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052179224X - Being Israeli: The Dynamics of Multiple Citizenship

Gershon Shafir and Yoav Peled

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1 Introduction

For some time now, Israel's main political and moral dilemma has been described as the need to choose between the two cardinal principles of its political culture: the particularistic commitment to being a Jewish state and the universalist commitment to being a Western-style democracy. The former course would seem to indulge the desire for a homogenous nation-statehood by excluding Palestinians from equal citizenship, whereas the latter would gratify the aspiration for democratization by making Israel the state of all of its citizens (see *Tel Aviv University Law Review* 1995; Mautner et al. 1998; Margolin 1999; Gavison 1999; David 2000). Though such an overly formalistic depiction of these two political principles and their partisans highlights their deep-seated mutual hostility, it masks the tensions within each one of them. Thus, the Jewish element in the Jewish–democratic formula involves a contradiction between Zionism as a secular nationalist movement, seeking self-determination for the Jewish people, and Judaism as both a religious tradition and, in its Orthodox version, a state religion.¹ Nor does the Jewish–democratic distinction recognize the systematic ethnic stratification of Israeli Jews. Similarly, the meaning of democracy is hardly self-evident in the Israeli context. It ranges from an older formalistic arrangement of electoral procedures to a newer substantive liberal conception, focused on a working civil society. Most importantly, the Jewish–democratic dichotomy glosses over the way in which the tension between these two principles has been encompassed by a third – the colonial character of the Zionist state- and nation-building project. It is still not possible to set apart Israeli citizenship and, therefore, Israeli democracy, from its colonial beginnings and continued colonial practices.

¹ President of the Supreme Court Aharon Barak made this distinction explicit: “In my opinion, Zionism on the one hand, and Jewish *halacha* (religious law) on the other hand, left their imprint on Israel’s Jewish character” (Margolin 1999: 12). This statement was made at a symposium, one of many in recent years, devoted to the potential contradictions between Israel’s Jewish and democratic character.

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In this book we offer a different conceptualization of Israel's social and political structure, a conceptualization that recognizes three, not two, partly contradictory political goals and commitments. We define these as colonialism, ethno-nationalism, and democracy, and argue that they have presupposed and built on one another, even as they struggled for political mastery in the Yishuv (pre-statehood Jewish community in Palestine) and in Israel. The history of Israel, then, is the history of the pursuit of these contradictory goals and of their evolution in relation to one another and to outside forces with which the Zionist movement and Israeli society have had to contend.

At least between the mid-1930s and the mid-1970s, Zionist state-building efforts were shaped by the evolving ideological hegemony and political dominance of the Labor Settlement Movement (LSM), more conventionally known as Labor Zionism (for our choice of the term see chap. 2 below). This protracted period ended, officially, in 1977, when Labor was unable to form a government after the general elections held that year and Likud proceeded to establish Israel's first right-wing government. In actual fact, however, Labor's hegemonic position had been eroding for at least a decade, ever since, in the wake of the 1967 Arab-Israeli war, it became paralyzed by conflicting pulls. As against the lure of the past – the state-building project of piecemeal colonial expansion and settlement over which it had presided almost since the beginning of the century – stood the draw of a “New Israel” – an emergent civil society whose key actors sought to scale back the state-building efforts, pursue vigorous economic development, and trade the territories captured in 1967 for accommodation with the Palestinians and the Arab world.

Since 1977 neither the incorporation of the nationalist right wing into the post-hegemonic political process nor the simultaneous beginning of the peace process have healed the divisions in Israeli society between left and right, secular and religious Jews, Ashkenazim (Jews hailing from Europe) and Mizrachim (Jews hailing from the Muslim world), Jews and Palestinian Arabs. Indeed, the coincidence of the decline of the LSM and ascendance of the political and ideological right, on the one hand, with the peace process on the other has intensified contention and discord. But this fragmentation and conflicts are still played out within the parameters set by the legacy of the period of LSM dominance – a Eurocentric colonial project that excluded most Mizrachim, Palestinian Arabs, and women from its benefits, and presented its successors with the pressing task of decolonization.

The current phase in Israeli history is characterized by partial and halting decolonization, otherwise known as the peace process, set in

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motion and accompanied by wide-ranging liberalization and by a counter-movement of swelling religious nationalism and fundamentalism. But this phase cannot be understood without its predecessor – the period of state building under LSM dominance. We will begin our analysis, therefore, with the latter and then proceed to the former. Our key research questions will be: How have the triple objectives of colonialism, ethno-nationalism, and democracy been combined, both conceptually and in practice, over the past century; and how has this combination accomplished the task of incorporating a plethora of antagonistic social groups into the institutions of an evolving society? In other words, we will seek to uncover and explain the ways in which the LSM, and later on the Israeli state as well, sought to meet the universalizing requirements of democratic institution building while engaged in an exclusionary, ethno-nationalist colonial struggle with the Palestinians. We will further ask: How has the balance between the three objectives shifted over time and how has their new arrangement impacted on significant social and political transformations, such as the peace process?

In seeking to answer these questions we chose to place the theoretical tradition built around the concept of “citizenship” at the center of our analysis. Citizenship, as the legal and political framework for achieving full membership in society, has been a central axis of Western political philosophy. Its long conceptual and institutional history forms a bridge between Antiquity and the modern era, linking the civic and political self-conception of the Greek polis and the Roman Empire with the French Revolution and the Enlightenment’s emphasis on the equal moral worth of all individuals. As an intellectual and political tradition citizenship has been repeatedly revised and updated. Its historical meaning is thus much broader than the meaning conveyed by its most widespread contemporary use – political citizenship in the nation-state – and it consists today of a string of identifiable schools of thought, or “citizenship discourses.”

In the next section of this introduction we will present the three citizenship discourses that are currently predominant – liberal, republican, and ethno-nationalist, and comment on their interrelationships. After that we will introduce neo-institutionalist theory as the prism through which we will apply our analysis of citizenship to the Israeli context. Then we will show how the allocation of Israeli citizenship rights, duties, and privileges through the relevant institutions has comprised an “incorporation regime,” and then will examine how different social groups have been incorporated into the Yishuv and Israeli society in a number of “waves.” In the final section we will briefly review the main areas in which, we believe, our study of citizenship can address those aspects ignored or even

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made invisible by functionalism, elitism, and cultural pluralism, the most important theoretical frameworks on which synthetic studies of Israeli society have so far been based.

Citizenship discourses

The liberal discourse of citizenship accents personal liberty and private property, as it views individuals, and only individuals, as the bearers of universal, equal, and publicly affirmed rights. The individual, in either the utilitarian or contractual liberal view, is the sovereign author of her life who pursues her private rational advantage or conception of the good, and is not beholden to the community. The role of politics in this approach remains negative: only to aid and protect individuals from interference by governments, and by one another, in the exercise of the rights they inalienably possess. In return for this protection, individuals undertake certain minimal political obligations – obey the law, pay taxes, vote periodically, serve in the military. Thus, in the liberal view, citizenship, like society itself, is an accessory, not a value in its own right.

Liberalism's strength lies in its ability to tolerate religious, cultural, and political diversity by creating a self-limiting political realm respectful of individual rights and an institutional framework within which polarizing disputes are avoided by permitting the political expression of only those conceptions of the good that are not monopolistic. Even the socially conscious liberal theorists, such as John Rawls, emphasize that no notion of liberal justice may be viewed as a comprehensive moral doctrine but only as a practical *modus vivendi* which allows the emergence of an overlapping consensus of moral principles between opposing doctrines (Rawls 1971; 1993).

Having predominated in the West for about two centuries, the liberal notion of citizenship is being challenged now by the two other traditions, republicanism and ethno-nationalism. Philosophically, these challenges are directed at the individualist conception of the self that is at the heart of the liberal theory of citizenship – the conception that Michael Sandel has aptly characterized as an “unencumbered self” (Sandel 1984). Since the liberal state is supposed to be neutral with respect to its citizens' conceptions of the good, and treat all of them as equal, regardless of their ascriptive and other affiliations, liberal theory must constitute the citizen as an abstract, universal subject stripped of all particularity.

Both republican and ethno-nationalist thinkers have argued that by stripping citizens of all particularity liberal theory has also stripped them of their identity and, therefore, of their ability to form a community. As Maurice Roche has put it, citizens of a liberal state are, and must remain,

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strangers to one another (Roche 1987: 376–7). For a community can be constituted only by a conception of the good that is morally antecedent to the individual choices of its members, a requirement that contradicts the most basic tenet of liberalism, the priority of right over good (Sandel 1982; 1984). While republicans and ethno-nationalists share this critique of liberalism, they disagree about the moral purpose that a meaningful human community can and should be constituted by. Republicans, or communitarians, contend that the moral community should foster civic virtue, an idea whose origins lie in the ancient Greeks' view of politics as the hub of human existence and as life's supreme fulfillment. For communitarians politics is a communal affair, and citizenship is an enduring political attachment. Citizens are who they are by virtue of participating in the life of their political community, and by identifying with its purposes. Members of such a community experience their citizenship not intermittently, as merely protective individual rights, but rather as active participation in the pursuit of a common good. If we amplify political life by demanding more from the citizen, argue the communitarians, her existence will be richer and she will lead a more fulfilling and morally inspired life.

Republican views of citizenship display a clear aristocratic bias, since they assume that only a minority is capable of the moral transformation that places devotion to the common good ahead of the pursuit of individual interests. An example is the association of citizenship with the military duty of protecting one's city in ancient Greece. Greater obligations are accompanied by exceptional privileges. Active participation is the core of the citizens' civic virtue and the criterion entitling them to a larger share of the community's material and moral resources (Sandel 1982; Taylor 1989; Oldfield 1990).

Republican theorists further challenge the liberal view of civil society and offer their own, alternative conception. Both conceptions posit civil society as existing "over against the state, in partial independence from it, [and as including] those dimensions of social life which cannot be confounded with, or swallowed up in the state" (Taylor 1990: 95). The liberal conception, which originated in Locke, has elaborated "a richer view of society as an extra-political reality" (Taylor 1990: 107), manifested primarily in a self-regulating economy and in the existence of public opinion not beholden to the state. However, the "flight from the public into the narrower and less significant sphere of private satisfactions" (Taylor 1990: 113) entailed by this view, and the neo-liberal revolutions for which it has served as a banner since the 1970s, have caused serious apprehensions among those concerned with republican virtue. As against the Lockean tradition, republicans have therefore drawn on a different tradition of civil society, one informed by civic republicanism and rooted in the political

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thought of Montesquieu and Tocqueville. In this tradition freedom is guaranteed not by the marginalization of politics but rather by its proliferation and fragmentation in numerous independent public associations (Weintraub 1979; Taylor 1990: 114; Seligman 1995).

Ethno-nationalism, a version of the nationalist doctrine that originated in German Romanticism and spread from there, is interested not in civil society, but in a different kind of community: the nation or ethnic group. In the ethno-nationalist, or *völkisch*, approach, citizenship is not an expression of individual rights or of contribution to the common good, but of membership in a homogenous descent group (Greenfeld 1992). The community, in this view, is not conceived of as existing outside the state, or over against it in some way, but rather as expressed in and embodied by the state. Thus, the tension between the individual and the state, or between the community and the state, that characterizes liberal and republican thinking, respectively, is absent from the ethno-nationalist discourse. Instead, this discourse integrates non-political, cultural elements into the concept of citizenship. It portrays nations as radically different from one another because their members possess distinct cultural markers, such as language, religion, and history. Since nations are thus inscribed into the identity of their members, ethnic nationalism denies the possibility of cultural assimilation (Brubaker 1992).

Of these three conceptions of citizenship, the individualist liberal one is the most inclusive, at least in principle. However, the actual practice of liberal citizenship is frequently in competition with and sometimes systematically overshadowed by alternative approaches. In most societies two or more discourses of citizenship, superimposed on one another, vie for dominance. As Judith Shklar and Rogers Smith have shown, even in the United States, where the Lockean liberal tradition has long been held to dominate political life, its sway fluctuated throughout history and was continuously contested in theory.

Shklar's eloquent essay *American Citizenship* suggests that the value of American citizenship has been historically defined in relation to those who have been denied full membership in the society – slaves, native-born white male wage-workers, and all women. In disenfranchising these groups, the American political community was “actively and purposefully false to its own vaunted principles” (Shklar 1991: 14). But she also lets on that the excluded groups were not truer to these principles. While their struggle for the right to vote and to earn was motivated by a primordial human desire for “social standing” or recognition, a desire that goes beyond the instrumental significance of these rights, white women and factory workers justified their demand for the franchise by wishing to be set apart from, and above, slaves (Shklar 1991: 16–17).

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In his *Civic Ideals*, Rogers Smith takes the argument one step further. He claims that the systematic violation of American liberal and republican citizenship ideals in practice must mean that they cannot be privileged analytically either. Thus, civic ideologies containing inegalitarian and exclusionary ascriptive elements, far from being merely the products of prejudice and expediency, have offered competing principles of citizenship in the United States. In his view, these frequently ignoble ascriptive principles (akin to the ethno-nationalist version of citizenship in our terminology) are civic myths which were put forth by elites with the intention of satisfying the dual political imperative of imagining the identity of the people and the legitimacy of its leaders. Thus, Smith offers a “multiple traditions” view of American citizenship, which presents its history as the chronology of the relationships between these competing traditions and their ever-evolving complex and confused compromises, as well as the great eras of democratization and subsequent setbacks, to which they have given rise under changing historical circumstances (Smith 1997: 6, 13–35).

The coexistence, not only of multiple citizenship rights, but also of alternative citizenship traditions or discourses within the same society, poses a number of important questions for sociologists and political theorists. Given the conflicting approaches of these discourses to issues of inclusion and exclusion, what is left of the universalist claims made on behalf of citizenship as full and equal membership in society? If alternative citizenships mean multiple “doors” of entry to membership in society, and doors open to some are closed for others, what are the principles governing the arrangement of these doors? To put the question in the broadest theoretical terms, what is the relationship between citizenship and stratification?

In developing our framework for tackling these questions, we adopt Smith’s radical view of “multiple traditions” of citizenship within a single polity. His persuasive application of this pluralist approach to a history customarily described as the greatest triumph of liberal citizenship makes equal sense for many-times segmented Israel, a country that has never even claimed to belong to all of its citizens. We will, however, avoid two of Smith’s premises. First, we do not wish to narrow our study of alternative traditions of citizenship to elite perspectives and, as Shklar has sought to do, will seek to round it out by the study of mass movements and popular discourses of citizenship. Second, Smith’s characterization of American citizenship as a “none too coherent compromise among the distinct mixes of civic conceptions” (Smith 1997: 6) does not apply to Israel. We believe that there was a coherence to the multiplicity of Israeli citizenships – they were arranged in a hierarchical fashion around the hub

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of the LSM's republican discourse – as we will argue towards the end of this introduction.

We share Shklar's view that citizenship needs to be framed as a relational entity, a standing or, better yet, a social status. We also agree with her that the true nature of a community is revealed as much by who has been denied full membership in it as by who has been wholeheartedly included. Although her perspective retains a normative concern with exclusion from citizenship, she does not adopt an either/or perspective on citizenship, but inspires us to consider degrees of membership and the relative position of different groups within a seemingly unitary legal framework. Such an approach highlights the internal stratification of citizenship by demonstrating that, in practice, in addition to full citizens, second-, and indeed third- and fourth-class citizens, as well as non-citizens, may exist under a single democratic political authority. While we wish to broaden our perspective beyond the twin rights, to vote and to earn, we agree with Shklar that focusing on such rights is the methodological key to evaluating the degree of membership in, or incorporation into, society.

We do take issue, however, with Shklar and Smith's respective premises that primordial needs compel demands for citizenship and that ascriptive politics are necessary for sustaining political communities. In the US, women's and workers' main rhetorical justification in their struggle for citizenship, as Shklar herself pointed out, was not primordial. They viewed citizenship not as a universal standing but as a privilege that would place them above slaves. Similarly, civic myths do not necessarily require ascriptive political imperatives; the latter are just one version, the ethno-nationalist or *völkisch* in this case, of citizenship. The actual historical commingling of civic and ascriptive beliefs does not prove that they are inseparable.

In addition to the lessons learned from Shklar and Smith, we will draw on two additional theoretical sources in the sociological literature on citizenship. T. H. Marshall's historical classification, in his seminal essay "Citizenship and Social Class" (Marshall 1973) will allow us to differentiate between different citizenship rights and connect such rights with social conflict and stratification. Yasemin Soysal's *The Limits of Citizenship* (Soysal 1994) is focused on the relationship between immigrants and the institutions that incorporate them into their host societies through the differential allocation of rights. We adopted this approach, but expanded it to all members of society.

The republican, liberal, and ethno-nationalist theories of citizenship offer normative versions of the "good society," emphasizing the diverse values of freedom, virtue, community, and identity. In 1949 T. H. Marshall offered a sociological perspective on citizenship in the context

of the British Labour Party's program of universal provision of welfare services. His approach overlaps with the liberal theory of citizenship, but goes beyond it in a social-democratic direction. Marshall surveys and analyzes the expansion of the rights of citizens as a process of incorporating the working class in twentieth-century Britain into the community of the modern nation-state. The accession to rights, he argues, removes fences between groups previously separated by legal barriers or social custom. New rights make the possession and wielding of previously established rights more effective and, therefore, each time citizenship is expanded it becomes stronger and richer. Marshall's classification of rights is not a prescriptive, or normative, catalog of worthwhile legal or moral claims, but a historical and sociological listing of entitlements that had been won and recognized as legitimate. As a historical study it also introduces into the study of citizenship the element of social change that was missing from the more one-dimensional and static normative approaches.

We will use Marshall's classification as the groundwork for comparing the extent and kinds of equality and inequality that the normative republican, liberal, and ethno-nationalist citizenship discourses have entailed for those to whom they have been extended in Israel. In the section below on Israel's incorporation regime we will demonstrate how we plan to use Marshall's list of citizenship rights to illustrate the stratification of social groups that have entered into society through the different "doors" offered by these three discourses.

Marshall divided the expansion of citizenship into three related, but historically and institutionally separate, stages: civil rights, political rights, and social rights. These rights had accumulated in the eighteenth, nineteenth, and twentieth centuries respectively, in different social institutions that guarantee and dispense them: courts of law, representative legislatures, and the welfare state.

- (1) Civil rights are the rights necessary for individual freedom: liberty of the person, freedom of speech, thought and faith, freedom of occupation and of movement in pursuit of that occupation, the right to own property and conclude valid contracts, and the right to due process of law. The institutions entrusted with safeguarding civil rights are the courts of justice.
- (2) Political rights ensure participation in the exercise of political power as voter or representative in parliaments and councils of local government.
- (3) Social rights make possible the attainment of a modicum of economic welfare and security and, as Marshall elegantly put it, "the right to share to the full in the social heritage and to live the life

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of a civilized being according to the standards prevailing in society” (Marshall 1973: 72). These rights are guaranteed by schools and social service institutions.

The importance of Marshall’s contribution consists in going beyond the idea that membership in a community is predominantly a political matter: his theory is at once legal, political, economic, and social. Marshall’s theory is sociological as well, in that it points out that rights become meaningful only in particular institutional contexts and that they serve different social interests. Institutions, argued Marshall, embed, ensure, and dispense citizenship rights. Still, there is a rich body of empirical studies that criticize Marshall’s work for presenting the English case as a universal model and the expansion of citizenship as a linear and irreversible process. These critical studies have opened up a debate over the possible relationships between the different types of rights and, correspondingly, over different types of modern societies. For example, Michael Mann has shown that modernizing absolutist elites granted civil rights, provided, and sometimes even pioneered, limited social rights, but bestowed only sham political citizenship on their subjects. In other cases social citizenship rights have served to constrain, or were even conceived of as a substitute for, civil citizenship. For example, fascism and communism provided no civil or political rights but went furthest toward social citizenship, fascist regimes hesitantly and communist ones aggressively (Mann 1987). Even in Britain, it has been argued, highlighting internal regional variation and giving greater emphasis to the impact of political culture and the public sphere would alter the picture of the evolution of citizenship rights as it was painted by Marshall (Sommers 1993). It has also been shown that for women, including English women, some social rights had in many cases preceded the granting of the two other kinds (Sarvasy 1997: 61).

We feel no need to adopt Marshall’s sequence of rights or his analysis of the way they came about. We share, however, his view that citizenship operates as a framework for the incorporation of new groups into the state. Social rights, especially, gave birth to, and were protected by, a whole range of institutions, from medical insurance schemes to unemployment benefits, in the process transforming the state itself into a welfare state.

Marshall’s historical account provides a first step for understanding the relations between the sequential expansion of citizenship rights and the dynamics of institutional change. Civil rights enabled the stable and predictable engagement of individuals in the capitalist market; social rights, by contrast, sought to curtail the full commodification of individuals by using the regulatory and distributive powers of the state to limit the