To set the stage for an analysis of the mode of incorporation in Israel and the exclusionary dynamics of its citizenship regime, the concept of citizenship is examined in this chapter with a particular focus on the kinds of relations that can be formed among political subjects within a liberal citizenship regime. The interrelated tensions and themes of citizenship, including, among others, individual and group identities, representation, legal categorization, political subjectivity, rights and responsibilities, inclusion-exclusion, Otherizing, deterritorialization, resistance and emancipation, are here extracted. As we will see in the prospective chapters, these elements and notions integral to the concept and practice of citizenship resurface in various problematized forms when applied to the Israeli citizenship regime. Taken together, the dynamics of the classical liberal model of citizenship discussed in this chapter will inform my forthcoming excursus into the stateless citizenship of Palestinians in Israel.

Framing Citizenship

Nation-states use the citizenship framework as the primary organizing relation between the state and its constituents, or citizens. Traditional readings of citizenship depict it as the intersection of identity and law, where both a national belonging and a constitutionally recognized membership in a state are articulated. It is conventionally conceived of as a mechanism of civic incorporation within a state; a form of social membership used as a basis for claim-making with which comes access to rights, privileges, and freedoms allocated and protected by state institutions. As an institution, citizenship is comprised of the social community and implies that access to public goods and services, as well as participation in state institutions, exhibit the political, civil and social rights of this collective. Indeed, citizenship has emerged as an issue which is central, not only to practical political notions concerning access to health-care systems, educational institutions, public programs, and the welfare state, but also to concepts of legal jurisdiction and social membership.
For the most part, the duties and obligations of citizenship are shaped by the parameters of membership, rights and participation. In *Citizenship and Social Class, and Other Essays* (1950), English sociologist T. H. Marshall outlines his classical theory of citizenship where its associated rights are divided into three components: the civil in the eighteenth-, the political in the nineteenth-, and the social broadly assigned to the twentieth-century. The civil element involves the rights and liberties necessary for individual freedom (such as freedom of speech, opinion and thought, the right to own property, to have valid contracts, and the right to justice); the political element involves the right to participate in the exercise of political power; and the social element involves economic welfare, security and a right to a share in the social heritage of the community (Marshall 1950, 10–11). Though he holds that each of these components or parts of citizenship rights evolved in different directions and in various degrees since the seventeenth century, the trajectory of Marshall’s theory of citizenship goes in the direction of the principles of the equality of all citizens as full members of society, common possession, rule of law, majority rule, democracy and parliamentary representation, and so forth. Seen in this manner, the institution of citizenship constitutes an overarching identity cloaking all other identities to produce ‘equal’ citizen-subjects.

Of course, absent from this classical model of liberal citizenship is an account of ethnicity, culture, gender and sexuality, class and religion as major sources of identity, claims and participation – all of which have complicated the existing problems of identity in increasingly globalized societies.\(^1\) That said, and for the most part, citizenship in its contemporary realization in liberal-democratic countries in North America and Europe is universalistic in that it does not recognize or accept familial, tribal and kinship ties as legitimate sources of authority, claim-making, and participation in the public sphere. Broadly speaking, citizens in most Western liberal-democratic societies are at least formally conceived as rights-bearing subjects who exercise their rights equally with other citizens, so that no individual or collective is legally privileged insofar as they are citizens. Though modern citizenship in Western liberal-democratic societies is certainly not always realized and practiced in this manner; and for such a study each model of citizenship ought to be contextualized because it differs heavily from state to state, the subjects of citizenship do have direct affiliation with the state and direct access to its privileges and protection.

\(^1\) For more, see Turner (2009, 65–73).
in a manner that is largely unmediated and uninhibited by other identities, ties or affiliations. Now, most definitions of citizenship will outline a legal relation between a subject and a political society, the attributes of which reflect the self-definition of the particular state order. We are often told that for the Greek democrats living in Athens under Pericles, the city-state was the only appropriate space for the fullest human development and flourishing. In what is considered by many to be one of the first treatises on citizenship, Aristotle stated:

Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without a state, is either above humanity or below it; he is the 'Tribeless, lawless, hearthless one', whom Homer denounces—the outcast who is a lover of war; he may be compared to an unprotected piece in the game of draughts (Aristotle 2008, 1253a, 1–10).

Here there is no citizen-subject that exists prior to the city-state, and “anyone who cannot form a community with others, or who does not need to because he is self-sufficient, is no part of a city-state – he is either a beast or a god” (Aristotle 2008, 1253a, 14–15). But the dynamic at play is not one-sided. The city-state does not simply create viable subjects. Instead, and especially as recent constructivist literature has revealed, the citizen-subject and the city-state have a mutual relationship of creation, and “each is a coterminous effect of the other” (McAfee 2000, 3).

As a set of processes for the provision of privileges, protection and responsibilities, citizenship rights are typically the result of struggles between the citizen-subjects and identity-specific collectives and the state at the social and political level. For the most part, such demands for recognition and inclusion are often linked to the contributions of the claimant(s) to the social good and the welfare of the state. Thus, cultural, ethnic, religious and racial divisions within a society are key ingredients in moulding its model of citizenship and its particular set of practices. And given that citizenship does not necessarily evolve to include all individuals and collectives, the achievement and provision of group-based rights of citizenship can thereby fuel existing social, political and cultural fragmentation (Ben-Porat and Turner 2011, 7). With this, citizenship often becomes divided and hierarchical. Guy Ben-Porat and Bryan S. Turner explain that:

Where existing hierarchies and divisions are challenged, citizenship becomes a site of negotiation, contest and contention where, on the one hand, duties and obligations are defined and, on the other hand, demands
for rights and entitlements are presented. .... Citizenship, therefore, often
delineates a hierarchy between and within social groups in society and con-
sequently structures the opportunities afforded by the state to different
people who are included, excluded or marginalized by the very definition of
citizenship (Ben-Porat and Turner 2011, 7-8).

Indeed, contemporary nation-states have had to address the realities
of their increasingly multicultural, multinational and multireligious con-
stituents. Far from their oft advertised culturally homogenous makeup,
nation-states have had to face and accept new calls for recognition, rights
and representation, often resulting in demands for a re-definition of state
institutions and discourses surrounding citizenship (Ben-Porat and Turner
2011, 8–9). The multicultural aftermath of increased and multifaceted glo-
balization (and the resulting rise of demands by new immigrant minority
groups) therefore questions not only the “foundational assumptions of
‘ethnic states’ that provide a national home for a dominant ethnic group,”
but it also (re)shapes the contours of liberal-democratic institutions and
discourse (Ben-Porat and Turner 2011, 9).

Theorizing Citizenship

Grounded in a guarantee of legal, social and political protections from
other members of the commonwealth and arbitrary actions from a sover-
eign power, classical liberal citizenship is often understood as a passive
and active membership of individuals in a nation-state with accompan-
ying universalistic rights and responsibilities at a formally defined level of
equality.2 Some of these characterizations of citizenship deserve atten-
tion. First, as membership in a nation-state, citizenship requires the iden-
tification of a certain personhood placed apart and in opposition to
non-citizens, strangers and foreigners. Further, the distinction between
passive rights of citizenhood and active abilities to contribute to and influ-
ence political and economic realities is important as both elements are
necessary for genuine citizenship participation in a nation-state. Third,
the universalistic character of citizenship rights is understood as formally
enacted in law and equally applicable and accessible to all citizens.

2 Janoski and Gran 2002, 13–14. This definition is what the authors call ‘political citizen-
ship’, but though they are focusing on the theoretical range of citizenship rights and obliga-
tions (legal, political, social, and participation rights) the discourse and theoretical
premises of their depiction and definition of citizenship are very much in tune with a lib-
eral theory of citizenship.
And this brings us to the fourth feature of such a reading of citizenship, namely, that it is a statement of equality among its members in a manner where rights and responsibilities are balanced within the social order. The final and most important feature of a liberal theory of citizenship is the emphasis on individualism. Indeed, the emphasis on the individual is a bedrock of liberal theory, and is present in its approach to all other social arrangements. The primacy of the individual and her/his liberty is mainly realized as “freedom from state interference with one’s personal development and projects ... [along with] a deep suspicion of state power over individuals” (Schuck 2002, 134). With this caveat, liberal models of citizenship often reveal a certain tension when group or collective rights and obligations are introduced into social aggregations in a manner that trumps or challenges individual rights.

As subjects of citizenship, collectives marked by religious, cultural, ethnic and national identities can influence the process, practices and other aspects of a liberal state, thereby also affecting the citizens and non-citizen Others in the social order (Schuck 2002, 135). Now despite this, classical liberal theory depicts a state that remains disinterested vis-à-vis these different groups, does not take sides, and maintains a certain neutrality. Of course, such normative neutrality has proved impossible for liberal states in the face of increasing identity-specific collectivities, resulting in the “entang[ling of] the state, groups and individuals in ways that may threaten the autonomy and integrity of individuals and groups and hence endanger the liberal project itself” (Schuck 2002, 141). In the end, discourses and debates around the function of the state with regards to individual and group claims and obligations continue to (re)draw the boundaries of liberal citizenship.

Manifestations of liberal citizenship also posit a certain connection between a distinct geographical and territorial entity, or a sovereign nation-state, and the practice, rights and obligations of citizenship. Here the ownership of a passport serves as the main feature of citizenship, allowing individuals the right of mobility in and out of the geographical space with the formal sanction of the state (Ben-Porat and Turner 2011, 5). But increasing globalization and post-modernist approaches to state-citizen relations have both redefined and reshaped the key axes of citizenship (Isin and Turner 2002, 2). Isin and Turner explain that

... various struggles based upon identity and difference ... have found new ways of articulating their claims as claims to citizenship understood not simply as a legal status but as political and social recognition and economic redistribution (Isin and Turner 2002, 2).
As a result, modern political theories about citizenship, its processes, practices and consequences, in the form of liberal, republican and ethno-national citizenships are growing increasingly inadequate. Despite their respective differences, such typologies of citizenship – as those outlined by Gershon Shafir and Yoav Peled and further explained in Chapter Five – mostly remain state-centric and dependent on that ground as the main source of legitimacy and authority. But while these models of citizenship may help us understand the nature and characteristics of various forms of rights, representation and responsibilities that exist across liberal-democratic states, they are unable to capture the inherent changes in the processes and practices of citizenship in the twenty-first century (Isin and Turner 2002, 4). In other words, the dislodging of a geographically defined territory as the sole source and benefactor of the acts and practices of citizenship through forces of globalization and post-modernist forms of organization has expanded the way in which citizenship is discussed and realized, in a manner that has yet to be sufficiently captured by liberal, republican and ethno-national models of citizenship.

**Citizenship beyond the State**

In a powerful introduction to the study of citizenship, social science scholar Engin F. Isin provides insight on how it is that citizenship is usually approached by academics. He points out that

... routinized academic practices, where the origins of 'city', 'democracy' and 'citizenship' are etymologically traced to the 'Greek', 'Roman' and 'medieval' cities, and affinities between 'their' and 'our' practices [in contemporary Western liberal societies] are established, not only orient toward but also reproduce such images. After being 'reminded' that *polis*, politics and polity; *civitas*, citizenship and civility; and *demos* and democracy have 'common roots', we are provided with images of virtuous Greek citizens debating in the *agora* or the *pnyx*, austere Roman citizens deliberating in the republican senate, and 'European' citizens receiving their charters in front of the guildhall (Isin 2002, 305).

This recurring tendency among citizenship scholars and political theorists ought to be acknowledged, and the imagined political and conceptual links provoked by etymological references between ancient forms of citizenship and that which exists in contemporary liberal societies under conditions of modern capitalism and globalization ought also to be made explicit and challenged. Otherwise our approach to the study of citizenship would not only continue to fail to capture the specific textures and
dynamics unique to its modern realization in the twenty-first century; but as Isin explains, it would also continue to

... mobilize and provoke an invented tradition: that we are somehow *inheritors* of an occidental tradition that is different from and superior to an oriental one. These images then invent not one, but two traditions (Isin 2002, 305).

As such, while pointing to the historical and etymological roots of citizenship, the city-state and liberal-democratic social orders, my discussion will aim to refrain from (re)producing such orientalist and occidentalist images and characterizations. However, and without seeking to reinforce the invented tradition pointed to by Isin where contemporary Western societies are direct inheritors of a superior and unchanged occidental mode of thought, references to ancient societies in the West are useful for understanding the historical, social and political changes in the territorialization of citizenship. For instance, looking at how citizenship is arranged, British-Australian sociologist Bryan S. Turner refers to ancient Rome to remind us that the concept of citizenship was not always deemed as politically committed to a city-state framework. He writes that:

The Cynics and the Epicureans tended to give greater importance to the idea of individual autonomy and moral development rather than to the more collective virtues of Aristotelian philosophy. It was the Stoics who reformulated a notion of civic obligation. ... Eventually the Stoical values of discipline, frugality and industry reflected the changing political reality of the Roman Empire, whose size, social differentiation and bureaucratic complexity no longer corresponded to the moral idea of the *polis* as an ethical association (Turner 1990, 202).

From the above depiction we can observe that though it was the territorial expansion of the Roman Empire which began to blur the link between citizenship and the city-state, the transformation of citizenship today along with major trends of contemporary denationalization and deterritorialization of modern citizenship can be ascribed to numerous processes *both inside and outside* of the state. Indeed, contemporary citizenship is composed of multiple elements many of which can be associated with the state, but the increasing development of locations of citizenship outside of the state framework is due to two main sets of transformations. The first set refers to changes inside the nation-state such as “deregulation, economic privatization, ... changes in the law of nationality entailing a shift from purely formal to effective nationality, and legislation allowing national courts to use international instruments” (Sassen 2002, 277–278). The second set of transformations refers to developments outside of the...
nation-state resulting mainly from globalization. This includes “the emergence of multiple actors, groups and communities partly strengthened by these transformations in the state and increasingly unwilling to automatically identify with a nation as represented by the state,” along with the “organization of formal [citizenship] status, the protection of rights, citizenship practices … [and] the experience of collective identities and solidarities” which remove the nation-state as the “exclusive site for the enactment of citizenship” (Sassen 2002, 278).

One’s reading of citizenship as a tool for delimitation or suppression, and/or as a tool for self-protection, resistance and emancipation of the political subject depends partly on whether citizenship is understood as a territorialized and rigid legal status, or as a multifaceted practice. Isin explains that a politically dynamic and historically relevant conception of citizenship requires a reformulation of the question ‘what is citizenship?’ to an inquiry into ‘what is called citizenship’ (Isin 2009, 368–372)? Such a refocus would provoke a consideration of the various interests and elements that serve as a catalyst for the interpretation of citizenship as either primarily a de jure or de facto relation. Now, the two interpretations of citizenship as a legal status and as a practice are different, yet related. Scholarly readings of citizenship as formal status concentrate on the inclusive exclusive dynamics and legally inscribed circumstances of residence, naturalization, deportation, (im)migration, detention, statelessness, and visa and passport acquirement. This reading is premised on the acquisition of citizenship through one of the three means of *jus sanguinis* (inherited citizenship through a parent), *jus soli* (inherited citizenship through birth separately from parentage) or *jus domicili* (citizenship through naturalization in a host-society) (Isin 2009, 369). In contrast, interpretations of citizenship as a practice often posit social and political transitions such as integration, multiculturalism, coexistence, recognition, nationalism and trans-nationalism as a focus. Treating these as socially reproduced, politically driven and legally inscribed processes that develop slowly over time, readings of citizenship as a practice stress the diverse sites and acts of citizenship that permeate states undergoing such transitions. That said, and regardless of the particular interpretation of citizenship, most of the scholarship on citizenship: first, agrees that its de jure and de facto elements necessarily imply and dispute each other as

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3 Isin cites a range of scholarship interpreting citizenship as *status*. I would also add the writings of Soysal (1994) and Somers (1998) to both lists as they stress the dual importance and interrelatedness of citizenship as status and as practice.
important elements, and second, goes on to posit an essential connection
to a national state (Isin 2009, 369).

The rise of state-based forms of political organization rendered nationality a central ingredient in the formulation of an institutionalized citizenship. As a result, while the terms ‘citizenship’ and ‘nationality’ extend to different legal jurisdictions, as the former reflects a national sphere and the latter an international legal realm, both nevertheless denote a nation-state framework and bestow the individual with some form of state membership (Sassen 2005, 81–83). However, scholars increasingly question the inherent connection between citizenship and the nation-state framework, or the territorialization of citizenship. Yasemin Soysal’s important contribution on the codification and expansion of rights beyond the national framework of citizenship has since generated new models and understandings of (state) membership. Soysal writes:

Historically, as the state has expanded and permeated new domains of social action, its responsibility has extended to different strata of society – workers, women, and children. The state has incorporated a larger and larger proportion of the population into its jurisdiction and into the public realm .... In this process, incorporation has affected the national citizenry through the establishment of citizenship rights and national institutions. However, in the postwar era, even foreign populations are incorporated into the institutions of the polity. In accordance with expanding notions of universalistic personhood, non-citizens, as much as citizens, are entitled (and authorized) as productive individuals wherever they reside (Soysal 1994, 31).

What surfaces is a kind of dilution of the model of citizenship as a form of elite social membership used as a basis for claim-making. In outlining the conceptual and practical contradictions surrounding readings of citizenship as anchored in a territorialized nation-state, Soysal shows that the bestowing of universalistic rights of personhood moves beyond these boundaries, rendering “national citizenship particularly less important” (Soysal 1994, 7–31). All in all, Soysal’s discourse is based on an observation of shifts in the social, political, legal, cultural and economic conditions that interrogate territorial readings of the concept of citizenship. As further explained below, such a non-territorialized reading also has implications for the kinds of actors included in the mechanisms and processes of claim-making.

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4 See Soysal (1994). Further, Isin (2009) explains that while these new forms include post-national, transnational, global or cosmopolitan models of citizenship, the literature on citizenship nevertheless is, for the most part, outlined within a state framework.
A similar analysis challenging the exclusionary model of citizenship as rooted in national sovereignty is provided by Dutch-American sociologist Saskia Sassen:

[T]he destabilizing of national state-centered hierarchies of legitimate power and allegiance has enabled a multiplication of non-formalized or only partly formalized political dynamics and actors. These signal a deterritorializing of citizenship practices and identities, and of discourses about loyalty and allegiance (Sassen 2005, 80).

Rather than a static and detached institution, citizenship instead involves a range of related interactions, dynamics, and tensions between the individual and the state order at the legal, political, cultural, and psychological level. In her analysis of the denationalizing and post-national developments in modern citizenship, Sassen also points to the events leading to the nationalizing of citizenship. Here, Sassen highlights the “formation and development of the national state as the key political community and [as] crucial to the socialization of individuals into national citizenship” (Sassen 2002, 279). The evolution of political subjecthood and participation in conjunction with state formation generated a citizenship regime in Western societies where nationality served as a fundamental element of citizenship at a political, cultural and psychological level. Indeed, this development of the national character along with the formation of the institution of citizenship accounts for differences between the various incorporation and citizenship regimes of nation-states in Europe and North America. Having explained the nationalizing features of citizenship, Sassen goes on to distinguish between denationalizing and post-national trajectories of citizenship. Though “not necessarily mutually exclusive,” the former is concerned with the “transformation of the national” while the latter involves “new forms that we have not even considered and might emerge out of the changed conditions in the world located outside the national” (Sassen 2002, 286). Sassen’s distinction between denationalization and post-nationalist tendencies in citizenship brings the discussion to the question of how these transformations in the conception of the “national” and their direct and indirect amendment of the particular features of the institution of citizenship affect the kinds of actors of citizenship, or the citizen-subjects that arise.

New actors in the arena of citizenship, including refugees, asylum seekers, courts, international courts, multinational organizations and other non-status and/or non-citizen agents surface as political subjects. And as political subjects they carry demands and claims for inclusion,
representation and justice into new fields that include a multifaceted range of rights, privileges and responsibilities. Reflecting on this development, Isin contends:

The rights (civil, political, social, sexual, ecological, cultural), sites (bodies, courts, streets, media, networks, borders), scales (urban, regional, national, transnational, international) and acts (voting, volunteering, blogging, protesting, resisting and organizing) through which subjects enact themselves (and others) as citizens need to be interpreted anew. ... We need a new vocabulary of citizenship (Isin 2009, 368).

This new vocabulary of citizenship requires an examination of the “acts of citizenship” to sketch both “those deeds by which actors constitute themselves (and others) as subjects of rights,” and the manner in which new and non-traditional political subjects are formed (Isin 2009, 371). Here, as in his other works, Isin notes: first, that actors in the arena of citizenship are not defined by their status as citizens and can include a range of legal or quasi-legal individuals or collectives; second, that acts which produce political subjects generate new areas of allegiance and struggle that are separate from conventional sites of citizenship (i.e., voting, jury duty, military service, and more); and finally, that the acts of citizenship move beyond political, legal and state jurisdictions, sometimes along urban, regional and international lines.5 Thus, the status of the citizen can no longer be limited to state membership, and the practice of citizenship can no longer be circumscribed within the borders of the nation-state. What the focus on acts of citizenship reveals is that our understanding of the concept of citizenship must be able to account for its malleable and dynamic foundations and character. Such an understanding allows for a new discussion of the manner in which citizenship, as an institution, status or practice, can act as a repressive and/or emancipatory force.

The interaction among the agents, sites and acts of citizenship provides access to rights depending on the medium through which citizenship rights are determined. This can include some combination of birth, wealth, ethno-national identity, language, religious affiliation, and political or legal status among other traits, and serve to illuminate the mechanisms through which the rights of citizenship are (at least formally) allocated. Here, the rights accompanying citizenship determine the actors in the arena of citizenship, and the inclusive exclusive relations that emerge as a result of their exercise. As a result, different rights of

5 See, for example, Isin (2008). Here Sassen’s claim that “citizenship is partly produced by the practices of the excluded” is also relevant (2005, 84).
citizenship produce different political subjects. On the question of citizenship rights, sociologist Margaret R. Somers has gone so far as to assert that the rights of legal citizens in a nation-state (de jure citizens) are irrelevant in the absence of de facto citizenship rights.\(^6\) In many cases, Somers argues, de jure citizenship in its current form of official citizenship status no longer determines rights within a nation-state. This account is more in conjunction with Hannah Arendt’s political philosophy insofar as it highlights the importance of de facto rights and legal recognition. Somers illuminates a key feature of Arendt’s understanding of citizenship, namely, that the de jure and de facto elements of citizenship, or the status and practice of citizenship, are deeply intertwined. And to determine the actual substance of citizenship, Somers employs the language of rights. In theorizing about the constellation of rights that are foundational to an inclusive citizenship regime, including civil and political freedoms, access to justice, equality and political participation, Somers adopts an Arendtian reading of citizenship as “the right to have rights” (Somers 2006). Two factors are fundamental to this formulation of citizenship: the first is the presence of both de jure and de facto rights of political membership and subjectivity; and the second element is a range of juridico-political rights that encompass social, political, economic welfare, and security rights which, by extension, can include cultural, social heritage, indigenous, and same-sex rights, among others (Somers 2008, 5–9). Central to Somers’s formulation of citizenship is that these rights are to be widely recognized, accepted by a sovereign power and socio-politically and legally enshrined. Thus, while political membership and subjectivity act as a foundation for citizenship, and make de jure and de facto inclusion, identification and recognition possible, the two features of citizenship are inherently intertwined, and complete each other.

PROBLEMATIZING LEGAL CATEGORIZATION

The term citizen is, for the most part, a modern socio-legal category. First employed in the fourteenth century, the notion of citizenship only referred to an inhabitant of a polity, and it was later in the sixteenth century when the concept was seriously affiliated with the notion of a right of membership in a city (McAfee 2000, 13). Moreover, it was not until the eighteenth century when it expressed a set of responsibilities and obligations, and it

was here where the *citizen* was first rooted in modern readings of an autonomous and individual subject: “a being unto himself, separable from any community, the author of his own will and intentions” (McAfee 2000, 13). The modern conception of the citizen outlines a political subject capable of developing an understanding of itself as a political subject through the exercise of decisive political actions and interventions. As Nöelle McAfee explains, “[t]o this day, our notions of citizenship rest upon our notions of subjectivity.”

A historical reading of the development of the concept of citizenship requires an understanding of a universalizable political subject through which particular social, cultural and tribal affinities begin to collapse. Such a transformation initially occurred within the context of ancient and pre-modern cities, and later developed into state-based forms of political organization where social collectives struggled over the use of, and access to, social resources. Not an inevitable development within city-states, social rights in the form of *citizenship rights* are a product of a series of conflicts and competitions between different social groups, with different access to and investment in the state order. By the same token, previously acquired sets of social rights can also be renounced as a result of these social struggles. Therefore, with the development of citizenship within the city-state context evolved notions of freedom, autonomy, civility, and at a broader level, civilization (Turner 1990, 203). Migration from the township, village or countryside to the city became associated with the processes of civilization, acculturation and enlightenment, thus distinguishing the *citizenized* individual from her/his non-advanced non-citizen counterparts. Hence, what surfaces from ancient, pre-modern and modern readings of citizenship is the necessary Otherizing that lies at the root of the concept and process of citizenship: the creation and maintenance of an Other, a non-member or outsider excepted from the social arrangement.

The modern concept of citizenship remains rooted in a *relation of exception*. While depicted in the language of universalism and inclusion, it has simultaneously and systematically excluded, and sometimes even criminalized, certain individuals and collectives.8 Citizenship lives,

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7 This definition of the political subject is very similar to one posited by Alain Badiou. For a critical reading of Badiou’s concept of the political subject, see Calcagno (2008). In this article, Calcagno points out the “de-politicizing, de-subjectivating [and] dehumanizing” effects of political actions. He also expands traditional readings of political actions to include “failed or non-interventions” within the realm of the political.

8 As Ben-Porat and Turner note, “What determines the composition of citizens, strangers and outsiders and their respective rights and obligations in a given nation-state depends on its historical trajectory” (2011, 3).
breathes, develops, acts, formulates, establishes, grows, is reproduced by, and bestows praise, punishment, rights and representation against an Other, or through the process of Otherizing. The relation of exclusion foundational to the concept of citizenship continues to shape its vertical and horizontal peripheries where stateless persons, asylum seekers, refugees, foreigners, temporary workers, guests and aliens are located. It is in the margins of citizenship, in the gaps of the juridico-political order, where the vulnerable and unwanted non-members of the nation-state reside. Yet, while the citizen and non-citizen, or the member and non-member, are characterized here as juridico-political categories, they are not to be considered as assemblages or groups. As Jacques Rancière writes:

Man and citizen do not designate collections of individuals. Man and citizen are political subjects. Political subjects are not definite collectivities. They are surplus names, names that set out a question or a dispute (litige) about who is included in their count (Rancière 2004, 303).

Where the line separating one life from another is drawn is key. To Rancière, “politics is about that border.” What is present, and nominally representable, is structurally shaped by what is absent. These gaps, breaches and cracks in the juridico-political continuum of state-membership simultaneously serve as a blueprint for and affect citizenship, as both a status and a practice. For instance, citizenship rights belonging to the citizen may be similar to (or, in some cases even identical to) those provided to the non-citizen, but they are not shared. Here we can imagine that the citizen and its Other are travelling on separate but attached roads. And although these roads may intersect and merge into a single road at times, placing the citizen and its Other exactly side-by-side, their relation to that road is not the same. In other words, the sphere of inclusion for the citizen is separate and autonomous but not detached from that of the non-citizen. Both figures are political subjects, within institutionalized parameters, and are co-created and Otherized by virtue of their political, legal, linguistic, social, economic and even psychological frameworks. It is this Otherizing effect of citizenship that this book attempts to deconstruct in the case of Israel. But rather than focusing on the Other that resides outside, or on the margins of, the citizenship regime, the aim here is to examine the dynamic of Otherizing that occurs within and through inclusion in the citizenship regime. So, while we can understand that the separate and autonomous sphere of inclusion for the citizen nevertheless remains connected with the non-citizen, we must also consider the relations of exclusion residing within citizenship itself. With this, the broader question of
whether citizenship is, or can be, genuinely inclusive – even of its own subjects – begins to surface.

Now, looking at the broader context of multi-ethnic state systems, practices arise that appear to accommodate the political and social dominance of one group with the concept of democratic citizenship. A major trend within Western nation-states has been the development of new calls for inclusion, representation and protection. But, as explained by Isin and Turner, “what is new is the economic, social and cultural conditions that make possible the articulation of new claims and the content and form of these claims as citizenship rights” (Isin and Turner 2002, 1). Hence, depictions of these new frameworks for rights and obligations as “minority rights” are limited and misleading because these calls for rights and representation are not put forward by distinct collectives and cultures merely because of their statistical minority; rather, such claims for inclusion and recognition are the result of a series of changes in economic, social, political and cultural processes and structures.

An analysis of these processes also reveals the (often devastating) dynamics of the citizenship available to minority or marginalized communities within the state system. This illustrates the importance of the specific social and political milieu in determining the practice and relation of citizenship rights. With an examination of the kind of model of state-minority relations that is adopted by a society, certain complexities, inconsistencies, and ambiguities emerge around the formulation of the types of rights, for which groups, and in which contexts (Kymlicka 2008). These models often depend heavily on the distinction between indigenous and minority communities and their associated rights, argues Canadian political theorist Will Kymlicka, pointing to the official international legal position “that indigenous peoples have a right to accommodation, whereas minorities have a right to integration” (Kymlicka 2008, 3). An accommodationist approach involves questions of self-government, self-determination and institutional pluralism, whereas an integrationist approach focuses on questions of non-discrimination and socio-civil rights. Kymlicka explains the use of these approaches to understanding the differing rationales behind indigenous rights and minority rights in the development and interpretation of key international legal texts by the United Nations Working Group on Minorities and the United Nations Working Group on Indigenous Populations (Kymlicka 2008, 4). Three basic differences between minorities and indigenous peoples takes shape as a result of these initiatives: (i) minorities seek institutional integration while indigenous peoples seek a degree of institutional separateness,
(ii) minorities seek to exercise individual rights while indigenous peoples seek to exercise collective rights, and (iii) minorities seek non-discrimination while indigenous peoples seek self-government. Kymlicka points out, however, that these interpretations are not only stipulations in international legal texts but they also make claims about the aspirations of the two types of groups. For “if international norms accord different rights to minorities than to indigenous peoples, [then] this is because the two groups are presumed to want different kinds of rights” (Kymlicka 2008, 5).

He argues that while these groups appear to differ very little in ‘objective’ characteristics, the distinction to be made between indigenous peoples and minorities is that of the nature of their political demands, rooted in their mode of organization and political aims.

With this contention, the question of the types of ‘minority’ categorizations, their applicability and shortcomings arises. Important to keep in mind is that an analysis of power and the notion of oppression is hardly present in Kymlicka’s account of minority categorizations. Indeed, throughout most of his scholarly work, he is more interested in outlining the logics and structures of claims, obligations and inclusions provided to collectives placed in different legal categories; and in examining the possibility of whether liberal citizenship can coexist with or complement distinct rights and protections provided to ‘minority’ communities. With this intention, one of Kymlicka’s key scholarly contributions to the study of citizenship and its relation to the individual and collectives has been “the liberal mainstreaming of minority rights” so that such claims can be sourced in the “liberal principles on which existing institutions are built” (Joppke 2002, 247).

Now, Kymlicka makes a distinction between old or homeland minorities and new minorities. The former were settled on their territory prior to it becoming part of a larger, independent country, have been settled within a particular part of that country for a long period of time, and, as a result of that historical settlement, have come to see that part of the country as their historical homeland. Conversely, the latter were admitted to a country as immigrants after it achieved legal sovereignty, and accorded a different legal status depending on the host society such as asylum seekers, temporary guest workers, illegal immigrants, and permanent immigrants (Kymlicka 2008, 7–9). For Kymlicka, an important distinction ought to be made within the category of old minorities between indigenous peoples and other historically settled homeland minorities, called national minorities. Yet, while it is of importance for many legal purposes, the distinction between indigenous peoples and national minorities is nevertheless
rendered irrelevant in relation to issues of minority rights as both types of old minorities are bestowed the right to accommodation (Kymlicka 2008, 10–12). He points out that both are granted various rights to self-government over traditional territory, along with linguistic and cultural rights in their respective public spaces. Therefore, international legal arguments for the recognition of the rights of indigenous peoples similarly apply to other vulnerable populations recognized as old minorities.

As the proceeding chapters will show, the category of national minorities is of particular relevance to our discussion. Originating mainly from Europe, the term ‘national minorities’ refers to the populations in this region who, during socially and politically disruptive periods of European state formation, had their homelands merged in whole or in part within larger state entities neighboured by a predominantly European population (Kymlicka 2008, 8). Kymlicka explains that, as a starting point, an unpolished way of differentiating ‘national minorities’ from ‘indigenous peoples’ is that the latter population was instead subjected to the colonialism and settlement of a distant colonial European power. Despite this distinction, such a legal and conceptual framework would nevertheless classify both populations as old or homeland minorities given their “historic presence on their traditional territory that predates the formation of the current state” (Kymlicka 2008, 9). As such, an accommodationist approach towards these communities is remedied by international legal texts, involving a variant of territorial autonomy, land claims, legal exemptions and linguistic and cultural rights. Both collectives are therefore distinguished from new minorities who, as a product of migration after the establishment of the state, compel a more integrationist approach by liberal-democratic states based on the aforementioned principles of non-discrimination, social and civil rights, and amendments to common institutions so as to make it more accessible to and inclusive of the new minorities. Taken together, we see that the rights bestowed and the approaches of the governing establishment toward a population are deeply dependent on and formulated by the state-categorization and self-categorization of that respective population.

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9 Working from Kymlicka’s point here, the Conclusion of this book will employ the terms ‘core’ and ‘periphery’ to refer to European societies and those nation-states – such as Israel – that later developed out of their colonial and imperial historical matrix. Far from the propagation of a Eurocentric analytical framework, my use of the terms ‘core’ and ‘periphery’ are instead meant to source the historical origins of concepts of ‘citizenship’, ‘minority rights’ and the rise of the nation-state in Europe.
The potentially destructive capacity of minority categorizations and the problematic elements in the attempt to draw a sharp distinction between the categories of indigenous peoples and national minorities produce various difficulties. Discursive categories in international legal texts have the power to mould the historical and political understanding of the population in the consciousness of both the ruling establishment and the community itself. In doing so, minority categorizations create moral inconsistencies, conceptual ambiguities, and fragile political frameworks (Kymlicka 2008, 10). For Kymlicka, the real difficulty is not whether the subject is autonomy-seeking indigenous peoples or integration-seeking minorities, but rather the moral and political inconsistencies following from a sharp distinction in rights between the two types of groups. He argues that “whatever arguments exist for recognizing the rights of indigenous peoples to self-government also apply to the claims for self-government by other vulnerable and historically disadvantaged homeland groups” (Kymlicka 2008, 10). Kymlicka contends that outside the core cases of European immigrant or colonial-settler states, the very distinction between indigenous peoples and other homeland minorities is problematic. “In a familiar sense,” he argues, “no groups in Africa, Asia, or the Middle East fit the traditional profile of indigenous peoples,” as all of the homeland minorities in these regions were merged into larger states dominated by neighbouring populations rather than into European settler-states (Kymlicka 2008, 12). As such, for Kymlicka, these groups are more in conjunction with the profile of European national minorities than with indigenous peoples in occupied lands. Alternatively, using a more critical conceptual lens that views group categorizations in the context of colonial rule, all homeland groups including the dominating majority group can be classified as indigenous in relation to the colonial rulers. From this perspective, the homeland groups and the dominant groups in post-colonial states are “indigenous” in a historical and political capacity. That said, in the case of Israel, and important to my prospective examination of Israeli citizenship, Kymlicka makes reference to the work of Arab political scientist Amal Jamal who argues that the Israeli national project should be considered and included as a European settler-colonial state.10 Thus, with this inclusion, the Palestinians both inside and outside of Israel’s imagined borders would meet the traditional definition of an indigenous people. Taken together, and despite the distinctions made between different

profiles of indigenous and minority groups, though these various legal categorizations are important, they may not always be so distinct so as to imply greater or lesser legitimacy in their claims to specific rights and obligations.

**Racial State, Racialized Citizenship**

The mode of incorporation, combining both formally written or legal principles and informal political practices, is defined by Yasemin Soysal as an *incorporation regime* (Soysal 1994, 36). One of the most important studies of contemporary migration, Soysal’s *Limits of Citizenship, Migration and Post-National Citizenship in Europe* (1994) examines the substitution of national civic personhood with universalized human rights and the formation of a new incorporation regime. A defining feature of this regime is the displacement and unfastening of the nation-state and nationhood as a defining element of citizenship. The incorporation regime, Soysal asserts, refers to “patterns of institutional practices and more or less explicit cultural norms that define the membership of individuals and/or groups in the society and differentially allocate entitlements, obligations and domination” (Soysal 1994, 36). In other words, an incorporation regime is a regime of social, political, economic, and cultural institutions that stratify the assumed equal or universalist citizenship of the state through a differential dispensing of rights, benefits, and obligations to various communities. Here the dynamic of incorporation is neither limited to the actual interaction of civic subjects with the policies and practices of the nation-state nor to the extent of their integration. Instead, incorporation refers to the actual organizational arrangement of membership and its institutional modes within which the civic subject is placed. Thus, Soysal contends that every host nation-state maintains specific juridico-political policy regulations according to which the condition and status of the civic subject is defined. Taken together, the degree of incorporation into a society therefore depends not only on the socio-cultural attributes of an ethno-national community, a minority group, or an immigrant collective, but certainly also on the ideological foundations, and complex norms and practices (i.e. the incorporation regime) of the host society. It is the interaction between these two forces that constitutes the particular kind of incorporation that is realized.

Soysal’s study supports the position that, for the most part, the concept of citizenship is comprised of various articulations of membership and its
accompanying rights, each of which reflect an analysis of the various relations within that state. Indeed, citizenship reveals how self-conceptions of nationhood and statehood are culturally and historically inscribed, and reflects the ways in which they are intertwined with institutional and structural realities and political changes. And it is here where my examination of the Israeli incorporation regime commences. Similar to other nation-states, the nature of the State of Israel translates into the character of its citizenship. As we will see, the ideological, conceptual and symbolic emphasis on its Jewish and Zionist character shapes the kind of citizenship it provides to its Palestinian-Arab community, along with how this citizenship is formulated, structured, and arranged. Importantly, this produces intense juridico-political, socio-cultural and economic mechanisms of exclusion within the Israeli citizenship regime. These multifaceted racialized frameworks of exclusion embedded within what I will examine as the Zionist incorporation regime work in conjunction, intersect, and fuel one another. As such, their treatment in isolation from one another is ineffective as the various relations of exclusion within Arab citizenship in Israel is not solely the result of a single feature of state-citizen relations, but the product of all of these elements. The examination of Israel's formal and informal practices in the following chapter exposes the dynamics and structure of the Zionist incorporation regime. And with this, the sophisticated policies of exclusion and their respective systems of control that underpin Arab citizenship within this incorporation regime will begin to emerge.