POMEPS
STUDIES
41

Israel/Palestine: Exploring A One State Reality

July 2020

Project on Middle East Political Science

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The Project on Middle East Political Science

The Project on Middle East Political Science (POMEPS) is a collaborative network that aims to increase the impact of political scientists specializing in the study of the Middle East in the public sphere and in the academic community. POMEPS, directed by Marc Lynch, is based at the Institute for Middle East Studies at the George Washington University and is supported by Carnegie Corporation of New York and the Henry Luce Foundation. For more information, see http://www.pomeps.org.

Israel and Palestine: A One State Reality

Marc Lynch, Michael Barnett, and Nathan Brown

On July 1, Israel's Prime Minister Benjamin Netanyahu delayed an announcement on his declared plan to annex parts of the West Bank. The delay offered only a temporary stay of execution of the plan for annexation; for Netanyahu maintained that he would proceed at some point in the near future despite strong international opposition and warnings from across the spectrum of the costs of such a move.

For many observers, such an annexation would mean the end of the possibility of a two-state solution. But for many Palestinians and Israelis, that prospect ended a long time ago. In its place, a one state reality had emerged far removed from the diplomatic niceties of the 'peace process' or mainstream policy debates. Decades of relentless change had relegated the two state concept enshrined in the 1993 Oslo Accords to a part of history, sitting alongside the 1937 Peel Commission report which had proposed a two state solution to an increasingly unworkable British mandate. While the Peel Commission was dead on arrival, the more recent efforts toward a two state solution had seemed tantalizing close. How close will forever be a matter of dispute, but it has been many years since any serious prospect of its achievement really existed. Palestinians, Israelis and the international community were prepared to live with the pretense of a possible two-state solution for normative and strategic reasons, even while Israel's occupation steadily transformed the legal, physical, and human geography of the West Bank and deeply entrenched restrictions on movement in or out of Gaza. In many ways the proposed annexation only helps end the pretense of what already exists.

But what is it which actually exists today west of the Jordan River? How can we usefully describe the political and military arrangements which govern this territory and people? More and more scholars, analysts and activists from Palestinian, Israeli and international perspectives have begun grappling with the emergent reality. Those questions have moved from the margins to the center of policy discussion. Mainstream think tanks such as the International Crisis Group, the Carnegie Endowment for International Peace, the Brookings Institution and the Center for a New American Security have launched projects intended to rethink the paradigms of the peace process. In October 2019, the Project on Middle East Political Science convened a workshop with more than a dozen scholars – Israelis, Palestinians, and others – to discuss the contours of this emergent one state reality. Over the following months, more scholars were brought in to the discussion. A workshop scheduled for April at the University of Maryland designed to bring Washington policy practitioners into dialogue with these scholarly perspectives had to be postponed due to the COVID-19 pandemic, but more work in that direction continues.

There are many important questions to be asked about the emerging Israeli-Palestinian reality, questions about political strategy and normative aspirations and alternative future scenarios. For this collection, we chose to ask what this new political configuration *is* and how its existence is likely to force others to adjust to the new reality.

Our starting premise was that Israel today is already a de facto single state with a complex, undertheorized and variegated form of layered sovereignty. Not all the participants agreed with that assessment, in ways which generated highly intellectually productive debates and discussion. Whatever the stance of individual participants on the question, all agreed that the focus of the project would be to look at what Israel actually *is*, and not what it might someday become.

We posed a series of framing questions, which participants inevitably pushed beyond and made their own. *What are the concepts available to us* to make sense of such an unusual non-state state environment, and what do they tell us about the dynamics of the state and society

in this de facto one-state setting? What is the best way to characterize Israel/Palestine in comparison to other states, nations and political entities? What label makes the most sense, based on which criteria, and what are the political, analytical and normative implications of each possible choice? Are there useful comparative cases, or is Israel *sui generis*, outside of our current conceptual or comparative universe? What happens if we judge the Israeli state not according to legal sovereignty but rather on the basis of effective control? Does our answer to "what is Israel" change once we recognize that the de facto Israeli state includes the inhabitants of the "occupied" territories, East Jerusalem, or Gaza? How should we think about the variegated nature of rights assigned to different individuals depending on their religious and ethnic status? Where does Gaza fit in this equation?

While we instructed authors to avoid offering policy recommendations or political commentary, we are of course interested in the practical implications of the answers developed to these conceptual issues. What is the consequence for relations between Israel and the world should the two state concept fade away? Perhaps there will be no real consequences at all beyond outraged editorials and empty statements from diplomats who know well that their words have no value; in other words, rather like the reaction to other steps along the way toward a one state reality. Perhaps it will galvanize the consolidation of BDS as an international normative social movement or drive the fraying of U.S.-Israeli relations under a post-Trump administration. Perhaps Israel would become a pariah country like pre-1994 South Africa, increasingly isolated, expelled from international institutions and organizations. Or, perhaps the international community – including the Gulf Arab states currently flirting with open relations with Israel - simply adapts to the fait accompli and deals with Israel as it always has.

Such diplomatic and international consequences barely scratch the surface, however. The deeper questions revolve around the emergent political entity itself. What kind of Israeli and Palestinian politics would evolve within a recognized one-state reality? How sustainable are dual institutions and differentiated citizenships? How permanent and irreversible are the sorts of physical barriers and settlement developments which have created these facts on the ground? Do fears of Apartheid or the fears for democracy of an effective Jewish minority still matter in a world increasingly shaped by global populism and anti-democratic forces? Which social forces would be empowered and disempowered by alternative political arrangements? Would reconciliation or co-existence at the individual or communal level be possible under new political institutions? What would such a reality mean for engagement by the Jewish diaspora and the Palestinian diaspora? What would be the role of religion and religious actors in such an Israel? What are the normative or legal obligations for justice after decades of occupation? What would become of the institutions and legacies of the Palestinian Authority? If the West Bank becomes increasingly integrated through annexation, what happens to Gaza?

The essays in this collection represent an initial assessment of this reality, and many more will follow over the years to come. The authors each bring their own perspective and history, their own commitments and values, their own aspirations for the future, producing areas of agreement and disagreement. But all agree on the urgent need to recognize the Israeli-Palestinian reality for what it really is and to develop the theoretical language and conceptual tools to rigorously describe and compare that reality. We hope this collection makes a small contribution to the vibrant intellectual debates developing around these issues and joins those ongoing dialogues in a productive way.

Marc Lynch, Nathan Brown and Michael Barnett –
Washington DC

One-State Reality:

Israel as the State that Rules the Lands and Populations Living Between the Mediterranean Sea and the Jordan River

Ian S. Lustick, University of Pennsylvania

The image of Israel as a metropole controlling an entity separate from itself, "the occupied territories," has been the standard model of "what Israel is" (as a state) since 1967. It was indeed the conceptual framework for my 1993 study of the evolving relationship between three parliamentary democracies and densely populated foreign territories that had come under their long-term control.[1] I stand by what I argued there about the dynamics of political relations between strong states and outlying territories, and the thresholds of radical change that demarcated the probabilities of different kinds of futures. In the 1980s and 1990s I believed that the difficulty of establishing Israeli hegemonic control over the Palestinian areas was more likely to result in political separation (a version of the two-state solution) than in apartheid. That assessment may have been right or wrong, and if history could be "re-run" many times I still believe a two-state solution would emerge in at least twenty to thirty per cent of those counterfactual futures. But, as it happened, in the world that is the world we have lived in, it did not emerge. By my reckoning, attainment of a two-state solution to the Israeli Palestinian conflict via negotiations shifted from not improbable in the 1990s to implausible in the early 2000s to impossible in the 2010s.

It bears emphasis that a real opportunity *did* exist for a two-state solution. That past reality, along with false beliefs in the present by many that negotiations for a two-state solution might someday be successful, were and are functions of the same image of, the same ontological assumption about, "what Israel is," *viz.*¸a state within the green line exercising fundamentally temporary and contingent control over the rest of the territory between the Mediterranean Sea and the Jordan River. For decades following the 1967 war, that is what Israel was. But that is not what Israel has been, at least for the last decade or so. Hence, the two-state solution "was" a solution, but it is not a solution today. For a few decades, that formula combined a pretty picture of the future with a plausible way to get there (negotiations to divide the country roughly along the pre-June 1967 borders). The picture remains, but the way to get there is gone. As a result of what Israel has become, a negotiated two-state "solution" is now every bit the fantasy of an unattainable future that its advocates have believed the "one-state solution" to be.

If a solution is a pretty picture of the future combined with a plausible way to get there based on interest-driven policy decisions, then there is no "solution" in sight. There is, however, a reality. There is today one state, the State of Israel, between the Mediterranean Sea and the Jordan River. It is an apparatus of power, recognized by the international community, whose policies and actions decisively affect the lives of everyone in the area. Travelers from Amman crossing the Jordan River via the Allenby Bridge report the end of the inspection process as marked by a "Welcome to Israel" greeting from Israeli officials. Indeed the State of Israel collects taxes from West Bank and Gaza Palestinians, determines who enters and leaves those areas, who enjoys rights to property, and who can live, build, or even visit where.[2] Even the Trump-Kushner-Netanyahu "plan" or "vision" for the future testifies to the one-state reality. While labelling the future it delineates as featuring two states, the description it offers shows in remarkable detail that there does and will exist only one state between the river and the sea. That state is Israel, with full prerogatives to decide what half a dozen walled-in ghettos will be permitted to call themselves, with an effective monopoly of force throughout the land, and with full rights to deploy its military power when and as it sees fit inside any of the ghettos. In its current form, the Israeli state is no group's "pretty picture." Neither its operating rules nor its institutional contours are what any group, in the past, strived to bring about. It was achieved by no

one's carefully implemented plan. It is not a solution but an outcome—a one-state reality.

The critical facts are that Palestinians of Gaza and of the West Bank are citizens of no other state. As measured by the State of Israel's impact on the intimate details of their lives and indeed on whether they live at all, they are as much its inhabitants as black slaves were of the United States and as Africans in the Bantustans were of apartheid South Africa. The five-decade occupation of the West Bank and the twelve-year blockade of Gaza combined with the exposure to state violence that these populations regularly endure, do not mark their exclusion from the Israeli state. They simply register the fact that Israel rules different populations in different regions in different ways. Although the Arab inhabitants of the West Bank and the Gaza Strip came within the ambit of the Israeli polity fifty-three rather than seventy-two years ago, the palpable fact is that they live within it.[3]

Officially, the Israeli government views lands west of the Jordan River but across the green line—as "disputed," which implies that from their perspective, they are part of the country. Thus, when Israel's Central Bureau of Statistics reports the number of Israelis in the country, it counts every Israeli living west of the Jordan River, not just those living in the part of the country surrounded by the Green Line. Most official Israeli maps feature no divisions between the sea and the river other than administrative boundaries of districts and regions.[4] Textbooks show lines surrounding the Gaza Strip and around Area A clusters and a slightly different shading for Area B clusters. But the only lines indicating a border between Israel and another sovereign country are those along its borders with Arab states—and these separate both Gaza and the West Bank from the Arab states.[5] A map accessed in December 2018 on Israel's Ministry of Foreign Affairs website was titled "Israel within Boundaries and Ceasefire Lines." It labels the Gaza Strip as "under Palestinian jurisdiction" and the Oslo demarcated areas of "A" and "B" in the West Bank as characterized by Palestinian responsibility for "civil affairs." The country's international boundary includes both the Gaza Strip and the West Bank within the state.[6] All mail that enters or leaves the West Bank or the Gaza Strip does so via Israel. The undeclared one-state reality is also revealed in the ordinary language of public communications: images of the country used by Israeli ministries, weather maps, maps of annual average temperature and rainfall, maps of the topography of the "State of Israel," road maps, and iconic depictions of the country's borders used for tourism and other purposes.

These pictures of the country are not anomalies or errors. They are consistent with a one-state reality in which the state exercises different kinds of domination in different regions and prefers to blur all of these regions into one domain of power. Yet die-hard two-state solution advocates still warn of the imminent "catastrophe" of one state. Stubborn refusal to acknowledge that the warning of one state has already come true, whether catastrophic or not, reveals the deep attachment among Jewish two-state advocates to obsolete beliefs in a small Jewish and democratic Israel as well as to their fear of living with Arabs and relying on alliances with them to build a democratic society.[7]

Because of the presence of 430,000 non-Jewish non-Arabs (mostly families of non-Jewish immigrants from the former Soviet Union who came to Israel as relatives of Jews), the more than six and a half million Arabs living in the land are currently a plurality but not a majority.[8] But even though Jews have only recently become a minority in the whole land, Israel as "Jewish and democratic" has always been a slogan, not an accurate caption for the country's political system. It always meant a polity controlled by Jews and for Jews but one that could front itself as a democracy with equal rights for all. However, no state whose policies toward half the people under its control include mass incarceration, heavy and constant surveillance, a strangulating system of pass laws and checkpoints, collective punishment, and bloody violence can convincingly claim the mantle of democracy.

Clearly, Arabs in different regions have different access to the Israeli political arena and experience the power of the Israeli state differently. One and a half million Arabs

are citizens of Israel with full civil and political rights but second-class access to state resources and opportunities to exercise those rights. The 350,000 Palestinian Arabs who are permanent residents of Greater Jerusalem are citizens of the municipality they inhabit but not of the state. They have residency rights but severely restricted access to municipal resources. Two million inhabitants of the Gaza Strip live under Israeli state control in a ghetto sealed against anything but closely regulated minimal contact with the outside world. Their diet, health, exposure to violence, and life chances are almost entirely subject to Israeli government decisions. More than 2.5 million West Bank Arabs live in an archipelago of cities, towns, and villages. While not as tightly ghettoized as Gaza Palestinians, they are subject to a blanket of travel restrictions whose constantly changing and arbitrary requirements empower Israeli soldiers at nearly 150 checkpoints to summarily refuse exit from or entrance into their localities or lands.[9] Meanwhile, 650,000 Israelis live in the West Bank (including expanded East Jerusalem), inhabiting their own archipelago of gated cities, towns, and villages. While subject to violent attacks by Arabs, they enjoy much legal immunity as well as the full political rights of first-class Israeli citizens.

Dov Weisglass, who helped Ariel Sharon engineer Israel's "disengagement" from Gaza while putting the peace negotiations in "formaldehyde," endorsed one Palestinian's characterization of the West Bank and the Gaza Strip as the "only prison in the world where the prisoners have to provide for themselves." Israel, wrote Weisglass,"has the authority of the sovereign in the territories—without the obligations."[10] In Gaza, Israel permits Hamas to absorb most of the day-to-day responsibilities for meager services provided to the population. In the West Bank (or in Israeli parlance "Judea and Samaria") the Palestinian Authority (PA) promotes the fiction that it is independent of Israel while working intimately with the Israeli security apparatus to protect the privileges of the thousands of families whose livelihoods directly depend on it. From Israel's point of view, the PA functions as a supervisory apparatus for tasks that the state prefers not to perform directly. The PA's impotence in relation to Israel was demonstrated with casual brutality in December 2018 when, without comment or legal justification, the Israeli military declared a multiday lockdown of the city of Ramallah—the PA's "seat of government."[11] Indeed, the Israeli parliament often discusses legislation for different parts of the West Bank without any thought of consultation with the PA, most recently and most noticeably with regard to highly publicized proposals to adjust the juridical and administrative categories applied to Israeli settlements and the Jordan Valley. Thus, the institution that most effectively claims a monopoly on the legitimate authority and on the use of violence in the West Bank is the same state, Israel, which "governs," albeit in different ways, Gaza, the Galilee, the Negev, Jerusalem, and Tel Aviv.[12]

Once the one-state reality is accepted as political ontology, exciting opportunities for rethinking old slogans, worries, conflicts, and obsessions are opened to analysts and activists. Why be concerned with more Jews moving to West Bank settlements if that means less pressure on Arab communities in the Galilee? Why object to the "unification of Jerusalem" if it offers the eventual prospect of a capital shared by all Palestinians and Jews living between the river and the sea? Why discourage Arabs in East Jerusalem from voting in municipal elections out of fear that by doing so they could "legitimize the occupation," when their votes might advance equality, living conditions, and democratic values, to say nothing of demonstrating a pathway into the future based on Jewish-Arab alliances? In that regard, why continue raising the "demographic demon," as a specter capable of frightening Israelis into leaving the territories, when Israeli rule of those territories is permanent? Under the circumstances of a one-state reality, frightening Jews with the presence of Arabs only bolsters the Israeli right-wing by Jews discouraging Jews from discovering the vital social, economic, and political interests they share with Arabs, both those currently enfranchised and those who, eventually, can be enfranchised. Why sacrifice opportunities to highlight oppression and discrimination against masses of people ruled by the Israeli state to protect non-existent opportunities for new and "productive" negotiations to begin?

Many are likely to answer that they cannot tolerate the idea that the transformations that can bring a better future to Israeli Jews and Palestinian Arabs may take not just decades, but generations, and may entail difficult and even bloody struggles. Indeed, two-state solutionists have been accustomed to believing that, given the right combination of leadership in Israel, American diplomacy, and international pressure, the "Palestinian problem" might be neatly "solved" within a number of years or even months. The reality is that political parties and movements, such as Blue and White, Commanders for Israel's Security, and J-Street, who officially stand by the two-state solution, actually advance policies designed to do no more than preserve the illusion that it remains available.[13] Only by maintaining the pretense of a still attainable solution based on separation can they avoid confronting what Israel has in fact become—a non-Jewish, non-democratic state from the sea to the river.

As Nadav Shelef has observed, it is necessary to re-examine the historical analogies we use to think about Israeli-Palestinian relations. Processes of democratization, through which masses of historically distrusted, despised, or feared inhabitants are enfranchised, don't happen over periods of months or years.[14] Consider how long it took for blacks in the United States to move from slavery through Jim Crow and the civil rights movement to something approaching a multi-racial democracy. It took eighty years, following Ireland's annexation by Britain, for Irish Catholic enfranchisement and the transformation of politics in the United Kingdom that resulted. Black South Africans struggled for generations to gain political equality. In virtually all advanced industrial societies, mobilization for female suffrage took just as long to come to fruition.

Israel cannot and will not decolonize by ending its dominion over the West Bank and Gaza Strip, but it can still decolonize—by respecting the equal rights of all in the state that rules them to full and equal citizenship. Unfortunately, it will likely take at least as long to transform the *kind* of one-state that Israel is, as it took Israel to become the one-state that rules all those living between the river and the sea.

A Note on the Brouhaha over Annexation

The *sturm und drang* surrounding Israeli government plans to annex the West Bank, or parts of it, does not mark a fateful battle over whether it will occur. As was long predicted by opponents of creeping annexation, that frog has already been boiled. No one lives in any part of the country without being subject, in the most intimate fashion, to the outcome of contestation within the Israeli political arena, to consequences of Israeli decisions, and to the exercise of Israeli coercive power.

In the long run, what matters is not whether pronouncements of annexation are made. What matters are the outcomes of struggles over what it will come to mean. No formal declaration of "annexation" or "sovereignty" was made in 1949 and 1950 when the "occupied territories" in the Galilee and the Negev were absorbed into Israel. Certainly Israeli leaders never intended Arabs to play an important role in running the country. But no political party, and least of all Mapai, could resist the temptation to harvest their votes, resulting in a decision by Ben-Gurion to authorize Arab voting.[15] For decades battles were fought over which Arab inhabitants of the country, living under military government until 1966 and under the control of Shin Bet coordinated "Arab Departments" in different ministries after that, would be citizens and what political rights they would have. Three generations later the Arab dominated Joint List is the second largest political party in Israel.

Neither Israel's Prime Minister Benjamin Netanyahu nor Alternate Prime Minister Benny Gantz, want that kind of "binational outcome" for annexation. They will try all the tricks and more used in the 1950 Nationality Law to constrain Arab paths to citizenship. They will almost certainly avoid official use terms such as "annexation" or "sovereignty" when dealing with the West Bank, instead using language about extending Israeli law, jurisdiction, and administration as was contained in the 1967 measures that added expanded East Jerusalem to the municipal boundaries of the Israeli city of Yerushalayim. In this fashion they will seek to enforce non-citizenship on non-

Jews while granting them revocable rights of residency. For what they want is not the full implementation of Israeli sovereignty, and the equality of all inhabitants that goes with that formula in a democracy, but silent apartheid. In other words, what they are aiming for is a system of separation and systematic discrimination between Israeli citizens and non-citizens that need not speak its name. They may succeed in the short run, but in the long run both the dynamics of the one-state reality and of democratic competition will bend the arc of history toward inclusion of subordinated masses, and toward the political and cultural transformations that inclusion will make necessary.

Endnotes

[1] Ian Lustick. *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank-Gaza* (Ithaca: Cornell University Press, 1993).

[2] On Israeli collection of taxes arising from economic activity in the West Bank and the Gaza Strip see "Economic Monitory Report to the Ad Hoc Liaison Committee," World Bank, April 19, 2016, http://documents.worldbank.org/curated/en/780371468179658043/pdf/104808-WP-v1-2nd-revision-PUBLIC-AHLC-report-April-19-2016.pdf; and Mahmoud Elkhafif, Misyef Misyef, and Mutasim Elagraa, *Palestinian Fiscal Revenue Leakage to Israel under the Paris Protocol on Economic Relations* (New York: United Nations Conference on Trade and Development, 2013) https://unctad.org/en/PublicationsLibrary/gdsapp2013d1_en.pdf. The Israeli military maintains a database of the entire population of the West Bank and the Gaza Strip. As in other domains, the Palestinian Authority operates as a data-gathering and administrative arm of the State of Israel. See COGAT (Coordination of Government Activities in the Territories), http://www.cogat.mod.gov.il/en/Pages/default.aspx. See also Peter Beinart, "Jewish Leaders Encase Israel's Actions in Gaza in Euphemism and Lies," If Americans Knew Blog, April 30, 2018, https://israelpalestinenews.org/peter-beinart-jewish-leaders-encase-israels-actions-in-gaza-in-euphemism-and-lies/.

[3] In the Gaza Strip, Israel treats Hamas much as Palestinian prisoner organizations are tolerated in standard Israeli prisons. Inmate activity in prison yards is not wholly controlled by Israeli authorities, but is nonetheless taking place within the Israeli state.

[4] See a *Haaretz* editorial drawing attention the maps and counting rules used by the Central Bureau of Statistics, "This is How Israel Inflates Its Jewish Majority," *Haaretz*, May 1, 2017.

[5] "What Borders Does Israel Show in Maps in School Textbooks?," Quora, https://www.quora.com/What-borders-does-Israel-show-in-maps-in-school-textbooks.

[6] "Israel within Boundaries and Ceasefire Lines," Israeli Minister of Foreign Affairs, February 1, 2006, http://www.mfa.gov.il/MFA/AboutIsrael/Maps/Pages/Israel%20within%20Boundaries%20and%20Ceasefire%20Lines%20-%20200.aspx.

[7] For an important and early analysis of what they termed the "one-state condition" see Ariella Azoulay and Adi Ophir, *The One-State Condition: Occupation and Democracy in Israel/Palestine* (Stanford: Stanford University Press, 2013).

[8] There is dispute about the exact figures, but in March 2018, the Israeli military officially announced that there were more Arabs than Jews living between the sea and the river. Yotam Berger, "Figures Presented by Army Show More Arabs than Jews Live in Israel, West Bank and Gaza," *Haaretz*, March 26, 2018, https://www.haaretz.com/israel-news/army-presents-figures-showing-arab-majority-in-israel-territories-1.5940676. Because 4 percent of Israel's population are non-Arab Christians and other ethnic minorities, Arabs are a plurality but not a majority in Palestine/the Land of Israel.

[9] For details see Nasser Al-Qadi, *The Israeli Permit Regime: Realities and Challenges*, The Applied Research Institute—Jerusalem, 2018, https://www.arij.org/files/arijadmin/2018/permits1.pdf; Yael Berda, *Living Emergency: Israel's Permit Regime in the Occupied West Bank* (Stanford, CA: Stanford University Press, 2017). and Cédric Parizot, "Viscous Spatialities: The Spaces of the Israeli Permit Regime of Access and Movement," *South Atlantic Quarterly* 117, no. 1 (January 2018): 21-42.

[10] Dov Weisglass, "Oslo deal was good for the Jews," Ynetnews, August 21, 2012, https://www.ynetnews.com/articles/0,7340,L-4270970,00.html.

[11] PA decisions in early 2020 to cease coordination with Israel in protest of plans to "annex" portions of the West Bank have inconvenienced Israel in certain ways, but they have imposed drastic and unsustainable liabilities on Palestinians. Meanwhile Israeli incursions into Palestinian ghettos have continued at their normal rate. For example, during the week of June11-17, 2020, there were 74 incursions and 75 arrests in the West Bank including East Jerusalem. Palestinian Centre for Human Rights, "Weekly Report on Israeli Human Rights Violations n the Occupied Palestinian Territory (June 11-17, 2020), https://imemc.org/article/pchr-weekly-report-on-israeli-human-rights-violations-in-the-occupied-palestinian-territory-june-11-17-2020/.

[12] The most popular definition for a "state" among political scientists is one version or another of Max Weber's formulation that it is the institution that "upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order." During the autonomy negotiations from 1979-1982 between Israel, Egypt, and the United States, the Israeli government never retreated from its insistence that it would be the "source of authority" for any autonomous Arab entity established in the West Bank and Gaza Strip. Harvey Sicherman, *Palestinian Autonomy, Self-government, and Peace* (Boulder: Westview Press, 1993).

[13] For detailed discussion of this point see Ian S. Lustick, *Paradigm Lost: From Two-State Solution to One-State Reality* (Philadelphia: University of Pennsylvania Press, 2019) pp. 101-119.

[14] See Ian S. Lustick, "Time for a Paradigm Shift in Israel," *Informed Comment, October 29, 2019,* https://www.juancole.com/2019/10/paradigm-solution-reality.html,

[15] Peter Medding, *The Founding of Israeli Democracy, 1948-1967* (Oxford: Oxford University Press, 1990) pp. 25-26; Shira Robinson, *Citizen Strangers: Palestinians and the Birth of Israel's Liberal Settler State* (Stanford: Stanford University Press, 2013) p. 83.

Waking Up to the One-State Reality

Yousef Munayyer, Arab Center Washington DC (Non-Resident Scholar)

For nearly three decades, the so-called two-state solution has dominated discussions on Israel/Palestine. But the idea of two states for two peoples was always an illusion. In recent years, with Israel on the verge of annexing parts of the West Bank with American support, reality has set in. The Israeli government is poised to formally annex further territory from the occupied West Bank and the international community will be forced into a rude awakening.

It has been possible to see this moment coming for quite a while. While trying to salvage "the peace process," former Secretary of State John Kerry told Congress that the two-state solution had one to two years left before it would no longer be viable. That was six years ago. UN Security Council Resolution 2334, which passed with U.S. consent in late 2016, called for "salvaging the two-state solution" by demanding a number of steps, including an end to Israeli settlement building in the occupied territories, on a one-year timeline. That was three years ago--and since then, Israel has continued to build and expand settlements.

Policy has finally caught up with these realities. Under Prime Minister Benjamin Netanyahu, Israel has abandoned any pretense of seeking a two-state solution, and public support for the concept among Israelis continues to dwindle[1.] Further, despite being given multiple opportunities to replace him in the past two years, the Israeli electorate continued to support the right-wing religious nationalist bloc led by Benjamin Netanyahu even as his legal troubles mounted. The Palestinian leadership continues to officially seek a state. But after years of failure and frustration, most Palestinians do not see this path as viable.[2] The American "Deal of the Century" peace plan put forward by the Trump administration cemented the failures of the two-state approach and did so in the voice of American policy. All of these events will keep us fixed on an accelerated path toward a binational reality, which in turn would require equal rights for Israelis and Palestinians in a shared state.

Over the course of decades, Israel developed enough power and cultivated enough support from Washington to allow it to occupy and hold the territories and to create, in effect, a one-state reality of their own devising. Netanyahu and Trump are not seeking to change the status quo but merely to ratify it. The question, then, is not whether there will be a single state but rather what kind of state should it be. Will it be one that cements a de facto apartheid in which Palestinians are denied basic rights? Or will it be a state that recognizes that both Israelis and Palestinians can share a belonging in a society as equals under the law? In the long run, the status quo will prove unsustainable and partitioning the land will never work. An outcome that recognizes the full humanity of both peoples instead of negating one to empower the other is the only moral answer.

The basics of this reality are well known. Between the Jordan River and the Mediterranean Sea live approximately 13 million people, all under the control of the Israeli state. Nearly half of them are Palestinian Arabs; roughly three million who live under a military occupation with no right to vote for the government that rules them and around two million who live in Israel as second-class citizens, discriminated against based on their identity owing to Israel's status as a Jewish state. Two million more Palestinians live in the besieged Gaza Strip, where the militant group Hamas exercises local rule in an open-air prison ensured by an Israeli-imposed blockade.

Meanwhile, between 500,000 and 700,000 Jewish Israeli settlers live amongst millions of Palestinians in the occupied West Bank. Protecting the settlers and increasing their numbers have been one of the Israeli government's chief priorities ever since Israel captured territories

from the Arab states it defeated in the Six-Day War of 1967. In 1993, the Oslo Accords set in motion decades of negotiations premised on the principle of "land for peace": by withdrawing from parts of the occupied territories and abandoning some settlements, Israel would secure an end to Palestinian resistance and would normalize relations with its Arab neighbors. But a vast settlement-building project never sat easily with that goal, and it created strong political incentives to avoid it. Today, large numbers of Israelis support forever keeping much of the land and the idea of a permanent presence in Palestinian territory, in one form or another, is supported by the vast majority of the Israeli political spectrum.3

Palestinian leaders also made decisions that made partition harder to envision. None were bigger than agreeing to the Oslo/Madrid framework. In doing so, Palestinian leaders essentially agreed to a formula that enabled Israel's worst expansionary instincts and relinquished the ability to effectively challenge them. By de-internationalizing the issue, Palestinian leaders conceded to a framework where Israel would only give them what they sought if it satisfied Israel's comfort level, instead of requiring it as a basic demand. This meant Israel essentially had veto power over progress in the process turning the doable into the impossible simply because it was politically inconvenient. What is worse, the framework kept Washington, Israel's strongest ally and the player least likely to pressure it to meet its obligations, as the mediator. It should come as no surprise that the settler population grew significantly during the course of the "peace process". In the twenty-six years from 1967 to 1993, the population of Israeli settlers, not including occupied Jerusalem, reached 100,000. In the twenty-six years since the 1993 Oslo Accords, that same population reached well over 400,000.

Partitioning the Land was Always Doomed to Fail

The belief in the viability of a two-state solution has always relied on understanding the Israeli-Palestinian issue as essentially rooted in the aftermath of the 1967 war. The thinking went that peace through partitioning the land would be possible, if only the two sides could just break the violent cycle of occupation and resistance that began after the war. Yet the dilemmas posed by partition long predate 1967 and stem from a fundamentally insoluble problem.

For the better part of a century, Western powers--first the United Kingdom and then the United States--have repeatedly tried to square the same circle: accommodating the Zionist demand for a Jewish-majority state in a land populated overwhelmingly by non-Jewish Palestinian Arabs. This project required both a willingness to dismiss the humanity and rights of the Palestinian Arab population, and also a willingness to look sympathetically at a political project that sought to create a space for Jews outside of the Christian West - a willingness that was at least in part motivated by longstanding Western antisemitism.

In 1917, the British government, even before they came to control the Mandate of Palestine in the aftermath of the First World War, issued the Balfour Declaration. The statement outlined the goal of creating a "national home" for the Jewish people without infringing on "the rights of the existing non-Jewish" population. Herein lies the fundamental dichotomy that has misguided every Western effort at partition; they view Jews alone as a people with national rights, but did not view the Palestinian Arabs, who made up upwards of 90% of the population at the time, the same way. They, as a population, could be moved around and dismembered because they were not a people deserving demographic cohesion - this perverse principle shaped both the 1937 and 1947 partition plan. Under any configuration, in order to preserve a contiguous majority-Jewish state, any two-state solution would rely on land swaps, divided cantons, and disregard for the aspirations of Palestinians: all things that have proved unworkable in the past.

What is the problem that the two-state solution sought to solve? As the Oslo peace process dragged on, the answer became clear: the problem it sought to solve was not so much a "conflict" between the Israelis and the Palestinians but rather a conflict within Israel—a kind of identity crisis spurred by claiming to be a democracy while placing millions of people under military rule and denying them

the right to vote. A two-state solution would certainly solve that problem for Israel by writing millions of Palestinian off their books. But Israel has increasingly perceived the land, and Jewish control over its entirety, as more important than democracy; an idea that might be valued by westerners who see the world through rose colored glasses and not the realities of the Middle East as Israelis perceive it. Further, Israelis have been able to enjoy to the status quo at relatively low cost because the peace process enabled them to subcontract administrative management of most of the occupied Palestinian population to the Palestinian Authority and maintain and develop military and economic relations with the rest of the world under the pretense of peace making.

The core reality for Palestinians is that even the best kind of state that they could conceivably achieve as a result of negotiations with Israel would not address many of their most fundamental needs. It would not allow Palestinian refugees to return to their towns and villages, nor offer equality to Palestinian citizens of Israel and would likely jeopardize their rights further, nor even grant Palestinians genuine independence and sovereignty. The most significant strategic mistake the Palestinian leadership ever made was to accept a U.S.-led peace process based on establishing two states. Some will object, claiming that a shift in strategy would undercut the hard-won consensus, rooted in international law, that the Palestinians have a right to their own state. But that consensus has produced little progress on the ground. Countless UN resolutions have failed to stop Israel's settlement project. And the rights of Palestinians would hardly be diminished in a single state that granted them full equality under the law and those rights remain supported by international law as well. Today, the two-state solution has become little more than a slogan for major powers, especially the United States, to hide behind while they allow Israel to proceed with de facto apartheid.

Constituting the Idea

Israel is not merely a one-state reality of inequality, but in addition and because of that reality, it is also a state that might suddenly find itself on the cusp of major reform just as the South African state found itself in the late 1980s.

Is a binational state based on equality conceivable? It would require Israeli leaders to help their citizens see their own situation clearly and to acknowledge a number of truths. Israelis do not want to cede any land to the Palestinians. Many do not want to lose connection with specific religiously significant places in Jewish history in the West Bank which many Israelis refer to as Judea and Samaria, a likely outcome under a partition. Israel has sunk billions of taxpayer money into settlements that would have to be at least partly abandoned in any partition; billions more would be required to uproot and relocate the settlers. Israelis already know these things, and many have concluded that these are precisely the reasons why they should merely prolong the status quo. What many Israelis do not seem to understand, and what Israeli leaders are unwilling to admit to them, is that the status quo will ultimately become unsustainable. Israel cannot continue to deny the rights of millions of Palestinians just so that Jewish Israelis can reign supreme over the entirety of the territory and simultaneously expect to remain accepted in the international community forever.

Although the Trump administration will hardly be sympathetic to the idea of equal rights for all, an equal rights vision would ultimately put Palestinians in a better position in their relations with the United States by aligning them more closely with the views of American voters. A poll conducted last year by the University of Maryland found that, when Americans were asked whether they supported a two-state solution or equal rights in one state, they were more or less equally split but when they were asked what outcome they would support if a two-state solution proved impossible, Americans supported one state with equal rights for all over the status quo, by a two-to-one margin.4

Israel has never had a constitution and the absence of one has supported a history of state-driven ad-hoc law creation that helped create an unequal one-state reality. When the country was founded in 1948, Zionist leaders

were expediting the arrival of Jewish nonresidents, preventing the return of Palestinians who had been expelled during the war, and seizing as much land as possible. For those reasons, they wanted to avoid setting specific constraints on government power and preferred to leave unanswered questions about who was a citizen, how they became citizens, and what rights they had. So, instead of a constitution that would provide clarity, Israel instead instituted a series of "basic laws" that acquired constitutional weight over time but were assembled in an ad hoc fashion to allow the state to assert Jewish control over the vast majority of the land of Palestine in its early years.

In place of that legal patchwork, which has been used to protect the rights of some and to deny the rights of others, a new constitution could recognize that the country would be home to both peoples and that, despite national narratives and voices on either side that claim otherwise, both peoples have historical ties to the land.

A new constitution could define as citizens all the people living in the land between the river and the sea and also for repatriated refugees and create pathways to citizenship for immigrants. All citizens would enjoy full civil and political rights, including the freedom of movement, religion, speech, and association. All citizens would be equal before the law: the state would be forbidden from discriminating on the basis of ethnicity or religion. In sum, it would require a reorientation of the concept of citizenship in the state, from a category of exclusion, to a category of inclusion.

In order for such a state to function, those constitutional principles would have to be considered foundational, and they would be subject to a very high bar for amendment--much higher than other laws, perhaps 90% or greater. This would ensure that basic rights could not be altered by means of a simple majority and would prohibit any one group from using a demographic advantage to alter the nature of the state. Other mechanisms for robust checks and balances should be considered.

A transition to a new system with equal rights would require a kind of trust that cannot be built as long as victims of oppression, violence, and bloodshed over the decades feel that justice has not been done. So the new state would also need a truth and reconciliation process focused on restorative justice that can learn from the historic examples of such efforts in South Africa and Rwanda.

Some will dismiss this vision as naive or impractical. They will recite examples of Yugoslavia and Lebanon to fearmongering just as we heard fearmongering around predictions of mass violence in the 1980s if Black South Africans were given the vote. In truth, there are thousands of ethnic groups and just fewer than 200 states today in the world today. Multiethnic states are the norm and strife in multiethnic states is the exception. Is there something innate in Israelis and Palestinians that make them uniquely and fundamentally incapable of existing as equals before the law unlike others around the world? This is the logical leap we are required to take to believe the equal rights alternative is impossible. Further, exhaustive social science research has failed to support the stereotype that ethnic divisions cause conflict.5 Peace is a function of freedom, justice and equality, precisely what is lacking in Israel/Palestine today.

Is it harder to imagine than achieving justice through unscrambling the territorial and population omelet between the river and the sea today? How many more decades of failure must we endure before we can safely conclude that partition is a dead end? How many more people, particularly Palestinians, are you willing to condemn to violence, oppression and death before considering another way?

The idea of equal rights for Israelis and Palestinians in a shared state has been around for decades, perhaps for as long as efforts to partition the land. But it has always been cast aside to accommodate the demands of Zionism, even at the expense of peace. Countless lives have been lost and generations have had their rights denied, all while partition has become less and less realistic. Neither side can afford to go on this way. Now is the moment to adopt the only genuine way forward; equal rights for all.

Endnotes

[1] "When the pollsters asked half of the Palestinian and Jewish-Israeli respondents about a proposed peace deal along the lines of what has been discussed in previous peace negotiations, only 37% of the Palestinians and 39% of the Jewish Israelis said they would be in favor of it." - Support for two-state solution at lowest in nearly 20 years — poll
Times of Israel, August 13, 2018 by Adam Ragson https://www.timesofisrael.com/support-for-two-state-solution-at-lowest-in-nearly-20-years-poll/

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Citizenship as a mobility regime

Yael Berda, Hebrew University of Jerusalem (on Leave) and Harvard University (2019-2020)

The status of the "Palestinians of 1948" is central to understanding the current "one state reality" in which the Israeli government rules the undetermined political borders of Israel and the Occupied Palestinian Territories in the West Bank and Gaza. The Israeli government controls the population in this area through a sophisticated, graded and racialized matrix of political membership in which one's political status, identity and territorial location determine their political rights, which laws will apply to them and, perhaps primarily, their possibilities for mobility. The contemporary "one state reality" is the outcome or culmination, not the repudiation, of the long process of partition from the British colonial Partition plan for Palestine that never happened but was endorsed by the international community to the failed Oslo process that was purported to be a pathway to a two state solution.[1]

Post-independence Israel was deeply affected by the legacies of the broader British imperial context. The British imperial toolkit of emergency more broadly shaped imperial formations in Israel/Palestine by creating a sophisticated system that linked identity to mobility and exclusion from political rights.[2] Population management practices and colonial emergency laws developed in the horizontal circuits of the British Empire as the central method of rule fundamentally shaped the realities governing citizenship and mobility.[3]

The trajectory of political membership of the Palestinians living within the borders of 1948 and considered citizens of Israel is the key for understanding Israel's regime of political membership and population management, which is predicated on degrees of mobility rather than rights. The Palestinians of 1948 are the remainder of the Arab population of Palestine that was not exiled during the War of Independence/Nakba.[4] Those Palestinians that managed to remain in Israel were turned overnight from imperial subjects into a "dangerous population"[5] under Israel's military rule and later into suspect citizens.[6] To demonstrate how the mechanism of citizenship as mobility shaped the contemporary "one state reality", I focus here on the permit regime Israel's military government over the Palestinian remainder population. However, conceptualizing citizenship as a mobility regime applies more broadly to Israel's permit regime in the occupied West bank[7], as well as Israel's visa regime that prevents entry to Palestinians from the Diaspora and the law of return.

The nascent Israeli state drew upon certain practices of emergency, the repertoire of British colonial spatial-legal practices to govern civilian population developed and deployed throughout the British Empire.[8] The specific regime of emergency laws and military decrees established after the 1948 war used these emergency practices as a permit regime to compromise the claims on citizenship of the Palestinian population remaining in the borders of the new state of Israel. The bureaucratic structure developed in those first two decades impeded Palestinian political membership in the independent state through a mobility regime that controlled their movement rather than granting rights. The permit regime evolved as a system of documentation and surveillance technologies that enabled the military government a high level of monitoring and control of the Palestinian population.

This essay investigates the legacy of British colonial emergency laws through the bureaucratic toolkits of the Israeli permit regime. It builds upon scholarship on colonial legacies of surveillance and population control,[9] the legal and administrative infrastructure of the military government[10] and recent studies on the settler-colonial citizenship of the Palestinians in Israel.[11] To contextualize this legacy, I trace these practices against the backdrop of the permit system in India between 1948-1952 to demonstrate how security laws enshrine a triple bind between national security, loyalty and classifications of identity, delineating citizenship for minority populations. Situating the colonial military government over the Palestinians in a post-imperial context underscores the way bureaucratic practices and routines of spatial – legal

surveillance was formative of citizenship, as a regime of mobility, and not as citizenship might be conceived, namely as one of rights and political membership.

British colonial rule governed populations defined by racial and ethnic hierarchies through emergency laws that merged categories of loyalty and suspicion. The technologies of classification and surveillance, developed in the colonial state to monitor subject populations based on degrees of suspicion, were then used by the newly independent states to exclude minorities from political membership by administrative means. Israel's permit regime, a main method of military rule over the Palestinians within the country's broader post-imperial context, follows a similar logic as the use of similar bureaucratic measures in the early days of independent India following partition on the frontier with Pakistan.

During the dramatic wars of independence and partition following British decolonization, massive numbers of people fled the territories, which became Israel, India, and Pakistan. When they attempted to go back to their homes, permit regimes were enacted to block their return: a permit system on India's Western frontier with Pakistan[12] and a permit regime in the "security zones" of the military government Israel established to control the remaining Palestinian population. Having transformed overnight from colonial subjects to refugees, these people were now classified by the new states as intruders, infiltrators, undesirables, and security threats. The story of the bureaucratic practices that turned refugees into intruders[13] and how this prevented people from claiming citizenship in the homes they had left weeks or months before explains the relationship between citizenship and mobility.

While there are multiple dimensions to these practices, I focus on the regime geared to restrict and prevent movement. While prevention of movement enabled both military and civilian control over and appropriation of Palestinian territory, the institutional logic and organization of such prevention of movement is distinct from practices of settlement and dispossession of land. The restriction of mobility for the dispossession of land entails the prevention of one's access to lands and land rights. But restriction of mobility for the sake of surveillance and control constructs an administrative paper trail that determines one's political membership (or exclusion from it) in the state.

Governing through emergency laws was a central and essential feature of British colonial rule. From the mid-19th century, states of emergency were used in British colonies as an elastic repertoire of rule aimed mainly to ensure the preservation of colonial power including the crushing of strikes, riots and insurgencies. Eventually emergency was used in "situations of danger that can never be exhaustively anticipated or codified in advance".[14]

During the 19th century, as security became an organizing principle of the colonial state, legal emergency was institutionalized and became the practical foundation of colonial government. Emergency laws allowed colonial bureaucrats, police officers and military commanders to suspend rights, promulgate decrees, restrict movement in closed military zones, and grant impunity to military personnel operating within the civil population in "dangerous" and "disturbed" areas. The justification for using emergency powers drew on the rule of colonial difference: drastic measures were necessary "where a handful of white people need to maintain themselves against lawless, sometimes violent people,"[15] that is: when confronting subject populations perceived as hostile. In addition, technologies of surveillance were formed during these perceived states of emergency" in the colonies, e.g., wars, uprising and economic crises.[16] At first, temporary restrictions on movement were enacted through ad hoc practices and emergency decrees. Those restrictions gradually solidified into an apparatus to control movement across frontiers and within restricted areas.[17]

Emergency laws rarely specified the identity of the people for which they were intended; instead, they were worded to endow government officials with universal authority. In effect, emergency legal tools were mostly used to control minorities, and since the laws specified the conditions neither of their use nor their target populations, administrative classification of target populations

was imperative for implementation. This necessity for regulation granted bureaucrats full discretion in defining dangerous and risky individuals or entire populations.

British colonial rule classified populations according to what I call an "axis of suspicion"; constituted by administrative and internal regulations, departmental directives, official recommendation forms, home department circulars, and intelligence reports.[18] The axis of suspicion formed a classification matrix conflating a person's race,[19] religion, region, or caste with the potential security threat they posed to the state. Persons or communities were defined by degree of loyalty, on a continuum that included loyal subjects, subjects of doubtful loyalty, suspicious subjects, minor security threats, threats to the state, and enemy agents. These were classifications by state officials, and they were fluid and changeable, applied mostly to individuals, but gradually classifying families or groups. Coupled with colonial classification according to demographic characteristics, this axis of suspicion led to the application of differential administrative practices to individuals and communities, which, in turn, led to disparities in access to rights guaranteed by the state. The axis of suspicion, the process of defining and classifying people based on the degree of their loyalty was a prominent feature of British colonial bureaucracy that shaped and defined the boundaries of citizenship.

The military government's permit regime aimed to achieve surveillance over population movement and to prevent changes in residency from one area of the regime into another. A further objective was to maintain the exclusion of Arabs from their lands, for instance preventing internal refugees from returning to abandoned villages, or preventing return of land that had been declared Absentee Land, now in custody of the state. Some of these practices were aimed to control the flooding of the employment market in Jewish areas,[20] or to prevent Arabs from working in areas declared security zones. This objective, combining economic considerations with practices of segregation and the maintenance of suspicion, required procedures to prevent those named by the colonial government as involved in incitement or rebellious activities from moving outside their place of residency.

The Ministries of Interior, Minorities, and Immigration were all involved in the effort to impede returning refugees who had left the country and were now classified as infiltrators and intruders. In practice, soldiers and border police prevented people from returning, expelled many internally displaced persons, monitored the movement of the population, and prepared the conditions for excluding people from future citizenship laws by bureaucratic means.[21]

The organizational vantage point that traces the institutional logic of emergency laws and administrative practices provides a distinctively different account of the ways in which the "managed mobilities"[22] of colonial rule are deeply intertwined with post-colonial citizenship. In such a regime, bureaucratic routines structure political policies, rather than just reflecting and achieving them. Security emergency laws structured citizenship, rather than simply being tools for the suppression for the rights of citizens.

The military government was formative to Israeli state making, setting clear boundaries of belonging based on race, and constituting what Shira Robinson describes as a "Settler colonial liberal state".[23] The agglomeration of methods of colonial control, surveillance, monitoring and coercion for collaboration,[24] as well as the criminalization of political participation,[25] formed multiple relationships between citizens and the state based on their racial/ethnic belonging. The contents of Palestinian citizenship have been described as nominal,[26] formal in an ethnocratic regime,[27] second-class,[28] conditional[29] or settler colonial citizenship, assuming a categorical effect on all Palestinians citizens of Israel.

A closer look at the practices of the military government and its permit regime in the context of its colonial legacies highlights the ways which the control of movement meant that citizenship became first and foremost, a form of non-deportability. Rather than a categorical type of citizenship based on ethnicity or nationality, securing mobility based on a graded scale of suspicion, captures the practicality of the political status of Palestinians that granted mobility, and not necessarily rights linked to belonging to the nation state for those excluded from its self-determination.[30] Of particular interest for the analysis of Palestinian citizenship

in Israel is Rouhana and Sabbagh-Khoury's claim that the settler-colonial structure of the state is the central analytical framework for understanding citizenship in Israel and the shaping of citizenship through emergency rule, as distinct from colonial practices of surveillance and control.[31]

The military government and its permit system that monitored and controlled the movement of Palestinians defined the necessary documents crucial for claiming citizenship. This colonial military bureaucracy, based on emergency decrees, also transformed political membership in the new Israeli state into a settler colonial citizenship, but one in which a person's classification, in degrees of loyalty and suspicion, determined one's range of mobility. For Jews, citizenship entailed access to rights, affected and scaled by ethnic classifications. For Palestinians, citizenship was a mobility regime that granted non-deportability and protection for exile, though not from displacement. It was not a "right to have rights" as Hannah Arendt famously articulated. The promise of non-deportability was a way to rope in Palestinians as legal subjects of Israeli law, and for government organizations to define their relationship to the state on a scale of suspicion.

Similar to India in the very first years following the violence of independence, the British colonial toolkit of population management was adapted into a new set of colonial practices, this time of the majority ruling the minority, which remained within the boundaries of the independent state following the Nakba. As control of suspicious and dangerous populations became institutionalized, the temporary classifications and practices created during the emergency transformed into permanent practices of the Ministry of Interior and Ministry of Home Affairs.

The Israeli permit regime transformed colonial practices of population management originating in the emergency laws forged between the two world wars, into a method of administrative exclusion, reducing the number of Palestinians entitled to claim citizenship once the statutory laws were enacted. The similarity between the Israeli case and the permit system in India underscores how ad hoc measures first justified by security reasons and emergency following population influx and movement became institutionalized into administrative routines. The organizational vantage point into the bureaucratic routines illuminates the practical experience of dispossessed remainder populations, that became a minority after partition, in which security laws, and perceptions of suspicion and threat, carve out one's ability to move within the state, and prevent deportation from it. The disparity between the institutional logics of the security forces that prevented people from returning to their land and homes, and the practices aiming at political exclusion through control of movement, suggests a flexible scale of control through political status defined by loyalty and suspicion, that determine mobility, not rights.

The one state reality is the result of expansion and de facto annexation during the quarter of the century dominated by the Oslo accords. Yet, the visible results of settler colonial expansion must be viewed in tandem with Israel's regime of political membership as a graded mobility regime based on suspicion that conflates "security risk" with political risk. The political risk includes the perceived demographic threat of democratic participation of all subjects ruled by the contemporary Israeli government.

Annexation *de facto* is the result of an indeterminate occupation, prevalent for over half a century, the expansion and normalization of settlements, and the permit regime in the West Bank and East Jerusalem, that has become over the past two decades, the most sophisticated surveillance and population management system on the planet. The threat of annexation *de jure*, highlights Israeli citizenship as a mobility regime - the way that Israeli citizenship provides freedom of movement, juxtaposed with the severe mobility restrictions that permeate every aspect of civilian life of those that are both stateless and have no political membership - Palestinians in the West Bank and in the form of total siege and blockade in Gaza. Annexation, which resulted from the failures of the Oslo process and the territorial, economic and legal expansion of Israel's control over every aspect of Palestinian life, has not only left a vacuum of rights. It has also generated an excess of control, mostly through restrictions on movement: Palestinians are actively governed by the Israeli

state apparatuses and markets yet are denied political participation in decision making.

"The one state reality" has implications for every aspect of daily life. As harsh, sophisticated and violent as military occupation can be, annexation de facto is different. It means that the organizations and apparatus of the state and its markets deeply penetrate the occupied (Palestinian) society. Annexation de facto is not only a direct result of the settlement expansion project, but also of the economic dependencies and massive surveillance system that governs Palestinian mobility. If one accepts the perspective of citizenship as a mobility regime, two of the most important aspects of any political solution entail not only full equality of political rights, but also, not less critical, freedom of movement for all inhabitants.

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Land Consolidation and the One State Reality

Tareq Baconi, International Crisis Group

The prospect of Israel's de jure annexation of the West Bank, following the release of the Trump administration's "Peace to Prosperity" plan in January 2020, is the continuation of practices of land consolidation for Jewish settlement that began long before 1948. De facto, that is to say effective, Israeli annexation has been the reality in the West Bank, excluding East Jerusalem which was legally annexed in 1980, since the occupation began. Under the tenure of Prime Minister Netanyahu, Israel's expansion into the Palestinian territories accelerated, further eroding the separation between the Israeli state and the military regime overseeing the territories, as bills that expanded the government's jurisdiction over settlements proliferated.[1] This trend is commonly referred to as one of "creeping annexation". The Trump plan seeks to formalize this trend, as well as practices of Zionist and Israeli colonization that are more than a century old.

Israel has been the sole sovereign on the land of Historic Palestine since 1967. Against the backdrop of calls for Israeli withdrawal from occupied Palestinian territories, Israel developed what scholar Menachem Klein refers to as "systems of control".[2] Historically and in different guises, within Israel and the West Bank, Jerusalem and the Gaza Strip, successive Israeli governments have consolidated their hold on Palestinian territory while isolating their Palestinian inhabitants.[3] Scholars Ariella Azoulay and Adi Ophir describe this process as one of integration of territory and separation of non-Jews, through the designation of Palestinians as second-class citizens, permanent residents, or non-citizens/military subjects.[4]

Policies of land consolidation and demographic isolation began with Israel's establishment in 1948.[5] Immediately after declaring independence, Israel placed Palestinians who remained within its boundaries under military rule, despite granting them citizenship.[6] Military rule leveraged the Emergency Defence Regulations that had been instituted by the British Mandate Authorities in 1945 to manage Palestinian civilian affairs. Those laws imposed restrictions on Palestinians that were not applicable to Jewish Israelis, including the requirement to apply for permits from the military governor for travel beyond their communities.[7]

Israel also pursued policies of territorial consolidation. In 1948, following Britain's transfer of land to the new state, Israel owned approximately 13.5 per cent of Mandate Palestine.[8] In 1950, the government passed the Absentee Property Law, and in 1953, the Land Acquisition Law, both of which allowed the state to expropriate Palestinian lands and homes left behind by refugees, and place those in the hands of the government's Office of the Custodian of Absentee Property.[9] Through expansive territorial acquisition, Palestinian citizens of Israel lost 40-60 per cent of their land to the state.[10] By the 1960s, 93 per cent of land in Israel was owned directly by the government, as state land, or by governmental or quasi-governmental organizations such as the Jewish National Fund (JNF) or the Israel Land Authority.[11] Palestinian citizens of Israel, who owned up to 30 per cent of the land at the time of Israel's establishment,[12] currently own approximately 3.5 per cent, despite constituting 20 per cent of the population.[13]

Israel abolished its military rule over Palestinian citizens in 1966, but practices of discrimination and dispossession had already been codified. Israel's consolidation of land for Jewish settlement within the state continues with policies of zoning, planning and demolitions which safeguard Jewish exclusivity to these lands and hinder the growth of Palestinian communities. Since 1948, over 1,000 Jewish communities have been authorized and developed, but not a single Arab community has been approved.[14] Such state restrictions have meant that population density in Palestinian areas has increased eleven fold since 1948, as those communities come to exist in isolated urban enclaves surrounded by Jewish settlements.[15]

Confining Palestinians to urban enclaves within Israel is enforced through a host of policies. Palestinian citizens are blocked from the majority of Israel's territory as they

are refused leases for failing to fit into the social character of settlements.[16] A bill was passed in the Knesset in 2010, known as the Acceptance Committees Law, allowing Jewish communities of up to four-hundred family units in the Negev and Galilee to reject candidates that "[fail] to meet the fundamental views of the community".[17] The government's exclusive settlement of land for Jews was given further credence by the passing of the Nation State Law, in 2018, which defines Israel as "the nation state of the Jewish people" and declares that "The State views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening".[18]

Israel's restrictions on Palestinian planning and building are combined with a policy of home demolition that disproportionately impacts its Palestinian citizens. Due to restrictive land allocation, Palestinian citizens suffer from a shortage of around 6,000 housing units annually, which leads to construction without permits.[19] The government deems structures that are built without permits to be illegal and issues demolition orders. In 2015, 97 per cent of all demolition orders issued and implemented by the state were in Palestinian communities.[20] These policies were reinforced in 2017, when Israel's Knesset passed the "Kaminitz Law," which expands the enforcement of the Planning and Building Law of 1965, leading to a spike in the demolition of Palestinian homes.[21]

These policies, all of which continue apace within Israel in relation to its Palestinian citizens, manifest themselves in different guises throughout annexed and occupied Palestinian territories.

Jerusalem represents a distinctive case within the broader system. In 1950, Israel declared West Jerusalem as its capital, and after 1967, unilaterally expanded the city's municipal borders to encompass formerly Jordanian-ruled areas (6 sq km), including the Old City, and an additional 70 sq km from the West Bank.[22] The expansion integrated 28 Palestinian villages which lie beyond the 1967 armistice line into Israel.[23] The annexation and Israel's declaration of the city as its "undivided capital" have not been recognized by the international community – although in 2017, the Trump administration broke with international consensus and recognized Jerusalem as Israel's capital. Within East Jerusalem, the Jerusalem municipality – rather than a military regime - allocated 35 per cent of land to Israeli settlements while 13 per cent is reserved for Palestinian construction.[24] Since 1967, 11 settlements have been constructed in East Jerusalem while some Palestinian neighbourhoods have not been issued permits for expansion.[25]

As within Israel, land consolidation for Jewish settlement is coupled with home demolition policies,[26] as well as with measures that are explicitly aimed at demographic engineering. The majority of Palestinian Jerusalemites hold permanent residencies rather than citizenship, a legally precarious designation that increases the chances they get stripped of their ability to reside in Jerusalem.[27] Surrounded by settlements and disconnected from the rest of the West Bank, these residents are increasingly confined to urban silos. The separation barrier, what Palestinians refer to as the Apartheid Wall and the Israelis as the Security Barrier, physically integrated settlements outside the city's municipal borders -- Givat Ze'ev to the north, Ma'ale Adumim to the east and Gush Etzion to the south -- into Jerusalem. It also placed four Palestinian neighbourhoods which are within the city's municipal boundaries on the other side of the separation barrier; the two largest of these, Kafr 'Aqab and Shu'fat refugee camp, accounting for 140,000 Palestinian residents, were sealed off behind the separation barrier.[28] These tactics boosted the city's Jewish population and set the ground for the implementation of the municipality's master plans aimed at maintaining a 60 per cent Jewish majority in Jerusalem.[29]

The policies which the state implements in Israel and Jerusalem over Palestinian citizens and residents are also applied in the West Bank and the Gaza Strip over Palestinian subjects through COGAT, the Coordinator of Government Activities in the Territories, an arm of the Israeli army.

In 1967, under Absentee Property military laws, Israel's military commander took over property in the West Bank left behind by refugees from the 1967 war, much

as it had done in 1948. Only one third of the West Bank lands had been registered with Jordanian land authorities by 1967, and only 13 per cent had been registered as state land.[30] In 1968, Israel froze all further registration.[31] Making use of Mandate Laws, the Israeli government began designating lands in the West Bank as "state land" and placing them with the Central Planning Bureau of the military authorities, which answered to Israel's Ministry of Defence.[32] This land is categorized as nature reserves, national parks, or closed military zones; or is allocated to the regional councils of the settlements, or the World Zionist Organization (WZO) for exclusive Jewish settlement. Of land designated as State Land in the West Bank since 1967, Israel has allocated 0.25 per cent to Palestinians.[33]

The Oslo Accords, signed in 1994, did not formally challenge Israel's settlement building or the expropriation of occupied Palestinian land as Israeli "state land." Instead, the agreement divided the administration of the West Bank and the Gaza Strip between COGAT and the Palestinian Authority, whereby COGAT kept direct control of the largest and only contiguous swath of territory which, under the Israeli-Palestinian Interim Agreement (Oslo II), was designated as Area C, comprising 60 per cent of the West Bank. COGAT prevents Palestinians from accessing 60 per cent of Area C, constituting 36 per cent of the West Bank.[34] Where Palestinians do have access, COGAT has to approve all forms of construction and development, from digging water wells to paving roads. Palestinian permit applications are overwhelmingly rejected. COGAT deems any subsequent unlicensed construction "illegal"; between 1988 and 2016, Israel demolished 16,085 Palestinian structures within Area C.[35]

Expansive settlement construction in Area C confines Palestinians to isolated urban pockets. Whereas Area C is contiguous, the remaining forty per cent of the West Bank is made up of some 165 disconnected islands under partial Palestinian control, known as Areas A, accounting for 18 per cent of the territories and comprising the main Palestinian urban centres, and Area B, accounting for the remaining 22 per cent, which are surrounded by Israeli controlled land. More than 700 road obstacles, from checkpoints to road gates, obstruct Palestinian freedom of movement between these confines.[36] Israel restricts Palestinians from accessing around 60km of built highways in the West Bank, forcing them to use alternative roads that snake around, or underneath, Israeli lands and infrastructure.[37] Superimposed on this fragmented reality is territorial continuity for Israeli citizens, thousands of whom travel daily between Israel and the West Bank, crossing the 1967 armistice line without seeing any crossover between COGAT's military regime and Israel.

The Gaza Strip, like Areas A and B of the West Bank, is entirely surrounded by Israeli territory and confined to its own enclosure, enforced in this case hermitically through the blockade that has been in place since 2007. Similar to policies adopted in Area C, Israel applies zoning and territorial restrictions within the Gaza Strip, despite its disengagement in 2005. The Israeli army enforces what it calls a "buffer zone" that extends along the northern and eastern perimeter of the Gaza Strip, covering 17 per cent of the territory.[38] Israel's army enforces the buffer zone through the use of live fire, the demolition of homes and the destruction of infrastructure, the latter two being policies that are also implemented in Area C and East Jerusalem.[39]

When speaking of the one-state reality, it is important to note the continuation of state practices that go back to 1948, first manifesting themselves within the State of Israel, before expanding into annexed Jerusalem and the occupied Palestinian territories after 1967. Through military regulations, the state expropriated Palestinian lands and consolidated those for Jewish settlement, codifying the dispossession of Palestinians. These practices manifested themselves, and continue to unfold, in different guises throughout mandate Palestine, fragmenting Palestinians into ever-shrinking urban silos that are embedded in overarching Israeli hegemony. Since 1948, Palestinian governing institutions have been endowed with more authority in various enclaves, most expansively in the PA, but the State of Israel remains the sole sovereign in the land.

Endnotes

[1] See "Annexation Legislation Database," *Yesh Din,* available at: https://www.yesh-din.org/en/about-the-database/.
[2] Menachem Klein, *The Shift: Israel-Palestine from Border Struggle to Ethnic Conflict* (London: Hurst&Company, 2010). See also Jeff Halper, "The 94 Percent Solution: A Matrix of Control," *MERIP 216,* Fall 2000.
[3] While this essay focuses on systems of control within Israel/Palestine, the international facet is no less vital; the ability of the Israeli State to prevent the return of Palestinian refugees while upholding the Law of Return for Jews is a – if not the – most crucial component of Israel's ability to maintain a Jewish majority.
[4] Ariella Azoulay and Adi Ophir, *The One-State Condition: Occupation and Democracy in Israel/Palestine* (Stanford: Stanford University Press, 2008).
[5] Policies began before 1948 through the Zionist movement's favouring of Jewish labour and gathering Palestinian land for Jewish settlement, but they emerged as "state policies" with the state's establishment.
[6] "Palestinians under Military Rule in Israel: Governing the Lives of a Confined Population," *Palestinian Journeys.* See also "Israel's Military Rule over Its Palestinian Citizens (1948–1968)" in Sahar Huneidi and Nadim Rouhana, *Israel and its Palestinian Citizens: Ethnic Privileges in the Jewish State* (Cambridge: Cambridge University Press).
[7] Ibid.
[8] 8.5 per cent owned by Zionist institutions prior to statehood plus 5 per cent owned by the Mandate Government that was transferred to the State of Israel. Alexandre Kedar and Oren Yiftachel, "Land Regime and Social Relations in Israel," in H. de Soto and F. Cheneval, *Realizing Property Rights (Zurich: Ruffer&Rub Publishing House): 129-146.*
[9] "Palestinians under Military Rule in Israel," *Palestinian Journeys (*https://www.paljourneys.org).
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[12] Palestinians owned 4.2-5.8m dunums, which corresponds to 22 -30.5 per cent of lands that came under Israeli control, in addition to 12m dunums, or 63.2 per cent of land that was uncultivated and used by the Palestinian population but not officially owned by them. Calculated from the data provided in ibid., 138.
[13] "Population by Population Group," *CBS, 6 November 2019 (*https://www.cbs.gov.il/he/publications/DocLib/2019/yarhon1019/B1.pdf).
[14] "Land and Planning Rights," *Adalah: The Legal Center for Arab Minority Rights in Israel (*https://www.adalah.org/en/content/index/2007?Content_sort=). This does not include communities like Rahat, established by Israel in 1972 to house Bedouins from villages the state destroyed in the Negev.
[15] "Adalah's Objections to Discriminatory "Kaminitz Bill"," *Adalah,* 30 March 2017.
[16] Ibid.; and "Off the Map," *Human Rights Watch.* The state's privileging of Jewish settlement is clearest in the Galilee and the Negev. See also "Israel: Discriminatory Land Policies Hem in Palestinians," *Human Rights Watch*, 12 May 2020.
[17] "Acceptance to Communities Law," *ACRI, 9 November 2011.*
[18] "Basic Law: Israel – the Nation State of the Jewish People," *Knesset (*https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf).
[19] "Adalah's Objections to Discriminatory "Kaminitz Bill"," *Adalah,* 30 March 2017.
[20] Ibid.
[21] "Increase in Arab Home Demolition Orders Since 2016," *ACRI, 28 March 2019.*
[22] "Reversing Israel's Deepening Annexation of Occupied East Jerusalem," *ICG*.
[23] "East Jerusalem," *B'tselem (*https://www.btselem.org/topic/jerusalem).
[24] "Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019," *OCHA,* 14 May 2019.
[25] "East Jerusalem," *B'tselem.*
[26] Since 2016, the rate of demolition increased, reaching an average of 14 structures monthly between 2016 and 2019, up from 6 structures monthly in 2015. "Record number of demolitions," *OCHA*.
[27] Most Palestinians in East Jerusalem refuse to apply for Israeli citizenship and the path to citizenship faces significant hurdles to block applications. Nir Hasson, "All the Ways East Jerusalem Palestinians Get Rejected," *Haaretz,* 15 January 2019. Since 1967, Israel has revoked the residency of more than 14,500 Jerusalemites. "East Jerusalem," *B'tselem.*
[28] Residents continue to hold onto their Jerusalem IDs, are eligible to travel into Jerusalem and the rest of Israel, and get their health insurance and social security, but they are physically sealed off from the city. The other two neighbourhoods are al-Walaja and al-Sawahra.
[29] "Reversing Israel's Deepening Annexation of Occupied East Jerusalem," *International Crisis Group,* Middle East and North Africa report No. 202, 12 June 2019.
[30] "Israeli Land Grab and Forced Population Transfer of Palestinians," *Badil: Resource Center for Palestinian Residency and Refugee Rights* (2013), 18.
[31] "Status of Palestinian Territories and Palestinian Society under Israeli Occupation," *ARIJ.*
[32] George Bisharat, *Land, Law and Legitimacy in Israel and the Occupied Territories* (1994): 539; and Raja Shehadeh, "The Land Law of Palestine: An Analysis of the Definition of State Land," *Journal of Palestine* Studies (1982): 95.
[33] Yotam Berger, "Palestinians Have Received 0.25% of State Land," *Haaretz,* 19 July 2018.
[34] "Planning Policy in West Bank," *B'tselem, (*https://www.btselem.org/planning_and_building).
[35] "Israeli Demolition Orders against Palestinian Structures in Area C, 1988-2016," *OCHA*, http://data.ochaopt.org/demolitions/index.aspx?id=311650).
[36] "Over 700 road obstacles control Palestinian movement," *UNOCHA,* September 2018.
[37] "West Bank roads on which Israel forbids Palestinian vehicles," *B'tselem,* 31 January 2017.
[38] Al-Haq, *Shifting Paradigms: Israel's Enforcement of the Buffer Zone in the Gaza Strip* (Ramallah, 2011): 6-7.
[39] "Israeli Land Grab and Forced Population Transfer of Palestinians," *Badil.*

Israel, Palestine, and the prospects for denationalization

Nadav G. Shelef, University of Wisconsin, Madison

While much has transpired over the last 150 years, the fundamental problem facing Jews and Palestinians in the area of Mandatory Palestine remains the same: two nationalist movements claiming to represent a distinct nation and demanding control over their political destiny in the same space. The idea of a two state solution is built on the assumption that dividing the territory is easier than dividing sovereignty. As the Peel Commission argued in 1937, since the "National Home cannot be half-national," and the "national aspirations [of Jews and Arabs in Palestine] are incompatible… the only hope of a cure lies in a surgical operation" (Palestine Royal Commission, 1937).

Guided by this logic, most scholarly (and policy) attention has focused on the questions of how to divide the land and where to draw the line. To the extent that the prospects of a territorial division recede and the "surgery" of the land seems increasingly unlikely, it is perhaps time to turn our attention to the processes and politics that would be required of the other main alternative--the division of sovereignty and the reinterpretation of national aspirations. This memo takes a step in this direction by conceptually unpacking the forms that the "denationalization" required by this alternative could take and the mechanisms that could drive them. This, in turn, sets the stage for a research agenda that could more systematically, and realistically, evaluate the range of possible "cures" for the conflict in the region.

Three forms of denationalization

"Denationalization," as I use it here, is the process by which a group that identifies as a particular nation ceases to do so. Benedict Anderson's canonical definition of nations as "imagined political communit[ies]… [that are] imagined as both inherently limited and sovereign" (Anderson, 1991, 6), suggests that denationalization could take three distinct forms: 1) the substitution of the criteria for membership in the political community with the membership criteria of another nation; 2) the replacement of a political community that is imagined as inherently limited with one that is either imagined but universal or concrete and limited; 3) the downshifting of the collective goal from total control over a group's political destiny (sovereignty) to partial forms of such control (Shelef, forthcoming).

The first form of denationalization involves a political project to substitute membership in one national community for membership in a different national community by changing the criteria used to decide national membership. Denationalization by substitution is an integral component of both the assimilationist projects undertaken by nationalizing states (Brubaker, 1996; Cederman, 1997) and the separatist projects of secessionist movements for national self-determination. The former seek to substitute the membership criteria of the assimilating nation for those of the assimilated, and the latter seek to substitute the membership criteria of the nation seeking independence for those of the nation from which they seek to separate. In the Israeli-Palestinian context, outcomes that envision all individuals currently living within the bounds of Mandatory Palestine as equal members of a single state without any special status for the groups within it (Jewish or Palestinian), tend to assume that, to succeed, these individuals would substitute a self-understanding of their relevant political community as the "Isratine" nation (to use Qaddafi's term) for their self-understanding as primarily members of the Israeli or Palestinian nations.

The possibility of denationalization by substitution is based on the recognition that individuals can fit into the membership criteria articulated by more than one national project. This recognition extends the distinction between "nominal" and "activated" identities developed by scholars of ethnicity to national identities (Chandra, 2012; Lustick, Miodownik, and Eidelson, 2004). Nominal identities include the range of potential identities to which one may belong, while activated identities denote the identities to which one actually belongs at a particular time and

place. Since an individual's repertoire of nominal national identities may simultaneously include a number of distinct ones (e.g., French, Spanish, and Basque), denationalization by substitution occurs when a nominal national identity - i.e., a nation to which one could theoretically belong - is activated in place of the currently active one. The fierce competition between alternative nationalist projects for the loyalty of the same individual (see, e.g., Khalidi et al., 1991; Zahra, 2008; Lichtenstein, 2012; Hillis, 2013; Kladiwa, 2015) reflects their tacit acknowledgement that individuals could nominally belong to more than one nation despite the nationalist worldview, which otherwise rejects the constructivist and potentially mutable nature of national identification.

The second form of denationalization replaces the politically relevant national (and therefore both imagined and limited) community with one that is either not limited or not imagined. Whereas denationalization by substitution focuses on activating other nominal national identities, denationalization by replacement focuses on activating non-national identities. These non-national alternative can include universal ones, based on, for example, religion or notions of a "global citizenship" (Huntington, 2004; Guéhenno, 2000; Zhou, 2015), or concrete identities such as one's locality (Fenton, 2007). Both Israeli and Palestinian societies evince political projects promoting denationalization by replacement, largely in favor of religious identities. Radicals in both nations also assume that denationalization by replacement will occur when they "permit" Palestinians or Jews, depending on who is making the argument, to remain in the state they dominate as long as the other group organizes its identity along religious or local, rather than national, lines. Ironically, a similar assumption is made by some, usually on the other side of the political spectrum, who assume that the salience of national identification as a whole will decline, thereby solving the root cause of the conflict.

The third form of denationalization involves shifting away from the fundamental nationalist goal of achieving collective control of the nation's political destiny. In an extreme form of denationalization by downshifting, a group stops mobilizing for any collective control of their political destiny, effectively transforming itself into a "mere" ethnic group (for this distinction between nations and ethnic groups, see, e.g., Connor, 1978). In a more moderate (and likely) form, groups mobilized to achieve national self-determination downshift their goal from independent sovereignty to autonomy within a state controlled by a different national group. This form of de-nationalization is considerably more relevant for nations that do not yet have sovereignty, though, in principle, it could also apply to already sovereign nations. The successful emergence of a single state in the area of Mandatory Palestine based on some consociational arrangement between Jews and Palestinians assumes that at least one, if not both, of the nationalist movements in the Israeli-Palestinian space will denationalize by downshifting.

There are important historical examples of nationalist movements that have experienced such downshifting, including the Quebecois in the 1980s, the Catalan national movement under Franco, Sikhs in India, and Palestinians in Israel (Meadwell, 1993; Balcells, 1996; Chowdhury and Krebs, 2009; Smooha, 2019). Yet, comparative research suggests that it is not common. Only around 20% of movements for national-self determination that sought independence since 1945 subsequently downshifted to seek autonomy (Cunningham, 2014; Sambanis, Germann, and Schädel, 2018).[1] In a nonnegligible proportion of these cases, moreover, such downshifting was only of limited duration (as in the Catalan experience). Importantly, although successful denationalization by downshifting may enable the peaceful cohabitation of nations in a single state, it reduces the likelihood of denationalization by substitution. This is the case because power-sharing itself reinforces the returns to identifying as part of a group that shares power and therefore inhibits the elision of meaningful differences between the groups (Lustick, Miodownik, and Eidelson, 2004).

Pathways of denationalization

There are at least two complementary pathways through which these forms of denationalization could take place, each operating at different levels of analysis. The first is situated at the group level and highlights the consequences

of the political contest between movements articulating different legitimating principles. The second pathway focuses on the impact of incentives for denationalization at the individual level.

The first pathway builds on the role of domestic political competition in shaping the meaning and scope of nationalism (Lustick, 1993; O'Leary, Lustick, and Callaghy, 2001; Shelef, 2020a). These studies highlight the link between the domestic political success of a movement promoting a particular political project and the resonance of this project. This scholarship implies that denationalization is more likely if its proponents are organized in a political movement that succeeds in the domestic political arena.

The process of engaging in domestic political competition can also, under some circumstances, induce movements to support denationalization if doing so is politically advantageous in the short term. For example, political movements may reframe the definition of the political community's membership boundaries or modulate the presentation of their goals to appeal to a constituency that supports a particular project of denationalization. If politically successful, the political returns created by reliance on that base of support, because they are costly to abandon, can "trap" these movements into promoting a project of denationalization that then spreads with the movement's success (Shelef, 2010; Goddard, 2010; Shelef, 2020b).

The focus on domestic political competition also highlights the reality that the prospects of projects of denationalization are also shaped by the myriad factors that shape the success of any political project, including power dynamics, leadership, organization, and a political environment sufficiently open to allow it to compete with the national political project. Other factors, such as the perceived economic feasibility of the alternative they offer and support by the international community could also shape the outcome (Meadwell, 1993; Ambrosio, 2001). The role of politics serves as a reminder that denationalization is thus unlikely to be an automatic or linear response to changing conditions.

The second pathway focuses on the incentives individuals face for identification with particular political projects. Here, individuals denationalize by substitution, replacement, or downshifting in response to the perceived benefits of doing so (for example, in terms of economic opportunity, status, or security) or the perceived costs (e.g., limited opportunity, insecurity) of the nationalist project (Tajfel, 1982; Laitin, 2007; Boli, 2005; Zhou, 2015; Gorman and Seguin, 2018). When enough individuals denationalize, the newly activated identity or goal can cascade to become the dominant one in their society (Laitin, 2007). Sometimes, these changes are assumed to take place over generations, if only because children born in new contexts may have a different repertoire of availability identities than their parents (Laitin, 1998).

State policies are among the most powerful shapers of these incentives. As Weber (1976) demonstrated in the paradigmatic case of a homogenizing state, the state's control of the educational system, military, domestic political economy, and even the very categories available for social organization through the census (see also, Urla, 1993; Kertzer and Arel, 2002), can be powerfully deployed to incentivize individuals to denationalize.

States, however, are not omnipotent in this regard. The extent to which nationalism becomes a sacred value for its adherents poses one important limit on the role of material incentives in promoting denationalization. As a robust psychological literature has demonstrated, because the worth of sacred values is not measured along a materialist metric, the ability of material inducements to trigger their transgression is quite limited (Fiske and Tetlock, 1997; McGraw and Tetlock, 2005; McGraw, Tetlock, and Kristel, 2003; Tetlock, 2003; Tetlock et al., 2000; Ginges et al., 2007). As a result, material cost-benefit calculations may be less relevant in inducing denationalization among those already committed than in incentivizing the uncommitted to opt for one in the first place.

The likelihood that these incentives are not equally available to all people in a group imposes another constraint on their ability to induce denationalization. For example, the availability of positive benefits to

denationalization by replacement with a universalist, globalized, identity may be disproportionately available to those with the education and skills to take advantage of a global marketplace (Bollen and Medrano, 1998. For an opposing view see, Gorman and Seguin, 2018). To the extent that incentives to denationalize are not widely available, the ability of a process of denationalization that relies on these incentives to spread may also be limited.

Finally, the success of denationalization depends on the extent to which individuals are fully accepted in the new arrangement (Anderson, 1991; Laitin, 1998; Hechter, 2000). Continued blocked opportunities for mobility and the persistence of invidious distinctions between groups is likely to inhibit denationalization by making it easier for advocates of nationalist political projects to argue that continued injustice is linked to nationality and that to improve their lives they require gaining or maintaining control of their political destiny. In other words, for denationalization to succeed, it must limit the ability of the currently dominant nationalist project to provide a reasonable and resonant explanation of lived reality. This is likely to be a significant challenge in any single state reality that aspires to overcome the conflict between Israelis and Palestinians.

Denationalization of Zionists and Palestinians?

Here, I turn from the theoretical unpacking of denationalization to considering briefly the four main denationalization possibilities. This explicit consideration of denationalization shows that the even if the "surgical" option of territorial division appears increasingly less likely to be implemented, the prognosis of the alternative treatments is also not optimistic. Although theoretically possible, the denationalization of Zionists, Palestinian nationalists, or both, required by outcomes that do not engage in territorial division do not seem any more likely.

To begin with, the various denationalization projects currently active in Israel and Palestine remain minority positions. Fewer than 20% of Israeli Jews and fewer than a third of Palestinians in the West Bank and Gaza Strip support one-state solutions; solutions that would, by definition, require some form of denationalization.[2] The fact that such solutions garner a relatively small following, even among the Palestinians who have comparatively more to gain from them, suggests that denationalization projects have a steep hill to climb. While these constituencies are large enough that they may "trap" political movements into supporting a form of denationalization, the deep religious, ethnic, and ideological divides within this population makes it less likely that proponents of denationalization will be able to appeal to all of them simultaneously, reducing the likelihood of this particular pathway. In other words, in the current context, it is hard to see how movements supporting denationalization win the domestic political battle.

Second, a single state imposed from the outside could presumably use the tools available to any state in order to, over time, denationalize the population by substituting a different nationalism for Zionism and Palestinian nationalism. As noted above, to succeed, such an effort would need to both overcome the inevitable attempts of spoilers to derail such a project and to erase the economic distinctions between Jews and Palestinians in order to drain (existing) nationalist mobilization of its appeal. While not impossible, this would be a daunting task.

Other potential denationalization projects are even weaker. Attempts to replace national identification with non-national identities, for example, do not have much traction in either society. In fact, the main attempts to promote a religious identity in place of a national one experienced the triumph of nationalism over religious identification. Among Palestinians, the emergence of Hamas in the late 1980s reflected the cooptation of religious identity by Palestinian nationalism. Among Jews, the Haredim, once fiercely anti-nationalist and insulated from mainstream Israeli society, are increasingly adopting a nationalist perspective. Indeed, about half of the of the Jewish population that self-identifies as Haredi also identifies as Zionist.[3] In other words, denationalization by replacement is unlikely to take place any time soon.

Denationalization by downshifting seems a bit more likely, though it too faces significant hurdles. Abandoning the

desire for self-determination, something that has been the very raison-d'etre of Palestinian nationalism since the 1960s and something that has actually been achieved by Zionists is a steep demand to make of both. At the very least, more work needs to be done to understand the conditions under which groups that have sovereignty become willing (or resigned) to give it up. We also know relatively little about how and why movements for self-determination change their goals, and how autonomy rather than independence becomes constructed as appropriate. At a minimum, our relative ignorance about these processes should make us less sanguine about the prospects of political projects – like annexation or the formalization of the one-state reality – that assume that denationalization in such contexts would automatically occur.

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Endnotes

[1] Cunningham's (2014) data shows that downshifting took place at least in one year in 13% of groups examined between 1960 and 2008. Sambanis, Germann, and Schädel's (2018) data show that such downshifting took place in 17% of movements for self-determination between 1960 and 2005 and 21% between 1945 and 2012.

[2] See https://pcpsr.org/en/node/731 and http://pcpsr.org/en/node/761.

[3] See the series of surveys conducted by Sammy Smooha (https://dataisrael.idi.org.il/). Data courtesy of the Guttman Center for Public Opinion and Policy Research at the Israel Democracy Institute

Military Rule in the West Bank

Diana B. Greenwald, City College of New York

> *"Those who have weaponized the term 'occupation' in order to criticize Israel are doing nothing to promote a resolution to this conflict…I prefer the term 'neighborhoods and cities' to describe what others call 'settlements.' Use of the term 'settlements' is purely political and ignores the reality of what they actually are."*
>
> Jason Greenblatt, outgoing U.S. Special Representative for International Negotiations, October 13, 2019.[1]

Introduction

On June 10, 1967, Israel, a state of 2.7 million citizens, roughly 2.5 million of whom were Jewish, suddenly found itself ruling over nearly 1 million Palestinians in the West Bank and the Gaza Strip (Perlmann 2012).[2] The Palestinian population in the West Bank and Gaza now approaches 5 million. Much has changed for the generations of Palestinians who have grown up in the occupied territories since 1967, but at least one thing has remained constant: For over half of a century, they have never been offered citizenship by the state under whose authority they live.

This memo focuses on the situation in the West Bank, which, at the time of writing, is home to nearly 3 million Palestinians and some 450,000 Israeli settlers. If, in an academic context, a defining feature of occupation is that its "intended duration…must be temporary and finite" (Edelstein 2008, 3), then perhaps social scientists, if not international legal scholars, can agree with former U.S. Special Representative Greenblatt on one thing: The West Bank is not under occupation. It is under military rule.

Israeli Prime Minister Netanyahu – with the support of his Likud party and others from both the secular and religious right – has pledged to begin the process of annexing settlements in the West Bank. The United States, under the Trump administration, has supported this effort, declaring that it no longer considers settlements a violation of international law and releasing its own glossy proposal that endorses Israeli annexation of large swaths of territory. While various annexation scenarios are discussed toward the end of this memo, the most important outcome of annexation may be that it strips the window dressing from what has been there, plainly, for all to see, since 1967. Annexation would represent an indefinite commitment to Israeli military rule over Palestinians.

Military rule – deprived of the connotation of impermanence that accompanies the word "occupation" – brings to mind the wanton violation of basic civil rights, authoritarian repression, restrictions on movement, and a constant environment of fear and insecurity. Indeed, military rule in the West Bank is no exception in any of these areas. Furthermore, because it is paired with a massive settlement project, its sole purpose is to protect one ethnonational community over – and, as it is argued by the regime's proponents, *from* – another. While the Israeli state has attempted to draw ever sharper legal distinctions between the Israeli and Palestinian populations in the West Bank, the geographic proximity of these populations has grown ever closer, and the possible paths between population centers more intertwined. Instead of bringing the troops home, Israel has, steadily, since 1967, brought the home front to the troops. Today, a constellation of coercive authorities – namely, the Israeli Defense Forces, the Israeli Border Police, private Israeli contractors, and the Palestinian Authority (PA) police, security, and intelligence apparatuses – are deployed to define and defend hyper-local boundaries between Jewish and Palestinian communities.

Settlements might, one day, be called neighborhoods, and military rule might, one day, be called policing, but the planting of flags and the building of walls cannot hide the unavoidable truth: Geographic borders in the West Bank have dissolved and the only border left to police is an

ethnonational one. Given this context, this memo focuses on the central issues of state violence, coercion, and existential security. It argues that Israel's disproportionate ability to define and restrict Palestinian autonomy, since the earliest days of the occupation, have ensured that state-directed coercion is always pointed inward, toward Palestinians, rather than outward, to defend them. I also address one of many possible normative goals for the West Bank: Namely, ending military rule and constructing coercive institutions that provide existential security for Palestinians and Israelis alike. I argue that official annexation would make this an even more distant possibility.

A History of Palestinian Autonomy Without Security

The idea of Israeli annexation of the West Bank has always coexisted with some version of "autonomy" for Palestinians in the West Bank and Gaza Strip, dating back to some of the earliest proposals after the 1967 war. Both the Israeli left and right were instrumental in setting the functional bounds on what Palestinian autonomy would look like.

Annexationists on the right of Israel's political spectrum were insistent on eliminating any sense of difference between pre-1967 Israel and the post-1967 occupied territories (see, e.g. Lustick 1993, 32–37), but it was clear that aggressive territorial expansion would not mean the extension of political rights to Palestinians. In some cases, territorial maximalists did suggest a willingness to delineate a limited set of rights for Palestinians in the West Bank and Gaza. Hannan Porat of the ultranationalist Tehiya party proposed citizenship for Palestinians, but only under the admitted assumption that it would never be accepted (Rubin 1983). Sometimes, surprising criticisms of such proposals came from the left. As Shelef (2010) notes, even Prime Minister Begin's "autonomy plan" that gained traction in Israel-Egypt peace talks was "castigated as fostering a binational state because it opened the door for the naturalization of Arabs living in the territories and therefore undermined Israel's Jewish majority," (161). However, even if an abstract idea of citizenship was floated, the right carefully avoided articulating a plan wherein Israeli political institutions would play a central role in serving the Palestinian population. Thus, one red line for Palestinian partial self-rule was established: The Palestinian population in the West Bank and Gaza would not have access to Israeli institutions of civil governance.

A second constraint on Palestinian self-rule was solidified by the discourse on the center-left. Early references to Palestinian autonomy came from leaders that later united to form the Labor party. Just one day after the war, Defense Minister Moshe Dayan declared his support for keeping the occupied territories under Israeli control with some form of "autonomy" for West Bank Palestinians, a position to which Prime Minister Levi Eshkol was also sympathetic (Gorenberg 2006; Skolnik 2017). Ultimately, the left coalesced around the rival "land for peace" formula, advocating for eventual separation and the creation of an independent Palestinian state. However, the potential for a Palestinian state to develop its own coercive institutions – specifically, outward-facing military capacity – was always an Achilles' heel. Security-focused Israelis could not countenance an armed Palestinian state on their borders. Coercive capacity in the hands of Palestinians, with whom Israel had not yet made peace, was not something to be seriously contemplated. Another red line was established.

Given these positions, it is unsurprising that the version of Palestinian autonomy produced in the Oslo Accords between Israel and the Palestinian Liberation Organization (PLO) was situated safely between these red lines. Palestinians in the West Bank and Gaza were given no political rights or representation within the state that controlled their lives and the semi-autonomous PA was created with no outward-facing coercive capacity. Instead, coercive force – concentrated in both the Israeli military and security apparatus and the new PA – was to be focused inward. Singer (2019), legal adviser to Israel's negotiating team, reveals that Prime Minister Rabin instructed him to propose language on internal security to the PLO, who then accepted. This was then incorporated into the Declaration of Principles ("Oslo I"), Article VIII, wherein the new Palestinian Authority would "establish a strong police force, while Israel will continue to carry the

responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order."

How was this very specific form of autonomy territorialized? The Interim Agreement ("Oslo II") map divided the West Bank into enclaves that fell into one of three zones of authority. The new Palestinian police could only freely operate in a set of disconnected areas that make up 18 percent of the West Bank and include the major Palestinian cities ("Area A"). In 22 percent of the West Bank ("Area B"), containing many large- and medium-sized Palestinian towns as well as villages, the Palestinian police were required to coordinate movement in advance with Israel. Oslo II enumerated the number and location of Area B police stations, and the number of personnel, vehicles, rifles, and pistols permitted at each. In the remaining 60 percent of the West Bank ("Area C"), containing nearly all of the Israeli settlements but also small Palestinian villages and Bedouin encampments, the PA was granted no authority.

The Oslo Accords guaranteed that all Palestinian governing institutions in Areas A and B – whether at the level of the central government, the governorates, or the municipalities – would be inward-facing. On the other hand, Israeli coercive institutions could penetrate the internal and external: For example, the Israeli military would defend settler communities from "external" threats, yet could also intervene in Palestinian towns and cities at will. Palestinian authority is practiced within geographically defined enclaves, but the PA has no role in governing relationships between these enclaves and what surrounds them.

The Palestinian Police

In the West Bank, Israeli coercive institutions are specifically tasked with protecting Israeli populations, often at the expense of Palestinian bodies, homes, land, and livelihoods. The PA security apparatus, on the other hand, might be described in one of three ways, depending on one's perspective. First, some view the primary purpose of the PA as providing security benefits to the Israeli population. This interpretation is prevalent among both those who disparage the PA as a client of Israel and those who applaud Israeli-PA security cooperation. Recently, a majority of Palestinians in a recent PCPSR poll expressed support for ending security coordination with Israel in response to annexation (PCPSR 2020). However, because, as Baconi (2020) writes, "Palestinian lives… are tied to security coordination, which itself is focused on the goal of ending any form of resistance to Israeli control," it is understandable that Palestinians have felt conflicted by these decisions. The trade-offs were made painfully evident in June, when an eight-month-old baby from Gaza died awaiting life-saving treatment in Israel (Boxerman 2020). The delay was attributed to PA ceasing coordination on humanitarian permits with Israel, which is ultimately responsible for approving such permit requests from Palestinians.

A second view holds that the PA's coercive institutions are primarily engaged in repressing rivals of the ruling Fatah party. For example, El Kurd (2019) finds that international support has enabled the PA coercive apparatus to buttress Fatah's one-party rule while polarizing and demobilizing Palestinian society. This second interpretation's implications are often observationally equivalent to those of the first – the PA police surveil and repress groups such as Hamas, Islamic Jihad, and the Popular Front for the Liberation of Palestine (PFLP) who oppose Fatah and also resist Israel – but the motivations for this repression may be distinct.

A third, controversial view, is that the functional purpose of the Palestinian police is to provide security, law, and order for Palestinians. As evidenced by the general environment of insecurity facing Palestinians in the West Bank, this interpretation of PA coercive institutions has perhaps the least empirical support. Nonetheless, in a series of 2016 polls conducted by the Palestinian Center for Policy and Survey Research (PCPSR), Palestinians living in areas of less PA control felt significantly less safe than those living under PA jurisdiction (PCPSR 2016). Further, after the recent outbreak of the novel coronavirus

in the Palestinian Territories, a June 30 poll found that majorities approved of the PA response, including 77 percent supporting the response of the security services in the West Bank (PCPSR 2020). Finally, there are sometimes instances of constructive police engagement in Palestinian towns and cities that do not make news headlines. Notably, in a recent series of interviews that I conducted with staunchly anti-Fatah local politicians in the West Bank, some disparaged the police as political pawns of Fatah and Israel, while others, surprisingly, said they faced no problems cooperating with their local police forces.

Widespread perceptions among Palestinians seem to support the first and second interpretations over the third. This is a central reason why the PA is unpopular. However, interactions within communities often complicate such blanket conclusions; individual police officers and Palestinian residents from diverse political perspectives often work together to address problems in their community, all, of course, under the shadow of military rule and statelessness. To provide Palestinians with more security, not less, would future security institutions in the West Bank build on these local relationships with the rank-and-file or dismantle them and begin from scratch?

Annexation, Subjects, and Citizens

Because the geographic extent and possible sequence of annexation policies that Israel will pursue is still unknown, it is difficult to predict what implications they will have for the military regime. If Israel attempts to first annex some of the large, urban settlement "blocs" (i.e. Gush Etzion, Ma'ale Adumim, or Ariel), then Palestinians living, commuting, or farming near these settlements should expect more militarization and surveillance. Israel could accelerate new home construction in these settlements and designate additional land for expansion, drawing more intensively on water and natural resources that are already disproportionately consumed by settlers, or building in highly strategic areas that sever Palestinian access to Jerusalem. The meandering separation barrier – whether in its towering concrete form, as barbed wire, or surveillance fencing – already surrounds many of these settlements, cutting Palestinians off from farm land and each other. Without new bypass highways, existing roads that wind circuitous routes around these settlements to connect Palestinian villages and towns might see a proliferation of checkpoints or other modes of surveillance. If, instead, annexation begins with far-flung Israeli outposts deep in Palestinian territory, Israel's defensive posture will not be able to depend on the wall and will likely involve even more manpower, surveillance infrastructure, and weaponry.

Finally, if annexation proceeds first in the Jordan Valley, then it is likely that the tens of thousands of Palestinians who live in newly annexed areas will no longer simply be stateless in practice; they will be officially and unambiguously denied citizenship from the state that has controlled them for generations. Israeli denial of Palestinian building permits in areas under Israeli control (Area C) may become law rather than following the pretense of case-by-case evaluation. Expropriation of Palestinian land and demolitions of Palestinian homes may increase in frequency. Confiscation of critical farming equipment and existing restrictions on Palestinians' water supply might find new, codified justification. Laws with the veneer of democratic legitimacy may replace existing military orders.

Even if official annexation does not occur, it is unlikely to imagine a future where Jewish Israelis and Palestinians do not live in ever-closer proximity in the West Bank. This presents especially daunting challenges in considering the future of coercive institutions – institutions which are meant to secure communities from internal and external threats. The settlement enterprise, military rule in the West Bank, and the mapping of these realities in the Oslo Accords have created irreconcilable barriers to true Palestinian self-determination. Future iterations of Palestinian autonomy amid ongoing military rule will only feed continued conflict.

Instead, is it possible to envision dramatic reform to coercive institutions in the West Bank that would provide existential security for all who reside in the West Bank,

operating around shared threats to lives and livelihoods? In an environment of decades of violence and mistrust, this is a thought experiment that is difficult to imagine. Is it possible to envision a West Bank where coercive institutions – those institutions most vividly associated with the violence of occupation and conflict – could be shrunk, dismantled, or reformed? Could any marginal changes in these violence-wielding organizations occur – and would it be desirable for such changes to occur – *before* Palestinians obtain comprehensive political rights? To the extent that ending military rule is a sequence of policies, we may ask which policies should come first, but we also must ask which policies, if any, are more likely to be achieved first.

My preliminary conclusion is that the coercive practices of official Israeli and Palestinian institutions in the West Bank are epiphenomenal of laws and rights. As long as dual legal regimes exist in the West Bank, reform to coercive institutions seems unlikely to be effective. To understand why, we can turn to East Jerusalem, where the majority of Palestinians are classified not as Israeli citizens but as permanent residents with no national political representation, and where the Israeli annexation project has had a 53-year head start.

Unfortunately, Palestinians in East Jerusalem are subject to coercive institutions that differ more in name than in practice from those in the occupied West Bank. This includes places like Issawiyya, an East Jerusalem neighborhood which has been subjected to campaigns of mass arrests and raids since late 2019, and where, in a story like so many others, a nine-year-old boy was recently shot in the eye while walking in the street with his sisters and cousin (Sudilovsky 2020). Five days after the murder of George Floyd, Eyad Hallaq, a 32-year-old Palestinian from East Jerusalem, on his way to a special needs school where he worked, ran unarmed, fleeing police who chased him on foot. While his caregiver yelled desperately at them that he was disabled, he was shot at least seven times, reportedly while lying on the ground, hiding, in a garbage room (Levy and Levac 2020). Amir Ohana, the government minister overseeing the police investigation, was careful to qualify his condolences by noting the killing occurred "in an area that has been inundated with terror attacks," (Magid 2020). Thus, he insinuates, it was reasonable for the ambiguously named Border Police to consider Eyad a potential terrorist.

Last year, Israel began demolishing newly constructed homes in the Jerusalem neighborhood of Wadi al-Humos.[3] Israel demolished the homes because, it was claimed, they were too close to the separation barrier. Not only are Israeli citizens defended from Palestinians, but the barrier itself is now defended, as if part of a desperate effort to maintain the increasingly fraught distinction between Palestinians who are policed and those who are military subjects.

On the other hand, when thousands of Palestinian citizens of Israel – those who managed to maintain their residency in the wake of the 1948 war (*al-Nakba*) and their descendants – recently mobilized to protest the prevalence of gun violence and crime in their communities, they called for more, not less, law enforcement (Mhajne 2019). In reading accounts of these protests, we catch a glimpse of what policing in the West Bank could look like in the future: Unrepresentative, likely discriminatory, questionably effective, and, perhaps, untrusted by many, but, at least in theory, responsible to all of its citizens and, thus, a target for reform. This could be a first step. However, we need only look to the re-militarization of American policing in the years since the civil rights movement to know that the road ahead – even with political rights – would be a long one.

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[1] Kempinski, Yoni. "Greenblatt to Arutz Sheva: Peace plan is realistic." *Arutz Sheva. 13 October 2019.* http://www.israelnationalnews.com/News/News.aspx/270082.

[2] Since most of this essay will focus on the situation for West Bank Palestinians who do not have Jerusalem residency, the "West Bank" hereafter should be understood to exclude East Jerusalem, unless otherwise noted. East Jerusalem is also part of the territories occupied since 1967, but the discussion that follows focuses primarily on the coercive and institutional framework that applies to Palestinians in the rest of the West Bank. The East Jerusalem population in 1967 was approximately 66,000 (Perlmann 2012). Today, there are about 370,000 Palestinian residents of East Jerusalem, most of whom have the status of "permanent residents", not citizens, of Israel.

[3] See: "WATCH: A dark night in Wadi al-Hummus." *+972 Magazine.* 25 July 2019. https://www.972mag.com/video-wadi-al-hummus-home-demolition/.

The Powerful Strategic Logic of a Hazy Mentality with Hard Edges:

Israel (and I kinda guess Palestine) as a …Well, Not Officially One State but Y'Know SortA looks like one

Nathan J. Brown, The George Washington University

The international discussion surrounding "what Israel is" has always been driven by what Israel and Palestine *should* be - a normative or political vision of the future (describing what it/they should be) - or by a moral or political vision of what is wrong with the present (decrying what it/they are). That is not surprising since the list of arrangements that would be preferable to the current one, whether to some of the inhabitants of the area controlled by Israel or according to various normative perspectives, is long indeed.

This is beginning to change—with Israeli leaders speaking openly of moves toward annexation and American leaders facilitating internal Israeli discussions on such matters. But almost all other public international policy discussions still center on preserving the "two state solution." Even some of those pressing for Israeli annexation of parts of the West Bank publicly profess to support a two-state outcome.

But most private discussions have long since acknowledged not only the "one state reality" but also that existing trends suggest only its further entrenchment. In public, such international discussions often strive to avoid describing anything other than a two state solution as unstable or unsustainable, leading to decades of warnings that "the situation continues to be unsustainable."[1] Israelis and Palestinians[2] are less bashful, with their internal discussions long betraying the frankness missing from American and international discussions. Those living in the Israeli-Palestinian reality are no longer so dominated by the "two-state solution", or even focused so much about negotiating a final outcome, but instead argue far more passionately about how to move current realities in a more desirable direction.

It is not simply a desire to avoid legitimating those realities that leads analysts to focus on prescribing the future rather than describing the present. It is the fact that the alternative terms offered to capture existing reality (such as "Apartheid" or "settler colonialism") are so discomfiting that they seem designed to shock, mobilize, or outrage as much as to describe. Indeed, such terms may sometimes be moral statements as much as analytical ones. But can they (or some alternative terms) also be useful for understanding? Or do they fall short in describing existing or emerging realities? I think the answer to both questions is yes—they are helpful and they also fall short.

What is the existing reality that international policy discussions strive to avoid describing? What names can we give it—and what are the shortcomings with various names? In this essay, I will take it as a given that there is a single state in all of the mandatory territory of Palestine and that it is called Israel. I then explore the possibilities for replacing the proper name of Israel with an analytical category. What *kind of state is Israel? I will explore three possibilities: empire, dual state, and apartheid. I hope to show not only what such comparisons illuminate but also how their shortcomings are of just as much interest. Comparisons between Israel and three kinds of entities—empires, dual states, and apartheid systems—can be instructive not only for how they partially fit but also for where they do not precisely fit. Indeed, it is where the terms fall short that they can most help us understand some essential attributes of current realities. Existing realities are not simply ambiguous: ambiguity has been up to now part of their essential nature.*

The empire has no throne

To describe Israel as an "empire," is apt especially in one conception of the term: a system of political control with a dominant state ruling over a territory in a manner that admits a wide variety of simultaneous arrangements

but fundamentally denies those ruled any mechanisms of accountability over their rulers. The British, Roman, Ottoman,[3] French, Japanese, German, and other empires extended their sway through varieties of direct and indirect rule, vassal states, treaty arrangements, autonomous but not independent subunits, private sector and chartered companies, tributary arrangements, patrimonial, bureaucratic, and informal structures—and all combined many of these arrangements simultaneously.

The welter of arrangements governing different parts of Jerusalem, areas A, B, and C on the West Bank, and Gaza—and the complexity of arrangements that straddle these divides (questions of curriculum in schools in East Jerusalem; policing arrangements in areas in the West Bank where Palestinian police allowed to operate only in area A need to cross into other zones to act; enforcement of court judgments across divides) encompasses a compact geographical area. But it is still reminiscent of the ways that empires operated by accretion of diverse institutional arrangements subject to much tinkering over time but rarely to grand design. As will be seen, Israel not only shares this feature, but the *ad hoc* nature of arrangements is part of its essential nature.

What is missing, one might object, from the Empire of Israel, is an emperor. The state of Israel has democratically elected leaders and a republican system of government.

But of course, so did many empires. The Athenian empire was democratic at its core; the Roman Empire was built under the Republic and many Republican institutions continued to operate under an evolving imperial system. When India was placed under the British Crown in 1858, the step increased rather decreased the role of an elected parliament (elected by those fairly far from India to be sure) and of ministers accountable to that parliament. French imperial positions in Africa and Southeast Asia did not become something else when the Third Republic was founded; the Fourth Republic fought to keep them. These arrangements were imperial not because of the presence of an "emperor" or the absence of elections but because a core group (Athenian citizens, for instance, or the Senate and People of Rome) controlled territory with inhabitants whom they were not accountable to.

Many empires are thought of as defined by the reach of law: where Roman law prevailed was where the Roman Empire ruled; the French Empire was sometimes conceived in similar ways. But a more appropriate conception for the Empire of Israel is a place where members of the core group carry the full protection of their state with them wherever they travel within the imperial domain. Just as a British citizen could expect some measure of imperial protection when she entered one of the Trucial States, or a French citizen had imperial backing and did not lose any status by residing in Algiers, Jewish Israeli citizens (and some non-Jewish ones) retain all their citizenship rights and state protection wherever they venture imperial domains.

But the objection that empire requires an emperor should not be dismissed so quickly. The existence of an empire with republican features and without an emperor is not unique but is still noteworthy. The tension between republic and empire has always attracted attention. Can republic and empire co-exist, with the first based on liberty, public spiritedness, and citizenship and the second based on domination, subjecthood, and more martial virtues? That question is one that vexed those who gave us many of the names we now used for political systems in the classical world. And it is arising in Israel today. We will return to it in the conclusion.

A Dual State?

A similar question arises from a very different analytical tradition—one that considers "dual states." While the phrase initially seems far tamer than the alternatives examined here—empire and apartheid—those aware of its genealogy may consider it infinitely more noxious. It was coined by Ernst Fraenkel to refer to Nazi Germany and the way in which Germany's pre-existing highly legalistic state operated alongside post-1933 mechanisms that gave some structures and individuals absolute discretion to deploy violence beyond the control of any legal norms.4 It

is arguable that Fraenkel gave too much credence to the judiciary that, in the view of others, was far more complicit in the actions of the Nazi state.[5]

And indeed, recent scholarship has tried to divest the idea of a "dual state" of its origins and cast it far more broadly to encompass a wide range of authoritarian regimes that allow for some operation of a rule of law (understood as a part of the state apparatus that is governed according to clearly enunciated legal norms) alongside one that is governed by violence and discretion. Specifically, Jens Meierhenrich has attempted to rescue the concept for comparative use by defining dual states as divided between "normative" and "discretionary" parts; they are "instances of authoritarian rule in which a legal way of doing things co-exists with an alternative mode of behavior: a violent way of doing things; life in dual states is perched on the precipice between the norm and the exception."[6] Seen that way, dual states might describe Singapore, Chile, Egypt, and Korea at various points. Does it describe Israel too?

Hoping that I do not sound flippant, I will confess that my own experience with an automobile in Israel would seem to resonate with the idea of a dual state. When registering the automobile, parking it (and having it towed), and being pulled over for using a cell phone, I encountered parts of the state apparatus very much operating in accordance with clear rules. And when driving through a checkpoint, I am struck by the discretion, the apparently shifting and unknown instructions, and the inexplicable procedures of the discretionary state.

The obvious objection that might be expected is that the concept of a dual state has been applied only to authoritarian orders. Neither part of the dual state is democratic. And one side appears dominant in any matter that becomes critical. In such systems, it is the discretionary state, controlled by autocratic rulers, that defines the borders of where the normative state may operate. Israel does not seem to fit that pattern to date; the normative and discretionary aspects interact in confusing ways but it may be that it is the normative aspects of the Israeli state that set the border with the discretionary parts. Israeli citizens elect leaders who allow security officials discretion to do what they wish.

But that leads to a different version of the question we just posed for empire—can such a system be stable? Is it stable now—or can the complaints of growing illiberalism in Israeli political life be taken to suggest that a dual state is one that has a natural tendency in an illiberal direction in which the discretionary state gradually gains the upper hand?

Even if such a dark prognosis is avoided, the concept of a dual state helps lead us to some interesting inquiries: How is the border between the two ways of governing drawn? What happens when the two parts of the dual state interact? And, above all, how does the border move over time?

Apartheid Israel?

When I first heard the comparison between Israel and apartheid South Africa, it struck me as polemical rather than analytical in nature. What the analogy might capture in moral outrage it seemed to lose in scholarly usefulness by obscuring of the difference in ideology: what was a matter of official doctrine in the Republic of South Africa was a set of interim arrangements in Israel.

I am now persuaded that I was partially correct: yes, the analogy was born in moral outrage. And yes, it continues to miss some core ideological distinctions. But those distinctions are less severe than might initially appear. And the difference in ideology should be the starting point for exploration rather than the end of consideration of the apartheid analogy.

Indeed, the ideological difference turns out to be critical indeed but it is not unlimited. And exploring it turns out to be quite instructive. The ways in which the Israeli system shares attributes with apartheid need not detain us (in some ways they are similar to those that make it resemble an empire). But it is the differences—and an appropriate understanding of their extent and nature—that make the analogy useful.

Let us begin with the objections to the analogy that may bespeak indignation but that are still based on the insistence of analytical differences. A recent powerful article in the *New York Times* by a South African emigrant to Israel under the title "Why Israel Is Nothing Like Apartheid South Africa" insisted on two critical distinctions. First, Palestinian citizens of Israel suffer discrimination but still "vote and have full citizenship rights."[7] Second, "there is none of the institutionalized racism, the intentionality, that underpinned apartheid in South Africa."

The first distinction strikes me as a reason to explore the analogy, not run from it. Nonwhite South Africans were not deprived of all citizenship or voting rights. In comparing Israel and South Africa in the twentieth century, the networks of institutions, gradations of citizenship, ties between ethnicity and legal residence, ties between location of legal residence and rights, systems for parliamentary representation, and governance more broadly certainly have both similarities and differences. I make no judgement on those but certainly do not immediately reject the view that the former outweigh the latter.

It is the second distinction that I wish to focus on: to what extent is "intentionality" a critical difference? Or, to put it differently, to what extent do Israeli realities resemble apartheid as an ideological system, as a set of arrangements designed to act a specific way?

It is here that the analogy points us in some illuminating directions. First, it is true that apartheid was an ideology of South Africa's governing party from 1948 until it agreed to negotiate with the African National Congress four decades later. But the system known as "apartheid" included arrangements about citizenship, property, and residence that pre-dated 1948; the proclamation of a system came in the already sharply racialized system of rights, privilege, control, and domination.

In that sense "apartheid" as an ideology was as much a product of "apartheid" in practice as it produced those practices. For reasons partly having to do with politics among South African whites, the National Party—with its roots in a portion of that population—asserted a need to deepen, systematize, and name prevailing arrangements that were already based on profound racial discrimination. And it sketched out a future path. There was a racialized system before 1948 that might be termed apartheid in effect and in mentality; after 1948, apartheid was a formal system that was always in the process of becoming until those building the system saw the need to sue for peace in the late 1980s.

And in Israel, one might assert some elements of a similar ideology even in the birth of the Zionist movement. Some argue that the Zionist movement was indeed based on discriminatory practices that resemble those in South Africa. But I withhold historical judgment to focus on the present—and to insist instead on stressing the extent Israel today resembles South Africa before 1948 in an ideological sense. Both had systems regulating citizenship and privilege without a formal supremacist ideology--or at least one officially codified and articulated. But both still rested on a network of discrimination very much encoded in practice and accepted as desirable by its enforcers. Juan Linz memorably describes authoritarianism as systems "without elaborate and guiding ideology, but with distinctive mentalities."[8] It is such mentalities that underlay apartheid before it came to call itself apartheid—and that seem to inform some practices in Israel today. So the insistence that intentionality mark an absolute bar to comparison seems less persuasive.

Moreover, the analytical question that suggests itself from this comparison at present is whether Israel is approaching a 1948 moment (in a South African sense)—one in which a faction of the core group seeks to systematize, entrench, and render explicit the arrangements that have arisen out of such a distinctive mentality but without an ideology, name or formal program. That is one way to understand some projects underway by actors on the right side of the Israeli political spectrum, supported by elements of the Trump Administration.

My inclination is to say that Israel is approaching such a moment but it is hesitating. There are those who wish to

cross the bridge into formalization and legalization. There is hardly another way to understand annexation of large swaths of territory with boundaries drawn in an explicit effort to guarantee a Jewish majority and Israel's identity as a state belonging to one national group but not another one that it still rules. Those in the Israeli leadership who resist annexation wish to avoid adopting a formal apartheid ideology--though without reversing policy. For them, ambiguity is essential to Israel's nature as a state. The lack of explicit ideology, of declared intention, is strategically too powerful to abandon. In that sense, the fact that Israeli apartheid, to the extent it exists, is undeclared has actually been part of its essential nature.

Will annexation change that?

A Hazy System with Hard Edges

There is a very powerful strategic logic in avoiding declaring what Israel is. Of course, such declarations do exist—most obviously in the country's Declaration of Independence—but those statements sidestep difficult questions, make commitments that are ambiguous, hedged, or in tension with each other, and wind up being far more Delphic than definitive.

To define what Israel is—to adopt a specific ideology and clear program for determining issues of citizenship, rights, privileges, identity, and membership—might guide decisions but it would also impose real costs. Avoiding such a definition has not been an accident or an incidence of absent mindedness but a product of a set of political processes and incentives that make a formal definition unlikely.

There is, of course, tremendous tactical flexibility that arises when strategy is left undeclared—so much so that absence of a declaratory strategy may be part of the strategy. But something even deeper may be at work.

Israel's political system distributes vetoes quite liberally and critical decisions are made by understanding them as incremental, imposed by necessity, or provisional. The country's constituent assembly, elected to create the structures of the state, transformed itself into a parliamentary body with oversight and legislative authority and nothing else—Israel's written constitution consists of a series of basic laws passed when momentary coalitions arose supporting specific arrangements.

But having Israel be what it is without announcing itself as such not only avoids placing demands on Israeli political processes than they have been historically able to bear. It also avoids any international cost. Ambiguity, absence of declaratory policy, and failure to define boundaries all have the tremendous benefit of avoiding provoking any international reaction (especially from Europe, though from some other international actors as well).

Indeed, if there is one common element to all the analysis presented here, it is that the unspoken, complex, and constantly shifting nature of Israel has been part of its essential nature. Social and political realities are always more complex than neat analytical categories, but Israel does more than spill over among categories. The system that dares not speak its name is stable so long as it is can continue to shift and avoid being pinned down.

The proponents of annexation vary in their programs and their motivations but motivating all of them seems to be a sense of opportunity—that Israeli domestic politics, regional politics, and the support of the Trump Administration and the Republican Party in the United States are briefly aligned in a way to remove vetoes and reduce costs of moving to a formal creation of a one-state reality (one that excludes Palestinians in the West Bank and Gaza and the areas where they live in a series of—well, "Bantustans" is not misleading word).

But if the annexationists fail—or if they leave it a bit hazy or incomplete in everything but its general outlines—the current ambiguity will survive. But if it remains hard to see many of the details of the ambiguous realities, it has never been hard to bump into the hard edges. Ambiguity and haziness in words is not fuzzy in action.

There are three apparent hard edges—none declared but

all quite sharp—that defines the parameters of the single state. And those hard edges will remain even if annexation is eschewed.

First, participation in democratic mechanisms is restricted. When it comes to citizenship and voting rights, the Israeli political system will have a Jewish majority.

Second, the non-citizens that it rules will not be given any tools to hold the authority of the one state accountable to any standards, procedures, or laws in any systematic way.

Finally, any internationalization of the territory—whether in a modest form such as use of international law or a more robust one like trusteeship or foreign military presence—will be avoided.

If any of these hard boundaries is violated in any but nominal ways, the political system will no longer be the Israel we know. We will have to find a new name for it that avoids terms like empire, dual state, or apartheid. And the borders will be defended fiercely and forcefully for that very reason.

Endnotes

1 See, for example, "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan," Note by the Secretary-General, Economic and Social Council, 8 May 2013, https://unispal.un.org/UNISPAL.NSF/5bJNa47a5c6cef541b802563e000493b8c/373870616ffc038185257b8e004b2ec4?OpenDocument, accessed 6 July 2020.

2 Nathan J. Brown, "The Palestinians' Receding Dream of Statehood," *Current History (2011) 110 (740): 345–351.*

3 Interestingly, the Ottoman Empire is the one entity on this list that generally eschewed the term empire; the more common term was "dawla" or "devla," originally suggesting "dynasty" but in the nineteenth century coming to mean "state." Rome also avoided much but not all imperial vocabulary.

4 Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship, translated by Jens Meierhenrich.* Oxford: Oxford University Press, 2017.

5 Ingo Müller,. *Hitler's justice : the courts of the Th.ird Reich, translated by Deborah Lucas Schneider.* Cambridge: Harvard University Press, 1991.

6 Jens Meierhenrich, *The Remnants of the Rechtsstaat: An Ethnography of Nazi Law.* Oxford: Oxford University Press, 2018, p. 243.

7 Benjamin Pogrund, "Why Israel Is Nothing Like Apartheid South Africa,"*New York Times,* 31 March 2017.

8 Juan J Linz,*Totalitarian and Authoritarian Regimes.* Boulder: Lynne Rienner Publishers, 2000, p. 159.

So, how many settlements are there?

Counting, tracking, and normalizing Jewish settlements in the Israeli Central Bureau of Statistics (CBS) Yearbook, 1967 to the present

Sivan Hirsch-Hoefler, Interdisciplinary Center, Herzliya and Lihi Ben Shitrit, University of Georgia[1]

On January 28, 2020, the Trump administration released its "Peace to Prosperity" plan that outlined its vision for a final settlement of the Israeli-Palestinian conflict. The most significant feature of the plan was a proposed Israeli annexation of all Jewish settlements in the West Bank as well as Israeli control over settlement enclaves within the remaining territory allocated to a future Palestinian state. This reflected the administration's position, articulated in November 2019 by Secretary of State Mike Pompeo, that the US administration no longer considers Israeli settlements in the West Bank to be in violation of international law.[2]

Pompeo's explanation that settlements were not an obstacle to peace between Israelis and Palestinians reversed the US official position on the settlements dating back to at least 1978 and was first met with celebration by the Israeli right and condemnation by Palestinians. However, all serious accounts of possible solutions to the Israeli-Palestinian conflict see the settlements to be a critical obstacle. Those who argue that the two-state solution is all but dead cite the numbers of settlements and settlers in the West Bank as decisive "facts on the ground" that now make any viable future Palestinian state impossible. Those who have not lost hope for the two-state paradigm explain how border alterations, limited settlement removal, and land swaps could still create a contiguous Palestinian state. Even the Trump plan acknowledged that the most decisive factor in its radical redrawing of borders was the location of Jewish settlements.

Yet for scholars and policymakers who seek to evaluate the reality of the settlements on the ground, their evolution over time, as well as proposed solutions to the conflict, it is surprisingly elusive to find precise data on the number of settlements, the number of settlers, and the difference between Israeli communities and cities within Israel proper and in the West Bank. This is clearly reflected in the vague "conceptual map" included in Trump's Peace to Prosperity plan that is so roughly sketched as to remain extremely unclear about the actual number and location of all the settlements it proposes to incorporate into the Israeli state and as part of Israeli enclaves in future Palestinian territory. As prime minister Benjamin Netanyahu declared that he would move toward annexation in July 2020, ensuing arguments over new maps and counter-maps – both secret and public ones - by various settler representatives, the Israeli government, and the US administration further demonstrated the contentious nature of even the most basic details about the settlements.[3] Why is it so difficult to ascertain the precise number of Jewish settlements in the West Bank? In this paper, we review the evolution in terminology and practices of the Israeli Central Bureau of Statistics (CBS) reports on Israeli population and localities in the West Bank from 1967 to the present, which reveal a steady trend toward what might be termed the "normalization of settlements" through increasingly incorporating data on settlements into the data on the Israeli population within Israel proper (within the Green Line). While the integration of settlers and settlements into the statistical yearbooks of Israel may imply that precise data may be more easily available, this is not the case. In our various research projects on the settlements, finding accurate and consistent data has been a constant challenge. Here, we outline some of these challenges and reflect on their causes and their effects. In particular, we compare the CBS reports on Israeli population and localities historically and in the present with data from human rights organizations independently monitoring settlements growth. Collecting precise data is a difficult task first and foremost because of the evolving and inconsistent terminology, definitions, aggregations, and categorizations used by the CBS

and by independent monitoring organizations. These inconsistencies show that despite the CBS integration and normalization of settlements and settlers in Israel's annual statistical data, they remain a much murkier data terrain in comparison to localities and populations within the Green Line. This has implications not only for researchers but also for policymakers and political leaders who are tasked with negotiating and drafting the future borders of Israel and Palestine. Where should the borders pass? how many settlements will be annexed or removed and what is the actual population of these different localities? For both those on the right who seek annexation of all settlements and those on the left who seek dismantling of all or at least some settlements, having precise data on the basic question of how many settlements there are is indispensable and yet almost impossible to obtain.

The CBS Statistical Yearbook:[4] Changing terminology, shifting categories of inclusion

Over the years, we see a shifting and somewhat confusing evolution of the CBS's handling of the West Bank in its yearbooks, and the place in which settlers and settlements fit within these. What is the status of these territories? Are they a part of Israel or an appendage? Are Israelis living there a part of the population of Israel or of the West Bank? Should settlements be counted as localities in Israel or not? Initially, following the Six Day War the CBS yearbook of 1967 (which provides data for 1966) includes a "supplement" titled "census of population 1967 in the *West Bank of the Jordan*, Gaza Strip and North Sinai, Golan Heights and *East Jerusalem"* (stress added)." The supplement is based on the results of a census of the local population conducted in 1967 by the CBS at the request of the Israeli military administration.[5]

But already in the following year, the 1968 yearbook (data for 1967) significant changes occur. In this publication, the population of East Jerusalem, which was previously included in a "supplement" together with the other areas occupied in 1967, is now counted in the general population count for Israel proper. The remaining territories are now called "The Administrated Territories" in an appendix by that title. In the subtitle to the appendix, the West Bank is referred to as Judea and Samaria, as opposed to the name "the West Bank of the Jordan" of the previous yearbook.[6] Next, in the 1969 yearbook (data for 1968) the data on the "administrated territories" is upgraded and integrated from an appendix to a proper chapter of the yearbook. However, its Palestinian population is not included in the count of the Israeli population. The only occupied population that is included in the Israeli population total is that of East Jerusalem.

While the CBS never names them as such, settlers (but not settlements) make their first appearance in the 1970 yearbook.[7] However, they are not counted as part of the population in the chapters on the "administrated territories" but are rather included in the population count of the state of Israel. We are not informed how they are distributed by area. While the rest of the population is divided by districts and sub-districts (for example, center district, Tel Aviv district, south districts, etc.), there is no information on the Israeli population division between the West Bank, Gaza, Golan Heights and Sinai. The population table simply includes a footnote that states that figures "include Israeli residents in the Administrated Territories" (see figure 1)

Two seemingly subtle developments appear in the 1977 yearbook (data for 1976). First, the settler population – or as the yearbook now refers to it, the "Jewish population" in the "administered territories," now appears in the general Israeli population chart alongside its distribution across the different areas (Judea and Samaria, the Gaza Strip, the Golan Heights). Second, for the first time, settlements in these areas are mentioned in the report through an aggregate number (60 in total) but these are not counted in the total count of Israeli localities. Yet they are also not called settlements, but rather "Jewish localities in the Administered Territories."[8]

In the 1982 yearbook (data for 1981) the title of the chapter on the territories changes from "Administrated Territories" to "Judea and Samaria, Gaza Area and Sinai." Likewise, in the Israeli population chart by district and sub-district,

לוח ב/4. — האוכלוסייה, לפי מחוז, נפה (1) וקבוצת אוכלוסייה
(המשך)

TABLE B/4. — POPULATION, BY DISTRICT, SUB—DISTRICT(1) AND POPULATION GROUP
(Cont.)
(1948—1969)

District and Sub-District	Percentages אחוזים				Thousands אלפים				מחוז ונפה
	31 XII 1969	31 XII 1968	22 V 1961	8 XI 1948	31 XII 1969	31 XII 1968	22 V 1961	8 XI 1948	
	Jews							יהודים	
TOTAL	100.0	100.0	100.0	100.0	(2)2,496.4	2,434.8	1,932.3	716.7	סך הכל
Central District	9.2	9.2	*10.9*	*10.3*	*39.1*	37.4	*26.9*	*16.1*	מחוז המרכז
Sharon Sub-District	5.8	5.8	7.0	6.6	24.7	23.7	17.4	10.4	נפת השרון
Petah Tiqwa Sub-District	1.7	1.7	1.9	1.9	7.3	6.9	4.7	3.0	נפת פתח תקוה
Ramla Sub-District	1.6	1.6	1.8	1.7	6.7	6.3	4.4	2.6	נפת רמלה
Rehovot Sub-District	0.1	0.1	0.2	0.1	0.5	0.4	0.4	0.1	נפת רחובות
Tel Aviv District	*1.9*	*1.9*	*2.8*	*2.3*	*8.0*	7.8	6.7	*3.6*	מחוז תל אביב
Southern District	*6.5*	*6.4*	*7.5*	*9.9*	*27.5*	*26.2*	*18.6*	*15.4*	מחוז הדרום
Ashqelon Sub-District	0.1	0.1	0.1	1.6	0.4	0.4	0.3	2.4	נפת אשקלון
Be'er Sheva Sub-District	6.4	6.3	7.4	8.3	27.1	25.7	18.3	13.0	נפת באר שבע

(1) According to the present boundaries of the sub-districts. (1) לפי הגבולות הנוכחיים של הנפות.

(2) Incl. Israeli residents in the Administered Territories. (2) כולל תושבי ישראל הגרים בשטחים המוחזקים.

Figure 1.

the counting of Jewish population in these areas no longer refers to the area as "administrated territories" but rather simply Judea and Samaria, Gaza Area & Sinai and the Golan. While the Jewish population in these areas is counted in the total of Israeli population, the localities, or settlements there (112) are not included in the total count of Israeli localities and there's no information on their divisions between the different territories. A footnote states that "Bedouin tribes and Jewish localities in Judea and Samaria, Gaza Area, Sinai and the Golan heights are not included in the [Israeli] localities." [9] The migration into the Israeli count is completed only in the 1983 yearbook (data for 1982) in which settlement localities are now counted in the total number of Israeli localities.

The final integration takes place in the 1997 yearbook (data for 1996) in which there is no longer a chapter on Judea, Samaria and Gaza. By now, as we have seen, the Jewish population and localities in these areas have been fully integrated into the count of total Israelis and total Israeli localities. The chapter on the territories – which addressed only statistics on the Palestinian population - is no longer present in the CBS yearbooks. The bounds of Israeli statistics, then, include the settler populations and settlements but exclude or erase from the yearbook the wider context of Palestinian population and localities among which settlers and settlements are physically located (see figure 2).

But how many settlements and settlers are there really?

As we have seen, we can isolate information on the number of settlers and of settlements in the CBS yearbooks from 1976 onward. However, when compared with data collected from other non-governmental monitoring NGOs, we are confronted with the challenge that these different sources have different numbers than those of the CBS. Below is a chart comparing the number

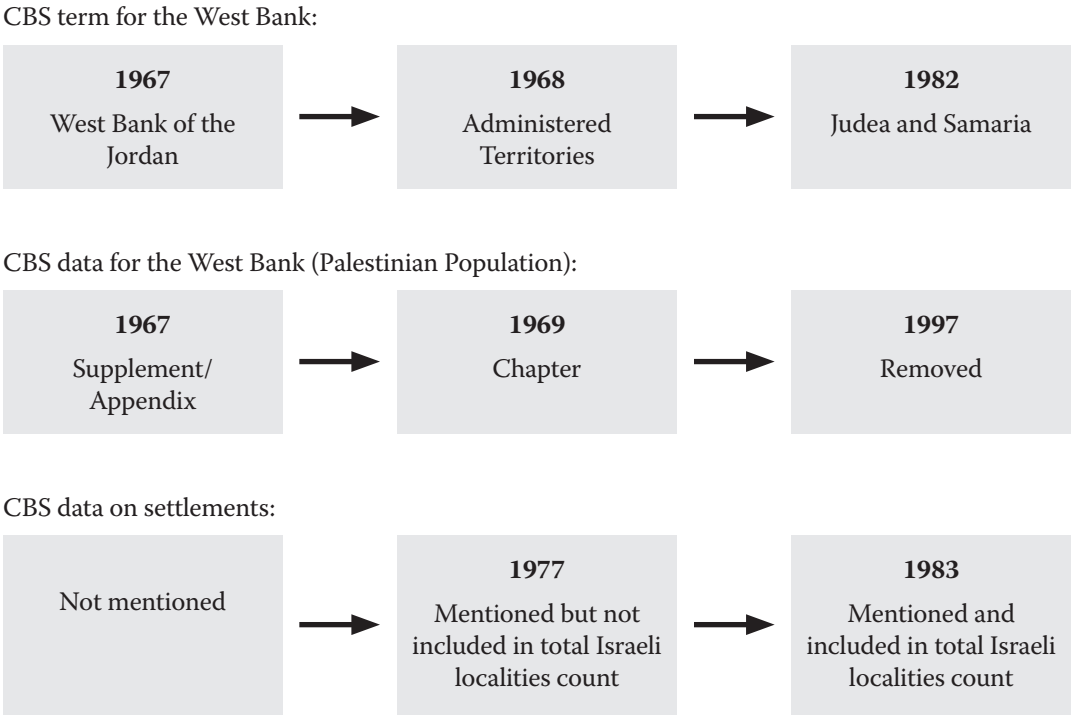

Figure 2. summarizing the evolution of CBS's treatment of the West Bank

of settlements provided by the CBS, Peace Now (which has a settlement monitoring division) and B'tselem, a human rights organization.

Why do we find that for different years there are different figures by each source for the number of settlements? It appears that each body is working with different definitions and classification schemes, and those also seem to change over time and sometimes changes are also applied to data compilation retroactively. We provide here just a few illustrative examples that reveal the amount of digging one must do in order to try to clarify the picture.

Shani Livne is a locality that traverses the Green Line separating Israel proper from the West Bank. A part of this locality is built inside the Green Line and a part outside of it. Peace Now and B'tselem count it as a settlement while the CBS does not. In the CBS data, it is considered a locality in the South District of Israel.

The Palestinian town of Hebron has a Jewish enclave within it. Peace Now includes the Hebron enclave in its settlements count. The CBS, however, does not count it as an Israeli locality in Judea and Samaria, yet its population is counted in the total population count of Israelis in Judea and Samaria. B'tselem does not include Hebron in its settlements count but provides separate information on settlements in the Hebron area and East Jerusalem.

Gilad Farm was established in 2002 by Itay Zar following the murder of his brother Gilad by a Palestinian. Originally there were four families residing there. In 2014 the residents reached an understanding with then Minister of Defense Moshe Yaalon – they will remove four structures and in return the Minister promised to "legalize" the place. There continued a legal dispute on the matter, since the understanding was never formalized. In February 2018, the Israeli government voted to recognize the outpost by defining it as a new locality or by establishing a new locality near it. Yet this government decision has not

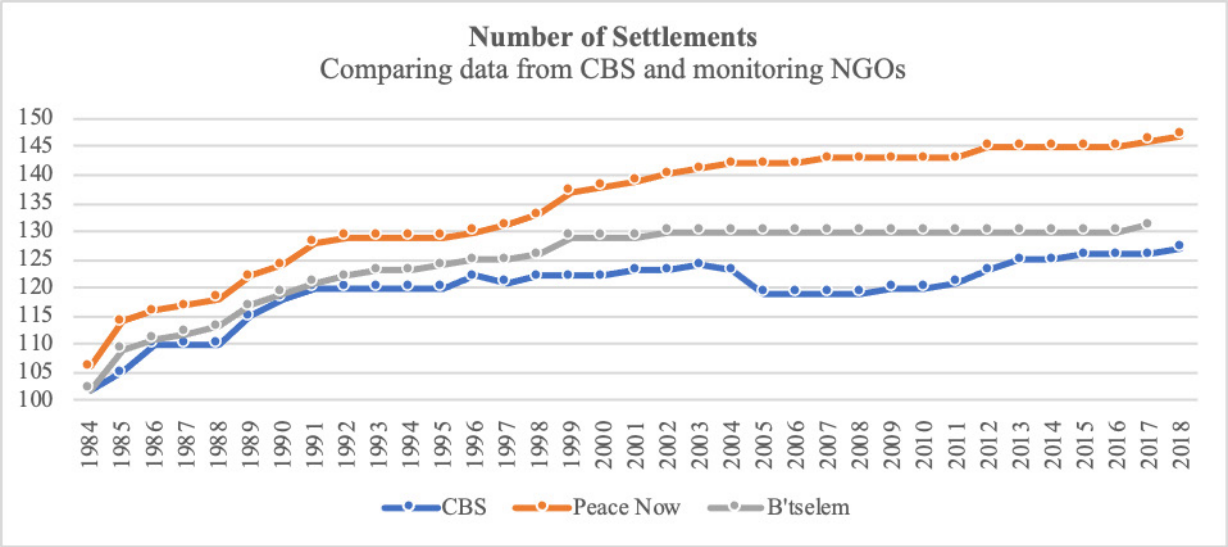

Figure 3.

yet been implemented. The CBS does not include Gilad Farm in its localities count, B'tselem does include it in its settlements list, and Peace Now includes it in its list of outposts, but not in its settlements list.

Some settlements that are counted by Peace Now are considered in the CBS data as simply "neighborhoods" of existing settlements.

The last example points to another difficulty in monitoring the number and population size of settlements currently and historically. While Peace Now, for example, collects information and compiles a list of "illegal outposts" - Jewish localities in the West Bank that are unrecognized by the state – the CBS does not include information about these localities.[10] Accounting for the number and change over time of these outposts that have no clearly designated presence in the CBS reports is another vastly complicated task. As stated, Peace Now collects as much information on outposts as possible. According to the organization, their number in 2019 stood at 121. Yet discrepancies exist in cases where, for example, Peace Now counts an outpost but the Ministry of Defense (and hence likely the CBS too) considers it to be a "neighborhood" of an existing settlement. The Ministry of Defense itself considers other localities to be outposts, yet Peace Now does not count these, as their monitoring shows that these are places without permanent residents but rather spots for itinerant "hilltop youth" who have transitory presence at the spot. Other considerations abound as, for example, the government under Benjamin Netanyahu has worked to recognize some outposts as "legitimate" settlements or part of existing settlements, while others continue to be built.

When comparing population totals of Israelis in the West Bank, which the CBS and independent organizations like Peace Now and B'tselem provide, again we witness some smaller and larger differences. In some years there are gaps of between a few hundred or a few thousand. In addition, it is not clear where the residents of "illegal outposts" count in the CBS's or the independent organizations' reports. It is likely that the CBS includes outposts population numbers in its count of population of nearby settlements. Peace Now has attempted in 2008 and 2011 to conduct an estimation of the population of the outposts through aerial photos of the number of residential structures in each outpost but these, as stated, were only rough estimates, further muddying the picture of actual Jewish population distribution in the West Bank.

Accounting for the differences in order to identify the accurate settlements, outposts, and population numbers

historically and today is a painstaking work that requires back and forth correspondence with the CBS and the other monitoring organizations and interviewing different staff who have been at various points in charge of collecting and arranging such information over the decades. We have embarked on some of this work for this paper, but the task requires tremendous time of careful investigation. And this is even before considering other aspects of settlements data – such as budget allocations over the years and currently. Such data are spread among hundreds of bodies, from the various government ministries, to local municipalities and local councils, to the military, and to independent organizations operating in the West Bank. What this paper shows, therefore, is that even though data collection and presentation by the Israeli government through the practices of the Israeli Central Bureau of Statistics (CBS) has worked to integrate and normalize settlements and settlers in Israel's annual statistical yearbooks over the past five decades, they remain a much murkier data terrain in comparison to localities and populations within the Green Line.

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(Re)framing Jewish Privilege and Rebuffing Arab Rights

Gershon Shafir, UCSD

Israeli Jews have articulated at least four different ways over the previous century and a quarter to justify, frame and reframe their privilege over the land of Israel and in relation to Palestinian Arabs: they are settlers, they are a nation, they are a religion, and they are a race. There are also two ways in which, at historical junctures, left and liberal Jews were willing, not so much to recognize Arab equality, but to 'generously grant' national, civil and political rights. The disjuncture between Jewish *privileges* and Palestinian Arab *aspirations for effective rights* is what discrimination is made of. This short essay examines how Arab citizens of Israel are discriminated against through the framing of Jewish privilege and, perhaps more controversially, its subsequent reframing as Judaic supremacy.

I chart my argument in the form of two arcs, or timelines. The first is the *arc of privilege.* Arriving in Palestine in the late 19th century Jews have framed themselves as settlers, in the context of the Peel partition program as a nation, following the 1967 War as a religion and, recently, as a race. To this arc I counterpoise the *arc of rights.* There are two intervals in the relentless march of Jewish privilege-seeking. During the period that lasted from the Arab Revolt to the eve of the 1948 War, there emerged in parts of the Labor Settlement Movement (LSM) a grudging recognition that the strength of Palestinian resistance was due to its national character and led to a conditional readiness to compromise with it. Roughly from 1992 to 2006, the combined Oslo Process domestic agenda and Aharon Barak's Constitutional Revolution launched preliminary steps towards recognizing Palestinians as a nation and Israel's own Palestinian Arab citizens as entitled to more effective rights. During these hiatuses, a pattern was broken but the direction of Jewish-Arab relations did not fundamentally change.

New stages did not fully erase previous ones and instead became interwoven with them, but all are similar in legitimating Jewish privilege. In this short paper, I cannot devote equal attention to each reframing and will focus most of my attention on two of the frames: Jewish Israelis as members of a Judaic religion and as race.

SETTLERS AND CITIZENS

The century old British Christian-Zionism and the younger Zionist movement allied in 1917 in inventing a Jewish settler colony of sovereignty-carrying settlers under the Palestine Mandate.1 As long as the natives of Palestine were not recognized as a political community, the Jewish settlers would not be viewed as intruders even as they engaged in the 'conquest of land' and 'conquest of labor' and instead construed themselves as immigrants and pioneers. The respective charters of the Jewish National Fund (JNF) and Histadrut that permitted leasing land to and employing only Jews were direct legal discrimination of potential Arab workers.

As the Yishuv grew and consolidated, so did its national consciousness. The British promise of the 'national home' was upgraded into a demand for independence and statehood in the 1942 Biltmore Program. Simultaneously, the Arab Revolt led to the realization that Palestinians were capable of collective action and resistance led to the British and Jewish grudging, first closely guarded and only later open, realization that just as Jews are a nation, so are the Palestinians.[2]

At this stage privilege and rights intersected, the privileged Jewish presence destined to become the majority was not to be abrogated, but land partition could be contemplated. After 1948, a similar duality led to attempts at the partial integration of Arabs into citizenship while keeping them under stifling military rule. The halakhic (Judaic law) rulings of Israel's first two Chief Rabbis, Yitzhak Halevi Herzog and Ben-Zion Meir Hai Uziel, were accommodating and favored the equalization of Jewish and

Arab rights of citizenship, to purchase land, to elect, and be elected.[3] But the 'two states for two people' concept itself went underground in 1948 and reappeared only in the late 1960s.

THE RELIGIOUS TURN

Following the conquests of the 1967 War, in Baruch Kimmerling's words, the challenge of Eretz Yisrael (the Land of Israel in its vague biblical dimensions) to the State of Israel[4], led to yet another reforming of Jewish privilege. Religion was never absent from Zionism, but the Labor Settlement Movement (LSM) had *nationalized* Judaism, thus giving it a measure of autonomy from Judaism. In the process, the LSM refocused attention from the Talmud that guided Jewish diasporic life to the Tanakh, the Hebrew Bible, and the history of Jewish national life in Eretz Yisrael (the Land of Israel) in Antiquity. Until 1967, the recovery of the biblical tradition, for example through the mandatory teaching of the Tanakh in secular Israeli schools, was amateurish and fragmentary.

In the wake of the 1967 occupation, prominent religious-Zionists rabbis forged what I call an 'originalist' interpretation around the commandments of conquest --The Conquest—particularly of its harsh codification in Maimonides's 12th century *Mishne Torah*. The vast majority agrees that the land conquered cannot be returned to Arab hands, but they are also engaged in a protracted debate of the archaic conditions under which Arabs in the Occupied Palestinian Territories (OPT) are to be viewed as meeting the multiple conditions for being considered 'ger toshav' (resident alien) in 'Judea and Samaria and Gaza?' Are Arabs a new incarnation of the seven nations of Cana'an? Are they idolaters? Do they observe the seven commandments of the Sons of Noah (universal moral principles given to Gentiles)? Do they need to recognize Jewish supremacy in Eretz Yisrael, and even if they do, is it still necessary to make them 'wretched and humiliated' as Maimonides rules and if so how to do so presently? If Arabs don't meet the requisite qualifications, they are not allowed to reside (*al techanem*) in Eretz Yisrael.[5]

In the arc of rights, I contest the view that 'nothing has changed' in terms of Jewish privilege versus Palestinian rights, or rather their absence, since the early days of the Yishuv. What the LSM did then, the Likud does now. Rabin headed the first Israeli government that relied not on a Jewish but a civil, Jewish-Arab, majority. The Barak government's 'Constitutional Revolution' produced, for example, the Qu'adan decision which determined that it was illegal for the state to discriminate between its Jewish and Arab citizens in the allocation of land, even when the discrimination was done through the Jewish Agency and the JNF.[6] This is a period in which Palestinian national self-determination and domestic social equality expanded and nourished each other since the two were mutually dependent as Rabin relied on Arab support for the Oslo Accords.[7]

Notwithstanding the 'failed reforms' of the Rabin-Barak era, in the past two decades or so, a powerful challenge to Jewish privilege emerged from within Israel's Arab citizenry. There is an ongoing and significant social mobility of Arab citizens which allow them to make more effective use of their formal rights. About one quarter are now middle class due to large socio-economic changes in Israel, such as the flourishing of community colleges in peripheral regions.[8] Modernization has led to Arab migration to Jewish majority towns, greater presence in the professions, media, and in the public sphere in general. A significant contributor to the self-confidence that accompanies this wave of mobility is the very active network of Arab and joint Jewish-Arab civil rights organizations and NGOs most of which were established with EU support in the wake of the October 2000 events (solidarity demonstrations of Palestinian citizens with the Second intifada which was repressed violently by the Israeli police).[9] These social advances led to Jewish rebuke that mobilizes all three forms of Jewish privilege, and rejects both types of rights.

The reaction to Jewish-Arab mixing has a distinctly religious dimension. Israel has not seen violent ethnic competition at places of employment, but rather a campaign against the phantom of Jewish assimilation into

the Arab minority. In 2010, an Israeli Jewish association named *Lehava* (Flame, Hebrew acronym For the Prevention of Assimilation in the Holy Land) was formed with the declared goal of bringing a to halt marriages between Jewish women and Palestinian Arab men. Lehava admonishes Jewish women that "You were worthy to be sacred, pure; you are Jewish! You are a king's daughter! The daughter of the King of Kings – the Lord! Don't let a *goy* (Gentile) or minority make you fall and defile you. He wants you and once he had his wish, you'll discover what hell is like."[10] Lehava calls for the separation of Jews and Arabs in housing, as well as at work, shopping, education, and leisure activities in order to prevent encounters that may lead to "romantic entanglements." The construction of interfaith marriages as assimilation --the familiar threat to Jewish diasporic life-- rather than the expression of the openness of a multicultural or pluralistic society, aims to police the boundaries of Jewishness and of Jewish femininity in particular.

Lehava is not satisfied with direct or indirect legal or institutional discrimination but threatens the personal security of Arab citizens through not only posters, fliers, stands, demonstrations, assemblies, social media but also arson, violent assaults and lynching. On a daily basis, 250 anti-Arab expressions, including 55 calling for violence, appear on Lehava's blog.[11] Lehava is part of a broader, steady, and accelerating socio-cultural movement that seeks to accelerate Israel's religionization. Lehava's demands to prevent Jewish-Arab social mixing in the public sphere is part and parcel of a larger campaign to infuse *halakhic* demands, such as gender segregation, into the public sphere and expand rabbinical authority over social and political concerns.

A coalition of haredi and religious-Zionist rabbis, including Rabbi Shmuel Eliyahu, Rabbi Yitzchak Ginsburgh, and the late dovish Rabbi Ovadia Yosef, prohibit renting Jewish-owned homes to Arab citizens and a large subset also seek to recover the settler privilege of Hebrew Labor.[12] Mayors in Nof Hagalil (formerly Upper Nazareth) and Afula are hard at work to prevent the entry of new Arab residents and bar the establishment of institutions, such as Arab-language schools, that would serve those who have already become residents, in order to prevent the reversal of the Judaization of the Galilee. The bitter assaults on Arab electoral participation and potential coalition membership are one of the clearest expressions of the pushback against Arab affirmation of political citizenship. The adoption of the Nation State Law in May 2018 demonstrates that national rights have again returned to be part of Jewish privilege. The invocation of insistence on settler, national, and religious privilege is done to re-segregate Arabs, to deny their access to public space, and return them to the ghetto.

RACIALIZING NEIGHBORS

The most recent stage is the framing a Judaic *racial* privilege, indeed supremacy, entitling Jews to be placed above and over their Arab counterparts once and for all. Race is a knotty concept to use especially in a Jewish context. I want to proceed carefully, which means that I will want to think historically and sociologically.

I am following the gradual replacement by sociologists of the concept of racism with the concept of racialization.[13] This is the historical process, commonly going through several stages, of asserting group privileges by framing competing ethnic or religious groups as inferior and wretched cultures due to genetic inferiority. The term could be used to describe the full length of Jewish-Arab interaction, that is, as an ahistorical process coterminous with Zionism itself. But this approach is not supported by historical or sociological evidence. For example, my own study of the first two waves of Jewish settler-immigrants did not uncover the use of racialized expressions of the country's Arab population.[14] Racialization is a recent phenomenon in Israel, of the last decade.

The chronology of racialization operates in the context of a sociological dynamic. Racialization of Arabs in contemporary Israel is a backlash, the rebuffing of those who already left the ghetto. It is also a reversal of the customary Israeli policy of fragmenting Palestinians into subgroups, To deprive the emancipated minority of its

citizenship rights and presence in the public sphere they are lumped together with the Arabs in the OPT and the other 75% of Israeli-Arab citizens at the bottom of the socio-economic hierarchy. The restoration of direct legal discrimination and segregation against Arabs through the reinstitution of full Jewish privilege is predicated on breaking down any intra-Arab differentiation, of reframing them as an inferior group that has a murderous culture and is incapable of running a functioning state.

Israeli racialization proceeds along several tracks --almost all religious-- to racialize Jewish chosenness and innate Arab inferiority. I will mention only a few. The first, *hardali* racialization, is headquartered in the first, largest, and most prestigious military preparatory yeshiva of Beni David in the Eli settlement. The yeshiva head, Rabbi Eliezer Kashtiel teaches his students that "Yes, we're racists. We believe in racism…peoples have genetic traits…The Jews are a more successful race [and]… instead of just walking the streets and being stupid and violent and harming each other…the Gentiles will want to be our slaves." According to Rabbi Giora Redler, "Hitler…was the most correct person ever … he was just on the wrong side." [15] The second is *Chabadnik* racialization, in the teachings of Rabbi Yitzchak Ginsburgh, the guru of the 'hilltop youth' and the inspiration for their Tag Mechir vigilantism (acts of violence and vandalism aimed to extract a 'price' from neighboring Palestinians for constraints placed on settlement expansion). Ginsburgh finds the pure divine spark, the yechida, in the Jewish nefesh (soul) only. In the next breath, Ginsburgh teaches that the blood of Israel is favored by God and therefore it is preferable to die than to shed it but this commandment is reversed when it concerns a Gentile's blood.[16] The third, of course, is the mainstreaming of the Otzma Yehudit Party of Kahane's own students by Netanyahu and the Jewish Home-National Unity hardali party, in the April 2019 elections.

The last two forms of racialization originate in the mainstream. About two years ago, the Chief Rabbinate started using mitochondrial DNA tests to authenticate the Jewishness of immigrants from the former-USSR; in other words, to self-racialize Jews.[17] Finally, there is what I call 'non-racist racialization' of the likes of Benny Tsiper,[18] Yaron London,[19] or Likud MK Miki Zohar, who lectured Ahmad Tibi in a Knesset subcommittee that "the Jewish race is special," not superior just special, because "what flows in the DNA of the Jewish people is something special…they are a smart, successful people [who] demonstrated how in 60 years it is possible to take a country from nothing and turn it into an empire."[20] Racialization is an emerging trend, its religious enunciations disseminated through secular inventors of Jewish supremacy. Its goal is to restore direct legal discrimination.

CONCLUDING THOUGHTS

Why and when these reframings become necessary and what are their uses? I suggest that newer articulations of privilege answer three requirements.

First, the beneficiaries of privilege reach for a new horizon when established privilege encounters resistance and shows signs of wear and tear, or when they become greedier. Palestinian nationhood was put on the table when the British support for the Zionist settler project waned and Arabs revolted against it. Religious privilege emerged to replace the limiting demographic definition of Jewish privilege with a more expansive territorial one. The implosion of religious privilege as the result of Israeli withdrawals, the 2005 Gaza disengagement, occasional removal of illegal settlements, opened the door to racialization. Israeli racialization of Arabs and self-racialization aim to rebuff Arab social mobility within Israel and national aspirations in the OPT.

Second, claims of religious and racial privileges, in fact the transformation of privilege into supremacy, make possible the imposition of tighter and harsher control mechanisms on Israel's Arab populations. Since 1948, Israel has relied mostly on the fragmentation of Arabs into subgroups, treating the Druze and Circassians as non-Arabs, and the latter between Muslims, Christians, and the Bedouin, and in the OPT residents of East Jerusalem, Areas A, B. C. Hebron H1 and H2, Gaza, and so on to different rights,

protections, and types of punishment. Under the aegis of religious and racialized privilege the mechanism of fragmentation might be replaced with lumping, viewing all Arabs as the same, none entitled to citizen or national rights.

Third, each stage of self-privileging claims a more extensive and exclusive form of privilege and sets up a less porous and more impenetrable barrier to those seeking their own rights. The settler's privilege claims access to land and immigration, the national privilege political independence, the religious one territorial expansion, the racist everything.

Examining the long-term history of the Yishuv and Israel might raise the question, are the ambiguities of a Jewish democracy finally laid bare and 'resolved?' Are the reframings of privilege signposts along the path of transparency? Are the contradictions, ideologies, denials finally cast aside, exposing the nakedness and true nature of what Zionism has become, because it has always been, resolved in favor of clarity? I do not share the 'defining moment' approach which is drawn from a philosophized view of history and which, among other things, overlooks contingencies and paths, such as the Rabin-Barak interlude, taken only in part or not taken. Rather, I suggest that the reframings of Jewish privilege as religion and race, and consequent disregard of Arab rights, reflect the gradual freeing of religion from its role of providing legitimacy to the Zionist movement and their growing conflict.

The religious and racial reframing of Jewish privilege is also part and parcel of the ambition to create a single state between the sea and the river, but rather than a Jewish-Palestinian binational or one-person-one-vote civic political order a Jewish, indeed Judaic, state. In a state such as this there is not only on room for Palestinian political rights but their very presence is cast in doubt.

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Gaza and the One-State Contest:
An Internal Decolonizing Discourse

Imad Alsoos, Max Planck Institute for Social Anthropology and Shir Hever, scholar and journalist

INTRODUCTION

The increasingly plausible discussion of a one-state solution between Israel and the West Bank intentionally ignores Gaza.[1] But Gaza will be an essential component of any final status in the areas of mandatory Palestine. Two million Palestinians live in Gaza, 75% of which are refugees whom Israel expelled by force in 1948 and their descendants.[2] Israel's desire to avoid dealing with Gaza is long-standing. Yitzhak Rabin reflected the Israeli desire to ignore Gaza when he said "As far as I'm concerned, Gaza can drown in the sea. In reality Gaza refuses to do this, so we'll have to live with this ulcer for many more years and generations."[3]

What do Gazans think about Israel's moves towards annexation of parts of the West Bank and the emergent one-state reality? To determine the perspective of Gazans on the one-state-solution, we extensively interviewed by phone seven Gazans in December 2019 and January 2020. Most did not raise principled objections to a one-state solution, but rather highlighted pros and cons on the path towards such an end-state. The most frequently cited reasons for pessimism about the prospect for a one-state solution were "the settler-colonial nature of the Zionist movement," "political divisions among Palestinian parties," and "Western unconditional support for Israel."

These Gazans express disappointment with Fatah and Hamas governance under the occupation as facilitating acceptance of the one-state solution. The Great March of Return, a popular regular protest which takes place on the border between Gaza and Israel demanding the return of the refugees and the end of the siege, is then a repudiation of those parties as much as of Israel. The Gazans we interviewed also highlighted the social and the demographic elements which will make many Jewish Israelis hesitant to accept a one-state solution. One Gazan wondered: "what guarantee can the Israeli Jews have that if they become a small minority, they will not face genocide, given what they did previously especially in 1948." He added the Israeli society is secular and western in comparison to conservative and religious society like the Palestinian one; "I doubt that we are ready to live within secular state."

Some Gazans thus continue to argue that the two-state solution is still the least difficult option. The one-state project, they emphasize, should not overlook or be a free pass for the current practices of the occupation and settler-colonialism.[4] Without international sanctions on the violations of international law similar to those which were imposed on the Apartheid regime in South Africa, they do not see this solution, or any other solution, as possible.

TENSION BETWEEN ANNEXATION AND SEPARATION

The history of the Zionist movement describes a constant tension between the "annexationist" and the "separationist" camps. The former seeks a settler-colonial territorial expansion, often grounded with religious justifications for destroying or expelling the native Palestinian population. The latter seeks a classical colonial rule which favors economic expansion and exploitation to territorial expansion. Claiming to be more "rational" (i.e. not religious), it argues that a two-state solution will ensure a Jewish majority on the Israeli side of the Green Line – 1967 borders.[5] The separationist camp was strongly represented in the administrations of Israeli prime ministers Rabin, Barak, Sharon and Olmert, but since 2009, the annexationist camp has been firmly in power, and the separationists are in retreat. The ultimate achievements of the separationist camp during the two decades in which it was in power were the Oslo Agreement, the Separation Wall and the Disengagement from the Gaza Strip in

September 2005. Annexationists therefore consider Gaza to be a painful reminder of the separationist policies.[6] They cannot allow the situation in Gaza to stabilize because that would undermine their annexation plans for the West Bank.

Just as with the Oslo Agreements and the Separation Wall, the Israeli authorities failed to fully disengage from the Gaza Strip because the annexationist elements refused to recognize any sovereignty over Gaza than the Israeli, and refused to relinquish control. As with Giorgio Agemben's concept of the Homo Sacer, separation therefore takes a symbolic form: the Palestinians of Gaza aren't rid of Israeli domination, but the pretense of separation allows the Israeli forces to dehumanize them and repress or kill from them without consequence.[7]

The Israeli "peace camp" frequently mimics the dual colonial gaze by choosing not to see the Gaza Strip. Israeli President Reuven Rivlin surprised many when he called for a one-state solution by granting Israeli citizenship to West Bank Palestinians, an act which was lauded as progressive and generous but what would such an Israeli-West Bank union mean for Gaza, other than perpetuating a reality of an open-air prison for people without rights?[8]

Netanyahu's July annexation plan is for the annexationist camp the equivalent of the Oslo Agreements for the separationists. The materialization of nationalistic aspirations can make or break the entire annexation strategy. If annexation fails to meet the messianic expectations of the Israeli right-wing, it is too late for the separationist camp to be revived. Israeli politics will be forced to take a new direction.

GREAT MARCH OF RETURN: FROM HUMANITARIAN DISCOURSE TO RIGHTS DISCOURSE

The Great March of Return (GMR) is a non-violent strategy, introduced by civil society groups in Gaza and later appropriated by Hamas, in order to pressure Israel to end its siege on Gaza and to recognize the right of return. The GMR started on Land Day on March 30, 2018 as weekly protest, and became a monthly protest since December 2019.[9] Israeli forces shot dead 317 protesters and injured 19,400[10] and brought international attention to the misery in Gaza.[11] It also transformed into a bargaining tool between Hamas and Israel to ease the siege.[12] Our interviewees think that the achievements of these protests are small, but that the continual protest in the face of repression is unique, and is an important non-violent approach, relevant especially should the Palestinians agree on a one-state solution. Currently, it is the only strategy of resistance that can unify the major factions, Fatah and Hamas.

The GMR is revolutionary because it undermines both the colonial gaze and the Hamas model of armed resistance at the same time. It is a spectacle carefully designed by Palestinian civil society actors based on their understanding not only of the Israeli dual colonial gaze, but also on their understanding of how that gaze is perceived in the global media. The Israeli refusal to see Palestinians as human beings[13] is exposed as snipers open fire on unarmed civilians, including journalists, medics and children. The attack on the fence reifies the segregation and brings the one-state solution to the fore by showing the cruelty embedded in partition.

Put differently, the GMR is not just effective in piercing the Israeli segregation policy, but also in piercing the reluctance of certain Palestinian factions to adopt the one-state solution. Hamas was overwhelmed by the popular support to the GMR and has being building on it to pressure Israel to ease to siege on Gaza.

If Palestinian factions chose the one-state as their option, then the form of resistance that the GMR introduces would serve as both internally unifying and externally the most available effective strategy. Taking effectiveness as the focal point, the experience of the Palestinian First Intifada and the Second Intifada are good examples as the former pushed Israel to accept the 'peace process' while the latter gave Israel the pretext to increase its project of settler colonialism.

ECONOMIC DEVELOPMENT IN THE SERVICE OF SEGREGATION

International actors, especially Europeans, who recognize the division within the Zionist movement, tend to favor the separationist camp and adopt the "rational" approach propagated by separationist Zionists as if Palestinians will only resist so long as they have nothing to lose, and material comforts can disarm the Palestinian uprising. Most recently, Trump-Netanyahu plan – known as "Deal of the Century" – was based on precisely this logic, a restating of Netanyahu's "economic peace"[14] agenda: pacifying Palestinians with the promise of economic development.

In the context of the Gaza Strip, this has taken the form of the Singapore analogy.[15] Singapore's rapid economic growth despite its small size, population density and lack of political freedom has been presented as a model for Gaza to imitate. Of course, it is easy to forget that Singapore's economic growth was propelled by large-volume trade and the free movement of goods, capital and people into and out of the country, none of which is allowed by the Israeli government regarding Gaza.

Palestinians are wary of the Singapore analogy, as they recognize it to be an excuse to justify segregation. One of our interviewees said "we are dependent on Israel financially and economically." In light of the burning humanitarian crisis in the Gaza Strip right now, a severe lack of clean water, electricity and health services, talk of Singapore-like prosperity ring hollow and dishonest.[16]

These economic conditions could be addressed more practically within a one-state reality which incorporated Gaza, especially compared to the Apartheid and Bantustan state that the Trump-Netanyahu plan proposed to address the humanitarian catastrophe. The existing infrastructure and social welfare institutions available to Israelis are far from satisfactory, and stretching them to include two million Gazans will be a monumental challenge, but this is surmountable with political will.[17] A priority would be to offer immediate, even if partial, relief to the humanitarian catastrophe in Gaza by reopening hospitals to Gazan patients and their families, reconnecting Gaza to the already-existing Israeli water system, electricity system and sewage disposal system, which have been constructed and designed to control and serve the entire area of Israel/Palestine anyway.

Over time, a policy based on a one state reality could help deal with the crushing problem of unemployment in Gaza, through removing checkpoints and absorbing tens of thousands of Gazans in various sectors of the economy. This could reach the many Gazans who already depend on social security and pensions (for work which they did for Israeli employers before the siege) and civil servants who would establish basic services (such as unemployment benefits and income guarantee). In the even longer term, dismantling the refugee camps and rebuilding as residential neighborhoods would alleviate the population density. A unified education system and trade policy would create a chance for the next generation to recover from the damage imposed by the siege and occupation, and social programs would be implemented to accelerate the closing of social gaps.

INTERNAL PALESTINIAN PERSPECTIVE: PROS AND CONS

Internal political divisions among Palestinian factions impede dialogue which might allow a coherent Gazan policy towards these challenges. However, these disagreements can simultaneously facilitate a shift towards a one-state solution.

The Fatah-led PLO's acceptance of the Oslo agreement and cooperation with Israel on security has only outsourced the occupation and given a free pass for Israel to expand settlements.[18] This acceptance has intensified the divisions among the Palestinian factions. One Gazan approvingly argued that "Hamas played a role in the failure of Oslo," referring to its suicide bombings between 1994 and 1996. He also criticized Fatah-led Palestinian Authority's actions to isolate and repress opposition, which led to political division and the colonial geographic separation between Gaza and the West Bank.

Some local Gazans therefore argue that an internal dialogue among all Palestinian factions must take place before the one-state solution would become an acceptable option: "Palestinian factions need to learn to disagree and to come into compromise over one national strategy." In such discussions, "all Palestinian factions, mainly the resistance current including Hamas and the Islamic Jihad should be included"; otherwise, it will face the same end as the two-state solution and will intensify the Palestinian suffering and loss of territory. Another Gazan concurred that "any solution needs a unified Palestinian front" to be able to become a way out for the "Palestinian plight."

However, our interviewees emphasized "the current internal situation leads to nowhere and seems eternal." "We cannot comprehend these divisions." The interviewees added that both sides: Fatah and Hamas, failed to provide good governance whether in the Gaza Strip or the West Bank. Instead, they politically divided the Gaza Strip and the West Bank," cementing the colonial policy of segregation. Any viable solution must "make of the one-state solution an acceptable option for Gazans as much as the West Bankers." Without that, the project is doomed to fail.

CONCLUSION

This paper explored the one-state solution from the eyes of local Palestinians in Gaza. Despite the broad principled support for it, Gazans are chiefly concerned with survival and immediate solutions first such as ending the occupation, and are skeptical after having experienced so many broken promises.

We conclude that the discourse about a one-state solution requires a more detailed discussion and planning in order to become a viable option in the near future among local Palestinians. Palestinians are aware that as Apartheid fell in South Africa, the African National Congress was quick to compromise on economic equality in order to achieve political equality, and later regretted it.[19] A rights-based solution is therefore better than a humanitarian-oriented solution. Injustice cannot be addressed stage by stage, but a vision of the goal in which all people are treated respectfully and equally from the very beginning in terms of politics, economy, religion, culture and, for its main purpose, security.

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No Longer Sacred:
Religious Post-Zionist Beliefs about the State of Israel

Michael Freedman, Hebrew University and University of Haifa

Rebbe Chanina, the assistant High Priest, says: Pray for the welfare of the government. For without fear of it, people would swallow each other alive. (Avot, 3:2)

Religious Jews in Israel have wrestled with the question "What is Israel" since the founding of Zionism and the state. After 2000 years of stateless existence, most religious leaders voiced opposition to the proposed secular Zionist state, as the state differed greatly from the vision which was promised by the Prophets and Rabbis. Yet, proponents of the state argued that it was a refuge for Jews across the world which would provide safe haven after the Holocaust. These beliefs about the symbolic and religious status of the state had important social and political implications for the different religious Jewish communities in Israel (Migdal 1988). Historically, two main religious theologies emerged as a response to the Zionist state.[1]

The first, the Ultra-Orthodox (*Haredim*), took a negative view of the state. It saw the secular Zionist state at best as a refuge for Jews, but attached no symbolic significance to the state. Others within this camp, such as the very insular *Satmar* community, have actively opposed the state since its founding, seeing the state as representing anti-religious forces. To this day, there are prominent religious leaders who oppose any participation with the state, including voting or accepting state money. Socially, since the state possessed little legitimacy, the Ultra-Orthodox largely created isolated communities and maintained a certain distance from the state and its institutions, including refraining from army service (Berman 2000; Liebman 1993).

The second group, Religious Zionism (*Datiim*), attributed great religious meaning to the state. Led by Rav Avraham Kook, this ideology saw hidden religious meaning in the state. Zionist Jews were carrying out the will of God in a hidden way, even if unknowingly. As well, mystical reasons were given for why the process needed to be carried out by anti-religious forces. According to this ideology, the state did not need to be perfect since it was just the first stage, albeit incomplete and flawed, to the ultimate redemption. In Religious Zionist synagogues, new prayers were adopted which equated the state of Israel with the beginning of the Messianic process. Moreover, after the 1967 war (seen as a miraculous victory), this community served as a vanguard for Israeli society, largely responsible for settlements and over-represented in the army's combat units (N. Shelef 2010).

Trends in both Ultra-Orthodox and Religious Zionist societies point to a fundamental change in how these groups view the state.[2] Specifically, the sanctity of the state has been weakened, which has had important consequences for both religious groups. Ironically, this has allowed Ultra-Orthodox society to better integrate into the state, while distancing parts of the Religious Zionist community. In addition, Israel as a cleavage issue between the groups has diminished in importance, which has contributed to more political cooperation and the blurring of the boundaries between these two groups.[3] Finally, there is less support for the classic two-state solution among these two communities, and more willingness to entertain alternative models such as a one-state governed by *Halacha* (state run according to Jewish principles).

Ultra-Orthodox Integration

For most of Israel's history, Ultra-Orthodox groups have largely refrained from participation in the state. Socially, this included the setting up of isolated communities, largely homogenous neighborhoods within cities, and a refusal to participate in army service. Politically, Ultra-Orthodox political parties refused to join a government coalition for the first 30 years of Israeli politics after a falling out with Ben Gurion in 1948 over the issue of drafting females to the army.

As time passed, more pragmatic voices emerged within the Ultra-Orthodox leadership. One prominent view held that Israel could be viewed as a regular state where many Jews reside. Thus, the civil laws of the state of Israel should be respected, just like Jews respect the civil law in other countries where they reside (like the USA or France). In addition, more importance was placed on ensuring that the state institutions in Israel follow Jewish law (such as having hospitals run on Shabbat mode). As Nadav Shelef notes in this collection, many Ultra-Orthodox now even identify as Zionist.

These pragmatic beliefs towards Zionism had important political and social consequences for Ultra-Orthodox society. Politically, the boundaries separating the Ultra-Orthodox political parties began weakening in 1977, when a compromise was reached with Menachem Begin where in exchange for budgets to religious seminaries (*Yeshivot*), Ultra-Orthodox parties could be a part of the coalition. However, an important symbolic taboo was adopted where Ultra-Orthodox members refused to hold any official ministerial position; for this reason, Ultra-Orthodox political leaders, including Yaakov Litzman (the current health minister), would only agree to hold an assistant Minister position. Yet, this taboo was recently broken when the Supreme Court ruled that a Ministry required a full minister. In response, the Ultra-Orthodox leadership allowed Litzman to become a full minister,[4] ending a nearly 40-year-old taboo on full participation in Israeli politics.[5]

Another important trend is increasing Ultra-Orthodox participation in Israeli society. This includes small numbers who are serving in Ultra-Orthodox army battalions and larger amounts of youth who are attending universities and colleges.[6] In addition, rising home prices have pushed young Ultra-Orthodox couples to migrate out of traditional residential centers to cities and neighborhoods where the Ultra-Orthodox mix with other social groups as a minority (Enos and Gidron 2016).[7]

Religious Zionism

While seeing the state in less symbolic terms has allowed more integration for the Ultra-Orthodox community, it has had negative effects for the religious Zionist communities. Indeed, there is no longer unconditional support for the state from many members of the Religious Zionist community, which has reflected itself in several ways. These trends have become stronger after the 2005 disengagement from Gaza, which was seen as a betrayal by the state against the religious Zionist community and its historic mission or bringing redemption (N. G. Shelef and Shelef 2013).

First, there was the recent establishment of the *Noam* political party, which was set up after the April 2019 elections by religious Zionist activists. The party was established partly as a protest against having Ayelet Shaked (female and secular) head the 'united' religious Zionist political party.[8] It also rose partly as a way to protest certain liberal trends in Israeli society, with a focus on LGBTQ rights.[9] Fittingly, the campaign's slogan was "we want a normal state" – where normal meant a state that behaved according to Jewish law. In many ways, this party symbolizes the end of an era where religious transgressions by the secular state were forgiven, since it was the beginning of redemption and secular actors were unknowingly bringing about the redemption.

Second, there has been a steady rise in anti-state and revenge 'price tag' acts of vandalism and violence against Palestinians, especially in the West Bank.[10] At the most extreme is increasing support for groups such as the Hilltop Youth, who believe that there should be a religious state - the state of Judea - which is separate from the state of Israel (Friedman 2017). This is exemplified by the case of Meir Ettinger, a leader of the Hilltop Youth who was arrested in August 2015 for his support for religious terror and the eventual replacement of the secular state with a religious state.[11] Others among this group support a single state where Arabs would be given local rights, but not full citizenship. Gershon Shafir also describes in this collection how anti-Arab sentiment is increasingly taking hold in the Religious-Zionist community.

Third, dissatisfaction with the state has also motivated increased participation in the state, with the eventual goal of religious take-over. This more statist camp within religious

Zionism is no longer satisfied with being relegated to the sidelines – while watching the secular rule – but wants to run the state of Israel in greater accordance with religious principles. Thus, religious individuals are increasingly taking on leadership roles in politics and the army.

Politically, this phenomenon is best exemplified by the political movement set up by Naftali Bennet and Ayelet Shaked (New Right/Yamina). Recognizing that the old religious Zionist movement is unlikely to attract votes outside of the religious sector, this leadership has tried to make itself more attractive by becoming a broader right-wing movement. Interestingly, this approach has gained some Rabbinic support, and the religious leadership even (reluctantly) agreed to have Ayelet Shaked lead the party list, even though she is both secular and female.[12]

Socially, there has been growing religious influence on the army as more combat soldiers and officers are likely to be religious. There has also been an increase in the number of pre-military religious schools, which has given power to the leaders of these institutes. There is concern among some that this is a dangerous development as the army could become more loyal to the Rabbis than the political leadership (Levy 2014)which has significantly upgraded its presence in the ranks since the late 1970s. It is argued that four integrated and cumulative processes gradually generated this shift toward the theocratization of the Israeli military: (1. Also, there is concern that the army is losing its role as a melting pot for Israeli society as there are more heated religious-secular disputes. This includes disputes over the refusal of orders by some religious soldiers to evacuate settlements and disagreements over whether female soldiers should be allowed to serve in combat roles.[13]

Implications for Israel

Changes in the symbolic value of the state of Israel by religious leaders have three other important political implications for Israeli society.

First, some political disputes may be easier to resolve if symbolic political issues become less symbolic in nature. This is based on the literature that people and leaders are less likely to agree to compromises on symbolic political issues such as abortion or gun rights (Ryan 2017). For instance, some religious leaders have implied that it is possible to remove some religious-based legislation as the 'state would still be Jewish, even if there is public transportation on the Sabbath.'

Another theoretical possibly is that there could potentially be less religious opposition to trading territory for peace. One religious objection to land for peace agreements has traditionally been that giving away territory would delay redemption. However, the 2005 disengagement from Gaza forced religious thinkers to admit that redemption may not be a linear process. In other words, redemption may be more Hegelian in nature where a redemptive state is only reached after some initial setbacks.[14]

Second, attributing less symbolic value to the state has made many rethink the current status quo. This has spiraled into more political fights over symbolic religious-state issues and driven a wedge into the right-wing camp.[15] This has made political coalitions less stable, which has led to three elections.

For instance, the right-wing camp is split over the Trump plan, especially among religious settlers. While some see annexation as an opportunity to bring settlements into the state of Israel, others are worried that the plan may lead to a Palestinian state.[16] This division, and the fact that the religious Zionist party Yamina is currently in the political opposition also highlights how religious Zionists are no longer willing to reflexively support a political plan brought by right-wing leaders in Israel.

Finally , there is a risk that there will be less support for democracy, especially in religious circles. Democracy was accepted reluctantly by many religious leaders, especially since some democratic principles were seen as clashing with Jewish law. Less legitimacy for the secular state could translate into more support for an alternative, such as support for a Halachic state.

Indeed, there has been a rise in religious literature and more discussion regarding what an ideal Jewish state

should look like. For instance, Shitrit and Jones discuss in this collection how the sovereignty movement (part of Women in Green) envisions full sovereignty over the land of Israel. Other religious leaders have voiced support for a one-state solution where non-Jews would be given les rights. Others have proposed giving religious leaders more of a formal political role (like a theocracy), and expanding the powers of the Israeli Rabbinate.

Jewish religious views regarding the sanctity of the state have thus changed in politically significant ways over the last several decades. This has had important implications for the integration of the Ultra-Orthodox and Religious Zionist communities in Israel. In addition, public support for the religious status quo, which was rooted in the Israel's founding, has diminished among the religious (and secular) public. As well, many within the religious community are pushing for larger role in shaping the future for the state of Israel. Overall then, these changes in how the state is viewed present both opportunities and challenges for the state of Israel.

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Endnotes

1 See (Philpott 2007, 2009) for a broader discussion of the role of political theology for religious groups.
2 This memo largely focuses on the religious *Ashkenazi* groups in Israel, whose responses to the state were very polarized. In contrast, Sephardic religious leaders were less split over the issue of Israel, with a more consistent participation in the state.
3 For example, the most recent elections saw an unprecedent act where several religious Zionist leaders publicly supported voting for Ultra-Orthodox parties. See (Sharon 2019b).
4 See (Harkov 2018).
5 It is possible that something similar is happening in Palestinian society in Israel. For example, the Joint List (not including *Balad)* recommended to the President that the Blue and While party should build a government coalition, breaking a long-held symbolic political taboo that the Arab parties maintain a certain distance from politics. At the same time, process of real equality are likely to take much longer, as noted by Lustick in this collection. Moreover, Dana and Erekat question in the collection whether equality in Israel between Jews and Palestinians in Israel is even possible.
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7 See (Regev 2019).
8 See (Shlezinger 2019).
9 See (Sommer Kaplan 2019).
10 See (Schuppe 2015).
11 See (Levinson 2015).
12 See (Sokol 2019).
13 See (Sharon 2019a).
14 See (Goodman 2015).
15 See (Freedman 2019).
16 See (Kershner 2020).

Voluntary Grassroots Organizations, Civil Society, and the State in Palestine

Catherine E. Herrold, Indiana University

> "The classic understanding of civil society is nongovernmental organizations (NGOs) that operate between the public and the governing body. We don't have civil society because we don't have a real government. For a Palestinian civil society to exist we must have liberty and an independent governing body. What we have is a ruling body under occupation. You can't assume that the Palestinian Authority is like a state authority elsewhere. You can't apply standards and theories that are relevant elsewhere to here. Academics have tried to do so but they are lazy. You can't ignore the reality of Israeli domination on all parts of life here. Every aspect of life is determined by the government in power, and that government is not in Ramallah." (Author Interview, 2018)

My initial reaction when this interlocutor, a Palestinian activist who gave political tours of the West Bank, suggested that civil society does not exist in Palestine was skepticism. I had spent the past two summers learning about a burgeoning group of informal voluntary grassroots organizations (VGOs) operating throughout the West Bank.[1] As I spoke with VGO leaders and members and participated in group activities, it seemed clear to me that civil society in Palestine was remarkably vibrant and resilient.

But the activist quoted above made an important point. Israel serves as the de facto governing authority of Palestine, but its rule is seen as illegitimate by Palestinian social change actors. This reality of the entrenched Israeli occupation of Palestine has shaped the institutions and roles of Palestinian civic organizations in ways unrecognized by liberal theories of civil society. In this short essay, I first explore how Israel's de facto rule over Palestine led to the NGO-ization and depoliticization of Palestinian civil society since the 1993 signing of the Oslo Accords. I then suggest that Palestinian social change actors are reclaiming civil society as a space of civic engagement, solidarity, and popular resistance through the creation of voluntary grassroots groups, but that rather than operate between the public and the governing authority, Palestinian VGOs are more inwardly focused on their own form of state building. I conclude by reflecting on the potential for Palestinian civil society to combat the Israeli occupation, Israeli annexation, and the prevailing one state reality.

NGO-ization and Depoliticization of Palestinian Civil Society

Throughout the 1970s and 1980s, Palestine's civil society was rooted in grassroots communities and united under the umbrella of a national liberation movement (Challand, 2009; Dana, 2003). During that time, popular committees and self-help groups engaged in politicized forms of social service provision that combatted poverty, built steadfastness within and across Palestine's cities and towns, and mobilized Palestinians in the first and second *intifadas*. Civil society in Palestine during these decades was a citizen-owned space in which Palestinians mobilized in popular resistance to the Israeli occupation.

The 1993 signing of the Oslo Accords marked the creation of the Palestinian Authority (PA) and an influx of Western aid to Palestine, both of which served to professionalize and depoliticize much of the civil society space (Hanafi & Tabar, 2003; Jad, 2007). Collective efforts to combat the Israeli occupation were increasingly channeled into disparate nongovernmental organizations (NGOs) that were bankrolled by Western donors, championed by the PA, and sanctioned by Israel. These NGOs did not arise from spontaneous collective action among Palestinian citizens. Rather, they were constructed from above by

Western donors and served as a tool of governing power by the West and Israel alike (Atia & Herrold, 2018).

Civil society organizations are in theory meant to serve as a check on state power (Diamond, 1994). But the foreign aid that flowed to Palestine's new NGOs was delivered primarily by donors whose primary interest was the security of Israel. Aid was thus structured in ways that systematically circumscribed NGOs' ability to combat the Israeli occupation. By segmenting social problems and national priorities into discrete issue areas, imposing organizational bureaucracy, and requiring upward accountability to donors, foreign aid trained NGOs' energy on project completion and organizational maintenance while ensuring that NGOs took on work that aligned with donors' priorities—all of which distracted organizations' efforts away from combatting the Israeli occupation (Zencirci & Herrold, 2019).

Palestine's NGOs focus their energies on discrete social issues—for example, youth unemployment, health care, poverty alleviation, women's rights, etc. As they compete against each other to win grants for their specific cause, NGOs are distracted from the task of mobilizing broad constituencies against the Israeli occupation. The short-term nature of grant-funded projects, along with the need to document measurable progress toward stated goals, further draws NGOs' attention away from mobilization. Instead of envisioning long-term change, building organizational collaborations, and recruiting citizens around a shared vision, NGOs bury themselves in the administrative minutiae necessary to secure grants. Finally, the pursuit of foreign funding locks NGOs into increasingly dependent relationships with their donors that further weakens their mobilization capacity. The cycle of applying for grants ultimately becomes a game of organizational survival, as organizations require higher and higher budgets to sustain their administrative capacities. With few local sources of financial support, NGO staff members must continue to chase the foreign aid that keeps their organizations alive. As a result, NGOs face a stark choice: adopt the priorities of foreign donors and, in doing so, eschew a national liberation agenda or risk losing access to the funds that are an organizational lifeline.

Israel's de facto rule over Palestine directly contributed to the NGO-ization and depoliticization of Palestinian civil society. As the Israeli occupation hollowed out Palestine's local economy and welfare state, foreign aid stepped in with funds for the types of professional NGOs that would provide development services and humanitarian support while failing to challenge Israeli dominance. Instead of empowering Palestinian citizens vis-a-vis the state—as civil society organizations are theorized to do—NGOs in Palestine today preserve a status quo in which citizens are effectively powerless against the state.

VGOs and the Revitalization of a Civic Culture in Palestine

In recent years, many Palestinian social change actors began pushing back against the NGO-ization of civil society by creating voluntary grassroots groups that are operating outside of the formal NGO sector and rejecting foreign aid and government support. Undertaking projects such as sustainable agriculture, hiking and running excursions, art walks, political tours, and charitable humanitarian projects, VGOs are mobilizing impressive numbers and diverse groups of Palestinians around shared impulses of voluntarism and national solidarity. But with Israel as the dominant governing force throughout the Palestinian Territories and with the PA largely discredited as a national government, I argue that these VGOs are not so much trying to empower citizens against a state as they are engaging in their own form of state building. As a result, Palestine's VGOs have adopted roles that diverge from liberal theories of civil society along three key dimensions: 1) relations with the state, 2) relations with the market, and 3) promotion of pluralism.

Relations with the State

Liberal theories of civil society envision civil society organizations as operating separately from the state while empowering citizens vis-a-vis the state (Putnam, 1993). Civic organizations represent citizen interests in policy-

making processes, serve as watchdogs over the state by broadcasting abuses of state power, and mobilize citizen opposition to the state in egregious cases of corruption or authoritarianism. But because the leaders and members of Palestine's VGOs view Palestine's two governing authorities—Israel and the PA—as illegitimate and discredited, respectively, their activities are more focused on laying the groundwork for Palestinian nationhood than engaging with governments that they do not recognize as legitimate or in which they have no faith. Thus, rather than representing citizen voices to the state, VGOs are rejecting the governing authorities while mobilizing citizens to take on state-like responsibilities and reinvigorating Palestinian national identities.

Hiking and running groups exemplify how VGOS oppose the Israeli occupation while conducting activities meant to cultivate sentiments and practices of national citizenship. These groups coordinate group hikes and runs throughout the West Bank with the goals of having fun, claiming the land, and building Palestinian solidarity. As hikers and runners traverse the land, they draw attention to checkpoints and encounter Israeli settlers to whom they prove they have the right to movement. Along the way, the runners and hikers often stop for hours-long visits with villagers and conduct charitable activities. VGO members pick olives, help construct houses, clean out water holes, farm the land, and provide whatever other forms of help the villagers need. Group members stress that this charitable work, done alongside local villagers, helps to build bridges between divided communities and nurture a sense of solidarity as Palestinians. Government intervention, support, and engagement is rejected. As one hiking group member stressed, "We don't need the government or international organizations to support us. We just walk" (Author Interview, June 5, 2018).

Relations with the Market

Civil society organizations also, according to theory, operate separately from the market and monitor corporate greed (Howell & Pearce, 2001). The line between civil society and the market has blurred for many CSOs around the world in recent decades with the rise of social enterprises. But in Palestine, the distinction between VGOs and the market economy is uniquely shaped by the Israeli occupation. Under the occupation government, Israel controls Palestine's economy by regulating the goods and services (such as water, mobile networks, etc.) that enter and circulate in the Palestinian marketplace. Palestinian VGOs have joined with other civil society activists and organizations to boycott Israeli goods. But many have gone a step further and worked to build a local "resistance" economy. Rather than simply resist market colonization and corruption, VGOs are constructing an alternative national economy.

Organic farming groups that are working to build a local economy for Palestinian produce exemplify this local economy building. Like the hiking and running groups, the agriculture groups oppose the Israeli occupation and frame their work as countering and resisting occupation. Toward that end, farming groups construct local markets for Palestinian produce in order to decrease reliance on Israeli imports and simultaneously nurture Palestine's agriculture community. As a member of one agriculture group that supports local farmers explained, "The goals include: 1. Enhance Palestinian farmers by ensuring that farmers receive a fair price for their produce, 2. Introduce consumers to *baladi* foods and give them access to these foods, 3. Boycott Israeli goods, and 4. Promote local seeds as the first step in the production chain" (Author Interview, July 8, 2018). This group primarily supported local farmers by creating farmers' markets, establishing a CSA, and working with local farmers to use local seeds and organic methods. Other youth created their own community farms and sold their produce at pop-up markets. Across all cases, the goal was to build a local market for Palestinian agricultural goods in order to promote Palestinian farmers, preserve Palestinian land, and boycott Israeli produce.

Pluralism

Theories of civil society conceive the associational sphere as one in which a wide variety of organizations express a plurality of citizen interests, identities, and values in the

public sphere (Putnam, 2000). Palestine's VGOs cater to a variety of citizen interests, but for VGO members interest fulfillment is secondary to building cultures and practices of collective voluntarism and Palestinian solidarity. This is in direct response to the Israeli occupation, which divided Palestinians geographically and exacerbated other divisions along socioeconomic, religious, and gender lines. To combat these divisions, VGO leaders proactively recruited diverse member and volunteer bases and structured their activities in ways that bridged Palestinian geographies. Working across the territories of the West Bank, Gaza, East Jerusalem, and historic Palestine is challenging and, in some cases, impossible. But VGOs have found creative ways to overcome even these divides, for example by creating sub-groups in different territories and uniting all of the sub-groups through the VGO's social media pages.

A running group that operates throughout the Palestinian Territories showcases how VGOs bridge divides and build Palestinian solidarity. The group consists of nine subgroups based in the West Bank, East Jerusalem, and Arab communities in Israel. Members with the necessary permits travel between groups and participate in runs hosted by many different subgroups. Those without permits connect to other subgroups via Facebook. A group member who could travel between the territories explained, "I never used to get to know people in other cities. Now all group members have friends in many places. The people of Palestine are divided. They don't know each other. When we connect people, we strengthen the Palestinian cause…We realize that we are all equal no matter what our ID says" (Author Interview, July 2, 2019). This VGO, like many others, engaged in activities beyond running and often collaborated with other VGOs when doing so. For example, the running group regularly visited local community farms where the runners harvested produce and then shared a meal and played games with the farmers. Across all activities, VGOs worked to reduce, rather than amplify, differences and build Palestinian unity.

Conclusion

While NGOs are the *sine qua non* of civil society according to liberal theories (Carapico, 2012), I argue that in the case of Palestine it is VGOs that represent the essence of civil society as a space owned by, and operating in the interests of, citizens. The formal, professional NGOs that constitute one segment of Palestinian civil society cannot be separated from the Israeli occupation. Rather, they operate as a governing tool by Israel and its Western allies. Instead of empowering Palestinians vis-à-vis the state, NGOs disempower Palestinians' capacity to resist the Israeli occupation. VGOs, by contrast, operate apart from the Israeli and PA governing authorities and focus on mobilizing Palestinian citizens. Viewing the Israeli authority as illegitimate and the PA as discredited, Palestine's VGOs are simultaneously resisting dominant state institutions while engaging in their own form of bottom-up, citizen-led state building.

By not engaging with the state, Palestine's VGOs complicate prevailing understandings of civil society that view civil society and the state as distinct but inextricably linked bodies. One might ask if by rejecting state engagement Palestinian VGOs are unwittingly propping up the Israeli occupation. Invoking Daniel Brumberg's notion of the "steam valve" (Brumberg, 2003), we must ask if by focusing inwardly on state building rather than externally on Israel, VGOs risk mollifying Palestinian citizens and thus deflating efforts to battle the occupation. I argue that, in fact, through the framing and implementation of their activities, VGOs are re-politicizing civil society and remobilizing Palestinians in ways that could—if successful in their aims—ultimately empower Palestinian citizens vis-à-vis the institutions that presently occupy and repress them.

Another question that rises from my arguments about VGOs is, "why now?" NGOs have been cannibalizing Palestinian civil society for decades, yet we are only recently seeing the proliferation of VGOs as an alternative to NGOs. One plausible explanation is that Palestinian youth were holding out hope that NGOs would advocate for a two-state solution inclusive of local citizens' interests. Now that a two-state solution is implausible, NGOs appear to have failed. Another explanation is that the rise of VGOs

in Palestine reflects a more global movement of youth away from NGOs as vehicles for mobilization. Palestinians may have been inspired by the upsurge in more loosely-structured social movements around the world and a corresponding reluctance of youth to organize in formal institutional structures—a possibility corroborated by one VGO member who told me, "You should look not just at the Arab world. We are always framed as "them" and as the "other." But youth everywhere are mobilizing. We are against the same system. Each group has its own fight but we are connected" (Author Interview, July 11, 2018).

A third question is what effect the Israeli annexation plan—if it moves forward—will have on the role of VGOs. Two plausible scenarios stand out in my mind. First, VGOs could continue to operate outside of prevailing governance structures and play important roles in shorting up solidarity and resistance among Palestinians. These groups mobilized quickly after the outbreak of the Coronavirus pandemic, proving that they have staying power even in the face of major crises. Their online activities kept people connected during the lockdowns and their in-person efforts to provide charitable relief to affected Palestinians served as important stopgaps when official aid fell short. This work in building and sustaining solidarity could prove even more important if Israel further divides Palestine through annexation. A second possible scenario is one raised by Zaha Hassan and Nathan Brown (2020). Moves to proceed with annexation could prompt VGOs to work with NGOs to pressure reconciliation between Fatah and Hamas and reform of the PA. VGOs' mobilization efforts are designed to be long-term, but the specter of annexation is looming in the very near term. The official powers-that-be would be well served to form a unified front, and pressure from civil society—including both NGOs and VGOs—might precipitate some form of reconciliation and unification.

Whether Palestine's VGOs can maintain their distinct character—including their local embeddedness, their commitment to voluntarism, their collaborative and bridging impulses, and their local popularity—and mobilize and unify both citizens and Palestinian governing institutions remains to be seen. But in the case of Palestine it seems clear that, for now, Israel's de facto rule over Palestine has not—like my interlocutor quoted in the opening of this memo suggested—led to the disappearance of Palestinian civil society. Civil society in Palestine maintains unique relationships to the state, the market, and the idea of pluralism that are not captured in mainstream theories. In order to find Palestinian civil society, we must look beyond NGOs and turn to the VGOs that are empowering citizens in novel ways.

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Endnotes

[1] It is important to note that while many organizations in Palestine are clearly professional, registered nongovernmental organizations (NGOs) and others are clearly informal, unregistered voluntary groups, sometimes the line between NGOs and VGOs is blurred. For example, some groups that began as unregistered voluntary groups subsequently registered as formal NGOs in order to apply for funding from Palestinian foundations, although they remain small and locally rooted. Other organizations are registered and relatively professional yet maintain local roots and have policies of rejecting foreign aid that imposes conditions that are unacceptable to the NGO. For the purposes of clarity, this memo will distinguish between professional, registered NGOs and informal, unregistered VGOs.

Segregation, Integration, and Intergroup Relations In Israel

Chagai M. Weiss, University of Wisconsin Madison[1]

Segregation, conceptualized as "*the extent to which individuals of different groups occupy or experience different social environments*" (Reardon and O'Sullivan, 2004), is common to the lives of many Jewish and Palestinian citizens in Israel. For the most part, Israeli Jews wake up in Jewish neighborhoods, attend predominantly Jewish schools, marry through Jewish-religious state institutions, and rarely sustain extended social relations with Palestinians. Relatively similar routines are experienced by Palestinian citizens of Israel. Despite these stark patterns of segregation, brief intergroup interactions in public transportation systems, courts, hospitals, and markets, are a matter of routine, as both groups share limited geographical, social, and political space. Regardless of whether a one or two state solution will eventually materialize, or whether annexation of West Bank territories will take place in the near future, Jewish and Palestinian citizens of Israel will most likely continue to live in relatively segregated environments, while sharing some social and political spaces. Therefore, social scientist and scholars of Israeli politics must understand how segregation and integration shape intergroup relations.

In what follows, I argue that understanding intergroup relations between Jews and Palestinians in Israel, requires paying close attention to segregation, its effects on prejudice, and the way such prejudice may be reduced. I build on a robust social scientific literature which was initially developed in the U.S. (Allport, 1954; Pettigrew, 1998; Pettigrew and Tropp, 2006), and extended to contexts such as Rwanda, India, Northern Ireland, Kenya, Lebanon, and Iraq (Paluck, 2009; Barnhardt, 2009; Kasara, 2013; Balcells, Daniels and Escriba`-Folch, 2016; Scacco and Warren, 2018). Like in many of these contexts, segregation patterns in Israel are rather stark. More so, they are amplified by formal and informal institutions that generate social distance between Jews and Palestinians. Focusing on recent advances in the study of segregation and intergroup relations, I aspire to shed light on three significant questions for Israeli politics and beyond: (i) What are the effects of segregation? (ii) How do these effects manifest in Israel, and (iii) What interventions might durably mitigate the adverse consequences of segregation?

What are the Effects of Segregation and How do they Manifest in Israel?

Identifying the effects of social-geographical contexts on attitudes and behaviors is notoriously challenging, as self-selection into neighborhoods or cities limits researchers' ability to determine whether living in isolation causes prejudice, or alternatively prejudiced individuals are just more likely to live in segregated environments. To overcome this thorny challenge, scholars have leveraged rigorous research designs and granular data, demonstrating that spatial segregation increases in-group bias and violence, and decreases social trust in out-groups.[2] The effects of segregation are often attributed to a lack of intergroup contact in segregated environments, which limits the ability of in-groups to "learn about the other" (Allport, 1954).

Existing theory and evidence from around the world would suggest that in Israel – a country where segregation is prevalent – in-group bias, violence, and a general lack of trust between Jews and Palestinians would have serious consequences for individual citizens. Indeed, political scientists and economists have long focused on the Israeli case, demonstrating patterns of in-group bias (Shayo and Zussman, 2011; Grossman et al., 2016; Zussman, 2013*a*), as well as discrimination (Bar and Zussman, 2017; Zussman, 2013*b*). Similarly, preferences for exclusion have also been shown to hinder Jewish cooperation with Palestinians in behavioral public goods games (Enos and Gidron, 2018).

The rigorous evidence regarding in-group bias and discrimination against Palestinians is aligned with

headlines from Israeli news outlets during recent years depicting negative sentiments towards minorities. For example: An Israeli lawmaker from the Jewish Home Party openly supported segregation in maternity wards,[3] protesters backed up by a local mayor advocated against selling homes to Palestinian citizens of Israel in Afula,[4] and Israel's prime-minister has described the "Arab vote" as a threat to Israeli security.[5] More generally, in recent elections the *Joint List* party, which represents a majority of Palestinian citizens in Israel, has been delegitimized as a coalition partner by right and center-left politicians, raising serious questions regarding the prospects of intergroup cooperation around social and political issues.

The grim reality of intergroup relations between Jews and Palestinians raises important questions for anyone interested in Israeli politics. Most importantly: *How can prejudice be reduced, and what existing practices serve to improve intergroup relations?* These questions are especially important for proponents of a one state solution, or supporters of West Bank annexation policies, under which Jewish-Palestinian interactions may very well become a more central facet of everyday life. To answer this question, I now turn to discuss common frameworks of prejudice reduction which have been tested in post-conflict zones as well as in countries struggling with peacefully accommodating their ethnic and racial diversity.

What is Prejudice and How can we Reduce it?

Social scientists have long explored strategies to reduce prejudice, conceptualized as "*a negative bias toward a social category of people, with cognitive, affective, and behavioral components*" (Paluck and Green, 2009). Indeed, scholars have developed a host of tools for attitudinal and behavioral change, the most central ones being: diversity trainings (Paluck, 2006), emotion regulation sessions (Gross, Halperin and Porat, 2013), perspective taking tasks (Broockman and Kalla, 2016; Adida, Lo and Platas, 2018; Simonovits, Kezdi and Kardos, 2018), and intergroup contact interventions (Paluck, Green and Green, 2017; Pettigrew and Tropp, 2006). More broadly, building on Gordon Allport's robust theoretical insights in *The Nature of Prejudice* (Allport, 1954), many scholars perceive integration, the opposite of segregation, as a remedy for prejudice.

The logic of integration as a strategy to improve intergroup relations goes as follows: When groups are kept apart they know little about each other, and ignorance about an out-group can facilitate fear, negative stereotypes, and preferences for exclusion. Therefore, in order to counter ignorance, Palestinians and Jews should be integrated, and eventually intergroup relations will improve, especially when integration facilitates personal positive relationships between members of different groups. Indeed, there is evidence to suggest that under certain conditions, intergroup contact and exposure can have remarkable effects which improve intergroup attitudes and behaviors (Barnhardt, 2009; Ditlmann and Samii, 2016; Rao, 2019; Mousa, 2018; Scacco and Warren, 2018; Weiss, 2020). Yet unfortunately for integration enthusiasts, exposure to diversity and intergroup contact are not a panacea for poor intergroup relations, as in some instances contact (especially if brief), can reinforce threat perceptions and stereotypes that increase hostility towards out-groups (Enos, 2014, 2017; Condra and Linardi, 2019).

The revival of studies on prejudice reduction in recent years provide us with interesting empirical patterns which may shed light on the conditions under which integration, and more specifically contact and exposure to diversity, may improve intergroup relations. Broadly speaking, interventions that facilitate positive intergroup contact, in which in-groups and out-groups can cooperate or respectfully share space together, have been shown to reduce prejudice. For example, attendees of a religiously diverse class during an urban youth vocational program in Nigeria were less likely to discriminate against out-groups, in comparison to attendees of homogenous classes (Scacco and Warren, 2018). Similarly, integrating poor students into Indian schools caused rich students to be more pro-social, generous and egalitarian, and less discriminatory towards poor students (Rao, 2019). In yet another field-experiment in post-ISIS Iraq, Christians playing on the same team as Muslims during a 3-month soccer league

reported more tolerant behaviors, and were more likely to self-select into Muslim dominant environments (Mousa, 2018). While these studies suggest that extended positive contact reduces prejudice, my own study leveraging a natural experiment in Israeli medical clinics, suggests that even very brief contact between Palestinian doctors and Israeli patients can reduce prejudice up to ten days following treatment (Weiss, 2020).

Conversely, studies that identify the effects of intergroup contact, absent cooperation or a shared positive experience, paint a very different picture. Thus, white commuters exposed to Latino confederates as part of a field-experiment in Boston train stations reported more exclusionary attitudes in comparison to non-exposed white commuters (Enos, 2014). Similarly, in a field-experiment in post-conflict Afghanistan, contact with non-Pashtuns increased ethnic bias amongst Pashtuns in behavioral games (Condra and Linardi, 2019). Lastly, brief exposure to Syrian refugees increased hostile attitudes and exclusionary policy preferences amongst Greek natives (Hangartner et al., 2019).

Taken together these studies show that integration that does not entail meaningful intergroup engagement is limited in its ability to promote tolerance. This general insight is corroborated by a recent field experiment in India that directly demonstrates how collaborative contact improves intergroup relations, whereas adversarial contact impairs attitudes and behaviors (Lowe, 2018). Therefore, it is important to think of the types of experiences that integration and inclusion facilitate, in order to maximize their utility for intergroup relations.

How to Think of Israel?

Rigorous evidence from around the world suggesting that certain types of integration can reduce prejudice between groups in conflict may instill hope in the hearts of people seeking to improve intergroup relations in Israel. However, a skeptical reader might wonder whether evidence from racially divided contexts like the U.S., or post conflict zones like Iraq, are applicable to the Israeli case. More specifically, scholars of prejudice reduction and intergroup relations in Israel are often confronted with a thorny question: *What is Israel a case of?* This question is consequential, as it likely dictates the theoretical frameworks and empirical body of evidence on which scholars build when analyzing segregation, integration, and intergroup relations in Israel.

Scholars and policy makers often consider Israel to be a unique case. Indeed, the division of Palestinian populations between the West Bank, Gaza, Israel's 1948 borders, and a global diaspora (described by Erakat), the presence of military occupation over civilian populations (analyzed by Greenwald), the fusion of institutional arrangements which are a legacy of colonial rule and Jewish Israeli Law (described by Berda), the existence of intergroup cleavages within Jewish society (discussed by Freedmen, Ben-Shitrit, and Shafir), the salience of national identities (studied by Shelef), and the ongoing attempts to reach what now seems like an unfeasible two-state peace agreement (described by Lustick), do create a unique social and political environment in which intergroup relations emerge.

The unique characteristics of Israel can be seen as both a challenge and an opportunity for scholars of intergroup relations. Thus, the similarity of specific dynamics in the Israeli case to caste-based discrimination in India, racial segregation in the U.S., and threat perceptions of Muslim immigrants in Europe, should inspire scholars to adapt an open mindset towards different approaches through which one may study the causes, effects, and remedies of segregation. That said, these approaches must be adapted with extreme care, and an explicit awareness to the ways in which contextual variables may moderate theoretical expectations.

For example, even though close to a million Palestinians hold citizenship status in Israel, they are often regarded by Jewish Israeli citizens and politicians as a fifth column, aligned with a hostile Arab enemy. This provides the Israeli case with a taste of an ethno-national conflict, which differentiates social relations in Israel from non-conflict zones like the U.S. It follows, that trust building in the

Israeli case, may be a particularly challenging goal to achieve. However, scholars should remember that despite the taste of ethno-national conflict, there are still structural variables like shared institutions and spaces, which resemble ethnically or racially diverse societies which are not entangled in intractable conflicts. Therefore, focusing on these shared spaces, observing intergroup dynamics within them, and considering how existing institutions can be a vehicle for social change, are all tasks for which the Israeli case is particularly conducive, in contrast to other conflict ridden environments.

In essence, the answer to the puzzling question: *What is Israel a case of?* depends on the issue area we are exploring. Oftentimes, we will be able to draw similarities between Israel and a host of diverse contexts. Nonetheless, the precise moderating effects that Israel's unique context may have on our theoretical priors and expectations, is an open question which requires ongoing empirical investigations. For example, it is often argued that institutional support of intergroup contact initiatives is crucial for prejudice reduction to succeed (Allport, 1954). Nonetheless, many minorities in Israel take issue with state institutions, and therefore it is possible that intergroup contact initiatives supported by state institutions will be limited in their effectiveness.

When focusing on segregation, integration, and prejudice reduction, academics and local practitioners can learn together what policies and interventions improve intergroup relations. Doing so can generate novel theoretical insights with direct policy implications, which may shape the lives of Jews and Palestinians sharing political, social, and geographical spaces. The capacity for such collaborations between academics and practitioners exists in Israel (Ditlmann and Samii, 2016; Weiss, 2019), and serves as a fertile ground for exciting and socially engaged social scientific research.

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[1] I thank participants of the "*What is Israel*" workshop at George Washington University, as well as Gavi Barnard, Michael Freedman, Daniel Madmon, Alex Scacco, and Nadav Shelef for insightful comments and conversations.

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Changing American Public Attitudes on Israel/Palestine:
Does It Matter For Politics?

Shibley Telhami, University of Maryland

Over the past decade, there have been some important shifts in American public attitudes on Israel/Palestine that could influence policymaking. My aim in this article is to address a few issues that are relevant to the nature of any likely outcome (one state, two state, status quo), especially in light of the Middle East plan released by the Trump administration in January.

I will begin by providing some context about American public opinion on the Israeli-Palestinian conflict. The most important change taking place in American public attitudes toward the Israeli-Palestinian conflict over the past decade has been increased partisanship on an issue that had historically escaped a high level of partisanship. In my 30 years of conducting public opinion polls on this issue, it has always been the case that a large majority of Americans, around two-thirds, wanted the U.S. to take neither side of the Israeli-Palestinian conflict. That has not changed.[1] What has changed over the past decade has been that Republicans have expressed increased desire for the U.S. to take Israel's side instead of being neutral, with our recent polls showing a slight majority of Republicans choosing that option. In fact, in our September 2019 poll*, 64% of Republicans responded this way. In contrast, more and more Democrats, 80% in September 2019, have supported neutrality, with those wanting the U.S. to take sides roughly evenly divided between wanting to take the Palestinians' side and wanting to take Israel's (8% and 10%, respectively).

When I started observing these trends during the Obama administration, I also noted[2] that the gap between elected Democrats and their constituents on this issue was increasing, with constituents growing more critical of Israel than politicians. I have wondered if this gap would be sustained. I will address this issue in the final section.

There are several issues over which American public opinion has been notable.

First, one area where we have seen increased polarization has been preparedness to take action against Israeli settlements in the West Bank, which the Trump plan proposes to bring under Israeli sovereignty. For a few years now, the polls have consistently shown a majority of Democrats wanting to take action against Israeli settlements, including imposing sanctions, while Republicans and independents want to do nothing or limit opposition to words. For example,[3] in October 2019**, 76% of Republicans compared to only 31% of Democrats wanted the U.S. to do nothing or limit opposition to words and in contrast, 66% of Democrats and only 23% of Republicans said that they wanted the U.S. to impose some economic sanctions or take more serious action.

Beyond sanctions related to settlements, the American polarization also includes the Boycott, Divestment, and Sanctions (BDS) movement aimed at Israel. Until the fall of 2019, I had not asked directly about the BDS movement, as it was not on the radar screen of most Americans. However, the recent debates in Congress and elsewhere have raised the profile of the issue.

Our October 2019 University of Maryland Critical Issues Poll[4] included questions probing the extent to which respondents had heard of the movement.

Nearly half of respondents (49%) said they have heard about BDS at least "a little." Among those who said they have heard of the movement, almost half of respondents (47%), including a large majority of Republicans (76%), said they opposed the movement. But the story was different among Democrats who said they had heard at least "a little" about the movement: A plurality, 48%, said they supported the movement, while only 15% said they opposed it.

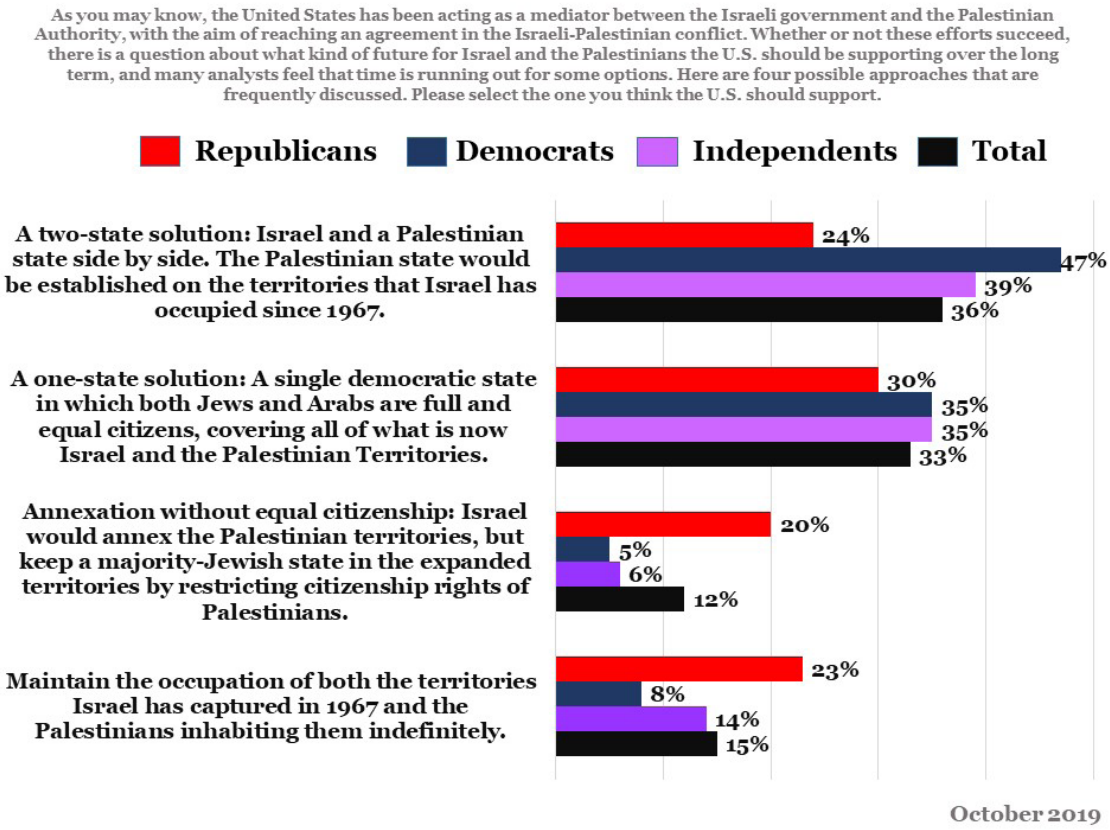
Given that those who said they had heard "a little" about BDS are likely less informed about the movement than

those who said they had heard "a good amount" or "a great deal," we probed the better-informed respondents further. I found that a majority of the 16% of Democrats who said they had heard "a good amount" or "a great deal" about BDS supported it (66%), compared with 37% among those who said they heard just "a little." More in depth probing of the issue[5] confirmed the results and showed even deeper polarization along party lines.

On a related issue, however, respondents appear to transcend the partisan divide, regardless of their views on BDS or boycotts of Israel broadly: Majorities of Democrats (80%), Republicans (62%), and independents (76%) indicated opposition to laws penalizing people who boycott Israel, principally over the fact that these laws infringe on the constitutional right to free speech and peaceful protest.

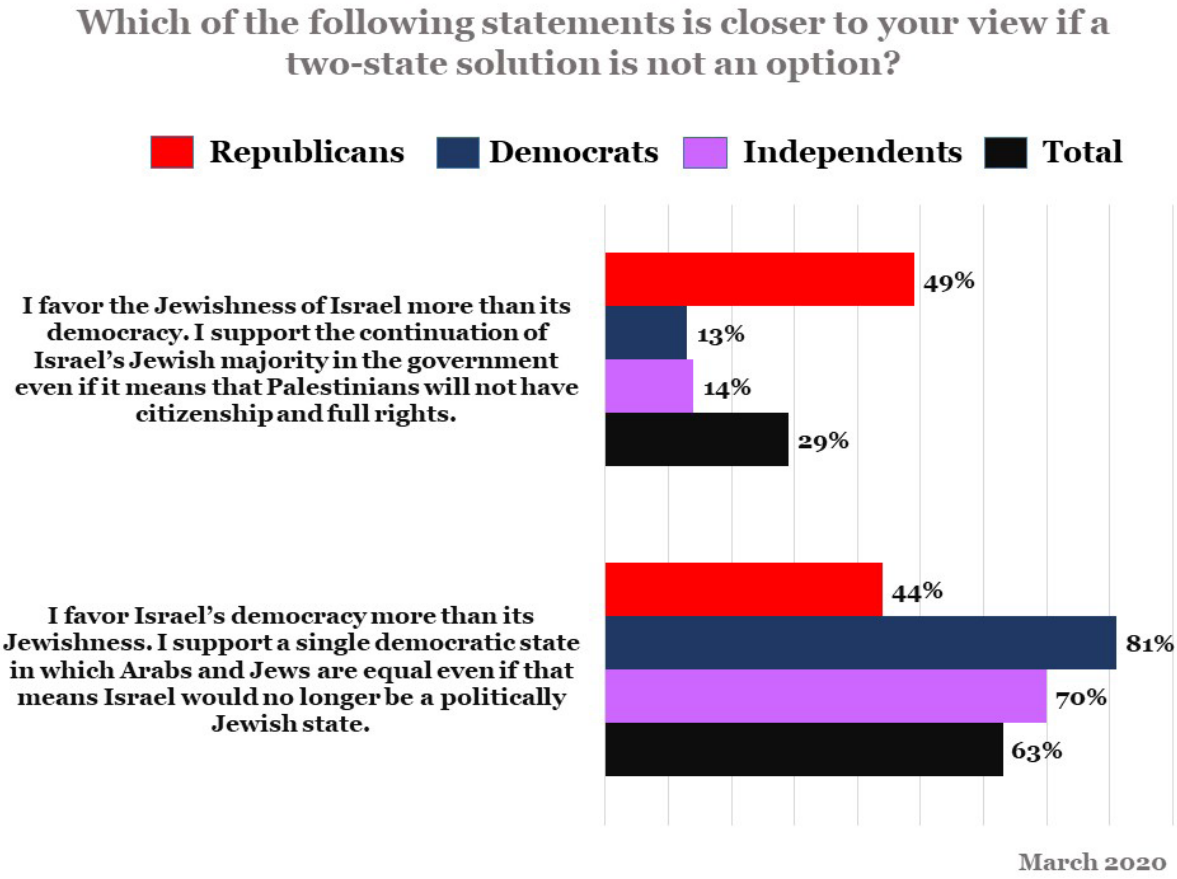
One State, Two States, Israel's Democracy vs. Its Jewishness

One of the notable trends, starting with the Obama administration and continuing under Trump, has been the decrease in the number of Americans choosing a two-state solution as a preferred aim of American diplomacy. In our October 2019 poll for example, we found that Americans are evenly divided among those who back a one-state solution and those who back a two-state solution to the Israeli-Palestinian Conflict. 33% of respondents say that the United States should support a one-state solution, and 36% say it should support a two-state solution.



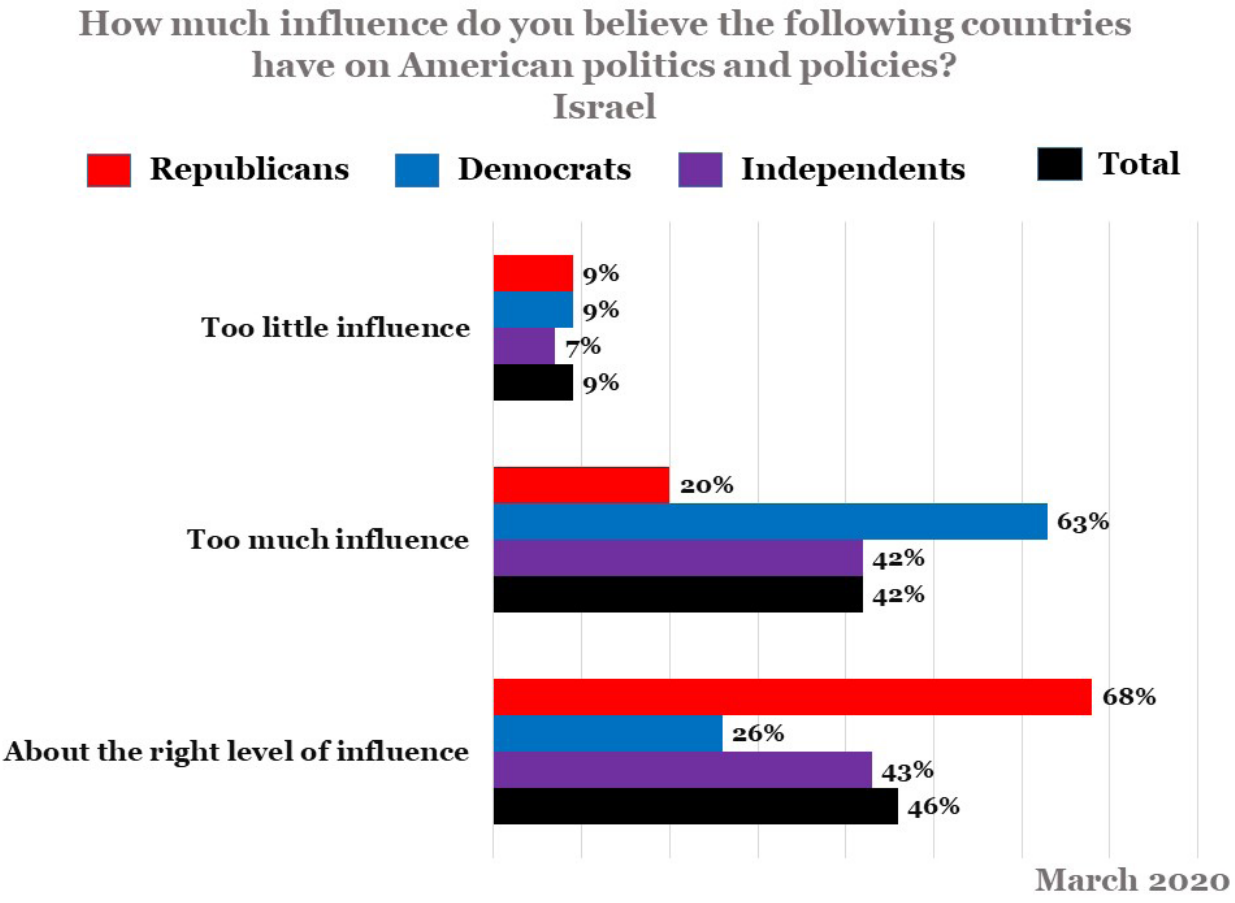
This was a significant increase in support of the one-state solution, as compared with the UMD Critical Issues Poll of November 2017,[6] which found that 41% of respondents favored a two-state solution, and 29% favored a one-state solution. Although this trend started in the Obama years, it strengthened under Trump, given that the two-state solution came under assault form both left and right, for different reasons and with different visions. It is noteworthy, however, that most of those who prefer a two-state solution say, if two states were no longer possible, they would then support a one-state with equal citizenship.

A strong majority of Americans support Israel's Democracy over its Jewishness. In March 2020***, when presented with the choice of Israel's democracy versus its Jewishness, in the event that a two-state solution is not an option, 63% of all respondents say that they favor Israel's democracy more than its Jewishness, even if that means Israel would no longer be a politically Jewish state. More than a quarter (29%) would choose the Jewishness of Israel, even if that means that Palestinians are not full citizens.



Finally, as argued in 2018,[7] there is a growing sense that the Israeli government has "too much influence" on U.S. politics and policies: 38% of all Americans (including 55% of Democrats, and 44% of those under 35 years old), say the Israeli government has "too much influence" on the U.S. government, compared with 9% who say it has "too little influence" and 48% who say it has "about the right level of influence." While the number of Jewish participants in the sample (115) is too small to generalize with confidence, it is notable that their views fall along the same lines of the national trend: 37% say Israel has "too much influence," 54% say it has "about the right level of influence," and 7% say it has "too little influence."

When we asked this question in March 2020,[8] we see yet another increase from 38% to 42% in the number of Americans who say that Israel has "too much influence." This includes a majority of Democrats (63%) as well as 42% of independents and 20% of Republicans.



Does This Matter for the U.s. Election?

As Jon Krosnick and I suggested in a 1995 article,[9] the segments of the public that matter most for the electoral process and elections are those segments that rank the particular issue in question high in their priorities. Over the years, I have thus probed how respondents rank the Arab-Israeli issue in their priorities. Over the past quarter-century, it has been the case that, while a majority of Americans favored U.S. neutrality on this issue, those who ranked the issue among their top priorities tended to favor Israel more. Has this equation changed?

In a September 2019 poll, we found that, overall, while 60% of respondents wanted the U.S. to take neither side in the conflict, 52% of those who ranked the issue among the top three issues in their priorities wanted to take Israel's side, compared to 35% of those who ranked the issue among the top five, and 23% among those who didn't rank the issue among the top five.

In March 2020, we probed another question as criticism of Israeli policy became more common in the U.S. House of Representatives after the 2018 midterm election. We found[10] that two-thirds of Americans, including 81% of Democrats say that it's "acceptable" or even the "duty" of members of the U.S. Congress to question the Israeli-American relationship. Examining the attitudes of the "issue public" on this question, we found some differences in the views of those who ranked the Israeli-Palestinian issue among their top five priorities, but without changing the basic results: 64% said it was either "acceptable" or the "duty" to question the Israeli-American relationship.

The bigger story about attitude change is to be found in the attitudes of Democrats.

Among Democrats in September 2019 who rank the Palestinian-Israeli issue first or top three, a large majority (62%) still want the U.S. to take neither side in the conflict, but this is lower than the 80% of *all* Democrats who want to take neither side. As for leaning toward Israel or the Palestinians, ranking the issue higher increases the chance that Democrats will want to take Israel's or the Palestinians' sides almost equally.

The bottom line is that Democrats want U.S. even-handedness on this issue, even among those who rank the issue high in their priorities. And on specific policy issues, such as sanctions on settlements, BDS, and opposing laws prohibiting sanctions against Israel, they have strong views. Will these views matter, at least in the Democratic primaries?

The Israeli-Palestinian conflict is hardly a central issue in American elections, and certainly not in the 2020 presidential race, where the stakes are so high on matters that are at the core of the American political system and the future of the country. It's improbable that a significant number of people will base their votes (or financial contributions) principally on the candidate's position on this issue. But there are other ways in which public opinion on this issue among Democrats matters.

Candidates who reflect public opinion closely are more likely to energize their supporters, and those who take a position that's substantially at odds with public opinion may lose credibility and appear less authentic. Among Democrats, positions on Israel-Palestine may have become part of a candidate's authenticity check, either discounting them in the public's mind or enhancing their stature. This is unlikely to include positions on BDS specifically, but issues like tying aid to Israel or its policy toward the Palestinians have already made their way into the Democratic campaign debates. Arguably, Bernie Sanders speaking publicly in favor of Palestinian rights (as well as Israelis') during the 2016 campaign helped his credibility among supporters and energized his base. He is following a similar pattern[11] this time around, as are several other candidates.[12] Joe Biden, on the other hand, has chosen a different path, criticizing Sanders on this issue[13] by saying, "In terms of Bernie and others who talk about dealing with Zionism, I strongly support Israel as an independent Jewish state." Notably, in the Democratic debate after his criticism of Sanders, Biden seemed to go out of his way to criticize Israeli Prime Minister Benjamin

Netanyahu, saying,[14] "Bibi Netanyahu and I know one another well. He knows that I think what he's doing is outrageous." The outcome of the primaries will hardly be determined by the candidates' position on this issue, but those who stand to embrace the public's sentiment stand to gain more, and those contradicting it risk having their authenticity questioned.

This dynamic may have been at play in the Democratic primary in the 16th Congressional District of New York in June 2020, where the challenger Jamaal Bowman[15] apparently defeated long-time incumbent Eliot Engel,[16] a top pro-Israel voice in Congress. What was telling in that primary was that the issue of criticizing Israeli policy was centrally featured, with Bowman highlighting his opponent's unwillingness to defend Palestinian rights, and with Engel receiving substantial campaign contributions from pro-Israel groups.[17] Still, Bowman appears to have won by a wide margin.

Solidifying the mood critical of Israeli policy among Democrats has been the perception of a strong alliance between the Israeli government and President Donald Trump. This was particularly visible in the Democrats' immediate critical reaction to Trump's Middle East plan.[18] As the Israeli government appeared poised to annex parts of the West Bank, in harmony with Trump's plan, but in clear violation of international law,[19] even pro-Israel Democrats found themselves warning against the move,[20] and AIPAC found itself sending a message[21] that it will allow such criticism, perhaps as a preemptive move, given that criticism became inevitable.

No matter what happens in the 2020 presidential election, the nature of the conversation about Israel and about Israeli-American relations has changed, most notably among Democrats. This is likely to reflect itself in an increasingly pronounced way in the 117th Congress, as it did after the 2018 midterm election.

This article is partly adapted from "What do Americans think of the BDS movement, aimed at Israel? And does It matter for the US election?"[22]

*The survey was carried out September 3-20, 2019 online from a nationally representative sample of Nielsen Scarborough's probability-based panel, originally recruited by mail and telephone using a random sample of adults provided by Survey Sampling International. The poll was conducted among a national poll of 3,016 respondents, with a margin of error of +/- 1.78%. Overall, the sample was adjusted to reflect population estimates (Scarborough USA+/Gallup) for Americans. The survey variables balanced through weighting were: age, gender, race/ethnicity, household income, level of education, census regional division, and political party affiliation

**The survey was carried out October 4-10, 2019 online from a nationally representative sample of Nielsen Scarborough's probability-based panel, originally recruited by mail and telephone using a random sample of adults provided by Survey Sampling International. The poll was conducted among a national poll of 1,260 respondents, with a margin of error of +/- 2.76%. Overall, the sample was adjusted to reflect population estimates (Scarborough USA+/Gallup) for Americans. The survey variables balanced through weighting were: age, gender, race/ethnicity, household income, level of education, census regional division, and political party affiliation

***The survey was carried out March 12-20, 2020 online from a nationally representative sample of Nielsen Scarborough's probability-based panel, originally recruited by mail and telephone using a random sample of adults provided by Survey Sampling International. The poll was conducted among a national poll of 2,395 respondents, with a margin [23]of error of +/- 2%. Overall, the sample was adjusted to reflect population estimates (Scarborough USA+/Gallup) for Americans. The survey variables balanced through weighting were: age, gender, race/ethnicity, household income, level of education, census regional division, and political party affiliation.

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American Jewry and the Rise of the Israeli Ethnoreligious State

Michael Barnett, George Washington University

There are many rival explanations for why and how Israel evolved from a liberal democracy into an institutionalized ethnic and religious nationalism that discriminates against and disenfranchises the non-Jewish majority. Most of these explanations focus on dynamics internal to Israel: Zionist discourse; demographic shifts; the role of war and violence; electoral rules and politics that favored center and rightist parties; the influence of a well-organized and determined settlement community; and security imperatives. This memo suggests an external alternative: the enabling role of American Jews. This is not necessarily an outcome that most American Jews wanted, but those in power offered little resistance and instead offered justifications and resources for Israel's illiberal practices. After discussing this role, I offer some thoughts regarding whether and how Israel's increasingly pronounced ethnoreligious character might lead to a reassessment by American Jews regarding their near unconditional support for Israeli policies.

A bit of history is important here. Many American Jews in the pre-statehood period actively worried that a future Jewish state (or homeland) in the current confines of mandatory Palestine could not be both democratic and Jewish. Jews were a numerical minority, and their attempt to create a Jewish homeland was actively resisted by the Palestinian residents. In order to guarantee a Jewish homeland or state, Jews would have to become the majority; and/or Palestinians would have to leave; and/or separate Palestinian and Jewish states would have to be carved from the Palestinian mandatory territory. These options faced hard political, military, and ethical barriers. There were few scenarios in which Jews would become the majority, particularly if Palestinians had veto power over Jewish immigration. Palestinians were unlikely to voluntarily leave, and their forcible removal was difficult to imagine on military, political, or ethical grounds. And, for the moment, neither the Yishuv nor Palestinian leadership supported partition. Although American Jews shied away from having to make tough choices in order to guarantee the creation of a democratic and Jewish state in mandatory Palestine, Yishuv leaders, most notably David Ben-Gurion, were prepared to impose the costs on the Palestinian population.[1]

Because of these foreclosed options, many leading American Jews argued in favor of some sort of binational state in which Jews and Arabs would be equal and share political power. Born in Baltimore in 1860, Henrietta Szold is best known for founding Hadassah and working tirelessly for a Jewish homeland. But she also favored the idea of a binational state and created a political party, *Ihud*, in the Yishuv in 1940 for that purpose. The San Francisco-born reform rabbi Judah Magnes helped found the Hebrew University of Jerusalem and the American Jewish Joint Distribution Committee, and became an advocate for a binational state. Both Szold and Magnes drew from their progressive Judaism and fear of the underside of Jewish nationalism to advocate for equality between Jews and Arabs. For them and many others who favored a binational solution, principles and Jewish survival in America pointed in the same direction: American Jews could not be seen sanctioning discrimination against Palestinians and yet insist on their equal rights in the United States. Equal rights were a matter of principle and politics.

The destruction of the European Jews and the creation of an Israeli state that had a clear Jewish majority created a scenario that only two decades prior was deemed highly improbable: a Jewish and democratic state. American Jews tossed away whatever reservations remained, and organized to support the state of Israel. Yet it is worth noting that while American Jews were "pro-Israel," they showed little of the enthusiasm at this time that they would later. American Jews bought bonds that had to be repaid, rather than offer grants that were gifts; they visited Israel, but not in large numbers; few emigrated, notwithstanding the historic return of a Jewish state.

The 1967 war set the stage for the return to these pre-WWII tensions between Israel as a Jewish state and as a democratic state; however, because most American Jews (and Americans) did not imagine that Israel would absorb the territories they never truly considered the possibility of Israel having to choose between its Jewish identity and its democratic character. Instead of rehearsing the accumulating forces at work that turned hypotheticals into reality and friction into fire, I want to suggest four ways that American Jews poured gasoline on the flames. First, the 1967 war led to the emergence of a much more tribalistic, nationalistic, and Israel-worshipping American Jewry. American Jews no longer defined their Jewishness through religion or ethnicity but increasingly through Israel (and the Holocaust). And Israel and the Holocaust were not separate events, but rather tied historically, politically, and emotionally in the American Jewish imagination. Leading Jewish organizations now dedicated themselves to Israel. Most apparent, AIPAC, which was nearly unknown before 1967, became a workhorse for Israel, keeping pro-Israel forces moving in lock-step and becoming one of the most powerful lobbying organizations in Washington. Although its power has been hyped by others and itself, it helped to ensure that American financial, military, and diplomatic support flowed freely and continuously. And American Jews also were becoming big donors in their own right, helping to build hospital wings and Israeli universities, providing private support for the Israeli Defense Forces, and, largely hidden from view, supporting the orthodox community in Israel and settlement expansion.

Second, American Jews also increasingly saw themselves as playing a critical role in Israel's security. They might not be flying jets or riding tanks, but they were walking the halls of Congress, opening the aid pipeline, and ensuring that the White House fully supported Israel and its policies. As they made their case, they towed the line on security as defined by the Israeli government. Relatedly, the American Jewish elites and major Jewish organizations actively worked against any and all forms of criticism of Israel, including accusing critics of being anti-Israel or, even anti-Semitic. Dissent by American Jews became tantamount to treason. Leading American Jewish organizations and institutions, lay and religious alike, mobilized nearly unconditional support for Israel and actively quelled criticisms. What was good for Israel soon became what was good for the United States, a major turnaround from the pre-1967 period when American foreign policy kept its distance in order to preserve strong ties with Arab state that were viewed as more critical to American global strategy and containment policy.

Third, Israel and American Jewry developed something of a *ketubah,* a marriage contract, which included a set of rights and responsibilities. The original terms of the "contract" were set out in an exchange of letters in 1950 between Israeli Prime Minister David Ben-Gurion and American Jewish Committee's Jacob Blaustein: Israel would provide a sense of pride, belonging, and even a putative homeland for American Jews; American Jews, in turn, would provide political support and open doors for Israel into the inner sanctums of American power. The contract, as importantly, included principles of non-interference. Israelis were prohibited from interfering in the life of American Jewry, and American Jews were prohibited from interfering in Israeli politics (and especially security related matters). Yet American Jews were expected to become loyal auxiliaries of Israel. Such an arrangement could expose American Jews to charges of dual loyalty, but after 1967 Jews were feeling more confident in their American skin and Israel's developing alliance and "special relationship" with the U.S. meant that Israel might do wrong but rarely had to worry about consequences.

This unconditional support meant that Israel enjoyed something of a free hand and could push increasingly right-wing policies without having to worry about paying a price. At times Israel went too far, which would lead American policymakers to convey their concerns privately to Jerusalem. Rarely did American Jewish organizations call Israel out, either because they agreed with Israeli policies or an unwillingness to air dirty laundry in public. One brief period when Israel and American Jewish organizations butted heads was when the Labor Party

returned to power in 1992 and showed greater openness to dialogue and negotiations with the Palestinian leadership, a position that challenged those parts of the American Jewish community with more hardline views.

Fourth, in addition to enabling ethnonationalism, religious and ultranationalist American Jews were actively supporting settlement activity and Jewish radicalism and terrorism. There are now over 60,000 American Jews living in settlements. Most are not violent extremists, though enough of them are to pose a real threat to Palestinian residents and even to the Israeli state.[2]

The extent of this support is unknown because the flows are unrecorded, fudged, or work their way through various banks and companies to hide their origins and recipients. However, the investigative journalist Uri Blau, among others, suggest that American Jews have sent hundreds of millions of dollars to the settlements.

Did American Jews hope that Israel would turn into an ethnoreligious state that ruled over a majority of non-Jews? Probably not. Could they have stopped it from happening? Arguably not. Did they try? No. Did they adopt policies that facilitated this development? Absolutely. Silence can be interpreted in many ways, including approval.

The creation of an ethnoreligious state with a non-Jewish majority is currently producing a bimodal, and somewhat bipolar, American Jewry. Looking ahead, American Jewry appears to be increasingly ambivalent regarding Israel's present and possible future, and is responding in several ways.

First, there is growing sentiment among American Jews that the marriage contract must be renegotiated. This is not a consensus view. Many leading American Jewish organizations are likely to remain in the hands of the more politically conservative elements of American Jewry, and to continue to lend *nearly* unqualified support for Israel. Moreover, Orthodox Jews, who do not value liberalism and democracy in the same way as most American Jews, are likely to become more central to mainstream Jewish organizations and establish their own channels to generate support for Israel.

But many other long existing and newly created Jewish organizations are beginning to strike a different, critical, and even confrontational posture, leading to the implicit renegotiation of the contract. In other words, as Israel has changed, and changed in ways that a growing number of American Jews believe are at odds with their values, they will demand marital equality. I doubt that the two largest Jewish communities in the world will ever divorce, but this is an increasingly unhappy marriage, and it is American Jewry that seems to be pushing for a renegotiation of the *ketubah*. The root causes of this change are a matter of dispute. A changing American Jewry, with more intermarriage and more multicultural, is weakening the Israelotry that has defined American Jewry for the last four decades.

Second, and related, there is growing concern among American Jews that Israel no longer represents the interests and values of American Jews. For most of Israel's history the calculation ran as follows: Israel is the state of the Jewish people, its understanding of the national interests includes both Israeli citizens and world Jewry, and, consequently, when Israel defends the national interest it also is defending American Jewry. But there is growing unease that the interests of American Jews and Israeli Jews are growing apart. Israel is increasingly acting in ways that it may view as being in its interests, but not necessarily in the interests of diaspora Jews. Exhibit A is Israel's growing willingness to forge alliances with rightwing movements and politicians, many of whom deny the Holocaust and traffic in anti-Semitism, around the world on the grounds that it helps defend the Israeli state. Israel's readiness to provide implicit and sometimes explicit support for extremist organizations hit very close to home as it embraced a Trump administration that routinely sounded anti-Semitic dog whistles. Netanyahu and Trump forged a very close relationship, which has unsettled and disturbed most American Jews; after all, American Jews are overwhelmingly anti-Trump, often claiming that he is the antithesis of Jewish values and a threat to American Jewry's security. And because the Trump administration was unwilling to

condemn these organizations and movements that pledged their support to Trump, Netanyahu almost always had little to say when American Jews are violently attack.

Third, and related, there is a subtle but growing fear that American Jewry's close identification with Israel could lead to an increase in anti-Semitism at home. There are two related developments in this regard. One is the growth of the anti-Semitism on the left and the right. There are debates regarding whether the Left or the Right's anti-Semitism is more worrisome or deadly, but arguably the anti-Semitism of the Left is more closely tied to its opposition to Israel. And while certainly not all criticism of Israel is anti-Semitic, there are clear moments when the line between the two is fuzzy and anti-Semites use Israel as a vehicle to express their views. None of this is helped by the move by many American Jewish organization to redefine anti-Semitism so that it becomes nearly indistinguishable from anti-Israel. This move is justified as a way to better protect Israel, but perhaps at the expense of the security of American Jews.[3]

Fourth, Israeli and American Jewry might proclaim that they are a single people, but Israeli Jews have often treated American Jews as if they are second-class, watered down, Jews. The origins of such arrogance can be traced to Zionist ideology, which contained a nearly anti-Semitic caricature of diaspora Jews. But Zionism is not only to blame. So too is an Israeli state that has allowed the orthodox community to capture the religious institutions and define Judaism in a way that nearly strips reform and conservative Jews of their membership in the Jewish community. For these reasons, Israel ranks relatively low on measures of religious freedom.[4] From the perspective of Israeli law and practice, some Jews are more equal than others.[5]

These four developments sum into a growing view that American Jews and Israeli Jews increasingly see the world in different ways and that American Jews need to do more to protect themselves from an Israeli state whose character and policies might harm their security. Such thoughts, in some circles, are blasphemous. And these thoughts are increasingly leading the conversation among a growing number of American Jews to consider once unthinkable policies. One is a growing view that U.S. assistance to Israel must be conditional on Israel no longer using the aid to tighten its grip on the territories and violating the basic rights of the Palestinians. At the most recent J-Street annual conference, there was little talk of a two-state solution or what it would take to revive the peace process; these were increasingly seen as part of history. Instead, the conversation shifted to a growing willingness to consider the use of American aid as a way of trying to preserve Palestinian autonomy and rights. This proposal has generated a large backlash from the AIPAC-associated wing of American Jewry, and even among some who associate with J-Street. For instance, recently former U.S. Ambassador to Israel Daniel Shapiro made the case that Israeli aid was sacrosanct because American and Israeli security are inextricably intertwined.[6] Perhaps, but this rewrites the history of U.S. aid to Israel. Many increases in U.S. aid owed not to a desire to bolster Israel's security but rather to provide side payments and payoffs to Israel to either make concessions for peace or to buy its silence. And the argument that Israel continues to require vast amounts of U.S. security assistance is increasingly dubious. What is the case for U.S. aid when Israel retains such a significant strategic advantage over its neighbors (Iran being the important exception) and side-payments are no longer required to keep Israel involved in a peace process that no longer exists? In any event, often the argument is not to suspend all aid to Israel but rather to deduct that part of the aid package that is diverted to the West Bank.

Progressive American Jews are also drawing attention to the difficulties faced by a struggling Israeli and Palestinian civil society. By moving in this direction, they are acting more like classic human rights organizations that are trying to protect civil society organizations from an illiberal state. Indeed, whereas once American Jewish organizations tended to avoid the language of human rights because of its close association with Palestinian rights and a Palestinian state, they are less wary. If Israel is to be a state that honors the rule of law, then it must support those civil society organizations that fight for it, and especially in an environment in which they are under attack and demonized by the Israeli government.

Another set of actions might include advocating for a binational state. Although quite unlikely to happen, it is a possibility. And, it does represent a return to the past. A century ago American Jews worried that they could not defend their rights at home if they tried to justify one set of rights for Jews and another for Palestinians in a future Jewish homeland. Consequently, many argued in favor of some form or a binational state. With the creation of the State of Israel with a Jewish majority meant that there was no contradiction between a democratic and Jewish state. But after 1967 that potential contradiction returned, and it became a reality with the absorption of the territories. Accordingly, many left-leaning and progressive American Jews are increasingly insisting that Palestinians must be granted rights, and not just economic and social rights but also civil and political rights – and, ultimately citizenship and voting rights. The return to binationalism is a logical consequence of their commitment to liberalism and pluralism – and a willingness to choose a democratic Israel over a Jewish Israel (Israeli Jews prefer an illiberal Israel if it allows for preserving a Jewish Israel). And, this position might gain even greater support if and when a younger generation of Palestinian leaders abandon any hope of a separate state and demand Israeli citizenship.

Several thoughts by way of conclusion. Relations between American Jews and Israel have gone through different phases, from support bordering on indifference, to blind acceptance, to growing ambivalence. Throughout American Jews have supported and identified with Israel, though this support was not as unqualified as some observers have suggested. Still, after 1967 they provided nearly unconditional support and thus share some responsibility for Israel's evolving ethnoreligious character. I am not arguing that more dissent and resistance from American Jewry might have altered Israel's path, but American Jewry helped to ensure that Israel was protected from sticks and stones and continued to enjoy American aid. However, in recent years there is a growing ambivalence of American Jews and willingness to challenge Israel. This is not historically unprecedented, but never before has the marriage contract been under such strain. None of this means that American Jews will seek a *gett*, but it is to suggest that it will be increasingly difficult for a pluralistic and liberal-leaning American Jewry to keep their views to themselves. Relatedly, American Jews are increasingly bitterly divided on these issues – and this trend will intensify. Many of the most prominent American Jewish organizations that have provided nearly unconditional support and political cover for Israel continue to do so, but will no be able to do so with reference to Israel's liberal, pluralist, and democratic character. Another camp is beginning to challenge a state organized around one set of rights for Jews and another set of rights for non-Jews: how Israel treats its minorities can have implications for American Jews, and American Jews feel responsibility for the character of a state that claims to operate in their name.

Lastly, one of the big developments that occurred between when I first drafted this essay and when I made the final edits is that the United States has given Israel a green light to annex a substantial part of the West Bank. Netanyahu claimed that he would speed through the light the moment he could, but then the Trump administration said that he should approach the intersection with caution and perhaps with the U.S. allowed to control the brake pedal. After managing to survive the third contested election in a year, in early 2020 Netanyahu declared that July 1 would be the date of annexation. But I am writing this on July 2 and, legally speaking, annexation did not occur. But that doesn't mean that it won't in the near future, especially as Trump's re-election hopes dwindle and Netanyahu worries that the green light might soon turn red. But the possibility of annexation revealed an additional set of fault lines between Israel and the American Jewish community, for even for many of Israel's ardent supporters this was a bridge too far. And this period of build-up also produced a stream of statements that said that annexation would bury any idea of Israel as a liberal, democratic state. The new frame has been set. Will annexation spell a new chapter in relations between American Jewry and Israel? Will it be possible for American Jewry to sustain the narrative that American and Israeli Jews share the same values? On what narrative will the new period in the marriage be based?

Endnotes

[1] See, for instance, Tom Shelev, *A State at Any Cost: The Life of David Ben-Gurion* (NY: Farrar, Straus, Giroux, 2019).
[2] Sara Hirschorn, *City on a Hilltop* (Cambridge: Harvard University Press, 2017).
[3] https://972mag.com/antisemitism-israel-jews-ihra/142622/
[4] file:///C:/Users/barne/Downloads/Restrictions_X_WEB_7-15_FULL-VERSION-1.pdf
[5] I situate these various trends in historical context in my *The Star and the Stripes: A History of the Foreign Policies of American Jews* (Princeton: Princeton University Press, 2016).
[6] https://forward.com/opinion/434331/what-democrats-need-to-learn-from-obama-about-aid-to-israel/

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