smaller than those allocated to the *kibbutzim*.

Mizrahi's concentration in peripheral and border areas and neighborhoods also encouraged the maintenance and reconstruction of communal ties upon arrival in the new state, which translated, for instance, in separate religious traditions and celebrations.

The fact that these expressions of cultural disruption, in a State that otherwise stressed homogeneity and nation-building, can be explained by the purpose served by the presence of the Mizrahi in the new state. Their dual identity, both as Jews and Arabs, split them up into a political and into a cultural domain: politically, they are citizens of the State and of the Jewish collective, but culturally they have been transformed into the "other". Their Arabness has been rejected, but their cultural differentiation has been at times politically used to present the image of a pluralistic and democratic state.

The position of Mizrahi Jews in Israeli society thus underlines some basic contradictions of Israel and Zionism. Despite being considered part of the Jewish collective and given citizenship rights upon their immigration to Israel, their pre-Israel experiences, backgrounds and cultures were deemed inferior or outright rejected. Similarly, even if they fulfilled an important role in the development of Zionism on the ground – through immigration, settlement and proletarianization –, their contribute to the state-building efforts is still considered inferior when compared to that of the Ashkenazi pre-1948 *Yishuv*.

The persistence of discrimination towards the Mizrahi in Israel should therefore be seen as a structural problem of Zionism and the Israeli state: being a movement initiaded by European Jews, Israel has inherited aversion towards the right of self-determination of non-Western peoples. Moreover, the Israeli social and political structures demand constantly the underdevelopment and depreciation of the Mizrahim. The ongoing preference for Ashkenazi immigrants, specifically those of Russian origin, over the middle-eastern veteran population further accentuates their feelings of alienation.

While this happens, increased contact between Mizrahim and Ashkenazi Jews, especially in contexts of subordination, despite favoring cultural, linguistic and behavioral convergence, has also intensified Mizrahim's perception of their status as well as it pushes forward demands for greater equality. Once more, increased contact does not

mean necessarily harmonization, as sensitivity to inequality is intensified by proximity (Peres, 1985: 6). Even a time when patterns of intermarriage between Mizrahim and Ashkenazim seem to be changing, as the number of marriages between individuals from the two different groups has been steadily increasing in the last decades (Ilany, 2007), one finds that one's level of education plays a determinant role: children born of mixed marriages with higher levels of education tend to choose partners of Ashkenazi origin (Goldberg and Bram, 2007: 246).

Peres attempts to downplay this fact by arguing that while different Jewish ethnic groups came into contact as a result of immigration in Israel, their immigration was motivated by collectivist motives. This argument draws, on the one hand, from the myth of the uniqueness of Zionism, while at the same time neglects the fact that the mass immigration of Mizrahim was not, for the most part, made on voluntary terms, as was discussed previously. While an effort was made by the Mizrahim to adopt the Ashkenazi way of living, encouraged by the contempt shown by Israeli leadership and society towards non-Western cultures, that does not mean that they were not attempting to pursuit private goals or that that they hold the same vision of national revival Ashkenazi pioneers seemed to hold.

If we take a look at education, consistently used as a base for occupational mobility, we find that students of Mizrahi background receive schooling of lower quality and take less advantage of identical educational input. Ethnic gaps in the school system persist at the level of investment and achievements. Even in instances where interethnic relations (sociability and less prejudicial attitudes) educational achievements among Mizrahi Jews remained lower than their Ashkenazi counterparts. Even achievements of identical nature are perceived as being of lower quality when performed by Mizrahi children, and the pro-Ashkenazi bias is also persistent among teachers, both from Ashkenazi and Mizrahi origin (Peres, 1985: 12-13).

While benefiting from the symbolic privilege of being Jews and therefore considered an integral part of the Israeli collectivity, the Mizrahim were mainly absorbed into the lower strata of Israeli society. The Israeli structure, as Deborah Bernstein and Shlomo Swirski demonstrated, is a result of an ethnic division of labor, in which the capital and rewards were in the hands of the Ashkenazi elite. Mizrahim Jews,

underprivileged since their arrival in Israel, were portrayed as not having a sufficient cultural and educational capital. The gap between the two communities is not caused by cultural differences – believed to fade over time – but the result of a relationship of domination and capture of resources by the Ashkenazi.

3.3.2 MIZRAHIM'S SHIFT TO THE RIGHT

One of the ways Mizrahi counter-narratives have been dismissed is through their portrayal as a religious conservative and politically reactionary community. Their conservatism and religious fanaticism is seen as a result of their lack of contact with democracy and secularism and contrasts with the image of liberal and secular Western Jews. Particularly in the last four decades, the Mizrahim have been used as scapegoats to the shift to the right in Israel.

Mizrahi's turn to Jewish Orthodoxy ought to be explained through their re-socialization processes in Israel. Orthodoxy was, until their immigration to Israel, a foreign concept to these communities which for the most part ignored abstract halachic laws and even rabbinical hierarchies.

The simplistic perception that Mizrahi are politically traditional and religious oriented also ignores the diverse ways in which the Mizrahim attempted to politically mobilize in the 1960s and the 1970s, around secular-orientated protests and movements.

The first attempt at Mizrahi mobilization were the Wadi Salib (Haifa) riots, in 1959, motivated by Mizrahi's perception of their economic deprivation. Wadi Salib had been a Palestinian neighborhood, but after its original inhabitants were expelled in 1948, it became a poor overpopulated neighborhood inhabited by Mizrahi Jews, surrounded, on one side, by Hadar, a prosperous Ashkenazi middle class area and, on the other, by the Palestinian Wadi Nisnass neighborhood.

The riots started after the shooting of a Mizrahi man (described as "drunkard") by the police, but had, as a background, the marginalization of the Mizrahim, the disillusionment of the community with the Labor Party and its affiliated institutions and, more specifically, the recent allocation of comfortable housing to new European immigrants, at a time when many Mizrahim were still living in transition camps. The location of the neighborhood, which has already been mentioned, which facilitated the

contact with affluent Ashkenazim, also enhanced Mizrahim's resentment (Grinberg, 2014: 111).

For four weeks, the Wadi Salib neighborhood and, soon after, others cities across the country (such as Beersheva and Akka), were swept by Mizrahi protests. The demonstrators' targets were clear: both Hadar's neighborhood, but also the local offices of MAPAI and the Histadrut, which they perceived – quite accurately – as the symbols of the State. The demonstrations were met with violent repression by the police and by the Worker Troops (*Plugot Hapoel*), a paramilitary branch of the local Workers Council of the Histadrut (Grinberg, 2014: 113).

The official narrative presented the protestors as agitators and hooligans, and reinforced the idea that there was no intentional discrimination on part of the state. An inquiry committee (called the Etziony Committee), despite recognizing the claims, did not recognize the protesters, who were "de-legitimized, criminalized, repressed, and sentenced to jail" (Grinberg, 2014: 113). The author (2014: 117-118) considers the complete delegitimization of the Mizrahi representatives as the most important long-term consequence of the government's response to the right of protest, through the exploitation of the Ashkenazi's middle class fears. Through its aggressive response to the demonstrations, MAPAI was transformed into the "political protector" of the Ashkenazim, reinforcing their dependency on the party and ensuring their vote on the upcoming legislative elections in November 1959.

The Wadi Salid riots were a consequence of the uprooting of the community, and a deterioration – through alienation – of what once were their values and social frameworks. As a consequence, Mizrahi Jews "built their future, not on constructive work for the improvement of the social, economic and cultural standards of the community, but on the cultivation of the feeling of deprivation" (Massad, 1996: 61).

The organizers of the riots attempted to enter the political arena, through the creation, in 1959, of their own group within MAPAI, the North African Immigrants Union, but left soon after when recognizing that the party could not be used as a vehicle for their interests. As Grinberg (2014: 116) notes, Mizrahim's grievances were heard, and

exploited by Herut[170] and by the National Religious Party. They did not lead, however, to the representation of Mizrahim's interests and agendas or to an improvement of their living conditions.

The second attempt was the establishment of the Black Panthers movement. In the early 1970s Israel welcomed the first wave of immigrants coming from the USSR. The warm welcome offered to them contrasted with the reception of the Mizrahim a decade earlier, accentuated the feelings of dispossession. The cease-fire agreement signed with Egypt following the 1967 war also enhanced the internal problems of Israeli society. Most importantly, the occupation of East Jerusalem, the West Bank and Gaza, and the economic integration of Palestinian workers from the Occupied Territories, meant that the Mizrahim were now also competing with a cheaper labor force (Grinberg, 2014: 170).

The Black Panthers appeared in 1971 (six months after the end of the War of Attrition[171]), as a youth movement of 20 to 30 boys in the Musrara ghetto, in Jerusalem. Just like Wadi Salib, Musrara had been a residential area, whose houses had been occupied by the Mizrahim after 1948.

Despite being a small, informal group, organized around a core-neighborhood, who was interested in seeking media attention and popular support, the Black Panthers were also careful about external intervention and attempts to take over by other groups (Bernstein, 1984: 135). The movement slowly expanded to include left-wing Zionist and anti-Zionist groups and university students, but their limited organizational skills, as young students, made it impossible for them to mobilize nationwide support or even to move out of Jerusalem. They were, however, successful in transforming their personal experiences – transversal to many Mizrahim – into "a collective narrative with clear political demands" (Grinberg, 2014: 170)

Between March and August 1972, the movement organized a series of demonstrations, not linked to any special event. Their goal was to demonstrate as quickly as possible, and these protests often coincided with conflicts between the Black Panthers

[170] Herut was a right-wing nationalist party founded by Menachem Begin in 1948, which in 1988 merged into Likud.

[171] War of Attrition is the name given to the period immediately after the 1967 war between Israel, Egypt, Jordan and the PLO, which was marked by lower-scale hostilities between the parts, particularly in the Sinai Peninsula and along the Suez canal.

(Bernstein, 1984: 136). Unlike the Wadi Salib riots, despite initial repression, the government realized the level of public mobilization of the Black Panthers and initiated negotiations with them.

The government at the time, led by Golda Meir (Labor) tried to delegitimize the movement, by claiming it had connections with anti-Zionist and left-wing parties and movements, and denouncing the use of violent means of resistance. Meanwhile, some of the largest demonstrations were met with police violence, and more than 100 people were arrested. Those who were arrested and convicted were after that more hesitant to take part in further confrontations.

The Black Panthers' attitude towards the State was very ambivalent: while they tried to make a clear distinction between the State and governments' policies, they did not feel as equal partners and consistently avoided describing themselves as "Zionists". While this did not make them "anti-Zionists", the avoidance of "terms of symbolic importance may indicate a conscious or unconscious readiness to reject the general ideology they embody" (Bernstein, 1984: 142). Shlomo Cohen, one of the members of the party, for instance, openly admitted that Zionism, while benefitting Jews from Russia and Eastern Europe, had done nothing for the Mizrahim who were living in worse conditions than those they had in Arab countries. And he added: "In Israel today there is anti-Semitism. What happens to the Jews abroad happens to the Sephardim here. It comes out in expressions such as 'franks' (i.e., promiscuous and/or unrestrained) and 'primitives' which come from the same racist way of thinking" (Cohen and Shemesh, 1976: 22).

In September 1975, during a Black Panthers convention, in which the official leadership of the party was elected, a basic political program was adopted. In it, the party recognized the right to a Palestinian State beside the State of Israel with Jerusalem serving as the capital of both states. As Shlomo Cohen (Cohen and Shemesh, 1976: 20, 22) confided, in a 1976 interview, their belief was that the problems of the Mizrahi community were intermingled with the Palestinian problem[172] and that it was time to reject the Ashkenazi monopoly on it. Moreover, he believed that Mizrahi hostility towards

[172] It is worth noting that, throughout the interview, Shlomo Cohen uses the term "Palestinian", and not "Arab", as it happens in most political discourse in Israel.

the Palestinians was induced by government's propaganda that stated that the problems of poverty could not be solved for as long as Israeli lived in a war situation:

> The Israeli bourgeoisie have found the territories full of workers who can be milked for profits. No one in history ever gave up a cow like that. Thus any identification between Jewish and Arab workers will help ease the tension between the two peoples and push them towards a common struggle against Israel's rulers. The Sephardim realize that the Arabs are worse off than they are in this country and that could lead to a joint struggle. (Cohen and Shemesh, 1976: 22)

A committee, known as Horovitz Committee, was established to find out the extent and validity of Mizrahi frustrations. The committee's final report concluded that the greater the educational achievements of the Mizrahi's the greater the level of discrimination. It also concluded that the standard of living had worsened in the previous decade (Massad, 1996: 63).

In December 1973, the Black Panthers ran for Knesset elections (postponed for some months due to the Yom Kippur war), failing to reach the 1% threshold needed to elect an MK. By then, the Black Panthers had already lost their momentum, and Likud (established that year by Menachem Begin as a coalition of right-wing parties) managed to capture the majority of the Mizrahi vote. In fact, due to the war, the main issues up for debate were no longer issues of social and economic disparities, but matters of war and security (Cohen and Shemesh, 1976: 19).

Similarly to what had happened to the North African Immigrants Union (the party established in 1959 by the participants in the Wadi Salib riots), most of the Black Panthers' leadership was co-opted by Zionist left-wing parties. The most illustrative case of co-option was that of Eddie Malka who, on the eve of the 1973 elections, formed a party called the Blue and White Panthers. While the party did not get enough votes to nominate an MK, it fragmented the electorate with the help of a loan from the Industrial Development Bank (run by the Ministry of Industry and Commerce).

Grinberg (2014: 175-176) believes that their loss of voters to Likud was due to the inability of their leaders to speak the "languages of power", which included the Jewish superiority *vis-à-vis* the Palestinians. Begin, however, realized that the myth of the Promised Land was attracted to the community, due to their peripheral position in a

segregated labor market. Likud managed to channel Mizrahi's resentment both against the Zionist Left, who had failed them, and the Palestinian enemy:

> The Likud ethno-national rhetoric of national unity and formal equality among Jews, coupled with the maintenance of Palestinian subjugation, appeared a much more realistic strategy to most Mizrahi voters. (Grinberg, 2014: 176-177)

Massad (1996: 64) points out various reasons to explain the failure of the movement: the lack of economic support, as most of its members were students or lived in ghettos, the lack of an educated and/or political aware leaderships, unable to establish contacts, and the persistence of an hegemonic Zionist discourse in all spheres of Israeli public life, "which gives greater resonance to appeals to 'unity' in state-building and against external enemies and which facilitates the delegitimation of Jewish dissent groups". Perhaps more tellingly is the fact that, as Shlomo Cohen admitted, the movement started from an explosion of popular discontent, and the ideological set and organizational structure were only developed two years later (Cohen and Shemesh, 1976: 19).

The specific failure of the Black Panthers did not represent the failure of the Mizrahim resistance movement, as the community became more aware on how to organize around a clearer self-identity, and increased their demands beyond economic rights and political representation, to cultural rights and even displays of solidarity towards the Palestinians (e.g., Ohalim, Oded, the Black Belt Movement, East for Peace, Ma'avak '85).

Furthermore, as Grinberg (2014: 173) acknowledges, the Black Panthers were successful in opening political space to the recognition of Mizrahim's demands. They did, however, fail in penetrating that space as a political actor.

The Black Panthers were subjected to major pressures by the Israeli government because the movement highlighted two major overlapping contradictions of the Israeli state. First, the tension between the Law of Return and its promise of a unified Jewish nation – the most basic tenet of the State - and the reality of the Mizrahim in Israel. Second, the tension between class inequality and the exploitation of the Mizrahim and Israel's discourse on egalitarianism and socialism.

Bernstein (1984: 142-143) points out to the overarching philosophy of the protest movement, which combined both ethnic and class concerns (labor legislation, low income, poor housing, etc.): in other words, they were aware that their subordinated class position had its roots on ethnic subordination, something that then went unacknowledged even in academia:

> Ashkenazi were shocked by the expressions of ethnic rift in Israeli society, which was supposed to be nationally unified and homogeneous. Sociology could no longer cover up the conflict under the terminology of modernization, which always puts the blame on the underdog's cultural backwardness and always promises a better integration in the future. (Ram 2011: 63)

It is also meaningful to note that the Black Panthers' were able to emerge during a period of peace prospects. Their first appearance, after the armistice agreements signed in 1970 that put an end to the War of Attrition, came after almost four years of complete closure of the political debate to other agendas other than security. The Black Panthers' partial disappearance, in 1973, also coincided with the Yom Kippur War. The short life of the movement is also a symptom of how conflict and security concerns in Israel manage to shut down protest and political debate, and generate consensus.

Mizrahi's shift to the right and to ultra-religious parties, such as Shas, should also be explained by a parallel feeling of religious detachment from the Ashkenazi Orthodox establishment. As Zohar (2006: 143-144) and Abutbul-Selinger (2017: 1622) point out, Ashkenazi Ultra-Orthodox are characterized more than any other group in Israel by feelings of ethnic superiority and racism, and tended to denigrate even other Jewish groups. These feelings of superiority still exist among the most conservative sectors. As the Mizrahi community was welcomed with contempt and prejudice, so did the Torah scholars of Mizrahi and Sephardic origins that were not accepted in the ranks of the Haredi leadership in Israel (Zohar, 2006: 143-144; Lehmann and Siebzehner, 2011: 98). Some of these Sephardi leaders were the founders of Shas, an ultra-Orthodox Mizrahi party, established in 1984.

Despite its origins, the bulk of Shas' voters is among the non-Haredi (although religiously traditional) Mizrahi community, especially the vast majority that remained in a social and economic disadvantaged situation. The initial mobilization was made mainly by young *yeshivot* students who had experienced discrimination and found in Shas an outlet for political activity. Simultaneously, other community services – such as low-cost food

stores and free loans associations – were set up, beginning to attract the marginalized electorate of the party.

For over thirty years, Shas has been increasingly present in the Israeli political scene. In the first Knesset elections it participated, in 1984, Shas managed to get 4 seats (around 63,000 votes), and managed to steadily increase the number of seats in the Israeli Knesset during the following elections (Peled, 1998: 703). Even more remarkable is that they managed to elect 17 MKs in 1999 (over 430,000 votes) and become the third largest force in the Knesset, even after the 1990s absorption of voting immigrants from the former Soviet Union, a non-Shas electorate, and after one of his founders, Arieh Deri, being convicted for corruption.

In the 1990s, Shas' electoral presence allowed the party to negotiate the creation of a network of Sephardic schools funded by the state, similar to the existing Ashkenazi Haredi network. Simultaneously, extra child allowances for large families (usually Haredi) have been negotiated with several governments, following negotiations for government coalitions (Lehmann and Siebzehner, 2011: 99-100).

Shas has been regularly part of government coalitions since 1984 or, more specifically, in 11 out of 14 cabinets. The only exceptions to this trajectory were the 1995-1996 transitional government, following the assassination of Yitzak Rabin, and two Likud-led governments, between 2003 and 2006 (when Shas lost 6 seats) and between 2013 and 2015, when Likud made an electoral alliance with Yisrael Beiteinu.

Its success among the Mizrahim poor classes has been previously explained both by the network of social services (kindergardens, schools, health centers) the party established. Both Hasson (1993) and Peled (1998), however, argue that, by themselves, the services provided by Shas do not necessarily explain its political success. In their opinion, the party's growing popularity can be found in the new definition of Mizrahi collective identity it offers, as well as in the attempts to promote that same identity within the acceptable structure of the Zionist state.

In this sense Shas' success among the Mizrahim community is vastly different from previous attempts of Mizrahim political mobilizations, such as the Black Panthers, because, not only the party openly describes itself as Zionist, but it also claims that its

conception of Zionism is of the "real Zionism" (Peled, 1998: 704). Chetrit (2002: 108) argues that Shas cannot afford to declare itself as an anti-Zionist movement because half of its constituency is non-religious[173]. What the party did was to combine the social criticism, previously introduced by the Black Panthers, on the European Zionist movement, while offering their electorate the opportunity to be both Zionists and observant Jews.

Lehmann and Siebzehner (2011: 92) claim that Shas was successful in consolidating some frontiers (between Mizrahim and secular Ashkenazi) while removing others (e.g., blurring the distinctions between Iraqi, Moroccan, Yemenite Jews). We argue, however, that these frontiers had already been blurred by the state mechanisms of absorption (or, in this case, of marginalization) of these immigrants that left the Mizrahim in an underprivileged position.

Like Ashkenazi Haredi parties in Israel, Shas advocates a heightened role of religion in the public lives of Jews in Israel. What was new, however, in Shas' agenda and political discourse was the attempt to forge a religious-ethnic identity against the Labor Zionist establishment that marginalized the Mizrahim since the creation of the State. Peled (1998: 720) argues that the secret for its popularity lies on the fact that, despite knowing that establishment is Ashkenazi-dominated, the party directs its resentment, not against the Ashkenazim, but against the secular, modernizing component of the dominant culture. Although captivating the Mizrahim electorate, Shas' counterposes a *Jewish* rather than a Mizrahi identity. In short: "rather than negating Israeli Jewish nationalism as defined by the Zionist establishment, Shas has sought to redefine it" (Peled, 1998: 720).

Shenhav (2003: 73) shares the same opinion: the Mizrahim have no choice but to be "religious" (or "Jewish" in the way it was construed by Zionism) in order to have a voice in Zionist structure. As the Mizrahim could not be ethnically distinguished from the Arabs (a fact over which many of the Zionist emissaries to Arab countries agonized over, as the author demonstrates), religiosity was projected onto them.

Whereas Shenhav's argument seems underdeveloped, for it does not take into consideration Mizrahim's positioning between the Palestinain population and the

[173] In the 1999 legislative elections, 75% of the voters of Shas were non-Haredi.

Ashkenazi dominant group, Peled (1998: 706; 2001: 9) argues that the community is not a peripheral group, but a semi-peripheral one, located between the Ashkenazim and the Palestinians (both Palestinian citizens and Palestinians from the Occupied Territories). This intermediate position encouraged the Mizrahim to align themselves with the Ashkenazi elite controlling the State. Therefore, in the author's opinion, their marginalization did not lead to a heightened ethnic or class consciousness but "in a resurgence of integrative, politicized religious consciousness, that expresses itself, electorally, in voting for Shas".

In other words, unlike Michael Hechter's theory that claims that endogamous interaction, encouraged by a cultural division of labor, can lead to a political mobilization contrary to state interests, the Mizrahi Shas's electorate chooses to espouse the integrative aspects of Zionism while rejecting its discriminatory features.

The same conclusion was partially shared by Tzfadia and Yiftachel (2004), while researching patterns of political mobilization among the Mizrahim in development towns. The authors establish a difference between instances of public protest in these areas and local election campaigns: in the first case, the Mizrahim have tended to focus on the demands for a fairer distribution of resources, employment and wages, using a discourse that is still within the boundaries of Zionism; in the latter, however, they tend to express their resentment towards Russian immigrants, whose absorption has transformed the face of these development towns. In this case, they question the core value of immigrant absorption, a central premise of Zionism, and the new immigrants' commitment to Judaism, the only tool Mizrahim have to their advantage:

> Given the role of religion as a cornerstone of Israeli-Jewish identity, the Shas movement has developed a strategy which attempts to by-pass the ethnocratic entrapment of the Israeli settler society, with its emphasis on settlement, militarism and secularism. By emphasizing religion, traditional values and ethnic (Mizrahi) memory and solidarity, Shas was also able to present a powerful counter-narrative to the Russians in the towns, and effectively link local Mizrahi politics with a national agenda of 'integration through difference'. (Tzfadia and Yiftachel, 2004: 53)

Furthermore, as was previously mentioned, State efforts to absorb these new immigrants in the 1990s contrasted sharply with the absorption process of the Mizrahim in the 1950s and 1960s: a new policy of "direct absorption" was adopted, and new immigrants were awarded several benefits and financial aid. Not only Mizrahim-

dominated towns absorbed these immigrants, the close contact between the two communities highlighted differences in treatment and accentuated feelings of relative deprivation among the Mizrahim (Tzfadia and Yiftachel, 2004: 50).

The Shas movement gained popularity especially among those groups in society to whom the State and local authorities had failed to respond, and should therefore be seen as symptom of the failure and weakness of the State. Their shift from the Labour Party to Likud, and later on to Shas, should not be explained by essentialist theories on the radicalization of the Mizrahim, but by their feelings of abandonment by the two main parties and the political elites ruling the State:

> A necessary (although not sufficient) condition for the success of Shas was the failure of the State of Israel to absorb many of the immigrants from Islamic countries in a manner respectful of their identity and heritage, and to empower the immigrants – and their children – by actual success in educational achievement and in economic-professional activity. (Zohar, 2006: 147-148)

Whereas we agree with the conclusions espoused by Zohar, we would like to add that, taking into account the reading we make from the processes of absorption of the Mirahim, Shas success is not the result of a *failure* of the State to integrate these communities, in as much as it is the by-product of the State's *unwillingness* to fully integrate them, as their welcoming into the country was marked, from the outset, by a colonial mentality.

The shift among the Mizrahi communities, in the late 1970s, from the Labor Party to right-wing and religious parties should be analyzed under the generalized disenchantment and resentment with the existing system that kept them for almost three decades in social, economic and cultural inferior positions (Kimmerling and Moore, 1997: 30; Doron and Kook, 2004: 23). Equally important was the Mizrahim disenchantment with Likud governments and their program of economic liberalization that culminated with the 1985 Emergency Economic Stabilization Plan, adopted during a national unity government.

Since the 1980s, the process of liberalization of the Israeli State affected further the lower strata that had already been deprived of resources since the state-building period. While they had been used to populate the periphery and border areas in exchange for unskilled work, the workers felt the State breached its "contract" with them and left them at the mercy of market forces (Ram, 2011: 71).

While the free market was said to be indifferent to ethnic differentiation, city planning during the liberalization period reproduced existing power structures and maintained the same patterns of segregation. This process is particularly visible in the gentrification of cities and neighborhoods, such as Jaffa, Tel Aviv and Musrara in Jerusalem: forcibly vacated by the Mizrahim – as they once had been by the Palestinians, these areas became the target of major housing projects where the Ashkenazim elite "enjoys living within a 'Mediterranean' mise-en-scène but without the inconvenience of a Palestinian or Sephardi presence, while the newly adopted Sephardi neighborhoods become de-capitalized slums" (Shohat, 1988: 19).

The transformation of the Mizrahi electorate ensured the end of the Labor Party's dominance in 1977 – temporarily resumed between 1992 and 1996[174] - and the transfer of power to the Likud Party and its coalition of right-wing and religious parties. Additionally, it also introduced a new group able to articulate further its demands and positions.

Kimmerling (1989b: 274) highlights the 1967 occupation of the Palestinian Territories as another possible explanation for Mizrahi support for Shas. The occupation created a new "inferior caste" in the Israeli control system and allowed the Mizrahi Jews to achieve group mobility. The same is suggested by Migdal:

> The new social mobility of *mizrahi* Jews was spurred by the injection of Palestinian workers into the economy occypying the lowest rungs of the occupational ladder, precisely those rungs previously held by these Jews from Middle Eastern and North African backgrounds. Their upward mobility, ironically, fueled loud political expression of their discontent. (Migdal, 2001: 19)

While we do not consider this mobility to be more than a relative process of distancing from the lower strata, merely provided by the introduction of a lower class (the Palestinians from the Occupied Territories), it is true that the direct contact with the Palestinians from the OPT and the long term imposition on the Mizrahi to hide their *Arabness* might offer a partial explanation to what Kimmerling calls "the complex syndrome of extreme political views" adopted by the Mizrahi population.

It is important to note that, in general terms, the shift to the right of the Mizrahi community does not mean a rebuff of socialist ideals or a natural tendency towards

[174] Israeli legislative elections of 1992 gave the Labor Party 34.7% of the votes, ensuring the party 44 seats in the Knesset. The government coalition, led by Yitzhak Rabin, initially included Meretz and Shas.

populism, as Shohat (1988: 21) argued. In fact, until 1973, 50% of the Mizrahim electorate had been voting for the Labor Party and affiliated lists (Peled, 1998: 714), a proof of the influence the party had through its various institutions.

However, the flawed Israeli socialist discourse was coopted by the Labor Party and the Histadrut was used – like it happened with the Palestinians – to hide the fact that the access to resources has not been made in equal terms and that the advantage of the Ashkenazi elite has been conquered at the expense of other marginalized groups. In our opinion, as well as in Peled's (1998: 707), the Mizrahim's detachment – and vote for Likud and, later, Shas – constitutes a rejection of the Israeli version of socialism and of the manipulation of socialist discourse and symbols to hide oppressive and discriminatory structures and legitimate their peripheralization.

Peres (1985: 18) sustained that the Mizrahi's inability to conquer a space in politics was due to their inability to unite behind a generally accepted leadership, both due to the lack of a common cultural dominator and of a leadership potential, as the most qualified individuals tend to identify with the established system. Peres' argument falls back into culturalism, even if it is true that, until the 1970s, many attempts to co-opt and control Mizrahim leaderships were made.[175]

This process of co-optation began in 1949, when inside the MAPAI, a debate ensued on whether a Mizrahi Minister, without "any grandiose pretensions" should be part of the Cabinet. In the end, a Mizrahi Minister was accepted, mostly for fear that the Oriental communities would vote for the right-wing Herut "to revenge themselves on our party, for the sins of a whole generation", said Zalman Aran, MAPAI's General Secretary (Aran, 1949 *apud* Segev, 1986: 174).

In Grinberg's (2014: 120) opinion, the co-optation of the Mizrahim's claims - which he describes as the situation when a group's identity is recognized, but its autonomous representation is not - was possible because they had no power base: "no

[175] Chetrit (2000: 53-54) demonstrates how several members of the Black Panthers were given positions as chairmen and members of local councils, directors of welfare offices, school principals, etc. Kokhavi Shemesh, one of the ideologues of the movement, also recalls that in the wake of a mass demonstration in 1971, Golda Meir contacted Shaul Ben-Simhon, a member of the Moroccan Expatriates Alliance Organization, reaching an agreement that ensured that his organization would no longer participate in the demonstrations (Chetrit, 2010: 106).

economic power of organized workers, educated middle classes or capitalists; no symbolic power able to legitimize their claims; and no cultural power, as group members do not speak the language of political power that legitimizes the authority of the state itself".

The co-optation strategy ensured that only a few Mizrahim succeeded in joining the establishment and that their residual presence was used to legitimize Ashkenazim dominance, through a system of thought not much different from the North-American myth of the *self-made man*:

> The co-optation system was significant because it was a mechanism of social control and because it kept dreams alive. It showed that some people were able to make it; that if you strove hard and proved yourself, all ranks were open for you. It certified that mobility was possible and supplied the establishment with evidence to show that the slogans and openness were not completely false. (Cohen-Almagor, 1995: 476)

Politically, and until the emergence of Shas, Mizrahim had very little influence, as almost all important positions in the various political parties and central bureaucracies were held by Ashkenazim. During this period, some attempts at political action were made, but ethnic parties and associations were quite small and did not have the capacity to influence the political center of power. In the 1980s, Bernstein (1984) noted how those who have joined the established parties remained in the lowest echelons, serving as political brokers amongst the community.

Furthermore, their chances of success were also tampered by the dominant Ashkenazi discourse that Mizrahi activists should represent the "general interests" of the state and not promote separatism (Abutbul-Selinger, 2017: 1623; Herzog, 1984: 526). While during the establishment of the *Yishuv* these ethnic parties were tolerated, the Mizrahi's mass immigration in the 1950s, and their transformation into a majority, was seen as an "ethnic demon", and major efforts were made to delegitimize Mizrahi political parties and movements.

Herzog (1984: 518) also notes how the terms "ethnic" and "ethnicity" are almost exclusively used to describe Mizrahim citizens and parties, while the dominant group, the Ashkenazim (even if not majoritarian), are referred as to the "Israeli society" or "the Israelis". This categorization in ethnic terms paradoxically contrasts as well with the denial

of ethnic pluralism among Israeli Jews, in favor of the ideological defense of the "Ingathering of the Exiles".

As no secular alternative movement is available in Israel to express the Mizrahi interests, and because economic liberal policies have particularly deteriorated the situation of the unskilled labor force, the community tends to cling further to an ethnonationalist discourse infused with religion. Their position however should not be mistaken for those of the Sephardic ultra-Orthodox who established and rule Shas.

While all the decisions of Shas are the decisions of the Sephardic Rabbinate, and they are primarily interested in accentuating the Jewish character of public life in the country, the concerns of their Mizrahi electorate, as Chetrit (2002: 109) explains, are more earthly: they are mostly concerned in maintaining the welfare services of the State and seek social and economic mobilization. The right-wing, ethnonational, religious electorate is not monolithic and tensions and contradictions often arise to the point that political stability is not guaranteed.

Moreover, the fact that Shas has been part of most government coalitions for over 30 years has not contributed to the improvement of the situation of the Mizrahim, leading some Mizrahim activists to accuse the party of restricting its activity to the immediate needs of the poor, creating a situation where political loyalty is exchanged for basic living conditions (Chetrit, 2002: 112).

Similarly, Lehmann and Siebzehner consider that the use of "multiculturalism" in Shas' discourse an "hypocrisy", because

> The Shas leadership made no secret of the issue of exclusion yet it seems to be satisfied with the provision of an enclave, which places it in positions of power and may signify recognition, but not universalistic welfare policy or state or judicial action against discrimination suffered by Sephardim either in society as a whole or in the haredi world itself – and this despite the resentment against precisely that discrimination which has been a Shas keynote from its very beginning. (Lehmann and Siebzehner, 2011: 104)

This "hypocrisy", they explain, is a result of the absolute rejection of external state intervention in the Haredi world, even if that meant the mitigation of discrimination. In other words, Shas illustrates simultaneously the Haredi conviction that the State can and should work exclusively in their favor and their rejection of a reciprocal relationship towards the State and other groups.

Additionally, Zohar (2006: 148) sustains that the use of symbols of a populist-religious nature, as done by Shas leaders during election time, was a phenomenon traditionally criticized by halachic scholars. Political manifestations of religious culture represent a break with Mizrahi halachic culture, even if they were already common among Ashkenazi ultra-Orthodox. Shohat (1988: 25) argues that orthodoxy was a foreign concept for the Mizrahim, who ignored abstract laws and rabbinical hierarchies. There is therefore a dissonance between the leaders and cadres of Shas and the group identity they seek to invoke and mobilize. It is therefore necessary to recognize that religious extremism among poorer communities, such as the Mizrahim, carry undertones of ethnic and class conflict which cannot be explained by culturalist approaches to the population.

Abutbul-Selinger (2017: 1624), through the analysis of Shas' newspapers, shows how Mizrahim Jews are attracted to the party's message, not because they want an intensification of the role of Judaism in the country, *per se*, but because it redeems them from their marginality. For instance, while hegemonic discourses (both secular and Eastern European Orthodox) portray Sephardic tradition – which Mizrahim subscribe – as stagnant, Shas describes its members as the direct offspring of the ancient authentic Jewish community, by retrieving its glorious past: "At its height Shas utilized the interweaving of ethnicity and religion to present Sephardim as the 'true' Zionists and to reverse the hierarchical relations between Sephardic and European Jews" (Abutbul-Selinger, 2017: 1630).

Similarly, Likud's victory in 1977 is frequently portrayed by academics as a victory of irrationality, paranoia, and nationalism over the universalistic ethos of the Labor Party. This simplistic explanation is all the more possible because Likud came to power with the help of the Mizrahim, the religious and the Haredim electorate. The same happened again in 1996, with the victory of the coalition led by Benjamin Netanyahu. The commonly made assumptions on the anti-democratic, traditional and nationalistic political culture of the group helped foster the idea that the Likud's victory represented an exception or, at most, a rupture with the democratic, inclusive ethos of Zionism. However, as Waxman argues, one of the explanations for Mizrahi support to Likud in the 1977 elections lies in Likud's approach to Israel national identity:

> The Likud's (and especially Begin's) emphasis upon Jewishness and the Jewish tradition appealed to the Mizrahi public as it appeared to assure their inclusion and acceptance withing the boundaries of the Israeli collective. By voting for the Likud, Mizrahim were expressing their desire to 'belong' withing the Israeli nation. (Waxman, 2006: 41)

Right-wing parties' success in conquering the Mizrahi vote is also explained by the Zionist Left's colorblind view that "there is no such thing as Mizrahim and Ashkenazim anymore". While Labor, Meretz and Hadash[176] reserve spots on their lists for Palestinians and women, Mizrahim are not contemplated by these affirmative policies (Mehager, 2015).

As Peled and Shafir (1996: 393) demonstrate, Mizrahim's scapegoating on the generalized shift to the right in Israel is only possible because the Jewish Israeli collectivity identifies itself as Western, democratic, and autonomous. Mizrahi's portrayal as more prejudiced and violent towards the Arabs, that Smooha (1976: 649) had also sustained, is also produced at the expense of the Palestinians and of the potential for solidarity between them and the Mizrahim.

As Tom Mehager attempted to explain the Mizrahi disenchantment with the Left:

> For the Ashkenazi public, however, voting for the Left is a pretty good deal: they vote for parties that are ostensibly enlightened and moral, while totally ignoring the historical relationship between Ashkenazim and Mizrahim, as well as the privileges they enjoy until this very day. But without talking about Ashkenazi privilege in a clear and direct manner, there will be no real change in this country. (Mehager, 2015)

3.4 THE HOLOCAUST IN ISRAELI COLLECTIVE MEMORY

While the Holocaust has become a central, even overused feature of Israeli political discourse in the last 40-50 years, this was not always the case. In fact, most researchers are quick to point out the paradox between the "conspiracy of silence" (Solomon, 1995) around the Holocaust in the first two decades of the state, and the growing political exploitation of the event since the 1970s. In this case, the several phases

[176] Hadash is a left-wing secular party formed by the merge of the Israeli Communist Party – or Rakah – and other left-wing groups, such as the Black Panthers, in 1977. The party champions the two-state solution, Israel's withdrawal from the Occupied Territories, and calls for equal rights for all citizens, as well as for social justice and socialism. Despite the fact that most of its electorate is among the PCI, Hadash is a mixed Palestinian-Jewish list and its Knesset lists include both Palestinian and Jews. Since 2015 that the party runs for the Knesset as part of the Joint List.

through which the Holocaust was forgotten, remembered and narrated give us important information about shifts in Israeli identity, and are indicative of its fragility.

Until 1954, Israeli students did not study the Holocaust at all throughout their education. Porat (2004: 621) argues that until then, the subject of the Holocaust in education was dominated by a "pedagogic silence". That year, a new History national curriculum, introduced the Holocaust as a marginal theme (only three lessons devoted during a total of 12 years of schooling) and was taught as a part of world history, but not within a context of Jewish history.

Moreover, the focus was not on Jewish annihilation, but on Jewish acts of resistance and rebellion, with a special focus on the Warsaw Ghetto uprising. Thus, according to Porat (2004: 621), in the 1954 curriculum, "the Holocaust was *not* the war against the Jews; it *was* the Jews' war against the Nazis". Ofer (2000: 39) agrees, and adds that this approach to the study of the Holocaust created two opposing categories of "good" and "bad survivors".

Zertal (2005: 25-26) also points out how the Israeli state attempted to appropriate the memory of the Warsaw Ghetto uprising by portraying the rebels as inspired by Zionism. The author explains that the appropriation of the resistance as a Zionist act was needed, because Zionists in Palestine "had not lived up to the demands it made of others in the face of the Jewish catastrophe" (Zertal, 2005: 29), but later situates this as a phenomenon transversal to all nation-building projects:

> A nation-building project requires not only memory but also forgetting. Both remembrance and forgetting are a field of cultural negotiations in which different stories compete for territory, for voice, and for a place in history. The dialectical relations between memory and forgetfulness, between 'illuminating and obscuring' of specific historical chapters for varying periods of time – which unfailingly stem from the decisions and acts of the elites writing that history – are a function of the goals of a given collective, and of the balance of power between the various groups making up that collective. (Zertal, 2005: 50-51)

This approach to the Holocaust, especially at a time when the national education system was perceived as an instrumental tool for the creation of a new national identity, created a detachment between the Israeli students (and Israeli society at large) and the suffering of the Jewish people during the *Shoah*. This detachment was the more accentuated with the arrival of around 350,000 Holocaust survivors in Israel, especially between 1948 and 1951, the first large-scale *Aliyah* after the establishment of the State:

out of the 770,000 immigrants to Israel in the years between 1946 and 1953, almost 50% were Holocaust survivors (Davidovitch and Zalashik, 2007: 149).[177]

As Ofer (2000: 28) points out, there were several opportunities to debate the Holocaust, such as during the negotiations on the reparations payments from Germany (1951-1952), the designation of Remembrance Day (1959), or the creation of Yad Vashem (1953). Nonetheless, these issues were rarely transmitted in a way that could incorporate the Holocaust into part of Israeli collective memory.

Porat believes that this was a result of the confrontation between the perceived surrender of European Jewry to the Nazis and the rejection of Diaspora life, and the image of the new Jew, proud, confined and strong, that has been discussed in chapter 1: "In this view, life in exile was dominated by passivity, whereas activism was the hallmark of Jewish life in the Land of Israel. To many, the fate of the Jews appeared to be a natural result of the unnatural life in exile" (Porat, 2004: 621-622). The patronizing attitude towards Holocaust survivors is even more remarkable when we take into consideration that most of the Jewish population living in Israel at the time of the Holocaust had immigrated from Eastern Europe only a decade or two before.

Solomon (1995: 220) believes that the rejection of the survivors' experience by a community who could have easily shared the same fate is a product of the veterans' own need to shed their "diaspora qualities" and to conform to the idealized image of the New Jew. The presence of the survivors confronted them with a reality they had not yet managed to leave behind. For instance, in 1949, only a year after the creation of the state, and at a time of massive Yiddish-speaking survivors into the country, the State passed a law prohibiting Israeli citizens from staging public performances in this language that was, after all, their mother tongue (Sand, 2013: 42). Davidovitch and Zalashik (2007: 150) add that the physically and mentally issues that affected many of the survivors, in a state where the collectivity perceived itself as strong and healthy, also intensified this trend.

[177] Davidovitch and Zalashik (2007) affirm that these survivors joined around 150,000 survivors who had gone to Israel between 1945 and 1948, of which 50,000 were defined as illegal by the British Mandatory administration.

A similar view is shared by Klar *et al*. (2013: 126) for whom there was an unbridgeable divide between those who survived the Holocaust - and to whom the Holocaust "belonged to"- and veteran Israelis. In other words, the Holocaust was part of the experience of "passive and cowardly Jews of the Diaspora", something that happened "there" but could no longer happen "here", in the new state.

Throughout this period, not only was the Warsaw Ghetto rebellion emphasized, their heroic resistance was juxtaposed to what was perceived as the weakness of those who had passively perished and survived the concentration camps. A textbook approved by the Ministry of Education in 1954 declared that "the heroic stand of the Ghetto Jews also compensated for the humiliating surrender of those led to the death camps". While the rebels were given individuality and portrayed as active, the Holocaust victims were merely present as a "passive mass", "led as sheep to the slaughter" (as another religious textbook declared) as if they had accepted their destiny with passiveness and without hesitation (Solomon, 1995: 218; Ben-Amos and Bet-El, 1999: 266; Porat, 2004: 622). Solomon (1995: 217) adds that the prevailing social reactions during the first two decades of the state were of "indifference, avoidance, repression, and denial" and that such reactions ensured that the survivors were forced – and forced themselves – to keep silent.

For instance, in 1955, during Holocaust Remembrance Day, Ben Zion Dinur, Minister of Education and the person in charge of the establishment of the education system in Israel talked about "the complacency of Diaspora Jews" that "plays a role in the destruction", only to conclude that the Diaspora "is not only a disaster but also a terrible sin" (Dinur, 1955 *apud* Ofer, 2000: 39).

Klar *et al.* (2013: 130-131) and Solomon (1995: 221) argue that the reluctance to remember the Holocaust is a product of the Zionist narrative itself. As they see it, the Zionist narrative of the first decades of the state cast a "retrospective blame" on the Holocaust victims and survivors, who failed to immigrate to Israel when they could still do it. They represented, in their unpreparedness and unwillingness to fight, the antithesis of the Israeli condition. As Joel Palgi, one of the Palmach parachutists who was sent to Yugoslavia during the Second World War to help with the rescue of Hungarian Jews admitted:

> We are ashamed of those who were tortured, shot, burned. There was a kind of consensus that the Holocaust victims who survived were utterly worthless and contemptible. Without realizing it, we had adopted the Nazi view that Jews were subhuman. History mocks us bitterly: we ourselves had put them in the dock. (Palgi, 1978 *apud* Solomon, 1995: 218)

According to Zertal (2005: 55-56) the memory of the Holocaust in Israel during this period was one of "memory without remembers", for despite their physical presence in the new state, the survivors' testimonies disquieted the known reality and threatened "to shatter the deceptively normal façade". Their survival to an experience that should never have happened offered "new, unprecedented knowledge about the world and mankind", but precisely because there had not been, until then, a paralleled event, the memory of it was "obliterated by the very impossibility of speaking about it and describing it".

Furthermore, not only were the survivors blamed for their condition as victims, the conditions that led to their survival (i.e., their conduct) was also questioned. This doubt was informed by the idea that "the better and moral people were the first to perish, and that those who survived were selfish and unscrupulous" (Klar *et al.,* 2013: 130-131). In a report signed by David She'Altiel, a future IDF general and diplomat, who accompanied the arrival of a boat of survivors into Israel, stated that he believed that "those who survived lived because they were egotistical and looked out, first and foremost, for themselves" (She'Altiel, 1945 *apud* Solomon, 1995: 218). The same views were expressed by Ben-Gurion, in 1949:

> There were people who had they not been what they are – that is, hard, bad, egotistical individuals – would not have survived. Moreover, the things they went through eradicated all goodness from their souls. (Ben-Gurion, 1949 *apud* Solomon, 1995: 218)

It was common knowledge that some Jews – themselves taken to concentration camps – had indeed collaborated with the Nazis through the performance of menial tasks, such as the supervision of work and food distribution (in fact, plenty of names came out in the testimonies during the Eichmann trial), in exchange for various privileges and benefits. Zertal (2005: 72) points out that "this multi-layered system of persecutors and

persecuted, of brutes and righteous, played havoc with the concepts of good and evil, of decency and villainy."[178]

When, in 1951, the Remembrance Day for the Holocaust and Ghetto uprisings was celebrated for the first time on Remembrance Hill (Western Jerusalem), following the adoption of the Holocaust and Ghetto Revolt Day Law, this happened after a long debate on which date it would follow up. The decision followed the need to compromise with religious authorities, since days of mourning cannot be set on the same day as religious festivities: the initial attempt to commemorate it on the actual anniversary of the outbreak of the Warsaw Ghetto uprising, on the eve of Passover, was therefore discarded (Ofer, 2000: 36).

However, this choice it also followed a specific political strategy. The Memorial Day for the Fallen Soldiers of Israel and Victims of Terrorism (hereafter just Memorial Day) was agreed to be commemorated the day before Independence Day in Israel, and this decision was justified by the constraints of the Jewish calendar and holy festivities. However, as Ben-Amos and Bet-El (1999: 267) point out, the juxtaposing of the two celebrations gained an enormous symbolic significance, by "linking bereavement and triumph together as a unique Israeli phenomenon".

The Remembrance Day for the Holocaust victims, on the other hand, was set to take place one week before the celebration of Independence. This means that in just one week, Israeli Jews are called to both remember the suffering of the survivors of the Holocaust, to mourn their fallen soldiers and victims of terrorism and, at last, to join euphorically in the celebrations of the creation of the state. The disposition of these three commemorations is not coincidental: the first two represent the history of Jewish persecution and the loss of military and civilian lives, and indicate these as the *raison d'être* and the price Israelis had to pay for their own state.[179]

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[178] The most organized form of collaboration between Nazis and Jews was the *Judenrat,* a body appointed by the Nazis in German-occupied territories (especially Poland). These Jewish councils were headed by Jewish representatives who were responsible for enforcing Nazi orders which affected the Jewish communities (Berenbaum, 2008).

[179] To this chronology, Ben-Amos and Bet-El (1999: 272) include the celebration of Passover and of Jerusalem Day (the day during which Israeli Jews celebrate the occupation of East Jerusalem, or what they call the "reunification of Jerusalem"): "The flow of holidays traces, then, the threat of annihilation [Holocaust], triumph through sacrifice [Passover], and final rebirth […] through the nation's own strength".

Most educators, who were stuck with the image of the new Jew who had rejected Diaspora life to encounter a life of uncertainty in the Land of Israel, also feared the exposition of Israeli students to the weak exilic Jew, so the Holocaust remained a negative lesson, and Holocaust Day remained a marginal commemoration in Israeli public life, unlike the odds of Independence Day and Memorial Day.

The Holocaust or, to be more specific, the appropriation of the Holocaust in Israeli collective memory, plays a significant role in the enhancement of feelings of insecurity in Israel. The most thorough work on the political use of the Holocaust by Israeli leaderships has been done by Norman Finkelstein, in his book *The Holocaust Industry* (2000) and, more recently, by Idith Zertal's *Israel's Holocaust and the Politics of Nationhood* (2006).

However, the study of the Holocaust's central position in Israeli discourse has been addressed by several authors in the last few years, and there is a general consensus that the Eichmann trial and the 1967 and 1973 wars served as starting point for the construction of the *Shoah* as a "national trauma" or as an "inter-generational scar" (Jaspal and Yampolsky, 2011: 203).

It was not until the capture of Adolf Eichmann, in 1960, that the stance towards the Holocaust changed in Israeli public life. According to Israel's Attorney General, Gideon Hausner, the trial was not only a legal procedure, it also held an educational potential:

> I knew we needed more than a conviction; we needed a living record of a gigantic national disaster, though it could never be more than a feeble echo of the real events. In any criminal proceedings the proof of guilt and the imposition of a penalty are not the exclusive objects. Every trial also has a correctional and educational aspect. Much the more so in this exceptional case (Hausner, 1968 *apud* Porat, 2004: 623).

Ben-Gurion was even more abrasive about the final goal of the trial: "The fate of Eichmann, the person, has no interest for me whatsoever. What is important is the spectacle" (Ben-Gurion, 1961 *apud* Zertal, 2005: 107).

Therefore, when the trial took place in Jerusalem, in 1961, Hausner called over 100 witnesses, the vast majority of which had never crossed paths with Eichmann. Instead of focusing on one man's deeds, the trial became an event where histories of torture and murder of Jews were told, exposing the Israeli public to an overload of

information of the Holocaust. As Porat (2004: 624) summarizes it, the trial became "a history lesson for an entire nation".

For Zertal (2005: 95, 104), the Eichmann trial was the first time that Israeli leaderships and, in particular, Ben-Gurion felt they could face the Holocaust "from a position of power, sovereignty, and control". Perhaps more importantly, the trial coincided with the end of the formative stage of the state, and was met by an increasingly divided Israeli society:

> The Eichmann trial was, from this point of view, a most adequate occasion for the establishment of renewed national unity through memory […] the trial would also become Ben-Gurion's belated answer to his many opponents' claims, relating to the German reparations money and the Kastner affair[180], that he had 'forgotten' the Holocaust, had 'sold' the memory of the victims for German money, and had not done enough, as the leader of the Jewish community in Palestine during World War II, to come to the aid of his brethren in Europe. The Eichmann trial would thus provide Ben-Gurion with a means of expressing his own overall version of history and memory, his own legacy concerning the things happened and the way things ought to have happened (Zertal, 2005: 104-105).

While all the authors pinpoint the Eichmann trial as the starting point for a shift on how the Israeli state addressed the *Shoah*, due partly to the mediatization of the trial, Porat (2001: 624) thoroughly demonstrates that the lack of empathy towards Holocaust lingered and that the trial, in fact, marked a new invigorated effort to marginalize the memory of the Holocaust. Israel educators, obviously informed by the directives of the Ministry of Education, played an important role in this marginalization process. Empathy towards the victims was perceived as a risk to the image of a "nation of heroes", especially at a time when Israeli discourse was full of threats of annihilation by the Arab states. Therefore, while the trial encouraged the publication of biographies and memoirs and the celebration of a Holocaust Memorial day, these attempts were not incorporated into the educational system during the 1960s.[181]

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[180] The Kastner Affair refers to the accusation (and subsequent trial and conviction) made, in 1953, against Israel Kastner, a clerk at the Ministry of Trade and Industry and a MAPAI candidate for the second Knesset elections, that he had collaborated with the Nazis during the Second World War. Kastner was accused of concealing the plans for Jewish extermination in Hungary, in order to save approximately 1,700 Jews, and of perjury during the trials in Nuremberg, where he testified in favor of Nazi war criminal, Kurt Becher (Knesset, 2008).

[181] Ben-Amos and Bet-El (1999: 270) note that while, in 1963, the Ministry of Education prepared a curriculum that incorporated the Holocaust, in order to teach it in the days around the commemoration, the subject was still reduced to Jewish resistance.

The big change came only after the Yom Kippur war, in 1973, during which Israel, for the first time, did not have the military upper hand. The fear that Israel could be facing its destruction blurred the lines between Israeli self-image of a state of heroic and autonomous Jews and the weak-minded Jews in Diaspora. The trauma of the 1973 war was even the more powerful if we take into account that the previous war, in 1967, had launched Israel into a state of national euphoria.

In the new curricula launched after 1973, the Holocaust was for the first time situated within Jewish history, detached from world history and history of the Second World War. The reason for that was that for the first time Israelis felt entrapped and vulnerable, and part of what they perceived as a potential new Holocaust. After the 1973 war, veteran Israelis could no longer pretend they were somehow superior to the survivors, "they were only luckier" (Solomon, 1995: 224).

This is not to say that the victimization discourse was absent from Israeli political and public discourse until the 1970s, for the idea that Israel stood alone amidst a series of threatening states had been always present. However, 1973 challenged the extent to which Israelis thought they could face these threats and enhanced the need to revamp the educational system, as a means to repair Israeli' "mental fortitude", to encourage military recruitment, and give Israelis the tools to cope with emergency situations (Resnik, 2003: 310).

In March 1980, the Knesset Committee of Education and Culture presented a bill aiming to enhance the students' "consciousness of the memory of the Holocaust and Heroism". The goal of such a law, argued its proponents, was not merely to transform Memorial Day, "but to transform memory itself", by turning the Holocaust into one of the cornerstones of Israeli identity. The bill was approved by the Knesset only a day later, and the history of Holocaust became, along with the history of Jewish Diaspora, Zionism and the Israeli-Arab conflict, one of the mandatory topics in the history curriculums and matriculation exams. In a sense, "the Holocaust was no longer simply a legitimate memory; it had become a defining memory for Israelis, an event that symbolized the Jews' uniqueness, their continuous victimization solely for the crime of being Jewish" (Porat, 2004: 632).

The instillation of Holocaust memory came, as many point out, as a response to what was perceived as an identity crisis, accelerated by the 1973 war, and even a decline in Zionist identification. Along with a national memory embedded in Israeliness, Jewishness and self-reliance, the new national memory now included a memory of "grief, suffering and powerlessness" (Resnik, 2003: 301), and paid attention to a new kind of non-military bravery, one that involved "survival under oppressive conditions" (Ben-Amos and Bet-El, 1999: 270). This shift suggests an adaptive strategy by the State and, in particular, by the education system to respond to Israeli Jewish anxieties.

Zertal (2005: 122) points out that this identity crisis started out before, in the 1960s, when David-Ben Gurion stepped back as Prime-Minister, leaving behind a "divided, orphaned society", marked by substantial emigration, and ridden with "economic recession, high unemployment, social unrest, and a prevailing sense of depression".

However, this incorporation was not done without problems, for while Zionism emphasized the idea of a strong nation, the memory of the Holocaust reinforced the sense of victimization. Thus, while early Zionist thought presented the establishment of the State as the rebirth of the Jewish people and the normalization of Jewish life, the collective memory of Israel from the 1980s until nowadays informs us that Jewish life can never be normalized. This contradiction in Zionist narrative is comparable to the paradox mentioned in the previous chapter: while Israel is frequently presented as the only place where Jews are free from persecution and can lead normal lives, this discourse contrasts both with the process of deep securitization and the feelings of insecurity among Israelis.

The solution to articulate such distinct narratives, according to Zevulun Hammer, the Minister of Education during the first Likud-led government, in 1977, was to look at the Holocaust as a lesson that "vulnerability, dependency and powerlessness serve as an invitation for evil to take control. Thus, one must accumulate power, physical and spiritual" (Hammer, 1977 *apud* Porat, 2004: 633).

Thus, the use of the Holocaust memory for immediate political use began gaining momentum in Israel: the national memory adapted to the changing circumstances of the Israeli state. Not only it fostered a sense of unity between Israeli Jews and the victims of the Holocaust, it also provided a symbolic meaning to the hardships of life Israel.

Resnik (2003: 314) notes how, what was initially a response to an identity crisis, became a landmark of Israeli collective memory and later, in the 1980s and 1990s, during the first Intifada and the growing international sympathy towards the Palestinian cause, an escape to criticism and a tool to disregard Palestinian suffering.

Simultaneously, Israeli textbooks made an effort to deter any contextualization of the Holocaust through means of comparison with other genocides and mass murders, for that would encourage the students to develop empathetic sentiments towards other persecuted peoples and, specifically, the Palestinians.

Klar *et al.* (2013: 138) show that Israeli Jews suffer from *perpetual ingroup victimhood orientation* (PIVO), the belief that the group is continuously persecuted by different enemies. High levels of PIVO usually involve a belief that the group's trauma is incomparable to other group's traumas and experiences, as well as strong levels of mistrust of outgroups. Studies conducted by Wohl *et al.* (2010: 907) have shown that Israeli Jews who already held negative views of the Palestinians, tend to show decreased levels of empathy towards them following their visits to concentration camps. When reminded of their past victimization, Jewish people were less likely to perceive Israeli action against the Palestinians and more likely to perceive Palestinian actions as the main causes of the conflict.

The Holocaust, encapsulating all the Jewish suffering throughout history, is simultaneously regarded as a unique event in the history of humankind (Bar-Tal, 2001: 612; Klar *et al.,* 2013: 130), but one that can imminently repeat itself for Israeli Jews, who are also frequently depicted as "ontologically exceptional" (Finkelstein, 2003: 49). Its uniqueness, therefore, is constricted to Jewish existence, for the memory of the Holocaust, along with the image of Jews as God's chosen people, "identifies and sanctifies Israel as a people with unique challenges and opportunities" (Arian, 1989). Perhaps nothing illustrates more the use of Holocaust memory in the devaluation of other peoples' suffering – in this case, of the Palestinians – than Ben-Gurion's declaration that

> The Arabs' reproach us with genocide', a word much in fashion these days and used loosely by those who hardly know what it means. The Jews have a good grasp of the meaning of genocide from their experience of twenty-five years ago. (Ben-Gurion, 1970: 166)

By resorting to the memory of the Holocaust, Ben-Gurion claims for the Jewish people (or, more specifically, the Israeli Jews whom he represented) the monopoly of collective suffering through genocide, making Palestinians' suffering (one that he never takes responsibility for throughout his memoirs) something surmountable and meaningless by comparison.

On the other hand, as Klar *et al.* (2013: 137) note, any reference to Nazi Germany in a context that is critical to Israel's policies towards the Palestinians is usually violently rejected. For instance, in July 2018, MK Yael German, from Yesh Atid, compared the "Nation-State law"[182] to Nazi-era legislation. MK Avi Dichter, from Likud, immediately slammed the comparison because such comparisons were "offensive to Israel and inappropriate for a Knesset member to say". Deputy Defense Minister Eli Ben Dahan added that "the Holocaust was a one-time event in the history of the world and there is nothing comparable to it". German would later state that she had been misunderstood and that her declarations had been taken out of context (Wootliff and Staff, 2018).

As an anecdote, Shlomo Sand's (2013: 56-57) talks about his experience as a doctoral student in Paris during which, for the first time, a conference on Nazism and extermination was organized. The fact that an invitation was extended to a Roma researcher was vehemently opposed by the representatives of the Jewish community in Paris who were helping prepare the conference. Furthermore, he argues, it seems as if the "non-conventional" victims of the Nazis have been "wiped from the hard disk of Western collective memory", as people tend to equate the total number of victims in concentration and extermination camps and massacres to the number of Jewish victims: "It was not enough that the memory of the victims should be engraved in the consciousness of the West. What was demanded was the specificity, exclusiveness, and total national ownership of suffering" (Sand, 2013: 62).

Thus, instead of serving as a history lesson on the dangers of nationalism, the political use of the memory of the *Shoah* in Israel does not further humanistic values, but it is instead used to promote particularism and national identification, based on feelings

[182] The "Nation-State law", officially known as Basic Law: Israel as the Nation-State of the Jewish People will be subjected to an in-depth analysis in the next chapter.

of fear. Or, as Finkelstein (2003: 8) puts it, although historical distinctions should be made, comparisons between "our" suffering and "their" suffering are a "moral travesty".

As we have seen, the changes in the school curriculum, as well as the introduction of Holocaust memory in Israeli public discourse, a process that Porat defines as "Holocaust-ism", contrasted sharply with the Israeli policy of silence in the first two decades of the state (Jaspal and Yampolsky, 2011). Thus, the relationship between the Israeli state and the memory of the Holocaust has oscillated between these two extremes or, as Porat (2004: 636) astutely puts, "between an attempt to 'forget all' and an attempt 'to remember all'". Klar *et al.* (2013) talk about the presence of the Holocaust in Israeli life as a transformation from "what Israeliness is not" into one of omnipresence.

The educators' worries about the development of empathy towards Holocaust survivors were solved by declaring the *Shoah* both as a unique event and as the culmination of the endless persecution of the Jewish people. Bar-Tal (2001: 613), while analyzing the theme of the Holocaust in Israeli literature, identified the recurring metaphor of a hunt for anti-Semitism, for the "hunting" of Jews (i.e., their persecution) does not require a political or social basis, for "it is a natural phenomenon that exists just as the hunter has existed since the beginning of humanity".

Once again, it is not as if this discourse had been completely absent in Israel until the 1970s. For instance, in 1953, Ben-Gurion had described the 4,000 year-old history of the Jewish people as one filled with "persecution and torture, destruction and massacres", and warned that while "this hatred and animosity changed form, its essence never altered much" (Ben-Gurion, 1953 *apud* Bar-Tal, 2001: 617). And one only has to recall the Jewish *Haggadah* text, repeated each year for Passover, and frequently used by Israeli political leaderships during the commemorations of Remembrance Day, that states that "In every generation they rise up against us to destroy us".

The idea that anti-Semitism is a constant phenomenon, that the world is a naturally hostile place for the Jews and that, to some extent, all non-Jews are conscious or unconsciously Jew-haters, were, as Zertal (2005: 166) points out, present in Zionism

since Herzl, according to whom anti-Semitism was the definer of the Jewish people.[183] This would lead to the adoption of anti-Semitic convictions by Zionist themselves,[184] and can explain the collaboration initiated by the Zionist Movement and the Nazis to bring Jews for Palestine, before the implementation of the British restrictions to immigration in 1939, that have been thoroughly detailed by Hannah Arendt, on her report of the Eichmann trial.[185] On a broader context, the same has been argued by Sand, when he explains that the growing racialization of the Jews, starting in the late 19th century, was adopted by anti-Semites and philo-Semites, including the Zionist:

> From now on […] a Jew would always be a Jew, but not on account of the cultural practices that he or she followed. This individual would be perceived and considered a Jew not because of what he did, what he created, what he thought or what he said, but on account of an eternal and mysterious essence inherent in his personality. (Sand, 2013: 14-15)

Another paradox in Holocaust memorialization in Israel is that the process exponentially grew in the 1980s and 1990s, when the personal memories of survivors decreased. As Resnik (2003: 298) explains, the incorporation of the Holocaust into the national memory in Israel was not a result of "a change in the collective mood", as that would have necessarily happened right after the establishment of the state, with the arrival of a massive wave of Holocaust survivors. Klar *et al.* (2013: 126) demonstrate that while the number of Holocaust survivors is naturally decreasing (only 3% were living in Israel in 2013), for most Israelis the *Shoah* became an "acquired memory", one that leads the majority of Israeli Jewish people surveyed to note that "all Jewish people must see themselves as Holocaust victims".

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[183] For instance, in *The Jewish State*, Herzl clearly states that "We are one people – our enemies have made us one without our consent, as repeatedly happens in history. Distress binds us together, and, thus united, we suddenly discover our strength" (Herzl, 2010[1896]: 26).

[184] For instance, in one of the many letters Herzl wrote to Baron de Hirsch, in 1895, he stated that he would "try to do something *for* Jews – but not *with* them", for he did not expect anything from a population suffering from "political lethargy [that] clearly betrays the degeneration of our once vigorous race" and who was "incapable of understanding that a man can act for other motives than money". The degeneration of the "Jewish race" is a common theme in Herzl correspondence and diaries (Herzl 1958: 26-27). Finkelstein (2003: 49) interestingly points out that the theory of "eternal anti-Semitism" gives comfort to the anti-Semite, by banalizing and justifying their hatred.

[185] On Eichmann's fascination with Zionism and Zionist Jews see, for instance, Arendt (2006[1963]: 40-42). On the Third Reich collaboration with the Zionism Movement in Palestine see Arendt (2006[1963]: 60-62, 116-119); for more information on the collaboration between the Third Reich and community Jewish leaders in Europe see Arendt (2006[1963]: 123-125).

According to Gavriely-Nuri (2014: 49) proposes, we should make a distinction between *memory* and *knowledge* or, what they call in psychological and neurocognitive contexts, between *episodic memory* and *semantic memory.*

While episodic memory actually derives from personally experienced events, semantic memory is merely a conglomerate of the knowledge we have gathered from specific events, from the most various sources. It is based on general knowledge and can, thus, be shared with others. When Gavriely-Nuri goes on to analyze Israeli PM discourses and how they recall specific past events, she notices that, most times, these are "false episodic memories" , whose occurrence are commonly known by Israelis, but were never experienced by most of them. The question then, she argues, once she establishes that these events are not really part of a concrete collective memory, is what political advantages one gains from remembering them:

> Metaphors reflect and shape the way we think and feel about politics and about conflicts; they prime audiences and frame issues; they organize communities and motivate cooperation; they stimulate division and conflict; they mobilize support as well as opposition. (Gavriely-Nuri, 2014: 51)

Gavriely-Nuri (2014: 54) notes how memories of calamities are recalled not only in speeches made commemorating tragedies, but also during optimistic and neutral events. This creates the feeling that danger is always imminent in Israel, and thus one must always prepared for all possibilities.

As we have showed in the first chapter of this thesis the political use and manipulation of history and collective memory is a common feature of all nation- and state-building processes. In this regard, the Israeli case is far from being unique, and the rigid distinction that Gavriely-Nuri establishes between *semantic* and *episodic memory*, and between *memory* and *knowledge*, is very reminiscent of a positivist approach that places history (namely national histories) above any type of questioning, as if the official histories of each collectivity were not subjected to the same processes of selection, imagination, and manipulation.

In fact, as the interest on "memory studies" has grown in the last few decades, we have learned how collective memories and history overlap (Verovšek, 2016: 4). As Peter Burke argued, the clear-cut distinction between history and memory, which perceived the first one as factual, academic and objective, is no longer acceptable:

> Both history and memory have come to appear increasingly problematic. Remembering the past and writing about it no longer seem the innocent activities they were once taken to be. Neither memories nor histories seem objective any longer. In both cases historians are learning to take account of conscious or unconscious selection, interpretation and distortion. In both cases they are coming to see the process of selection, interpretation and distortion as conditioned, or at least influenced, by social groups. It is not the work of individuals alone. (Burke, 1997: 43-44)

What is certainly interesting – even if not unique – in the relationship between Israeli leaderships and the memory of the Holocaust is the velocity at which this relationship shifted from a stage of *forgetfulness* to one of *omnipresence*.

This is not merely a matter of transgenerational memory either. As some studies have proven, Israelis Jews, from distinct ethnic, socioeconomic and religious backgrounds tend to relate to the Holocaust regardless of whether or not they descend from individuals who experienced it directly. For instance, according to a survey published by Klar *et al.* (2013), 69% of the respondents stated that thinking about the Holocaust left them emotionally overwhelmed and almost 55% is afraid that the Holocaust will be repeated. An additional 78% stated that they ponder how they would have behaved if they had been through it (Jaspal and Yampolsky, 2011: 203; Klar *et al.,* 2013: 128). This identification is a testament to the power that the education system has in transmitting the myth of a common past and destiny.

This contradicts Siniver's (2012: 34) and Jaspal and Yampolsky (2011: 202) accounts that the close proximity between the *Shoah* and the creation of the state of Israel led inevitably to the incorporation and perseverance of the Holocaust in Israeli collective memory, and that the fears of extermination resonated more acutely in Israeli society during the 1940s. While it is true that the history of Jewish persecution can be passed down to generations and be part of the collective memory of some Israeli Jews, the memorialization of the Holocaust in Israel was not a part of a causal mechanism, nor it should be looked outside the political and social context in which it flourished.

While the presence of Holocausts survivors in Israel is testament to the abundance of testimonies in the early decades of the state and, as Resnik (2003: 304) argues, it was, indeed, a collective memory shared by a specific group, this collective memory remained for a long time as a private experience, occupying very little space in the public sphere. In fact, what is extraordinary in this process is that the public

memorialization of the Holocaust in Israel occurred when "the environment of memory" of the event, as Resnik defines it, began to fade, either by the death of survivors or the routinization of their lives:

> These phenomena demonstrate that the prevalence of individuals' memories in a given society do not necessarily predict changes in the national memory. The continuous elaboration of official memory is meant to support present arrangements in view of changing political and social circumstance. In the education field, more specifically, the adaptation of national memory follows considerations linked to the education system's obligation: the formation of national subjects to their nation, their land and their state. (Resnik, 2003: 312)

Resnik identifies several phases in the arguments retrieved by Israeli political leaderships both to justify the creation of a Jewish state and to forge a national identity. The first national image she identifies if the image of "a nation with right to a state", anchored on the idea that the Jews are a nation and not a religious group. This image tends to accentuate the link between the people and the Land, resorting to ancient history, while also demarcating the Jews in Israel and those in Diaspora. Due to the instability faced by the state in its early years, the Holocaust was perceived as incompatible with an image of strength and courage and, thus, episodes such as the Warsaw Ghetto uprising were given a disproportionate attention (Klar *et al.,* 2013: 130)

The second national image was that of a "nation by right of religion", as a means to strengthen the ties with world Jewry "based on the awareness of a common destiny". This image, despite not being inherently incompatible with the memory of the Holocaust, emphasized Jewish symbols and images and was both a response to the internal tensions between ethnic and religious groups and the split between Israeli Jews and Diaspora Jews. Furthermore, the hypothetical introduction of Holocaust into the collective memory at this point would further enhance the different experiences between European Jewry (including Sephardic Jews) and the Mizrahim.

Finally, the third image is that of "a state for a persecuted nation", developed in the 1970s. It was during this period that the Holocaust began being introduced in Israeli public discourse as Israel's *raison d'être*: according to this image, the history of Jews in Diaspora is composed by a relentless chain of anti-Semitic episodes. In Ben-Gurion's memoirs, published for the first time in 1970, he argued that the advent of Nazism had shown Jews the potential danger of existing without a state:

> Nazism proved that Jews could live for five hundred years in peace with their neighbors, that they could all but assimilate in national society save for a few traditions and religious practices. They could believe themselves integral citizens of states professing freedom of belief and granting full rights to all inhabitants […] So, many a Jew realized that to be fully Jewish and fully a human being, and fully safe as both, one had to have a country of one's own where it was possible to live and work for something belonging to a personal cultural heritage. In this sense, Nazism did bring many Jews to Israel, from everywhere on earth. Not as victims of persecution but as believers in the positive good of a Jewish national home. (Ben-Gurion, 1970: 164)

Ben-Gurion thus establishes a clear connection between the creation of the State, Nazism and the Holocaust, the most severe embodiment of anti-Semitism, even if in the next paragraph he admits he was never a victim of anti-Semitism himself: an acknowledgment that similarly contradicts the pessimistic stance of the quote we chose to transcribe.

In the case of this national image as a "persecuted nation", the attachment to the Jewish nation is based on common collective suffering, for nothing binds individuals together than tragedy or perceived threats. As Resnik concludes:

> Instead of solidarity based on religion or common history, this new image promoted but a collective based on a fate of the Jewish nation as victim. As the potential threat to the life of any Jew living outside of Israel becomes the common denominator, what links the people is a fear rooted in the nation's tragic past […] The implication is that every victim the state claims in its various wars is dwarfed by the scale of the victims in the Holocaust; every loss every struggle is considered negligible when pitted against the price that was exacted from the Jewish people by the Holocaust. The incorporation of the memory of the Holocaust is an adaptation of the national memory to new conditions: the inconsistency between the national memory stressing the courage and power of Israeli and the Yom Kippur crisis. (Resnik, 2003: 310)

Klar *et al.* (2013: 131) agree that this image existed, but perceive it as one of "rebirth". In that sense, the establishment of the State was not merely a reaction to the Holocaust, but a *compensation* for it. As they see it, however, the goal was to give the creation of the State the same symbolic weight as the Holocaust.

This categorization of national images does not mean that one's emergence automatically excludes the others: in fact, the three of them still co-exist in Israeli national narrative, and became central to Israeli national identity. Surveys conducted among Israeli Jewish citizens corroborate the extent to which the *Shoah* has become a pillar of their national identity.

More importantly, the analysis on the politics of the Holocaust in Israel demonstrate that, unlike what has been argued by Olesker and Bar-Tal, collective fear and insecurity – which are at the basis of security dilemmas – are not inevitable conditions: traumatic events, that evoke collective fear, are manipulated and used for political purposes, such as the strengthening of national identity. The "overpsychologizing" of the Israeli side of the conflict, as Nadler (1992: 75) called it, ignores the basic realities of Israeli society, by depoliticizing the use of fearful images by Israeli political establishment and assuming that one – just for the sake of its Jewishness – is driven by a "siege mentality".

The uniqueness of the Holocaust, coupled with the uniqueness of anti-Semitism in Zionist narrative, contributed to the perception that a new Holocaust is an on-going possibility for a state established in a dangerous part of the globe. Moreover, it led to emergence of what Norman Finkelstein (2003) defined as "The Holocaust", the ideological representation of the Nazi Holocaust. Finkelstein's research is mostly focused on the exploitation of the memory of the Holocaust as a means to gain the support for Israel among the North-American public. However, his efforts to prove that "the Holocaust" also draws significant dividends to Israel, especially when it comes to the state's immunity to criticism, are worth noting.

According to Sand, the Jewish monopoly of the Holocaust as described by Zionism is a perverse effect of Nazis' desire to exclude the Jews "from the ranks of ordinary humanity":

> Zionist rhetoric, in fact, has increasingly insisted on the eternal specificity of the victim rather than that of the executioner, of the Jew and not of the Nazi. In other words, there are hosts of murderers like Hitler, while there have never been and never will be victims like the Jews (…) In this view of the world, and this construction of memory, the singularity of the European continent's history, from the Enlightenment on, does not lead to the Nazi organizers of the death industry but solely to the dead and persecuted of Jewish origin. (Sand, 2013: 63).

Despite the prevalence of a discourse of Israeli exceptionalism, Gil Merom (1999: 422) has demonstrated how objectively speaking Israel's security situation is better than that of other regional actors, and that this phenomenon has accentuated since 1967, with the pacification of Israel with some of its Arab neighbors. The same conclusion is drawn by the author when it comes to the myth of the "moral exceptionalism":

> Israelis have violated absolute and utilitarian ethical rules of military conduct more often and extensively than they and others have claimed. Moreover, these violations also suggest that state agents and the public at large rarely value Arab life. Israel's morality, as opposed to the country's moral image, concerns at best only a limited professional and intellectual elite in the Justice Department, academia, and the media. (Merom, 1999: 428)

Jaspal and Yampolsky (2011: 204) state that the Holocaust plays a central role in the construction of a monolithic Israeli identity, because "it embodies the threat of annihilation which continues to be feared by many Israeli Jews". Especially since the 1970s, the Holocaust has been used, not only to justify Israeli policies against the Palestinians, on the grounds that their suffering does not come close to the Jewish experience, but also to construct the Palestinians as the dangerous "other", thus enhancing the distinctiveness of the Jewish Israeli group. According to a 2008 study, 80% of the Israeli Jews believed that "most Arab people have not accepted the existence of Israel and would destroy us if they could" (Klar *et al.,* 2013: 134).

A Mizrahim interviewee who participated in the study conducted by Jaspal and Yampolsky, for instance, established a clear connection between the Palestinian struggle and what he believes are the Arab plans to destroy the Jews in Israel to what "Hitler did in Auschwitz" (Jaspal and Yampolsky, 2011: 217).[186] According to the authors, the representation of the Israeli-Arab conflict in Holocaust terms allows Israeli Jews to anticipate Arabs' behavior and justify measures taken to safeguard ingroup security. For Klar *et al.* (2013: 135) the main lesson Israelis can draw from the Holocaust is the need to build military strength. Thus PIVO is also associated with a sense of "moral entitlement":

> The higher the sense of moral entitlement, the less group-based guilt was experienced over harm caused to enemy group members and the greater the support was for actions that result in severe damage to outgroup civilians. (Klar *et al.,* 2013: 138)

However, Jaspal and Yampolsky (2011: 221) also warn that the acknowledgement that Israel's military actions are negative but necessary can pose a threat to the psychological coherence principle, because "hegemonic social

[186] The similarities between the current state of affairs and the Nazi Germany has been employed several times by Israeli politicians, and not only towards the Palestinians. The identification of the "Iranian danger", through its recurring comparisons with the Holocaust, construct Iran as a concrete threat in the minds of Israeli Jews and serves to rationalize Israel's policies towards that country as well (Klar *et al.,* 2013: 134; Siniver, 2012: 35).

representations of the Holocaust may also induce fear and uneasiness" and can lead individuals "to accept uncritically any political stance or military course of action".

Goodman and Mizrachi (2008: 97) decided to observe the commemoration of the Holocaust in various Israeli Jewish schools in order to understand how the teaching methods change depending on the ethnic composition of classrooms. The goal was to observe how changes in "memory techniques" are tied to Jewish ethnic groups. Their starting point is that while Israel espouses internal solidarity, schools reproduced ethnic divides and that the memory of the Holocaust, as part of the hegemonic Jewish Ashkenazi narrative, can contribute to their enhancement and to the reproduction of differences in citizenship membership:

> Ethnoclass complexities and use of selected memory techniques in the nation-state are closely related, especially in situation of covert intergroup social conflict or difference. When only one shared narrative exists – at least officially – channels must be found for playing out the drama of that obscured or downplayed social conflict. We therefore consider the inculcation of national narratives more than a merely neutral medium through which social contestation or ambivalence over collective memory can be observed; it is also a means by which social relations (distinctions and hierarchies) are reenacted. A 'narrative' is, therefore, not solely a theoretical tool; it is also a specific medium for social positioning and privileging. (Goodman and Mizrachi, 2008: 108)

The classroom observation made by the researchers allowed them to conclude that in predominantly middle- to upper-classes schools, that were overwhelmingly Ashkenazi, lectures on the Holocaust "reflected the fusion of the personal with the national and positioned the students as active citizens". While in these classes, the students were asked to act as storytellers, as carriers of personal and national memory, and were pushed to discuss the events, in Mizrahi schools the students were encouraged to assume a passive role, to listen and, sometimes, even "to prove their loyalty to the national ethos" and express "commitment and willingness to sacrifice" (Goodman and Mizrachi, 2008: 100)

Because teachers find it harder to deal with the relevance of the Holocaust among Mizrahi students, who were "caught up in the dynamics of belonging to and being at least partially alienated from the state", they had to use different memory techniques, which included the narration of testimonies of survivors or even their own family experiences and, more importantly, the translation of the *Shoah* into their current experience of living in Israel, namely by recontextualizing it within the Israeli-Arab

conflict. For instance, during a class in 2003, a Mirzrahi teacher stated that "he always felt a connection between the Israeli-Arab wars and the Holocaust" and "combined his personal experience of growing up in Israel and the collective message of the Holocaust". Another teacher, who admitted not having a connection with the Holocaust, argued that the *Shoah* "is related to our experience today, to our need to fight, because others want to destroy us" (Goodman and Mizrachi 2008: 95).

When asked to respond and engage in the debate, most Mizrahi students chose expressions related to revenge and anger, even if they admitted they had no personal connection to the Holocaust:

> As the teacher constructed an analogy between the Holocaust and current circumstances, in which the Arabs were treated as equivalent to the Nazis, he effectively transformed the remote memory of the Holocaust into the national near past and into the states' (and students') current memories. (Goodman and Mizrachi, 2008: 2002)

According to the authors, this attempt to nationalize the Holocaust by drawing comparisons between the Nazis and the Palestinians, was not an isolated incident: it was often used in the classrooms they observed, leading sometimes to virulent decries such as "death to the Arabs!" or "a good Arab is a dead Arab". This connection was often accentuated with challenges made by the teachers to Mizrahi students on whether they would be willing to "pay their debt" by sacrificing for the collective (i.e., by enlisting in the army). These questions, that were not posed by teachers in Ashkenazi schools, placed Mizrahi students in a position where they were forced to reevaluate their relationship to the state as citizens, having their full membership constantly negotiated (Goodman and Mizrachi, 2008: 106-108).

We would add that this happens because, while Mizrahim's belonging to the state is still being challenged, Ashkenazi students' right to be there, due to their presumed proximity to Holocaust victims, is not questioned: their debt has already been paid.

It is not only in the education system one can find parallels between the Holocaust and the threat posed by Arabs and, in particular, by Palestinians. Bar-Tal (2001: 613-614) notes how in Israeli literature, despite a slight evolution in the last two decades, the Arab is depicted as a hunter or not as a person in their own right, "but only in relation to the conflict and the Jew's distress". Both in Israeli literature and schoolbooks and

press, one can find subtle comparisons that portray the Arabs as a collectivity who wishes "to realize the intentions of the Nazis". The same was pointed out by Nurit-Peled Elhanan, when she explained that in Israeli textbooks it is virtually impossible to find a photograph of an Arab person "as an Arab person".[187]

Jaspal and Yampolsky (2011: 216) state that the Holocaust became "a heuristic lens for understanding the Israeli-Arab conflict" and seem to agree with Resnik that this strategy has been more thoroughly applied since the 1990s, the signature of the peace accords and the growing international awareness (if not support) for the Palestinian struggle.

Zertal (2005) demonstrated how these comparisons in political discourse began as early as the 1960s, during the Eichmann trial. According to Ben-Gurion, the trial would help "ferret other Nazis" and expose "the connection between Nazis and some Arab rulers" (Ben-Guriom, 1960 *apud* Zertal, 2005: 98).[188] Zertal argues that this political strategy, which was reinforced by the media, was successful, to the point that "the deeds of Eichmann – and other Nazi criminals were rarely mentioned without addition of the Arab-Nazi dimension" (Zertal, 2005: 100).

Zertal had already warned that, the further we distance ourselves historically from the event, the more the Holocaust becomes a "devalued cliché" in Israel:

> Auschwitz – as the embodiment of the total, ultimate evil – was, and still is, summoned up for military and security issues and political dilemmas which Israeli society has refused to confront, resolve, and pay the price for, thus transmuting Israel into an ahistorical and apolitical twilight zone, where Auschwitz is not a past but a threatening present and a constant option (…) Israel, because of its wholesale and out-of-context use of the Holocaust, became a prime example of devaluation of the meaning and enormity of the Holocaust. (Zertal, 2005: 4).

Later on, Zertal (2005: 167-168) adds that this dialectic process, during which the Holocaust embeds the conflict with significance, and the conflict consolidates the narrative of the first, detaches both from "their specific historical contexts, from their complexities and inner contradictions as historical events", and blurs the borders between them, "turning them into critique-proof mythical realities": "The Jewish

[187] Interview conducted by the author to Nurit Peled-Elhanan, in July 2016.

[188] Ben-Gurion would use a similar argument to face his opposition years later, when he decided to accept financial reparations from Germany: a strong Israel, one that could prevent another Holocaust perpetrated the "Arab Nazis" needed that influx of money (Zertal, 2005: 99).

Holocaust, and the Israeli power, had thus become a central factor in consolidating the Israeli identity and in fortifying social cohesion and solidarity with Israel". Moreover, she argues that "the nazification of the enemy, whoever that enemy may be", as well as the transformation of threats into danger of total annihilation has been a pattern in Israeli political discourse, both from left and right-wing politicians (Zertal, 2005: 174-175).

Furthermore, Jaspal and Yampolsky (2011: 216) also state that the maintenance of a Holocaust hegemonic narrative, one used as a metaphor for Jewish history (and for, we would add, Jewish future in Israel) is considered essential by ingroup members to identify with the collective, and that any ruptures in the sense of collective continuity can be "conducive to reductions in groups identification, group schisms and other group-related problems". Therefore, we conclude that the excessive dependence of Israeli identity on the creation of dangerous out-groups – and, in the specific case of our research, of a dangerous internal enemy – creates an unstable and unhealthy monolithic Jewish Israeli identity, which can be threatened, not by the presence of an enemy, but precisely by the absence of it.

Jaspal and Yampolsky's (2011) interviews with Israeli Jews from different ethnic backgrounds also revealed interesting information about the differences and similarities in the views of both Ashkenazi and Mizrahi on the Holocaust. Among Ashkenazi Jews and, in particular, those whose family had been affected by the Holocaust, the event was perceived as a "personal loss", whereas the Mizrahi interviewees, none of them descendants of Holocaust victims and survivors, also perceived the Holocaust in terms of a loss, this was constructed as a "shared loss" or a "national trauma.

In one case, of a Jewish individual from India, the interviewee draw a clear distinction between the personal experience of his parents in India, where they enjoyed a high social status and were not threatened, and his experience in the Jewish Israeli social context, especially in the school environment. While he argues that the Holocaust "wasn't like a personal thing for me", he admitted that after lectures on the Holocaust he cried and thought about how "how much we have lost". Another interviewee, a Jew of Moroccan descent, conceptualized the Holocaust in much broader terms, possibly to allow him to position his ethnic group in relation to an event that he was otherwise detached from (Jaspal and Yampolsky, 2011: 210-111, 215).

Thus, for Mizrahim, despite the fact that the Holocaust was a distant event for the vast majority of them, knowledge about it is also perceived as a "prerequisite" to be part of the collectivity, as those who do not know about the Holocaust are perceived as "inauthentic", especially when one is in a communal context (Jaspal and Yampolsky, 2011: 209).

The perception that Jews share the experience of the Holocaust even if they have not directly experience is also felt by the Ashkenazi. For instance, an Ashkenazi interviewee, who highlighted the cultural and religious differences between himself and the Mizrahim, still clearly identified them as having the right to be in Israel when confronted with questions on the Holocaust. Thus, the ethno divide is forsaken for another superordinate identity, one based on collective suffering and threat:

> The perception that one's ingroup is threatened physically and symbolically by outgroups is likely to violate perceptions of ingroup security. When security perceptions are threatened, it is possible that the belonging principle becomes active, since group mobilization is likely to be most effective as a collective strategy when there is cooperation, closeness and acceptance within the ingroup (Jaspal and Yampolsky, 2011: 214).

We would like to end this chapter with a note made by Michal Barak, the Director of the Center for the Study of Multiculturalism and Diversity at the Hebrew University of Jerusalem. In the past, she collaborated with the Israeli Ministry of Education in the definition of the curricula for Jewish and Palestinian schools, and her focus has been on the promotion of education for democracy and human rights. During the interview we conducted with her, she acknowledged that history curricula have basically been transformed into the history of the Jewish people, and that it is consistently "one-sided" and "offers a very narrow narrative". However, her concern is with what she called the "hidden curriculum": the way that national celebrations are conducted, in a systematic chain of events that recall loss and victory, and intermingle Jewish history with the history of the country (or, in particular, the Zionist accounts on the history of Israel):

> If I had to really pinpoint something that educationally makes a lot of difference, is the hidden curriculum. I think the hidden curriculum is much stronger than any curriculum. It's the brainwashing of the ceremonies and fieldtrips because they are so emotional. And fieldtrips are always about understanding the connection to our country via the Bible, via the war, via Zionism.They go to Jerusalem, and they go to the Kotel and the excavations, and they are shown a film there about 5,000 year history of Jerusalem, and it

tells you there were no Arabs here. So, for a kid who is finishing high school in this country, all of the Arabs are the same: they are all terrorists, there is no distinction between a Palestinian who lives in Israel and a Palestinian in the West Bank, and we are not responsible for the existence of Palestinian refugees. And then, one day, they all become soldiers, and they don't know the difference between Gaza, or Nablus, or Hebron. They're all the same Arabs, how would they know?[189]

[189] Interview conducted by the author to Michal Barak, in July 2016.

4. THE OCTOBER 2000 "INTERNAL INTIFADA"

Along with the establishment of the State and the 1967 occupation of Gaza, the West Bank, East Jerusalem, and the Golan Heights, the Second Intifada, which began in October 2000, is frequently pointed out by many authors as a turning point in the relations between the Israeli State and its Palestinian citizens (Rabinowitz, 2001: 76; Kemp, 2004: 73; Lowrance, 2005: 494; Jamal, 2007: 472; Ben-Porat, 2011: 217; Waxman, 2012).

The Second Intifada began in Jerusalem, soon after the visit of Ariel Sharon to the Temple Mount, the same compound where the Al-Aqsa Mosque (the third holiest place for Islam) is located. Palestinian protests spread out during the following hours from Jerusalem to the West Bank and Gaza and, during the first days of October, several demonstrations were organized by Israeli Palestinians in northern Israel. The protests were heavily repressed and 12 Israeli-Palestinians plus one resident of Gaza were killed by the Israeli police, who fired rubber-coated steel bullets[190] and live ammunition, turning it into the heaviest death toll since the Kafr Qasim massacre of 1956. Around 660 Palestinian citizens of Israel were arrested following the protests (Adalah, 2015a).

An Amnesty International report from 2001 on racism and the administration of justice interpreted the event in a broader context, referring to the history of discriminatory laws in Israel since 1948, and stating that "prejudice against Palestinian citizens of Israel is widespread in the Israeli criminal justice system". While analyzing the October 2000 protests and the Israeli response to them – especially when compared to the response of the police to anti-Palestinian riots –, the report quoted a border policewoman that had testified before the Or Commission of Inquiry, established by the Israeli government to investigate the incidents, saying "We handle Jewish riots differently. When such a demonstration takes place, it is obvious from the start that we

[190] Rubber-coated steel bullets are usually described as a non-lethal substitute for live ammunition as a means of crowd control. They are frequently used in the Occupied Palestinian Territories by the Occupation forces and have proven not only to be lethal, but also highly inaccurate, and extremely dangerous for bystanders. The Or Commission concluded that while these are acceptable to use with non-citizens from the Occupied Territories, they are not allowed to deal with citizens inside the territory of the state (Peled and Navot, 2005: 18). For a report on the use of rubber-bullets during the October 2000 protests, see Parry and El Fassed (2002).

do not bring our guns along. These are our instructions." (Amnesty International, 2001: 7).[191]

The same was argued by Hassan Jabareen, general director of Adalah, for the 17th anniversary of the killings. In his opinion, "the killings were rooted in deep-seated racism against the minority Palestinian population". Seventeen years later, Jabareen still accused the Israeli police of having "very light trigger fingers" when dealing with Palestinian demonstrators and blamed the Ministry of Justice for whitewashing police investigations, thus "granting a *de facto* green light to continued police violence against – and even killings of – Arab citizens (Jabareen *apud* Adalah, 2017a).

Although these were considerably more violent than past demonstrations organized by Palestinian citizens[192], and despite the fact that the Israeli police had a certainly different version of the events, the Or Commission gathered evidence that the demonstrators were unarmed and no lives were endangered prior to the police intervention. Furthermore, the Commission's report detected other structural issues at play:

> The events, their unusual character and serious results were the consequence of deep-seated factors that created an explosive situation in the Israeli Arab population. The state and generations of its government failed in a lack of comprehensive and deep handling of the serious problems created by the existence of a large Arab minority inside the Jewish state. (Or Commission, 2003: 1)[193]

Throughout the report, several police officers and commanders are accused of not having anticipated the events, not being prepared for the demonstrations and for using rubber-bullets and live ammunition inadequately (e.g., when demonstrators or stone throwers did not constitute a threat to the security forces or to civilians). In some cases, the Commission recommended their promotions in rank to be delayed or their release from service.

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[191] The anti-Palestinian protests were composed by Jewish mobs who threw stones and Molotov cocktails and destroyed Arab property in the predominantly Jewish Upper Nazareth (Waxman, 2012: 11).

[192] The official summation of the Or Commission report described the violence against the security forces as constituted by "live fire incidents, Molotov cocktails, ball bearings in slingshots, various methods of stone throwing and the rolling of burning tires" (Or Commission, 2003: 1).

[193] The official summation of the Or Commission Report was published by *Haaretz* on September 2003, but is no longer available online. We will be using the version uploaded by Adalah, itself a copy of the *Haaretz* document.

The Commission, however, did not think that these constituted individual incidents, but part of structural problems within the police policed that "is not conceived as a service provider by the Arab population, but as a hostile element serving a hostile government". The commission recommended the inculcation of norms of behavior with regard to the Arab sector, in order to "uproot prejudice" and encourage a "systematic and egalitarian enforcement of the law" (Or Commission, 2003: 10).

Prime-Minister Ehud Barak was also severely criticized in the report for not having been attentive to the "processes occurring in Israel's Arab society", for "not devoting sufficient energy and thought to a subject of strategic importance to the State of Israel", for not preventing the use of deadly force by the police and for not demanding regular and detailed police reports. Following this evaluation, the report concluded that Barak had not fulfilled his duty as prime minister during the protests (Or Commission, 2003: 3).

The Or Commission also criticized what it called the "ideological-political radicalization of the Arab sector" that it described as "various expressions of identification with and even support of the Palestinian struggle against the state" and the transmission of messages "delegitimizing the state and its security forces" along with "serious hostility and antagonism towards its symbols" (Or Commission, 2003: 1-2).

The High Follow-Up Committee for Arab citizens of Israel was particularly criticized for "sending the masses into the streets and call for processions and demonstrations" following Ariel Sharon's visit to Temple Mount. The same accusations are made about Sheikh Salach, mayor of Umm al-Fahm (Haifa) during the protests "for the transmission of messages that negated the legitimacy of the existence of the State of Israel and presenting the state as an enemy", and against Azmi Bishara and Abdulmalik Dehamshe, both MKs, for "transmission of messages supporting violence as a means of achieving the goals" (Or Commission, 2003: 4-5). As a concluding remark, the report said that the Arab leaderships had the obligation

> not to blur the boundary between the emotional complexities that Israel's Arabs experiences and the fact that they see themselves as the brothers of the Palestinians in the territories and taking action and transmitting messages that are incompatible with the loyalty that every citizen of every nation must show. (Or Commission, 2003: 10-11)

While Adalah (2003a) stated that the Commission's report remained an important document, it pointed out that the it had not done enough effort to find out which police officers had been responsible for the killing (even if the Or Commission managed to narrow down the number of police officers present in each location). It also pointed that while it had investigated several Palestinian public representatives, it had not investigated "Jewish inciters" nor it had criticized "the extreme neglect of Mahash" (the Police Investigation Unit) in conducting a serious and immediate investigation of the killings. Additionally, the report is criticized for describing the police action as an "inappropriate reaction", a description that, according to Adalah's statement, is only possible because the Commission decided that the relevant date for the investigation should be 1 October 2000 (the day the protests started), instead of 28 September (the day of Ariel Sharon's visit to Temple Mount).

Despite the Commission's conclusions and recommendations, not a single officer was indicted for the killings, and the investigation was officially closed by Attorney General Menachem Mazuz in 2008[194]. Mazuz rejected the calls for overturning the Police Internal Affairs Bureau's decision of 2005, on the grounds that there was not enough evidence to warrant an indictment. In a public statement, Mazuz said that "It is disturbing and regretful that 13 people were killed in this event, but nevertheless, the criminal law has strict evidentiary and criminal responsibility guidelines" (Mazuz *apud* Zino, 2008).

Despite the critical stance of the Or Commission on the police officers and commanders who were under investigation,[195] and the statement on the need to fight

[194] Mazuz was sworn in as a Supreme Court judge in 2014. He also helped approve, draft and defend some of the most discriminatory laws against the Palestinian citizens of Israel, such as the Citizenship and Entry Law (2003) and the Admissions Committees Law (2007) (Mohsen, 2014).

[195] Guy Reif, one of the officers under investigation, stated he was "relieved" with the Police Investigation Unit's decision not to indict any of the officers, because "the Or Commission and the Police Investigation Unit never conducted a real investigation" and instead of verifying whether the shooting was justified, they preferred to present me as a lunatic and take me out of the system" (Reid *apud* Raved, 2005). Reif was one of the officers that the Or Commission had recommended to be released from service, after proving that he had ordered the use of live fire against a crowd of stone-throwers, killing two civilians. Another officer, Moshe Valdman, stated that the appointment of the Comission was a political move and that its conduct "was reminiscent of a court martial" (Valdman *apud* Raved, 2005). According to the Or Commission report, Valdman had been responsible for placing live-fire shooters into the protests and giving the order to fire. He was also recommended to be released from service. Other police officers were also worried that the Or Commission would prohibit the use of rubber bullets, following the collection of testimonies and evidence attesting that the policed used the ammunition too often and improperly (e.g., at close range) (Nir, 2001).

structural discrimination against the Palestinian citizens, its final report also portrayed the Palestinian demonstrators as disorganized, violent, and protesting illegitimately:

> While most of Israel's Arab citizens are loyal to the state, the messages transmitted during the October disturbances blurred and sometimes erased the distinction between the state's Arab citizens and their legitimate struggle for rights, and the armed struggle against the state being conducted by organizations and individuals in the West Bank and Gaza. More than once, the two struggles are presented by leaders of the Arab community as one struggle against one adversary, often an enemy. The committee emphasized that the concept of citizenship is incompatible with the presentation of the state as the enemy. (Or Commission, 2003: 10)

Thus, there is a disassociation between what the Commission itself identified as structures of exclusion of the Palestinian citizens and the events of October 2000: the process of "radicalization" is de-contextualized, even de-historicized, creating the impression that the events were not the build-up of a history of deprivation.[196] Furthermore, the solidarity of the Palestinian citizens towards the Palestinians in the Occupied Territories is perceived as disloyalty.

According to Ahmad Sa'di, both the Or Commission and the police forces tend to perceive Palestinian protest as irrational and dangerous, in contrast with Jewish protest:

> They consider Arab protest to emanate from a herd mentality, while protests by Jewish groups were examined as the result of the emotions of the human conscience. Consequently, the Arabs, like a herd, obey not their consciences but only their leaders. Jews, on the other hand, are not moved by racist statements; it is their human conscience which enjoins them to protest […] This in turn is organically linked to the understanding of Arab protest as lacking in any moral or just context or restraints. (Sa'di, 2004: 3)

For Peled and Navot (2005: 20), the Commission demanded the Palestinian citizens to internalize the rules of legitimate civil protest while not offering any advice on how to make their protest more effective. Peled (2007: 351) sustains that the Commission called for an implicit restoration of ethnic democracy, because "while relating the continuous and incessant violation of the Palestinians' citizenship *rights* by the state, the report demanded that they adhere to their *obligation* to protest this violation within the narrow confines of the law".

Furthermore, it is not only the civil protest that the Or Commission suggested limiting, but also the internalization of the character of the state. While exhorting the

[196] The myth of a "radicalized" Arab leadership in Israel following the Al-Aqsa Intifada is pervasive. For instance, while Waxman (2012: 15) definitely acknowledges a history of discrimination throughout his article, at some point he describes the rhetoric of Arab leaders as "strident, defiant and combative".

majority to respect the identity, culture and language of the minority and their memory of integration into the state as a "painful sacrifice" and a "national catastrophe", the report also states:

> Arab citizens must bear in mind that Israel represents the realization of the yearnings of the Jewish people for a state of its own, the only state in which Jews are the majority, a state that is partly based on the principle of an ingathering of the Jewish exile, and that this is the essence of the existence of the state for its Jewish citizens. The Jewishness of the state is a constitutional given, which is partly reflected in the primary nature of the heritage of Israel and of the Hebrew language in its public life. (Or Commission, 2003: 15)

As Peled had already pointed out, almost a decade before these events, on the growing limitations imposed on Israeli Palestinians protest and political activity:

> A protective wall (so to speak) has been placed around Israel's Arab citizens, a wall that separates them from both the Jewish citizens, who can attend to the common good, and the noncitizen Arabs of the occupied territories, who are Israel's metics. Within the area confined by this wall, Arab citizens can securely enjoy (formally at least) the rights of liberal citizenship. They must not, however, challenge the existence of the wall itself. (Peled, 1992: 439)

The warnings and recommendations left by the Or Commission to the Palestinian citizens of Israel and their leaderships are not new. However, their newly found solidarity and identification with the Palestinians from the Occupied Territories have added a new layer of threat to the minority and facilitated both the unaccountability of the police forces and the State and the perception that their fight against the occupation and their second-class citizenship were due to a process of "radicalization".

Furthermore, while the October 2000 protests were the most deadly for the Israeli Palestinians protestors, not much has changed in the way Israeli police forces react to Palestinian protest. In January 2017, MK Ayman Odeh (Joint List) was hit in the head by a rubber bullet during a protest organized to prevent the evacuation of the Bedouin village of Umm al-Hiran. While some of the 20 policemen under investigation over the incident were accused of obstruction to justice, the case was closed in September 2018 for "lack of evidence" (Breiner, 2018).

In May 2018, Israeli Arabs organized a protest in Haifa, in support of the Great Return March that has been organized in Gaza to commemorate the 70th anniversary of the Nakba. The demonstration was held without a permit, organized by a small group of Israeli Palestinian activists through social media.

While the police stated that it would let the public fulfill their right to protest and free speech, and would only intervene in case public security was endangered, 21 Israeli Arabs were arrested on suspicion of public disorder offenses. One of them was Jafar Farah, head of the Mossawa Advocacy Center For Arab Citizens In Israel, whose leg was broken due to police violence.[197]

Joint List's chairman, Ayman Odeh, stated that "police forces brutally oppressed the protest without any explanation" (Odeh *apud* Shpigel and Khoury 2018), and Aida Touma-Suleiman, another MK from Joint List, denounced that the detainees were being withheld from meetings with lawyers and medical care.

Just a day before, *Haaretz* had reported that during past demonstrations of Israeli Palestinians (such as the ones happening during the transfer of the US Embassy to Jerusalem in 2018), Israeli police stormed into the crowd the moment Palestinian flags were raised. The police replied by saying that the waving of the flags was accompanied by "calls of incitement, manifestations of violence toward the police, and deliberate provocation aimed at disturbing public order in violation of the law and the agreed-upon conditions for the demonstration". However, the police chose not to act before the presence of extreme right-wing counterdemonstrators, and did not explain why Palestinian flags are often confiscated during quiet protests (Breiner and Hasson, 2018).[198]

In August 2018, a bill aiming at prohibiting the Palestinian flag from being waved at demonstrations was introduced by Anat Berko, from Likud. The bill, currently under debate in the Knesset, could subject violators (those carrying the Palestinian flag or flags of "enemy states") to up to one year in prison. Berko refused the accusations made by several Joint List MKs by raising suspicions on their own loyalty to the state and saying that, while they do not have the Israeli flag in their offices, they would like to have the Palestinian flag and identify with "hostile entities". Furthermore, she argued, "no other

[197] Farah was later accused of illegal assembly and of insulting an officer (Shpigel, 2018a).

[198] The displaying of the Palestinian flag – once the flag of the Palestine Liberation Organization – became legal after the signature of the Oslo Accords that prompted the Israel's recognition of the PLO. Nevertheless, between 2011 and 2016, almost 100 police investigations were opened against citizens for waving the Palestinian flag (Breiner and Hasson, 2018).

country would permit its legislators to shame their flag and their national symbols" (Berko *apud* Hoffman, 2018a).

While a proposal for the constitution of a parliamentary inquiry committee on police violence, in order to determine the Haifa events, was requested by Meretz, the request was rejected by the Knesset. MK Esawi Frej, who pushed forward the committee, reinforced the State Comptroller's report to the Knesset that stated that there were systemic problems within the Israeli police and blamed it on the policy of the government:

> The dangerous policy that you are steering will reach each and every one of us. The rot starts at the top and it trickles down to all the problematic people. As soon as there is racism, violence becomes legitimate. Your 'Nation State Law' is beginning to permeate. (Frej *apud* Knesset, 2018a)

Gilad Erdan, Minister of Public Security since 2015, accused Frej of using "filthy language and degrading the parliament and of generalizing the police behavior from a newspaper headline" (Erdan *apud* Knesset 2018a).

The Knesset's position towards the use of violence over Israeli Palestinians is certainly different from the way they see Jewish Israeli demonstrators. As a case in point, shortly before the Haifa demonstration, a Jewish Israeli protest against the March of Return took place in Atlit (Haifa). While three Israeli Jews were arrested, the Knesset Internal Affairs Committee's chairman, Yoav Kisch (Likud) blamed it on the organization of a Palestinian Israeli March of Return that had been previously authorized by the Supreme Court. In this case, he said, not only the march should not have occurred, but Jewish vehicles should have been stopped before they reached the march. In his view, there was no justification for the arrest of the Jews, because "the police could have handled the event without handcuffing good citizens", even if police reports stated that those who were arrested were repeatedly asked to leave (Kisch *apud* Knesset, 2018b).

In contrast with the police self-control towards Jewish protestors, between 2000 and 2017, 48 Palestinian citizens of Israel were killed by police, IDF soldiers and security personnel (Mossawa, 2017). Paraphrasing Sa'di's terminology, because Jewish demonstrators are perceived as rational, compassionate "good citizens", the police

handle them with more moderation than they demonstrate with Palestinian demonstrators.[199]

We want to escape the determinist theories that place the minority's displays of solidarity with their brethren in the Occupied Territories as the justification for the increased climate of securitization and withdrawal of rights that we are witnessing in the last 18 years. We prefer to look at the October events as the culmination of a long period of confrontation brewing between the State and the Palestinians, as Peled and Navot (2005: 15) propose or of the common experience of alienation and disillusionment with Israeli democracy by the minority, as offered by Jamal (2002: 424). In fact, in a survey carried out in January 2001, by Michal Shamir and Tammy Sagiv-Schifter (2006: 571), 53% of the Palestinian respondents identified discrimination as the root cause for the October protests and 34% mentioned their identification with the Palestinian struggle.[200]

Similarly, we hope that the previous historical background given on the creation of the State and its relationship with the Palestinian minority sustains our argument that the further transformation of these Palestinians into a threat in Israeli political discourse – and the exclusionary practices they were followed by – was only possible because the structures of domination are as old as the Israeli State itself. The 2000-2018 period should not - and cannot - be understood in a vacuum.

Unlike the first Intifada, that had remained confined to the Occupied Territories, and thus a distant – although ever present – nuisance for Israelis, the October 2000 protests were perceived as a "domestic Intifada", brought to the core of Israeli life by a population that, despite having been always present, had always remained absent.

As Rouhana and Sultany have argued, the minority's reaction to the Second Intifada alerted Jewish Israeli society that a foreign, Palestinian community lived among

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[199] It is also important to notice that the Knesset press releases also emphasize this difference: for instance, while statements referring to the Haifa Demonstration do not recall the testimonies of any Palestinian demonstrator arrested, in this press release all three Jewish detainees are quoted, talking, not only about the events, but their lives and personal achievements (e.g., universities they attended, their rank in the army). We think that this dual treatment of similar questions encourages the dehumanization of the Palestinian protestors while forcing us to look at the Jewish protestors as full members to the society.

[200] Palestinian citizens' motivations to participate in the protests contrast with Jewish opinions: 44% thought the protests were in solidarity with the Palestinians in the OPT, and over 30% stated that they happened as a national and religious opposition to Jews and the state. Only 24% of the Jewish respondents thought there was discrimination against Palestinians existed (Shamir and Sagiv-Schifter, 2006: 571).

them, and that the contact re-established following the 1967 occupation had reawakened feelings of national belonging to the Palestinian collective.

> Jewish Israelis felt deeply threatened by the 'discovery' that the people they had always called 'Israel's Arabs' are, in fact, Palestinians and part of the Palestinian people; 74 percent of the Jewish people polled in the aftermath of the protests categorized the behavior of Arab citizens as 'treason'. (Rouhana and Sultany, 2003: 9)

In fact, seventeen years after the October events, almost 60% of Israel Jews believed that the overall attitude of Palestinian citizens towards the state had taken a downward turn since 2000 (Hermann *et al.,* 2017: 166), and the fear of an imminent "internal Intifada" has remained firm. That fear has also been the target of political manipulation.

In November 2016, Israel was swept by a series of wildfires. Despite the fact that wildfires were occurring throughout the Middle East (only in the West Bank, over 200 fires were registered during the same period), due to a combination of dry weather and strong winds, the Palestinians citizens were accused by members of the coalition and right-wing MKs of setting the fires, and some media outlets started to refer to the wildfires as the "arson Intifada".

In his address to the Israeli population, Netanyahu stated that "every fire that was the result of arson or incitement to arson is terror in every way" and promised measures would be taken to deal with them as acts of terrorism. Later, the Prime Minister announced that, following a discussion with the Minister of Interior, Aryeh Deri, those found guilty could have their residence revoked (Netanyahu *apud* Haaretz, 2016a).

While Netanyahu's use of the expression "residency", instead of "citizenship" already suggests a foreign status, Bennett, Minister of Education, was more obvious with a tweet he posted stating that "only someone to whom the land does not belong could be able to burn it" (Bennett *apud* Haaretz, 2016a).

Even if some Palestinian MKs denounced these accusations as dangerous and incitement against the Palestinian citizens, the issue was recurrently reframed as terrorism by several other members of the cabinet, MKs and even chiefs of police. Shmuel Eliahu, the rabbi of Safed (a city in Galilee) told his followers they were allowed to violate

the *Sabbath* to prevent the fires. The prevention, he said, could include the shooting of suspicious Arabs (Ariel, 2016).[201]

Gilad Erdan, the Minister of Public Security, called the wildfires "a new type of terror" that came from incitement on social media, and announced the creation of a special unit of investigation on the incidents (Ynet News, 2016). MK Nava Boker (Likud) referred to the fires as "ecological terror" and MK Amir Ohana, from the same party, added that "they [Palestinian citizens] want to destroy the one Jewish state more than they want to establish the 22nd Arab state" (Ohana *apud* Harkov, 2016). Miri Regev, despite knowing that the fires were affecting Palestinian villages and towns just as much as Jewish ones, compared the wildfires to anti-Jewish pogroms:

> Political correctness is trying to force us to bury our heads in the sand, while everything around us burns. The first step is to call the child by its name — this bad child's name is 'Praot Tash'az' and it is an incarnation of the arsons in Fez, Kishinev, Hebron, Hartuv, and Be'er Tuvia. This time, praise be to God, the Jewish people have a state and a government, and they are not planning on burying their heads in the sand. I will make sure that decisions are made that will lead to stopping the enemy within and beyond. (Regev *apud* Konrad, 2016a)

Roni Alsheich, Israel's Police chief, even before launching an investigation on the origins of the fires, stated that some fires were likely set for "nationalistic motives". Following his declarations, four Palestinian citizens were detained, but later released after no involvement was proven (Staff, 2016c).

Besides the threat to revoke "residence" for Palestinians proven guilty, the Transportation and Intelligence Minister, Yisrael Katz, suggested the adoption of new legislation that would allow the government to foreclose on the homes and possessions of anyone convicted (Harkov, 2016). Avigdor Lieberman, then Minister of Defense, said that at least some of the fires were caused by arson and argued that "the best response is to expand settlements" (Lieberman *apud* Konrad, 2016a).

Even if it was never proven that the fires were nationalistically-motivated or that Palestinian citizens of Israel were more involved in those than Jewish citizens (Matar,

[201] Incitement by Rabbi Shmuel Eliahu is recurrent: in 2010, Eliahu urged the Jewish population of Safed not to rent out their rooms and houses to Palestinians. Following his call, dozens of municipal rabbis signed a letter in his support (Sherwood, 2010). In 2012, the Ministry of Justice closed an investigation on Eliahu stating there was not enough evidence to prove he was responsible for incitement (Jerusalem Post, 2012). According to a poll conducted that same year, 44% of Israeli Jews supported the rabbis' calls (Shtull-Trauring, 2010).

2017), as Marom (2016) pointed out, the scapegoating worked as a disruption from the corruption scandal in which Netanyahu found himself involved in late 2016.

The impact of the Second Intifada, thus, demands an analysis on two fronts: first, the "re-defined struggle" of the Palestinian citizens of Israel (Ben-Porat, 2011: 216), their growing assertiveness "against the Israeli structure of dominance" (Jamal, 2007: 472) and the "reconstruction of their national identity" (Rekhess, 2014: 190); secondly, the reaction of the Zionist political elite to the growing mobilization of Israeli-Palestinians, and the enhancement of the Jewish character of the State and of Jewish hegemony. By analyzing these two phenomena, we do not mean to describe them as a causal mechanism, according to which the demand for inclusiveness by the minority is to be counterclaimed by a security discourse and the further limitation of rights.

Nevertheless, we believe that the Israeli-Palestinians reassertion as part of the Palestinian community, along with their efforts to organize politically, are an important part of the securitization process, not least on the account that they were signaled as a threat to the Jewish state. Since the outbreak of the Second Intifada, Palestinians in Israel have been under a greater scrutiny, as seen by the legal investigations conducted on Arab MKs and several attempts to remove them from the Knesset. According to a survey conducted by the Israel Democracy Institute, 42.8% of the Palestinian citizens also stated their own feelings towards the state have become more negative since October 2000, and almost 70% had the perception that Jews do not see them as part of an Israeli society (Hermann *et al.,* 2017: 167).

Israeli Palestinians working for civil rights organizations also sense a shift in the relations between State and minority since the second Intifada. Sanaa Ibn Bari, who works for the Arab Minority Rights Unit at ACRI, refrained from using the word "escalation" to describe this process, as that "would be assuming the starting point was much better". However, she added:

> There is a change. There used to be a policy, an unspoken or unwritten policy, and now we can see it has been given expression by the Knesset, in laws, by the members of the Knesset. In that sense, there is escalation, because you had something that was a policy, which now is being translated into legislation and

> something more firm. We can see a more drastic approach towards the Palestinian citizens of Israel.[202]

The political mobilization of the Palestinians in Israel was marked by the proliferation of NGOs and political and social movements, the adoption of the Vision Documents, and the adoption of more assertive positions by the Arab political parties regarding the character of the State.

Palestinian parties in Israel are also a recent phenomenon: besides Hadash, a non-Zionist left-wing coalition formed by the Israeli Communist party and other left-wing groups created in 1977, all the other three Palestinian-led parties that now compose the Joint List (Balad, United Arab List[203] and Ta'al[204]) were only created in the 1990s, and were unable to gather the Palestinian vote until the 2000s.

In the 2001 elections, following the calls for boycott, only 18% of the Palestinians participated. The boycott was not only a response to the October events, but also a manifestation of disappointment with the Labor government. While Ehud Barak had run for elections with the slogan "a state for all", and managed to conquer 95% of the Arab electorate for the 1999 elections, no Arab party was called to join his government (Waxman, 2012: 13).

More importantly, the scope of the Israeli-Palestinians' struggle became wider, through the identification of the Jewish character of the State as the source for their marginalization and exploitation, the demand for collective rights and the clear identification as members of the Palestinian community (and, subsequently, greater calls for the end of occupation).

In the last two decades the number of Israeli Palestinian NGOs has grown exponentially: around 80% of Palestinian civil associations in Israel, such as Adalah and the Association for Civil Rights in Israel (ACRI), were formed since 1988. Haklai (2009: 865) argues that this phenomenon is a product of a "gradual but expanding dispersion of

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[202] Interview conducted by the author to Sanaa Ibn Bari, in June 2016.

[203] The United Arab List is an Islamic Palestinian party founded in 1996. Out of all the parties that compose the Joint List, the United Arab List is the only one that identifies with the Islamic movement.

[204] Ta'al is a Palestinian secular party founded by Ahmad Tibi in 1996. Since 1999 that Ta'al has run for elections on joint lists with other Palestinian parties. Since 2015 it has run under the Joint List, along with Balad, Hadash and the United Arab List.

authority" and the "limitations on the capacity of the [Israeli] regime to penetrate society [that] left some public space for inter-agency and for societal forces".

The dispersion of the authority of the state, the author argues, was possible due to four changes in Israeli society. First, the Labor's loss of power in the late 1970s that was not totally replaced by other resource-monopolizing force; second, the growing presence of the Israeli Supreme Court to resolve contentious issues that could not be addressed by a polarized Knesset, along with the "Constitutional Revolution" [205] of the 1990s, following the adoption of Basic Law: Human Dignity and Liberty (1992)[206] and Basic Law: Freedom of Occupation (1994)[207]; third, a growing critical stance of Jewish society towards the State, demanding more accountability[208]; and, lastly, the retreat of the welfare state, the extensive privatization since the 1980s, and the proliferation of non-profit organizations.

4.1 THE PALESTINIAN *VISION DOCUMENTS*

The Future Vision Documents were the most visible face of the attempt on the part of the Israeli-Palestinians to change their status within the state, through a process that demanded the reconfiguration of the "1948 Paradigm" (Rekhess 2014). *The Vision Documents* were a series of manifestos, elaborated by different Palestinian organizations in Israel, published between 2006 and 2007: *The Future Vision of the Palestinian Arabs in Israel* (The National Committee for the Heads of the Arab Local Authorities in Israel, December 2006); *The Democratic Constitution* (Adalah, Feb. 2007); *The Haifa Declaration* (Mada al-Carmel, May 2007).

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[205] The Israeli Constitutional Revolution refers to the period in the early 1990s when Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation were introduced. The adoption of these two laws meant that Human Rights "have become legal norms of preferred constitutional status" in Israel (Barak, 1993: 83). The adoption of these laws was followed by the declaration of Chief Justice Aharon Barak, in his decision for the case Bank Mizrahi v. The Minister of Finance (1995), that Basic Laws have supremacy over ordinary legislation, therefore giving the Supreme Court the power to strike down any legislation that contradicts the Basic Laws adopted until then. It is this change that leads Haklai (2009: 876) to describe the process of Constitutional Revolution – as well as the influx of appeals to the Supreme Court by disenfranchised groups – as a "cumulative process of judicial empowerment."

[206] Israeli Basic Law: Human Dignity and Liberty, 17 March 1992.

[207] Israeli Basic Law: Freedom of Occupation, 10 March 1994.

[208] We would include in this critical positioning the growing calls for accountability – as well as loss of prominence – of the Israeli military.

For Ram (2009: 530), they represented "the first time that the Arab sector does not speak the language of an under-privileged minority but rather the language of a homeland nation that contests the hegemony of the invading majority nation, and demands a change in the structure of the regime itself". Rekhess (2014: 191) describes them as "the shift of the Arabs in Israel from passive political involvement to bold, driven political activity".[209]

Although Rekhess's depiction of the Israeli Palestinians previous attempts at political mobilization as "passive" is farfetched[210], it is true that *The Vision Documents* innovated in three different grounds: by reconceptualizing the community as an indigenous national minority, by refreshing the memory of the Nakba and by recovering the demand for the right of Return. Additionally, they called for the recognition of Israel as a binational State and for the establishment of a consociational democracy. Most importantly, they represented the most consistent effort to delegitimize the idea of a Jewish State and, thus, a direct struggle with State institutions.

The innovation introduced by *The Vision Documents* lies on its focus on what they now perceive as the inherent incompatibility between a Jewish state and its definition as a democracy, where all citizens enjoy equal rights.[211]

The Future Vision of the Palestinian Arabs of Israel, the first document to be published in December 2006, defined the Israeli-Palestinians not as a "minority", but as a "homeland minority" or an "indigenous people". The document also refers to Israel as an "ethnocratic state", a "colonial-settler project in Palestine" working "in concert with world imperialism and the collusion of the Arab reactionary powers":

> We are the Palestinian Arabs in Israel, the indigenous peoples, the residents of the States of Israel, and an integral part of the Palestinian People and the Arab

[209] Ram (2009: 530) also includes the Vision Documents in the wave of post-Zionism that he describes as "the call for the extension of the liberal concept up to the level of the state's identity […] a counter-hegemonic concept of 'a state of all its citizens'". While it is true that the shift in the 1990s in Israeli historiography to "post-Zionism" may have influenced, Palestinian historiography has all along been profoundly anti-Zionist.

[210] As was described in the first chapter, Israeli Palestinian attempts to organized and mobilize were restrained by the mechanisms of social, spatial and political control set by the State. We argue that the obstacles placed in their participation should not be mistaken for "passiveness".

[211] This contradiction was simultaneously nourished by a long-term debate in Israeli academia on whether Israel constitutes a democracy and the emergence of post-Zionism in the 1990s, both under analysis in the following chapter.

> and Muslim and human Nation […] Israel is the outcome of a settlement process initiated by the Zionist–Jewish elite in Europe and the West and realized by colonial countries contributing to it and by promoting Jewish immigration to Palestine, in light of the results of the Second World War and the Holocaust. After the creation of the State in 1948, Israel continued to use policies derived from its vision as an extension of the West in the Middle East and continued conflicting with its neighbors. Israel also continued executing internal colonial policies against its Palestinian Arab citizens. (The National Committee for the Heads of the Arab Local Authorities in Israel, 2006: 5, 9)

The *Democratic Constitution* proposed by Adalah, the Legal Center for Arab Minority Rights in Israel, reaffirmed this status as well:

> The Palestinian Arab citizens of the State of Israel have lived in their homeland for innumerable generation. Here they were born, here their historic roots have grown, and here their national and cultural life has developed and flourished. They are active contributors to human history and culture as part of the Arab nation and the Islamic culture and as an inseparable part of the Palestinian people. (Adalah, 2007: 4)

The introduction to the *Democratic Constitution* goes on to reaffirm that, since their status as a minority in their homeland was imposed against their will, and they have not relinquished their distinctive national identity, Palestinians in Israel should be treated as a "homeland minority".

In that same year, *The Haifa Declaration* signatories presented themselves as "sons and daughters of the Palestinian Arab people who remained in our homeland despite the Nakba, who were forcibly made a minority in the State of Israel after its establishment in 1948 in the greater part of the Palestinian homeland" (Mada al-Carmel, 2007: 7).

As Ghanem and Mustafa (2011: 179) explain, the term "indigenous minority" is a fairly new political concept describing a "remaining minority of a group that resides in its own homeland, despite other immigrant groups occupying it or founding a new state on its lands". The working definition used by the United Nations to describe "indigenous peoples" is one advanced by the *Martínez Cobo Study of the Problem of Discrimination against Indigenous Populations*, initiated in 1981:

> Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in

> accordance with their own cultural patterns, social institutions and legal system. (Martínez Cobo Final Report *apud* OHCHR, 2013: 6)

The Palestinian minority meets most of the criteria established by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, including early presence, self-definition as an indigenous group, attachment to a specific territory and a voluntary willingness to preserve its cultural heritage, despite the obstacles placed to its reproduction (Ghanem and Mustafa, 2011: 179).

Israeli-Palestinians description as an indigenous population was supported by the claim of their continuous presence in Palestine, by contrast to the Zionist narrative that attempted to deindigenize this population. For instance, the Haifa Declaration clearly states that Israeli Palestinians' national identity is

> continuously nourished by our uninterrupted relationship to our land, by the experience of our constant and mounting struggle to affirm our right to remain in our land and homeland and to safeguard them, and by our continued connection to other sons and daughters of the Palestinian people and the Arab nation. (Haifa Declaration, 2007: 7-8)

In Jamal's opinion, the politics of indigenization by the Israeli-Palestinian minority in Israel steams from two components: the historical bond between the people and the territory they conceive as a homeland, and the dispossession of the people and the way it affected their rights. He adds that this group is, indeed, indigenous because of "its descent from the populations that inhabited the country at the time, as well as on account of its self-perception as such" (Jamal *apud* Rekhess, 2014: 197). We believe that this new discourse also deconstructs the Zionist myth of the uniqueness of the Jewish people, especially when it comes to the idea of "return to the land".

According to Ghanem and Mustafa (2011: 191), the self-identification of Israeli Palestinians as a "homeland minority" represents a shift from individual achievements and mobility to the collective level and the politics of identity, a move they believe is of the utmost importance for the empowerment of indigenous groups within colonial states. The basis for the new form of political representation is that "Arab representatives must express the positions and opinions of the marginalized group, not the positions of the hegemonic majority". Palestinian representation in the Knesset via Zionist parties is therefore rejected, for their presence is counterproductive in institutions that reinforce the ethnic character of the State.

The indigeneity discourse represents also a rupture with the Zionist description of Palestinians either as Arabs or as a group fragmented both by spatial dispersion and along religious and ethnic lines. In this sense, the Vision Documents reject the idea of "minorities" (Christian, Muslim, Druze, Bedouin), and prove that the Israeli "divide and conquer" strategy has not been completely successful. In fact, *The Haifa Declaration*, stated clearly that Israeli governments exploited

> the divisions and tensions within our society in order to subjugate our people through numerous means. Thus these governments have attempted to strip groups away from our community through a policy of 'divide and rule', which reinforced a discourse of sectarian, tribal, familial, and regional bigotry among us. (Mada al-Carmel, 2007: 10)

Already in May 2001, five years before the first Vision Document, Azmi Bishara had attempted to introduce a bill in the Knesset seeking to recognize the Palestinians in Israel as a "national minority" and the attribution of collective rights. After the first attempt, similar bills were presented in four different occasions by Palestinian MKs, the last one in November 2016, by Jamal Zahalka, a MK for the Joint List. All of them were expectedly rejected by the majority. Still, as Rekhess (2014: 195) reminds us, Arab leaders' calls for the recognition of the group as a national minority "are placing the Israeli government in a tight spot, as it seeks to retain the Jewish nature of the state but at the same time respect international norms to achieve acceptance in the global community".

Israeli-Palestinians' redefinition as an indigenous minority with a continuous presence in the territory necessarily implied the revival of the memory of the Nakba, a formative moment in Israeli Palestinians' citizenship and their relationship to the State of Israel (Mada al-Carmel, 2007: 14).

This move does not mean that the memory of the Nakba had ever been completely absent from Palestinian activities in Israel – as the actions of Land Day prove – but, since 2000, there has been an attempt to politically rearticulate the Palestinian catastrophe beyond the regular evocation of nostalgia associated with the pre-Nakba period.

The celebration of the Nakba in the post-2000 period is connected to the relevance it still plays in the daily lives of Palestinians in Israel. In that sense, the Nakba is not circumvented to 1948, but is thought to continue until the day that justice is restored.

Memorial ceremonies around the Nakba (both in the Jewish date for Independence day and May 15, the date of the creation of the State) have intensified significantly since 2000, with the organization of pilgrimages, marches and cultural activities to abandoned and destroyed villages and towns, the reconstruction of holy sites (mosques, churches, cemeteries) and calls to boycott all celebrations of the Israeli independence (Masalha, 2005: 44).

Concomitantly, as Rekhess (2014: 194) recalls, we are also witnessing an upsurge in the publication of books, monographs and tours to the sites of destroyed villages. Masalha (2005: 43) believes that the more the State focuses on suppressing the memory of the Nakba the stronger and more visible becomes the indigenous resistance to these policies, to the point that the sense of historical injustice is stronger among third generation internal refugees than in previous generations. Furthermore, the national identity of Palestinians in Israel with the general Palestinian struggle is now linked in a way that it was not before. As Ziad Awaisy, the son of refugees from Saffuriyya, a village close to Nazareth, explained:

> I feel more committed to pass on what my grandfather had been through – they didn't pass it on as they should have because of the weight of the Nakba… because they were just struggling to see that their sons and daughters lived. I feel my responsibility and role and this now is heavier than that of the second generation. The third generation feels it heavier; and the Israelis should know this. (Awaisy *apud* White, 2012: 33)

The idea of continuity of the Nakba is explicit in the *Democratic Constitution's* enumeration of Israel's attempts to expel and subjugate the Palestinian minority. According to the document, the policies and practices of the Israeli State include

> the minority's physical detachment from its people and nation, the uprooting and destruction of villages, the demolition of homes, the imposition of military rule until 1966, the massacre of Kufr Qassem in 1956, the killing of young people during the first Land Day in 1976 and in mass protests of October 2000, the confiscation of properties from the Muslim Waqf, the expropriation of land, the non-recognition of Arab villages, the separation of families, policies of institutional discrimination in all fields of life, and the exclusion of the Arab minority based on the definition of the State as Jewish. (Adalah, 2007: 5)

The *Haifa Declaration* (Mada al-Carmel 2007: 11-12) also accuses the State of attempting to "distort the identity of our sons and daughters through educational curricula that aim at educating them in accordance with the Zionist narrative and leaving them ignorant of their own national narrative".

Considering this all-encompassing approach that views the Nakba as an on-going event, the revival of its memory has led to a political and organizational expression of the idea of return, as the descendents of those expelled from their villages still mark their identity with places that have ceased to exist. All the contributors to Masalha's book have shown how, in the last 20 years, the feeling of injustice and displacement has been at the forefront of the creation of organizations and movements calling for the return to Palestinian villages. Cohen (2005: 66), for instance, argues that the participation of various generations in these activities actively challenge the measures taken by the State over the years and does away with the separation the State tried to impose between people and land:

> The speedy revival of the 'refugee identity' shows that even without social, institutional and organizational frameworks, it was preserved not only by the first generation, the refugees themselves, but by their descendants as well. It proves that an internal stratum maintained itself over the years in spite of governmental policies. We can assume that the preservation of the refugee identity was fed during the first years by the struggle of those displaced to return to their original villages, and was later reinforced by the alienation felt by the refugees in their new homes. (Cohen, 2005: 66).

As Muhammad Kana'na, the leader of the Sons of the Village Movement, one of those initiatives, wrote in 2011: "The return (*al-Awda*) constitutes a personal and collective right and obligation and no person has the right to ignore it, to give up or to negotiate this right" (Kana'na, 2011 *apud* Rekhess, 2014: 200).

Similarly, the *Haifa Declaration* (Mada al-Carmel, 2007: 14) declared that equality could only be achieved through "the righting of wrongs", and that reconciliation demanded the recognition of the right of return, the dismantlement of settlements and the recognition of Palestinian's right to self-determination and collective rights.

The commemoration of the Nakba – and the more or less implicit rejection of Israel's establishment as a "day of independence" – are treated by Zionist leaderships as acts of subversion and radicalization (Masalha, 2005: 47), which has served as the basis of the adoption of the "Nakba Law" of 2011.[212]

At last, the idea of a binational state started to gain traction in Israeli public discourse in the late 1990s, following the emergence of post-Zionism and critical

[212] Israeli Budget Foundations Law, 1985 (amendment no. 40, introduced in 2011).

historiography, and most important, the signature of the Oslo Accords. In 1998, in an interview to *Haaretz*, Azmi Bishara confided that a just solution for the situation of the Palestinians (both those in Israel and the Occupied Territories) could only be found in a bi-national state (Bishara *apud* Rekhess, 2014: 204). The same idea has been espoused by Edward Said, Ilan Pappé and other intellectuals who claim that the solution had become unavoidable.[213]

The idea was thoroughly reintroduced in the three documents. In *The Future Vision,* the authors propose the replacement of the current ethnocratic regime with a consociational democracy, where the State recognizes the existence of two national groups and ensures that both have proportional representation, access to resources and the right of veto on crucial decisions (The National Committee for the Heads of the Arab Local Authorities in Israel, 2006: 10, 17).

In Adalah's (2007: 3, 6-8) proposal, the goal is the establishment of a "democratic, bilingual, multicultural state", based "on the values of human dignity, liberty and equality" and where there is "appropriate representation for the national and religious groups". In this democratic bi-national state, citizenship would be granted on the basis of the principle of anti-discrimination[214] and could not be revoked. The document also sustained the equal status "in all of the functions and activities of the legislative and executive branches" of the two official languages of the State, Hebrew and Arabic, and the educational and cultural autonomy of both national minorities. The same had been already espoused in *The Vision Document:*

> The State should recognize the Palestinian Arabs in Israel as an indigenous national group (and as a minority within the international conventions) that has the right within their citizenship to choose its representatives directly and be responsible for their religious, educational and cultural affairs. This group should be given the chance to create its own national institutions relating to all living aspects and stop the policies of dividing between the different religious sects within the Palestinian Arabs in Israel. (The National Committee for the Heads of the Arab Local Authorities in Israel, 2006: 10-11)

[213] Leila Farsakh (2007), in an article for *Le Monde Diplomatique*, presented a genealogy of the bi-national state solution, demonstrating that, while its popularity is fairly recent, the idea had been around since before the Partition Plan of 1947 among a marginal sector of the Zionist movement.

[214] This means that citizenship will be granted to those born within the territory of that and whose parent was also born within the same territory, to anyone born to a parent who is a citizen of the State, and to spouses of citizens of the State.

By conceptualizing Israeli Palestinians as the original people of the land, Ram (2009: 525) argues the documents constituted an attempt to de-legitimize the Israeli State by presenting it as a settler State aided by imperial powers. In reality, as Jamal (2008: 12) explained, all they demanded was the adoption of measures both of corrective and distributive nature "in order to restore to the Palestinian minority what it had lost through physical, symbolic, and legislative violence", while acknowledging the Jews' right to their statehood. As the *Haifa Declaration* (Mada al-Carmel, 2007: 15) also supported, the reconciliation between the two peoples "also requires us, Palestinians and Arabs, to recognize the right of the Israeli Jewish people to self-determination and to life in peace, dignity, and security". None of the three documents under analysis reject the right to self-determination of the Jewish people in Palestine.

The fact that the subscribers chose to emphasize their identification as "Palestinian Citizens of Israel" also rejects the idea that the dismantlement of the Israeli State was their goal. As Muhammad Zidan, chair of the Arab High Follow-Up Committee[215], said in an interview to Jadal, the newspaper issued by Mada al-Carmel, in 2009:

> It is clear we [Israeli-Palestinians] are relating to ourselves, let's say, as citizens of the state. This is the reality in which we live, a reality that we inherited by force and live against our will. We did not choose this reality. (Zidan *apud* al-Saleh, 2009: 5)

The questioning over the conflict between a Jewish State and democracy has been a focal point of many researchers in the last 20 years. While the Zionist majority has attempted to claim that Israel can be both Jewish and democratic, the Palestinians in Israel have started to question the significance of governance in Israel and the limits that a Jewish state imposes on their political participation and representation.

> Israel cannot be defined as a democratic State. It can be defined as an ethnocratic state such as Turkey, Sri Lanka, Latvia, Lithuania, Estonia (and Canada forty years ago). These countries have engaged their minorities in the political, social and economic aspects of life, in a very limited and unequal way. This comes amidst a continued and firm policy of control and censorship which guarantee the hegemony of the majority and marginalizing the minority. (The

[215] The Arab High Follow-Up Committee was an extra-parliamentary organization, created in 1982, in order to represent the Palestinian citizens of Israel at the State level. Most of its members are local authorities, Palestinian organizations and members of parties in Israel. The Committee is not officially recognized by the Israeli State as a representative of the Palestinian public.

> National Committee for the Heads of the Arab Local Authorities in Israel, 2006: 9)

The document follows up on describing an ethnocratic State and mentions the several instruments that preserved Jewish ethnocracy in Israel. The abolition of this regime demands, according to the *Haifa Declaration*,

> a change in the constitutional structure and a change in the definition of the state of Israel from a Jewish state to a democratic state established on national and civil equality […] this means annulling all laws that discriminate directly or indirectly on the basis of authority, ethnicity, or religion – first and foremost the laws of immigration and citizenship – and enacting laws rooted in the principles of justice and equality. (Mada al-Carmel, 2007: 16).

According to Rouhana, it had become obvious for the Palestinians in Israel that the acceptance of a Jewish state meant "being ruled without equality in their homeland and being a national group without belonging to a state or even a homeland" (Rouhana *apud* Rekhess, 2014: 201). As of 2017, 67.4% of the Palestinian citizens in Israel rejected Israel's right to be defined as a Jewish state and 65% did not believe that fair and equal treatment by the State could lead them to accept that definition (Hermann *et al.,* 2017: 189-190).

For Ben-Porat (2011: 203), the *Vision Documents* represent the loss of hope of the minority in a liberal model of citizenship. The successful boycott of 2001 elections and the drop in the number of Palestinian voters in the following elections has sharpened the divide between those who still believe change can be produced within the existing structures and those who do not. Among the latter group, some even claim that participating in Israeli elections "only legitimates the state and its ideology without accruing benefits to the Arab population" (Jamal, 2011: 231).

In an interview given by Haneen Zoabi in February 2018, she explained the Palestinian voter turnout in Israel is low due to a lack of confidence in the Israeli political system:

> Our people have no confidence in Israeli politics and feel that Israeli politics is a reflection of a racist space with our freedom of movement in respect of accepting or rejecting Israeli policies is so low, so [our non-participation] is an act of despair and distrust. It is also an indication of our weakness, that we the Palestinians cannot really challenge and force the Israelis to change. (Zoabi *apud* Goren, 2018)

Both Ram (2009) and Olesker (2013) treated the Vision Documents, and the repositioning of Palestinians in Israel towards the State as a threat, making the minority

accountable for a potential Jewish nationalist backlash. By the time both of these articles were written, however, a more critical stance regarding the accountability of the State for the treatment of the minority after the Second Intifada period ought to be expected. Instead, both authors prefer to ignore the power imbalance between the Zionist majority and the disenfranchised Palestinian minority, urging the latter to forego its own national expectations and accept the exclusionary structure of the state.[216]

Haklai (2013: 139), on the review he makes on Jamal's work on the Palestinian politics of indigeneity, also attacks the Vision Documents for they do not acknowledge the indigeneity of the Jewish people to the land (and its significance for their collective identity), nor they recognize the national ties between Jews in Israel and Jews elsewhere.

The problem with Haklai's argument is evident: while the Palestinian minority has the need to reinforce its indigeneity and continuous presence in the land to advance its agenda in a context of colonization, the recognition of indigeneity of the Jewish people is obsolete when those same documents acknowledge the right to self-determination of the Jewish people in Israel. Furthermore, the acknowledgement of this right needs to be completely detached from the recognition of any inherent Jewish rights to the land, for those are at the basis of discriminatory laws, such as the Law of Return,[217] and are an expression of the colonial nature of the state, which Haklai thoroughly rejects.

In Olesker's (2013: 5) opinion, regarding the securitization of the Jewishness of the State after 2000, the October 2000 Palestinian protests (that he describes as "riots") "highlighted the long-held belief that the Palestinian minority posed a grave security threat because their alliances lie with their Palestinian brethren rather than the state of Israel". Further along the article, he argues that the discriminatory policies enacted towards these "second-class citizens" – or what he admits was "the accelerated process of securitization" – are a result of the feeling of insecurity provoked by the existence of a Palestinian minority.

[216] The most recent polls show that the Palestinian minority is also more flexible in their visions regarding the communities' attachment to the land: while 44.5% of the Palestinian citizens believe that both people are equally connected to the country, and 46% states that Arabs have a stronger connection, 66% of the Jews declare that their own attachment runs deeper and only 27.3 believes that Arabs are as attached to the country as they are (Hermann *et al.,* 2017: 169).

[217] Israeli Law of Return, 5 July 1950.

Olesker's positioning inevitably has implications in the conclusions he draws. The first implication is methodological: never once, in his article, the author attempts to deconstruct the feeling of insecurity, deciding to present the presence of a non-Jewish majority in a Jewish State as an objective threat. This threat, because it is perceived as real from the onset, justifies, in Olesker's point of view, the adoption of extremely exclusionary policies and the adoption of a securitization discourse that is beyond what is accepted in a democratic society.

The limits he self-imposes to the securitization process leads him to argue that while there is "a pattern of consistent attempts at securitizing the identity of the state […] those attempts have, for the most part, failed" (Olesker, 2013: 5). By "failure" Olesker means the number of bills concerning the status of the minority or the ethnic nature of the State that were presented into the Knesset but never turned into laws. This is only possible because he restricts his analysis only to bills and laws that "revealed security logic in defense of the state, or its Jewish identity as a matter of national security". His justification is that "bills amount to nothing but warnings – securitization does not come into effect unless bills are passed into laws".[218]

The author also explicitly states that he excludes from his analysis bills that attempted to implement racist policies (e.g., bills for the constitution of "Jewish only" communities and residential areas). Already in his concluding remarks, Olesker (2013: 13) admits that bills rejected by the Knesset can contribute to the securitization process "by creating an environment in which discriminatory laws become increasingly acceptable". However, he still treats these proposals as mere conditions that allow securitization to take place (or, at most, securitizing moves), but not as part of the process themselves.

As we have explained in the first chapter, this understanding of securitization processes, according to which securitization attempts only exist when the word "security" is invoked or when policies go beyond the scope of normal politics, is limited and fallacious. As Abulof argues, to look for explicit references to "existential threats" in security discourse is meaningless, since

[218] Olesker also does not take into account the amendments made to previous laws. In fact, between 2000 and the present, out of the 32 laws that Adalah identified as discriminatory, 21 have been subjected to amendments during this period.

> Few securitization case studies exhibit discourses that explicitly present an issue as an existential threat to the referent object's survival (be that object a state or society). Tellingly, whenever the phrase "existential threat" figures in ST [securitization theory] literature, it typically refers to the scholarly discourse rather than to the discourses of the social actors. (Abulof, 2014a: 398)

Furthermore, the audience and the context in which the discourse is produced also affect its content: thus, while securitizing and racist language is often employed during heated debates in the Knesset and in addresses to specific groups of people, discursive attacks on the Palestinian citizens of Israel are generally absent from the Prime-Ministers' public statements. However, the need to protect the Jewish character of the State, as well as the reference to Israel as a Jewish State, is a recurring theme. Even if not wrapped in a security discourse, these should be seen as part of a normalized securitization process and should not be dismissed.

Thus, we believe that a look that at securitization as a cumulative – and more subtle - process is necessary for this analysis: by doing so we are able, not only to look beyond the legislation adopted and proposed, but also encourages us to analyze the discourse produced around it. Furthermore, even if bills, wrapped in a securitized discourse, are not approved and the desired legal effects are not achieved, they set new boundaries for that discourse.

The second implication is, thus, a moral one: throughout the article, and because Olesker uses the Israeli public inherent suspicion towards Palestinians as a starting point, no contextualization on the unbalanced relationship between State and minority is ever made. Discrimination and exclusion are seen as the natural outcome of the confrontation between the Jewish majority and Palestinian homeland minority, and the accountability for the hostility between the two groups is placed on the minority. Furthermore, even if the intensified securitization in the post-second Intifada was to be expected, it does not mean it should be seen as normal or justifiable. While Olesker aims to demonstrate the way securitization became a routine in Israel (2013: 1), he is also, in fact, normalizing it.

While the existence of the Israeli State, as such, was never compromised in the *Vision Documents*, the demands for recognition, equality and justice challenge the Zionist basis of the State and have been taken as a threat by those who are committed to the idea of a Jewish State (Ben-Porat, 2011: 206). Without this challenge, the documents would offer no innovation.

The behavior of the Israeli establishment in relation to the Palestinian citizens of Israel shifted after the second Intifada, and we argue that its aggressiveness is reminiscent to the colonial discourse of the first two decades of the State. Rouhana and Sultany call this new phase, marked by a new consensus among Israeli society towards the support of discriminatory policies and practices, a period of "new Zionist hegemony". While the ideological basis of this new hegemony is not foreign to Israeli political thought or practice – in fact, we argue that it is a central part of it – the authors think:

> It represents a step further on a continuum running from the extreme Zionist left, which subscribes to equal rights for Arab citizens within an ethnic Jewish state, to the extreme Zionist right, which openly espouses policies of expulsion and ethnic cleansing (actual or symbolic). (Rouhana and Sultany, 2003: 5)

The authors' awareness of this shift, at a time when most legislation had not been adopted yet and the racist discourse had still not reached the heights felt today, in 2003, is thus more admirable.

The new phase under analysis, from 2000 to the present, was marked by a new retreat not only in the policies partially initiated with the Oslo Accords when it comes to the Occupied Territories, but also a retreat in the rights for the Palestinians in Israel, accompanied by an openly racist discourse disguised as a security rationale.

4.2 THE PALESTINIAN "DEMOGRAPHIC THREAT"

The October events marked a shift in the political confrontation between State and minority. On the one hand, the Palestinian citizens of Israel became more assertive in identifying their subalternity within the State as a direct product of the 1948 occupation, and were able to articulate the commemoration of the Nakba into an action-oriented political program. This can be seen not only in the proliferation of NGOs and civil society movements, but also in the growing capacity of Arab parties in the Knesset – the vast majority of them created after the First Intifada - to conquer the Palestinian vote.

On the other hand, the ruling right-wing coalitions, but some of the Zionist Left opposition as well, responded to the Palestinians' assertiveness by reasserting two different goals: to prevent the demographic growth of the Palestinian minority in Israel – either by developing demographic policies targeting the Jewish majority or by the use of law to restrict Palestinian (and Arab) immigration to Israel – and by imposing further restrictions in the political activity of the Palestinian minority. The last goal has been

steadily achieved both through increasing restrictions to the activity of political parties and members of the Knesset and by attempts to curb legal methods of protest and even reproduction of Palestinian identity and memory.

Since the establishment of the State, the presence of a Palestinian minority within the borders of Israel, determined that the Galilee and the Naqab, the two regions where Palestinians were mostly concentrated, remained areas of "strategic concern", leading to state policies to promote their spatial Judaization (e.g., the destruction or non-legalization of Palestinian villages and towns and establishment of exclusive Jewish communities).

The Israeli public discourse is full of existential threats, or threats that endanger both the physical survival of the State and its survival as a Jewish state. The securitized object is thus not only the physical survival of its population (or Jewish citizens), its territory, resources or borders, but the mechanisms that allow Israel to reproduce its Jewishness, through the growth of the Jewish population and, whenever possible, the reduction of the Palestinian one.

As White (2012: 51) explains, this premise that "there can be 'too many' of the 'wrong' kind of citizen" in the same area automatically transforms the Palestinian minority into a threat. Demographic securitization in Israel is, therefore, a process as old as the state itself.

However, in the last 18 years, we have witnessed the intensification of demographic Jewish majority as a primordial goal of Zionism, to the point that Abulof (2014a) believes that a "demographic demon" was created. Because demography in Israel is also articulated with geography, and due to the international image of a democratic country that Israel has attempted to maintain, the Arab minority in Israel is seen as a threat to the Jewish State, the ideal of "Great Israel", and even Israeli democracy (i.e., in some instances, some Zionist leaders have openly stated that the presence, and radicalization of the Palestinian minority among its population constitute a threat to Israeli democracy itself).[219]

[219] The same idea is also implicit in some academic work. For instance, according to Toft (2012: 24), it is Israel's commitment to democracy, and not its Jewish character, that explains the importance of

As an example of the need for a Jewish majority in Israeli security discourse, in 2001, the Herzliya Conference on the Balance of National Strength and Security in Israel (an annual event that started in 2000) gathered to discuss the demographic trends in Israel. The final report of the conference presented the demographic trends of two decades ago as a "severe threat to Israel in terms of its character and identity as a Jewish state belonging to the Jewish people". The report also warned that while the trend was developing quickly, the state's development of a national policy to tackle it had been too slow. As it is, the report recommended the further judaization of the Naqab and Galilee and "granting Israeli Arabs a choice between full citizenship in the State of Israel and citizenship in the Palestinian state, with the rights of permanent residents in Israel, contingent upon the agreement of the Palestinian state" (Editor, 2001: 52, 55).

The conference gathered members of the military and political elite, such as Ehud Barak (then Prime-Minister of Israel), Ariel Sharon, Shimon Peres (then Minister of Regional Development) and Benjamin Netanyahu, but also academics, such as Sammy Smooha, Daphna Canetti, Ami Pedahzur and Amir Bar-Or (all of them quoted in this research). The Herzliya conference is, thus, an illustrative example of the symbiotic relationship between academic work and political discourse and, ultimately, of the role the first plays in the scientification of exclusionary practices.[220]

In 2003, during the follow-up conference, Netanyahu said that, while Israel had freed itself from the control of almost all Palestinians, a "demographic problem" persisted in the State, and that problem "is with the Israeli Arabs who will remain Israeli citizens". Criticism around Netanyahu's remarks mostly came from Palestinian MKs and Meretz, who pointed out that a similar racist discourse around Jews in Western democracies

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demography. While not saying it explicitly, Toft's reasoning indicates that democracy cannot be (fully) achieved in Israel if a Jewish majority is not guaranteed.

[220] See, for instance, Toft's (2012: 37) article on the link between demography and national security in Israel: throughout the article, she presents the two state solution as the best one, "bearing the democratic values of Israel in mind", to face the "demographic threats faced by the Jewish majority", and even adds that this solution would only be temporary. In an interview to *Haaretz*, in 2004, historian Benny Morris, once part of the "New Historians" community for his work on the 1948 ethnic cleansing of Palestine, stated that he would support the transfer of Israeli Palestinians in "apocalyptical circumstances" (e.g., "if we find ourselves with atomic bombs around us"), because "The Israeli Arabs are a time bomb. Their slide into complete Palestinization has made them an emissary of the enemy that is among us. They are a potential fifth column. In both demographic and security terms they are liable to undermine the state" (Morris *apud* Shavit, 2004).

would not be tolerated (Netanyahu *apud* Alon and Benn, 2003). However, a study conducted after Netanyahu's remarks found out that 71% of Jews agreed that the Palestinian citizens of Israel constituted a demographic threat, and that 41% felt Netanyahu's words were adequate (Ben-Porat, 2011: 218).

The policies adopted by the State to respond to what was construed as the "demographic threat" can be split in three categories: demographic policies, spatial exclusion (including residential segregation and the ideas of "transfer" and "border adjustment"), and changes to Israel's immigration policy.

Demographic policies and Jewish immigration

Between 1948 and 2016, Israel has welcomed 3.2 million Jewish immigrants, and *Aliyah* has been responsible for 40% of Jewish population growth in Israel during the same period. Population growth through immigration was particularly significant in the first years of years of the State and, later, in the 1990s with the immigration of "Russian immigrants". Just in 1990 and 1991, 333,000 immigrants from the Former Soviet Union (FSU) arrived in Israel (Kruger, 2005).

On the other hand, between 2008 and 2018, around 16,000 Israelis have emigrated from Israel each year[221], while the number of new *Olim* and Israelis returning to the State are around 35,000. In 2009, Jewish population growth in Israel is maintained almost exclusively (85%) by natural increase (number of births minus number of deaths) (Harpaz and Herzog, 2018: 7, 10).

Concerns about demography in Israel contrast with those among most Western countries with declining birthrates: for Israeli policymakers (and even among academia and media), the issue is not the generalized ageing of the population, but the possibility that Jews will become a minority when taking into account the Palestinians in Israel and those in the Occupied Territories. This concern has led to what some authors call a "war of wombs" or the attempts to control Palestinian birthrates.

Warnings about the loss of the "Jewish character of the state" due to demographic trends are almost a monthly event in Israeli news and too many for this

[221] In total, the number of Israelis living abroad is estimated to be between 550 and 600,000 (Harpaz and Herzog, 2018: 10). Unlike many other countries, Israelis living abroad are not offered voting rights, even if that was one of the recommendations made at the 2002 Herzliya Conference.

research to tackle them all. Just this year, in March 2018, Sergio DellaPergola, an important demographer in Israel, warned that the number of Palestinians in Israel and the Occupied Palestinian Territories would soon equal that of the Jews. While 6.9 million Jews currently live in what some call the biblical "Land of Israel", compared to 6.5 million Palestinians, DellaPergola argued that the gap would close completely in a matter of 15 to 20 years (Heller, 2018).

These alarmist warnings contrast with other interpretations concerning the fertility rates among the Jewish population. The same month DellaPergola's numbers came out, the Israeli Central Bureau of Statistics reported that the highest birthrate in the OECD belongs to Israel, and that almost 77% of the births in 2016 were to Jewish women. Currently, Jewish women in Israel have an average of 3.06 children, while Palestinian average is a close 3.11 and significantly far from the average of 6 of 1980 (Cohen, 2016; Bachner, 2018a).

While Haredi families are traditionally larger in Israel (in 2014, the fertility rate among Haredi women was 6.9), the rate is higher than usual for non-Orthodox women as well. In a 2012 survey, many Israelis stated that "the security situation" encourages the birth of more babies. These unusual high birthrates have already led some demographers and experts to warn about an "overcrowding state" (Maor, 2018; Eisenbud, 2018).

The reliance on Haredi birthrates to counter Arab fertility rates means that, in 40 years, around 30% of Israel's total population will be Haredi, while Palestinians will still comprise 20% of the Israeli population. In turn, these prognostics have raised, once again, issues regarding the integration of the Haredi community in the work force in order to ensure the sustainability of social services (Tobin, 2017).

It is worth noting that, while the "demographic threat" and warnings about demographic parity have abounded in Israeli political discourse since 1948, and were used to justify plans for expulsion and Judaization of the land, the new data (made available by the Israeli army[222] and by DellaPergolla) have been met with outrage by

[222] In March 2018, the Israeli army presented figures showing that there are more Palestinians living in Israel, the West Bank and Gaza (6.8 million) than Jews (6.5 million). The figures did not include Palestinians residing in East Jerusalem (Berger, 2018a).

members of right-wing parties.[223] We argue that this has to do with the *de facto* annexation of the Occupied Territories: while the presence of a Palestinian population in Israel was manageable for it only corresponded to 20% of the population, the reality of the occupation and the likely collapse of the two-state solution since 2000, has forced Israeli leaderships to confront the existence of another Palestinian population, whose natural growth can lead to demographic parity.

Thus, while the focus on the demographic trends might seem excessive for an outsider, as al-Halabi (2018) argues, demography will always be a struggle for a state that is founded on the idea of segregated populations. For Yousef Munayyer (2015), himself "a demographic threat and the son, grandson and father of demographic threat", the maintenance of Zionism has relied from the beginning in "demographic engineering". While the State perceives the Palestinians as a demographic threat, he argues that the growth of the Palestinian population is not a demographic problem, but "a Zionist problem".

The plans to counter Palestinian national growth and encourage Jewish birthrates and immigration have reached an all time high since 2000. For instance, in 2016, members of the Trigoff Institute, an organization working with immigrants from the FSU, warned that conversion processes in Israel should become more flexible for "national security" needs:

> We are concerned about the nature of Israeli society in the 50 years to come […] Within 20 years, if nothing is done, we will have over one million citizens in Israel who are not registered as Jews, who are not allowed to marry in Israel properly or get buried in Israel properly. I think this is a time bomb if we don't do anything about it (Norman *apud* Linde, 2016).

Many times, Prime-Minister Netanyahu extolled Israel as a safe haven for Jewish communities facing anti-Semitic attacks. In 2015, for instance, after an attack to a kosher grocery store in France, Netanyahu addressed the Jewish community in France to tell them that "Israel is not just the place in whose direction you pray, the state of Israel is your home" and that "all Jews who want to immigrate to Israel will be welcomed here

[223] See, for instance, the accusations made by Israeli MKs that the numbers were grossly exaggerated in Heller (2018), or the response to John Kerry's remarks, in 2014, that Israel would become "an apartheid" in the absence of a two-state solution in Traiman (2014).

warmly and with open arms. We will help you in your absorption here in our state that is also your state" (Netanyahu *apud* Jalil and Ahren, 2015).

Responding to the same attacks, Avigdor Lieberman, then Minister of Foreign Affairs, urged European governments to upgrade the security of Jewish institutions, but warned that "the best security precaution" for French Jews was immigration to Israel. He hoped, he added, "that French Jews will start immigrating to Israel in significant numbers" (Lieberman *apud* Jalil and Ahren, 2015). The idea that Israel is the safest place for Jews, and the only home for the world's Jewry, was also espoused by Moshe Ya'alon, Minister of Defense, and Yair Lapid, head of the centrist party Yesh Atid.

Netanyahu repeated the same calls in January 2018, following the shootings in Copenhagen (Beaumont, 2018). More recently, Israel Harel, the founder of the Council of Jewish Communities in Judea, Samaria and Gaza, wrote, in an opinion piece for *Haaretz*, following the anti-Semitic attacks to a synagogue in Pittsburgh in 2018, that Jews in most western countries, while not generally in danger for their lives are "threatened by another existential danger – assimilation. And that assimilation means the end of the Jewish people". Harel goes on to decry the exceptional silence of political leaderships in Israel on calling American Jews to move to Israel:

> Bennett's remarks in Pittsburgh were routine words of mourning, in good English, but lacking an unequivocal demand. There was no call that would shake up the disastrous rut that besets local Jews and millions of their brethren in wealthy countries, whose numbers are gradually shrinking. He should have shouted, 'Jews, move to Israel. Save yourselves and future generations from assimilation'. (Harel, 2018b).

While it is not surprising that a state founded on settler colonialism and that defines itself as the State of the Jewish people calls on the immigration of Jews, these calls contrast sharply with the climate of fear that political leaderships instilled on Jewish Israeli citizens. For if it is true that Israel is the safest place for Jews threaten in Western States, then how can be justified the idea that the state is under a multitude of internal and external existential threats? This contrast is also visible on the perceptions of Jewish Israelis themselves, especially among those who would consider *yeridah* (emigration from Israel): according to the Israel Democracy Index of 2004 (Arian *et al.,* 2004: 41), 48% of the respondents stated that the primary reason that could lead them to emigrate from Israel would be the security situation, followed by emigration motivated by the economic

situation (27%). The perception of insecurity is also stronger among the youngest generation.

In 2017, the cabinet approved a welfare and education plan to eradicate polygamy. Polygamy, while forbidden by law in Israel since 1977, still takes place especially among Bedouin communities, as the law is rarely enforced. The plan, advanced by Justice Minister Ayelet Shaked includes the creation of a task force of local authorities, government officials and activists, and a ministerial committee (Newman, 2017a).

While polygamy is openly rejected by Palestinian female activists themselves, the adoption of such a plan was met with resistance by some, who denounce it as "racist" and "suspicious". According to Sarab Abu-Rabia-Queder, a professor at Ben-Gurion University and a Bedouin woman herself, Shaked and the government are worried about the Bedouin "demographic threat" and that the goal of the plan is to reduce Palestinian fertility. The same was denounced by the Kayan Feminist Organization, a Palestinian women's rights organization, in their official statement:

> We oppose the worrisome trend of polygamy, which must be eradicated, since it infringes the rights of women, discriminates against them, and causes psychological harm to the women and children. At the same time, this current program is part of the right-wing government's plan, which includes destroying houses, seizing land, and evicting the residents of the unrecognized villages in the Negev from their homes. What motivates Shaked is not the interests of the women, but the demographic balance — and this we reject unequivocally. (Kayan *apud* Newman, 2017a)

Just in 2016, however, Israeli rabbis approved the practice of polygamy to counter what they believe to be the Arab demographic threat. According to a spokesperson of The Complete Jewish Home, a group that works to maintain a Jewish demographic majority,

> This is a solution to the problem of having more single women than men seeking marriage. It also ensures the Jewish demographic majority in the country, and guarantees the right of religious women to become mothers. (Complete Jewish Home *apud* MEMO, 2016e)

However, Palestinian birthrates are not the only concern of Israeli governments and Zionist parties: assimilation processes, through marriage between Jewish and Palestinian citizens, have also been described as threats and tackled as such.

In 2016, the Israeli Social Services Ministry expanded its financial cooperation with Hemla, a group whose goal is "to save Jewish girls from marrying Arabs", and that

describes intermarriage as “a national plague”. According to the head of Hemla, “We are doing our best to save these girls before they reach [Arab] villages and give birth to 'Ahmad Ben Moshe’” and by offering them spiritual guidance until they “return to the path of healthy Jewish life, as is appropriate for the daughter of a king” (Neiman *apud* Kashti, 2016b).

In October 2018, as part of the political campaign for the local elections taking place at the end of the month, Likud spread posters across the mixed-city of Jaffa suggesting that the city could either be a “Hebrew city” or being taken over by the “Islamist movement” (Ofir, 2018a).[224] For the same elections, Jewish Home – partner in the ruling coalition – launched a poster campaign in Ramle, a mixed-city where 20% of the population is Palestinian, warning of intermarriage between Jews and Muslims. The poster displayed a woman in a hijab next to items used for the celebration of *Sabbath*, along with the message: “Hundreds of cases of assimilation in Ramle, and no one cares. Tomorrow it could be your daughter. Only a strong Jewish Home will maintain a Jewish Ramle” (MEMO, 2018f).

Following the marriage of a Palestinian Muslim TV host, Lucy Aharish, and a Jewish actor, Tzahi Halevy, also in October 2018, interfaith marriage was under heavy scrutiny and signalized as representative of a bigger threat. Referring to their marriage, the Minister of Interior, Arye Deri, warned that the “pain of assimilation worldwide is consuming the Jewish people” and that, as Jews, “we must preserve the Jewish people”. Oren Hazan, an MK for Likud, accused her of “seducing the soul of a Jewish man in order to hurt our state and prevent more Jewish offspring from continuing the Jewish lineage” (Deri and Hazan *apud* Ofir, 2018b).

The racist remarks regarding the union are even more problematic, because, as Jonathan Ofir (2018b) argues, “you can hardly get more “assimilated” than Lucy Aharish”: the TV host has identified, on multiple times, as a “proud Israeli” and has even taken part in nationalist events in Israel, such as when she lit a torch for Israel’s Independence Day at the celebrations in Mount Herzl, in 2015. The fact that Aharish – one who perfectly

[224] Another version of the campaign poster deals with African immigrants, who are described as “infiltrators”. As Jonathan Ofir points out, the idea of a “Hebrew city” is an euphemism for “Jewish city” and it is reminiscent of the early Zionist idea of “Hebrew work”, discussed in chapter one.

represents the Israeli success in erasing Palestinian identity – is subjected to this level of racism (mixed with sexism) shows that assimilation is not wanted or possible in a Zionist state of mind.

The rejection of mixed-marriages in Israel is also connected to the idea of the racial superiority of Jews, that was explicitly espoused by MK Miki Zohar, from Likud, in June 2018. According to Zohar, who was trying to defend Netanyahu's ability to rule the country following the corruption charges:

> You can't fool the Jews, no matter what is the media writes. The public in Israel is a public that belongs to the Jewish race, and the entire Jewish race is the highest human capital, the smartest, the most comprehending […] What can you do? We were blessed by God… and I will continue to say that at every opportunity. I don't have to be ashamed about the Jewish people being the Chosen People; the smartest, most special people in the world. You can understand why we usually win a lot of Nobel Prizes. (Zohar *apud* MEMO, 2018g)

As Ofir (2018c) demonstrates, even if Zohar's use of the term "race" to refer to the Jewish community is usually frowned upon and watered down to "Jewish nation" or "Jewish people", the use of "Jewish" in Israel is racialized and one that is central to Zionist colonialism, allowing the dehumanization of others. We would also stress that it is a central part to the idea of "uniqueness of Judaism" and "uniqueness of Zionism" that has served to protect the movement, and later the state, from external criticism.

Moreover, racist remarks concerning intermarriage are not circumscribed to religious circles in Israel or to right-wing parties. Less than a month later after Zohar's statements, Isaac Herzog, former leader of the Labor party and currently the head of the Jewish Agency, called intermarriage a "plague" to which a "solution" should be found. Later, while trying to justify his original statement, Herzog added that "A Jew is a Jew is a Jew, no matter which stream they belong to, if they wear a skullcap or not" (Herzog *apud* JTA, 2018).

Previously, in 2015, while stating that the disengagement from Gaza ten years before "had been a mistake", Herzog emphasized the need "to rally support so that Israel does not become an Arab-Jewish state at the end of the road" (Herzog *apud* Lis, 2015c). During the Peace Now's[225] annual conference in Tel Aviv, Odeh called out Herzog on his

[225] Peace Now is a movement founded in 1978, by 348 Israeli reserve officers and soldiers, following the visit of Egyptian President Anwar al-Sadat to Israel. The movement believes that the only way to reach

remarks on Gaza, calling them "racist" and added that while "a small part of the right calls 'Death to Arabs,' the left will be the death of us" (Odeh *apud* Edelman, 2015).

In November 2017, Avi Gabbay, the leader of the Zionist Union,[226] told party activists, reunited at Ben-Gurion University, that the Left had indeed forgotten how to be Jewish:[227]

> People feel that I am moving closer to Jewish values. We are Jews, living in a Jewish state. I seriously think one of the problems with Labor party members is that [the party] has moved away from this. They say about us 'We are now only liberals.' That isn't true. We are Jews and we need to talk about our Jewish values (Gabbay *apud* Fulbright, 2017).

A few weeks earlier, Gabbay had also guaranteed he would not sit with the Joint List in the Knesset, even if he needed the Palestinian parties to form a coalition, due to their "behavior" and because he could not see "a single thing that brings us together or connects us". At the same time he did not reject the possibility of forming a coalition with Kulanu, a centrist party founded by Moshe Kahlon (a former member of Likud), Yisrael Beiteinu and the ultra-Orthodox parties (Gabbay *apud* Zikri, 2017).

Yair Lapid, head of Yesh Atid, a centrist party that defines itself as liberal and secular and as the representative of the Israeli secular middle-class, declared he had "a problem with intermarriage" because he would prefer "the Jewish people grow and not shrink. Now there are fewer Jews than there were before the Holocaust and we're trying to grow" (Lapid *apud* Haaretz, 2018c).

While Yesh Atid includes in its political program a series of measures to decrease the gap between the Palestinian and Jewish population, his remarks (as well as those of Herzog) do not stray very far from those of far right-wing movements.

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peace is the creation of a Palestinian state in Gaza and the West Bank with Jerusalem as the capital of the two states, and calls for the end of occupation and the return to pre-1967 borders (Peace Now, 2019).

[226] The Zionist Union (also known as Zionist Camp) was a joint electoral list created in 2015 by the Labor Party and Hatnua. The Zionist Union was dissolved before the April 2019 elections for the Knesset. In February 2019, Hatnua's leader, Tzipi Livni, who had not know about the dissolution of the alliance prior to Labor's Avi Gabay announcement, declared that Hatnua would not be running for elections on its own and that she would retire from politics.

[227] Gabbay was recalling a 1997 incident when Netanyahu, during his first term as Prime-Minister, was caught on camera whispering to Sephardi Rabbi Yitzhak Kadourie that "the Left has forgotten what it means to be Jewish, they want the Arabs to be responsible for our security" (Pfeffer, 2017a).

4.2.1 THE SEARCH FOR PURE JEWISH SPACE(S)

Since 2000, the Israeli governments have made extra plans for settlement in the Naqab and the Galilee, places seen as a priority for the state or, in Sharon's words, settlement in areas "sparse in Jewish population" because, "If we do not settle the land, someone else will do so" (Sharon *apud* White, 2012: 61). Besides state-sponsored settlement, the Israeli governments have also chosen to ignore the many cases of "individual settlement" in the Naqab, many of those without permits and in violation of planning and building regulations, as they constitute a barrier for Palestinian (mostly Bedouin) expansion in those areas.[228]

In fact, a 2011 amendment to the Israel Lands Law[229] prohibits the sale or transfer of state lands to foreigners (White, 2012: 36). According to the law, "foreigners" are all of those who are *not* eligible to immigrate to Israel under the Law of Return or, in other words, non-Jews. MK Yariv Levin, from Likud, one of the sponsors of the bill, argued that the law was not discriminatory because

> We're here to prevent a hostile takeover of the land, not to prevent a Jew who wants to purchase five apartments from doing so. Differentiating between Jews who plan to immigrate and those who don't is both impossible to do and goes against the foundations of Zionism (Levin *apud* Friedman, 2011).

Besides shrinking the opportunity of Palestinians to have access to land through purchase, the State has also intensified the demolition of Bedouin villages in the Naqab, whose residents have been trying to see them legalize for decades. Two of the most controversial cases of demolition - among the 40 cases of unrecognized Bedouin villages - in the recent years are those of Umm al-Hiran and Araqib.

In 2016, the Israel Land Authority announced the demolition of Umm al-Hiran, a Bedouin village established in the Naqab in 1956, following a 13-year legal struggle and the approval of the Israeli Supreme Court, on the grounds that it is illegally built on state land that the State would like to develop. Because the State refused to recognize the

[228] The same argument is used to refer to the settlement in the Occupied Territories, a direct result of the Israeli reluctance on defining its borders. For instance, in 2013, Moshe Ya'alon, then Minister of Defense, referring to the settlement in the Jordan Valley, said he was "an advocate for settlement" because "in places where Jews don't live, there's no security either. Whoever really wants peace must talk about coexistence, and not removing Jews like what was done in Gaza, and the ensuing destruction there that led to rockets being fired on Israel" (Ya'alon *apud* Oren, 2013).

[229] Israel Lands Law, 1960 (amendment no. 3, introduced in 2011).

Bedouin village, minimal services, such as water and electricity, were always denied to its residents. However, the demolition plans of the Bedouin village include the construction of a Jewish village for which the State and the Jewish National Fund have already provided those services (Konrad, 2016b).

For the residents of Araqib the situation is even more dramatic, as between 2010 and 2016 the village was demolished 100 times. The struggle between the State and the Bedouin population started in 1953, when the village's land was expropriated under the recently enacted legislation. The population was then forced to leave, but many returned in 1990s as to return to the traditional Bedouin lifestyle. As most unrecognized villages, Araqib's population does not have access to any infrastructure and cannot participate in the local and municipal elections. Concomitantly, because the population rejects the calls to demolish their houses themselves, the State was seeking, in 2016, a payment of 1.8 million shekels, to cover the costs of the first 8 demolitions (Wilson, 2006).

The same situation happens to internal refugees who seek the return to their land following the 1948 expulsions. In 2003, following a petition presented by the former residents of Iqrit, a northern city close to the border with Lebanon, who were displaced in 1948 and became internal refugees, the Supreme Court accepted the State's argument denying their return because it "would have far-reaching and strategic implications that would harm Israel's vital interests, because 200,000 other displaced citizens have also demanded they be allowed to return to their villages" (Ariel Sharon *apud* White, 2012: 31).

Other measures include discounts for property leasing fees for demobilized soldiers who are willing to move to the Naqab (White, 2012: 64-65). By demanding a minimum 12-month military service for eligibility, the State is able to encourage young people to move while, at the same time, ensures that most Palestinians do not get to enjoy the same benefits.

The list of State plans to confiscate Palestinian land also includes the Bill on the Arrangement of Bedouin Settlement in the Negev, commonly known as the "Prawer Plan". The Prawel Plan was introduced in 2011 as a five-year "economic development plan" that includes the relocation of 30,000 Bedouins, who live in areas that are not recognized by the state, and the demolition of 35 Bedouin villages in the Naqab, which

either predate the establishment of the State, or were created by Israeli military order in the 1950s. While in 2013, the government announced that the Prawer Plan would be halted, following months of nationwide demonstrations and petitions submitted to the Supreme Court, it is still unknown if the Plan was cancelled or just postponed (Aderet and Lis, 2013; Adalah, 2013b).

When asked about the success of this "divide and conquer strategy" both Suhad Bishara (Adalah)[230] and Sanaa Ibn Bari were optimistic. They both mentioned the nationwide demonstrations against the Prawer Plan as a sign that the Palestinian community in Israel is not divided. As Sanaa Ibn Bari put it:

> I think that in an absurd way, if there was something good that came out of Prawler was that it brought the entire Palestinian society to fight the same struggle. Because we understood that the Prawler Plan was not something new: it's a continuous plan, a step to register the land in the name of the government. It's the same policy that has been going on since 1948, since the Nakba. So they finished the North, the Triangle Area, and now it's the South's turn. I think that the entire Palestinian society has realized and became aware of these moves, and it brought us all together, and much stronger.[231]

Despite their optimism, the need for spatial segregation has a trickle-down effect from the state to local level. In the summer of 2017, a country club in Israel formalized the exclusion of Palestinians as club members, a practice that had been going on for at least seven years. After a petition filed by a Palestinian resident from Tira, a nearby Arab village, and the Association for Civil Rights in Israel (ACRI), the club decided that membership would be restricted to residents of Kokhav Ya'ir-Tzur Yi'gal, a Jewish town, shutting down the possibility of Palestinian residents from neighboring communities from applying to the club.

While, the new measure is seemingly neutral, favoring the residents of Kokhav Ya'ir-Tzur Yi'gal, the final goal is to prevent the entrance of Palestinians. A council member from the town said the measure was necessary because people were driven from the club because of the Arabs: "It doesn't matter if we are racist or not […] The fact is that residents are leaving the community center because of the Arab children. It's not clear why we can't express our opinion". The same opinion was shared by a resident who, while reassuring the community is "very tolerant", stated that "there is something very

[230] Interview conducted by the author to Suhad Bishara, in June 2016.

[231] Interview conducted by the author to Sanaa Ibn Bari, in June 2016.

aggressive about the Arabs entering the pool with their clothes on. It doesn't look good" (Kashti, 2017a).

While some of the residents' opinions attempt to reject accusations of racism by cloaking them under arguments on "freedom of expression" and the usual tolerance of the community, others were more open on the reasons why Arabs should not be allowed. For instance, a resident from a nearby village – whose access was theoretically denied by the new measure as well - argued that "Jews and Arabs are not the same thing" and that he did not mind not being allowed to use the pool if it meant that Arabs were not allowed as well, because "they do not deserve to swim with us". Another resident defensively said that "if anyone wants to swim with Arabs let him take them home. Here there is no place for it" (Kashti, 2017a).

In September 2017, the Central District Court approved the municipality's decision, because the measure allowed the preservation of the "community's character" and strengthened "feelings of belonging and community" (Kashti, 2017b).

The decision of the court is not as shocking when we take into consideration that, in 2011, the Israeli Knesset amended the Cooperative Societies Ordinance, also known as the "Admissions Committees Law"[232]. The law legalized the Admission Committees operating in some villages, towns and *kibbutz* across Israel (but mostly in the Naqab and the Galilee), giving them almost full discretion to accept or reject individuals willing to live in those communities. While the law states that the committees should respect the right to equality and prevent discrimination, it also allows them to deny applicants deemed "unsuitable to the social life of the community or the social and cultural fabric of the town". Considering that non-mixed Jewish communities often define themselves as "Zionist", the law lays the groundwork for the committees to reject Palestinian applicants, who, otherwise, have to remain in crowded small towns or neighborhoods.[233]

Despite several petitions asking for its revocation, in 2014, the Supreme Court upheld the law stating that it was not yet clear the effects the law would have and that

[232] Israel's Cooperative Societies Ordinance, 1964 (amendment no. 8, introduced in 2011).

[233] While the main goal of the law is to keep a Jewish majority, the law can also be used to bar other weaker groups, such as immigrants or same-sex couples.

the Court did not have enough resources to "engage in investigating hypothetical and theoretical claims" (Hovel and Khoury, 2014). Amir Fuchs (2014) rejected the validity of this argument because, unlike other anti-democratic policies, the Admission Committees have been in place for years and responsible for enough practices of discrimination. Fuchs also denounced the whole selection process that forces people to provide details on their private lives (including medical records), be subjected to graphology evaluations and participate in group dynamic exercises with their prospective neighbors.

The policies of land distribution that have confined the Palestinian population to 120 towns, corresponding to only 2% of the available land in Israeli territory, have already been discussed in chapter 2. It is worth noting that the economic mobility in the Palestinian sector in Israel has led many Palestinians to look for houses in Jewish towns. The concerns of the Jewish residents, then, has nothing to do with a possible impoverishment of the towns, but with the possibility that the Palestinians – once contained in Palestinian-only communities or segregated neighborhoods in Jewish towns – become now neighbors (Rosenberg, 2018a).

For instance, in the case of Nazareth Illit, a Jewish town built in 1957 in land formerly belonging to the Palestinian municipality of Nazareth, in 2009, the State announced the creation of an Haredi neighborhood, in order to halt the growth of Palestinian population. While the Orthodox community is considered an economic burden for the rest of the Jewish population of the city – the majority of which also identifies as secular –, the Haredi presence is seen as a better alternative to the Palestinian one (Tucker, 2015).[234] A few years before, one of the city councillors, Avraham Maman, had urged the local authorities to "stop this invasion before the city is no longer Zionist and nationalist" (Maman *apud* White, 2012: 55).

In June 2018, around 150 Jewish residents of Afula demonstrated against the sale of houses in the city to Palestinians. Afula does not have an Admission Committee, a

[234] Lihi Yona (2018) suggests that the demonstrations in Afula, a city in northern Israel, against Palestinian residents, in which both Ashkenazi and Mizrahi Jews participated, offer a good opportunity to analyze the different "layers of supremacy". Although Afula is a Jewish city, it is not a "white city", as Shawn Kind, a civil rights activist wrote, but a middle and working class city with a substantial Mizrahi community. As Yona concludes: "the anti-integration protests in Afula are on the one hand in line with the discriminatory policies that characterize Israel's regimes of supremacy: Jewish and white. However, they are also lower class, non-white in nature, as only those at the bottom of the social ladder must resort to protests for the 'right' to live in an ethnically pure city — a need that wealthy Israeli Jews can simply buy".

deficiency that, according to Shlomo Maliki, the city's deputy mayor, would not impede the efforts to maintain the character of the city. The former mayor of Afula, Avi Elkabetz, who also took part in the protests, argued that the city residents "don't want a mixed city, but rather a Jewish, and it's their right. This is not racism" (Elkabetz *apud* Middle East Eye, 2018).

A few years before, in 2015, the city council suspended the results of a bidding process for lots in a residential neighborhood, after 49 out of the 50 winner bidders were Arabs. Alex Gedelkin, a former mayor of Nazareth Illit, who took part in the Jewish demonstrations in Afula, stated that the "palestinization" of Nazareth Illit should not happen again in Afula and that "Jewish identity is not racism" (Staff, 2015b). In 2016, the Nazareth District Court decided to rescind the bids, justifying it with illegal coordination of the bids (Pileggi, 2016). As it happened with the situation at the country club of the same city, Ofir Schick, the CEO of Levbagalil, an NGO dedicated to the maintenance of a Jewish majority in the Galilee, argued that 70% of the young families had already abandoned Afula because of the "disintegration of the city's Jewish character". Despite the nature of Schick's organization, he tried to portray himself as a guardian of coexistence, even if his definition of "coexistence" apparently means "segregation":

> Those who talk all the time about coexistence bring exactly the opposite result – they seek to destroy the existence of the two sides, mix and create a new third-existence. The real meaning of the language and the concept of coexistence is the recognition that there are really two separate existences and a right to be separate. (Schick *apud* Solomon, 2016)

For Ayman Odeh, the demonstrations against prospective Palestinian residents is not shocking in a country that, since 1948, has established 700 new towns for Jews and none for Arabs and where the government incites against the minority (Middle East Eye, 2018). The same opinion is share by Jonathan Cook, according to whom residential segregation is the norm in Israel, to the point that "it is such an established fact of life that it is barely ever commented on" (Cook, 2018).

The situation in Afula is a mere reproduction of what had happened a few months before in Kafr Vradim, a Jewish town founded in 1984, partly on the lands of the Palestinian neighboring town of Tarshiha. Just like Afula, Kafr Vradim does not have an Admission Committee but, in March 2018, the local council suspended the sales of houses due to the influx of Palestinian residents, in order to keep "demographic balances".

Cook (2018) points out that Kafr Vradim escaped the right-wing nationalistic trend, with most of its citizens voting for left and center-left parties in the 2015 elections. Technically, the city is far from the traditional definition of illiberalness and intolerance. As David Rosenberg puts it:

> Kafr Vradim is 'good' Israel, the kind that isn't blatantly racist, doesn't think Israeli Arabs should be expelled from the country or should have fewer rights than Jewish Israelis. But, as the controversy over the housing auction shows, there are limits to how far even the 'good' Israel is prepared to go in the name of equality. In other words, 'good' Israelis have nothing against Arabs but don't want too many as neighbors. (Rosenberg, 2018a)

Once again, the concern with a growing Palestinian population in a Jewish town was not motivated by security concerns, but is deeply rooted in Zionism and its goal of Judaization of the land. As the town's mayor, Sivan Yechiel, admitted, the decision was anchored on the fact that he was entrusted to keep Vradim "secular, Zionist and Jewish" (Adalah, 2018b).

While some of this discourse aims at securitizing democracy, others are overtly racist, defending the creation of a pure Jewish state and rejecting the idea of assimilation in all its forms.

In 2016, Bezalel Smotrich[235], an MK for Jewish Home, took to *twitter* to support the separation of Jewish and Palestinan mothers in maternity wards:

> My wife is truly no racist, but after giving birth she wants to rest rather than have a *hafla* [a celebratory Arab feast] like the Arabs have after their births. It's natural that my wife wouldn't want to lie down [in a bed] next to a woman who just gave birth to a baby who might want to murder her baby twenty years from now. Arabs are my enemies and that's why I don't enjoy being next to them. (Smotrich *apud* Douek, 2016)

In reality, as Hovel and Efrati (2018) demonstrated, the segregation of Jewish and Palestinian women in maternity wards is a common practice in Israel. The hospitals openly admit this practice – even if they reject the existence of an official policy - and justify it with different "cultures and visiting times". Already in 2003, Yitzhak Ravid, a

[235] Smotrich is one of the most active right-wing MKs and one who has been, since the beginning of the last legislature, pushing for the approval of the "formalization bill" which would legalize settlements and outposts in the West Bank. The son of a Rabbi, Smotrich is himself a settler, who grew up in the illegal settlement of Beit El (a few kilometers from Ramallah). He rejects the idea that the Palestinian Territories are occupied and believes that the "divine promise and our historical right" are proof of that. When asked what he would do with the Palestinians if he were Prime-Minister and annexated the Occupied Territories, Smotricht responded "Either I will shoot him or I will jail him or I will expel him" (Smotrich *apud* Hecht, 2016)

senior researcher at the Israeli government's Armaments Development Authority, complained, during the Herzliya conference, that "the delivery rooms in Soroka Hospital in Be'er Sheva have turned into a factory for the production of a backward population" (Ravid *apud* White, 2012: 55).

Moreover, the idea to transfer Israel's Palestinian population out of the country has been revived under the guise of the politically correct idea of "border adjustment". The goal is to move Israel's border westward so that the Palestinians living in the border area would find themselves in the West Bank and no longer be Israeli citizens. As Peled (2007: 618-619) explains, despite being part of Israeli political discourse, its implementation would demand a major transformation of Israel's legal culture, and one that would not produced a significant effect: at most, only 20% of the Israeli Palestinian population would lose Israeli citizenship or residency rights. However, as he also explains,

> The success of the plan does not depend necessarily on its implementation in the near future. Its success lies in the fact that depriving the Palestinian citizens of their citizenship has become a legitimate topic of discussion in the political discourse and has won significant electoral backing. (Peled, 2007: 619)

The local initiatives to ban Palestinian citizens from moving to Jewish communities match state-level practices and discourse that aim for the Judaization of the territory and, in extreme – but increasingly more common –, calls for the total expulsion of the Arabs.

In 2016, a Sephardic Chief Rabbi, Yitzhak Yosef, stated that, according to Jewish Law, "it is forbidden for a non-Jew to live in the Land of Israel", and that if one is not willing to accept the seven Noachide laws (a set of imperatives that, according to the Talmud, were given by God to the children of Noah), "you send him to Saudi Arabia". Rabbi Yosef added that the reason why non-Jews are still living in the Land of Israel is because Jews are still waiting for the Messiah, and because their job is to "serve the Jewish population" (Rabbi Yosef *apud* Haaretz, 2016b).

In 2017, following Palestinian demonstrations against US President Trump's recognition of Jerusalem as the capital of Israel, Avigdor Lieberman, the Israeli Defense Minister, called for a nationwide boycott of the Arab citizens:

> We have to boycott Um Al-Fahm and Wadi Ara [both Palestinian cities in Israel] in order to let them feel it is not desired for them to be here. I have said several times that these people are not loyal to the State of Israel and they do not have

> any relationship with the state. I am calling for all the citizens to stop entering the shops in Wadi Ara and to stop shopping from Um Al-Fahm. You must let them feel they are not desired. We have to boycott them. Their place is not here, but in Ramallah (Lieberman *apud* MEMO, 2017b).

During the same radio interview, Lieberman accused the Palestinian citizens of waving Palestinian flags, while getting "billions of shekels from the state and destroy us from within" (Lieberman *apud* Ariel, 2017a). A few months before, in February, Lieberman said he would like for all the Palestinians in Israel to move to the West Bank:

> I want a Jewish state. Just as the Palestinians want a homogeneous Palestinian state, without a single Jew in it, *judenrein*, so I first and foremost want as Jewish a state as possible. I want to separate from all the Palestinians who live here inside pre-1967 Israel. With my blessing: You are Palestinians, you should go to Abu Mazen [Mahmoud Abbas]. You'll be citizens of the Palestinian Authority. He'll pay you unemployment benefits, health benefits, maternity benefits, hanging around benefits. (Lieberman *apud* Staff, 2017)

That same week, Lieberman repeated the threat to Palestinians members of the Knesset, calling them "war criminals" and telling them "you are here by mistake, and the time will come when you will no longer be here. You will be in Ramallah, not a part of this country" (Lieberman *apud* Ariel, 2017b). In 2015, Lieberman had, during an interview, called for the beheading of Palestinian citizens who are against the state or "otherwise we won't survive here" (Lieberman *apud* Abunimah, 2015).

Lieberman's extreme views did not start in Netanyahu's cabinet. In 2001, while Minister of National Infrastructure under Ariel Sharon's government, Lieberman had already stated that he did not "reject the transfer option":

> We don't have to escape reality. If you ask me, Israel's number one problem is not the Palestinian problem; it is first of all [the problem of] Arab citizens of the State of Israel. Do I consider them citizens of the State of Israel? No! They have to find a place where they will feel comfortable. (Lieberman *apud* Rouhana and Sultany, 2003: 18)

When it comes to the specific case of Palestinians residing in Jerusalem, the calls for their transfer become part of the political mainstream. With some data pointing out that, by 2050, Jews will be a minority in Jerusalem, some individuals, like Uzi Rehbun (2017), a senior fellow at the Jewish People Policy Institute, began considering the unilateral removal of Palestinian residents from Jerusalem.

The recently elected mayor of the city, Ze'ev Elkin, from Likud, showed concern about Jewish emigration from the city, for it puts a strain in the proportion of Jewish and

Palestinian populations of Jerusalem, and promised to work "to keep Jerusalem Jewish" (Wootliff, 2018).

While Elkin did not mention the possibility of population transfer, in as much his policies to attract Jewish families to Jerusalem, Haim Ramson, a former MK for Labor and Kadima,[236] urged the government to let go of the city's Eastern neighborhoods to ensure Jewish control over the city: "(Jerusalem's) 320,000 Palestinians have permanent residency cards. If they decide to vote in the municipal elections, the next mayor will be the grandson of the Mufti" (Ramson *apud* Staff, 2016d). Ramson is one of the founders of the movement Save Jewish Jerusalem and has also advocated for the construction of a wall separating Jerusalem's western and eastern parts, thus denying 200,000 Palestinians resident status (Hasson, 2016a).

Yesh Atid's leader, Yair Lapid, backed a similar proposal, calling for the separation of Jewish and Palestinian communities:

> We need to get the Palestinians out of our lives. What we have to do is build a high wall and get them out of our sight. There will be no peace. We do not want two nations packed into a single state. (Lapid *apud* Staff, 2016e)

In 2017, an online news platform, *al-Monitor*, released a plan that was under consideration by Netanyahu to divide Jerusalem, forcing 300,000 Palestinians out of residence status through their inclusion in Area B.[237] The plan, devised by MK Anat Berko, from Likud, would mean that the Jewish community in Jerusalem would become a majority of 95%, and would free the State from paying stipends to Palestinian residents (Weiss, 2017).

A recent *Haaretz* poll, from September 2018, seems to confirm that the idea of uniqueness of the Jewish people – and, subsequently, the need of a "purity of race" is more pervasive in Israeli Jewish society than one might think, and that these statements

[236] Kadima was a centrist political party, founded in 2005 by dissidents from Likud, namely Ariel Sharon. Several figures from the Labor party, such as Shimon Peres, also joined the new party. After Sharon fell into a coma, the party's leadership was assumed by Ehud Olmert who became prime-minister in 2006. Following Olmert's involvement in criminal investigations, Tzipi Livni was elected head of the party. However, the party never recovered and, by 2015, it had already been disbanded.

[237] Area B refers to the West Bank territories which are under civil control of the PNA, and joint Israeli and Palestinian security control. The division of the West Bank into three areas, to which different levels of control were attributed) was established in the Oslo Accords, in what was meant to be a temporary division until the final Israeli withdrawal from the Occupied Territories.

are an attempt to correspond to popular beliefs.[238] Not only Israelis are – along with US citizens – the most religious among Western states, 56% believe that Jews are the chosen people and 51% believes Israel's right to the biblical land derives from God. The feeling is particularly prevalent among those who identify as right-wing (79%) and center (49%). Among those who identify as leftists, 13% believe Jews are the chosen people. When asked about their stand on marriage with non-Jews, 45% openly reject that idea, and 17% either did not know or refused to answer (Chalev, 2018b).

Similarly, while Dahlia Scheindlin (2018) attempted to show that there was schism between those who supported or opposed the "Nation-State law" on ideological grounds, the fact still remains that 58% of Israelis supported its adoption, even if almost 40% did not believe Israel could balance Jewishness and democracy. Moreover, while most of those who identify with the parties present in the coalition have shown almost unconditional support for the law, 48% of the centrist party Yesh Atid's electorate also agreed with its adoption, along with over 25% of the electorate of Zionist Union (MEMO, 2018h; Hermann *et al.,* 2017: 181).

Any analysis of this data also has to take into account those who oppose it because they subscribe the Zionist Union's stance that the law was unnecessary, because they believed Israel's character as a Jewish state was unchallenged, and that the Jewish people is the only one who has self-determination rights. In a previous poll, from November 2017, 58% of Israeli Jews supported the withdrawal of voting rights for those who rejected the definition of Israel as a Jewish nation-state, 68% believe one cannot identify as Palestinian and remain loyal to the state, and 81% stated that matters of peace and security should be decided exclusively by the Jewish majority. Similarly, 66% opposed the inclusion Arab parties in a coalition or the appointment of Palestinian ministers, and 52% agreed on spatial segregation so that Jewish communities can preserve their character (Newman, 2017b; Maltz, 2017c; Hermann *et al.,* 2017: 175, 180-181).

[238] In an April 2018 article, Gideon Levy had already warned that a campaign against Netanyahu and his government is fruitless because he only managed "to identify the wishes of the people" for ethnic cleansing, ultra-nationalism and racism (Levy, 2018c).

What is even more striking about these polls' results is the consistency, and even increasing support, for measures such as the withdrawal of citizenship rights, segregation and even ethnic cleansing.

In 2010, according to the annual Democracy Index poll of the Israel Democracy Institute, 53% of the Israeli Jews argued that the state had the right to "encourage Arabs to emigrate from Israel". A further 86% believed that critical decisions of the State should be exclusively decided by the Jewish majority, and 62% agreed that for as long as Israel is in a state of war, the views of the Palestinian citizens in matters of national security should not be taken into account (Ronen, 2010).

In 2016, 48% responded affirmatively to the sentence "Arabs should be expelled or transferred from Israel".[239] The positive response to the expulsion of Arabs is sharper among Mizrahim Jews (56% against 40% of the Ashkenazi), the ultra-Orthodox and the traditional (69% and 54% respectively, against 37% among the secular community), and the less educated (57% of those who have not completed high school against 38% of those who have a university degree). According to the same poll, 79% agreed that the Jews should have preferential treatment (Aderet, 2016a).

According to other polls, conducted between 2005 and 2009, the support for State's "encouragement to voluntary emigration of Israeli Arabs" steadily increased from 58.2% in 2005, to 66.3% in 2007, and 72% in 2009. The increase in support for this measure corresponds to a decrease in the willingness to institute equal rights (70.2% in 2005, against 55.6% in 2009), to include Israeli Arabs in decision making (26.9% in 2005, 23% in 2009), and to include Arab parties and ministers in Israeli governments (40.3% in 2005, 30% in 2009) (Meir and Bagno-Moldavsky, 2010: 93).

[239] While the support in Israel for the expulsion of the Palestinians might seem to have decreased from 2010 to 2016, it is important to take note on the way both questions (part of distinct polls from different institutions) were posed: while the 2010 question spoke about an "encouragement to emigrate" (i.e., in exchange for a financial compensation, as it has been advocated by some parties), the 2016 question talks explicitly about "transference" and "expulsion". The use of stronger language can discourage the individuals from responding affirmatively.

4.2.2 RESTRICTIONS ON THE ACCESS TO CITIZENSHIP

While the Law of Return[240] guaranteed the unrestricted immigration of Jews, the Entry into Israel Law, approved by the Knesset in 1952, established the mechanism through which *oleh* (Jewish immigrants) and non-Jews could obtain citizenship. Therefore, the law established the difference between those who enter with an *oleh* visa (requiring a certificate testifying to their Jewish ancestry and/or conversion to Judaism), as declared by the Law of Return enacted two years earlier, and those who are not *oleh* (i.e., non-Jewish):

> a) The entry into Israel of a person, other than an Israel national, shall be by *oleh*'s visa or by a visa under this Law.
> b) The residence in Israel of a person, other than an Israel national or the holder of an *oleh*'s visa or *oleh*' certificate, shall be by permit of residence, under this Law (Entry into Israel Law 1952)[241]

The Law also ensured citizenship for Palestinians that fulfilled three criteria: those who previously held Palestinian nationality (acquired during the British Mandate), were registered as residents in Israeli territory since February 1949 and were still registered as residents by the time the law was enacted. The goal of such strict criteria was, as we have seen before, to limit the number of Palestinians eligible for citizenship, denying the right of Return to those who were expelled in 1948.[242]

The law further established different kinds of visas and permits of residence, along with border procedures, cancellations of visas and deportations.

Unlike the Law of Return, that has only been amended twice,[243] the Citizenship and Entry into Israel law has been amended 13 times, to allow, for instance, the

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[240] Israeli Law of Return, 5 July 1950.

[241] Entry into Israel Law, 5 September 1952.

[242] Residents of the Golan Heights and East Jerusalem, also occupied territories since 1967, were given resident status and civil and social rights. However, they do not have Israeli citizenship. In the case of East Jerusalemites, their resident status is not secure and can be revoked if they take another citizenship (i.e., Jordanian) or are away for more than 7 years. According to Harpaz and Herzog (2018: 12), since 1967, around 14,000 residents of East Jerusalem have been stripped of their residence. While they can apply for naturalization (around 20,000 of the 300,000 Palestinians in Jerusalem are Israeli citizens), mostly refused as that would be perceived as "normalization" of the Israeli control of Jerusalem. Furthermore, in order to apply for Israeli citizenship, permanent residents of East Jerusalem and the Golan Heights have to renounce their original citizenship.

[243] Before the 1970 amendment, the Law of Return had been amended in 1954 to specify that dangerous criminals could also be denied that right (Israeli Law of Return, 5 July 1950).

naturalization of non-Jews serving in the IDF, of adopted non-Jewish children by Israeli parents and to allow for the naturalization procedure to begin *before* a Jew's immigration to Israel. Harpaz and Herzog (2018: 6) add that since 1995 – but, especially, after the September 11 attacks – 34 amendments were proposed by Israeli lawmakers to expand the criteria for the revocation of citizenship, as measures to "prevent and punish terrorism". The clauses, however, have only been used three times, all involving Palestinian citizens of Israel.[244]

In January 2002, the Minister of Interior, Eli Yishai, asked the ministry legal advisors "to look into ways of changing legislation in order to reduce the number of Arabs who receive Israeli citizenship by marrying Israeli citizens" (Yishai, 2002 apud White, 2012: 53). The result was the enactment, in July 2003, of the Citizenship and Entry into Israel Law,[245] prohibiting the granting of citizenship to Palestinians from the Occupied Territories (described in the law as "Judea and Samaria and Gaza") who are married to Israeli citizens:

> During the period in which this Law shall be in effect, notwithstanding the provisions of any law, including section 7 of the Nationality Law, the Minister of Interior shall not grant a resident of the region nationality pursuant to the Nationality Law and shall not give a resident of the region a permit to reside in Israeli pursuant to the Entry into Israel Law. The regional commander shall not give such resident a permit to stay in Israel pursuant to the defense legislation in the region. (Citizenship and Entry into Israel Law 2003, art. 2)

Exceptions were established for temporary residency (not exceeding 6 months) for purposes of work and medical treatment, but also residence and nationality for an individual who "identifies with the State of Israel and its goals", or if themselves or their family members "performed a meaningful act to advance the security, economy, or another matter important to the state" (article 3). Citizenship is thus dependent on the applicant's capability of offering something of special interest to the State or, as Peled (2007: 338) blatantly puts it, the extent to which one collaborates with the Israeli security services.

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[244] After another attempt to revoke the citizenship of a Palestinian citizen sentenced to 25 years in prison for attempted murder, Adalah alerted that, not only the amendment is unconstitutional and a violation of International Law, it has been selectively applied to Palestinians. For instance, in the case of 21-year old settler Amiram Ben-Uliel, who killed three members of the Dawabsheh family, in Duma (West Bank), the revocation of citizenship was never considered (Adalah,2017b).

[245] Citizenship and Entry into Israel Law (Temporary provision), 31 July 2003.

The Law was presented as a temporary order and, at the time of its approval, it was meant to be valid for only one year after its publication. The last article, however, anticipated the possibility of extending its application, with the Knesset's approval, "for a period that will not exceed one year each time". This disposal has allowed the yearly renewal of what was first presented as a temporary order.

The first amendment to the law was approved in July 2005,[246] leaving the Minister of Interior or a regional commander[247] to approve, "at their discretion", applications from residents of the region if they are over 35 years old, if the applicant is a male, or over 25 years old, if the applicant is female "in order to prevent their separation from their spouses who are lawfully staying in Israel". According to the government, the amendment reduced by 30% the number of Palestinians banned (Peled, 2007: 338). It is worth noting that while residence is on the table, citizenship in the State of Israel is still limited. A similar amendment was added to allow children from a parent who is lawfully staying in the country to apply for residency.

Furthermore, an additional "security restriction" (article 3D) was added to the law stating that

> A permit to stay in Israel shall not be granted to a resident of the region (…)if the Interior Minister or the regional commander, as applicable, determines, based on an opinion of the security agencies, that the said resident or his family member is liable to constitute a security threat to the State of Israel.

These minor amendments do not diminish the unconstitutionality and discriminatory features of the law and, in the case of article 3D, they even exacerbate the violation of constitutional rights. As Adalah has argued, this law "constitutes one of the most extreme measures in a series of governmental actions aimed at undermining the rights of Palestinian citizens of Israel, as well as Palestinians from the OPTs" (Adalah, 2008).

Perhaps more importantly, this law does not impose the same restrictions to Jewish foreign nationals or even non-Jewish foreign nationals who join their Israeli

[246] Citizenship and Entry into Israel Law (Temporary provision), 2003 (amendment no. 1, introduced in 2005).

[247] According to the Citizenship and Entry into Israel Law, a regional commander is "for Judea and Samaria, the commander of forces of the Israel Defense Forces in Judea and Samaria; for the Gaza Strip, the commander of forces of the Israel Defense Forces in the Gaza Strip or a person who shall be authorized by the Interior Minister with the consent of the Minister of Defense."

spouses in the country. It was the first time that a law created an explicit distinction between the rights of Jewish and Palestinian citizens of the state of Israel.[248]

In 2005, the Israeli cabinet, by then led by Ariel Sharon, appointed an Advisory Committee for the Examination of an Immigration Policy for the State of Israel, commonly known as the Rubinstein Committee. The committee task was to look at the already existing immigration laws of the State (Law of Return, Citizenship Law and Israel Entry Law) and propose "an immigration policy for the State of Israel – that will be based not only on security considerations, but will also guarantee the existence of Israel as a Jewish and democratic state" (Sa'ar, 2005; Peled, 2007: 334). The final goal was to encapsulate the committee's recommendations into a new, definite law that would replace the Temporary Order of 2003.

Both Amnon Rubinsten – the head of the committee – and Giora Eiland, a National Security Adviser, had been part of a National Security Council panel that took place only a few months earlier, and where they called for the implementation of stricter immigration policies.[249]

The justification by the committee for its own existence was that "Israel is the only democracy whose land borders are all adjacent to poor Third World Countries" (Peled, 2007 335). In 2006, the committee recommended the State to ban all immigration from countries and regions where systematic incitement against Israel prevails, such as Iran, Iraq and Syria, and to demand from immigrants from other areas – such as the West Bank – proof that they do not pose a security risk to the country (Ilan, 2006).[250] Other recommendations included the imposition of limits to spousal immigration (from anywhere in the world) for people over 23, of an income minimum and a proof of loyalty to Israel.

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[248] While we consider that the Law of Return is, indeed, discriminatory, it establishes a difference between Jewish and non-Jewish immigrants, not between citizens (Peled and Navot, 2005: 16; Harpaz and Herzog, 2018: 3).

[249] Another member of the advisory committee was Tzipi Livni, by then Minister of Justice. In 2012 she formed a center party called Hatnuah and is currently a member of the Knesset.

[250] Gaza was considered a "war zone" and, therefore, recommendations were made to ban completely immigration from there. Nevertheless, Rubinstein said the committee refused deliberately to "identify war zones because the situation is fluid" (Rubinstein *apud* Illan, 2006).

The Supreme Court of Israel has rejected petitions to revoke the Citizenship and Entry into Israel law in 2006 and 2012, and upheld it, because of security concerns, even if most judges agreed that the law violates human rights and family life to a disproportionate extent (Amnesty International, 2017: 1).[251] In 2008, upon a new extension of the law, Adalah emphasized that "no other state in the world denies the right to conduct a family life on the basis of national of ethnic belonging" (Adalah, 2008).

According to a *Haaretz* report on the effects of the Citizenship and Entry into Israel law, as of 2016, around 10,000 people, including 247 children, have no legal status in Israel. The situation is even more problematic for those over 14 years old because, according to the law, they are not considered minors. The law affects family reunification, as its critics argue, because Palestinians who hold Israeli citizenship or residence have to choose between staying in Israel without their spouses or join them in the Occupied Territories. By doing so, they also risk losing their own residence privileges.

The Law was first presented as a much needed security measure, due to the changing nature of the Palestinian-Israeli conflict in September 2000 (Olesker, 2013: 9), an argument that is still used to justify its extension. During a joint meeting of the Knesset Interior Committee and the Foreign Affairs and Defense Committee, in 2016, to discuss the extension of the law, it was once again justified on the grounds that in the previous 15 years "17 people who received residency under family reunification rules by marrying Israelis had been involved in terror attacks, while 87 other terrorists were family members of people who had received such status" (Hasson, 2016b).

That same year, while attempting to justify the need to finish the construction of the separation wall, the IDF Chief of Staff, Lieutenant-General Gadi Eisenkot said that around 50,000 Palestinians from the West Bank manage to infiltrate daily into Israel (besides the 100,000 Palestinians that legally travel to Israel every day). These "infiltrators", he said, were responsible for 44% of terrorist attacks (Eisenkot *apud* Bob, 2016).

In several instances, Israeli public officials have made remarks that denounced the demographic concerns behind the law, and Suhad Bishara stated that, from the

[251] The law was amended again in 2007 to exclude citizens of 'enemy states': Iran, Iraq, Syria and Lebanon.

outset, and "in many circles, it was very clear that the issue was demographic rather than anything else". Furthermore, she added, there were already tools in place to deal with those who, regardless of their ethnic group, were suspected of posing a threat.[252]

In 2005, in preparation for the extension of the law, Ariel Sharon admitted that "there is no need to hide behind security arguments, there is a need for the existence of a Jewish state" (Sharon *apud* Benn, 2005). The same idea was advanced by Giora Eiland, chair of the National Security Council, responsible for the preparation of more restrictive legislation on immigration and citizenship. His team's work was to preserve the Jewish character of the State and to ensure that the Arab minority would not grow as that could lead to more pressure to turn Israel into a bi-national state or a State for all its citizens (Benn, 2005).

The same happened in 2006, when Zeev Boim, then Minister of Immigrant Absorption under Ehud Olmert's government, claimed "we have to maintain the state's democratic nature, but also its Jewish nature. The extent of entry of in-laws to Israeli territory is intolerable" (Boim *apud* Lynfield, 2006).[253]

His declarations coincided with the decision of the Supreme Court to uphold the law in 2006, and reject the petition submitted in 2003 by Adalah, ACRI and several Palestinian MKs. According to Cheshin, one of the 6 judges who upheld the law (5 voted against), the law was needed because Israel was living in a state of war and it should be able to prevent the entry of "enemy subjects", even if they were married to Israeli citizens (Cheshin *apud* Lynfield, 2006). For Cheshin, while the right to family life was constitutionalized, "the right to 'import' a foreign spouse, parent or child into the country is a peripheral right" (Peled, 2007: 342).

Cheshin decision did not come as a surprise, as a few months before the Supreme Court's ruling, in February 2006, he had already stated that Israeli Palestinians

[252] Interview conducted by the author to Suhad Bishara, in June 2016.

[253] According to the report of the Rubinstein Committee, however, while security considerations can justify the violation of the right to establish a family for a specific group (in this case, the Palestinian citizens married to Palestinians from the Occupied Territories), the same cannot be said for demographic reasons: "[Demographically motivated] limitations on marriage migration must not be imposed indiscriminately on a particular population group (…) Total prohibition of marriage migration is legally unacceptable […] Therefore the law is legitimate for achieving its declared purpose [i.e., security], but it cannot be justified for reasons of demographic policy" (Rubinsten Committee report *apud* Peled, 2007: 339-340).

married to Palestinians from the Occupied Territories should go live in Jenin (a Palestinian city in the northern West Bank), and he added:

> Why should we take chances during wartime? Did England and America take chances with Germans seeking their destruction during the Second World War? No one is preventing them from building a family but they should live in Jenin instead of in Umm al-Fahm [an Israeli Arab city]. The romance is touching but we are talking about life and death and the right to life takes priority. (Cheshin *apud* Yoaz, 2006)

Even if Cheshin's public statements scream security reasons for upholding the law, in the Supreme Court's decision he used demographic factors as well:

> Massive entry of foreign residents and citizens into a country may change its complexion. Granting the individual the right to bring his foreign spouse with him to Israel can amount to changing the face of the society, and the question should be asked, is it right and proper that we should give each and every one of the country's citizens and residents a constitutional key that opens the doors of the country to strangers? The strong and decisive interest of the state in maintaining the identity of Israeli society overrides the right to family life as far as the immigration of a foreign spouse to Israel is concerned. (Cheshin *apud* Peled, 2007: 344)

Due to the nature of the law under evaluation by the Supreme Court, and the specific population it targeted, Cheshin's concern was not as much as with the "changing face of Israeli society" by foreigners or strangers, but with opposing Palestinian (and overall Arab) immigration and naturalization. By introducing this question, and turning the (Jewish) identity of Israeli society as a "decisive interest of the state", Cheshin and, subsequently, the Supreme Court, became securitizing actors themselves.

Another judge, Edmund Levy, while acknowledging that the law harmed constitutional rights of family life and equality to an unnecessary extent, argued that the state should have a period of nine months to formulate an alternative legislation (Yoaz, 2006). However, twelve years after the Supreme Court's decision, and after a similar rejection of another petition in 2012, the law has been extended every year since its adoption.

For Aharon Barak, one of the judges that voted with the minority, the rights to family life and equality are anchored in the Basic Law: Human Dignity and Liberty, and these are not context-sensitive, variable according to times of peace and wartime. Furthermore, in his view, the law did not pass the test of proportionality, a fact that made the law unconstitutional:

> The security end does not justify all means. The worthy goal of enhancing security does not justify a severe infringement on the lives of many thousands of Israeli citizens. Democracy and human rights cannot be maintained without taking risks. (Barak *apud* Adalah, 2006: 3-4)

Another justice, Ayala Procaccia, stated that demographic motives underlined the enactment of the law:

> We cannot ignore the fact that as emerges from the Knesset proceedings […] the demographic issue hovered over the legislative processes at all times, and was a central topic of discussion in the Knesset Committee on the Interior and in the plenary. Several Members of the Knesset from different factions, believed that the demographic aspect was the main justification. (Procaccia *apud* Peled 2007: 343-344)

Amnon Rubinstein – the head of the committee in charge of drafting an immigration bill – supported the decision of the Supreme Court and, in particular, the unequivocal decision of Cheshin, by arguing that, according to International Law, it is up to the sovereign states to make decisions about their immigration policies. Furthermore, he argued,

> In no country is there a constitutional right automatically enabling a foreign citizen who marries a local resident to become a resident of that country, and the petitioners did not bring any proof to support that contention. (Rubinstein *apud* Izenberg, 2006)

It is worth noting that while the Rubinstein Committee's recommendations included variably stricter policies of immigration depending on the qualification of hostile countries,[254] in Rubinstein's declaration of support for the Supreme Court's decision he makes no use of security language, take instead refuge on International law and Israel's sovereignty over matters of immigration. Additionally, if we take into account that an immigration policy for non-Palestinian immigrants was left in place, we reach the conclusion that, unlike at the time the law was adopted, securitization of prospective Palestinian citizens has become more naturalized. The discourse of security is no longer as important, for the Supreme Court's decision in 2006 (and, again, in 2012) has deemed the law constitutional. This, however, does not mean that the securitization process around this legislative procedure is completed: in fact, we argue, precisely because the language

[254] The committee divided the countries deemed hostile into three categories: "states and regions of risk", such as Egypt and Jordan (that have signed peace agreements with Israel, but where there still exists public incitement against Israel); "enemy states and conflict regions, such as Syria and Iran; and "combat areas", or the Occupied Territories, whose immigrants could be completely banned for the duration of the entire conflict (Peled, 2007: 340-341).

of legality has replaced the language of security, the securitization has been intensified, normalized and institutionalized.[255]

In 2012, the Supreme Court rejected another petition to revoke the law, again on a majority of 6 to 5 votes. The majority, once again recognizing that the law violated a person's right to a family, sustained that "the right need not necessarily be extended to be realized in Israel" and that the right to do so in Israel can be breached for security and demographic considerations (Peled, 2007: 339; Benari, 2012).

In a public statement made in 2017 by Amnesty International, after the consecutive extension of the temporary order, Israel should no longer "continue to use security grounds to justify institutional racial discrimination" (Amnesty International, 2017: 1). For Schocken, the security reasons advanced in 2003 were feeble even back then:

> Every Palestinian who wishes to enter Israel must be addressed individually. It is the Shin Bet security service's task to do this and thus carry out its mission - protecting the security of Israel's citizens such that the country remains democratic, with equal rights for all. However, as the years go by, it becomes clear that the security argument and the term 'temporary measure' are merely a deception aimed at 'koshering' discriminatory legislation for demographic reasons. (Schocken, 2008)

Peled (2007: 338) shares the same opinion: before the adoption of the law, foreign spouses of Israeli citizens already had to go through a process of naturalization that lasted four and a half years, and included a yearly evaluation to ensure they would not constitute a security risk for the country. This process of naturalization is still applied to non-Palestinian, non-Arab foreign spouses of Israeli citizens. Moreover, the number of cases identified, during the first five years of the State, as potential terrorists do not support the security rationale:

> All in all, then, and giving the state full benefit of the doubt, the total number of Palestinians who entered Israel through family unification and who were alleged to be involved with hostile activities of some kind was sixty-eight, out of thousands of people in that category. (Peled, 2007: 343)[256]

[255] As Olesker (2013: 11) points out, the normalization of securitization by legal means as taken place in other states, such as the US and the UK after 9/11, specifically when it comes to the link they've established between immigrants from Arab countries and terrorism.

[256] According to Peled's data (for the period 2004-2005), one of these suspects killed himself in a suicide bombing, but none of the others were ever charged with involvement in terrorism. The numbers presented in the Knesset, in April 2018, for the extension of the law are even smaller: according to Avi Dichter, from Likud, between 2001 and 2014 (note that the law was not in place until 2003), only 13 out of 29 terror

The last of 30 amendments to the law introduced so far was adopted in March 2018, by a vote of 48 against 18 in the Knesset. The amendment is a response to a Supreme Court's decision of 2006 to reject the cancellation of permanent residency license of four East Jerusalemites who held parliamentary seats in the Palestinian National Authority, as part of a Hamas affiliated list. The court argued that while the law gave the Minister of Interior the power to revoke residency at his discretion, the definition was too broad.

The sponsor of the amendment, MK Amir Ohana (Likud), used, again security language to justify its adoption, and added that the Court's decision undermined the public trust in the Supreme Court: "Who thinks convicted Hamas men who want to kill Israelis and destroy the State of Israel should continue receiving what the Israel tax payer has to offer?" Several MKs, however, claimed that the law and the following amendments serve a demographic goal, seeking to drive Palestinians out of Jerusalem (Knesset 2018c).

Previously, the Shin Bet, reporting to the Knesset Foreign Affairs and Defense Committee, recommended the Knesset to expand the law for one more year. The representative of the Israeli security agency said that the "family reunion population is dangerous" (Harkov, 2018). Once again, Anat Berko, one of the supporters of the law extension, revealed what was really at stake with this law: "These are people with a split identity and internal loyalty that cannot be settled. We're a country that needs to defend its identity" (Berko *apud* Harkov, 2018).

Even if a security logic is used to justify the existence of such law, the goal is demographic: by limiting the number of Palestinians who can apply for naturalization through marriage, the State ensures that families are often forced to leave the State, reducing the number of Palestinians living in Israel.

Furthermore, if we take into account the 1970 amendment to the Law of Return (the so-called "grandfather clause"), that extended immigration rights to non-Jewish family members of Jews to the third generation – and, as Peled (2007: 349) argues, actually turned the Law of Return into an immigration law –, we see that the real aim of

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attacks were perpetrated by Palestinians originally from the West Bank and Gaza, with an Israeli ID card due to family reunification. According to MK Tibi (Joint List), these statistics also included attacks by residents of East Jerusalem and were, therefore, exaggerated (Knesset, 2018d).

the State is not to safeguard Israel's Jewish majority (as many eligible are non-Jews) but to maintain Israel as a non-Arab state. As Lustick (1999: 418) concludes, FSU immigration has transformed Israel "from a state clearly divided between a Jewish majority and an Arab minority into a country where identity categories are multiple, blurred, and uncertain, and whose 'Jewish' majority is more accurately and meaningfully regarded as 'non-Arab'.

In October 2010, a new bill, known as the "Loyalty Oath law", was presented, demanding from new citizens of Israel a declaration of loyalty to a "Jewish and democratic state" (Somfalvi, 2010). The bill was proposed by Avigdor Lieberman, leader of Yisrael Beiteinu, by then Minister of Foreign Affairs in Netanyahu's governmental coalition.[257] While the bill would not affect directly the Palestinian citizens of Israel, it would affect those Palestinians from the OPT who marry Israeli citizens and were seeking naturalization.[258]

A similar bill had been proposed, in 2009, by David Rotem, also from Yisrael Beitenu. While the party said it would be applied to all new citizens, the party's officials also admitted that its importance stemmed from the "anti-Israel behavior of Israel's Arab citizens during the 2006 Lebanon War the December-January Israeli offensive in the Gaza Strip" (Ravid, 2009). The bill was immediately rejected by the Ministerial Committee.

The 2010 bill was, according to Lieberman himself, a "highly important step to end of the issue of loyalty in return for citizenship" (Lieberman *apud* Sherwood, 2010), and had the support of Netanyahu:

> The state of Israel is the national state of the Jewish people and is a democratic state in which all its citizens – Jewish and non-Jewish – enjoy full equal rights. Whoever wants to join us, has to recognize us. (Netanyahu *apud* Sherwood, 2010)[259]

[257] Avigdor Lieberman would become Minister of Defense between 2015 and 2018, in a cabinet once again under Benjamin Netanyahu's leadership. Lieberman resigned from his post in November 2018, in protest after a cease-fire agreements with Hamas (Pfeffer, 2018c).

[258] Lieberman had previously presented a bill that would require a loyalty oath only from new non-Jewish citizens of Israel (i.e., those who are not eligible to enter the country under the Law of Return (Sherwood, 2010).

[259] In fact, Netanyahu only requested Minister of Justice, Ya'akov Ne'eman, to extend the loyalty oath to Jews as well after several ministers displayed hesitation with the first proposal (Levinson and Lis, 2010).

The bill was mostly criticized by Palestinian MKs. Ahmad Tibi accused Netanyahu of being hostage to Yisrael Beiteinu's fascist doctrine and argued that "no other state in the world would force its citizens or those seeking citizenship to pledge allegiance to an ideology (Tibi *apud* Sherwood, 2010). He would still reject the bill after a new draft – obligating Jews and non-Jews alike to take the loyalty oath – was presented:

> The idea in its original form is bad. Forcing a principal ethical identity on Jews and Arabs as one is completely unnecessary. It is redundant and is an attempt to enforce an ideology which Jews and Arabs need to adamantly oppose. (Tibi *apud* Levinson and Lis, 2010)

Mohammad Barakeh, a MK for Haddash, also criticized the bill, but refused to make Netanyahu unaccountable: "This is not Lieberman, but rather the true Netanyahu. He has fired the opening shot of a mega-racist legislation" (Barakeh *apud* Somfalvi, 2010). Taled el-Sana, then head of the United Arab List parliamentary faction, said the law would "situate Israel as the successor of Apartheid-era South Africa" (el-Sana *apud* Levinson and Lis, 2010).

The bill was also condemned by members the Labor party, such as Isaac Herzog,[260] then Minister of Social Affairs, because it reflected "a whiff of fascism on the margins of Israeli society […] that threatens the democratic character of the state of Israel" (Herzog *apud* Sherwood, 2010). Moshe Gafni, an MK from the United Torah Judaism also repelled the bill:

> If there are Arabs who are not loyal to the State of Israel and wish to act against it, a declaration will change nothing. For Jews, for whom the Law of Return was passed, the declaration has no meaning either, and the gentiles who immigrate by the power of the Law of Return do not understand the wording of the declaration, and come to the country for totally different reason. (Gafni *apud* Keinon *et al.,* 2010)[261]

In his statement, Gafni also insinuated that the proponents of the bill and, in particular, Netanyahu, were using it as a diversion from real problems: "Instead of the prime minister taking care of the citizens' real problems, like the housing crisis, he is dealing with nonsense" (Gafni *apud* Keinon *et al*., 2010).

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[260] Isaac Herzog would later become leader of the Labor Party between 2013 and 2018. He is currently serving as president of the Jewish Agency.

[261] A similar point of view had been endorsed, in 2009, by Muhammad Zidan, head of the Arab High Follow-up Committee: "loyalty to the state generally results from a situation in which the state embraces the citizen and nurtures him. Then the loyalty arises spontaneously, a result of the loyalty of the state to its citizens and its concern for their interests and their future. But if they want to enact a racist law that ensures loyalty, the result will be the opposite of what they expect" (Zidan *apud* al-Saleh, 2009: 8).

Perhaps the most important proof of this fascistic trend was the declaration of support by MK Ben-Ari, from the National Union (an alliance of right-wing and nationalist parties):

> Twenty years have passed since the assassination of Rabbi Kahane, and today Likud admits he was right. It's a refreshing change to see the Likud government, which persecuted the rabbi over his call to have Arabs sign a loyalty oath, admit today that what Kahane said 20 years ago was correct. (Ben-Ari *apud* Somfalvi, 2010)

Mordechai Kremnitzer, a senior fellow at the Israel Democracy Institute, argued that the bill was "an anomalous piece of legislation", because it intended to offer a solution to a problem that did not exist: the existence of new citizens disloyal to the State. He also warned that instead of encouraging loyalty to the State, the new bill would have the opposite effect, and that most Palestinian citizens – if obliged – would not be able to attest their loyalty to a "Jewish and democratic state", because:

> The State of Israel has taught them that the term 'the Jewish state' is a code word that justifies discrimination against Arab citizens, and in part from the fact that the response to the Palestinian demand for self-determination in an independent Palestinian state is still not clear (Kremnitzer, 2010).

Furthermore, the insistence on a loyalty oath to a Jewish State when there is still an ongoing public debate in Israel on what is the Jewishness of the State, "is an expression of a lack of confidence in Israel's clear identity as the state of the Jewish people" (Kremnitzer, 2010).

Hassan Jabareen, Adalah's General Director, criticized the law because, unlike loyalty oaths demanded by many democratic states, this bill "forces Arab citizens of Israel to accept their inferiority, inequality and exclusion, as it deems the state as one for Jews only, and serving the Jewish people alone" (Jabareen *apud* Adalah, 2010a).

Despite the general rejection of the Zionist Left parties and movements of the bill, as Benjamin *et al.* (2010) pointed out, the proposed oath is consistent with Israel's racist foundations that were set – and whitewashed - by the Zionist Left itself: "the problem, then, is not alleged betrayal of Israeli 'principles' at the hands of right-wing 'extremists', but Zionism itself — both 'Left' and 'Right'".

While the loyalty oath bill did not pass the vote in the Knesset, in 2011, a new amendment was introduced to the Citizenship Law.[262] According to Amendments no. 8 and 10, from 2011 and 2017 respectively, Israeli courts have now the power to revoke the citizenship of people convicted of treason, espionage, assisting the enemy in time of war, violating state sovereignty, serving in enemy forces (as defined by the Israeli penal law), and acts of terrorism as defined under the Prohibition on Terrorist Financing Law,[263] as part of a criminal sentence, if so suggested by the Ministry of Interior.

The court is only allowed to revoke citizenship – or downgrade it to mere residency – if the individual has dual citizenship. The amendment follows a previous amendment, made in 2008, which provided that citizenship could be revoked for "breach of trust or disloyalty to the state".

According to Adalah, the law targets specifically the Palestinian citizens of Israel by making their citizenship conditional to their attitudes (i.e., loyalty) towards the State and overrides criminal law, according to which the Penal Code remains the most appropriate means to deal with any illegal act. Furthermore,

> The bill is also a further manifestation of ongoing attempts to implement the election slogan of the Israel Beiteinu political party 'no loyalty, no citizenship,' which targeted Arab citizens, and which demand them to pledge allegiance to principles and values that threaten to dispossess them of their land and uproot them from their homeland (Adalah, 2010b).

As Olesker (2013: 10) admitted, despite the limited scope of his analysis, the way this law and others were approved and then upheld by the Supreme Court demonstrate how "illiberal practices can become permanent through normal government procedures […] open debate, public scrutiny and judicial review".

Changes in the way citizenship is attributed inevitably place a larger burden on the Palestinian minority, for whom the concept of citizenship – that allows them to participate in Israeli society, even if in a limited way – is far more important for them that for the Jewish population, who tend to define the boundaries of the community in primordial terms, as Kimmerling (1989: 271) had previously pointed out.

[262] Entry into Israel Law, 5 September 1952 (amendment no. 10, introduced in 2011).

[263] Israeli Prohibition on Terrorist Financing Law, 2004.

We would like to confidently add that, despite the use of *procedural* democratic features, these laws are still violent towards the minority, for they reflect – and make use of – a violent state structure. As Ahmad Sa'adi (2004: 3) had already sustained in his analysis of the October protests and the results displayed by the Or Commission, "the essential function of the legal apparatus […] is to preserve the *status quo*, and not to alter it. That is, to preserve the boundaries of legitimacy." It should not come as a surprise, then, the nature of the relationship between government and Supreme Court.

4.3 OBSTACLES TO POLITICAL PARTICIPATION

4.3.1 THE ANTI-BOYCOTT LAW

Adopted in July 2011, the Law for Prevention of Damage to the State of Israel through Boycott (hereinafter ABL or anti-boycott law) – sponsored by Ze'ev Elkin (Likud)[264] - prohibits Israeli citizens from deliberately avoiding

> economic, cultural or academic ties with a person or other party, solely for reason of his/her/its relation to the state of Israel, to any of its institutions or to any area under its control, which could cause them economic, cultural or academic harm.[265]

The Boycott, Divestment and Sanctions (BDS) movement is a Palestinian-led movement initiated in 2005, inspired by the anti-Apartheid campaign against South Africa, and calling on a non-violent form of pressure on Israel to respect international law. In 2007, the Reut Institute, a think-tank based in Tel Aviv, framed the BDS movement as a tool for the "delegitimization of Israel [and] as a strategic threat with potentially existential implication". The institute also claims it was the first to prove that the movement is "actually the long arm of that aggressively anti-Semitic ideology" (Reut Institute, 2015).

The law does not specifically address the boycott of goods, services and institutions from illegal Israeli settlements, but states that the law is applicable to any public call for boycott of Israel or "to any area under its control". Therefore, the legal differentiation between settlements and Israeli territory is blurred, and the debate on the

[264] Elkin is Minister of Jerusalem Affairs and Minister of Environmental Protection since 2015. He was first elected to the Knesset with Kadima, the party founded by Ariel Sharon in 2005, but decided to leave the party for Likud, stating that Kadima had become a "radical left-wing party" (Fendel, 2008).

[265] Israeli Law for Prevention of Damage to State of Israel through Boycott, 11 July 2011.

future of the OPT in Israel, encouraged by many individuals and organizations in Israel, became compromised.

Furthermore, unlike the United States anti-boycott legislation, the Israeli ABL allows private bodies (i.e., citizens) to initiate to sue for damages, even if they are not directly affected by the call for boycott (ACRI 2011). As Bradley Burston (2011), writing for *Haaretz*, argues, it gives the power to any individual to become a "private law enforcement agency".

The bill was promoted by MK Elkin as a deterrent of boycotts that had "increasingly come from within our midst", while arguing that "the law is not directed to silent voices, but to protect the citizens of Israel" (Elkin *apud* Brynn, 2012: 351; Olesker, 2013: 7). The bill was approved by the Knesset in a 47-38 vote, with the absence of Netanyahu and Ehud Barak, then Minister of Defense, and ten other cabinet ministers. Despite his absence, the prime-minister was publicly supportive of the bill, and rejected the notion that its enactment would stain Israel's image as a democracy:

> I am against boycotts aimed at the Jewish state. What mars its image are the reckless, irresponsible attacks against the legitimate attempt by a democracy on the defensive to draw a line between what is acceptable and what isn't acceptable. (Netanyahu *apud* Sherwood, 2011)

Netanyahu's apparent concern about the delegitimization of Israel by pro-boycott activists (in Israel, but also abroad) is misleading: after all, the BDS movement and the Palestinian national movement do not advocate for the establishment of a Palestinian state in Israeli territory, but only in the territories that are internationally recognized as occupied since 1967.

As Rosenberg sustains, the talk about the attempts to delegitimize Israel by the law's proponents and supporters is an attempt to divert the attention from the ongoing illegal occupation:

> The effort to change the subject from the existence of the occupation to the existence of Israel makes sense strategically. Israel has no case when it comes to the occupation, which the entire world, except Israel, agrees must end. But Israel certainly has the upper hand in any argument over its right to exist and to defend itself. (Rosenberg, 2011)

Even before the law's approval by the Knesset, almost 40 Israeli law professors signed a petition sustaining that it is unconstitutional and harms the rights of expression and protest. One of the signatories, Alon Harel, from the Hebrew University, stated:

> This law is a classic case of the tyranny of the majority. The majority aims at silencing, persecuting and threatening the minority. It conflicts directly with the principles established in Israel in the 1990s that entrench the right to freedom of speech in the legal system. It is the most cherished right in the Israeli legal system. (Harel *apud* Sherwood, 2011)

Harel also reminded that other forms of boycott in Israel, such as the previous ultra-orthodox boycott of Israeli national airline El Al[266], had not been targeted by specific legislation.

A petition, filed by Adalah, ACRI and other organizations, along with Palestinian and Israeli activists and politicians, stated that the law violated Basic Law: Human Dignity and Liberty [267] and the Basic Law: Freedom of Occupation [268] and imposed "disproportionate civil and administrative sanctions that are contrary to accepted legal principles, because of political statements" (Adalah, 2015c). Sawsan Zaher, Adalah's lawyer representing the petitioners in the Supreme Court, asked for a quick decision and for the test of constitutionality to take place immediately, for "the mere existence of the law keeps individuals and organizations from expressing themselves freely, forcing them to change their behaviors and activities" (Zaher *apud* Adalah, 2012a).

In September 2012, the Supreme Court demanded that the State would justify the legality of the law. The government responded that, just like the Supreme Court's decision on the Nakba Law (January 2012), the constitutionality test of the ABL should only take place after its implementation. The response also sustained the validity of the law on the extension of the courts' discretionary powers to determine what constituted a call for boycott and what damages and compensations should be applied to each case.

The State's response also made use of article 8 of Basic Law: Human Dignity and Liberty, that the petitioners claimed was under violation by the ABL, to sustain that the violation of the rights consecrated in it was legal because the ABL was "a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required or according to the law by virtue of the authority set in it". To this extent,

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[266] In 2006, several orthodox rabbis threatened to call for a boycott of El Al following the company's decision to fly out passengers who had been stranded during *Sabbath*. Usually, El Al avoids flying from Friday evening to Saturday evening, out of respect for their religious observant customers (McCarthy, 2006).

[267] Israeli Basic Law, Human Dignity and Liberty, 17 March 1992.

[268] Israeli Basic Law: Freedom of Occupation, 10 March 1994.

the ABL was presented as a means "to protect all of the citizens of Israel (or Israeli institutions) from the imposition of a boycott that may harm them only because of their tie with the state, one of its institutions or the area under its control". And, while recognizing that the policy of the government concerning the OPT was "disputed by the public at large", the ABL

> Only forbids calling for a boycott […] and does not protrude in any way whatsoever on the freedom of expression concerning other aspects of this issue, and those who wish to express their position have many additional, diverse methods of expression available to them

Despite the opinion of several legal experts, who had predicted that the Supreme Court would deem the law unconstitutional (Paraszczuk, 2011), the Supreme Court decided, in 2015, to uphold the law. The judges unanimously agreed to revoke section 2(C), that allowed courts to impose unlimited financial compensation even if no damages were proven.[269] The decision of the court was justified by the majority with the law's advancement of a "worthy cause [and] the state's duty to protect the individuals, institutions and entities connected to it, and to prevent discrimination against the citizens of Israel on an illegitimate basis" (Supreme Court of Israel, 2015: 2).

Furthermore, it was sustained that the law

> does not impose any criminal prohibition on political expressions as such, and the tort it establishes in the law relates solely to calling for a boycott, but does not impose tort liability on those who express the political position that underlies the call for a boycott (Melcer *apud* Hovel 2015).

Therefore, even if the majority of the judges in the panel agreed that the law violated freedom of expression, according to them it does not violate "the core component of freedom of expression", and it should be perceived as a "proportionate violation": the law is valid because calls for boycott, instead of enriching public discourse, constitute a form of "political terror" (Supreme Court of Israel, 2015: 3).[270] A special attention was paid to the Supreme Court's decision to the academic boycott, for it

[269] "If a court finds that a wrong has been committed under this law, it shall be permitted to order the party committing the wrong to pay compensation independently of actual damage done (exemplary damage). When determining the sum of compensation the court shall take into account the circumstances of the wrong, its severity and its scope" (Art. 2 of Israel Law no. 5771-2011, Law for Prevention of Damage to State of Israel through Boycott, 11 July 2011).

[270] The association of the BDS movement with "political terror" made by the Supreme Court is very similar to Minister of Justice Ayelet Shaked depiction of the movement as "another branch of terrorism in the modern age" (Shaked *apud* MEMO, 2016b).

“undermines academic freedom itself and prevents research and instruction that are aimed, inter alia, at searching for the truth”.

For Brynn, who had, in 2012, analyzed the ABL in the light of the Israeli legal traditions and potential sources of law, the law was an “impermissible violation of the right of free expression”, according to Israeli law, and should be deemed unconstitutional.

While it is true that since the Constitutional Revolution of the 1990s, Israeli law, in general, protects the freedom of expression of individuals, these rights can be at any time curtailed if they are perceived as a threat to the State’s security. In other words, basic rights, enshrined in Israeli Basic Laws, become irrelevant when confronted with an all encompassing definition of security.

One of the dissenting voices in the judges’ panel, Yoram Danziger, stated that calls for boycott of Israel come from one specific side of the political map and thus the law created discrimination based on one’s political positioning. Furthermore, in his opinion, the law clearly violates the core component of freedom of expression and should not be used to repress “an instrument for achieving political objectives in a peaceful way” (Supreme Court of Israel, 2015: 5).

Danziger, however, did not propose the revocation of the law, because “preventing a boycott of the State of Israel is consistent with the state’s right to defend itself against those who seek to harm it”. Instead, he suggested that section 1 of the law, which defines what could be understood as a boycott of the State of Israel,[271] should be interpreted narrowly (Adalah, 2015c).

One of the layers representing the petitioners argued that the decision was another attempt of the Supreme Court to change constitutional law in Israel, for it “put the interests of perpetuating the settlement enterprise over all the state’s citizens’ basic right to freedom of expression” (Lasky *apud* Hovel, 2015).

The decision of the Supreme Court was contested by several organizations operating in Israel, on the grounds that it promotes the “silencing and restriction of

[271] “In this bill, "a boycott against the State of Israel" is defined as: deliberately avoiding economic, cultural or academic ties with another person or body solely because of their affinity with the State of Israel, one of its institutions or an area under its control, in such a way that may cause economic, cultural or academic damage” (Art. 1 of the Law for Prevention of Damage to State of Israel through Boycott, 11 July 2011).

legitimate protest aimed at criticizing and working to change Israeli policy" (Hovel, 2015). Adalah reacted by stating that the law especially affected the Palestinians in Israel because they are at the forefront of the resistance against the occupation (Adalah, 2015a).

In November 2017, in an attempt to overrule the 2015 decision of the Supreme Court, a new amendment was proposed to amend the ABL and allowing anyone to denounce calls for boycott without proof of damage, for "the increasing activity around the world and within Israel of the BDS movement constitutes great harm, and it is the moral duty of the legislator to restrain and deter those seeking to aid it" (Kisch *apud* Knesset, 2017a). MK Kisch also said the boycott movement constituted an act of anti-Semitism. For Security Minister, Gilad Erdan, supporters of the boycott do not want peace, "they desire simply to delegitimize the State of Israel and destroy it as the Jewish homeland" (Erdan *apud* Knesset, 2017a). The amendment has so far been approved in the preliminary reading and by the Justice Committee, in June 2018.

In October 2018, a new bill brought to the Ministerial Committee for Legislation attempted to criminalize the act of "undermining Israel's interests, its relations with any other country, organization or institution […] or any interest they have in Israel." Under the existing law one can only be jailed for trying to harm the Atate if a crime is committed during the process.

According to Likud MK Anat Berko's proposal (supported by several other MKs from Likud, Kulanu and ultra-Orthodox parties), the mere attempt to harm Israel or its foreign relations would become itself a crime, leading to prison sentence up to 5 years. When confronted with the effects it would have on freedom of expression, Berko released an explanatory note:

> It's possible to criticize Israel and freedom of expression shouldn't be undermined, heaven forbid. But anyone who lends a hand to boycotts that harm Israel economically or harm it in another way, like academic boycotts, must be called to account for it. That is the difference between criticism, which is legitimate, and damage that's a thuggish act in and of itself (boycotts) and harms Israel and its citizens. (Berko *apud* Lis, 2018d)

Perhaps the most far-reaching consequences of the adoption of the ABL and its support by the Supreme Court, are not the fact that BDS activists in Israel have their activity constrained, but the fact that it set a precedent for the adoption of several laws

and measures that constrain even further freedom of speech and criticism of Israeli policies.

Among the most controversial of these we find the Breaking the Silence Law, named after the organization specifically targeted by this piece of legislation.[272] Breaking the Silence is an Israeli NGO, created in 2004, by veterans of the IDF who have served in the OPT since the Second Intifada. Its goal is, according to their website, "to expose the public to the reality of everyday life in the occupied territories", "to stimulate public debate about the price paid for a reality in which young soldiers face a civilian population on a daily basis", and "to bring an end to the occupation". Part of these veterans' work includes the organization of tours in cities of the West Bank, the publication of (mostly anonymous) testimonies of former soldiers and the organization of lectures.

In July 2018, the Knesset, by a majority of 43 to 24, passed a bill that prevents lectures and activities at schools that are organized by groups that support that legal actions abroad can be taken against IDF soldiers (even if the NGO denies that they support their indictment). Already during the debate, a new clause, introduced by MK Amir Ohana (Likud) also allows the law to be applied to those who, abroad, promote political proceedings against Israel. The new addition would allow the persecution of other individuals and NGOs, like B'tselem (Lis ,2018e).[273]

During the first reading of the bill, in February 2018, one of the supporters, MK Moalem-Refaeli (Jewish Home party) argued that, while criticism of the IDF is permitted, "these organizations seek to undermine the existence of the State of Israel and the foundations of the democratic existence".[274]

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[272] The Law is formally named Law for the Prevention of Activity in an Educational Institution of External Bodies Acting Against the IDF or the Goals of Education.

[273]In 2016, Hagai El-Had, executive director of B'tselem, called Israeli settlements in the West Bank an "obstacle to peace". Netanyahu condemned the organization for joining the "chorus of slander" against Israel and accused human rights organizations of "trying to achieve by international coercion what they cannot achieve through democratic elections" (Netanyahu *apud* Ravid, 2016b). Following B'tselem's address to the UN Security Council, a bill aiming to revoke the citizenship of Israeli citizens calling for international action against Israel at international bodies was presented by David Bitan (Likud). The bill was, however, rejected (Staff, 2016a).

[274] During the first reading of the bill, Palestinian MK Haneen Zoabi (Joint List) was removed from the room after calling IDF soldiers "murderers", to which Anat Berko, from Likud, replied "You will not call IDF soldiers murderers. You and your terrorist friends". Berko was later removed from the room, not because of the accusations against Zoabi, but because she was interrupting the session (Knesset, 2018e). During the final

Opponents of the bill, stated that it was "a law of cowards and weak people" (Livni *apud* Knesset, 2018f). Others, like Mossi Raz, from Meretz, accused the government of being more willing to listen to a settler MK,[275] who does not even live in Israel, than "soldiers who gave their best years to the country to tell the truth" (Raz *apud* Knesset, 2018f).

The persecution of Breaking the Silence, however, started before the enactment of the law. For instance, in 2016, the Ben-Gurion University of the Negev, in Beersheva, in an unprecedented move, decided to cancel the attribution to the organization of a prize that has been annually awarded by the Middle East Studies department to organizations and individuals contributing to Jewish-Arab understanding. According to the university, the prize did not belong to the department alone, and the university president has decided the NGO did not meet the criteria because it does not create a "national consensus", and allowing the attribution could be "interpreted as an appearance of political bias". In a public statement, the organization stated that "the decision to disqualify it is itself political bias" (Kashti, 2016a).

The university's decision came only a few months after Netanyahu stated that the organization's attempt to collect intelligence on IDF soldiers was "intolerable and is being taken care of by the relevant parties" (Netanyahu *apud* Ravid 2016a). In fact, just a week earlier, the then Minister of Defense, Moshe Ya'alon had ordered the IDF to conduct an investigation on whether classified material had been passed unto Breaking the Silence. The investigation concluded that while some of the information was classified, it was at a relatively low of "confidential" (Cohen, 2016).[276]

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reading of the bill, before being taken to plenary, in July 2018, the head of Im Tirzu, a Zionist organization frequently accused of being fascist, was present and suggested that the law should be applied to individuals and organizations that conduct lectures in Arab schools encouraging the non-participation in the IDF (Knesset, 2018g).

[275] MK Shuli Moalem-Refaeli, the proponent of the bill, currently lives in Neve Daniel, an illegal settlement close to Bethlehem (West Bank).

[276] The Ben-Gurion University is no stranger to government interference on political and ideological grounds. Since 2011, the university's Department of Politics and Government has been threatened with closure due to what academic and political authorities described as "political bias". The university and, specifically, the department, are home to some of the most critical Israeli academics, such as Neve Gordon, Ahmad Sa'adi, Rebecca Kook and Oren Yiftachel. For excerpts of Israel's Council for Higher Education's report, where a recommendation is made to shut down the department, see Scheindlin (2011).

A year after, in June 2017, Justice Minister, Ayelet Shaked, asked the Attorney-General to investigate Dean Issacharoff, the spokesman for Breaking the Silence, after he gave a testimony for the organization stating he violently beat up a Palestinian while serving in Hebron. Two weeks later, the Israel Police did, in fact, interrogate Issacharoff. Shaked stated that the matter should be investigated because "the IDF is the most moral army in the world, and incidents of violence are investigated and address" (Shaked *apud* Hovel, 2017).

In 2017, an amendment to the Penal Law, presented as an attempt to protect IDF soldiers, was introduced. In June 2018, the Ministerial Committee for Legislation approved a bill seeking to ban the documentation and distribution of reports and footage of Israeli soldiers that "break the spirit of Israeli soldiers and inhabitants." The amendmented, presented by Robert Ilatov (Yisrael Beiteinu), called for a maximum 5-year prison sentence (10 years if the original intent is to harm national security) (Lis, 2018f).

The legislation also noted that most of the organizations involved in collecting footage and information on IDF activities are funded and supported by other organizations and governments "with a clear anti-Israeli agenda, who are using this one-sided content to harm the State of Israel and its security" (Hay, 2018). Lieberman saluted, on *twitter*, the proposal, while talking about the need to stop the "homegrown assault" against IDF soldiers (Lieberman *apud* Lis, 2018f). The proposal's goal was to avoid cases such as that of Elor Azaria, an IDF soldier caught on camera by B'tselem killing a wounded Palestinian in Hebron.

While the bill was approved after the ministerial reading, changes were introduced after the Attorney-General argued that the proposal was problematic and unconstitutional. The new draft submitted to the Knesset plenary called for a ban on interference with IDF soldiers in the line of duty, but did not totally prohibit the collection of footage and documenting. The bill has already been approved on its first parliamentary reading, and it was expected have to withstand two more readings until its final approval.

4.3.2 CONSTRAINTS ON POLITICAL ACTIVITY

The political activity of Palestinian political parties and MKs has also been severely constrained since 2000.

According to amendments to article 7A of the Basic Law: the Knesset,[277] entitled "Prevention of Participation in the Elections", a list of candidates shall not participate in elections to the Knesset, and a person shall not be a candidate in elections to the Knesset, should there be explicitly or implicitly in the goals or actions of the list, or the actions of the person, including his expressions, as the case be, one of the following:

> (1) Negation of the existence of the State of Israel as a Jewish and democratic state;
> (2) Incitement to racism;
> (3) Support for armed struggle by an enemy state or of a terrorist organization, against the State of Israel

The possibility of disqualification for the denial of the existence of Israel as a Jewish and democratic state was enshrined in the Basic Law in 1985. The latter provision – support for armed struggle – was introduced in 2002.

Simultaneously, an amendment to section 5(1) of the Law of Political Parties in Israel barred the registration of a political party "if it denies the existence of the State of Israel as a Jewish and democratic State".[278]

The vague terminology used in both amendments is dangerous because it can be used to ban parties or candidates that support, for instance, the "one-state solution" or "a state for all of its citizens", as they implicitly reject the existence of Israel as a Jewish state.[279] Both the amendments seek to outlaw any legal political activity that aims to change the State's ideology, even if this ideology contradicts democratic principles. By doing so, the Jewishness of the State and Zionism gain precedence over democracy.

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[277] Israeli Basic Law: The Knesset, 1958 (amendment no. 35, introduced in 2002).

[278] Israeli Political Parties Law, 1992.

[279] In fact, in 2001, before the amendment was introduced, in 2001, there had been already an attempt to disqualify Azmi Bishara, from the Balad party. Bishara had attended, the previous year, the funeral of Hafiz al-Asad, President of Syria, where he praised Hezbollah for resisting "Israeli dictates". As a consequence, Bishara was accused of incitement to violence and terrorism, as foreseen in the Prevention of Terrorism Ordinance of 1948. His visit to Syria also sped up the adoption of legislation forbidding MKs from visiting enemy states (Peled and Navot, 2005: 15)

Furthermore, as Adalah (2012b) claims, the law does not define what constitutes a “terror organization” or what could be perceived as “support for armed struggle”. These changes have been used previously to stifle democratic debate and limit the political activity of Palestinian MKs.

From 2003 onwards, Palestinian parties and candidates have been hit several times with threats and petitions for disqualification and even suspension of their activity in the Knesset. The first time, in 2003, and with the explicit support for disqualification of the Attorney-General, the Central Elections Committee (CEC) made the decision to disqualify Balad, and MKs Ahmad Tibi and Azmi Bishara. Until 2013, 5 petitions by right-wing parties have been presented to CEC to disqualify Balad and the United Arab List (both currently part of the Joint List). Another petition was presented to disqualify MK Haneen Zoabi after her participation in the 2010 flotilla to Gaza.

In the case of Balad and Azmi Bishara, Michael Kleiner, by then the head of the extreme right-wing party Herut, claimed that Balad was a cover-up for terrorist activity, that “supports terror organizations, identifies with the enemy and acts against Israel as a Jewish and democratic state” (Kleiner *apud* Ettinger, 2002). Likud MK Michael Eitan, who presented the request for disqualification of Tibi, argued that the Palestinian MK supported terror and abused his role as a Member of Parliament to represent the PLO and Yasser Arafat (Ettinger, 2002). Both Kleiner and Eitan had been proponents of the 2002 amendment to the Basic Law: the Knesset.

Adalah, representing the MKs and the Arab parties, contested the decisions of the CEC on the grounds that it contradicted democratic values and “harmed the minority’s rights to equality and freedom of expression, their right to challenge the majority’s political positions, and their basic right to demand change in legitimate ways” (Adalah, 2003b).

After a petition was filed by Adalah – representing Balad and two MKs –, the Supreme Court decided to overturn the CEC’s decisions, because, for the state to prove that a party or a candidate reject existence of Israel as a Jewish and democratic state,

> it must provide evidence to demonstrate that the main and central activity of a political party list, as expressed through its actions, is to oppose the following: a Jewish demographic majority in Israel; the Law of Return; Hebrew as the

> primary language of the state; and the Jewish symbols, national holidays, Jewish law and heritage as part of the cultural life of the state. (Adalah, 2012b)

A similar situation occurred before the 2006 and 2009 elections, with several requests to disqualify Arab parties (Balad, United Arab List and Arab Movement for Change). In both cases the CEC decided to disqualify the parties, but the decisions were later overturned by the Supreme Court.

The arguments used for the disqualification of Arab parties are always invariably connected with their alleged support for terrorism.[280] In 2009, in response to the CEC decision to disqualify two Arab parties, Jamal Zahalka, the founder and chairman of Balad, said he was not surprised, but interestingly added that "the vote was taken for political motives due to the war atmosphere. The committee members sought to increase their popularity at our expense on the backdrop of the elections" (Zahalka *apud* Glickman, 2009).

No other Arab parliamentarian has been subjected to as many efforts of disqualification and suspension as Haneen Zoabi. Zoabi, elected for the first time to the Knesset in 2009 with Balad,[281] was first subjected to a disqualification attempt in 2012, following her participation in the Gaza Flotilla in 2010, during which 10 activists were killed by the IDF.

In October 2012, Likud MK Ofir Akunis filled a request to the CEC to impede Zoabi from running in the January 2013 legislative elections, claiming that Zoabi had violated the Basic Law: the Knesset by supporting or furthering the agenda of terrorist organizations or enemy states. In this specific case, Zoabi was allegedly participating in a terrorist activity against the IDF soldiers raiding the flotilla. Previously, the Knesset had already voted for stripping Zoabi of her diplomatic passport, financial assistance for legal aid and the ability to visit countries with which Israel did not have diplomatic relations

[280] See, for instance, the arguments of MK Avigdor Lieberman for the disqualification of Balad and the United Arab List in 2009 (Glickman, 2009).

[281] Zoabi was elected for three consecutive times to the Knesset, as a member of Balad and the Joint List, in the elections of 2009, 2013, and 2015. In January 2019, Zoabi announced that she would not be running in the upcoming April 2019 elections (Halon, 2019).

with (Tepper 2012).[282] During the debate over the adoption of the bill, MK Levin (Likud) said to Zoabi:

> You have no place in the Israeli Knesset, you have no right to hold an Israeli identity card. You shame the citizens of Israel, the Knesset, the Arab community and at least a portion of your large family. (Levin *apud* Lis, 2010)

During the same debate, MK Anastassia Michaeli, from Yisrael Beiteinu, waved a sign with a picture of Haneen Zoabi next to an Iranian passport (Li,s 2010).

Simultaneously, in 2010, the Minister of Interior, Eli Yishai, had attempted to revoke Zoabi's citizenship, who had "under the protection of her parliamentary immunity […] headed a group of terrorists who aimed to hurt Israel Defense Forces soldiers". Yishai also accused Zoabi of a "premeditated act of terrorism" (Yishai *apud* Ravid, 2010):

> I must say that since this is an issue having to do with the security of the state, and especially since we're likely due for more such flotillas, I ask that you study the laws that would allow stripping the immunity from any member of Knesset that would try, under the protection of immunity, to aid and cooperate with terrorists that have made IDF soldiers and citizens of Israel their targets. (Yishai *apud* Ravid, 2010)

In July 2011, the Knesset Ethics Committee ruled that Zoabi would not be allowed to address the Knesset or vote in committee debates until the end of the parliamentary season (Lis, 2011).

MK Aryeh Eldad (Otzma Leyisrael), argued that the disqualification, more than a response to her participation in the flotilla, should be used as a preventive measure, for "you don't have to wait for people to be caught spying or committing treason before barring them from running" (Eldad *apud* Lis and Khoury, 2012).

The CEC did decide to bar Zoabi from running in the 2013 elections, even after the attorney-general had stated that there were no legal grounds for disqualification. Akunis welcomed the decision, for Zoabi was attempting to "destroy Jewish democracy from within" (Akunis *apud* Yahav, 2012).

The decision of the CEC was immediately forwarded to the Supreme Court, who overturned it, in December 2012, the decision to disqualify Zoabi. According to the

[282] In 2009, five other requests were handed to the CEC to prevent the participation of political parties Balad and the United Arab List, for identification with terrorist organizations; Otzma Leyisrael (Strength for Israel), a right-wing party, for denial of Israel as a democratic state; and Shas and United Torah Judaism for barring women from running (Lis and Khoury, 2012).

Supreme Court there were no grounds for disqualification, as the request presented was based on four articles from the internet. One of the Supreme Court judges, Salim Joubran, added that "merely participating in the Gaza Flotilla does not amount to expressing support for armed struggle" and that no evidence was presented to support the claim that Zoabi had contact with the Hamas leadership (Jouban *apud* Adalah, 2013a).

The decision of the Supreme Court was obviously not welcomed by those who had led the efforts to disqualify Zoabi. MK Akunis, for instance, stated he was surprised that not even one of the judges of the panel had chosen to support IDF soldiers, despite the fact that Israeli public opinion thought the Palestinian MK should be impeded from running. This, he stated, was a symptom of a disconnection between the Supreme Court and the people.

MK Yuval Zellner, from Kadima, regretted the decision of the Court and blamed Zoabi, not only for acting against the values of the State of Israel, but also for compromising "the fragile coexistence between Arabs and Jews" (Zellner *apud* Magnezi, 2012).

MK Danny Danon (Likud) challenged the decision of the Supreme Court stating that the next Knesset would pass a law that would put Zoabi out of the Knesset and to get around the Court previous rulings:

> The High Court decided today to support the *Mavi Marmara* terrorist [Zoabi] instead of Israeli commandos who were attacked with knives and clubs by terrorists of the IHH[283] under the umbrella of immunity of Zoabi. Her proper place is in jail. The current law is not working. The law will be changed and Zoabi can be sure that her days in the Knesset are numbered (Danon *apud* Benari, 2012b).

The threats materialized when moments after the swearing into the 19th Knesset, in February 2013, MK Davon submitted a bill, commonly known as the "Zoabi bill", intended to keep her from the legislature. The bill does not allow the Supreme Court to overrule the decisions of the Central Elections Committee, unless these were considered "extremely unreasonable" (Harkov, 2013).

[283] The IHH (or Humanitarian Relief Foundation) is a Turkish non-governmental organization, and was the owner and the operator of the three flotilla ships, including the Mavi Marmara, which attempted to break the blockade to Gaza in 2010.

What is interesting about Danon's proposal is that he presented the bill as a means to protect democracy, even if it would curtail the powers of the Supreme Court:

> The sane, democratic camp has the responsibility to fix Basic Law: The Knesset and ensure that an MK who chooses to support terrorist organizations and incite against the State of Israel cannot be elected again. Democracy and freedom of expression are important values, but [I intend] to act firmly against those who take advantage of it to harm Israel (Danon *apud* Harkov, 2013).

Danon's proposal was rejected by the Knesset, but another version of the "Zoabi bill" was afterwards proposed by David Rotem, from Yisrael Beiteinu, with the support of Likud. This new proposal, an amendment to the Basic Law: the Knesset, gives Israeli lawmakers the power to expel previously elected MKs if they show support for terror groups or enemy states. In order for an MK to be expelled, a simple majority of 61 (out of 120) MKs have to vote in favor (the same number of MKs needed to change Basic Laws).[284]

Mordechai Kremnitzer and Amir Fuchs, from the Israel Democracy Institute (IDI), who submitted a legal opinion to the Ministerial Committee on Legislative Affairs, argued that "a purely political body such as the Knesset should not be given the authority to oust an incumbent MK, as this would severely damage the MK's right to be elected and the right of his or her constituents to choose their representatives" (Kremnitzer and Fuchs, 2014).

Furthermore, they argued that the bill specifically targeted Haneen Zoabi, and that the Knesset (having a "built-in bias" against her) should not serve as an impartial judge in her case: the balance between national security (i.e., the determination of who aids "enemies" and supports "terrorism") and freedom of expression should be dealt with the framework of criminal law, not by the Knesset.

[284] The text of the bill stated: "An MK who in a time of war or military action against an enemy state or terror organization offers public support for military struggle against the State of Israel, their term in the Knesset shall be terminated on the day the Knesset decides by a majority of its members and at the recommendation of the Knesset House Committee that the published comments constitute the aforementioned expressions of support" (Staff, 2014).

The Ministerial Committee did reject the bill following the arguments advanced by the IDI, but Prime-Minister Netanyahu supported the bill, even if he suggested an increase in the number of votes necessary to expel an MK.[285]

As we have seen, the amendments previously introduced to the Basic Law: The Knesset and the Electoral law already prevented the participation of parties and candidates that explicitly supported war and violence against the State. This bill would allow the Knesset challenge the minority in the parliament, as well as to follow personal vendettas, as in the case of Zoabi.

The decision of the Supreme Court and the blocking of the bill by the Ministerial Committee did not represent, however, the end of the attempts to expel Zoabi from the Knesset. In June 2014, following the kidnapping of three yeshiva students in the West Bank, Haneen Zoabi argued, during a radio interview, that the Palestinian kidnappers were not terrorists:

> Is it strange that people living under occupation and living impossible lives, in a situation where Israel kidnaps new prisoners every day, is it strange that they kidnap? They are not terrorists. Even if I do not agree with them, they are people who do not see any way to change their reality, and they are compelled to use means like these until Israel wakes up and sees the suffering, feels the suffering of the other. (Zoabi *apud* Lis and Kubovitch, 2014)[286]

Immediately after the interview, numerous Israeli politicians called for the suspension of Zoabi. Foreign Minister, Avigdor Lieberman, stated that not only the kidnappers were terrorists, Zoabi was a terrorist herself and the fate of Zoabi, an "inciter", should be the same as those of the kidnappers. Lieberman later added that she "should be sent from Israel to Qatar, where she would join the traitor from her party, Azmi Bishara" (Lieberman *apud* Lis, 2014).

Others argued that her political and civic rights should be withdrawn. Uri Ariel, Minister of Housing, stated that Zoabi was "unworthy of being an Israeli citizen", and Miri

[285] Another similar bill, allowing the expulsion of any MK with the vote of 80 parliamentarians was, in fact, proposed later that year by MK Ayelet Shaked (MK for the Jewish Home and Minister of Justice between 2015 and 2019).

[286] Larry Derfner (2014), doing an analysis of Israeli media's portrayal of Haneen Zoabi, noted how, with the exception of *Haaretz*, all the newspapers and tv channels had edited out the part of the interview where Zoabi explicitly says she did not agree with the kidnapping.

Regev, Minister of Culture since 2015, called Zoabi a traitor, who "should be deported to Gaza […] After all, she's from their milieu" (Harkov, 2014).

Following a decision by the Knesset Ethics Committee, Zoabi was suspended from addressing the plenum and committees for six months[287], a decision she described as "tyrannical, vindictive and fascist" (Zoabi *apud* Lis, 2014). Zoabi also stressed how the Ethics Committee frequently ignored Lieberman calls for her to be killed, as well as many other MKs' calls for the death of Palestinians. Among these we find Moshe Feiglin's calls for the "extermination" of Palestinians in Gaza and its annexation as part of sovereign Israel as a means to "ease the housing crisis in Israel" (Figlin *apud* Strickland, 2015b).[288]

Zoabi appealed the decision of her suspension to the Supreme Court but, contrary to the previous decisions, the Court rejected her petition in December 2014, only a month before her suspension ended. Knesset legal advisor, Eyal Yinon, who represented the state at the hearing, stated that Zoabi's calls for "popular uprising" and a Palestinian "siege on Israel", that she had made afterwards, were even worse than her apology of the kidnapping:

> A statement by a Knesset member that runs contrary to our common ground not only infuriates part of the public but expresses a clear perspective against the state as such. When one suggests sanctions, a siege on the state; when one actually understands and identifies with people who kidnap children, how can these things be identified with the good of the state in the minimal, most basic way?. (Yinon *apud* Hovel, 2014)

Soon after the Supreme Court's decision, another petition to disqualify Zoabi from the upcoming elections was submitted in February 2015. The petition had the support of the Zionist Camp, led by Isaac Herzog, in an attempt to present the party as a centrist party and conquer voters from the "soft right" (Lis, 2015a).[289]

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[287] A six-month suspension from the Knesset is the maximum penalty that can be imposed on an MK, and this was the first time it was imposed. In the petition filed to the Supreme Court, Adalah also noted this was the first time that the Ethics Committee imposed a punishment for a statement that did not include any threats, incitement, contempt, slander or defamation (Zonszein, 2014).

[288] Feiglin was elected MK for Likud in 2013. He had also been, in 1993, the co-founder of the Zo Artzeinu ("this is our land"), a movement opposing the Oslo Accords.

[289] The party later withdrew the support of the petition also due to political calculations, for the support for Zoabi's disqualification would mean the loss of support of the Joint List to help Herzog form a government. However, once again, the party "reversed its already-reversed position" and did support the petition (only the Joint List and Meretz opposed the petition) (Omer-Man, 2015).

The Zionist Camp's earlier support for Zoabi's disqualification was, according to Gideon Levy's, a revelation of the contradiction between Zionism and democracy:

> Zionist Camp has made a great contribution to the truth: There is no such thing as 'Jewish' and 'democratic.' In its decision, Zionist Camp has chosen 'Jewish' at the expense of 'democratic': Zionist Camp knows that behind the decision to disqualify Zoabi is the transparent desire to remove all the 'Zoabis' from the Knesset. There is no such thing as a democracy, where elected officials are prohibited from criticizing, as Zoabi is accused of doing […] Zoabi should be disqualified, according to Herzog-Livni, because she endangers the tottering ideological structure on which their camp relies, which offers no solution to the Palestinian problem nor an answer for the Arabs of Israel. (Levy, 2015a)

The requests for disqualification were once again approved by the Central Elections Committee and then overturned by the Supreme Court.

Since then, two other proposals to resuscitate the "Zoabi bill" were presented, in July 2015 and July 2016. In both instances, the Zionist camp rejected the bill and allowed their dismissal, but called on MKs to leave the Knesset plenum every time Zoabi delivered a speech (Noy, 2016a). The last attempt followed a heated debate on the events of the flotilla to Gaza. While Zoabi was speaking, MK Mickey Levy physically threatened Zoabi and approached the podium, while several other MKs were shouting "liar", "filth", "scum" and "you belong in Gaza". MK Akunis later called Zoabi a "neo-fascist whose only desire in life is to destroy Israel as the state of the Jewish people" (Akunis *apud* Azulay, 2016).

In February 2018, Zoabi was removed from the Knesset, during a meeting for the Knesset's Education Committee, for calling IDF murderers and criticize the violence used by the occupation forces.[290] Following her statement, the Ethics Committee suspended Zoabi for one week, after deciding that

> The use of word 'murderer' for soldiers acting in the name of the state could not be defended within the framework of freedom of political expression for Knesset members, and that it therefore violated the Knesset's ethics rules (Knesset, 2018h)[291]

[290] Zoabi's exact words were "A person is a murderer even if he committed murder just once in his life, so that's what we can call the army, which murders occasionally and not every day of its life" (Zoabi *apud* MEMO, 2018a).

[291] A few months later, in June, Lieberman, in a post on *twitter*, called for the dismissal of Haneen Zoabi, whom he described as a "terrorist" that "promotes terror against Israeli IDF soldiers and citizens of Israel". He also posted a picture of Zoabi with the headline "Kicking Zoabi out of the Knesset" (Lieberman *apud* MEMO, 2018b). After a 4-month long deliberation, the Ethics Committee decided to give Lieberman a "reprimand", even if it acknowledge that such language has "no place in the legitimate discourse and constitute a breach of the rule of ethics" (Knesset, 2018i).

Despite the punishment, a few months later Zoabi repeated the same accusation, during a debate on the impact of the blockade on the women in Gaza (Eichner, 2018). Zoabi was once again removed from the plenum, and accused of incitement.

This exhaustive description of all the times Zoabi was threatened with suspension, disqualification and dismissal from her role as an MK since 2009 is very illustrative of the pressure Israeli Palestinian MKs and leaderships are subjected to. Zoabi is the most active voice against the occupation and the curtailment of rights of the Israeli-Palestinian minority, but she has not been the only target. During the last few years, other Israeli-Palestinian MKs have been targeted too and, particularly during the last legislature, other bills have been enacted to prevent their full participation.

In January 2017, MK Bassel Ghattas, from the Joint List, was suspended for six months after being caught on camera smuggling cell phones, SIM cards and documents to Palestinian prisoners convicted of terrorism. The suspension of Ghattas was considered not enough punishment, and Prime-Minister Netanyahu pushed for a definite solution for situations when MKs are suspected of supporting terrorist organizations (Harkov, 2017)[292].

Technically, such an instrument exists since 2016, when the Knesset approved an amendment to The Basic Law: the Knesset, foreseeing the possibility of suspending (with 90 votes in favor out of 120 MKs) an MK (for as long as the MK's term lasts) if they violate the conditions already listed in the law (incitement violence or racism, support for armed conflict against Israel or denial of Israel as a Jewish and democratic state).[293]

[292] The Knesset also voted to strip Ghattas of his immunity from search and arrest, and he was subsequently placed on house arrest (Harkov, 2017).

[293] MK Michael Oren, from Kulanu, supported the bill, but argued that it was not "democratic enough" for it demanded a 90-MK majority. However, he said, the law could still function as a deterrent because "people don't like losing their jobs" (Oren *apud* Bob and Harkov, 2018). By "people" Oren means the Israeli-Palestinian MKs, for during his statement of support, he only mentioned situation during which these should have been suspended.

The amendment was introduced after Netanyahu, along with other members of the government and Zionist parties, condemned the visits of MKs Zoabi, Ghattas and Zahalka to the families of Palestinians convicted of terrorism.[294]

A petition to revoke the new amendment was presented to the Supreme Court that, in May 2018, decided the law was constitutional and could not be revoked. The Court rejected the argument that the law would harm specific parties or that it would interfere with freedom of expression. Amir Fuchs (2016), from the IDI had a different opinion: according to him, even if the law alludes to a "suspension", the length of suspension can be extended until the end of an MK's term, and is tantamount to expulsion.

Second, the amendment gives powers to the Knesset that belong in the realm of criminal law, where incitement to racism and support of terrorism are already addressed. This does not mean the law is inconsequential. On the contrary, it turns the Knesset, a political body, "into accuser, investigator, judge and executioner". In other words, it is an attempt to replace the entire law enforcement system and override the rulings of the Supreme Court.

What Fuchs did not address in his appraisal is the uneven impact this amendment can have in the representation of the Israeli-Palestinian minority, at a time where their ability to organize and produce changes from within is already on a stranglehold. The "suspension amendment", along with the other amendments and bills approved previously discussed, seeks to silence opinions that are considered intolerable or illegitimate by the majority, to the point that basic democratic concepts such as "a state for all citizens" can be included in the list of violations of the Knesset conduct.

Citizenship and, in the specific case of Israeli Palestinian MKs, the right to be elected and to represent, are seen as conditional to what the Zionist majority deems as "acceptable" or as "good behavior". While not being able to maintain, through a system

[294] The law does not have retroactive effects, but the Ethics Committee suspended the three lawmakers from all Knesset activity (except for voting) from two to four months. The decision of the committee came after Netanyahu and Knesset Speaker Edelstein presented unprecedented personal complaints. While addressing the Knesset in February 2016, Netanyahu stated that while the government was "in favor of the integration of Israel's Arab citizens into society, the economy and the state", it was "not willing to accept a situation in which MKs support the families of people who murder Israeli citizens. There is a limit" (Netanyahu *apud* Israel Ministry of Foreign Affairs, 2016)

of spatial control, the existence of "quiet Arabs" (the term used by Jamal to describe the attempt to suffocate dissent among the Israeli-Palestinian community during the early decades of the State) Israeli governments – with the support of the equally Zionist opposition – have designed since 2000 methods to stifle political activity.

Most importantly, while Meretz, a progressive Zionist left-wing party, often opposes the adoption of these laws, and denounces them as anti-democratic and racist, the party is a small exception across the Zionist political spectrum. [295]

Among feeble calls to the Netanyahu-led governments to tame the rhetoric, the constant attempts to disqualify and suspend candidates and MKs have counted with the support of the Zionist Camp.[296] As Sheizaf (2014) argued, while analyzing Zionist rhetoric around Zoabi, the problem of the Zionist Left with the Israeli-Palestinian MKs has to do with their support for a democratic, non-Jewish State.

The strained position in which the Zionist Left is at regarding the activity of the Joint List was put to the test following the death of Shimon Peres in 2016. Peres, Nobel Peace prize, is portrayed in Zionist discourse as a "dovish" leader, and one who was willing to make concessions to the Palestinians in exchange for peace. The Palestinian account of Peres, however, is substantially different.

MK Basel Ghattas (Joint List) called Peres "a tyrant […] directly responsible for various atrocities and war crimes which he committed against us [and is] completely covered with our [Palestinian] blood". Ghattas also added the role Peres played in the dispossession scheme of the Palestinian people:

> We must remember that he is one of the pillars of the arrogant, imperialist Zionist enterprise, and of the settler enterprise, along with being one of the most heinous, most brutal, and oldest in terms of age and results. He is the one who inflicted the most damage and brought a plethora of disasters to the Palestinian nation and to the Arab world. Yet despite all of this, Peres is viewed as a dove, and even won the Nobel Peace Prize. (Ghatas *apud* Kais and Azulay, 2016)

[295] In the last legislature, the number of MKs Meretz managed to elect were 5. The maximum number of members of Knesset the party managed to elect was 12, in 1992. Since 2003, however, the number of MKs elected to the Knesset has been gradually decreasing.

[296] The Zionist Camp, also known as Zionist Union, was a centre-left political coalition in Israel, composed by the Labor Party and by Hatnuah (the party formed by Kadima's dissidents and led by Tzipi Livni). The alliance was created ahead of the 2015 general elections, and was dissolved in January 2019, before the 2019 general elections.

Ghattas' appraisal of Peres' political life was supported by MK Ayman Oden, when he announced he would not attend his funeral because he would not be "part of the celebration regarding the nuclear reactor, the year 1948 and his cooperation with Ben Gurion" (Odeh *apud* Noy, 2016b).[297] Later, Odeh (Joint List) added that the criticism around the Joint List's decision of not taking part in the "national mourning" of Peres' death is part of the Jews' inability to feel the Palestinians' "historical pain" (Odeh *apud* Haaret, 2016c).

At the opening of the winter Knesset session, in November 2016, MKs from the ruling coalition and the Zionist Union boycotted Arab MKs, leaving the session whenever one of them was speaking, in protest to the Palestinian MKs' boycott of Peres funeral (Attali, 2016).

Finally, on the list of legislation constraining the political activity of Arab parties and candidates in Israel, an amendment (known as "the Governance bill") was introduced, in March 2014, to the Basic Law: the Government. The amendment raised the threshold percentage of votes to obtain seats in the Knesset from 2% to 3.25% and the advanced rationale for its adoption was that it would improve "Knesset efficiency and coalition building" (Mossawa, 2014: 36). The amendment was approved by a 67-0 vote, for the opposition parties (including the Joint List) boycotted the vote. Lieberman called out the boycott by calling the opposition an "oppposition of the terror organization representatives, of the post-Zionists, of the crybabies" (Lieberman *apud* Knesset, 2014).

The new threshold threatened Arab parties, who are never invited to take part in government coalitions, and whose natural electorate was already fragmented, due to a

[297] Despite his image as a "dovish leader", the political involvement of Peres is full of often nefarious decisions. Following his appointment as director-general of Israel's Defense Ministry in 1953, Peres was involved in the negotiations with Great Britain and France to attack Egypt in 1956. He was also involved as junior minister in the early period of settlement construction after the 1967 occupation, oversaw Israel's secret nuclear program, starting with the construction of the Damona nuclear reactor, and ordered, already as Prime-Minister, the bombing of Southern Lebanon in 1996. As President of Israel, he supported "Operation Cast Lead" against Gaza, in 2008-2009, as well as the construction of the Separation Wall between the West Bank and Israel. For a thorough account on Peres' involvement in these and other events, as well as the differences in the Israeli and Palestinian images of Peres, please see Matar (2016), Pappé (2016), Nasar-Najjab (2016), Weitz (2016) and Shaker (2016).

situation of "no-choice", thus undermining the representation of the Palestinian minority in Israel.[298]

That was the feeling expressed by Sanaa Ibn Bari:

> Maybe the changes made all the Arab parties to get together, and that was a step that brought some optimism to the Arab society […] I think that there is a consensus, a broad opinion among the people that we should have political representation in the Knesset, and I think the Joint List has revived that feeling. But there wasn't an improvement in the representation. We are still a minority, even in the Knesset, and our ability to change decisions that are agreed by the coalition is very minimal […] We, Palestinians, are always criticized for not doing enough, or for not fighting for our causes, and I think our role in the Knesset represents exactly an answer to that criticism: 'We are here, we are in the Knesset, but our ability to change or affect decisions is very small'.[299]

On March 2014, Adalah, along with other civil society organizations in Israel, launched a call, asking Knesset MKs to oppose the legislation, as it constituted a further attempt "to breach the national, collective, social, economic and political rights of Arab citizens in Israel". The statement also argued that this modification interfered with the individual rights of Arab citizens, for it constrained their right to make a "meaningful choice" (Adalah, 2014). According to Nadeem Shehadeh, an attorney for Adalah:

> This step has a greater impact on Arab parties than other parties. Arab parties, according to the former threshold percentage, needed 20% of Arab votes in order to enter the Knesset, and now they need 30% of Arab votes to do so. This massive jump is a lot more difficult than what it may seem at first. Therefore, the fundamental violation in this law is the violation of the rights of Arab citizens to choose their political orientation (Shehadeh *apud* Adalah, 2015b).

According to Isacowitz (2014), while a higher threshold might improve governability, it also serves the interests of the already existing parties and further disenfranchises Israeli voters, especially those of the Palestinian minority, forcing a political homogeneity on them that does not exist nor is imposed on Jews. This situation explains why, according to a 2017 poll, 43.6% of the Palestinian citizens did not vote or voted blank, and only 43.8% voted for the Joint List (Hermann *et al.,* 2017: 196).

Despite these arguments, the Supreme Court rejected a petition to revoke the law. According to Adalah, no attention was paid to the right of Arab citizens to political

[298] During the 2013 elections, and if this law had already been in place back then, two of the three Arab parties represented in the Knesset, Hadash (2.99%) and Balad (2.56%), would not be able to elect an MK (Mossawa, 2014: 36)

[299] Interview conducted by the author to Sanaa Ibn Bari, in June 2016.

participation nor to their voting patterns (historically, the Arab or Arab-Jewish parties almost never attained 3.25% of the vote) (Adalah, 2015b).

The amendment to the law did force Israeli Palestinian-dominated parties[300] to run in a single list for the first time in the 2015 general elections. The Joint List, led by Ayman Odeh, was created in January 2015 as a coalition of four Palestinian parties: Hadash, Balad, Ta'al and the United Arab List[301]. While the first three have in common secularism, the United Arab List identifies with Islamism. In the 2015 elections, the Joint List captured 82% of the Israeli Palestinian vote (Solomon, 2015).

While the Israeli Palestinian turnout for the elections is usually inferior than Jewish turnout, on the day of the 2015 election Netanyahu urged his supporters to go out and vote because "Arab voters are heading to the polling stations in droves. Left-wing NGOs are bringing them in buses" (Netanyahu *apud* Zonzsein, 2015). Netanyahu's remarks immediately led to accusations of racism.

While there was no prospects that the Joint List would get more than 15 seats in the Knesset (in fact, it only got 13 seats, turning it into the third most voted list),[302] and even if Herzog had already guaranteed that there would be no coalition with Arab parties, the possibility that the "right-wing rule" was endangered turned Arab voters into a threat.[303]

Netanyahu later attempted to apologize by publishing a video on social media addressing The Palestinian citizens of Israel (interestingly, the video was both in English and Hebrew, but not in Arabic):

> Today I am asking Arab citizens in Israel to take part in our society — in droves. Work in droves, study in droves, thrive in droves. Israel is strong because of our diversity and pluralism — not in spite of it. Over 20% of Israel's citizens are Arabs. And you have achieved incredible heights: Supreme Court justices,

[300] Hadash is a non-Zionist Jewish-Arab party, formed in 1977 by members of Rakah (the Israeli Communist party) and other non-partisan parliamentary groups, which included members from the Black Panthers movement. Currently, the only Jewish MK for the Joint List is Dov Khenin from Hadash.

[301] Three of the four parties were created in the 1990s, with the exception of Hadash, established in 1997. Balad, however, is the successor of Progressive List for Peace.

[302] Israeli Palestinian voter turnout in 2015 was of 63.5%. In 2013 it had been of 56% (Solomon, 2015).

[303] In fact, before Netanyahu's post on social media, polls pointed out for a victory of Herzog-led Zionist Camp. Herzog later accused Netanyahu of resorting to "lies, incitement and racism" to secure his victory (Herzog *apud* Staff, 2015a).

> members of parliament, renowned authors, entrepreneurs, high tech business-owners, doctors, pharmacists. I am proud of the role Arabs play in Israel's success. I want you to play an even greater role in it (Netanyahu *apud* Staff, 2016b).

A year later, an MK from Likud, David Bitan, stated that he would prefer if the Palestinian citizens did not vote: "I'd rather the Arabs won't go to the polls in droves, and won't come to the polls at all". Bitan attempted to justify his statement by arguing that Palestinians tend to vote on the Joint List, "which does not represent the Arabs of Israel but rather Palestinian interests (Haaretz, 2016d).

However, the adoption of laws that curb political participation and social and civic rights are only a part of the increasing discrimination trend against the Palestinian citizens of Israel. Since 2000 we have also witnesses a growing racist posture among Israeli politicians and the Israeli public, and even the attempt to adopt legislative measures that, while not bringing any apparent benefit to the Zionist establishment, have contributed to the exclusion of the Palestinian citizens or of specific groups.

That is the case of the famous Muezzin bill, under close watch by Adalah and other organizations. Even if in 1967 (only a few weeks after the occupation of Palestinian territories) Israel enacted the Protection of Holy Sites Law, which ensures the protection from desecration and from violations of holy sites from different religions, all 135 sacred places declared as "holy sites" in Israel until 2009 were Jewish (Adalah, 2009).[304]

In 2016, some voices started identifying the sound of the prayer for call at mosques as a nuisance for the non-Muslim population in Israel. In October 2016, Yair Revivo, the mayor of Lod (a mixed city near Tel Aviv) announced that he intended to broadcast Jewish prayers using loudspeakers until the city mosques decided to lower the volume of their call for prayer (Surkes, 2016). The following month, a group of people from the illegal settlement of Pisgat Zeev (East Jerusalem) complained to the Jerusalem mayor about the "noise pollution" caused by the muezzin (MEMO, 2016c).

[304] According to a *Haaretz* article, over 30 mosques throughout the country have been transformed into synagogues, storage rooms, bars, museums, and even a cowshed. These numbers do not include the hundreds of mosques that were destroyed during the Nakba (Rapoport, 2005).

Only a few days later after the protest, the Ministerial Committee approved a bill, commonly known as the "Muezzin bill", banning mosque loudspeakers.[305] Netanyahu supported the bill arguing that the State should "also protect citizens from the noise" (Netanyahu *apud* Lis and Khoury, 2016). MK Odeh replied that there were already noise laws and regulations to which the mosques complied with, and that singling them out was just one more step in a series of racist laws that encouraged hate and incitement against Arabs. For Reut Mor, spokeswoman for the Joint List, the bill was an attempt to incite against the Palestinian population at a time where the coalition was threatened by the imminent evacuation of the Amona illegal settlement.[306]

In November 2016, the opposition inside the cabinet came mostly from United Torah Judaism's Yakov Litzman, then Minister of Health. Litzman submitted an appeal to prevent the bill from being brought to the Knesset because he was worried it would affect the Jewish calls announcing the beginning of the *Sabbath* (Azulay and Shaalan, 2016).[307] Litzman ended up supporting the bill after Netanyahu (who initially did not want the ban to have time restrictions) assured him that the ban would only apply between 11pm and 7am, thus not applying to *Sabbath* sirens (MEMO, 2016d).

The life of the "muezzin bill" has been turbulent. In March 2017, the bill was approved in a preliminary reading at the Knesset. After returning to the Knesset Constitution, Law and Justice Committee, the bill was rejected in January 2018 by Shas and United Torah Judaism. Due to the inability to approve the bill, Israeli lawmakers who

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[305] Other drafts of the bill had already been presented in December 2011 and March 2016. In both cases, while Netanyahu supported the bill, the proponents did not manage to get a majority of the cabinet to approve it (Ravid, 2011; Lis, 2016).

[306] Amona was an Israeli illegal settlement in the West Bank, built in 1995 - during Yitzhak Rabin's government – in private Palestinian land. While technically, Amona was an outpost, as it was never legalized by Israeli governments, most of its infrastructures were permanent and they had services, including electricity, provided by the Israeli state. In 2014, the Supreme Court ordered the evacuation and demolition of the settlement (a partial evacuation and demolition had already taken place in 2008). The demolition occurred only in February 2017 by order of the Israeli government. Meanwhile, the government began building prefabricated houses in Ofra, another Israeli settlement in the West Bank, to accommodate Amona's evacuees and, a few hours before the demolition started, the Israeli government had already announced the construction of 3,000 new houses in West Bank settlements. Since Trump's inauguration as US President, in January 2007, Israel announced the construction of 6,000 houses in already existing settlements, as well as the establishment of a new settlement (the first one in over 25 years) close to Ramallah (Beaumont, 2017a, 2017b; Berger, 2017a; Shalom, 2018).

[307] While the first proposal, presented by MK Moti Yogev, from Habayit Hayehudi applied only to mosques, criticism on the discriminatory nature of the bill led to a revision in order to include all places of worship.

supported the legislation promised to call the police, urging them to step up enforcement of the existent noise laws (Lis, 2018i).

Even if the initial draft of the bill targeted explicitly mosques and the final goal is to silence the Muslim call for prayer, we should not treat these proposals as a mere attack on the Muslim community in Israel but as part of a greater movement aiming at erasing Palestinian presence in those territories. As MK Odeh denounced after the bill's debate in the Knesset, in March 2017, "The muezzin Bill is nothing more than persecution of the Arab community, of Arab presence in the public sphere and against the Arabic language" (Odeh *apud* Ynet News, 2017a).

As Nur Arafeh, a policy analyst from Al-Shabaka, a transnational think tank dedicated to Palestine, sustained, even the issue was framed in religious terms, such a limited approach

> not only ignores the reality of power imbalance between the colonizer and the colonized, but it also fails to take into account the historical and current context of increasing Israeli efforts to erase Palestinian identity and culture and expand Jewish sovereignty over occupied East Jerusalem and Palestinian citizens of Israel. (Arafeh *apud* Mulder, 2016)

4.4 THE NAKBA LAW

In 2011, Israel adopted an amendment to the Budgets Foundations Law (1985), authorizing the Finance Minister to cut back public funding and impose fines to institutions (e.g., schools, universities, or local authorities) that reject the existence of Israel as a "Jewish and democratic state" or commemorates "Israel's Independence Day or the day on which the day was established as a day of mourning".[308]

As we have previously seen, Palestinians traditionally celebrate Israel's Independence Day as the day of the Nakba. Since the Second Intifada, commemoration of the Nakba has been intensified, and its memory has been revived, through the launching

[308] Adalah (2012c) also noted that the vague wording of the law allowed for the punishment of institutions for holding events related to the Nakba throughout the year and not necessarily on Israel's independence day.

of books and monographs, organized visits to destroyed Palestinian villages in Israel, and even the creation of organizations focused on the retrieval of information on refugees.[309]

The bill was proposed by MK Alex Miller (Yisrael Beiteinu) and was deemed constitutional by the Knesset Legal Advisor Eyal Yinon, according to whom the bill does not infringe on freedom of speech, it merely ensures that the state does not fund events or organizations that undermine its existence (Khoury, 2012). Defending his party's bill, MK David Rotem argued that the law sas necessary because "when we are at war against a harsh enemy, we will legislate laws that will prevent him from hurting us". The proposal has been approved and the law and has come into effect in 2011 (Rotem *apud* Rekhess, 2014).

As Adalah argues, the Nakba law restricts Israeli Palestinians' rights to express their opinion, to preserve their culture and history and entrenches the discrimination endured by cultural and educational Arab institutions in Israel.

In May 2011, Adalah, along with ACRI and other Israeli citizens[310], filed a petition to the Supreme Court to revoke the law on the grounds that it was unconstitutional. The Supreme Court rejected the petition in January 2012, justifying it with the prematurity of the case and the fact that no institutions had been affected so far. Furthermore, the judges added, the constitutionality of the law could not yet be verified for it depended largely on the interpretation of the law's directives.

Adalah and ACRI contested the Supreme Court's response, for it ignored the "chilling effect" of the law, even before its implementation

> This court ruling ignores the fact that already this law in practice harms both the freedom of expression and the civil rights of Arab citizens, even before its implementation. Because the law's formulation is so broad and vague, many institutions have already begun and will self-censor in order not to risk incurring penalties. Today, the High Court of Justice missed an opportunity to make clear to legislators that there are limits to their anti-human rights steps, particularly to the targeting of the human rights of Israel's Arab population. We will

[309] See, for instance, the case of Zochrot, created in 2002, whose mission is "To commemorate, witness, acknowledge, and repair". Among their many activities, Zochrot launched an online app, called iNakba, allowing people in Israel to locate and learn about the Palestinian villages captured and destroyed in 1948 and until nowadays. Users are welcome to add information, updates and photographs (Klein, 2014).

[310] Among them parents of children from joint Arab-Jewish schools and Prof. Oren Yiftachel (Ben-Gurion University)

> continue to monitor cases of concrete injury and will consider returning to the courts. (Adalah, 2012c)

MK Ahmad Tibi argued that the Supreme Court had taken refuge on "procedural considerations and feared to get into the thick of this law that discriminates against an entire Arab collective" (Tibi *apud* Khoury, 2012).

In fact, only a few months after the Supreme Court's decision, in May 2012, Haifa University cancelled an artistic and political event to commemorate the Nakba. Before that, in Tel Aviv University and at the Hebrew University, Arab students had already been forced to pay for the security of events related to the Nakba, so the universities would not be subjected to budget cuts (Adalah, 2012d; Schocken, 2012). Olesker (2013: 8) attempts to dismiss the effects of the law, by arguing that its adoption was not marked by "secrecy and speed" (as he would image that securitization processes always occur), but rather by a "consensus building, resulting in a softened version that only included economic sanctions". Olesker does not explain where this "consensus" (that, in reality does not exist, for the Joint List has rejected, from the start, any possible version of the law) comes from in Zionist ideology nor has any concern for the limits it imposes on political activity, freedom of speech and equality, for its focus are on the economic sanctions foreseen on the law and not on the multitude social effects it causes.

The attack on the Palestinian historical memory of the Nakba had started long before. In 2009, for instance, Israel removed the term from school textbooks. The term, that was not part of the curriculum of Jewish schoolbooks, had been introduced two years earlier in a textbook used in Arab schools. The context in which the term was used in the book, did not reject the existence of Zionist narrative. In fact, it merely pointed out that, while Jews called the 1948 events the "Independence War", for the Palestinians it was a war of loss and humiliation – a catastrophe (Zaher, 2010: 2).

On the other hand, a few years earlier, in 2005, the Ministry of Education had already approved the implementation, both in Jewish and Arab schools, of the "100 concepts in heritage, Zionism and democracy program", whose goal was, according to Limor Livnat, former Israeli Minister of Education, to reinforce "the strong connection that exists between the Jewish people and the land and its right to build itself and its institutions on this strip of land" (Livnat *apud* Zaher, 2010: 1). Ultimately the program

excluded any content related to Palestinian heritage. Similar projects were approved and implemented in the following years, all of them as an attempt to force the celebration of Israel's independence day to Palestinian pupils, and some even encouraging enlistment in the Israeli military (Zaher, 2010: 2-3).

For instance, in an interview given by MK Ayman Odeh, in 2016, he stated that he could not accept Zionism and its practices and, first of all, the Nakba. However, he also added that he did not pretend the destruction of Israel:

> I do accept that the Jewish people are a people and they deserve self-determination. I do accept that. I understand that there is no modern country that was established without sin, without inflicting any pain […] But I think countries that recognize the wrongdoings of their past, in the end it makes them stronger. I don't think it can harm in any way the legitimacy of Israel or any other country. I think when you acknowledge your sins, it just makes you more legitimate (Odeh *apud* Tobin, 2016).

As Peled-Elhanan (2012: 16) explains, the fear of the Nakba (and, in particular, the Nakba law) "expresses the fear prevailing in Israel, of teaching Palestinian children their own narrative lest they be given cause to grieve and would indeed try to 'redeem' their lost cause".

Nonetheless, Netanyahu had already complained, while he was an opposition leader, that using the word Nakba in Israeli Palestinian schoolbooks was the same as spreading propaganda against Israel. In 2009, Education Minister, Gideon Saar, justified the decision like this:

> There is no reason to present the creation of the Israeli state as a catastrophe in an official teaching programme. The objective of the education system is not to deny the legitimacy of our state, nor promote extremism among Arab-Israelis […] There is a difference between referring to specific tragedies that take place in a war – either against the Jewish or Arab population – as catastrophes, and referring to the creation of the state as a catastrophe (Saar *apud* Black, 2009)

But, as Nurit Peled-Elhanan clearly demonstrated in her 2012 book *Palestine in Israeli school books*, isolated events, such as massacres of the Palestinians or the destruction of villages are either absent from textbooks in Israel or are whitewashed, portrayed as inevitable products of a situation of conflict.

For Nadim Rouhana, the attempts to suppress the memory of the Nakba are counterproductive and reveal a lot about the insecurity of Israeli Jews towards their own common history:

> It is becoming clear that Israel is fearful not only about the future, it is most fearful about history – and for a reason. Israel can suppress among its Jewish citizens – those who enjoy the privileges of superiority and of taking over a whole homeland – the history of the Nakba and the reality of its continuation for every Palestinian. But Israel must believe that Palestinians are subhuman if it thinks that it can suppress their feelings about the Nakba and their desire for democracy and equality and the yearning for the return of their people. For Israel to face its fear of the future it must first face history. Instead, in defiance of human nature, it is hopelessly seeking to suppress it. (Rouhana, 2009)

The same opinion was shared by Gideon Levy, in a *Haaretz* opinion article, a few years later:

> There is no greater proof of Israel's insecurity about the justness of its cause than the battle waged to forbid marking the Nakba. A people confident in its path would respect the feelings of the minority, and not try to trample on its heritage and memories. A people that knows something terrible is burning under its feet sees every reference to what happened as an existential threat. (Levy, 2015b).

Levy added that growing attempts to suppress the memory of the Nakba would backfire because the younger generations are bolder and joining efforts to remember.[311]

Miri Regev, the Minister of Education, culture and Sports since 2015, has been particularly controversial, insisting not only on a thorough application of the Nakba Law, but also on other forms of cultural control and censorship. In January 2016, Regev presented a "Loyalty in culture" proposal to the Knesset Education, Culture and Sports Committee that aimed at withdrawing state funds from any institutions found guilty of subverting the State. The "subversion of the State" clause included, once again, the rejection of Israel as a Jewish and democratic state, the commemoration of the Nakba and the destruction of the flag and other state symbols (Gravé-Lazi, 2016a).[312]

In 2016, during an interview with *Haaretz's* journalist Rom Atik, that Regev herself deemed "important" for the minister, as an attempt to clean her image, Regev reaffirmed that Palestinian citizens of Israel should display loyalty towards the State:

> The Arab public needs to show some loyalty, only then will there be equality. We are the only democracy in the Middle East and this is the best place for you to be. We are the villa in the jungle […] Sadly, yes, we do have Trojan horses

[311] In 2016, the Higher Arab Monitoring Committee called for the reform of schoolbooks in Israel, in order to teach more about the Palestinian narrative. Among the concepts/events that the educators asked to add were the Nakba, the military government, the massacre of Qufr Qassem, Land Day and the Intifadas (Khoury and Skop, 2016).

[312] In May 2016, Regev suggested going even further, by forcing Palestinian institutions in Israel, such as the Al-Midan theatre in Haifa, to raise the Israeli flag on Nakba day (MEMO, 2016a)

> among us, like in the Knesset, so too in the cultural world. What, you think it's some secret? (Regev *apud* Atik, 2016).

The image of Trojan horses inside the Knesset would be used again by Regev to address Haneen Zoabi during a debate in the Knesset in 2017:

> You should have boarded the *Marmara* again and travelled to Gaza. Go to Gaza, traitor! You and your friends should thank the state for honoring minorities. You and your friends, Bishara and others have gotten used to enjoying what the state has to offer, travelling across the world and delegitimizing the state. Having Trojan horses like her is our punishment. Don't you dare say a bad word about IDF soldiers. The fact that you're still here is a stain on Israeli democracy (Regev *apud* Azulay, 2017)

As a response, in 2017, members of the Joint List presented a bill to hold an official day of memory for the Nakba. MK Ahmad Tibi, the proponent of the bill, knew that it would not be approved, but the response of Miri Regev to the attempt is significant. According to Regev, the bill was hypocritical, because Palestinians in Israel would not like to live in any Middle Eastern country other than Israel. She added that the bill should have been called "Bracha" (blessing) in the State of Israel, because Israeli Palestinians live in a "Garden of Eden" when compared to other Arabs (Regev *apud* Arutz Sheva, 2017).[313]

As we have seen, Regev's discourse is not exactly innovative in the grand scheme of colonial Zionism. The idea that the Palestinians would benefit from the Jewish development of the land was central for the legitimation of the Zionist movement and has been thoroughly used by both Zionist Left and Right.

In 2015, Anat Berko, currently an MK for Likud, stated that Israel's end of the occupation in the West Bank would lead to the establishment of a Syria-like state and the collapse of Jordan (Hoffman, 2015). In February 2016, Berko would go as far as to say that Palestine never existed, for the Arabic language does not carry the "P" sound:

> I want to return to history…What exactly is our place here regarding Jerusalem, regarding Palestine? As we have said, there isn't even a P in Arabic so this borrowed term is also worth scrutinizing. There is no 'Pa', there is 'Fa'. (Berko *apud* Kershner, 2016).

[313] The attack on Palestinian MKs on their "unworthiness" of Israeli citizenship is recurrent in Israeli political discourse. In 2015, during the Knesset debate for the extension of the Citizenship and Entry Law, Deputy Interior Minister Yaron Mazuz (Likud) called on Zoabi to return her Israeli identity card, because "we are doing you people a favor by even allowing you to be seated here" (Mazuz *apud* Lis, 2015b).

In December 2017, during a visit to Ein Mahil, a predominantly Muslim community in Northern Israel, Netanyahu lashed out at the Palestinian protestors that were waiting for him, some carrying Palestinian flags:

> Against whom are you protesting? Against the only country that protects human rights? Against the country that set up a field hospital [near the border with Syria] to help the wounded? Against the state of Israel? You should be ashamed of yourself. (Netanyahu *apud* Arad, 2017)[314]

To contest Regev's argument in the Knesset, Ahmad Tibi counterpoised Israeli Palestinians indigeneity with that of the Israeli Jews:

> I suggest that those who came here only in recent decades not talk about themselves as natives. There is a definition of natives in international law, and all the people on the Joint List are proud natives. We did not come here by ship and plane. (Tibi *apud* Staff, 2017)

Regev has been particularly worried with the fact that the Nakba Law has not been applied in an adequate matter and has become obsolete. In August 2018, she pointed out that, out of the 97 complaints filed with the Ministry of Finance, demanding cuts in funding of institutions violating the Nakba Law (17 of those filed by Regev herself), none of them had been approved. In a letter written to Moshe Kahlon, Minister of Finance, Regev complained:

> It is troubling that I have to write to you again and again in order to ensure that the Nakba Law is not just a 'dead letter,' but will actually be activated. The lack of action on the part of members of the Ministry is screaming for correction, and I hope you will finally do something about it. The Israeli taxpayer should not have to pay for events that encourage a 'fifth column' out of their pockets. (Regev *apud* Benovadia, 2018)

In September 2018, Regev insisted on a revamped "Loyalty in culture" bill that granted the Ministry of Culture the power to withhold budgets from cultural institutions "working against the principles of the state",[315] bypassing the authority of the Finance Minister (*Haaretz*, 2018a). The law was already approved by the Ministerial Committee and has passed the first reading in the Knesset plenum, by a vote of 55 against 44, in November 2018 (MEMO, 2018e).

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[314] The debate on Israeli democracy will be analyzed in the next chapter. However, as a preliminary reading, it is our perception that the enhancement of the image of Israel as "the only democracy in the Middle East" is also a result of the growing number of voices contesting Israeli democracy.

[315] By "working against the principles of the State" the law means cultural events that promote "denial that the State of Israel is a Jewish, democratic country; incitement of racism, violence, or terror; support for the armed struggle or acts of terror against Israel by an enemy state or a terror group; marking Israel's Independence Day as a day of mourning; or any act of destruction or physical degradation of the flag or any state symbol" (MEMO, 2018e)

The consecutive changes to the Basic Laws in the last eighteen years eliminate the possibility of the minority and their representatives to produce changes through democratic means and tend to empty Palestinian representation in the Knesset of any meaning. In other words, as Jamal (2007) put it, this process has led to a "hollow citizenship", where the struggle for better distributive deals is allowed, but the resistance against the discriminatory structure is out of political boundaries for it is now theoretically impossible for the minority to challenge Israel as a Jewish state.

4.5 THE NATION-STATE LAW

Even if the last 18 years have been particularly active in the adoption of laws and amendments that directly and indirectly discriminate against the Palestinian minority in Israel, no law has been as controversial as the "Nation-State law" adopted by the Knesset in July 2018.

The idea of enshrining the Jewishness of the State into a Basic Law was not new. In fact, when we interviewed Suhad Bishara in 2016, and asked her about the several "nation-state" bills that were on the table, she sustained that if approved,

> It will have no added value in terms of what already exists, but it will draw attention to something that is perceived by many as good and democratic. I think it plays more a symbolic role anything, but it will not change what is already enshrined in legislation, the government and the judicial system. [316]

The same was sustained by Amir Fuchs, who admitted that the purpose of these bills was "to entrench the existing situation". Fuchs, who sees no tension between the Jewishness of the State and democracy, still opposed the adoption of such a law, on the grounds that it was already "very obvious we [Israel] are the nation of the Jewish people":

> If someone comes to study Israel, he will read the laws, he will hear the media, he will meet people. Will it be necessary to say that we are the nation-state of the Jewish people? Read our Declaration of Independence! What was established in 1948? If we are now saying we should establish the fact that we are [a Jewish state], what were we doing before?[317]

[316] Interview conducted by the author to Suhad Bishara, in June 2016.

[317] Interview conducted by the author to Amir Fuchs, in July 2016

Nonetheless, the idea of enacting a law exclusively for this purpose, in particular, and the obsession with the (both internal and external) recognition of Israel as a Jewish state, had been part of Netanyahu's discourse for quite a few years.[318]

For instance, in 2011, Netanyahu reiterated that Abbas should, in the name of the Palestinian National Authority, recognize Israel as a Jewish state, alluding to the what could turn out to be as the total separation of Palestinians and Jews:

> They can call their state Palestine or Arafatland, I'm not talking about what they call it; but what it is. For them, it is the nation state of the Palestinian people. Israel is the nation state of the Jewish people. This means that the Palestinians go there, and Jews come here. We are settling and developing the land – it is possible to see towns in Ariel, Ma'ale Adumim and Gush Etzion. But we are also obligated to develop all parts of the country – the Galilee and the Negev (Netanyahu *apud* Keinon, 2011).

Abbas has, since then, refused, several times, to do so even in exchange for the reopening of the peace talks. Recently, the Palestinian Central Council – part of the PLO – passed a motion urging Abbas to revoke the recognition of Israel – formalized with the Oslo accords – until Israel formally recognizes a Palestinian state (Bachner, 2018b).

More important than Abbas' response, however, is the timing of the Israeli governments' insistence on the recognition of Israel as a Jewish and democratic state. The first proposal for the adoption of a Basic Law of this nature was presented by MK Avi Dichter, in August 2011 (Harkov, 2011), less than a month after the beginning of the "Tent protests" movements that swept Tel Aviv and the rest of the country against the economic policies of the government. The J14 protests in Israel,[319] mostly inspired by the *Indignados* Movement in Spain, were the largest protests ever to take place in Israel and would continue until October that year. The Basic Law offered the government a much needed distraction, by signalizing the Jewish character of the State as under threat which, according to Dichter, is part of a "wide consensus" in Israeli society.

The move to strip Arabic of the list of official languages of the State – one of the dispositions present in the "Nation-State law" of 2018 – started even earlier. Ten years

[318] Zreik also offers an alternative reading of Israeli recent obsession with the recognition of Israel as a Jewish state. In his opinion, Netanyahu (as the representative of Israeli leaderships) has come to terms with the fact that international recognition is not sufficient to make the Jewish state project succeed in the long run, because "there is no substitute for recognition by the victim himself" (Zreik, 2011: 35).

[319] The social protests that took place in Israel during the summer of 2011 will be analyzed in the next chapter.

ago, MK Limor Livnat, from Likud, along with other MKs from Kadima and Shas, proposed the Knesset to remove Arabic from the list of official languages, and to establish English and Russian as secondary languages (along with Arabic). The justification given by Livnat, was both anchored in religious terminology and the fact that

> It cannot be, it is not appropriate or reasonable that the status of one language or another in the Land of Israel is identical to the status of the Hebrew language. Precisely in these times, when there are radical groups of Israeli Arabs trying to turn the State of Israel into a binational state, it is most urgent to put into law the unique status of the language of the Bible - the Hebrew language (Livnat *apud* Ilan, 2008).

Otniel Schneller (Kadima) and Yuli-Yoel Edelstein (Likud), two of the supporters of the bill, reaffirmed the same ideas. Schneller argued that the bill would only "give legal order to what happens already" as would be more of a boost to the "morale of those of us who want to keep Israel as a unique Jewish country" (Schneller *apud* Jeffay, 2008). Edelstein added that this was a vital counteroffensive against "the many attacks today on the idea of Israel as the Jewish state" (Edelstein *apud* Jeffay, 2008).

In theory, Israel did not have, until July 2018, an official language. Like it happens with much of Israel's legal code, this issue was anchored in the ordinances of the British Mandate in Palestine. Thus, according to ordinance 82 of the Palestine Order-in-Council of 1922, all official documents, ordinances and notices in Mandatory Palestine would be published in English, Arabic and Hebrew. Despite the fact that, according to the ordinance, Arabic and Hebrew shared (along with English) an equal status, Hebrew was always given primacy.[320]

In May 2014, a few days after the Fatah-Hamas second reconciliation pact that was behind the 2014 Israel's war on Gaza, Netanyahu told his cabinet, during a Ministerial meeting, that

> Israel gives full equal rights to all its citizens, but it is the nation-state of one people – the Jewish people – and no other. To fortify Israel's standing as the nation-state of the Jewish people, I intend to spearhead the legislation of a Basic Law that will enshrine this status.. (Netanyahu *apud* Ravid, 2014)

The Prime-Minister added that while full equality for citizens was already enshrined in two Basic Laws (Human Dignity and Liberty, and Freedom of Occupation),

[320] For instance, while most discourses available at the Prime-Minister of Israel official website are available in Hebrew and in English (and often even in Russian), only a few, which address, for instance, the Druze community, are available in Arabic.

Israel's status as the nation-state of the Jewish people was not given sufficient expression. The new Basic Law, he argued, would define the right of the Jewish people to the state of Israel, a reality "under relentless and increasing attack from abroad, and even at home" (Netanyahu *apud* Ravid, 2014)

The refusal to do so, Netanyahu argued, would lead the creation of a Palestinian state in the Occupied Territories and the gradual transformation of "a bi-national, Arab-Jewish state, within its narrow borders":

> Unfortunately, as we have seen recently, there are those who do not recognize this natural right and who seek to appeal the historical, legal and moral justification for the existence of the state of Israel as the nation-state of our people. I see it as one of my basic missions as prime minister to fortify the state of Israel as the nation-state of our people. (Netanyahu *apud* Ravid *et al.,* 2014)

In 2014, members of the Zionist Camp, such as Livni and Herzog, rejected the enactment of such law, even if they reaffirmed their support for Israel as a Jewish State. Zahava Gal-On, leader of Meretz, stated that, considering the existence of non-Jews in Israel, the State should be defined as "the state of the Jewish people and of all its citizens" and that Palestinians should recognize Israel's sovereignty but not be forced to recognize the character of the State (Gal-On *apud* Ravid *et al.,* 2014).

Mohammed Barakeh, leader of Hadash, linked these attempts to the transformation of Israel unto "the first racial state of the 21st century", remembering the series of racist laws introduced since 2000 (Barakeh *apud* Ravid *et al.,* 2014.)

Along with the discussion of this bill, in August 2014, a new attempt to cement Hebrew as the sole official language of the State was introduced. The proponents of the bill argued that this change would "contribute to the social cohesiveness in Israel, as well as to constructing a collective identity necessary to create mutual trust and preserve the values of democracy" (Leibovitz, 2014).

In 2015, with the elections for the Knesset quickly approaching, the discourse around the need to preserve Israel as a Jewish state intensified. In February 2015, Netanyahu reiterated that "Israel will not be a binational state" (Netanyahu *apud* Yanovsky, 2015). He was specifically responding to US Secretary of State, John Kerry, who had reinstated the need for a Palestinian state, as "The one-state solution is no solution

at all for a secure, Jewish, democratic Israel living in peace, it is simply not a viable option" (Kerry *apud* Yanovsky, 2015).[321]

The law that was approved in July 2018 started being discussed and drafted a year before. In July 2017, MK Amir Ohana, from Likud, got a green light to introduce the bill to the House and Constitution Committees. Despite the fact that Ohana ensured that, at least two MKs from the Joint List would participate in the Committees, Ahmad Tibi had no illusions that the law would eventually be approved (Knesset, 2017b).

By January 2018, the bill, once again written by Avi Dichter, was ready to be presented to the Knesset for a preliminary reading. The opposition to the bill or, in some cases, to the wording of it, came from various factions. Lieberman, for instance, complained that the bill's goal was not an attempt to enshrine Israel as a Jewish State but as a halachic state (Lis, 2017).

In response to the nation-state bill under appreciation in the Knesset, MK Youssef Jabareen (Joint List) presented a new Basic Law: Israel, a Democratic, Egalitarian, and Multi-cultural State. Whereas the goal of the first was to transform non-Jewish (and, specifically, Palestinian) citizens into second-class citizens, Jabareen's proposal sought "to define Israel as a democratic and multi-cultural state that guarantees complete civil, cultural, and national equality to all of its citizens" (Noy, 2018). The wording of Jabareen's proposal is very similar to the principles exposed ten years earlier in the Vision Documents.

Jabareen knew that the proposal would be rejected, even by Meretz, not only because it defied the common ideology between Zionist parties, but also because it would have practical consequences, such as the revocation of discriminatory laws (e.g., the Law of Return), the dismantlement of institutions that give advantage to Jewish citizens (e.g., the Jewish National Fund), and changes in the State symbols (Noy, 2018).

Jabareen's prognostic was confirmed: a similar bill, introduced by MKs Zahalka, Zoabi and Azbarga, was disqualified by the Knesset presidium[322] in June, even before it

[321] Netanyahu's refusal of Kerry's statement that a peace plan would have to contemplate a two-state solution, combined with Netanyahu's rejection of Israel's withdrawal from the Occupied Territories, means that the goal is to maintain the occupation while reinforcing the Jewish character of Israel.

reached the Knesset for deliberation (the first time it happened in the last two legislatures). According to Eyal Yinon, Legal Adviser for the Knesset, the Knesset presidium's decision was valid because the bill denied the existence of Israel as the State of the Jewish people and as symbol of "the national revival of the Jewish people" or, as he further explained, the bill "includes several articles that are meant to alter the character of the State of Israel from the nation-state of the Jewish people to a state in which there is equal status from the point of view of nationality for Jews and Arabs" (Yinon *apud* Lis, 2018g).[323]

The Joint List's proposal was rejected even by members of the Zionist Camp who, since 2011, had been denying support for the "Jewish Nation-State law". MK Revital Swid, for instance, argued that placing the Joint List's proposal up for debate in the Knesset

> May set a precedent for placing other inherently racist bills on the Knesset table. Since this bill negates Israel`s existence as the Jewish nation state and negates the Right of Return, we cannot allow it to be placed on the Knesset`s table. (Swid *apud* Knesset, 2018i)

The ambiguous position of the Zionist Left and, more specifically, of the Zionist Camp towards a "Jewish Nation-State law", as well as its unequivocal rejection of "a state for all its citizens", is symptomatic of deeper problems in Israeli political culture.

In a column for *Haaretz*, Haneen Zoabi (2018) pointed out the paradoxical decision of the presidium, rejecting the vision of a state for all citizens because it endangers the privilege of Jews and, thus, "it is simply too democratic".

But, even if Israeli leaderships insist that a Jewish State is compatible with democracy, the latter feature is unapologetically overlooked. In February 2018, during a Knesset debate on the proposed "Nation-State law, Ayelet Shaked, Minister of Justice, stated that "there is place to maintain a Jewish majority even at the price of violation of rights". The Nation-State bill, she argued, was the tool needed to oppose the focus placed on universal values in Israel since the Constitutional Revolution, and to emphasize the Jewish character of the State.

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[322] The Knesset presidium is a group composed by the Knesset speaker and Deputy Speakers that approve the tabling of bills introduced by MKs and help set the agenda for the motions under discussion in the Knesset plenum.

[323] Following the Knesset presidium's decision, Adalah filed a petition to the Supreme Court, asking to allow the bill to proceed through the legislative process (Adalah, 2018a).

During the same debate, Shaked also added that the goal of the bill was to prevent Supreme Court rulings interpreting the Citizenship and Entry Law in a more flexible way (even if, in reality, the Court upheld the law) and others like the Ka'adan case:[324] "equality", Shaked argued, was a very general concept that had no place in the bill, for the Supreme Court could take its interpretation "very far" (Shaked *apud* Hovel, 2018).

A few months before, in August 2017, Shaked, referring to African asylum seekers, whom she called "infiltrators", argued that individual rights are important, but not when they are "disconnected from our national goals, from our identity, from our history, from our Zionist challenges". And she continued with a threat: "Zionism should not – and I'm saying here that it will not – continue to bow its head to a system of individual rights interpreted in a universalist manner" (Shaked *apud* Haaretz, 2017).

In March 2018, the bill was approved by a joint committee of the House Committee, and the Constitution, Law and Justice Committee. MK Amir Ohana (Likud), one of the 9 MKs who voted favorably (against 7 MKs that opposed it) argued that the law fulfilled the idea that propelled the creation of the State in the first place – "human rights will be preserved for all, but national rights in the State of Israel belong solely to the Jewish People" – and would become the most important law in the history of Israel (Ohana *apud* Knesset, 2018j).

While Palestinian MKs rejected the bill, on the grounds that it was indicative of an "apartheid regime",[325] others, such as Tzipi Livni (Zionist Union), rejected it because it was unnecessary – "Israel is justifiably defined as the state of the Jewish People" – and because it failed to show Israel's Arab citizens that there is full equality for every citizen

[324] In 1995, a family of Palestinian citizens of Israel were denied the right to move to the town of Katzir, by the Katzir Cooperative Association, on the grounds that the community only accepted Jews and, because the town had been established for the purpose of Jewish settlement by the Jewish Agency, the land could not be leased to Arabs. Following a petition filed by the Ka'adans, the Supreme Court of Israel decided, in 2000, that the State was not allowed to discriminate directly or indirectly on the basis of religion or nationality in allocation of state lands (Greenberg, 2000). The Supreme Court's decision to uphold the Admission Committees Law thus contradicts Israeli jurisprudence.

[325] Dov Khenin (Joint List), during the second reading of the bill, in 11 July 2018, argued that the only big difference between South African Apartheid Law of 1950 and the Nation-State Law of Israel was that, at least, "[In South Africa] they were ashamed to legislate it as part of the constitution". Jabareen pointed out that during the period of racist segregation in the United States "there they tried to hide it and here we say it outright" (Khenin and Jabareen *apud* Knesset, 2018l).

(Livni *apud* Knesset, 2018j). Later, she would add that the legislation was bad because of what it lacked (Knesset, 2018l).

During the first reading in the Knesset plenum, in May, MK Dichter presented the bill as "the insurance policy we will leave behind for future generations" and argued that while the Jewish State was a "clear, hard fact […] it is unfortunately not yet clear to everyone, and is certainly has not been anchored in any law" (Dichter *apud* Knesset, 2018k). MK Yariv Levin (Likud) shared the same assumption, that the law would bring to a halt "the retreat from the basic values of the founders of the state" (Levin *apud* Knesset, 2018k).

Netanyahu would repeat this very same idea, a few days after the approval of the law by the Knesset:

> The laws of the state enshrined in Basic Law only individual rights, with no constitutional balance for our national character. We passed the Nationality Law to ensure the State of Israel would be not just democratic, but also the nation state of the Jewish people—and theirs alone. [The law is necessary] not just for our generation, but for the generations to come. Without the Nationality Law, we cannot guarantee the future of Israel as a Jewish nation state. (Netanyahu *apud* Nachshoni, 2018)[326]

Later, he would go even further in revealing the true motivations behind the bill, during a cabinet meeting on 5 August 2018:

> The Nation-State Law, first of all, entrenches the Law of Return. It raises it to another level and this law, of course, grants an automatic right to Jews, and only to them, to come here and receive citizenship. The Nation-State Law, for example, prevents the exploitation of the family reunification clause under which very, very many Palestinians have been absorbed into the country since the Oslo agreement, and this law helps prevent the continued uncontrolled entry into Israel of Palestinians. It could be that this law will also be able to assist us in blocking the future entry of labor migrants. (Netanyahu *apud* Omer-Man, 2018a)[327]

Before the second reading of the bill, the Israeli president, Reuven Rivlin, himself a member of Likud, warned, in an open letter, that the nation-state bill could harm Jews

[326] In fact, as Salim Joubran, former Justice of the Supreme Court, denounced, other than the Declaration of Independence (in which it is stated that Israel should be a democratic state), the principle of equality is not enshrined in any of the 15 Basic Laws of Israel (Weiss, 2018).

[327] In October 2018, Netanyahu renewed this idea during a Likud conference in Tel Aviv. Addressing the presence of non-Jewish African refugees at Israeli borders, Netanyahu referred they were "one of the reasons why I pushed the Nationality Law forward" because "You cannot claim that infiltrators have the same right to enter Israel as Jews have. A Jewish and democratic state means that we ensure a Jewish majority" (Netanyahu *apud* MEMO, 2018d).

around the world and "could even be used by our enemies as a weapon". Rivlin also added that the Zionist vision should not willingly support the discrimination of citizens based on their ethnic origin (Rivlin *apud* Lis, 2018h).

Miki Zohar, an MK for Likud, responded to Rivlin's statement by issuing his own statement:

> Unfortunately, President Rivlin has lost it. His efforts to connect to the general public in the State of Israel has made him forget his DNA and the principles on which he was educated. It pains me that time and time again the president chooses to attack the basic principles of the right-wing government and Prime Minister Benjamin Netanyahu. (Zohar *apud* Wootliff, 2018a)

The final readings of the bill, as well as its final approval by the Knesset were done in 4 days, and the process was completed by 19 July 2018. A clause that could have allowed a religious group to bar another from living in a community was replaced with one stating that "the state sees developing Jewish settlement as a national interest and will take steps to encourage, advance, and implement this interest" and that "the State may permit a community, including the members of a single religion or the members of a single nationality, to establish separate community settlements".[328]

As even Mordechai Kremnitzer, a supporter of the idea of a "Jewish state", argues, the change was no more than an embellishment of the law:

> The previous version tried to grab the provision in the appearance of neutrality towards the group. It was only in appearance, because a day-old babe in arms would realize that the whole point of the provision is to enable the establishment of purely Jewish settlements through the constitution, not just through the law. The new version raises the overt, blunt discrimination to the constitutional level. After all, how could Jewish settlement be advanced without confining it to Jews? (Kremnitzer, 2018)

Netanyahu described the approval of the bill as

> A pivotal moment in the annals of Zionism and the State of Israel. We enshrined in law the basic principle of our existence. In the Middle East, only Israel respects [rights]. Israel is the nation state of the Jewish people that respects the individual rights of all its citizens. This is our state — the Jewish state. In recent years there have been some who have attempted to put this in doubt, to undercut the core of our being. Today we made it law: This is our nation,

[328] The change was implemented after a debate during the second reading on whether the exclusion of entire sectors of the population would challenge the democratic character of the State. After being questioned on whether the process of Judaization of the territory was permissible, Legal Advisor Eyal Yinon responded that "the Judaization of the Galilee is not something objectionable, as long as the meaning with which it is imbued is not the [equivalent of] sweeping exclusion of minorities in the state" (Yinon *apud* Knesset, 2018l).

> language and flag. (Netanyahu *apud* Knesset, 2018m; Netanyahu *apud* Lis and Landau, 2018).

In Netanyahu's discourse, the equality of individual rights (collective rights for the Palestinians in Israel are not even part of it) comes as an afterthought: a single sentence, amidst the reinforcement of the idea that Israel is the State of the Jewish people. For MK Ohana, the law is"one of the cornerstones of our existence. After 2,000 years of exile, we have a home". Addressing the Joint List, he accused the Palestinian MKs of attempting to transform Israel into the 22nd Arab State (Ohana *apud* Knesset, 2018m).

A few months before, in an interview with Ravit Hecht for *Haaretz*, Ohana agreed with the journalist's appraisal of the law as one that transforms the Palestinian minority into second-class citizens. When confronted with the fact that his roots in Israel can only be traced back to his parents' immigration from Morocco in the 1950s, Ohana contested:

> I speak in the name of the people. And historically, the Jewish people has no other home than the Land of Israel. What is a Palestinian people? What sets it apart? Does it have its own language? Its own currency? No. Therefore, I can go to Mohammed and tell him, 'Even though your grandfather, and maybe your grandfather's grandfather, were born here – this is my country'. (Ohana *apud* Hecht, 2017)[329]

In MK Dichter's discourse, the further exclusion of Israeli Palestinians by this law becomes even clearer:

> Ever since I began promoting the law, I was told that it was obvious, but the remarks of the Joint List could not be missed: 'We will win – we were here before you, and we will be here after you.' This law is the clearest answer to those who think this way. No minority will be able to change the state's symbols. This Basic Law does not harm the Arabic language or any minority – that's fake news. Israel is not a bilingual country; it never was. Israel is the nation state of the Jewish people and guarantees the majority without hurting the minority. (Dichter *apud* Knesset, 2018m)

On the other hand, Yariv Levin's (Likud) targets were the Zionist parties that rejected the bill, like the Zionist Union, Yesh Atid and Meretz, who "believe in the Zionist ethos" and have "have historic rights in the establishment of the state yet do not support this law". These parties, according to Levin, rejected the realization of the Jewish people's right to the Land of Israel.

[329] In the same interview, Ohana stated that 90% of Muslims are prone to "cultural murderousness", while rejecting the notion that the attribution of such a "cultural trait" is racist (Hecht, 2017).

Netanyahu would repeat the same message a few days after the law's approval, during a meeting with his cabinet. While urging his ministers to remain "unapologetic"[330], Netanyahu argued that attacks from the Zionist Left "reveal how low the left has sunk":

> It [the Zionist left] must ask itself why a basic tenet of Zionism, a Jewish nation-state for the Israeli people in its country, has become for it a rude term, a dirty word, a principle that one should be ashamed of. We are not ashamed of Zionism. We are proud of our state, of it being the national home for the Jewish people, which strictly upholds – in a manner that is without peer – the individual rights of all its citizens. (Netanyahu *apud* Landau, 2018; Netanyahu *apud* Keinon, 2018).

Those who rejected the bill, accused it of being unnecessary and a document of a "sick, insecure person" (Hasson *apud* Knesset, 2018m), of being part of Netanyahu's strategy to show he is more nationalistic than anyone else (Livni *apud* Knesset, 2018m), as part of an attempt to mask Netanyahu's investigation on corruption (Gilon *apud* Knesset, 2018m) and an attack on the Druze and Bedouin who serve in the IDF (Stern *apud* Knesset, 2018m). Tamar Zandberg accused the government of rushing towards the approval of this bill due to the events in Gaza:[331] "when the government has no solution in Gaza, it enacts racist laws" (Zandberg *apud* Wootliff, 2018b).

Despite these accusations and the disapproval of the bill, only Joint List MKs offered in-depth criticism of the bill, identifying it with the Palestinian struggle in the Occupied Territories and as a continuation of the Zionist ethos. According to Dov Khenin, the law "promotes the ideology of the complete Land of Israel", by mixing the Land with the State and rejecting the right to self-determination of the Palestinian people (Khenin *apud* Knesset 2018m). MK Ahmed Tibi, during a special Knesset on the law, on 8 August 2018, argued that the State had discriminated against the Palestinian citizens since its inception, through "a policy of regulations and laws". He also pointed out that the only mention of the Arabs in the law was negative, in order to cancel the status of the Arabic language (Tibi *apud* Knesset 2018n).[332]

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[330] Netanyahu's call to his cabinet came after Finance Minister Moshe Kahlon acknowledged that the law had been enacted "hastily" and that "we were wrong and we need to fix it" (Kahlon *apud* Landau, 2018).

[331] The March of Return, in Gaza, began on the 30 March 2018.

[332] A worthy exception among Zionist MKs was that of Esawi Frej, of Meretz, who recalled that Israel's disengagement from the Arab citizens was also felt "at the checkpoints, when budgets are allocated, at Ben-Gurion Airport, at the maternity ward with [MK Bezalel] Smotrich, everywhere" (Frej *apud* Knesset, 2018n).

On the contrary, Tzipi Livni stated she had no problem with the law declaring Israel as "the national home of the Jewish people", for as long as it declared Israel's commitment to equality for all citizens. She also added that if the equality clause had been added, the Zionist Camp would have voted favorably. According, Netanyahu did not want support from the opposition, because "he wanted to send a message to the Israeli public that he and his coalition colleagues were the dependably nationalist defenders of Jewish Israel" (Horowitz, 2018).[333]

Livni's pressure to add an "equality clause" to the bill or her promise to enshrine the Declaration of Independence as a Basic Law if the Zionist Union wins the next elections (Staff, 2018c) are, however, deceptive, as, in October 2017, Livni clearly stated she would approve a law that enshrined Israel as "A state in which only the Jewish people have the national right for self-determination" (Livni *apud* MEMO, 2017a). It is also crucial to remember that, while serving as Minister of Foreign Affairs, in 2008, Livni toyed with the idea of transference of Palestinian citizens once a Palestinian state was established:

> Once a Palestinian state is established, I can come to the Palestinian citizens, whom we call Israeli Arabs, and say to them 'you are citizens with equal rights, but the national solution for you is elsewhere. The idea is to maintain two states for two peoples, that is my path to a democratic nation (Livni *apud* Haaretz, 2008).

Netanyahu was quick to denounce the Left's objections to the law as hypocritical:

> Over decades the opposition has preached to us that we must withdraw to the 1967 lines in order to ensure that Israel remains the national state of the Jewish people in which there is a Jewish majority in the state. Then suddenly when we pass a basic law to ensure exactly this, the Left cries out in protest? What hypocrisy (Netanyahu *apud* Horovitz, 2018).

By the end of the vote, Arab MKs were removed from the Knesset, after tearing down copies of the bill. As they left, MK Ahmad Tibi confronted Netanyahu, asking him why he was afraid of the Arabic language, to which Netanyahu retorted "How dare you

[333] What we believe to be the inherent contradiction between the Jewish character of the state and democratic principles (and, consequently, the contradiction in Livni and the Zionist Camp's position towards this law) will be addressed in chapter 6.

talk this way about the only democracy in the Middle East?" (Netanyahu *apud* Lis and Landau, 2018).[334]

Adalah responded to the approval of the bill by calling it "a colonial law with features of apartheid" that "creates various avenues for segregation in land and housing" (Adalah *apud* Lis and Landau, 2018). Aida Touma-Suleiman, herself an MK for Joint List, penned an opinion article for *The Guardian*, where she claims the "Nation-State law" is "the final nail in democracy's coffin", one that codifies Jewish supremacy and tells Palestinians they do not belong in Israel:

> His [Netanyahu's] scornful words and chauvinistic disdain capture perfectly this law's repugnant spirit, and what being a Palestinian in Israel feels like: you are mere guests in our Jewish home, second-class citizens who should be thankful for the crumbs we so generously give you. For Netanyahu and his government, we are existential threats to be fought or internal enemies to be purged, never equal members in a democratic society. (Touma-Suleiman, 2018)

Following the approval of the law, an Israeli-Palestinian MK of the Zionist Union, Zouheir Bahloul presented his resignation from the Knesset, justifying with the fact that the law placed the "Arab population officially, constitutionally, outside the realms of equality" (Bahloul *apud* Staff, 2018a). Bahloul also accused the Knesset of being subjected to the whims of the government and of becoming "a rubber stamp of exceptional and racist legislation" (Bahloul *apud* Lis and Levinson, 2018).

Until December 2018, three petitions have been submitted to the Supreme Court, by Druze MKs, Meretz and Adalah. The Supreme Court has arranged to hear the case in January 2019 (Hoffman, 2018b). Following the presentation of the petitions, Shaked (*apud* Hovel and Shpigel, 2018) warned of an "earthquake" and of "a war between the authorities" if the Supreme Court decided to strike down the legislation on constitutional grounds, because the law was enacted as a Basic Law, and its constitutionality should not be disputed: according to Shaked, the law is the Constitution.[335]

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[334] According to Touma-Suleiman's testimony of the events in *The Guardian*, Netanyahu used the exact same reply when she confronted him in the Knesset's parking lot to tell him he "would go down in history as the first prime minister of Israeli apartheid" (Touma-Suleiman, 2018).

[335] In the past, the Supreme Court has demonstrated considerably difficulty in overturning Basic Laws. The closest it got to it was in 2017, when it rejected an amendment to the Basic Law: State Economy, which would have allowed the Knesset to approve a 2-year budget as an emergency measure (instead of the regular annual budget).

During an emergency session of the Knesset, held in September 2018, to debate "Justice Minister Ayelet Shaked's attack on the High Court of Justice and the danger to democracy", MK Yachimovich (former leader of the Labor party) said that he suspected that Shaked's "speech of slander and incitement against the Supreme Court was not only intended to scare the justices and cajole them into rulings that are to your liking". He feared that she was "knowingly planting the seeds that will prepare the groundwork for the dismissal of the Supreme Court justice and the dismissal of the Supreme Court president" (Yachimovich *apud* Wootliff, 2018c).[336] Shaked replied that the members of the opposition did not want a strong, independent Court, but a subservient and tamed one (Knesset, 2018o).

Palestinians in Israel started organizing protests even before the final, albeit imminent, approval of the law, but these started to gain momentum in July. Facing popular protests, especially after a rally in Tel Aviv that gathered around 30,000 demonstrators, Netanyahu used the opportunity to pose them as a threat. In a tweet, Netanyahu posted a video of the demonstration, where many were seen waving Palestinian flags, and wrote that

> We have [here] conclusive evidence of the opposition to the existence of the State of Israel and the necessity of the nation-state law. We will continue waving the Israeli flag and singing Hatikva with great pride. (Netanyahu *apud* Pileggi, 2018)

The following day, during a cabinet meeting, he added:

> Yesterday we saw PLO flags in the heart of Tel Aviv. We heard the calls: 'With blood and fire we will redeem Palestine.' Many of the demonstrators want to abrogate the Law of Return, cancel the national anthem, fold up our flag and cancel Israel as the national state of the Jewish people and turn it – as their spokespersons said – into an Israeli-Palestinian state, and others say: A state of all its citizens. It is for precisely this that we passed the nation-state law […] Now it is clearer than ever that the nation-state law is also necessary to ensure the future of the State of Israel as the national state of the Jewish people. We passed this law and we will uphold it (Netanyahu *apud* Pileggi 2018).

For Miri Regev, the waving of Palestinian flags also posed a problem, as "there cannot be a situation where Palestinian flags are being waved in Tel Aviv", she stated,

[336] Before the special session, during a radio interview, Shaked admitted that she appointed judges (300 for the various levels of the judicial hierarchy since 2015) who were "more conservative". According to the Justice Minister, "the most important thing is the identity of the judges. I advance people whose world outlook is more conservative. Most the country's citizens can see that for the first time there is an effective justice minister who implements the right wing policies" (Shaked *apud* Winer and Staff, 2018a).

while promising to take the situation to the Attorney General. Regev also complained about the fact that "the left has joined up with Arabs" (Regev *apud* Pileggi, 2018).

Later that month, while another event – an Arab-Jewish conference to discuss the law - was being organized in Haifa, Regev asked Attorney General to instruct the city's mayor to prohibit the event "to prevent the rental of the public stage for a political/party and/or fifth column [purpose] in the service of those who wish us ill, who undermine our existence" (Regev *apud* Shpigel, 2018b).[337]

In reality, besides the presence of several political leaders from the Joint List, only MKs from Meretz and two others from the Zionist Union, Miki Rosenthal and Zouheir Bahloul (the latter an Israeli-Palestinian himself) attended the demonstration. Avi Gabbay, head of the Zionist Union, stated that while he rejected the law, he would not make an appearance since the protests would include Palestinian nationalist elements and he "can't go to a protest where they are calling for the 'right of return'. I can go to a protest that calls for equal rights" (Gabbay *apud* Pileggi and Staff, 2018).

Tzipi Livni, the leader of the opposition, justified her absence from the protest because some of the members of the Joint List did not share her view that Israel is the nation-state of the Jews. Another MK from the Zionist Union, Robert Tiviavev, stated that the waving of Palestinian flags was unjustifiable and that the "Joint List is strengthening the extreme right and harming the state of Israel" (Tiviavev *apud* Peleg *et al.,* 2018a).

In fact, compared to the Druze protest organized in Tel Aviv only a week before, the Israeli-Jewish population, in general, showed a lot more contempt and a lot less support.

The Israeli-Druze community in Israel, around 136,000 people (1.7% of the total population of Israel), have always maintained a distinct relationship with the State than the one maintained by rest of the Israeli-Palestinian population. Since 1957, that the State recognizes the Druze as a separate ethnic and religious group, and they maintain their autonomous religious courts for matters of personal status.

[337] The city's mayor, Yona Yahav, responded by saying that the organizers of the event had paid full price for the venue and that there was no need for intervention (Shpigel, 2018b).

Since 1956, however, unlike what happens with the majority of the Palestinian population in Israel, the Druze have been part of the State's military conscription. Until 1982, when all units were formally open to them, Druze soldiers used to serve in non-Jewish units. Druze's acquiescence to serve in the Israeli Defense Forces is usually described as a "blood covenant" or "blood pact", following a Druze tradition dating back to the 11th century of "political loyalty to the ruling regime". According to this tradition, Druze focus on the afterlife rewards limits their earthly aspirations for national autonomy (IA Task Force, 2018). However, Druze collaboration with Israeli forces already in 1948 can also be explained by the rupture between Arab nationalists and Druze leaderships in Palestine, in 1942, when the Muslim Waqf took control over Jethro's Tomb, one of the holiest places for the Druze community (Atashi, 2001).

According to data from February 2018, over 80% of Druze men serve in the military and, of those, 60% serve in combat units. These numbers are considerably higher (in terms of population proportionality) than those of Jewish soldiers[338]. As of 2017, 421 Druze men had died while serving in the IDF since 1956 (Mackie, 2018).

While the Druze population shows the highest levels of identification with the Israeli state out of all the Arab groups, frustration has been growing during the last few years for what the Druze perceive as a lack of reciprocity by the State. In reality, despite the Druze willingness to detach themselves from Israel's Palestinian population, their levels of underdevelopment are very similar: the poverty rate among the Druze is around 40%, not much different than the 48% poverty rate among the Palestinian community in general. In the case of higher education diplomas, Druze fare even worse than the overall Palestinian society: only 6.7% of the Druze population holds academic degrees, compared with 11.6% of the Palestinian population in Israel (IA Task Force, 2018a; Sadeh, 2018).

Three Druze MKs, all from Zionist parties, Akram Hasson (Kulanu), Saleh Saad (Zionist Union) and Hamad Amar (Yisrael Beiteinu) were the first to file a petition to the Supreme Court to revoke the law as unconstitutional. According to the petition, the "Nation-State law" transformed the Druze community, and other Palestinian citizens of Israel, into second-class citizens, and was "a terrible blow to the Druze sector, a terrible

[338] Despite military conscription, it is estimated that only 50% of the Jewish Israelis serve in the IDF (Sadeh, 2018).

blow to democracy and a terrible blow to Zionism. The Jewish Nation-State Law disproportionately and unreasonably harms [all minorities, turning them] into exiled people in their own homeland" (Bob, 2018).

The discourse of Druze representatives and officials is considerably different than that of Israeli Palestinian and denotes the willingness to please the Israeli Jewish majority and to blend their very (limited) claims with the Jewishness of the State. For instance, MK Akram Hasoon, when defending the petition to the Supreme Court, stated they would do everything to stop the law, and that they would do so, "not only for my community, but mainly for the image of Israel and the people of Israel" because "the law first and foremost hurts my brothers the Jews" (Hasoon *apud* Lis and Hovel, 2018).

Furthermore, while Israeli Palestinians concerns lie with the implications the law has on equal citizenship for all, irrespective of their contribute to the State, the Druze rejection of the law reveals a strict concern for the implications it has on the rights for non-Jewish citizens serving in the IDF: in other words, citizenship and equality are treated as rewards and not as rights. MK Saleh Saad stated this idea explicitly: "for the Druze public, which gives of its blood and its sons for the State of Israel, the nation-state law is spitting on our face" (Saad *apud* Staff, 2018b). In Saad's opinion, though, Druze discrimination despite their military service, was not a consequence of the state's character, as, in his opinion, "it is important that the state remains Jewish, but not at the expense of democracy" (Saad *apud* Tvizer and Rubinstein, 2018).

Imad Fares, a Druze Brigadier General who was part of a group of over 100 reserve Druze officers who protested against the "Nation-State law", stated that while the feeling of inequality was always present among the Druze, "in the street", the community "always believed that someday we would be (treated as) equal, but now when it's enshrined into law (this thought) looks farther than even" (Fares *apud* Tvizer and Rubinstein, 2018). Another Brig. General, Amal As'ad, reminded that the Druze "encourage the fact that Israel is a Jewish state even prior to its establishment and we will continue to do so with or without a law" (As'ad *apud* Tvizer and Rubinstein, 2018).[339]

[339] Brig. General Amal As'ad was referring to the participation, already in 1948, of the Druze in the IDF Sword Battalion.

According to Rabah Halabi, a Druze scholar whose academic work revolves around Druze identity in Israel, the "Nation-State law" may prove to be an important development for the community for it shattered once and for all the Druze illusion that their loyalty to the state would translate into integration and equality:

> Putting matters in a legal framework does not harm us because it does not change the reality of our lives, anyway. All the more so, the law is good for us […] because it establishes the discriminatory, and even racist, reality in a basic law so we will no longer be forced to exert ourselves to prove our claims about institutionalized discrimination […] The law is good for the Druze because it puts an end to the delusion of having a shared fate, 'the covenant of blood,' or 'covenant of life,' and the rest of the hollow clichés. It is good for us because it is a form of a ringing slap in the face for anyone who still holds on to the Israeli illusions and that of equal and full citizenship – a slap that could cause them to recognize the situation correctly. (Halabi, 2018)

Whereas Israeli Palestinians concerns were dismissed as nonsense, Netanyahu met with Druze representatives in late July and stated the governments was open to adopt plans aiming at the development of the community. However, amendments to the "Nation-State law" were automatically rejected.

Among these plans to compensate the Israeli Druze, Netanyahu promised to ease the demolitions of "illegal" homes in Druze villages and towns (MEMO, 2018c)[340] and to pass a law to strengthen the status of the Druze and Circassian communities, by "enshrining eligibility for the benefits of minority members of all religions and communities who serve in the security forces, for the purpose of closing gaps and promoting social equality." The government's proposal was immediately accepted by the Druze spiritual leader, Sheikh Muwafak Tarif, while others, namely Druze council heads, accused the government of trying to implement a strategy of "divide and conquer" (Lis *et al.,* 2018).

As a *Haaretz* editorial (2018b) pointed out, the "compensation plan" proposed to the Druze proves that the law indeed infringes on the equality of the non-Jewish citizens of the State. The Druze decision to take up the offered compensation injures the Israeli Palestinian minority, while retaining a flimsy image of equality for the Druze "brothers of blood".

[340] House construction in Druze communities is just as restricted as it is in any Palestinian village. Unable to get building permits, most Palestinians (and Druze) are forced to build their homes illegally and risk their later demolition by the State.

The same contempt was visible during the large Druze protest on 4 August 2018, with 50,000 participants. Anshel Pfeffer, a reporter for *Haaretz* present at the protest, described it as "the most polite protest" he ever attended in Israel, a rally against the "Nation-State law" where the Druze "were careful to remain totally within the national consensus" (Pfeffer, 2018b).[341]

The development of the Druze protest within the limits of the Zionist consensus explains the presence of members of the Zionist Left and Centre in the attendance. Tzipi Livni, for instance, one of the speakers at the rally, stated that

> Our (Zionist Union) message is very clear – we are for the spirit of the Declaration of Independence. This is a government that splits the Declaration of Independence in two, it doesn't give equality to the LGBT community nor to the Druze minority. (Livni *apud* Peleg *et al.,* 2018)

Israel's Chief Rabbi David Lau also demanded amendments to be made to the "Nation-State law". In his opinion, while the law was generally-speaking "excellent", it jeopardized the rights of the Druze community, one that has "stood with us for so many years" (Lau *apud* Attali, 2018).

The support of the Israeli Jewish public and of Zionist leaders to the Druze protests was significantly different from the one paid to the Israeli Palestinian demonstrational that took place on week later, also in Tel Aviv. Chalev (2018) noted how even the humor of the police changed from one to the other, with Border Police called to reinforce security during the latter.

> For the Arabs, emotions are more charged. Their wounds are graver and their scars deeper: They're not the product of this or that law, and won't heal quickly or easily […] Unlike the Druze, Israeli Jews don't view Arabs as 'blood brothers'. Despite being caught for decades between an Israeli rock and a Palestinian hard place, notwithstanding the remarkable restraint they've shown relative to their predicament, for many, if not most, Israeli Jews, the Arab minority remains a fifth column in waiting. (Chalev, 2018)

[341] A similar assessment was made by Khelil Bouarrouj (2018) on the LGBTQ+ protest against the rejection of a law by the Knesset that would have allowed surrogate births for same-sex couples. The law was rejected during the same Knesset session when the Nation-State law was adopted but, as it usually happens at LGBTQ+ rallys, strikes and protests in Israel, the LGBTQ+ community – or, more specifically, those who take part in these events – detach themselves from the Palestinian question. In fact, several articles and organizations have already denounced the attempts to "pinkwash" the occupation: the use of LGBTQ+ rights (ironically absent in Israel) to mask Israel's violation of human rights. See, for instance, Khoury (2017) or Schuman (2011).

Unlike the Druze, Israeli Palestinian opposition to the new law does not avoid clear, political demands, nor is it limited to the lack of "equality" from the terminology of the law or the transformation of Arabic into a mere "special status" language. Israeli Palestinians reject the definition of Israel as the nation-state of the Jewish people.

The different types of opposition to the "Nation-State law" are also reflected on the criticism verified in political commentary. We identify two different types of criticism surrounding the adoption of the "Nation-State law". While a superficial reading of these might suggest that all advocate the revocation of the law, a closer look indicates that they come from different readings of Israeli society and political structure.[342]

The first type of criticism deems the law as unnecessary, especially because they see no threat to Israel as a Jewish state. According to these, the law represents an exploitation of Israel's fear of annihilation for immediate political needs, and Netanyahu's rulings are usually portrayed as an exceptionally aggressive phase in the history of the relations between the State and the Palestinian citizens. In this sense, the "Nation-State law" represents a rupture with a fully democratic state that catered to all its citizens in equal terms.

Moshe Arens, a former MK for Likud and former Minister of Defense and Minister of Foreign Affairs, rejected the necessity for such law because the fact that "Israel is a Jewish state is too obvious". Furthermore, he argues, "one of Israel's greatest achievements is that it is functioning as a democratic society providing equality to its Arab citizens, while surrounded by hostility". Israel's Arab citizens are the only ones among the many millions living in the Middle East that "who have had the opportunity to live in a free, technologically-advanced economy that provides the academic, economic and social opportunities that only such a society can offer".[343] Therefore, the law is harmful because

[342] These do not include political commentaries that criticize the law for not being strong enough. That is, for instance, the case of Glick's article (2018) where she argues that the law "does nothing new and says nothing new". According to her, the problem with the bill is not the Right's argument that Israel's Jewish character is under attack - that she believes it is correct - but the fact that its language is "weak and declaratory" and that it might serve as a tool for Israel's detractors and, in particular, "the radicalized Zionist Left".

[343] Arens also compares the situation of Israel's Palestinian citizens with that of those living in the Occupied Palestinian Territories, who live under the partial control of the Palestinian Authority and Hamas. He does not however mention the occupation as an explanatory factor for the differences in rights and economic development.

it can be instrumentalized by “extremist among Israeli Arab politicians” who want to “prevent the successful integration” of Palestinian citizens (Arens, 2018).

Other critics tend to hide behind what they believe to be the liberal traditional of Zionism and the promises for equality assumed in Israel’s declaration of independence. They do not, however, challenge Israel’s definition as a Jewish state.

Mordechai Kremnitzer (2018), for instance, argues that the law conflicts with the promise made during the establishment of the State to develop the land of Israel for all its people. Referring to the law’s commitment to Jewish settlement, Kremnitzer argues that “the state does not need a constitutional provision in order to settle Jews; it only needs it in order to discriminate against non-Jews and segregate them”. Kremnitzer’s arguments against the discriminatory laws, however, always draw on the uniqueness of the Jewish people and the invariable Jewish character of the State. In 2010, while criticizing the Loyalty Oath bill, Kremnitzer (2010) stated that “given the events of Jewish history, there is no nation in the world that has greater justification for having a nation state in its historic homeland than the Jewish people”.

The same opinion is shared by Roger Alpher (2018) who claims that the law erases the Declaration of Independence. For Alpher, the law is not a response to Arab subversion against the Jewish identity of the State, but a response by the majority of the Jewish public in Israel to the creeping feeling that the occupation will not allow Israel to remain a Jewish and democratic state. Alpher finishes off the article by stating that the Labor and Likud monopoly over governments condition Israel as a democracy, as well as the potential for a personality cult: “Hebrew is the language, ‘Hatikvah’ is the anthem, and Netanyahu is the government”.

According to Yedidia Z. Stern (2018), the law disrupts the balance “between the particularistic and universalist aspects of the Zionist enterprise”. This balance – enshrined in Israel’s Declaration of Independence – is the capacity of the Israeli state to maintain “an honorable and moral position without diminishing our national stature”. The “Nation-State law”, therefore, turns Israel into “the only democratic nation-state in the world that does not guarantee the equality of all its citizens”. Stern does not explain, however, how a state that codifies the subordination of its non-Jewish citizens can still be labeled as “democratic”.

Others, on the other hand, while criticizing the "Nation-State law", placed on the Palestinian minority the responsibility to devise strategies to circumvent it. Hecht (2018), for instance, while describing the law as "abominable" and the Israeli state as in route to *apartheid*, suggests that Arab MKs should "swallow hard and accept the Law of Return and the fact that Israel within the 1967 borders is the national home of the Jewish people worldwide". In Hecht's opinion, then, the only way to resist the Israeli creeping *apartheid* is for Palestinians to accept the normative basis that sustains their inferiority (and their absence as an indigenous collective) in relation to Jews, citizens or otherwise.

As Abd Al-Hakim Mufid, a member of the Islamic Movement in Israel and of the Higher Follow-Up Committee, argued, the acceptance of Israel as a Jewish state was an impossible move because it "means closing the refugees' file":

> To approve or accept the Jewish state is to finally absolve Israel for its responsibility for the displacement of the Palestinians. Ultimately, the Jewish state can only exist at the expense of the Palestinians. (Mufid *apud* Rekhess, 2014: 2013)

Despite the title of the article ("Jews and Arabs, unite, the nation-state law poses an existential threat") Hecht does not explain how the "Nation-State law" constitutes a threat to the Jewish majority (whereas the consequences for the Palestinian minority are obvious) and also does not explain what efforts should be made by "Palestinians' Zionist allies" to fight the law.

But, perhaps, no other commentary is as more illustrative of this strategy of blaming of the Palestinian minority for the degeneration of their status in Israel than Zvi Bar'el's (2018) article "Arab, speak Arabic". While complaining that "Arabs are speaking a Hebraized Arabic to each other", and that conversations between them "resemble conversations between Hebrew-speakers and new Jewish immigrants", Bar'el concludes that Arabic's new status as a mere special language is the fault of the Palestinian native population:

> Arabic's status is closely linked to the Arab community's status. And an Arab who isn't willing to fight for his language's prestige in his own community can't then complain about his language's inferiority nationally […] If Israel's Arabs are ready to leave it to liberal Jews to worry about their identity, they shouldn't be surprised by the state that things have come to. (Bar'el, 2018)

A similar article was written by Salman Masalha (2018). While the author claims the new law has several intolerable clauses and, among those, the one stipulating Hebrew

as the State's only official language, Masalha also holds Palestinian MKs accountable for this process for, in his opinion, they should give all their Knesset speeches in Arabic. As it turns out, their failure to do so is part of a larger problem among the Arab population, for "the Arabs themselves belittled Arabic's status".

Not only Bar'el's article reveals his ignorance or disregard for the conditions in which the Arabic language was treated even before the adoption of the "Nation-State law", it also ignores the processes through which the colonizer manages to transform the language of the natives into an obstacle to their humanization, a symbol of their inferiority. One only has to read Fanon's essay on "The Negro and the Language" to understand how fluency in the language of the colonizer is perceived by the oppressed as a means to escape his inferior condition:

> Every colonized people – in other words, every people in whose soul and inferiority complex has been created by the death and burial of its local culture originality – finds itself face to face with the language of the civilizing nation; that is, with the language of the mother country. The colonized is elevated above his jungle status in proportion to his adoption of the mother country's cultural status. He becomes whiter as he renounces his blackness, his jungle. (Fanon, 1986: 19)

The rejection of Arabic is not only felt at the institutional level: in the last few years, there were quite a few incidents surrounding the public use of Arabic. In November 2016, a transportation company operating in Beersheva halted the PA system announcement in Arabic, following complaints on social media (Zikri, 2016). That same month, a café in Haifa – a mixed city – tried to prevent its employees from speaking Arabic among themselves or with customers (Khoury, 2016).

One year later, billboards promoting the popular Israeli TV show "Fauda" were taken down for displaying messages in Arabic (that were not translated into Hebrew) and caused widespread hysteria among Jews (Stern and Shpigel 2017). In February 2017, a Palestinian man who was present at a shooting in Petah Tikva was beaten by a mob because he warned the others to take cover by screaming in Arabic, and was mistaken by a terrorist (Shaalan, 2017). According to 2006 data, almost 31% of the Jews said they were afraid when they heard Arabic being spoken on the street (2012: 19).

This does not come as a surprise when, in 2017, over 73% of Israeli Jews admitted that they are completely unable to converse in Arabic (Hermann *et al.,* 2017:

197).[344] Despite having had, until 2018, the same formal status as Hebrew, Arabic teaching in Israeli Jewish schools is practically nonexistent, falling even behind English.[345] As Uhlmann (2010) pointed out in his research, Arabic is taught as if it were a textually bound, dead language, and most Arabic teachers in Jewish schools are not even sufficiently proficient to teach Arabic classes in Arabic. Arabic learning is only introduced to Jewish students in the seventh grade, and it is presented as a second foreign language that students can choose over French.

The other type of criticism digs deeper into the Zionist tradition of discrimination against the Palestinians and thus is not as shocked with the adoption of the "Nation-State law". Ben White (2018) directly attacks Kremnitzer for stating that the new law marks the end of Israel as a democratic state. White argues that the new law is only the last step of "decades-old institutionalized discrimination, which can be traced all the way back to the Nakba". According to Cooper (2018) the dilemma between a refuge for Jews and a Jewish ethno-state is central to Zionism: "If you are justified in seizing some land in one's ancestral homeland — and make no mistake, that is what happened when Israel was created — why not take more?".

Michael Omer-Man (2018b) stated that the law constitutionalized a "twisted and exclusionary social contract" and removed consent from Palestinian citizens. He points out, however, that governing without consent has been the rule, not the exception. Shlomo Sand, an Israeli historian famous for his research on the identity politics of the Jewish people, faced with the general outcry against a law portrayed as a violation of traditional Zionism, argued that the current "Nation-State law" is the legitimate offspring of Zionist tradition, and wondered:

> Did any of the people protesting against the law ask himself whether the Zionist enterprise could have come into being without ethnocentric politics, which are journalistically and popularly known as racism? In other words, had Zionist

[344] According to the same poll, the percentage of Palestinians in Israel who are not fluent in Hebrew is only 4%.

[345] When the state of Israel was established, several of the laws of the British Mandate were adopted. One of them was the "Order in Council", published on 14 April 1922, which established that "all ordinances, official notices and officials forms of the Government and all official notices of local authorities and municipalities […] shall be published in English, Arabic and Hebrew". In May 1948, an amendment was introduced to the legislation by the new State repealing the compulsory use of English (Amara, 2017: 53-54). This meant that, until 2018, Hebrew and Arabic enjoyed the same status in Israel, even if the State had not until then, ever established an official state language.

> leaders from the early 20th century onwards not made sure their settlements would be purist and not tried to ensure that the Arab natives wouldn't be included in plans to "make the desert bloom," would the infrastructure for constructing an exclusive Jewish society ever have arisen? (Sand, 2018)

For Davis, the law

> Removed the veil awkwardly covering the core of Israeli apartheid […] confirming the reality it has historically denied in bad faith, namely: that Israel was established as an apartheid State at core anchored in the crime-against-humanity of the ethnic cleansing of Palestine. (Davis, 2018)

According to Fady Khoury, Adalah's attorney who argues that apartheid is a process that has been taking place in Israel, the "Nation-State law" is the culmination of

> The contradiction between the fundamental identities of the state as Jewish and democratic. What we are seeing now is Jewish identity encroaching more and more on the social and political life of Israel's citizens, while the 'democratic' identity of the state is experiencing a regression. (Khoury *apud* Konrad, 2018)

For Gideon Levy (2018b) the law is truthful because it puts "an end to the farce about Israel being 'Jewish and democratic'", a combination, he sustains, "never existed and could never exist". In a previous article, from March 2018, Levy had already denounced what he called the Zionist Left's "genetic structural problem": the in-built contradiction between the Zionist Left parties' ideological self-identification and Zionism. For Levy,

> As long as it [the Zionist Left] sticks to its Zionism and as long as that Zionism is by definition a non-egalitarian ideology, which deprives, dispossesses, evicts and occupies, grants privileges to only one part of the country's residents and not the other – that left cannot be a left. It's merely a softer, more moderate right, a more restrained and liberally-styled version of the nationalist right. (Levy, 2018a).

For Levy, this betrayal of leftist values is obvious in the Labor Party, but also in Meretz, a party that still defines itself as Zionist.

In an opinion article written in 2017, *Haaretz* journalist Anshel Pfeffer had already made the same accusation, by pointing out what seems to be the attempted detachment of the Zionist Left from the occupation. In fact, he reminds the readers how the first settlement in the West Bank, Kafr Etzion, established only three months after the 1967 war, was established by Labor prime-minister Levi Eshkol and how, despite the fact that many of the new settlers national religious, many in Labor movement saw them as "proxies, fresh versions of their young selves" (Pfeffer, 2017b).

The same had been espoused by Haneen Zoabi, in an interview for Al Jazeera, right before the 2015 elections. In it, Zoabi showed contempt for Leftist and Centrist Zionist parties, suggesting that the Zionist Camp had the power to maintain the *status quo* (by wanting "to satisfy the international community without solving the Palestinian problem or making any dramatic policy changes") that, by itself, could be even more dangerous than a right-wing government (Zoabi *apud* Strickland, 2015a).

Referring to the refusal of Zionist parties to debate the adoption of a law enshrining Israel as a state for all its citizens, Gurvitz (2018) argues, that the debate would have raised troubling questions, such as the inherent incompatibility between democracy and Jewish supremacy in Israel, and what is exactly a "Jewish state", as Lieberman's concern about a "halachic state" demonstrated:

> But what is this 'Jewish state' all about? Embarrassingly, the parties which disqualified the bill can't seem to agree on that. But on one point, all these parties can agree: Be the Jewish state what it will, whatever face it will wear, it will not be the state of the Israeli Palestinians, and its features will never reflect theirs. (Gurvitz, 2018)

From our interview with Michal Biran, an MK for the Zionist Union, in July 2016, we draw the same conclusions. Miran admitted that, as a coalition, the Zionist Union was doing "obviously not enough" to improve the situation of the Arab minority in Israel, even if there are some people in the party, such as herself, who are concerned about issues regarding funding improvement and employment in Arab communities. Biran did not see a contradiction between the definition of Israel as a Jewish and democratic state, and mentioned several times that the discrimination of Arabs in Israel was not a result of the legislation, but of "reality".

When asked directly about the Citizenship and Entry into Israel Law, which she voted against, she said that while it was normal that "people want to live together, there is no way to stop it" because she "cannot imagine a public discourse where people talk about the Palestinians' right to live together".

While Biran was open to our first part of the interview, sticking to the official Zionist Left discourse, and even pinpointing the right-wing government as "the only one threatening the legitimacy of Israel", and Likud's MKs competition on "who is going to be

the most racist", her positioning changed when we confronted her with Herzog's (Labor party's leader between 2013 and 2018) description of the Palestinians as an existential threat. Not only she dismissed his declarations, when asked about what can be considered an "existential threat" in Israel, her response was not too far from the right-wing government she accused of racism:

> Not having a Jewish majority [is an existential threat]. I am very happy, I don't want to live in Ramallah, because Israelis do not share any values with them [the Palestinians]. I am a left-winger. When I meet with Palestinians abroad I tell them, because of the way they treat women, LGBT rights, freedom of speech, freedom of prayer, ok? For me, the one state solution is a huge problem because of losing the Jewish majority.[346]

When asked directly if she saw any tension between a Jewish state and democracy, Biran replied that she did not think there was a conflict, and that, as a secular Jew, as she self-identified, "I don't think you can be Jewish without being democratic in this era".

As a secular Jew, one would expect Biran to have a stronger position concerning the role of the religious establishment in the state of Israel. However, when asked about the possibility that a "nation-state law" could enshrine Jewish law as a source of inspiration for legislation and judges in Israel, Biran's reponse turned defensive. Once again, she defined herself as a Zionist and argued that she had "every intention of keep being a Zionist", and could not offer a response to my question that went beyond the Zionist narrative that we have previously analyzed:

> I think the Jewish people deserve to have a state. It there is not any anti-Semitism in the 300 or 400 years there will be no need for a Jewish state. Maybe the term 'Jewish' will be transformed. Bur, as we speak… you wouldn't want to live in Egypt. You wouldn't! And you wouldn't go to live even in Lebanon. You wouldn't do that! And I want to live in a Jewish state […] And you don't have perfect solutions, but saying that this is the home of the Jewish people… I like that […] I don't think you should give up your own history and culture just to have a politically correct solution.

Biran was one of the MKs who, in 2018, voted against the adoption of the "Nation-State law". Back in 2016, she believed that "They [the government] don't want

[346] Interview conducted by the author to Michal Biran, in July 2016.

the bill to pass, it's a declaration", and argued that "it's a boring debate, because you know nothing is going to happen". She was clearly wrong.

In a *Haaretz* column, Israel Harel (2018a) emphasizes that this debate is as old as the Zionist movement itself, and that even "when spirits were inflamed over the 'who's a Jew' issue, there was total consensus that in Israel the Jewish nation and only the Jewish nation can realize its self-determination; that the state is the Jewish nation's state, not the state of all its nations".

Thus, the popular consensus on the Jewish character of the State has to be taken with a grain of salt: mistakenly, it seems to tell us that there is homogeneity in what type of state the Jewish citizens of Israel want when, in fact, it only tells us what they do not want: a bi-national state with full equality for all its citizens. At the end of the day, however, the nature of a Jewish state remains unsolved.

The Israeli case and the securitization of its Jewish character is testament to the argument that securitization does not necessarily include the adoption of exceptional measures through hastened debate. In the first phase of the State, we have witnessed what Kempt (2004: 81) described as the "territorialization of the language of law", so that the State could demonstrate it did not institutionally discriminate between populations, but between areas and territories. The Military Rule to which the Palestinian citizens of Israel were subjected to until 1966, despite its exceptionality (both because it made use of emergencial legislation to be implemented, and because it turned into a permanent condition for almost 20 years), followed this logic, by creating two distinct systems within the same State.

The end of the Military Administration, however, demanded the State to shift approach towards the control of the minority, by making use of procedural norms of democratic regimes (while rejecting substantive norms of democracy) to curtail the rights of the minority and constrict their active participation. In other words, the long process of securitization of the State, from 1966 onwards, cannot be pinpointed by moments of critical decision, that breach "normal procedures of practice", but by "a myriad of decisions in a process that is continuously made and remade" (Huysmans, 2011: 376). The

period under analysis, therefore, reveals a combination of seemingly neutral legislation and policies that often employ non-neutral criteria (such as the Admission Committees Law and the Loyalty bill), and others who openly aim at preserving Jewish dominance and halt Palestinian rights, such as the "Nakba law", the Citizenship and Entry into Israel law and, most recently, the "Nation-State law" of July 2018.

On the other hand, it is important to take into account the legislation adopted during the formative stages of the Knesset, especially those regarding citizenship rights, such as the Law of Return (1950) and the Citizenship Law (1952), for they set the basis for the distinction between rights *to* the land (granted to Jews) and rights *in* the land. Or, as Rouhana and Sultany (2003: 17) choose to put, the difference between citizenship and mere residence:

> Citizens have rights over their homeland. Residents, by contrast, cannot claim such rights but have limited rights enabling them to reside, work, and pursue an education in the country. Apart from the right to vote (of limited effectiveness in terms of influencing Israeli policy), the status of the Arab citizens is now very much like that of noncitizen residents in democratic countries. Indeed, their status in many respects is worse, insofar as they are treated as unwanted and, on some issues, such as land control, even as enemies. (Rouhana and Sultany, 2003: 17)[347]

Furthermore, while Palestinian citizenship was already restricted in a Jewish state, the post-Second Intifada phase is marked by the imposition of new limits to citizenship and democracy, opening the path for what Rouhana and Sultany (2003: 10) call the "new hegemony", a reinforcing cycle where Palestinians are citizens without citizenship, and their opportunities to change the system are increasingly restricted.

Therefore, according to Brubaker's account, the Israeli state is a nationalizing state, where the Jewish majority is able to foster policies that favor Jewish citizens (and even Jewish non-citizens), at the expense of the Palestinian indigenous population. Rouhana and Sultany (2003: 19-20) argued that the changes being produced in terms of Palestinian rights were made "in ways not dramatic or abrupt enough to disrupt Israel's democratic image abroad of its own comforting illusion about itself as 'Jewish and democratic'". While this was possibly true at the time the article was written, in 2003, we

[347] Despite more pronounced since the second Intifada, the idea that the Jewish people have na historical right to Palestina whereas the Palestinian population had only residential rights can be traced back all the way to Herzl's thinking (Coskun, 2010: 288).

feel that line has already been crossed, and the outcry over the non-democratic nature of the "Nation-State law" is an obvious proof of that.

For Muhammad Zidan, former Chair of the Arab High Follow-Up Committee, the present time – and the attempts to reinforce the Jewishness of the State - is "the most dangerous in our history since 1948". Therefore, "we must be very alert when we cope with the danger, and we must not minimize it and think that the developments are purely a formality" (Zidan *apud* al-Saleh 2009: 5). Still, it is striking that when it comes to evaluate the relations between Jews and Palestinans in different contexts, the Palestinian community is, in general, much more optimisti,[348] and 76.6% outright rejected separation as the way to preserve Arab identity. For Jews, however, a majority of 52.5% believed, in 2017, that most Arab citizens were "unreconciled to the state's existence and support its destruction" and 53.3% supported the idea of separation as a solution to preserve Jewish identity. Almost 60% of them admitted they avoided entering Arab localities in Israel (Hermann *et al.*, 2017: 187, 89).[349]

At the moment, the Palestinian minority is perceived as an existential threat to the existence of the State and to the maintenance of Israel as a Jewish state: the lines between the physical, ideological and symbolic existence of Israel are often blurred, as the State lives, since 1948, in an uninterrupted state of emergency, whose maintenance demands a continuous production and reproduction of internal and external threats. It also draws its strength from the very human need to feel safe and secure, even when it is clear that a total secure existence is an impossible goal to achieve.

Thus, in Israel, risk and insecurity are often blurred: the development of a security agenda based on risk means, as Krahman (2011: 356) has argued, that security can never be attained, as zero risk does not exist, and the concept of risk inherently means "constant demand" and "requires permanent analysis, assessment and mitigation". In 2017, 98.3% of Israeli Jews agreed that it was important for the state of Israel to be strong in terms of security (Hermann *et al.,* 2017: 182).

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[348] See, for instance, Jewish and Arab takes on the relations in the workplace: only 4.4% of the Palestinians stated that the relations in mixed workplaces were not good or not at all good, while the percentage of Jews giving the same answer is of 9.4% (Hermann *et al*., 2017: 191).

[349] Furthermore, only 29% of Israeli Jews support the idea of Arabs buying land anywhere in Israel and 24.7% declare that Arabs should not be able to buy land in Israel at all (Hermann *et* al., 2017: 175).

For Peled (2007: 357), “the impairment of the Palestinian citizens’ rights is not really a (justified or unjustified) price to be paid for achieving other goals – security, demography, or whatever – it is the *very goal* of the measures taken since October 2000”. While it is true that some of the measures adopted against the Palestinian citizens of Israel do not serve a security purpose – such as the Nakba Law – we believe that the security discourse in which they are debated should not be underrated, for they serve the purpose of building a consensus about the dangerous nature of the minority that does not exist around many central issues in the Israeli state.

It is this link between the deep securitization of the State (Abulof, 2004a) and the lack of social cohesion among the Jewish communities that we will explain in the next chapter.

5. SECURITIZATION AS A NATION-BUILDING TOOL

We have seen the role that the Zionist colonial mindset played in the construction of the pioneer in opposition to what was portrayed as the underdeveloped Palestinian native population. Similarly, we have also discussed how the creation of an Israeli sense of perpetual victimization (aided, since the 1970s, by Israeli's capitalization on the memory of the Holocaust) has contributed to the enhancement of generalized feelings of fear among Israeli Jews.

As we have exposed in our conceptual and theoretical framework, all collective identities (and national identities are no exception) are developed in a context of opposition - even if not always hostility - with a perceived external "other". In the cases of strong states, most often than not this "other" is the one that inhabits on the other side of the border: societal and physical borders are usually congruent due to long processes of state- and nation-building. In the Israeli case, which we argue is a weak state, the Palestinian "other" that inhabits within pre-1967 borders is both a reminder that the country is not as demographically Jewish as Zionist leaderships would want it to be, but also a memento of the existence of millions of other Palestinians who live across the Green Line, the embodiment of a border that exists and disappears systematically depending on who is crossing.

It is not our goal to set apart Israeli collective identity from all the others, in the sense that we acknowledge that this process of differentiation exists in any other state, for as long as national identities are construed and reproduced. What interests us in the Israeli state is the extent to which Israel's transformation of its Palestinian minority (and the Palestinian population in general) into a threat functions as the main source of collective cohesion.

As we have discussed in the first chapter, national identities, like any other form of collective identification, are the product of a collectivity's self-image and a socially-shared set of ideas through which the nation imagines itself:

> [National identity] comprises the collective memories, norms, values, beliefs, and ideals (not all of which need to be endorsed by all the members all the time) that are generally believe to distinguish members of the nation from non-nationals. A national identity accentuates what members of the nation share, and exaggerates differences with non-nationals. Both similarity and difference

> are the fundamental bases of national identities, as they are with all collective identities. (Waxman, 2006: 7)

Identification with a certain group – and the choice of a specific social identity – are a product of various factors: the distinctiveness of the group's values and practices, providing the sense of a unique identity; the group's prestige and the salience of other outgroups[350] that might strengthen the awareness of a common identity. All these factors have in common the fact that they demand social interaction: in other words, one's social identity does not develop in a vacuum for it needs the presence of other groups (or individuals) with different identifications. Inevitably, these factors tend to crystallize social categorizations and increase social cleavages and conflicts, especially in cases in which they are of an "either-or" nature:

> When an intense conflict exists between two sub-cultures, interactions among members of those collectivities will be more strongly influenced by their actual or imaginary membership, than when no conflict exists. Consequently, individual members of these collectivities will find it difficult to deal with each other as individuals and they tend to treat all members of the outgroup uniformly. (Kimmerling and Moore, 1997: 28)

As it is, the existence of an external "other"[351] plays an essential role in the definition of collective identities, for a nation is partly defined in relation to whom it excludes. We should note, however, that it is possible and, indeed, probable, that a person holds multiple social identities and feels part of several collectivities. The importance one gets over the others depends on the context and the interaction with members of the group or outsiders. Thus, it is possible for Palestinian citizens of Israel to identify as Israelis during a considerably quieter period, while emphasizing their belonging to the Palestinian collectivity in times of conflict and clashes.

As Allport has already explained in his seminal book on the nature of prejudice, each community develops a set of codes and beliefs – themselves the ingredients of collective memory and narratives-, as well as to define enemies and outsiders to meet their adaptive needs. Hostility towards other groups "helps strengthen our sense of belonging", even if it is not a necessary pre-condition to foster group belonging. Still,

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[350] Social groups to which a given individual or collectivity do not identify with.

[351] The Palestinian citizens of Israel status in the definition of Israeli Jewish identity is an ambiguous one because despite the fact that they are, in practice, an "internal other", inhabiting Israeli territory and sharing Israeli citizenship with Israeli Jews, due to their ties with the other Palestinians, they also constitute an "external other".

Allport (1958: 171) argues that, while opposite tendencies – feelings of solidarity and amiable relationships are possible –, official accounts, particularly in new states, are hardly tolerant for they demand the outright denial of the others' narratives and the creation of a completely different narrative.

The same had already been exposed by William Graham Summer, an American sociologist who worked on the social functions of war:

> The relation of comradeship and peace in the we-group and that of hostility and war towards others-groups are correlative to each other. The exigencies of war with outsiders are what make peace inside, lest internal discord should weaken the we-group for war. These exigencies also make government and law in the in-group, in order to prevent quarrels and enforce discipline. Thus war and peace have reacted on each other and developed each other, one within the group, the other in the intergroup relation. The closer the neighbors, and stranger they are, the intenser is the warfare, and then the intenser is the internal organization and disciple of each (William Graham Sumner, 1906 *apud* Coser, 2001[1956]: 18).

As Canetti-Nisim *et al.* (2008) have thoroughly described, contemporary socio-psychological theories abound to demonstrate how threat perceptions and exclusionary political attitudes towards the minorities, can foster social cohesion among the majority. They also point out that that perceived threats can, in general, stem from security, economic and symbolic fears, eliciting different reactions from the majority.

While social identity theory emphasizes group identity, theories on realistic conflict stress the struggle for material resources, such as territory. These are not mutually exclusive, but people tend to behave in accordance to a hierarchy of human needs. When a group perceives that their lives are threatened they tend to "cling to protective worldviews", while seeing the other groups' presence and believes as threatening. In these conditions "in-group-out-group distinctions become more defined, and willingness to use extreme political measures against the out-group increases" (Canetti-Nisim *et al.,* 2008: 99).

While "palpable threats" (security and economic) are more easily identifiable, because they refer to a potential harm to tangible or concrete objects, such as money, territory or human life - all referent objects of security for any human community -, symbolic threats refer to relatively abstract attributes of the communities, such as their social identity, value system and worldview (e.g., language, religion, morality). Canetti-Nisim *et al.* (2008: 91-92) define a symbolic threat "as a threat to what individuals may

define as their way of life". Perceived symbolic threats are anchored on the historical experience of communities and thus cannot be analyzed in a vacuum.

According to social identity theory, the belonging to a group creates a self-categorization that favors the in-group at the expense of outsiders, or those who are thought to not belong to the group. Individuals self-identify by using different bases of categorizations, both personal and collective, that influence the individuals' social behaviors and the way they structure their relationships. The impact of social groups and categories in one's behavior happens when one sees himself as culturally or socially bound to the collectivity (Kimmerling and Moore, 1997: 27).

Inglehart *et al.* (2006) demonstrated, while analyzing Iraq, the society which displayed the highest levels of intolerance towards foreigners from a set of 80 states represented in the World Values Survey, that there is a close connection between the tendency to reject outgroups (not only foreigners, but also women and homosexuals) and high levels of national pride, ingroup solidarity with one's ethnic group, as well as the enhancement of loyalty, obedience and conformity. In fact, Iraqis also emphasized obedience as the most important value more than any of the other societies under analysis.

Inglehart *et al.*'s analysis seems to prove Essed's attempt to demonstrate, in 1991, that racism present in everyday activities serves "to cement and unify, namely to preserve the ideological unity of the dominant group" (Essed *apud* Peled-Elhanan, 2012: 59). However, we believe that everyday racism always implies the adoption of measures of exclusion, segregation or, at the very least, de-individualization, the process through which the personal characteristics of members of the out-group are ignored and they are judged only as part of a negatively stereotyped group.

In the Iraqi case, existential insecurity or scarcity of resources, leads groups to discriminate against and suspect of outsiders and focus and favor their ingroup. Under survival conditions, people tend "to close ranks against dangerous outsiders, producing rejection of outsiders and in-group solidarity" (Inglehart *et al.,* 2006: 496).

The researchers add that the rejection of other groups is not necessarily based on fear, because, under specific conditions of insecurity, people tend to reject social

change and retreat to the exclusion of traditionally marginalized groups, even if they are not posing a direct threat to them (Inglehart *et al.,* 2006: 497-498). Similarly, strong national pride expressed by the Iraqis cannot be interpreted as satisfaction with how well their country is doing: "it seems to be a defiant expression of solidarity against outsiders".

The same argument was later sustained by Wohl *et al.* (2010: 899), according to whom "threat imposed from outside the group tends to diminish intragroup variability on judgmental dimensions strongly associated with or defining the ingroup". Thus, when facing a perceived external treat, the ingrup shows greater levels of solidarity and ingroup norms tend to develop.

For Kelman (1999: 589), another motivation for the demonization of outgroups lies on the existence of an "existential conflict" that determine that one has the additional burden of demonstrate the illegitimacy and inauthenticity of the other, on top of demonstrating one's own legitimacy and cohesiveness as a nation group. The demonization of the *other* is, not only a common symptom in entrenched conflicts, but also a contribution for the group's cohesion:

> The point here is not simply that a group needs an enemy in order to maintain cohesion; rather, it is the need felt by groups in existential conflict to remain united and steadfast in their vigilance and resistance *vis-à-vis* a dangerous enemy in order to avoid being lulled into complacency and compromise that may threaten their national existence. (Kelman, 1999: 591)

Israeli behavior towards its Palestinian citizens, we argue, is, due to the colonial nature of the state, a combination of both: not only those Palestinians are competing for the same material resources, they are also perceived as a symbolic threat for their presence challenges the ideal of a pure Jewish state. While in the first few decades the focus was on material competition, for the Jewish monopoly of resources was essential for state-building, since 2000 the emphasis has been placed on the social identity of the State and the symbolic threat Palestinians pose to it.

In situations of open conflict, like the one that paved the way for the establishment of the Israeli state, collective memory tends to be based in four important themes: the justification of the outbreak and development of the conflict, the preservation of a positive image of the in-group before an intractable conflict, the delegitimization of the opponent, and the creation of one's own group as a victim (Peled Elhanan, 2012: 5-6).

As Peled-Elhanan (2012: 14-15) notes, in Israel, where the Jewish ethno-nation (a mixture of different Jewish communities with hardly anything in common) dominates, issues related to national identity, such as "who is a Jew", are still up for discussion. If we take into account that Israel is also a state involved in a protracted conflict, the debates over identity and collective memory are inevitably discourses of difference, inclusion and exclusion. While observing the identification of the Palestinian population in Israel as simply "non-Jews" in Israeli schoolbooks, Peled-Elhanan (2012: 50) sees it as a mechanism to establish, not only the dominance of the Jewish in-group, but its realness, for it carries a distinct name, in contrast to the Palestinian minority, who is defined only negatively as a non-group.

Olesker (2011) describes the Israeli situation as one of a societal security dilemma, which occurs when a group's action (in this case, the reaffirmation of the Palestinians' identity) causes a reaction in the other groups, leading to insecurity on both sides. While he acknowledges that in Israel the physical survival of the state is fused with its preservation as a Jewish state, he fails to account how this relationship between the physical survival of the State and the Jewish population and the survival of the Jewish character of the State came to existence. Partly, this is due to the fact that, as we have mentioned in the previous section, Olesker equates "Jewish state" to the existence of a Jewish demographic majority.

Bar-Tal (2001: 602) describes Israeli Jewish society as one overridden by fear. According to his study on the psychology and sociology of emotions, individuals' fears are a response to the appraisal of their environment, even if their appraisal does not necessarily match the objective existence of threats. Just like identities, emotions such as fear (and hope), are not circumscribed to the individuals' experience but also to the cultural and societal context they live in.

Fear can be acquired on the basis of the information received on certain objects, events and people that supposedly threaten individuals and their communities. Thus, memory, either personal or collective, can serve as a trigger to feelings of insecurity. As Bar-Tal (2001: 603) explains, memories of fear are particularly resilient, and tend to resist the passage of time more effortlessly than memories that trigger happy thoughts. Individuals possess a "negativity bias" that forces them to respond more intensely and is a

consequence of human adaptive behavior for negative information, especially related to threats, may require an immediate reaction of defense. Wohl *et al.* (2010: 900) sustain this argument: just as with personal anxiety – a result from the expectation that a negative event may occur – collective angst affects group members to the point that they "invest time and effort in behaviors that strengthen the ingroup and shield it from an unwanted future".

Judgment and reaction based on fear have, however, two noticeable problems. First, fear resorts to memories, and these are always biased and reconstructed, never a carbon copy of the information collected, and easily manipulated to face present challenges. Second, public threat situations are often contagious because, unlike hope, the automatic evaluation and reaction to fear does not resort to higher mental processes. On the contrary, "the psychology of hope involves higher mental processes of vision, imaginations, setting goals, and consideration of alternatives – all of which require openness, creativity, and flexibility" (Bar-Tal, 2001: 620).

Bar-Tal's argument is that, just like individuals dominated by one emotion - in this case, fear –, societies can also develop what he defines as "collective emotional orientations". Therefore, the incidence of fear at the micro and macro levels becomes a two-way relationship:

> The society provides the contexts, information, models, emphases, and instructions that influence the emotions of its members. Because these are cultural frameworks shared by society members and have strong effects on them, emotional experiences become a societal phenomenon, taking the form of collective emotional orientation. (Bar-Tal, 2001: 605).

We believe it is useful divide in three different categories the criteria Bar-Tal uses for this identification 1) Scope: members widely share the same emotion, when fear appears frequently in the society's public discourse 2) reproduction: beliefs that evoke fear are widely expressed by society's communication channels, including cultural products and the educational system; and, finally 3) outcomes: fear becomes embedded in the society's collective memory and it used for decision-making processes that influence policy or course of action.

These characteristics, he argues, can be easily found in societies involved in protracted conflicts, due to their particularly stressful nature and public's perception of a zero-sum conflict: In these cases, fear prepares society members to cope with an unusual

stressful and lasting situation. The transformation of fear into a collective orientation prepares and sensitizes individuals to identify and react to potential threats and, most important in the case of Israel, increases solidarity and cohesiveness, by mobilizing "society members to act on behalf of the society, to cope with the threat, to act against the enemy and defend country and society" (Bar-Tal, 2001: 609).

The problem with Bar Tal's argument is that he assumes that because individuals' from the same community tend to share collective memories, ideologies, goals and myths, this automatically sets a collective emotional orientation. While he believes that society and individuals shape each others' fears, he does not engage in a debate on how collective memory and collective trauma come to exist in the first place[352].

This lacuna in terms of collective memory is similar to the one we find on IR approaches to collective identities: because IR theory – with noticeable exceptions – tends to assume that collective identities, and in particular state identities, have been around for immemorial times, their deconstruction is never fully done, nor are the political intents behind the stimuli provided by political leaderships to embed feelings of fear and insecurity in a given society. This situation is particularly obvious when we look at the development of the Holocaust as a collective event in Israel: not only the vast majority of Israeli Jews did not have direct contact with the Holocaust, the event was also timely exploited by Israeli leaderships to foster a collective sense of fear and victimization at a time when intra-Jewish cleavages were obvious. The narrative of "few against many" or of a "nation under siege", especially reinforced with the introduction of Holocaust into the Israeli-Jewish collective memory, became a central element in the Israeli security discourse (Coskun, 2010: 289).

Bar-Tal (2001: 607) does dedicate part of his article to the socialization of society members that allows them to "acquire the culturally approved emotional orientation" in family settings, political discourse, education, and cultural mechanisms, such as a mass media. This allows him to distinguish between societies where members share common fears and others where fear serves as a collective emotional orientation.

[352] By referring to Bar-Tal's flaw we do not argue that certain fears – such as physical extinction- are not valid. In fact, we believe that threats to basic human needs will arise fear in any society. However, we do not believe this is a condition affecting "fear-overridden" societies, but one that is transversal to all individuals and communities.

However, when he attempts to apply his theoretical assumptions to the Israeli case, he fails to address the problem of "collective memory" among Israeli Jews. Not only he assumes that Israeli Jews share a collective history of "constant and continuous threats to their existence, both as individuals and as a society, as a result of the Arabs' objection to their return to their homeland and to the establishment of the Jewish state", but he also believes this collective fear orientation has deeper foundations that encouraged the creation of a "siege mentality".

The application of the concept of "siege mentality" to Israel by Bar-Tal and Antebi (1992) is problematic and has already been discussed in the first chapter. Bar-Tal's work in 2001 recurs in the same mistake, by reducing Israeli fear perception and, thus, the thorough use of security measures to deal with political problems, to a cultural problem based on a shared collective memory of persecution. By rejecting the existence of distinct historical experiences among territorially dispersed Jewish communities, it also assumes the existence of a single "Jewish culture", "transmitted between the generations, throughout the centuries" (Bar-Tal, 2001: 612).

Gavriely-Nuri (2014: 47), in her analysis of the use of the term "collective memory" in Israeli PM's speeches, begins by pointing out that many scholars have come to perceive collective memory as a concrete reality, instead of a metaphor. In her opinion, the reification of collective memory is not simply a "technical mistake", but a discursive device adopted "to achieve a particular social, political, psychological or linguistic aim", for "it creates the illusion of an ostensibly consolidated and unified 'collective', adhering to a coherent repertoire of memories". A similar accusation had already been made by Finkelstein (2003: 5) who argued that "memory", "currently all the rage in the ivory tower […] is surely the most impoverished concept to come down the academic pike in a long time".

The proliferation of studies pertaining to Israeli "collective fear" and "siege mentality" that fail to deconstruct how these were constructed in the first place have contributed in great part to the understudy of the relation between intolerance towards outgroups and social cohesion in Israel. This, we believe, is not due to the lack of conceptual and theoretical approaches that highlight this relation, as we have documented in the first chapter, but is a result of the widespread belief that there is a

collective consensus in Israel surrounding its definition as a "Jewish state" and the prominence given to the Israeli-Palestinian conflict.

As we have previously argued, the effect of the schism between Jews and Palestinian citizens in Israel should not be disregarded when analyzing other splits in Israeli society, namely between secular and religious and Ashkenazim and Mizrahim. We believe this to be of the utmost importance especially in the Israeli context where the myth of a disperse Jewish nature seems to lead most to neglect what should be an obvious historical fact: the Israeli-Palestinian conflict, that can be traced back to as early as 1920, preceded the emergence of Israeli social structure. It is, thus, natural that, more than just exerting influence over Israeli society, the continuous and close presence of a Palestinian national community, *shaped* the Jewish collectivity in Palestine.

This absence is surprising when we take into account that even some of the authors who tend to embrace a *realpolitik* interpretation of the Israeli State openly admit that the success of Israel is due to the existence an "immense external threat" that leaves no room "to tamper with the existing internal order" (Yaniv, 1993: 82). That was also the perception of Yigal Allon, former general of the IDF and member of the Knesset for the Labor Party. In his opinion: "The frequency of internal conflicts […] can only be reduced by intensifying recognition of the common national destiny" (Allon, 1968 *apud* Lissak, 1993: 68).

And it is even more surprising when even Israeli Jews can identify their collective fear as a unifying force. During one of the interviews Yair (2014: 351) conducted with Israeli Jews to measure to which extent anxiety and collective fear are part of Israeli culture, one interviewee declared: "The Israelis are constantly living under pressure, as if time runs out. We all grew up on this predicament, with the stories, with 'the situation'. This is what defines us and unifies us". Another interviewee admitted that "the traumas are part of what defines us. Many live here in fear that soon we will not exist. It creates aggression, exclusiveness, hostility. But sometimes it unifies – especially around justifiable wars".

As Yair concludes from over 90 interviews, Israelis explicitly identify their existential anxiety as a core cultural element. And, by analyzing political discourse on the notions of "collective threat", the author states that Israeli leaders capitalize on this

cultural common substratum. Overall academic lack of interest on the relation between securitization and a weak national identity in Israel cannot be justified on the absence of public indicators of this relationship.

Most authors take Israel as a strong state, focusing on the resilience of its institutions and even its democracy, as well as its military strength. For instance, Haklai (2009: 874) argues that the Israeli State was, from the beginning, "highly institutionalized and strong". This, he sustains, is reflected in a "well organized central state, a national professional civil bureaucracy and skilled military", as well as "effective institutions as a legislature, a national education system and an independent judiciary". Haklai sustains that the process through which Israeli managed to become such a strong state will not be under analysis for it is beyond the scope of the article: we argue that in an article that deals with the presence of a Palestinian minority within the state borders, the strength of the state, especially when it comes to its capability to expropriate and oppress a native population, is not a secondary matter. In fact, it should be at the center of the analysis because, as Swirski and Hasson (2006: 108) have argued in a 2006 Adva report, "a society is no stronger than its weakest groups".

However, some authors that study Israeli society highlight how situations of stress and conflict tend to eliminate or mitigate differences in social stratification in Israel. In other words, how Palestinians, and Palestinian citizens, in particular, have come to constitute the "other" on which Israeli Jewish's distinctiveness depends on. As early as 1962, Shuval, while analyzing emerging patterns of ethnic strain in Israel, stated that more than any positive cohesive elements in Israel, it was the presence of a "common enemy" that contributed to social solidarity. In her opinion, the ethnic cleavages that she was identifying in the 1960s emerged as soon as the establishment of the State and the defense against an external enemy had been, at least, partially achieved, and because the Israeli Jewish population did not see the *maintenance* of the State with the same urgency as the those other goals (Shuval, 1962).

Kimmerling, for instance, argues that the external conflict exerts a "positive function" internally, for as long as the conflict exists "it is likely to prevent a marked escalation in the internal conflict [between Israeli Jews]". Kimmerling (1985: 155) again

suggests this connection when he observes the problem of the legitimation of the existence of the collectivity and its "rights to the land":

> Conditions of actual warfare do not arouse doubts as to the right of the collectivity to exist. On the contrary, when one's physical existence is seen as being threatened immediately, the existential problems also enjoy a moratorium and the cohesion of the system increases. However, when the salience of the conflict in its broad context is great, the question of legitimacy becomes all the greater. (Kimmerling, 1985: 149)

The same is proposed by Peres, when he analyses the patterns of immigrant absorption in Israel: according to him, while the efforts for cultural absorption facilitated the process of integration, the scope and speed of the process was mainly a result of the Israeli-Arab conflict:

> It is well established that the existence of an external enemy is an effective unifying force. For Israelis the feeling (whether justified or not) that the enemy's aim is total annihilation and that no compromised could after his commitment to this gal has added more impetus towards national cohesiveness. (Peres, 1985: 9)

As early as 1985, before the beginning of the First Intifada, Peres analyzed the feelings of national unity, concluding that whenever external struggle was more threatening (namely during the 1967 and 1973 wars), Israeli-Jewish perceptions on the quality of the relations between different Jewish groups would get increasingly positive, and internal divisions lost their relevance. On the contrary, in subsequent surveys in periods of relative quiet, the positive perception on internal struggles would decline.

For Rabinowitz (2001: 78), the situation of the Palestinian minority in Israel, whom he defines as a "trapped minority", is even more special. While human collectivities often define themselves in relations to "others", and the presence of simple national minorities is often used by the majority to inscribe its own identity, in the case of "trapped minorities" the process is even more complex, for their (real or imagined) affiliation abroad facilitates a racist discourse and their portrayal as a "fifth column": "tips of dangerous icebergs, ominous protrusions of external threats into the nation's corpus".

In a later article, Rabinowitz contrasted how Israeli society is usually portrayed (as being metropolitan, modern, meritocratic, innovative, resilient, dynamic and democratic) and argues that this portrayal that, according to him, does not correspond to the truth, was ultimately strengthen by "the depiction of the ultimate *other* as possessing diametrically opposed characteristics". He warns that this

paternalistic vision of Zionism is not circumscribed to political discourse, but has also made its way into social sciences, namely anthropology, where researchers tend to take their "Israeliness" for granted. This blindness, he argues

> Prevented them from using their empathy and first hand acquaintance with Palestinians, their hindsight into the hardships of Palestinian daily life and their comprehension of the stress associated with being a Palestinian inside Israel to produce a meaningful critique of Israeli sociology – let alone of Zionism generally (Rabinowitz 2002: 320).

The same opinion is shared by Ram (2011: 111), who argues that "the construction of the Israeli 'self' was founded upon the identity of the Palestinian 'other'. When analyzing the debates around the new laws of citizenship and loyalty, that inevitably lead to the "who is a Jew" question, Peled-Elhanan (2012: 15) argues that they demonstrate how the discourse of identity, as that of collective memory, "is also the discourse of difference, inclusion and exclusion", because "the construal of national memory and identity includes strategies of denying other memories and other identities that seem threatening".

According to Lomsky-Feder and Ben-Ari in Israel, because many of the hegemonic ideals are no longer automatically accepted in Israel, and the country is increasingly torn by dissent, collective suffering, associated with the Holocaust and the conflict, has become the common denominator bringing many social groups together. As they explain:

> Suffering and mourning as bases of social solidarity create sentiments of equality in terms of dangers, fears, and the pain accompanying war. By placing individuals at its center and assuming universalistic criteria for assessing their pain, the therapeutic discourse silences the politics of identities, reproduces existing power relations and reinforces the strength of the state. (Lomsky-Feder and Ben-Ari, 2010: 207)

While looking at the levels of xenophobia experience by many Israeli Jews towards outgroups (Palestinian citizens, foreign workers and Ethiopian Jews), Pedahzur and Yishai noted the fact that, besides economic strains and cultural divergences, general attributes of society can explain its exclusionary tendencies:

> When society experiences deep-gripping crisis, which occur intermittently, anomic tensions encroach upon social postures. This leads to a crisis of collective identity […] When this is the case society turns to historic myths promising to solve the crisis of identity; on the other hand, this very search for origins breeds exclusion of 'others' […] According to this approach, xenophobia is interpreted as a way of reassuring the national self and its boundaries, as an

> attempt at making sense of the world in times of a national crisis. (Yishai, 1999: 105)

For instance, Litvak-Hirsch *et al.*'s study (2008), which included the organization of an inter-group seminar between Jewish and Palestinian citizens, forced both groups to come in touch with the other's narrative. The main conclusion they drew was that, while Palestinians, as members of a subjugated group, left the seminar with their collective identity reinforced, Jewish participants (the dominant group) had the opportunity to reflect on the contradictions of their collective history. The results, the authors argued, is that while members of the Jewish majority participated to know the *other*, the Palestinians were there to "be heard". This leads them to conclude that, when personally confronted with the Palestinians' narrative, one that is mostly absent from Israeli narrative, Israeli Jews feel less confident in their self-identification and display feelings of ambivalence towards it as they tend to empathize with the Palestinian experience.

As Cohen acknowledges, the existence of a life-threatening threat encourages internal solidarity:

> On any occasion when there seems to be a real possibility of an external threat, we can expect the religious-secular split to soften. This also applies to the national split; any worsening of the Arab-Jewish split will greatly strengthen solidarity in the Jewish population, and mitigate the religious-secular schism (Cohen, 1991: 90-91).

However, as it is, to demonstrate that Israel is in a state of "deep securitization" does not prove that the State uses this entrenched process as a nation-building tool. Our goal in the next section is to expose the five main problems that we identify in the Israeli polity, while analyzing the various ways in which they contribute to the weakening of the State.

5.1 ISRAEL AS A WEAK STATE

As we have argued before, despite its generally accepted international and internal image as a strong state, Israel presents many of the features of a weak state. In order to prove this argument, we will apply Buzan and Holsti's conceptual framework of weak states to the Israeli case. Conceptually, we are able to compartmentalize the features of states (physical basis, institutions and idea of the state). However, when attempting to apply the same structure to our case study we have realized that many of the internal problems faced by the Israeli State impact negatively in two or more of these

features simultaneously. Instead, we have chosen to identify what we believe are the five main problems affecting the Israeli state (all of them already discussed throughout this research) and analyze the impact they have in the physical, institutional and ideological structures of the State.

After we demonstrate that we have reason to believe that Israel presents a series of deficiencies in many levels, that culminate into weak collective feelings of belonging and legitimacy, we will attempt to demonstrate how the transformation of the Palestinian minority has been used as a source of consensus among Israeli Jews and try to point out the problems that come from relying on securitization as a tool of nation-building.

5.1.1 ABSENCE OF CLEAR-CUT BORDERS AND SOCIAL FRONTIERS

Perhaps the most obvious problem of the Israeli polity is the lack of clear-cut physical borders or the fact that they are contested, both internationally and internally. Most countries do not recognize Israel's sovereignty over its own designated capital, Jerusalem (even if some do recognize Israel control over West Jerusalem),[353] they also do not accept the sovereignty over the Palestinian Occupied Territories and the Golan Heights.

In the case of Occupied East Jerusalem and the Golan Heights, in 1980 and 1981, under a government led by Menachem Begin (Likud), the Knesset approved two laws: the Basic Law: Jerusalem, capital of Israel and the Golan Heights Law.

In the first case, and after a lengthy debate in the Knesset, it was decided that there should be no mention of "annexation" and "sovereignty" to refer to Jerusalem. Instead, the law declares that "Jerusalem, complete and united, is the capital of Israel" as well as the seat of Israel's institutions (the President, the Knesset, the Government and the Supreme Court). An amendment, introduced in 2000, only a month after the

[353] According to the 1947 UN Partition Plan, the entire city of Jerusalem was to remain a separate entity under international administration. Following the signature of the 1949, Israel obtained control of West Jerusalem, whereas the eastern part of the city became under control of Jordan until 1967, when Israel occupied East Jerusalem. In April 2017, Russia recognized West Jerusalem as capital of Israel, and East Jerusalem as the capital of a future Palestinian state and, in December 2017, the US recognized Jerusalem as the Israeli capital. However, the United Nations have never recognized Israel's sovereignty over West Jerusalem. Some countries such as the UK, do recognize Israel *de facto* control over it, but withhold *de jure* recognition "pending a final determination of the status of the area" (Dumper 1997: 35).

beginning of the Second Intifada, declares that authority over the city cannot be "transferred either permanently or for an allotted period of time to a foreign body, whether political, governmental or to any other similar type of foreign body".[354]

No more than a month after the adoption of the law, the United Nations Security Council (UNSC) approved Resolution 478[355], condemning the adoption of the law and Israel's attempted annexation of East Jerusalem, for it constituted a violation of international law. In fact, a month before the adoption of the Basic Law, the UNSC had already approved Resolution 476[356], declaring that any actions taken by Israel, the occupying power, over the status of Jerusalem, would have no legal validity and would constitute a violation of the Fourth Geneva Convention.

The same happened with the adoption of the law on the control of the Golan Heights. The word "annexation" is not included, even if article 1 declares that "The Law, jurisdiction and administration of the state shall apply" to those territories.[357] Only three days after the law was approved by the Knesset, the UNSC approved Resolution 497.[358] declaring it null and void of any international legal effect.

Thus, the attempted normalization of the occupation of these territories by legal means (that has not been extended to the West Bank or Gaza) is itself rejected by the international community, with the flagrant exception of the United States, who abstained from the vote on both UNSC resolutions and, more recently, in May 2018, has recognized Israel's sovereignty over East Jerusalem by moving the U.S. embassy to the city.

Following President Trump's announcement, in January 2019, that the United States would withdraw from Syria, Netanyahu has begun pressing the United States to recognize Israel's sovereignty over the Golan Heights as well, by arguing that the territory "is tremendously important for our security" (Netanyahu *apud* Keinon, 2019). The recognition seems to have the support of U.S. National Security Adviser John Bolton who

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[354] Israeli Basic Law: Jerusalem, Capital of Israel, 5 August 1980.

[355] UN Security Council, *Security Council resolution 478 (1980) [Territories occupied by Israel],* 20 August 1980, S/RES/478 (1980).

[356] UN Security Council, *Security Council resolution 476 (1980) [Territories occupied by Israel],* 30 June 1980, S/RES/476 (1980).

[357] Israeli Golan Heights Law, 14 December 1981.

[358] UN Security Council, *Security Council resolution 497 (1981)*, 17 December 1981, S/RES/497 (1981).

replied that, for the U.S., Israel's ability to defend itself is "the ultimate mark of sovereignty" (Bolton *apud* Keinon, 2019).

Furthermore, despite the concern among US politicians that such recognition can lead to "fatigue", some senators, among them Ted Cruz and Tom Cotton, have submitted to the Senate, in December 2018, a resolution calling for U.S. recognition of Israel's sovereignty over the Golan Heights (Wilner, 2018).

Despite what apparently seems to be a diplomatic victory for Israel, one should not forget that over 30 countries represented in the United Nations have not formally recognized the State of Israel, or have withdrawn former recognition and severed diplomatic ties with the country (Harpaz and Herzog, 2018: 18). Since 1967, both the UNSC and the UN General Assembly have adopted over 20 resolutions condemning the occupation of East Jerusalem only (Al Jazeera, 2017).

The lack of clear-cut borders is not solely a by-product of the 1967 occupation or Israeli refusal to formally deal with these territories, but a result of Israeli strategy even prior to the establishment of the State. Already in 1947, when Ben-Gurion decided to accept the partition plan proposed by the United Nations, one that was rejected by Arab leaderships and Great Britain among others, he added a few days later, while addressing the senior members of MAPAI, that the borders foreseen in the plan were not definite:

> There are 40% non-Jews in the areas allocated to the Jewish. This composition is not a solid basis for a Jewish state. And we have to face this new reality with all its severity and distinctness. Such a demographic balance questions our ability to maintain Jewish sovereignty… Only a state with at least 80% Jews is a viable and stable state. (Ben-Gurion, 1947 *apud* Pappé, 2006: 48)

Faced by the predicament imposed by the UN Partition Plan, Pappé (2006: 48-49) argues that the Zionist Movement offered a response for "public consumption" – the approval of the plan as a totem of Zionist benevolence and willingness to compromise – and one for the limited corps that gravitated around Ben-Gurion. This second response became more overt in the aftermath of the 1948 war, when Ben-Gurion avoided the discussion of permanent borders during the cease-fire talks and assumed that the borders of the state would be determined by the war and ultimately broader than the ones determined by the Partition Plan (Segev, 1986: xviii-xix).

This reluctance, Pfeffer (2017) argues, is not much different than that of those of any post-1967 Israeli leader, including Netanyahu, who prefer a state with undefined borders instead of "having to make the difficult decisions on who and what would be included within the Jewish state." With this in mind, the U.S. recognition of Israel's sovereignty over the Golan Heights and East Jerusalem would not be sufficient to mask the international community's rejection of that move, nor the fact that the border separating Israel and the West Bank would remain undefined.

However, the problem was indeed enhanced following the 1967 occupation of Gaza and the West Bank, East Jerusalem and the Golan Heights.

In the Israeli educational system, the issue of the borders is either very absent or promotes the idea of territorial continuity. The Green Line,[359] which technically should separate Israel from the West Bank, is often absent from Israeli consciousness. As Auerbach (2017) explains, despite the fact that the Green Line has been almost erased from Israelis' consciousness since 1967, due to government efforts, for the Palestinians living in the West Bank, the Green Line is a concrete border "both as a structure of consciousness and in the form of the actual separation barrier that Israel built in recent years". Or, as Yiftachel prefers to put it, the border crops up when needed, depending on who is crossing it: every time a Palestinian from the West Bank wants to cross into Israeli territory, the Green Line is "suddenly resurrected" (Yiftachel *apud* Auerbach, 2017).

After a request made by the Movement for Freedom of Information on behalf of a group of Israeli citizens on where the real location of the Green Line was, the legal adviser of the Construction and Housing Ministry responded that the maps could not be released for they provided "classified information" that could "harm Israel's international relations". Gili Kirschner, the legal adviser, justified it on the grounds that the maps

[359] The Green Line was set as the cease-fire line between Israel and Jordan in the 1949 Rhodes armistice agreements. The agreements placed the West Bank under the control of Jordan until 1967 (when the territories were occupied by Israel) and functioned as an invisible boundary. While the Green Line was never officially sanctioned by the United Nations, as the only resolution approved concerning the Israeli eastern border was the 1947 Partition Plan, the Green Line has been frequently used as the basis for peace processes, even if the two states never marked the Green Line with exactitude. This has been beneficial for the Israeli demarcation of the Green Line, for in situations in which no one knows for sure where the Green Line is marked, Israel has fully annexed entire villages or even split Palestinian villages in half. In extreme cases, settlements were constructed in "no-man's-land" or demilitarized zones, small portions of territory that, due to the lack of exactitude, were never claimed by the Israeli or Jordanian authorities.

referred to classified military information, thus falling into the list of exceptions established in the Freedom of Information Law (Berger, 2018b).[360]

According to Li (2006: 50), even if Israel has denied the applicability of international law to the occupied territories for decades, the problem was accentuated by the Oslo process that paved the way for the expansion of settlements in the West Bank[361]. In this regard, Israel's political decision to not make grand decisions on the future of the Occupied Territories is part of a greater strategy that allows the State to characterize the "juridical status of the Gaza Strip and West Bank as fundamentally ambiguous – where Israel is not quite an occupier and the Palestinians are always somewhat less than sovereign".

This reluctance in demarcating the borders of the Israeli State has obvious impact in Israeli Jewish perceptions of the status of the West Bank. According to a poll conducted by the Israel Democracy Institute to mark the 50th anniversary of the occupation, 62% of the Israeli Jewish public stated that there was no occupation, and 65% rejected the idea that following the 1967 war Israel should have ceded the conquered territories and initiated peace negotiations with the Arab states. The same number (65%) believes that the occupation serves Israel's security and military interests, even if at the expense of the country's international image. The same pattern is found on the support for settlements in the West Bank: 51% of the Jewish public believes that the policy for building settlements is wise, and 56% does not think that the settlements are an obstacle for peace (IDI, 2017b).

Furthermore, 55% of those polled agreed that Israel should have annexed those territories via legal means, as it has done with Jerusalem and the Golan Heights, even if 45% reject the idea of annexing those territories in the present (IDI, 2017b; Maltz, 2017d). When asked what should happen to the Palestinians from the West Bank in case of full annexation, only 24% of Israeli Jews agreed that they should be granted citizenship, 30%

[360] Israeli Freedom of Information Law, 19 May 1998.

[361] While it is true that the construction of new settlements has slowed down since the signature of the Accords (in 1987 there were 118 settlements and the number grew only to 130 in 2015), the already existing settlements are continuously being expanded, and, according to the numbers provided by the Israel Central Bureau of Statistics, the settler population has grown exponentially from 49,000, in 1987, to 383,000, in 2015 (Berger, 2017b).

sustained they should be given the status of residents, and 31.5% that they should not be given any status beyond what they currently have. Not surprisingly, most of those who believe Palestinians should be given citizenship rights identify with the Zionist Left, while those who would not want to change their status identify with the Zionist Right (IDI, 2017a).

It is worth noting the impact this discussion has on Israel's self-definition (and even international opinion) as a democracy. Being a democratic state – even if it is increasingly notorious that, both among Israeli political elites and public opinion, democracy is secondary to the Jewish nature of the State – has been always a significant part of the legitimation discourse of the Israeli state.

The fact that over 60% of the Israeli Jewish public would not agree to give full citizenship rights to the Palestinians in the Occupied Territories if annexation should occur dismantles the argument of those, such as Dowty and Gavison, who take refuge on the fact that those territories are not part of the Israeli State in order to claim that Israel remains a democracy (a flawed democracy, but one nonetheless).

In the best case scenario, granting residency status to the Palestinians in the OPT would leave them in a similar situation of those residing in East Jerusalem and the Golan Heights, who are given certain rights, such as voting rights for municipal elections, but are not considered citizens unless they go through a naturalization process that demands of them to renounce of any other citizenship and, in more abstract terms, to contribute to the normalization of Israeli occupation.

In the worst case scenario, Palestinians in the OPT would see no change in their status, and Israel would deny them citizenship and residency status. This scenario is not much different than the one described by the current Israel's system of control, but would further enhance the flaws in the logic of being "Jewish and democratic" and would cement the gap between a "democratic regime" for settlers and the subjection of Palestinians to military law. While no changes would occur, Israel's insistence on remaining a Jewish state depends greatly on the existence of a Jewish majority. Even if a Jewish majority does not exist or would be bound to disappear in the next decades, when one looks at the Israeli "system of control" – instead of Israeli proper territory –,

annexation in this scenario would further undermine Israel's legitimacy as a democratic state.

In conclusion, whether one foresees the perpetuation of the occupation or the full annexation of those territories (as we do not believe it will occur as it would imply the absorption of almost 5 million Palestinians and the loss of a Jewish demographic majority), Israel cannot claim to be democratic. The nature of Israel's democracy will be further analyzed in the next chapter but, for the purpose of our current analysis, we believe that this further strains the *idea of the state*.

5.1.2 SELF-DEFINITION AS THE STATE OF THE JEWISH PEOPLE

Problems with the definition of the state borders are also connected – even if they do not completely overlap – with another feature of Israel's physical base. In the Israeli case, a demarcation between its population (the number of people residing in the State that may or may not hold Israeli citizenship) and the demos it declares it represents (those who are part of the Jewish nation and thus automatically eligible for Israeli citizenship) creates a dissonance between land and people. Furthermore, the absence of physical borders makes it harder to establish long-term goals, to define Israeli society, to include this society in the decision-making process and maintain political stability. This dissonance brings us to the second problem we identify in the Israeli State, the fact that it is the state of the Jewish people.

As Yiftachel, whose analysis always includes what he calls the "Israeli control system" (the state of Israel and the Occupied Palestinian Territories), "Israel proper" simply does not exist, since it is impossible to define 'Israel' as a spatial unit, and it is difficult to define the boundaries of its body-politic." Israel's operation as a polity without borders, he argues, defies the existence of a 'demos', thus undermining a basic requirement of democracy (Yiftachel, 2006: 108).

However, even if we look at what could be "Israel proper" - the state comprising the territories granted to a Jewish State according to the UN's Partition Plan of 1947 - the definition of Israel as the state of the Jewish people is at the basis of the discrimination of the Palestinian citizens and other non-Jewish population.

As we have demonstrated in the second chapter of this research, the idea of a Jewish people whose members share a connection despite spatial dispersion and chronological detachment with their historical land was both a reaction to Jewish Emancipation and persecution in 19th and 20th century Europe. Nevertheless, for decades the Zionist movement struggled to gain momentum among European Jews, who either refused to think of themselves as part of the same collectivity and gave preference to assimilation in European societies, those who did not recognized its legitimacy and chose self-segregation in their religious communities (*Haredim*) and those who, while acknowledging the existence of a Jewish collectivity, choose to be part of the political structures of their mother countries, like the Bundists.

While the Zionist movement was successful in redefining the Jewish people as a nation and transforming it into a historical and territorial political agent, the demographic boundaries of the nation and the geographic boundaries of the state do not overlap, due to the State's refusal of abandoning the idea of Israel as the state of the Jewish people and thus hindering the development of a truly inclusive Israeli society.

As Migdal explains, to Israel's problem with its physical political boundaries (that he claims to be of the utmost importance for all states, but especially one located in the Middle East), we should add the problems with its social boundaries, or "who should be considered a rightful member of the society and thereby receive its benefits and rights" (Migdal, 2001: 107).

As many other fellow colleagues have noted in the past, the choice of Israel as a case study for a weak state, based merely on the fact that it represents the political embodiment of the self-determination of an "invented people", is not sufficient, as all other nations are themselves invented and recreated. In that regard, one might recall Michael Billig's (1995) work on the daily reproduction of national narratives and images. However, what should be taken into account when we look at the Israeli case is both the fact that it is a non-conventional settler society (for settlers did not emigrate from a common mother-country), and the speed at which the absorption of these immigrants occurred. Moreover, Zionism rejected, from the beginning, the achievements and even the existence of a Jewish life in diaspora, preferring to condense Jewish collective memory to a simplified narrative of "from dispersal to redemption". As we have seen, the

Zionist attempt to construct a "Jewish people" gave often preference for the process of forgetting rather than remembering.

In many ways, the Zionist movement and early Israeli leaderships were successful in writing a "collective biography", based on religious themes and the reproduction of a "siege mentality" that inculcated the need for the creation of a state as the only place where world Jewry could be safe, as we have already analyzed in the second chapter. As we have seen, the politics of memorialization of Holocaust, as well as its translation into current events, play a significant role in fostering the myth of a common history and fate based on persecution. Nonetheless, the different groups that were absorbed during the great waves of immigration to Israel did not share previous collective experiences.

With this in mind, Migdal (2001: 126, 130) makes what seems to be an obvious, even often overlooked remark on the Israeli polity. Despite the fact that Israeli leaderships have inherited from the Zionist movement the narrative of millennial attachment between Jews and the Land of Israel, and have managed to portray the state as a Western enclave in the Middle East, Israel remains a "new society". While both "old" (especially European societies) and "new" societies share the same struggle in the definition of their social boundaries and collectivities, the former have the advantage of being societies where these boundaries are stable, formed by the intensity of interactions among social groups, and these tend to correspond more or less to political boundaries.[362]

In "new societies", what Migdal calls the "outermost structures" (the social boundaries) are a subject of dispute:

> Israel, with its newly formed society, is certainly not comparable with the more common cases – both in Europe and possibly elsewhere – with their preexisting societies. The Israeli state could not derive its authority from Israeli society, since Israeli society barely existed when the state was created. Israeli society was not organic and could convey no general will. (Migdal, 2001: 126)

Being a "new society" does not mean automatically that a state is doomed for weakness or collapse, the same way that being an "old society" does not necessarily mean the state was completely successful in gaining the loyalty and attachment of all is

[362] We have addressed the methodological and moral implications of similar categorizations in chapter 1.

citizens. In fact, one only has to look at the complex history of Spain, Belgium, France and the United Kingdom to understand that their status as "old states" does not necessarily lead to successful stories of nation-building. However, as Migdal also points out, problems with the definition of the Israeli social boundaries are cumulative with the problems it has solving the definition of its borders. Immediate political contingencies, such as territorial issues (involved in the creation or change of state boundaries), influence the central conceptions underlying the construction of society:

> Political boundary issues open a Pandora's box of questions about what the outermost structure of society is and should be. In the case of Israeli society, changes in political boundaries after World War I, in 1948, and in 1967, as well as the open question of ultimate boundaries after 1967, exacerbated the struggle between the two contending conceptions of society, that based exclusively on the Jewish nation and one geared to include non-Jewish residents of the territory as well. (Migdal, 2001: 125).

Set and stable boundaries (both physical and societal) contribute to the stability of political life, by turning people's behavior more predictable, enshrining a set of social values and setting the pace for interactions between individuals and groups and between these and the institutions. A situation where the population is uncertain on who is part or outside of the state and its institutions undermines the stability of the polity. As Migdal (2001: 145) concludes, when a state finds its boundaries weakened or contested, there is a tendency for the erosion of its civic tendencies:

> Institutions of everyday life depend upon the population's clear sense of their reach – *who* is inside an institution and *who* is outside, *which* sorts of interactions they govern and *which* are external to their realm, *what* is private space and *what* is public space. These whos, whichs, and whats may institutionalize exploitative and brutal relations, or egalitarian and caring ones; ones based on individual autonomy, or those promoting group sensibilities first. Whatever the specific character of the institutions, their structure of benefits and sanctions carve out stable social roles and modes of interaction. (Migdal, 2001: 163-164)

Thus, uncertainty around the country's borders not only strains the definition of *who* belongs to the collectivity, it also puts unnecessary pressures on the work of institutions:

> Changes affecting multiple or central institutions in a society can lead to crisis in society's central dynamics, both by opening routine rules and practices to question and by lending uncertainty to the relevance and efficacy of society's central institutions, such as the church or state. The effect of boundary changes is particularly salient when the new borders are hotly contested. (Migdal, 2001: 164).

As we have previously argued, 1967 has produced significant changes in Israeli Jewish collective mentality, by bringing them closer and in control over parts of territory that hold a significant religious value and reopening the possibility of a state encompassing the territories that were once part of the Zionist project. As settlements were built in the occupied territories, so did religious, cultural and social lines among Jews re-emerged.

Migdal points out that while until 1967 the Israeli polity had been facing internal struggles over the control of the established institutions, these were transformed into disagreements over the "the limits of society and over which boundaries were truly sacred" (Migdal, 2001: 144). Furthermore, he argues, the occupation accentuated the difficulties faced by the Palestinian citizens of Israel, by putting their status on the back burner once again, only a year after the end of the Military Administration.

Uncertainty about the state's borders - even if, as White (2018) thoroughly argues, Israel's policy towards the OPT has been one of creating "facts on the ground – "tends to strengthen ethnic tendencies at the expense of civic forms of association". As Migdal concludes, territoriality and demographic shifts produce effects over the construction and reconstruction of the state. Due to Israel's unstable short past, demographic and border shifts impact negatively in the formation of social boundaries, making them vulnerable (Migdal, 2001: 134-135).

As we have thoroughly discussed in the third chapter, when addressing the process of "religionization of Israeli politics", this emphasis on the 1967 war as the producer of a shift in Israeli Jews collective identity has been addressed by many authors. According to Kimmerling (1989: 271), until 1967, problems inside the Israeli polity – such as the relations between secular and religious – were easily managed (even if not solved), because issues such as the state's borders and demography seemed to be more or less defined. Eisenstadt (2011: 34) similarly argues that, following the 1967 war, Israeli Jewish society reinforced its primordial religious and national elements (leading to what Migdal called "the erosion of its civic elements"). Abulof (2014b) argued that the close contact to territories that had always been described in Judaism as *Eretz Yisrael*, following the 1967 occupation, interrupted the process of secularization of Judaism.

Once again, while we acknowledge that the 1967 war produced a series of changes, we do not believe that Israeli society's problems with its boundaries and the character of the sSate emerged only then, as Migdal seems to argue when he states that from 1967 onwards the borders of the state and society no longer coincided: they never did. In fact, the most redundant proof that Israeli national identity was never purely civic in the first two decades of the state, is the fact that Israeli Palestinians were always treated by the State and Israeli-Jewish society as a hostile, unintegratable minority, the 'ultimate other' living within a Jewish state.

The first problem with the assumption that Israeli difficulties in defining its physical and social boundaries began in 1967 is that it stems from the Zionist successful attempt to describe itself as a mostly secular movement. As we have already described in the second chapter, from the onset, Zionism has used Judaism and religious identity as key legitimators for the establishment of the State. While we acknowledge that all nation-building processes resort to religious and ethnic affiliations, particularly during their earliest phases, the claim that the Jewish people has a right to national sovereignty in the their ancient homeland is deeply (and, during some periods, exclusively) grounded in religious images and symbols.

While Zionism was portrayed as a "radical departure from the Jewish tradition", sometimes even hostile to religion, and tended to stress the settlement of the land and agriculture, they were never completely detached from Judaism:

> The language with which secular Zionists extolled these 'pioneering' activities was infused with Jewish religious terminology (e.g., 'redemption of the individual', 'redemption of the land'). Indeed, Zionist terms like 'redemption', 'return', and 'the end of exile' conveyed eschatological meaning, pointing to the messianic element within secular Zionism. More paradoxically, the land to be settled was the biblical 'Promised Land' ('Zion') to which Jews in the Diaspora had prayed to return for millennia. (Waxman, 2006: 23)

Not only the use of religion as a key legitimator was unavoidable to lure Jewish population into the *Yishuv* and the State, it was also necessary for the Zionist Movement to gain the support of religious non-Zionist and even anti-Zionist groups in Europe and in Mandatory Palestine. Thus, while the 1967 war and the following occupation might have exacerbated messianic feelings among the Israeli Jewish population, it is difficult to find among Israeli political discourse even partially secularized justifications for the creation of a Jewish state before then as well. Furthermore, as we have seen, until Eichmann's trial

and more so the 1970s, the image of an Israeli state for a "persecuted nation" or as a "compensation" for the Holocaust had not been developed yet.

As Shlomo Sand (2013: 47) argues, the more one looks for secular Judeity "the more one is forced to recognize that there is no Jewish cultural baggage that is not religious". Or, as Ram explains, while describing the neo-Zionist and ethno-Jewish paradigm that fuses and sanctifies both territory and community:

> The land and the nation turn into the first principles of the religion! It is not, as commonly assumed, a process in which Israeli nationalism is becoming more and more religious. Quite on the contrary, it is a process in which Jewish religion is becoming more and more nationalistic. In fact, except for some ultra-Orthodox closed pockets, Judaism in Israel has been totally transposed from religion of a nation to a nationalistic religion. (Ram, 2000: 413)

In fact, Israel's self-definition as the state of the Jewish people, both those living in Israel and those living in Diaspora, has undermined from the beginning the correlation between physical and social borders and the construction of a civic and inclusive Israeli society. When, in 1972, a Jewish Israeli named Georges Tamarin, who had immigrated to Israel from Yugoslavia in 1949, asked the Israeli Supreme Court to change his nationality from Jewish to Israeli, the Court upheld the state's commitment to the category of a "Jewish nationality", thus rejecting the existence of a common nationality between Jews and non-Jews in Israel.

According to the Court's decision, Tamarin's self-definition as an "Israeli" was not sufficient because such nationality does not exist: "it is not possible to demonstrate the existence of the national collective to which the person claims he belongs to". Thus, the Court argued that it was Tamarin's responsibility

> To demonstrate that there are many people in Israel of Jewish decent […] who do not identify, or no longer identify with the Jewish nation and that the indication of this – and this is the important factor – is that they lack any sense of interdependence and shared responsibility with the Jewish people in the Diaspora.[363]

Shimon Agranat, then president of the Supreme Court, also added that "there is no nation separate from the Jewish nation" and that the introduction of an Israeli nationality "would negate the very foundation upon which the State of Israel was formed" (Agranat *apud* White, 2012: 12-13).

[363] Supreme Court of Israel (1972) Georges Raphael Tamarin v. the State of Israel, C.A. 630/70.

In two other situations different courts upheld the same decision. In 2008, a group of petitioners from different religions requested to mark their "nationality" as "Israeli" in their IDs. The group argued that it was not their intention to force this category on the rest of the population, but that it made no sense for them to be Jews for "internal consumption" and Israelis for "external consumption".[364] The Jerusalem District Court ruled that while Jewish, Arab and Druze Israelis share the same citizenship, they do not share the same nationality, and that any change in the national definition of Israelis had to be made by the Knesset (Ronen, 2008).

The definition of Israel as the State of the Jewish people is enshrined both in the Declaration of Independence (1948)[365] and the Law of Return (1950),[366] and in the subsequent Citizenship Law (1952).[367] The first document, by establishing the Jewish character of the state and declaring it "open for Jewish immigrants" launched the basis for an unequal distribution of citizenship and rights. While equality for all its citizens is declared in the document, it is mentioned as an afterthought and as a mere response to what had been the UN's demand for granting citizenship to the entire population. This mention is often used by those advocating for the existence of a democracy in Israel. However, one must look at the Declaration of Independence for what it is: a non-legally binding document and a part of what Pappé (2006: 48-49) called a Zionist response for "public consumption".

Therefore, we should focus on the Law of Return and the Citizenship Law, for they are legal documents that extend the participation of non-Israeli Jews into the national community and grants them privileges that are not given to the Palestinian people. Once again, while some authors will argue that these do not constitute discriminatory laws for they do not discriminate between citizens of the State, and only set the terms for how immigration to Israel and citizenship can be acquired, they do set differences between rights *to* the land (available for Jews only) and rights *in* the land (for Palestinian citizens). In fact, we only need to recall Ben-Gurion's words during the

[364] While Israeli IDs identify Israeli Jews as of Jewish nationality, in their passports nationality is described as "Israeli".

[365] Declaration of Establishment of the State of Israel, 14 May 1948.

[366] Israeli Law of Return, 5 July 1950.

[367] Entry into Israel Law, 5 September 1952.

Knesset debate on the Law of Return to understand how citizenship in Israel is grounded on ethnonationalism and defined in religious – even messianic – terms: "these rights [the rights to immigrate to Israel] preceded the State, and Jews possessed them by virtue of being Jews" (Ben-Gurion, 1950 *apud* Peled, 1992: 435).

These three documents are at the root of a schizophrenic gap between citizenship and nationality in Israel. Palestinians in Israel were indeed granted citizenship and are able to participate politically in the polity, even if their participation and representation is increasingly redundant. However, in Israel, it is nationality that determines the criteria for substantive (and not only formal) participation in the political community. This creates a situation according to which some are considered members of the population and polity "yet they do not belong to them" (Kemp, 2004: 73-74). According to Zreik (2014: 24), "Israeli citizenship was deformed at birth, genetically flawed as it were, since Israeli citizenship per se was almost irrelevant".

Their situation is further aggravated by two phenomena. First, the existence of para-statal organizations, such as the Jewish Agency and the World Zionist Organization, that perform state obligations and tasks while dedicating themselves in perpetuating Jewish exclusive access to resources, namely land. These organizations serve the State's definition as the state of the Jewish people, by allocating rights, privileges and resources according to a system of memberships determined by ethnicity and not territorial citizenship, thus contributing for a hierarchy of citizenships.

The second feature is the lack of a Constitution. While Israel is certainly a not isolated case, the absence of a Constitution directly contravenes the UN Partition Plan of 1947 (Resolution 181) that demanded that

> the Constituent Assembly of each State shall draft a democratic constitution for its State […] Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association.[368]

It also contradicts what had been espoused in the Declaration of Independence, according to which the constituent assembly would have a prepared Constitution by October 1948. While some have argued that the Declaration of Independence could act

[368] UN General Assembly resolution 181, *Resolution adopted on the report of the ad hoc committee on the Palestinian Question*, A/RES/181(II) (29 November 1947).

as the basis of a Constitution, the Supreme Court of Israel has refrained several times from doing so.

Ben-Gurion, one of the voices that rose against the drafting of a Constitution, argued that because the rest of the Jewish people were still outside the State, a Constitution should not be drafted without their participation: "The people who live in the state are but the seed of the people for whom it was created" (Ben-Gurion, 1954, *apud* Segev, 1986: 97). In reality, however, as Rouhana (2004: 1) pointed out, the absence of a Constitution enabled the confiscation of Palestinian resources, and gave the State the time it needed to use them for the benefit of Jewish individuals and enact laws and regulations that ascribe legal superiority to Jews. All these acts, he concludes, would have been inconsistent with a democratic Constitution.

The decision to not draft a Constitution right away and, instead, give the Knesset the ability to enact Basic Laws that could, in the future, serve as the basis for a Constitution, taken in June 1950, when the Knesset adopted what would become as known as the "Harari proposal" (named after MK Yizhar Harari). According to the proposal, the Constitution would be made up by Basic Laws, which would have constitutional value until they were gathered in a formal, written Constitution. However, until nowadays, no deadline has been established for the presentation of a final Constitution. This way, before its dissolution in 1951, the first Knesset passed legislation providing the following Knessets to have the same powers, including the capacity to act as a constitutional assembly. Thus, "the Knesset preserved its constitution-making powers while simultaneously deferring action on key constitutional issues pertaining to the nature of the state" (Masri, 2015).

More problematic than the absence of a Constitution for the Palestinian minority in Israel is, according to White (2012: 14-15), the weak commitment to equality enshrined in the Basic Laws.

Thus, while many talk about a "Constitutional Revolution" taking place in the 1990s with the adoption of the Basic Law: Human Dignity and Liberty[369] and Basic Law:

[369] Israeli Basic Law: Human Dignity and Liberty, 25 March 1992.

Freedom of Occupation,[370] which, on the surface, seem to offer protection for all citizens and should work as an Israel "Bill of Rights" (Brinn, 2012: 349), it has become abundantly clear, either by the text of these laws and by the interpretation offered by the Supreme Court in several occasions, that they give significantly more weight to the Jewishness of the State than to democracy and fundamental rights. Furthermore, none of these Basic Laws enshrine equality as a constitutional right on its own: at most, Supreme Court decisions can recognize equality as a derivative right to dignity (Masri, 2015: 10). These Supreme Court decisions, along many other that we had the chance to analyze, are the reason why Suhad Bishara, a Palestinian lawyer who works for Adalah, describes the organization's experience with the Supreme Court, in the last 20 years, as "inconsistent", while adding that, "in the past 10 years there has been a severe deterioration in way the Supreme Court has dealt with the protection of the rights of Arab citizens."[371]

While technically these two laws allow the Supreme Court to be more aggressive against legislation that conflicts with fundamental rights, more often than not it refrains from doing so, as we have seen in the previous chapter. The justification, according to Aharon Barak, former justice of the Supreme Court, is that "Israel is different from other countries. It is not only a democratic state, but a Jewish state" (Barak *apud* White, 2012: 15). As Masri concludes:

> Paradoxically, then, the advent of a human rights discourse in Israeli constitutionalism did not signal an exception to the ethnic principle but was inherent to it. Thus, what began as a push for constitutionalizing the protection of human rights produced an emphasis on ethnicity, creating an environment and a mindset that, under the cover of liberal human rights, normalizes and justifies discriminatory practices against the Palestinian citizens of Israel. (Masri, 2015: 10-11)

However, the lack of Constitution does not affect only the Palestinian citizens' rights, it also affects the stability of the political system and places strain on the work of the Supreme Court. Another reason why the drafting of a Constitution was rejected in 1949 (other than the ones we already pointed out) had to do with the difficulty "to reach a consensus regarding the spiritual principles which are to shape the image of the people and the essence of its life" (Knesset, 2007). In other words, it came from the existence of a religious and secular struggle over the definition of the nature of the State.

[370] Israeli Basic Law Freedom of Occupation, 9 March 1994.

[371] Interview conducted by the author to Suhad Bishara, in June 2016.

Dowty (1998: 74) believes the absence of a Constitution does not pose a problem, and even states that "it is more an expression of the traditional consociational style of Jewish politics". However, for consotionalism – or "covenantalism" or "consensus-seeking as Cohen and Rynhold (2008) and Gavison (1999: 45) prefer to classify the relationship between secular and religious – to exist, a debate has to be initiated. In Israel, the debate on the nature of the State has been postponed because the variety of communities in Israel, all with different expectations on how the state should be, never left room for a consensus. Moreover, we believe that the changes occurring in Israel throughout its short history but, particularly, since the 1990s has placed the possibility of a consensus beyond the ability of Israeli leaderships.[372] Arrangements such as the drafting and amendment of Basic Laws display what has been the only source of consensus between these communities: the placement of Jewish rights *to* the land above Palestinian citizens' fundamental rights.

Furthermore, Basic Laws, despite their constitutional character, are surprisingly easy to enact and amend, by simple absolute majorities of members of the Knesset members, and thus changes to the Constitutional backbone of Israel often happen with changes in the government.

The Supreme Court is, thus, asked to frequently intervene to mediate what is a broader debate on "reformers" and "conservers" of these laws (Doron, 2008: 594-595). After the "Constitutional Revolution" of the 1990s, by establishing a judicial check on the executive and legislative powers, the Supreme Court became the target for nationalist and religious groups "seeking the curtailment of judicial powers, arguing that the court does not represent the will of the majority".

Under the 34th government of Israel (2015-2019), the Supreme Court was even more under attack, through Ayelet Shaked's (Minister of Justice) successful attempt to shift the Supreme Court composition from "liberal to conservative" through the nomination of 15 judges by a committee chaired by herself (Cashman, 2018). Only a few months before, Shaked had already criticized the possibility that the Supreme Court would disqualify Basic Laws, because, in her opinion, "the judges began, step by step, to

[372] We have chosen to discuss the debate over the Jewish nature of the State in the last section of this analysis.

disconnect themselves from the existing law and began to see themselves as the designers of the desired law". Shaked was referring to the possible revocation of the Basic Law: the Nation State of the Jewish People:

> The nation has no relevance in the new constitutional structure that's being shaped by the Supreme Court […] Diminishing the nation's image in Supreme Court rulings is the culmination of a long process, a process that's been going on for the last few decades in the State of Israel and changing government beyond recognition. From the familiar system of representative democracy, where the people is the sovereign who shapes its arrangement through its representatives, Israel moves on to another method. This method blurs the sovereignty of the people, and its borders have yet to be drawn. (Shaked *apud* Sones, 2018)

Another special feature of the Israeli is the complex relationship maintained with the Diaspora. Although not part of the Israeli polity, the Jews in Diaspora are considered part of the Jewish nation in Israel and, in case of *Aliyah,* are given special privileges for the sake of being Jews.

We have already addressed the inherent contradiction of Zionism in relation to the Diaspora. While the *Yishuv* and the State depended - and still depends - on the existence of a strong Diaspora, both for economic and diplomatic support, early Israeli leadership has always described Jewish Diaspora and all that it entailed (assimilation, mixed marriages, conversions, etc.) as part of a Jewish debris the Israeli State wanted to step away from and the embodiment of everything that had gone wrong with the Jewish people in exile. Ram (2000: 405) describes the positioning of the early Zionist settlers and the first Israelis towards the Diasporas as a "culture of pure amnesia".

According to a 2012 report by the Reut Institute on "The Israeli Diaspora as a Catalyst for Jewish Peoplehood", there has been a major shift in the sense that the "Diaspora has ceased to function as a source of shame to the Zionist project, and is now beginning to be courted as a political, economic, social and cultural asset to the State of Israel".

The report goes on to say that a new identity, that of a "north-american Sabra", is emerging, involving "any Israeli who identifies (whether consciously or subconsciously) as an Israeli-North American Jew". These people, the report states, are those Israelis who have lived in North America for at least a decade, have immigrated to Israel and are willing to invest in the community, and identify as "Israeli-American-Jewish". Due to this

identity, the Reut Institute argues, “the 'N.A. Jewish Sabra' is able to leverage the unique added value of each of the three identities, as well as play a role in bringing all corners of the Israeli Diaspora into conversation with one another, thus serving as a catalyst toward Jewish Peoplehood” (Reut Institute, 2012).

According to a 2016 poll, by the Pew Research Center, Israeli Jews across the political spectrum strongly support the idea of Israel as a homeland for the Jewish people around the world. 98% of those interviewed agreed that Jews have a birthright to make *Aliyah* to Israel, and 79% agree that Jews should be granted preferential treatment in Israel. Once again, while most of those who believe in Jewish preferential treatment identify as center and right-wing – only 38% of those who identify as left-wing agreed with that statement – when it comes to the Diaspora Jews’ right to immigrate to Israel there are virtually no differences across religious and ideological groups (Pew, 2016).

While the rejection of the Diaspora has been slowly abandoned and 75% of Israeli Jews believe they share a common destiny with American Jews (Pew, 2016).[373] the relations between the State and the Jewish Diaspora, especially the one living in the USA, are increasingly tense, both due the tension between the Israeli Orthodox Rabbinate in Israel and the growth of the Reform and Conservative movements, and to the emergence of several Jewish movements that are critical of Israeli policies, such as IfNotNow and Jewish Voice for Peace.[374]

To these tensions, one should add the conflictual positions of Israeli and US Jews in relation to President Trump: while Israeli Jews tend to perceive Trump as a president who recognizes their existential threats and is in tune with Netanyahu’s government, US Jews perceive Trump as “their existential threat, a leader who they believe has stoked nationalist bigotry, stirred anti-Semitism and, time and time again, failed to renounce the violent hatred swirling around his political movement”. This is not a recent problem, but

[373] According to the same poll, 59% of Israeli Jews believe that US Jewry constitute a “good influence” on how things are going in Israel (Pew, 2016).

[374] In this regard, it is important to notice the variety of Jewish movements opposing Israeli policies in the United States. While If Not Now does not take a clear stance on Zionism – in fact, in their website they claim they “do not take a unified stance on BDS, Zionism or the question of statehood”, preferring to focus towards the end of the occupation – Jewish Voice for Peace unequivocally opposes Zionism because it runs counter to the principles of justice, equality and freedom for all (IfNotNow, 2018; Jewish Voice for Peace, 2018).

the new generation of Jews, those who "do not typically remember Israel as the David against regional Goliaths", Israel has been increasingly perceived as a "bully, armed and indifferent", and a problem that is not their own (Weisman, 2019).[375]

Dieckhoff (2017: 282-283) also believes that this lack of identification with Israel is not a matter of a "family life cycle effect": in other words, among young non-Orthodox Jews there is a clear pattern of declining attachment to Israel over the last fifty years and it is unlikely that their level of attachment will improve with the passage of time. In the cases of "Jews-not-by-religion", a segment of the population that is growing in the US (especially through intermarriage), Jewish ethnicity has become "too symbolic".

Or, as US Rabbi Avraham Bornstein (2018) recently expressed in an opinion article for *Haaretz* after a four-day trip to the West Bank, American Jews are feeling increasingly marginalized "in the face of a rapidly developing realpolitik connecting the Netanyahu government and the Trump administration". Chalev (2018) calls the good relations between Israel and the U.S. president "unconscionable and unforgiveable" for American Jews, and one that is straining even further the already tense relations between Israel and the US Diaspora.

However, there are also some signs that for young U.S. Jews the problem does not lie with the current Israeli government, but with the existence of Israel itself. According to a survey conducted among U.S. Jews living in the San Francisco area, only 40% of those between ages 18 and 34 said they were comfortable with the idea of a Jewish state (Maltz, 2018f). This might seem to indicate that U.S. Jewry might be going from a phase of uncritical support for Israel to one where even the "brand of liberal Zionism" is rejected:

> For many, their problem with Israel is not just its current prime minister, its government's policies and its nearly 51-year-long occupation of the West Bank. It is also Israel itself that they are uncomfortable with, specifically its identity as a Jewish state. It is not only what Israel does that bothers them, but also what Israel is. (Waxman, 2018).

This seems to confirm opinion polls made on President Trump. Israel remains isolated as one of the few countries – or the only country among those typically described

[375] According to a poll conducted by GBA Strategies in the aftermath of the 2016 US elections, 70% of American Jews voted for the democrat candidate Hillary Clinton. In contrast, only 25% voted for Donald Trump (Maltz, 2016).

as “developed” - where the majority of the population (69%) trusts Trump “to do the right thing regarding world affairs”. Israel’s perception contrasts with those of the average of the countries polled, according to which 70% do not believe Trump is doing a good job internationally. When we look merely at the average of Europeans who believe so, the disparity is even larger (Pew, 2018).

Israel’s confidence in Trump comes specifically from Israeli Jews: while 82% of Israeli Jews show support for the US President, only 19% of Israel’s Palestinian citizens show the same confidence in his endeavors. Among Israeli Jews, it is those who identify as right-wings who show more support (86%), even though left-wingers (37%) and centrists (59%) approval rates are still higher than the international average. In comparison to a poll conducted in 2017, Israeli Jews’ favorable opinion on the United States’ administration actually went up from 81% in 2016 to 83% in 2018. Additionally, 86% of the respondents believe Trump’s administration takes Israel interests into account, while the average for all countries on whether Trump takes their interests into account when making decisions is only of 28% (Staff, 2018d).

Israeli Jews’ attitudes towards Trump contrast sharply with the opinions of American Jewry: a survey released by the Jewish Electoral Group, in October 2018, showed that 72% disapproved Trump’s handling of foreign policy, 62% disapproved his handling of the relations with the Palestinians and 56% were unhappy with the move of the U.S. embassy to Jerusalem. These results do not necessarily mean there is a detachment between U.S. Jewry and Israel (or the idea they have of it), for 92% of the Jewish electorate who was polled identified as “generally pro-Israel”, and 65% declared they feel “very” or “somewhat” emotionally attached to Israel. Nonetheless, only one-third was fully supportive of the 34th government (2015-2019), and 59% were critical of at least some of its policies. As Jeremy Ben-Ami, president of J Street,[376] put it:

> The myth that most American Jews unconditionally support the Israeli government’s policies has been debunked — and should be fully put to rest. This is why right-wing smears against pro-Israel, pro-peace candidates continue to completely fall flat at the polls. The vast majority of American Jews are pro-Israel — but they define the term very differently than Donald Trump, Benjamin Netanyahu and the Republican Jewish Coalition. (J Street, 2018a).

[376] J Street is a Jewish American advocacy group, founded in 2007, whose goal is to lobby US leaderships in order to achieve a diplomatic resolution for the Israeli-Arab conflict.

When it comes with their specific situation in the U.S.A., 70% disapproved of Trump's handling of anti-Semitism in the country. Following the Pittsburgh attack, U.S. Jewish opinions on President Trump worsened. In a poll conducted by J Street in November 2018, 72% of the American Jewish voters declared that the President's comments and policies were either "very" or "somewhat" responsible for the attack, and a majority (81%) declared they are concerned with anti-Semitism since he was elected. Trump's lack of public trust among the Jewish American electorate had repercussions during the mid-term 2018 elections, when 76% voted for Democratic Congressional candidates. There are also signs that the further President Trump supports Israel, the more Jewish voters tend to support an Israeli-Palestinian agreement for a two-state solution: the number of supporters for such an agreement has increased from 70% to 78% since 2016 (J Street, 2018b).

Following the Pittsburg massacre, Naftali Bennett rejected the idea that Trump's enabling xenophobia and white nationalism had anything to do with the incident, and claimed that the Jewish perceptions of anti-Semitism in the USA are grossly exaggerated (Sommer, 2018). Not only these remarks contrast sharply with what have been Israeli leaderships' remarks concerning anti-Semitism in Europe, they have also been perceived by American Jewry as a dismissal or an attempt to convince them that BDS and radical Islam should be their main concern:

> Israel's fawning apologia for Trump taints Israel with his stains, casting it as a purveyor in its own right of his unique brand of ethnocentric nationalism. Israel's overenthusiastic alignment with Trump shines a negative light on its own policies in general and on its attitude towards American Jews in particular. Israel's refusal to engage with the Palestinians, support for Jewish settlements, anti-democratic legislation or subservience to the Orthodox monopoly were all bones of contention even before Trump was elected, but now seem retrospectively like an extension of his obnoxious policies. Israel's embrace of Trump isn't simply a matter of realpolitik or diplomatic expediency but a wholehearted endorsement of the man and what he stands for. (Shalev, 2018).

The same was pointed out by Weisman, who highlighted the growing weight of U.S. Christian Evangelicals in contrast with the general Jewish population when it comes to Israel and Palestine:

> Israeli politicians — and citizens — are increasingly dismissive of the views of American Jews anyway. Evangelical Christians, ardently pro-Israel, give Jerusalem a power base in Washington that is larger and stronger than the American Jewish population. And with Orthodox American Jews aligned with

> evangelicals, that coalition has at least an interfaith veneer — even without Conservative and Reform Jews, the bulk of American Jewry. (Weisman, 2018)

A December 2018 article by Judy Maltz explored the growing presence of Christian Evangelical pro-Israel organizations in the West Bank. In the last 10 years, several of these organizations are estimated to have brought to the so-called "biblical heartland" (Israeli settlements in the West Bank) over 1 700 volunteers. The justification for this collaboration, as given by Hayovel, one of these organizations, is purely religious: "Every country in the world has turned its back on Judea and Samaria, the heartland of Israel, where 80 percent of the Bible was either written or occurred."

While most of these organizations work under the radar, and do not comply with transparency laws, it is practically impossible to estimate how much money was invested by the evangelical community in the Israeli settlements, but estimates from *Haaretz* place it between $50 and $65 million in the last decade. In 2018, the Ministry of Strategic Affairs of Israel announced that it would start giving these volunteers an annual fee, for their work as "speakers and ambassadors for Israel abroad" (Maltz, 2018d).

Furthermore, despite what seem to be everyone's expectations, the Jewish religious community has thoroughly embraced Evangelical support. Rabbi Tuly Weisz claims the relationship between religious Jews and Evangelicals is "the most logical […] because of the biblical foundation" (Weisz *apud* Maltz, 2018d). Tomer Persico, a scholar of Jewish Law and Studies, added that the mutual trust between the two communities goes beyond religion:

> Not all the settler rabbis – but definitely most – have embraced this new cooperation and friendship, which is based not only on the mutual agenda of resistance to any Jewish withdrawal from Judea and Samaria, but also, importantly, on a shared conservative worldview as far as gender relations, LGBT rights, minority rights, the place of religion in the public sphere and nationalism is concerned. Religious social conservatives on both sides have found support in each other and a shared language. (Persico *apud* Maltz, 2018d)

Nonetheless, the chasm between the Jewish Diaspora and Israel is not only felt when it comes to what we strictly define as politics (although, as we have seen the lines between religion and State are often blurred in Israel, and a clear-cut distinction between one and the other is impossible to make). This issue will be addressed on the following section on the religious-secular power-struggle in Israel. However, it is important to note for now that the Orthodox monopoly in matters of conversion and marriages has also put

a strain in the relationship with an increasingly secular and assimilated Diaspora. The Chief Ashkenazi Rabbi David Lau's declaration following the Pittsburgh massacre, during which he refused to acknowledge the Conservative Tree of Life as a synagogue, preferring to call it "a place with a profound Jewish flavor", only accentuated the rift (Lau *apud* Maltz, 2018e).

Despite the emotional attachment towards Israel, only 4% of the Jewish American electorate declared Israel among their top voting issues. As a symptom of their assimilation, U.S. Jewish voters tend to prioritize domestic concerns, such as healthcare, gun violence, social security and Medicare and economy (J Street, 2018b). Support for Israel, once they are asked to do so, does not seem to translate into the Jewish Americans priorities, although it is worth noticing that, considering the longevity of U.S .support – both economic and diplomatic – for Israel, it is increasingly difficult to envisage beyond that *status quo*. As, indeed, any average voter, Jewish voters tend to focus on immediate concerns that affect their daily lives.

As a last note on the relations between the Israeli state and the Jewish Diaspora, for as long as most Jews live outside of Israel[377], and reject the possibility of making *Aliyah*, despite easy access to citizenship granted by the Israeli state, Israel paradoxically has remained the Diaspora, as more than half of the national community that the state identifies with does not live in Israel nor holds Israeli citizenship. As it is, this source of legitimation – the idea that at some point in their lives Jews would like to make *Aliyah* – is also weakened.

As Zreik (2014: 26) concludes, when he analyzes the first years of the Israeli state, during which the Palestinian citizens were placed under Military Administration, "the Jewish potential citizens that the state intended to in-gather were still outside, whereas the actual Arab citizens were not quite full citizens. Israel was a state on hold".

While the status of the Palestinian citizens improved considerably since the end of the Military Administration, more than half of the Jewish nation still has not chosen no "return to the Promise Land". It is our belief that Israel remains a state on hold.

[377] According to 2017 date provided by the Ministry of Diaspora Affairs, around 8 million Jews (as defined by Jewish law) currently live outside Israel. Another 9 million Jews, who are eligible to citizenship in Israel under the Law of Return, but are not considered Jews by Jewish law, also live abroad.

5.1.3 SECULAR-RELIGIOUS POWER STRUGGLE

Despite the Zionist's claim that it was a secular movement, Zionism has depended from the beginning on religion, both as the common denominator between the dispersed Jewish communities and to justify the movement's target territory for Jewish settlement.

The choice of Palestine, among many other options that were debated during the Zionist conferences, is grounded on the religious allure the territory exerted on Jewish immigrants. This allure, in turn, came from what is believed to be the Covenant of God with the ancient Israelites, during which God promised them a homeland. As we have also seen, references to God's promises of a land to the Jews were present in the Israeli Declaration of Independence as well in "secular" Israeli political discourse.

As an example of this difficult task to detach religion from a definition of "Jewish state" we find a March 2018 opinion article for *Haaretz*, written by Aharon Barak, former President of the Israeli Supreme Court. In it, Barak describes the "Jewish state" as such:

> It is a country which fosters Jewish culture, Jewish education and a love of the Jewish nation; it is a state in which the values of liberty, justice and peace, which are part of its heritage, are fundamental values; it is a state for which the Bible is its seminal book and where the vision of Israel's prophets serves as the basis of its morality; it is a state in which Hebrew law fulfills an important role. A Jewish state is a state whose values are those enshrined in the Torah, derived from Jewish heritage and inspired by *Halacha* [traditional Jewish law], and these are its core values. (Barak, 2018)

It is worth noting that while Barak addresses what he believes to be the tension between Israel's values as a Jewish state and its democratic values, the concept of "equality" is not present in his definition. In this sense, Aharon Barak's image of a Jewish state does not differ from the one presented in the Basic Law: Israel as the nation-state of the Jewish people, adopted in 2018.

Despite Zionism's reliance on religion to justify the settlement and colonization of Palestine, the Zionist Movement faced from the beginning the problem of gaining the acceptance – and, thus, the legitimacy – of Jewish religious movements and parties and, more specifically, of the Jewish Orthodox rabbinate. As we have seen in the third chapter, the Jewish religious establishment in Europe and, later on, in Palestine, rejected the idea of a man-made Israeli state for it contradicted the Jewish theological argument that a Jewish state would only come through a process of Messianic Redemption: a secular

Jewish state in *Eretz Yisrael* was seen as a deviance from Jewish beliefs and, most importantly, from God's plans to the Jewish people.

It was only after the rise of Nazism in Germany that some anti-Zionist religious movements, such as Agudat Yisrael (an ultra-Orthodox movement born in Poland that made its way into Israel during the 1920s) began to develop the idea of a Jewish state as the "advent for Redemption", thus justifying the party's cooperation with the Zionist leaderships.

Despite this cooperation, the extent to which Orthodox leaderships would approve the creation of a Jewish state was only settled on the eve of the United Nations Special Committee on Palestine's (UNSCOP) visit that would later determine the Partition Plan presented in November 1947.

According to the Jewish Agency, attempting to describe how distinct voices, religious and non-religious, were heard in the Zionism movement, the "Status Quo Agreement" (that culminated with a letter addressed by Ben-Gurion to the Agudat Yisrael's leaderships) represented a compromise on what it meant for Israel to be a Jewish state:

> A Jewish state is a secular framework. It will be run according to democratic lines. However, certain spheres of public life which are of particular importance to religious groups will, by agreements, be given over to their supervision. In these spheres of life, life and law will be determined by *Halacha* rather than by democratic choices that may vary according to the make-up of the population. These spheres will be above the normal democratic process, according to prior agreement of all the groups in the polity. (Jewish Agency, 2018).

The Jewish Agency (JA) describes the events that led to the "Status Quo agreement" between Ben-Gurion and religious authorities in an oversimplified tone that contradicts the nature of the whole process we have described in the second and third chapters. The process is described as a series of compromises made between secular and religious representatives, the same way that Ruth Gavison (1999: 45) described it as a matter of "differences" negotiated through democratic processes of "power-sharing" and "consensus-seeking", and Cohen and Rynhold (2005: 727) described it as a mix of consociationalism and covenantalism. However, as even Cohen and Rynhold admitted, this brand of consociationalism excluded non-Orthodox streams of Judaism.

Ben-Gurion's need to present a united front to the United Nations left the ultra-Orthodox leaders of Agudat Yisrael in a comfortable position to make demands on a series of issues that would determine the nature and functioning of the Israeli state. Hence, the famous "Status Quo agreement" reached during the exchange between Ben-Gurion and Agudat Yisrael, not only ensured the minimum living conditions for the Orthodox to live in a Jewish state, it also ensured Orthodox control over matters that extended into the public and private lives of non-religious and non-Orthodox Jews in Israel.

While it is true that the letter signed by Ben-Gurion to Agudat Yisrael's did not make any substantial promises in any of the issues it addressed (*Sabbath*, *Kashrut*[378], family laws or education), it is also true that it set up a precedent by accommodating this community's demands at the expense of the interests of secular Israelis and of the secular character of the State.

During the first three decades of the State, the "Status Quo agreement" survived due to the hegemonic power of the Labor party (Barak-Erez, 2010: 2498). Since the victory of Likud in 1977, however, the agreement reached on some of the issues postulated in the "Status Quo" have been subjected to dispute and gradually eroded such as the case of *Sabbath*, to the point that Cohen and Rynhold (2005: 730) describe it as an "endemic crisis". While at the local and national level several laws ban commercial activity during *Sabbath*, especially in businesses operated by Jews, several loopholes (i.e., employment of non-Jews), along with the changes in Israeli society (namely the emergence of a consumer society), dictates that commercial activity is now being carried out on *Sabbath*.

Still, when we look at more complicated issues, like family law and the Orthodox monopoly on the conversion processes, instead of an erosion of the agreement, what we observe is its transformation into a space of dispute that tends to increase in tandem with the growth of religious political parties, to a point that Friedman describes as "anarchy" and "legal and actual chaos":

> This is a lose-lose situation; for years, the country has found itself unable to escape this dead-end. The ultra-Orthodox and religious parties veto any change

[378] Kashrut is the set of Jewish dietary laws.

> in the *status quo* and are willing to bring down governments in its defense. For the other parties, the issue simply isn't important enough. They are willing to abandon responsibility for the Jewish character of the state and ignore the rights of the many citizens who suffer because of the situation, if they do not have to pay the political price of losing the support of the ultra-Orthodox. (Friedman, 2017a)

Ultra-Orthodox leaderships do seem to know the importance of the "Status Quo" for maintaining some resemblance of stability between secular and religious, and most importantly, to maintain Haredi hold on important issues. As Aryeh Deri, Minister of Interior, from 2015 to 2019, and member of Shas, told *Haaretz*:

> This is the platform of values by which all of us live. There are those who have a habit of ridiculing it, but we need to remember that without an agreed-upon social-religious contract, we could descend into civil war. Very unfortunately, in recent years, there has been a trend of breaching the *status quo*. (Deri *apud* Rabinowitz, 2017)

In 2012, Israeli historian Benny Morris issued a similar warning, declaring the existence of a "brewing *kulturkampf*" between the ultra-Orthodox community and Israel's mostly secular society (Morris, 2012). In this case, however, he criticized the persistence of the "Status Quo agreement" in light of Israeli society's secularization:

> So Israeli Jewish society continues to advance, paradoxically, in two contrary directions: The majority is moving toward a more open, secular, Western lifestyle and polity; and the (growing) minority is moving backward, toward a medieval, obscurantist life, attentive to what are perceived as God's wishes and commands. (Morris, 2012)

While Morris seems to overstress how secular and open Israeli secular society actually is, he seemingly neglects to analyze this culture for what it really is – an inbuilt glitch in the Israeli State that has been bubbling under the surface since its establishment; and even if it is impossible to foresee if Israel can descend into a civil war, as Dery stated, it is a fact that the tensions between secular and religious are the most prominent and institutionalized among the Jewish population.

According to 2018 data from Hiddush, an Israeli organization that, among other activities, lobbies the Knesset for religious freedom, a majority of Israeli Jews (66%) is in favor of the separation of religion and State (a number that rose from 55% since 2010), and 84% is supportive of full realization of freedom of religion and conscience. A vast majority of the respondents (76%) is very dissatisfied with governments' actions in the realm of religion and State. This dissatisfaction is more apparent among secular Jews (91%), but the majority of the Orthodox (62%) is also unsatisfied. The only religious group

whose majority (52%) is pleased with governments' actions are the national-religious (Hiddush 2018: 8-10). All in all, Israelis seem to have grown aware of the growing gap between the arrangements of the "Status Quo" and the norms prevailing in the Western world (with whom they like to identify), especially in regard to family law.

This is easily visible on the different conceptions secular and ultra-Orthodox have on the type of state Israeli should be, their conceptions on Judaism, but also differences in lifestyle, place of residence and political clustering, among others. Furthermore, while the most obvious shift is between the secular (or non-religious) population and the ultra-Orthodox (the two extremes of the religiosity spectrum), some authors have also pointed out the growing prominence of the national-religious community, that tends to abide to a conservative conception of Judaism but is also willing to take a more active role in what they perceive to be the physical protection of the state, either through settlement or military conscription.

While the Orthodox community retains a series of markers that distinguish them from the rest of Israeli Jewish society, namely Jewish religious clothing and the wide use of Yiddish in their community, for prayer and for studying, the community in Israel has exploited the advantages of living in Israel, namely the opportunity to organize politically and make the most of their small demographic electorate, either as an opportunity to promote their material interests (i.e., increasing state funding for their educational system) or to promote religious-inspired legislation.

According to Ben-Rafael and Peres, since the Israeli ultra-Orthodox consider themselves the "custodians of authentic Judaism", a feeling enhanced by the fact that they live in a (mostly) Jewish society, they cannot help but feel a "religious responsibility" for the task of bringing redemption to the country:

> In this, they see themselves as a sort of 'vanguard' of the Jewish people and are convinced that their mission is to spread their version of Judaism among Jews. For these very reasons, they are prompted by their own faith, willingly or unwillingly, to involve themselves in every matter of public interest on the general Israeli scene on behalf of the values and laws of the Torah. (Ben-Rafael and Peres, 2005: 62)

In this regard, despite the fact that the ultra-Orthodox were never a dominant group in Israeli society, especially due to the community's size, they are convinced that their religious dedication gives them an edge over the other groups and, in particular, to

the non-religious. The concessions made by Ben-Gurion seem to strengthen this sense of entitlement, for they are not only able to carry a religious life in a Jewish state, they are also able to restrict the lifestyles of the secular population and even the functioning of the state.

In fact, the level of political involvement of the ultra-Orthodox in Israel (with the exception of small hard-line communities that remain profusely anti-Zionist, such as the Neturei Karta) distinguishes them from other ultra-Orthodox communities spread across the world, who tend to be much less involved in non-religious public affairs.[379] Regarding this, when it comes to their relationship to Zionism, their relationship has evolved significantly since the "Status Quo agreement", as their presence in the Israeli political scene, either for cooperation or for opposition, has made them part of the centers of political power (Ben-Rafael and Peres, 2005: 64).

Notwithstanding their partial integration, their strong definition of collective identity, their underprivileged social condition, along with the dominant culture's (secular Ashkenazi) disapproval of them has prevented their assimilation (Ben-Rafael and Peres, 2005: 62).

For instance, when it comes to their participation in the Israeli workforce, the rate for Haredi men who hold a job of any kind is only of 47%, in contrast with non-Haredi Israeli Jewish men, of whom 87.6% work. While for a few years Haredi participation in the work force increased due to the cuts made to the state allowances in 2003 (when Netanyahu was Finance Minister), since 2015 their employment rates have been dropping, both due to the restoration of these allowances, allowing them to return to religious studies, and to their low educational achievements (Arlosoroff, 2019; IDI, 2017c).

While the rate of Orthodox women who have taken their matriculation exams is steadily growing and is now over 50%, in 2017 only 13% of male Haredim took the same exams. Overall, only 11% of ultra-Orthodox students have been awarded matriculation

[379] Ben-Rafael and Peres (2005: 63) note how, despite these differences, Israeli ultra-Orthodox maintain strong ties with their counterparts in the Diaspora. While most of these communities have remained indifferent (even if not hostile) to Zionism, Israel has become an Haredi center, and it is in Jerusalem that the ultra-Orthodox hold their world conferences.

certificates (necessary for university enrollment), as compared to 76% of the students enrolled in state and religious schools. Besides the absence of a matriculation certificate, Orthodox schools tend to teach subjects that limitprofessional achievements, and limit the opportunities of employment of the Orthodox community (i.e., only 23% of the ultra-Orthodox uses computers and internet on a regular basis for their jobs) (IDI, 2017c). While in the past, government funding of ultra-Orthodox schools depended on their compliance of core curriculum requirements, the growing presence of religious parties in coalition governments ensures that these schools still get State funding even if they do not abide to these rules (Barak-Erez, 2010: 2505).

The fact that Haredi employability is one of the lowest among OECD countries (over three thirds of Haredi women work, but tend to hold part-time jobs in fields of activity that pay poorly, such as teaching within the community), at a time where unemployment rates are at an all time low in Israel, reinforces Israel's dualism between a start-up nation and high poverty rates (Arlosoroff, 2019).

According to IDI data from 2017, despite a slow decline of poverty in the Haredi community, 54% of the ultra-Orthodox still lived below the poverty line, whereas the percentage among the general population is of 22%. This means that 49% of the ultra-Orthodox families and 62% of children live in poverty. Not only the average monthly gross income is significantly lower among Haredi families (around NIS 12,600/month), ultra-Orthodox families also tend to spend less 15% in their monthly expenditures, even if Haredi families tend to be much larger (IDI, 2017c).

There is a growing resentment among the general population over the fact that most ultra-Orthodox families subsist on state allowances (that tend to be reinstated or increased when Orthodox parties are in government), a feeling that is enhanced by the fact that most Haredim benefit from a deferment from military service.

As we have seen, the low levels of employability among the Haredim are directly correlated with the pursuit of education in religious *yeshivas*, as their permanent enrollment as full-time Torah students is a pre-condition for their annual deferment from military service. Likewise, Haredi women are exempted from military service on the basis of their own statement that they are observant.

In 1949, when Ben-Gurion set the conditions for ultra-Orthodox deferment,[380] the number of registered *yeshiva* students was only of a several hundred. However, when in 1998, the number reached 30,000, the Israeli Supreme Court ruled that the Knesset would have to enact legislation authorizing the IDF to issue those deferments. A few years later, in 2002, the Israeli Knesset issued the Tal Law,[381] a provisional law that should only be valid for five years, which came to reinforce *yeshiva* students' exemption from military conscription for as long as they were enrolled in a *yeshiva.*

Because the Tal Law has been since then systematically extended by the Knesset, the Supreme Court is continuously pressured to strike it down both by the general Israeli public, who believes that the burden of military service should be shared by all, and by the IDF. In 2006, the Supreme Court rejected five petitions to revoke the Tal Law, on the grounds that a decision on the deferment from military service should be "accepted by society and based on tolerance and understanding", and that while the law caused "serious harm to the human dignity of the majority who are obligated to do national service", it was impossible to evaluate the damage it would cause to equality (Yoaz and Alon, 2006).

A final decision on the mass integration of the Haredim into the ID remains to be reached. While in 2017, the Supreme Court did rule that the Tal Law was unconstitutional and that it would be cancelled within a year, in December 2018, the same Court granted it another extension, giving the government 43 days to enact replacement legislation. With the law set to expire on the 15th of January 2019, and amidst a coalition crisis following Lieberman's resignation, Netanyahu's government requested the Supreme Court to grant another extension, on the grounds that it is not feasible to pass a replacement law during the election season (legislative elections in Israel were set to take place in April 2019) (Rabinowitz and Lis, 2017; Rosenberg, 2018b; Arutz Sheva, 2019).

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[380] The exemption of *yeshiva* students is not mentioned in the Defense Service Law of 1949. However, Ben-Gurion had already promised, in 1948, to postpone their military service, invoking the need to preserve the world of *yeshiva* studies following the destruction of European Jewish communities during the Holocaust. Barak-Erez (2010: 2497) describes this concession as "an anchor for a vanishing world considered valid for cultural and historical reasons".

[381] Israeli Law for the Deferment of Military Draft for Yeshiva Students Whose Occupation Is the Study of Torah Law, 23 July 2012.

The decision of the Supreme Court to revoke the law encouraged a series of demonstrations organized by the Haredi community that persisted until early 2019, frequently heavily repressed by the Israeli police. One of the most recent took place in December 2018, when the Tal Law was about to be revoked and following the arrest of Yitzhak Arieh, a draft-dodger, who has been in military prison since November 2018. In the course of the protest, 28 Haredim were arrested (Winer and Staff, 2018b).

Similarly, members of the ultra-Orthodox parties in Israel have also shown dissatisfaction with the Supreme Court's decision. Both MK Menachem Eliezer Moses (United Torah Judaism) and Arye Dery (Shas) condemned what they perceived to be the disconnection between the Supreme Court and Jewish tradition. Moses added that the Supreme Court had a deep "hatred for anything dear to those who study Torah and the guardians of religion" and warned that it was time "to return [the Supreme Court] to its natural proportions" (Moses *apud* Rabinowitz and Lis, 2017).

It is not only in matters related to military conscription that the Supreme Court has made decisions that oppose the wishes of the Haredi community. In January 2019, the Court ruled that the ultra-Orthodox party Agudat Yisrael has to amend its rules and remove a clause that prohibits the participation of women, ahead of the April 2019 elections. While the official position of the party is that it will respect the Court's ruling, the spokesperson also stated that they will do so "because it's a matter of semantics that has no practical meaning" (Hovel and Rabinowitz, 2019).

According to the Ben-Rafael and Peres' data, religiosity in Israel also sets the groups against each other: while the ultra-Orthodox tend to fully identify with Israel, in the sense that they perceive its correlation to Jewish faith and symbols, they are also the ones who feel more alienated from Israeli society. While 21% of the ultra-Orthodox admit they do not feel at all like an integral part of Israeli society, the numbers among the other groups never exceed 4%. Ben-Rafael and Peres (2005: 68) argue that, while their religiosity and their emphasis on the religious value of *Eretz Yisrael* accounts for the attachment to the country, what they perceive to be as the predominantly nonreligious character of Israeli society explains their low level of attachment to it.

The tension between secular and ultra-Orthodox is also acknowledged by both communities: 69% of the non-religious respond that they feel a severe tension in their

relationship with ultra-Orthodox (an additional 19% believe there is some tension). This feeling is reciprocated by the ultra-Orthodox, even if only 47% of the respondents analyze the relationship as “severely tense”. According to the Israeli Democracy Index of 2018, 24% of Israeli Jews identified the relationship between secular and religious as the most tense in Israel, only slightly behind the relationship between Arabs and Jews (28%). This perception, along with the perceived tension between Left and Right (36%) has been growing steadily in the last few years as well: in 2015 and 2016, only 10% and 11% of Israeli Jews identified this relationship as the most tense (Ben-Rafael and Peres, 2005: 74; Hermann *et al.,* 2018: 5).

When Jews are asked about the most acute tensions among Jewish society in Israel (i.e., the relationship between Arabs and Jews not considered), 77% identify the relationship between secular and the ultra-Orthodox either as the most or second most acute (Hiddush, 2018: 9).

On the other hand, the perceived tension between Israeli and Arabs tends to decrease as Israeli Jews become more aware of the others: in 2016, almost half of the Israeli Jewish respondents pointed Jewish relations with the Israeli Arabs as the most tense. In 2018, while relations with Israeli Arabs were perceived as the second most tense (28%), the results show an almost identical distribution between the other categories: the tensions between Right and Left (36%) and the tensions between secular and religious (24%). Even the perception of a strain between Mizrahim and Ahskenazim grew, from 2% in 2016 to 3.5% in 2018 (IDI, 2018). There is, thus, what seems to be a correlation between a decline in the perceived tension with the Palestinians and a growing awareness of all the intra-Jewish tensions.

The same trend can be seen when they are asked on who should make concessions in the relationship between religious and non-religious: while 29% of the non-religious respondents state that the responsibility should lay on the religious community only (69% believe both sides should make concessions), among the ultra-Orthodox only 11% believe that non-religious only should make concessions (Ben-Rafael and Peres, 2005: 74, 79). When it comes to the control of the Orthodox Rabbinate, 66% of Israeli Jews believes that Israel should grant an equal status to the Orthodox, Conservative and Reform movements (Hiddush, 2018: 12).

Ben-Rafael and Peres (2005: 81) believe that the sense of vulnerability felt by the non-religious is due to the role of religion in Israeli Jews' collective identity, as well as to the fact that unlike the ultra-Orthodox, who are convinced that they are acting in the best interests of the Jewish population in general, the non-religious do not possess such a powerful conviction.

However, we believe that variations in the perception of threat the other group poses comes also from a position of ultra-Orthodox privilege, that was ensured in the "Status Quo": every time the agreement is under threat – such as during public debates on the *Sabbath* regulations and the end of military deferment –, the community (probably the most cohesive in terms of collective identity in Israel) tends to actively resist these changes. Their goal, thus, is not exactly to enhance their privileges and benefits, but to maintain the "Status Quo agreement" as it is.

Furthermore, while demographically they remain a minority in the State, they have been able to expand their political activity and bargaining potential beyond the proportion of their electorate, and have been consistently part of government coalitions. This presence has been also achieved at the expense of Palestinian political parties, whose cooperation could mean the formation of a secular grand coalition, but who were never considered as potential political partners for the Zionist Left.

More interesting is the fact that 66% of Israeli Jews would prefer to have a government coalition without the presence of ultra-Orthodox parties. This finding is consistent with the belief among the majority (57%) that Israel is undergoing a process of "government sponsored religionization", which they oppose (Hiddush, 2018: 21-22).

While the tension between secular and ultra-Orthodox is the most visible, another group, called "national-religious" (or "religious-Zionist"), has gained a significant prominence in Israel, especially since 1967. Like the ultra-Orthodox, the national-religious affirm their commitment to religious duty, but they also consider that their dedication to Judaism is compatible with full participation in the Israeli modern state. And, just like the ultra-Orthodox, they believe they constitute a "vanguard" in Israeli society, for they have managed to conflate Zionism with Judaism.

Ben-Rafael and Peres (2005: 88), however, note that as religious people, in nearly all the disputes between the secular and the ultra-Orthodox, the national-religious "infatuation" with the rabbis' authority means they tend to side with the latter group. While the perception of threat is not as important between the national-religious and the secular as it is between the latter and the ultra-Orthodox, their positioning also leads to distrust.

We have described in chapter 3 how the growing presence of the national-religious in the IDF has led to the religionization of the military in Israel: special arrangements were implemented to allow them to pursue their religious studies while serving in the IDF, in separated and gender-segregated units.

While the fears of some IDF commanders that the authority in the IDF is also being fragmented under the influence rabbis have over these recruits did not seem to be confirmed during the disengagement from Gaza in 2005 (when some recruits refused to participate for they saw it as a human interference in God's plans to give the Jewish people the totality of the Land of Israel), other problems, concerning compatibility between religious study and military service, contact with female instructors, relations with secular soldiers, etc. have often been raised and were well documented by Cohen (2010: 135).

However, it is not only in the IDF that the national-religious present themselves as a "vanguard". This model of "Zionism *accounted for* by religion" (Ben-Rafael and Peres 2005: 89), like many of the other phenomena analyzed in this research, began to expand following the 1967 occupation of the Palestinian territories. This national-religious camp began preaching for the repopulation of these new areas, by resorting to a religious discourse that promotes the idea that any concession on the new territories is a betrayal of God's promise to the Jewish people, while simultaneously employing what was one of the main tenets of the Zionist movement and of the Sabra identity: the pioneering values.

The combination of the belief that the Occupied Territories belong to Israel (a conviction they share with the ultra-Orthodox), along with their willingness to actively participate in the building and defense of *Eretz Yisrael* means that this community has become the driving force behind the colonization of Palestine since 1967. Moreover,

according to Idith Zertal, the new generation of settlers is more radical than their parents and grandparents:

> The veterans never spoke in the language of the hilltop youth – who mean every word. The veterans knew how to play the political game and manipulate the political system. The hilltop youth have no relations with that system, nor do they have any political rationale. They live in their own messianic bubble. (Zertal *apud* Berger, 2017b).

In 2001, the number of settlers in the West Bank and Gaza were of 208,300 (Ben-Rafael and Peres 2005: 91). According to a *Haaretz* report, and despite Israel's disengagement from Gaza in 2005, by 2017 the number of settlers, in the West Bank alone, was already close to 400,000. Even if the number of settlements has been somewhat stable for the last 30 years,[382] 44% of the settlers currently living in the West Bank (around 170,000) live outside the settlement blocs,[383] spread out across the territory, and making it virtually impossible to image a scenario where an extensive evacuation, for the purpose of establishment of a Palestinian state, will be possible (Berger, 2017b).

While believing that they are part of the Messianic redemption of the State of Israel, these settlers tend to construct their identity in contrast with two external "others": not only their Palestinian neighbors, but also the other Israelis, in a way that replicates the Zionist dichotomization of Israeli and Diaspora Jews:

> Aware of the fact that the Israeli authorities and many Israelis, individually, often view them dimly, settlers speak of 'us' in Yesha [the West Bank and Gaza] and 'them' in Israel. Their 'extraterritorial' endeavor is so central to their lives and identities that they often tend to subordinate their 'Israeliness' to their 'Yesha-ness' […] Settlers defined their collective identity in a way that gives preeminence to allegiance to the land through a notion of collective uniqueness that is elaborated by a very specific version of the Jewish faith. Their formulation embodies, by implication, sharp conflictual assertions about 'others' that one may, in its more extreme manifestations, describe as fundamentalism. (Ben-Rafael and Peres, 2005: 97-98)

However, not all settlers are driven by purely ideological reasons. While most settlements are almost always inhabited by the national-religious, a relatively small number of ultra-Orthodox (118,000), have also chosen to do so, not for ideological

[382] The number of settlements in the West Bank and Gaza were 118 in 1987 and 130 in 2015 (plus 12 in East Jerusalem) Nonetheless, under the first Netanyahu government (1996-1999) the number of settlers in the West Bank and Gaza rose by 12.4% (Waxman, 2006: 130; Berger, 2017c).

[383] *Haaretz* data, based on the data released by the Israel Central Bureau of Statistics does not include the number of settlers living in East Jerusalem, nor the settlers that live in illegal outposts, and whose number is already close to 100 (Berger, 2017b).

purposes (like the first group), but mostly by a combination of socioeconomic factors: house shortage in Israel, lower living costs in the settlements, and pressure from the community leaders (Berger, 2017b).

Unlike the national-religious, who tend to spread out across the territory and serve a strategic purpose of colonization, ultra-Orthodox settlements tend to be relatively close to the Israeli cities where they came from (Berger, 2017b; Arieli, 2018).[384] And, among those who live outside the settlement blocs, 93% fall into the bottom half of the socioeconomic rankings.

Arieli's article (2018) that dwelves into the money invested by Israel into the West Bank settlements as well as into the socioeconomic features of the settler populations suggests that Israel is using the settlement project, not only as a means to further colonize Palestine, but also to drive away poorer communities into these territories. This approach is not much different than the process of absorption of the Mizrahim, during which they were placed in low-populated and border areas. Thus, while still taking into consideration that a vast number of settlers have made a conscious choice to move into the Occupied Territories, their socioeconomic status in Israel should also be taken into consideration when we are tracing the profile of Israeli settlers.

It is important to note that, despite the fact that the perpetuation of the occupation is seen as important (or, at least, inevitable) by the majority of Israeli Jews, as we have previously seen, the ideological and religious motives underlined by the national-religious settlers for the occupation of Palestine contrast with those of the secular majority that perceives the occupation as a source of security. This last perception, which was gradually abandoned following the signature of the Oslo accords, was brought back since the Second Intifada and helps to explain Israeli Jewish support for the construction of the Separation Wall and the expansion of settlements.

[384] The same can be said for a smaller percentage of non-ideological and non-religious settlers that have chosen to live in the West Bank for economic reasons, especially between 1987 and 1997. Among them, several hundred immigrants from the FSU who are now living in Ariel (near Salfit) and Kiryat Arba (Hebron) (Berger, 2017b). There is also the case of smaller settlements in the Jordan Valley and the Dead Sea, built between 1967 and 1977, that house almost 6 500 Israelis. In this case, the settlers tend to identify as non-religious and with the Zionist Left, and have moved to the West Bank under the guise of "security reasons" (Arieli, 2018). While we cannot consider these settlers as motivated by religion, they are still motivated by ideology.

Nonetheless, this public support for the occupation among Israeli Jewish public has to be deconstructed, for it uncovers another layer of tension between Israeli Jews.

5.1.4 ETHNIC-BASED INEQUALITY AND LAYERED EXCLUSIONS

The absorption of Jewish immigrants in the first few decades of the State placed an additional burden into the State's resources. However, as we have documented in the third chapter, the methods of absorption of Mizrahim immigrants, which have determined to a large extent their subordinate economic and social position in Israeli Jewish society, was also a product of Zionism's colonial mindset. The structures of discrimination that launched the basis for the maintenance of certain ethnic groups in underprivileged positions began even before the establishment of the State, the same way that relations with the Palestinian natives were shaped in accordance "with the tendencies of the Western Orientalism in vogue during the colonial era" (Sand, 2014: 14).

We have analyzed before the positioning of early Israeli leaderships towards Mizrahim immigrants, including their paternalistic and ethnocentric remarks that opposed the "savage, unskilled, backwards" Mizrahim to the "modern, Westernized, democratic" Ashkenazim. Ira Sharkansky's (2004: 132) remarks on an article where he argues that criticism on Israel's economic and social gaps are merely a product of an international campaign against the country are very illustrative of how Israel felt about the arrival of these immigrants: "They would not have been allowed into most other developed countries, whereas Israeli and international Jewish organizations recruited them from their scattered villages".

The preference for Ashkenazi immigrants during the *Yishuv* was maintained during the first two decades of the State through the perception that North African and Middle Eastern Jews were destitute and had no skills compared to the established Jewish population. This image was never fully abandoned, even after Mizrahim were brought to Israel during "rescue operations" organized by the State: Israel's openness to Mizrahi immigration came only after being confronted with a demographic problem (the need to disperse Jewish population across the territory and the Ashkenazi reluctance to make *Aliyah*), and an economic dilemma (the need to acquire cheap labor force that would compete with the Palestinians). Thus, this mindset, which became an essential feature of

Israeli colonial identity, is in direct contradiction with the Zionist narrative of the "Ingathering of the Exiles".

While the disadvantaged position of the Mizrahim in the first few decades of the State was often depicted as a result of their late arrival in Israel, that argument has been debunked by authors that, since the 1980s, have focused on the power dynamics and resource distribution between the two groups (Bernstein and Swirski, 1982; Bernstein, 1984; Shohat, 1988; Peled, 1998; Yiftachel, 2000; Mizrachi, 2004).

Even if the situation of the Mizrahim has changed considerably since then, to the point that we can no longer talk about that community as an "ethnoclass", the fact remains that when we look at the overall picture of Israeli society, the Mizrahim are still in a disadvantaged position in relation to the Ashkenazim, and only in an advantaged position in relation to the Palestinian citizens and newly-arrived immigrants (even if, according to some data, there are also gaps between North-American and European Jews and those coming from the FSU).

In 2015, Plaut and Plaut (2015) tried to discredit what they believed to be the excessive weight placed on "discrimination" in research conducted on the relations between Mizrahim and Ashkenazim and Jews and Arabs. In their own research, they believe that differentials in schooling play an important explanatory role in patters of income inequality. However, they do not question how different groups' education and "choices of occupation" (the expression used by the authors) are determined by their spatial distribution, the budgets allocated by the State to different communities and, inevitably, the quality of education received.

The authors' focus on solely individual and household incomes leads them to conclude that "when education, age, marital status, geographic location, and professional group are taken into account, Arab-Jewish earnings disparities all but disappear and in some cases invert, such that Arabs outperform Jews" (Plaut and Plaut, 2014: 21). The same, they say, happens when one compares Mizrahim and Ashkenazim. However, as we have seen, the problem was never between how an unskilled blue-collar Palestinian worker fared against another unskilled blue-collar Jewish worker. In fact, as we have argued before, in terms of access to education, occupation and income, many Mizrahim workers had more in common with the Palestinian citizens than they had with

Ashkenazim. This individualization of the analysis on ethnic inequalities in Israel is fallacious and serves to hide inequality in the access to resources that affect directly both individual and household income. Simultaneously, it also hides the effects that accumulated wealth affects the current performance of these groups in the economic structure.

Semyonov and Lewin-Epstein (2011), in one of the few articles on Israeli socioeconomic inequalities that deal with wealth inequality (and not just simply individual and household income) have demonstrated how ethnic-linked disparities in wealth run much deeper than ethnic disparities in income or in earnings. Wealth inequalities are not only produced through the labor market and access to certain areas of activity, but also through intergenerational family transfers, and these have a multiplier effect on wealth building among Israeli Jews.

In the case of the Palestinian citizens of Israel, whose limitations on the access to state resources, and specifically land, have already been analyzed, their lower earnings and lower standard of living are not merely a product of their lower education and occupational positions, but also a direct result of their subordinate position in Israeli society and limited access to state-sponsored opportunities. In fact, despite being a native population, the Palestinian citizens of Israel only surpass FSU immigrants in terms of accumulated wealth, who are only able to average 5% of the accumulated wealth of the Israeli-born Ashkenazim (Semyonov and Lewin-Epstein, 2011: 940).

While FSU immigrants' shortfall can be attributed to their short life in the country,[385] Palestinian lower levels of wealth cannot, especially when we take into consideration that new immigrants from European-American backgrounds are the second wealthiest group in Israel (Semyonov and Lewin-Epstein, 2011: 943).

In the case of the new immigrants from the FSU, despite having immigrated to Israel with substantially higher education than first-generation Mizrahim (more than two thirds have arrived in Israel with university degrees, and a similar proportion held

[385] Among FSU immigrants there persists intergenerational inequality: while the youngest generation is over-represented in many professions, namely in the areas of medicine and health, the community's elderly, many of whom were forced to give up their citizenship and pension before immigrating to Israel, struggle with poverty (Borschel-Dan, 2016).

professional and scientific occupation in their homecountries), and have been granted a much more favorable package of state-sponsored benefits upon their arrival, many of them experienced downward occupational mobility. Even if they have made strides in occupational status and income, Semyonov and Lewin-Epstein (2011: 940) state that they are still lagging behind Israeli-born Ashkenazim, both in terms of labor income and assets.

As Semyonov and Levy-Epstein (2011: 940) demonstrate, one cannot simply talk about a narrowing gap, merely on the account that, in the last few decades, Mizrahim have gained access to occupations that were previously closed to them, and thus have seen their average income grow, while not acknowledging that the socio-economic gaps between the groups have persisted since 1948. In fact, Mizrahim are still disadvantaged in the attainment of socio-economic rewards, and this can be attributed to lower income flows and lower amounts of inheritance.

In the field of education as well, while the gap has narrowed, the number of Israeli-born Mizrahim between the ages of 25 and 44 who hold an academic degree is significantly lower than their Ashkenazim counterparts: only 28.8% of second generation Mizrahim hold a university degree, compared to 49.6% of Ashkenazim. In fact, Mizrahim's figures in education are even lower than those of Ashkenazi origin born abroad (46.2%) and FSU immigrants (34.2%) (Kashti, 2015).

Similarly, one looks at the composition of the academic staff in Israeli universities, and the situation is very similar. According to 2007 data, collected by a doctoral student at Tel Aviv University, less than 9% of university lecturers in Israel are of Mizrahim descent (while Ashkenazi men constitute 73%). While the Central Bureau of Statistics releases data on the number of women and amidst the academic staff, it does not do so for the Mizrahim: according to the study, this refusal to do so ignores the public perception that academia remains a closed elite that denies admission to Mizrahim and Arabs[386]. This, it is also argued, will naturally influence Mizrahi students who are unable to see themselves represented in Israeli academia (Traubmann, 2007).

For Haberfeld and Cohen (2007), even among individuals with similar education, there is evidence that earnings differentials have persisted and even grown between

[386] Palestinians in Israel remain the less represented group in Universities' teaching and academic staff, less than 1%.

dominant and subordinate groups in Israel. Despite the fact that educational and productivity gaps have narrowed,

> Recent research shows that the earning gaps between Ashkenazi men – the most advantaged group in the Israeli labor market and society – and the other groups not only failed to converge, but for some groups the gaps actually widened between 1975 and 1995. In fact, a recent study [2003] found that the unadjusted earning gaps between Ashkenazi and Mizrahi men in Israel are greater that the gaps between White and African-American men in the US. (Haberfelf and Cohen, 2007: 657).

Furthermore, while Arabs and Mizrahi women are the two groups that most improved their educational level since the 1980s, Ashkenazi men experienced the largest earnings growth, while Arabs and Mizrahi women have experienced the smallest earnings growth (Haberfelt and Cohen, 2007: 663).

Besides direct labor discrimination (that affects more intensely Palestinians and women than Mizrahim), Haberfeld and Cohen (2007: 659) identify several other factors that can explain why second-generation individuals from disadvantaged groups have not been able to capitalize on their education. The first is that in the last three decades in Israel, like in most developed economies, the income and earnings among workers increased sharply. However, the introduction of new technology, that increased the demand for high-skilled workers, but also the processes of economic liberalization, the weakening of workers' union, the increase in the cost of living, and, to some extent, the introduction of Palestinians from the Occupied Territories as cheaper labor has affected Mizrahi economic mobility.

A 2014 report by Adva seemed to confirm these numbers: the average monthly income of urban Ashkenazi workers was 42% higher than the average among all salaried workers. Among urban Mizrahi workers, their salaries were only 9% higher than the same average. The report also concluded that in the case of Israeli-Palestinian urban workers their salaries were 34% below the national average (Gur, 2014).

While it is true that ethnic-based social stratification does not necessarily lead to the erosion of legitimacy of the Israeli State – in fact, a superficial reading might indicate that those who are maintained in an underprivileged position show a higher tendency to patriotism, especially when we take into consideration the intersection of ethnicity with religion -, we believe that it has contributed to the erosion of these groups' trust in Israeli

political institutions. While data is not available for the Mizrahi community's trust in Israeli institutions, generalized trends among Israeli Jews show that trust in distinct institutions has been steadily declining since 2004. The most significant cases are those of Police, the Government, the Knesset, political parties and media. The only three institutions still able to command levels of trust above 50% are the Supreme Court (57%), the President of Israel (71%) and the IDF (88%) (IDI 2017: 129).

In the Mizrahim specific case, this distrust and dissatisfaction were channeled towards parties that were perceived as outside of the Ashkenazi establishment that had built the Israeli state: first Likud and afterwards Shas.

This political shift, that became a permanent feature since 1977, was not only a result of feelings of economic deprivation, but also of feelings of exclusion from the Israeli collectivity. As we have seen, after the establishment of the State, Ben-Gurion sought to transform and unify Israeli society through a doctrine of *mamlachtiyut* (statism). The goal was to completely transform the image of the Jews in Israel, in order to move away from the Jewish Diaspora (the contradictions in the relationship between Israel and the Diaspora have already been addressed in chapter 2 and in this chapter). As Amnon Rubinstein put it:

> Zionism is not content with returning the Jewish people to its lost sovereignty and never-forgotten homeland; it also seeks to be the midwife who helps the Jewish people give birth to a new kind of man. This revolution – no less than the political craving for independence – is the very basis of Zionist philosophy. (Rubinstein *apud* Waxman, 2006: 26)

These new individuals, the *sabras,* those who were born and grew up during Israel's early years, embodied all the qualities (physical and emotional) that were perceived as being absent in the Diaspora: healthy, muscular, brave, pragmatic and patriotic. More than any other event, the 1948 war immortalized the image of the *sabra* in Israel's collective consciousness, even if the number of those who actually fitted the image of the *sabra* was proportionally small in Israeli society. Nonetheless, they were not perceived as a marginal sector, but the vanguard of the new "to-be-built" Israeli identity (Waxman, 2006: 29).

In reality, however, "hebrewism" served not only as an identity marker that opposed Israelis to other Jews, but also as a mark of cultural differentiation from those

who, inside of Israel, did not conform to the image one had of the *sabra*: the Mizrahim. As Sand notes:

> 'Hebrewity' was mainly a practice characteristic of the cultural, political and military élites. It set the tone in the public arena at a time when the citizens of Israel were not yet Israeli: the majority of them, of Yiddish or Maghrebi extraction, spoke modern Hebrew only with difficulty, and the new culture was outside their reach. Some of them had been secularized in Europe, but residues of Jewish, Yiddish and Arabic tradition still constituted an everyday cultural and folkloric support in the hard conditions of immigrant life. (Sand, 2014: 50).

Thus, the combination of economic disadvantages and the exclusion from the process of nation-building, along with the nourishing the community's religiosity through education (as a vast majority of the Mizrahim were enrolled in religious schools) led to their growing religionization and, when the 1977 elections came, the opportunity to punish the establishment they perceived as the culprit of their marginalization: the attempt to re-socialized or "upgrade" the Mizrahim had created resentment and hostility among the community towards the Labor elite. In contrast, Likud, "provided Mizrahim with a sense of psychological equality vis-à-vis the Ashkenazim, helping them overcome their abiding sense of marginality within the Israeli collective" (Waxman, 2006: 41).

While it is true that compared to other groups of immigrants that had arrived in Israel, the Mizrahim remained "more Jewish", ascribing greater importance to the religious elements as Jews, this feature should not be seen as detached from their process of absorption in the new state.

As the new state tended to be hostile or even reject to anything remotely Arab, Mizrahim felt the need, not only to strip off of any cultural markers that brought them closer to Arab culture, and choose between *Arabness* and *Jewishness* - which they were told were incompatible-, but also to learn how to hate themselves as Orientals, the same way that Ashkenazim "had 'learned' self-hatred at the feet and among the ranks of the Europeans" (Shohat, 1988: 26).

This process of cultural self-annihilation coexisted with the Mizrahim's attempt to be included in Israeli society through their religious practices. This attempt was not, as many authors seem to believe, unavoidable nor a product of Mizrahim's predisposition for traditionalism. As Sand (2014: 45) explains, in a society that was deeply hostile to Arab

culture, religious practices and beliefs remained the sole markers of their Jewishness, the one thing that demarcated them from the Palestinians.

As Peled (1998: 721) concludes, it is obvious that in Israel, where Jewishness is the most important attribute for defining membership in the collectivity, Mizrahim choose to ally themselves with the dominant Ashkenazi group – with whom they share this attribute with – instead of with the Palestinians, with whom they shared cultural elements associated with the enemy.

As we see it, the intensity of Mizrahim's religious identity does not come from the same place as the religious identity of the Ashkenazim ultra-Orthodox, who believed themselves to be the "vanguard" of the Jewish people: for the Mizrahim, the emphasis on their Jewish identity was the tool they found to claim for themselves a place in Israeli society and in the political life of the state.

A 2016 Pew survey seems to confirm both the importance of religion among Mizrahim but also their exclusionary attitudes towards Arabs. According to the survey, 65% of the Mizrahim are absolutely certain about the existence of God and an additional 24% state that they believe in God, but are less certain of its existence. Among the Ashkenazim, only 35% are absolutely certain and the same number states they do not believe in God or do not know how they feel about the subject. According to the same survey, 78% of the Mizrahim believe Israel was given to the Jews by God, while among Ashkenazim only 46% believes so.

As we have seen before, among the ultra-Orthodox and the national-religious, their level of religiosity is also connected to intolerance towards other groups and, in particular, the Palestinians. The same seems to happen when we look at the Mizrahim: when confronted with the statement "Arabs should be expelled or transferred from Israel", 56% of the Mizrahim respondents agreed, while among Ashkenazim 40% did so. However, it is important to notice that when asked about the existence of a Jewish birthright to immigrate to Israel and whether Jews should be given preferential treatment, opinions do not vary much neither in terms of ethnic background nor degree of religiosity: Ashkenazim and Mizrahim believe Jews have a birthright to immigrate to Israel (98% and 99%, respectively) and that Jews should be a privileged group in the State (74% and 85%, respectively) (Pew, 2016).

Thus, the persistence of socioeconomic inequalities and, generally, of a sense of structural discrimination, affects the "idea of the state". Marginalized groups, as the Mizrahim, tend to give preference for what Migdal called the "ethnonational principle", for the closest one gets to "Israeliness" is a collective identity defined by the Ashkenazi veterans and their descendents:

> The established model of a universalistic state implies, as I noted earlier, a civilly constructed society. Such a society placed demands on citizens to conform to modes of interaction through *civil* behavior. Exactly what civil behavior entailed, however, turned out to be defined by the dominant European-Jewish groups. Much of the discriminations against those from North Africa and Asia, as Jews from a Middle East background knew too well, was based on the claim or assumption that they did not possess civil attributes […] An ethnonational definition of society would subject Jews of Middle East background to no so such tests. Ethnonationalism would mean automatic acceptance for such Jews, as is. (Migdal, 2001: 166).

The irony, then, lies on the fact that Israeli institutions that were supposedly based on universalism "used universalism as a method of exclusion, creating their own ethnic ingroup". This process, Migdal, argues, intensified after the 1967 occupation, when the Mizrahim took advantage of the reopened question about the nature of the State to lobby for an ethnic ingroup, thus leading to the automatic exclusion of the Palestinians (citizens and those in the OPT) (Migdal, 2001: 167).

While addressing inclusion and exclusion patterns in Israeli society, as well as the hierarchies of citizenship, Ben-Porat (2011: 205) argues that divisions can be reasserted by playing off against each other or, in other words, by assimilating one group through the demarcation and exclusion of another. According to the author, some selective inclusions can be achieved as the state develops new practices of inclusion of groups that were previously excluded. However, under some conditions, "when the state is challenged by internal conflicts or external pressures", these exclusions are re-invoked to forge exclusion among the ingroup. In these cases, not only marginal groups can be excluded, they "can all too easily become the scapegoat of more social and political problems" (Ben-Porat and Turner, 2011: 7-8).

Bernstein (1984: 132) notes that a similar process had already happened after the signing of a cease-fire agreement with Egypt in 1970. The removal of an external threat redirected the attention to internal issues, including the socioeconomic relations between Ashkenazim and Mizrahim, and the presence of the first immigrants from the

USSR. Thus, the creation of the Black Panthers in 1971, following this period of external pacification, should be analyzed through a prism of changes in security, and not only dependant on the growing Mizrahi awareness of their subalternity. This relation is even clearer in Golda Meir's declarations on the Black Panthers: "There is no more terrible disaster than a split among the people. Nothing will succeed if we let this poison settle among us" (Meir, 1971 *apud* Bernstein, 1984: 145).

As Canetti-Nisim *et al.* (2008: 93) pointed out, although Palestinian citizens are by far the most underprivileged group in Israel and the most dependent on the Israeli welfare system, the threat they pose is quite rarely put in economic terms but rather in security terms (at least compared to FSU immigrants who are primarily perceived as an economic threat by other Israeli Jews). This can be a result, as they argue, of the marginality of the social inequality discourse, as compared to the one on national security. However, we also believe that the marginalization of the discourse on socioeconomic issues (or, in other words, its subjugation to the national security discourse), is a preemptive measure, as collective awareness of inequality would enhance the underprivileged position of other groups and, to some extent, and possibly foster class awareness between Palestinians and marginalized Jewish groups, as the Black Panthers' experience briefly suggested.

Ben-Porat (2011: 209) identifies the period post-Rabin's assassination (1995) as one of a centripetal-centrifugal process. His assassination exposed the depth of political and religious divisions in Israel, and their resolution was perceived, if not more important than the peace process, at least as a pre-condition for peace. Reconciliation between Jewish groups was promoted, including the formation of civil society institutions encouraging the dialogue between religious and secular, left and right. Once the focus was placed on security and identity concerns, little to no concern was placed on Arab-Jewish relations. In this case as well, the exclusion of the Palestinian in Israel, if not their demonization, was perceived as essential to promote Jewish unity.

Ben-Porat gives the example of *Tzav Pius*, a private initiative for reconciliation, during whose meetings the participants – all Jews from different religious and political backgrounds – expressed anxiety over what they believed to be a moment of breakdown of the Jewish society and tried to find a common ground on unifying concepts, such as

“Jewish roots”, or collective experiences, such as the Holocaust and military service: “Arabs, therefore, are not simply absent from the programs and discussions of Tzav Pius, but are external to its *raison d’être*. Indeed, it is their very absence that enables reconciliation and their presence that supposedly prevents it” (Ben-Porat, 2011: 210).

On the other hand, the rift between Left and Right in Israel, as described by Grinberg (2013: 94-95), remains “tribal and polarized (…) without political space to contain the economic, cultural, and social conflicts between Israeli citizens”. As it is, the most important “container was ‘the enemy’”. During periods of relative quiet, such as after the signature of the Oslo Accords, “moments for resistance movements” are created, allowing socioeconomic conflicts, repressed by “the national conflict and politically manipulated feelings of fear and danger”, to publically resurface.

As an example, Grinberg (2013: 95) points out the first Intifada and the subsequent peace process that reopened internal conflicts between Israeli Jews. White (2012: 2) also notes that in the context of the peace process, Israeli government has intensified the calls for the Palestinian recognition of Israel as a “Jewish state”. More than a mere blocking tactic of the process, this reflects, according to White, a “profound crisis in the Israeli body politic” or, in the words of Ameer Makhoul (a Palestinian activist and political prisoner), the increasing targeting of Palestinian citizens in Israel is no longer about giving the State “more control and power”, but a product of an “Israeli crisis” (Makhoul *apud* White, 2012: 3).

For instance, during the March 2006 elections, which took place after the disengagement from Gaza (2005) and before the Second Lebanon War (July 2006), thus in a comparatively “quiet” period, the focus during the political campaign was on socioeconomic issues. The formation of new parties, such as Kadima, and the shift from security politics to economic politics pushed Netanyahu’s Likud to the opposition, as it only managed to get 12 seats in the Knesset, and favored parties perceived as having a social agenda.

Previously, Netanyahu had been confronted with social protests following the implementation of a privatization and deregulation agenda. According to Grinberg (2013: 498), the outbreak of social protests benefitted from the previous announcement of Palestinian acceptance of the Road Map and the declaration of a unilateral ceasefire,

both of which "reduced the prominent of the 'existential threat' in Israeli discourse" and "allowed the opening of political space".

The social protests that took place during the summer of 2011 in Israel make up for an excellent example of how socioeconomic issues, pacification and identity politics give space to one another.

The summer 2011 Tent Protests (or the J14 protests) were a wave of mass protests that took place across Israel, beginning when university student Daphni Leef decided to protest against the rising rent prices in Tel Aviv. After publicly inviting other people to join her protest encampment in her *Facebook* page, during the following days the first tents were set up in Tel Aviv's Rothschild Boulevard, one of the largest, more central and affluent parts of the city. Within the following month, over 2,300 tents were set up in Tel Aviv and other 40 locations across the country. The encampment was accompanied by demonstrations, some of them organized by particular groups, such as cab drivers, farmers or disabled people. According to a *Haaretz* poll conducted a few weeks after the encampment started, the demonstrations gathered the support of 87% of the population and, if elections had been held by then, both Kadima and Likud would lose four Knesset seats, while Labor would have doubled its number of seats (Haaretz, 2011).

When, in 2011, the Palestinian National Authority (PNA) decided on a diplomatic initiative in the UN to rally international support for a Palestinian state, the existence of an external threat and immediate danger once again took over the political discourse, allowing the Israeli government to mask once again socioeconomic concerns, even if Israeli public opinion remained concerned with other types of risks, such as the rising prices in basic goods and housing. This situation was maintained during the first half of 2011 but, by the summer, no external or internal threat could be constructed for political purposes.

It is in this context that Grinberg proposes we analyze the Tent Protests of the summer of 2011:

> It is my argument that some kind of awareness of the narrow window of opportunity influenced significant decisions of the J14 leaders: the initiative in July, the quick mobilization, the declaration of the One Million March on 3 September, and the immediate dismantling of the tent camps afterwards. This short-lived mo(ve)ment explains its 'carnival' features, and the erroneous expectation that the protest movement would return the next summer, based

> on the assumption that the success was due to the summer holiday. The Israeli mo(ve)ment in the summer of 2011 was framed by the Palestinian refusal to play the role of enemy before the September debate at the UN and Netanyahu's tour de force in [the US] Congress in May, and not only by the summer holiday for school and university students. (Grinberg, 2013: 500)

The protests were initiated by a particular sector of the middle-class that Ram and Filc (2017: 71) describe as the "bohemian-bourgeoisie sector". The movement was predominantly composed by young (aged 25-35 years) men and women, residents in Tel Aviv, less wealthy in terms of material capital, despite being the more educated section of the middle class, the group that feels more threatened when it comes to its social welfare, but also the one that has seen its expectations for social mobility dashed despite their investment in education. The calls for social justice focused on the rising prices of goods and services, instead of the traditional working-class demands for better salaries and working conditions. This group of Tel Aviv "bourgeois-bohemians" was accompanied by university students and representatives of the "Ashkenazi-secular-nationalist mainstream" (Ram and Filc, 2017: 74).

For Swirski, the 2011 protests, while comparable to other protests across the world, represented a response that never existed before in Israel until the late 1990s: the existence of a population stratum that can be considered "really rich", combined with the perception among youth that they could no longer have access to the same opportunities, namely in education, as their parents. Along with the authors we mentioned, Swirski describes the people who participated in the J14 as Tel Aviv's upper middle class:

> Even though there were smaller demonstrations in other towns and cities, it was not a universalistic protest. It's very difficult to put on the same starting point a young person who came out of the military and doesn't have a high school diploma with a guy who is studying at the university but cannot afford rent in Tel Aviv. Those are two different life circumstances.[387]

In the specific case of Israel, these developments were also perceived as a violation of an "unwritten republican contract", according to which the middle class, who believes it plays the roles of main producers (through their workforce and taxes), as well as of warriors (through military conscription), expects the State to guarantee their welfare and social security. According to Ram and Filc (2017: 71), the State, particularly under the lead of Netanyahu, had violated this contract and showed unusual generosity

[387] Interview conducted by the author to Shlomo Swirski, in June 2016.

and tolerance towards groups that are regarded by society at large as non-producers and non-warriors (Jewish settlers and the ultra-Orthodox). On the other, hand the protests were also the first large-scale display of resistance to the neoliberal socioeconomic system that had taken root in Israel since 1985, which included the privatization of public resources and services, cuts in the welfare state and changes in wealth distribution.

The age of the "B Generationers" (as Grinberg calls them, for the letter "beth" was the symbol of the movement and also means "home" in Hebrew) also played a role: their expectations were not only defrauded in terms of the investment they had placed in their education, which they had grown to think was an important tool for social mobility; they also felt the deterioration of their position compared to their parents'. This sense of deterioration was both objective and a matter of perception: not only data reveals that there was a significant drop in income and home ownership among young Israeli-born Jews, this group was also more pessimistic than others sectors of the population that are even more deprived, such as the Palestinian citizens or those without a university degree (Rosenhek and Shalev, 2013: 9-10).

Thus, Rosenhek and Shalev (2013: 6) choose to place at the center of their analysis the class-generational unit, "a set of individuals with shared formative experiences in the areas of consumption and life chances, experiences that derive primarily from their parents' class location". The generation that took the lead in the 2011 protests were the children of liberalization of Israel's economy, while their parents, as part of middle-class and upper middle-class, had adopted new patterns of consumerism. As they reached adulthood, however, they were unable to reproduce their parents' life opportunities or even their patterns of consumption. As the authors conclude,

> Capitalism's ideological promise that each generation, at least those from the middle class, would have better life chances than their predecessors was realized in the case of the second generation of Israel's middle and upper-middle classes. In contrast, for many members of the third generation this is no longer the case […] Similar to what occurred in other countries, these processes have created a new *precariat* composed of educated young people from middle-class back-grounds. (Rosenhek and Shalev, 2013: 12)

As Swirski had already stated during his interview, Ram and Filc also argue that the neoliberal policies inaugurated in 1985 with the adoption of an Economic Stabilization Plan had created a finance elite with significant power over and above the State and the

Israeli population. These changes in the balance of power were a product of a privatization process, namely of companies owned by the Histadrut as well as of a centralization process that ensured that around 20 business groups currently control half of the Israeli financial market:

> Privatization and centralization processes, together with increased income inequalities, which were caused, on the one hand, by workers deunionization, and on the other hand, by government taxation and welfare policies, led to the formation of a new wealth pyramid, constructed by a narrow layer of opulent financial elite, consisting of the top income decile; a middle layer, consisting of eighth and ninth deciles; and a low layer, consisting of the seventh decile and below, which includes the lower-middle class, low-income households, and the poor. (Ram and Filc, 2017: 78)

This specific sector of the middle class was eventually joined by other social groups, from different classes and ethnic sectors of the Israeli Jewish population. Ram and Filc (2017: 72) argue that this has allowed for a momentary construction of "the people" as a new political subject, even if some (even large) sectors of the population felt alienated, including the ultra-orthodox, religious nationalists, immigrants from the FSU (three groups that traditionally have a clear right-wing leaning), but also unionized workers and Palestinian citizens, who tended to view the protest both as an internal Jewish matter and detached from what are the specific problems of their community (Rosenhek and Shalev, 2013: 7).

The J14 protest was, according to the Ram and Filc (2017), a-political, with its leaders avoiding identifying with any political affiliation, especially with the Left, and taking place outside the conventional venues, that constructed "'the people' in the universalist, democratic sense". As Gordon (2012: 350) explains, the disassociation with the Israeli Left was central to the protest, for any identification with the non-Labor Left in contemporary Israel, is enough to brand one as disloyal and outside the mainstream consensus. There were some initial attempts to delegitimize the protests as "radical leftists", due to their middle-class and secular background and by the encampment's "fashionable location and carnival atmosphere", but those failed as other peripheral groups, traditionally right-wing electorate, slowly joined them.

Ram and Filc even see the shift away from the past Mizrahi discourse on identity politics, that highlighted the discrimination against Jews of Oriental descent, in a positive light, even if later they admit that 'the people' stood for 'the people in the middle' and

that, more than anything, the protest was a reflection of the middle-class recognition that their previous support for the neoliberal policies had harmed their own dependency on state services such as health and education (Ram and Filc, 2017: 74, 76).

As Grinberg (2013: 500) notes, however, despite the attempts to portray the movement as "neutral" and as representing a unified population, the tensions between the Ashkenazi middle classes in the center (of Israeli society and of the J14 movement) and the peripheral groups never disappeared. Rosenhek and Shalev (2013: 14) share the same conclusion, and argue that below the surface the protest "was deeply embedded in the same identities and conflicts that have structured politics in Israel since the 1970s", as public support for the movement tended to come predominantly from left-wingers, secular, educated and high-earners.

In this sense, Ram and Filc are then forced to acknowledge that the movement was part of a "new, individualistically oriented politics, characteristic of the middle class, whose identity is strongly linked to consumer culture", and that, by being a mere "manifestation of accumulated distress", was unable translate into political action or an articulated ideology. The authors point out this problem as the main cause for the collapse of the movement after that summer, and the subsequent channeling of energies – and electorate –to the Labor Party and Yesh Atid, in the 2013 and 2015 elections (Ram and Filc, 2017: 80-81). Gordon, however, prefers not to look at is as an unintended consequence, but as the purpose of the protest all along:

> The protests functioned as a kind of safety valve for social dissent, allowing it to vent itself over issues which had never been strongly associated with questions of national security or demographics, and thus still part of the legitimate public discourse. (Gordon, 2012: 352).

The same is noted by Rosenhek and Shalev (2013: 2) because, since 1967, protests in Israel had been dominated by Israel's conflict with the Arab States and the Palestinians and the future of the Occupied Territories. Due to Israeli immersion in the conflict, matters of distributive nature had been marginalized and had never succeeded as the basis for mass mobilization.

Moreover, as opposed to what had happened in the USA and many European countries deeply affected by the post-2007 financial crisis, Israeli domestic performance had not been significantly harmed: the financial market had remained relatively stable

and there was no threat of a debt crisis or talks about financial bailouts. On the contrary, since 2009 Israel had presented favorable growth rates and lower unemployment rates, and the protests took place in a period free of socioeconomic distress and crisis, as it had happened in other countries (Rosenhek and Shalev, 2013: 3).

Nonetheless, the economic growth of Israel, as sustained recurrently by OECD reports, conceals a rather complex socioeconomic reality, with ever-widening inequality - the second-highest among developed countries (Ram and Filc, 2017: 78) – and the relative deterioration, as mentioned previously, of the opportunities available for the younger generation and, in particular, to the middle class.

According to a December 2017 report, almost one-third of Israeli citizens lived below the official poverty line, including one million children, as the data also revealed an 18% increase in the number of people considered "poor" since the previous year. The same report revealed that around one-quarter of Israelis had trouble meeting their living expenses and that 65% had accumulated large debts (MEMO, 2017d).

Other reports suggest similar numbers: by the end of 2017, out of the 2,851,000 children in Israel around 880,000 lived in poverty. The most affected were those from the most disadvantaged groups in Israel, the ultra-Orthodox and the Palestinians: among the first group, 2 out of 3 children lived in poverty, along with 62% of the Palestinian children. While the poverty rates among ultra-Orthodox families have been showing signs of decrease, poverty rates among Palestinian families have been increasing (Gravé-Lazi, 2016b; Barkan, 2016).

The geographic concentration of poverty suggests the same division: the most affected areas are the Jerusalem district and the North district, two of the areas with the highest concentration of both communities (Gravé-Lazi, 2017). Jerusalem had been previously ranked as the poorest among all major Israeli cities, in contrast with Rishon LeZion and Petah Tikvah, who are welcoming a large influx of educated residents. The rating, published by the Central Bureau of Statistics (CBS), identified the most vulnerable communities as those with a large ultra-Orthodox, Palestinian and Bedouin communities, such as Beitar Illit, Modi'in Illit or Ar'arat an-Naqab (Lior, 2016; Eisenbud, 2016).

Despite drops in unemployment rates – one of the lowest among OECD countries –, the income gaps are particularly high in Israel, with those in the top-decile earning over 7 times more than those in the ninth-decile. This discrepancy is far higher than any other country in the OECD, whose average is 3.42 times. Simultaneously, the number of those earning less than two-thirds of the average wage has been increasing (26.4% according to 2018 data, in contrast with the OECD average of 15.7%), and only higher earners have received a rise in income (Sadeh, 2018).

UNICEF Israeli chairman, while presenting a 2016 report on poverty in Israel, argued that the problem was not only the effects of inequality on the children's day to day lives, but also on their future opportunities. This "sticky floor" effect, that prevents the lower classes from improving their situation, he argued, was the result of the policies that have been in place for years. Although inequality is a problem affecting many countries, Israel's most affected groups are the Palestinian citizens and the ultra-Orthodox, both minority groups (Barkan, 2016).

While the 2011 protests can be included in the wave of popular movements such as the *Indignados,* in Spain,[388] or *Occupy*, in the USA, we have to pay closer attention to how wealth and opportunities historically distributed in Israel according to what Yiftachel called the "ethnic logic of capital": the unequal distribution of land and resources to different ethnic groups during and after the period of state-building. The ethnic character of socioeconomic stratification in Israel limited the impact of the protest, as ethnic, national and religious divisions impede automatically the creation of "a people". In fact, Gordon (2012: 350), when comparing the J14 protests with similar events around the world, called them "the tamest specimen in the current global wave", even if they brought 10% of Israel's total population to the streets, over a period of 52 days. Rosenhek and Shalev (2013: 3) observe that the protest was redefined as a "middle class protest with aspirations to represent 'the people' in a struggle for 'social justice'".

[388] Grinberg (2013: 493-494) says that the 15M movement in Spain was the main inspiration for the J14 protests, not only in terms of organization and communication, but also by lending the ideas to organize general assemblies and reach decisions through consensus, as well as the strategic refusal to negotiate with the government and make compromises. The refusal to negotiate with Netanyahu, however, was gradually abandoned and in September, when one of the leaders of the National Student Union, Itzik Shmuli, stated that the movement was willing to negotiate a deal with the government.

For Grinberg, the "B Generation" is a product of a political and economic crisis, global and local:

> The local political crisis is related to the disintegration of society into 'tribes' and the complete repression of social and economic agendas by the hostility to 'external enemies', and internal hostility between the 'tribes' (…) In the absence of a balance of power between dominant and dominated classes, and without state capacities, political parties cannot fulfill their promises and are unable to represent the majority of the people. Tribal hostility is one of the repertoires used by political actors to mobilize the anger and fears of voters without representing their social and economic needs and demands. (Grinberg, 2013: 497)

According to Rosenhek and Shalev another explanation for the emergence of a mass social protest in country is related to the generalized alienation and mistrust felt towards politicians and political parties:

> It would seem that most Israelis became indifferent, antithetical even, to politics. This atmosphere of anti-politics was felt not only in declining turnouts at election time, but also in what would seem to be a reduced propensity to take part in protest activities. In the context of the accelerated liberalization of Israel's political economy and the penetration of individualistic and consumerist principles into many spheres of life, the neoliberal project of depoliticizing economic policy, and indeed economics in general, and its definitions as the preserve of 'apolitical' experts, was remarkably successful in Israel. (Rosenhek and Shalev, 2013: 4)

For Maidhof (2016: 19), the exclusion of certain themes and populations from the J14 social protests demonstrates the absolute rejection of the political. While "political" discussions and "political" activists were accepted in the protest, they were marginalized from the movements' agenda. Thus, issues such as the occupation or the rights of non-Jews were excluded for they were seen as disruptive and divisive issues: their exclusion was actually enforced by the organizers and was seen as essential for the success of the movement.

As an example, when a small number of Israeli activists from Anarchists Against the Wall[389] attempted to set up their own tents on Rothschild Boulevard, a few days after the protests started, they were immediately denounced by other protesters because their open anti-occupation agenda was seen as undesirable. The group was then forced to set camp close to Tel Aviv's central station, an area with a large presence of homeless people and African refugees, two sectors of the population that the group had been in active

[389] Anarchists Against the Wall are an Israeli direct action group created in 2003 that is markedly anti-Zionist and opposes the occupation, the blockade on Gaza, and the West Bank Separation Wall. Members of the group often participate in Palestinian protests in the Occupied Territories.

solidarity for several years (Gordon, 2012: 352). The placement of the tents of this small group of anarchists was not an exception: while most tents set up in Rothschild Boulevard did belong to middle-class students and graduates of Ashkenazi descent, other marginalized groups began their own encampments in other – neglected – parts of the city. In several Arab towns and neighborhoods, Palestinian citizens set up their own encampments as well (Grinberg, 2013: 500).

In fact, the conflict was only addressed insofar as budgetary considerations and the economic burden of the settlement expansion and of a welfare state for the settlers: even in this case, the moral dilemma posed by the settlers was not on the table, it was only the funding required for the settlements that was on stake. While analyzing why these demands were so quickly dropped once the J14 protests were concluded, Swirski pointed out that social economic demands in Israel become "banalities" when they are juxtaposed with issues pertaining to the occupation and national security.[390]

According to the Maidhof, these exclusions automatically place limits to the calls for "social justice" made during the protests. When protesters called for affordable housing for everyone, the fact that Palestinian citizens of Israel are practically barred from purchasing land was not mentioned, because according to Maidhof that would enter the realm of political justice:

> The 'nation' or 'people' of the protesters' rallying cry was not a nation of all of its citizens, but rather a decidedly Jewish nation, excluding around one-quarter of the state's population […] To call this 'social justice' was to exclude the proponents of political justice whether in Jenin or in Haifa […] In this conception, the 'social' is, in effect, an apartheid sociality: a space where protesters hoped for – and largely achieved – a general consensus through the maintenance of an almost exclusively Jewish conversation. (Maidhof, 2016: 20-21)

Instead, calls to restitute the welfare state were not presented as a matter of social conflict along ethnic lines, but through calls to social unity as an expression of "true Zionism", a nod to the collectivism and republicanism of the early State (Gordon, 2012: 352).

[390] Interview conducted by the author to Shlomo Swirski, in June 2016. Shlomo Swirski also added that the 50 billion dollars in military aid given every year by the United States to Israel undermine a serious debate on the costs of occupation.

Maidhof (2016: 23) concludes that any mobilization that is premised on exclusion, while still claiming it speaks in the name of civil society, "will not only reproduce exclusionary practices, but also widen the gap between those who do and do not receive crucial state services". The same opinion is shared by Gordon, who called the Israeli tent protests "an Occupy movement that ignored the other, real occupation taking place in its own backyard". In his opinion, the movement's silence on the situation of the Palestinians (both those in Israel and in the OPT) testifies to the "chilling effect of the patriotic, state-loyalist discourses" which have taken root in Israeli society. In this sense, the tent protests should not be seen as anything else other than "an all-too-brief interlude in Israel's ongoing move away from democracy" (Gordon, 2012: 350). As he notes, the participation of Daphni Leef, the protest's instigator, at a UK event to counter Israel Apartheid Week, after being invited by the Israel Ministry of Public Diplomacy (*Hasbara*), along with the right-wing electoral victories in 2013 and 2015, demonstrate that the Israeli public still prefers a hard-line government when it comes to the Palestinians, even if it maintains the same neoliberal policies (Gordon, 2012: 354).

Ami Kaufman (2012), one of the founders of Left-wing online magazine *+972*, and fiercely critical of Zionism, presented an alternative reading of the protesters' exclusion of the occupation. While agreeing that combining anti-capitalist and anti-occupation agendas would be the right thing to do, Kaufman argues it would not be the "smartest" because for Israelis the occupation is perceived as a security issue. In fact, Kaufman argues, the J14 protesters wanted to change the Israeli political Left-Right consensus regarding the occupied territories, "the most solid, largest obstacle to ending the occupation":

> Until now, this paradigm has been dominated by 'the conflict' […] Every election in Israel has been based on this paradigm. There are very few examples of socio-economic issues standing at the forefront of election campaigns—and even then, they were still not the dominant issue. That has always been security. This has continued to be the case in recent years even as more and more Israelis develop a keen 'economic awareness' […] This increased economic awareness, combined with hardships caused by the global financial crisis, brought about #J14. Who knows—maybe Israel's next election slogans could read: 'It's the economy, stupid!' (Kaufman, 2012)

Grinberg (2013: 503) points out how the protest movement was momentarily co-opted by the centrist parties Kadima and Yesh Atid in the 2012 elections (in an attempt to mobilize the same protesters from the previous year), who shifted the protests' claims

from equality of rights towards equality of obligations, drawing from the Israeli secular hostility against the ultra-Orthodox and Palestinian citizens who do not serve in the military, thus "not sharing the burden". The protests failed, even if the National Student Federation and Dror Israel, two of main organizations present in the year before supported a new round of protests for the summer of 2012. Rosenhek and Shalev argue that this tension had already been a central basis during the 2011 mobilization, as the demands made by the protesters were often justified in relation to the contribution of the middle class to society, in terms of military service, workforce and tax payments:

> The protest movement was also a way to rebuild the collective identity of the secular and 'left wing' middle class […] The protests thus not only embodied a politics of distribution, which formed its overt outer layer, but also an implicit inner layer driven by a politics of status and recognition managed by a social sector that sought to reclaim its dominance through a revised collective identity. (Rosenhek and Shalev, 2014: 14)

In Grinberg's opinion, the timing to the end of the protests also reveals the prevalence of a security discourse over socioeconomic issues. In September 2011, the Israeli government prevented the adoption of a UN resolution for the recognition of a Palestinian state and, in October that same year, new hostilities reemerged in the Gaza Strip. These two events, re-launched the presence of an external enemy to the center of political debate, effectively shutting down other issues as well as the tent protests, and initiating a new wave of anti-democratic and anti-Palestinian legislation that was conveniently covered up by the Iranian nuclear threat and the presence of African refugees and asylum seekers who had entered the country and requested legal protection. The organization of racist demonstrations against these refugees in the Tel Aviv neighborhoods where they were concentrated, enhanced the tensions among the J14 activists:

> The timeframe [of the protests] was not, according to my interpretation, dictated by the academic calendar but by the Palestinian calendar […] The political space for representation of socioeconomic issues in Israel is closed not only by the salience of the Israeli-Palestinian conflict and the manipulations of the external 'threat' [but also] by the internal tensions and hostility between ethno-classes which are instigated by the institutionalized political actors and constructed as 'tribal' conflicts. (Grinberg, 2013: 501)

In fact, as Gordon (2012: 353) notes, J14 activists had been aware that a possible military escalation, following a Palestinian attack on an Israeli bus in southern Israel, could take place since the beginning of the protests. An Israeli security commentator had

even raised the possibility that the prime-minister would initiate a military retaliation in order to distract the Israeli public from the social protests. Silvan Shalom, the Deputy Prime Minister, said during a TV interview that one of the reasons for the outbreak of the protest was the relative quiet on the security front that allowed people to concentrate on social and economic issues (Melman, 2011).

The same association was made by Nurit Peled-Elhanan, who described the J14 protests as "a bourgeois kind of summer camp":

> Nobody knows what to do, how to do it, or what democracy is. Every time a protest happens there is a war, a suicide bomb, there is something. And, suddenly, everybody is together again. They don't make the connection. 2011 was terrible, they didn't make the connection. Who cares about the Palestinians? And they said it, [that] they didn't want them there. They want to pay less rent, less tuition fees, and the summer camp was all about that. But the idea of democracy is unknown in this country, and people have nothing to do with each other, it's only the enemy that unites them. Nothing in common, except hate and racism.[391]

Despite the fact that the J14 protests' short life (and of Israeli social protest in general) constitute a great example of how a "national security discourse" can claim the attention of Israeli Jewish public, this was not the first time that a social protest's life was cut short due to matters of "national security". Shohat (1988: 30), for instance, has already shown how Mizrahi social protests in the past were targeted as deviant and as an instrument for "dividing the nation", and how ethnic and class protests were frequently repressed under the guise that they threatened "national unity" when the State was already under attack by the Palestinians and the Arab world.

This places obvious restrictions on the Mizrahi capacity to mobilize, but also hinders any solidarity between Mizrahim and Palestinians, as what Israeli leaderships tell frequently to the first group is that their situation is one of "conditional integration", i.e., they will be accepted as long as they reject and fight the Arabs. That had already been the conclusion presented by Shohat:

> To conjure the spectre, the Zionist establishment in Israel has done everything in its power: the fomenting of war and the cult of 'national security', the simplistic portrayal of Palestinian resistance as 'terrorism'; the fostering of situations which catalyze Sephardic-Palestinian tension; the caricaturing of Sephardim as 'Arab-haters' and 'religious fanatics'; the promotion, through the educational system and the media, of 'Arab-hatred' and Sephardi self-rejection;

[391] Interview conducted by the author to Nurit Peled-Elhanan, in July 2016.

> the repression or cooptation of all those who might promote a Palestinian-Sephardi alliance. (Shohat, 1988: 32-33)

Melman (2011) gave the example of the 1966 recession in Israel, during which the country went through a large wave of emigration. After 1967, the despair felt by Israeli society in relation to economic pressures was replaced by the euphoria felt after the Six-Day War, and there were claims that, as early as 1966, and long before Nasser had mobilized Egyptian forces into the Sinai, Israeli leaderships were already planning on "heating up the border with Syria in light of the diversion by Damascus of the Jordan River's sources, in order to divert attention from the recession".

Besides the inability to open a wide debate on inequality in Israel, the J14 tent protests of 2011 reproduced the existing cleavages in Israeli society through a complex mechanism of exclusions. In this case, not only the problems brought up by the "bohemian-bourgeoisie sector" were not shared by the lower-classes, but the automatic exclusion of the most marginalized populations and topics (the persistence of ethnic-based poverty, the marginalized position of the Palestinian citizens, the occupation, etc.) placed the protests in a situation where the mere invocation of "national security" put an end to the movement.

5.1.5 ISRAEL'S JEWISH STATE

The fifth problem we identify in the Israeli State is its definition as a "Jewish state". Although the expressions "a state for the Jewish people" and "Jewish state" are often used interchangeably – and do, indeed, overlap in many aspects (as do the other problems we identify) -, we believe this is a gross mistake and one that occurs in many of literature we analyzed. In fact, we found it particularly surprising that during our interview with Amir Fuchs[392], an Israeli legal expert, he used both expressions as if they meant the one and same thing. This mistake is most likely a symptom of the Israeli leaderships' attempt to conflate both, if only as an attempt to gain the support of the Jewish Diaspora for measures such as the "Nation-State law".

In fact, the "Nation-State law", and despite what was frequently listed on the media[393] while listing a series of principles that underlie the Jewish character of the State

[392] Fuchs (2016) in interview with the author, Jerusalem: 7 July 2016

[393] See, for instance, Avishai (2018).

(Hebrew as the State language, Jewish-inspired national symbols, reserving for the Jewish people the exclusive right to self-determination in the "Land of Israel"), does not, in any moment, define Israel as a Jewish state. This avoidance, we believe, is very symptomatic of Israel's internal problems in defining what a "Jewish state" is or could be. Just as it happens with the definition of borders or the approval of a Constitution, the issue has been consistently ignored and postponed, for a truly open debate on it would enhance the schisms that permeate Israeli society.

However, the fact that this confusion is translated from political discourse to academic work means that a larger problem is at stake, for it encourages the audiences to naively assume that the concept is clearly defined and not up for debate when, in reality, this is a central (if not the most important) source of tension in the definition of Israel national identity.

In our case, we believe a distinction is desirable, for while the first definition – "a state for the Jewish people" – has implications on the social boundaries of the State, by broadening it to include prospective Jewish immigrants, the second – "a Jewish state" – refers to the character, interests and goals of Israel, as well as to the religionization of Israeli politics.

Despite on what seems to be a political consensus around Israel as a Jewish state (only challenged by non-Zionist parties) and what seems to be the general agreement among the Israeli Jewish public that Israel is a Jewish state and should remain one, only sporadically an author or a media outlet attempts to delve and explain what being a "Jewish state" really means. Despite the media attention on the "Nation-State law", and despite the general outrage both outside and inside Israel on its adoption, there has been no serious debate on what it means to be Jewish in Israel, who is a Jew and how can a state be both Jewish and secular at the same time. All in all, between Israeli continuous pressure on the Palestinian National Authority to recognize Israel as a Jewish state as a precondition for negotiations, it is almost always assumed that a "Jewish state" is a clearly defined concept.

The most straightforward reading we can take from Israel's definition as a Jewish state is the need to maintain a Jewish demographic majority. As we have seen, this has been a cornerstone of Zionist and Israeli leaderships even before the establishment of the

State. and one that is transversal from Zionist right to Zionist Left, religious and non-religious parties. This was also the interpretation adopted by the Supreme Court in 1988, when it dealt with the eligibility of the parties participating in the upcoming elections. Acceptance of Israel as a Jewish state, the Court decided, meant the maintenance of a Jewish majority, the right of Jews to immigrate and the maintenance of ties with Jewish communities in Diaspora (Dowty, 1999: 10).

There is, however, an obvious conceptual difference between having a "demographic Jewish majority" and identifying as a "Jewish state", even if the first is essential for the maintenance of the second.

Furthermore, the maintenance of a Jewish majority (at least in the territories that are internationally recognized as part of the Israeli state), and despite the alarmist tone of Israeli leaderships, has been ensured. The same happens with Jews' eligibility to immigrate to Israel under the Law of Return.

This difference, that is sometimes overlooked, is what allows individuals such as Amir Fuchs to argue that there is no difference between Israel as a Jewish state and France as a French state. Simultaneously, it also highlights the problems inherent to Left-wing Zionism that we have described in the previous chapter, especially pertaining their rejection of the "Nation-State law", while still agreeing with the Jewish nature of the State and the existence of Jewish birthright to immigrate to Israel. While both compromise democracy in Israel, as the maintenance of a Jewish majority was gained and maintained through maneuvers of demographic engineering, ethnic cleansing and border adjustment, the latter aims for the maintenance of Jewish hegemony over non-Jews. As Rouhana declared:

> It is true that in a 'civil state' there could be cases of social (or even institutional) discrimination and exclusion; however, in an ethnic state, discriminations and exclusion are not only social (and institutional) but are also anchored in the state's administrative, legal and judicial systems (…) Official preference is given to members of one ethnic group exclusively (citizens or non-citizens). (Rouhana, 1998: 281)

In other words, while the concept of a Jewish majority is the basis for immigration and citizenship laws that discriminate between Jews and non-Jews, the definition of Israel as a Jewish state is where discrimination between Jewish and non-Jewish citizens is truly anchored.

In order to prove our point, we would like to address the petitions presented to the Supreme Court for the introduction of an "Israeli nationality", which we have analyzed in the previous chapter. After the Jerusalem District Court rejected the petition in 2008, the petitioners decided to file an appeal to the Israeli Supreme Court.

Unsurprisingly, the Supreme Court upheld the decision that had been made for George Tamarin's case. What is surprising about this decision is Justice Vogelman's discussion on the complexity of the matters of nationality in Israel. Vogelman starts by complaining on the number of cases that the Supreme Court has had to deal on these matters since the establishment of the State and the first Population Registry, and mentions the pressure this has placed on the Supreme Court:

> We therefore see that the items of religion and nationality in the population registry were fertile ground for stormy legal debates on matters of peoplehood and nationality, of religion and state, of Orthodox and non-Orthodox conversion, of who is a Jew and who is not a Jew […] These were tempestuous, radicalizing debates, which touched the very core of opponents and supporters – and all of this, even though the registration itself had no stated legal ramifications in practice. Against this background, even in the early case law of this Court on the subject, Justice A. Witkon expressed his displeasure with questions of values in the area of nationality being brought before the Court, and called upon the Government 'to initiate legislation that would obviate the need for registration of this superfluous field' […] After several decades of litigation revolving around the "nationality" item, it seems that the picture has not changed. And indeed, once again a dispute concerning the registration of 'nationality' item in the population registry is brought before us.[394]

While the acknowledgement of this tension does not come as a surprise at this point in our research, its presence in a Supreme Court ruling does shed light on the amount of pressure placed by the undefined societal borders and the citizenship and nationality gap places on the State's institutions. Certainly, it demonstrates how an issue that is apparently consensual among Israeli Jews (i.e., Israel is a Jewish state) is still a focus of tension. For decades, the Supreme Court has had to deal not only with issues regarding nationality/citizenship *per se*, but also with several petitions filed by Palestinian citizens and their advocates, namely Adalah, to interpret, safeguard or repel new discriminatory legislation that is grounded on the definition of Israel as a Jewish state.

The first and most obvious puzzle when one looks at the definition of Israel as a "Jewish state" comes from the concept of "Jewish" itself and the effects it has on the

[394] Supreme Court of Israel (2013) *Ornan v. Ministry of Interior*, CA 8573/08.

definition of the Jewish people: can all the descendants of the ancient Israelites be considered Jewish, even if many along the way converted to other religious or became atheists? Is the category limited for those who believe and practice Judaism, or are Jews only those born to a Jewish mother? These three criteria co-exist in Zionist discourse, and the increasing presence of non-religious Jews in Israel highlights the strain between these three definitions. This has been particularly evident since the arrival of many FSU immigrants who are eligible for immigration under the Law of Return, despite the fact that they are not Jews according to the *Halacha*.

Furthermore, as immigrants from the FSU continue to arrive in Israel, this problem has not been left in the past. According to December 2018 reports by the Jewish Agency, the number of Jewish immigrants who have arrived in Israel in 2018 has risen 5% over the previous year, from 28,220 arrivals in 2017 to 29,600 in 2018, mostly thanks to an immigration boost of Russian immigrants: according to the same data, 57% of the total number of immigrants came from Russia and Ukraine and, in comparison with 2017, Russian immigration alone grew 45%.[395]

Despite the many calls made by Israeli leaderships to capture prospective *olehs* from countries such as France and the UK, on the wake of what is called a new wave of anti-Semitism,[396] the immigration rates from these countries declined.[397] Similarly, despite North-American Jewish fears of anti-Semitism, the number of *oleh* from the United States has not seen significant changes (Freund, 2019; Ynet News, 2018).

Despite this growth, Freund's (2019) analysis on *The Jerusalem Post* of these data makes up for a sobering read, and is very illustrative of the changes initiated in the 1970s, and more specifically in the 1990s. Michael Freund is himself an immigrant from the USA, and the chair and founder of Shavei Israel, an organization that, according to the

[395] In the case of immigration from Ukraine, despite maintaining high values, the immigration rate to Israel dropped 9% since 2017 (Ynet News, 2018).

[396] In fact, according to a report by the EU Fundamental Rights Agency (FRA) published in 2018, 89% of the European Jews surveyed feel that anti-Semitism has increased in their countries in the last 5 years. Furthermore, anti-Semitism seems to be a pervasive phenomenon: most European Jews state that it is more problematic on social media (89%), public spaces (73%), media (71%) and political life (70%) (FRA, 2018).

[397] In the specific case of immigration from France, rates dropped significantly (-25%), with only 2 600 French Jews choosing to make *Aliyah*, the lowest number in 5 years (Ynet News, 2018; Freund, 2019).

information available on its website, believes “the Jewish people are currently facing a demographic and spiritual crisis of unprecedented proportions”. Thus, Shavei Israel’s goal is to “reach out to ‘lost’ and ‘hidden’ Jews around the world” as well as to help “descendants of Jews reconnect with the people and State of Israel” (Shavei Israel, 2018).

While the immigration of non-Jewish individuals eligible under the Law of Return is not a new phenomenon, the data pertaining to immigration indicates that almost 60% of the 30 300 that made *Aliyah* in 2018 are not considered Jewish according to the *Halacha*. In total, almost 400,000 immigrants that made their way into Israel since the 1970 amendment to the Law of Return and their children are not considered Jewish, and the number is growing every year, due to natural growth and continued immigration. Furthermore, whereas following the end of the Cold War, between 10 and 12% of these immigrants were considered non-Jews, by the late 1990s their numbers grew to 40%. By the end of the first decade of the 2000s, these estimates were already between 56% and 60% (Sharon, 2019; Sokol, 2019).

As we have noted in the third chapter, these immigrants are left in a limbo, for while they are granted citizenship, they are frequently pushed to convert according to the Orthodox Rabbinate’s rules in order to get married. In other cases, Orthodox authorities show contempt in undergoing such conversions, and describe these immigrants as “a disaster”. That is the case of Yaakov Bleich, the Chief Rabbi of Kiev and Ukraine, who has denounced their conversion process for it facilitates intermarriage and assimilation in Israel. In order to preserve what he believes to be “the future of the Jewish people in the home of the Jewish people”, Bleich suggested a legislative change to the Law of Return, to restrain the ability of grandchildren of Jews, who themselves are not Jewish, to obtain citizenship (Sharon, 2019). In other words, to strike down the 1970 amendments made to the Law of Return.

The same had already been suggested by Israel’s Chief Rabbi David Lau, in 2014, when he warned that Israel

> must change the Law of Return immediately so it will include only those who are Jewish according to the *Halacha*. Israel can decide to be the third world's welfare state, but as long as that decision has not been taken – it needs to stop allowing non-Jews to make Aliyah. (Lau *apud* Nachshoni, 2014)

The possibility of restricting the Law of Return as a means to prevent the influx of non-Jewish immigrants that will "threaten the Jewish nature of the state" had also been advanced in 1999 by Eli Yishai, then the leader of the Shas party. In December of that year, Shas' activists from Beit Shemesh (a city in the Jerusalem district) accused immigrants from the FSU of bringing "diseases" and "abomination" to the country, and Moshe Abutul, then mayor of the city and himself from Shas, even suggested the creation of separate towns for the "Russian gentiles". MK Shmuel Halpert, from United Torah Judaism, also described the community as a "fifth column" (Brownfeld, 2000). Throughout the years, many unsuccessful efforts and calls to amend the Law of Return have been made both by Likud and Shas MKs, Israel's Chief Rabbis and even by Uri Gordon, former director of the Jewish Agency's Immigration and Absorption Office (Lustick, 1999: 423).

In 2017, the pressure from these religious and political representatives seemed to be paying off: according to the Committee for Immigration, Absorption and Diaspora Affairs, many of these immigrants who had immigrated to Israel some 25 years ago and are now seeking to marry Israelis who have immigrated from the same region, are being told by the Ministry of Interior that their eligibility for Israeli citizenship has to be "reexamined" (Knesset, 2017c).

However, one should remember that this is not at all circumscribed to the political discourse of Orthodox parties. As we have seen from Canetti-Nisim *et al.*'s (2008: 93) work, Israeli Jews tend to perceive immigrants from the FSU as a greater symbolic threat to the state than the Palestinians. According to a 2016 report from the Central Bureau of Statistics, while 85% of FSU immigrants perceive Israel as their home, 72% claims that their group of friends is mostly constituted by other Russian speakers and 67% feel Israelis view them as the "other", as "Russians", but not "Israelis" (Borschel-Dan, 2016).[398]

[398] It is worth noting that Israeli Jews perceptions' on non-Jewish immigration is not restricted to FSU immigrants. According to a poll conducted by the Pew Research Center, released in January 2019, 51% of Israelis oppose the immigration of non-Jews to the country, even if they are high-skilled immigrants (with a bachelor's degree or higher). Out of all the 12 countries polled, all of them "economically advanced countries", only Israelis and Italians reject the idea of high-skilled immigration (Lidman, 2019).

Not only the gap between the Jewish definition under the Law of Return and the one under halachic Law places pressure on the Israeli Supreme Court, as Justice Vogelman admitted, it also leads to the weakening of another Israeli institution: the government. This issue has already been briefly discussed in the third chapter, when we addressed the struggle between secular parties of Russian constituency and Jewish Orthodox parties over the control of the Ministry of Interior, the ministry responsible for the absorption of Jewish immigrants and the definition of the citizens' status.

Since 1996, when Yisrael BaAliyah, the first party that entered the scene in order to represent the interests of the Russian community in Israel, until nowadays, Israeli governmental coalitions have almost always counted with the presence of both Russian-oriented parties (Yisraeli BaAliyah, which merged into Likud in 2003, and Yisrael Beiteinu, created in 1999) and parties that represent the national-religious and the ultra-Orthodox communities (Shas, United Torah Judaism and the National Religious Party).

The co-existence of these parties, representing different communities with very distinct interests, in the same government is a source of instability. While the last crisis that led to Lieberman's resignation from the government, in November 2018, was supposedly over the cabinet's decision to accept a ceasefire with Hamas and other militant groups operating in Gaza, the relationship between these parties has been tense all along.

In the party's website, Yisrael Beiteinu suggests the possibility of "Judaism without hindrance" (e.g., *Sabbath* should be only observed by Jews if they wish to do so "free of coercion or criticism") and expresses the party's desire to see public transportation run on *Sabbath* (Yisrael Beiteinu, 2018). This position runs completely opposite to the beliefs of the Orthodox parties, and it was precisely a cabinet discussion on the performance of railway maintenance during *Sabbath* that led, in November 2017, to the resignation of Israel's Health Minister, Yaakov Litzman, from United Torah Judaism (Ynet News, 2017b).

In 2010, Yisrael Beiteinu's support for a new bill that would allow current and former municipal rabbis to oversee conversions, and thus curtail the powers of the Orthodox Rabbinate created, according to Shas, an "artificial crisis", one that was aimed at distracting the public from the charges of corruption on Lieberman (Stoil and Hoffman,

2010). And, in 2012, Arye Deri, leader of Shas, accused Yisrael Beiteinu of taking over Likud in a "hostile takeover", transforming it into "the party of arrogance that represents Russians and whites" (Deri *apud* Hoffman, 2012).

Not only these parties represent different constituencies, they also have different approaches to the role of religion in the state, the Jewish character of Israel, as well as different economic agendas. In fact, when we observe these parties, one comes to the conclusion that they are, in many ways, incompatible, with one significant exception: the need to preserve a Jewish demographic majority and hegemony (even if their definitions of "Jewish" is also at odds) and the hostility towards Israel's Palestinian minority.

An over simplified reading of the phenomenon of Israeli acceptance of non-Jewish immigration is what leads Israeli demographer Sergio DellaPergolla to argue that 2018 data on immigration clashes with what had been the Zionist narrative and enterprise:

> Considering that Jews compose 75 percent of the total Israeli population, the growth of the non-Jewish components was faster and therefore the Jewishness of Israel diminished — in spite of the triumphalist declarations by certain political circles that the Arab fertility rate has diminished (DellaPergolla *apud* Sokol 2019).

Although DellaPergolla is correct in pointing out that the number of Jews, who are Jews according to Jewish law, is much smaller than one could think, he also assumes that Israeli leaderships had, at some point, reached a consensus on who is a Jew and what the Jewishness of the State consists of.

DellaPergola's observations are not an isolated case. Notwithstanding what seems to us another source of institutional weakness, and despite the growing literature on immigration from the FSU, their integration into Israeli society, and political participation, only two authors, Raef Zreik (2011) and Ian Lustick (1999) seemed to have made the connection between the recent phenomenon of Israel's self-definition as a Jewish state, the growing inability of Israeli Jews in coming to terms on what that means, and the growing targeting of Palestinian citizens.

The 1970 amendment to the Law of Return represented already a prelude to what was about to change in terms of social composition in Israel, by allowing anyone

with a Jewish grandparent to immigrate to Israel. The amendment allowed the immigration of 400,000 individuals who are not considered Jewish according to Jewish law, and are registered as "lacking a religion" by the Ministry of Interior.[399]

Their immigration was enough to postpone what was perceived as a demographic threat or the loss of a Jewish majority in Israel. However, even if most of these immigrants can be considered Jewish in one way or another (they at least can account for one Jewish grandparent), if we were to discount the total number of people who made *Aliyah* and are not halachically Jewish, the number of Jews within the State of Israel would drop to 65% (Sokol, 2019). As it is, only 25% of Israeli Jews support the position of the Orthodox Rabbinate when it comes to the process of conversion, and 49% believe that the state should recognize non-Orthodox (Conservative and Reform) conversions. Furthermore, in 2018, 70% sustain that the State should recognize all forms of marriage (Conservative, Reform and civil); in 2009, support for such a measure was only slightly above 50%. While 47% responded that they would still choose an Orthodox marriage in such a situation, the number has been steadily dropping (in 2009, 65% responded that they would make that choice (Hiddush, 2018: 13, 16).

Considering these facts, as well as the possibility that some of these immigrants are not interested in going through a conversion process for other reasons than bureaucracy, and that a large number of them identify with other religions (namely Christian Orthodoxy), one has to question why a State that has defined itself as a "Jewish state" and has always wanted to preserve a Jewish demographic majority, is willing to bring these immigrants into the fold of the Jewish people.

In terms of bringing the recognition of Israel as a Jewish state to the negotiations, Zreik (2011: 23-24) points out that the demand was not present neither during the Oslo Talks of 1992-1993, nor during the failed Camp David Summit of 2001. The demand was first advanced by the Olmert government in 2007, and only became a precondition for the negotiations after Netanyahu took over:

> Netanyahu's demands for the recognition of the Jewishness of the state is a tactical, even a partisan maneuver – his way of torpedoing the negotiations

[399] While anyone with a Jewish grandparent is eligible to immigrate to Israel and become a citizen under the Law of Return, only those with a Jewish mother are considered Jewish according to Jewish law and registered as such by the Ministry of Interior.

> over an issue that is not controversial in Israeli society so as to consolidate his position not only as the leader of the Israeli Right but also as the leader of Israeli society as a whole. (Zreik, 2014: 24)

On the other hand, the term "Jewish state" was only mentioned in an Israeli legal text in 1985, through the amendment to the Basic Law: the Knesset[400] that prohibits the participation in the elections of any party that denies the existence of Israel as such. This amendment was not random nor did it come from Israel's awareness that it was or wanted to be a Jewish state: it was a reaction to the attempt of the Progressive List for Peace to run for the Knesset. While, until then, the idea of a Jewish-dominated state seemed to be secured, for the first time "the idea that there could be something other than a Jewish state was on the table" (Zreik, 2011: 32). The growth of Palestinian organizations in the 1990s, as well as the emergence of Palestinian parties, coincided precisely with the immigration of FSU Jews to Israel, a community that also challenged the idea of "Jewishness" as it had been conceived so far.

Similarly, if we look at the record of discriminatory legislation that has been adopted since 2000 onwards, and that we have documented in the previous chapter, we observe that it was not a reaction to a security threat posed by the Palestinian citizens, but by their growing assertiveness in demanding full equality and a state for all citizens, both through their political representatives and through social movements and organizations. Palestinian citizens' conquests during this period, as limited as they were, were sufficient to elicit a reaction from the State.

During this period, not only the presence of "non-Jewish Jews" grew, the State has been also dealing with other fractures among the Jewish community: some are as old as the State itself (secular Jews *vs*. religious Jews; Mizrahim *vs.* Ashkenazim; new-comers *vs.* old-comers), others were a product of Israel's economic liberalization and occupation (new economic elite *vs*. dwindling middle class; settler movements *vs.* peace advocates).

Despite Israel's short and turbulent history, there is perhaps no other period in the history of the country where these fractures, cleavages and tensions have been so exacerbated than the one we are analyzing. Lustick was able to establish this link as early as 1999, when he stated that the arrival of immigrants from the FSU had become a

[400] Israeli Basic Law: The Knesset, 1958 (amendment no. 9, introduced in 1985).

“sociological feature of Israeli life, a political problem, a statistician’s nightmare, and the latest vehicle for exploring the changing and fragile meaning of Israel as ‘a Jewish state’”. These changes, he added, only showcase what the true meaning of ‘Jewish state’ had been all along: a non-Arab, non-Palestinian state (Lustick, 1999: 417-418).

In fact, Lustick (1999: 425-427) documents how the flood of non-Jewish immigrants from the FSU in such a short period of time was described as a “godsend” and “miraculous”, and how annexationist, and even religious figures who had until then followed a strict halachic perception of “who is a Jew” were now ignoring the arrival of non-Jewish immigration in Israel:

> In the late 1980s and early 1990s, the legal, political, and ideological framework of many of those who might have been expected to object vigorously to the mass influx of gentiles into the country, led them instead not only to accept it but to encourage it. According to a popular saying at the time, the key fact about the immigrants from the FSU that ensured support for their arrival from many Israeli Jews was that they were ‘neither Arab nor Oriental’. (Lustick, 1999: 428)

We believe that the link becomes clearer as one contrasts the amended Law of Return with the adoption of the Citizenship and Entry Law[401] in 2003 that increasingly restricts the acquisition of Israeli citizenship by Palestinians.

Furthermore, more recent plans to identify and attract potential Jewish communities around the world can contribute to the growing tensions.

In 2017, the Public Advisory Committee for Examining Israel’s Approach Regarding Worldwide Communities with Affinity to the Jewish People, which had been appointed by the Israeli Ministry of Diaspora Affairs, published a report that included a series of recommendations aiming to foster the relations between Israel and the Diaspora. Among their conclusions, the committee highlighted the changes occurring in the last two decades, namely the “accelerated demographic decline” that brought many of these communities “into a serious crisis, and some of the smaller ones to the brink of eradication”. Similarly, and while not describing it as a “threat” or a “problem”, the report also pointed out “the weakening of traditional Jewish communities worldwide”. More specifically, the report pointed out the phenomenon of intermarriage in these terms:

[401] Israeli Citizenship and Entry into Israel Law (Temporary provision), 31 July 2003.

> these are people of Jewish origin who abandoned any attribute of Jewish life long ago, often marrying non-Jews, yet they or their offspring (and occasionally also their non-Jewish spouses) express a degree of connection to, and identification with, the Jewish People and its ideas. (Israeli Ministry of Diaspora Affairs, 2017: 10)

The committee identified 60 million people around the world with an "affinity" to Judaism (who "are not currently declaring so or are unaware of it"), but who are not currently eligible under the Israeli Law of Return. Beyond this number, the report adds 35 million people with "known affinities to Judaism" and other 5 million who are descendants of converts, namely during the Spanish and Portuguese Inquisitions.

Among the committee's suggestions there was the need to introduce these communities to the study of Judaism, Hebrew and Israeli culture. These communities, the report states, represent an "unprecedented strategic opportunity" for the Israeli state", and a clear program should be developed by the state to be open for all those who are "interested in joining the Jewish people". In order to do so, the Ministry of Diaspora Affairs is expected to establish a special unit to "gather information on the communities and establish contact with them" (Landau and Levinson, 2018).

Besides the paternalistic tone of the committee, that goes as far as to identify dozens of millions of people who are "unaware" of their "affinity" to Judaism, the report represents an obvious shift in the way participation in the national collectivity is perceived in Israel, by acknowledging the "dramatic importance of the growing reality in which the circles of the Jewish people include more and more of those who are not Jews or entitled to [become Israeli citizens under] the Law of Return". While the report falls short in recommending any amendments to the Law of Return, it recommends these individuals to benefit from an "in-between status", one that allows them to live in Israel for extended periods of time so they could "explore their Jewish heritage and learn about the country" (Maltz, 2017e).

The message conveyed by the Zionist movement and Israeli leaders has always been one that ironically conflated with anti-Semitic theses: a Jew will always be a Jew, if not for his religious practices and beliefs, by a genetic burden. This theme is, for instance, discussed by Shlomo Sand's on his book *How I stopped being a Jew.* Throughout the book, the author remembers the multiple instances during which he was forced to rethink his identity as a Jew, only to come to the conclusion that it was a difficult task:

> In the late nineteenth century, in reaction to widespread racialization on part of anti-Semites, a small fraction of Jewish descendants underwent a phase of autonationalization, even self-racialization […] From now on, in the eyes of both anti-Semites and philo-Semites alike, a Jew would always be a Jew, but not on account of the cultural practices and norms that he or she followed. This individual would be perceived and considered a Jew not because of what he did, what he created, what he thought or what he said, but on account of an eternal and mysterious essence inherent in his personality. (Sand, 2014: 15)

This essentialist approach to Jewishness, that was developed by the Zionist movement and by the Israeli state, he argues, are at the center of the "perpetuation of ethnocentric, racist or quasi-racist positions" (Sand, 2014: 7). The 1970 amendment to the Law of Return, which is either completely rejected by the Orthodox Rabbinate or places these immigrants at the mercy of Orthodox religious authorities, represents only an intensification of this Jewish essentialism, even if it was adopted for strategically demographic reasons. While according to the *Halacha* and the original Law of Return one was considered Jewish if one was born out of a Jewish mother, no matter one's religious beliefs and practices (even if Orthodox conversion to Judaism was always a possibility), the 1970 amendment simply broke away from the religious principle of matrilineal descent.

The work of organizations such as Shavei Israel, which advocate for the return of "lost tribes" that were once described as "bad human material", as Tom Segev (1986) exhaustively documented in his book *1948: the First Israelis*, as well as the report commissioned by the Ministry of Diaspora Affairs, can contribute in the future, depending on the level of their success, for the increasing tension between these two interpretations of "Jewishness".

As it happens with most issues pertaining the identity of the State that we have addressed so far, this debate is not simply a mere matter of semantics, and the granting of citizenship to these immigrants on the grounds that they come from a Jewish lineage should not serve as a dismissal to the status they have in a Jewish state: while they have a privileged position in comparison to the Palestinians and foreign workers, their citizenship is a limited one and constitutes another layer in the hierarchy of citizenships Shafir and Peled (1998) described.

Regardless of how we look at the Jewishness of the Israeli state, we should look beyond what seems to be Netanyahu's certainty about what that constitutes when he

decided to bring its recognition as a precondition for negotiations. In fact, we should look at it as a successful attempt to stall them, while the process of colonization of the West Bank runs its course.

While some groups among the Israeli Jewish population have clear pictures of how a Jewish state should work, most of these visions are incompatible. Polls showing Israeli Jews' support for Israel as a Jewish state also hide the fact that their idea of a Jewish state varies greatly. For instance, when Ben-Rafael and Peres (2005: 76-78) asked their respondents about whether they would prefer Israel as a democracy or as a Jewish state, their answers varied greatly according to their religious positioning. For the majority of the ultra-Orthodox (84%) and the religious (59%), the Jewishness of the State is more important than its democratic nature. Even among the traditional, the Jewish character of the State is perceived as more important by 32%, while 34% of the respondents in this group think they are both equally important. Among the nonreligious, only 9% give preference to a Jewish state, while 63% stand for the importance of democracy.

However, as we have demonstrated they all have something in common: a Jewish state is a non-Palestinian state, and is a state where Jews (both those recognized by *Halacha*, and those who are eligible under the Law of Return) retain hegemony over the Palestinian citizens. Even Ruth Gavison, a prominent academic who claims Israel can be both Jewish and democratic, stated, in 2014, when one of the first bills aiming to enshrine Israel as a Jewish state was proposed, that its enactment could "upset the balance between elements crucial for maintaining the vision as a whole". The reason, she acknowledged, was that the power of Israel's founding vision as a Jewish state "lies in its vagueness" (Gavison *apud* Rudoren, 2014).

While any national identity is constantly in a process of reconstruction and reproduction, and even if individuals and communities can hold multiple collective identities without feeling the need to choose between one or the other, a state that identifies itself as a "Jewish state" cannot be considered strong if its identity as such has become a constant battleground.

In other words, the Jewishness of the State in the eyes of Israeli leadership, as well as in the eyes of most Israeli Jews, is not as much defined by what it is – for that

would unravel into a complicated and self-destructive debate – as it is by what it shouldn't be. And that is what turns the presence of the Palestinians in Israel into a nation-building tool.

Is securitization as a nation-building tool a viable option in a weak state?

Building up on Buzan's work on state weakness, Hoslti (1996) attempted to foresee the negative consequences that can come from states' that base their legitimacy on exclusionary principles. Holsti's focus was naturally on the negative impact that securitization processes have on the relationship between state and minorities.[402]

The biggest difficulty faced by weak states who capitalize on scapegoating to reinforce social cohesion is that they are soon left in a vicious cycle, unable to break away from the processes of social fragmentation they promoted: the scapegoating of a community within the state will likely lead to a reaction if the conditions are favorable.

As Rouhana put it in 1998, before the enactment of the discriminatory legislation we analyzed, for the Palestinian citizens of Israel their quest for equality will not be satisfied until they are offered full equality. The author argued that while an improved version of the *status quo* – that, as we have seen, failed to materialize – could have delayed the quest for state restructuring, it could also paradoxically accelerate it, "because it would enhance some integrational policies and improve the standard of living, without making full integration possible" (Rouhana, 1998: 290).

The same had already been advocated by Smooha, in 1980, when he recognized that the Israeli control system over the Palestinian citizens was under a process of erosion, engendered by the State's own structural contradictions, namely as the inherent incompatibility between democracy and the Jewish-Zionist character of the State was becoming more obvious: "the more Arabs accumulate resources the less accommodating they become. As a result, control is increasingly being resisted and becoming ever more costly" (Smooha, 1980: 278). And, in 2007, in light of the post-second Intifada intensification of the securitization process, Peleg and Waxman (2007: 458) warned that the minority group will not submit indefinitely to the dominance of the Jewish majority

[402] We are deliberately leaving the negative impacts that long-term securitization and exclusion of a minority have on Israeli democracy for our concluding remarks.

and will eventually challenge it through peaceful or violent means. In this situation, they argue, the state will have to either resort to repression or accommodation. In both scenarios, we believe, fundamental features of Israel's self-image will be affected: either its democratic image or its existence as a Jewish state. Our research on the last two decades on the history of the State clearly indicates that the Israel has chosen repression.

In this regard, one only has to look at the flourishing expansion of Palestinian civil society in Israel and the growing identification between Palestinians on both sides of the Green Line to realize they are both a reaction to Israeli policies, to the end of military administration and as the result of the direct contact after the 1967 occupation. Subtle changes to the *status quo* have fostered Palestinian mobilization in Israel, which, in turn, encouraged the State's reaction. In conclusion, its Israel's nationalizing policies that hinder the creation of an inclusive Israeli identity and has caused a growing political identification of the Palestinian citizens of Israel with the Palestinians in the Occupied Territories:

> The lack of a civic identity in Israel is harmful to Israeli attempts to integrate its minority and achieve ethnic stability. […] The implications seem clear: Israel's nationalizing policies may provide psychological gratification to the Jewish majority, but it drives a wedge between the state and its non-Jewish citizens. (Lowrance, 2005: 498-499)

The exclusionary nature of the state, thus, leads to a "state strength dilemma" in Israel: a situation where anything the state does to become a strong state becomes a source of weakness instead, for it erodes horizontal legitimacy (between the groups), vertical legitimacy (between certain marginalized groups and the state) and exacerbates tensions.

On the other hand, we believe securitization does not constitute a solid basis for nation-building on its own for the fact that, as Douglas (1995: 122-123) stated, it becomes a pre-condition for the cohesion of society without offering a solid basis for unity. The same is suggested by Coser: while an external enemy intensifies social integration, he recognizes that it does not change dramatically the internal structure of a society. On other words, while it might temporarily cover up social schisms it cannot completely eliminate them: "a common enemy promotes coalitions, but more than a common enemy is required to transform coalitions into unified systems or groups" (Coser 2001[1956]: 145-146).

The presence of the scapegoated – in this case, the Palestinians – becomes essential for masking the other tensions dividing the collectivity. If, as our analysis on the Israeli problems we identified in this chapter indicates, theSstate has not used this period of scapegoating to solve the actual causes underlying internal tensions among the Israeli Jewish communities (the only situation in which, according to Douglas, scapegoating could be beneficial in terms of gaining time), then the original causes will often erupt in periods of relative quiet. Ironically, peace in this context could become a source of weakness to the State for it would remove the greatest source of consensus among Israeli Jews: the existence of a Palestinian threat.

This is what Grinberg (2013: 493) suggested when analyzing the patterns for social protest in Israel. In his opinion, certain marginalized groups initiate massive movements of resistance to the power of a dominant group when they have no political space to express themselves and "when the political mechanisms previously used by the dominant groups to close their political space are temporally weakened or removed". While some of the marginalized groups in Israel have, since the 1970s, found platforms to express their claims and agendas, namely through ethnic and religious parties, the second condition is partly outside the control of the dominant group that controls the structures of the state, for while it is true that securitization always demands a manipulation of the opinion of the target audience, it is also true that some conditions for the success of the securitization process cannot be staged. Grinberg's account on how the temporary refusal of the PNA to "play the enemy" enabled the organization of the J14 protests seem to confirm this trend.

Furthermore, as Migdal saw it, it was Israel's violent establishment that determined the Zionist leaders calculations on how to control distinct Jewish groups (either through accommodation of the Orthodox community or by the establishment of a system of rewards and sanctions implemented by state institutions that regulated Jewish behavior):

> Threat of war influenced Zionist leaders' calculations about how far to push the internal struggle, that is, war affected their willingness to risk incurring the dangers of internal instability and even loss of limited support from certain domestic groups. The dangers in *not* extending internal social control, and with it mobilizational capabilities, in the face of the threat of war induced leaders to take risks against other domestic Jewish forces pressing their own rules of the game, which they might not have take otherwise. (Migdal, 1989: 15)

However, as Migdal (1989: 25) also noted, these attempts to control certain Jewish groups do not always work. While some of the rules, such as the "Status Quo agreement" with the Orthodox establishment or universal conscription, are still in place, these were achieved during a crucial moment in Israeli society, when there was a general consensus that the establishment of the State and its survival during the 1948 war were of the utmost importance. Since then, however, and despite the permanence of a sense of "collective fear", Israeli governments face "increasing difficulty in coming to decisions about which rules of the game should obtain in society". In this regard, the unsuccessful negotiations with the Orthodox establishment are representative of the Israeli state's inability to accommodate the interests of distinct groups and impose "new rules of the game".

It is important to note, however, that the sources of internal tension do not necessarily stem from the existence of multiculturalism in Israeli Jewish society, as that would be the same as to subscribe to Zionism's rejection of plural Jewish communities and the myth of oneness of the Jewish people. Pluralism is, in fact, the basis of democracy. However, the politicization of ethnicity and religion in Israel should be seen as a result of feelings of deprivation and of the state's inability since its establishment to handle a diverse population. Furthermore, as Lomsky-Feder and Ben-Ari (2010: 297-298) point out, while traumatic discourse and threat perception produce solidarity around suffering and mourning, it also "creates and unquestioned hierarchy between those who have 'paid' the price and those who have not."

As Abulof (2014a: 402) points out, in situations of deep securitization, such as the one we observe in the Israeli polity, the object of legitimation goes beyond the social acceptance of the securitizing agents, their securitization moves and the measures they propose: it also extends to the justification of the very existence of the collective:

> Along the main unit-level referent objects, the social actors may distinguish threats to authority (for example, democracy) and to policy (for example, multiculturalism) from threats to polity (for example, the state) and identity (for example, ethnonational attachment). Since the legitimacy of the latter is often taken for granted, securitizers may rhetorically associate it with their specific referent objects so as to imbue them with greater legitimacy. This discursive task is more daunting with deep securitization, since its goal and object of legitimation are not merely authority and its policy, but also polity and identity. Consequently, debates about authority or policy often become securitized in terms of polity or identity. (Abulof, 2014a: 402)

The same is supported by Kemp (2004) when she looked at the imposition of Military Administration in 1948 that effectively established two distinct systems (a democratic system and a non-democratic emergencial one) inside the same state: "from the government's perspective, the law was not only a rapid and effective instrument to enforce policy, it was also a means to build the nation-state". Furthermore, she says, the classification of the Palestinians in Israel as a dangerous population exposes the double nature of state borders in its relation with national minorities:

> Instead of creating distinctiveness outwardly and integration inwardly, they did the opposite, creating a buffer internally and blurring the difference between 'inside' and 'outside'. In other words, the discussion of the security areas along the borders disclosed the existence of an interesting politics of meanings under the aegis of which the notions of 'inside' and 'outside' were reversed. (Kemp, 2004: 91)

This third problem we observe is clearly connected with the issue of prioritization demanded by securitization processes. Regardless of the features of the securitization process – that, as we have seen in the Israeli case, does not necessarily resort to exceptional tools -, securitization will always imply a ranking of the issues that securitizing agents believe to be more important. By concentrating state's efforts and resources on controlling a minority group that is portrayed as a threat, while demanding popular support for exclusionary measures, the state loses the ability to work in other fronts and solve problems that, by being permanently neglected, will become greater sources of tension. As Eliezer Schweid pointed out, referring specifically to the Israeli case: "In order to exist we must mobilize all the forces of existence. But if all forces are to be mobilized exclusively for the defense of mere existence then we cannot exist" (Schweid, 1976 *apud* Kimmerling, 1985: 20).

As Shohat noted, when addressing the Mizrahi question in Israel, this issue is perceived as an internal social issue that will have to be solved when peace is reached:

> One problem [the Palestinian struggle] is compartmentalized as 'political' and 'foreign' and the other [the Mizrahi-Ashkenazi divide] as 'social' and 'internal'; the mutual implication of the two issues and their common relation to Ashkenazi domination is ignored. In fact the Sephardi movement constitutes a more immediate threat to Ashkenazi privilege and status than the abstract, perpetually deferred, future solution to the Palestinian question. Whereas the 'Palestinian problem' can be still presented as the inevitable clash of two nationalities, acknowledgment of the exploitation and deculturation of Sephardim in a putatively egalitarian Jewish state implies the indictment of the Israeli system itself as incorrigibly oppressive toward all peoples of the Orient. (Shohat, 1988: 26)

The same is noted by Al-Haj, for whom the resolution of the conflict, that necessarily has to address the status of the Palestinians in Israel, should be accompanied by the nurturing of a civil society in Israel:

> The assumption that social rifts can be allowed to fester until the external conflict has been dealt with has proved to be false. As experience elsewhere indicates, the resolution of external conflicts tends to sharpen internal divisions rather than reduce them. (Al-Haj, 2004: 123)

Furthermore, as Kimmerling explained while analyzing Israel's "interrupted system" (a system that is in a situation of constant conflict), the possibility of change (i.e., the probabilities that issues not directly related to the conflict will be addressed) during situations of interruption is almost inexistent:

> This does not imply that changes will not occur in the system in the wake of social interruption, but rather that the interruption itself is not change (or is actually change for the purpose of preservation). It is likely that the system will not be able to go back to the 'order' that prevailed within it before the interruption, but it is not the goal of the interruption to bring about change; the opposite is the case […] temporariness by nature implies a return to the previous condition rather than a significant and permanent reallocation of general social resources. (Kimmerling, 1985: 22-23)

We should also look at the securitization process as part of a spectrum, where multiple actors have the opportunity to be securitizing agents: for instance, as opinion polls help shape public opinion, the respondents also become, to some extent, securitizing actors. If one looks for securitizing moves only by looking at "extreme" measures, we might be losing the chance to identify securitization practices. As Abulof (2014a: 403) points out, deep securitization can often require "the routinization of practices", due to the perverseness of "existential threats". In these cases, securitizers might refrain from presenting measures as "emergencial" or "exceptional": "in fact, the very prospect of audience acceptance is often thought to rely on prior persuasion of the public that the coping measures are far from extraordinary" (Abulof, 2014a: 403).

Following the analysis we developed in the previous chapter, we believe that the restraints on the public debate around the adoption of discriminatory practices and legislation are growing to the same extent that the scope of extraordinary measures is also diminishing. When asked about the public debate surrounding these measures, Sanaa Ibn Bari (ACRI) replied that she did not recall a "strong debate", and that the

feeling she had was that Israeli Jewish society was "numb" and did not object to legislation that evoked the "security and protection of Israel".[403]

A similar reply was given by Adalah's lawyer, Suhad Bishara:

> [These laws] have a symbolical purpose, because incitement becomes legitimized. All of these laws identify you [the Palestinians] as an enemy, one way or the other. And this does affect public opinion, the public consensus in Israel, which has gone drastically right-wing. And there are no real debates among the Jewish-Israeli community. You have a few voices, of course, but not many against what is happening here. And the fact that politicians feel free to insult the Arab community and be happy about it, says a lot. Once you are identified with the enemy… the attacks on the community are getting more and more serious, and there is no resistance. It doesn't seem to stop; there are no red lines anymore. You can debate the red line, but there are no red lines.[404]

In other words, in nowadays Israel, the scope of measures that could be considered extraordinary and, thus, placed under public scrutiny and criticism, is very limited. When the Israeli Knesset attempts to securitize the Jewish character of the State it shows no need to resort to exceptional measures, but rather "normal" politics and regular tools of governance: budget allocations, land distribution mechanisms and, since the 1990s, two Basic Laws that enshrine the supremacy of Jewish values over democracy. After what we still believe to be a rather limited) analysis of the Israeli securitization process since the second Intifada, Olesker concludes:

> In normal circumstances, a reality in which the minority is significantly marginalized and its rights severely curtailed would be unacceptable in a democracy. The reference to 'national security' in the context of the ongoing conflict with the Palestinians, particularly at the height of the second Intifada, justified such consequences in Israel even when each individual legal action did not represent an emergency measure. *Law as securitization* is powerful precisely because it does not rely on the exceptional but rather the banal – on everyday rule-making as part of the governance process. (Olesker, 2013: 13)

However, it is important to keep in mind that, while it may be true that some exclusionary practices and discourses have become normalized in Israel, and marked by debate and "regular politics" (instead of the silence and exceptionality usually associated with securitization) this should not function as a justification for the violation of

[403] Interview conducted by the author to Sanaa Ibn Bari, in June 2016.

[404] Interview conducted by the author to Suhad Bishara, in June 2016.

fundamental rights of the Palestinian minority, the same way that the myth of Israeli exceptionalism should not be used for analysis on the quality of democracy in Israel.[405]

In this regard, Jaspal and Yampolsky's (2011: 221) conclusion on the capitalization of the memory of the Holocaust in Israel and its impact in the overall psychological well-being of the Israelis are important. In the authors' opinion, hegemonic social representations of the Holocaust, especially regarding a possible repetition of the event in Israel, induce fear and uneasiness and may lead some individuals to "accept uncritically any political stance or military course of action". While they believe that the memory of the Holocaust is necessary to nurture feelings of belonging and the perception of the nation's continuity, they also state that its use in order to promote fear among Israeli Jews can "threaten (group) continuity".

Furthermore, as most Jews have chosen to live in "Exile" and Israel lives in a constant state of contradiction – between its offer of a safe haven for Jews and the discourse of imminent threat – the *raison d'être* of the state, the physical security of the Jewish people, seems to be emptied out: Jewish ethnic sovereignty, instead of eliminating doubts about Jewish survival, has enhanced them (Kimmerling, 1985: 179; Abulof, 2009: 239; Abulof, 2014b: 526). In fact, Kimmerling (1985: 202) even warns that the balance between paying the "price" of participating in the collectivity and the compensation for doing so (or, in other words, the effect that the permanent mobilization of the State has on the Israeli collectivity) is "extremely fragile and any disturbances may place it in danger".

According to Kimmerling (1993: 421), in the early 1990s Israel was already under a process of losing its *stateness*, both due to the control it exerted (and maintains) over the Palestinians in the Occupied Territories, and who do not recognize it as legitimate, and because the institutionalization of the conflict serves political purposes:

> The state institutionalizes conflicts not because it cannot solve them, but rather because it finds these conflicts conveniently suited to its own purposes. When a state institutionalizes conflicts that are not beyond its capacity for resolution, its power is augmented and the other competing agencies on the sociopolitical map are neutralized. (Kimmerling, 1993: 421)

[405] We will address how the idea of an exceptional and unique Israeli state and society has been used by many authors to sustain their argument that Israel is a democracy in the next chapter.

Kimmerling's logic is particularly interesting because the author makes an implicit distinction between Israel's *stateness* (i.e., strength) and power. The maintenance of conflict and, we would add, the preservation of an internal enemy, ensure the dependency of Israeli Jewish society at large on the state, for no other form of social organization can provide for their security. However, this dependency does not necessarily foster social cohesion, as Kimmerling had already implied in 1989: "continuation of the conflict is self-destructive, as it tends to increase internal cleavages and endangers the security of the nation-state in the long run" (Kimmerling, 1989b: 266).

Doron and Kook (2004: 10), while not mentioning directly the process of securitization in the Israeli state, describe the "growing incompatibility between fundamental political conceptions inherent among different groups within Israeli society", and blame it on the inability of Israeli political leaderships to foster collective values and fundamental normative issues:

> While the availability of so-called stability-inducing mechanisms such as constitutions, electoral schemes, and politics are necessary, the existence of widely disparate conceptions of the normative goals of society, worldviews and political preferences render these institutions ineffective, and therefore insufficient. (Doron and Kook, 2004: 14)

For Kimmerling (1989b: 266, 271), the existence of a control system that includes the Occupied Territories means that the ruling sector has neither the ability nor the interest in creating a common identity or a basic value system. Despite the State's high levels of mobilization and enforcement in terms of national security, Kimmerling argues that political leaderships were unable to gain control over all social systems, some of them competing since before the establishment of the State, others emerging and flourishing throughout the decades.

Besides the fact that the state has not managed to gain control over some groups and offer a collective form of identification, since 1948 the problems and contradictions inherent to Zionism (and between Zionism and religious thought) have been exposed, but still no debate has taken place in Israel. Instead, Kimmerling (1989a: 239) argued, already in 1989, that "'Reality' is blurred by an appeal to irrationality and myth, the decision-making system is paralyzed and the institutional system weakening".

Thus, while, a superficial reading of the relationship between the Israeli state and the Palestinian minority in the last two decades might indicate that Israel is a strong state

in the sense that it is able to control the participation of its Palestinian citizens and reinforce Jewish supremacy, other features of the Israeli state must be taken into account. Kimmerling's description of the Israeli state in the late 80s has remained very true to what could be Israel's description for the period we covered:

> The Israeli state, when measured by the Western standards it applies to itself, hardly even constitutes 'a nation like all enlightened nations' (as expressed in an alternative Zionist aspiration). Israel is situated at the geographic and cultural periphery of the Western world, which serves as a reference group even for Jews of Oriental origin; it is dependent on external economic, military and political aid and finds it increasingly difficult to cope effectively and creatively with internal problems. These difficulties should not be perceived as 'childhood diseases' which can be rectified or improved significantly in the foreseeable future. (Kimmerling, 1989a: 245)

As such, many of the problems that Kimmerling mentions (Israel's portrayal as a Western democratic state *vs.* its peripheral location; Israel's self-definition as an autonomous independent state *vs.* its situation of dependency in relation to foreign aid, especially from the US; the narrative of a unified Jewish nation *vs.* the perpetuation of important ethnic, religious, political and social cleavages) are not recent phenomena, nor they are, as we have seen, phenomena that solely emerged with the 1967 occupation. These are problems that are as old as the Zionist movement itself, which have not been resolved, and only very rarely seriously debated. Instead, Israel's perpetual condition in a "state of emergency" or a "nation in arms" and, more specifically, the construction of an internal enemy that threatens the Jewish character of the State (an issue that has not yet been settled) has created an "interrupted system" (Kimmerling, 1985), or a "state on hold" (Zreik, 2011).

While one might be tempted to focus on Israel's military strength or political stability especially through comparison with its Arab neighbors (the same way one can only talk about an Israeli thriving democracy when comparing it to non-democracies), or even by looking at the control it exerts over its Palestinian minority, Israel's struggle with its own identity, the people it claims it represents, and the borders that it refuses to establish are all symptoms of a weakening state.

6. NOTES ON THE STATE OF DEMOCRACY IN ISRAEL

We would like to make a few observations on the quality of democracy in Israel. While an analysis of the democratic nature of the Sate was beyond the scope of this work, as the nature of a state's regime does not determine the strength of a State, according to Buzan and Holsti's conceptual framework, we believe that a discussion on Israeli democracy is necessary, not least since we are talking about a country that portrays itself as the only democracy in the Middle East to obtain international leverage.

We will ground our analysis of Israeli democracy on two features of the state that we believe affect the correct functioning of democracy: the unequal status of the Palestinian citizens and the deep securitization and militarization of the Israeli state. Both of them are interlinked, as we have seen, for since its establishment Israel was based on three contradicting principles: it is the state of the Jewish people, it faces special and unique security challenges, and is defined as a democracy.

Despite the existence of a consensus regarding this self-portrayal of the Israeli state, many authors still struggle with defining Israel as anything less than a democracy, despite acknowledging that the first two elements place inherent constraints on the third one.

That is the case, for instance, of Merom's work on Israeli exceptionalism and permanent state of emergency: according to the author, while Israeli's behavior towards its enemies does not display an "outstanding commitment to ethical or moral values", it still is (along with other democracies, Merom argues) "set apart from brutal regimes that perpetrate war crimes as part of their war strategy or as a means of occupation". Or, as he clarifies, "while not exceptionally moral, [Israel] is still more ethical than that observed and expected from certain nondemocratic states, including those in the Middle East" (Merom, 1999: 431).

Merom's work is exceptional, in the sense that its initial premise was to deconstruct the myth of Israel's moral superiority. However, when the author attempts to draw a final conclusion on the nature of the Israeli regime, he still has no qualms in placing Israel in the category of democracy. This is only possible because, while Israel makes an effort to present itself as the bastion of the Enlightened West in the Middle

East, its conduct is always judged using dictatorships in post-colonial societies as a backdrop.

A similar conclusion is reached by Yaniv (1993: 227-228): according to the author, Israel is an "imperfect democracy", for the system that is applied to some segments of the population (i.e., the Palestinian citizens) is only "an approximation of democracy itself". Still, Yaniv has no qualms in describing Israel as a democracy, both by comparing it with authoritarian regimes of its neighboring countries, and blaming its imperfection "on a region that refuse to accept its legitimacy". The flaws in Israeli democracy, he concluded, were comparable to fifth-century Athens, and were accepted by most Israeli Jews as "the inescapable price the Jewish state has to pay in order to survive in the violent and dangerous environment it is situated in".

We believe that the "orthodoxy about Israel's democratic credentials", as White (2012 88) puts it, and which have been enhanced both by its said socialist roots and by European guilt about the Holocaust, must be questioned, and not only when it comes to the Israeli control of the Occupied Palestinian Territories, but also regarding the Israeli state's stance towards its Palestinian citizens. This questioning, which we think is of the utmost importance for any research on Israeli society and polity, demands unequivocally a challenge of the Israeli self-identification as both Jewish and democratic.

In fact, it is surprising, in our opinion, that a critique of Israel's democratic claims has taken so long to develop and is still so severely contested, especially considering that since its establishment Israel has anchored ethnic exclusivity in its legislation, ideology, structures and policies.

6.1 THE STATUS OF THE PALESTINIAN CITIZENS OF ISRAEL

Since 1948 the main goal of the Israeli state has been to ensure a Jewish majority over the land of Israel and Palestine. We believe we have thoroughly demonstrated how, in over 70 years this goal has been relatively achieved through means of expulsion and dispossession, military administration, social and spatial control and demographic engineering. We have also been able to demonstrate that ever since Israel ensured control over the vast majority of the territories, the new strategy has been to prevent the effective political participation of the Palestinian minority.

Finally, we were able to demonstrate how, since 2000, the debate on the quality of democracy – for that is what the debate over minority rights is ultimately about – has been severely restricted, encouraging the growth of a political environment where extraordinary measures no longer have to be adopted by exceptional means, even if they are often wrapped in a security and emergencial discourse.

Despite these changes, the on-going presence of Palestinian citizens inside the State of Israel and the deterioration of the relations between state and minority remind us constantly – as well as Israeli leaderships – that the process of Judaization of the territory and of the polity is incomplete. As White (2012: 88-89) describes it, the Palestinian citizens of Israel remain the ultimate witnesses to Israeli undemocratic sovereignty.

For a few authors who contend that Israel is democratic, this issue is simply not taken into account. For instance, according to Dowty (1998: 4), a Jewish state, as simply as "a state with a largely Jewish population and a dominant Jewish culture, is not necessarily any more undemocratic than any state around a dominant ethnic group or groups". He adds that the issue is whether the dominant group extends democracy to citizens from other groups, something that, he argues, does exist in Israel. In a 1999 article, however, he conceded that

> It is difficult to argue […] that Palestinian Arabs in Israel enjoy full equality with Jews either *de jure* (that is, in terms of constitutional and legal structures) or *de facto.* As a minority, they are systematically excluded from important areas of Israeli life. (Dowty, 1999: 3)

Dowty does not seem to dwell, however, on the state-building process of Israel nor the violent processes through which Israel became a state with a Jewish majority. The same can be said about the anti-democratic legislation that the state has adopted against the Palestinian minority since 1948. Dowty (1999: 6) concedes that Jewish-Palestinian relations are "the acid test of Israeli democracy", but he still concludes that the results of that test do not taint or jeopardize democracy.

As Rouhana and Sultany (2003: 8) argue, while analyzing Israeli discourse around the Palestinian citizens after the second Intifada, there is a prevailing opinion among the general public, Israeli politicians, and even academia, that if Israel is the state of the

Jewish people, and Jewish citizens enjoy democracy, then Israel can be considered both Jewish and democratic.

We believe, however, this should not be the case: the structures of discrimination that sustain Jewish hegemony and maintain the Palestinian citizens in a subordinated position are well documented. Authors who sustain that Israel is a democracy *do* acknowledge them: their arguments are not a product of naivety; they are consciously ignored to serve their arguments.

The discussion on Israeli democracy is fairly recent, but also prolific: since the 1990s that Israeli academia has been swept by a debate regarding the democratic nature of the Israeli state, and several theoretical models have been developed by Israeli academics in order to understand and describe the Israeli regime. Underlying the debate has been the following question: can the Israeli state, in its Jewish form, simultaneously preserve the privileges of its Jewish citizens and still be considered democratic (i.e., committed to the interests and protection of all its citizens)?

One of the models that attracted the most attention, both within and outside academia, was the "ethnic democracy" model introduced by Israeli sociologist Sammy Smooha. According to Smooha, while Israel cannot be considered a liberal democracy (as in liberal democracies the nationalism officially espoused by the state is of a civic nature), the country is placed at the center of a spectrum between citizens' democracies and undemocratic regimes. This is possible, he argues, because while civil rights are granted to all citizens of the state and permanent residents that wish to become citizens, a special status is still given to the Jewish majority group. Israel thus constitutes, in his view, a new form of democracy, having all the institutions and procedures of a democratic regime, but with institutionalized domination of a majority ethnic group.

Smooha is aware that there is "a substantial contradiction between two principles – civil and political rights for all and structural subordination of the minority", and acknowledges that the state belongs to the majority, who uses it as a tool to promote its own interests and maintain ethnic dominance (Smooha, 2000 *apud* Jamal, 2002: 413). An obvious central deficiency of an ethnic democracy in comparison with other democracies is the fact that not only the minority lags behind in terms of civic and

political equality, the rights are guaranteed to the minority groups out of "courtesy not right" (Jamal, 2002: 413).

Smooha is, thus, well aware of the existence of this glitch. In fact, long before the sociologist introduced the "ethnic democracy" model, he had sustained that ethnic stratification in Israeli society resembled that of a "caste system", where belonging is defined at birth, by endogamy and status-hierarchy:

> Status-hierarchy is well established: there is virtually no position in the society in which Arabs exercise authority over Jews and the same position when occupied by a Jew carries more prestige and privilege than when it is held by an Arab. The religion nationality quasi-caste line between Israeli Arabs and Jews is solid and immutable […] Like the color bar in the United States the ethnic quasi-caste structure in Israel serves as a foolproof guarantee, against power realignment of the ethnic groups. As it is difficult to conceive white ethnics joining forces with blacks against the Anglo-Saxon majority it is improbable to expect the underprivileged Orientals to form a coalition with Arabs in a struggle against the dominant Ashkenazi minority. (Smooha, 1976: 649- 650)

A few years later, in 1980, while analyzing the history of control of minorities in Israel and Northern Ireland, Smooha acknowledged once again there was an inherent contradiction between the exercise of control over certain groups and democracy, but that was a necessary requirement to buy political stability. And, in 1997, he wrote that from the Palestinian citizens' point of view "the provision that Israel is the land of Jews all over the world, but not necessarily of its citizens, degrades them to a status of invisible outsiders, as if Israel were not their own state" (Smooha, 1997: 218). In spite of these considerations, Smooha upheld that Israel was the archetype of an ethnic democracy.

One has to wonder how much of a democracy we are left with once we analyze the various mechanisms of control imposed on the Palestinian citizens of Israel. As Yiftachel (2006: 91-92) expertly stated in *Ethnocracy*, "despite the complex understanding of democracy, we must acknowledge that below a certain level, and with structural and repeated deviations from basic democratic principles, as is the case in Israel, democracy is no longer a credible classification".

Contrary to what it may seem, Smooha's introduction of the "ethnic democracy" model did not mean a change of heart in what concerns Israel's depiction as a democracy. Throughout his work, Smooha has several times pointed out the flaws in Israeli "democratic regime". Therefore, it is not a matter of whitewashing Israel's behavior towards non-Jewish citizens: it is simply the fact that, in Smooha's argumentation, Israel

remains a democracy *despite* all of its undemocratic features. In fact, when in 1993 he addressed what he believed to be the Palestinian citizens' "resignation to the existing order", he justified it on the grounds that they were part of a democracy which, "in spite of being an instrument of Jewish dominance, is viable and vigorous, and as such allows them to conduct a militant but lawful struggle" (Smooha, 1993: 111).

It is worth noting that Smooha's goal as an academic was not only to understand the Israeli regime, but also to categorize and, to some extent, restrain the debate on the handicaps of Israeli democracy. While the "ethnic democracy" model was initially perceived as a critical model of the Israeli regime in the early 1990s, it has been since then perceived by some authors as a theoretical instrument that justifies the exclusionary structure of the state. Rouhana and Sultany (2003: 8) denounce it as a concept whose aim is to create "the illusion that the state's fundamental contradiction has been resolved without actually having to change its reality". Furthermore, they argue, the Israeli consensus around the nature of the state (Jewish and democratic) hinders the development of a true democracy in Israel:

> These beliefs enable the Jewish majority to slip into an anti-democratic political culture and enact discriminatory measures against its own Arab citizens without any serious self-examination. The result is an anti-liberal political culture that is increasingly becoming mainstream. (Rouhana and Sultany, 2003: 8-9)

Kemp (2004: 98) argues that Israel's ethnonationalism condemns the Palestinian citizens to prove their loyalty to a state that will never be able to pay their loyalty back for as long as it defines itself as Jewish. According to Jamal, while the Palestinian minority in Israel has benefited from the democratic features of the Israeli state, they can only do so, as we have seen in chapter 4, if their rights do not clash with the interests of the Jewish majority. Thus, referring to Smooha's work, he argues:

> Developing a new type of democratic regime with ethnic character becomes a legitimating mechanism for the maintaining of the *status quo*. The minimal definition of citizenship limits our ability to see the renewed broad dynamics taking place in Israeli society that will certainly have influence on the structure of the state and regime […] A model that examines the existing ethnic power relations in a democratic regime without seeking to participate in forming a political reality of greater equality and freedom raises suspicions regarding its normative commitments. (Jamal, 2002: 430)

Furthermore, Smooha's concern with the stability of the ethnic democratic regime in Israel, as a means to ensure Jewish ethnic domination, has, according to Jamal, blurred the distinction between the subject of a theory and the theory itself:

> The model falls within the category of 'emergency mentality' that characterizes the official and unofficial political discourse in Israel, and justifies the implementation of a policy that nullifies the importance of substantial democratic values. The model, as an analytical tool, is adapted to a given situation by means of imposing certain classification of reality, without them being seen to be an inseparable part of the barriers of democratization. (Jamal, 2002: 431)

If we apply the concepts introduced by Rogers Brubaker, which we have analyzed in the theoretical and conceptual framework of this research (chapter 1), we can observe that Israel is, in fact, closer to what the author identified as a "nationalizing state": a state where the Jewish nation is perceived as preceding the establishment of the Israeli state, where the organizing principle is ethnicity and whose aim is to reproduce the hegemony of the dominant Jewish majority.

While vastly popular in Israeli academic circles in the 1990s, several Israeli academics – namely sociologists – openly started criticizing Smooha's ethnic democracy model, by offering alternative models far more critical of Israel's regime and directly rejecting the state's description as a democracy. The most popular of these critical accounts was Oren Yiftachel's model of "ethnocracy".

Oren Yiftachel sustains that Israel is an ethnocracy, displaying some democratic traits, such as periodic elections, freedom of religion, a certain level of freedom of press and some significant – even if not absolute – human and civil rights to minorities. However, the ethnocratic structure of the Israeli state is based on ethno-national domination, as seen by the control of resources and capital, political power and public culture by the dominant group. In Israel, it is the Jewish *ethnos*, and not the Israeli *demos* or citizenry, that rules the state, and, like in other ethnocracies, Israel facilitates the undemocratic expansion of the Jewish ethno-nation both outside and inside the internationally accepted borders of the state.

In 1998, Ghanem sustained that Israel could not be considered a democracy, even if granted limited rights to the members of the minority group, because the state's main goal is the maintenance of the majority's privileges. The author further identifies three different levels of policy where exclusion and discrimination against the Palestinian citizens is imposed or encouraged by the state: ideological and declarative (e.g., state symbols, holidays, definition as the state of the Jewish people), structural (e.g., exclusion from Israeli institutions, decision-making centers) and operative (e.g., legislation,

allocation of budgets and resources). Furthermore, he argued, there was no room for future democratization due to the ethnic nature of nationalism in Israel, and the absence of egalitarian citizenship or a territorial nationalism.

A similar argument was made by Rouhana:

> The quest for equality will not be satisfied unless the Arab citizens are offered full equality. An improved version of the *status quo* might delay the quest for state restructuring (although paradoxically it might also accelerate it, because it would enhance some integrational policies and improve the standard of living, without making full integration possible. (Rouhana, 1998: 290)

For Rouhana (1998: 284-285) the use of the term "ethnic democracy" to describe Israel is only admissible if we are aware of the contradiction in the term itself. Otherwise, we should not use the term "to denote a viable form of democratic government and to argue its plausibility with full acknowledgment that it cannot provide full equality to all its citizens [because] that represents a value judgment on the nature of acceptability to others of such qualified equality".

It is possible to establish a link between Rouhana's argument and Buzan's and Holsti's work on state weakness. Periods of modest improvements in the Palestinian citizens' status in Israel, such as the period after 1966 with the end of the Military Administration and in the early 1990s following the signature of the Oslo Accords, have pushed the minority to mobilize, either politically or through the expansion of numerous non-governmental organizations (e.g., Adalah, ACRI), and thus demand a further democratization of the State. Israeli political leaderships might find themselves at a crossroads, as policies that enhance the Jewish character of the state and Jewish domination elicit greater reactions from the minority and contribute to the weakness of the state. Furthermore, the growing tension, especially in the post-second Intifada period, between Israel's self-image as a democracy and increasingly authoritarian and ethnonationalist tendencies ought to undermine the state's strength even further.

According to Ghanem and Rouhana, the concept of democracy is closely linked to the concept of equal citizenship and minorities' free and absolute political participation. On the other hand, in non-democratic states, such as Israel, even if the state allows political participation, that participation only translates into limited effectiveness for the minorities. Thus, they state, "their limited effectiveness becomes

part and parcel of the broader political predicament often faced by minorities in non-democratic states" (Ghanem and Rouhana, 2001: 66).

For Peled-Elhanan, Zionist ideology, by professing historical rights to the land and the need to keep a regime of segregation and exclusion for security of the State, "legitimates the ethnic inequality and Jewish dominance in Israel, which is at the base of the legitimization of expulsion and massacres". Furthermore, she argues, the inbred messianic character of Zionism is both incompatible both with Jewish orthodoxy and Zionist secular thought, transforming the Israeli-Zionist discourse and praxis into an abomination (Peled-Elhanan, 2012: 33, 174).

For Cohen the main problem also lies in the Zionist attempt to combine of particularist and universalist principles:

> One of the salient features of political Zionism is that it purported to be not merely a 'nationalist' ideology, but strove to integrate two, in principle conflicting, value premises: the collective particularism of Jewish aspiration to an independent national state, and the universalism of modern Western civilization. Both sets of premises became fundamental components of the legitimation of the State of Israel. In political practice, however, they necessarily clashed. (Cohen, 1985 *apud* Kimmerling and Moore, 1997: 30)

And, according to Rabinowitz (2001: 80) the combination of "Jewish and democratic" is by itself a contradiction, as the term exposes the real nature of the state. Moreover, he sustained, undemocratic states such as Israel can only claim to be democratic by following two routes: using a technical and restrictive definition of "democracy" or/and by sidestepping "the historical and personal implications of disenfranchisement, dispossession and dismemberment experienced by the Palestinians". These strategies, Rabinowitz claims, have been used by Smooha to present Israel as an ethnic democracy.

The problem of Israel's undemocratic regime is also exacerbated by the absence of a constitution or, as White (2012: 14-15) contends, what has developed in its place, a "weakly defined commitment to equality with elements of democracy". Thus, while Basic Law: Human Dignity and Liberty[406] offers protection for all Israeli citizens, the protection it offers is conditional, as it also states that the rights it establishes can be violated by "a

[406] Israeli Basic Law: Human Dignity and Liberty, 17 March 1992.

law befitting the values of the State of Israel". By "values of the state of Israel", the law means the values "as a Jewish and democratic state".

Smooha's ethnic democracy model had a clear influence in Gavison's enduring defense of Israeli democracy: in fact, in a 1999 article, Gavison described Smooha's model as "very illuminating and his analysis very persuasive and compelling on many points". Thus, it is not surprising that Gavison, while also acknowledging that Israel's democracy has "serious flaws and internal tensions [that] require urgent care and reform", dismisses a more profound debate on the nature of the Israeli regime on the grounds that it is "misleading and unhelpful, because it presents issues that to me are primarily political and normative as matters of theory and conceptual analysis" (Gavison, 1999: 47).

In other words, Gavison believes that any serious debate on the depth of Israeli democracy is motivated by political antagonism towards Israel, and complains that by engaging in such a debate "we thereby lose the ability to use terms such as democracy without making a normative judgment": "Scholars are using their scholarly reputations to make statements that are at heart political […] The real debate between Smooha and his critics is normative and political, not scholarly and theoretical" (Gavison, 1999: 50, 52).[407]

To be clear, as we have already stated in the introduction to this research, which was motivated both in equal parts by academic interest and political commitment, we do not claim that Smooha's critics responded in a depoliticized environment, the same way we do not think that purely objective and unbiased research exists, particularly in social sciences. In fact, political and normative commitment has always set the groundwork for research on democracy, and is one of the reasons why the concept has vastly expanded in the last few decades.

However, what seems more striking in Gavison's argument is the fact that she does not explain how critics of Israeli regime are politically motivated, while not understanding that Smooha and herself – both of them Israeli Jewish citizens enjoying a privileged position in an ethnic state – also have personal and communal interests that influence their academic work.

[407] A similar insinuation was made by Alan Dowty that same year, by arguing that authors such as Yiftachel, Ghanem and Rouhana hold up Israel's democracy to an examination that it is not "applied consistently to all states" (Dowty, 1999: 4).

Later, she explains that the Palestinians' struggle for their rights within Israel come from "their sense of anger and injustice, their feeling of dispossession and discrimination" and that "abstract debates about whether or not Israel is a democracy", for these are only possible descriptions of the state that "will not change anything in their daily reality" (Gavison, 1999: 62). It is ironic, we believe, that Gavison attempts to discredit and devalue a debate in which she is also engaging in, but the reason is obvious: Gavison is not concerned with the fruitlessness of the debate on Israeli democracy, she is concern that critical accounts of Israel expose the exclusionary nature of the Zionist enterprise and chip away Israel's self and international image as a democracy.

Furthermore, while she attempts to argue that the Palestinian citizens of Israel should refrain from using "terrorism, murder, or armed rebellion to achieve their political goals" – her reasoning being that these instruments are only legitimate if the government is unjust and if change cannot be achieved by peaceful means -, she also insinuates that academic criticism of Israel has gotten closer to the "delegitimation of Israel's political institutions", a process that, in her opinion, is "unjustifiable".

Her notion that in democracies, "change must be made through persuasion" (Gavison, 1999: 62) does not take into account the existence of power relations between majority and minority that undermine the bargaining power of the second group. Furthermore, it also feeds into the security narrative in Israel that the "enemy from within" - the Palestinian citizens of Israel - can take advantage of said democracy to contest the Jewish nature of the state. According to this logic, and because it is the state's Jewish nature that sets the ground for Jewish domination, "there is an eternal need to shrink the democratic sphere and expand the state's Jewish character, along with attaching certain preconditions to citizenship" (Ghanem and Mustafa, 2011: 188).

While Gavison (1999: 48) demonstrates concern for what she believes to be a political vendetta against Israel, she later attempts to organize her arguments against Smooha's critics on the grounds that they ignore Israel's procedural elements of democracy: the existence of civil and political rights for all its citizens, regular and free elections, an independent judiciary, freedom of speech and judiciary, etc. While we agree that, on paper, Israel does possess these democratic features, our research has also demonstrated how these features are significantly constrained by the Zionist character of

the state: Israel's commitment to ethnonationalism is growing at the expense of its commitment to democracy. Furthermore, the ethnic democracy model accepts the outdated liberal conception of citizenship, ignoring the recent developments in democratic theory and multiculturalism:

> The dominant political discourse in Israel emphasizes the significance of liberal citizenship as a package of rights given by the regime from top to bottom. Therefore, innate to the vertical concept of power and perception of the state as a mechanism that organizes and controls relations in society is a limited concept of citizenship […] The liberal tradition has conceived citizenship as a universalizing and homogenizing theory where all citizens are supposed to be the same in a monolithic political community […] Political theory has demonstrated that liberal citizenship is blind to difference and therefore, is oppressive. (Jamal, 2002: 419-420)

One of the most far-reaching attempts to present a democratic critique of power-relations in Israel between Jews and Palestinians (as well as between Jewish ethic and religious groups) was already developed by Peled and Brunner, for whom the debate should be expanded from formal definitions of autonomy, rights and liberties and towards the conditions of freedom: in other words, the focus should be on both the material and institutional means available to people in order to effectively exercise a person's private and public autonomy.

In the case of the Palestinian citizens of Israel, while the state grants them individual citizenship rights, they are blocked from the definition of the society's common good, which, in the Israeli case, is the fulfillment of Zionism. As an example, they present the case for the cultural rights granted to the Palestinians (namely their education in Arabic) that, instead of offering them cultural autonomy, is used as another tool of economic and cultural exclusion (Peled and Brunner, 2000).

Most authors that argue that Israel is indeed a democracy seem to base their arguments on a "minimum procedural" definition of democracy. The procedural definition of democracy focuses on issues such as universal suffrage as well as civil liberties, freedom of expression, assembly and association. While these are the easiest criteria to be analyzed, making this definition the most widely used, the use of a procedural definition is also often used to mask undemocratic policies, such as the ones we observe in Israel.

By restricting the evaluation of Israeli democracy to the realization of universal, free and regular elections, the advocates for Israel's democratic nature are absolved of analyzing other patterns of discrimination, such as the non-recognition of the Palestinian citizens as an indigenous population, their non-representativity in the political arena, and the unequal allocation of resources.

By addressing directly the works of Smooha, Gavison, Dowty, and others, Yiftachel accuses them of having

> Stretched key democratic terms, such as liberalism, republicanism, consent, and freedom, to fit an impossible reality. This stretching was possible by critical omissions and several blind spots in the debate over Israeli regime, most notably overlooking its political geography, including the ongoing occupation and settlement of Palestinian territories, the role Jewish diasporas play inside Israel, the plight of Palestinian refugees, and the political role of religion. When these critical factors are omitted from the definition of the Israeli regime, it becomes possible to describe it as democratic. (Yiftachel, 2006: 93)

Gavison, by focusing exclusively on what she believes are democratic features of the state, while undervaluing the ethnic character of Israel that sustain Jewish hegemony, is indeed obscuring Israel's undemocratic elements. This tension is further exacerbated by the fact that further along her article, Gavison (1999: 58) recognizes the systemic exclusion of the Palestinians and even argues that many of the arrangements in Israel in order to maintain it as a Jewish state are not justifiable.

Besides Gavison's fixation of the formalities of Israeli democracy (which we think go beyond the arguments sustained by Smooha), she also believes Israel "does not offend against democratic principles in the clear way that pre-1994 South Africa did" (Gavison, 1999: 49). By drawing the line at pre-1994 South Africa, Gavison sets the bar very low in what comes to democracies, making sure that Israel – and very much any state that is not an Apartheid – gets to be considered a democratic system. In fact, she even argues that the distinction made by some critical authors between democratic features (which Israel has) and democratic structures (which Israel does not have) is not very persuasive and novel (Gavison, 1999: 48).

Gavison, thus, inverts what we believe should be an obvious characteristic of anyone producing knowledge on democracy and morally committed to the establishment of ever-growing more just societies: instead of focusing on the ways democracy should be

pushed even further, in order to ensure full participation and inclusion, she holds back the conceptual growth of "democracy", by identifying it by what it is not.

This, she admits on a footnote, is a conscious skewed choice she makes to support an argument that, otherwise, would fall through:

> I have argued that we should adopt a thin, procedural conception of democracy that will include rules of the game and not substantive arrangements other than those needed to guarantee the effective functioning of the rules of the game. I stand by this recommendation. It makes it easier for me to argue that Israel should be described as a democracy, and that this should not be taken as conferring a value on it. (Gavison, 1999: 68)

The third line of her argument stands on what she believes is the uniqueness of Israel as the state of the Jewish people. Moving away from Smooha's concepts, Gavison prefers to describe Israel a "Jewish state", for she thinks that the concept of "ethnic state" obscures both the "deep religious element in Judaism" and "the ambiguity between ethnicity and nationhood". This allows Gavison (1999: 61) to argue that a Jewish state does not necessarily imply the denial of political rights to non-Jews. She adds that there is nothing in the arguments of Smooha's critics that "suggests that we should adopt a conception of democracy such that only a state that either completely privatizes all non-civic traits, or treats them equally in every way, can be a democracy".

While we tend to agree with Gavison when she states that European states also have flawed democracies, we do not believe it is conceptually useful or morally correct to compare states where structures of discrimination persist and the case of Israel, where the exclusion of non-Jewish populations is, not only part of the *raison d'être* of the state, as much as it has been growing in the last two decades. In fact, as Dowty (1999: 5) acknowledges, the works of Ghanem, Rouhana and Yiftachel stress the degree to which the violation of equal rights is anchored in law, in order to contrast Israeli regime with democratic states. In this regard, they stress the formal structures that legalize discrimination of Israel: not only legislation that privileges Jews, such as the Law of Return, but also quasi-governmental bodies such as the Jewish Agency and the Jewish National Fund that, as White (2012) pointed out, have taken traditional state functions to continue the Judaization of the state.

Even if Gavison (1999: 61) insists that democracy can be ensured by a "minimum of political equality" and despite the fact that "not all groups feel that they 'belong' in the

same sense and intensity", it is not the same for the French state to identify as a French state and for Israel to identify as the state of a Jewish people, granting automatic rights to anyone identified as Jewish while rejecting the same rights to a native population. In this regard, it is worth noting that the term "Jewish state" is not a mere description of the ethnic majority within the state: it clearly determines the preference for Jews over non-Jewish citizens.

Moreover, we do not believe this argument is enough to block criticism on Israel's regime and exclusionary structure, placing it above any type of question by attempting to divert the debate between the *existence* of democracy and the *quality* of democracy, the same way it would not prevent debate on the democracy of any other state.

In both Gavison's and Dowty's work this seems to be the core of their arguments: why should Israeli democracy be judged by more advanced criteria than other states? The most straightforward answer to this question should be: it is not. Not only Western liberal democracies are constantly under academic scrutiny, as Jamal (2002: 424) also sustained, we do not believe the debates over the existence and quality of democracy can ever be done separately.

Another flawed line of thought that we observe both in Gavison's and Dowty's work is their portrayal of Israel as a unique state, that defies previous categorizations of democracy, while ultimately trying to ground their argument in the existence of other, notably Western states, that are not multicultural.

This is particularly visible in Dowty's work, when he attempts to include Israel in what he calls the "Old World", countries where the nation forms the state (Dowty, 1999: 8). As we have analyzed in our conceptual and theoretical framework, the distinction between "Old World" and "New World", which is nothing but a rebranding of the distinction between "nation-states" and "state-nations", is dangerous for it naturalizes the violent and exclusionary origins of all sates.

Furthermore, its application to the Israeli case – which is a direct result from the Zionist belief that the Jews constituted a nation in the first place – ignores the diversity

and the divisions among Jewish communities as well as the efforts made by the Israeli state to overcome them.

In Gavison's case, in a later article, she insisted on this idea of uniqueness of the Jewish people and their need for a Jewish state for defense purposes. In her view Israel cannot be a state for all its citizens because, whereas in a Jewish state Palestinian citizens only suffer "limited harm", "the Jewish people's rights would suffer a 'mortal blow'" in an absolutely democratic state. As a result, while acknowledging that the restrictions placed on the Palestinian population in matters such as security, resource allocation, population dispersal and education, Gavison believes these can be justified by the "needs of Jewish nationalism" (Gavison, 2003).

Furthermore, as Jamal sustained when addressing Smooha's work, this choice to focus on the procedural features of the regime has another far-reaching consequence that goes beyond the authors' need to support their argument and unto a problematic definition of "democracy":

> The focus on the procedural and institutional aspects of the regime and turning one regime into an ideal-type exposes its underlying normative implications or the hidden agendas of the theoretician. Such an agenda leads to the classification of the ethnic state structure with all its problematic implications with the family of democratic regimes, based on a narrow procedural definition of democracy. The model reduces democracy to mere procedures in order to pinpoint the democratic nature of the Israeli regime. Thereby, the model bypasses criticism raised on it based on the utilization a more substantial definition of democracy. (Jamal, 2002: 412)

What is worth noting is that none of these authors (Smooha, Gavison or Dowty) reject that Palestinian citizens are in a disadvantaged position in Israel. Gavison, for instance, is absolutely honest on what it means to be non-Jewish in a Jewish state:

> The Jewish state is thus an enterprise in which the Arabs are not equal partners, in which their interests are placed below those of a different national group – most of whose members are newcomers to the land, and many of whom are not even living in the country. (Gavison, 2003)

In this regard, Gavison offers no innovation to what had been previously advocated by Smooha or Dowty. They all recognize the limitations imposed by Israel on the Palestinians but choose to see these as necessary for a greater good: the protection of a Jewish state. On the other hand, they all attempt to naturalize the structures of domination either by signaling the singularity of a Jewish state or by relying on a weak concept of democracy.

This limited analysis of democracy becomes simultaneously theoretically obsolete and morally dangerous when one tries to analyze the post-Second Intifada period in Israel and the changes it brought to the Palestinian citizens: if one agrees that discriminatory and exclusionary legislation adopted during this period followed the regular democratic procedures, and that these should not be countered or contested due to their democratic appearance, there is a risk of ignoring how formal democratic processes can both harm the minority's rights and perpetuate the tyranny of an ethnic majority.

As Jamal points out, majority rule in Israel negates the existence of the minority, for the "majority" is not a neutral and aggregative group, but "a solid national one that legitimizes its status based on clear cultural motifs and a spiritual heritage":

> Democratic procedures are a mechanism in the hands of the majority that legitimizes the continuation of a pattern of control that exists by their staying a majority. This is accomplished by encouraging emigration, increasing the birth rate or shifting the minority outside the state framework on one hand and, on the other, by manipulating the democratic rules of the game. (Jamal, 2002: 425-426)

Although not subscribing entirely to the ethnic democracy model, Peled and Navot (2005) introduced a third framework of analysis for the Israeli regime. According to it, throughout its history, Israel has been displaying a growing level of liberalization. As such, between 1948 and 1966, the state possessed a system resembling an ethnocracy, determined by the imposition of the Military Administration on its Palestinian citizens; between 1966 and 1992, they argue, Israel was an ethnic democracy, as described in Smooha's work; and, finally, following the Constitutional Revolution in the early 1990s, they state that Israel has entered a process of further democratization. They seem to observe, however, that since 2000 the Israeli state has been undergoing a process towards a majoritarian state, even if they do not explain the difference between that, which they describe as dangerously close to the "tyranny of majority", and ethnic democracy (Peled and Navot, 2005: 21, 23).

Notwithstanding the fact that the authors' analysis only covers part of the post-Second Intifada period, we still believe this remains problematic, as it describes a democratization process without taking into account that nowadays' discrimination and

exclusion of the Palestinian citizens of Israel has roots in many of the laws and policies enacted after the establishment of the state, as well as in its definition as Jewish state.

Thus, while Peled and Navot (2005: 21-22) argue, in a similar fashion as Gavison, that both the models of ethnic democracy and ethnocracy have normative motivations, leading their proponents to focus on different units of analysis (Smooha focusing exclusively in pre-1967 Israeli territories; Yiftachel applying his model to all territories under Israeli control), the authors are unable to understand how discrimination in Israel against Palestinian citizens is neither a phenomenon left behind with the end of Military Administration nor merely a process reemerging after 2000: it is a cumulative process, for the Zionist ethos of the state is, by itself, unable to acknowledge the possibility of a state where Jews are neither the demographic majority nor the dominant group.

In fact, any attempt to de-ethnicize the character of the state, as we have seen from the proposals subscribed in *The Vision Documents* or the bills for the declaration of a state for all its citizens, are perceived by the majority as a threat to the self-determination of the Jewish people and Israel's right to exist. This happens, because in Israel there is no distinction in public discourse between Jewish right to self-determination and Jewish domination inside the state.

In fact, one can argue that the process of growing participation and mobilization of the Palestinian minority after 1966 did not simply happen because of the end of the Military Administration, but precisely because that regime existed in the first place. Once the Military Administration was lifted, several regulations that had been adopted in that continuous state/space of exception were maintained (namely regarding the limited access to land and resources) and have ensured that effective participation and mobilization of the minority remained limited, despite its seemingly democratizing nature.

Similarly, they seem to subscribe to the idea that Israel was slowly becoming a liberal democracy: by arguing that Israel was undergoing a process of democratization in the 1990s, following the signature of the Oslo Accords, Peled and Navot suggest that the discrimination of Palestinian citizens is only a matter of policy and not of structure. Even if one does not look at the status of the minority in a cumulative fashion, preferring to emphasize the distinct phases of state-based discrimination in terms of evolution and

retraction, after over 70 years of discrimination, the distinction between what constitutes policies and structure becomes blurred, as repeated policies become ingrained into structure of the regime and the character of the state.

As Ram (2009: 533) explained, while briefly analyzing the different models applied to the Israeli regime, whereas this "soft" liberal version of democracy tends to perceive the Israeli state as simply failing to address the concerns of the Palestinian minority, Yiftachel's ethnocracy model demonstrates that the inferior status of non-Jews in Israel is an expected consequence of the logic of the Zionist state. True democratization would mean the "expiration of the superiority and special status of the Jewish nation in the state", and that was never closed to being achieved, not even during the liberalization process Peled and Navot identify.

The idea that Israel is a democracy "on hold", constrained by the security situation is, according to Rabinowitz, widespread among most contemporary Zionist parties, movements and academics:

> [This conviction] is premised on the forgiving claim […] that Israel is essentially a liberal democracy overburdened by external and internal security and social pressures which force it to temporarily forgo some liberal tenets. Such flaws, the argument goes, are by no means structural. Given time and reasonable progress in Israel's relation with the Arabs, these anomalies will disappear. (Rabinowitz, 2001: 79

In this regard, we find, for instance, Amnon Rubinstein's contribute to the debate on Israeli democracy. In his opinion, "If Israel is to be compared to other states, it should be not to those countries living in peace and security, but to those that are afflicted by war and violence. By this standard, the Jewish state is doing remarkably well" (Rubinsten, 2010).

Furthermore, we also find precarious Peled and Navot's (2005: 8) assertion that despite the fact that "the Israeli state holds the West Bank and Gaza[408] under belligerent occupation, with no claim of legitimacy from their Palestinian resident […] that does not necessarily impinge the democratic character of the state itself".

Their opinion, often enshrined among critical literature on Israel, dangerously resembles those of scholars who often lean unto the security discourse to justify the

[408] The authors do not mention the occupation of East Jerusalem.

perpetuation of occupation. For instance, Yaniv (1993: 228), who described the 1967 occupation as the "acquisition of strategic depth", sustained that a democracy could "not retain its purity while imposing totalitarian rule over other". However, he also believed that it was precisely the democratic nature of Israeli regime that "aggravated the agony of the Palestinians". The reason, he argued, was because the continuous debate over the future of territories – a clear sign of Israel's democracy, he suggests – prevented a clear-cut decision on whether or not to end the occupation.

While it is true that the situations of Palestinian citizens of Israel and Palestinians in the Occupied Territories are profoundly different, and despite the fact that for research purposes it is useful to isolate both units of analysis, the history of the two populations is closely intertwined, and both groups tend to respond to the events taking place on both sides of the border. If we take into account the ongoing occupation of the Palestinian territories and the level of control that the Israeli state exerts over that population, any analysis of Israeli democracy, both for purposes of academic rigor and commitment to democratic values, must take in consideration the occupation of the Palestinian territories and population.

6.2 SECURITY AND DEMOCRACY

Israel has been in a state of emergency since its creation, in 1948. Besides the climate of suspicion induced by the state of emergency, certain laws and regulations depend on the Knesset's annually renewal of the state of emergency to keep functioning, including those regarding travelling aboard, the emergency laws for arrests, searches and land confiscation (White 2012: 15). This fact is even clearly acknowledged in the Knesset website:

> [The state of emergency] has been regularly extended by the Knesset and the Government due to the fact that over the years the Knesset has enacted many laws which include directives that are conditioned by the existence of a state of emergency. The cancellation of the state of emergency will lead to the annulment of these directives. (Knesset, 2017d)

The state of emergency was first declared by the Provisional Council of State, in May 1948, immediately after the Council passed an ordinance giving itself the power to declare it. Since 1966, the same year that Military Administration over the Palestinian citizens of Israel was lifted, the authority to declare a state of emergency has been

anchored in article 38 of Basic Law: the Government.[409] According to the law, only the Knesset has the power to declare a state of emergency for a period not exceeding one year, but the Israeli government has also the power to do so, if needed, before the Knesset convenes, and for a period not exceeding seven days.

Since the establishment of the state, the state of emergency has served to justify Israel's violations of Human Rights as, in theory, such regulations enforced by the government can suspend all civil and human rights in the state. For instance, despite the fact that, in 1991, Israel ratified the International Covenant on Civil and Political Rights that expressly prohibits arbitrary detention and arrest[410], Israel has resorted to the possibility of derogation in time of "public emergency", foreseen in article 4(1) of the Covenant, to declare that it is not obliged to comply strictly with the international pact.

This justification had already allowed the adoption, in 1979, of the Emergency Powers (Detention) Law, allowing a person to be detained, for a period up to six months without a charge or a trial, if the Minister of Defense "has reasonable cause to believe that reasons of state security or public security require that a particular person be detained". The order also foresees that the initial six-month period of detention can be renewed indefinitely.

While the use of emergency legislation and of security rationales is not unusual in states during or immediately after a war, in Israel these have been transformed into a regular and permanent condition. In this research we have attempted to go a step further: not only securitization (which includes and was powered up by the state of emergency) has allowed for the Judaization of the territory, it has also served to foster national cohesion, in particular during times where Jewish society is threatened by internal rifts and discord over central matters of the Jewish state.

As Kemp (2004: 82-84) argues, even if the Israeli state usually hides behind the state of emergency's temporary appearance to justify the limitations it places on

[409] Israeli Basic Law: The Government, 7 March 2001.

[410] Article 9 of the International Covenant on Civil and Political Rights grants all the individuals the right to be informed upon arrest for the reasons of arrest and to be tried within a reasonable time (Quigley, 1994: 491).

individual liberties, "from the government's perspective, the law was not only a rapid and effective instrument to enforce policy, it was also a means to build the nation-state".

For Abulof (2014a: 397), Israel is a clear example of a state in "deep securitization", and what differentiates the Israeli case from other instances of securitization is the scale and scope of the process. In cases of deep securitization "threats are explicitly framed as probable and protracted, endangering the very existence of the nation/state and that discourse is incessantly and widely employed by the society".

Unlike regular cases of securitization, where the process replaces what should have been the normal political debate, in Israel the politicization of issues is itself trapped in a security discourse. In other words, all issues are potentially treated as security threats and political debate over them does not exist without their securitization.

Nevertheless, as far as the literature on the effects the continuous security mentality has in Israel, many authors have problems acknowledging that it can compromise democracy. See, for instance, Olesker's (2011: 4) work on the securitization of Jewish identity in Israel: while he successfully demonstrates that securitization in Israel is not necessarily a process marked by silence and speed – as securitization processes were traditionally described by the Copenhagen School-, he also argues that securitization "can take shape as part of the democratic procedures without the abandonment of legislative mechanisms in which claims can be contested and debated".

Olesker maintains this assumption, even after admitting that law in Israel facilitates "the establishment of hierarchies that securitize certain populations through the process of inclusion and exclusion" and that desecuritization is practically impossible due to "the exclusionary nature of the ethnic state and its commitment to the promotion of one identity at the expense of all others".

Underlying Olesker's argument is the perception that compliance with the legislative mechanisms in place equates to democracy. While acknowledging the persistence of exclusion in Israel, Olesker provides no questioning on the exclusionary nature of said democracy, and conflates legislative procedures with democratic procedures.

Arian (1993: 129) had already argued that "political socialization is Israel is coextensive with an introduction into matters of national security" and that Israelis have an "unusual degree of awareness of national security issues". While Arian's focus is on the impact Israeli public opinion has on the national security agenda in Israel, the author seems to believe that this is a one-track process: according to his logic, Israeli society – one that he treats as an homogeneous group – is "aware" of national security issues, without providing any questioning on where this "awareness" comes from and without analyzing how Israeli political discourse enables the seemingly preference for security concerns over democracy.

Arian's choice is not politically innocent: by treating Israeli public opinion as the one conditioning the national security agenda, he is able to exonerate Israeli political leaderships from securitization processes and is able to conclude that "one of Israel's biggest achievements has been to maintain the level of sacrifice and alertness necessary to handle its security problems while sustaining a democratic political system" (Arian 1993: 133).

Arian's work also does not explain what he means by "awareness of national security issues", if that implies a substantial in-depth knowledge about national security issues. At times, it seems that Arian conflates awareness or knowledge with the generalized feeling of insecurity among the Israeli population.

For Schofield (2007: 67-68), the Israeli government always suffered from some degree of militarization since the 1950s onwards, in the sense that it was always sensitive to a military policy perspective, "including widespread censorship of military and military related matters, in the budgetary influence of the Defense Ministry, as well as its influence in education, immigration, developmental priorities, scientific research, and foreign policy".

The influence of the military in politics can be partly explained by the presence of senior military officers serving in various state offices, but also by the subordination of the Foreign Ministry to the Defense Ministry, with the later interpreting all foreign affairs information through a security prism (Schofield, 2007: 69). As Goldberg (2006: 391) has shown, the penetration of retired officers into local and national-level politics can also explain the manipulation of the security agenda, even if candidates with a military

background tend to be perceived as being more honest, representing more than personal and party interests.

Despite the fact that Schofield acknowledges that Israel possessed many of the characteristics of a garrison state, he insists that Israel's militarization is a partially adaptive response to a surrounding hostile environment that shows few opportunities for cooperation, as well of Israel's inability to make inroads into a generally hostile United Nations (Schofield, 2007: 79-80). The author maintains this position even after analyzing the disastrous Israeli attack on Egypt in 1956, when he argues that the military was not able to show "none of the prudence expected of an organization facing diplomatic limits" and grossly exaggerated the enemy's hostility leading to a loss of diplomatic opportunities (Schofield, 2007: 76-77).

For Horowitz (1993: 18) the militarization of Israeli society is representative of a "more developed, modernized society", for militarization favors social cohesion: "The need for a pool of adequately educated and motivated personnel favors a modern, unified society, and handicaps societies that are both less modern and unified". Horowitz, then, believes that Israel has a cohesive society, and neglects the role that both the militarization and the prevalence of a security discourse plays in the promotion of said unity. This leads him to argue that, while there is no security strategy in Israel, there is a generalized consensus that there is a need to cope with threats to the existence of the state:

> The perception of the threat, which for years spurred coalescence of a broad national consensus in Israel on questions of security, did not stem only from a recognition of the seriousness of the Arab-Israeli conflict and unlikelihood of its resolution; it was also influenced by the imbalance of forces between the two sides and by the disputed borders, which so acutely narrowed the Israeli margin of security. (Horowitz, 1993: 14)

According to Lissak (1993: 64), who also agrees that it has been impossible to develop a national security doctrine in Israel, this is a result of the lack of consensus about what are the boundaries and goals of the polity. The establishment of such strategy would necessarily evoke fundamental and divisive issues. Nevertheless, he also believes that there is a collective awareness that the state has to provide solutions for basic threats faced by Israeli society, which he identifies as demographic asymmetry, long and vulnerable borders and the survival under a protracted conflict that demands the

continuous allocation of resources. Lissak fails to describe how there seems to be consensus around demographic issues and border protection, when he previously admitted that these were divisive questions, and two that are inevitably interconnected.

Another problem, acknowledged by Ben-Gurion, was that the creation of an army, by itself, could not "guarantee state security" or "fulfill all security needs; [because] the security problem is more comprehensive and intensive than the military problem" (Ben-Gurion, 1949 *apud* Lissak, 1993: 67). It is in this perception, we believe, that the processes of militarization and securitization in Israel intermingle.

Moshe Lissak (1993: 64, 70) identifies this intersection between plain militarization and generalized securitized environment as the problem with the Israeli conception of "national security" in Israel: while the Israeli state tends to look at security as a wholesome process – not only military action, but also the political tools that ensure the preservation of certain attributes, such as a Jewish majority –, he believes that Israel struggles with the formulation of a national security doctrine, as there is no social consensus about its goals or even the boundaries of the polity. Some behavioral norms have managed to be institutionalized, especially through the reinforcement of the military components by civilian ones (e.g., Zionist ideology), but that comes at the expense of the politicization of the military system.[411]

We believe that this is not a one-track relationship: the lines between the military and the political sector have always been blurred, as one and the other sustain the need for an all-encompassing definition of national security. As we have seen, it is not as much about the politicization of the army, but the militarization of the political sphere that leaves all policies on internal issues to be formulated under a security umbrella. This can be easily observed in immigration and absorption policies, settlement and population dispersal practices and on the focus placed on demographic engineering policies, such as border adjustment. All of these are framed by a security discourse, and frequently presented as matters of "national security".

[411] Bar-Or (2010: 268) notes that the intermingling between the military and political spheres in Israel can be traced back all the way to Hagana's role during the Yishuv and the establishment of the State. According to the testimonies of several founders and commanders of Hagana during this period, the military wing of the Zionist movement assumed an increasingly political role, because security also "implied confronting the Arabs' political movement".

A distinction should thus be made between a "militarist state" and a "militarized society". This distinction, we observe, is often bypassed in these analysis, allowing some authors to conclude that, by comparison with highly-militarized states, Israel has managed to survive the interference (and disruption) brought by the military to politics. As such, the militarization of Israeli society is described in positive terms, as a source of cohesion and a symptom of development and modernization. However, as Kimmerling exceptionally put it:

> Militarism became a factor in Israel's society when arms and the management of violence came to be perceived as routine, self-evident and integral parts of the Israeli-Jewish culture, as a state of nature that could never be changed (Kimmerling, 1993b: 199).

Quoting Martin Shaw, Kimmerling ads that militarism is not restricted to the role the military plays in society, but also to the way "war preparation becomes central to it" (Shaw *apud* Kimmerling, 1993b: 199). Kimmerling believes that during the early years of the State Israel was a prototype of "cultural militarism" or "militarism by civilians", a type of militarism according to which the armed forces are essential to the social experience and collective identity, and are ranked by most in society as a collective symbol and the embodiment of patriotism (Kimmerling, 1993b: 202).

While this might look like an "inclusive militarism", Kimmerling (1993b: 204) points out that a thin, exclusive stratum of "security experts" try to maintain hegemonic control over the collectivity, by making use of their "knowledge and skills". This way, even when security matters are debated in a public manner, this "security elite" deploys codes that divide the collectivity in two parts: "a small group that 'knows the secret' and the vast majority that both accepts the 'security-language' to be comprised of self-evident yet recondite and unknown 'truths, or is totally alienated from the discourse". Such "division of labor", Kimmerling argues, maintains the perception that matters of security have to remain confidential, for they demand extraordinary talents that only security experts possess (in contrast to more "mundane" opinions on politics and economy, for instance).

Kimmerling's description of Israel's special brand of militarism is reminiscent of the description of securitization processes, including what is perceived as the predominance and prioritization of military and security considerations over those of

political and social nature, and the level of secrecy or, at least, the limits to public debate and struggle these issues engage:[412]

> Even when military performance or other measures taken by the armed forces are publicly criticized, as often occurred in Israel, this criticism is made through 'military experts' and does not challenge but reinforces the militaristic orientations and discourse […] With respect to this type of militarism [civilian militarism], it is not necessary that the military, as an institutional structure, governs in the political sphere; nor is the army necessarily stationed at the center of a statist cult. In contrast, the civilian militarism, or what might be called the military mind, is systematically internalized by most statesmen, politicians and the general public to be a self-evident reality whose imperatives transcend partisan party or social allegiances. The gist of civilian militarism is that military considerations, as well as matters that are defined as 'national-security' issues, almost always receive higher priority than political, economic and ideological problems. (Kimmerling, 1993b: 206-207)

Lomsky-Feder and Ben-Ari (2010), while analyzing the processes of "normalization" of war in Israel, seem to support Kimmerling's analysis. The authors start by noting how one of the tools for normalization of military service in Israel is its presentation as a "natural stage in the progression toward adulthood and manhood", in some cases even resorting to an analogy between war and birth. While presenting itself as a natural stage in individuals' lives and, especially Israeli men, military service is also presented as an exceptional period:

> Military service is described as an arena providing opportunities to actualize desires related to adolescence – intense emotional experiences, adventure, and mockery of death (those very desires that in other social contexts are defined as irresponsible or rebellious behavior). In these contexts, war is described as a special opportunity for risk-taking and testing of boundaries. (Lomsky-Feder and Ben-Ari, 2010: 283)

The exceptionality of military service in most Israelis lives should not be mistaken for lack of preparation. In fact, as Levy and Sasson-Levy (2008: 354) point out, even if military service stands at the center of militarized socialization, the military is not the only actor responsible for this process, as young Israelis are exposed to military indoctrination from a very young age, including the themes of persecution and war, ceremonies, fieldtrips to locations of important battles and, already during high school, their participation in a Gadna camp, a youth regiment where, for a week, teenage Israelis get a glimpse of military life.

[412] Another characteristic, although not as pronounced, is the use of force as a preferred means to solve foreign policy and even domestic problems (Kimmerling, 1993b: 210).

When Lomsky-Feder and Ben-Ari look at the way war participation leads to trauma among Israeli soldiers, as well as the way war-related trauma is trivialized in Israel society, they also note how traumatic accounts made by former Israeli soldiers, especially among those serving in combat roles, paradoxically reinforce Israeli society's demand to normalize war, for their liberty to criticize derives from their service: "while the discourse of trauma appears to demilitarize sources of social solidarity, it actually strengthens the idea of war as fate and the centrality of the national state" (Lomsky-Feder and Ben-Ari, 2010: 297). Kimmerling (1993b: 219) had already noted the same phenomenon among Israeli dissenters during the first Lebanon War: even among those who refused to serve in the war (a relatively new phenomenon in Israel) military service was still seen as a civic duty and central to their national identity:

> Their act of resistance is interpreted as dissent from a deviation of the pure model of 'military behavior', and from the goals the state is supposed to attain by the deployment of violent force, enforced by national security policy makers. This dissent, in other words, must be seen as a desperate attempt to 'correct the use of the military'; in no way was it a pacifist-minded endeavor to defy any resort to the military option. (Kimmerling, 1993b: 219)

A personal experience with Breaking the Silence might be of use to illustrate the paradox. In July 2016, during my first stay at Ben-Gurion University, I took one of the tours organized by Breaking the Silence to Hebron, in the occupied West Bank. Despite the fact that the NGO was already a target of the Israeli political leaderships in 2016, while talking to some other visitors – most of them visiting Israel and the West Bank for the first time, and many of them with no in-depth knowledge on the conflict or the occupation –, I realized that what had attracted them to the tour (and not to any other offered by the many Palestinian NGOs operating in the territory), was the fact that it was conducted by a former Israeli soldier who had himself served in the city.

Even more striking for me, was the acknowledgement that while Breaking the Silence contests the hegemonic Zionist discourse on the occupation, it struggles to condemn the occupation itself (even if it explicitly describes itself as an anti-occupation organization): in other words, while the tour was filled with personal stories on the violence perpetrated over the Palestinians in Hebron – most of them described by our guide as serving no security purpose other than harassment – it only defied the level of violence used, while leaving the purpose of the occupation unchallenged.

In fact, the (still) marginal numbers of cases of Israeli soldiers who talk critically about the war and about their own trauma leads to a paradoxical situation in which Israeli soldiers are portrayed as victims while very rarely there is an analysis of them as perpetrators of violence. As Lomsky-Feder and Ben-Ari (2010: 288-289) recall, this process is easily seen in the celebrations of Remembrance Day for fallen soldiers, celebrated around the same time as the Holocaust Remembrance Day, during which soldiers' trauma is exploited allowing individuals "to purify and continue their lives 'as usual'" immediately after the celebrations are over.

Breaking the Silence attempts to collect the testimonies of disenchanted former Israeli soldiers is also representative of the individualization of the experience of war and occupation. By drawing attention to the individual distress of the soldiers, we risk distancing ourselves from the wider problems of the occupation:

> Sentiments of victimhood and the memory of trauma are basic elements in national identity and the creation of solidarity (…) Thus, placing the self-as-victim at the center of attention blinds many Israeli Jews from seeing the 'other' and how another people are occupied. Ironically, the therapeutic discourse has not only equalized the Israeli and Palestinian cases, but inverts them by turning (Jewish) Israelis into victims. (Lomsky-Feder and Ben-Ari, 2010: 288-293)

Kimmerling (1985: 118) notes how the military service in Israel has also come to be seen as an endorsement of the immigrants' acceptance into the Israeli society, for in Israel "the symbolic differentiation between the 'old timer' and the 'immigrant' is not the number of years that the person has been living in the country, but whether he has lived in the country during a war or not".

While securitization and militarization are different processes, the role played by the second, either by contributing to an overwhelming a sense of insecurity, or by offering traditional security responses is essential for the preservation of permanent alertness in Israeli society, and it still occupies a fairly central role in the socialization process of young Israelis. As we have seen, Ben-Gurion (1970: 104) imagined the IDF as an institution that "would take over this melting-pot, educational function of national service". Following Ben-Gurion's expectations, the idea of Israel as a "nation-in-arms", of a society where each civilian is prepare do defend their homeland whenever necessary, has come to be described in a very positive manner.

However, as Levy and Sasson-Levy (2008: 353) have demonstrated, the role that military service in Israel plays in the absorption of immigrants, in consensus-building, and even socioeconomic mobilization might have been grossly exaggerated: besides differentiating Jewish from Palestinian citizens, it also discriminates among Jews according to their alleged contribution to the common good.

While the experience of war – either by military service or by being present in the country – still seems to play an important role in offering distinct Jewish communities a common denominator, it is worth noting that, since the 1980s, the Israeli army, as a tool of prestige and social mobility, has been losing its appeal.

While Israel still presents one of the highest conscription rates in the world, they have been dropping since the 1980s, and the current estimates for conscripts that actually fulfill the totality of the obligatory military service is around 48%, very far from the 80% conscription rates of the 1980s. In 2010 the Israeli military and the Knesset Committee for Foreign Relations and Security revealed that around 50% of the Jewish population aged 18-40 does not serve. Many of the soldiers also leave the army before they are due (16% of women, 7.5% of men) because they are deemed socially, physically and mentally unfit. The actual conscription rate is around 48% and shows signs of decline (Cohen, 2013; Hever, 2018: 44-46).

According to Hameiri *et al.* (2017: 796) the militarization of Israeli society has also contributed to a general trend among Israelis for self-censorship. In their opinion, Israel developed a culture of conflict, a situation in which formal institutions throughout the years create a political climate in which "the dissemination of information that contradicts or questions the dominant conflict-supporting collective narrative is beyond the boundaries of accepted norms". A "conflict-supporting narrative" is one that attempts to justify the goals of the conflict, stresses the value of personal safety and national survival, victimizes the ingroup and delegitimizes the enemy, and propagates patriotism and unity. The support for self-censorship – or the prevention of dissemination of information that contradicts these narratives – tends to increase as the perceived threat to the ingroup increases or during situations of violence escalation (Hameiri *et al.,* 2007: 809)

According to the authors, this situation can lead to ignorance regarding important issues for the collectivity, along with "lack of transparency and control, impoverished public debate, impaired decisions, and even moral deterioration". They give the example of the media coverage during the Israeli invasion of Lebanon, in 2006, during which journalists felt that their duty was to protect the ingroup and foster public support for the campaign. In other words, the institutional pressure for the deployment of a single-narrative helps developing a climate of self-censorship, conformity or blind obedience.

Self-censorship does not necessarily imply a zero-sum choice in the values we hold as important, but it can mean that one chooses, during a specific period, to subordinate values, such as freedom of expression or equality of rights to security considerations. For instance, as they point out, during the second Intifada, while 73% of Israelis stated that a free media is essential for democracy, half of them also maintained that Israeli media had too much freedom, and 80% thought that journalists should practice self-censorship when dealing with security issues. When it came to what is going on in the OPT territories, 70% of Israeli Jews stated that media should not cover it as it could harm Israel's international image (Hameiri *et al.,*2007: 810-811).[413]

Among the antecedents that the authors identify as supporting self-censorship, one can find – along with right-wing authoritarianism and siege mentality – ethnocentrism, the tendency to accept the ingroup while rejecting others or, more specifically, the tendency among ethnocentric group members "to perceive their own groups as virtuous and superior and outgroups as contemptible and inferior". Self-censorship thus operates on the individual and societal level, drawing both from the pre-existing repertoire of worldviews and political positioning of individuals, but also specific political climates that prevent the free flow of information (Hameiri *et al.,* 2007: 800, 808).

[413] These results are also consistent to surveys conducted by Arian (1993: 134, 139, 145) in the 1990s, among Israeli Jews: according to their results, the general public tended to give preference for security concerns over the rule of law and was willing to forsake democratic norms if they believed these jeopardize security. According to the same surveys, 1/3 of Israeli Jews absolutely rejected the existence of criticism during periods of "national security stress" and over 50% stated that refusing orders was considered an inappropriate pattern of behavior.

More striking is the fact that those who practice self-censorship and are favorable to it, attempt to rationalize it, even if they recognize that these processes can disturb the functioning of democracy when they scrutinize other societies. Hameiri *et al.* (2007: 810) describe this phenomenon as a double standard and call it "moral hypocrisy whereby individuals expect other persons and groups to uphold certain moral standards, while excusing themselves and their own groups from upholding the same principles on the basis of various rationalizations".

For Levy and Sasson-Levy), by emphasizing the role of the combat soldier at the expense of noncombat and non-militarized identities, militarized socialization reproduces the centrality of the military in Israelis lives, while also reproducing social differentiations:

> The effectiveness of militarized socializations is measured by its success in limiting one's options, in turning mandatory conscription into a right, a privilege that men voluntarily choose, and by ensuring that the combat path is taken for granted when it comes to military service (Levy and Sasson-Levy, 2008: 356, 358).

The authors illustrate this phenomenon by analyzing the levels of conformity between soldiers performing combat and non-combat roles. While those serving in combat units – the most heterogeneous in terms of ethnic and class backgrounds – have high levels of conformity, those serving in non-combat position challenge the predominant image of the combat soldier and display lower levels of conformity.

Unlike the combat units, in non-combat units (described by the authors as 'blue-collar positions'), low-class Mizrahim and recent immigrants from the FSU are overrepresented. Among the interviewees from this group, some of them admitted they would have liked to be accepted into combat units. The reason why they could not or would not do it was mostly due to financial hardships at home and the perception that "more often than not they will leave the military with the same social resources they had prior to their service and that they will not be rewarded for serving in the military, as promised by the republican ethos" (Levy and Sasson-Levy, 2008: 361).

As the authors conclude, feelings of injustice were part of these soldiers' narratives during the interviews, and the awareness that they will not have access to the same opportunities following their service as middle-class soldiers enhances their feelings of alienation from the state and its institutions, which explains their "unruly behavior and refusal of military discipline":

> Feeling that their own contribution is not appreciated (again, as their own experience on the margins of society tells them), they reinterpret military service not as a duty but as part of a mutual exchange system that does not fairly compensate them for their contribution. Their practices of resistance, and their refusal of the ethos of sacrifice, should thus be understood as a form of social protest, opposing ethnic and class inequality in Israeli society. (Levy and Sasson-Levy, 2008: 362)

The same can be said for the reproduction of gender conditioned division of labor in the military. Despite the myth of equality for women, Kimmerling (1993b: 216-217) notes how the Israeli military reproduces the traditional marginality of women, as the military remains a “machoistic and male-oriented subculture”. Due to its nature, women are automatically excluded from the most important discourse in Israeli society, on “national security”.

CONCLUSION

International Relations (IR) approach to state and nation-building processes still suffers from important lacunae, despite the various efforts made in the last 30 years to study them and to abandon the general neglect regarding the privileged role attributed to the state in the discipline. In this regard, we have pointed out how conventional constructivism (represented by Wendt, but consistently co-opted by other constructivist authors) has consistently failed in its task to question and deconstruct the origins of the state, choosing to naturalize its existence whenever it suited its arguments (Doty, 2000: 138).

This neglect was partly a consequence of state elites, leaderships and dominant groups' efforts to present a "supposed naturalness of [state] society", which would provide them "a moral justification and consensus for their use of coercion in everything from collecting taxes to fighting wars" (Migdal, 2001: 129). As any theory or research on nationalism can testify to, state leaderships have frequently resorted to myths of preexisting nations and peoples in order to legitimize the existence of the state and their own rule. Therefore, Wendt's argument that state's legitimacy and sovereignty is only negotiated internationally, because "empirical statehood is (in general) prior to juridical statehood" (Wendt, 1992: 402; 1996: 51) is only possible because he chooses to reify the state in order to develop his systemic theory of IR.

What conventional constructivism proposes is a limited concept of identity that does not recognize that differences emerge outside the interaction between states. Subsequently, this positioning leaves us with three interconnected problems: 1) it encourages us to imagine states as given objects, separated from their social context; 2) it promotes the idea of a dominant and exclusionary identity, ignoring non-state collective identities (Zehfuss, 2001: 333); and 3) it fails to recognize identity as a discursive product, eliminating the political factor from the processes of nation building.

Constructivism's neglect tacitly declares that state's existence is inevitable and unchangeable, underrating the existence of other forms of social and political organization. Therefore, it is incapable of considering the negative impacts that a forced blending between state and nation(s), often made through the homogenization or marginalization of groups and minorities, might bring.

More so than the use of this narrative for political gains by state leaderships, the incorporation of these myths into social science and, in particular, in IR and political science leads to a recurring classification of states as either civic or ethnic (nationalizing), as Brubaker (1995) proposed. These classifications pay insufficient attention to the usual heterogeneity of states' populations, and to the violent nature of states and nation-building instruments.

Furthermore, these classifications are often made through an ethnocentric lens, daring to compare Western states, generally at a far more advanced stage of state and nation-building processes, to non-Western or post-colonial states that are still now in the early stages of state consolidation. In turn, this has resulted in the neglect of the study of majority-minority relations, particularly in states that are generally perceived as stable and solid, and even democratic.

The fact that our case study, Israel, is often perceived as a solid and democratic state, part of the "Western civilization", should not be taken as mere propaganda: the way in which Israel is described and labeled imposes limits on the research made on Israeli society, and ensures that its state and nation-building processes remain, to a large extent, unnoticed and unchallenged. This political, moral and intellectual immunity, which Elia Zureik (1979: 8, 193) had already denounced in one of the seminal books on the Palestinian citizens of Israel (PCI), and that places Israel beyond the limits of critical analysis, is also sustained by equating criticism of Israel's policies to anti-Semitism.

As Daniela Nascimento (2009: 7) argues, it is always easier to observe recent, non-Western states (usually labeled as "nationalizing" according to Rogers Brubaker (1995) terminology), and justify their internal conflicts as "inevitable barbarian struggles between peoples who cannot coexist due to their ancestral and primordial ethnic, religious or cultural differences". Explanations like these, which culminate in categories such as "failed" or "collapsed" state, are a common place in IR theory because they are methodologically comfortable: they absolve us from studying the historical trajectories of these states and their populations, and from investigating how state elites feed into people's grievances and fears.

Following our attempt to point out the persistence of a "methodological nationalism" in IR and constructivist theory, as Wimmer (2006) described it, we have

noted how critical constructivism, with the support of theories from the areas of history and sociology, can be mindful of the violent origins of states and, therefore is able to "deconstruct" the state. State societies are never wholly ethnic or entirely civic, and we have noted how, despite the methodological allure of Brubaker's model, our goal should be to analyze states along a spectrum that goes from the adoption of extremely nationalizing (often violent) policies to the adoption of policies that aim for the rightful integration of several groups into the state. The acknowledgment that societies are often an amalgam of these two ideal types, should not prevent us from making an analysis on how nationalizing and civic policies and practices usually coexist, and how states move along this spectrum in a dynamic way, regardless of their longevity and perceived stability (Migdal, 2001: 133).

In the case of Israeli society, a conundrum has persisted: while the primordial identities of Jews and Palestinians are often given priority and are, in fact, an important part of the Zionist discourse and narrative, the persistence of ethnic and religious cleavages among Israeli Jews - which date back to the establishment of the state and that often translate into socioeconomic gaps and opposing visions of the state - are often described as temporary or as negligible when compared with the existence of the conflict. Our research is one among few attempts to bring together the study of state-minority relations and the existence of such cleavages among the Israeli-Jewish community.

As we have seen in the first chapter, the Zionist movement of the late 19th century invented the "Jewish people", following debates on the meaning of Jewishness, Jewish identity, and what place Jews could take in a modern world. Zionism was both a response to persecution – or, at least, to the persistence of discrimination and exclusion -, and to the Jewish *Haskalah* (or Enlightenment), the process through which several Jewish individuals and communities were beginning – and allowed - to integrate in the social life and political apparatus of the states.

It was with Theodor Herzl, father of modern Zionism, that "the Jewish question" began to take the shape of a "national question", on the grounds that Jewish life was not compatible with Diaspora life, where Jews remained under threat of physical destruction or cultural integration.

The Jewish *Haskalah*, despite being one of the driving forces behind Zionism, also posed obstacles to the movement, leaving Zionism to compete with other ethnic-based orientations and movements, such as Bundism, which encouraged Jewish participation and representation within each state, while fighting for Jewish cultural autonomy. On the other hand, Zionism was also competing with Jewish religious orientations and groups, who outright rejected the political and territorial implications that would come from a Jewish state, and accused Zionism of violating Judaism.

Despite what has been promoted by the Israel Zionist narrative, Zionism was not an immediate success among European Jews who, even when confronted with anti-Semitism and persecution, and decided to emigrate, still gave preference to America and other regions instead of Palestine.

The struggle faced by the Zionist movement, and later inherited by the State of Israel, was how to integrate different Jewish communities, scattered across the globe, into a single "collective biography". The response came in the form of a narrative that told that, despite spatial dispersion, distinct levels of integration in other societies, and even the adoption of different religious practices, the Jewish people had maintained a common identity, shared the same destiny, and nurtured a common goal of creating a Jewish homeland. In this regard, the Bible and religious texts, along with Zionist and Israeli nationalist archeology, helped to assert a narrative of continuous Jewish presence in Palestine. Therefore, even if Zionism has attempted to describe itself as a mostly secular force, religion has played a significant role in the settlement of the territory and in the political legitimization of the state.

Israeli Jewish identity was grounded on two, apparently conflictive, self-images: one of bravery, self-sufficiency and pioneering, and one of victimhood and persecution, which gained particular traction following the Eichmann trial in the late 1960s, and the growing incorporation of the Holocaust in Israeli collective memory and discourse. These seemingly incompatible images have served as the backbone of Israeli Jewish identity. However, despite the powerfulness of these self-images, and their apparent success, both of them depart from (mostly) European Jewish experiences. Their dominance automatically prevented the growing Jewish Mizrahi population to fully participate in the definition of the collective identity.

Despite the persistence of these narratives among the political and even academic circles, Israel is very far from possessing a homogeneous population. Besides the existence of a significant Palestinian population, which accounts for 20% of the total Israeli population, Israeli society is also divided between Jews of European and American origin (Ashkenazim), and those who have roots in the Middle East and North Africa (Mizrahim), and who have immigrated en masse to Israel in the 1950s. Furthermore, Israeli population is also divided by different levels of religiosity and attachment to Judaism.

According to a 2015 poll conducted by the Pew Research Center, 9% of Israeli Jews identified as ultra-Orthodox (or *Haredi*), 13% as religious (or national-religious, according to the categorization made by other authors), 29% as traditional, and 49% as secular (Pew, 2016).

At a time when most Israeli Jews are now Israeli-born, ethnic identification of the population is technically difficult. Nonetheless, according to a 2018 research conducted by Noah Lewin-Epstein and Yinon Cohen, 44.9% of the Israeli Jewish individuals identify as Mizrahi, whereas 31.8% identify as Ashkenazi. Moreover, almost 8% identify as "mixed" (Lewin-Epstein and Cohen, 2018: 8-9).

While heterogeneity is a regular feature of any society, the salience these categories still possess in Israeli Jews' individual and collective identifications, as well as the intersection of ethnic origins with level of religiosity, socioeconomic development, and vision of the state, debunk the Israeli narrative of an "ingathering of exiles" and of an Israeli "melting pot". The disputes and conflicts that emerged from these identities over the last 70 years, and that seem to be now reaching a new boiling point, reveal that Israeli leaderships have failed to create an all-encompassing Israeli identity, have neglected – and even purposely hindered – the development of the Mizrahi population, and have created a scenario where orthodox religious authorities, which represent a very small portion of the Israeli Jewish population, have a powerful hold in the private lives of Israeli Jews, as well as on Israel's internal and foreign policies.

As we have consistently noted, it is surprising that the cleavages among Israeli Jews have stayed under the academic radar for so long, considering that Israeli society's most distinguishing feature is its immigrant nature. In fact, and despite the growing

attention specialized literature on Israel has paid to these divisions since the 1980s, the myth of a strong, inclusive state with a cohesive population, representing the world's Jewish population, is still pervasive, and would have us believe that there is no heterogeneity in the Israeli population, apart from the stubborn presence of almost two million Palestinian citizens.

When one looks at the frequency and intensity of conflicts and divergences between Jewish groups over matters that are ultimately connected with the character of the state, and the irreconcilable expectations each group (namely religious Orthodox and secular) has over the character of Israel, as we have noted in chapters 2 and 3, one comes to the conclusion that despite the prominence of the Israeli-Palestinian conflict the greatest marker of Israeli politics is the fact that the country is stuck in an early phase of nation-building, while living in a "nation-state" state of mind. It is this gap between reality (i.e., the existence of groups that were estranged from the nation-building project and/or possess interests and identities that are incompatible) and narrative (i.e., the myth of a fully integrated society or, in other words, the existence of a consensual "idea of the state", as per Buzan's formula) that leads us to believe that Israel is, in fact, a weak state.

As such, disputes over the allocation of resources and opportunities, the underdevelopment and underrepresentation of the Mizrahim community, the conflict over military conscription for the Orthodox, the rabbinate's monopoly over matters of marriage, divorce, and the definition of who is Jew, along with many others, should not be taken as mere spasms or questions of easy resolution. They are a product of unequal processes of integration, dictated by the colonial and Eurocentric nature of the state, as well as by a pre-state "Status Quo agreement" between secular Zionist and religious authorities, at a time when the support of the Orthodox leaderships for the establishment of a state was still a mirage. The fact that these disagreements have managed to survive the first 70 years of an extremely militarized and securitized state, offer us a clue on how pervasive and significant they are.

In his 2001 book on Israel, Joel S. Migdal introduced a distinction between "society" and "civil society", the latter being an essential condition for the establishment of any democracy. A civil society is one that, while including several groups with different interests and goals, "has at its core a common agreement among its members over the

constitution of the collective moral order, about the construction of a society as a whole […] a kind of uncontrolled common discourse". Migdal added that the existence of a civil society does not represent the end of all disagreements,

> but it does mean some sharing of norms and values about how to resolve conflicts and clashing interests, how to organize power and authority, how people should behave towards one another in the public sphere, what property rights should entail, and what boundaries of the society should encompass. (Migdal, 2001: 107)

While the persistence of ethnic and religious divisions does not necessarily lead to the delegitimization of the state, in the Israeli case it has already led to a significant erosion of the collective's trust in public institutions, and even between Jewish groups. According to the 2017 Israeli Democracy Index, organized by the Israel Democracy Institute, the only public institutions that hold the trust of the majority of Israeli Jews were the IDF, the President of Israel, and the Supreme Court. Only 15% of Israeli Jews declared they trusted the political parties, 27% trusted the Knesset, and 30% the government. This represents a significant change since the 2012 index, in which almost 40% declared they trusted the political parties, 53% trusted the Knesset, and 60% trusted the Government. Trust in the Supreme Court has also fell from 72,5%, in 2012, to 57%, in 2017 (Hermann *et al.,* 2012; 42-45; 2017: 11).

When it comes to relationships between secular and religious groups, Israel also remains a divided society. Almost 90% of Haredim and 90% of those who identify as secular admit that they only maintain close friendship with members of the same religious background. Similarly, 93% of secular Jews admit they would feel uncomfortable if their children married a Haredi Jew, and the feeling is reciprocal, with 95% of the Haredim stating they would not like their children marrying a secular (Pew, 2016). While both traditional and religious Jews (those who are located at the center of the religiosity spectrum) in Israel generally display greater levels of tolerance towards other groups, members of Israel's secular and orthodox groups tend to be isolated from one another socially.

Departing from this scenario, the goal of this thesis was multifold: 1) to demonstrate that the post-second Intifada period was marked by the intensification of several securitization processes that have been initiated along with the establishment of the Israeli state; 2) to analyze the ways through which successful securitization processes

have contributed to the colonization of Palestine and to the dispossession of the Palestinian citizens of Israel from their economic, political, and cultural rights; 3) to highlight the fragmentation and conflict between distinct ethnic and religious Israeli Jewish communities, which have crystallized into distinct – and even incompatible – visions of the State; 4) to demonstrate how Israel possesses a series of unresolved internal problems which that affect the physical, institutional and ideological structures of the State; and, finally, 5) to explore the ways in which securitization has worked as at tool of Jewish collective solidarity, amidst the intensification of Israeli Jewish cleavages of various kinds in Israel.

Regarding the first two foals, through the analysis of Zionist political discourse, of the adoption of legislation and amendments deemed discriminatory and exclusionary, and of Israeli Jewish public opinion on the PCI, on matters regarding political participation, minority rights, and democracy, we were able to consistently demonstrate that the post-2000 period is marked by a period of increased securitization, or "deep securitization", that labels the Palestinian citizens of Israel as an existential threat, both to the physical existence of the State (i.e., through their association with the Palestinian struggle in the Occupied Territories), and to its existence as the State of the Jewish people (i.e., a state where a Jewish demographic majority is maintained, but also where Jewish citizens enjoy a privileged position at the expense of non-Jewish, mostly Palestinian, citizens).

We were able to reject the Copenhagen School's believe that one securitization process will naturally lead to the desecuritization of previous issues. On the contrary, we were able to identify various securitization processes that co-exist in the same polity, encouraged by the same political elite (even if some previously marginal or disenfranchised groups have managed to gradually gain power), for extended periods of time. Furthermore, these securitization processes have consistently managed to identify different referent objects of security: the physical security of the state, of Israeli Jewish identity, of Israeli Jewish society (and even the Jewish people in general), of Israeli Jewish demographics.

Through the historical analysis of our case study, which we have started even before the establishment of the State, we have demonstrated how the security discourse

has legitimized, according to the needs of the Zionist elite, the process of colonization of Palestine. Whereas Zionist colonial discourse towards Palestine and the Palestinians was always based (at least, partially) on the security needs of the Jewish people (such as in Herzl's arguments that the survival of the Jewish people could never be ensured for as long as they remained in Diaspora), we have witnessed a shift in the 1960s, when European powers were confronted with decolonization processes, and Zionist "constructive colonialism" lost its international appeal. At this stage, the use of a security discourse against the PCI began to be used more extensively, frequently through comparisons with the Holocaust experience, which was also starting to take center stage in Israeli collective memory.

Our attempt to analyze the process as a whole, from the production of a security discourse and its reception by the Israeli Jewish audience, to the adoption of policies that in a non-securitized environment would be deemed unacceptable, has been enlightening: what we observe in Israeli politics at the moment is very illustrative of the shortcomings of the Copenhagen School's earliest securitization theory and can explain the inexistence of in-depth research on securitization in Israel. After all, it has proven to be extremely difficult to pinpoint when a securitization initiative begins and where it ends, due to the fact that the country and its society live in a state of permanent alert and preparedness for conflict.

Nonetheless, we believe a more critical approach to securitization theory, which allows us to perceive the construction of security as a cumulative process, is an important tool to explain the changes taking place in Israel in the post-2000 period. This tool should be applied in future research to explain the Israeli construction of other external "threats", such as the Palestinians in the occupied territories, or Iran.

Regarding our third and fourth goals, we have showed how, despite the frequent depiction of Israeli Jewish society as being solid and homogeneous, this population is deeply fragmented along religious and ethnic lines that often take the shape of socioeconomic gaps and ideological cleavages. While all states are divided along ethnic, religious, class lines, the Israeli case is special – even if not unique –, because these divisions often lead to the adoption of rigid group identities that are incompatible with

each other, and represent different visions or expectations these groups have for the state.

In order to prove that Israel is a “weakening state”, like in the formula proposed by Buzan, in chapter 5 we identified what we believed to be the main five internal problems that plague the Israeli state: undefined physical borders; undefined *demos*; the tensions between the secular and the religious; ethnic-based inequality; the Jewishness of the state. It is not a coincidence that all of them can be traced back to the establishment of the State: for over seven decades they have been nourished, reproduced, or neglected by Israeli Jewish leaderships. We have demonstrated how these five problems often intermingle and affect the various components of the Israeli state, culminating into a weak feeling of belonging, a fragile Israeli identity, and low levels of trust between citizens and between these and state authorities.

Finally, we wanted to demonstrate that the resolution of these problems and cleavages has been effectively postponed by the intensification of a securitization process that targets the Palestinian citizens of Israel. Because there is no acknowledgement of the effects these divisions have on the definition of the state’s identity and common goals, and of the persistence of inequality between groups (both in the access to physical resources and the participation the definition of the collectives), the state has made no investment to tackle these.

Subsequently, and despite the academic and media attention on the adoption of the “Nation-State law”, in July 2018, no significant debate has taken place on the true meaning of a “Jewish state”. One would assume that Zionist leaderships who supported the adoption of the law share a consensus on what it means to be a “Jewish state” and on “who is a Jew”. However, as our research has proven, this question, which is of the utmost importance for the definition of the Israeli collective identity, remains contested by secular and religious groups and parties. As Lustick (1999) pointed out, the only agreement among these is that a Jewish state means a non-Arab state. In other words, it means that the binational reality of the state shall remain unacknowledged and Jewish dominance must be maintained through any means necessary.

Whereas the existence of external “others” is commonly part of the definition of individual’s and group’s identities - and even more so in cases of protracted conflict, such

as in the case of Israel and Palestine -, social psychology has demonstrated how groups whose identity is exclusively dependent on the existence of enemies or scapegoats, as Douglas (1995) describe them, are unable to construct a solid collective identity or offer true bases of unity.

Furthermore, this negative dependency will inevitably demand the close presence of this "other". Scapegoats or enemy groups are often relegated to the periphery of society, but they can never be fully ostracized or removed, as they function as a diversion from reality, and fulfill a task of structuring society. On the other hand, their full integration is also not a viable option: not only it would require the transformation of the state into a binational state, effectively putting an end to Jewish privilege, it would also remove one of the few basis of consensus among the majority, and would force state leaderships to find solutions for the problems they were trying to ignore.

This is true both for the Palestinian citizens of Israel, but also for the Palestinians in the occupied Palestinian territories. As Waxman (2006: 112) pointed out, the debate initiated in 1967 on whether Israel shall remain in the Occupied Territories is not merely a question of national security, economics, or morality. Hard as those questions are to solve, the debate is essentially a question of identity, and on what would mean to be Jewish in a multiethnic secular state if peace was reached.

As we have noted since the beginning of this research project, it is considerably difficult to isolate the effect that a permanent state of war in Israel has on public perceptions of the Arab-Palestinian citizens, as part of the securitization process under analysis depended on the minority's frequent association with the Palestinian struggle, and a "hostile" Arab world. As we have also admitted earlier, it has also been impossible to establish a causal relationship between centrifugal processes in Israeli Jewish society and the processes of securitization, as that would mean that we have the capability to understand individuals' and groups' intentions when they initiate such a process.

Nonetheless, we have proven there is a structural relationship between the two phenomena, which may have its origins a few years before the outbreak of the second Intifada.

In November 1995, Yitzhak Rabin, then Prime-Minister of Israel, was assassinated by Yigal Amir, a Jewish religious extremist who opposed the signature of the Oslo Accords. The significance of Rabin's assassination is often lost in academic literature, due to the prominence given to the Oslo Accords, signed in 1993, and the outbreak of the second Intifada, in September 2000. Nonetheless, as Waxman (2006: 5) points out, the assassination of Rabin was representative of the growing polarization between Israeli Jews, and the inexistence of a societal consensus over the nature of Israeli national identity. The possibility of peace, translated in the Oslo Accords, exposed Israeli Jews to the existence of radically incompatible positions amongst their midst, and forced them to question for the first time their own identities.

Whereas the second Intifada was a response to the stalemate in the implementation of the Oslo Accords and the expansion of Israel's control of the occupied territories during the first of Netanyahu's governments, it also offered Israeli leaderships the opportunity to, once again, divert public attention from the tensions growing during the previous decade.

Nowadays, we are witnessing a growing "Judaization" of Israeli politics, marked by a strong emphasis on the Jewish character of the State, as well as by the reinforcement of Jewish privilege within the internationally recognized borders of the State, and of Jewish control and apartheid in the Occupied Territories.

To the long list of mechanisms of structural discrimination of the PCI that had become the Israeli norm since 1948, Israeli leaderships have consistently added, over the last two decades, a series of policies, legislation and regulations that effectively institutionalize discrimination, namely when it comes to the political representation of the minority and to the access to citizenship. These were often presented, debated and approved through the use of a consistently racist discourse, which simultaneously mirrored and shaped public opinion. As we have systematically demonstrated in the first chapters of this thesis, the existence of such prejudiced images over the Arabs and, in particular, of the Palestinians, is not a new development among Zionist leaderships. Nevertheless, some of the political discourse now used to address the Palestinian citizens of Israel has reached new heights, and clashes with the state's increasingly desperate attempt to maintain a democratic veneer.

While this research has focused on the post-2000 period, which, under the leadership of Netanyahu, has been marked by a growing wave of authoritarianism and by the emergence of what Rouhana and Sultany (2003) described as a "new hegemony", we would like to end this research with a note on how the discrimination and exclusion of the PCI are an inevitable effect of the *raison d'être* Zionist state and of the structures put in place already in 1948. This inevitability, however, should not be mistaken by normalcy. As Amal Jamal pointed out, when he engaged in a debate over the nature of the political regime in Israel:

> The state of Israel was structured intentionally to promote the interests of the Jewish people. The discrimination against Arab citizens is not a matter of a predetermined fate or a divine order. Neither is a result of temporary shifts in the structure of the regime […]The focusing on structural dimensions [of democracy] creates the impression as if there is no way out of the situation. The existence of a Jewish majority does not have to mean the marginalization of Arabs. (Jamal, 2002: 414-415)

A similar argument was also postulated by Zureik, according to whom one should not support Israel's policies towards the PCI based on the fact that other recent states were

> founded by the sword through annexation, military conquest and border modifications [because] to accept the normality of a Northern Ireland, a Rhodesia, a South Africa, and so forth, is to shown an unlimited capacity to generalize from the sins of history and colonialism in the name of the nation-state. (Zureik, 1979: 141)

When, in chapter 2, we approached Zionism as a colonial venture, we argued that, while historical contextualization was important,[414] it should not absolve us from holding Zionism and Jewish nationalism to the same standards as we hold (or should hold) other colonial powers. Similarly, while we acknowledge the fact that processes of exclusion, marginalization, and even ethnic cleansing and genocide, were part of the nation-building processes of many states we now label as solid and stable, it should be impossible, in the 21st century, to accept Israel's stubborn rejection of its reality as a binational state, as well as the route is taking towards fascism.

[414] "In 1880 Western powers claimed 55 percent but actually held approximately 35 percent of the earth's surface, and by 1878 the proportion was 67 percent, a rate of increase of 83,000 miles per year. By 1914, the annual rate had risen to an astonishing 240,000 square miles, and Europe held a grand total of roughly 85 percent of the earth as colonies, protectorates, dependencies, dominions, and commonwealths" (Said, 1993: 8).

We believe we are able to convincingly demonstrate in this research that the two processes (securitization and fragmentation) are indeed taking place in Israel and, furthermore, that these are not merely temporary, but a product of two central features of Israel: the colonial nature of the State and its settler society. The securitization process is thus a necessary feature of both the Zionist ideology (a Jewish state for the Jewish people) and Zionist praxis (the confrontation of Jewish colonizers with the reality of a populated Palestinian territory).

Despite the fact that we can identify distinct phases in the relations between the Israeli state and the PCI (and, more importantly, the adaptive nature of the state's exclusionary policies depending on domestic and international constraints), the colonial nature of the Israeli state - the *raison d'être* of Zionist ideology - demands the constant exclusion (even if not total removal), and even demonization of those who reside in the country but are not considered part of the Jewish nation. This is painfully obvious for the PCI, but other groups – namely refugees and non-Jewish immigrants – have also been targeted by a similar discourse.

The normative basis for discrimination and the establishment of Jewish privileges in Israel can be found in the Declaration of Independence, the Law of Return and the Nationality Law. It can also be found in the various legislation adopted during the formative years of the state, namely between 1948 and 1966, the period during which the PCI were under a Military Administration. Therefore, this wave of authoritarianism and ultranationalism in Israel should not be analyzed as a mere suspension of liberalism in the post-second Intifada period. This means that any analysis of the present situation of the PCI will necessarily fall back on the pre-2000 period.

We understand that this research might leave the readers with mixed feelings of urgency and powerlessness. At a time when the control of the occupied Palestinian territories is tightening, and there are no peace initiatives that do not demand the absolute submission of the Palestinian people; and at a time when the few opportunities PCI had to participate, be represented and produce change within Israel are being taken away from them, there is no much room left for optimism.

There are, however, small but lingering reasons to be hopeful: the Palestinian citizens of Israel that every year defy the Nakba law and travel to the villages their

ancestors were expelled from; the Palestinian and Israeli academics that push back against their universities administrations and denounce the moral bankruptcy of Jewish privilege and occupation; the dozens of Israelis that every Friday cross the border to document human rights violations and offer support during peaceful demonstrations; the growing number of young Jews across the world who reject the idea of a birthright; most importantly, the hopeful stubbornness of the millions of Palestinians that everyday reclaim their right to the land and to a life of dignity. For every discriminatory law adopted, for every settlement or outpost built, new voices and spaces of resistance emerge.

We hear you, we learn from you.

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