CHAPTER SIX

THE ANATOMY OF STATELESS CITIZENSHIP

To recap, the project of stateless citizenship is not to examine the Israeli citizenship of Palestinians through an account of what is lacking, absent, missing or deficient, in terms of rights, benefits, identity and representation. That much follows under the rubric of the what of Arab citizenship which has, as mentioned, been extensively documented and addressed by critical Palestinian and Israeli social science research. Instead, the intention here is to analyze the how; namely the conceptual and political dynamics of Israeli citizenship itself, as both a theoretical and practical notion. And when we begin our analysis from the condition of Arabs with Israeli citizenship, we realize that the problem extends from the racialized structures of Zionism to the ways in which the existing relations of exclusion in classical liberal citizenship are employed, reversed and enhanced by the Israeli incorporation regime. Thus, central to my account of the purpose, dynamic and structure of Israeli citizenship will be a focus on the embedded relations of exclusion in the concept of citizenship itself.

Evident from the small sampling of the existing scholarship in the previous chapter is that the deficiencies and contradictions of the citizenship offered to Israel's non-Jewish population have been extensively documented. That the Palestinian citizens of Israel are not placed on an equal conceptual, ideological, political or even legal footing with their Jewish counterparts is no longer uncharted academic or political territory. Indeed, at a very rooted level, and despite their citizenship status, the Palestinian citizens of Israel remain stateless in the Jewish state. Thus far, my examination has shown that the mechanisms of control and exclusion developing out of the Zionist incorporation regime shape both the changing settler-colonial boundaries of the Israeli polity and, by extension, its hierarchical citizenship framework. The design of Israel's incorporation regime demarcates Palestinian-Arab access to citizenship rights and

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1 The use of the term compatriots would be misleading here because, as explained, the State of Israel is, by its self-definition, not theirs (it does not belong to the Arabs). Arabs and Jews in Israel do not exist as equal countrymen and countrywomen; they are not ‘with’ the ‘homeland’ and they are excluded from (or do not share in) the existential, ideological, political and legal makeup of the state. As such, it is more apt to say that, in the Zionist framework, Jewish citizens are the counterparts of the Palestinian-Arab citizenry.
representation while repudiating their status within the state as *citizens of that state*, rendering this community *stateless citizens*.

Yet my examination of the Zionist incorporation regime, of Israeli *hostipitality*, and the dynamics of liberal-Zionism has also indicated that the statelessness of Palestinian citizens of Israel is not the statelessness of Palestinians in the West Bank, Gaza Strip, in the refugee camps and legal limbo within Arab states, and living abroad. This is an important point that ought to be emphasized: the *stateless citizenship* of Arabs in Israel must not be superficially conceptualized alongside the *statelessness* of other parts of the Palestinian nation. It is not an indistinguishable or interchangeable legal, political or socio-economic condition. Of course, students and observers familiar with the Israel-Palestine conflict understand that, at a very elementary level, the Palestinian nation as a whole – whether citizens or non-citizens of other states – are a stateless people. They do not have an established and independent state that agrees (or is able) to represent them, their needs, rights and aspirations, as a people.² At the same time, the statelessness of the Palestinian citizens of Israel differs both conceptually and substantively from the rest of the Palestinian nation. Despite the familiar arrangement, as it stands, the Palestinian citizens of Israel do have a particular political and legal relationship with the Israeli regime, that other Palestinians do not have. However limited and the internal contradictions aside, there are benefits granted to the Palestinian-Arab citizenry through their inclusion in the discourse of rights as *citizens* of Israel that are denied to the rest of the Palestinian population, such as mobility rights and the right to vote, among others. Granted, the oppressive and exclusionary mechanisms of the Zionist regime do extend beyond Israel’s ‘legal’ boundaries, and they have been presented here as extending across a single political-geographic unit – inclusive of ‘Israel proper’, Jerusalem, the West Bank and Gaza Strip. But the Arab citizens of Israel no longer live under a brutal military administration and, for the most part, Israeli military violence and dehumanization measures against the Arab citizenry are not conducted or justified in the same political and legal manner as those in the West Bank and East Jerusalem, and to a great extent in the Gaza Strip.

² Despite the UN General Assembly vote on November 29, 2012 to recognize the State of Palestine within the 1967 borders as a non-member state with observer status (mentioned in the Preface of this book), Israel is still an occupying power, and possesses complete military control and decision-making power over policies and practices concerning the environmental, economic and political development in the OPT, certainly in the West Bank and East Jerusalem, and to a great extent in the Gaza Strip.
neighbouring Arab states or abroad. For instance, during the ethnic clashes in the port-city of Acre in 2008, the Israeli security establishment had border guards pulled from the Ramallah area of the West Bank and sent to Acre. While the same specialized border units tasked with dealing with non-citizen Palestinians in the West Bank were dispatched to deal with Israel’s Palestinian citizenry, the official discourse from local political figures nevertheless remained one of coexistence and cohabitation among Jewish and Arab citizens. We certainly do not see the same attempts by Israeli political and public figures to calm military and civilian violence by calling for coexistence with the Palestinians in the West Bank and Gaza. The multifaceted and mutually amplifying mechanisms of control, racial exclusion, systematic marginalization, and underdevelopment with which Palestinians citizens are faced are therefore discernible from the measures against non-citizen Palestinians. What this indicates, and what is outlined in this chapter, is that while all Arab Palestinians are excluded from the Israeli incorporation regime, the logic of the relation of exclusion faced by Arab citizens differs from that of non-citizen Palestinians. Conversely, the statelessness of Arab citizens is characterized by the fact that though they possess a recognized and legally supported citizenship status in Israel, but are not represented by it at an ideological, existential, institutional and political level. The State of Israel is, by its self-definition, not theirs. This makes them stateless in that they have formal membership but, as non-Jews, are not a part of the self-definition of, nor are they embodied by, the State of Israel. Taken together, such differences highlight the Zionist regime’s particular use of citizenship in transferring the Palestinian-Arab population within Israel into a condition of statelessness. And this is where the concept of stateless citizenship becomes a particularly useful paradigm: it is able to analytically frame and illuminate the mechanisms through which this statelessness is achieved (how it is produced) and maintained (how it is preserved).

Abdo reminds us that the contradictions and contestations that serve as a defining feature of every nation-state are exaggerated and magnified in a settler-colonial state such as Israel. A hierarchical citizenship framework emerges as a result of this legally enshrined regime of racialized domination, and can be understood

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3 Ma'an News Agency, “Israeli border guards pulled.”
4 The fact that these were army units tasked with securing Israel’s borders illustrates how Arabs in Israel are also imagined as being located at the conceptual borders of the state, perpetually limited to its peripheries.
... in terms of the presence of two different processes operating simultaneously within the Israeli state: one of exclusion and racial separation which affects the Palestinian citizens at large; and another of racialized (and ethni-cized) inclusion to which Palestinians and Mizrahis (especially women) are subjected (Abdo 2011, 39–40).

The point alluded to here, and stressed in this chapter, is that it is not the case that the citizenship regime in Israel is non-inclusive whereas the citizenship regimes of other states are inclusive. As outlined in Chapter One, there is an inherent and categorical Otherizing that lies at the root of the concept and process of citizenship as such, one involving the formation and maintenance of an Other, a non-member or outsider excepted from the social arrangement. So the citizenship regime in Israel is not an anomaly because its citizenship is rooted in a relation of exception. Instead, what sets the Israeli citizenship regime (along with the particular peripheral placement of Palestinian-Arabs within it) apart is the specific mechanisms of Israeli citizenship and the exclusive dynamics of its internal relations. Left out of the scholarly discussion of how Palestinians are excluded from the Israeli political regime is the very fact that this relation of exclusion is sustained through the inclusive mechanisms of citizenship itself. Again, it is actual inclusion within the Israeli citizenship regime that creates the inherent contradictions and paradoxes of Arab citizenship in a Jewish state. And these ethno-national and racialized relations of exclusion shaping the Israeli citizenship regime stem from its commitment to political Zionism.

We know that, however truncated, Arabs in ‘Israel proper’ do have Israeli citizenship and are, at least formally, part of the Israeli civic body. Yet we also know that there nevertheless remains a range of conceptually under-explored dynamics and levels of (in-)existence and (non-)representation to which Palestinians in Israel are also subjected. What is missing from the discourse and academic research on the Arab citizenry of Israel is a conceptual account of the fact that theirs is a statelessness that is realized through the provision of citizenship status. In the rest of this chapter I explain that the conceptual, political, ideological and even legal implications of the stateless citizenship of Arabs in Israel can be understood through an examination of three separate yet related paradoxes which arise as a result of this form of citizenship, and within which this population placed. The stateless citizenship of the Arabs in Israel forms an exclusive inclusion whereby the bodies of this community become the borders of the state, is a condition of and conditional to Israel's stable and perpet-ual state of emergency, and creates a situation where the Palestinian-Arab
population coexists as citizens without actually existing. By deconstructing these three-pronged paradoxical conditions of an exclusive inclusion, a stable and perpetual state of emergency, and coexistence without existence, the concept of stateless citizenship illuminates the specificity of the mechanisms of Israeli citizenship and its internal dynamics. In doing so, stateless citizenship both works from and expands the paradigm of citizens without citizenship to redirect the scholarly discussion away from considerations of what is missing from Arab citizenship and instead centre our analytical gaze on the paradox that it is through (and with) citizenship that Arabs are deemed stateless.

As we will see, all three of the dynamics of stateless citizenship are necessary to the continued maintenance and reproduction of the Jewish state. The distinctive status of stateless citizenship provided to Arabs is itself a product of the exclusionary features of the Zionist incorporation regime, of Israeli hostipitality, and of the dynamics of liberal-Zionism. Put differently, the exclusions, inequalities, and violations outlined here, along with their conceptual dynamics and paradoxical realizations, are endemic to the existing hegemonic Zionist consensus. As a result, any struggle against the unequal juridico-political order, rampant discrimination and hierarchical citizenship structure of the State of Israel – the stateless citizenship of Arabs – necessarily involves a confrontation with the multifaceted forms of Jewish domination within it. It is important to stress here that the focus of this confrontation is not merely limited to Israel as a modern territorial state, but rather, it includes its racialized configuration, exclusionary ideological underpinnings and socio-cultural realizations. Hence, key to any challenge to the multifaceted discrimination faced by non-Jewish citizens in the Jewish state is a direct and genuine questioning of the Zionist incorporation regime.

Knowing the Terrain: From the Exception to the Example

Dedicating the ninth chapter of her book on totalitarianism to a critical account of human rights, Hannah Arendt in “The Decline of the Nation-State and the End of the Rights of Man” links the fate of the ‘rights of man’ with that of the nation-state. Though, in theory, the rights of man in the form of universal equality, emancipation from dependency, protection from state despotism, and the inalienable dignity of each individual belong to every human being, the practical realization of these rights is dependent on a nation-state. Implying a structural and deep-rooted
connection between the rights of man and the nation-state, then, Arendt identifies a paradox wherein the conception of human rights ceases to be based on the existence of the human being as such. Pointing to the figure of the refugee, she writes:

The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships — except that they were still human (Arendt 1973, 299, emphasis added).

Put differently, the rights of man become the property of nation-states, so that membership with a nation-state becomes the real precondition of the ‘right to have rights’. Arendt tells us that within the nation-state framework, nothing is “sacred in the abstract nakedness of being human” as the inalienable and inherent rights of man are deficient in protecting and rendering visible the dignity of the human being the moment they cease to assume the form of citizenship rights within a recognized nation-state. Her objection is discernible in the evasive title of the 1789 La déclaration des droits de l’homme et du citoyen. The terms “homme” and “citoyen” do not decipher whether the two refer to distinguishable realities or whether they form a constituent system — or what Giorgio Agamben calls “a hendiadys in which the first term is actually always already contained in the second” (Agamben 2000, 19). In other words, the rights cited in the Déclaration are implicitly only attributed to the human being insofar as citizenship status is obtained and maintained — “only to the degree to which he or she is the immediately vanishing presupposition … of the citizen” (Agamben 2000, 20). With this, human rights as such become part and parcel of the movement inscribing natural naked life into the juridico-political order and system of nation-states, for a “stable statute for the human in itself is inconceivable in the law of the nation-state” (Agamben 2000, 19). In such a situation, the only substitute for a home that is offered by a regime of nation-states is “an internment camp, a site of prolonged homelessness, an institutionalized limbo,” i.e., statelessness (Isaac 1996, 63). As such, far from an anomaly, the deprivation of national and civil rights and protections of refugees, asylum seekers and stateless peoples is part of the inherent dynamics of the political regime of nation-states.

In Homo Sacer: Sovereign Power and Bare Life (1998), an important resource for critical observers of the discourse of rights, the rule of law, and the nation-state regime, Agamben examines an obscure figure of Roman law — a person set apart from social membership with her/his
citizenship rights revoked. This figure is used by Agamben as a novel way of decoding the mechanisms through which the relation of exception constitutes the original relation of the whole of the Western paradigm of politics. Deemed sacred, the figure of *homo sacer* is one who cannot be ritually offered or sacrificed but whom one could murder without incurring a penalty. In other words, *homo sacer* is someone who is excepted from the law yet vulnerable to it; someone “subject to the law, but not a subject in the law” (Salter 2006, 171, 174). Though excluded from the law, Agamben points that this “juridico-political order has the structure of an inclusion of what is simultaneously pushed outside” (Agamben 1998, 18). As such, this relation of exception is “the extreme form of relation by which something is included solely through its exclusion” (Agamben 1998, 18). What is outside is included not merely through an “interdiction” or an “internment,” but is instead admitted through the very suspension of the validity of the juridico-political order. In other words, what is outside is included through the very ‘withdrawal from’ and ‘abandonment of’ the exception by the juridico-political order (Agamben 1998, 18). Hence, the relation of exception is not deduced from the rule, but emerges as a result of the suspension of the rule and is sustained in relation to it.

This exclusion can be explained through the Greek distinction between *zoē*, the mere fact of living – or bare life – and *bios*, the qualified political life. Although simple natural life carried “a natural sweetness,” it was excluded from the Greek *polis* in the most profound manner, as the end of the polis was not *zoē* but “life according to the good” (Agamben 1998, 2). Agamben explains:

> The peculiar phrase ‘born with regard to life, but existing essentially with regard to the good life’ can be read not only as an implication of being born (*ginomene*) in being (*ousa*) but also as an inclusive exclusion (*an exceptio*) of *zoē* in the *polis*, almost as if politics were the place in which life had to transform itself into good life and in which what had to be politicized were always already bare life. In Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men (Agamben 1998, 7).

Surfacing when *zoē* is excluded from *bios*, the pure, bare, biological life “fully enters into the structure of the state and even becomes the earthly foundation of the state’s legitimacy and sovereignty” (Agamben 1998, 127).5

5 When writing about Versuchspersonen, or human guinea pigs, who represent nothing to the sovereign except purely bare life, Agamben also asserts: “Precisely because they were lacking almost all the rights and expectations that we customarily attribute to human existence, and yet were still biologically alive, they came to be situated in a limit zone between life and death, inside and outside, in which they were no longer anything but bare life”
Yet, while “inaugurating the biopolitics of modernity” and though “placed at the foundation of the order,” this simple natural life gets lost in the figure of the citizen, within whom rights are preserved or maintained. Carried through Western political thought which focused on providing competing accounts of ‘the good life’, Agamben explains that this Greek understanding of the qualified political life as the ‘good life’ remains dominant. From this, he goes on to invoke Michel Foucault’s distinction between this classical political paradigm and the identification of a distinctively modern biopolitical paradigm whereby biological life of both the individual and the species becomes the main concern of politics. Agamben contends that in the transition from the classical to the biopolitical paradigm, the bare life of the Greeks as the simple unqualified fact of living that was excluded from the polis and political engagement is now incorporated and included in the sphere of politics. He writes:

The fundamental categorial pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoē/bios, exclusion/inclusion. There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion (Agamben 1998, 8).

With this biopolitical paradigm, the classical exclusion of bare life from qualified political life has, in reality, become an inclusive exclusion. Here the concept of biopolitics allows Agamben to claim that this relation (which in the Western framework outlined the original distinction between the political and the non-political) actually marks the Western categories of zoē/bios and exclusion/inclusion. As such, in being excluded from the qualified political life, bare life is placed in a fundamental and intrinsic political relationship with the sovereign power that excludes it.

To expand on the features of this state of exception Agamben conjures the metaphor of the refugee camp. The figure of the camp is posited as the “absolute biopolitical space,” where “power confronts nothing but pure life, without any mediation” and where the state of exception is “realized normally” and transformed from a “temporary suspension of the juridico-political order,” to “a new and stable spatial arrangement” (Agamben 1998, 171, 175). He contends that (ibid., 159). From this we understand that bare life is what surfaces when zoē is excluded from bios.
[t]he camp is a piece of territory that is placed outside the normal juridical order; for all that, however, it is not simply an external space. According to the etymological meaning of the term exception (ex-capere), what is being excluded in the camp is captured outside, that is, it is included by virtue of its very exclusion. Thus, what is being captured under the rule of law is first of all the very state of exception (Agamben 2000, 39).

In other words, the camp is the structure or space in which the state or relation of exception is permanently realized. Those entering the camp – a permanent state of exception during which the law is suspended – therefore move about in a zone of indistinction between the inside and the outside, the relation of exception and that of the rule. Thus, as the “fundamental biological paradigm of the West,” it is the camp (and not the city) that serves as the site where “bare life and the juridical rule enter into a threshold of indistinction” (Agamben 1998, 181, 174).

Now, for Agamben, it is both the figure and the reality of the inclusive exclusion relation in the camp that underpins the contemporary model of citizenship in the Western political tradition. This relation of inclusive exclusion is the base upon which the traditional model of citizenship in Western liberal-democracies is built. Elaborating on the structure of this relation, Agamben contends that

[w]hat is excluded from the general rule is an individual case. But the most proper characteristic of the exception is that what is excluded in it is not, on account of being excluded, absolutely without relation to the rule. On the contrary, what is excluded in the exception maintains itself in relation to the rule in the form of the rule’s suspension. The rule applies to the exception in no longer applying, in withdrawing from it. The state of exception is thus not the chaos that precedes order but rather the situation that results from its suspension. In this sense, the exception is truly, according to its etymological root, taken outside (ex-capere), and not simply excluded (Agamben 1998, 17–18, emphasis added).

In essence, through the “creation of a zone of indistinction, between outside and inside, chaos and the normal situation,” the juridico-political order is unable to clearly delimit its boundaries. As such, in order to refer to something, say a citizen-subject, the juridico-political order “must both presuppose and yet still establish a relation with what is outside relation (the nonrelational)” – namely, the non-citizen subject. In this sense, that which has been placed outside of the juridico-political order via the relation of exception, the refugee or stateless person, therefore acquires its

6 The term ‘exception’ is also examined in Agamben (1998, 169–170).
meaning from it as much as that which is included in the order, the citizen-subject. As a result, in being excluded from a qualified political life, bare life ironically enters a more embedded and elemental political relationship with the sovereign power. The modern biopolitical paradigm provides a kind of political inclusion in the very sovereign decision to exclude bare life. Agamben calls this the “sovereign ban:” a relation of exclusion which is, at the same time, an inclusion – or an inclusive exclusion – as the sovereign political authority continues to manifest even in the withdrawal of its resources and protection. He explains that

[h]e who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. It is literally impossible to say whether the one who has been banned is outside or inside the juridical order (Agamben 1998, 28–29).

Agamben continues by positing the figure of the bandit, the exile, and later the camp inhabitant, as the figure traditionally subjected to the sovereign ban, whose

... entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. And yet he is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditioned threat of death. He is pure zoē, but his zoē is as such caught in the sovereign ban and must reckon with it at every moment, finding the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more ‘political’ than his (Agamben 1998, 183–185).

Taken together, far from an aberration, the relation of exception and its inclusion of bare life in the political sphere “constitutes the original – if concealed – nucleus of sovereign power” in modern (particularly Western) nation-states. Given that this “production of a biopolitical body is the original activity of sovereign power,” what is significant with the modern nation-state and its citizenship regime is that as biological life is placed at the centre of its calculations the “secret tie uniting power and bare life” is both highlighted and reaffirmed. Key to the relation of exception is that even by limiting the stateless persons, asylum seekers, refugees, foreigners, temporary workers, guests and aliens and other Others to the excluded margins,

7 Here Agamben emphasizes that “[i]n this sense, biopolitics is at least as old as the exception” (ibid, 6).
these traditional marginal figures nevertheless acquire their meaning from this relation. In other words, these non-citizen Others continue to shape the vertical and horizontal peripheries of citizenship and are included and captured within the political sphere; both figuratively and materially given that they continue to maintain a relationship with the sovereign that excludes them. Politicized and included through their exclusion, these figures of bare life are, paradoxically, part and parcel of the traditional model of citizenship.

To deepen our understanding of the dynamic of inclusive exclusion—and to examine the effects of its inverse realization in the form of exclusive inclusion—Agamben brings in a discussion of language. As a counter to the exception, the example is introduced into the discussion as “situated in a symmetrical position” and “forming a system” with the exception. Agamben explains:

*Exception* and *example* constitute the two modes by which a set tries to found and maintain its own coherence. But *while the exception is, as we saw, an inclusive exclusion* (which thus serves to include what is excluded), the *example instead functions as an exclusive inclusion* [which serves to exclude what is included] (Agamben 1998, 21, emphasis added).

And he goes on to deconstruct the internal dynamics of the example:

[T]he paradox here is that a single utterance in no way distinguished from others of its kind is isolated from them precisely insofar as it belongs to them. If the syntagm “I love you” is uttered as an example of a performative speech act, then this syntagm both cannot be understood as in a normal context and yet still must be treated as a real utterance in order for it to be taken as an example. *What the example shows is its belonging to a class, but for this very reason the example steps out of its class in the very moment in which it exhibits and delimits it* (in the case of a linguistic syntagm, the example thus shows its own signifying and, in this way, suspends its own meaning).

If one now asks if the rule applies to the example, the answer is not easy, since the rule applies to the example only as to a normal case and obviously not as to an example. *The example is thus excluded from the normal case not because it does not belong to it but, on the contrary, because it exhibits its own belonging to it* (Agamben 1998, 22, emphasis added).

Already we see that the mechanism of the exception differs from that of the example. The relation of the exception includes something in the “normal case” by excluding it. This corresponds to the traditional relation of exception embedded in citizenship that excludes the non-citizen Others from its internal dynamics of representation, resource provision and protection. In so doing, the exception includes the excluded Others.
within the relation by allowing (or, alternatively, tending to force) them to attain their very meaning from this relation. The relation of the example, however, excludes something from the “normal case” through the very motion of belonging to it. In other words, the example is not excluded by being excluded as such. Instead, it enters a relation of exclusion through its very inclusion, by exhibiting its belonging to it. Thus, while the exception is included from the relation insofar as it is excluded, the example is excluded from the relation insofar as it is included. Agamben explains that

\[\text{in every case, ... exception and example are correlative concepts that are ultimately indistinguishable and that come into play every time the very sense of the belonging and commonality of individuals is to be defined. In every logical system, just as in every social system, the relation between outside and inside, strangeness and intimacy, is this complicated (Agamben 1998, 22, emphasis added).}\]

Hence, the mechanism of the exception, the traditional relation of exception existing in the model of citizenship, is one of inclusive exclusion. And the mechanism of the example, the inverse of the relation of exception within this model of citizenship, is therefore one of exclusive inclusion, whereby something is excluded through the very process that includes it.

**AN EXCLUSIVE INCLUSION**

As we will now see, it is the latter mechanism – the relation of exclusive inclusion – that underpins and structures the particular relation of Palestinian-Arab citizens with the Israeli state and its citizenship regime. Importantly, Agamben holds that the inherent dynamics and mechanisms of inclusive exclusion and exclusive inclusion are “ultimately indistinguishable.” First, this points to the stateless features of Palestinian-Arab existence in Israel that persists in spite of citizenship status. And second, it also illuminates the rooted and elemental statelessness present among all Palestinians, as Palestinians, to which we pointed above. All in all, the dynamic of exclusive inclusion constitutes the primary and major paradoxical feature formed through the stateless citizenship of Palestinian-Arabs.

By now we know that the Palestinian-Arabs in Israel are denied national-membership as non-Jews, and state identification, given Israel’s legal, political, and social self-definition as a state for the Jewish people. At the same time, this community is also distanced from the rest of the Palestinian population through the same legal, political, and social dimensions.
With this, one dimension of the statelessness of the Palestinian citizenry comes to the fore, namely, that there is no independent and recognized state that claims to represent and account for the needs of this community as Palestinian-Arabs. Yet, there is another elemental dimension of statelessness unique to the Arab community inside Israel captured and encapsulated by the notion of stateless citizenship: what is particular to the case of Arab citizens is that the statelessness of the Palestinian-Arabs in Israel lies not in the absence of citizenship, but rather in the presence of citizenship status.

It is not an exception from the State of Israel’s juridico-political order that excludes Palestinian-Arabs. There is a zone of indistinction that is created between outside and inside, between the collective juridico-political Self and the Other, and between chaos and the normal situation. However, the placement of Arab citizens within this zone of indistinction is not in the form of the nonrelational, because the sovereign decision to exclude them generates a simultaneous political inclusion. The sovereign decision of the State of Israel, its “sovereign ban,” does not exclude Arab citizens as it does the broader Palestinian nation. As mentioned, in the case of the latter group, Israel’s sovereign political authority continues to manifest even in the revocation of its resources and protection, thus forming a relation of exclusion that is, simultaneously, an inclusion. For Arab citizens, it is their very inclusion in what is essentially an exclusive juridico-political state that fosters their exclusion from state membership, rendering them stateless citizens.

Such differences indicate the Zionist regime’s particular use of citizenship in capturing the Palestinian-Arab population within Israel in a condition of statelessness. The modern paradigm of citizenship, traditionally a tool for inclusion in the rubric of state representation, accountability, protection and some form of social membership, is here placed on its head. Its inclusive exclusionary mechanisms are inverted. It is Palestinian-Arab inclusion within the Zionist citizenship regime that constitutes their multifaceted exclusion, thereby making the condition of Palestinian-Arab citizens a reversal of the classical relation of exception in the Western model of citizenship. In contrast to the state of exception, where those in the camp are included by not belonging to the state, as stateless citizens, Palestinian-Arabs are excluded in the Israeli regime exactly insofar as they are included. Palestinian-Arabs are not denationalized; they are not

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8 See footnote 9 in the Introduction.
stripped of their Israeli citizenship, they do not exist outside of the law, and there is no suspension of the validity of the juridico-political order. *It is the reverse.* Since they are recognized as Israeli citizens, international and domestic laws apply, and they have (limited) access to the institutions of the Israeli civic community, thereby making their relation to the state that of exclusive inclusion. The relation of exclusion within which Palestinian-Arab citizens are placed functions like the model of the example: as an exclusive inclusion. As such – and perhaps most important for us to consider – the *only way* in which Palestinian citizen membership within a Zionist state (one that is built on the pre-existing rejection and exclusion of the Palestinian subject) is realized is through the logic of stateless citizenship. Put differently, and worthy of emphasis, the exclusive inclusion of Arabs into its citizen regime is the only way in which the Zionist juridico-political order can remain internally coherent and intact. Indeed, short of deconstructing itself, stateless citizenship is the only kind of relationship the Israeli incorporation regime can allow itself to have with its non-Jewish constituents.9

The similarity between the two relations, inclusive exclusion and exclusive inclusion, is that the inhabitants of both states of being move about in a zone of indistinction between the inside and the outside, between the relation of exception and that of the rule. A familiar arrangement emerges: like all Palestinians, the Palestinians inside Israel are also rendered stateless. However, for the Palestinian-Arabs in Israel it is citizenship that serves as their entry into statelessness, and through the paradigm of stateless citizenship we can delineate the contours of the associated conceptual and political dynamics of this provision of citizenhood. In doing so, in building a conceptual account of the unique parameters of the statelessness of Palestinian-Arabs in Israel, the actual practical institutional, political, ideological and legal mechanisms to which we have previously pointed begin to surface as part of the maintenance of their statelessness. Again, it is questions of *how* Arab statelessness inside Israel is produced and *how* it is preserved that the concept of stateless citizenship and the mechanism of exclusive inclusion are able to analytically frame.

Stateless citizenship, or the exclusive inclusion of the Palestinian-Arabs in Israel is reflected in Mark Salter’s detailed account of the experience of ‘the neurotic citizen at a border examination’ (Salter 2008, 365, 374–377).

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9 This point was alluded to during our examination of recent Israeli legislation in Chapter Two, illustrating that the strengthening of the Jewish character of Israel inevitably generates a feeble and tenuous democratic character.
Salter delineates an “embedded confessionary complex” faced by the citizen at the border which, rather than viewed as a “simple line indicating the limits of sovereign jurisdiction,” is defined as exercising “performative” functions. Here, the meaning of governmental procedures, choreographed national boundaries, and state policies registers and is realized only when performed by state authorities and subjects actually crossing the borders. Salter explains that “border agents and state bureaucrats play a critical role in determining where, how, and on whose body a border will be performed,” and with this verdict these representatives establish the border as a permanent state of exception. In other words, border examinations compel citizens, all citizens, to perform both their citizenship and the sovereignty of the state, placing them in an indefinite state of exception. He writes that

... governmental procedures of examination at the border institutionalize a continual state of exception at the frontier that in turn performs the spatio-legal fiction of territorial sovereign[ty] and the sovereign subject in each admission/exclusion decision (Salter 2008, 365).

Far from a suspension of the law, the border examination and the resulting state of exception is part of the sovereign decision to include a subject within its juridico-political order, an inclusion through which both the authority of the sovereign is reproduced and the submissive travelling subject is created (Salter 2008, 365, 371, 373). “In short,” explains Salter, “border policing creates securitized subjects,” and as a “confessionary machine” the border therefore creates the exclusionary relations and figures of insider/outsider and citizen/foreigner. In becoming members of the body-nation, citizens transform into subjects to be managed, directed, evaluated and contained, and as the “primary institution of citizenship” the border inspection also serves as that which “contains, disciplines, and normalizes the passage from the anarchic, dangerous international to the political, safe domestic” (Salter 2008, 374).

Salter’s metaphor of the border immediately appears to us as more reflective of the exclusive inclusionary political and legal realities of the Palestinian-Arab citizens of Israel than that of the camp – a condition of inclusive exclusion. Existing in a permanent state of exclusive inclusion, Palestinian-Arab membership with the State of Israel through citizenship status makes their bodies into borders. They are included in the Israeli incorporation regime, yet they are perpetually consigned to its peripheries. The racially hierarchical framework of the Israeli state apparatus and its juridico-political order determines that the borders of the state, its
ideological and conceptual contours and the limits and ends of its representation and protection, all acquire their shape and meaning from the Palestinian-Arab citizenry. And, in performing the boundaries of the State of Israel, Arab citizens reproduce the sovereignty of the state, thereby also reproducing their placement in an indefinite state of exclusive inclusion. Their position relative to the state, regardless of their location and situation within its juridico-political order remains, as Palestinian citizens, on its margins. Now, the rest of the Palestinian population, living under a suffocating military occupation, can also be understood as constituting and demarcating the boundaries of the Jewish state. Indeed, we can say that where Israel ends, Palestine begins, and vice versa – even when these two imagined spaces are juxtaposed. The difference in the nature of these demarcations, however, lies in the actual interaction of the Palestinian-Arab citizens of Israel and the rest of the Palestinian population with the state. The bodies of the former segment of the Palestinian nation, the Arab citizens of Israel, are rendered the borders of the regime through their very inclusion within its citizen body, while the latter segment is limited to its periphery through active mechanisms of direct exclusion.

In fact, the performative dynamics of the border to which Salter points, along with its ability to create the categories of insider/outside and citizen/foreigner become particularly interesting when one notes that Israel is the only internationally recognized state in the world without final borders. Continued occupation, annexation, expropriation, expansion, displacement, forced transfer and besiegement of the Palestinian population and their lands places Israel’s borders, in practice, in a continuous flux. One of the many impediments introduced and maintained by

10 Of course, the legal situation is quite different from the reality of Israel’s borders on the ground. Today, world leaders and state players active in the negotiations between the Israeli leadership and the Palestinian Authority repeatedly refer to a two-state settlement encompassing a future Israeli and Palestinian state ‘based on the 1967 borders’. Important to consider here is that reference to the 1967 borders as the demarcating line between legitimate Israeli territory and areas to which Palestinians are entitled (namely, the West Bank, Gaza Strip and East Jerusalem as its capital) do not consider the inherent tensions and contradictions between United Nations Resolutions 181 and 242. Nor do they adequately consider the near complete unwillingness of the Israeli side to submit to either internationally mandated Resolution.

As mentioned in Chapter Four, footnote 3, UN Resolution 181 called for the partition of Mandate Palestine into two separate bodies: a state for the Jewish minority and a state for the large Palestinian-Arab majority. The demarcation lines formed in the Rhodes-Armistice Agreements, known today as the ‘Green Line’, remained the case until June 1967, when – in the face of years of human rights violations, systematic displacement and expropriation of the lands of Palestinian-Arabs – the conflict escalated in the form of a six-day war which, in the end, left the victorious US-supported Israeli forces with control over the West Bank.
the Zionist state and quasi-state apparatus to the solidification of its final borders is the continued building of the apartheid wall in the West Bank and Jerusalem. By now, about a decade after construction work began on

East Jerusalem, the Gaza Strip, Syria’s Golan Heights and Egypt’s Sinai region. The defeated Arab states painfully accepted the agreement outlined and passed unanimously by the UN Security Council as Resolution 242 of November 22, 1967, which held that the June 4, 1967 border would become the legitimate and recognized borders of the State of Israel. However, Resolution 242 also held that Arab recognition of these borders depended on Israeli detraction and evacuation of the Arab territories occupied since June 1967. As we now know, this detraction and evacuation was not forthcoming, and Israeli settlement expansion along with the building of new outposts has since continued and intensified, particularly in the West Bank, but also in the occupied Golan Heights.

Further, what Resolution 242 also did was to simultaneously render legitimate the illegal occupation of Palestinian land by the Zionist forces during the 1948 Arab-Israeli war. Though deeming it “most essential that due emphasis be put on the inadmissibility of acquisition of territory by war and hence on the imperative requirement that all Israeli armed forces be withdrawn from the territories occupied as a result of military conflict,” the lands forcefully occupied by the Zionist militaries before the implementation of Resolution 181 were thereby normalized as belonging to ‘Israel proper’. In doing so, the UN Security Counsel has granted legitimacy to the lands illegally acquired through previous Israeli military conquests in exchange for the evacuation of lands later conquered – thereby setting a devastating precedent. Evidently, Resolution 242 appears to be working with principles that would render void and repudiate its own acceptance of the 1967 borders as agreed-upon territorial boundaries for the State of Israel. Taken together, the legitimacy of the borders of ‘Israel proper’, namely the June 1967 borders, is inherently dependent on its compliance with Resolution 242, and others. Until such compliance, to remain politically and legally consistent, if the international community were to accept the inclusion of large Jewish settlements in the West Bank within the State of Israel by its leadership, it must also accept and consider legitimate the Palestinian claim to lands in 1948-Palestine, which would include cities such as Haifa, Acre, Nazareth and Jaffa as part of the state of Palestine. See United Nations Security Council, 1382nd Meeting, Resolution 242, (S/PV.1382), November 22, 1967, http://unispal.un.org/UNISPAL.NSF/0/9F5F09A8BB6878B0525672300565063; Pappé (2006); Ben-Gurion (1999); and Finkelstein (2003).

In Western mainstream and liberal media and academic circles, this structure is often called the ‘security’, ‘separation’, anti-‘terrorism’ or ‘annexation’ fence/barrier. However these terms are all deeply problematic, misleading and even incorrect. The concrete parts of the around 709 kilometres long wall (a distance that is twice the length of the ‘Green Line’) are 8 meters high (around twice the height of the Berlin Wall) and armed with watchtowers and a ‘buffer zone’ ranging between 30–100 meters wide for electric fences, surveillance cameras, checkpoints, trenches, sensors, and army patrol. As it stands, these concrete parts are mainly present in the Bethlehem area, Qalqiliya, Ramallah, parts of Tulkarm and throughout the areas surrounding Jerusalem. Other parts of the structure consist of layers of razor and plain metal wire, military patrol roads, sand paths, deep ditches, road blocks and surveillance cameras. Now, to call this structure a fence or simply a barrier is either misleading, as it cloaks the fact that major parts of the wall are concrete, or it is too vague a description to adequately reflect the devastating realities of this structure. Put differently, similar to a bicycle and an army tank which are both vehicles, a fence and a concrete wall are both barriers, but their respective capacities for devastation are certainly not comparable. Moreover, as quoted in Chapter Four, footnote 17, geo-strategist and architect of the wall, Arnon Soffer admitted that far from ‘security’ concerns, his motivations behind the function and path of the wall were deeply demographic. So, the
the wall under former Prime Minister Ariel Sharon in June 2002, the initiative has run aground. Work has slowed significantly since September 2007 and, as stated by Amos Harel, journalist for Haaretz, all indications point to the fact that “the West Bank fence [or wall] is not done and never will be.”12 Thus, with undecided and constantly rearranged borders, the demarcating lines in Israel between inside and outside, citizen and foreigner, and even between life and death, surface through different and multifaceted mechanisms of exclusion. Here, the relations of inclusive exclusion and exclusive inclusion serve the function of a border. What is different, however, is that in the case of Israel – a state, again, whose borders remain undetermined and in constant flux – the function played by its borders as outlined by Salter are horizontally and vertically extended and dispersed across and through the Zionist state apparatus, bleeding into socio-cultural, juridico-political, economic and infrastructural spheres. In other words, the experience of the “neurotic citizen at a border examination,” as Salter explains, has here been magnified exponentially, extending far descriptives of the wall as one for ‘security’ or ‘anti-terrorism’ are also inadequate. Regarding the appropriateness of the term ‘annexation’ to describe the wall, though the term does refer to a unilateral act where a territory is captured and incorporated by a stronger state, often through coercion, annexed areas are usually legitimated through the general recognition and acknowledgement of other international bodies and nation-states. In contrast, in the case of Israel, the International Court of Justice ruled in July 9, 2004 that both the wall (as it decided to call it in its ruling) and the associated regime that had been imposed on Palestinian inhabitants around it are illegal. And finally, as for the descriptive ‘separation’, this term implies that the wall somehow separates Israelis from non-Israelis; or rather Jews from Palestinian-Arabs. What the term fails to capture is the way in which the wall’s snake-like path separates members of communities from one another. Not only does it spatially divide Palestinians from Jews, but it separates Palestinians from other Palestinians, family members from each other, children from their schools and so on. As a result, the appropriate characterization of this structure appears to be the ‘apartheid wall’ to both capture its concrete realities, and point to the fact that the path, function, and development of the wall is systematically designed and implemented so as specifically to disenfranchise and devastate Palestinian-Arab life in and around the West Bank and Jerusalem. This is a political situation where the planned building of a wall is systematically implemented and results, on a daily basis, in displacement, violent repression, land confiscation, housing demolitions, uprooting of olive trees and other agriculture, creation of enclaves, and restrictions on movement and access to water, food, education, health care, and employment, all of which affects the ‘normal’ functioning of Palestinian life. In such a situation, one cannot maintain a clear moral and political conscience by simply adopting acceptable generic descriptions of the wall such as fence and barrier. The violations of such a devastating structure should not be concealed with less politically charged and softer descriptives. Thus, here as elsewhere, I define this structure, accurately, as an ‘apartheid wall’. For updated statistics and analysis on the wall, see B’Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, “The Separation Barrier,” http://www.btselem.org/topic/separation_barrier.

beyond the borders of the state. Without fixed borders, the “embedded confessionary complex” faced by the citizen at the border and prevalent at the peripheries of the nation-state have effectively bled into the whole of the Zionist state apparatus affecting both those on the inside and the outside, both the citizen and the foreigner. Yet with the ethno-nationally hierarchical Zionist citizenship regime – and the legal framework for their inferior and unequal status within the State to which we pointed in Chapter Two – it is the non-Jewish citizenry that is excluded through its inclusion in the sovereign jurisdiction. Through their citizenship, Palestinian-Arabs actually perform the borders of the State of Israel, and as such, they are never realized as fully inside or outside the state for, as non-Jews, they are at the permanent threshold of the state.

It is important to note here that this absence of set state borders both shapes the function the state itself performs in the Zionist project and helps structure Israel’s hierarchical citizenship regime. It is not the Zionist project that serves an overriding state project; rather, it is the state that serves as an instrument for and is superseded by Zionism’s continued settler-colonial project. Raef Zreik points to the fact that the organizations and institutions declaring the State of Israel were mandated to represent not only Jewish-Israelis in the Yishuvs of Mandate Palestine, but Jews all over the world. By extension, this mandate, he explains, reflects the broader mandate and purpose of the State of Israel itself. Indeed, the Declaration of the Establishment of the State of Israel itself specifies that the purpose of the state is to be “open for Jewish immigration,” foster “the ingathering of the exiles” and encourage “the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding.” Zreik explains that the mission of the state was therefore to draw in and integrate Jews from all other nation-states, making the creation of the state itself “only one stage in a long journey.” He stresses that this was (re)affirmed three years after the establishment of the state by David Ben-Gurion who, in a 1951 speech made to the American Zionist Movement, explained that the creation of the state was not the culmination of the Zionist project:

*Zionism is a dream while the state is a fact.* The state only speaks in the name of its citizens and its laws are only valid for its citizens within its sovereign borders. However, not all Jews can take part in this sovereignty, but rather only few of them .... As a citizen of Israel my relation to the people of Israel

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has priority over my relation to my state because the state is just a tool, and at this point in time the state has absorbed only a small part of the nation ... the state is a tool and an instrument, but it is not the only tool (Zreik 2008, 139–140).

As explained in Chapter Five, Israel remains the only recognized state in the world whose citizens do not constitute its nationals. The constituents included in the Zionist national project are not limited to those within or even legally tied to Israel itself, whereas those who are actually within the state and legally bound to it are not actually viewed as its constituents. This point, (re)asserted by Ben-Gurion above, dilutes and blurs the distinction between actual and potential citizenship, and goes on to delimit the state as an instrument for the broader project of Judaization in Palestine. The Law of Return (1950), to give an example, ought therefore not be understood as a law of the State of Israel, but rather as a legal precursor that constitutes the state. It is the Zionist project, and laws such as The Law of Return (1950), that actually create the Jewish state, not vice versa.

The absence of fixed and decided borders is also reflective of the intentions and mandate of the State of Israel and the Zionist incorporation regime whose ideological and political constituency is not only not limited to those Jews inside Israel, but also does not include those Palestinian-Arabs inside the state. So, Israeli Prime Minister, Benjamin Netanyahu, is correct in more ways than one when in December 2011 he states in honour of International Human Rights Day that “We’re proud to be a country that is governed by laws, not people.” The actual people inside the state are beside the point. These laws govern the state by maintaining a relation of domination among its citizens that is divided along ethno-national lines so that, though incorporated into its citizenship regime, a relation of exclusive inclusion renders the bodies of Arab citizens the conceptual borders of the Zionist state. Put differently, they are included in the Jewish state only so that they can demarcate its boundaries. Not included in the ‘Zionist dream’, and left out of the mandate of the Jewish state, Palestinian citizens are thus limited to its peripheries, substituting for its lack of fixed borders. And so, the stateless citizenship of Arabs in Israel is a statelessness that persists despite – and through – the bestowment of citizenship status.

A Perpetual State of Emergency

As an instrument, state-building is actually secondary to the unyielding project of Judaization. Fuelling this project and its state of exclusive inclusion is a perpetual state of emergency which, despite the absence of any genuine existential or material threat, remains a dominant and overwhelming Zionist aim. Through the application of a security discourse, Israel has systematically denied its Arab citizenry access to social, political, and economic benefits including access to land, resources and high-ranking political and legal state posts, among others. Rather than serving as an exception to the fact, the security rhetoric directed at Palestinian citizens reflects a permanent amalgamation by the state of the physical and conceptual presence of this community with the notion of an existential threat. Here the only ethic governing the border, and by extension the bodies of the Palestinian citizens of Israel, is what Salter calls the “Machiavellian ‘virtue’ of security ... [namely] a narrative of sovereign protection that obscures the running state of exception at the border” (Salter 2008, 372).

The Israeli regime repeatedly makes the active decision to merge the existence and exclusive inclusion of Palestinian-Arab citizens with the notion of a ‘security threat’. Indeed, this Zionist conception of an emergency has accompanied the Israeli regime since its establishment. Rouhana and Sultany explain that though “this feeling progressively faded after the 1967 war, the 1978 peace agreement with Egypt, the Oslo accords with the Palestinians in 1993, and the peace agreement with Jordan in 1995,” the start of the Al-Aqsa Intifada witnessed a steep revival of the opinion that Israel faces an existential threat (Rouhana and Sultany 2003, 9). Indeed, it is the interface between Zionist objectives concerning security and territorial consolidation that has formed Israeli policy toward its Arab community. Lustick’s (1980) detailed account of the transition of the Zionist movement from a pre-state to a post-state project, mentioned in Chapter Two, is useful to reconsider here because in it he also points out that the state is an instrument and not its final objective – that it is a means to an end. He explains that widespread ideological commitments to the maintenance of the Jewish character of Israel are entrenched in a set of institutions that actively advocate Jewish independence in Palestine, mass Jewish immigration, increase of Jewish land ownership and other Zionist aims (Lustick 1980, 89). Together, these institutions – including the aforementioned Jewish Agency, the JNF, the Histadrut (general union of workers), the Haganah (the underground army and later the IDF), the Basic Fund, and the other political associations and their respective
educational systems and kibbutz (agricultural commune) movements – formed a kind of proto-state before 1948, called Yishuv, at an institutional and practical level. And, after 1948, it is these very institutions, whose primary commitment to the Zionist ideology remained unscathed, which continued to function as quasi-state organizations.\textsuperscript{15} As a result, the Zionist movement’s desire to achieve a multifaceted Judaization of Mandate Palestine was intersected with the objectives of security and territorial integrity, creating a regime of comprehensive restrictions on Palestinian-Arab life in Israel. Lustick recounts:

The leadership of the new state wanted to prevent the Arab minority from serving as a fifth column or abetting a large-scale infiltration; to acquire from Israeli Arabs [or Arabs in Israel] a large percentage of their land-holdings; to take advantage of Arab resources for the absorption of new immigrants; to harness Arab economic power for the rapid development of the Jewish-controlled economy; to aggregate political support among Israeli Arabs for partisan advantage; and to prevent the Arab minority from becoming a burden in the arena of international politics (Lustick 1980, 63).

In other words, the goals of the Zionist movement centred on the development and solidification of Jewish domination and did not include the equal integration or absorption of the Palestinian population into the framework of the newly established regime.

Crucial for understanding the dynamics of the existing relations of inclusion and exclusion in the Israeli regime is the declaration of a state of emergency made immediately after its establishment. As we will see, the status of stateless citizenship and its mechanisms of exclusive inclusion would not be possible without the operation of a conceptual and practical state of emergency. During the first twenty years of the existence of the Jewish state, a Military Government or Military Administration was employed to control and isolate the Arab population. Military governors were selected directly by the Minister of Defence to oversee ‘Arab affairs’, and practiced their authority on the basis of the Emergency Regulations inherited from the British colonial regime (Jiryis 1976, Chs. 1–3).\textsuperscript{16}

\begin{footnote}
\textsuperscript{15} On the continuity of the pre-state ideological practices and policies, Gabriel Piterberg explains that “... the period between the War of Independence and the Six Day War witnessed attempts to replace the partially exclusivist institutional structures of Zionism with the formal universalism of the Israeli state. But the continued existence within Israeli society and politics of institutions that evolved with exclusivist intent during the yishuv did not bode well for such attempts” (see Piterberg 2008, 91).

\textsuperscript{16} Israel’s adoption of the Emergency Regulations left behind by the British Mandate is further explained in Chapter Two.
\end{footnote}
These regulations became operative only after an ‘emergency situation’ was declared immediately following the 1948 establishment of the state, thereby forming the framework within which Arab citizenship was to be constructed. Indeed, at its first instance the inclusion of the Palestinians who remained on their lands after the 1948 Arab-Israeli war resulted in their immediate and simultaneous exclusion from the state order. At the very moment of being declared citizens of the State of Israel, Palestinians were – explicitly on the grounds of being ‘non-Jews’ – subjected to *Emergency Regulations* excluding them from a wide variety of juridico-political, civic, socio-cultural and economic spheres. In fact, that such a state of emergency continues to officially remain in force in Israel today accounts for the persistence of the exclusive inclusion of Arab citizens.

Given this continuity, it is therefore important to understand the existing patterns of institutional and structural systems of control and exclusion in Israel through its declared state of emergency as part of a *normal* pattern of behaviour. In an incorporation regime founded on the principle and objective of Jewish superiority, the only *normal* function or conduct is one that is antithetical to genuine inclusion, democratic citizenship and equality. As such, the parameters of a state of emergency that sanctions and cultivates a securitized and repressive treatment of the non-Jewish population is part and parcel of the Zionist incorporation regime. Now, in being widely considered a democracy, the stateless citizenship of and multifaceted exclusions faced by Arabs in the State of Israel are, often, deemed temporary *imperfections* and *limitations* by Western and Israeli scholars. To challenge the misconception that the relations of exclusion in the Jewish state are temporary and even inherently foreign to its ideological and political makeup, Kimmerling explains to us that

[t]hese imperfections have conveniently been attributed mainly to external and situational factors, such as Israel's protracted conflict with its environment. It has been presumed that once the conflict is terminated, these major deviations from the liberal democratic model will be corrected. All these scholars have emphasized the existence of structural conditions for a viable democratic regime in Israel (Kimmerling 2001, 180).

That Israel's political and legal establishment continues to permit the deep-rooted inequality and exclusive inclusion of Arab citizens is, in Kimmerling's words, “highly indicative of the regime’s nature” (Kimmerling 2001, 180). The current state of exclusive inclusion upon which Jewish domination over its Arab citizens rests cannot function without the mechanisms, endorsements and allowances of a perpetual state of emergency.
Utterly revealing here is Yakobson and Rubinstein’s placement of this permanent state of emergency within a liberal-Zionist framework:

Both legally and as a matter of fact, the state of emergency is not a passing phenomenon in the context of an acute crisis, but rather a ‘chronic disease’ which is an integral part of the state’s existence, with varying degrees of severity .... It would be obviously wrong to tackle an emergency of this kind by applying the drastic measures to which democratic states resort in wartime. Precisely because the state of emergency in Israel is a continuous phenomenon ... (Yakobson and Rubinstein 2009, 105–106).

Their characterization of the state of emergency as “integral,” a “chronic disease” and a “continuous phenomenon” is remarkably acute and candid. The stateless citizenship of Arabs in Israel and the mechanisms of exclusive inclusion with which they are faced is neither incidental nor peripheral. They are as temporary as the Jewish state itself. The Israeli regime employs the state of emergency to protect and reproduce its boundaries as a ‘Jewish state,’ while using the threat to these boundaries as justification for making the state of emergency permanent. Like a “chronic disease,” the Zionist incorporation regime needs its Palestinian-Arab population to exist as stateless citizens to maintain the most integral part of its self-definition and existence: its exclusionary framework of Jewish domination. Therefore, for its self-preservation, the Israeli regime requires a constant ongoing re-creation of itself through a perpetual state of emergency in opposition and response to its Palestinian-Arab citizenry.17 As an anchor for the exclusive inclusion of Arab citizens, the permanent state of emergency makes every moment of preservation of the State of Israel require as much energy as its creation (Voegeli 2009). Indeed, as the excursions in the preceding chapters have shown – particularly in Chapters Two, Three and Five – efforts by Israel to continuously recreate itself as a Jewish state are evident with the recent changes to Israeli laws proposed during and directly after the 2009 national elections. The legal amendments, made against the background of a hegemonic Zionist discourse, that sought to further embed Jewish ascendancy are part of the state’s need to both reproduce its identity and its Palestinian Other, and force concession to a dominant Zionist consensus by them. As explained, the amended laws are some of Israel’s oldest, served as its foundation and were part and parcel of shaping its identity, dynamics, and attitude upon its inception. The fact that these are the laws that are being amended

17 The processes associated with this reproduction are explained further in Voegeli (2009).
therefore indicates an intensification in the exclusionary identity and disposition of the state itself – an identity whose self-preservation requires a continuous (re)creation in opposition and response to its Palestinian-Arab citizenry. Therefore, having constitutionalized and legalized the dominance of the Jewish population as part of the self-definition of the state, Israel must constantly (re)fashion itself as such, and can thus only bestow upon its Palestinian-Arab community a stateless citizenship, a paradoxical status which is both a condition of and conditional to Israel’s very existence.

Coexistence without Existence

In Means without End: Notes on Politics (2000), Agamben examines the question: “What is a people?” and begins by telling us that in modern European languages, the political meaning of the term people “always indicates also the poor, the underprivileged, and the excluded” (Agamben 2000, 28). The concept of a people therefore includes both the qualified political subject and the excluded, the bare life. Refraining from deeming this an accidental semantic vagueness, Agamben explains that the ambiguity embedded in the concept of the people reflects the fact that far from a totalized and “unitary subject,” this concept is instead “a dialectical oscillation between two opposite poles” (Agamben 2000, 30). He writes that

... like many fundamental political concepts, ... people is a polar concept that indicates a double movement and a complex relation between two extremes. This also means, however, that the constitution of the human species into a body politic comes into being through a fundamental split and that in the concept of people we can easily recognize the conceptual pair identified earlier as the defining category of the original political structure: naked life (people) and political existence (People), exclusion and inclusion, zoē and bios. The concept of people always already contains within itself the fundamental biopolitical fracture. It is what cannot be included in the whole of which it is a part as well as what cannot belong to the whole in which it is always already included (Agamben 2000, 30–31).

The fracture or relation of exclusion configured within the ‘people’ arises because while it is a source of identity and meaning, it is also repeatedly compelled to turn to that which is outside, the excluded, for its self-definition. Here the outside is always already a part of the concept: it is already included in the concept but it is nevertheless outside of it and cannot belong to it. This double meaning of the people, the fundamental split between the ‘people’ as naked life and the ‘People’ as a qualified
political existence, is part of a dialectic. Both poles of this concept are indispensable and part of what Agamben describes as “an incessant civil war that at once divides this concept more radically than any conflict and keeps it united and constitutes it more firmly than any identity” (Agamben 2000, 31). As such, juridico-political attempts to fill the split that distinguishes the people from the People by radically removing, erasing and dissolving the excluded and disenfranchised people are ultimately insufficient. The biopolitical plan to form a simple people without crevice thus remains futile as it does not foster a politics that is reconcilable with the oscillation and fracture inherent in the concept of the people (Agamben 2000, 32–34).

The fracture embedded in the concept of the people at work in the State of Israel is more complicated than that which exists in recognized democratic nation-states in the West. As Chapter Five outlines, Israel remains the only recognized state in the world whose citizens do not constitute its people, or its nationals. In other words, the ‘Israeli people’ are not limited to Israeli citizens, nor are they limited to the Jewish population within its territorial rule. Israel does not simply express the Jewish majority in the country, but instead the Jewish people, en gener.

Paradoxically, when asked to provide a clear definition of the Israeli people, Israeli legal and political authorities will instead repeatedly point out that its existence as a Jewish state renders it a state of the Jewish nation, or the Jewish people – both within and outside of its territorial boundaries. What the resurfacing of the Tamarin Petition outlined in the previous chapter reveals is that the identities of ‘Jewish’ and ‘Israeli’ are synthesized to such a degree in the Zionist framework that the mere acknowledgment of the latter would be equivalent to the creation of something out of nothing. And so, genuine citizenship in Israel as a Jewish state becomes Jewish citizenship, and nationalism in Israel as a Jewish state becomes Jewish nationalism. This constitutes the fracture, or “incessant civil war,” inherent in the concept of the Israeli people: it simply does not exist as such, for it is inherently merged with the concept of the Jewish people.

Taken together, there is a certain invisibility of the Palestinian-Arab population in Israel. At the level of rights, the privileges of Jews in Israel are defined both at the personal and the collective level, whereas those of Arabs in Israel are only defined at the personal level. The Arab citizenry lacks rights to and a share in the common goods of the collectivity including land, water, resources, cultural practices, commemorative events, official symbols, and holidays (Kimmerling 2001, 230). Indeed, as it stands, no Zionist political figure or party, including those on the Left, has ever directly acknowledged or politically confronted the fundamental tensions
of Israel as an ethnic Jewish state and its claims to be democratic. Indeed, the prevailing attitude within Israeli society, including most politicians and much of Israeli academia on both the political Left and Right, underpins the various ways in which Israel as a ‘state for the Jewish people’ renders full equality and genuine citizenship an impossibility for Arabs. Or, rather, it underwrites that Israel’s self-definition as a Jewish state necessitates the exclusion of Arab citizens through their very inclusion. At a conceptual and ideological level, however, it is not only the case that the inequalities and relations of exclusion in the stateless citizenship of Arabs in Israel are ignored and unacknowledged. Perhaps more significantly, it is the very existence of Palestinian-Arabs in Israel as a separate nation and part of a forcefully dispersed indigenous collective that is actively denied.

Jiryis recounts a conversation between an Arab peasant and an official at the ILA recounted by prominent Palestinian land lawyer Hanna Deeb Naqqara:¹⁸

> [A] peasant asked an official, ‘What are you offering me? Is my land worth only two hundred pounds per dunum?’ The official replied, ‘This is not your land, it is ours, and we are paying you watchman’s wages, for that is all you are. You have watched our land for two thousand years and now we are paying your fee. But the land has always been ours (Jiryis 1976, 74)!

What this remarkable interaction illustrates is that any discussion of the excluded and inferior status (or the absent status) of Palestinian-Arabs in Israel must relate back to the settler-colonial ideology of the state: Zionism. Since its inception, political Zionism has been premised on rejection of the Palestinian Other – its fulfillment is achieved by denying the existence of the Other. As watchmen and watchwomen, Palestinian-Arabs are not merely removed from the consciousness of the colonial protagonists of the story, but rather their existence and claims are demoted to the peripheries of the Jewish landscape. Refusing the juridico-political space for the indigenous Arab population to posit their own historical claims and cultural ties to their native soil, the Zionist categories of coexistence (even in their liberal variant) are: Jewish and non-Jewish. Thus, the Zionist incorporation regime invites Arab citizens to coexist with Jewish citizens as ‘non-Jews’; but not as ‘Arabs’ and certainly not as ‘indigenous’ Palestinians. In short, a dynamic of the stateless citizenship of Arabs can

¹⁸ Originally from al-Raab, in the Galilee, Hanna Deeb Naqqara (1912–1984) was one of the most prominent and unyielding legal defenders of Palestinian land rights before the Haifa District Court and the Israeli High Court.
be described as *coexistence without existence*: Palestinian-Arabs are invited to coexist with Jews without actually existing as Palestinian-Arabs.

As my examination has shown, in today’s Israel the indigenous Arab is subjected to a form of inclusion that is premised upon Arab consent to Jewish privilege in all spheres of the state. This is done through legally enforced loyalty oaths and other actions which function within a framework of institutionalized inequality. Again, an inclusion whose prerequisite is an acknowledged exclusion. But what stands out here is that the very existence of the subject that is excluded, the Palestinian-Arab, remains unrecognized. The dynamic of coexistence without existence of Arab citizens with their Jewish counterparts in the State of Israel is revealed in a testimony made by David Ben-Gurion in 1946. Appearing before the Anglo-American Committee of Inquiry on Palestine, Ben-Gurion explains the main functions of the future Jewish state, arguing as follows:

> We will have to treat our Arabs and other non-Jewish neighbours on the basis of absolute equality as if they were Jews, but make every effort that they should preserve their Arab characteristics, their language, their Arab culture, their Arab religion, their Arab way of life ... (Lustick 1980, 37).

Evidently the rubric for juridico-political existence in the Israeli regime is the Jewish population, and the ‘equal’ status of Palestinian-Arab citizens is always relative to the equality of Jewish citizens. Here the category of Jews becomes the qualified political life, the *bios*. And with this implied separation of *zooë* from *bios*, a vulnerable and excluded bare life begins to surface namely, a subject that is neither Jewish nor qualifies to be treated *as if it were Jewish*. Palestinian-Arab citizens of Israel do not actually *exist* as Palestinian-Arabs in the ideological mindset of the State of Israel. Rather, any equal treatment of Palestinian-Arabs, however limited, hinges on understanding and conceptualizing this population *as if they were Jews* in the political and legal consciousness of the regime. This notion renders the liberal concept of *coexistence* void. Palestinians do not coexist with Jewish citizens as Palestinians; they coexist with Jewish citizens *as if they were Jews*. Palestinian-Arabs are not Jews, and therefore, the contention that they will be given access to rights, resources and representation *as if they were Jews* is both conceptually and practically unfeasible. They are included in the Zionist incorporation regime *as if they were Jews*, but because they are clearly not Jewish their inclusion cannot prevent itself from immediately becoming an exclusion – forming a condition of stateless citizenship. All in all, the concept of Palestinian-Arab existence as

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Palestinian-Arabs lies outside even the liberal-Zionist conception of coexistence. Palestinian-Arab citizens co-exist with Israeli Jews insofar as they are citizens, but their coexistence as citizens is actually (and paradoxically) premised upon their lack of existence as Palestinian-Arabs in the ideological and political outlook of the state.

Because Arabs are not recognized as a nation by the state their presence in the Zionist melting pot, what Kimmerling calls “a giant mincing machine,” is conditioned by a strict multifaceted system of institutional and structural control and exclusion (Kimmerling 2001, 97). Looking at the second part of Ben-Gurion’s statement – namely, his recognition of a distinct Arab language, culture, and way of life – the moments when Arabs in Israel are recognized as Arab the regime adopts a strict principle of control as an analytical formula. As we have seen in Chapter Two, the ideological commitment to Zionism and the political praxis it produces have configured the institutional structure of Israeli society and solidified the peripheral position of Palestinian-Arabs within it (Rosenhek 1998, 565–566). That stateless citizenship is premised upon the lack of existence of this community as a distinct community has implications for principles of equality and non-discrimination. This is because coexistence with Israeli Jews in the absence of genuine existence renders the principle of non-discrimination inapplicable. While the legal, institutional, and structural framework of the State of Israel generates far-reaching discrimination against Palestinian-Arab citizens, such an effect can neither be read nor treated as ‘discrimination’ as it is built into its foundation as a Jewish state. As an “organizational tool in the continuing struggle of the Zionist movement,” or what was called an “instrument” above, the State of Israel cannot act as a “neutral umpire” between Arab and Jewish citizens. Instead, the state needs to ensure a coexistence without existence to maintain its exclusionary incorporation regime.

By all measures, coexistence implies the simultaneous existence of two or more populations in the same space. But in the case of Israel, Palestinian-Arab existence alongside Jews is a coexistence without existence as the former collective does not actually exist in the Israeli consciousness as such. In many ways, the Zionist project reproduces a dynamic of existence

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19 As Noam Chomsky states: “In fact, in ‘the sovereign state of the Jewish people’ there is little hope that Arab citizens will gain equal rights. For the Jewish majority, Israel is comparable in its civil liberties and inequities to Western democracies. But Arabs have no place in the Jewish state, except as a tolerated but essentially foreign element, just as Jews can look forward to no other status in an ‘Islamic state’. In part, the discriminatory structure of the State of Israel is embedded in law and institutions” (see Jiryis 1976, x–xi).
precisely antithetical to the famous ‘face-to-face encounter’ outlined by French-Jewish philosopher Emmanuel Levinas. The individual Subject’s encounter with the absolutely Other,\(^{20}\) exposes the Subject to the Other as she/he is, and awakens and commands her/his responsibility to the Other. In this process, the Subject her/himself is born, solidified and exists as an ethical being. The Zionist incorporation regime does the exact reverse. The Jewish subject in the State of Israel – along with her/his hegemony and domination in all spheres of the juridico-political and socio-cultural order – is formed, maintained, and configured against and through the very rejection of the Palestinian-Arab Other as such. Instead, the political and ideological framework of a Jewish state or a ‘state of the Jewish people’ is premised upon the incorporation of all of its members not as Others, but rather, as if they were Jews. With this, recognition and representation by the state apparatus of a non-Jewish through any other lens than one which employs the Jewish population as a rubric is an inherent impossibility.

Taken together, all three of the dynamics of stateless citizenship – exclusive inclusion, the permanent state of emergency, and coexistence without existence – are necessary to the ongoing maintenance and reproduction of the Jewish state. The exclusions, inequalities, and violations outlined here, along with the conceptual dynamics and bizarre realizations presented in this chapter, are endemic to the existing hegemonic Zionist consensus. Overall, what this analysis illuminates and frames is that stateless citizenship is necessary for the reproduction of the Zionist incorporation regime. Hence, central to any opposition to the multifaceted exclusions faced by Palestinian citizens in Israel is a genuine deconstruction of the Zionist incorporation regime, and its principles, policies, and practices of Jewish domination. All of this involves a direct challenge to the above conditions of stateless citizenship.

\(^{20}\) Though beyond the present scope, it is relevant to mention here that Emmanuel Levinas’s notion of the ‘absolutely Other’ is part and parcel of the ethical relation he outlines. For Levinas, as the interlocutors of the ethical relation, the Self and the Other are absolutely separate and exterior to one another. This separation between the two is a reality for Levinas that cannot be consolidated or amalgamated into a form of interiority so that all efforts of merging and totalizing them are dispelled (see Levinas 2011, 28).