Crafting citizens and immigrants: Israeli immigration politics in comparative perspective

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Abstract

This dissertation examines the role of shifting national identity narratives in immigration politics in deeply divided societies by focusing on the case of Israel. It raises a general question: why does a state established upon an ethnocentric national identity subsequently augment its self-definition to include certain non-co-ethnic migrants without applying the extension to all non-co-ethnic groups? I argue that although a country may initially be founded upon a seemingly-unequivocal ethnocentric national identity, this identity is not immutable. Rather, over time, a national dialogue may take place, causing the reexamination of the identity. During the transition, agents redefine “who we are” and “who can join us” and re-draw the boundaries between various citizen and migrant groups, leading to changes in immigration policy.

To test my argument, I examine Israel as the primary case and compare it with two secondary cases, Taiwan and South Africa. What emerges in all three cases is that debate on the founding ethnocentric identity frames the national conversation over immigration. Groups with competing understandings of identity debated the extent to which this identity should be preserved. In Israel, mainstream political actors deliberated for decades over the founding Jewish identity. Ultimately, competing notions of this identity emerged, one moral and the other strictly ethnocentric. When non-Jewish migrants began arriving in large number in the early 1990s, different actors have mobilized around these respective interpretations in the ensuing immigration debate.

Initially founded on a China-centric national identity, Taiwan later underwent a period of democratization, during which the dominant political elites replaced the founding national identity with a Taiwan-centric identity. They also adopted a multicultural approach toward different ethnic and linguistic groups in the island, subsequently creating space for the integration of foreign spouses. At the same time, this new Taiwanese identity weakened
Taiwan’s cultural and political ties to Mainland China, with repercussions on Taiwan’s policy toward Chinese immigrants.

During South Africa’s transition from apartheid to democracy, the leading political elites were determined to heal the wounds from decades of racial segregation. Thus, they de-emphasized social and racial divisions to avoid the assignment of blame. Meanwhile, they carved a new South African identity championing the unity of different races, ethnicities and classes and promised to deliver socioeconomic equality to all citizens. The government’s failure to deliver on this promise, accompanied by the continuing entry of migrants from neighboring countries seeking jobs and asylum, has led many South Africans to scapegoat foreigners for their socioeconomic plight, resulting in pointed exclusionary immigration rhetoric and policies.

I applied process tracing and focused on the following three causal factors in each case: a) immigration control and other relevant ruling mechanisms under the hegemonic state; b) the hegemonic transition and its influence on national identity debate; and c) the political and judicial processes of recent immigration politics. Aside from consulting primary and secondary sources of all three cases, I conducted elite interviews and archival research for the Israeli case.

The significance of the study is threefold. First, it highlights the role of agency in immigration politics. The findings suggest that agents are not destined to become the product of their past. Rather, they often strive to become the editor and interpreter of their collective past. Secondly, the study presents an attempt of theory building to understand how immigration politics redefines the boundaries between citizens and immigrants in multiethnic societies. Last but not least, it utilizes comparative case studies to uncover the causal mechanisms behind immigration politics in deeply divided societies.
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Chapter 1 Introduction: Crafting Citizens and Immigrants in Post-Hegemonic States

1.1 Chapter Introduction

Austrian psychotherapist Alfred Adler once said, “It is always easier to fight for one’s principles than to live up to them.” One might be tempted to apply Adler’s observation when studying immigration policymaking in many OECD countries. Although the founding elites fought hard to establish a country that championed liberal principles of liberty and equality, it seems that they did not always live up to these ideals. Instead, many of these elites embraced a dominant national identity narrative and envisioned the country to be the homeland of a specific cultural, ethnic, religious or national group. As a result, in many European states that emerged from the debris of empire since the 18th century, the founding elites imposed a single national identity narrative upon a multilingual, multinational or multiethnic population (see, for example, Weber, 1976). Similarly, many English settler societies, such as the United States, Canada and Australia, adopted immigrant selection criteria to filter out unsuitable immigrants. Such efforts were reflected in the United States’ 1882 Chinese Exclusion Act, Australia’s 1901 Immigration Restriction Act and Canada’s 1923 Chinese Exclusion Act. But these ethnocentric ideas eroded over time, to be replaced by the norms of racial and ethnic equality that are more inclusive toward groups from different cultural, ethnic, linguistic, national and religious backgrounds. A well-known case is the Federal Republic of Germany’s legislative change during the 1990s and early 2000s that departed from its ethnocentric, volk-centered understanding of nationhood (Brubaker, 1990) and created the opportunity for children of non-German immigrants to become German nationals and acquire German citizenship (Ette, 2003).
One might be tempted to see in these policymaking flip-flops illustrations of Adler’s maxim that people tend to fail to live up their principles. On further reflection, however, these policy changes do not necessarily support Adler, because they do not represent an abandonment of principles as much as they do a case of two conflicting sets of principles. Leading politicians in these countries pull their country in two opposing directions, one nationalistic and exclusive, the other universal, egalitarian and inclusive. Thus, as various groups try to shape immigration policy according to different visions of national ethos, states often produce somewhat contradictory immigration policies, adopting welcoming policies toward certain types of immigrants while remaining exclusive toward others (Boswell, 2007; Hampshire, 2013).

Given these competing principles regarding immigration, what determines which will become dominant in any given time and place? Political scientists have provided three explanations. First, although immigration politics is often crowded with competing interests, pro-immigration groups usually prevail (Tichenor, 2002; Zolberg, 2006). In particular, many concentrated interests, such as business owners, benefit from the cheap labor they can obtain from immigrants. Therefore, business interests have strong incentives to lobby government for continuous immigration against the preferences of less powerful anti-immigration groups, such as labor unions and nativist groups (Freeman, 1995, pp. 892-893; Hollifield, 1992). The second explanation lies in the legal process, the recourse for groups unable to lobby as effectively as business interests. Domestic and transnational non-governmental organizations (NGOs), especially those fighting for migrant rights, often seek judicial mobilization to challenge discriminatory policies and practices toward non-citizens (Joppke, 1998). The third type of explanation focuses more broadly on the prevailing zeitgeist of society at large in a given place and time. For instance, the United States’ immigration tradition has historically proven resistant
to pressures from the nativist groups that sought to restrict immigration (Tichenor, 2002). More recently, the trend toward multiculturalism, liberalism and post-materialist values during the postwar era (Inglehart, 1990; cited in Peleg, 2007, p.15) has empowered groups that champion human rights and resist discriminatory policies toward minorities and immigrants in industrial societies, leading to the abandonment of ethnicity-based immigrant selection policies.

For sure, these three explanations – political process, legal process and prevailing zeitgeist – identify useful elements for researchers interested in immigration politics. But they often imply a linear process where countries abandon ethnocentric policies for a more liberal stand on immigration and conclude that the political, legal and normative constrains in liberal democracies empower pro-immigration groups (Freeman, 1995; Hampshire, 2013). Consequently, researchers tend to treat the contestation over host society’s ethnocentric self-identification as an insignificant factor in immigration politics. Even in the work that focuses on the immigration tradition in classical countries of immigration such as the US, authors often highlight how the immigration tradition underpins the culture and policies to curb the attempts of restricting immigration (Tichnoer, 2002). In this way, these explanations often fail to capture the dynamic process of immigration politics that constantly reshapes the host country’s debate on who we are and who can join us (Pehrson & Green, 2010).

Two limitations emerge when we fail to notice the contestation over who we are and who can join us by assuming that political, legal and normative constraints channel immigration politics and national self-understanding into a more liberal direction. First, we would have a hard time understanding why anti-immigration movements may gain momentum in liberal democracies. At best, researchers tend to treat anti-immigration movements as a transient phenomenon that will eventually become obsolete as society progresses. Obviously, the current
immigration politics across many destination countries suggests that anti-immigration voices are finding their way to the political and legal processes. Second, we tend to assume a dichotomy between ethnocentric ideas and liberal values when it comes to immigration politics, when both principles can either co-exist or overlap. Oftentimes, governments proclaim a dual and somehow paradoxical commitment to liberal values as well as a national boundary (Hampshire, 2013). In fact, many liberal states maintain their legitimacy by declaring a confined peoplehood as well as a commitment to universal values (Smith, 2003).

These limitations become apparent when examining what Ilan Peleg (2007) termed “hegemonic states,” states that were in favor of ethnicity-based immigrant admission policies and discriminatory socioeconomic policies during much of the postwar period to preserve the hegemonic status of a dominant ethnic group. Although many hegemonic states put on a liberal façade by holding regular elections and promising the protection of human rights in legal documents, they often blatantly violated racial equality and human rights to maintain an ethnocentric constitutional order at the expense of subordinate groups. Prominent examples include, but are not limited to: Israel, South Africa, Estonia, Latvia, Turkey and Sri Lanka. During the past two decades, the policies began to change in many hegemonic states, as they became new destinations for migrants seeking job and asylum. In the hegemonic states that have persistently infringed of democratic principles, we have reasons to question to what extent policymakers are constrained by the legal and political factors as their counterparts are in many Western liberal democracies. In the states that have been moving away from their hegemonic past, the residue of the hegemonic ideas and identity could remain. Thus, an investigation into the immigration politics in such states cannot overlook the legacies of the hegemonic identity.
This dissertation aims to add to our understanding about the relationship between immigration politics and national identity. Though I focus on what Ilan Peleg (2007) termed “hegemonic states,” I pose a general question: why does a state established upon an ethnocentric national identity subsequently augment its self-definition to include certain non-co-ethnic migrants without applying the extension to all non-co-ethnics? I argue that although a country may initially be founded upon a seemingly-unequivocal ethnocentric national identity, this identity is not immutable. Rather, over time, a national dialogue may take place, causing the reexamination of the identity, with concomitant changes in immigration policy. This process determines how agents redefine who we are and who can join us and how they craft the boundaries between various citizen and migrant groups. My investigation shows that two causal factors throughout the hegemonic transition determine the ways and likelihood that such a state would broaden its self-definition to include certain newcomers (see Figure 1.1). The first concerns the outcome of the hegemonic transition. As long as there continues to be a hegemonic identity, be it the old identity that survived the transition or a new identity that replaced the old one, this identity will serve as the parameter for immigration debate. Political actors are more likely to reach a compromise around this parameter. On the contrary, when a civic identity supersedes the hegemonic identity, it becomes more challenging for different parties to reach a consensus, as such country experienced a sudden loss of an identity. The second factor concerns the past wrongs done to the subordinate groups that usually cause serious socioeconomic inequalities. If the post-hegemonic state is willing and capable of alleviating the socioeconomic inequalities left by hegemonic rule, it helps ease anti-immigration sentiment. In contrast, if the post-hegemonic state lacks either the willingness or the capacity to alleviate socioeconomic inequalities, anti-immigration sentiment is likely to remain strong.
My focus on hegemonic states is a strategic choice that allows me to highlight how immigrant receiving countries may struggle to redefine *who we are* and *who can join us*. I select cases that not only fit Ilan Peleg’s definition of hegemonic states but also have undergone changing immigration trends. I use Israel as my primary case and trace its immigration politics between 1948 and 2016, with a special attention to the relationship between immigration debates and shifting national identity narratives. Israel presents a case where the founding hegemonic identity, the Jewish identity, survived the pressure to change while generating competing interpretations. In May 1948, Labor Zionist elites and their colleagues declared Israel to be the homeland of the Jewish people. The Jewish hegemonic state imposed a fixed boundary between Israel’s Jewish population and subordinate groups, primarily its Arab population. To sustain the ethnocentric constitutional order against the country’s multiethnic reality, the Jewish hegemonic state recruited Jewish immigrants, adopted discriminatory practices toward Arab citizens,
implemented military rule over Palestinians and tried to assimilate *Mizrahi olim* (Jewish immigrants of Middle Eastern and North African origins).

Although the blatant violation of democratic principles made the Jewish hegemonic state’s rule unsustainable, the hegemonic identity persisted as the hegemonic state underwent some cosmetic changes to proclaim its commitment to liberal democratic principles. During the gradual political liberalization since the late 1960s, there emerged a group of liberal democrats that has since exercised meaningful political and intellectual influence countering the ethnic constitutional order founded by hegemonic state. Without directly challenging the Jewish state narrative, they push for a liberal and inclusive view of Israel’s Jewish identity vis-à-vis the state’s illiberal practices toward Arab citizens and Palestinians under Israeli control (Peleg 2007: 176-178). Contrary to ethno-nationalists who approach Israel’s Jewish identity from a strictly ethnocentric perspective, liberal democrats try to reconcile Israel’s Jewish identity with liberal democratic principles. Amidst the contestation over Israel’s Jewish identity between ethno-nationalists and liberal democrats, a question concerning *who can join us* emerged and asked: how should we (Jews) treat others (non-Jews)? While ethno-nationalists insist that only Jews are eligible to join the Jewish state, liberal democrats contend that the Jewish state may have a moral responsibility toward non-Jews, given Jews’ history and religious conviction (Kalir 2015).

As more non-Jews began migrating to Israel since the early 1990s, the contestation over *who we are* and *who can join us* has shaped the major repertoire in the debate on non-Jewish migrants during the past two and a half decades, determining the policy outcomes and revises the boundaries between Jewish citizens, non-Jewish residents and non-Jewish migrants in the Jewish state. The country now hosts approximately 90,000 foreign workers, 43,000 African migrants, more than 90,000 illegal immigrants and around 243,000 non-Jewish immigrants from the
former Soviet Union. In addition, over 112,000 Palestinians from the West Bank work in Israel. Ethno-nationalists maintain that all of these non-Jews are unfit to join the country and their presence poses a threat to the Jewish state. From a Jewish moral perspective, liberal democrats redefine the space for inclusion of these non-Jews by highlighting the Jewish state’s moral obligations toward out-groups. The treatment of foreign workers’ children provides an example that I highlight in chapter four. Liberal democrats argued that expelling these children who grew up speaking Hebrew and attending Israeli public schools is not only inhumane but also un-Jewish, citing Jewish texts and teaching such as “thou shalt neither vex a stranger nor oppress him” as the basis of their advocacy. I show that the liberal democratic narrative was effective enough to result in several amnesty decisions toward these children between 2005 and 2010, allowing over 1,000 children of foreign workers and their immediate family members to acquire permanent residency in Israel. In the same chapter, I show how rights activists adopted the same liberal democratic narrative to advocate for African asylum seekers.

The examination of the Israeli case leaves one question unanswered: do political changes and shifting national identity narratives of all hegemonic states follow the same causal path and result in similar effects on immigration politics? To address the question, I compare Israel with two secondary cases, Taiwan and South Africa. Both countries went through a nation-building trajectory similar to that of Israel after the Second World War, in which a hegemonic state with a heterogeneous population designed socioeconomic policies and controlled immigration to prioritize the interests of a single ethnic group. During the past two and a half decades, both countries witnessed political liberalization and have been receiving immigrants whose existence is incompatible with the previous hegemonic national identity narrative. But the political change to the hegemonic state and the ensuing shift of national identity narratives took a different path in
Taiwan and South Africa than in Israel. Unlike the gradual and rather cosmetic political liberalization in Israel, both South Africa and Taiwan experienced a full-fledged democratization during the 1990s. In both Taiwan and South Africa, the process of democratization replaced the hegemonic state’s national identity narrative with a more inclusive one that embraces pluralism and multiculturalism. Concurrent to the hegemonic transition, both countries have been receiving immigrants that the previous hegemonic state did not welcome since the early 1990s.

Each secondary case offers a major contrast with Israel that illuminates the two causal factors mentioned previously and shown in Figure 1.1. Taiwan lacks the ideational divide between ethno-nationalists and liberal democrats as in Israel. Instead, post-democratization political elites in Taiwan accept a new Taiwanese identity that aims to dissociate the island’s dominant identity narrative from Mainland China. As a result, this new Taiwanese identity emerged as the new hegemonic identity that replaced the old, China-centric identity. Although the new Taiwanese identity adopts an inclusive and multicultural narrative that welcomes the integration of immigrants, it singles out Chinese immigrants as the major threat to the island’s dominant national identity. This view remains crucial to justifying discriminatory policies toward Chinese immigrants. In some ways, the logic behind Taiwan’s discriminatory policies toward Chinese immigrants demonstrates the rationale similar to that of Israel’s discriminatory policies toward Arab citizens and Palestinians. In both cases, one out-group is deemed unfit to join according to the current hegemonic identity. Meanwhile, the contestation around the current hegemonic identity in both cases can create space for certain immigrant groups. While in Israel this space comes from a sense of Jewish morality toward certain non-Jews, in Taiwan such space is generated from the civic, multicultural component of the new Taiwanese identity.
The comparison between Israel and South Africa shows two cases that share a strong anti-immigration sentiment despite their diverse path of hegemonic transitions. In contrast to Israel where the hegemonic identity still dominates, South Africa’s previous hegemonic identity was superseded by a civic, non-racial identity during democratization. To take the country and its diverse population forward, the post-apartheid government promised prosperity for all South African citizens. In contrast to Israel where the government has only dealt with socioeconomic inequalities with cosmetic reforms without changing the ethnocentric constitutional order, South Africa’s ongoing socioeconomic problems, such as poverty, inequality, high unemployment and rampant crimes, hamper the post-apartheid state’s capacity to keep its promise. Coupled with a high number of illegal immigrants, foreigners have become the major scapegoat that threatens the welfare of South African citizens and the country’s social stability. Meanwhile, a rapid removal of South Africa’s ethnocentric constitutional order generates stronger xenophobia than in Israel, reinforcing the boundary between citizens and non-citizens. Thus, the comparison between Israel and South Africa reinforces the second causal factor that ongoing socioeconomic inequalities help incite anti-immigration sentiment among citizens.

The remaining chapter is organized as follows. Section 1.2 outlines the theoretical foundation. Section 1.3 defines the scope of research and presents the research design. Section 1.4 discusses the research method and data collection. Section 1.5 concludes with a brief overview of the remaining chapters.

1.2 Explaining Immigration Politics: Theoretical Foundation

Crafting immigration policies is to define who is a citizen, who is an alien and which alien is qualified to become a permanent resident or citizen. These definitions often indicate the
vision of policymakers regarding the state’s dominant national identity. When nation-states began to emerge across Europe during the 18th and 19th centuries, their governments adopted citizenship policies and controlled cross-border movement to distinguish between citizens, foreigners and sojourners (Torpey, 1998, 2000). The spread of nationalism during that time popularized the assumption that the national boundaries should match the political boundaries (Gellner, 1983/2006). The variations of citizenship policies during the time reflected diverse understandings of nationhood. For example, the 1804 French Civil Code allowed the naturalization of foreigners and the 1889 Citizenship Law included the *jus soli* principle, granting citizenship to children of foreigners born in French soil. In contrast, the 1913 Nationality Law of the German Empire adopted the *jus sanguinis* principle, making citizenship exclusive to people of German descent and leaving little opportunity for the Poles and other non-German nationals born in German territory to become German citizens (Hailbronner, 2015, p. 1). The distinction represents two ways of defining the boundary of a national community that separates citizens or members from foreigners or non-members and whoever does not belong. Whereas being French is more about the integration into a set of cultural, linguistic and social norms, only ethnic lineage entitled an alien to German nationality and citizenship; whereas the children of immigrants could become French citizens, they would remain foreign no matter how long they had lived on German territory (Brubaker, 1990, 1992). The policy corroborated Germany’s long-time dominant national identity narrative, as many politicians in the postwar Federal Republic of Germany used to insist, “Germany is not a country of immigration” (Green, 2013).

Most of the English-speaking settler societies, also known as “classical countries of immigration” in the migration studies literature, went through a different state-building process.
The wish of many European settlers to create a homogenous society led to ethnicity-based immigrant admission or exclusion criteria among many of the “classical countries of immigration,” including the United States, Canada and Australia (Hage, 2000; Jupp, 2003; Zolberg, 2006). Some of the most notable legislation included America’s 1882 Chinese Exclusion Act, its 1924 National Origins Act, Australia’s 1901 Immigration Restriction Act and Canada’s 1923 Chinese Exclusion Act. In addition, many of these countries adopted policies to exclude black slaves and the non-European indigenous population from acquiring citizenship, because they were considered unassimilable (Banting et al., 2006; Parker, 2015). When these race-based discriminatory policies became popular among the English-speaking settler societies between the late 19th and first half of the 20th centuries, they enjoyed the intellectual support from scientists and academics (Tichenor, 2002. pp. 75-82, 143-144). Although many politicians in these societies weaved immigration tradition into the narratives of national self-understanding, the immigration tradition was meant to be selective and did not welcome all immigrants and indigenous populations. In other words, immigration control and citizenship policies aimed to tease out the more desirable immigrants deemed capable of becoming citizens.

Global norms on racial equality and human rights gradually arose after the end of the Second World War (Peleg, 2007, p. 15). The wartime violence and discriminatory polices targeting ethnic and minority groups prompted the establishment of a postwar international human rights regime under the United Nations. Racially discriminatory policies, which used to be supported by the studies of eugenics and rationalized with security reasons, lost legitimacy among liberal democracies, as ideas of racial supremacy became anachronistic in mainstream policy discourses and scholarly circles. In this historical context, opposition to ethnicity-based immigrant selection policies became empowered. Along with social mobilizations like the Civil
Rights Movement in the US, most English-speaking settler countries gradually abandoned immigrant selection based on race, ethnicity and national origin in the 1960s and 1970s (Daniels, 2002; Joppke, 2005; Legomsky & Rodríquez, 2015). During this period, the immigration policies of these countries became more “race neutral” (Brubaker, 1990; Koopmans et al., 2005). Similar changes later took place in some other liberal democracies where policymakers were once reluctant to acknowledge that immigration was a part of its history. For instance, the Federal Republic of Germany’s 1999 Nationality Law reform allowed the children of immigrants to acquire German nationality at birth, a departure from a strictly ethnocentric understanding of German nationhood (Diehl & Blohm, 2003, p. 141; Ette, 2003; Hailbronner, 2015, p. 7).

Nevertheless, many politicians and political actors in these countries remained suspicious toward immigration and continued to voice restrictionist rhetoric (Castles, 1986). States developed other ways of establishing the boundaries between citizens and aliens and determining the criteria for immigration. For instance, some states tried to select the more “desirable” immigrants according to education level and work skills, such as Canada’s point system (Pehrson & Green, 2010, p. 704). Yet, despite the restrictionist rhetoric and the attempt to select more educated and skilled immigrants, the volume of migration in most OECD countries increased over the past two and a half decades. For instance, the number of migrants in the US increased from 23,251,026 in 1990 to 46,627,102 in 2015, and from 5,936,181 to 12,005,690 in Germany during the same period.¹ The migration studies literature terms the phenomenon a “policy gap,” where immigration continues despite the policy goals of restricting immigration (Cornelius & Tsuda, 2004, pp. 4-5).

¹ International Migrant Stock 2015 UN
Political scientists and sociologists explained the policy gap by examining the political and legal processes (Joppke, 1998). As the intensity of economic globalization increased, pro-business interests demand low- and highly-skilled labor from abroad (Piore, 1979). Employers in industrialized countries have proven capable of pressuring policymakers to open the labor market to foreign workers or tolerate the existence of illegal immigrant workers (Freeman, 1998; Hollifield, 1992; Stalker, 2000). Political elites in many industrialized countries have also sided with business interests against the usually anti-immigration public (Freeman, 1995, pp. 891-892; Joppke, 1998, pp. 283-287). In addition, the legal process in liberal democracies has been crucial behind the improvement of migrant rights. Against the backdrop of a rising global norm emphasizing equality and human rights, as already mentioned, human rights NGOs and activists pressured governments to comply with democratic principles and improve the treatment of immigrants through judicial mobilization (Hollifield, 1992; Hollifield et al., 2008; Jacobson, 1996; Jacobson & Ruffer, 2003; Johnson, 2012).

The policy gap in many liberal democracies also blurred the line between citizens and aliens. National citizenship not only demarcated the identity boundaries of political communities, it also determined state’s distribution of welfare and rights (Marshall, 1964). The increasing population mobility and the improvement of migrant rights in many liberal democracies created a situation in which migrants receive protection and social rights equivalent to that of citizens despite their lack of citizenship status, a phenomenon Yasemin Soysal (1994) termed “postnational citizenship.” But Soysal (1994, p. 156) asserted that we are less likely to see postnational citizenship in “countries where the nation-building efforts are still underway, or are contested by alternative groups or ideologies...” because in these countries, “the boundaries between citizens and noncitizens are sharply constructed, without much space for ambiguity.”
These countries, given the nation-building efforts and ideologies, may show little respect for democratic principles and a weak civic understanding of national identity. These cases fit the profile of Peleg’s (2007) hegemonic states and lack the elements in political and legal processes necessary for the abandonment of ethnicity- or race-based criteria regarding immigrant selection and the distribution of rights. I agree with Soysal’s view that existing explanations presented in this section alone are insufficient to understand the causes behind an increasingly diverse immigrant population and improved migrant rights in countries that maintain an ethnocentric nation-building goal during much of the postwar decades. The next section constructs the theoretical framework to better understand these cases by expanding on existing explanations.

1.3 Crafting Citizens and Immigrants in Israel: Rationale for Research and Comparison

This dissertation focuses on what Ilan Peleg (2007) coined “hegemonic states,” whose dominant political elites design political institutions and policies to promote the interest of a single ethnic group at the expense of other groups in a multiethnic or multinational society, such as Malays in Malaysia and the Hutu in Rwanda between 1962 and 1994. According to Peleg’s definition, a hegemonic state establishes an ethnic constitutional order to ensure the political and cultural dominance of one ethnic group. Such constitutional order maintains the hegemonic ethnic group’s control over social and political institutions. Policies are designed to serve the interest of the dominant ethnic group over the following policy areas: land, language, education, media, security services, public employment, public expenditure and critical official agencies like the court and state symbols like street names, even though these practices violate minority
rights, the principle of racial equality and liberal values (Peleg 2007, pp. 3-7, 60-65).\(^2\)

Unsurprisingly, the promotion of co-ethnic immigration and exclusion of non-co-ethnic immigration is a crucial policy area, because a hegemonic state uses citizenship and immigration policies to demarcate the boundaries among citizens and aliens along ethnic lines.

To justify the ethnic constitutional order, the hegemonic state often creates an impression that the dominant ethnic group is under attack or threatened by other groups. At the same time, many hegemonic states put on a democratic pretense and allow elections, opposition parties, parliamentary votes and court decisions without fully embracing democratic processes (Peleg, 2007, pp. 67-68). But a hegemonic state only pays lip service to liberal principles through these democratic mechanisms to prop up its legitimacy. In reality, hegemonic states are either non-democracies or at best flawed democracies with rather weak and problematic democratic practices (Peleg, 2007, p. 4). Moreover, the inconsistency between the democratic pretense and illiberal policies means that a hegemonic state must constantly rely on coercive measures to maintain power.

Thus, we can expect that the democratic pretense is unsustainable for the long term and that changes are likely to occur in either one of the following situations. First, a hegemonic state might make necessary adjustments to accommodate certain needs or demands, without fully renouncing the preferential treatment of the dominant ethnic group. For example, the state may allow the importation of temporary foreign workers due to a labor shortage or pressure from business interests, while continuing to promote the immigration of co-ethnics and bar the long-term settlement of other foreigners, including the foreign workers. Secondly, changes to illiberal immigration and domestic policies could suggest a fundamental transformation of the hegemonic

\(^2\) Peleg (2007) did not specify exactly how many of these categories set the threshold for a state to be defined as a hegemonic state.
state’s ethnic constitutional order, in which the state ceases to uphold the interest of one single ethnic group and undergoes democratization. In this case, the state abandons the previous policies that violate democratic principles, racial equality and human rights.

Either way, changes of the illiberal immigration policies redress the ethnocentric constitutional order and redefine the boundaries between citizens and aliens. Sociologists Samuel Pehrson and Eva Green’s (2010) study on individual attitudes toward national identity and entry criteria for new immigrants provided a useful framework to dissect the way in which the demarcation changes. In their study of 21 European countries, they found a correlation between individual attitudes toward immigration and national self-identification. They divided national self-identification into two dimensions: who we are and who can join us. The former defines the boundary of the “in-group” and national community. The latter defines the “out-group” through the criteria of ideal immigrants versus immigrants that might pose a threat to the national community. I borrow Pehrson and Green’s (2010) framework to trace the shifting national identity narratives when a hegemonic state undergoes policy changes in immigration. Changes to a hegemonic state’s illiberal immigration policies redefine two core questions surrounding the dominant national identity narrative: who we are (the identity question) and who can join us (the absorption question). Although the two questions do not exhaust every aspect of the national identity debate, they capture the essence of the contestation over immigration and national self-identification. Throughout the contestation, policymakers and opposition groups try to delegitimize each other’s positions by crafting their respective narratives to demarcate the boundaries between citizens and immigrants and among different immigrant groups.

The rest of the section summarizes the recent immigration politics in Israel and the comparisons with two secondary cases, based on the analysis of chapters three, four and five. I
focus on the shifting national identity narratives and their impact on immigration debates, in particular the redefinition of the questions of *who we are* and *who can join us* during political and legal processes.

**1.3.1 The Israeli Case**

Upon Israel’s declaration of independence in 1948, Israel’s dominant political elites set out to define *who we are* and *who can join us* according to their hegemonic ethno-national nation-building goal (Peleg, 2007), a task I term “crafting citizens and immigrants.” Twenty-five percent of the indigenous population were non-Jews, including Arabs Muslims, Arab Christians, the Druze, and smaller ethnic minorities such as Samaritans, Armenians and Circassians. Although there were debates among Jewish politicians and intellectuals regarding policies toward non-Jewish residents, the ethno-nationalist idea prevailed. Headed by Israel’s first Prime Minister David Ben-Gurion, the Labor Zionist elites designed political institutions and policies to promote the political, cultural and presumably economic dominance of the Jewish population across various policy areas, such as land, language, education, critical official agencies and state symbols (Peleg, 2007, pp. 3-7, 60-65). Most notably, the state initiated the active recruitment of Jewish immigration and cultivated the principle that only Jews are the eligible outside group to become citizens of the Jewish state (Hacohen, 1994/2003, p. 126). David Ben-Gurion (1950) underlined that Israel’s Law of Return merely provides a legal recognition of Jews’ “historical right” to “return and settle in Israel.” The Independence Declaration promises that the country will be “open for Jewish immigration and for the ingathering of the exiles.” A large number of Jews did take advantage of the open-door admission policy, mostly from the refugee camps in postwar Europe and neighboring Arab countries due to anti-Jewish violence and policies

But the Labor Zionist elites’ notion of who we are was at odds with the diversity among Jewish immigrants, especially due to the ethnic line between European Jews (Ashkenazim) and Middle Eastern and North African Jews (Mizrahim). Accordingly, immigrants should be reborn in the Jewish homeland and shed the old Jewish diaspora cultures, as former Minister of Education and Culture Zalman Shazar once said, “…so that our exilic condition will cease” (Zameret, 1998). The most salient and perhaps controversial assimilation attempt targeted the 331,303 Middle Eastern Jews who immigrated to Israel during the early 1950s (Beit-Hallahmi, 1998; Goldscheider, 1989; Klausner, 1955; Shenhav, 2006; Shohat, 1999; Zerubavel, 1995, pp. 26-33). The government made a symbolic gesture to acknowledge their different traditions, such as setting up synagogues for different Judaic traditions in transit camps. Nevertheless, mainstream political, media and public discourses were clearly concerned about the inferiority of these immigrants. In 1962, Ben-Gurion cautioned his colleagues to use education to cultivate the Middle Eastern Jewish immigrants into “the Jews we want them to be” (Weitz, 2015). Institutions like public schools and the Israel Defense Forces became the major channels of top-down assimilation to make different Jewish immigrants become like us.

The Labor Zionist elites’ notion of who we are was also at odds with Israel’s multiethnic and multi-cultural indigenous population. Consequently, certain indigenous non-Jewish groups, Arabs and Palestinian in particular, were viewed as a threat to the Jewish state, thus justifying the discriminatory policies while reinforcing the need to preserve a Jewish majority. Between 1949 and 1966, the government imposed military rule over the towns and villages populated by Arabs, who needed permits issued by the military in order to travel within Israel. Arab citizens did not
enjoy rights equal to that of Jewish citizens and were denied official resources (Robinson, 2013), an image entrenched in legal terms. For instance, the 1954 Prevention of Infiltration Law defined “infiltrators” as illegal border crossers from Israel’s enemy states, including Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Trans-Jordan and Yemen. The term “infiltrator” not only serves a symbolic function to reinforce the menacing image of Arabs and Palestinians. More importantly, it authorizes the security establishment to criminalize all Palestinian border crossers, including those displaced in the 1948 war who tried to return to their homes and properties inside Israel.

The military rule over the Israeli-captured territories in 1967 reflected a similar inclination to view all Palestinians as a threat. The suspicion toward Palestinians was prevalent among decision-makers during the policy debate in 1967 regarding the occupied territories. Then Prime Minister Levi Eshkol famously compared the Palestinians falling under Israeli rule as an unwanted bride from the eyes of Israeli policymakers (Gordon, 2008, p. 1). Ever since, the state has used national security to rationalize military rule, settlement policies and restrictions on population movement over the occupied territories (Hiltermann, 1988).

But the hegemonic state’s political elites also flirted with liberal values and appeared to be committed to the establishment of a Jewish state that harbors democratic values. Israel’s Declaration of Independence incorporates ambiguous language that serves both ethno-nationalist and liberal views of the Jewish identity. Democratic principles are also weaved into more recent legal documents, such as the 1992 Basic Law: Human Dignity and Liberty. But the ruling elites’ commitment to liberal and democratic norms was at best a dubious one that masked the constant violations of minority rights (Peleg, 2007, pp. 52-56). The democratic process that the hegemonic state allowed, often mixed with violation of minority rights, opened space for

different streams of Zionism and various non-Jewish groups to challenge the rule of the hegemonic state. Consequently, the political participation and rights of minorities have both improved after decades of political liberalization. For instance, the number of Arab Knesset Members, including Bedouins and Druze, increased from 3 in 1949 to 17 out of 120 in the current 20th Knesset.

While the hegemonic state led by the Labor Zionist elites had declined since the 1960s, its version of who we are outlived its creators. Today, most national symbols and public policies in Israel still uphold the cultural, socioeconomic and political dominance of the Jewish population. The 1.4 million Arab citizens are still exempted from conscription of the Israel Defense Forces, an experience crucial for professional opportunities in certain industries. Schools and public services in Arab-populated cities and towns are more likely to be underfunded than those in the predominantly Jewish areas. Only a minority of individuals and fringe groups actively challenge this practice. Most Jewish politicians and policymakers endorse the ethno-nationalist characteristics of the state. A Pew Research Center poll on Jewish Israelis shows that 91 percent of the respondents agreed that Israel is “necessary for long-term survival of the Jewish people and 98 percent of these respondents agreed that “all Jews should have the right to citizenship in Israel” (Pew Research Center, 2016). As it turns out, decades of political reforms in Israel only introduced “modest changes” without “really chang[ing] the overall constitutional order” (Peleg, 2007, pp. 174-179).

A major divide between “liberal democrats” and “ethno-nationalists” emerged from the hegemonic state’s legacy of crafting citizens and immigrants. Unlike most ethno-nationalists who insist on an ethnocentric view of Israel’s Jewish identity, most liberal democrats are intelligentsia, political elites and rights activists who aim to incorporate civic elements and
democratic values into Israel’s Jewish identity (Peleg, 2007, p. 178). Their thinking is reflected in the doctrine of many left or central-left political parties, such as Meretz and the Zionist Union (previously the Labor Party). Several High Court Judges behind Israel’s judicial activism, such as Aharon Barak, are also often considered champions of liberal democratic values. Politicians or activists associated with these parties often rely on the judicial process to repeal discriminatory policies toward non-Jewish citizens (Peleg 2007: 176-178). Arguably, the hegemonic state’s accommodation of liberal and democratic principles facilitated the empowerment of liberal democrats much more than that of any other groups with competing notions of who we are and who can join us. Liberal democrats dared ethno-nationalists with a moral question regarding Israel’s Jewish identity: how should we treat non-Jews as a Jewish state? The question brings out a moral aspect of who we are and subsequently results in the inclusion of non-Jews out of moral reasons.

The rescue episode of the Vietnamese refugees in the late 1970s signaled a decision reflecting the moral aspect of Israel’s Jewish identity. In his first policy decision, Israel’s first right-wing Prime Minister, Menachem Begin, granted the reception of 66 Vietnamese boatpeople picked up by an Israeli cargo ship in 1977. Furthermore, he came up with a Jewish justification for this decision (Gordis, 2014, pp. 142-143). He referenced the Holocaust to support his decision to receive these refugees, because this part of the Jewish history taught the Jewish state to “never be a passive bystander” toward atrocities (Klar et al., 2013, p. 136). Instead of treating the Vietnamese refugees’ lack of ethnic affinity, cultural ties and language proficiency as a problem, Prime Minister Begin saw the parallel between the Vietnamese boatpeople and the 908 Jewish refugees on the MS St. Louis in 1939, most of whom were returned to Europe after their

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4 Although the dichotomy does not fully capture the complexity of Israel’s social and political cleavages, it captures the core disagreement about Israel’s Jewish identity among Jewish political elites.
asylum requests were rejected by Canada, Cuba and the US (Bryen, 2012). Israel eventually received around 300 Vietnamese refugees in the late 1970s, granting them not only shelter but also citizenship despite their lack of Jewishness.

The Jewish hospitality toward the Vietnamese refugees under the Begin government was quite unprecedented. Up until then, very few non-Jewish aliens viewed Israel as a potential immigration destination. Thus, preventing non-Jewish immigration was not a major policy agenda. Take the Israeli government’s recruitment of the Indochinese refugees in the late 1970s for example. In Manila, when the Israeli ambassador to the Philippines announced to the Vietnamese refugees that Israel offers a quota of three hundred for resettlement, he was left in shock by the crowd’s cold shoulder reactions (Wong, 2015). Many of the Vietnamese refugees who came to Israel ended up leaving for the more ideal destinations in North America or Europe within a few years (Klein, 2002).

Thus, the contestation between ethno-nationalists and liberal democrats over who we are and who can join us did not intensify until the late 1980s, when a large number of non-Jewish immigrants began arriving in Israel. In the eyes of the ethno-nationalists, non-Jews pose a symbolic threat to the country’s social fabric. Therefore, although many employers began demanding foreign workers to substitute the unstable supply of Palestinian day laborers, the state resisted the importation of foreign workers until the early 1990s (Bartram, 1998, pp. 309-314). When a large number of Russian-speaking non-Jews immigrated with their Jewish family members to Israel beginning in 1988, many officials and religious leaders publically voiced

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5 One of the exceptional cases is 600 black Hebrew Israelites from US and Liberia between 1969 and the late 1980s, who claimed their spiritual heritage to the Jewish state (Chireau, 2000; Dorman, 2013, pp. 303-305; Markowitz et al., 2003; Parfitt, 2013). The Israeli government rejected their immigration applications because they were not considered Jewish (Markowitz et al., 2003, p. 305; Michaeli, 2000; Wolfson, 2000, pp. 66-69). Eventually, the black Hebrews and their descendants eventually succeeded in acquiring permanent residence in Israel after several decades (Alush, 2009; Dominguez, 1989, p. 178; Markowitz et al., 2003. pp. 305-306; Sharon, 2014). Chapter three will elaborate on the case.
concern about their gentile culture (see, for example, Raijman & Pinsky, 2011). The Head of Jewish Agency’s Department of Immigration and Absorption, Uri Gordon, warned that the inflow of these non-Jews “[will damage] the fabric of our future society” (Joffe, 2000). Others complained about the “pork, prostitution, impurity and filth” that these non-Jews brought to Israel and that they are “destroying the moral fiber of the nation” (Rosenthal, 2003, p. 143).\footnote{Stereotypes and prejudices toward different Russian subgroups created more integration barriers for some Russian immigrants, such as women, Christians and non-Jews; see, for example, Hughes, 2000; Lemish, 2000; Mandel, 2012, pp. 219-200; Prashizky & Remennick, 2014; Raijman & Pinsky, 2011, 2012. Section 4.2.1 will elaborate on the issue.}

In contrast, liberal democrats have asserted that Israel should align its Jewish identity, or ethno-nationalism, with democratic principles, or elements of civic nationalism. They also believe that the government should extend the Jewish and liberal values to the treatment toward non-Jewish immigrants. In their campaigns for the children of foreign workers, they argued that to respect human rights and properly treat non-Jews is an essential part of Israel’s Jewish identity. Although these children were born to non-Jewish parents and lacked legal status in Israel, they had attended local public schools and grew up speaking Hebrew. When the government began deporting some of these children in the early 2000s, many activists and NGOs advocated for these children’s right to stay with liberal democratic narratives. In addition to framing the issue as a human rights concern, the core of their liberal democratic message was the following: these children have become one of us and allowing them to stay is a Jewish deed. A Holocaust survivor rights activist, Noach Flug, wrote to Prime Minister Netanyahu,

“We are a people with a history and the Torah of Israel, which instructs us exactly how we should treat foreigners… A Jewish state with a past as ours must not fail in terms of humanity and morality. It will inflict damage upon us as a compassionate society with a Jewish soul” (Weiler-Polak, 2010).

Politicians and public figures from different parts of the political spectrum also joined the bandwagon, even those who have acted and spoke as devoted ethno-nationalists. Both the wife of...
former Prime Minister Ehud Olmert and that of Benjamin Netanyahu publically supported or
 campaigners for the legal status of these children (Hannanel, 2010). Some politicians condemned
 the deportation decision as un-Jewish and inhumane (Weiler-Polak & Lis, 2010). In the end, the
government issued several amnesty decisions in the late 2000s, allowing over one thousand of
such children and their families to acquire permanent residence (Guarnieri, 2012). Politicians
initially against the stay of these children borrow the liberal democratic narrative as a post hoc
justification for the decisions. For instance, Prime Minister Benjamin Netanyahu claimed that
such amnesty “struck a balance between the values of Zionism on one hand and the humanistic
values on the other” (EMAJ Magazine, 2010).

But a similar liberal democratic message over the issue of African asylum seekers,
currently numbering about 39,000, met with an effective resistance of ethno-nationalists. Liberal
democrats compared the Jewish people’s history of exile and persecution to the plight of the
African asylum seekers, most of whom originated from Sudan’s Darfur region and the
authoritarian-ruled Eritrea. They argued that the Jewish state shoulders a unique obligation
toward asylum seekers and people in distress (Cohen, 2015, 40-46; Kalir, 2015; Willen, 2010).
To counter this message, ethno-nationalists portrayed these Africans as a serious threat to the
Jewish state whose existence endangered “Israel’s social fabric and national security,” as Prime
Minister Netanyahu warned (Nesher, 2012). After repeated amendments of the 1954 Prevention
of Infiltration Law, the term “infiltrator” became widely used in official and public rhetoric to
refer to the African refugees, summoning an image reminiscent of the Palestinian “infiltrators”
during the early 1950s. Launching a campaign aimed at “saving [Eilat] from African
infiltrators,” mayor Meir Yitzhak Halevi warned that, “[Eilat] is losing its identity. Every day
that passes, more and more infiltrators cross the border and join the city’s population” (Hartman,
On the issue of African asylum seekers, liberal democrats’ attempt to reconcile civic nationalism with Israel’s Jewish identity failed to find sympathy among ethno-nationalists.

To sum up, the contestation between ethno-nationalists and liberal democrats over who we are and who can join us throughout the consolidation and decline of the Jewish hegemonic state shape Israel’s immigration politics. Ethno-nationalists can no longer monopolize the identity narratives after the decline of the hegemonic state, as liberal democrats become empowered. Currently, ethno-nationalists and liberal democrats both try to “craft citizens and immigrants,” in their efforts to redefine the proper boundary between citizens and immigrants and among different non-Jewish immigrant groups. What sometimes unites the two sides is a consensus over Israel’s Jewish identity if properly framed, like the campaign for the children of foreign workers shows. The overarching Jewish state framework is a legacy from the previous hegemonic state that liberal democrats have refrained from directly challenging. What often divides the two sides is the disagreement about how to reconcile democratic principles with an ethno-centric national identity. This divide was the byproduct of decades-long political liberalization. In short, the two sides do not fundamentally disagree on the dominant national identity narrative, but mainly disagree on the role of democracy in the Jewish state and its implications for public policy. Do changes of other hegemonic states lead to similar results? More importantly, how do these changes influence current immigration politics? To find out, I compare Israel with Taiwan and South Africa in chapter 5 and summarize the result in the following section.

1.3.2 The Comparisons

In chapter five, I first compare Israel with Taiwan. While Israel’s Jewish hegemonic state built its legitimacy on the Jewish people’s right to their historical homeland in Palestine,
Taiwan’s postwar hegemonic state ruled according to an irredentist goal. After fleeing from Mainland China amidst the Chinese Civil War against the Chinese Communist Party, the Chinese Nationalist Party established a governing regime in Taiwan and claimed to be the only legitimate government of all Chinese people. Accordingly, the Nationalist Party accused the Chinese Communist Party as an illegitimate regime occupying Mainland China. The Nationalist Party viewed its rule over Taiwan as a temporary stepping-stone to recovering the territory of Mainland China from the communists in the future. Clinging to this irredentist goal as the major source of legitimacy, the Nationalist Party’s hegemonic rule not only imposed Chinese culture and language in education system and political propaganda but also repressed other ethnic identities, cultures and languages. The Party’s ethnocentric constitutional order disproportionately favored the so-called Mainlanders, a term that refers to Chinese immigrants who followed the Nationalist Party to the island after 1949 and accounted for only eight percent of the island’s population. For instance, the hiring at civil service and military positions often favored Mainlanders (Corcuff, 2002, p. 170). The Nationalist Party also restricted immigration and emigration for more than three decades, citing the tension with the Chinese Communist Party as the main reason. Between 1949 and 1987, immigration to Taiwan was quite limited, with the exception of a small group of diaspora Chinese from North America. Citizens in Taiwan could not travel abroad unless being granted a special permit from the government.

Similar to the Israeli case, the rule of Taiwan’s hegemonic state became unsustainable over time. But unlike the Israeli case, the dividing line between Taiwan’s hegemonic state and its major opposition was not only ideological but also ethnic. Indigenous Taiwanese elites pushed for political liberalization as well as Taiwanese cultural consciousness against the Nationalist Party’s Chinese cultural hegemonic agenda. Their indigenization agenda became empowered
after the Nationalist Party was no longer recognized as the sole lawful representative of China by the United Nations in 1971. Since the late 1970s, the ruling elites of the Nationalist Party became more responsive toward the indigenization movement. During the 1980s, a group of reform-minded Taiwanese elites within the Nationalist Party managed to initiate a top-down, gradual democratic transition in the early 1990s that ended the Party’s role as a political and cultural hegemon.

Whereas the Jewish hegemonic state’s ideas survived political liberalization in Israel, democratization saw Taiwan’s postwar hegemonic state replaced by a Taiwan-centered cultural and political identity. Coined by former President Lee Teng-hui in the mid-1990s, the “new Taiwanese identity” emphasizes the affection for the island (Jacobs & Liu, 2007, p. 388) and rejects the irredentist ambition toward Mainland China. But we should not too quick to equate the decline of Taiwan’s previous hegemonic state and democratization with the demise of ethnocentric nationalism. The constitutional sanction of multiculturalism (Chi, 2016, p. 269) and official acknowledgement of the island’s immigration past do not preclude the formation of a Taiwan-centered, somewhat ethnocentric identity. Post-democratization Taiwan features the “new Taiwanese identity,” which emphasizes the affection of the land and a cultural identity disassociated from Mainland China (Edmondson, 2002). Thus, when Taiwan began receiving large numbers of foreign workers from Southeast Asia and foreign spouses from Mainland China and Southeast Asia, a policy consensus emerged that demanded migrants and newcomers to blend into the Taiwanese indigenous culture according to the notion of the “new Taiwanese identity.”

The contrast between Israel and Taiwan shows two paths of gradual hegemonic transformation and their impact on current immigration politics. The comparison highlights the
power of the first causal factor regarding the transition of hegemonic identity, in that the way in
which the hegemonic state crafted the citizenship ideas constrained the debate on crafting
immigrants in both cases. Their similarities and differences can be summarized into the
following five points. First, a Taiwan-centric identity has emerged and replaced the China-
centric identity in mainstream cultural and political narratives, demonstrated in slogans for
Similar to how Israel’s Jewish identity dominates political narratives and identity debate, the new
Taiwanese identity dominates political narratives among most political elites, mainstream
political parties and the public, which is equivalent to Israel’s Jewish identity that serves as a
broad consensus among its Jewish population. Secondly, the new Taiwanese identity includes
some elements of civic nationalism and re-embraces the island’s immigration history. In general,
it is a more inclusive identity narrative than Israel’s Jewish identity. Nevertheless and thirdly, the
Taiwanese government has justified differential treatment toward the 330,000 Chinese
immigrants with the political tension between the two governments. Chinese immigrants in
Taiwan are singled out by a set of different entry and naturalization policies, a practice
reminiscent some of Israel’s policies toward Palestinians after 1967. Both governments justify
the discriminatory policies toward an ethnic group by portraying the group as a serious threat to
the country’s dominant identity and thus unfit to join their community. Fourth, unlike the divide
between ethno-nationalists and liberal democrats over Israel’s Jewish identity, the major divide
over the new Taiwanese identity centers on the island’s relations with China. Whereas in the
debate on non-Jewish immigrants in Israel often surrounded human rights, the most heated
immigration debate in Taiwan has been about whether to reform the discriminatory policies
toward Chinese immigrants. Lastly, the empowerment of the judiciary during political
liberalization is the major institutional factor that contributed to their differences. The empowerment of Israel’s judicial branch provides an institutional channel for actors to challenge the state, a mechanism that played a major role in empowering liberal democrats. But Taiwan lacks a similar mechanism, resulting in a generally weak culture of rights activism. Consequently, Taiwan’s political liberalization failed to produce a group of organized liberal democrats, as in Israel, to pose effective challenge against the state.

The second comparison examines Israel and South Africa, two cases whose most significant differences are in the control mechanisms of their hegemonic states. As a principle, the Israeli Declaration of Independence promises equal rights to all citizens and residents. Although many actions of the Jewish hegemonic state and its security establishment blatantly violated this principle, the liberal democratic principles listed in the Declaration of Independence and Israel’s Basic Laws have enabled the opposition to challenge the coercion of the hegemonic state. In contrast, South Africa’s postwar ethnocentric constitutional order sanctioned racial discrimination through a segregation system between white South Africans and the rest of the population, known as apartheid. The system promoted racial segregation in various policy spheres, from residence, employment, healthcare, education to public areas, just to name a few. South Africa’s hegemonic state also tried to promote white immigration from Europe, an attempt that was far less successful than the Israeli state’s promotion of Jewish immigration. South Africa’s white population declined from 21.4 percent in 1911 to 16.2 percent in 1980 (The Study Commission, 1981, p. 42) and remains an ethnic minority today.

Eventually, the anti-apartheid movement and domestic resistance led by the African National Congress (ANC) pressured the hegemonic state’s ruling elites to the negotiating table with ANC and other opposition leaders. Nelson Mandela, South Africa’s first democratically
elected President, reiterated the principle stated in the 1955 Freedom Charter that “South Africa belongs to all who live in it” regardless of race. The reconciliatory tone of the Mandela government set the direction of post-apartheid democratic reforms. It adopted affirmative action policies to address the economic, social and political deprivation under apartheid (Deegan, 2011, pp. 123-132) and launched economic restructuring programs in the hope of bringing economic prosperity (Deegan, 2011, pp. 116-119). Furthermore, the Truth and Reconciliation Commission report reinforced Mandela’s unifying tone by reinterpreting apartheid as a past that victimized both white and black South Africans (Goodman, 2012). At the same time, the promise of democracy and relative economic prosperity during South Africa’s hegemonic transition attracted an increasing number of immigrants from neighboring countries, especially asylum seekers and economic immigrants (Peberdy, 1998).

Israel and South Africa present two cases where different directions and intensities of hegemonic transition shaped different national identity and immigration debates. Yet, both countries have seen a strong anti-immigrant sentiment in their own ways, which can be explained by the unresolved socioeconomic inequalities among citizens in both countries. While Israel underwent a mild and gradual political liberalization, South Africa’s rapid and somewhat dramatic democratization led to a serious effort to cut ties from the past hegemonic identity. The contrast can be summarized in four points. First, democratization removed the ethnocentric national identity in South Africa, whereas the Jewish hegemonic identity survived the country’s mild political liberalization. The dominance of the Jewish identity narrative did not cease despite the empowerment of a group of liberal democrats in Israel. Therefore and secondly, the first post-democratization South African government promoted a new civic national identity, emphasizing multiculturalism, inclusivity and economic prosperity for all citizens. The same
view toward inclusivity of all citizens remains lacking in Israel. Nevertheless and thirdly, the more inclusive civic nationalism in post-apartheid South Africa coexists with a strong anti-foreigner sentiment among the public and policy discourses. The government’s failure to tackle rampant poverty and crimes has rendered foreigners the convenient scapegoat for the country’s socioeconomic problems. With the unemployment rate as high as 26 percent and a GINI coefficient between 0.660 and 0.696, many citizens took their frustration out on the foreigners in the country. Opinion polls have consistently shown a strong anti-immigration sentiment (Matsinhe, 2011, pp. 47-50), and anti-foreigner violence has been prevalent in South Africa since the mid-1990s (Klotz, 2013, p. 226). On the contrary, Israel’s ethnocentric national identity allows space for inclusivity of certain non-Jewish groups. Lastly, whereas immigration politics in Israel provoked debate between ethno-nationalists and liberal democrats over how to treat non-Jewish migrants, immigration was designed to be a part of the economic development in post-apartheid South Africa, as defined in various official policy guidelines (Crush & Williams, 2005, p. 3; Dodson, 2001, pp. 75-82). Legalization programs were tied more to the economic contribution of immigrants than concerns for human rights (Crush 1997, p. 28; Handmaker & Schneider, 2002; International Labour Office, 1998, p. 14; Klotz, 2013, pp. 189-190; Wentzel & Tlabela, 2006, p. 77). For sure, the high numbers of illegal immigrants, with estimates ranging from three to five million, contribute to the public and elites’ suspicion and helps inflame the perception of immigrants as a socioeconomic threat to the employment opportunities of citizens and stability of society (Reitzes, 1998, pp. 37-38).
1.4 Research Methods and Data Collection

I adopt the causal process tracing method (Blatter & Haverland, 2014, pp. 59, 61) and pay special attention to the following three causal factors in each case: the immigration control and other relevant ruling mechanisms under the hegemonic state, the hegemonic transition and its influence on national identity debate and the political and judicial processes of recent immigration control politics. I take the following steps to analyze my primary case. First, I trace how the hegemonic state used immigration and citizenship policies to define the boundaries between Jewish and non-Jewish citizens since 1948 until 1988. Secondly, I examine how opposition groups challenged the hegemonic state’s policies and practices regarding immigration and citizenship policies during the political and legal processes. Thirdly, through the interactions between the hegemonic state and its opponents, I uncover the shifting meanings of the Jewish state, centering on the questions of who we are and who can join us. Finally, I investigate the role of Israel’s Jewish identity in the country’s recent immigration politics with respect to non-Jewish migrants since 1988.

I take the similar steps to briefly outline each secondary case in chapter five, before proceeding to compare them individually with Israel. First, I show the establishment of their ethnocentric constitutional orders through which the hegemonic state dictated immigration and citizenship policies during the postwar nation-building process. Secondly, I discuss the democratic transition and the changing meaning of the national identity under democratization. I highlight the shifting definitions in each case regarding the questions of who we are and who can join us. Thirdly, I analyze the influence of changing national identity discourses on the recent immigration politics in South Africa and Taiwan.

I conducted elite interviews to collect data for the Israeli case. During the initial interviewee selection process, I recruited those who played a role as “policy entrepreneurs”
(Walker, 1974, 1981), who are the specialists in immigration politics due to their services as “researchers, congressional staffers, people in planning and evaluation offices and in budget offices, academics, interest group analysts” (Kingdon, 2011, pp. 116-117). I also recruited those who can be considered what Baud and Rutten term “popular intellectuals,” people who might not hold the abovementioned positions and nevertheless took part in framing and advocating for the collective interests of different groups in immigration politics through political activism (Baud & Rutten, 2004). Following the initial recruitment stage, I adopted the snowballing method to approach more interviewees. In total, I made three separate trips to Israel between 2014 and 2015. The number of total respondents is 45, including 43 face-to-face interview sessions with 41 respondents, one Skype interview, one phone interview and two respondents who communicated with me through emails. All the interviews added up to about 61 hours. The profile of the respondents is as follows:

<table>
<thead>
<tr>
<th>By Professions</th>
<th>By Ethnic Background</th>
<th>By Citizenship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Politicians/Policymakers</td>
<td>Ashkenazim</td>
<td>Israelis</td>
</tr>
<tr>
<td>MK Assistant</td>
<td>Non-Ashkenazim</td>
<td>Eritrean</td>
</tr>
<tr>
<td>Lawyers</td>
<td>Arab</td>
<td>Sudanese</td>
</tr>
<tr>
<td>International Migrant NGO Staffs</td>
<td>Others</td>
<td>Central African Republic</td>
</tr>
<tr>
<td>Israeli Migrant NGO Staffs</td>
<td>Non-Israelis</td>
<td></td>
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<tr>
<td>Israeli CSO Staffs</td>
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<td>Journalists</td>
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<td>Academics</td>
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<tr>
<td>IDF Officer</td>
<td></td>
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</tbody>
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Other data collection includes primary sources, such as legislation, official statistics and parliamentary plenary records, and secondary sources, including scholarly literature, news media reports and NGO reports. During my fieldtrips to Israel, I also consulted related primary sources.

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7 All of the respondents who possess dual or multiple citizenship have Israeli citizenship. Given that their additional citizenship is not directly related to the purpose of this project and that all of them spent most of their time living in Israel prior to the interviews, here I only identify their Israeli citizenship.
8 Many of my respondents were professionally trained as lawyers. I only included those who worked as lawyers on the issue of non-Jewish immigrants.
9 “Others” include respondents who self-identified as Christians.
at the Israeli Archives and the National Library at the Hebrew University in Jerusalem. In addition, I conducted archival research at Cornell University’s Lesly Lempert Collection, which includes correspondence regarding family reunification policies in Israel since the late 1980s.

1.5 Chapter Overview

The remaining dissertation begins with a literature review that presents the relevant scholarly research on the politics of immigration control. Through discussion of the salient topics surrounding the issue of national identity in immigration politics and based on Pehrson and Green’s (2010) research, I develop a conceptualization framework categorizing the substance of immigration politics into two sets of questions concerning who we are and who can join us. Applying this conceptual framework, I trace Israeli immigration politics between 1948 and 1988 in chapter three. I show that the Jewish hegemonic state, led by the Labor Zionist movement, crafted citizenship ideas by defining the questions of who we are and who can join us through policies and legislation. The social and political changes during the 1960s and 1970s weakened the Labor Zionist movement’s cultural and political dominance. But the challenges to the hegemonic state did not fundamentally alter the status of the Jewish majority hegemony. If anything, most of the challengers to the hegemonic state organized their messages under a vague consensus that Israel is a Jewish state. Between the 1960s and 1980s, the process of the Jewish hegemonic state’s “mild democratization,” as Ilan Peleg (2007) termed, gave rise to the antagonism between ethno-nationalists, who hold an ethnocentric understanding about Israel’s Jewish identity, and liberal democrats, who demand the inclusion of civic nationalism into Israel’s Jewish nationalism.
Chapter four turns to the politics of non-Jewish migration to Israel, primarily since 1989. The chapter depicts the dialectic process in which ethno-nationalists and liberal democrats compete to redefine the boundaries between Jewish citizens, non-Jewish minorities and non-Jewish migrants after 1989. Two groups of non-Jewish migrants were allowed to either settle permanently or become citizens, despite the organized efforts to ban their permanent settlement: the Russian-speaking immigrants who came under the Law of Return and several hundreds of foreign worker children along with their immediate family members. I argue that ethno-nationalists and liberal democrats developed a way to agree that these non-Jews were not the most serious security threat to the Jewish state. On the contrary, Palestinians from the West Bank remain barred from settling in Israel, because liberal democrats have not effectively challenged the narrative that Palestinians are the most serious security and symbolic threat to the Jewish state. Meanwhile, the politics of African asylum seekers has been a stalemate between ethno-nationalists and liberal democrats. The former associate the Africans with a cultural and symbolic threat to the Jewish state, while the latter approach the issue from a moral angle. Overall, this chapter demonstrates the influence of a previous policy legacy and hegemonic transition on current immigration debates in Israel.

Chapter five presents the comparisons between Israel and the two secondary cases. I first compare Israel with Taiwan, an island whose postwar ruling regime imposed a Chinese cultural and political hegemonic identity. Democratization during the 1980s and 1990s transformed the island into a democracy that espouses multiculturalism and elements of civic nationalism. Still, Taiwan’s new nationalism also prides itself of an indigenous cultural and political consciousness whose essence is an identity narrative distinctive and even hostile toward China. As a result, Taiwan’s inclusive immigration policies toward some immigrants coexist with blatant
discriminatory policies toward Chinese immigrants. In both Israel and Taiwan, the identification of a threat is essential to their dominant national identity narrative and has been used to justify discriminatory immigration control policies. The comparison between Israel and South Africa highlights two contrary paths of changing national identity narratives that ended up both inciting a strong anti-foreigner sentiment due to the unresolved hegemonic legacy. The post-apartheid South African government embraces civic nationalism, a significant departure from the apartheid-era national identity and ethnocentric constitutional order. It also pledges to build the pride of the new national identity on a prosperous economy. As South Africa’s economy struggles and crime rates climb during the post-apartheid era, its socioeconomic problems become associated with large-scale illegal immigration. Contrary to Israel whose ethnocentric hegemonic identity survived a mild political liberalization, the South African state has abandoned an ethnocentric national identity, but the newly emerged civic nationalism coexists with a strong anti-foreigner sentiment and policies unwelcoming to immigrants.
Chapter 2 Explaining Immigration Policymaking: Politics and Shifting Citizenship

2.1 Chapter Introduction

Immigration politics is the playing field for groups with competing short-term interests and long-term national visions. The interactions of these groups, confined by the social and institutional contexts they are in, operating within political and legal processes shape the outcome of immigration policymaking. A major question is, why does the preference of certain groups dominate but not that of others? For instance, observers often puzzle over many contradictions in immigration politics in liberal states (Hampshire, 2013), as policymakers tend to accept either more immigrants than their rhetoric indicates (Cornelius & Tsuda, 2004) or the “unwanted immigrants” whose long-term stay contradicts the host country’s national vision (Joppke, 1998). Some authors argue that the political and legal processes in liberal states are skewed toward groups that support more immigration, such as business interests and ethnic lobbies (Joppke, 1998; Tichenor, 2002; Zolberg, 2006). Further, many destination countries’ commitment toward liberal values and human rights often shields immigrants from inhumane treatments or even results in the improvement of immigrant rights (Joppke, 1998; Hampshire, 2013). In spite of groups that often wish to restrict immigration, such as nativist groups and labor unions, client politics and constitutionalism in liberal states favor pro-immigration groups, especially in countries with a more established immigration tradition (see, for example, Tichenor, 2002; Zolberg, 2006). These studies suggest that the more established the democratic institutions, the less effective xenophobic and anti-immigration mobilization could be.

But this argument risks overlooking competing ideas that coexist in many liberal states. While proclaiming to espouse liberal values, such as equality and liberty for all human beings,
many liberal states must also demarcate and guard their national boundaries (Hampshire, 2013). Policymakers in liberal states thus face two contradictory ideas at the same time, one leans toward liberalism that seeks inclusion for all and the other toward nationalism that wants a confined boundary of the national community (Boswell, 2007). In addition, each country’s unique national zeitgeist may provide a narrative that weaves immigration into its own self-understanding (Favell, 1998). For example, many politicians and groups in “classic countries of immigration,” such as America and Canada, nowadays pride themselves of their strong immigration tradition, which is absent in many European countries. These competing ideas and national visions may exist in different decision-making institutions (Geddes, 2003; Geddes & Scholten, 2016) and surface in immigration debates (Boswell & Hampshire, 2017).

Both elements, politics and ideas, are key to this dissertation’s inquiry. In post-hegemonic states such as Israel, Taiwan and South Africa, groups with competing interests and national visions can pursue their policy preferences in political and legal processes, even though these states tend to possess questionable democratic characteristic and commitment to liberal values. Meanwhile, a hegemonic state’s vision regarding national identity may leave a trace in immigration policy or immigration tradition during decades of authoritarian or undemocratic rule. The way in which these post-hegemonic states respond to immigration might depend on the specific path of their political liberalization. In this chapter, I survey the literature on the role of interest group politics, immigration traditions and citizenship ideas in immigration politics. I also appraise the strengths and weaknesses of varying theoretical approaches, especially with regard

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to their capacity to explain immigration politics in post-hegemonic countries. I find that the existing explanations often undervalue the role of immigration tradition in immigration politics. At best, some authors may discuss the dichotomy between “classical countries of immigration” and “reluctant countries of immigration” and overlook the fact that most countries have an immigration history of illiberal practices and selective immigration. Instead of examining the immigration tradition as a fixed idea, we should probe how immigration traditions transition over time and supply narratives in immigration debates. Toward the end of this chapter, I propose an alternative theoretical framework that focuses on ideas and their coalescence during the political and legal processes.

2.2 Politics: Political and Legal Processes

From the perspective of political economy, the current global economic structure gives business interests more leverage to influence immigration policy than other social groups in many liberal states. Due to the increasing intensity and scope of economic globalization, industrialized economies face an increasing demand for low- and highly-skilled labor that domestic labor forces might not meet (Piore, 1979). As a result of the wage gaps under the global capitalist system, it is more beneficial for businesses to invite low-skilled migrant laborers from abroad than to hire indigenous workers (Borjas, 1989; Chiswick, 2008; Hanson & Spilimbergo, 1999). To remain competitive in the current global economic market, national policymakers tend to be responsive toward the demand of business interests either by allowing the importation of low-skilled workers or tolerating undocumented immigrants because they provide much needed cheap labor (Stalker, 2000). As a result, political elites in liberal states tend to be more
responsive to business interests than to the preferences of labor unions or the general public,\(^{11}\) which tend to be more against immigration (Freeman, 1995). Thus, market institutions constrain the outcome of immigration policy (Hollifield, 1992; Wright, 2012). Since the 1970s, the trend of recruiting foreign labor has extended to policies regarding highly skilled foreign workers\(^{12}\) among industrialized economies (Bedford & Spoonley, 2014).

Aside from domestic market institutions, liberal states also take part in bilateral and multilateral treaties and inter-governmental organizations. Consequently, liberal states become even more locked in by market institutions. For example, the increasing inter-connectedness of global capitalism also made the cost of failure to adapt higher than before (Anderson, 2016; Lavenex & Uçarer, 2004; Piguet, 2006). Thus, many liberal states seek regional coordination on migration even when some national policymakers are reluctant (Margheritis & Maldonado, 2007; Thouez & Channac, 2006). These international regimes governing economy and migration gradually become embedded in the political process (Hollifield, 1992; Sassen, 1996, 2005; Soysal, 1994). Simultaneously, liberal states become constrained by global human rights regimes and international laws, treaties and regulations that institutionalized liberal values such as nondiscriminatory equality and liberty for all human beings (Jacobson, 1996; Joppke, 1998, p. 269; Peleg, 2007, p. 15). Conventions like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights safeguard individual rights regardless of nationality. Specific agreements, such as the Geneva Convention, International Labor Organization Convention of 1949 and Protection of the Rights of all Migrant Workers and Their Families focus on the rights of refugees, asylum seekers, stateless people and migrant workers.

\(^{11}\) Julie Watts’ (2002) discussion about the “unusual alliance” between labor unions and employers in France, Italy, Spain and the US provides one example that counters mainstream argument about labor unions’ position on immigration. She argues that labor unions in these four cases have gradually adapted to the pressure of importing foreign laborers (Avci & McDonald, 2000).

\(^{12}\) Nevertheless, some studies suggest that a parallel policy development could be a result of coincidence rather than policy learning; see, for example, Cook-Martin & Fitzgerald, 2010.
(Soysal, 1994, pp. 145-151). The emphasis of universal human rights has significantly improved migrant rights despite their lack of citizenship status in host societies, while the idea of racial equality had made immigration policies based on national origin seem anachronistic.

Thus a global trend suggests that national policies tend to follow through and adopt laws and regulations that protect the rights of foreigners (Soysal, 1994, pp. 151-154). As a result, when national policymakers fail to deliver the promise of human rights, they face the pressure from various organized societal groups, including civil societal actors (Banulescu-Bogdan, 2011; González-Murphy, 2013; Halm & Sezgin, 2013; Steil & Vasi, 2014; Yamanaka, 2010; Yeon & Huang, 1999; Zincone et al., 2011), opposition political parties (Boushey & Luedtke, 2011; Schain, 2008/2012; Tichenor, 2002; Zolberg, 2006),13 interest groups and the public (Lahav, 2004; Masuoka & Junn, 2013; Statham & Geddes, 2006). Since liberal states tend to have a relatively more developed and independent civil society, humanitarianism- and human-rights-minded NGOs often step into the policy vacuum to provide services and distribute social rights to migrants (Banulescu-Bogdan, 2011; Geiger & Pécoud, 2014; González-Murphy, 2013; Halm & Sezgin, 2013; Rosenhek, 2000; Willen, 2007; Yamanaka, 2010; Zincone et al., 2011). The lack of the institutional constraints that politicians, policymakers and interest groups face gives societal actors a different advantage, as NGOs tend to show more flexibility in adjusting strategies (Banulescu-Bogdan, 2011; Halm & Sezgin, 2013), tailoring messages (Komai, 1999; Koopmans et al., 2005) and providing services that public agencies lack the flexibility to (Bagno et al., 2010; Shipper, 2008; Yamanaka, 1993).

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13 There has been increasing scholarly attention paid to mainstream political parties and politicians over the issue of immigration, particularly how these parties adjusted their stance on immigration according to the actions taken by other parties (Bale, 2008; Fennelly et al., 2015; Triadafilopoulos & Zaslove, 2006). For instance, Oliver Schmidtke (2015) showed how Angela Merkel’s Christian Democratic Party successfully claimed ownership over immigration issues. Some scholars argue that radical anti-immigrant parties created an ideological context that pushed mainstream parties to adopt more restrictive policies (Carvalho, 2016; Dahlström & Sundell, 2012; Semyonov et al., 2006; van Spanje, 2010).
Civil society groups can also influence the outcomes of immigration control within formal decision-making channels, especially through judicial and legal advocacy (Dean & Nagashima, 2007; Gurowitz, 1999; Statham & Geddes, 2006). Courts, legal systems and bill of rights in liberal democracies often embody ideas of human rights that facilitate successful rights advocacy for migrant rights (Hollifield, 1992; Hollifield et al, 2008). Migrant rights activists and NGOs can make their case according to universal human rights ideas and liberal democratic values (Chung, 2010; Halm & Sezgin, 2013; Hollifield, 1992; Komai, 1999; Tsuneyoshi, 2011). Courts in liberal democracies are also perceived as the guardian of these norms (Hill, 2011; Jacobson, 1996; Jacobson & Ruffer, 2003; Johnson, 2012; Kritzman-Amir & Berman, 2009; Loper, 2010; Motomura, 1992; Neuman, 2008; Pask, 1989). In other words, effective democratic institutions provide opportunities for non-institutional actors to advocate for the rights of foreigners despite their lack of citizenship (Jacobson, 1996; Jacobson & Ruffer, 2003; Johnson, 2012). Constitutions, international conventions, bill of rights and legal documents at both national and supranational levels provide bases for such claims (Geddes, 1998; Motomura, 1992). Court rulings have been especially essential to decisions regarding migrant children and refugees (Hill, 2011; Kritzman-Amir & Berman, 2009; Loper, 2010; Pask, 1989; Neuman, 2008). Though the effect of court rulings may be limited within legal documents and confined by conservative definition of rights surrounding citizenship status (Geddes, 2003), they have been key to the improvement of migrant rights in liberal democracies.

While states are often depicted as the reluctant host to immigrants, local governments face different constraints and opportunities than national governments (Bowes et al., 2009; Jørgensen, 2012), since they have a more direct contact with immigrants than national

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14 For studies that discuss the potential tension between national- and local-levels policymakers, see, for example, Lahav, 1997; Narramore, 1997; Schandevyl, 2008; Shipper, 2008.
governments (Hurenkamp et al., 2012; Kalir, 2010; Tsuda, 2006; Willen, 2003). Since government responses toward immigration shaped the ensuing strategies NGOs adopted, some authors argue that the triangulation between national government, local government and civil society shape the outcome of immigration politics (Borkert & Bosswick, 2011; Chung, 2010; Tsuda, 2006; Yamanaka, 2010). For instance, after decades of dealing with immigration, Germany (Borkert & Bosswick, 2011) established a semi-corporate model led by the state and complemented by services of local governments and migrant organizations. In Japan (Tsuda, 2006) and South Korea (Yamanaka, 2010), the state’s negligence over the issue of immigration during most of the postwar decades created a vacuum that local governments and local NGOs soon filled. Some scholars argue that immigration control has shifted down to local agencies and civil societies, making these non-governmental entities the primary providers of integration programs and rights provision (Guiraudon & Lahav, 2000; Van Der Leun, 2006).

In other cases, immigration control has shifted out to international NGOs (INGOs) or inter-governmental organizations, allowing agents strategically engage national, regional and international institutions. For instance, national policymakers in many EU countries have gradually shifted decision-making and policy implementation “upward to intergovernmental agencies, downward to local government and agencies and outward to non-state actors” (Guiraudon & Lahav, 2000). The EU coordination over regional immigration policies allowed actors to pursue their policy preferences at intergovernmental level, constituting what Virginie Guiraudon (2000) terms “venue shopping.”15 The potential to shift policymaking to different institutional levels also provides non-state actors various channels to influence policies

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15 The idea of “venue shopping” is in contrast to arguments that maintain top-down intervention will be necessary for EU policymakers to adapt (Kostakopoulou, 2000). It is possible that policy developments until very recently have shown that EU national leaders have gradually come to terms with the need of policy harmonization either voluntarily or under peer pressure.
(Lavenex, 2006), encouraging transnational activist networks (Favell, 1998; Keck & Sikkink, 1998) to pressure policymakers through domestic and regional institutions (Guiraudon, 2001; Piper & Uhlin, 2002).

Historical institutionalism is one major approach that examines the interactive dynamic between various actors and institutions throughout time, especially over how agents gradually shape institutions. Such temporal analysis includes two primary themes. The first concerns the effect of path dependence and examines how previous institutional legacies constrain later policy outcomes (Freeman, 2006; Lahav, 2004; Schain, 2008/2012; Tichenor, 2002). This approach often highlights the self-perpetuating tendency of institutions (Komine, 2014). The second theme focuses on how changes occur at critical junctures (Hansen, 2000, 2002; Tichenor, 2002) and provides a window of opportunity for policies deviations from previous legacies (Baumgartner & Jones, 1993/2009).

The explanations discussed so far capture key agents, institutions and their interconnectedness in the political and legal processes. The work that treats agents or institutions as competing explanations reflects the classic debates in comparative politics about the roles of agents versus institutions (see, for example, Hall, 1997). While most of these explanations derived from studies of the so-called Western liberal states, many authors have been able to apply these explanations to Southern European and East Asian countries that have turned into immigration destinations during the past two decades, most notably former labor sending countries, such as Italy, Spain and Portugal (Bettio et al., 2006; Calavita, 2005; Corkill, 2001; Papademetriou & Martin, 1991; Ribas-Mateos, 2004; Venturini, 2004; Venturini & Villosio, 2006) and East Asian countries (Abella, 1995; Cheng, 1996; Kim, 2004; Lee & Wang, 1996;)

\[16\] In public policy analysis, other temporal factors of policy changes include layering, conversion, policy drift, displacement and exhaustion (Béland, 2007; Hacker et al., 2013; Mahoney & Thelen, 2010; Thelen, 2009).
Shimada, 1994; Yamanaka, 1993). These studies have observed similar trends of migrant rights expansion in the emerging immigration destinations (Kim, 2008; Piper, 2004; Rosenhek, 2000) and helped corroborate that policy convergence is more common among liberal states. While non-liberal states also adopt migrant worker programs, such as the Kafala system in the Gulf States, we have seen less and slower improvement of migrant rights in these cases (Lori, 2011; Roper & Barria, 2014). Indeed, market institutions and the rights-based politics (Hollifield, 1992; Hollifield et al., 2008; Howard, 2009) in liberal states enable the expansion of migrant rights and skew the immigration policy outcome.

But there are three weaknesses in these explanations. First, they tend to lack a comprehensive theoretical framework. Daniel Tichenor (2002) developed a historical institutionalist explanation with four interlocking processes in immigration politics from the American case. But his theoretical framework becomes less powerful when applying to countries without a strong immigration tradition, such as the post-hegemonic countries that this study focuses on. Eytan Meyers (2004) provided one of the few theory-development attempts by testing ten hypotheses in which he analyzed socioeconomic and foreign policy factors behind immigration politics with four cases on US, Britain, Germany and the Netherlands. Yet, this overly complex theoretical framework sacrifices parsimony. Secondly, most of these explanations are based on Western liberal democratic cases, whose results often bias toward a policy convergence due to the shared traits in their political and legal institutions. Granted that some studies attribute varying immigration traditions to cross-country variations (see, for example, Brubaker, 1992; Freeman, 1995). These cases still share a political culture that privileges liberalism and may not be found in non-Western states. Thus, these explanations are limited in terms of understanding how immigration traditions and liberal political institutions
transpire in the immigration politics of non-Western states. Last but not least, these explanations cannot account for the resurgence of anti-immigration and xenophobic movements across many liberal states, since they imply that global capitalism and liberalism will compel states to invite more immigrant laborers and grant more rights to migrants. While some of the political economic explanations can explain the retrenchment of migrant worker programs in conjunction with the fluctuations of macroeconomic situations (Borjas, 2001; Meyers, 2004; Rodrik, 2002), changes in domestic markets (Borjas et al., 1996; Scheve & Slaughter, 2001) or shifting public and elite opinions on immigration (Bommes & Geddes, 2000; Statham, 2003), they become less powerful to account for the effect of non-economic factors, such as the resurgence of nativism and anti-foreigner sentiment.

The abovementioned explanations tend to downplay the role of competing interests and pay less attention to the contradictory commitments to nationalism and liberal values inherent in many contemporary states (Hampshire, 2013). By so doing, they overlook the role of anti-immigration groups and ideas regarding immigration traditions and citizenship, particularly how the alliances carrying these ideas coalesce overtime. Even in liberal states with relatively robust immigration tradition such as many English-speaking settler countries, nativist movements or campaigns imagining an ethnically, culturally or religiously coherent state have gained popularity or electoral victories from time to time (see, for example, Tichenor, 2002). Although many of these countries have abandoned immigrant selection based on ethnicity or national origins during the 1960s and 1970s, we continue to witness the comeback of anti-immigration political parties and candidates at times. Their resurgence not only poses the question about the wax and wane of various social and interest groups in immigration politics throughout time.
More importantly, these phenomena suggest that immigration traditions and citizenship ideas shift over time, along with the coalescence and breakdown of different interest and social groups.

2.3 Immigration Traditions and Citizenship Ideas: Who We Are and Who Can Join Us

When nation-states began to emerge across Europe during the 18th and 19th centuries, their governments adopted citizenship policies and controlled cross-border movements to distinguish between citizens, foreigners and sojourners (Torpey, 1998, 2000) as states started distributing “bundles of civil, social and political rights” exclusively to citizens (Marshall, 1964). The role of immigration in the nation-building process at the time also differentiates several English-speaking settler societies from the European states. In the so-called “classic countries of immigration” such as the United States, Canada and Australia (Cornelius & Tsuda, 2006), national governments adopted rather generous naturalization policies at a time when the volume of immigration was comparatively low. As a result, immigrants were quickly incorporated into crucial constituents of major political parties. Immigration has remained a crucial issue in these societies due to their unique immigration traditions and initial policies (Tichenor, 2002; Zolberg, 2006), distinguishing these states from the “reluctant countries of immigration,” such as France and Germany (Cornelius & Tsuda, 2006).

The variation of citizenship policy among European states reflects diverse understandings of nationhood and translates into their diverse approaches toward immigration (Hampshire, 2015). For example, the contrast between French and German citizenship laws reflects two ways of defining national boundaries. The 1804 French Civil Code allowed the naturalization of foreigners and the 1889 Citizenship Law included the *jus soli* principle, granting citizenship to children of foreigners born in French soil. In contrast, the 1913 Nationality Law of the German
Empire adopted the *jus sanguinis* principle, granting citizenship only to people of German descent, leaving little opportunity for the Poles or other foreigners born in German territory to become German citizens (Hailbronner, 2015, p. 1). Whereas French nationality suggests integration into a set of cultural, linguistic and social norms, only ethnic descendants qualified for German nationality (Brubaker, 1990, 1992). This diverse understanding of nationhood reflected the dominant national identity narrative, as many politicians in the postwar Federal Republic of Germany insisted that “Germany is not a country of immigration” (Green, 2013).

But as mentioned before, the spread of human rights ideas have significantly improved migrant rights despite their lack of citizenship during the postwar decades. As the experiences of many Western liberal states show, immigrants have gained rights equivalent to that of citizens, blurring the lines between citizen and alien statuses. Essentially, domestic reforms and international conventions have facilitated the proliferation of human rights based on individual personhood. Residency has replaced citizenship and become the basis for acquiring rights (Jacobson, 1996). Examining Turkish guestworkers in postwar Western Europe, Yasemin Soysal (1994, p. 159) suggested that the two elements of modern citizenship, rights and identity, has gradually decoupled due to an emerging international norm on human rights. Although citizenship continues to be a mechanism to define formal legal status, it becomes less essential in acquiring rights and entitlements. Migrants and their families have become more capable of demanding civil and social rights from host governments despite their lack of citizenship. Governments in liberal states have extended the equality principle to long-term, non-citizen residents (Aleinikoff & Klusmeyer, 2002, p. 62), a status that sociologist Yasemin Soysal (1994) termed “postnational citizenship.” The improvement of migrant rights not only suggests the decline of national citizenship but also signals a shifting trend of how liberal states approach
their ethnic and cultural diversity. As many governments have designed integration and citizenship policies that sanction minority groups’ cultural rights (see, for example, Cohen & Margalit, 2015; Isin & Wood, 1999; Kymlicka, 1995; Phillips, 2015; Tsuda, 2006), many studies agreed that liberal values in these countries have propelled states to embrace the diversity of their populations.

Yet, if liberal democratic governments are indeed constrained by their commitment to universal human rights and liberalism, we should have seen fewer policy variations over time, which is not the case (Vink & Bauböck, 2013; Williams, 2010). Patrick Ireland (2004), for instance, showed how social and political rights are extended differently to immigrants in various localities in Germany, the Netherlands and Belgium. While Germany underwent major nationality law amendments to include the conditional *jus soli* principle in the Nationality Law and provided the opportunity for children of non-German descents to become German nationals and acquire German citizenship during the 1990s and early 2000s (Ette, 2003; Messina, 2006), the UK went through a process of revaluing citizenship by adding civic requirements to the naturalization process (Goodman, 2012, 2014; Kymlicka, 2003). As Irene Bloemraad and colleagues (2008) argued, states still control the formal rules of citizenship and rights acquisition and insist on doing so. Despite signs of a global normative context that contributed to English-speaking settler societies’ abandonment of race-based immigrant selection policies during the 1960s and 1970s (Joppke, 2005; Triadafilopoulos, 2012), many policymakers adopt different control mechanisms to ensure stringent immigration and naturalization processes.

The diverging policies underscore the contradictory commitments toward nationalism and liberalism most contemporary states face (Hampshire, 2013). While modern states tend to maintain a national myth that assumes ethnic or cultural coherence among its members, rarely
are the dominant stories of the founding national myth strictly particularistic. Instead, most of these stories are attentive toward universal values, even though their major purpose is to legitimate the right to self-determination of a people (Smith, 2003, pp. 54, 96-101). The inclusion of universal values into the national myth suggests that states’ commitment to the maintenance of national boundaries does not necessarily preclude inclusion of out-groups (Tamir, 1993). For instance, advocates for migrant rights often summon liberal values of equality to legitimate their policy preferences (Bletz, 2010; Boswell, 2011; Huysmans, 2000; Shafir, 1995; Solberg, 1970). Former British Prime Minister David Cameron emphasized that Britain is a “moral nation” and thus will fulfill its “moral responsibilities” toward the Syrian refugee problem (Wintour & Watts, 2015). A more recent example is American politicians’ response toward President Trump’s executive order that suspended the resettlement of Syrian refugees. In response, New York Senator Charles Schumer said, “These orders go against what America has always been about… [they] make us… less American” (Shelbourne, 2017). As Matthew Gibney (2004) argued, the line may not be as clear-cut as assumed between modern sovereign states’ “partial commitment” to their own citizens’ welfare and liberal democracies’ “impartial commitment” toward universal human rights.

The diverging policies also prompt us to ask, why do states react to immigration differently, given the competing ideas surrounding national myths? Some authors suggest that varying immigration traditions and citizenship ideas contributed to cross-country differences (Afonso, 2007; Boswell & Luedtke, 2011; Hansen & King, 2001; Jørgensen, 2011; Scholten & Timmermans, 2010; Odmalm, 2011); others trace the shifting meanings of immigration traditions and citizenship ideas overtime. Christian Boswell and James Hampshire’s (2017) comparative study of immigration politics in UK and Germany delved into the shifting ideas.
regarding the legacies of immigration policy. They argued that the immigration debate might prompt a reassessment of the policy legacies over time, leading to a shift of the policy status quo. They also noted that variations of the institutional environment contribute cross-country differences. For example, the Holocaust under Nazi Germany created negative policy legacies, creating a policy environment more susceptible to national reexamination and debates about Germany’s nationalism than in UK, where similar negative policy legacies were missing.

The argument that policy legacies can be altered in immigration debates highlights the importance of the interactions between ideational coalitions. In the previous discussion of this chapter, several divisions of ideational coalitions stand out, particularly ethnic and ideological. Studies on ethnic divisions focused on ethnic lobbies, ethnic voting blocs and their relationship with political parties (Messina, 1987). Studies of ideological divides over immigration examined how political parties respond to anti-immigration public sentiment (Citrin & Sides, 2008; Hollifield et al., 2014; Massey et al., 1998; Spencer, 2011) or politicize immigration control by actively shaping public attitudes toward immigration (Hepburn, 2015; Messina, 1987; Odmalm, 2014; Schmidtke & Zaslove, 2015; Whitaker, 2015). Some of these studies traced the development of single-issue anti-immigration parties (Berg & Gleditsch, 2014; Williams & Hale, 2006). Other studies explored the ideological divide between elite attitudes and public opinion toward immigration (Hainmueller & Hopkins, 2015). Some studies examined to what extent politicians and policymakers are able to shield immigration control from the pressure of public opinion (Gilligan, 2012; Guiraudon, 2006; Guiraudon & Lahav, 2000; Huysmans, 2006; Lahav, 1998; Lavenex, 2006). Unsurprisingly, the more their insulate the decision-making process, the easier political elites can adopt policies against public preferences.
Immigration traditions, citizenship ideas and their policy implications constitute the key topics that ideational coalitions engage in immigration politics. These topics not only address the shared characteristics among citizens but also determine the qualifications for individuals from out-groups to become potential new members, best captured by Samuel Pehrson and Eva Green’s (2010) categorization of public opinion toward immigration. Pehrson and Green (2010) adopted a social psychological approach to analyze how citizens’ perception toward in-group and out-group affect their attitudes toward immigration policy in 21 European countries. They argued that individual attitudes toward the definition of the in-group (citizens) and out-group (aliens and immigrants) influence their opinions on immigrant admission policy that determines which immigrant group can be included and which should be excluded. Their results show that citizens’ attitudes toward national identity and prejudice toward immigrants influence the way citizens define who we are. Additionally, the way citizens perceive certain immigrants as a threat to themselves and society influences their responses toward the question of who can join us.

Although Pehrson and Green’s (2010) study centered on individual attitudes, the framework’s two core questions captured the key issues that immigration traditions and citizenship ideas often seek to define. The question of who we are determines to what extent immigration is part of a country’s DNA, whereas the question of who can join us decides which foreigner might be qualified to join a national community. I apply Pehrson and Green’s (2010) two core questions, who we are and who can join us, to develop this dissertation’s major theoretical framework to trace the shifting narratives regarding immigration tradition and citizenship ideas. I term these two questions as two tasks of “crafting citizens” and “crafting immigrants” respectively, treating them as a collective political enterprise that depends on the ongoing interactions between competing ideational coalitions. The next section will also
illuminated how immigration traditions and citizenship ideas gradually shift. Indeed, many studies have conducted similar inquiry, such as the study on postnational citizenship (Soysal, 1994, 2012) and the changing narrative of policy legacies (Boswell & Hampshire, 2017). But these studies paid relatively little attention to previous illiberal practices regarding immigration and citizenship policies. As a result, the literature has equipped us with rather limited tools to trace the legacies of illiberal policies that are crucial in understanding immigration in post-hegemonic countries such as Israel.

2.4 The Collective Ideational Enterprise: Crafting Citizens and Immigrants

How does a state legitimize an illiberal approach to immigration and citizenship policies and how do changes to these policies take place? Ilan Peleg’s (2007) study on what he called “hegemonic states” provided a perspective to examine the institutional framework and transformation of such cases, where the country started out with a fixed boundary between a dominant group and subordinate groups. The establishment of hegemonic states hinges upon an ethnocentric nation-building goal. The founding elites of a hegemonic state impose an ethnic constitutional order to sustain a uni-ethnic hegemonic identity on a multiethnic society to uphold the interests of a specific ethnic group, such as Israel’s Labor Zionist elites imposing the idea of the Jewish state on its ethnically diverse native population and immigrants since 1948. As already mentioned in section 1.3, hegemonic states often opt for some democratic practices over coercive and illiberal governing mechanisms, in order to legitimize the ethnic constitutional order and to maintain the allegiance of the majority of its population. In other words, a mixture of democratic and illiberal mechanisms is not only possible but also necessary to sustain the hegemonic rule (Peleg, 2007, pp. 52-56). The key policy areas of such hegemonic control range
from land, language, education, media, security services, public employment, public expenditure to critical official agencies like the court, state symbols like street names and the immigration of co-ethnics (Peleg, 2007, pp. 3-7, 60-65).

Hegemonic states design their immigration and citizenship policies to craft the ideas of citizens and immigrants according to its nation-building mission. The result is often an immigration policy that prioritizes the recruitment of co-ethnic immigrants and a citizenship policy that privileges a particular ethnic group, such as in late 19th- and 20th-century Germany. To legitimize such discriminatory policies, hegemonic states often exploit historical and current events to impress upon the dominant ethnic group how it is under attack or threatened by other groups. Such purposely “otherness” of out-group serves as the “glue that holds hegemonic regime together” (Peleg, 2007, p. 50), rationalizing the hegemonic state’s active recruitment of co-ethnic immigrants and exclusion against the long-term settlement of certain groups, even though these practices violate the rights of minorities and the principle of racial equality. In hegemonic states’ calculation over who we are and who can join us (Pehrson & Green, 2010) through citizenship and immigration policies, the ethnocentric principle trumps other values and concerns.

The task of crafting citizens defines the question of who we are and demarcates the boundaries of the national community. The ethnocentric understanding of citizenship ideas often guide hegemonic states to adopt policies speeding up the citizenship acquisition of diaspora groups (Gutiérrez, 1999; Kulu, 2000; Kulu & Tammaru, 2000; Triadafyllidou & Veikou, 2002). To hegemonic states, the common ethnic descent endows the homeland a moral responsibility for the return of exiled co-ethnics (see, for example, Kanstroom, 2010; Kibria et al., 2014; King, 2002; Tyner, 2007). Hegemonic states also adopt discriminatory policies toward its native
population, privileging the social and civil rights of the dominant ethnic group (Peleg, 2007, pp. 3-7). But like many modern liberal states, hegemonic states need to build their ruling legitimacy by a story of peoplehood that may involve inherent contradictions (Smith, 2003). As mentioned in section 2.3, modern liberal states often maintain the contradiction between nationalism and liberalism (Hampshire, 2013). A commitment to liberal values requires states to act humanitarianly in their treatment toward noncitizens. Such contradiction can be more salient in hegemonic states, since these states may be less reluctant to violate liberal values in their domestic and immigration policies. Nevertheless, most hegemonic states still maintain certain universalistic values at least for the sake of putting on a façade. As the case studies in chapters three and four will show, the intrinsic ambivalence may end up pressuring some hegemonic states and their citizens to reassess the proper way of treating strangers and outsiders and migrants.

To craft immigrants, states determine *who can join us* through deciding which immigrant’s admission is more preferred than others, a process usually based on criteria such as age, property and family ties to the host country, amongst which the ability to work and levels of education have become the dominant criterion (Hainmueller & Hopkins, 2015). To hegemonic states, ethnic and cultural affiliation is often key to determining *who can join us*. Nevertheless, the conditions of joining a national community can also be created through acculturation. For instance, some states require aliens to demonstrate certain levels of language skills and civic knowledge in order to be qualified to join (Foblets, 2006). In this sense, the question of *who can join us* concerns the debate on assimilation and integration. Whereas assimilation demands immigrants to acquire the linguistic and cultural characteristics of citizens, integration embraces the cultural diversity between citizens and immigrants (Alba & Nee, 2003; Michalowski, 2011;
Portes et al., 2005; Portes & Zhou, 1993). Naturalization criteria determine the approaches to turn immigrants into one of us. Civic criteria for naturalization, such as language skills or knowledge about host societies, require adult immigrants to acquire the shared language and collective memory of host societies (Flint, 2009; Goodman, 2014; Kostakopoulou, 2010; Shachar, 2011; Van Houdt et al., 2011). Unlike adult immigrants, minor immigrants and children of migrants born in host societies are often not required to go through the acculturation process before acquiring citizenship, since they might have already been a part of the education system (Montgomery, 2002; Montgomery et al., 2001; Quinn et al., 2014). For this reason, advocacy for migrant children to acquire citizenship sometimes tend to reap more public support than their parents or other migrant groups.

As hegemonic states craft citizens and immigrants, they also portray the undesirable immigrants as a cultural, socioeconomic or political threat (Lucassen, 2005) to justify exclusionary and discriminatory policies toward these groups. Some groups may be viewed as a symbolic threat to host societies’ collective identities and social coherence (Cunningham-Parmeter, 2011; FitzGerald, 2015; Hainmueller & Hopkins, 2014; Yılmaz, 2012). Some anti-immigration politicians or groups associate immigrants with economic and social issues, presenting narratives such as how immigrants threaten natives’ job security or lowering minimum wages (Koslowski, 2012; Martin, 2015; Mines & Martin, 1984; Ruhs & Anderson, 2010). These discourses frame immigrants as criminals or job competitors and are especially common in policy debates on welfare and social benefits, such as the debates proceeding or surrounding California’s Proposition 187 (Alvarez & Butterfield, 2000; Mehan, 1997). Certain migrant group may be viewed as posing a threat to national security (Hopkins, 2010; Koslowski,

17 Another major material “threat” immigrants might pose is to public health; see, for example, Markel & Stern, 2002.
2011, 2012; Lori, 2011; Rudolph, 2006; Weiner, 1992/1993, 1993). Though such perceptions often exceed actual developments (Faist, 2006, p. 613), it becomes easier to deliver such messages after high-profile terrorist attacks, such as the 9/11 attack and 2005 London bombings, especially targeting asylum seekers from certain countries or cultural backgrounds (Branton et al., 2011; Niles, 2010; Roggeband & Vliegenthart, 2007). Although in liberal states, such anti-immigration discourses can be more rhetorical than practical (Ceyhan & Tsoukala, 2002; Chebel D’Appollonia & Reich, 2008) and are often offset by counter-narratives (Huysmans & Buonfino, 2008), successful mobilization based on the threat narrative can still influence admission policies toward asylum seekers (Dover, 2008; Guild, 2001). Security policy responses toward high-profile terrorist attacks can also reinforce the perception of immigrants as a security threat, as Anneliese Baldaccini’s (2008) studies on EU biometric data collection of non-EU immigrants suggested. Similar anti-immigration narratives may be more potent in hegemonic states, even after political liberalization. The security threat narrative in these states can go so far to block certain foreigners’ access to citizenship, preventing them from having the potential of becoming a member of a political community. In chapters four and five, I will show that differential treatment toward foreign spouses from the enemy states of Israel and Taiwan attest to this point.

The strengths of my theoretical framework are twofold. First, it provides an analytical framework to trace the role of ideational coalitions in immigration politics in post-hegemonic states. In the following three chapters, I apply this framework to discuss how hegemonic states craft citizens and immigrants in Israel and compare the result with Taiwan and South Africa. I also discuss how rival ideological, ethnic and religious coalitions compete to redefine the questions of who we are and who can join us after political liberalization. My framework supplements the existing scholarly work that focuses primarily on the role of agents and
institutions by carefully dissecting the shifting narratives about immigration traditions and citizenship ideas. Secondly, my theoretical framework pays special attention to how historical factors contributed to cross-country variations over immigration control. It seeks to understand how ideational alliances coalesce overtime and influence immigration debates while taking into account how institutional developments may confine the shifting national identity narratives.

While the theoretical framework divides the substance of immigration politics into the questions of *who we are* and *who can join us*, I recognize the difficulty of separating the two arenas as completely. In theory as well as in practice, the two questions often intertwine. Moreover, the task of crafting immigrants often juxtaposes with the task of crafting citizens, because determining how to properly treat others tackles the moral and ethical aspect of *who we are*. Neither is this theoretical inquiry is an attempt to deny the role of many contingencies that shape immigration trends external to the political and legal processes, such as birthrate, regional stability and economic indices. Though I will make a footnote to acknowledge the role of these contingencies whenever necessary, the remaining chapters will prioritize the discussions of shifting ideas on immigration by focusing on the political and legal processes in my case studies.

### 2.5 Chapter Conclusion

This chapter begins by evaluating the scholarly discussions related to my research question. I examine the explanations focusing on agents, institutions and a combination of both of these factors during the political and legal processes of immigration policymaking. Although these explanations have improved our understanding about immigration politics, my evaluation shows that the literature falls short in addressing contradictory ideas many states claim to preach and practice when designing immigration policies, such as concerns for human rights and racial
equality. While some discussions on immigration traditions and citizenship ideas have shed light on shifting narratives through which states adjust the boundaries between citizens and immigrants, these discussions tend to be overly optimistic about how immigration policies converge with liberal values. This tendency renders the existing discussions less capable of explaining how hegemonic legacies ebb and flow in immigration politics vis-à-vis competing national visions and values.

To complement the weaknesses and limitation of existing explanations, this chapter also proposes a theoretical framework focusing on the role of ideas in immigration politics. The framework aims to analyze how immigration debates and policymaking define boundaries between citizens and noncitizens and to understand how states craft citizens and immigrants through immigration policymaking. Relying on Pehrson and Green’s (2010) analytical framework, I classify the substance of immigration debates into the questions of *who we are* and *who can join us*. With the cases of hegemonic states in mind, I intend to argue that debates on these two questions shape immigration policies and have implications on citizenship and nationhood.

Chapters three to five apply the conceptualization to my case studies. Chapters three and four examine the Israeli case and trace immigration and national identity debates since the country’s establishment to recent immigration of non-Jewish immigrants. I examine the way in which the Israeli state crafted citizens between 1948 and 1988. Chapter three provides a historical overview of Israel’s immigration policy and chapter four focuses on Israeli immigration politics toward non-Jewish migrants during the past two and a half decades. This chapter further analyzes the way in which the Israeli state continued to craft citizens while
adjusting the boundaries between different non-Jewish migrant groups. Chapter five applies the framework to compare Israel with Taiwan and South Africa.
Chapter 3 Crafting Citizens in the Jewish State: The Politics of Israeli Immigration Policies between 1948 and 1988

3.1 Chapter Introduction

This chapter explains how Israeli policymakers debated immigration policies to craft citizen ideas between 1948 and 1988, before the rapid migration of immigrants from the former Soviet Union, non-Jewish foreign workers and African asylum seekers. I trace the politics and institutionalization of Jewish immigration, also known as aliyah (Jewish immigration to Palestine, meaning “ascent”), to show the way in which the Jewish hegemonic state designed the legal, political and social boundaries between Jews and non-Jews. Despite a large indigenous non-Jewish population, the Labor Zionist hegemony vowed to build Israel as a Jewish state and adopted immigration and assimilation policies to turn Jewish immigrants into its ideal of Jewish citizens. Four major laws provided the building block to manage citizenship status and immigration along ethnic lines: the 1950 Law of Return, the 1952 Nationality Law (whose literal translation is Citizenship Law), the 1952 Entry into Israel Law and the 1954 Prohibition of Infiltration Law. Simultaneously, the Jewish hegemonic state viewed non-Jewish minorities with suspicion and engaged in discriminatory policies and practices toward indigenous non-Jewish minorities, most notably Arab Israelis and Palestinians living in the post-1967 occupied territories. But as political liberalization took place and the judiciary became empowered, various ideational alliances coalesced to challenge the hegemonic state’s discriminatory policies and citizenship ideas against non-Jews. Amidst the reshuffling of major ideational alliances during the period of political liberalization in the 1980s, the camps of ethno-nationalists and liberal democrats consolidated. Despite their contention over the role of democracy in the Jewish state, both camps made their case under the overarching framework of Israel’s Jewish identity, a
legacy of the hegemonic state. Still, the contention between the two camps and the challenges of liberal democrats to the hegemonic state led to competing narratives regarding the questions of who we are and who can join us.

3.2 Immigration Control under the Jewish Hegemonic State

The first Israeli Prime Minister David Ben-Gurion’s (1950) comment that Israel’s Law of Return “has nothing to do with immigration laws” encapsulates the hegemonic state’s nation-building vision. As stated in the Israeli Declaration of Independence of 1948, the State of Israel is founded upon the “birthplace of the Jewish people” and will thus “be open for Jewish immigration and for the ingathering of the Exiles.” The Law of Return and the Jewish Agency’s promotion of Jewish immigration aimed to fulfill these nation-building tasks. Thus, Jewish immigration to Israel is different from the typical “immigration” to the classic countries of immigration, such as an Irish citizen immigrating to the United States. Rather, it manifested the ascension of a Jew returning to his or her historical homeland. Instead of years of a naturalization process, the Israeli government hands the Israeli identity card, the primary identity document of Israeli citizens, to every Jewish immigrant upon their arrival.

But the Jewish hegemonic state’s nation-building mission has been at odds with Israel’s demography from the beginning. For one thing, the diaspora Jews are diverse populations with various cultures and traditions. For another, the State of Israel has controlled a diverse population with different ethnic, national and religious backgrounds, especially the one-fifth of Israeli population, which is Arab. To address the mismatch between the declared national homogeneity and a heterogeneous citizenry after the declaration of independence, Labor Zionist elites adopted policies and practices in an attempt to solidify hegemonic rule, starting from its “immigration
policy.” During the first four decades, immigration to Israel refers primarily to Jewish immigrants and only a scattering of non-Jewish groups.

### 3.2.1 From “Immigrants” to Citizens: Jewish Immigration

Despite the commitment toward immigration for all Jews in Israel’s Declaration of Independence, debates on admission criteria occurred as the Israeli state was established. The day after the government declared independence, many Israelis went to fight against Arab soldiers from neighboring countries. The majority of the immigrants during the late 1940s were Holocaust survivors from Displaced Persons camps and physically and mentally unfit to take arms (Feinstein, 2010; Kochavi, 2001; Weitz, 1994). Also, official agencies were unequipped to handle large-scale immigration. Thus, the immigration debates centered on public health, medical care and financial burdens. Then Immigration Minister, Haim-Moshe Shapira, issued a document entitled, “instructions on the issuance of immigration and tourist visas,” which included the following selective criteria: religious, economic and medical conditions. Shapira also declared that highly skilled and well-off Jewish immigrants were preferred, especially physicians and those who possessed more than Palestine Pound (LP) 1,000.\(^{18}\) Prime Minister Ben-Gurion and the leadership of the Jewish Agency opposed Shapira’s pragmatism and insisted on open-door Jewish immigration. As a compromise between the two camps, the Knesset passed some vague medical criteria in the 1950 Law of Return while granting the Interior Minister the discretionary power to decline the issuance of Immigrant Certificates to those who are “liable to endanger the public health or the security of the state” (Hacohen, 1994/2003, p. 126). Yet, many low-level officials ignored the regulations and exercised their own judgments (Kokkonen, 2008).

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\(^{18}\) According to Rafael Rosenzweig (1989, p. 79; cited in Hacohen, 2003, pp. 49, 53-54), monthly salary for a skilled worker in Palestine was LP8 in the 1930s, if they were fortunate.
The scale of rule breaking went so far to the extent that “disregarding the restrictions became almost routine” (Hacohen, 1994/2003, p. 117). Thanks to the rampant disobedience, only a relatively small number of would-be immigrants were declined entry due to medical reasons during the early 1950s (Raphael, 1987; Shvarts et al., 2005, pp. 23-24). European immigrants increased from 48,451 between 1946 and 1948 to 121,963 in 1949, despite some high-level policymakers’ opposition to open-door immigration.

The proportion of non-European immigrants, mostly the Mizrahi Jews from the Middle East and North Africa, escalated after 1951. In 1951, 103,396 immigrants came from Asia, mostly neighboring Arab states, accounting for close to 59 percent of the total immigration. In many cases, rapid immigrant absorption took place in the face of emigration restrictions or attacks on Jewish communities in their home countries (Klausner, 1955; Shenhav, 2006; Shohat, 1999). For instance, the Iraqi government threatened to expel its Jewish citizens in 1950. While the Israeli government initially hesitated to respond to this warning, it soon changed its mind after a series of attacks on Jewish communities in Baghdad between 1950 and 1951. As a result, over 120,000 Iraqi Jews arrived in Israel between 1951 and 1952. Similarly, attacks targeting Jewish communities in Aden also resulted in mass immigration of Yemenite Jews to Israel between 1949 and 1950.

### Table 3.1 Immigration to Israel by Continent: 1948-1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Unknown</th>
<th>America &amp; Oceania</th>
<th>Europe</th>
<th>Africa</th>
<th>Asia</th>
<th>Total Immigration</th>
</tr>
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<tr>
<td>1919-1923</td>
<td>5,222</td>
<td>678</td>
<td>27,872</td>
<td>230</td>
<td>1,181</td>
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<td>1924-1931</td>
<td>2,652</td>
<td>2,241</td>
<td>66,917</td>
<td>621</td>
<td>9,182</td>
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<tr>
<td>1932-1938</td>
<td>3,989</td>
<td>4,589</td>
<td>171,173</td>
<td>1,212</td>
<td>16,272</td>
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<tr>
<td>1939-1945</td>
<td>4,544</td>
<td>108</td>
<td>62,968</td>
<td>1,072</td>
<td>13,116</td>
<td></td>
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<tr>
<td>1946-1948</td>
<td>5,828</td>
<td>138</td>
<td>48,451</td>
<td>906</td>
<td>1,144</td>
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<td>May 14</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1948 (after May 15)</td>
<td>11,865</td>
<td>478</td>
<td>76,554</td>
<td>8,192</td>
<td>4,739</td>
<td>101,828</td>
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<tr>
<td>1949</td>
<td>5,702</td>
<td>1,422</td>
<td>121,963</td>
<td>39,215</td>
<td>71,652</td>
<td>239,954</td>
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<td>1950</td>
<td>3,687</td>
<td>1,954</td>
<td>81,195</td>
<td>26,162</td>
<td>57,565</td>
<td>170,563</td>
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<tr>
<td>Years</td>
<td># of Mizrahi Immigrants</td>
<td># of Haredi Immigrants</td>
<td># of European Immigrants</td>
<td># of African Immigrants</td>
<td># of Others</td>
<td>Total Immigrants</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------</td>
<td>------------------------</td>
<td>-------------------------</td>
<td>------------------------</td>
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<tr>
<td>1951</td>
<td>3,141</td>
<td>1,286</td>
<td>47,074</td>
<td>20,382</td>
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<td>165</td>
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<td>12,509</td>
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<td>3,544</td>
<td>23,988</td>
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<td>16,169</td>
<td>5,379</td>
<td>1,782</td>
<td>24,692</td>
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<td>1961</td>
<td>194</td>
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<td>23,375</td>
<td>18,048</td>
<td>4,149</td>
<td>47,735</td>
</tr>
<tr>
<td>1962</td>
<td>350</td>
<td>2,187</td>
<td>11,825</td>
<td>41,816</td>
<td>5,355</td>
<td>61,533</td>
</tr>
<tr>
<td>1963</td>
<td>143</td>
<td>6,497</td>
<td>14,213</td>
<td>38,672</td>
<td>4,964</td>
<td>64,489</td>
</tr>
<tr>
<td>1964</td>
<td>327</td>
<td>4,188</td>
<td>28,124</td>
<td>17,340</td>
<td>5,057</td>
<td>55,036</td>
</tr>
</tbody>
</table>

The rise of Mizrahi immigrants prompted resumption of official attempts to restrict immigration during the early 1950s. Even the political elites, who previously supported open-door immigration, such as David Ben-Gurion, shifted their position. The government announced a series of selective measures in 1951, including pre-immigration medical inspection by Israeli doctors and an official target that aimed for 80 percent of the immigrants to be under the age of 35 (Shvarts et al., 2005, p. 27). In the same year, a government decree ordered to suspend immigration from countries where Jews faced no “immediate danger” (Hacohen, 1994/2003, p. 236). After the surge of African immigrants in 1956 and 1957, the government approved a Jewish Agency’s list of selection criteria in 1958, including age, skills and the willingness to commit to two years of agricultural work (Hacohen, 1994/2003, p. 305; Lissak, 1999, p. 16).

Once again, the front-line immigration officials relied on their discretion more than the new rules (Hacohen, 1994/2003, 1998). Thus, Jewish immigration fulfilled the nation-building commitment promised in the Declaration of Independence to a great extent despite restrictive attempts during the first decade (Mor, 2007). Close to 650,000 non-Ashkenazi immigrants came to Israel between May 15, 1948 and 1964. As the Mizrahi population outnumbered European...
Jews, Israel’s demographic landscape changed rapidly within a few years. By 1948, about 80 percent of the Jewish population in the British mandated Palestine were *Ashkenazim*. In 1951, about 33 percent of the Jewish immigrants in Israel were *Mizrahi* Jews (Cohen, 2002, p. 38; Goldscheider, 1989).

But letting the *Mizrahi* immigrants in the front door was only the first step to fulfilling the Jewish hegemonic state’s nation-building project. After all, *Mizrahi* immigration brought to Israel 331,303 Middle Eastern Jews with traditions and cultures quite different from that of the Labor Zionist ruling elites and most of the European immigrants during pre-statehood period (Cohen, 2002, p. 38; Goldscheider, 1989; Klausner, 1955; Shenhav, 2006; Shohat, 1999). Labor Zionist elites’ idea of crafting these immigrants into citizens was to turn the newcomers into what Theodor Herzl envisioned as the “new Hebrews” as stated in his 1896 pamphlet, *A Jewish State, An Attempt at a Modern Solution of the Jewish Question*. In Herzl’s mind, religion is not the uniting force of the modern Jewish state. In addition, Jewish immigrants need to be “reborn” once they immigrate to Israel and give up their traditions while in exile, as former Minister of Education and Culture Zalman Shazar once said, “…so that our exilic condition will cease” (Zameret, 1998). Although the government made symbolic gestures to respect *Mizrahi* tradition, such as setting up different synagogues abiding by different Jewish traditions in transit camps, mainstream political, media and public discourses portrayed the *Mizrahi* culture as inferior to that of the dominant European and Labor Zionist. In a 1962 discussion regarding education, Ben-Gurion said,

“In another 10-15 years [the Mizrahi Jews] will be the nation… if we [want to] make a joint effort to elevate talented people from [Mizrahi Jewish] communities to [the level of] an elite who possess values and will be able to manage the nation as we wish it to be managed… In another 15-20 years [the Mizrahim] will be the majority… The question is what kind of Jews they will be. Will they be the Jews we want them to be, or will they be like the Jews of Morocco the way they were? The elite of the Oriental communities should be accorded education, and a special effort needs to be made to that end…” (Weitz, 2015).
To create a secular modern Jewish state and get rid of the old Jewish diaspora cultures, the government implemented many assimilation programs, especially in the military and education system (Beit-Hallahmi, 1998; Zerubavel, 1995, pp. 26-33). Schooling at immigrant transit camps followed the more modern and secular way, without teachers or material to accommodate immigrant children from more traditional and religious backgrounds who were usually *Mizrahim*. In 1955, then Minister of Education and historian Ben-Zion Dinur announced to the Knesset that he opposed a separate education program for *Mizrahi* immigrant children (Meyers, 1988; Ram, 1995). During the 1950s, Yemenite immigrants staged protests against this melting-pot educational strategy and Libyan immigrants complained, but largely in vain (Druyan, 1994; Zameret, 1998). Much writing of *Mizrahi* Jewish intellectuals also reflected the official policy’s disregard for *Mizrahi* cultural and intellectual history (see, for example, Rejwan, 2006).

The 1967 June War and the ensuing death of Egyptian President Gamal Abdel Nasser boosted Israel’s image as the rising regional power. Thus, Israel became more attractive to potential immigrants, especially those from North America and Western Europe (Cohen, 2002, p. 41). Jewish immigrants from North America increased 40 percent in 1968 and then fivefold in 1969. Immigrants from Canada and US, often considered more desirable sending countries, increased from 739 in 1967 to 1,035 in 1968 and peaked to 8,122 in 1971. Similar increases took place amongst Jewish immigrants from France, UK, Argentina and South Africa (see Table 3.2). Between 1968 and the Yom Kippur War in October 1973, the numbers of Jewish immigrants increased.

---

19 The Israeli government’s reliance on schools and military to shape the collective national identity (Helman, 2014) reminds us of Eugene Weber’s (1976) observation about the socialization of French peasants between the late 19th century and the First World War.

20 During the British Mandate years, there were four major trends (or streams) of education systems: the general trend (Jewish and universal modern culture), labor trend (secular and socialist), *Mizrahi* trend (modern, religious and Zionist) and *Agudat Yisrael* (non-Zionist and ultra-orthodox). After the establishment of the state, the labor trend became the most dominant and popular trend as a result of funding sources and student recruitment. See, for example, Don-Yehiya, 2007; Zameret, 1998.
quadrupled from 14,469 in 1967 to 55,888 in 1972. The Ashkenazi immigrants, mostly from the more desirable sending countries in North America, France, the UK and the Soviet Union,\textsuperscript{21} were the major source of this growth (see Table 3.2).

For instance, North American immigrants increased by eleven-fold between 1967 (739) and 1971 (8,122). Immigrants from the Soviet Union contributed to 38 percent of Jewish immigrants between 1969 and 1974 and 61 percent in 1973 (see Chart 3.1).

---

\textsuperscript{21} It should be noted that Jewish immigration from the Soviet Union during the early 1970s became possible as a result of Soviet relaxation of exit permit policies in response to international and American pressure and the campaigns of the “Refuseniks,” Jewish Soviet citizens whose emigration applications were turned down by their government. See, Buwalda, 1997, especially chapters 4 and 8 (pp. 62-71, 89-112); Peretz, 2015.

\textsuperscript{22} Source: Israeli Central Bureau of Statistics.

### Table 3.2 Immigration to Israel by Country of Origin: 1965-1981\textsuperscript{22}

<table>
<thead>
<tr>
<th>Year</th>
<th>FSU</th>
<th>USA/Canada</th>
<th>France</th>
<th>UK</th>
<th>Argentina</th>
<th>South Africa</th>
<th>Ethiopia</th>
<th>Others</th>
<th>Total Immigration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>895</td>
<td>1,016</td>
<td>830</td>
<td>356</td>
<td>1,154</td>
<td>310</td>
<td>9</td>
<td>26,545</td>
<td>31,115</td>
</tr>
<tr>
<td>1966</td>
<td>2,054</td>
<td>826</td>
<td>700</td>
<td>351</td>
<td>664</td>
<td>301</td>
<td>21</td>
<td>11,040</td>
<td>15,957</td>
</tr>
<tr>
<td>1967</td>
<td>1,403</td>
<td>739</td>
<td>893</td>
<td>299</td>
<td>547</td>
<td>233</td>
<td>13</td>
<td>10,342</td>
<td>14,469</td>
</tr>
<tr>
<td>1968</td>
<td>224</td>
<td>1,035</td>
<td>2,523</td>
<td>467</td>
<td>559</td>
<td>160</td>
<td>17</td>
<td>15,718</td>
<td>20,703</td>
</tr>
<tr>
<td>1969</td>
<td>3,019</td>
<td>6,419</td>
<td>5,292</td>
<td>1,763</td>
<td>1,274</td>
<td>715</td>
<td>14</td>
<td>19,615</td>
<td>38,111</td>
</tr>
<tr>
<td>1970</td>
<td>992</td>
<td>7,158</td>
<td>4,414</td>
<td>1,585</td>
<td>1,457</td>
<td>803</td>
<td>13</td>
<td>20,328</td>
<td>36,750</td>
</tr>
<tr>
<td>1971</td>
<td>12,839</td>
<td>8,122</td>
<td>3,281</td>
<td>1,381</td>
<td>2,107</td>
<td>647</td>
<td>7</td>
<td>13,546</td>
<td>41,930</td>
</tr>
<tr>
<td>1972</td>
<td>31,652</td>
<td>6,034</td>
<td>2,356</td>
<td>1,030</td>
<td>2,598</td>
<td>605</td>
<td>40</td>
<td>11,573</td>
<td>55,888</td>
</tr>
<tr>
<td>1973</td>
<td>33,477</td>
<td>4,786</td>
<td>1,473</td>
<td>760</td>
<td>2,809</td>
<td>577</td>
<td>41</td>
<td>10,943</td>
<td>54,866</td>
</tr>
<tr>
<td>1974</td>
<td>16,816</td>
<td>3,393</td>
<td>1,345</td>
<td>832</td>
<td>1,625</td>
<td>432</td>
<td>24</td>
<td>7,512</td>
<td>31,979</td>
</tr>
<tr>
<td>1975</td>
<td>8,531</td>
<td>3,065</td>
<td>1,382</td>
<td>707</td>
<td>892</td>
<td>415</td>
<td>19</td>
<td>5,017</td>
<td>20,028</td>
</tr>
<tr>
<td>1976</td>
<td>7,279</td>
<td>2,979</td>
<td>1,416</td>
<td>592</td>
<td>1,616</td>
<td>585</td>
<td>10</td>
<td>5,277</td>
<td>19,754</td>
</tr>
<tr>
<td>1977</td>
<td>8,348</td>
<td>2,906</td>
<td>1,226</td>
<td>840</td>
<td>2,158</td>
<td>1,448</td>
<td>90</td>
<td>4,413</td>
<td>21,429</td>
</tr>
<tr>
<td>1978</td>
<td>12,192</td>
<td>3,285</td>
<td>1,302</td>
<td>1,005</td>
<td>1,960</td>
<td>1,403</td>
<td>37</td>
<td>5,210</td>
<td>26,394</td>
</tr>
<tr>
<td>1979</td>
<td>17,614</td>
<td>3,273</td>
<td>1,648</td>
<td>1,058</td>
<td>1,577</td>
<td>978</td>
<td>45</td>
<td>11,029</td>
<td>37,222</td>
</tr>
<tr>
<td>1980</td>
<td>7,570</td>
<td>2,550</td>
<td>1,430</td>
<td>900</td>
<td>1,036</td>
<td>346</td>
<td>259</td>
<td>6,337</td>
<td>20,428</td>
</tr>
<tr>
<td>1981</td>
<td>1,770</td>
<td>2,670</td>
<td>1,430</td>
<td>882</td>
<td>949</td>
<td>220</td>
<td>650</td>
<td>4,028</td>
<td>12,599</td>
</tr>
<tr>
<td>Total</td>
<td>166,675</td>
<td>60,256</td>
<td>32,941</td>
<td>14,808</td>
<td>24,982</td>
<td>10,178</td>
<td>1,309</td>
<td>188,473</td>
<td>499,622</td>
</tr>
</tbody>
</table>

---
The immigration trend was partly driven by the state’s policy toward the occupied territories after the 1967 War. More policymakers came to agree that Jewish immigration provided the solution to the demographic problem as a result of the one million Palestinians falling under Israeli rule, following IDF’s annexation of East Jerusalem and occupation of the West Bank, Golan Heights, Gaza and the Sinai Peninsula (Sachar, 2007, p. 667). But soon the 1973 Yom Kippur War and worldwide recession discouraged potential immigrants. Also, the number of Soviet immigrants declined from over 33,000 to less than 10,000 in the mid-1970s due to the changing Soviet policy. The number of Jewish immigrants kept decreasing well into the 1980s and did not recover until the mass immigration of Russian-speaking immigrants since 1989 (see section 4.2.1). Meanwhile, after the 1973 Yom Kippur War, a major wave of Jewish emigration from Israel took place.

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23 The campaign for Jewish emigration from the former Soviet Union during the 1970s and 1980s played a major role in the increasing number of Soviet Jewish immigrants to Israel during 1978 and 1979. The campaign contributed to, for instance, America’s 1974 Jackson-Vanik Amendment (Buwalda, 1997, pp. 89-112) attached relaxation of emigration policies as one of the conditions to grant the Soviet Union the most favored nation status. Jimmy Carter’s presidency also prompted the relaxation of Soviet policy toward Jewish emigration between 1976 and 1979.

24 According to Uzi Rebhun and Lilakh Lev Ari (2010, p. 37), there is strong correlation between major domestic events and Jewish emigration (yerida, meaning “descent, moving downward”) during the 1970s and 1980s, including the 1973 Yom Kippur War, the 1982 Lebanon War and economic crisis during the 1980s. After the Yom Kippur War, these major events began to have a stronger influence on the emigration of native-born Israelis.
Since the 1977 Menachem Begin government, Israel’s economic liberalization policies\textsuperscript{25} began influencing Jewish immigration. Economic crises, privatization and marketization measures constrained the official capacity of immigrant absorption. For instance, the 1985 Bank of Israel Law amendment prohibited the Bank from printing money to finance industrialization, full employment and immigrant absorption (Neuman, 1999). The state cut services for new immigrants, such as housing subsidies and the length of language courses (Doron & Kargar, 1993a).\textsuperscript{26} As a result, the 1980s was a downtime for Jewish immigration. The numbers of Jewish immigrants, even including thousands of Ethiopian Jews, dropped from 19,981 in 1984 to 10,642 in 1985 and 9,505 in 1986 (The New York Times, 1986; also see Table 3.3). Concerns over potential brain drain also became a problem due to increasing outmigration, as multiple official and unofficial records indicated the scale of increasing emigration.\textsuperscript{27} The emigration rate increased from an average of 0.1 percent between the 1967 War and 1973 Yom Kippur War to between 0.45 and 0.5 percent during the 1980s (Weiss, 1990). Between 1967 and 1989, about 244,000 Israelis emigrated, most were former immigrants (Neuman, 1999). In a way, the absorption of over 10,000 Ethiopian Jews made up for decreasing immigration and increasing emigration.

\textsuperscript{25} The positive effects of Begin’s liberalization policies were limited during the 1980s. The inflation rate in 1979 reached 112 percent and GDP growth rate dropped from 6.87 percent in 1980 to 1.81 in 1982 (see, World DataBank, the World Bank, \url{http://databank.worldbank.org/data/home.aspx}). Since the mid-1980s, the succeeding governments led by Labor Party’s Shimon Perez (1984) and Likud’s Yitzhak Shamir (1986) continued the privatization and liberalization process. This is especially the case after the 1985 Stabilization Plan, which introduced significant cut on government spending. See, for example, Dana, 1999; Doron, 2001; Doron & Karger, 1993b; Maman, 1998; Shalev, 1998. The national government became weaker during this decade, a phenomenon somewhat similar to the privatization trend in Europe and America. See, for example, Alterman, 2001; Doron, 2001; Gutwein, 2001.

\textsuperscript{26} In parallel to economic privatization, the government also switched to a direct absorption policy in the late 1980s. Unlike previously when the state was more involved in housing and employment arrangements, the new approach provided immigrants an absorption basket, which includes subsidies for housing, employment, language courses and higher education. These subsidies allowed immigrants to directly purchase or rent accommodations, find jobs and attend Hebrew classes or universities (Smooha, 2008, pp. 14-15; Tzaban, 1997).

\textsuperscript{27} According to the Israeli Central Bureau of Statistics, more than 466,000 Israeli residents travelled abroad in 1980 and about 19,200 had not returned by the end of 1986 (U.S. Library of Congress). Petus Buwalda (1997, pp. 163-178) documented Israeli policies toward the so-called “dropout issue” of the Soviet Jews who applied for Israeli visas but often departed for the US while transferring in Europe. A Jewish Telegraphic Agency poll suggested the intention of emigration increased from 5.3 percent in 1983 to 9 percent in late 1986 (JTA, 1987).
Table 3.3 Unemployment Rate and Immigration to Israel by Country of Origin: 1981-1991\(^{28}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Unemployment Rate</th>
<th>FSU</th>
<th>USA/Canada</th>
<th>France</th>
<th>UK</th>
<th>Argentina</th>
<th>South Africa</th>
<th>Ethiopia</th>
<th>Total Immigration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948-1964</td>
<td>---</td>
<td>12,285</td>
<td>8,704</td>
<td>7,893</td>
<td>5,805</td>
<td>12,510</td>
<td>2,769</td>
<td>182</td>
<td>1,212,528</td>
</tr>
<tr>
<td>1965-1981</td>
<td>---</td>
<td>166,675</td>
<td>60,256</td>
<td>32,941</td>
<td>14,808</td>
<td>24,982</td>
<td>10,178</td>
<td>1,309</td>
<td>499,622</td>
</tr>
<tr>
<td>1981</td>
<td>5.1</td>
<td>1,770</td>
<td>2,670</td>
<td>1,430</td>
<td>882</td>
<td>949</td>
<td>220</td>
<td>650</td>
<td>12,599</td>
</tr>
<tr>
<td>1982</td>
<td>5</td>
<td>782</td>
<td>2,934</td>
<td>1,682</td>
<td>1,154</td>
<td>1,165</td>
<td>271</td>
<td>950</td>
<td>13,723</td>
</tr>
<tr>
<td>1983</td>
<td>4.5</td>
<td>399</td>
<td>3,066</td>
<td>2,094</td>
<td>1,294</td>
<td>1,283</td>
<td>324</td>
<td>2,393</td>
<td>16,906</td>
</tr>
<tr>
<td>1984</td>
<td>5.9</td>
<td>367</td>
<td>2,827</td>
<td>1,539</td>
<td>786</td>
<td>841</td>
<td>10,178</td>
<td>1,309</td>
<td>499,622</td>
</tr>
<tr>
<td>1985</td>
<td>6.7</td>
<td>362</td>
<td>2,090</td>
<td>1,017</td>
<td>577</td>
<td>836</td>
<td>246</td>
<td>1,886</td>
<td>10,642</td>
</tr>
<tr>
<td>1986</td>
<td>7.1</td>
<td>202</td>
<td>2,179</td>
<td>927</td>
<td>568</td>
<td>722</td>
<td>365</td>
<td>9,505</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>6.1</td>
<td>2,096</td>
<td>1,986</td>
<td>888</td>
<td>577</td>
<td>1,078</td>
<td>737</td>
<td>231</td>
<td>12,965</td>
</tr>
<tr>
<td>1988</td>
<td>6.4</td>
<td>2,283</td>
<td>1,700</td>
<td>920</td>
<td>528</td>
<td>1,546</td>
<td>487</td>
<td>595</td>
<td>13,034</td>
</tr>
<tr>
<td>1989</td>
<td>8.9</td>
<td>12,932</td>
<td>1,533</td>
<td>900</td>
<td>452</td>
<td>1,853</td>
<td>262</td>
<td>1,448</td>
<td>24,050</td>
</tr>
<tr>
<td>1990</td>
<td>9.6</td>
<td>185,227</td>
<td>1,546</td>
<td>864</td>
<td>488</td>
<td>2,045</td>
<td>175</td>
<td>4,121</td>
<td>199,516</td>
</tr>
<tr>
<td>1991</td>
<td>10.6</td>
<td>147,839</td>
<td>1,703</td>
<td>966</td>
<td>472</td>
<td>666</td>
<td>135</td>
<td>20,014</td>
<td>176,100</td>
</tr>
</tbody>
</table>

Between 1981 and 1985, 14,206 Ethiopian Jews from the Beita Yisrael\(^{29}\) community arrived in Israel,\(^{30}\) accounting for 19.2 percent of the immigrants during the five-year period. Another peak of the Ethiopian immigration was when 25,583 Ethiopian immigrants came between 1989 and 1991 (also see Table 3.3). Israeli and American mobilization for Beita Yisrael can be traced back to the early 1970s. Although no visible actions were taken immediately, this transnational mobilization was strengthened by a growing consciousness of racial equality following the Civil Rights Movement in America (Lenhoff & Weaver, 2007). Some activists connected the lack of action for Ethiopian Jews with racism.\(^{31}\) The first known operations took place in late 1977, when 120 Ethiopian Jews were admitted as part of the Israeli government’s

\(^{28}\) Sources: Israeli Central Bureau of Statistics and the World Bank.

\(^{29}\) Also Falasha, which means wanderers and is considered a more derogative term. The Falashas are one of the Ethiopian Jewish communities whose ancestors refused to convert to Christianity. Their refusal to conversion was in contrast to the Falash Mura community, whose ancestors converted to Christianity during the 18th and 19th centuries.

\(^{30}\) All Falashas had left Ethiopia by 2000. Due to their conversion to Christianity, the aliyah of the Falasha Mura community was more controversial. A government decision (no. 2434) on November 14, 2010 allowed the early waves of aliyah of Falasha Mura. Media reports suggest that most Ethiopian Jews, including members of the Falasha and Falasha Mura communities, had immigrated to Israel by late 2011 (Lyons, 2011).

\(^{31}\) Similar to the motivations of American Civil Rights Movement activists who engaged in the advocacy for Ethiopian Jews, Menachem Begin seemed to have also connected the situation of Ethiopian Jews with the persecuted past of Jews. Many activists became passionate about this issue as they viewed their situation in Ethiopia through the prism of anti-Semitism, pogrom and even the Holocaust. See, for example, Spector, 2005. The advocacy of a few pioneer Ethiopian Jewish immigrants, who arrived in Israel before the 1970s, also played key roles in later rescue missions (Rosenberg, 2010).
Large-scale rescue operations took place again in 1984 (Operation Moses) and 1991 (Operation Solomon), bringing about 28,000 Ethiopian Jews to Israel (Kaplan & Rosen, 1994; Kessler, 1996; Parfitt, 1985).

At the time, official and public discourses celebrated these rescue operations and the cultural diversity that the Ethiopians brought to Israel (see, for example, Berger, 1996; Gruber, 1987; Naim, 2003; Rapoport, 1986; Shimron, 2007; Spector, 2005). Contrary to the assimilating attempt toward Mizrahi immigrants during the 1950s, the government tried to educate the Israel public about this new immigrant group with radio programs (Domínguez, 1989, pp. 73-78). At school, students began learning about the Jewish Ethiopian tradition. But cultural and ritual differences have not ceased to cause social tensions. The immigration of the Falasha was only made possible after the late Sephardic Rabbi and spiritual leader of the Shas Party Ovadia Yosef validated their Jewishness in 1973 (Corinaldi, 1998). In September 1987, Ethiopian Israelis organized a sit-in in Jerusalem, protesting against a regulation that required them to go through ritual immersion before being registered as Jewish (Corinaldi, 1988). Their skin often invited suspicion of racism. In April 2015, a widespread video caught an Ethiopian IDF soldier being beaten by the police. Soon after the incident made news, it led to a demonstration (Hasson, 2015) and debate on the race issue. Zionist Union Knesset Member Shelly Yacimovich commented that,

“It wouldn’t be far-fetched to expect that if [the Ethiopian soldier being attacked by the police]… was a light-skin soldier, preferably with an Ashkenazi appearance, he would not have sustained harsh blows without consideration from police” (Hasson, 2015).

32 Similar controversies regarding the authenticity of Jewishness can be seen among some Indian Jewish groups, such as Bene Israel during the 1960s and 1970s and Bnei Menashe, whose genetic authenticity was confirmed by a 2016 biological study led by Cornell Professor Yedael Waldman (Berkowitz, 2016; Prince-Gibson, 2012; Waldman et al., 2016).

33 For instance, there have been controversies regarding blood donated by Ethiopian Israelis being rejected because of their race (Schmemann, 1996b; Ynet, 2013); there were also reports about Ethiopian women being forced to take contraception during their wait at transit camps (Nesher, 2013).
In March 2016, the Prime Minister’s office announced the suspension of immigration of Falash Mura due to budget issues. Ethiopian Israelis protested against the decision and argued that the decision reflected racism (Arutz Sheva, 2016). This “race issue” will reappear in debates about the African migrants since the mid-2000s, as section 4.4.2 will show.

### 3.2.2 The Non-Jewish “Immigrants”

Between 1948 and 1988, the Israeli state made exceptions for two non-Jewish groups and allowed them to settle. Between 1969 and the late 1980s, about 600 Black Hebrews from the US and Liberia entered Israel with tourist visas. Originally Christians, they claimed to have discovered their Jewish roots and tried to immigrate to Israel (Chireau, 2000; Dorman, 2013, pp. 303-305; Markowitz et al., 2003; Parfitt, 2013), but were rejected by the Israeli government (Markowitz et al., 2003, p. 305; Michaeli, 2000; Wolfson, 2000, pp. 66-69). Despite the rejection, some of the members settled in isolated areas in Israel, such as Dimona. After over 15 years (Domínguez, 1989, p. 178), the government started deporting some Black Hebrews in 1986. The members responded with protests and pleas to Israeli and US publics. Some of the members even renounced their American citizenship at the US embassy in Tel Aviv. Pressured by their mobilization, the Israeli government halted the deportation (Markowitz et al., 2003, pp. 305-306), which has since allowed the Black Hebrew community to remain in Israel. Today, around 6,000 Black Hebrews live in Israel. Beginning in 2003, the Ministry of the Interior has granted permanent residence and citizenship to their members (Alush, 2009; AP, 2006; Sharon, 2014).³⁴

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³⁴ Currently, around 2,500 Black Hebrews live in Arad, Dimona, Mitzpe Ramon and Tiberias (Kestenbaum, 2015).
Another non-Jewish group that came to Israel was the Vietnamese refugees, who were invited by the Israeli government. In June 1977, an Israeli freighter ship, Yuvali, rescued 66 Vietnamese refugees and brought the refugees back to Israel (Bryen, 2012; Gordis, 2014, pp. 142-143). The incident caught the attention of then Prime Minister Menachem Begin, Israel’s first right-wing Prime Minister. Begin and his Foreign Minister, Moshe Dayan, became strong advocates who persuaded world leaders to receive the Indochinese refugees (Diplomatic Correspondence at the Israeli National Archives). Eventually, Israel recruited about 300 Vietnamese refugees, giving them Israeli citizenship and the absorption package identical to Jewish immigrants, including language courses, housing and employment assistance (Bryen, 2012). The Begin government justified the reception of the Vietnamese refugees with the lessons from the Holocaust and packaged their campaign for the Indochinese refugees with a unique moral obligation of the Jewish people in view of the historical plight and persecution they faced (Gordis, 2014, pp. 142-143). He referenced the Holocaust as an example to maintain that Jews and the Jewish state shoulder the burden to be sensitive toward any atrocity or human suffering (Klar et al., 2013, p. 136). Explaining to the US President Jimmy Carter about the Yuvali rescue episode, Begin compared the 66 Vietnamese to the 908 Jewish refugees on the MS St. Louis in 1939, the majority of whose passengers were killed by Nazi Germany after returning to Europe before being turned down by Canada, Cuba and the US (Bryen, 2012). Consequently, the consensus over inviting the Vietnamese refugees was high and the majority of the ministers in his government agreed that Israel “should set a moral example in this instance.” In 1979, the Begin government voted 11-2 in support of airlifting 100 Vietnamese refugees from Manila (JTA, 1979). Although the Vietnamese refugees were not Jewish, the Begin government’s commitment to the recruitment exemplified a strong ideological bearing tied to Jewish moral and
historical memory. The empathy and acceptance toward them was so high to the extent that their lack of assimilation did not pose a problem. During their naturalization ceremony, the refugees were asked to repeat the oath of allegiance in Hebrew that they did not understand (Levin, 2011; Wong, 2015).

### 3.2.3 A Jewish State, the Hegemonic Vision and Its Challenges

Israeli immigration politics between 1948 and 1967 demonstrated the hegemonic state’s effort of building a Jewish state. To do so, the state mobilized resources to recruit Jewish immigrants and craft them into ideal citizens. Despite the ideological commitment in key founding documents and among leading political elites, Israel’s Jewish immigration scheme encountered the logistical and cultural issues common in other immigration societies. From the beginning, the vision of Labor Zionist elites, who were predominantly Ashkenazi Jews, prevailed in the decision-making process regarding absorption. The absorption of Mizrahi immigrants during the 1950s and Ethiopians since the 1980s reinforced the illusive vision of a homogenous Jewish community through gathering the exiled. Similar to other multi-ethnic and immigration societies, the Zionist project involved managing the ethnic, religious and ideological diversity among its population. In the end, the recruitment was not devoid of hypocrisy. Facing the war with neighboring Arab countries, some policymakers deemed the weak and the sick unfit to join the new country and managed to establish some admission criteria, such as age, health, skills and wealth. But their pragmatism met with others’ ideological commitment to building a Jewish state, such as Prime Minister Ben-Gurion and immigration officials on the ground who essentially rewrote the selective policies during the 1950s and made immigration align to the Independence Declaration’s ideological commitment to Jewish immigration. On the other hand,
as a young country facing hostile neighboring governments, an uncertain diplomatic environment and fresh memories of the Holocaust during the Second World War remained fresh in the early years of statehood, the state and society were both on a survival mode. The historical context helped boost Labor Zionist elites’ hegemonic status under the banner of solidarity. Despite Israel’s ethnic and ideological divides, the hostility from abroad often did the trick of uniting the population even on an ideological level. The widespread disdain for those who emigrated and were given the derogatory term, the “drop-outs,” shows a somewhat ethereal public sentiment toward Zionism. Even when the time was hard, such as during the economic downturn in the 1970s and 1980s, leaving Israel was equivalent to betraying the Zionist dream and thus deserved public shaming.

The historical context also helped shield the hegemonic project of building the Jewish state from unwelcomed immigrants. The recurring armed conflicts made Israel a less attractive immigration destination, easing the challenges of controlling immigration. Deterred by the infamy of armed conflicts with neighboring countries, non-Jewish aliens were disinterested in settling in the Jewish state, with the rare exception of hundreds of Black Hebrews. When the Israeli government reached out to Indochinese refugees, the generous offer met with a cold shoulder. In Manila, when the Israeli ambassador announced to the Vietnamese refugees that Israel would offer a resettlement quota of three hundred, few expressed interest to the seemingly generous offer, leaving the ambassador embarrassed and in shock (Wong, 2015). Many of the refugees emigrated when given an option to return or resettle. Within a few years, many of the Vietnamese refugees who came to Israel left for the more desirable destinations in North America or Europe, further confirming the guests’ lack of interest in joining the Jewish state (Klein, 2002).
Meanwhile, the constant warfare with neighboring Arab countries facilitated the Zionist elites’ ambitious pursuit, because the state was able to assume the role of hegemon to generate unity during armed conflicts and rationalize discriminatory treatments toward Arab citizens and Palestinians. Israel’s treatment toward its Arab citizens and the Palestinians was in sharp contrast to Israel’s policies (or lack thereof) toward non-Jewish sojourners such as the Black Hebrews and Vietnamese refugees.

### 3.3 Minority Policy under the Jewish Hegemonic State

The Labor Zionist goal of establishing a democratic Jewish state is an ambitious enterprise. As I already pointed out in section 1.3.1, this goal required imposing an ethnocentric idea of national identity and citizenship on a culturally, ethnically and religiously diverse indigenous population. After two decades of Arab-Jewish hostility and the 1948 Arab-Israeli War, Israel’s Arab population posed a special problem to the Jewish hegemonic state. Arabs have been the largest ethnic minority group in the newly born country, constituting about 18 percent of Israel’s total population. Moreover, many Muslim Arabs remaining in Israel after 1949 maintained close family ties with the Arab population in neighboring countries. Despite rival opinions among Jewish politicians and intellectuals regarding policies toward non-Jewish residents, the hegemonic state imposed the Jewish identity to the diverse population. The policies have since been most damaging to the rights of Arab Israelis, since the state has viewed them as a major threat to Israel’s Jewish identity.

Although the hegemonic state saw the need to suppress the non-Jewish identities among its population, its ethnocentric state-building project left room for liberal values. By writing into the Declaration of Independence both an ethnocentric national identity and liberal values, such as
equality for all residents, this hegemonic state-building project planted the seeds of ambivalence. As this section will show, Israel’s rule over its Arab citizens since 1948 and Palestinians in the Israeli occupied territories since 1967 underlines its contradictory commitments toward an ethnocentric national identity and liberal values.

3.3.1 Citizen Strangers and Palestinians

In the aftermaths of the 1948 War, the Jewish hegemonic state was left with 160,000 Arabs, whose presence was incompatible with its state-building project. The government adopted a series of ad hoc policies and practices that undermined the equal rights guaranteed to all residents in the Declaration of Independence. These policies turned the Arabs remaining in Israel into what historian Shira Robinson (2013) called “citizen strangers,” who acquired Israeli citizenship but were often treated differently from Jewish citizens and denied official resources. Based on the November 8, 1948 census data, Israel’s 1952 Nationality Law created a path toward citizenship through residence for Arab residents to differentiate them from Jewish Israelis who acquired citizenship through the Law of Return (Robinson, 2013, pp. 73-74).

35 While the literature and various reports use the terms “Palestinians” and “Arab Israelis” interchangeably, I make the distinction according to the identity paper one possesses, for the purpose of distinguishing who holds the right to legally stay in Israel as a citizen (Arab Israelis) and who is either banned from entering Israel or is only able to travel to Israel with an entry permit (Palestinians). In addition, Palestinians can be roughly categorized into three groups according to the types of identity documents they receive: those who lived in the territories that later occupied by Israel after 1967 and received identity papers from the Egyptian and Jordanian governments between 1948 and 1967; those who were born between 1967 and 1994 on the occupied territories and received ID cards from the Israeli government different from the Israeli green ID, including Israeli-annexed East Jerusalem (Zureik, 2001); and those who are born on the occupied territories after 1994 whose identity cards are issued by the Palestinian Authority under the permission of Israeli Interior Ministry (Zureik, 2011).


37 Before the 1952 Nationality Law came into place, Arabs remained in Israel were given Temporary Residency Permits (TRPs). Delays of issuing identity documents were common, partly as a technique to pressure Arabs into selling their land or serving as informants. Also, the 1948 census in Arab-concentrated villages was poorly conducted (Robinson, 2013).

38 The two tracks of citizenship acquisition were canceled in 1980 Nationality Law amendment; see section 3.4.1.
military rule imposed on the Arab-concentrated villages since 1949, Arab citizens faced constant curfews. The 1956 Kfar Qasim massacre that killed 48 Israeli Arab civilians, including a pregnant woman, was a result of the villagers being unaware of a curfew already taking place. The military rule often resulted in infringements of rights and unequal treatment. For instance, Arab citizens had to apply for a permit from the Israeli military authority in order to travel within Israel (Bracha, 1978; Korn, 2000). Also, Arab citizens were precluded from military services, an experience that can be crucial for future career in certain industries, such as security and intelligence (Firro, 2001). Israel’s 17-year military rule singled out its Arab minority, vis-à-vis the Jewish population and other non-Jewish minorities, implying that the Arabs were a significant cultural and political threat to the Jewish state.

Most of the internationally displaced Palestinians fled to Egypt and Trans-Jordan after the 1949 Arab-Israeli truce. They too were treated by Israeli policymakers as a threat to the young state. An estimated population between 650,000 and 726,000, they were promised the right of return to their homes in Israel by the UN General Assembly decision no. 194 in 1948. But several years after this decision, Palestinians’ right of return remained unlikely. Thus, many Palestinians tried to find their way back home by infiltrating the newly established Israeli borders from neighboring countries such as Trans-Jordan. Attacks on Israeli civilians occurred alongside the actions of infiltration, although the major goal of most infiltrators was to return to their homes. Viewing the infiltration as a serious national security problem, the Israeli government cracked down on illegal border crossing beginning in January 1949. In 1954, the Knesset enacted

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39 The rule was based on the Defence (Emergency) Regulations adopted by the British Mandatory authority in 1945.
40 The Druze, which is a minority sect that is also ethnically Arab, is not exempt from military service. In fact, many members from the Israeli Druze community often serve in the military or security-related official agencies.
41 On December 1, 1966, the government abolished the military administration, as a result of two-decades activism and petition by activists and politicians from Maki (Israeli Communist Party) and Mapam (United Workers Party).
42 This estimation is according to the UN Conciliation Commission. Various sources present different numbers, mostly between 700,000 and 800,000.
the Prevention of Infiltration Law, which defined “infiltrators” as illegal border crossers from Israel’s enemy states, including Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Trans-Jordan and Yemen. The 1954 Law served to criminalize unauthorized border crossing and prevent displaced Palestinians from entering Israel.\textsuperscript{43} For sure, some border crossers attacked Jewish villages and settlements. But many more “infiltrators” were simply displaced persons who wished to return to their homes (Robinson, 2013, pp. 84-85). Thus, the “war on infiltration” was more of, as historian Shira Robinson (2013, p. 74) put it, a “war on return” that made the Palestinians’ homecoming impossible. Like Arab Israeli citizens, Palestinians were viewed by Israeli policymakers as a threat to the Jewish state. Yet unlike Arab Israeli citizens, Palestinians were deemed foreign under Israeli laws. But this categorization soon changed at the end of the 1967 War.

\textbf{3.3.2 Israeli Occupation and Rule over Palestinians Since 1967}

In contrast to the Begin government’s hospitality toward the Vietnamese refugees, Israeli policymakers were not so welcoming when one million Palestinian refugees fell under its rule after the 1967 War.\textsuperscript{44} During the policy debate on the occupied territories, then Prime Minister Levi Eshkol’s statement to the Labor Party General Secretary Golda Meir captured the dilemma in front of Israeli policymakers, “I understand… you covet the dowry [referring to the occupied territories], but not the bride [referring to the Palestinians living in the occupied territories]”

\textsuperscript{43} Several international conventions concerning refugees have set exceptions for citizens escaping violence and persecution from the receiving states’ enemy states. For instance, Geneva Convention Article 45 permits states to transfer refugees from enemy states to a third country, provided that it is safe to do so. The Fourth Geneva Convention of 1949 on the Protection of Civilians in Wartime and Convention on the Elimination of All Forms of Racial Discrimination (CERD) also allows states to hold reservations toward citizens from enemy states, even when these individuals could qualify as refugees under international conventions. For detailed analysis on the ambiguity of international laws on refugees from enemy states; see, for example, Kagan, 2007.

\textsuperscript{44} The 1967 War also caused the displacement of around 400,000 Palestinians from East Jerusalem, the West Bank and Gaza Strip; see, Takkenberg, 1998.
(Gordon, 2008, p. 1). Recall that Israel’s 1954 Prohibition of Infiltration Law defined one million Palestinians as “citizens of enemy states,” while an UN General Assembly resolution and an ad hoc UN agency, UNRWA (United Nations Relief and Works Agency for Palestinian Refugees), recognized the Palestinians as refugees and acknowledged their right to return to their homes. To prevent the scenario in which Palestinian refugees return to their homes within Israel, then Defense Minister Moshe Dayan asserted, “…as long as the refugees remain in their camps… their children will say they come from Jaffa or Haifa; if they move out of the camps, the hope is that they will feel an attachment to their new land” (Hazboun, 1996).

In the end, the governing schema aimed to ensure that Palestinians live a separate life from Jewish Israelis. The Eshkol government established a military governorate in charge of the civilian population in Gaza, the Golan Heights, Sinai and West Bank, and placed Jewish settlements over the locations that it planned to include in the future “greater Israel.” Aside from East Jerusalem and the Golan Heights, the military governorate installed a separate system of census, identity papers and other control mechanisms to trace and restrict the movement of Palestinians, making the “occupation visible,” as the Defense Minister Dayan advocated (Gazit, 2003; cited in Gordon, 2008). Between 1967 and 1972, the occupied territories were declared a closed military zone and the movement of Palestinians was under military control. Since 1972, the Israeli government allowed Palestinian civilians to travel freely between the West Bank and

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45 The 1967 September census on the occupied territories was the baseline for establishing legal residency in the occupied territories. Based on this census, the International Committee of the Red Cross (ICRC, 1970, p. 510), the body in charge of a repatriation program to the Israeli occupied territories in 1967, succeeded in repatriating 14,000 persons, out of 35,000, back to the occupied territories in 1967. Between June 1967 and May 31, 1970, the ICRC documented 4,654 cases of family reunification to the occupied territories, the majority (3,085) from Egypt (which at the time was a part of the United Arab Republic, UAR).
46 Palestinians in the newly annexed East Jerusalem received a blue ID, like that of Israeli citizens, but with different number series. Those in the West Bank received orange ID and magnetic ID for those in Gaza; see, Tawil-Souri, 2011.
47 Amongst the territories the IDF occupied during the 1967 War, the Israeli government annexed East Jerusalem and Golan Heights and applied Israeli laws on these areas.
Gaza as well as between the occupied territories and Israel, though some conditions applied. For example, Palestinians were not allowed to remain in Israel between 1am and 5am.\textsuperscript{48} Underneath the limited freedom Palestinians enjoyed were control and monitoring mechanisms aimed to repress and deter resistance, ranging from detention, deportation,\textsuperscript{49} house sealing, and demolition to control over public gatherings, restrictions on academic and education material, to cultural activities (Alimi, 2007, p. 34). One major way of containing the resistance was to incentivize Palestinians with work opportunities in Israel, a topic I will return to in section 4.3.1. The Israeli government justified these control and repression measures with national security concerns (Hiltermann, 1988). Nonetheless, Palestinian nationalist movements grew through the proliferation of grassroots organizations, labor movements in occupied territories and nationalist movements of exiled Palestinians, such as the Palestine Liberation Organization (PLO) (Alimi, 2007, pp. 67-74). In hindsight, Israeli policies over the occupied territories indirectly reinforced the image of Palestinians as a major threat to the Jewish state and sustained Palestinian resistance movements.

\textbf{3.3.3 Contested Citizenship Ideas in a Deeply Divided Society}

Since 1948, the Jewish hegemonic state’s state-building vision has been ill matched with its demographic. The result of the 1967 War only exacerbated the contradiction. To rationalize the control mechanisms put upon Arab citizens and Palestinians, the state portrayed these groups as a major cultural, ethnic and even security threat to the Jewish population, an image entrenched in multiple legal documents. For instance, the 1954 Prevention of Infiltration Law authorized the

\textsuperscript{48} This restriction contributed to the special employment situation of Palestinian day laborers, which I will discuss in section 4.3.1.

\textsuperscript{49} During the first years of the occupation, about 2,000 Palestinians were deported from the Israeli occupied territories between 1967 and 1973 (Hiltermann, 1988). After a few Palestinians originated from the occupied territories killed several members of Israeli security forces Lebanon (B’Tselem, 2011).
state and security establishment the power to criminalize all Palestinian border crossers, even though many of these “infiltrators” at the time were Palestinian refugees trying to return to their homes and properties, a right that was vaguely promised in some UN documents. Although the military rule over Arab-concentrated areas ended in late 1966, the state’s rule over the territories captured in 1967 (the West Bank, Gaza, Sinai and Golan Height) perpetuated the inclination of viewing all Palestinians as a threat to the Jewish state. For sure, the Israeli government managed to collect evidence to corroborate this portrayal, beginning from the border attacks on Israeli civilians from neighboring Arab states during the early 1950s. But Israel’s control and discriminatory policies make the majority of the Israeli Arabs and Palestinians pay for a historical consequence they had little influence on. As a result, Israel’s biggest ethnic minority, Arab citizens, does not enjoy rights equal to that of Jewish citizens and is often denied official resources. In sum, portraying Arabs and Palestinians as a threat gives the hegemonic state a license to ignore the incompatibility between its hegemonic identity and ethnically divided society.

The need for unification against foreign hostility and domestic threat helped the Jewish hegemonic state to maintain its political dominance for about two decades. More importantly, the goal of consolidating the hegemonic identity achieved some success, as Israel’s Jewish identity remains imprinted on the collective consciousness. In spite of its 20 percent non-Jewish population and the heavy role played by immigration in the country’s establishment, a high proportion of Jewish Israelis viewed Israel as a country for the Jews. In a recent Pew Research Center survey, seventy-nine percent of the Jewish Israelis agreed that Jews should enjoy preferential treatment in Israel (Pew Research Center, 2016, p. 14) while 98 percent of them agreed that Jews around the world should have the right to acquire Israeli citizenship (Pew
Research Center, 2016, p. 13). In contrast, polls have suggested that national affiliation in most OECD countries has become less relied on ethnic or religious characteristics. In a 2017 survey comparing national identity across 14 OECD countries, most respondents viewed national language as the primary criterion to be an authentic citizen, as opposed to other indices such as sharing the same traditions, being a native born or religious affiliation (Stokes, 2017, pp. 3-4).

But the consensus over Israel’s Jewish identity is at most a vague and fragmented one, largely because of the inherent ambivalence in the hegemonic state’s founding ideology. Forty-six percent of the Jewish Israelis deemed both being Jewish and democratic as equally important national characteristics of Israel (Hermann et al., 2015, pp. 14, 271), while seventy-six percent of the Jewish Israelis thought democracy and the Jewish state are compatible (Pew Research Center, 2016, p. 6). The ambivalence of ethnocentric national identity and liberal values invite contestation and reinterpretation, reflected upon competing narratives about the connotation of the Jewish identity and what it means to build a democratic Jewish state. Not only do the ethnic and ideological divides within Israel’s Jewish section intensified. The hegemonic state’s discriminatory policies toward Arabs and Palestinians generated rival opinions among Jewish Israelis, paving the way for political liberalization and coalescence of two ideational alliances.

### 3.4 Challenges to the Jewish Hegemonic State

The Likud Party’s electoral victory in 1977 marked the demise of Labor Zionist elites’ hegemonic status. While many authors have since termed the 1977 election a “revolution” of Israeli politics,\(^{50}\) I treat it as the point of hegemonic transition in Israel mainly for two reasons. First, it showed that the Labor Party was no longer an invincible political force, as the Israeli

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\(^{50}\) Ilan Peleg (1987), for example, was one of the authors who argued that the 1977 election was a watershed where Israeli politics moving toward the right.
public became increasingly unsatisfied with the Labor government’s foreign and socioeconomic policies and rampant corruption in public agencies, to the extent that voters replaced it with a right-wing government.\textsuperscript{51} Popular discontent with Yitzhak Rabin’s government peaked during the 1973 Yom Kippur War, after which Israel’s GDP growth rate dropped from 13.66 percent in 1972 to 3.34 percent in 1973, before plummeting to 1.32 percent in 1976 (World DataBank, the World Bank). Unsatisfied with the Labor government’s failure in foreign and economic policies ever since, many voters turned to the Likud’s Menachem Begin, who promised an overhaul of Israel’s economic policy and a more hawkish position\textsuperscript{52} toward the PLO. Secondly, the 1977 election suggested that multiple social groups were able to exercise meaningful political influence, because non-\emph{Ashkenazi} voters were crucial to the Likud’s ascendancy to power. In 1961, 52.1 percent of Jewish Israelis were of European-American descent. In 1983, 40 percent of Jewish Israelis were of European-American descent and 44.1 percent of non-European descent (Statistical Abstract of Israel, 2001a). Menachem Begin actively promoted non-\emph{Ashkenazi} youth and social reforms and promised to replace Labor’s assimilation programs toward new immigrants with more respect for diverse traditions. Begin’s campaign promises gave hope to the second generation of \emph{Mizrahi} immigrants. Eventually, the 1977 Likud electoral victory ended Labor’s nearly three-decade political domination and signaled the deepening of ideological and ethnic divisions among Israel’s’ Jewish population (Arian & Shamir, 1993).

Concurrent to the political change was the empowerment of the judiciary and civil society organizations. The increasing judicial activism of the Israeli High Court and a shifting

\textsuperscript{51} For instance, the 1976 Yaldin affair exposed a corruption scandal between Labor party members and a Labor fundraiser, Asher Yaldin. Attacking the corrupted image of the Labor Party, the Likud electoral campaign also featured ideological and economic alternatives to Labor’s state-interventional approach to the economy.

\textsuperscript{52} Begin did adopt a more hawkish policy toward the PLO and an uncompromising stance toward territorial issues regarding the West Bank and Gaza. Nevertheless, Begin did reach the peace deal with Egyptian President Anwar Sadat in 1979, despite his hawkish position toward the PLO.
jurisprudence during Chief Justice Aharon Barak’s tenure in the 1990s\textsuperscript{53} provided an important channel for left-leaning activists and groups. The constitutionalization of individual rights also empowered migrant rights activists and their allies within formal political institutions, while creating legal barriers to politicians and policymakers who wished to maintain the revolving-door policy. Several institutional changes took place during the 1980s and 1990s: an empowered High Court, the constitutionalization of human rights\textsuperscript{54} and a slowly developed legal aid culture.\textsuperscript{55} After the ascendancy of ethno-nationalists and several religious parties in the Knesset, secular forces turned to the Court (Edelman, 2000; Hirschl, 1998, 2001; Mautner, 2011), which is usually viewed as a key guardian of liberal values in a country whose “… pivotal values were collectivistic” (Mautner, 2011, p. 89). Left-leaning NGOs, for instance, utilized the increasing activism of the High Court of Justice to make their case (Mautner, 2011), especially over policies to the settlements and toward Palestinians in the occupied territories.

The political, social and institutional changes intensified the divides around Israel’s Jewish identity and the role of democracy in a Jewish state. Amidst the ideological, ethnic and religious divides, Israel witnessed not only the downfall of the hegemonic state but also the coalescence of two camps around the national identity debate: liberal democrats and ethno-

\textsuperscript{53} Mautner (2011, p. 89) noted that since the 1950s, the High Court had begun introducing liberal ideas “into a society and culture whose pivotal values were collectivistic.” The ruling of the 1995 United Mizrahi Bank v. Migdal case confirmed the Basic Laws constitutional power. The more obvious judicial empowerment began in the late 1970s, marked by increasing High Court activism and culminated when Aharon Barak assumed presidency of the High Court of Justice (Edelman, 2000; Hirschl, 1998, 2001).

\textsuperscript{54} This process is usually identified with the creation of two basic laws: Basic Law: Human Dignity and Liberty (1992) and Basic Law: Freedom of Occupation (1994-5754); see, Barak, 1993; Edelman, 2000; Hirschl, 1998, 2001; Kretzner, 1992. In addition, a change regarding “standing” (\textit{locus standi}) in courts during the 1980s was key to the constitutionalization of human rights. The change stipulated that personal interest is not necessary to acquire standing. “[W]hen the petition raises a distinctively constitutional issue,” it also gives the petitioner can also acquire standing in courts (Mautner, 2011, p. 57).

\textsuperscript{55} In my interview with HIAS lawyers Sivan Carmel and Nimrod Avigal, Ms. Carmel mentioned the reactively weak pro bono culture in Israel, compared to countries such as the US. During the late 1990s and early 2000s, the Israeli Bar Association initiated programs to expand legal aid practices and set up the program, \textit{Sahar Mitzvah}, as part of its reforms; for discussion on legal aid in Israel, see, for example, Latham & Watkins LLP, 2010; for a comparative study on pro bono across countries, see, Thomson Reuters Foundation, 2015 (no Israeli data was included).
nationalists. Their contention over Israel’s Jewish identity can be categorized into two issues: who we are and who can join us. This section traces the debates over these two questions, with special focus on the more recent disagreement between “liberal democrats” a group composed of individuals and organizations in academic, diaspora, legal and policymaking communities who uphold liberal values and questioned the legitimacy of Israeli occupation and the Jewish settlements and “ethno-nationalists” who maintain an ethnocentric understanding of Israeli citizenship and national identity.

3.4.1 Who We Are

Although Israel’s hegemonic state actively recruited Jewish immigrants to fulfill the nation-building goal since 1948, it maintained a specific image of what it means to be an ideal Jew in the modern Jewish state. As mentioned in section 3.2.1, the hegemonic state attempted to transform all Jewish immigrants into the secular, healthy “New Hebrews,” an idea proposed by Theodore Herzl and adopted by the Labor Zionist elites. Yet during subsequent decades, various Jewish subgroups disputed about who is an authentic Jew. For instance, many religious Zionists insisted on the definition of a Jew under the Jewish law, Halacha. According to the Halachic definition, a Jew is someone who was either born to a Jewish mother or who went through the orthodox conversion. The competing definitions of a Jew generated controversy. In early 1958, then Interior Minister Israel Bar-Yehuda’s decision to allow citizens to identify themselves as Jews on their identity card led to a coalition government crisis. Ministers from the National Religious Party, a relatively small coalition partner, resigned in protest, pressuring the

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56 The coalescence of the two camps also led to the polarization of Israeli politics over security and national identity issues. As Sections 3.4.1 and 3.4.2 show, several far-right (religious Zionist movements, such as Gush Emunim) and far-left movements (some intelligentsia movements inspired by the “New Historians”) also rose during the 1970s and 1980s.
government to repeal this decision (Auron, 2012, pp. 12-13). This incident, among others, shows not only that the question of *who we are* is crucial to various political forces in Israel but that Labor Zionist elites had always faced challenges about the question of *who we are*, even when they held much control over the hegemonic state.

Labor Zionist elites’ hegemonic status dwindled during the 1960s. The religious sector became more powerful and so did their ethno-nationalist vision and discourse regarding the Jewish state. During the first two decades, the National Religious Party focused its agendas on Judaism’s influence on a few social policy areas, such as kosher regulations and the prohibition of public transportation on the Sabbath, a result of the 1947 “Status Quo Agreement” between Ben-Gurion and *Agudat Israel*, an ultra-orthodox religious party founded in 1912. According to this agreement, neither secular nor religious factions would define the state character according to their own ideology. Instead, the state would recognize religious factions’ authority over certain spheres, such as family laws, marriages, education and Sabbath observation (Peleg, 2007).  

57 In the 1967 Six-Day War, the surprising capture of two significant Judaic religious and historical sites, the Temple Mount and the Western Wall, created messianic moments for religionists to further their agendas even to secular Israeli Jews. These moments enabled the religious political faction “further to the right” and empowered ethno-nationalists, members of the National Religious Party’s far-right faction, such as Zevulun Hammer and Yehuda Ben-Meir. The result of the 1967 War boosted these factions’ attempt to impose religious education at schools (Liebman & Susser, 1998).  

58 Several far-right, religious Zionist movements also

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57 But the religious faction had demonstrated its determination and ability to veto government decisions in the first several Israeli governments. For instance, the compulsory military service for every Israeli was never truly implemented toward the Yeshiva (orthodox Jewish seminary) students, due to the opposition of religious Knesset members.

58 One of such campaigns in the late 1950s was a 1957 “Jewish Consciousness Program,” which aimed at strengthening education about Jewish tradition at secular schools. However, the Education Ministry’s Department of Jewish Consciousness was closed in the late 1960s; see, Zameret, 1998.
emerged during the 1970s and 1980s, especially after the end of the 1973 Yom Kippur War. The Begin government’s tolerance for settler movements further strengthened several far-right settlement movements, such as *Gush Emunim* (O’Shea, 1998). When Begin assumed office in 1977, there were 24 Jewish settlements in the West Bank and Gaza, mostly at the so-called strategic locations along the Green Line. When he retired from politics in 1983, there were 106 Jewish settlements in the occupied territories (Peleg, 1987, pp. 110-111; Waxman, 2006, pp. 60-61). Some of these movements and ultra-orthodox religious parties were able to enter the Knesset, including the *Shas*\(^59\) and Rabbi Meir Kahane’s *Kach*, whose groups were banned by the government in 1994 under the 1948 Anti-Terrorism Law (JTA, 1994).

These developments shaped the backdrop of the Knesset debates on the definition of a Jew and qualification to make *aliyah* during the late 1960s and the ensuing amendments to the Law of Return in 1970. Based on the Jewish religious law, a 1970 Law of Return amendment defines a Jew as an individual who has a Jewish mother or converted to Judaism without other religious affiliation. But the amendment left out details about conversion. The question for legal debates subsequently focused on conversion. The question for legal debates subsequently focused on conversion (Sapir, 2006, p. 1243).\(^60\) In practice, conversions performed by non-Orthodox rabbis from the Reform or Conservative Judaism outside of Israel were tacitly accepted for the purpose of making *aliyah*.\(^61\) Thus, going through conversion under Reform or Conservative Judaism abroad qualifies the person as a Jew to immigrate to Israel (Abramov, 1976, p. 304; Shachar, 1999). Another 1970 Law of Return amendment established

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\(^{59}\) The *Shas* party was formed by members who split from the National Religious Party in 1981.

\(^{60}\) The conversion issue has been reignited in public and religious debates when mass Russian immigration began in 1989. See section 4.2.1.

\(^{61}\) Recent developments continued to show split opinion within the Orthodox rabbis in Israel. By mid-2015, several religious leaders, such as Rabbi Nahum Rabinovitch, have established alternative conversion courts whose conversion processes are not recognized by the Chief Rabbinate; see, Nachshoni, 2015. In March 2016, the High Court of Justice ruled that those converted in private Orthodox conversion courts in Israel also have the right to immigrate under the Law of Return. Previously, only those who went through Orthodox conversion under the Chief Rabbinate conversion courts are recognized as having the right of return; see, Nachshoni, 2016.
the right to family reunion for Jewish Israelis and immigrants, granting the children, grandchildren and spouse of a Jew the same right of return. As a result, many non-Jews became potential immigrants to exercise the right of return (Sheva, 1977). It was this amendment that opened the door to the arrival of 300,000 non-Jewish immigrants since 1989 and later disputes about their right to become Israeli citizens, an issue I will address in section 4.2.

Although the religionists achieved more visible victory in the 1970 Law of Return amendments, the secularists waged their battle through the Israeli High Court. In two milestone rulings, the Court established judicial precedents on the definition of a Jew: the Brother Daniel case and the Shalit case (Gavison, 2011). The petitioner of the former was a Polish Jew (Shmuel Oswald Rufeisen, known as Brother Daniel), who converted to Catholicism to avoid Nazi persecution and became a monk. In 1962, the High Court ruled his Jewish immigration application illegitimate on the ground that his conversion to Catholicism made him no longer a Jew under the Jewish religious law. The 1969 Shalit case dealt with a Jewish identity dispute between the Interior Ministry and the Shalit family. The Court ruled in favor of the Shalit family, granting the Shalits the right to register their children as “Jewish,” even though their mother was not Jewish (Abramov, 1976, pp. 299-303; Cohen & Susser, 2000, pp. 35-36; Shachar, 1999). The Shalit case set a precedent, in which the decision of registering one’s nationality is placed in the hands of Israeli citizens themselves, rather than the Population Registry. But by doing so, the decision also challenged the monopoly of the Jewish Law over determining an individual’s Jewish identity. By maintaining that registration of one’s ethnicity is a matter between citizens

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62 Shmuel Oswald Rufeisen eventually acquired Israeli citizenship through naturalization (Abramov, 1976, pp. 286-292; Jackson, 1993; Weissbrod, 1983).

63 More specifically, the Court ruled in the Shalit case that parents have the right to decide on the nationality of their children.
and the secular bureaucracy, the ruling drew a line between the religious establishment’s
definition of a Jew and the Population Registry’s authority to adopt the religious definition.

Historical events, especially one with the saliency and scope such as the Holocaust’s, also
define who we are, specifically through the interpretations and memorials of historical events to
illustrate the relationship between Jews versus the world. The Holocaust has been an important
part of Jewish Israeli curriculum. Public schools organize trips to the Holocaust Remembrance
Center, known as the *Yad Vashem*. Regional and domestic situations in the 1960s and 1970s also
entangled with the Holocaust memory. First, the 1961 Eichmann trial revived the memory of the
Holocaust in public discourses. Soon afterwards, Israelis engaged in three major military
conflicts with neighboring Arab countries: the 1967 June War, the 1970 War of Attrition and the
1973 Yom Kippur War, in addition to the attacks on public transportation and hijacks targeting
Israeli flights committed by members of Palestinian political organizations. On the eve of the
1967 War, Israeli radios broadcasted Arab politician rhetoric of “wiping the [Jewish] country out
of the map” and “driving the Jews into the sea” (Novick, 1999, p. 148). The diplomatic efforts
led by Egypt and other Arab countries against Israel peaked during the 1973 War, after which
more countries severed diplomatic relations with Israel, joining those that had already done so
after the 1967 War. Adding to these events were various UN Resolutions targeting Israel,
such as the General Assembly Resolution no. 3379 in 1975, which stated that Zionism is a form
of racism, created a sense of international isolation among Jewish Israelis (Geldenhuys, 1990;
Efraim, 1985, pp. 11-53). These developments, along with the memory of the Holocaust,

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64 In 1953, the government made official the Holocaust Remembrance Day, codifying the Holocaust’s official status
as a part of Jewish collective memory.

65 These include: Cuba, Ethiopian (restored in 1989), Ghana (restored in 2011), Mauritania (restored in 1999 and
again ceased in 2010), Nigeria (restored in 1991), Rwanda and Senegal.

66 These include: the Soviet Union (which had briefly severed diplomatic ties between February and July 1953 as a
result of an explosion in Soviet embassy in Tel Aviv; see, Buwalda, 1997, pp. 21-23; the Soviet government
resumed ties with Israel in 1991), Guinea, Hungary and former Yugoslavia.

67 Between 1961 and 1982, there were 160 UN General Assembly Resolutions concerning Israel and Palestine.
instilled in many Jewish Israelis a sense of persecution and the sentiment of “the whole world is against us” (Shapira, 1998). Eventually, such mentality becomes key to shaping the debate on the question of who can join us.

### 3.4.2 Who Can Join Us

When the hegemonic state established Israel as a Jewish state with a Jewish majority, it did not address differences among Jewish subgroups immediately. But one thing was for sure: non-Jews do not belong and their presence could be a threat to the Jewish state. Acting in accordance with this rationale, Israel controls the occupied territories, defines Palestinians as a potential cultural and political threat to the Jewish population and justifies the exclusion of Palestinians from acquiring citizenship. As the Israeli occupation over Palestinians prolonged, Israeli policy and the official framing of the Palestinian refugee problem began to divide the Israeli public over the issues of human rights and the Palestinian refugees’ right to return. In an October 2015 poll of Maariv, a Hebrew newspaper, 58 percent Israeli Jewish respondents supported the “voluntary transfer of Palestinians from the West Bank” (specified in the poll as Judea and Samaria), while 28 percent opposed.

Meanwhile, Arab Israelis present a tricky case in the debate on who can join us. As already mentioned in section 3.3.1, the 1952 Nationality Law created different paths to citizenship for Israeli Arabs and Jews, making the former to acquire citizenship by establishing residence in Israel and the latter through the Law of Return (Carmi & Kneebone, 2010, pp. 63-64). The dichotomous paths to citizenship according to ethnicity, among many other policies that

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68 A few Israeli scholar voiced different opinions about the Holocaust Remembrance Day (Segev, 2000; Shapira, 1998; Yablonka, 2004). For example, late Israeli historian Yehuda Elkana (1988), himself a holocaust survivor, famously argued the Holocaust narrative has contributed to a mentality of “the whole world is against us.”

69 The newspaper is considered a centrist paper with about 90,000 circulations.
distinguish Arab Israelis from Jewish Israelis, substantiate the logic behind Israel’s ethnocentric constitutional order. As the number of Arab Israelis and their political influences increased, this order seemed less sustainable. The Arab-Jewish population balance in Israel-controlled territory also saw a significant change. In 1973, 85 percent of the population was Jewish. Ten years later in 1983, the percentage kept decreasing to about 82.9 percent and to 81.7 in 1988 (Statistical Abstract of Israel, 2001b). More Israeli Arabs became middle class, a phenomenon that helped facilitate the burgeoning of Arab grassroots NGOs (Zeidan et al., 2000). Arab political participation also increased and the first Arab political party, the Arab Democratic Party, was founded in 1988 (Kumaraswamy, 2015).70 In 1980, the Knesset amended the Nationality Law to codify a unified path of citizenship acquisition for both native Jews and Arabs, provided that at least one parent is an Israeli citizen. Another 1980 amendment removed major obstacles to citizenship acquisition for most Israeli Arabs, whose residence in Israel was interrupted due to the 1948 war and were unable to acquire Israeli citizenship. It was estimated that this amendment could affect about 170,000 Arabs in Israel (Peled, 1992; Shachar, 1999; Shafir & Peled, 2002). Nonetheless, many Jewish Israelis still question the belonging and loyalty of Arab Israelis. A 2016 Pew Research Center poll suggested that 48 percent of the Jewish respondents agreed with the statement “Arabs should be expelled or transferred from Israel,” while 46 percent disagreed.71 The 2015 annual survey conducted by Israeli sociologist Sammy Smooha (Hermann et al., 2015) showed that 32 percent of the Israeli Jewish respondents agreed with the statement “Arab Israelis should be encouraged to leave Israel in exchange for compensation.” The Israel Democracy Institute’s 2015 Israel Democracy Index shows that 37.5 percent of the Jewish Israeli

70 The Arab Democratic Party is known by its acronym Mada. During previous decades, Arab Israelis often join the Israeli Communist party, Maki. The Arab population was divided over issues regarding the ways of their political participation and economic integration into the Israeli labor force, because both activities suggest the tacit recognition of the Israeli state’s legitimacy (Landau, 1993).

71 It should be noted that this poll received criticisms from Israeli pollsters and media on the framing of the questions and the polling methods (Pew Research Center, 2016).
respondents either strongly or somewhat agreed with the statement, “The government should encourage Arab emigration from Israel” (Hermann et al., 2015). These results present a rather high proportion of Jewish Israelis possess the ethno-nationalist understanding of their national identity that shape their view on out-groups.

Regardless of the various attitudes about whether Arab citizens belong, Jewish Israelis also needed to address the question of how to treat the non-Jews amidst them, specifically when it comes to the human rights issues regarding Palestinians. As the hegemonic status of the Labor Party declined, the state and its security establishment became less capable of monopolizing discourses about the conflict or avoiding responsibility by labeling their actions as “security-related.” Those who upheld liberal values became more capable of challenging the hegemonic state. For instance, in a 1984 bus-hijacking incident in which four Palestinians from Gaza hijacking a 300 bus on route from Tel Aviv to Ashkelon, an Israeli newspaper revealed that the Israeli Security Agency Shin Bet agents executed two hijackers on site. Under pressure from public opinion, the two agents were put on trial. Both the Attorney General Yitzhak Zamir and Shin Bet head Avraham Shalom resigned afterwards. The incident showed the climate in which a growing number of Israeli NGOs and Palestinian-Arab NGOs, namely organizations representing the position of liberal democrats, emerged to pursue human rights agendas through parliamentary as well as extra-parliamentary channels (Jamal, 2008; Payes, 2003, 2005), including Peace Now (founded in 1978 by a group of reserve officers and soldiers) and B’Tselem (founded in 1989 by a group of lawyers, activists and a few Knesset members). Such development signals the empowerment of the liberal democrats in parallel to the maintenance of the ethno-nationalist view of Israel’s Jewish identity among Jewish Israelis.

72 The incident is known as the Bus 300 affair.
### 3.4.3 The Coalescence of Ethno-Nationalists and Liberal Democrats

Beginning in the 1960s, Israel’s national identity debate has demonstrated the diversity commonly seen in immigration societies. But unlike many other settler societies, the substance of the debate in Israel concerned less about divided national affiliations, but more about competing interpretations of Judaism and Jewishness. As legal scholar Menachem Mautner (2011, p. 223) stated, “[I]t is one thing when people of the same culture disagree, but another thing altogether when the disagreement is between people belonging to different cultures…” At the end of the day, as the polls data cited in section 3.4.2 suggest, the majority of Jewish Israelis bought into the hegemonic nation-building agenda that Israel is a country for Jews. Thus, their dispute on national identity and citizenship ideas is one that concerns the connotation and execution of a Jewish state. More than ever, this divide often surrounded the role of democracy in the Jewish state, citizenship ideas and the state’s treatment toward Palestinians between those Jewish Israelis who held an ethno-nationalist understanding of the Jewish state and those who believe Israel can be both Jewish and democratic.

Decades of political liberalization reshuffled multiple social and political divides into the coalescence of two major ideational camps between ethno-nationalists and liberal democrats. Unlike ethno-nationalists who put first Israel’s Jewish identity, liberal democrats view democracy as compatible with Israel’s Jewish identity (Peleg 2007, p. 178). The coalescence of the two camps took place largely due to the Labor Zionist hegemon’s embrace of a vague ethno-nationalist nation-building schema while dabbling in liberal ideas. In the end, the responses of intelligentsia,73 the empowerment of the High Court and Knesset elections74 were

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73 For instance, Benny Morris and Ilan Pappé led a school of “new historians” and “critical sociologists.” They advocated for a reexamination of the dominant official discourse regarding Israel’s history. Their initiation led to the rethinking about the Israeli identity (Loshitzky, 2001; Ram, 1998; Regev, 2000), challenging the ethnic notion of national identity (Joppke & Rosenhek, 2002, pp. 306-307).
crucial to reinforcing the dividing line between ethno-nationalists and liberal democrats. Added to the effort of Jewish liberal democrats was the increasing political activism among Arab Israelis and Palestinians\(^7^5\) (Kumaraswamy, 2015; Zeidan et al., 2000), a trend closely tied to the Arab intelligentsia’s efforts of tracing Arab Palestinian cultural, historical and linguistic roots. In many ways, the rights of minorities have both improved. For instance, the number of Arab Knesset Members, including Bedouins and Druze, increased from 3 in 1949 to 17 among 120 seats. Democratic principles are enshrined in key legal documents such as the 1992 Basic Law: Human Dignity and Liberty, which states that,

“The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state” [my italics].

However, the contestation between ethno-nationalists and liberal democrats was largely confined under the country’s Jewish identity, a crucial hegemonic legacy. Even though the divide centers on Israel’s Jewish identity, neither ethno-nationalists nor liberal democrats deviate from the legacy of the hegemonic state-building project, namely, an understanding that Israel is a Jewish country. Only a minority of individuals and groups actively challenge the fact that most national symbols and public policies continue to uphold the cultural, socioeconomic and political dominance of Israel’s Jewish population. For example, in 2013, former Justice Minister Tzipi Livni of the center-left Hatnuah Party led a group of centrist and central-right Knesset members to oppose the right-wing parties’ bills that declared Israel to be a Jewish state (Yoaz, 2013).

Livni insisted,

“I will continue to defend the values of Israel as a Jewish and democratic state, and will under no circumstance allow anyone to weaken its democratic values and to subordinate them to Jewish ones” (Soffer, 2014).

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\(^7^4\) Knesset elections also reflected the new polarization and division. The 1984 election, in which 15 parties secured seats in the Knesset, saw the first alignment government between the Labor from the left and Likud from the right. \(^7^5\) During previous decades, Arab Israelis often join the Israeli Communist party, \textit{Maiki}. But Israeli Arabs disagreed on whether to join the formal political process, as some of them worried about legitimizing the Israeli state (Landau, 1993).
But Livni’s disagreement with her right-wing colleagues on Israel’s Jewish characteristic proved to be a matter of degree, rather than the fundamental quality, because her alternative bill also included a vague declaration of Israel as a Jewish state, except that it accentuated Israel’s democratic and pluralistic values (JTA, 2013; Revital & Lis, 2013). Thus, decades of political liberalization introduced only “modest changes” to the ethnocentric constitutional order without “really chang[ing]” this order (Peleg 2007, pp. 174-179). Instead, both ethno-nationalists and liberal democrats strive to legitimize their messages and prove the superiority of their brands of Zionism. The key distinction between ethno-nationalists and liberal democrats, perhaps ironically, underscores the haziness of the contestation the two camps claim to be fighting about. A caveat is that although both camps agree Israel to be a Jewish state, ethnic and cultural affinity to Jewishness is not necessarily the determining factor to the questions of who we are and who can join us. Rather, ideological justifications, especially to the question of who can join us, can trump the lack of ethnic and cultural affinity in the task of crafting immigrants.

3.5 Chapter Conclusion: Crafting Citizens (and Immigrants) in Israel – 1948-1988

This chapter traces the political and legal processes that crafted Israel’s immigration policy and citizenship ideas between 1948 and 1988. I began by focusing on the hegemonic state that founded the ethnocentric idea of Israel’s national identity. The legislation explicitly defines state identity and citizenship in ethnocentric terms. Moreover, Israel’s immigration laws privilege Jewish immigrants while implicitly excluding others, especially toward Palestinians and citizens of other enemy states. In fact, the dominant state ideology denies Jewish immigration as the ordinary practice of immigration. Rather, Jewish immigration merely allows Jews to fulfill their historical right of return to their historical homeland for the sake of building a
Jewish state. During the founding years, the Labor Zionist version of a secular “new Hebrew” identity prevailed the narrative and practice of absorption. The hegemonic state, dominated by Labor Zionist political elites, determined the initial national identity and citizenship ideas to be ethnocentric, setting the answer to who we are and the criteria of who can join us. The hegemonic state’s demise in the 1960s and 1970s was concurrent with the rise of religious movements. The religionists inherited the ethnocentric idea of national identity and colored the identity with more Jewish and religious elements, pulling the identity further away from what the hegemonic state initially envisioned.

After the decline of the Labor Zionist movement since the late 1960s well into the 1980s, secular streams of Zionism merged into a loose group of liberal democrats who believe that Israel’s Jewish characteristics are compatible with liberal values. These so-called liberal democrats usually include NGOs, organized movements and intelligentsia, who utilized the increasingly active court and fragmented party systems to pursue their agendas. They demand an alternative interpretation of Israel’s Jewish characteristic, rather than replacing the narrative. As national security ceased to be a powerful rallying tool following the decline of the hegemonic state, it became more challenging for the state which has since been occupied by more religionists and ethno-nationalists to monopolize the debates and public discourses. Meanwhile, the Arab-Israeli conflict during the 1970s and 1980s generated more divides than unity, contrary to previous decades. Competing responses to issues regarding settlements and the occupied territories\(^{76}\) grew among Israeli public, intellectuals and media. The empowerment of the High Court and its changing jurisprudence developed under several High Court presidents provided an

important channel for extra-institutional actors. As most of the left-leaning parties have been struggling in Knesset elections, secular forces turned to the Court, which is usually viewed as a key guardian of liberal values (Mautner, 2011, p. 89).

But the divide between ethno-nationalists and liberal democrats was rarely about Israel’s Jewish characteristics, reflected in court rulings and rights advocacy initiated by liberal democrats. For instance, in their interpretation of the 1980 Foundations of Law 5740-1980 Statute, the High Court Justices wrote that the section “pursued their controversy over Israel’s heritage as if Israel’s population was exclusively Jewish” (Mautner, 2011, p. 43). In an open letter to Prime Minister Begin in 1978, the 348 officers who established the organization Peace Now stated, “A government policy that will cause a continuation of control over million Arabs will hurt the Jewish-democratic [my italics] character of the state…” (APN, 2004). For the most part, liberal democrats espoused democratic values and saw these values as a crucial part of Israel’s Jewish identity. Both sides tacitly accepted the hegemonic state’s legacy regarding state characteristics, national identity and citizenship ideas. But the hegemonic state’s nation-building project demonstrates an all-encompassing ambition that claims to accommodate both an ethnocentric understanding of national identity and liberal values. The ambition ends up sacrificing precision and leading to ambivalence.

Under the ethnocentric nation-building project and other circumstances, Israeli immigration politics during the first four decades paid little attention to exclusion mechanisms toward non-Jewish migrants, except for those toward Palestinians. As Ben-Gurion insisted, the

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78 Scholars attribute different factors to the decline of the Labor movement’s secular Hebrew state ideology. For instance, Menachem Mautner (2011, p. 225) saw the internal weakness of the movement’s ideological component, which he terms the “cultural thinness” of secularism in Israel.
Law of Return is not an immigration law and thus in his eyes, Israel is not built on immigration. The hegemonic state’s denial and unwelcoming attitude toward immigration of non-Jews only partially explains the lack of regulation regarding non-Jewish immigration. Another crucial factor is that many policymakers did not think non-Jews would want to settle in a Jewish state. Scanty non-Jewish immigration during the first four decades did make exclusionary mechanisms seem unnecessary, with the exception of the Black Hebrews and Vietnamese boatpeople. Israel was simply not the most prominent migrant destination before the late 1980s. It even had to compete against other immigrant destinations for prospective Jewish immigrants. Former Deputy Prime Minister Natan Sharansky once claimed that most Soviet immigrants in the 1980s and 1990s would prefer to immigrate to the United States if they had a choice (Sabella, 1993). While the Israeli state’s self-understanding as a less desirable migrant destination might have stood true during the first four decades, the situation changed after the late 1980s. The following chapter will deal with the recent waves of non-Jews arriving in Israel and the government’s policies toward these populations.
4.1 Chapter Introduction

I now turn to Israel’s immigration debate on non-Jewish migrants between 1989 and 2016. As the previous chapter has shown, ethno-nationalists and liberal democrats dominated the contestation over national identity during hegemonic transition. In this chapter, I argue that the contestation between the two camps over Israel’s Jewish identity shaped subsequent debates on non-Jewish immigration. Since 1989, Israel has received increasing numbers of non-Jewish immigrants who came as family members of Israeli citizens, foreign workers or asylum seekers. Legally, aliens who can prove their family ties with Israeli citizens or permanent residents are eligible to become permanent residents in Israel, such as the 300,000 immigrants from the Former Soviet Union (FSU) in the 1990s. Most of these non-Jews made aliya along with their Jewish family members, a right that was made possible under the 1970 amendment of the Law of Return (see section 3.4.1). Concurrent with the Russian-speaking non-Jewish immigrants’ arrival was the increasing number of foreign workers from Asia and Eastern Europe and Africans who came to seek refuge. Their stay, at least in the eyes of the Israeli government, was meant to be temporary. But the clash of competing visions of Israel’s Jewish identity could blur the legal distinction between permanent and temporary settlement. In Israel’s immigration debate about non-Jews, the questions of who we are and who can join us often crowded out other issues and concerns, including the economic benefits or social burdens of immigration. Consequently, debate on these questions became the key to determining whether the presence of a group of non-Jewish migrants could become tolerable. For instance, the permanent settlement of certain non-
Jewish groups, such as the children of foreign workers, became more acceptable than others, while the temporary presence of some non-Jews, especially African asylum seekers, became more contested than others.

For sure, the demise of the Jewish hegemonic state made political and legal processes more accessible to actors who wanted to challenge the status quo of immigration policies, which have featured almost exclusively Jewish immigration. For instance, the liberal-minded judges on the High Court often upheld the rights of non-Jewish migrants promised in the Basic Laws. Meanwhile, the hegemonic legacy did not simply evaporate following the demise of the hegemonic state. Agents who sought to challenge Israel’s immigration policies did not directly oppose the hegemonic vision of the Jewish state. For example, the courts have been reluctant to engage in decisions that could significantly alter Israel’s Jewish characteristics. So have the majority of the Israeli politicians and political parties.

Thus, the contestation between ethno-nationalists and liberal democrats over who we are and who can join us steered the result of Israel’s current immigration politics, crafting the ideas of immigrants and demarcating the boundaries between citizens and immigrants. A basic algorithm emerged from the contestation: the most effective justification for the expulsion of a non-Jewish group was to define its members as a serious threat to the Jewish state; the most effective justification for the inclusion of a non-Jewish group stemmed from a sense of the Jewish state’s moral obligation. Ethno-nationalists and liberal democrats not only adopted this algorithm to polish their campaign messages but also criticized one another for tarnishing the name of the Jewish state. In the end, the key to granting a non-Jewish group long-term, permanent settlement in Israel was the way in which ethno-nationalists and liberal democrats renegotiated the ideological underpinning of the Jewish state.
4.2 Crafting Permanent Immigrants

This section focuses on three groups of non-Jewish migrants that either possessed legal path to settle in Israel permanently or struggled to secure such status. These non-Jewish migrant groups and their allies claimed that they enjoy the right to stay in Israel permanently due to their ties to Israeli citizens or society, including non-Jewish Russian immigrants, Palestinian spouses and the children of foreign workers. Joining their Jewish family members making aliyah, non-Jewish Russian immigrants gained access to the absorption packages offered to all Jewish immigrants and their immediate family members, including Hebrew courses and housing subsidies. A 1970 Nationality Law amendment stipulated that immediate family members of Jewish immigrants must be treated like Jewish immigrants. In contrast, Palestinians wedded to Israelis remained citizens from Israel’s enemy states under Israeli law and in the eyes of Israel’s security establishment. Hence, they faced constant discrimination from Israeli authorities despite their ties to Israeli citizens. Yet both non-Jewish Russian immigrants and Palestinian spouses became the target of a government decision in 2003 to restrict their right to family reunification in Israel. A few years later, the Israeli government adopted ad hoc decisions granting amnesty to several hundred children of foreign workers to remain in Israel with their immediate family members, despite their lack of family ties to Israeli citizens. This contradiction, restrictive measures to immigrants with ties to Israeli citizens versus amnesty to children of alien non-

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79 I use “Russian immigrants,” “FSU immigrants” and “non-Jewish Russian immigrants” interchangeably to refer to those who made aliyah from the former Soviet Union before its dissolution or from the Republics that belonged to the former Soviet Union after its dissolution in 1991, whose Jewishness are halachically questionable.

80 I use “Palestinian spouses” rather than “Arab spouses” to refer to Palestinians who are legally wedded to Israeli citizens and come from Israeli occupied territories, also known as Judea and Samaria.

81 The reasons behind my focus include the scale of immigration flows, policy responses and debates, whose theoretical implications answer the questions this study is interested in. According to currently available information, the numbers of these three groups have been much higher than that of other immigration groups coming under family unification. For instance, according to Peter Selman’s (2016) report, there were 1,725 cases of inter-country adoption to Israel between 2003 and 2013, a much lower number than the number of children born in Israel to foreign workers during the same period.
Jewish parents, was largely a result of the debate between ethno-nationalists and liberal democrats over the question of *who can join us*.

### 4.2.1 Non-Jewish Spouses and Family Members

The immigration of Jews and their family members from the former Soviet Union since the late 1980s was a reluctant homecoming from the beginning, to both the host and the immigrants. When Mikhail Gorbachev, the last Soviet leader, lifted the iron curtain of Soviet Jewish emigration in the late 1980s, the majority of the Jewish emigrants went to the US as refugees. Under pressure from the Israeli government and the Jewish Agency, the George H. W. Bush Administration placed a new annual ceiling of 50,000 on Soviet refugees in 1989. Afterwards, many Soviet Jews finally turned to Israel (Arbel, 2001, pp. 37-43). In a small window of three years, FSU immigrants to Israel increased from 12,932 in 1989 to 185,227 in 1990 and 147,839 in 1991. Among the one million FSU immigrants who made *aliyah* to Israel in the 1990s, about three hundred thousand of them were considered *halachically* non-Jewish[^82] and some of them self-identified as Christians[^83]. Both the Israeli host and Russian immigrants detected the cultural and religious gaps between them very early on. Commenting on the welcoming ceremony where a group of Yeshiva boys sang and danced around the famous Jewish song, *hevenu shalom aleichem* (We Brought Peace Upon You), at the Ben-Gurion Airport, some immigrants remembered the music to be “strange.” The head of the Yeshiva welcoming group

[^82]: The estimations by Israeli demographers and officials regarding the proportion of non-Jewish FSU immigrants ranged from 5.4 percent in the early 1990s to 50 percent in the mid-1990s (Lustick, 1999, pp. 419-422).

[^83]: Some sources claimed that there are around 80,000 Christian Russian immigrants, while the record of the Israeli Central Bureau of Statistics showed the number as 23,000 in the late 2000s. There is virtually no way to know the precise number of Christian immigrants among this wave of immigration, especially as many would maintain their Jewishness or declare religion as “unclassified” or “other” in order to make *aliyah* (Neese, 2010).
recalled, “The most important thing is to smile at them, because you know they are coming and are going to have a lot of trouble. So smile now” (Maltz, 2014).

This vigilance proved to be not completely far-fetched. The post-Cold War Russian immigrants did bring a culture shock, or as some authors called the “Russian Revolution” (Gitelman, 2004) to Israel. Whether they were halachically Jewish or not, most of the Russian immigrants considered themselves Jewish and were identified in the same way under the communist regimes. It was not until arriving in Israel when some of them suddenly learned that Israel’s religious authority deemed them non-Jewish. For instance, some of the Russian immigrants were born to a Jewish father and a non-Jewish mother, a situation where the children are halachically non-Jewish (Prashizky & Remennick, 2014). Moreover, most of these “Jews” under communist rule either became non-observant or gave up Judaism, living a lifestyle that blended secularism, Western culture and even some Christian traditions. For example, many Russian immigrants kept the ritual of celebrating Russian New Year (Novy God) as a secular, non-religious holiday and displayed Christmas trees around the holiday. Also, many Russian immigrants shopped for groceries on Sabbath and visited butcher shops to buy pork, a food forbidden in mainstream Judaism.84 Israeli politician Natan Sharansky, who was a FSU immigrant and made aliyah during the 1980s, captured the Russian immigrants’ reluctance to assimilate,85 saying,

“[Post-1990s Russian-speaking immigrants] have to accept a lot, to learn a lot, to become Israelis, but they insisted that they know very well what kind of system of education they want, what kind of theater, what kind of programs on TV. They insisted that the establishment accept this, and if not, they would create their own parallel system. This never before happened in Israel…” (Maltz, 2014).

84 The Russian immigrants constituted a major force that have been pushing for reform over Israeli laws that ban pig-breeding and pork-trading; see, Barak-Erez, 2007, ch.8 (pp. 81-106).
85 Other factors contributing to the strong cultural retention of FSU immigrants include media, modern technology (Remennick, 2002, 2015) and their concentration in coastal areas and major cities, such as Ashkelon, Ashdod, Haifa and central Israel around Jerusalem (Galper, 1995, p. 32).
As a result, many policymakers and religious leaders perceived the Russian immigrants’ gentile culture and lifestyle as a threat to the Jewish state’s identity and way of life.\textsuperscript{86} The Head of Jewish Agency’s Department of Immigration and Absorption, Uri Gordon, complained that the 1970 Law of Return amendment “open[ed] gates and take in generation upon generation of non-Jews, a phenomenon that (will damage) the fabric of our future society” (Joffe, 2000). Echoing Gordon’s criticism, Rabbi David Ben Izri, who emphasized that he had “nothing personal against goyim (gentiles),” lamented that Russian immigrants “brought abomination and wantonness to the Jewish state” and that “… in 20 years, we won’t have a Jewish state anymore if we don’t do something about this.” To avoid further damage from more immigrants spreading the gentile lifestyle, the Ministry of the Interior began demanding that non-Jewish spouses already in Israel leave the country and go through a naturalization process from abroad since late 1996 (Schmemann, 1996a; Struck, 1998).\textsuperscript{87} Politicians from ultra-orthodox religious parties, such as Shlomo Ben Izri and Rahamim Molul of the \textit{Shas} and Shmuel Halpert of the United Torah Judaism, proposed raising the bar for non-Jewish family members to immigrate to Israel in the Law of Return (Cooper, 1999; Weinberg, 1999).

But these efforts achieved limited success due to several political and economic factors. Under the Law of Return, all of these Russian immigrants obtained Israeli citizenship once they arrive in Israel, no matter how culturally, religiously or ancestrally questionable their Jewishness may be to some Israelis. In other words, they became voters and workers upon making \textit{aliyah}. Politically, these immigrants and their Jewish Israeli relatives were important constituency to

\textsuperscript{86} It should be noted that there was a strong Arab and Palestinian opposition to the large-scale Jewish immigration from the former Soviet Union during the early 1990s.

\textsuperscript{87} The exact time that the government began quietly implementing this decision is unknown, probably traced back to mid- or late 1996. According to UN Human Rights Committee, the decision seemed to be institutionalized since 1999, after two High Court decisions: HCJ 3648/97 Stamka v. Minister of Interior (1999) and HCJ 338/99 Sabri Issa et al. v. Minister of the Interior et al. (1999); see, \url{https://www.adalah.org/uploads/oldfiles/features/famuni/4608fam_uni_pet-eng.pdf}.
major political parties. They have proven to be crucial in several tight national races during the 1990s, such as Labor Party’s 1992 Knesset election victory (Gitelman, 2004, pp. 102-104). Also, Russian-speaking immigrants were key to pushing Israeli politics from left to center-right since the late 1990s (Al-Haj, 2002; Khanin, 2011). Many Russian immigrants actively engaged in extra-parliamentary political activities, such as forming Russian groups that focused on combating discrimination and demanding equal treatment and more social inclusion. One of the most renowned movements was the Russian Panthers, initiated by second-generation Russian schoolchildren in Be’er Sheva between the late 1990s and early 2000s (Galili, 2000).

In addition, Russian immigrants offered a much needed brain gain and workforce for the Israeli labor market. Close to 70 percent of the Russian immigrants in the early 1990s were scientists, academics or other high-skilled professionals, compared to 26.9 percent among the Jewish Israeli workforce during the same period (Sabella, 1993). They included more than 80,000 technicians, 35,000 teachers, 17,000 scientists and 40,000 medical professionals (Khanin, 2010). Although economic integration of Russian immigrants went through a rough period initially, it eventually improved after the 1990s (Goldner et al., 2012; Eckstein & Weiss, 2004). Since 2001, the labor participation rate of Russian-speaking immigrants exceeded that of

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88 For instance, in the confidence vote on the Shamir government in July 1990, two issues concerning Russian immigrants were crucial. One is on the housing for FSU immigrants (Gitelman, 2004, pp. 102-104) and the other on whether to deploy extra civil guards in Jewish settlements on the West Bank, where many new Russian immigrants chose to settle; see, “Millions of Soviets could Move to Israel, Government Wins Confidence Vote,” The Globe and Mail July 10, 1990.

89 Nevertheless, political parties formed predominantly by Russian immigrants tended to downplay the party’s ethnic nature, limiting such parties’ representation of Russian immigrant interest; see, Ben-Rafael, 2007; Khanin, 2000. Scholars disagreed on the proximity of Russian immigrants’ political attitudes. Some argue that Russian immigrants in the 1990s shared closer political views among themselves than with other members of Israeli scholars society (Amit, 2010; Philippov & Knafelman, 2011), while other scholars argued that Russian-speaking immigrants gradually adapted to a Jewish lifestyle (Remennick & Prashizky, 2012).

90 Most scholars observed that the political view of Russian immigrants moved from left to right between the 1990s and early 2000s, especially concerning the Israeli-Palestinian peace talks. Such observation explains the shift of Israel’s voting patterns in the 1992 and 1996 elections. But many scholars argued that the political views of Russian immigrants became more diverse since 2003 and even more so since 2009, when Avigdor Lieberman rose to become the strong leader of a Russian party, Yisrael Beiteinu; see, Khanin, 2004; Philippov & Knafelman, 2011.
previous immigrants (Central Bureau of Statistics, 2014). Among all the immigrants arriving in 1991, the unemployment rate was 38.5 percent during the last quarter of 1991 (Sabella, 1993). The unemployment rate among newly arrived Russian-speaking immigrants was 7.8 percent in 2004 and dropped to 6 percent in 2008 (Khanin, 2010).

More importantly, the new demographic, security and diplomatic challenges facing Israel made the presence of Russian immigrants more tolerable to the government despite widespread opposition. After the late 1960s, the proportion of Israel’s Jewish population slowly decreased from 88.25 percent in 1966 to 81.9 percent in 1990. Some Israeli demographers warned that the rapid natural increase rate of Israeli Arabs would render Jewish Israelis the minority in their own country within four decades (Soffer, 2015), a possibility that concerned politicians and citizens who wished to preserve Israel’s ethnocentric identity. In the early 1990s, the potential territorial compromise with the PLO during the Oslo peace process became a threat to Israel’s control over territory and resources. Ethno-nationalist religious and political leaders began to exploit the rapid Russian immigration to justify their uncompromising position over the territorial issue (Sachar, 2007, pp. 1080-1081). Last but not least, the five-year Palestinian uprising beginning in December 1987 aggravated the demographic insecurity among many Jewish Israelis. The waves of violence and Palestinian resistance reminded many Israeli citizens and politicians that non-Jewish Russian immigrants would be less threatening and more assimilable than the Palestinians living amidst them (Ben-Rafael et al., 1998; Remennick, 2012).

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91 When we evaluate the high unemployment rate among immigrants during the early 1990s, we also need to take into account the high unemployment rate in Israel in 1991 (10.6 percent), 1992 (11.2 percent) and 1993 (10 percent).
92 Israel’s 2004 unemployment rate was 10.7 percent and 10.4 percent among native-born Israelis (Khanin, 2010). The 2008 unemployment rate was 6.1 percent.
93 The proportion of the Jewish population decreased from 83.7 percent in 1980 to 81.52 percent in 1989. Hence, the decrease during the 1980s might not be as dramatic as some researchers perceived. Meanwhile, the proportion of the non-Jewish population increased from 16.29 percent to 18.48 percent, which was 11.76 percent in 1966.
Unsurprisingly, efforts to restrict family reunification of Palestinians spouses from the occupied territories reaped more success and agreement among politicians, even before the first Palestinian uprising that broke out in December 1987. In February 1987, when the Soviet government considered relaxing emigration restrictions on the Soviet Jews, a newly-formed Committee for Family Reunification petitioned to Mikhail Gorbachev in a letter, writing “We request that you keep squarely before your eyes the injustice that occurs to Palestinian families…” (Reuter, 1987). This committee came into being after the Israeli government introduced additional barriers over the entry of Palestinians from the occupied territories who wished to unite with their family members in Israel during the 1980s. The statistics regarding the acceptance rates of these applications vary depending on the sources. An Al-Haq report indicated that Israeli officials documented between 13,000 and 48,000 applicants who were granted permits to enter and settle in Israel between 1967 and 1987 (Shuqair & Siniora, 1991, p. 5). According to Palestinian sources, 140,000 Palestinians from the occupied West Bank and Gaza Strip applied for family reunification between 1967 and 1987, and only 9,000 applications were approved (Diehl, 1990a). According to official Israeli sources, 88,000 such requests were filed and 13,000 were approved during this period (Diehl, 1990b). But even some Israeli sources indicated a more significant decrease in the late 1980s. According to official Israeli sources, only 1,000 Palestinians secured permits for family members in 1986 and 317 out of 2,937 applications in 1985 (Fisher, 1987).

The Israeli government toughened its restrictions on family reunification for Palestinians after the outbreak of the first Palestinian uprising, known as the first intifada.94 When attacks on

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94 After several decades of extra-parliamentary mobilization by social groups around the human rights issue and the occupation, the first Arab uprising broke out in December 1987 (Smooha, 1990, pp. 406-408). According to a background paper by the Committee for Family Reunion, the Committee began its legal mobilization in 1986, which
Israeli civilians increased during the early 1990 Israel-PLO peace negotiations, the Israeli government intensified movement control on Palestinians.\textsuperscript{95} Since 1991 during the Gulf War, Palestinians must acquire entry permits from the IDF to travel between Israel, the West Bank, East Jerusalem and Gaza. The Israeli government also began an intensive crackdown on illegal residents and deportation from the occupied territories since the mid-1990s.\textsuperscript{96} A 1986 report recorded that 36 Palestinians were deported from the occupied territories between 1985 and 1986, while another (Tami et al., 1993) documented 39 during the same period and more than 200 between May and December 1989, mostly women whose permits expired (Ashkar, 2006, p. 11).\textsuperscript{97} According to a Palestinian source, 250 Palestinian spouses or children were expelled from the occupied territories between 1989 and 1990 (Diehl, 1990b).\textsuperscript{98} In December 1991, the media reported that 415 Palestinian extremists were deported to southern Lebanon (Brown, 1993). In total, the Israeli government deported more than four hundred undocumented Palestinians to Jordan and southern Lebanon between 1989 and 1992. A large number of these deportees were spouses and children of legal Palestinian residents in the occupied territories.\textsuperscript{99} After the outbreak of the second Palestinian uprising, also known as the second \textit{intifada}, in September 2000, the Israeli government froze all family reunification applications from Palestinians and

\textsuperscript{95} Both the Labor-led and Likud-led governments during different periods of the early 1990s adopted curfews and closures amidst several waves of attacks on Israeli civilians; see, for example, Cockburn, 1996.

\textsuperscript{96} After a prisoner swap in May 1985, several right-wing activists and settler movements pressured the Israeli government to adopt harsh measures against Palestinians. In response to these pressures, then Defense Minister Yitzhak Rabin announced his iron fist policies in on August 4, 1985, which resulted in an increasing crackdown on illegal Palestinian residents and repression on Palestinian labor movements; see, Hiltermann, 1991, pp. 113-118.

\textsuperscript{97} As a diplomatic gesture during the Oslo peace process, the Rabin government temporarily eased the population movement control by issuing 5,000 resident permits to spouses and children and allowing 30 Palestinians in exile to return; see, The Globe and Mail, 1993.

\textsuperscript{98} After being suspended in 1990 for humanitarian reasons, the deportation was resumed in August 1991; see, The New York Times, 1991.

\textsuperscript{99} According to NGO estimations, about 120,000 Palestinian women and children lacked proper identity documentation and lived in occupied territories with their family members who were legal residents (Lesly Lempert Collection).
stopped issuing visitor’s permits to Palestinians, with the exception of a few cases (Ashkar, 2006, pp. 17-23).

The attempt to restrict family reunification culminated in a 2003 temporary order, which banned Israeli officials from granting entry permits, residency or citizenship to Palestinians from the occupied territories since July 2003. The amendment allowed several exceptions, including Palestinians who need medical treatment in Israel or who secure a job in Israel while not being considered a security threat. Also, men above the age of 35 and women above 25 who do not pose a security threat are also allowed to enter (Masri, 2013). The order targeted Palestinians and aimed to restrict their right to enter Israel even for those who were married to Israeli citizens. As a result, the ban disproportionately influenced Arab Israelis, many of whom tend to seek spouses with Palestinians from the occupied territories than Jewish Israelis.

Examining the statistics on immigrants who entered Israel according to the Law of Entry provides a perspective to evaluate the effect of the 2003 Temporary Order Law, because most of these immigrants have been non-Jewish foreigners who immigrated under family reunification or other circumstances not covered under the Law of Return. Chart 4.1 shows that the numbers of non-Jewish immigrants entering Israel under the Law of Entry plunged between 2002 and 2003, from 2,539 to 589, soon after the temporary order was issued. The second Palestinian uprising might have had an impact on the drop of immigration to Israel during the early 2000s in general. Yet the numbers decreased again from 3,444 in 2007 to 1,433 in 2008 and further.

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101 The amendment also disproportionately influenced the right to family reunification for interfaith or interethnic couples, such as those where one partner was a Jewish Israeli and the other a Palestinian from Palestinian Authority-controlled Area A in the West Bank. According to this amendment, such couples cannot live in Israel, because all Palestinian spouses are banned from entering Israel. But since Israeli citizens are not allowed to enter Area A, such couples would end up being separated, if they can only choose between living in Israel and Area A of the occupied territories.
102 During the same time period, the number of Jewish immigrants also decreased, though not as sharp as the number of immigrants who came under the Law of Entry (Siemaszko, 2002).
down to 121 in 2009. Since 2011, it has been decreasing. This pattern suggests that the 2003 policy shift did influence the number of non-Jewish immigrants entering Israel through family unification.\footnote{Between 1994 and 2001, about 100,000 Palestinians obtained Israeli citizenship through family unification, including children; see, Izenberg, 2002. Another Israeli official source shows that between 1993 and 2003, Palestinians filed 22,414 requests for family reunification and 16,007 were approved while 6,400 were rejected (EMHRN, 2004).}

![Chart 4.1 Number of Immigrants to Israel according to Law of Entry](http://www.cbs.gov.il/publications16/yarhon0316/pdf/e2.pdf)

To justify these discriminatory measures targeting Palestinians, Jewish political elites argued that the ban was necessary to tackle the problem of fake marriages\footnote{In my interview with Professor Arnon Soffer, who was part of the advisory team that suggested this amendment to the Ariel Sharon government, he argued that this temporary ban was necessary because fake marriages of Israeli Arab women to Palestinian men and men from other Arab states that are Israel’s enemy states had become rampant. Sociologist Nahda Shehada (2008, pp. 325-330) pointed out a crucial socioeconomic reason behind the increasing number of fake marriages: to obtain work permit or resident status in order to work in Israel. It should be noted that fake marriages between Israelis and spouses of East European origins have also been increasing since the 1990s; see, Nikfar, 2005.} and to reduce violence in view of the second intifada. Most politicians, as well as the High Court Justices, agreed on the security justification. Former Justice Minister Tzipi Livni\footnote{It should be noted that Tzipi Livni was the drafter of the 2005 amendment that extended the 2003 temporary order.} of the centrist party Kadima said, “Israel has the right to set principles that deal with entry into the country. European countries also put limits on citizenship after marriage. What’s good for them is certainly appropriate for us, given the sensitive security situation in which we find ourselves. This is not...
about harm to the principle of equality, because this is not about limiting the civic right to marriage. Rather, it is about limiting the granting of citizenship to a spouse who is not an Israeli citizen” (Alon, 2005). What underlines the justification was the priority to protect the country from the identity and national security threats posed by Palestinians, a concern that preceded the protection of basic human rights and Israel’s proclaimed respect for liberal democratic values. But the authenticity of the security concern can be problematic. For instance, amongst the 130,000 individuals acquiring legal status in Israel between 1994 and 2008, only 54 were accused of being involved in violent attacks, less than 0.04 percent (Jabareen & Zaher, 2012; Masri, 2013). Still, the justification based on the perceived threat from Palestinians garnered a wide range of support from both ethno-nationalists and liberal democrats. In a 2005 cabinet vote, only then Interior Minister Ophir Pines-Paz and Health Minister Danny Naveh\(^\text{107}\) opposed the extension of the 2003 Temporary Order mentioned in the previous paragraph. In the majority opinion of a 2012 High Court ruling, Justice Asher Grunis wrote, “human rights are not a prescription for national suicide,” in response to rights NGOs’ criticism that the 2003 Order violates Israel’s 1992 Basic Law, which upholds individuals’ rights to family life (Adato & The Associated Press, 2012). The 2003 Temporary Order had been extended multiple times,\(^\text{108}\) without effective opposition within the Knesset.\(^\text{109}\) Although human rights lawyers and NGOs

\(^{107}\) Danny Naveh opposed the amendment not for the reason of human rights. In his view, the scope of the amendment was not broad enough. For critiques from both the left and the right on the order, see, Alon, 2005.\(^\text{105}\)

\(^{108}\) The 2007 Knesset extension of the amendment expanded the applicability of the law to spouses from Iraq, Iran, Lebanon and Syria and granted the Interior Ministry to exercise discretion whether a foreign spouse poses security threat. The latest extension took place in 2015.

\(^{109}\) It is worth noting that in 2014, when the Knesset members discussing the extension of the order, members of a centrist party Yesh Atid managed to exchange their support for the amendment with a regulation granting welfare and healthcare benefits to foreign spouses already living in Israel (Lis, 2014a). After the government again extended the order in June 2015, Knesset member Merav Michaeli of the centrist Zionist Union requested a joint panel to conduct hearings; see, i24news, 2015.
had challenged the 2003 Order over the years, the High Court Justices have upheld it for the most part.

Although ethno-nationalists viewed both Palestinians and Russian immigrants as a threat to the Jewish state, the intensity of the campaigns against these two groups differed. Attempts at revising the Law of Return to make it harder for non-Jewish FSU immigrants to join family members in Israel have not succeeded. Instead, official and religious agencies set up various programs to cultivate the Jewish identity among young and second-generation Russian immigrants. In 2001, the IDF set up a Jewish education program, nativ, to provide a seven-week course of Jewish identity education for participants who wish to go through a fast-track conversion to Judaism (Galperin, 2010). There have also been legislative and religious campaigns to incentivize non-Jewish, non-Arab citizens to convert. In 2010, the Knesset debated a bill that aimed to ease the conversion process, an initiation that was considered to be targeting Russian immigrants. In late 2015, a group of religious Zionist rabbis created a conversion program, Giyur Kahalakha, for Russian immigrants, which provoked strong protests from Israel’s Russian communities (Yaron, 2015). Aside from these programs, various social and cultural pressures helped increase the demand for conversion, one of them being the lack of civil marriage in Israel.

In contrast, efforts to counter the Palestinian threat often rallied broader support from politicians across different parts of the political spectrum and did not shy away from violating

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110 Prominent NGO legal challenges to the order included: HCJ 7052/03 Adalah and others v. Minister of Interior Affairs (May 14, 2006) and HCJ 544/07 ACRI v. Minister of Interior Affairs. For further legal analysis on the order, see, Kohn, 2006; Barak-Erez, 2007; Carmi, 2007; Masri, 2013; Mundlak, 2008; Peled, 2007.

111 After the 2006 Adalah case, two key High Court decisions were delivered in 2012 and 2014; see, Adalah, 2012; Kagan, 2007; Masri, 2013.

112 The bill was introduced by David Rotem of the right-wing Yisrael Beiteinu Party; see, Bronner, 2010; Heilman, 2010.
their basic rights. On July 28, 2008, the Knesset passed a Nationality Law amendment\textsuperscript{113} granting the Minister of the Interior the power to revoke citizenship when an Israeli citizen breaches the loyalty to the state of Israel, which was defined as “committing terrorist attacks, treason and aggravated espionage, and acquiring citizenship or permanent residence in Israel’s enemy states.”\textsuperscript{114} In October 2010, several Knesset members proposed laws to require naturalized citizens to recite a loyalty oath (Ravid, 2010).\textsuperscript{115} In 2016, three Arab Knesset members\textsuperscript{116} visited the family members of Palestinians who conducted attacks on Israeli civilians (Newman, 2016). As a result of the visit, some Knesset members condemned the visit of these Arab members as “undemocratic” and “unethical” and suspended them temporarily from the Knesset (Pileggi, 2016). In November 2014, Knesset Member David Rotem of \textit{Yisrael Beiteinu} proposed a bill to expel fellow legislators who “voice support for armed combat against Israel,” a description that aimed to prevent a similar episode of the three Arab Knesset members. Explaining the rationale behind this bill, Nissan Slomiansky of the Jewish Home Party said, “A terrorist cannot sit in the Knesset” (Rosenberg, 2016). The 2016 version of the bill, proposed by \textit{Yisrael Beiteinu’s} Oded Forer, was passed in July 216.\textsuperscript{117} In most of these cases, right-leaning political elites, who can be identified as ethno-nationalists, initiated the bills. For instance, in 2008, several right-wing Knesset members, including Foreign Minister Avigdor Lieberman of

\textsuperscript{113} Nationality Law Amendment no. 9, 5768-2008.

\textsuperscript{114} Prior to this amendment, the breach of loyalty was already one of the conditions according to which the Minister of the Interior can revoke citizenship. The enemy states according to this amendment include Afghanistan, Iran, Lebanon, Libya, Sudan, Syria, Iraq, Pakistan, Yemen and the Gaza Strip. In addition, the amendment also transferred the authority of revoking citizenship from the Interior Ministry to the Court of Administrative Matters (Alfirev, 2011).

\textsuperscript{115} In my interview with Kien Wong, a Chinese Vietnamese turned Israeli citizen, he described the naturalization process for the Vietnamese refugees, who were asked to “repeat” the oath, despite not understanding what it actually meant. There were also proposals that demanded Arab Knesset Members to declare a loyalty oath since 2014, see, Azulay, 2014.

\textsuperscript{116} All three Knesset members were from the Joint Arab List’s \textit{Balad} faction: Hanin (Haneen) Zoabi, Basel Ghattas and Jamal Zahalka; see, Lis & Khoury, 2016.

\textsuperscript{117} Aside from Knesset members of opposition parties, critics of the bill included Netanyahu’s coalition partners, Knesset Members from the United Torah Judaism and Knesset legal advisers; see, Apfel, 2016.
Yisrael Beiteinu, pushed for a Nationality Law amendment to revoke the citizenship of any Israeli who shows disloyalty to the state (Herzog, 2010, pp. 57-58). But such efforts of ethnonationalists also received support from some of their more liberal colleagues. For instance, supporters of the 2014 expulsion bill included Knesset members from centrist parties, such as Hatnua and Yesh Atid (Lis, 2014b).

Both non-Jewish Russian immigrants and Palestinians posed an identity challenge to Israel because they are not Jewish. But the identity threat from the Palestinians has been more problematic, as long as most Jewish Israelis continue to view Palestinians and Arab Israelis as unassimilable and to connect them with national security threats to the Jewish state. Unlike Palestinians, Russian immigrants have a better chance of becoming Jewish. This distinction, among other factors, explains why political elites have invested more energy to conversion programs for Russians and why more efforts to exclude Palestinian spouses from entering Israel have achieved success than legislative efforts targeting other non-Jewish migrants. Nonetheless, both Russian immigrants and Palestinians addressed in this section had ties to Israeli citizens when they wished to settle in Israel. In this sense, the focus of the next section presents a contrast, where a group of children born to non-Jewish, non-Arab foreign parents managed to become part of Israeli society.

4.2.2 Children of Foreign Workers

Ad hoc government decisions between 2005 and 2007 allowed several hundred children of foreign workers and their families to settle permanently in Israel (Harper & Zubida, 2010; Sa’ar, 2005). Born in Israel to non-Jewish parents who came for work, many of these non-Jewish

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118 The attempt was in retaliation to several Arab Knesset members’ expression of sympathy toward the abductor of an IDF soldier Gilad Shalit.
119 Section 4.3.1 will deal with the debate on foreign workers in Israel.
children were able to attend Israeli public schools because of Israel’s 1949 Compulsory Education Law, which guarantees all children between the ages of 5 and 16 the right to education, regardless of nationality and legal status. Consequently, these children grew up speaking Hebrew and received the education identical to their Jewish Israeli counterparts and did not learn the mother tongue of their parents (Willen, 2007). During the early 2000s, the news about the deportation of such children made headlines and their stories stimulated heated public debates in Israel.\(^{120}\) To many ethno-nationalists, granting status to these children would hurt Israel’s Jewish character (Raijman, 2010; Raijman et al., 2003; Raijman et al., 2008). Many liberal democrats tailored a message that spoke to Israel’s pro-natal culture\(^ {121}\) and Jewish identity by tying the issue to the moral standards of the Jewish state. They portrayed these non-Jewish children as “Israeli Children,” since they have been part of the education system, knowing no other language but Hebrew and no other culture than the Israeli one. Since these activists argued that these “Israeli children” and their parents have become part of Israeli society through cultural and educational immersion, deporting these children back to their parents’ home countries violated Jewish morals. They cited Jewish texts and values in their campaign messages. Israeli Children CEO Rotem Ilan, at the time a college student in education psychology, described writing a letter to President Shimon Peres on the eve of a planned deportation of some migrant children, saying:

“…then to my surprise. Two days before the deportation was supposed to begin, Shimon Peres wrote an open letter to Benjamin Netanyahu and to Eli Yishai who was then the Minister of [the] Interior. And asked them to stop the deportation. Even then with the same quote that I wrote… A week later I got a letter from Shimon Peres… thanked me for writing him….“ (Ilan, 2015)

\(^{120}\) The public debate soon became heated, shown in an early episode where then Interior Minister Avraham Poraz of the Shinui Party, who was the first that attempted to grant some migrant children legal status in 2003 was sacked by Prime Minister Ariel Sharon, soon after he tried to do so. His attempt was aborted; see, Kemp, 2006.

\(^{121}\) Some sociologists and anthropologists argued that Israeli society has a strong pro-natal and pro-family culture due to the Holocaust that shaped the debate on foreign workers’ children; see, for example, Ivry, 2010.
The anecdote suggests that the liberal democratic narrative mobilized high-level politicians such as Shimon Peres, since the President of Israel is merely a figurative head of the state and usually does not intervene in policymaking. The liberal democratic narrative also helped mobilize other public figures. At least two spouses of high-profile politicians, Aliza Olmert and Sara Netanyahu, publically supported the campaign to give these children legal status (Hannanel, 2010).

The campaign and legal mobilization prompted public support and put significant pressure on politicians. Under the growing media attention, NGO campaign and mounting public pressure, the decision-making process became less insulated than in the past. Gradually, the government showed signs of caving to public pressure and disregarding policy advice from the bureaucracy. Several Ministers of the Interior with different party affiliations began issuing *ad hoc* decisions to allow the children who met a list of criteria to apply for permanent residency, even though some of these Ministers had previously voiced support for deporting all illegal foreigners. In 2007, then Interior Minister Roni Bar-On announced a potential future amnesty for almost all the children of foreign workers, defying a report presented by the staff of the Population Registry that separated the eligible children according to a list of naturalization qualification from other children (Azoulay & Ilan, 2007; Katzir, 2015). In 2010, then Interior Minister Eli Yishai\textsuperscript{122} of the ultra-religious Shas party, who was vocal in his opposition to the settlement of non-Jews, released a list of criteria providing the path toward citizenship for some children of foreign workers and their direct family members. Under this government decision, 701 families applied for naturalization. As of mid-2012, 257 families had successfully acquired legal status to stay in Israel (Guarnieri, 2012).

\textsuperscript{122} Under pressure from the Attorney General, Yishai postponed the deportation of the non-Jewish children in 2011, an action that was clearly against his own policy preference and that of his key constituents (Walla, 2011).
In spite of their initial disagreement with ethno-nationalists over the children of foreign workers, liberal democrats adopted Israel’s Jewish identity to summon compassion and rally support. It worked, as more politicians and public figures called the mistreatment of these non-Jewish children and their families a deed that was “un-Jewish,” including those that maintain an ethnocentric vision of Israel. Criticizing Eli Yishai’s decision to deport about 400 children and their foreign worker parents in 2010, then Defence Minister Ehud Barak said this decision was “not Jewish, not humane and will scar the entire Israeli society” (Weiler-Polak & Lis, 2010). When urging the government to reconsider this decision, Barak further said, “from a moral, Jewish and humane perspective, we must not deport these children.” Later on, some ethno-nationalists “borrowed” the liberal democratic narrative as post hoc justification for the government’s change of policy. After the Interior Ministry reconsidered and released a decision to allow some of these children to stay in 2010, Prime Minister Netanyahu defended this decision by declaring that,

“the decision to let a majority of the 1,200 children stay struck a balance between the values of Zionism on one hand and the humanistic values on the other… [It] calls for allowing those children who have largely become Israelis, who are here, have been educated here, have studied Hebrew and whose identity has already been formed, to stay here” (EMAJ Magazine, 2010).

4.2.3 Who Can Join Us?

According to the ethno-nationalist understanding of Israel’s Jewish identity, all non-Jews constitute a threat to the Jewish state. Thus, all non-Jews are unfit to join the Jewish state. In the eyes of ethno-nationalists, all non-Jews pose a cultural threat to the Jewish state’s social and cultural fabric. Thus, even though Israeli legislation allows non-Jewish foreigners to reunite with their families in Israel or become lawful citizens, political elites and religious leaders who held the ethno-nationalist view tried to alter the outcome when they saw a large number of non-
Jewish FSU immigrants changed Israel’s demographic and cultural landscape. But the comparison between Russian immigrants and Palestinians in section 4.2.1 highlights the notion that different non-Jewish migrant groups posed different degrees of threat in the eyes of Jewish political elites. Efforts to restrict the immigration of Palestinian spouses have been quite successful, receiving endorsement or tacit concern from many Jewish politicians and High Court Justices. The Court’s self-restraint from challenging the government’s discriminatory policy against Palestinians is in stark contrast to its image as the major safeguard of liberal values in Israel. In the 2012 Galon decision, five out of eleven High Court Justices stated in the opinion that rights to family life does not necessarily include being able to exercising this right inside Israel [my italics], so long as it can be exercised elsewhere.¹²³ Jewish political elites from different parts of the political spectrum view Palestinians, and often Arab Israelis, to be unassimilable and can never become qualified to join the Jewish state. The majority of the Jewish Israelis share this view. In a recent poll of Jewish Israelis, over half of the respondents supported the establishment of the two states (Palestinian Center for Policy and Survey Research, 2015), suggesting a widespread belief that Jews and Palestinians should be unmixed. The two Palestinian uprisings and waves of violence in the past two and a half decades have reinforced the threat perception, although the statistics did not always match the perception.

Some non-Jewish immigrants’ settlement was tolerated, including Russian non-Jewish immigrants and the children of foreign workers, because they managed to show that they were not only less threatening but also fit to join the Jewish state. This logic explains the various official and religious fast-track conversion programs that involved the consideration of making the Russian second-generation become like Jewish Israelis. It also explains the appeal of NGO campaigns for the children of foreign workers, in which activists highlighted a high level of

¹²³ For detailed analysis of the Galon decision, see, Masri, 2013, pp. 325-326.
linguistic, cultural and social assimilation of these children. Being born, raised and educated in Israel created the children’s attachment to Israeli society. Several *ad hoc* government decisions acknowledged such attachment and granted them and their families the opportunity to join the Jewish state. The result of these campaigns expanded the scope of debate regarding the question of who can join us.\(^{124}\) Although only a little over one thousand children and their families secured permanent residence, their case created a precedent in which territorial and social attachment to a country alone was sufficient for non-Jews to join the Jewish state.

The campaign messages for these children went beyond the argument that their *de facto* assimilation gave them the right to be recognized as a part of Israeli society. Invoking the Jewish history of wandering in foreign lands, liberal democratic activists weaved Jewish identity discourses into their campaign, arguing that maintaining a Jewish state implies adopting proper treatment toward strangers among Jews. In this sense, the core message of the campaign for foreign workers’ children also demonstrated an ethno-nationalist bearing. It showed how, when framed the right way, the ethno-nationalist understanding of Israel’s Jewish identity opened the space to accommodate non-Jewish immigrants in the Jewish country. This case addressed the question of *who we are* and thus how we as a Jewish state should properly treat the strangers living among us. In the following section, it will become even clearer that the issue of how to properly treat non-Jews living in the Jewish state is one of the key questions in the politics toward migrant workers and African asylum seekers, whose stay in Israel was meant to be temporary.

\(^{124}\) Another aspect of the issue occurs in debates over conversion of Palestinians, foreign workers and African migrants; see, for example, Mazury, 2016 [in Hebrew].
4.3 Crafting Temporary Migrants

To the majority of Israeli policymakers, the presence of the following three groups of non-Jewish migrants in the Jewish state should always remain temporary: foreign workers, Palestinian day laborers and asylum seekers. Many scholars have puzzled over the perpetuation of these migrants’ stay in Israel.\textsuperscript{125} To begin with, the co-existence of Palestinian day laborers and foreign workers can seem peculiar. Unlike most industrialized countries, Israel has continued to recruit Jewish immigrants and maintained a relatively high fertility rate of 2.68 births/woman compared to other OECD countries.\textsuperscript{126} Thus, Israeli policies discourage the hiring of both low-skilled and highly skilled foreign workers. For example, a set of new regulations that came into effect in late 2015 requires companies to double the salary they pay foreign experts than they offer Israeli employees, making the cost of hiring foreigners higher (Kan-Tor & Acco, 2007, pp. 13-14). Even if there is a demand for low-skilled workers, one can perhaps argue that the simultaneous recruitment of Palestinians and foreign workers can seem redundant. On the refugee issue, Israel’s lack of domestic refugee legislation suggests that its asylum system has remained relatively under-developed. Through administrative decisions, Israel had received several groups of refugees, including Vietnamese refugees during the late 1970s (see section 3.2.2), Bosnian refugees and Kosovo Albanians during the 1990s and over 7,000 Lebanese nationals during the early 2000s and members of the Southern Lebanese Army after the 2006 Lebanon War (Ben-Dor & Adut, 2003, pp. 21-23). But none of these groups came to Israel uninvited, unlike the 38,000 strong African asylum seekers currently in Israel. So far, the Israeli government has not been friendly toward these uninvited guests. But the contrast between

\textsuperscript{125} I find Shamir & Mundlack’s (2013) article a useful source for understanding the similarities and differences between these non-Jewish migrant groups. In the piece, they analyzed the political, economic and humanitarian logics behind Israel’s policies toward migrant workers, Palestinian workers and African asylum seekers.

\textsuperscript{126} According to The World Factbook of the Central Intelligence Agency (Country Comparison: Total Fertility Rate), the 2015 birth rates are 2.33 in South Africa, 1.89 in the United Kingdom, 1.87 in the United States, 1.44 in Germany, 1.40 in Japan, 1.12 in Taiwan and 0.81 in Singapore, which was the lowest in 2015.
Israel’s policy toward African asylum seekers and other groups of refugees being received during previous decades raises the following questions, what was the policy logic behind Israel’s treatment of African asylum seekers? What was the threshold of tolerance? This section examines these questions by trying to understand how the Israeli government defined the terms of stay for these temporary migrants between 1989 and 2016. From the examination, I also try to shed light on how the policy outcomes informed the question of who we are.

4.3.1 Migrant Workers

The majority of Israeli policymakers, be they ethno-nationalists or not, viewed both Palestinian day laborers127 and foreign workers128 as an identity threat to the Jewish state. According to this logic, their presence is not welcomed and their stay should be temporary. Thus, the legalization came after the reality of unauthorized employment and employer demand in both cases. Israel did not authorize the employment of Palestinians from the occupied territories until the summer of 1968. Prior to 1968, Israeli employers had been hiring cheap Palestinian laborers in low-skilled jobs clandestinely (Farsakh, 1998, p. 15). Similarly, the Israeli government withstood the pressure to recruit foreign workers (Gill & Dahan, 2006). After the Israeli farmers associations and construction contractors protested about the lack of stable labor supply from the occupied territories during the early 1990s and threatened to see the government in court, the Minister of Labor reluctantly legalized (Bartram, 1999, p. 20; Raijman & Kemp, 2007, pp. 42-

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127 On Israel’s policies toward Palestinian day laborers since 1968, see, for example, Farjoun, 1980; Farsakh, 1998 (on Palestinian employment in Israel between 1967 and 1997); Miaari & Khattab, 2013; Semyonov & Lewin-Epstein, 1986, p. 12 (on the introduction of the quota system in the early 1970s).

128 On the beginning of foreign worker program, see, for example, Bartram, 1999; Kemp & Raijman, 2001; Raijman & Kemp, 2016.
the employment of foreign workers in nursing care, agriculture, construction, welding and industrial professions in 1993, brining in workers from Thailand, the Philippines, China and Romania (Israel Government Portal). After caving in to the pressure of Israeli employers, the government adopted various control mechanisms to make sure that the stay of both Palestinian and foreign workers would be temporary. For instance, Israeli law prohibits Palestinian workers from staying overnight in Israel (Hiltermann, 1991, pp. 179-180). To secure jobs in Israel, both Palestinian and foreign workers need to receive work permits from the Israeli government before their entry. Since the mid-1990s, the government has repeatedly vowed to gradually replace foreign workers with Israelis and new immigrants from the former Soviet Union, although such goal has yet to materialize.

But the attempts to restrict the movement of Palestinian laborers and foreign workers faced different constraints and possess different leverage. While Palestinian workers enjoy the proximity between homes and the workplace and perhaps some cultural and linguistic affinity to their Israeli employers, they are susceptible to more immediate and arbitrary movement controls than foreign workers. Israel’s security establishment adjusted the quota and installed road closures when tensions between the Palestinians and Israel intensified (Bartram, 1999, pp. 160-

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129 A major step to the legalization was the enactment of the “Foreign Workers (Prohibition of Unlawful Employment and Assurance of Fair Conditions) Law, 5751-1991.” Non-Arab and non-Jewish foreign workers had been illegally hired in the Israeli labor market since the 1980s. The majority entered from Africa and Latin America with tourist visas and overstay to work in construction and caregiving (Bartram, 1999).

130 Some Palestinian workers taking jobs within the Green Line stayed overnight in Israel, though against the law; see, Hiltermann, 1991, pp. 179-180.

131 Between 1968 and 1988, Palestinians from the West Bank and Gaza were free to move between these territories and enter into Israel to seek employment. Palestinian workers entered Israel through checkpoints stationed by IDF soldiers and border police, as a procedure of population control during the first two decades (Angrist, 1996; Farsakh, 1998). Since the 1970s, private contractors gradually replaced the Employment Service in matching Palestinian workers with Israeli employers; see, Angrist, 1996.

132 For instance, a “Public Project Law” in September 2001 prohibited hiring foreign workers for public projects. Also, see, for example, Israel Ministry of Foreign Affairs, 2001. During 2011 and 2012, the government planned to gradually phase out the reliance on foreign workers in agriculture and construction (Nathan, 2012, pp. 10-26).

133 For instance, during the 1990s, the government sponsored labor-training programs for Israelis and raising minimum wages (Bartram, 1999, pp. 172-173; Nathan, 2012).
During periods of frequent suicide attacks in Israel in the early 1990s, the government tightened movement controls over Palestinians. Ultimately, both economic and security calculations affected the mobility of Palestinian workers. Random road closures, roadblocks, and long lines at the checkpoints and travel bans on workers from certain villages and refugee camps all jeopardized the supply of Palestinian labor. In contrast, the control mechanisms over foreign workers only gradually developed during the past two decades. It was not until 2002 that Israel established its first Immigration Police, an agency in charge of arresting and deporting illegal foreign workers (Sinai, 2003). The enforcement did reap some concrete effects, with a large number of unauthorized foreigners being arrested and deported during the early 2000s. Between 1996 and 2002, the government set an annual deportation target from 2,500 in 1996 and 1997, to 50,000 in 2002 (Drori, 2009, pp. 157-158, 212). The Immigration Police data showed that since late 2002, it has deported 40,000 illegal foreigners and an additional 78,105 have left voluntarily. The Israeli Prison Service (IPS) statistics showed that deportations increased from 950 in 1995 to 7,144 in 1999, and peaked at 21,000 in 2003. Nevertheless, the enforcement enacted against undocumented foreign workers has been subject to more scrutiny than enforcement efforts targeting undocumented Palestinian workers. Recall Israel’s policy responses toward the children of foreign workers mentioned in section 4.2.2. Under pressure from the judicial activism of Israeli NGOs, the Israeli government eventually budged and granted legal status to several hundreds of such children.

134 Raijman and Kemp (2016, p. 9) used the term, “undocumented labor migrants.”
135 The number is a deduction from Raijman and Kemp’s (2016, p. 9) data, which specified that 118,105 foreigners left since late 2002, among which 40,000 people were deported.
Meanwhile, Israel’s selective invitation to Palestinians has been a tool to incentivize good behavior among Palestinians and contain Palestinian resistance and nationalist sentiment. The “good Palestinians” who refrain from engaging in anti-Israel activities could be rewarded with more profitable employment opportunities in Israel, as opposed to the “bad Palestinians” engaging in nationalist and militant activities, who will be denied such economic opportunities as a punishment (Weizman, 2007). Therefore, although Palestinian workers enjoy the legal right to organize and initiate strikes, they have good reasons to avoid exercising this right (Hiltermann, 1991). Without doubt, some of the selection criteria to weed out good Palestinians from bad ones are more arbitrary than others. For instance, before the West Bank and Gaza split over the 2007 Fatah-Hamas conflict, Palestinians from the West Bank have had more access to Israeli labor market than Gazans (Farsakh, 2002a; Roy, 1999). Also, in 1991, the government introduced a work permit system that included age requirements (older than 28), marital status (married) and security clearance for Palestinian workers who wanted to work in Israel. The Israeli economy absorbed close to one third of the Palestinian labor force between 1975 and 1990, especially in the construction sector (Farsakh 1998). The Israeli government has proven able to use work permits as a carrot-and-stick approach toward Palestinians. Amidst the waves of stabbing and occasional shooting attacks in late 2015, then Finance Minister Moshe Kahlon announced in February 2016 that the government would add another 33,000 Palestinian workers to the Israeli construction sector, which already included 43,000 authorized Palestinian laborers. Some IDF officials supported this decision and agreed that improving employment opportunities might help decrease violence committed by Palestinians (Reuters & Israel Hayom Staff, 2016). Meanwhile,

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136 For the policy debates on whether to promote economic integration of Palestinians after the 1967 June War, see, Gazit, 1985 (in Hebrew, 1995 in English); for the policy execution and outcomes, see, Abed, 1990; Arnon, 2007; Arnon et al., 1997; El-Jaafari, 1991; Hamad & Shaban, 1993; Kahan, 1987.

137 In total, about 55,000 Palestinians working in Israel possessed legal work permit (Scheer, 2016).
on February 28, 2016, after an attack in Maale Adumim, a West Bank settlement, Palestinian workers were temporarily banned from entering Maale Adumim for security reasons (Palestinian News Network, 2016).

In contrast, security concerns and rights activism were two competing forces behind the perpetuation of Israel’s foreign worker program. Although as previously mentioned, the Israeli authorities have vowed to end the recruitment of foreign workers multiple times, the employment of foreign workers has created an important leverage against Palestinian workers for the Israeli government. As a result,\textsuperscript{138} Israel has adopted two separate mechanisms to govern Palestinian laborers and foreign workers. For instance, the government confined Palestinian workers to only work in certain areas within Israel (PHRIC, 1992). But these criteria do not apply to foreign workers. The differential treatment reflects the rationale that Palestinian laborers are treated not only as a symbolic threat but also as a real threat to national security.

Violation of foreign worker rights, which was especially prevalent in the beginning, has prompted local governments (Alexander, 2007, pp. 78-80), NGOs\textsuperscript{139} and religious organizations to step in and provide services, such as basic healthcare for children and pregnant female foreign workers in migrant-concentrated neighborhoods (Bagno et al., 2010; File & Davidovitch, 2007; Willen, 2005). Even unauthorized workers could enjoy these services. Through these services, many undocumented foreign workers and their children cultivated social ties with Israelis from NGOs, religious organizations and legal communities (Kalir, 2009, 2010; Rosenhek, 2000, 2002; 2002).

\textsuperscript{138} Scholars disagreed on whether foreign workers were brought to Israel to substitute for Palestinians during the first Palestinian uprising. For scholars whose research did not show such correlation, see, Aranki & Daoud, 2010; Bartram, 1999; Farsakh, 2002b. For scholars who associated the institutionalization of the foreign worker program in 1993 with tightening control over Palestinian laborers, see, Raijman & Kemp, 2016; Rebeca Raijman and Adriana Kemp (2016) noted that the substitution is specifically in the construction and agricultural sectors, not the caregiving industry.

\textsuperscript{139} Empowered by these private organizations, some foreign worker communities were even able to mobilize through their own religious or social organizations with the assistance of Israeli societal organizations (Kalir, 2009; Kemp et al., 2000).
NGOs took many cases of rights violations to the court and to the Knesset Foreign Worker Committee,\(^{140}\) leading to several court rulings and government decisions that significantly improved migrant worker rights in Israel. For example, in a 2001 case regarding the detention of a Filipino worker, the President of the High Court demanded that the Interior Ministry, the Israeli Police and Employment Service set a clear procedure for detention and deportation of illegal foreigners (Algazy, 2001). In 2006, the High Court annulled the binding system\(^ {141}\) that prohibited workers to switch from one employer to another.\(^ {142}\) In April 2011, the Israeli High Court ruled that the ban on foreign worker pregnancy was unconstitutional, because it violates Israel’s labor laws by “infringing upon [a pregnant migrant worker’s] right to become a parent and have a family, and her economic expectations...” This decision also stopped an attempted deportation of pregnant migrant workers (Tsurkov, 2011). Nowadays, foreign workers enjoy many rights identical to Israeli workers, including the minimum wage (4,300 NIS), holidays, and healthcare. Israeli employers are required to provide healthcare to foreign workers. Workers are given three months to remain in the country when seeking new employment (PIBA, 2017, p. 4).

\(^{140}\) The Foreign Worker Committee had no legislative power but only served as a monitoring body and could summon public officials for questions. For instance, deportation and detention in the early stages were often problematic due to inexperience and lack of clear guidelines. Former Chairman of Knesset Foreign Worker Committee Ron Cohen recalled, when the Committee asked why the police arrested children at kindergarten, the police representative responded that they simply did not know where to find illegal foreigners. Neither were they told how and where it was proper to conduct such search (email correspondence with Ron Cohen, 2015). The Knesset Foreign Workers’ Committee became history in the summer of 2015; see, Lior, 2015a.

\(^{141}\) Rooted in the 1952 Entry into Israel Law, the 1959 Employment Service Law and Article 1M(a) of the 1991 Foreign Worker Law, this system bound workers to their employers, who received permit from the state. Under the binding system, workers were required to leave Israel once they lose the job with their Israeli employer since they would lose the reason for entry into Israel; see, Raijman & Kemp, 2016, p. 5.

\(^{142}\) In 2006, the High Court made a decision in response to a 2002 petition submitted by several NGOs. Reforms and policy changes between 2004 and 2011 in construction and agricultural sectors failed to remove the “binding nature” of the employment system (Raijman & Kemp, 2016, pp. 5-6). Foreign workers in construction and agricultural sectors could remain bound by manpower agencies through work permits. Foreign caregivers could face potential restriction on geographical limits when transferring between employers.
Some progress on the rights of foreign workers suggests the limits of client politics, as exemplified by the moving away from manpower agencies to bilateral agreements with sending governments, beginning with the first agreement with Thailand in 2006. Previously, most foreign workers were hired through manpower agencies, many of which demanded a significant fee for their services that often put workers in debt before they started working. These bilateral agreements made a significant cut on the legal recruitment fees and set 3,479 NIS (about $900) as the cap since 2006. Prior to Israel’s first bilateral labor agreement with Thailand, only about two percent of the Thai workers viewed the brokerage fee as the major incentive to come work in Israel (Raijman & Kushnirovich, 2015, p. 7). After the Israeli government signed the labor agreement with Thailand, the ratio increased to 24 percent. These bilateral agreements shifted the power relations between foreign workers, Israeli employers and manpower agencies, making workers less burdened with debt and removing the control of the manpower agencies. Thus far, the Israeli government has signed such deals with Thailand, Sri Lanka, Bulgaria, Moldova, Romania, Nepal and China.

143 The government passed the resolution of signing bilateral agreement with Thailand in 2005 under Ariel Sharon’s Likud-Kadima coalition government (Raijman & Kushnirovich, 2015, p. 1). The IOM (International Organization of Migration) played a major, if not active, role in the Israel-Thailand bilateral labor migration agreement (Interview with Ilan Cohn, 2015).

144 For more studies on the brokerage fees, see, for example, Raijman & Kushnirovich 2012, ch.4 (pp. 83-97). In a later study, Rebeca Raijman and Nonna Kushnirovich (2015, p. 7) showed that high salary was a leading factor why foreign workers from Thailand, Bulgaria and Moldova chose to come to Israel before the signing of bilateral agreements.

145 From what I managed to gather during my interviews, the relationship a few Knesset members and the construction industry seemed especially close, if not suspicious. In recent years, several Israeli recruitment agencies have been involved in several corruption scandals. For instance, Shlomo Benizri, then Knesset Member from the Shas party, was sentenced to 18 months incarceration by the Jerusalem District Court, for corruption charges that involved accepting bribery from Moshe Sela, a manpower company owner. But none of my respondent was willing to go into depth about the issue. For related media reports, see, Heruti-Sover, 2014; Weinglass, 2016.

146 The agreement was reached through involvement of an Israeli NGO, CIMI (the Center for International Migration and Integration), and an international NGO. Also, see, Arlosoroff, 2015; The Rising Nepal, 2015.

147 Workers from the countries that signed bilateral agreement with the Israeli government are assigned to different industries, often categorized according to nationality: Thai workers for agriculture, Bulgarian, Moldovan and Romanian workers for construction, and Nepali workers for caregiving positions. In 2013, the Sri Lankan government signed a deal with the Israeli government to recruit agricultural workers for a short-term period (six months). Meanwhile, most legal caregiving workers from Sri Lanka were recruited through manpower agencies.
In spite of ethno-nationalist concern, Israel’s recruitment of foreign workers has steadily increased since the mid-1990s until the 2000s. Chart 4.2 demonstrates the trend of foreign workers in Israel between the mid-1990s and mid-2010s. It shows continual increase of legal foreign workers during the late 1990s. In 1995, 64,000 foreign workers entered Israel with valid work visa. The number climbed to 90,000 in 1996 and 104,000 in 2001, and then peaked to 118,000 in 2009.149

There has been a peculiar co-existence of foreign and Palestinian workers in the Jewish state. Although the ethno-nationalist logic does not welcome either group, particularly the latter, the existence of both groups gives the Israeli security establishment some leverage to contain the resistance of the Palestinians. To tolerate the existence non-Jewish workers at the risk of their long-term settlement might seem puzzling, because it challenges the ethno-nationalist understanding of Israel’s national identity. Thus, Israel’s foreign worker program exposes the

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148 The negotiation was stalled by China’s demand that Chinese workers do not be placed in the occupied territories. The two countries finally signed the agreement in March 2017, on the condition that Israel will not send Chinese construction workers to the occupied territories; see, for example, Ravid & Berger, 2017.


150 Sources: Sopemi Report, Israel (Nathan 2012); Ministry of Labor and Welfare, Israel.
difficulty of maintaining the ethno-nationalist vision of the Jewish state and is perhaps the necessary risk and price to pay. Most importantly, once invited in, the state and society cannot turn a blind eye to the well-being of these individuals. As the next section will show, the ethno-nationalist vision of the Israeli state did not give the state a license to ignore the rights of all non-Jews, especially in view of the challenge of liberal democrats, who endeavored to supersede the ethno-nationalist vision with their own liberal interpretation of the Jewish state.

4.3.2 Refugees and Asylum Seekers

There is little dispute that the Eritrean and Sudanese asylum seekers now in Israel are not Jewish. But given a historical narrative loaded with suffering and persecution that culminated in the Holocaust, Jewish texts and education do not take the topic of refugees lightly. As already mentioned in section 3.4.1, the Holocaust has been an important part of Jewish curriculum and collective memory in Israel. Conflicts with Arab countries and decades-long Israeli-Palestinian tensions have reinforced one lesson from the Holocaust that “the whole world is against us” (Shapira, 1998). Unsurprisingly, this lesson corroborates the assumption that non-Jews have no place in a Jewish state. In this respect, Jews could view themselves as the victims against the rest of the world that is the potential perpetrators of anti-Semitism.

But another important lesson from the Holocaust is the indifference of the world toward an atrocity and the reasonability of bystanders (Kalir, 2015). The moral lesson is to never be a passive bystander of any atrocity. Consequently, to make a case that African asylum seekers do not belong to a Jewish state was a task more difficult than one might expect. It prompted several Israeli and Jewish representatives to be crucial architects behind the 1951 UN Refugee Convention (Ben-Nun, 2013, 2015) and inspired Menachem Begin’s campaign for the
Indochinese refugees in the late 1970s (Bryen, 2012; Gordis, 2014, pp. 142-143; also see section 3.2.2). Israel absorbed several groups of refugees during the 1990s and early 2000s, including more than 100 Bosnian refugees around 1993 (Ben-Dor & Adut, 2003, pp. 21-22), 140 Albanians from Kosovo in 1999 (The Jewish News of Northern California, 1999), over 7,000 Lebanese nationals in 2000 and after the 2006 Lebanon War. In these precedents, many of which occurred under right-wing coalition governments that held an ethno-nationalist view of the country, Jewish moral obligations superseded other concerns. For example, Israel’s first right-wing government under Menachem Begin, voted 11-2 in support of airlifting 100 Vietnamese refugees from the Philippines (JTA, 1979).\footnote{The two opposition votes came from Religious Affairs Minister Aharon Abu Hatzeira of the National Religious Party and Housing Minister Gideon Patt of the Likud Party. Four Ministers abstained from voting (JTA, 1979).} The Albanian refugees Israel received in 1999 were predominantly Muslims, whom some Israeli politicians considered to be sympathizers of an anti-Israel Islamic militant group based in Lebanon, Hezbollah. Also, a Kosovo Albanian Battalion fought alongside Nazi Germany (Hockstader, 1999). But when the heart-wrenching images on the media about the ethnic cleansing in Kosovo first reached Israel, the Jewish Israeli public were enraged by the government’s lukewarm response toward the refugee crisis in Kosovo (Hockstader, 1999). When the Albanian refugees finally arrived in Israel, then Prime Minister Benjamin Netanyahu greeted them at the Ben-Gurion airport by saying, “… as Jews we have a particular sensitivity for the suffering of others” (The Guardian, 1999) and that

“As Jews, we cannot stand idly by when faced with images of Kosovo, of thousands of refugees expelled from their homes, of the frightened faces peering from railroad cars” (Demick, 1999).

When groups of African asylum seekers began arriving in Israel uninvited, the Israeli government again faced demands to look into the Jewish state’s moral obligation toward refugees. Between the 1990s and early 2000s, dozens to a few hundreds of dark-skinned visitors landed at the Ben Gurion Airport from Nigeria, Liberia, Rwanda, Sierra Leone and the Republic of...
of Congo as tourists. During their stay, they claimed persecution in their home countries and requested for asylum. In response, the Israeli government set up an UNHCR office and an inter-ministerial committee to be the main official bodies conducting Refugee Status Determination (RSD) interviews and forming advice. The UNHCR staff would conduct interviews, report to the inter-ministerial committee, which would advise the Interior Minister who made the final decision, granting or denying an asylum seeker’s right to remain in the country. The UNHCR staff working at the office in the early years recalled that the Interior Minister usually followed the committee’s advice, except in rare cases (Harela, 2015; Liling, 2015). The overall number of the refugees was small at the time, which kept them under the media’s radar. In fact, anecdotes of African refugees arriving during the late 1990s and early 2000s showed that they perceived Israeli society as quite “open” and friendly toward them. One former staff member of the UN High Commissioner for Refugees (UNHCR) staff recalled the comment made by a Rwanda refugee that depicted the common experience of African migrants in Israel back in the early 2000s:

“I remember a Rwanda refugee saying to me, Israeli is color-blind. Here I can walk the streets and nobody cares. You know? He said to me once, what’s wonderful in Israel is that people don’t care about you… And I said to him, that’s not a nice thing. What do you mean?... And he said, no, you don’t understand. I worked for three, four years in Cairo. And there you can’t walk the streets without being, somebody throwing a rock at you, and the kids say, you know, “chocolate” or saying, “slave slave slave.” Or whatever. And in Israel, I can walk the streets like nobody cares. You know, like I am blind… You know…people are color-blind. They wouldn’t see me… Coming from Rwanda where he was a Tutsi when…difference between Hutu and Tutsi was so loaded… There are physical differences between the Hutus and the Tutsis…Before 2009, 2010, nobody spoke of [racism in Israel]. They [African refugees] would never say racism. They would say… Israel is an open place… [T]hey would speak about the difficulties of everyday life, making a living, whatever. But not about racism. That changed. Okay? Now it’s changed” (Liling, 2015).

For more details on the way in which African asylum seekers began arriving in Israel since the 1990s, see, for example, Harel, 2015b.

This committee was established in 2001. It formed the “National Status Granting Board (NSGB),” which included six officials from the Interior, Justice and Foreign Affairs Ministries and one non-civil servant chairperson appointed by the Interior Minister (Izenberg, 2006).
These Africans also came at a time right after Israel received large waves of Ethiopian immigrants during the early 1990s, whose arrival made national news. It is very likely that most Israelis simply misidentified them as Ethiopian Jews. Such misperception might also have reinforced the willingness of these Africans to settle in Israel.

But at that point, there were skeptical voices within the government about developing the legal framework necessary to incorporate international norms on asylum (Shamir & Mundlak, 2013, pp. 130-131; Yaron et al., 2013, p. 3). Micky Bavly, a retired Israeli diplomat turned UNHCR honorary representative in charge of the UNHCR Israeli office, described the resistance from some Israeli officials to transcribe the Refugee Convention into domestic law, citing the psychological concerns about potential repercussion regarding the Palestinian refugee issue (Stort, 2007). Some officials hesitated over logistics. According to then Honorary Representative of the UNHCR’s Israeli office, to remove the Interior Minister’s power of granting foreigners the right to stay in Israel requires new legislation. Instead of going through the Knesset, a process that could take years to accomplish, the government kept the power in the hands of the Ministry of the Interior (Bavly, 2015).

The lack of institutionalization resulted in an ineffective and unpredictable RSD process during the early 2000s. For example, it was typical for asylum seekers to wait for an average of two years to hear from the government, during which time they were often left without a legal status in Israel (Ben-Dor & Adut, 2003). Decisions on their asylum claims could depend on the power struggles within the government and the pressure from public opinion. In 2003, the Minister of the Interior Eli Yishai backtracked his previous decision and reluctantly granted group protection to 20 Eritrean and Ethiopian asylum seekers, after they conducted a hunger

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For scholarly discussions on this topic; see, for example, Kritzman-Amir, 2009, 2012, p. 103; Kritzman-Amir & Berman, 2009.
strike for 23 days (Ben-Dor & Adut, 2003). Not only did the Minister face mounting pressure from activists, NGO lawyers, UNHCR staff and opposition Knesset members (Harel, 2015a). Some members within the government and the Knesset did not support his initial decision. A former UNHCR staff member recalled the attitude of the representatives of the Foreign Ministry:

“[The decision to grant group protection to asylum seekers from Sierra Leone, the Democratic Republic of Congo, Ivory Coast and Liberia] was basically an advisory made by UNHCR, to the Ministry of Foreign Affairs, and they were accepted…. The Ministry of Foreign Affairs was always … more open to finding humane solutions… I assume that… they deal with… international law… to represent Israel in the international court…then having this interest, instead of, angering everyone by not… acting in a way according to international relations and international conventions that we signed… They’re more into relations than the Ministry of the Interior…” (Liling, 2015)

Another UNHCR staff member recalled a decision granting group protection to dozens of African refugees, noting:

“…There was an Interior Committee session, talking about … Sierra Leone … some, horrible testimony [were mentioned] there. And eventually after long process from different directions… it ended up was… temporary protection for Sierra Leoneans by the Minister of [the] Interior… It was in 2003, and it was [then Interior Minister] Eli Yishai [who] granted the status…” (Harel, 2015a)

During the mid-2000s, the UNHCR was still the main gatekeeper that made sure government responses toward asylum claims did not violate Israel’s conventional obligations. Although the majority of the Africans would receive asylum through group protection155 rather than going through the RSD process as the 1951 Geneva Convention requires (Afeef, 2009; Bavly, 2015; Ben-Dor & Adut, 2003; Harel, 2015a; Kritzman-Amir, 2009; Kritzman-Amir, 2012; p. 146), they also received a B-1 visa that allowed them to work during their stay in Israel. While waiting for the official response to their asylum claims, they would receive documentation from the UNHCR confirming their applications to avoid deportation. Similarly, prior to the mid-2000s, there was evidence to show that the repatriation process tended to be carried out in a humanitarian fashion. When the group protection was terminated because the home countries

155 By the end of 2003, the Israeli government granted group protection for refugees coming from the following countries: Sierra Leone, Ivory Coast, Liberia and the Democratic Republic of Congo (Lijnders, 2013, pp. 14-15).
were deemed safe to return, refugees would not be asked to leave immediately. Instead, the
government usually allowed a reasonable amount of time to arrange their departure (Harel, 2015a; Liling, 2015). For example, when the UNHCR withdrew the temporary protection for Liberian refugees after the country was removed from the unsafe country list by the UNHCR in June 2006, the Israeli government set the deadline of departure for 90 Liberians at the end of March 2007.\textsuperscript{156}

Still, it should be noted that the lack of institutionalization meant uncertainty. Between 2000 and 2007,\textsuperscript{157} the UNHCR recognized 166 asylum seekers as refugees out of total 10,114 decisions. Not only was the recognition rate low (around 1.64 percent), most asylum seekers received group protection instead of going through the RSD process (UNHCR Population Statistics, also see Table 4.1).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Pending Start-Year</th>
<th>Total of Which UNHCR-Assisted</th>
<th>Applied during Year</th>
<th>Decisions Recognized</th>
<th>Decisions Other</th>
<th>Rejected</th>
<th>Otherwise Closed</th>
<th>Total Decisions</th>
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<td>2007</td>
<td>857</td>
<td>857</td>
<td>5,382</td>
<td>3</td>
<td>-</td>
<td>348</td>
<td>132</td>
<td>483</td>
</tr>
</tbody>
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\textsuperscript{156} It should be mentioned that some Liberian refugees and Israeli human rights lawyers disagreed with the 2006 decision to terminate the group protection (Izenberg, 2007).

\textsuperscript{157} I treat the year 2007 as a watershed because there were significant policy changes in the following two years. First, the year 2008 saw the surge of African refugee number, with 6,281 pending cases in the beginning of the year. Secondly, the RSD procedure was transferred from the UNHCR Israeli office to the Interior Ministry’s RSD unit in July 2009, which is very likely to influence the RSD results, according to various NGO reports and scholarly research (ARDC, 2010).

\textsuperscript{158} Source: UNHCR Population Statistics, accessible online at: http://popstats.unhcr.org/en/asylum_seekers. Only the statistics up until 2014 is available on this database.
The sudden and rapid inflow of asylum seekers in the mid-2000s exposed the fragility and ineffectiveness of the institutional infrastructure. On December 30th 2005, Egyptian policemen killed at least 20 Sudanese during a crackdown on asylum seekers at Cairo’s Mustafa Mahmud Square (Whitaker, 2005), pushing many asylum seekers in Egypt to cross the Sinai border to enter Israel.\(^{159}\) As a result, the number of African asylum seekers in Israel increased from a few hundreds annually to nearly 1,000 applicants in 2004 and 1,348 in 2006, before skyrocketing to 5,382 in 2007 (UNHCR Population Statistics). The UNHCR office was unable to conduct interviews and instead could only register the applicants (Harel, 2015a; Liling, 2015). Between 2006 and 2007, only around 22.4 percent of the applicants received decisions from the UNHCR. This is compared to the 93.4 percent decision rate between 2000 and 2005 (8,206 received decisions out of 8,790 applicants). Only eight asylum seekers were recognized by the UNHCR as refugees during these two years.\(^{160}\) Border crossers caught by IDF soldiers were detained at the prison at Israel’s southern border.\(^{161}\) After the health checkup and security clearance, asylum seekers caught at the southern border were released and given a one-way bus

\(^{159}\) Also, the increasing professionalization of Bedouin smugglers in the Negev provides the trip service to potential African migrants, although torture, abuses, crimes and the prohibitive price were prevalent (Amnesty International, 2013; Furst-Nichols & Jacobsen, 2011; Harel, 2015a; Humphris, 2013; Jacobsen et al., 2013; Van Reisen et al., 2012).

\(^{160}\) One of them was from Sudan, while the rest include asylum seekers from the Democratic Republic of Congo (2), Ethiopia (2), Iraq (1), Liberia (1) and Turkey (1) (UNHCR Population Statistics; also see Table 4.1).

\(^{161}\) Before the completion of the Holot detention facility in 2013, new arrivals were sent to the Saharonim and Ktziot prisons at the southern border. As the number grew rapidly daily, they soon became incapable of keeping all new arrivals.
ticket to the destination in Israel of their own choice. The new arrivals often followed the footsteps of their predecessors and traveled to African concentrated localities such as Eilat, Arad and south Tel Aviv (Golan, 2015; Harel, 2015a).

As the bulk of newly arrived Africans congregated in some poverty-ridden neighborhoods in south Tel Aviv, residents formed anti-asylum-seeker groups and organized protests, demonstrations and pressured Knesset members. Confrontations between residents, asylum seekers and refuge activists intensified in south Tel Aviv, where many refugee NGOs and aid agencies are based and many Africans settled (Duman, 2015; Yacobi, 2011). Refugee activists resorted to Jewish moral obligations, the justification that the Israeli government adopted when absorbing groups of refugees during previous decades. Only this time there was a more substantial debate about the moral lessons from the Holocaust between ethno-nationalists and liberal democrats, while international norms became more sidelined in the debates.

Those who viewed African asylum seekers as criminals162 and a national security threat reinforced the ethno-nationalist rhetoric in their rhetoric and legislative attempts. They worried that “[t]he infiltration of the refugees via the Egyptian border is first and foremost a security risk for Israel…The routes of entry to Israel of the infiltrators are well known to terror groups across the border. Since they are unsuccessful at executing terror attacks via the Gaza Strip, they try to send terrorists into Israel from Rafah into Sinai and into Israel, and are liable to exploit the phenomenon of migration from Africa” (Wurgaft, 2011). Many officials complained publically about “… millions … who, God forbid, might be murdered” (Nesher, 2012) and that “[i]t is not safe [for our children and young women] to walk the streets. We’re the real victims here and not

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162 There were indeed crimes conducted by African migrants. These incidents, though actual numbers unknown, caused public fear and generated reactions (Rubin, 2012; Senyor, 2012; Zino, 2015). Small businessmen in south Tel Aviv complained about incidents where their shops were attacked by Africans (Golan, 2015). Residents and activists also described new clashes of cultures where African refugees living style and rituals shocked their Israeli neighbors (Golan, 2015; Lavi, 2015).
the so-called refugees; our streets have become slums” (IRIN, 2012). Eilat Deputy Mayor Oleg Chernomorets said, “They have a lot of infectious diseases and crime, and aside from that, they are also Muslims. It is most certainly not the healthy segment of the population” (Wurgaft, 2011). A south Tel Aviv resident and leader of an anti-refugee organization, May Golan, said:

“...There is no population stronger than [African infiltrators] in south Tel Aviv. They are organized, they are funded, they are supported by left-wing groups. The neighborhood residents look through their peepholes and think twice about going down to buy milk after 5:30 [pm]. But them? Who has anything on them? They open restaurants, pubs, limousine services, [and] bridal salons... [T]hese are refugees? They send hundreds of dollars to their families every month so they can buy land and build homes” (Glazer, 2014).

In 2010, a group of 25 rabbis supported a petition to not rent properties to the Africans because they “[came] from various countries arrived here and are harassing our girls” and that local residents should “help maintain Tel Aviv's Jewish character” (Zitun, 2010).

Those who advocated for restrictive measures pushed for the ethno-nationalist understanding of Israel’s Jewish identity and focused on the Jewish moral obligation toward “the poor of your neighborhood.” Many of these activists were cautious to not renounce a sense of compassion. While they cared about preserving the Jewish majority in the Jewish state and felt threatened by the rapid inflow of non-Jews, they argued that there needs to be a boundary that strikes a balance between humanitarianism and proportionality, without sacrificing Israel’s Jewish characteristics and interests. Most of these actors voiced at least some degree of compassion toward the refugees. For instance, Rabbi Ariel Bareli, a member of a far-right religious party Tkuma, held workshops to teach about Jewish moral obligations toward refugees based on the Jewish law. But he also warned how Africans in south Tel Aviv have made the city “lose its identity” (Netubitz-Koschitzky, 2014). Adi Arbel, a staff member of the Institute for Zionist Strategies who believes Israel is a country for Jews, not only coordinated fifteen NGOs across the political spectrum to pursue a durable solution for Israel’s refugee problem, but also insisted that Israel “cannot solve the problem of Africa,” especially because unlike France or the
US, Israel maintains the ethos of building a Jewish state and that “[the presence of Africans] challenges [the notion of] a Jewish sate” (Arbel, 2015). During our interview, Arbel distanced his organization from the anti-asylum-seeker groups that completely forgo compassion, describing their activists as “too extreme” (Arbel, 2015). The organization Arbel referred to, the Hebrew Society, also tried to refute its infamous image as a racist, xenophobic movement. For example, in the organization’s monthly magazine, it showcased photos and stories about Filipino workers to testify its close connections with the migrant worker community in south Tel Aviv (Golan, 2015).

Refugee rights activists present a liberal democratic understanding of Israel’s Jewish identity and have decorated their humanitarian campaigns with a layer of Jewish moral obligations toward refugees and asylum seekers. They cite well-known Torah passages such as “thou shalt love [the stranger] as thyself” (Ben-Dor & Adut, 2003, p. 11) and the lesson of to never be a passive bystanders to the Holocaust. One of my interviewees pointed out that it is easier for Jewish Israelis to resonate with Jewish texts and the Holocaust than with the language of international law and the Geneva Convention (Liling, 2015). Comparing the refugees’ suffering to the historical persecution that Jewish diaspora encountered, the activists reminded Jews that they should never be a passive bystander toward those whose life and security are in jeopardy, as the Holocaust endowed a special moral obligation upon the Jews toward strangers in distress. At a 2010 rally, Hadash Knesset member Dov Khenin famously said, “the Jews were refugees themselves – how quickly we forgot our history” (Lior, 2010). In 2013, three hundred Holocaust scholars and Jewish figures signed the Evian Declaration, calling for world attention to the African refugee issue and asking the international society to once again allowing episodes similar to the Holocaust to occur (Klar et al., 2013). In the counter messages of liberal
democrats, NGO and migrant rights activists were also concerned about “losing Israel’s Jewish and national identity” by deporting and detaining refugees, as they deemed democracy and Jewishness both critical elements of Israel’s national characteristics. Left-wing Knesset members argued that Israel needs to maintain its commitment to democracy and the image as a democratic state (Morag, 2015; Scission, 2014). Liberal democrats repackaged the nationalist narratives with a liberal democratic approach to their mobilization.

The ethno-nationalist rhetoric became empowered in legislative attempts, especially since the Netanyahu government came to power in 2009\(^\text{163}\) and the increasing Islamic insurgency in Sinai after former Egyptian President Hosni Mubarak was deposed. In May 2011, in his letter to Defense Minister Ehud Barak, Eilat mayor Meir Yitzhak Halevi wrote, “Today it's illegal aliens, tomorrow it's going to be terrorists sent by Islamic movements. I plead with you once again – don't abandon the residents of my city” (Mamos, 2011). Several months later, during a visit to the construction of the southern fence in September 2011, Netanyahu said:

> “Today the priorities [of building the fence] changed, and now the project is first intended to stop terrorists and also, of course, infiltrators, and that necessitates some changes... In order for it to remain a peaceful border, we need to strengthen security. In order to strengthen security, we need to strengthen the fence and speed up its completion” (Keinon, 2011).

Several Likud Knesset members also proposed revising the 1954 Prohibition of Infiltration Law, whose terminology became the major official framing of the African asylum seekers (Berman, 2012; Kaufman, 2013; Sabar & Tsurkov, 2015; Shani et al., 2014).\(^\text{164}\)

Even the Justices of the Israeli High Court, an institution often championed as the beacon of democratic forces to counter ethnocentric nationalist sentiments in the country, seemed reluctant to challenge Israel’s Jewish identity. When ruling on cases regarding the conflicts

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\(^{163}\) In contrast, high-level officials in the security establishment grew frustrated over the government’s inaction toward the increasing number of illegal-border crossing during the mid-2000s (Katzir, 2015).

\(^{164}\) Currently, the Anti-Infiltration Law amendment is at its fourth edition. All three government attempts of revising the Anti-Infiltration Law were either fully or partially struck down by the High Court; see, for examples, Hovel, 2014; Lior, 2015a.
between Judaism and liberalism, the Court has been instrumental in upholding liberal values without crossing the line to question Israel’s Jewish identity (see, for example, Barak-Eretz, 2007). Legal scholar Aharon Barak, whose tenure as the Chief Justice between 1995 and 2006 was key to the empowerment of the Court, also attempted to reconcile the notion of the Jewish state and Israel’s democratic characteristic (Mautner, 2011, pp. 44-52). Thus, even in the rulings where the justices upheld the constitutional rights of asylum seekers, they expressed opinions that were attentive to the state’s claim of Israel’s national interests by employing the language and assumptions of the state, calling the African asylum seekers “infiltrators” or “economic migrants” (Cohen, 2015, pp. 64-65). At the same time, justices showed awareness toward the unique historical context of the Jewish state. Various High Court decisions referenced the Holocaust and the Jewish law, which endowed the Jewish state the commandment of being compassionate toward strangers (Cohen, 2015, pp. 63-67). It manifests the “two polarities” inherent in Jewish history and the tension between them (Cohen, 2015, p. 66; Kalir, 2015): a moral command to love strangers on one end and the need to prioritize the poor in your own neighborhood on the other.

The result of Israel’s refugee debate has been constant policy flip-flops in response to the pressure from liberal democrats. Although the government has persistently adopted measures to restrict the potential of seeking asylum, moral shaming has pressured the government into backtracking on several decisions. For instance, former Prime Minister Ehud Olmert’s government was the first to tighten border control and to adopt harsh measures toward asylum seekers. His government oversaw the transition of the RSD process from the UNHCR to a special unit under the Population and Immigration Authority in 2007, which became known for its non-responsiveness and interrogation-style interviews aimed at catching any incoherence in
the narratives of the interviewees (Shani et al., 2014). The recognition rate plunged after this transition. In 2010, there were only 17 decisions made out of 4,114 pending from previous year and 1,448 new applicants (Harel, 2015b). Media and NGO reports revealed several incidents between 2007 and 2008 of IDF soldiers returning border crossers to Egypt at the border, detention without trial or seeing a lawyer, and the lack of rights for refugees and asylum seekers (Kershner, 2015; Lynfield, 2007). Yet, his government issued an amnesty to 498 Darfurians in 2008 to allow them to remain in Israel, after NGO campaigns that included Olmert’s wife, Aliza Olmert’s open support.

Olmert’s successor Benjamin Netanyahu has been even more active in restricting the rights of asylum seekers. Since 2009, Netanyahu’s Likud-led coalition government took a firmer, ethno-nationalist stance toward African asylum seekers. In 2009, the government established a special immigration unit to be in charge of arresting, detaining and deporting illegal immigrants. Since deporting many African migrants risked violating Israel’s obligation toward the refugee convention, the Ministry of the Interior encouraged voluntary departures with a free flight ticket and USD $3,500 travel fund per person (Mommers, 2015; Sabar & Tsurkov, 2015; Ynet, 2015). The majority of the male asylum seekers remaining in Israel were sent into the

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165 NGO reports dubbed these incidents as “hot return,” which the Israeli government later claimed to be “coordinated prompt return” (Kritzman-Amir & Spijkerboer, 2015, p. 113). For analysis on the legality of Israel’s treatment toward illegal border-crossers at the southern border, see, Kritzman-Amir & Spijkerboer, 2015. An important piece of background information to the hot return is the agreement between Olmert and Egyptian President Hosni Mubarak in 2007 on returning border crossers back to Egypt. The cases of hot return revealed by NGO reports notwithstanding, the refugees I interviewed displayed positive impressions toward IDF soldiers at the border. They described themselves being “picked up” by friendly Israeli soldiers, who gave them water and treated them with decency (Abaker, 2014; Adam, 2014; Barak, 2014; Keeso, 2014; Mengisteab, 2015; Mesghenna, 2015). One refugee quoted the Arabic greeting from an Israeli soldier whose first sentences to him and fellow refugees at the border was, “welcome to Israel! Don’t be afraid. You’re safe now” (Abdulaye, 2014).

166 The Oz Unit was under the Interior Ministry’s Population Administration to replace the Immigration Police and included 200 inspectors whose main duty is to actively search illegal immigrants.

167 Media reports began revealing in early 2015 that the Israeli government reached “secret deals” with Rwanda and Uganda for African refugees who agree to leave the country voluntarily. Between 2013 and 2014, PIBA documented 9,026 voluntary departures of the asylum seekers, without specifying their destinations. For official numbers regarding voluntary return, see Table 1 in Appendix A. Another route of departure is through family reunification.
detention facility\textsuperscript{168} at Israel’s southern border (Blaff, 2008; Lior, 2015b). Last but not least, the government constructed a 245-km border fence at the Israeli-Egyptian border. Nonetheless, on June 23, 2016, Aryeh Dery, the Minister of the Interior of the ultra-orthodox Shas party, in a long awaited decision, granted refugee status to Mutasim Ali,\textsuperscript{169} the first and so far the only Darfurian to have received such status in Israel. In June 2017, Netanyahu and Dery approved a decision to grant temporary residency to 200 asylum seekers from the Darfur region (Lior, 2017).\textsuperscript{170}

What highlights these policy flip-flops is the debate on one question surrounding Israel’s national identity: what does the Jewish identity stand for and how should Jews behave accordingly? Both sides claimed they are maintaining Israel’s Jewish characteristics. To liberal democrats, if Israel turns away from those who seek refuge, it is as if the government was forgetting the Jewish people’s exile and persecuted past. To ethno-nationalists, the existence of non-Jews in the Jewish state defeats the whole notion of building a Jewish state. Both accused each other of betraying the moral standard of Israel’s Jewish identity. An even more surprising development was the backpedaling on Syrian refugees in early 2017.\textsuperscript{171} Since the outbreak of the Syrian civil war in 2011, Israel has concentrated on medical and financial assistance to displaced and injured Syrian civilians, unlike many other OECD countries that have accepted 252,270 resettled Syrian refugees up till February 2017 (UNHCR, 2017). Despite facing domestic and

\textsuperscript{168} The construction of Holot detention facility, placed under the jurisdiction of Israeli Prison Service, was completed in December 2013, about the same time as the southern border fence. Only male African migrants summoned by the Interior Ministry were sent to the facility. It is called an “open detention center” for the reason that detainees can leave the facility during the day, between 6am and 9pm.

\textsuperscript{169} Ali entered Israel in 2009 through the Egyptian border and had attempted to file asylum applications since 2010 (Lior, 2016).

\textsuperscript{170} So far, the government has remained vague about the actual plan.

\textsuperscript{171} A new wave of asylum seekers from Georgia and Ukraine took place since 2016, as a result of the regional instability since the Crimea crisis in 2014 (Lior, 2016).
international criticisms, the Netanyahu government has insisted that Israel lacked “demographic and geographic depth” to receive Syrian refugees, because Syria is one of the “enemy states” of the Israeli government. In debates about Syrian refugees, opposition politicians, such as the Zionist Union leader Issac Herzog, stressed the Jewish state’s special obligation toward refugees by saying, “Jews cannot remain indifferent when hundreds of thousands of refugees are seeking safe harbor… Our people experienced firsthand the silence of the world [during the Holocaust]...” (Kershner, 2015). Private Israeli organizations providing humanitarian aid to Syrian refugees, such as Amaliah, also referenced the theme of the Holocaust in their campaign. For years, Israeli civil society organizations and hospitals in the north have provided material and medical assistance to Syrian civilians (Kershner, 2014; Maltz, 2017). But the government’s reluctance saw a breakthrough in early 2017, when the Minister of the Interior, Aryeh Deri of the ultra-orthodox Shas party, announced that Israel would take in 100 Syrian orphans. Although the plan has been halted, the fleeting good will behind it suggests that the Jewish state’s moral obligation toward refugees is not completely absent in the considerations of policymakers. As reluctant as many politicians might be to receive refugees from an enemy state, the discussion about the issue has constantly been made possible from a moral point of view.

4.3.3 Who We Are?

The presence of non-Jewish migrants in Israel held a mirror up to Jewish Israelis and their government, forcing them into a process of soul searching about Jewish morals. The struggle between ethno-nationalists and liberal democrats turned the issue of non-Jewish migrants into a debate surrounding Israel’s Jewish identity: how should we properly treat non-Jews among us? To liberal democrats, protecting the rights of migrant workers and asylum
seekers is the proper Jewish deed in accord with the Jewish teaching of not mistreating strangers. As much as most Jewish Israelis buy into the ethno-nationalist story preached by the state and founding elites, this story does not give them a license to mistreat non-Jews. The state’s failure to treat asylum seekers properly vexed liberal democrats, who deemed the policy outcome as a failure to live up to Jewish moral standards. In the eyes of many liberal democrats, to maintain Israel’s Jewish identity entails living up to the Jewish morals that go beyond legal obligations and liberal values. Jewish texts and historical events such as the Holocaust inform Jews of the moral standards.

But the same Jewish texts and historical memory reminded ethno-nationalists that the world is a dangerous place for Jews and that non-Jews are a threat to Israel’s demographic and social fabric. To ethno-nationalists, the primary moral obligation of the Jewish state is the one toward its Jewish population. Nevertheless, the existence of non-Jews might be either instrumental or unavoidable, as the presence of migrant workers and asylum seekers show. The question then became which non-Jewish group is less fit than others to remain in the Jewish state. This section reveals that the threat levels of non-Jews indeed vary. Since 1968, the state has treated Palestinians as both a threat to national security and an inevitable reality in the Jewish state. To make their existence somewhat instrumental and appease the distress due to the occupation, the state has recruited Palestinians to work in Israel. The first Palestinian uprising underlined the image of Palestinians as a national security threat, prompting the Israeli government to legalize the foreign worker program as an additional leverage to relieve the problem due to the vicissitudes of Palestinian worker supply. Although both Palestinian and foreign workers constitute a symbolic threat to the Jewish state, the former is a threat that the government needs to contain while the latter is a tool to help contain the former. Meanwhile, the
way in which non-Jewish groups are perceived as a threat to the Jewish state could change over time. The temporal difference is obvious in the case of African asylum seekers. Once their number grew and they congregated in several urban areas, many citizens and politicians began to view them as a serious threat to the demographic and cultural landscape of these neighborhoods.

Underneath a different debate on migrant workers and asylum seekers laid the ethnic divides among Jewish Israelis, especially in migrant-concentrated urban areas. In several migrant ghettos in south Tel Aviv, many residents and anti-asylum-seeker activists perceived the migrant rights activists (most of whom are of Ashkenazim descent) as people who come to their neighborhoods advocating for migrant rights during the day and return to their polished bourgeois areas at night. As much as liberal democrats showed empathy toward south Tel Aviv residents over their daily urban problems, they often depicted ethno-nationalist anti-refugee activists (most of whom are described as of non-European descent) as a less advantaged group whose non-democratic and illiberal position on the refugee issue is backward and parochial.

4.4 Chapter Conclusion: Crafting Immigrants in Israel – 1989-2016

In this chapter, I examine the politics of Israel’s immigration policies toward non-Jewish migrants through the lens of who we are and who can join us. The examination reaffirms the dominance of the ethno-nationalist identity emanating from the hegemonic state’s legacy. This outlook has prompted a serious scrutiny on every non-Jewish group and conjectures about outsiders, portraying them as a threat to Israel’s social fabric or national security. In principle, all non-Jewish migrant groups are unfit to join the Jewish state, be they family members of Jews, Palestinian spouses of Israeli citizens, Palestinian workers, foreign workers and their children or refugees. When the numbers of non-Jewish spouses increased rapidly during the 1990s, their
arrival was viewed as a cultural and demographic invasion. Even though the state reluctantly took in these immigrants, various actors have set up programs of acculturation and conversion to address the issue of their questionable Jewishness and belonging.

But my examination shows that policymakers selectively deployed the policy narrative to sift out non-Jewish migrants. For instance, the Israeli security establishment has quite consistently supported the issuance of work permits to Palestinians, excluding periods of Palestinian uprisings. The policy suggests somewhat incoherent views among Jewish Israeli policymakers about how to neutralize the national security threat from Palestinians. Even though Palestinians are ineligible to join the Jewish state, the strategic concerns among some security officials have made their temporary presence not only tolerable but also necessary. The same logic applies to the recruitment of foreign workers, which subsequently led to the contestation over their children. The case of foreign worker children suggests that Israel’s ethno-national identity outlook is subject to competing interpretations about who we are. The liberal democratic campaign for these children banked on the widely known “thou shalt not oppress a stranger” to promote the moral connotation of Jewish identity. As clichéd as the text might appear, it proved effective in several amnesty decisions for these children and their families. Yet we do have reasons to believe that these rare ad hoc decisions were nothing but fleeting phenomenon, especially considering the currently ongoing controversy over African asylum seekers.

Still, we witness a gap between groups holding ethno-nationalist versus liberal democratic views regarding Israel’s Jewish identity. The outcome supports the ambivalence Rogers Smith (2002) observed in contemporary national myths; it shows that an ethnocentric story of peoplehood cannot ignore the moral question pertaining to non-co-ethnic others, at least not in our time. Thus, while the ethno-nationalist view derived from the Jewish hegemonic state
provides the ideological framework for Israeli national identity, it leaves space for the competing reinterpretations developed by liberal democrats. Although the ethno-nationalist view still guides the recruitment of Jewish immigrants and prevents the long-term settlement of non-Jews, it cannot neglect the pressure from the liberal democratic camp. The moral questions raised by liberal democrats have on occasion empowered the liberal democratic cause, leading to court rulings and government decisions that allowed some non-Jewish migrants to remain in Israel. The result echoes Yael Tamir’s (1993) idea about liberal nationalism, which suggested that ethnic nationalism can sometimes accommodate humanitarianism and compassion toward non-co-ethnic out-groups and foreigners. The hegemonic transition through political liberalization during the previous decades, which is mentioned in section 3.4, planted the seeds for the emergence of liberal democratic ideas and the debates discussed in this chapter.

The lack of Arab and Palestinian voices on the issue of non-Jewish migrants in Israel substantiates the centrality of the Jewish identity in the contestation. Arab Knesset member Ahmed Tibi once said, “Israel is indeed a Jewish democratic state: it is democratic for Jews and Jewish for all the rest” (Sheizaf, 2012). Echoing Ahmed Tibi’s statement, during the course of research, I found scant participation of Arab Israeli citizens and Palestinians in the recent debates over non-Jewish immigrants. Arab religious groups and societal organizations did not seem to be too interested in the foreign workers or refugees, many of whom are likely to be competitors with Palestinians over employment opportunities in Israel. Perhaps the fact that the ideas of Jewish identity dominated the debate on non-Jewish migrants left little room for non-Jewish

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172 Yael Tamir’s (1993) idea of liberal nationalism provides a theoretical base to understand that nationalism has a potential for inclusion toward non-members of a political community.

173 It should be noted that institutional and other constraints could hamper their participation in such debates. The few exceptions can be found amongst several Arab Knesset Members, including Dov Hanin and Aida Touma-Suleiman. Both were identified by NGO and Knesset staffs I interviewed as reliable allies in various non-Jewish migrant issues, such as refugee and women’s rights (Daton, 2015; Morag, 2015). In addition, Issawi Frej of the Meretz Party also participated in sponsoring a draft refugee bill in 2013.
residents to become part of the conversation. This chapter shows that the non-Jewish migrant issue has been framed more like a Jewish problem, rather than an Israeli problem. The framing of the issues centered on how Jewish Israelis can properly guard the country’s Jewish character, either through humanitarian treatment toward non-Jews or through maintaining a Jewish majority in the demographic and cultural sense. It thus highlighted the ambivalence of Israel’s Jewish identity, as a result of the ambitious nation-building project envisioned back in the early 20th century.

The current Israeli immigration politics toward non-Jewish migrants reflects competing attempts to redefine who we are and who can join us. This time, ethno-nationalists could no longer monopolize the identity narratives, because liberal democrats have become more empowered after decades of political liberalization. In this task of crafting immigrants, ethno-nationalists and liberal democrats competed to redefine the proper boundary between citizens and immigrants and among different non-Jewish immigrant groups. What sometimes united the two sides is a consensus over Israel’s Jewish identity whenever properly framed, like the campaign for the children of foreign workers shows. What often divided the two sides is the disagreement about how to accommodate liberal and democratic principles under an ethnocentric national identity. The divide prompted the two sides to probe their disagreement on the questions of who can join us and who we are, which shaped the policy outcomes. The Israeli case shows a path of post-hegemonic immigration debate, which makes us to wonder whether there might be variation to post-hegemonic immigration debate and if so, what the different causal paths are. To find out, I compare Israel with Taiwan and South Africa, to which chapter five will now turn.
Chapter 5 Crafting Citizens and Immigrants upon the Legacies of Hegemonic Ethnic State: Comparing Israel with Taiwan and South Africa

5.1 Chapter Introduction

This chapter compares Israel with Taiwan and South Africa. The comparisons aim to show the diverging paths of the consolidation, contestation and decline of the dominant ethnocentric national identity. The paths redefined who we are and who can join us, crafted the ideas of citizens and immigrants, redrew the boundaries between citizens and immigrants and shaped the policy outcomes. In Taiwan, the shift toward a Taiwan-centric national identity that recognizes the island’s immigration history and multicultural reality gave rise to an identity narrative more inclusive toward its diverse social and immigrant groups. Meanwhile, this so-called “new Taiwanese identity” has centered around the island’s Minnan culture and language. In this sense, Taiwan is similar to Israel in that a hegemonic identity is still present in both cases. While Israel’s Jewish hegemonic identity became adaptive and survived the process of political liberalization, a new Taiwan-centric identity emerged to replace the China-centric identity in Taiwan. In both cases, the presence of such a dominant identity has provided an overarching framework of their current immigration debate. Yet unlike Israel, Taiwan’s post-hegemonic identity has allowed more space for non-co-ethnics to assimilate through language and cultural acquisition.

In post-apartheid South Africa, a civic national identity emerged and replaced the previously white-dominant hegemonic identity. But the post-apartheid government decided to

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174 On historical accounts in sections 5.2.1 and 5.3.1 of each secondary case, I consulted secondary sources on immigration history of South Africa and Taiwan. On current immigration debates and policymaking in sections 5.2.2 and 5.3.2, I relied on secondary sources and some primary sources, including government statistics and reports published by the countries’ immigration agencies, NGOs and INGOs.
downplay the division along racial lines, for the sake of the much-needed reconciliation between
the white minority and oppressed black majority. The other strategy that the ruling elite adopted
was to promise economic prosperity for all citizens. The failure of fulfilling such promise and
large numbers of illegal immigrants ended up strengthening the division between citizens and
noncitizens, making the latter the scapegoat for the country’s socioeconomic problems. A
commonality that stands out in the comparison between Israel and South Africa is the strong
anti-immigration sentiment and mobilization in both cases with varying degrees. But unlike in
Israel where the Jewish hegemonic identity survived the pressure to change, the ruling elites tried
to uproot the ethno-nationalist national identity discourse in post-apartheid South Africa. The
primary lesson from the comparison between Israel and South Africa, as I will elaborate in
section 5.3, is the current government’s lack of willingness or capacity to address past wrongs
created under previous hegemonic rule.

5.2 Crafting Citizens and Immigrants in Taiwan

This section compares Israel with Taiwan. Similar to the Israeli case, a hegemonic state
ruled over Taiwan for much of the Cold-War period. But in Taiwan, it was a linguistic minority
fled the Chinese Civil War that established the island’s postwar hegemonic state. This state
relied on authoritarian rule to impose a China-centric identity on the island’s predominantly
Minnan population. Since the 1970s, the diplomatic isolation of Taiwan’s hegemonic regime not
only sped up its demise but also fueled the development of a Taiwanese identity independent
from Mainland China. Eventually, democratization and a series of elite-led reforms during the
1980s and 1990s brought down the hegemonic state and replaced its China-centric identity
discourse with a new identity. This “new Taiwanese identity” distinguishes itself from Mainland
China and centers on the love for the island. In its ideal form, this so-called “new Taiwanese identity” promotes multiculturalism and aims to unite different cultural and linguistic groups on the island. But in reality, the new Taiwanese identity helps justify discriminatory treatments of Chinese immigrants, currently the largest immigrant group in Taiwan. Contrary to Israel where ethno-nationalists and liberal democrats disagree on the connotation of the country’s Jewish identity, Taiwan’s current immigration debate has resulted in a rather inclusive tone toward spousal immigrants, with the exception of Chinese immigrants.

5.2.1 Crafting Citizens

The descendants of Han Chinese immigrants constituted the majority of Taiwan’s population, just as Jewish immigrants and their descendants changed the demographics of today’s Israel. But as an isolated island adjacent to a continental power like Mainland China, Taiwan’s immigration pattern was heavily shaped by regional geopolitics and the national interests of Mainland China’s rulers for centuries. Before the late 19th century, most Chinese emperors were disinterested toward the island. The Dutch East India Company and Spanish and Portuguese settlers only briefly occupied scattered territories on the island between the 16th and 17th centuries. Between 1381 and 1699, Chinese rulers restricted a variety of maritime activities on China’s southeast coast, including emigration, foreign trade and even the construction of vessels. Against these bans, many Han Chinese from China’s southeastern coastal provinces of Fujian and Guangdong (the majority of whom spoke either the Minnan or the Hakka dialects)

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175The few exceptions included seven official overseas voyages aimed at foreign tribute in the early 15th century under the Ming Dynasty (Dreyer, 2007).
immigrated illegally to Taiwan in order to escape poverty.\footnote{The more recognizable Han Chinese immigration began under the Dutch rule between 1624 and 1662, when the Dutch East India Company actively recruited Han Chinese for agriculture, hunting and trade (Andrade, 2008, pp. 115-132).} When the Qing Dynasty officially and reluctantly (Andrade, 2008, pp. 260-261) took over the island in 1684, it summoned all unmarried and unemployed Han Chinese bachelors in Taiwan back to Mainland China. Those who had the permission to visit or migrate to Taiwan were not allowed to bring family members. The Qing Dynasty also prohibited intermarriage between Han Chinese and aboriginals on the island. But like previous centuries, unauthorized migration to Taiwan continued under the Qing Dynasty’s rule despite these policies (Tai, 2007). The immigration ban was lifted in 1874 (Croizer, 1977; Jiang, 1960 [1704], pp. 244, 258), followed by a policy that upgraded Taiwan to one of China’s provinces in 1887. Thereafter, the Qing government began the unprecedented attempts to modernize and assimilate the island’s aboriginal tribes (Roy, 2003, pp. 25-26). But such attempts were cut short at the end of the 1895 Sino-Japanese War, when Taiwan was ceded to Japan. Though rather short-lived, Japan’s colonial rule between 1895 and 1945 left a long-lasting cultural and political imprint on the island that changed the island’s education, socioeconomic and political systems. Through privately organized and official-sponsored immigration (Chang, 2001; Lin, 2004) as well as the modernization of agricultural and public infrastructure (Ching, 2001, pp. 92-97, 113-25), the population increased rapidly under the Japanese rule.\footnote{Japan’s assimilation policies did not begin until after the First World War. The Japanese Empire adopted policies to incentivize or pressure Taiwanese to acquire Japan’s language, culture and religion. During the same time period, bans on Taiwanese enrolling in Japanese-only schools and interethnic marriages were gradually lifted.}

Similar to Israel, the establishment of Taiwan’s postwar hegemonic state took place amidst mass immigration and the shifting regional geopolitical situation. After the Chinese Nationalist Party’s defeat in the Chinese Civil War against the Chinese Communist Party, two
million Chinese soldiers and civilians fled to Taiwan along with Chiang Kai-shek’s Nationalist government between the late 1940s and early 1950s.

Three elements make Taiwan’s postwar hegemonic state different from Israel’s Jewish hegemonic state during the postwar decades. First, under Chiang and his Nationalist Party, a linguistic and cultural minority controlled the hegemonic state in Taiwan. The majority of the two million soldiers and civilians that came with Chiang’s government spoke different dialects than the predominantly Minnan speakers already on the island before 1945. The cultural shock of the Minnan speakers toward their Chinese rulers began in 1945, after Taiwan’s retrocession to China. Taiwanese residents soon found the Chinese soldiers from their “motherland” culturally backward. After the uneasy transition between 1945 and 1947, waves of civil unrest broke out between late February and early March in 1947, to which the authorities responded by arresting and killing a large number of indigenous civilians.\footnote{Historians often attributed the tumultuous period to the result of the cultural gap between Taiwanese residents and Chinese soldiers.} But in the following decades, the Nationalist Party ruling elites came to realize that as a minority hegemon, they could not rely only on repression to rule. Thus, the Taiwanese hegemonic state’s control mechanisms blended coercion with co-optation. Unlike Israel’s majority hegemonic state that discouraged the integration of indigenous minorities, Taiwan’s hegemonic state relied heavily on the assimilation of the majority population and co-optation of indigenous elites.

Secondly, the Chiang government embarked on a political campaign of Chinese cultural renaissance in Taiwan, as a part of his anti-Chinese Communist Party propaganda. The government actively promoted Mandarin Chinese and Chinese cultural consciousness through the education system and state-controlled media. In 1973, the Ministry of Education banned all dialects at public schools, even though 92 percent of the Taiwanese residents spoke dialects at
home (mostly Minnan). As a part of the Chinese cultural renaissance project, Chiang’s hegemonic state downplayed the island’s immigration history and emphasized the island’s inseparable connection to Mainland China, for fear that the legitimacy of his regime would be challenged. Hence, immigration was not a part of the hegemonic state’s identity narrative.

Thirdly, Chiang’s authoritarian rule kept the island largely closed to the world. For almost four decades, the regimes on both sides prohibited population movement between the island and Mainland China and labeled it as treason. Chiang’s government also restricted emigration and only allowed limited opportunities for citizens to travel abroad for studies or work, citing the reason of unresolved conflicts between the Communist Party and Nationalist Party. Meanwhile, the state actively encouraged overseas Chinese to immigrate to the island. It tried to attract investors, students and highly skilled talents of Chinese descents from abroad with special treatments, such as lower interest rates, scholarships and employment opportunities. Most of these policies and their legacies persist to today. In the end, The Nationalist Party’s attempts to lure overseas Chinese did not lead to the outcome as successful as Israel’s recruitment of Jewish immigrants.

Like the Jewish hegemonic state in Israel, the rule of Taiwan’s hegemonic state proved unsustainable. But two differences resulted in their different outcomes of hegemonic transition. The first concerned the geopolitical context. During the 1970s, Taiwan’s ruling Nationalist Party lost American support and its status as the sole representation of China in the United Nations. When Chiang Kai-shek’s son, Chiang Ching-kuo, came to power in 1978, Taiwan’s hegemonic state faced an international isolation. Under Chiang Ching-kuo’s leadership, the Nationalist Party

179 The government enacted a law in 1951, hoping to attract more overseas Chinese to “return” to Taiwan and invest in the economy.
180 Between 1951 and 2009, over 160,000 overseas Chinese students came to Taiwan to study, mostly at the university level (Lin et al., 2014, pp. 1, 40-41).
adopted a more inclusive and conciliatory approach toward indigenous Taiwanese elites and opposition, most of whom were the descendants of the Minnan immigrants. As a result and secondly, Chiang Ching-kuo sanctioned an increasing number of local elections and promoted Taiwanese elites in politics during the 1980s until his death in 1988. The indigenization policy under the Chiang Jr. brought a group of Minnan elites to high-ranking public offices by joining the Nationalist Party. This top-down indigenization or Taiwanization policy, along with limited political liberalization during the 1980s, paved the way for Taiwan’s democratization in the 1990s.

As a result, Taiwan’s hegemonic transition differs from Israel’s in two ways. First, unlike the divide between ethno-nationalists and liberal democrats over Israel’s Jewish identity, Taiwan’s post-democratization national identity debate has centered around the island’s political and cultural ties with China. The major divide is between the pan-blue coalition, which advocates for closer economic ties with the People’s Republic of China, and the pan-green coalition, which advocates for the island’s independence and cultural and political separation for Mainland China. In other words, the pan-blue and pan-green coalitions disagree mainly about the island’s national self-identification. Members of the pan-blue coalition are mostly the Nationalist Party elites who either prefer the status quo between Mainland China and Taiwan or wish to reinforce ties between the two political entities. Meanwhile, the Democratic Progressive Party (DPP) leads the pan-green coalition and champions an anti-Chinese identity for the island.

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181 One of the most significant political liberalization measures was the repeal of the Martial Law on July 15, 1987.
182 Concurrent with the official effort of indigenization, a group of Minnan elites formed Taiwan’s first opposition party, the Democratic Progressive Party (DPP) in 1986.
Secondly, Taiwan has not had a judicial branch as active as Israel’s. Although Justices of the Constitutional Court\(^{183}\) have cautiously wielded judicial review and adopted some progressive decisions regarding social rights (see, for example, Lin, 2014), the Constitutional Court has seemed reluctant to intervene in politics, especially in disputes regarding issues key to Taiwan’s national identity and disputed territorial boundary. Many recent findings also suggested that the opinions of the Justices have become increasingly divisive (see, for example, Hwang, 2016; Lin et al., 2017). In any event, Taiwan’s Constitutional Court has not been as involved in the island’s identity debate as Israel’s High Court. Thus, politics has played a significant role in Taiwan’s identity debate. In the late 1990s, the first Taiwan-born President, Lee Teng-hui, proposed the concept of the “new Taiwanese” identity to try to reconcile the competing views over the future of the island between the pan-blue and pan-green coalitions.

**5.2.2 Crafting Immigrants**

While the contestation of Israel’s Jewish identity generated competing interpretations of between ethno-nationalists and liberal democrats, the contestation over Taiwan’s China-centric identity imposed by the Nationalist Party led to a new, Taiwan-centric national identity. Lee Teng-hui, the first democratically elected Taiwanese President, coined the term “new Taiwanese” (Edmonson, 2002, p. 37)\(^{184}\) during the 1990s. Although Lee was a member of the Nationalist Party who managed to climb up the political ladder during the 1980s within the party

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183 Taiwan’s Constitutional Court includes 15 Justices whose tenure has an eight-year limit. The Court is the country’s apex judicial body and the last resort of civil and criminal cases. The Constitutional Court is the only court in Taiwan that has the authority to interpret the Constitution.

184 Lee first publically used to term during the 1998 campaigns for Nationalist Party candidate for the Taipei City Mayor, Ma Ying-jeou, who was born in Hong Kong and came to Taiwan with his Chinese parents in 1951 and just started learning the Minnan dialect. The concept was viewed by some as an act of political expediency in the hope that voters would overlook Ma’s mainlander background. Lee’s first proposal of the concept dated back to August 1995, when he was chosen to be the Nationalist Party’s candidate for the first direct presidential election (Corcuff, 2002, pp. 186-189).
and political systems, he proposed an ambiguous vision on Taiwan’s future to replace the China-centric identity embraced by his predecessors. According to Lee, the new Taiwanese identity recognizes the inclusivity for all residents on the island regardless of birthplace, mother tongue and the timing of immigration. Also, the new Taiwanese identity acknowledges immigration as a significant part of the island’s nation-building process, contrary to the previous hegemonic state’s attempt to disregard the island’s immigration history. In addition, Lee’s new cultural and political agendas championed the island’s cultural, ethnic and linguistic diversity among residents of Han Chinese as well as aboriginal descents. Under Lee’s presidency, Taiwan’s 1997 constitutional reform recognized multiculturalism (Chi, 2016, p. 269). Eventually, this identity not only emerged as a Taiwan-centric hegemonic identity that replaced the previous China-centric identity. During the past two and a half decades, both pan-blue and pan-green coalitions feature the slogans of “Love Taiwan” in political campaigns and rhetoric to secure votes (Jacobs & Liu, 2007, p. 388). Politicians and high-ranking elected officials also adopt such slogans to boost their legitimacy. At the same time, this new Taiwanese identity reinforced the perception of a cultural gap and diverging historical trajectories between China and Taiwan.

Similar to Israel, Taiwan has become an emerging immigration destination since the early 1990s, due to several policy adjustments and socioeconomic changes. First, as relations between the Nationalist Party and the Chinese Communist Party thawed during the late 1980s, civilian visits and work-related migration between the two sides of the strait gradually increased. Secondly, economic development and socioeconomic changes in Taiwan since the 1980s and 1990s have made it harder for many heterosexual Taiwanese men from lower socioeconomic

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185 Chun-chieh Chi (2016, pp. 277-278) pointed out that Taiwan still lacks group-based rights and the right to self-determination to minority groups, despite the constitutionalization of multiculturalism.

186 In June 1988, the Chinese government announced the Provisions of the State Council of the People’s Republic of China for Encouraging Taiwan Compatriots to Invest in the Mainland, which has since become the legal basis that allows Taiwanese citizens to establish business in Mainland China. Consequently, many Taiwanese businessmen and high-level managers moved their businesses and factories to Mainland China.
background to find Taiwanese spouses. Hence, a growing number of Taiwanese men have sought marriages with Southeast Asian and Chinese women through brokers since the late 1980s. Thirdly, illegal immigration to Taiwan began to increase since the late 1980s,\(^{187}\) when the growing labor shortage prompted many Taiwanese employers to hire foreign visitors from Southeast Asia illegally.\(^ {188}\) In 1992, the Taiwanese government legalized the employment of foreign workers in several industries, such as construction, manufacturing and caring.\(^ {189}\) As of late 2017, the island hosted 523,685 foreign spouses\(^ {190}\) and 647,651 foreign workers,\(^ {191}\) accounting for about 4.9 per cent of the total population. Taiwan’s foreign-born residents grew from 268,670 in 1996 to 730,388 in November 2017,\(^ {192}\) a 159 percent increase in twenty years (Chart 5.1).

\(^{187}\) The number of illegal immigrants reached an estimated 40,000 in 1990 (Tsay, 1992). During the 1980s, the majority of the illegal immigrants was Chinese who came to the island through waterway; for a concise history of unauthorized immigration from China to Taiwan before the 20\(^{th}\) century, see Chou, 2005, pp. 14-21 [in Chinese].

\(^{188}\) After the initiation of the foreign worker program, some foreign workers who overstayed their visas also contributed to the growing number of illegal immigrants; for the statistics on the detention and deportation of illegal immigrants between 2007 and 2015, see Table 2 in Appendix B; for the statistics on the number of foreign workers who might have violated their visa terms and overstayed, see Table 3 in Appendix C.

\(^{189}\) As China and Southeast Asian countries became popular destinations for foreign investments, many Taiwanese businessmen moved to these places too. Mainland China is especially popular among Taiwanese investors and factory owners, because of the cultural affinity and the perks that the Chinese government offers exclusively to Taiwanese capitalists. The importation of foreign workers is viewed as one of the official strategies to slow down the exodus of Taiwanese businesses (Chang, 2015).


The official and societal responses toward immigration in Taiwan have been quite different from that in Israel. Unlike in Israel, where the recruitment of Jewish immigrants and relatively high birth rates (compared to OECD countries) have supplied population growth, Taiwan faced stagnated birthrates and an aging population. The island’s birthrate dropped from 25.97/per 1,000 persons in 1976 to 15.64/per 1,000 persons in 1989 (Chart 5.2). Taiwanese policymakers were clearly aware of the demographic issues and took steps to address them since the early 1990s. For the first time, the 1992 Population Policy Guideline mentioned the importance of forming an immigration policy in addition to “keeping a reasonable population growth,” a departure from the island’s population policies during the previous three decades (Yeh, 2009, pp. 142-143).

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As in most immigration destinations, there has been growing skepticism in public opinions and media discourses toward the newcomers. However, even though the mainstream media presented negative or stereotypical portrayals of certain groups of foreign spouses, especially those from Indonesia, Vietnam (Hsia, 2007, pp. 57-60; Tsai, 2011, pp. 255-260) and China (Tsai, 2011, pp. 262-263), these reports have rarely made it to the media headlines. In addition, these discriminatory discourses have not translated into strong societal reactions, such as violence or mass demonstrations against foreigners. If violence serves as a rough indicator for the level of the so-called anti-immigration public sentiment, such sentiment has been relatively weak in Taiwan. Even in immigrant-concentrated cities and neighborhoods, anti-foreigner protest has been largely unheard of.

Most importantly, the different processes of hegemonic transformation in Israel and Taiwan set different tones for their current national identity and immigration debates. Political liberalization in Taiwan did not empower a group of liberal democrats or the judicial branch as it did in Israel. Thus, Taiwan underwent political liberalization without liberal democrats. As already mentioned, the new Taiwanese identity replaced the China-centric hegemonic identity

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(Jacobs & Liu, 2007, p. 388). Ultimately, the new Taiwanese identity not only defines *who we are* after the decline of the hegemonic state but also shapes the island’s immigration politics and determines *who can join us*. By and large, the new Taiwanese identity redefines the island as an immigration society. Thus, it endorses immigration and the diversity it brings in. Gradually, most political elites have embraced their own brands of multiculturalism under the new Taiwanese identity in response to the growing number of foreign spouses and workers in Taiwan.

But in reality, not all immigrants have enjoyed the inclusivity and multiculturalism the new Taiwanese identity claims to embrace. The top-down recognition of multiculturalism blends civic nationalism with a *Minnan*-dominated identity. Early integration policy toward foreign spouses during the 1990s embodied this *Minnan*-centric nationalism, as policies focused more on the cultural adaptation of brides from Southeast Asia. Civic programs and language courses targeting Southeast Asian spouses were often cloaked with the language of “integration.” In reality, they were measures aiming to “assimilate” these new immigrants (Wang, 2011). ¹⁹⁵ The underlying message of these programs was that foreign spouses must familiarize themselves with the *Minnan* language and culture to “become one of us.” At the same time, the inclusivity under Taiwan’s multiculturalism has always excluded foreign workers. The public can be uneasy about foreign workers gathering in public space, demonstrated in an increasing number of complaints against Muslim foreign workers’ assembling at train stations during important religious holidays, such as the celebration of the end of Ramadan.¹⁹⁶ To prevent foreign workers from gaining the advantage for naturalization application through years of residency, the 2004 Enforcement Rules

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¹⁹⁵ Other groups of foreign spouses, especially those from Western Europe or North America, have not faced similar pressure to “integrate.” Also, official efforts to prevent sham marriages have paid special attention to verifying the authenticity of marriages between Southeast Asian spouses and Taiwanese citizens (Wang, 2011, pp. 174-177).

¹⁹⁶ For instance, the government banned the gatherings between Fridays and Sundays in 2012, in response to public complaints about foreign workers occupying the space during weekends (Kao, 2012).
of the Nationality Act amendment specifically excluded the time a foreign worker’s stay in Taiwan as the residential qualification for applying for naturalization.

Bringing back immigration history into the narrative of Taiwan’s new hegemonic identity also implies the island’s cultural and national detachment from Mainland China. As a result, the new Taiwanese identity has generated a widespread skepticism toward migrants from China and deemed Chinese unfit to join, despite some cultural and linguistic similarities between Taiwanese and Chinese nationals. Thus, Chinese immigrants have been subject to discriminative policies and differential treatments. For instance, the government has resisted the pressure to recruit Chinese workers despite their cultural and linguistic affinity. In 2014, the Minister of the Council of Agriculture declared that the agency was considering the recruitment of Chinese workers for the agricultural industry (Chen, 2014). But six months later, when the Ministry presented a pilot project of importing foreign agricultural workers, it excluded the importation of Chinese workers (Shi, 2015). It may be understandable why Taiwanese policymakers refrained from inviting Chinese workers due to the tension between the two governments. But the differential treatment toward Chinese spouses, the largest migrant group among all foreign spouses in the island, seems less justifiable. Whereas the status of other foreign spouses is regulated under the Nationality Law, Chinese spouses are primarily regulated through the 1991 Act Governing Relations between the People of the Taiwan Area and the Mainland Area. Chinese spouses must fulfill a longer term of residency (six years) in order to naturalize, different from the average of four years for other foreign spouses. Although such differential

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197 The status of spouses from Hong Kong and Macau are primarily regulated by the 1997 Rules of Governing Permits for People from Hong Kong and Macau Setting up Residence or Permanent Residence in Taiwan.
198 Chinese spouses can apply for long-term residency after four years, as opposed to the five-year waiting period for other foreign spouses. According to Article 9 of the Nationality Act, after acquiring Taiwanese citizenship, all foreigners need to relinquish their original citizenship. After naturalization, Chinese spouses need to relinquish their “household registration” (hukou) record in Mainland China, but not Chinese citizenship, allowing them to maintain dual citizenship. In June 2016, the Internal Affairs Committee of the Legislative Yuan passed the first reading of a
treatment is partially a product of the unresolved political situation between China and Taiwan, attempts to reform have proven more challenging than reform efforts regarding other groups of foreign spouses.

In this way, the new Taiwanese identity has often crowded out the idea of human rights and democratic values that Taiwan’s current government claims to embrace. Despite democratization during the 1990s, we observe no group of rights-minded liberal democrats in Taiwan as in Israel. Three examples support this observation. First, rights advocacy for migrants in Taiwan has been relatively weak. I mentioned in the previous chapter that bilateral agreements have gradually replaced manpower agencies in Israel since 2011, partially as a result of the right advocacy of NGOs. In contrast, the reform attempt to lower the recruitment fees collected by brokerage agencies in Taiwan has been challenging. One such attempt made the news in June 2016, when legislator Lin Shu-fen released a “no suicide statement,” claiming that she received threats because of her support for the amendment. If passed, the amendment would make manpower agencies unable to collect a fee when a worker reenters Taiwan every three years.  

The second example where the new Taiwanese identity overshadowed human rights concern is the asylum applications of Tibetans and Chinese dissidents. Since 2003, the government and several legislators have been drafting a refugee law based on the 1951 UN Refugee Convention.

The Legislative Yuan rectified the 1951 UN Refugee Convention on January 31, 2007. Aside from humanitarian concerns, it can also be argued that such effort is partially a result of foreign policy concern, namely, as an attempt to boost Taiwan’s international image.

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199 The amendment allowed foreign workers to remain in Taiwan, without having to return to home country every three years. Several employer and manpower agency unions claimed that the new law will increase the burden of employers and give foreign workers more advantage to compete against Taiwanese workers; see, Hsiao, 2016; Ko, 2016; for the “no suicide statement” of Lin Shu-fen, see, Wu, 2016.

200 The Legislative Yuan rectified the 1951 UN Refugee Convention on January 31, 2007. Aside from humanitarian concerns, it can also be argued that such effort is partially a result of foreign policy concern, namely, as an attempt to boost Taiwan’s international image.
refugee law (Executive Yuan, 2016) was hampered by the fact that most asylum seekers in Taiwan came from Mainland China. Many Taiwanese laws still treat Chinese nationals as the citizens of the Republic of China, Taiwan’s official name that is often confused with People’s Republic of China, China’s official name. These laws often claim that the separation between Mainland China and Taiwan is the major obstacle to normalizing the legal status of citizens from both sides. Thus, asylum seekers from China are treated under special legislation in Taiwan. Meanwhile, Taiwan’s anti-Chinese nationalism has made the case of Tibetan asylum seekers and Chinese dissidents a more touchy issue than refugees of other nationalities. Therefore, while it has generally tolerated the existence of several hundred Tibetans in Taiwan, the Taiwanese government has done little to improve their social rights and has only made ad hoc decisions to grant long-term residency to Tibetans in a piecemeal fashion since 2001. Rights advocacy for Tibetan refugees has not been able to raise awareness among Taiwanese citizens and policymakers.

Lastly, the children of foreign workers have not gained as much attention among civil societal actors and the public in Taiwan as they have in Israel. Similar to the situation in Israel, these children are not qualified for citizenship or long-term residency and often ended up living illegally and statelessly in Taiwan. According to the estimation of the Immigration Agency, 7,929 newborn babies in Taiwan between 2004 and mid-2016 did not acquire Taiwanese nationality (Chian, 2016) and about 600 stateless children were living on the island in 2017.

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201 Then President Chen Shui-bian granted long-term residence to 125 Tibetans. As the first Taiwanese President coming from the Democratic Progressive Party that championed Taiwan’s anti-Chinese nationalism, Chen’s amnesty decision was more of a diplomatic and political gesture than out of pure human rights considerations. The Chinese Communist Party viewed Chen with much distrust, due to his pursuit of Taiwan’s independence. Indeed, in 2004, Chen held a referendum regarding Taiwan’s future (independence or unification with China) along with the presidential election.

202 It should be noted that similar to Israel, these children enjoy the rights to education and healthcare under Article 22 of Taiwan’s Protection of Children and Youths Welfare and Rights Act.
(Tang, 2017). Whereas NGO advocacy was key to the amnesty programs for several hundred children of foreign workers in Israel, we have not witnessed similar campaign in Taiwan.\footnote{Instead, Taiwan’s government has recently initiated a proposal to grant citizenship to stateless children (Tang, 2017).}

The new Taiwanese identity takes center stage in the divide between the pan-green and pan-blue coalitions over the advocacy for the equal rights of Chinese spouses. Legislators from the two major political camps often took opposing sides on the Chinese spouse issue. The pan-green camp, led by the Democratic Progressive Party, extended their anti-Chinese nationalism and distrust toward the Chinese government to this issue and often played a key role in blocking reform attempts. The pan-blue camp, led by the Nationalist Party, supported reforms to eliminate the differential treatments toward Chinese spouses. In their own advocacy messages, Chinese spouses spoke the language of the new Taiwanese identity and focused more on their “love for Taiwan” as a slogan for their advocacy (Chao, 2006, pp. 122-124; Chen, 2016, p. 453), instead of an emphasis on the violation of their human rights.

The different outcomes of Israel’s and Taiwan’s hegemonic transitions shaped their current immigration debates respectively. While the clash between liberal democrats and ethno-nationalists over the Jewish identity constituted the dividing line in Israel’s immigration debate, Taiwan’s new Taiwanese identity dictated much of the debate. The litmus test for the reception of a migrant group in Taiwan is how well its members could become like an authentic new Taiwanese by speaking the Minnan language and fitting into its cultural life. But if assimilation is placed high on the list of criteria, Chinese immigrants should have enjoyed some advantages due to their ethnic and linguistic affinities. The discrimination against Chinese immigrants again attested to the centrality of the new Taiwanese identity in the island’s immigration debate, because this identity is established upon being the antithesis of China. This tenet has effectively
justified differential treatment toward Chinese immigrants and delegitimized most efforts to remove the discriminatory measures. In this sense, the new Taiwanese identity discourse has played a similar role in immigration politics as Israel’s Jewish identity, since both identities provided the key moral compass to immigration debate and the logic of exclusion. The next section turns to the contrast between Israel and South Africa, a country with a post-hegemonic identity that demonstrated far less ethnocentric features as Israel and Taiwan do.

5.3 Crafting Citizens and Immigrants in South Africa

Unlike the gradual hegemonic transition in Israel and Taiwan, South Africa underwent a rapid democratization where the negotiation between the ruling elites and the oppositions led to the dramatic end of the hegemonic state. Similar to Israel’s Jewish hegemonic state, South Africa’s postwar hegemonic state tried to craft citizens via immigration control and the disenfranchisement of its indigenous population. The ethnic constitutional order was known as apartheid, a governing system featuring racial segregation. But South Africa’s hegemonic state was not as successful, as immigration failed to boost the population of European descent. At the end of apartheid, South Africa’s white population remained a demographic minority. Unsurprisingly, the rule of South Africa’s hegemonic state relied heavily on coercive measures in view of its indigenous population. In retrospect, it was proven unsustainable amidst domestic and international anti-apartheid movements. Eventually, the ruling elites negotiated their way out of power in the early 1990s. Led by the renowned anti-apartheid activist Nelson Mandela, the post-apartheid government actively crafted a civic national identity and a liberal constitutional order. Despite the government’s pledge to inclusivity toward different racial and ethnic groups, South Africa’s post-hegemonic civic national identity has been accompanied by a strong anti-
foreigner sentiment. The state’s inability to effectively tackle socioeconomic inequalities has helped incite anti-foreigner violence and unwelcoming policies toward immigrants. Although Israel also has witnessed anti-foreigner violence, in contrast to Israel where a group of liberal democrats packaged inclusive messages toward non-Jewish immigrants with the country’s ethnocentric Jewish identity, a similar inclusive discourse has remained lacking in post-apartheid South Africa.

5.3.1 Crafting Citizens

Similar to the Jewish settlers in Palestine since the late 19th century, European immigrants imposed a nation-building vision in contrast to the demographic landscape in today’s South Africa since the late 19th century. In the territories that eventually became today’s South Africa, early European immigrants settled along ethnic lines, distinguishing British settlers from Afrikaners, which were of Dutch immigrant descent.204 Beginning in the late 19th century, the governments in both British colonies and the Afrikaner republic adopted measures such as head tax and literacy test to prevent non-white immigrants from settling.205 At the time, such policies targeted Indian traders and laborers, who often took advantage of their British subject status to migrate within the British Empire. For instance, the British Colony of Natal’s Immigration Restriction Act 14 of 1897 adopted literacy test to prevent the long-term settlement of Indian immigrants, most of whom were Muslim Indian traders and not proficient in English or other European languages (Klotz, 2013, pp. 62-72)

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204 The Afrikaners established the South African Republic (Zuid-Afrikanse Republiek, ZAR), while the British settlers established several colonies in the Cape, Natal, Transvaal and Orange River.

205 In Natal, the 1895 Immigration Law Amendment Act offered three options for indentured Indian laborers whose contract expired: repatriation, re-indenture or a payment of an annual head tax (Klotz, 2013, pp. 62-72).
When Afrikaner and British colonies merged into the Union of South Africa in 1910, the Union government continued to exclude non-white immigrants and recruit white immigrants from Britain and Western Europe. For instance, the 1913 Immigrants Regulation Act authorized the Minister of Home Affairs to ban individuals or groups from entering the country once they were deemed “unsuited to the requirements of the Union” on “economic grounds” or “standards or habits of life” (Bradlow, 1978; Peberdy, 1998, p. 189). As a result of this law, Asian immigrants from India, China and Japan as well as many Jewish immigrants were prohibited from entering the country. Meanwhile, the 1913 Immigrants Regulation Act allowed temporary migration of non-whites to satisfy the demand for labor in agriculture, manufacturing and mining (Wentzel & Tlabela, 2006, pp. 73-74). As a result, blacks from neighboring territories were able to enter the Union as contract laborers under treaties or agreements (Peberdy, 1998, p. 189; Peberdy & Crush, 1998).

South Africa’s early settler pattern unfolded an ethnic hierarchy dominated by white European settlers and followed by Asian immigrants and black natives.

In parallel to the state of Israel, the postwar South African government established an ethnic hegemonic state, better known as apartheid. But South Africa’s was a regime controlled by a racial minority ruling over a majority non-white population. In many ways, the Nationalist Party institutionalized the previous Union government’s ethnocentric view of the country.

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206 During the Second World War, the anti-semantic rhetoric and activities among different Afrikaner factions increased. Movements such as Oxwagon Sentinel (Ossewa Brandwag) and New Order (Nuwe Orde) incorporated Nazism and Nazi-socialism into their ideology (Shain, 1994; Shimoni, 1980, 2003, pp. 11-17). The initial restrictive attempt targeted Eastern European Jews. Thus, Yiddish was not included as an acceptable European language in the proficiency test, until the successful lobbying of the Jewish Board of Deputies. As the number of Jewish immigration increased, the Union government passed the Immigration Quota Act 8 of 1930, which set a much lower quota for Eastern European immigration (50 places per year) and the Aliens Act 1 of 1937, which required immigrants to be “readily assimilable into the European population of the Union” (Peberdy, 1998, pp. 189-190).

207 It should be noted that blacks from neighboring territories used to travel to work in plantation, manufacturing and mining in Afrikaner and British colonies, long before the European colonial authorities began regulating the labor market in the 1820s (Matsinhe, 2011, pp. 46-47). The 1913 Immigrants Regulation Act simply legalized the existing practice of temporary labor recruitment through bilateral agreements (Jeeves, 1985; Jeeves & Crush, 1997).

208 To discuss the racial hierarchy in South Africa, one cannot avoid the discussion of the “coloured.” While the term generally refers to mixed-race South Africans who are deemed neither white nor indigenous black, its definitions have changed overtime (Adhikari, 2009).
through apartheid. It established an ethnic constitutional order to dominate the indigenous black population via immigration control and internal racial segregation. To sustain the rule of South Africa’s minority hegemon, the state defined the postwar immigration control as a “white issue” and banned foreign blacks from settling permanently in South Africa (Peberdy & Crush, 1998, pp. 28-29). After 1960, the government began actively recruiting white immigrants from Western Europe (Anderson, 2006, p. 99; Brown, 1987, pp. 257-258; Klaaren, 1998, p. 59; Mostert et al., 1998, pp. 190-191; Peberdy, 1998, p. 191), especially skilled white European immigrants, as opposed to South Europeans (Klotz, 2013, p. 185; Peberdy & Crush, 1998, p. 31), Jewish immigrants and East Europeans (Shimoni, 1980, 2003). The United Kingdom and several African countries, such as Kenya and Uganda, were also major sources of white immigration to apartheid South Africa between the 1960s and early 1980s.

Often compared to Israel’s control over its Arab citizens, South Africa’s internal racial segregation system constituted the essence of apartheid. The hegemonic state adopted citizenship laws and pass laws to restrict the movement of black South Africans. In the name of self-determination and self-governance, the 1959 Promotion of Bantu Self-Government Act and the 1970 Black Homeland Citizenship Act confined black South Africans in their “independent Bantustans.” Under the 1970 Black Homeland Citizenship Act, South African blacks, or the

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209 The independence of the South African Republic in 1961 did not significantly change the government’s promotion of white immigrants. But the 1962 Citizenship Act amendment made citizens from Botswana, Lesotho and Swaziland in South Africa lost their status as Union citizens. As a result, many migrants from these countries, mostly blacks, were forcefully removed from South Africa (Peberdy, 1998, pp. 191-192).

210 Between the 1960s and 1980s, the independence and civil wars in several east and southern African countries led to the exodus of their white population, many of whom went to South Africa (Peberdy, 1998, p. 194), including: Kenya, Tanzania, Uganda, Zambia (between the late 1950s and early 1960s), Angola, Mozambique, Rhodesia (during the 1970s) and Zimbabwe (1980s). For instance, Wentzel and Tlabela (2006, pp. 80-81) pointed out that many Angolans and Mozambicans entered South Africa and acquired citizenship or permanent residency. Nearly 7,000 Angolans and Mozambicans were admitted as immigrants between 1974 and 1976 (Republic of South Africa, 1976, 1977).

Bantu people, lost their South African citizenship after their homelands were granted “independence” or self-governance since 1971 (Dugard, 1980; Klaaren, 2000, pp. 223-225).

But South Africa’s ethnic constitutional order proved to be far less sustainable than Israel’s and was unable to survive the pressure to change after more than four decades. Similar to Israel’s hegemonic rule over its Arab citizens and Palestinian residents, South Africa’s hegemonic state faced intense domestic and international criticism on its institutionalized racism. But apartheid also faced other logistical challenges. Unlike Israel’s Jewish immigration, the recruitment of white immigration to apartheid South Africa had never been successful, making the ban on black immigration and the internal migration of the Bantu people more difficult. During apartheid, South Africa relied on the labor of foreign blacks from neighboring countries and the Bantu people (Breytenbach, 1979, pp. 17-25; Crush, 1997; Crush et al., 2000; De Vletter, 1998; Wentzel, 1993; Wentzel & Tlabela, 2006, pp. 74-76). According to the government-appointed Froneman Commission (1962), among the 836,000 documented foreign-born “Bantus,” 53,281 were working in urban areas and 42,000 in rural areas (cited in Peberdy, 1998, p. 196). Eventually, apartheid policies failed to confine South African blacks within the Bantustans and to exclude foreign blacks from settling permanently. Many blacks worked illegally in South African farms, factories, homes and service industries (Peberdy, 1998, pp. 195-196). After four decades of rule on various coercive mechanisms and migration control measures, South Africa’s minority hegemon failed to maintain its power.

While the Jewish hegemonic state and its ethno-nationalist vision of the country underwent political liberalization, South Africa’s hegemonic state collapsed. Domestic opposition and international boycott movements pressured the ruling elites into the negotiating table and conceding power to the opposition. The first general election in 1994 officially

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212 There were in total 10 Bantustans in South Africa between the early 1970s and 1994.

Under Nelson Mandela, the first post-apartheid President, the dominant political elites of the African National Congress (ANC) and the anti-apartheid coalition more generally envisioned a new republic that champions a united, non-racial and democratic “rainbow nation.”\textsuperscript{215} Accordingly, this vision would replace the white domination and racial segregation with liberal values and pluralism. But as the next section will show, the high unemployment rate and struggling economy after the end of apartheid compounded the widely shared suspicion toward foreigners among South Africans. As a result, the promise of a non-racial and democratic rainbow nation failed to translate into more inclusive policies toward immigration. Instead, the government’s inability to address the socioeconomic inequalities left by apartheid reinforced a strong anti-foreigner sentiment among citizens as well as political elites. Under such a xenophobic political and social milieu, South African political elites and public crafted an image of immigrants as illegal residents, job seekers, criminals and a socioeconomic threat to the citizens.

\textsuperscript{213} The only exception was toward Mozambicans, largely due to the country’s ongoing civil war in the 1980s (Klotz, 2013, p. 187).
\textsuperscript{214} Despite these reforms, the 1991 Aliens Act granted immigration officials the power to demand a deposit from applicants who wish to immigrate, a financial means that many potential African immigrants often lacked (Reeitzes, 1998, p. 39); for critique on South Africa’s 1991 Aliens Control Act, see, Peberdy, 1998.
\textsuperscript{215} For discussions on the concept of rainbow nation as the new South African identity, see, for example, Baines, 1998; Habib, 1997; Walker, 2005.
5.3.2 Crafting Immigrants

One of the ANC’s primary objectives when it came to power in 1994 was to eliminate the legacies of racial segregation under apartheid. Post-apartheid reforms during the 1990s signaled a strong commitment of wiping out apartheid legacies. Led by Nelson Mandela, ANC elites adopted a reconciliatory tone over race relations. The final report of the Truth and Reconciliation Committee portrayed both black and white South Africans as the victim of the past (Cronin, 1999). The Chair of the Committee, Archbishop Desmond Tutu, famously coined the idea of a “rainbow nation” that envisioned harmony amidst South Africa’s racial and cultural diversity. South Africa’s new identity also incorporated ubuntu, an African communitarian idea that preaches humanity toward others (Cornelissen, 2017, p. 14). As a result, a rather drastic transformation during the 1990s created a civic national identity in replacement of the hegemonic state’s ethnocentric nationalism. The narratives of the rainbow nation and ubuntu attested to the ANC elite’s commitment to mending race relations and building a non-racial society. The establishment of the Constitutional Court and other legal infrastructure, such as a Bill of Rights in the Constitution, further strengthened the institutions that safeguard democratic values and human rights.

Concurrent with the constitutional overhaul, post-apartheid South Africa gradually turned into a major migrant destination in Southern Africa. Its annual immigration rate increased from 3.2 percent in 1990 to 5.8 percent in 2015, much higher than the African average of 1.7 percent and slightly higher southern African average of 5.5 percent and the highest among other southern African countries (Department of Economic and Social Affairs, United Nations, 2015).

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216 It should be noted that many African National Congress politicians had reservation toward this conclusion of the Truth and Reconciliation Committee’s final report (Shea, 2000, p. 101).
217 The same data also showed an increase from -2.96 percent between 1990 and 1995 to 9.61 percent between 2010 and 2015.
Similar to Israel, the major sources of immigration to South Africa has included foreign workers, refugees (mostly from neighboring countries, such as Mozambique, Zimbabwe and Lesotho) and undocumented migrants. But unlike Israel, post-hegemonic South Africa’s ruling elites embarked on significant immigration reforms during the 1990s. One of the explicit purposes of the reforms was to suit the country’s economic interests. The drafters of the 1997 Immigration Green Paper and 1999 Immigration White Paper defined immigration as a crucial policy that benefits South African economy (Crush & Williams, 2005, p. 3; Dodson, 2001, pp. 75-82). The Green Paper claimed that immigration should be “rules of entry driven by labor-market need” (Republic of South Africa, 1997, p. 19; cited in Dodson, 2001, p. 76), whereas the White Paper envisioned prospective immigrants to be “[t]he people who can add value to our growth and development [and] are those who invest, are entrepreneurs and promote trade, those who bring new knowledge and experience to our society, and those who have the skills and expertise to do the things we cannot properly do at this stage” (Republic of South Africa, 1999, p. 9; cited in Dodson, 2001, p. 79). The government also created Brand SA, an official body to recruit foreign investors and promote tourism (Cornelissen, 2017, p. 13). In a way, economic logic survived South Africa’s democratization and still drives the country’s post-apartheid immigration policy.

Although an overhaul of South Africa’s identity narrative and immigration reforms seemed to be leading toward a more democratic and inclusive policy on immigration, the country’s post-apartheid socioeconomic and political conditions have not been conducive to the development of civic nationalism. Unlike in Israel where a group of liberal democrats cultivated inclusive messages toward non-Jews under an ethnocentric national identity, the ANC has quite

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218 For comments on the 1997 Green Paper, see, for example, The Centre for Development and Enterprise, 1997.
219 The policy was in line with South Africa’s support for regional mobility, such as the Department of Home Affairs’ support for the African Union Agenda 2063, which plans to create an African passport as a visa-waiver program within the African Union; for the 2016 Green Paper, see, Department of Home Affairs, Republic of South Africa, 2016.
effectively dominated South African politics and left little space for competing identity narratives to be effective. The political dominance of the ANC rendered opposition parties and the judiciary either weak or cautious in their challenge against the party. The Constitutional Court often carefully balances between principle and pragmatism to avoid jeopardizing its institutional survival (Butler, 2002, p. 8; Gibson & Caldeira, 2003; Roux, 2009, 2016). Despite the ANC elites’ promise of economic prosperity for all South Africans, the party was still constrained by the economic power that white South Africans wielded and has been plagued by corruption among high-level officials (Beresford, 2015). As a result, unemployment and inequality have remained rampant. The unemployment rate went as high as 26 percent and GINI coefficient between 0.660 and 0.696.\textsuperscript{220} As the ANC-led government’s attempts to build its legitimacy on the promise of economic prosperity have not reaped much success, South African citizens channeled their frustration toward foreigners, especially as the number of illegal foreign workers skyrocketed after apartheid (Minnaar et al., 1996, pp. 77-88; Naidoo, 1995; Standing et al., 1996/2000).\textsuperscript{221}

Along with the phenomenon of unauthorized immigration, such climate fueled heightened economic nationalism. Statistics about the number of illegal immigrants vary, but the most commonly cited number was ranged from one to three million (Crush & Williams, 2010; Segatti & Landau, 2011). As a result, a non-racial South African identity reinforced the demarcation between citizens and aliens (Bundy, 2000, p. 20; Peberdy, 2001). The country’s socioeconomic problems and rampant illegal immigration became the recipe for a strong anti-foreigner sentiment (Crush, 2008; Crush & Mojapelo, 1998; Koltz, 2012; Peberdy, 2001; \textsuperscript{220} The official unemployment rate was 22 percent in 1994 and 25 percent in 2014; see, Statistics South Africa; available at: \url{http://www.statssa.gov.za}. \textsuperscript{221} The construction sector’s recruitment of foreign workers has been especially subject to informal channel; see, Standing et al., 1996/2000, p. 75; for studies on different factors behind individual attitudes toward immigration in South Africa, see, for example, Facchini et al., 2011. A recent IOM (2015) report suggested that South African business owners tend to have more positive views toward immigration, similar to their counterparts elsewhere.)
Trimikliniotis et al., 2008). South Africans often viewed foreigners as illegal economic migrants who came for employment opportunities (Klotz, 2013; Neocosmos, 2006/2010). Some studies suggested that South Africans sometimes incorrectly perceived that foreign business owners profited more than South African shop owners (Crush et al., 2015; Gastrow & Amit, 2013; UNHCR, 2010). The perception inflamed the anti-foreigner demonstrations and violent incidents\(^2\)\(^2\)\(^2\) that have been prevalent since the mid-1990s, which culminated in a series of anti-immigration riots in May 2008 (Klotz, 2013, p. 226; Matsinhe, 2011, pp. 98-104) and waves of assaults targeting foreigners in 2015 and in June 2016 (Human Rights Watch, 2016; Madlala, 2016). Opinion polls prior to the May 2008 riots already showed strong public concerns over immigration.\(^2\)\(^3\) A 2007 Pew Research Center survey (Pew Research Center, 2007) indicated that 89 percent of South African respondents agreed that the government should further restrict immigration, compared to 75 percent in the US. In the same survey, 53 percent of South Africa respondents viewed immigration as a “very big problem,” the second highest among the 47 countries included in the report.

Prominent political elites manipulated the public’s hostility toward foreigners. Zulu King Goodwill Zwelithini famously demanded foreigners to “please go back to their countries” (Ndou, 2015). Former Minister of Home Affairs Mangosuthu Buthelezi viewed immigrants as a “threat to the successful implementation of the Reconstruction and Development Program” (Reitzes, 1998, pp. 37-38). Local politicians played a role in instigating violence in the 2008 anti-foreigner riots and were reluctant to calm the violent crowd (Misago et al., 2009). The Department of Home Affairs has adopted measures to tackle illegal immigration. In 2014, the Department of

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\(^2\)\(^3\) For selected polls and analysis on public attitudes toward immigration between the late 1990s and 2008, see, for example, Matsinhe, 2011, pp. 47-50.
Home Affairs budgeted 118 million South African rand (about $8.36 million) to recruit immigration inspectors for three years (Mhundwa, 2015). The Lindela Repatriation Centre was open in 1996 as a detention center for illegal immigrants waiting for deportation. Table 5.1 shows that the number of deportees climbed from 156,123 in 2001 to 370,000 in 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>156,123</td>
</tr>
<tr>
<td>2003</td>
<td>164,294</td>
</tr>
<tr>
<td>2004</td>
<td>167,137</td>
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<tr>
<td>2005</td>
<td>209,988</td>
</tr>
<tr>
<td>2006/07</td>
<td>266,067</td>
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<tr>
<td>2007</td>
<td>312,733</td>
</tr>
<tr>
<td>2008</td>
<td>370,000</td>
</tr>
<tr>
<td>2009/10</td>
<td>1,060</td>
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<tr>
<td>2010/11</td>
<td>55,825</td>
</tr>
<tr>
<td>2011/12</td>
<td>75,336</td>
</tr>
<tr>
<td>2013/14</td>
<td>131,907</td>
</tr>
<tr>
<td>2014/15</td>
<td>54,169</td>
</tr>
</tbody>
</table>

In February 2015, the spokesperson of the Minister of Home Affairs announced that hiring illegal foreign workers would subject employers to jail time (Financial Mail, 2015). Under the unwelcoming atmosphere against foreigners, the foreign-born population decreased from 1,524,080 in 2011 to 1,211,824 in 2016. South Africa’s post-apartheid immigration policies have deemed all foreigners as unfit to join, because they were an unassimilable threat to social stability and citizens’ welfare. The ideology of *ubuntu* failed to create an inclusive identity narrative for all Africans. If anything, it made South Africans feel superior to the rest of Africa (Matsinhe, 2011, pp. 71-73) and served

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224 In 1996, about 150,000 persons were deported. The procedures were carried out according to the 1995 South African Citizenship Act 88. In some cases, the detainees included rescued trafficked persons, a practice that violated South Africa’s 2013 Prevention and Combating of Trafficking in Persons Act. For example, a 2016 report found that nearly 50 Thai women rescued in a police anti-trafficking raid were detained at Lindela (Hosken, 2016); for NGO reports on the Lindela Repatriation Centre, see, for example, Human Rights Commission, 2012.

225 Source: South African Department of Home Affairs, Republic of South Africa.

226 The 2011 number was based on South Africa’s 2011 census, while the 2016 number was based on a community survey. The report did note that sampling errors might have contributed to the discrepancies (Statistics South Africa, 2016, p. 26).
to exclude foreign Africans. The new South African identity underpinned the difference between “insider blacks” and “outsider blacks” (Matsinhe, 2011, pp. 119-120). Foreigners could only become fit to join temporarily when they could fulfill an economic function to serve South Africa’s national interests. For example, the government has recruited foreigners as a temporary substitute for certain critical skills that remained lacking among the South African workforce. In contrast, the Department of Home Affairs pledged to terminate the recruitment of unskilled and semi-skilled foreign workers (Crush, 1997, pp. 9-10; Crush & Tshitereke, 2001). Politicians constantly emphasized a “critical need” to train South Africans to fulfill the demand for the critically scarce skills. For instance, Former Deputy President Phumzille Mlambo-Gncuka said, “nothing short of a skills revolution will extricate [South Africa] from the crisis we face” (O’grady, 2006). In a 2007 speech, then President Thabo Mbeki pointed out the need to “accelerate the training of family social workers” (Earle-Malleson, 2008, p. 56). The immigration authority asserted that the issuance of work-related visas was to “assist the government to realize the achievement of the National Infrastructure Project, the Strategic Infrastructure Projects and Key National Strategic Projects.” Various programs targeted the recruitment of highly skilled foreign workers, from the Human Resource Development Strategy (Ministry of Education, Republic of South Africa, 2009), the Joint Initiative on Priority Skills Acquisition (JIPSA) program (The Presidency, Republic of South Africa, 2010), to the Critical Skills Work Visa.

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227 Such declaration can even be traced back to 1994, immediately after the end of apartheid. It should be noted that socioeconomic factors in South Africa also contributed to the declining demand of foreign workers in certain industries. For instance, both South African and foreign mine workers decreased between the early 1990s and 2000s, mainly due to mine closures (Wentzel & Tlabel, 2006, p. 73).

228 Foreigners with the critical skills recognized the South African government could apply for the visa and enter South Africa with a one-year period to search employment. The National Scarc and Critical Skills List was first released in 2006 under the Department of Labour and Department of Trade and Industry The first list identifies the following fields: 58,000 managers, 106,000 professionals and more than 40,000 artisans and technicians; see, “National Skills Authority – Briefing Paper: Scarce and Critical Skills,” October 2007, the Department of Labour
Thus, foreigners who established family ties with South African citizens could still be unfit to join the country. Although the 1999 Immigration White Paper recognized family reunification as “an important element of migration policy” and that under apartheid, “… artificial, colonial boundary lines and forced migration have disrupted many family units” (Republic of South Africa, 1999, p. 34; cited in Dodson, 2001, p. 81), the Department of Home Affairs’ recent policies suggested a different scenario. In major immigration legislation, the language on the rights of foreign spouses often seemed vague and was subject to interpretation (Dodson, 2001, pp. 74-75). According to the 1995 Aliens Control Act amendment, the Immigrants Selection Board determined the immigration status of all foreign spouses on a case-by-case basis, leaving the decision to administrative discretion. Some recent legislation increased the punishment toward migrants who violate the terms of their stay. According to the 2014 immigration reform,\(^{229}\) when a foreigner’s permit expires, the immigration authority would declare the individual as an “undesirable person” and ban her or him from entering South Africa or acquiring a temporary permit for 12 months to five years. Prior to this amendment, the punishment for the same violation was an administrative fine. Since this amendment came into effect, there have been a number of court cases where foreign spouses were prohibited from returning to South Africa due to the expiration of their residential permits after a foreign trip.\(^{230}\) Although many foreign spouses who lost the right to enter South Africa took their case to the court, the administrative branch and bureaucracy have not shown a good record abiding by the court rulings (Warren, 2016).

\(^{229}\) The 2014 reform also raised the financial requirement of spousal visa from R5,000 (South African Rand, about USD $376.71) to R8,500 (about USD $640.49); see, New World Immigration.

\(^{230}\) See, for example, the case of Louise Egedal Johnson, a Danish national who was married to a South African citizen, both of whom lived in South Africa (Hofmeyr, 2014).
The suspicion toward foreigners has become the driving logic behind the policy response toward asylum seekers, a departure from the initial policy vision at the end of apartheid. In 1993, amidst South Africa’s democratic transition, the government established the UNHCR office to facilitate the return of South Africans in exile (Klotz, 2013, pp. 187-188) and rectified the UN Refugee Convention and Organization of African Unity refugee Convention. In the same year, South Africa began granting refugee status to asylum seekers from neighboring countries. In 1998, the parliament enacted the country’s first Refugee Act (Handmaker, 2011). Concurrent with these policies, post-apartheid South Africa has become a major destination in southern Africa for asylum seekers from neighboring countries.

![Chart 5.3 Refugee Number in South Africa 1990-2015](image)

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231 During the 1980s, several governments of the Bantu homelands adopted different policies toward refugees fleeing conflicts from neighboring countries. For instance, Gazankulu and KaNgwane granted temporary residence permits to refugees from Mozambique during the 1980s (De la Hunt, 1997, p. 2; Wentzel & Tlabela, 2006, p. 81).

232 Prior to 1993, some foreigners who came to seek asylum were allowed to remain but did not receive formal refugee status. Examples included Portuguese colonists from Eastern Africa during the mid-1970s and Mozambican refugees after the civil war between Frelimo and Renamo broke up in 1977; see, http://www.queensu.ca/samp/transform/Hunt.htm.

233 Before South Africa’s 1998 Refugee Act came into effect in 2000, the refugee determination process between 1994 and 2000 was conducted according to the Aliens Control Act 96 of 1991, section 41(1); for the practices of the refugee determination process between 1994 and 2000, see, Klaaren & Sprigman, 2011.

234 The majority of refugees and asylum seekers came from the following countries: Angola, Democratic Republic of Congo, Somalia and Zimbabwe (since the early 2000s). In some years, Ethiopia, Nigeria and Pakistan were also the major sending countries.

235 Source: International Migrant Stock, 2015. The declining number of asylum seekers during the late 1990s was related to the repatriation of Mozambicans between 1991 and 1996, which focused on two groups of Mozambican refugees: those arrived in the 1980s and those arrived after the Mozambican civil war ended in October 1992 (Klotz, 2013, p. 188).
As Chart 5.3 demonstrated, the number of asylum seekers increased in the early 1990s and again since the early 2000s. In 2015, South Africa hosted 1,216,564 asylum seekers and refugees. Most of South Africa’s legislation and policy narratives on asylum showed a somewhat lukewarm commitment to refugee rights (De la Hunt & Kerfoot, 2011; Klotz, 2013). For instance, Klaaren and colleagues (2011, p. 54) suggested that Article 36(2) of the Refugee Act implied that refugees who violate the terms of their visas can become “prohibited persons” under the 1991 Aliens Control Act. Audie Klotz (2013, pp. 195-196, 201) pointed out that the bill treated refugees as a “necessary burden” (Klotz, 2013, p. 201) and that it showed “reluctance to use discretion to the definition of refugee generating countries,” which could grant group protection to refugees.

Non-state and civil societal actors were not included in the drafting of the 2000 Regulations to the South African Refugee Act (Klaaren et al., 2011, pp. 55-56).

Aside from these restrictive attempts, the government has adopted amnesty programs toward illegal immigrants. South Africa’s amnesty programs have been a top-down, elite-driven outcome, unlike in Israel where amnesty for non-Jewish migrants tended to be the result of bottom-up legal mobilizations. Since the 1990s, the Department of Home Affairs launched several amnesty programs for undocumented immigrants to legalize their status and work legally in South Africa, such as a 1999 program for former Mozambican refugees (Handmaker &

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236 It should be noted that some of the criticisms did not prove that the South African government violated international norms or practices. For instance, Klotz (2013) argued that the logic in the 1991 Aliens Control Act prevented South Africa from granting protection to 2,000 flood victims from Mozambique. But the 2000 Mozambican flood involved the question of whether climate-induced migration should be viewed as forced migration and qualify displaced persons for refugee status. Also, De la Hunt and Kerfoot (2011, p. 105) criticized the 180-days waiting period before asylum seekers can begin working and studying. But this policy is not uncommon among many Western countries, including the US.

237 Asylum seekers’ lack of knowledge about these amnesty programs and their familial attachments to home countries often contributed to the lower-than-expected application rate. For example, 50,692 people received permanent residence under a 1996 amnesty program, but only about half of the eligible individuals applied; under the 2009 Dispensation for Zimbabwean Nationals program, the Department of Home Affairs received 275,762 applications and issued 134,369 permits; see, Crush, 1997; De Vletter, 1998; Migration News, 2005; 174,000 Aliens to Stay,” Pretoria News September 11, 1997; cited in Human Rights Watch, 1998b; Sechaba Consultants, 1997.
Schneider, 2002), the Lesotho Special Permits (Washinyira, 2015), Zimbabwean Special Dispensation Permit, Documentation of Zimbabweans Project Permit and two programs for Zimbabweans.

The contrast between Israel and South Africa takes root in their hegemonic pasts and diverging paths of hegemonic transition. The Jewish hegemonic state’s identity survived Israel’s political liberalization, only to reinforce competing interpretations of the Jewish state between ethno-nationalists and liberal democrats. While ethno-nationalists believed that the Jewish people’s historical displacement and persecuted past legitimized the need to exclude non-Jews, liberal democrats argued that such past should generate more compassion for the needy and vulnerable strangers in the Jewish state. In contrast, South Africa’s postwar hegemonic identity ceased to exist immediately after democratization. Apartheid’s highly radicalized ethnocentric constitutional order in the past prompted post-apartheid’s political elites to seek new material for the country’s new, civic identity, in order for the past to stay where it was. As a result, the ANC dissidents’ experience in exile and encounter with racial discrimination during the apartheid era have had little influence in South Africa’s current immigration debate, a historical narrative that could potentially generate compassion for out-groups and immigrants. Zulu King Goodwill Zwelithini once stated that when the ANC elites were in exile during apartheid, they “did not set up business in [neighboring] countries [that provided them asylum during apartheid]” (Ndou, 2015).

238 While the 1999 amnesty program targeted Mozambican refugees who did not return home after the end of the civil war in 1992, many Mozambicans in South Africa were able to legalize their status in the 1996 amnesty to SADC (South African Development Community) citizens (International Labour Office, 1998, p. 14).


240 The two programs were the Dispensation for Zimbabwean Nationals in 2009 and the succeeding Documentation of Zimbabweans Project (DZP) permit. Under the Documentation of Zimbabweans Project, 295,000 applications were filed and more than 245,000 Zimbabweans received their permits (South Africa Immigration, 2015).
In South Africa’s search for a unifying civic identity, the post-apartheid government downplayed the previous racial divide and antagonism. Meanwhile, migrant rights activists have relatively little indigenous material to draw from in their advocacy. So far, advocacy for migrant rights has little success. Their reliance on human rights or the notion of *ubuntu* remained a shaky strategy, since these ideas have not taken roots in post-apartheid South Africa. If anything, the idea of *ubuntu* and the country’s newly found civic identity gave many ruling elites a sense of South African exceptionalism different from the rest of Africa (Matsinhe, 2011, pp. 71-73; Lazarus, 2004, p. 610).

What is more, the government’s inability to deliver the promise of prosperity fed citizens’ frustration directed at foreigners (Cornelissen, 2017, p. 17; Peberdy, 2001). Rapid illegal immigration into the country reinforced the image of noncitizens as the external threat to the social stability and citizen welfare. Thus, the current South African identity has rendered all foreign nationals as unassimilable strangers in the eyes of many citizens and policymakers. A comparison between Israel and South Africa suggests that whether there is a transition from a hegemonic identity to a civic national identity, the state must be willing and capable of addressing the socioeconomic problems left by the hegemonic state. The case of South Africa showed that hegemonic decline does not necessarily translate into more liberal, inclusive immigration policies. At the same time, an ethnocentric identity coupled with indigenous material could be packaged as a welcoming narrative in immigration debates, as the Israeli case shows.
5.4 Chapter Conclusion

This chapter reinforces my argument that hegemonic transition shapes post-hegemonic debate on national identity, which in turn constrains immigration debate through redefining *who we are* and *who can join us*. I compare the Israeli case with two secondary cases whose hegemonic decline was soon followed by changing immigration patterns. Democratization, or political liberalization as in the Israeli case, during the 1980s and 1990s brought a new constitutional order and a redefinition concerning *who we are* to all three cases. Aside from Israel, both Taiwan and South Africa removed their previous ethnic or racial identity as a major criterion for immigration and embraced pluralism in their new official identity narrative. Whereas a new Taiwan-centric, Minnan-dominant identity replaced the island’s China-centric hegemonic identity, South Africa ousted its racist past and espoused a civic, race-neutral identity. While the new Taiwanese identity reinstated its immigration past and emphasized the love for the island, South Africa’s post-apartheid government vowed to leave the country’s racial divide and ANC party elite’s exile experience in the past. The diverging paths of their transition constrained the choices that the post-hegemonic elite made and determined to what extent the remnant of their past shaped in the post-hegemon nation-rebuilding debate. Whereas a divorce from China became essential to the consolidation of the new Taiwanese identity, a departure from the internal racial divide was deemed essential to heal the wound from apartheid by South Africa’s current ruling elites.

At the same time, political elites in all three cases encountered the task of crafting immigration policies and their post-hegemonic identity narratives. In other words, their ruling elites must determine the new criteria of *who can join us* in view of their quest for *who we are*. In both Taiwan and Israel, an ethnocentric identity set up the framework for immigration debate and allowed space for inclusion, although the approaches to inclusion differed. In Israel, the
Jewish moral obligations called for hospitality toward certain non-Jewish out-groups; in Taiwan, migrants must earn the social acceptance through showing the capacity to assimilate. In both cases, there remained an identity that maintained certain hegemonic status. As a result, discrimination targeting one national group existed in both countries, justified by security and political reason. Jewish Israelis and their state deemed Palestinians and even the country’s Arab citizens unfit to join the Jewish state. The new Taiwanese identity formed a widely recognized consensus that distinguished the island from Mainland China. Packaged with a multicultural label, the new Taiwanese identity replaced Chinese culture with the Minnan culture, a Taiwan-centric narrative and a strong anti-Chinese sentiment. Consequently, Chinese immigrants became the major threat to the new Taiwanese identity and were viewed as the least fit outsider to join, despite the ancestral linkage and linguistic affinity between Taiwan and China. The treatment of Chinese nationals was also contrary to the island’s tolerance toward other permanent immigrant groups.

Post-hegemonic South Africa and Israel responded differently to their internal racial or ethnic tensions. Israel’s Jewish hegemonic identity survived political liberalization, while South Africa turned to a civic, non-racial identity that also relies heavily on a prosperous national economy. Given the contrast between the two countries’ hegemonic transformation, the result of their immigration debates may seem surprising at first glance: over one thousand children of non-Jewish foreign workers acquired permanent residence in Israel, while a strong anti-foreigner sentiment and rhetoric have grown in South Africa despite a civic national identity. It is possible to argue that while Israel’s Jewish identity often provided a framework to exclude all non-Jews, the contention over Israel’s Jewish identity opened the space for competing policy positions regarding non-Jewish immigrants. In contrast, South Africa’s avoidance of internal racial and
The major ideational coalitions in each case after the demise of their hegemonic states were also key to our understanding of their different outcomes of immigration debate. In post-hegemonic Israel, ethno-nationalists and liberal democrats extended their contention from *who we are* as a Jewish state to *who can join us*. But in the core of this debate, both ethno-nationalists and liberal democrats recognized Israel’s Jewish identity. Post-hegemonic Taiwan transitioned into a liberal state without a powerful group of liberal democrats. Rather, mainstream politicians and the Taiwanese public formed a Taiwan-centric idea about *who we are* and allowed the narrative to dominate the island’s identity and immigration debates. Still, the new Taiwanese identity covered certain inclusive ideas drawing from the island’s immigration past. Therefore, the identity has been instrumental to inclusive policies and attitudes toward certain newcomers, with the exception of Chinese nationals who are the antithesis of the new Taiwanese identity. Although the ethno-nationalist narrative found no place in South Africa’s post-apartheid non-racial identity, the country’s nation-rebuilding process has fostered heightened xenophobic sentiment and discourses. The contrasts of these post-hegemonic experiences provide valuable
lessons to reflect on the relationship between race, ethnicity, political change and immigration debate.
Chapter 6 A Focus on the Role of Ideas in Immigration Politics: Crafting Citizens and Immigrants

6.1 The Main Argument

Author Joan Didion famously accounted that, “We tell ourselves stories in order to live.” This dissertation is an inquiry into a collective enterprise of storytelling by state, its citizens and migrants about inclusion, exclusion and boundary drawing through immigration debate. Although political institutions and socioeconomic situations could empower or weaken different actors at different points of time, the major ideas in the national identity debate carried great weight in the debate over immigration policies. Through a primary case and two secondary cases, I investigate the causal paths of immigration policies toward non-co-ethnic migrants in post-hegemonic, deeply divided societies. Chapters three and four trace Israel’s immigration politics between 1948 and 2016 and provide a temporal comparison between the Jewish hegemonic state’s effort to craft citizens and the immigration debate in the post-hegemonic era. I argue that the contestation between ethno-nationalists and liberal democrats over Israel’s Jewish identity shaped subsequent debate on non-Jewish immigration, demarcating the boundaries between citizens and immigrants. As major ideational coalitions fought for their core principles and competing understandings of the Jewish state, the collective enterprise of storytelling in Israel, particularly over the questions of who we are and who can join us, reshaped the founding principles of the Jewish state and made it harder for the state to “live up to its principles,” as observed in the quote by psychotherapist Alfred Adler in the beginning of this dissertation.

Upon the declaration of independence in 1948, ethno-nationalists were the main architects that crafted the Jewish hegemonic state’s immigration and citizenship policies. Although the dominant Labor Zionist elites did incorporate democratic principles into Israel’s
founding document, the state-building agenda was by and large ethnocentric. Through the state-led recruitment of Jewish immigrants, discriminatory practices toward Arab citizens, military rule over Palestinians and assimilationist approach toward Mizrahi immigrants, the Jewish hegemonic state demarcated the legal, political and social boundaries between Jewish citizens, non-Jewish citizens and non-Jewish residents along ethnic and cultural lines. As political liberalization unfolded, liberal democrats contested against the ethno-nationalist definition of Israel’s Jewish identity. But most liberal democrats have not challenged the essence of the Jewish state’s ethnic constitutional framework.

Since the early 1990s, the contention between ethno-nationalists and liberal democrats has extended to the immigration debate on non-Jewish migrants. Liberal democrats skillfully shaped their messages around Israel’s Jewish identity to reframe the answers to the questions of who we are and who can join us. Without directly challenging the idea of Israel’s Jewish identity, they underlined Jewish morals to redefine the proper policy response toward non-Jews. For example, they viewed the children of foreign workers who grew up attending Israeli public schools and speaking Hebrew as a part of Israeli society, arguing that the expulsion of these children and their families was not only inhumane but also un-Jewish. Furthermore, liberal democrats tied the issue of African asylum seekers to the Holocaust, the trauma that was central to the founding of the Jewish state. In so doing, they prompted a collective soul-searching among Jewish Israelis as the country evaluated the proper response toward outsiders. This contestation not only shaped policy responses toward non-Jewish immigrants but also challenged the boundaries between citizens, aliens, and different non-Jewish migrants drawn by the hegemonic state according to its ethno-nationalist understanding of Israel Jewish identity.
Similar to Israel, both Taiwan and South Africa went through a postwar nation-building process featuring first the consolidation and then the decline of hegemonic state. Comparisons between Israel and these two countries support my argument regarding how hegemonic transition not only shapes current national identity debates but also plays a role in current immigration politics. They show different causal paths where ideas of national identity change overtime and intertwine with the shifting conceptualization of citizens and immigrants, insiders and outsiders. In all three cases, this shift took place in the context of hegemonic transition. More importantly, the way the hegemonic state consolidated its rule and declined shapes post-hegemonic identity discourses and immigration politics.

In both Israel and Taiwan, the legacies of the previous hegemonic state were still present in their current immigration debates. In Israel, the mainstream national identity discourse recognizes the country to be a Jewish state and treats Palestinians as its antithesis. During the hegemonic transition, such discourse split into ethno-nationalist and liberal democratic understandings of identity. Their primary disagreement is over the role of democratic values in the Jewish state. Eventually, such disagreement opened the space for the reception of certain non-Jewish migrant groups, most notably the children of foreign workers. In contrast, a Taiwan-centric identity emerged to replace the China-centric hegemonic identity during the island’s democratization. While the official discourse of the new Taiwanese identity embraces multiculturalism and the island’s immigration past, this civic national identity shows its limit when it comes to Chinese immigrants. Although most of the Chinese immigrants in Taiwan joined the bandwagon of expressing their love for the island, Taiwanese laws and practices kept singling them out and treating them as the antithesis of the new Taiwanese identity. It is a legacy of the hostility created under the Nationalist-party-led hegemonic state vis-à-vis the Chinese
Communist Party. The yet-to-be resolved animosity between the two sides of the Taiwan Strait confined the island’s current political and identity rhetoric, perpetuating a seemingly inclusive identity discourse that is nevertheless exclusive toward Chinese immigrants. The irony is that being Chinese turns out to be the obstacle to becoming a part of the new Taiwanese identity. In both Israel and Taiwan, the way in which the previous hegemonic state crafted citizens remained powerful in shaping how current immigration politics crafts immigrants and excludes the antithesis of the dominant identity.

The comparison between Israel and South Africa presents two cases whose hegemonic transition went the opposite way. Whereas Israel underwent gradual political liberalization that preserved the core of the hegemonic identity, South Africa went through a rather dramatic political shift, after which the post-hegemonic government tried to eliminate the legacies of the hegemonic state. Along with the attempt, the post-hegemonic government promised a prosperous and multicultural, non-racial future for all South Africans. Unlike Israel, the post-apartheid government re-crafted the idea of South African national identity, a task that required fading the apartheid legacies into oblivion. But this task has proven to be challenging, especially as the government has not been able to effectively address apartheid’s social, political and economic consequences. As a result, immigrants have become the main target of exclusion. While the perpetuation of the Jewish identity in Israel’s dominant identity discourse has given rise to inclusive messages toward certain non-Jewish immigrants, South Africa’s cessation of its previous exclusion toward black citizens has been channeled into the exclusion toward immigrants and foreigners of all kinds. Downplaying the racial, ethnic and class divides in South Africa has proven to be a Band-Aid that failed to provide a long-term solution. In short, South Africa’s civic orientation of the new national identity still lacks inclusivity toward outsiders.
6.2 The Significance

This study uncovers the relationship between the shifting national identity narratives and immigration politics. Given the intrinsic ambivalence often seen in modern national identity narratives, it is challenging for states to fully practice what they preach since they are often caught up in contradictory commitments toward nationalism and liberal, democratic values. What observers can try to understand is how ideas coalesce through immigration and national identity debates. My examination aims to shed light on the idea that major actors hold and promote in immigration debates, a causal factor that has not gained as much attention in the migration studies literature as institutional factors and the agency of competing interests. By focusing on the cases that maintained a hegemonic identity despite its ethnic diversity throughout much of the Cold War period, this study underscores the way in which ethnocentric nation-building projects consolidate, transition and reshape boundaries among citizens, aliens and migrants. When the immigration reality changed in the post-Cold-War era in these countries, immigration debate proved to be an extension of the contestation over national identity, as major political players coalesced into different ideational alliances that espouse competing narratives about the identity. Perhaps the most intriguing lessons from this study is that ethnocentric nationalist sentiments do not necessarily trigger an inclusive message toward all strangers and that a newly found civic identity does not guarantee more inclusivity toward out-groups. Whereas a Jewish state found a moral ground to accept the children of foreign workers, South Africa’s civic identity holds strong anti-foreigner sentiment and policy narratives. The contrast suggests that boundaries are not always based on our most perceivable characters. Rather, new social divisions are reinvented according to ideas, beliefs and discourses that people think they share. In some cases, the ideas people hold correlate with their cultural, ethnic and political backgrounds, such as Taiwan’s anti-Chinese, Minnan-dominated identity. In other cases, they
follow the more artificial boundaries defined by the state, such as the currently salient citizen-
noncitizen divide in South Africa.

This dissertation also presents an attempt of theory development to conceptualize
national identity discourses and immigration debates in multiethnic societies. I do so by relying
on an in-depth case study and comparative historical analysis. Through tracing the history of
Israel’s national identity debate and recent immigration politics toward non-Jews, I show that the
survival of a hegemonic state led to diverse interpretations of the hegemonic identity. The
comparisons, one between Israel and Taiwan while the other between Israel and South Africa,
highlight the effect of diverging paths of hegemonic transition on the shifting boundaries
between citizens and immigrants. At the critical juncture of political transitions, the paths of their
political liberalization determine the results of dominant identity narrative, the weight of
hegemonic remnant and the major ideational coalitions.

While this dissertation is for the most part a theoretical quest, it is possible to derive
practical lessons from the intellectual exercise. Although economists and sociologists have
helped us better understand the roles of push-pull factors and migrant networks that shape
migration, we have relatively limited understanding about the interactive dynamics of different
ideational groups in immigration politics. Even though many liberal immigration destinations
have outlawed measures of immigrant selection based on race and ethnicity, they have not
succeeded in eliminating human’s inclination to draw boundaries according to a wide range of
attributes. The electoral strength of anti-immigration movements across Europe in recent years
and US President Donald J. Trump’s much-unexpected victory in November 2016 were just a
few examples in point. The resurgence of anti-immigration discourses, unfortunately, attested to
the thesis of this dissertation, in that politicians, citizens and policymakers constantly undertake
the task of crafting citizens and immigrants. When the perception of foreigners taking over the space and resources of natives intensifies, it evokes the desire to solidify boundaries amongst certain groups of citizens.

My theoretical inquiry also affirms that our desire for boundaries is not confined by the more visible attributes, such as race, ethnicity, nationality, class and citizenship status. Through immigration policy, decision-makers may also demarcate the boundaries according to shared ideas and values. Thus, various parties may engage in the contestation with their own reinterpretations of the same national identity to justify seemingly contradictory policies. As the mobilizations for the children of foreign workers and African asylum seekers in Israel show, these movements’ solidarity and even success hinged upon shared values and ideas. It became possible to include non-Jews in a Jewish state because of the values that this inclusion represents. Taiwan’s exclusion toward Chinese immigrants provides a comparative angle. In the eyes of Taiwanese politicians and policymakers, the ethnic and cultural proximity between Taiwanese and Chinese citizens provided the source for exclusion and justified the need to distinguish, because the distinction between China and Taiwan has been key to defining the latter’s currently dominant identity. Arguably, the reason behind South Africa’s strong anti-foreigner sentiment is a combination between the need to redefine a South African identity, its struggling economy and various social problems. It highlights that when the time is bad, the need to stand firm behind the boundaries deepens.

To understand and theorize our tendency to exclude and demarcate the boundaries between us and the other does not necessarily justify the attempts to exclude. Beyond a purely intellectual exercise, I do wish to urge that we refrain from quickly condemning our need for peoplehood and belonging to a community when they are exemplified in immigration politics.
As much as my proposal may come across as naïve, I would argue that individuals and groups holding liberal and democratic principles also conduct boundary drawing, except that they do so along ideological lines. It is true that allowing the reckless development of ethno-nationalist idea and a blanket exclusion of immigrants often invites cruelties. But the remedy is not merely to outlaw our tendency to exclude. Rather, we need to better understand ethno-nationalist ideas so that we will be able to respond, debate and even persuade.

6.3 The Limitations and Directions for Future Research

This study does not mean to downplay other factors and overstate the power of ideas, in immigration politics. Throughout my case studies, I have shown that socioeconomic factors and rapid immigration themselves often prompt policymakers to adjust admission criteria or immigration policy guidelines. For instance, inequality and poverty in Israel’s urban neighborhoods, the ongoing Israeli-Palestinian conflict, Taiwan’s low birthrate, the disagreement between Taiwan and China, South Africa’s socioeconomic problems and its rampant illegal immigration all played a role in each of these country’s policy responses toward immigration. Similarly, we must take into consideration the increasing intensity of economic globalization, market concerns and client politics in the policymaking process of labor migration. What reinforces my argument is that these agents and governments resist the more pragmatic socioeconomic concerns and shape their policies according to ideological concerns. Israel’s amnesty programs for the children of foreign workers and Taiwan’s treatment toward Chinese immigrants are two cases in point.

In addition, while my examination places a heavier focus on agency, it also acknowledges the role of institutions, especially the institutions broadly understood as both
physical governing infrastructure as well as shared norms. Institutions provide channels to either hamper or enable agents to pursue the national identity discourse they champion. Though I examine the cases that are often described as “flawed democracies” due to their hegemonic past, they all demonstrated similar institutional factors often found in other liberal democratic destinations that are crucial to shaping immigration politics. While Israel’s ethnic nationalism is perceived as unwelcoming to the settlement of all non-Jews, democratic institutions, especially the active courts and constitutionalization of rights, provided a key resort to migrant rights activism. In contrast, South African migrant activists and legal communities found themselves facing a more powerful administrative branch that has been more responsive toward the public’s strong anti-foreign sentiment and adamant in resisting court rulings. In Taiwan, not only was the judiciary relatively weak, the island also lacked a culture of rights mobilization. As a result, almost all immigration politics in Taiwan took place exclusively within the legislative branch. Therefore, while the cases in this inquiry might seem to be rare examples at first glance, the implications drawn from their experience could enhance our understanding about immigration politics in general.

Last but not least, limited resources confined the research and data collection of this ambitious task. Although I am grateful for the financial support I received from various funding institutions, I was not able to conduct field research in Israel for a longer period of time. Conducting fieldwork in a small country serves me in this case, because the policy community in Israel, especially regarding the issue of non-Jewish migrants, has its own confines that my low-budget work was fortunately able to afford. My obvious outsiderness granted me both constraints and unique opportunities in Israel, making the respondents I managed to reach out to somewhat self-selective. I made use of the unique opportunities as much as I could.
From the constraints and limitations this work has, I would like to make the following suggestions. First, future research on immigration politics can probe the role of national identity debate in migration studies, especially regarding non-OECD cases that the literature might not have paid as much attention to so far; second, collaborative studies can be helpful in gathering data and countering the logistical challenge to a research of the similar scope.
Appendices

Appendix A
Table 1 Official Statistics on Infiltrators\(^{241}\) in Israel: 2006-2016

<table>
<thead>
<tr>
<th>Date</th>
<th>Currently Residing (Remaining) in Israel</th>
<th>Entered Israel (Cumulative)</th>
<th>Entered Since the Beginning of the Year</th>
<th>Identified within Israel</th>
<th>Voluntary Departure since the Beginning of the Year</th>
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</tr>
<tr>
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<td>54,201</td>
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<td>35</td>
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<td>2013.09.30</td>
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\(^{241}\) The terminology of “infiltrators” here, as already mentioned, follows PIA (Population and Immigration Agency) record. Source: PIA reports, available at: [https://www.gov.il/he/departments/general/foreign_workers_stats](https://www.gov.il/he/departments/general/foreign_workers_stats) [in Hebrew].
Appendix B  
Table 2 Deportation and Detention of Illegal Immigrants in Taiwan: 2007-April 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Detention Chinese, Hong Kong and Macau Citizens</th>
<th>Deportation Chinese, Hong Kong and Macau Citizens</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Foreigners Legal Entry</td>
<td>Foreigners Legal Entry</td>
</tr>
<tr>
<td></td>
<td>243</td>
<td>244</td>
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<tr>
<td>2007</td>
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<td>677</td>
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<tr>
<td>2008</td>
<td>4,975</td>
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<tr>
<td>2009</td>
<td>6,822</td>
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<tr>
<td>2015*</td>
<td>2,386</td>
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</table>

* The 2015 number only covers the data between January and April.

243 There are five immigration detention centers in Taiwan. Four of them are located on the island and one on the Matsu Island, about 16 nautical miles east of China’s Fuzhou city. The first immigration detention center was established in 1991 in Hsinchu.
244 Prior to the 1990 Kinmen Agreement, illegal Chinese immigrants caught at the coastline were interrogated by the Taiwan Garrison Command (dissolved in 1992) and often returned immediately to Mainland China. In July 1990, the return of 63 illegal Chinese immigrants led to 25 deaths. The event prompted the two governments across the Taiwanese Strait to negotiate on a cooperation schema over returning illegal immigrants, which resulted in the Kinmen Agreement on September 12, 1990.
### Appendix C

#### Table 3 Number of Missing Foreign Workers in Taiwan: 2008-May 2017\(^{245}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Gender</th>
<th>Total Missing Foreign Workers</th>
<th>Departed</th>
<th>Remaining in Taiwan but Missing</th>
<th>At Detention Centers</th>
<th>Remaining in Taiwan</th>
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<tr>
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<tr>
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<td>59,580</td>
<td>21,821</td>
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<tr>
<td></td>
<td>Total</td>
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<td></td>
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<td>117,397</td>
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<td>May</td>
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## Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Arab Israelis</td>
<td>Israeli citizens who either self-identifies as Arabs, is categorized as Arabs in Israeli official statistics or both.</td>
</tr>
<tr>
<td>African migrants, African asylum seekers, or African refugees</td>
<td>Africans who reside in Israel and tried to settle through applying for asylum. I use these terms interchangeably.</td>
</tr>
<tr>
<td>Aliyah</td>
<td>Jewish immigration to Israel.</td>
</tr>
<tr>
<td>Ashkenazim</td>
<td>Jews of Eastern European descent.</td>
</tr>
<tr>
<td>Foreign workers, migrant workers</td>
<td>According to the UN Convention on the Rights of Migrants, a migrant worker is a “person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”</td>
</tr>
<tr>
<td>Illegal immigrants</td>
<td>Migrants whose existence is not authorized by the host governments. Though I am aware of other terms, such as “undocumented migrants” and “unauthorized migrants,” these other terms may not precisely capture the concepts I refer to in the manuscript. For instance, many migrants whose existence is considered illegal by the Israeli government are documented in the official statistics.</td>
</tr>
<tr>
<td>International migrant, immigrants</td>
<td>According to the UN, an international migrant refers to a “person who is living in a country other than his or her country of birth.” UNCESCO and EU defined a migrant as “any person who lives temporarily or permanently in a country where he or she was not born and has required some significant social ties to this country.”</td>
</tr>
<tr>
<td>Mizrahim</td>
<td>Jews of Middle Eastern and North African origins. Some authors use the term with Sephardim interchangeably. While I am aware that most authors and commentators today use Mizrahim and Sephardim interchangeably to refer to Jews of Middle Eastern and North African origins (Goldberg, 2008), I use Mizrahim because of their migration route since the establishment of Israel. Linguistically, Mizrahim refer to Jews from the “East” and Sephardim from the Iberian Peninsula.</td>
</tr>
<tr>
<td>Palestinians</td>
<td>A member of the Arab population who is originated in or lives in Gaza, the West Bank and does not possess the nationality of another country.</td>
</tr>
<tr>
<td>PIA</td>
<td>Population and Immigration Authority (formerly PIBA, the Administration of Border Crossings, Population and Immigration).</td>
</tr>
<tr>
<td>Refugees</td>
<td>A person who received UNHCR recognition as a conventional refugee according to the 1951 Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees.</td>
</tr>
<tr>
<td>Russian-speaking immigrants, FSU immigrants</td>
<td>Immigrants in Israel from the former Soviet Union.</td>
</tr>
<tr>
<td>Occupied Territories</td>
<td>The territories Israel occupied after the 1967 Six-Day War.</td>
</tr>
<tr>
<td>Sephardim</td>
<td>Jews whose ancestry can be traced back to the Iberian Peninsula.</td>
</tr>
</tbody>
</table>
References

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