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Abstract This article engages the analogy of Palestine/Israel to apartheid South Africa, and probes the political imaginary that contours this discussion while explicating the circumstances of its emergence. Accordingly, it contends that apartheid is not merely a system of institutionalized separation; rather, it organizes the facts and reality of separation(s) within a frame and against a background unity that effectively allows it to be perceived as such. To that end, the article explores four key factors that created background unity in apartheid South Africa: labor relations; political theology; role of language; and geo-political unit(y), and scrutinizes their political and experiential ramifications in Palestine/Israel.

Prologue¹

J.G. Strijdom, South Africa's prime minister from 1954 to 1958, described the racialized construction of space at the core of apartheid in these terms: "in a bus I will not sit alongside a native."² In May 2015, the military commander of the occupied West Bank issued an order that allocated separate bus lines for local Palestinians and Jewish settlers. Upon the instruction of Prime Minister Benjamin Netanyahu, the Minister of Defense Moshe Yaa'lon revoked the order the next day.³ Prima facie, these two acts seem to suggest a salient moral and political difference between the ongoing state of affairs of contemporary Palestine/Israel and what occurred under the apartheid in South Africa. This is all the more so if one considers explicit commitments to civil rights for all Israel's citizenry (which comprises a fraction of the Palestinian people) found in the Declaration of the Establishment of the State of Israel (1948).⁴ Despite national subordination and blatant cases of segregation (especially in zoning and housing) in Israel proper,^{5,6} Jewish and Palestinian citizens of Israel study together in colleges and universities, work together in civilian hospitals and clinics on all levels, dine in the same restaurants, and, indeed, ride on the same buses. It is therefore tempting for some analysts to argue that apartheid South Africa and Palestine/Israel represent two different

stories, historically, morally and politically. Yet for others it is equally, if not more, plausible, to argue that the state of Israel shares the intention, goals and *de facto* practices, especially in the West bank and Gaza, of apartheid South Africa – as both projects aimed to create and maintain purified ethno-national political entity while segregating, separating and dominating the native population. This article elaborates in what senses the two stories appear analogous and in what senses they appear not.

1. Introduction

On July 19, 2018, the *Basic Law: Israel – The Nation State of the Jewish People* (hereinafter “The Jewish Nation State Basic Law”) was passed in the Knesset (Israeli Parliament) after seven years of deliberations. This Basic Law, which has a constitutional status, signals a new, yet continuous, phase in the juridical, legal and political reality in Palestine/Israel, for it ordains explicitly the ethno-national supremacy of Jews in a sweeping and systematized manner.⁷ With this Basic Law in place the analogy of Israel to apartheid South Africa becomes more acute. Accordingly, this article sets out the historical, political and conceptual-discursive backdrop that laid the grounds for the passing of the law, and at the same time situates this event within an unfolding trajectory. The historical dimension is addressed insofar as the story of “the becoming” of apartheid is told according to the trajectories of its evolution, not through a description of mode(s) of “being.”⁸ It hence depicts socio-political events as signifying dynamic, unfolding processes, not as mere happenings or, alternatively, a formative, static “structure.”⁹ In this sense, events disclosing the becoming of apartheid are effectively treated as “structuring” events of and within a broad historical narrative.¹⁰ So conceived, racial identities produced and maintained by an apartheid situation of settler colonial origin – as in the cases of South Africa and Palestine/Israel – need be understood as artifacts of their very processes of “enactment.”¹¹ Therefore, in the context of our analysis, apartheid’s racial/constitutive dynamics are not to be considered inert structures.

The article is “political” in contradistinction to the “legal.” Evidently, apartheid is a phenomenon prohibited and criminalized by international law as a crime against humanity, not only the name of a regime that prevailed in South Africa. However, it is not the aim of this article to pass a juridical verdict whether Israel could or should be “convicted” of the crime of apartheid under international law (though we are cognizant of these debates and their political ramifications).¹² The article rather aims to advance a political take on apartheid – which apprehends apartheid from the viewpoint of historico-political dynamics.

The article is also conceptual, in the sense that we aim to say something not only about the factual “reality” apartheid constitutes but also about the way that this reality is construed and perceived, and how these perceptions frame the political discourse of the analogy to apartheid. Hence, we contend that apartheid, as a generalizable phenomenon, is not only a reality but is also a conceptual apparatus, a lens through which one understands political realities and reciprocally informs political dynamics and resistance practices.¹³ Therefore, the article moves back and forth between describing “reality” and the way “reality” is perceived and acted upon.

Despite the fact that Israel has maintained vigorous systems of separation and domination since its establishment in 1948,¹⁴ it is noteworthy that the apartheid analogy started gaining momentum only in the last two decades. This article thus attempts to contextualize the late emergence and appeal of the apartheid analogy in scholarship generally and in political analysis and public discourse within Palestine/Israel particularly. This shift, we show, is in part due to changes in “reality” but is also a result of new “conceptions” of this reality.

The publication of former US President Jimmy Carter’s book *Palestine: Peace Not Apartheid* in 2006 represented a turning point in the international public circulation of the “apartheid analogy.”¹⁵ Increasingly, Israeli prime ministers, senior ministers and president have been articulating their competing visions of the Palestinian-Israeli conflict through the apartheid analogy.¹⁶ While some analysts and scholars argue that the analogy is politically appropriate and historically valid,¹⁷ others reject the analogy’s purchase and view it as misleading.¹⁸ The majority of scholarly works addressing the appropriateness or validity of the apartheid analogy tackle it from the perspective of the study of political regimes; i.e., with the intent to examine whether the objective features of the Israeli regime (factually) resemble those of apartheid South Africa.¹⁹ This article, however, goes beyond this modality of inquiry. It discursively scrutinizes the conceptual valence of the analogy, especially from the standpoint of Palestine/Israel’s political subjects—whose political consciousness has been evolving (at least since the establishment of the State of Israel) in the shadow of coercive state practices of separation, segregation and domination.²⁰

To that end, our conceptual analysis of political consciousness is informed by Erving Goffman’s concept of “structure of experience.” In his study *Frame Analysis* (1986), Goffman investigates the structural aspects of the experience of individuals in various moments of their social lives, as opposed to the “structure of social life” itself. Despite the primacy of the “objective” structure of social life over experience as such in structuralism, Goffman argues that what is important about

individuals' experience of reality is the "sense of its realness in contrast to our feeling that some things lack this quality."²¹ Accordingly, our inquiry seeks to elucidate primary frameworks of interpretation that subjects in Palestine/Israel employ – (un)self-consciously – as they "prime" or code political events in their everyday.²² Such primary frameworks are seen as rendering what would otherwise be a meaningless aspect of the scene into something that is meaningful.²³ Hence, we approach apartheid as an interpretive frame that structures the experience of affected subjects.

Furthermore, the article advances a sensibility which recognizes "the becoming" of apartheid as a lens of political consciousness as an intricate, not self-evident, thing: apartheid does not arise merely from the nominal acts of physical segregation, social discrimination or political domination.²⁴ For an apartheid imaginary to emerge, we contend, separation and domination, must take place in a context whereby the unity of the parts pulled apart can realistically be experienced/imagined. Stated differently, tangible commonalities and imagined unity are the condition of apartheid discourse. Conceptually speaking, if there is no commonality whatsoever, and if there is no unifying frame, then it becomes difficult to draw a comparison between the compared objects/parties and realize what is exceptional in the scene. Hence, any conversation about exclusion must assume a certain baseline category or rule; a unifying frame.²⁵ The "exception" cannot be thought unless considered as potentially subsumed under the rule. Rule is the condition of exception, and apartness could be thought only within frame of unity and commonality. Without this basic commonality – background unity indeed – we are positioned in what Jean-François Lyotard called *differend*: "a conflict between (at least) two parties, that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments."²⁶ Hence, we argue that what delayed the discursive prominence of the apartheid analogy in the case of Palestine/Israel is not the lack of concrete segregation, but a failure in perceiving it as the background unity which ordains and stabilizes the frame within which "apartness"/apartheid is experienced.

Concretely, the article takes stock of four major factors that shaped the apartheid regime and its dynamics in South Africa, and elaborates in comparative fashion on their purchase in Palestine/Israel's case. These factors are: (1) labor relations; (2) the political theology of the dominant group; (3) the role and social function of language(s) in the formation of common political imaginary and unity; and (4) the integrity of the geo-political unit over which the conflict revolves and within which it unfolds. These factors, separately and jointly, have been decisive in creating a common background-*cum*-potential unity in twentieth-century South Africa due to their inherent potential for unifying

the *de facto* body politic of South Africa as one unit encompassing “Africans,” “Asians,” “Coloreds,” and “Whites.” This dynamic had in effect rendered apartheid a “necessary” and visible regime. South Africa’s apartheid evolved from practices of spatial segregation and racial domination against the backdrop of increasing potential unity or oneness, and eventually grew into a comprehensive regime. It consolidated when some political leaders started to doubt the practicability of mere segregation on the one hand, and when economic necessities caused many blacks to move to the city and mix with whites on the other.²⁷

The article proceeds to investigate the way the same above factors have functioned in Palestine/Israel. While rendering apartheid “necessary” in South Africa on the part of the white minority, these factors seem to conjure a dissimilar historico-political consciousness in Palestine/Israel. The constellation of the outlined modicum of four factors in Palestine/Israel has shaped Palestinian subjects’ structure of experience nonuniformly due to the differential geo-political segregation into units imposed on them by the Israeli state. This coercive modality of rule over the Palestinians has marred their ability to perceive or call to mind the background unity it harbors. As a result of this particular historical process the construal and common perception of the political reality in Palestine/Israel as apartheid has been impeded, and, together with it, any endogenous and common anti-apartheid movement.

Nevertheless, a background unity indicative of apartheid has been emerging due to the failure of the two-state solution and to the increase in physical settlement infrastructure and Jewish settler demographics in the West Bank – whose unceasing expansion has integrated the West Bank into Israel, and Israel proper into the West Bank. This dynamic has raised gradually, if slowly, the “sense of realness” of a single geo-political unit, as well as the awareness of its consolidation. On the other hand, within Israel proper, the surge in legislation and practices of segregation and subordination against the Palestinians citizens in the past decade (reaching a high point in the Jewish Nation State Basic Law) has been evaluated as a game-changer, as a leap in the structure governing Palestinian social life. Concomitantly, this “structuring” vector of inclusive exclusion within Israel proper has accentuated the predicament of the superiority of Israeli Jewish citizens compared to their Palestinian counterparts and engendered a feeling of imminent inferiority in the latter’s structure of experience. Overall, we see a simultaneous double dynamic in Palestine/Israel: increase of perceived and foreseen unity on the one hand and intensification in the segregation of common life and the curtailing of egalitarian togetherness on the other.²⁸

In light of the aforementioned, the article explains the historical and relative absence as well as the late emergence of the apartheid analogy in light of the proposition which deems apartheid a dynamic of segregation, separation and domination within various relevant frames of unity in Palestine/Israel. In this sense, unity—real or imagined—is the condition of apartheid. If there is no unity within which the separation takes place, then there can hardly be any apartheid. By the same token, if there is a unifying frame while there is no segregation/domination, then there is also no apartheid. The article traces the way(s) Israel maneuvers to hinder the emergence of a blatant Apartheid regime and the limits of this maneuver. It offers a general frame that does two things at the same time: it allows us to view Palestine/Israel as a single geo-political unit, and to conceive of the Zionist settlement project as a unity whilst leaving enough room for distinguishing between its different stages and the different shapes it has assumed territorially and politically (Israel proper, the West Bank and Gaza, the Palestinian refugees).

One of the major insights of this article pertains to the mismatch between the apartheid talk and a corresponding structure of experience generated by apartheid-like social structures in Palestine/Israel. We argue that, despite its increasing use, the analogy has not particularly gripped the local political imagination. This is because separation in the form of independent Palestinian state is still the main demand for the Palestinians of the Occupied Territories (primarily for the Palestinian political establishment therein, and to a lesser degree among the general population): they do not ask for equality within the existing political unit, but rather the creation of a separate unit for themselves. Territorial separation is a Palestinian demand. The full acknowledgment that the two peoples are trapped in a single Israeli-controlled political unit has not yet settled in the political consciousness of Palestinians. On the other hand, Israeli politicians on the left of the political spectrum still cling to a fantasy of a two-state solution (i.e., territorial separation and demographic segregation), while those on the right retain fantasies of population transfer/ethnic cleansing or segregated Bantustans.²⁹ Both poles of the Israeli political map lack the imaginary of living collectively within one unit with the Palestinians. In sum, the centrifugal imagination to separate is far more dominant than the centripetal momentum to acknowledge the one *de facto* sovereign political framework. When both collectivities, the Israeli Jews and the (fragmented) Palestinians, fully recognize the impossibility of national separation into separate geo-political units, apartheid will become acutely visible as a problem, to which the one-state solution becomes a possible, and probable, solution.

The article is very much informed by the piercing insights of the settler-colonial scholarship,³⁰ and aware of the recent “turn” it

effected in the study of the Palestinian-Israeli conflict,³¹ which we have deployed and critiqued in previous work.³² While helpful in understanding systemic processes, the settler-colonial paradigm embodies an overarching approach that needs to be adjusted to capture the specific circumstances of each case with its own particular trajectories. As such it is an underdetermined category that always needs supplementing, and there is clear limit to what can expect from the paradigm.³³ Australia, the United States of America, Algeria, South Africa, Ireland and Palestine cast different variations of settler-colonial projects. But while the project in America ended in almost total defeat of the indigenous population, in Algeria in the defeat and dismantling of the settler project itself, a much less determinate outcome emerged in Ireland, South Africa and Palestine. The dynamic in South Africa ended in a juridical apartheid regime which to a large extent determined the form of solution/alternative—a one-state solution with equal political rights—but this outcome is neither logically nor historically entailed, as the cases of Palestine or Northern Ireland show. An apartheid regime is just one “solution” or constellation in a reality of skewed power dynamics among different collectives constituted by settler colonialism as the cases of South Africa and Palestine/Israel suggest. The apartheid analogy framework does not substitute the settler-colonial paradigm; but rather complements and particularizes it, for these two models unfold on two different levels of abstraction. Settler colonialism is neither a necessary (the Jim Crow regime in the US) nor a sufficient condition for erecting a system of segregated geo-political units and domination.³⁴

Thus, when moving from the question of paradigm (settler colonialism or apartheid) to the realm of *solutions*, it becomes clear that there is greater intimacy between the one-state solution and the apartheid paradigm than the one-state solution and the more abstract paradigm of settler colonialism. That is to say, there is no clear political solution that can be derived from the fact that actually existing Zionism and the state of Israel embody a settler colonial project, whereas it “makes more sense” to make such an inference if we diagnose the state of affairs as apartheid.³⁵ Put differently, the apartheid analogy generates more practical political traction than the settler-colonial analogy or paradigm does.

2. Apartheid’s Conditions of Possibility: A Concise Historico-political Trajectory

At the outset, the official apartheid policy in South Africa was established only in 1948 following the election that brought the National Party led by D.F. Malan to power. This is not to say that no laws had previously enacted racial divisions between those categorized as

whites, blacks, and coloreds. The end of the South African War (1899–1902; also referred to as the Second Anglo-Boer War) proved a turning point in establishing an official, pervasive racial order in colonial South Africa. The affirmation of racial supremacy was central to reconciling the competing Afrikaner and English-speaking South African nationalisms within a unified white racial identity and nation.³⁶ In the epoch following South Africa's establishment as a republic in 1910, whites enacted a plethora of discriminatory laws against the local population and stripped them of many basic rights, among them the right to vote and the right to purchase lands, while also demarcating the lands they inhabited as "reserves" to which they had no property rights.³⁷ The novelty of the apartheid regime (1948–1994) lay in the fact that it was adopted as a systematic official policy based on an organizing double-principle of segregation and separation, which formatted all spheres of life. Common life was split into two. This separation was legally codified and enforced by brutally violent means.³⁸

Apartheid as a philosophy of government was not an improvised policy. Before the national elections in 1948, the National Party established the "Sauer Commission" to address the color question.³⁹ The Commission concluded that the state had to make a choice between two options; one being "integration and national suicide," and the other "apartheid ... and the protection of pure white race."⁴⁰ Evidently, the Commission chose apartheid and the purity of the white race. And yet, the colonization of South Africa started about 250 years before the apartheid regime was established as an official policy. So, why did it take centuries for the white settlers to establish a formal and distinct apartheid regime in South Africa?

The institutionalization of apartheid in 1948 came after three decades where masses of blacks moved to the predominantly white-populated cities where the non-white work force in those cities was cheaply employed. Between 1921 and 1936 the black population in cities increased by 94.5 percent, and between 1936 and 1946 it increased again by 57.2 percent as the total population of blacks in cities approached two million.⁴¹ Apartheid was a reaction to the real prospect of mixing: the city was an economic and social site that threatened both conservative and poor Afrikaners—living, working, and eating together became experienced as a threat on their part.⁴²

Apartheid was the solution to the problem of two opposing pressures at a certain historical moment in South Africa: the *de facto* increase of togetherness and the desire to separate in order to maintain white supremacy. This is what rendered apartheid "necessary" and indispensable on part of the white minority.⁴³ Hence, apartheid is a policy or a regime that is developed against the background of mixing and potential unity or oneness. It is not merely constituted through nominal separation(s)—if there is no common frame within which the

separation is taking place then there can hardly be apartheid. We tend to notice that which is excluded against the background of its potential inclusion.

3. Apartheid's Mirror

What are the factors that rendered the apartheid configuration a necessity? We suggest these factors are: (1) labor relations; (2) political theology of the dominant group; (3) the role and function of language(s); and (4) integrity of the geo-political unit. We will argue that the constellation of these factors pushed toward the emergence of a united frame within which apartheid became imperative and visible. These factors imposed a certain togetherness that whites refused to accept. And these same factors also enabled the emergence of common "apartheid consciousness" and subsequently the formation of the anti-apartheid movement, which eventually brought the apartheid regime to an end.

3.1 *Labor Relations in South Africa*

In principle, settler-colonial societies employed three potential labor forces, or combinations thereof. *Mixed* colonies incorporated the native peoples; *plantation* colonies "imported" slaves or indentured workers, while *pure settlement* societies preferred poor white settlers, thus creating a separate economy and society with no mixing.⁴⁴ The choice made between these alternatives has been decisive in shaping the structure of the rule in colonies. The whites in South Africa exploited and wanted to exploit the local black population in a comprehensive manner only at the end of the nineteenth century.⁴⁵ In this sense, blacks were indispensable for the whites' wealth and lifestyle, though not sweepingly.⁴⁶ Records show that already in 1716, when faced with a labor shortage, the governor of the Cape Colony and his Council of Policy faced two options; either importing a free and "semi-free" white labor force from Europe or importing slaves from the Dutch East Indies. Eventually, they opted for the latter option.⁴⁷ This historical decision meant that the whites were condemned to be a minority, on the one hand, and dependent on black labor, on the other.

In reality, things were more complicated. Boer/Afrikaner nationalism was in part developed in the early decades of the twentieth century in reaction to the mixed model of British classical colonial exploitation.⁴⁸ In its beginnings, it articulated itself against this backdrop of classical colonial exploitation of the "mixed type" while pushing for a "pure" model.⁴⁹

This process resulted in a unique mix of a pure and mixed labor force throughout apartheid: one pushing for mixing and the other for

separation. Economically speaking, this would later bring the apartheid regime to a critical decision point.⁵⁰ Still, the crucial point here is that in general South African whites were dependent on Black labor, thus imposing a certain togetherness, dependency and unity between the oppressor and the oppressed—far more than is the case in present-day Palestine/Israel, as the next section will show.

3.2 *Christian Political Theology in South Africa*

The second enabling factor of apartheid is the long-standing role of Christian political theology among the settler groups in South African society. The earliest European settlers to arrive in South Africa were members of the Dutch Reformed Church (DRC), and were followed by French Huguenots half-a-century later (both groups were Protestant). These groups, alongside several colonial British members of the London Missionary Society who preached for religious equality, began missionary work and managed to convert a few non-whites. Conversion typically involved emancipation from slavery (since there could be no Christian slaves).⁵¹

It is very telling that the policy of segregation started in fact with the churches themselves already in the middle of the nineteenth century. At the beginning of the nineteenth century the DRC Synod decided that any person of color who had been accepted as a member of the church should receive communion on equal basis as whites, and as a result whites and non-whites attended the same ceremonies. This is precisely what created friction and hostility towards non-whites. Under pressure of white opposition to these measures, the Synod of Cape Town issued a decree allowing segregation while stressing that still it was still desirable to worship together rather than separately.⁵²

It is hardly contested that the white colonialists in South Africa deployed a political theology to establish and justify their domination.⁵³ The Boer/Afrikaner, in particular, emphasized the doctrine of predestination and the “community of the elect.” This reading of the Bible viewed blacks to be outside God’s grace and thus incapable of obtaining salvation.⁵⁴ When the National Party won the election in 1948, *Die Kerkobde* (the official publication of the DRC) stated: “[a]s a church we have always worked purposefully for the separation of the races. In this regard apartheid can rightfully be called a church policy.”⁵⁵ But the debates within the DRC never stopped regarding the issue of segregation. Under the influence of the struggle against apartheid, the DRC eventually characterized efforts to justify apartheid as “heresy” and, by the middle 1980s, its Synod withdrew its biblical justification and other support for apartheid.⁵⁶

While consolidating apartheid, South African Christian political theology also sowed the seeds of resistance. Christianity, as embodied

in an ensemble of missionary movements, lent itself well to the expansionist colonial project in South Africa, and as such reached out to the native black population. By the formal establishment of apartheid, the percentage of black Christians reached a peak.⁵⁷ Part of the mission included colonizing the minds of the local communities, through the transformation of traditional agriculture and Christian schooling.⁵⁸ In fact, when the South African Native National Congress (which would later metamorphose into the African National Congress, ANC) was established in 1912, most of its leaders were black Africans who had attended missionary schools.⁵⁹ The spread of Christian dogma and ethics meant that even black Africans who resisted the religious message internalized (to a certain degree) not only its fundamental categories of time and work but also its organizing values and regulative norms (e.g., equality of and between believers).⁶⁰ Yet while settler white Christians modified local conceptions of time and worldviews, native black Christians had in turn appropriated and reinterpreted the Christian message and deployed it as a theo-political weapon in the struggle against supremacy and racial segregation.⁶¹

Hence, Christian theology was an ideological resource deployed to establish apartheid, but at the same time it was—as “liberation theology”—a resource that helped overcome the total racial opposition between whites and blacks. The fact that both sides drew on the terms of the same Christian theological doctrine kept the “opponents within a certain humanitarian bounds.”⁶² Here again, as in the case of labor relations, whites and blacks inhabited a medium where they could meet, mix and moreover capitalize on a common spiritual space. Both, thus, developed a structure of experience not lacking in precepts of unity.

3.3 *The Role and Social Function of Language(s) in South Africa*

Sociologically, South Africa was and still is a multilingual country. The post-apartheid Constitution recognizes eleven official languages.⁶³ Nevertheless, English—the language of the British colonizers who arrived in South Africa a 150 years after the Dutch—became the common language of the black majority and the dominant medium of communication in South Africa. How did English end up playing such a unifying role in the anti-apartheid struggle?

As early as 1822 (about fifteen years after the onset of the British colonization), English was declared the only official language and court proceedings took place primarily in English.⁶⁴ British rule aimed first and foremost at assimilating the Dutch language (Afrikaans-in-the-making), but not only. The local native population was targeted as well, though on a smaller scale. English continued to be the only official language throughout the nineteenth century, and this attempt

at assimilation and Anglicization resulted in negative reaction by the Boers, who developed their Afrikaner nationalism in part in opposition to the enforcement of English as the dominant and sole official language of the country. Only after the end of the South African War in 1902 was Dutch granted official status as a formal language, thus turning unitary South Africa in to a *de jure* bilingual entity.⁶⁵

This struggle over language rendered Afrikaans the primary marker of the Boer national and ethnic/racial identity. So, while the Boer/Afrikaners distinguished themselves *from* black Africans on the basis of being white and Christian, they distinguished themselves *within* the white community on the basis of speaking Afrikaans rather than English.⁶⁶

During the apartheid era, the language policy pursued by the regime meant to preserve the separation between all groups, meaning between whites and blacks but also between Afrikaans and English. The government never aimed to forge any common language. Actually, it enacted the Bantu Education Act in 1953 with the goal of imposing compulsory mother-tongue schooling for primary education. The government's aim was to ensure a mechanism of separation, thus reinforcing tribal and local identities at the expense of a common/shared one. It even launched a campaign against missionary schools teaching in English that were active within the black community.⁶⁷

Thus, the apartheid regime came to be associated with two policies on the part of anti-apartheid political forces: with the mother-tongue policy that encouraged tribal/local identity at the expense of a national one, on the one hand, and with the exclusivist Afrikaans/Afrikaner nationalism as antagonistic competitor of the English/British hegemony, on the other hand.⁶⁸ The African-black communities, however, primarily perceived Afrikaans as the language of their oppressors.⁶⁹ Their political leadership embraced English, which became the *de facto* language of the ANC and the communicative vehicle of resistance to the apartheid regime. In short, English became the language "of aspiration and eventually the language of national unity and of the liberation for the black elites."⁷⁰

The dynamics outlined in subsection 3.2 and the above suggest four major reasons that effectively made English the dominant language for the anti-apartheid movement. One is that Afrikaans was perceived as the language of the white oppressors. Second, many black leaders were taught and educated in English missionary schools. Third, there was no single dominant language of the local native population that could be a candidate to unify around it all other communities, socio-cultural groupings, and colors. Fourth, English became the common language of black South Africans and of the global economy and diplomacy.⁷¹ Slowly but steadily, English became the "neutral" medium through which all of South Africa's communities could communicate and articulate a common vocabulary of resistance to apartheid.

3.4 South Africa as A Single Geo-political Unit

The South African Republic was established in 1910 as a single unified polity. The British coalesced with the Boer/Afrikaners creating white unity as its basis. Consequently, this white front propelled black unity as an opposition force.⁷² Increasingly thereafter, all South Africans—be they white, Indian, colored or black—understood and identified themselves as South Africans, in the sense of belonging to the polity of South Africa and sharing its fate.

This sense of one integral geo-political unit persisted even at the height of the apartheid regime. Indeed, black reaction to the Bantu Homeland Citizenship Act of 1970 demonstrates the extent to which blacks viewed themselves first and foremost as South African. This Act instigated a process whereby blacks were accorded citizenship within their Bantustans, and thus excised from South African nationality. Hence, blacks were excluded from participating in the political process that determined their legal-political status within the territory of the state.⁷³ This paradoxical measure meant that blacks were categorized as belonging to the Bantustans and no longer South African nationals, yet the Bantustans were not recognized internationally and remained defined as part of the South African Republic territory. The aforementioned measures were met by strong opposition by the leaderships of the ANC and rival black political groups.⁷⁴

This political unity laid a common background against which to undertake resistance. As early as 1909 the publication of the draft of the South African Act, waves of protest propagated all over the country. Their recurrences consolidated the blacks nationwide and had far reaching consequences on the nature of black political opposition on national scale.⁷⁵ The anti-apartheid struggle was meant indeed to create a new South Africa as a polity for all national and cultural groups, and as a united *body politic*.

4. Palestine/Israel in Apartheid's Mirror

The four aforementioned factors managed through 250 years of colonization to create some commonality that imbued the category of “being South African” with meaning. Against the backdrop of this commonality, the demand *qua* need for separation within the unity intensified. Yet it was precisely these factors, pushed to their ultimate universalizing ends, that simultaneously enabled the anti-apartheid mobilizations to ultimately topple the regime.⁷⁶ This is not to claim that taken together these factors are exhaustive or conclusive. Yet, we contend that the four-factor modicum was crucial for the shape and directionality of the anti-apartheid struggle and movement in South Africa.

When applying the apartheid analogy to Palestine/Israel, one must proceed with caution. On the one hand, the Palestinians are administratively and territorially sorted into at least three different groups, each of which has articulated different sets of political demands. The Palestinian refugees demand their return; the Palestinians in the occupied Palestinian Territories demand an end to the occupation and national self-determination; meanwhile, Palestinians in Israel demand full civic and national equality within the frame of Israeli citizenship.⁷⁷ On the other hand, one must be aware that the Zionist project has different faces and phases that are difficult to subsume under overarching concepts. These nuances caution us to trace political dynamics historically in a differentiated and refined manner, yet without losing the overall contours of the story. These distinctions are crucial for understanding the relevance of apartheid to Palestine/Israel and concomitant modes of resistance.

4.1 Labor Relations in Palestine/Israel

In terms of labor relations between the Jews and the Palestinian Arabs, one can speak roughly of four stages: the first ranges from the second wave of mass Jewish immigration and settlement in Palestine (known as the Second Aliyah, 1904–1914) until 1948 and the establishment of the state of Israel and which is of most importance in the formation of nature of the Hebrew Yishuv (the Jewish/Zionist community's governance framework during the British Mandate of Palestine); the second, concerns the Palestinians in Israel and ranges from 1948 onward; the third one relates to Palestinian workers from the occupied Palestinian Territories from 1967 until the early 1990s; and the fourth extends from the post-Oslo Accords time until the present. Despite all of these changes, we contend that the Second Aliyah maintains the most dominant and formative influence on the current shape of labor relations.

During its very beginnings in the last two decades of the nineteenth century, Zionist settlement in Ottoman-controlled Palestine had to rely on cheap local labor but it did not possess a coherent or ideological conception of labor, and thus ideas about segregated and mixed labor overlapped.⁷⁸ However, during the Second Aliyah, Zionism in Palestine crystallized as a settler movement that needed simultaneously to secure land for its settlers and settlers for its land.⁷⁹ These two aforementioned trends had yielded a decisive controversy between two strategies concerning Zionism's attitude to labor, economy and settlement; one advocating the "conquest of land" while the other advocated "conquest of labor." Eventually, redemption of labor triumphed.⁸⁰ Thus, the Zionist movement opted from the beginning for Jewish rather than Palestinian labor.⁸¹ In this regard it selected a labor

regime akin to the Australian and North American types, not to the North African and South African ones.⁸² The Zionist movement thus built the foundation for segregated and/or separated economic and labor relations early on. Whereas apartheid sought land *with* people (though also with segregation), Gershon Shafir and Leila Farsakh demonstrate that Zionism and, subsequently, Israel have principally sought the land *without* the people. Thus, the Palestinians' exclusion from workforce was a premise for Zionist nation-building.⁸³

The first minor shift in the aforementioned labor paradigm took place after the establishment of the state of Israel, when the state started incorporating cheap Arab labor within the Israeli-Jewish economy due to its dire need for (cheap) workers. These were Palestinians who became citizens of Israel following its establishment.⁸⁴

It is revealing that the unification of Israel's body politic and the constitution of the category of "Israeli citizenship" preceded the "significant" incorporation of Palestinian labor, which began gradually in the second half of the 1950s.⁸⁵ This is an important difference with South Africa. There, dependence on black labor prompted apartheid, whereas in Israel, the dependency on Palestinian labor did not seem threatening.⁸⁶

The second shift in labor relations took place in the aftermath of the 1967 War when Jewish employers increasingly employed many Palestinian laborers from the occupied Palestinian Territories for cheap wages.⁸⁷ This occurred, again, due to Israel's capacity to expand its border and consolidate its security following the war, which in turn resulted in growing confidence in its ability to incorporate labor.⁸⁸

The last stage of labor relations took place during the 1990s, with the onset of work permits and closures policies, culminating in the building of the separation wall following the Second Intifada – the privilege of access to employment in Israel was turned into a central pillar in Israel's strategy of controlling the Palestinian population of the West Bank and the Gaza strip.⁸⁹ In the last twenty years Israel has not substantially incorporated Palestinians from the occupied Palestinian Territories, and it prefers to employ migrant labor rather than Palestinian labor.⁹⁰ The segregated labor market prevailed again and with it the lack of background unity or frame.

The result of these processes was that while in the past two decades the exclusion of Palestinian labor from the occupied Palestinian Territories has increased dramatically, the incorporation of Palestinian citizens of Israel in the Israeli market has been gradually broadening.⁹¹ These diverging labor dynamics make apartheid both too strong and too weak a term to describe what is happening to Palestinians in the occupied Palestinian Territories and Palestinians in Israel. For the former, segregation is so intense and incorporation so absent that it seems they lack the commonality/unity, which is the precondition of

apartheid. Meanwhile, for the Palestinian citizens of Israel, structural discrimination certainly exists, but there is insufficient tangible segregation in the labor force and other areas of social, economic and political activity to make apartheid a palpable structure of experience.

4.2 *Zionism's Political Theology*

If religion in South Africa allowed some space for interaction and the possibility of cooperation between the settlers and the natives, the case of Zionism in Palestine/Israel suggests a different story. The relation between religion and nation can take many shapes.⁹² For some modernists, nationalism is just a new phenomenon that emerged in modern times.⁹³ For others, nationalism performs a similar role to religion in terms of self-identification and self-orientation, imbuing meaning to human existence.⁹⁴

Yet another way to understand this relation is to conceive of it as historically contingent. In this sense, one could, for example, trace the role of Protestantism in the shaping of English nationalism.⁹⁵ Or, one could study how nationalism deploys religious feelings, images, and symbols to enhance its project and to rally the masses behind it, as in the case of Greek nationalism.⁹⁶ Another way of conceiving of the relation historically involves identifying its defining attribute; i.e., “religious nationalism.”⁹⁷ Here religion is not a phenomenon outside nationalism; rather, it is internal to it, neither an external explanation of it, nor just instrumental. In this case the relation is more intimate, and each of the categories is imbricated in the construction of the other and both compete to shape the way peoples and groups intuit and understand themselves and their others in ways that appear inevitable. It is this last category of “religious nationalism” that we want to utilize and further elucidate in the case of Zionism. Actually, we argue that Zionism is a unique religious nationalism that hindered the possibility of creating a common political background and shared vocabularies with the indigenous Palestinian community.⁹⁸

Zionism has been viewed by many of its liberal supporters as a revolt against religion, for it claims salvation for its people by human action, not divine intervention.⁹⁹ No wonder that many Orthodox Jews and Rabbis expressed strong opposition to Zionism.¹⁰⁰ But even scholars who see Zionism through the prism of the secularization of Jewish politics are aware that there is a certain dialectics therein: it represents not only revolt against religion but a continuation and reinterpretation of the religious myth.¹⁰¹ One can find this dynamic even within the thought of clearly secularist founding figures of Zionism like Theodor Herzl.¹⁰² Hence, Zionism has been unique for the “internal” role that Judaism plays and its intertwining with nationalism. This intimate relation has a double nature. First, there is an overlap of the *audience* of

the national and the religious discourses, and second, there is overlap in the *mission* between the national and the religious.

Let us start with the overlap in the Zionist discourse between the religious and national audiences. Such overlap occurs in other similar cases. Irish nationalism in Northern Ireland could not be thought and conceptualized without the denominational difference (Catholic versus Protestant) between the Irish and the British, for the two people spoke English.¹⁰³ But what is clear is the fact that while Irish nationalists are Catholics, not all Catholics are Irish. There is no total overlap between these two pools of rudimentary identifications. One decisive aspect in Zionism is the fact of almost a total overlap. The audience of the religious discourse is the same audience of the national one, and it is addressed to them and only to them. In Zionism, Judaism is addressed to one nation, and – to some extent – nationalism is addressed to Judaism. Hence, the “siege” around the nation is double layered, which makes it almost impenetrable by non-Jewish subjects.

Still, these points about Zionism require qualification, because for many secular Jews the category of the Jew as part of a national group does not fully overlap with the religious definition. For example, someone born to a non-Jewish mother and thus not Jewish in religious terms can still become a citizen of Israel by virtue of the Israeli Law of Return. Namely, someone not considered Jewish in religious terms can still be considered Jewish in national terms.¹⁰⁴ Some can argue that this space allows speaking of Jewish nationalism as separate from religion.¹⁰⁵ This is a point we partially concede for there is no full overlap between the two, but the issue is not about total overlap. The point is that the Jewish “national” as it figures in the Law of Return is herself being defined upon religious terms, or in relation to them.¹⁰⁶ The religious definition of the Jew is an indispensable attribute of the national definition (and religious affiliation is predicated on an “objective” biological test of belonging to the tribe – being born to a Jewish mother). Despite their tensions and conflictual nature, the two categories mutually constitute one another. The religious plays a cardinal role in defining the borders of the nation. For these reasons Zionism could be termed a “religious nationalism.”¹⁰⁷

The second overlap relates to the way the mission of the Zionist project is being framed and articulated in terms of “Redemption,” “Return,” “Negation of ‘Galut’/Exile,” “Building of the (Third) Temple.”¹⁰⁸ In one powerful sense, the national-historical consciousness Zionism embraced is rooted in a theological myth *qua* national myth. This is expressed by the term “negation of exile.” It is based on the perception of Zionist settlement and sovereignty over Mandatory Palestine (reconstructed and resized “Eretz Yisrael”) as the return of the Jews to their homeland, regarded either as empty or as a land with no culture or people of its own.¹⁰⁹ As such, the Zionist project has been

seen as the fulfillment of Jewish history and the realization of Jewish messianic expectations.¹¹⁰ Zionist ideology advanced its interpretation of the religious myth and the Scriptures as exclusive: "God was excluded, but his word continued to direct the discourse and to serve as a source of legitimacy for the process of colonization and dispossession."¹¹¹ In short, this form of nationalism made religion a guiding and organizing element. Even founding figures of the seemingly secular labor movement such as Aaron David Gordon emphasized the organic embodiment of the religious Jewish conviction in Zionist nationalism.¹¹²

Furthermore, Zionism was inspired by the Eastern European model of nationalism where membership in the nation was constructed through primordial, ethnic and cultural terms, in contrast to the legal-civic Western Nationalism.¹¹³ It also designates the state essentially as the "servant" of the nation.¹¹⁴ As such, Zionism belongs to the "closed" strand of Eastern European nationalism yet not in a simple manner. Whereas most of the Eastern European peoples were relatively contained within delimited territories, European Jews were geographically scattered and in need for a modern myth and set of symbols to forge their togetherness.¹¹⁵ Religion, reinterpreted and secularized, played a major role in this quest. Ergo, Zionism's boundaries are to a large extent defined and sealed *ex ante*.

The Zionist settler project thus was promoted and justified through a unique mix of the overlap of audiences and mission, Judaism as non-missionary religion, and the ethnic non-civic type of nationalism. All these elements created almost a total opposition between the Israeli Jews as a collective subjectivity and the Palestinians living in their midst, in their own homeland. Whereas Christianity offered some common ground for the different populations in South Africa, Zionism in Palestine/Israel blends Judaism with nationalism and functions as a means of separation and inclusive exclusion.¹¹⁶ In Palestine/Israel, hence, actually existing Zionism embodies a double objective which feeds into itself: reproducing an exclusive configuration of the Israeli Jewish collectivity while simultaneously manufacturing a structure of experience incommensurable with trans/bi-national political ethic or shared life as a structure of social life.

4.3 *The Role and Social Function of Language(s) and Palestine/Israel*

The *de facto* abolition of the status of Arabic as an official language in the State of Israel as set in Article 4 of the recent Jewish Nation State Basic Law crystallizes the basic difference that language as a medium has historically played in South Africa compared to Palestine/Israel, and in a sense brings to a resolution a century-old tale.

Article 82 of the Palestine Order in Council of the British Mandate for Palestine stipulates that English, Hebrew, and Arabic are the official languages.¹¹⁷ This article did *de jure* establish Mandatory Palestine as a multilingual polity, but *de facto* it existed as bilingual entity.¹¹⁸

The fact that both communities were subjected to British rule created an atmosphere that allowed for some forms of cultural exchange that were not possible after 1948.¹¹⁹ In fact, the bilingual reality in Mandatory Palestine was reflected at the level of mixed local authorities and government. However, one can hardly say that the society was bilingual. The two communities interacted but did not fully mix. Palestinian Arab schools taught only in Arabic and the Jewish Yishuv only in Hebrew. The Yishuv was kind of a state within a state in many ways, and enjoyed autonomous self-organization to a large extent in most sectors, including education, health, insurance, transportation, and trade unions.¹²⁰

The state of Israel preserved the legal status quo that prevailed on the eve of its establishment in 1948 (save particular laws which were changed by later legislation).¹²¹ Thus, Israel inherited (at least formally) the bilingual character that prevailed before. By contrast, those parts of Palestine that came under the control of Jordan and Egypt respectively (West Bank and Gaza) retained Arabic as the sole official language.

Despite the fact that Arabic has been an official language in Israel proper, it is not fully clear what this status meant. Hebrew was and still is mandatory in all Arab Palestinian schools in Israel, but Arabic is not mandatory in all Jewish schools, meaning almost all Palestinian citizens of Israel are bilingual but most Jewish Israelis are not.¹²² In the civic-juridical sphere, most of the recent laws of the state of Israel have not been translated into Arabic. The language of the courts is Hebrew, and court decisions are never translated into Arabic. However, Arabic has gained some symbolic recognition by the Supreme Court.¹²³ Thus, even before the passing of the constitutional Jewish Nation State Basic Law, some scholars argued that the status of Article 82 of the Palestine Order in Council has been slowly battered and weakened by Supreme Court decisions and legislation, thus affirming the symbolic and practical supremacy of Hebrew.¹²⁴

As for the occupied Palestinian Territories, Arabic is the preeminent language taught in schools, and this fact did not change either before or after 1967 or the establishment of the Palestinian Authority. Ergo, Palestine/Israel's contemporary linguistic landscape demonstrates that the vast majority of Jews do not speak any Arabic, while a vast majority of Palestinians in the West Bank and Gaza do not speak any Hebrew. The only bilingual group is the Palestinian citizens of Israel. Thus we see, on the one hand, the lack of a third medium of language in Palestine/Israel akin to the role of English in South Africa, and, on the other hand, we have a reality whereby there is not min-

imal overlap in the command of the other's language since too few Palestinian Arabs speak Hebrew and too few Israeli Jews speak Arabic. With the exception of Palestinian citizens of Israel, there is little linguistic common ground. Given that language is both an indispensable expressive space of selfhood and the material through which inter-subjective/cultural media are promulgated, the aforementioned lack testifies to deficient common cultural and linguistic background between Palestinians and Israeli Jews.

4.4 Palestine/Israel as a Single Geo-political Unit

If we were to speak of a situation of apartheid in Palestine/Israel, then within which spatial-political unit(y) would this separation take place?

The first territorial-political frame of analysis would seek to consider all of Palestine/Israel from the Jordan River to the Mediterranean Sea as a single geo-political unit within which separation is taking place. Here the claim would be that the Palestinians in the West Bank and Gaza are living under an apartheid-like regime compared to Palestinians elsewhere and non-Israeli Jews living between the river and the sea. The second frame would treat the occupied Palestinian Territories as the political unit within which an apartheid situation between the Israeli-Jewish settlers and the local Palestinian population is managed. The third frame would focus on Israel proper as the political unit and make the claim regarding the status of the Palestinian citizens of Israel as one of separation and subordination that amounts to apartheid.

We will address each of these territorial-political frames in detail, but we will initially discuss an issue that continues to cast a shadow on the discourse of the apartheid analogy, and which is unique to Palestine/Israel, and that is the question of Palestinian refugees. The deferred question of the return/non-return of the refugees, alongside the organizing and open-ended reality of potential Jewish immigration, makes the Palestinian-Israeli conflict fluid, open-ended and complicates its comparison to the South African case.¹²⁵

An apartheid-like regime separates populations by principle, but it does so within the framework of a broader unified system. Most Palestinian refugees are not part of any administrative system under Israeli oversight and control—they were expelled from Israel's realm of sovereignty in 1948, precisely in order to preempt the need to discriminate against them in the Jewish state-to-come.¹²⁶ Discrimination assumes *presence*, and when there is no such presence there is no need for discrimination. For these Palestinian refugees outside of Palestine/Israel, being subject to Israeli apartheid is (part of) the "solution," not the problem—i.e., inclusive exclusion in the Israeli moral-political framework would offer them, *formally*, political subjectivity.¹²⁷

In this sense, it is possible to argue that Israel saved itself the burden of unambiguous juridical apartheid simply by expelling and causing the majority of Palestinians to flee during the 1948 war, and not allowing them to return after the cease fire despite United Nations General Assembly resolution 194. Thus Israel guaranteed a Jewish majority — this is how the formula of “Jewish and democratic” became discursively possible. Had there been no expulsion then Israel would have had to face one of two options: either being a fully democratic state with full political rights for the Palestinians as a *de facto* bi-national state and thus not a Jewish state; or opting for being Jewish without granting political rights for the Palestinian citizens and thus being undemocratic, institutionalizing a clear-cut juridical apartheid.

The issue at stake then is which populations count, and which populations have the right to shape the political regime of the country, and whether the refugees are part of this population. The conflict in this sense even precedes political and legal structures and begs a basic question: what is the body politic? Who is included? Do we first settle demography and then negotiate the politics, or the other way around? Put differently, the conflict seems to be revolving around a very fundamental question: what subjects and which collective subjectivities bear the right to politics in Palestine/Israel in the first place?¹²⁸

In South Africa, the populations in conflict lived in a contiguous geography and demographic reality but there was no question of refugees. In Palestine/Israel, the groups at odds with one another are not fixed, but are rather representatives of larger groups, with the Palestinians and their millions of refugees and the Israeli Jews and their potential Jewish immigrants.¹²⁹ Thus the struggle is not only about what the political regime ought to look like, but also on an even more elementary level of who is included in this contestation. For all the horrors of apartheid in South Africa, the system rested on a fixedness of borders and demography, a dynamic that is altogether missing in Palestine/Israel where the perception of the conflict’s frame(s) of reference is fluid.

5. The Analogy’s Frames

As we have suggested thus far, the salience of the apartheid analogy varies depending on what territorial-political frame is used to comprehend Palestine/Israel, and which populations are included. We discern a set of three frames (minimum) through which we might evaluate the extent to which apartheid is a meaningful term.

Firstly, Palestine/Israel from the Jordan River to the Mediterranean Sea is considered by a growing number of politicians from both sides and a greater number of (though not all) political analysts to constitute a single geo-political unit, not necessarily a single state in the juridical

sense but in the sense of a one-state reality.¹³⁰ The occupied Palestinian Territories, on the one hand, are at the same time outside and inside Israel. They are outside it “physically” as there is huge separation wall and military checkpoints creating an image of two separate entities economically, mentally and intellectually. For most civilian Israeli Jews, Palestinian daily life is out of sight and irrelevant.¹³¹ It is something that happens “over there,” “outside” of Israel proper. Still, those territories are being ruled as a state project “within” Israel proper.¹³² It is true that the Palestinian Authority has administrative-political control over some of the Palestinian in the occupied Territories, but *de facto* Israel controls security, borders, and movement, as well as land, air, and water resources. Israel upholds levels of separation without formally giving rise to two states and maintains levels of unity that make the logic of single state only partially successful in making sense of the political reality. Ultimately, this is made possible through withholding the power to decide when reality is separated into two entities and when these entities are considered as continuous. For its part, the Palestinian Authority projects an image of an actually-existing two states, *as if* the West Bank is allegedly outside Israel’s *de facto* “internationally recognized” borders.¹³³ Israel has an interest in this fiction, as it keeps Palestinians outside its ambit of accountability, as if they were the citizens of the state of Palestine whose government is the Palestinian Authority. This image frees Israel from any responsibilities toward the residents of the occupied Palestinian Territories, who need not be separated for they are not thought to be included in the first place. At the same time, the Palestinian Authority is also interested in portraying this image of statehood and independence.¹³⁴ By maintaining the image of two separate entities, the Palestinian Authority itself occludes the apartheid analogy, presenting the military occupation as temporary and statehood as imminent. This desire of the Palestinian Authority maintains the image of two separate entities and hinders the political imagination that sees and considers the occupied Territories as part and parcel of interconnected geo-political unit. Hence, people could continue to talk of temporary occupation-on-the-way-to-statehood, but not apartheid.¹³⁵

The apartheid analogy has come to the surface when the possibility of full separation into as per the two-state solution became less imaginable. The more the Palestinians—and Israeli Jews for that matter—view the current reality not merely as a temporary, transitional reality from occupation to statehood but as a reality without any horizon for a future Palestinian state, the more the apartheid image captures their political consciousness and shapes their structure of experience.

Secondly, within the frame of the occupied Palestinian Territories, one needs to compare the status of local Palestinians in the West Bank to the Jewish settlers within the West Bank as well. Such a comparison

suggests the clearest case of systematized segregation and domination whereby Israel maintains and oversees a two-tier framework of rule that categorically separates every common field of life.¹³⁶ Therefore, one wonders about the extent to which the West Bank in itself can be regarded as a separate political unit within which separation is taking place. After all, the West Bank is not a separate political entity and it is still rather perceived, per international law, as territory under temporary occupation.

Lastly, Israel proper presents a more complex frame for the analogy. Many Palestinians have been living within it for over 70 years as citizens, and their socio-political standing appears to satisfy the precondition of unity within which apartheid can develop. Still, the practices of Israel towards them cannot easily be categorically qualified as apartheid despite their explicit structural racialization and discrimination.¹³⁷

5.1 Liminal Frame: Israel Proper and Palestinian Citizens

We think that there might be several reasons why Israel proper was not considered an apartheid system until recently. The first is that Palestinians in Israel proper do enjoy some political rights, including the right to vote and be elected to the Knesset (Parliament). The black community in South Africa did not enjoy these rights, even though they were a majority. Still, the Palestinian citizens are a minority. Excluding the majority from the basic right to vote is far more conspicuous and blatant than any segregation system for minorities.

Secondly, the nucleus of the polity that developed later into Israel was born, developed, and organized within the womb of the British Mandate as a separate entity with its own Yishuv institutions that organized almost every aspect of Jewish life, as described previously. In this sense, the state of Israel emerged from an ethnically exclusive community that perceived and organized itself as a minority group holding its autonomous, separate system within the British Mandate regime.¹³⁸

Thirdly, the Yishuv ran its institutions through internationally-governed Jewish bodies (e.g. the Jewish Agency and the Jewish National Fund) during the Mandate period. These bodies continued to play a very major role even after the establishment of the state. Thus, issues of immigration, land, and settlements were left to these exclusive “privately-controlled” bodies.¹³⁹ Hence, crucial sovereign functions—like control of land—were left to a large extent in the hands of non-state organs. Through these extra-state arms, enormous monetary and non-monetary resources were exclusively channelled to Jewish citizenry, thus masking a large part of state discrimination against Palestinian citizens.

Fourthly, racialized discrimination in Israel manifests rhetorically in non-racial language that assumes primarily two discursively related modes. One mode articulates itself along national/ethnic lines, as opposed to biological traits, through social, religious and social markers.¹⁴⁰ The other operates through deracination of national Arab belonging, whereby the Palestinian citizens' (as well as Mizrahi Jews') history of dispossession and domination is downplayed, and even denied, only to be articulated as a cultural problem of "integration."¹⁴¹

Moreover, it was only 50 years after 1948 that Palestinian citizens of Israel began to perceive aspects akin to an apartheid regime when they began to demand purchasing houses in "communal towns" restricted to Jewish inhabitants. It was not until the mid-1990s that a Palestinian citizen filed a petition against the Israeli Land Administration in protest of this restriction.¹⁴² Ironically, it took the half-century following Israel's establishment for its Palestinian citizens to feel the fact of being excluded from the public good, from access to property and land, and act upon it.¹⁴³ Such consciousness developed when they took their citizenship seriously. But what made denial sting in the 1990s more than it had previously was a new expectation of being included. Suddenly, the denial of a Palestinian couple's attempt to purchase land stood as surprising, unacceptable, and to be rejected and ultimately challenged. The more the Israeli discourse of citizenship had developed, the more the Palestinian citizens' structure of experience transformed: they were able to formulate their demands in the language of equality, reaching the point in the 1990s of claiming the state to be a "state of its citizens."¹⁴⁴ In this sense "Israel proper" does suggest a certain stable frame within which separation can take place. Now that we have made the case for the political unit necessary for any apartheid regime, we may ask whether the same regime of separation exists in Israel proper as the one that prevailed in South Africa?

Israel declares itself as a Jewish state not only in symbolic terms, and the recent Jewish Nation State Basic Law testifies to this.¹⁴⁵ There has been also a clear separation at work in land issues and restrictions on development of the Palestinian villages and towns.¹⁴⁶ Even in light of the unwavering codification of structural discrimination in the last decade, one can hardly argue that within Israel proper there exists an apartheid regime akin to that which prevailed in South Africa.¹⁴⁷ Nevertheless, in light of the cumulative effect of this, and all the more so in the aftermath of the Jewish Nation State Basic Law, which has no mention of the Palestinian citizens or subjects at all, there has been a dramatic increase in the formal characterization of the regime in Israel proper as apartheid-like.¹⁴⁸ As demonstrated in the opening prologue, at the rhetorical level, Israel's Declaration of Establishment promises equality, and does not explicitly declare supremacy. Besides being entitled to the basic premises of procedural democracy,¹⁴⁹ Palestinians

in Israel have access to many other political rights, and to considerable levels of the basic freedoms of organization and free speech,¹⁵⁰ and experience no apartheid-like separation in hospitals (though we are witnessing separation practices in maternity wards),¹⁵¹ restaurants and university classrooms. The regime of domination, dispossession and structural socio-economic discrimination prevailing within Israel proper seems to produce a different structure of experience from that of apartheid South Africa, despite the many similarities in the structures of social life they yielded.¹⁵²

But while the aforementioned nominal and real features of a democratic regime should not be underestimated, the rights that exist on the surface can never be deployed to penetrate the deeply discriminatory nature of the Israeli state and society, so that the political “superstructure,” seemingly equal (though it is not), still cannot, and is probably unable to effect substantial change in the unequal distribution of substantive resources (mainly land), the flows of capital, wealth creation, social status, and access to positions of real power in the state apparatus, etc.¹⁵³

In summary, within Israel proper, the Palestinians enjoy a bundle of rights that South African blacks did not possess, in part because the Palestinians in Israel became a minority after the expulsion of 1948. But at the same time, the Israeli legal system is far more sophisticated in hiding discrimination. For both reasons, Israeli law has appeared relatively “clean,” since it avoids blatant discrimination against Palestinian citizens in the textual legal sense.¹⁵⁴ Yet, there is a growing consensus among legal and political analysts that the juridico-political gap between Israel proper and the occupied Territories has been consistently diminishing, thus generating an experience of creeping apartheid throughout Palestine/Israel from river to sea.¹⁵⁵

6. Concluding Remarks

In this article, we suggested that apartheid is not only a structure of social life or reality but also a historico-political consciousness which is in part a product of the social configuration of experience. We then showed that apartheid is a regime of separation and subordination *within* a perceived unity. The conditions that created the background unity in South Africa have been relatively absent in Palestine/Israel — they started to emerge only recently. Among these uniting factors we mentioned labor relations, political theology of the dominant group, role and social function of language(s), and geo-political unit(y). The historical and geo-political constellation of these factors in South Africa made separation and domination blatant and clear. In Palestine/Israel, however, these factors have played different and dissimilar roles and, as a result, the perception of apartheid has only emerged in the wake of

the collapse of the belief in the realization of the two-state solution and the rise in the one-state solution talk. It is the one-state solution that supplies political subjectivities in Palestine/Israel with an imaginary of a unified frame that allows apartheid to become visible. The solution (one-state) allows the problem (apartheid as a background unity) to emerge more vividly, in spite of the differentiated realities in each of the territorial frames of reference occasioned by the apartheid analogy.

This article also offers an explanation for how Israel managed to evade the allegation of apartheid. There are many reasons for this peculiarity, some in actual configurations of reality, others in discourse and frames of reference, or what Goffman calls "structure of experience." On the most basic level and within Israel proper, Israel avoided apartheid by expelling Palestinians from the very beginning, and, in doing so, securing a Jewish majority. Freed from the Palestinian demographic threat, Israel was gradually able to grant Palestinians within its 1949 boundaries basic political, economic and social rights that made their citizenship more meaningful than that of blacks and coloreds under apartheid. By giving a modicum of basic rights to Palestinian citizens, Israel thus both disguised the systematized and structural discrimination upon which it was founded and socially reproduced, and distinguished itself from apartheid South Africa, though persistent issues of housing and land allocations and political oppression still kept apartheid an imminent possibility.

But in the West Bank and Gaza, the situation appears in the analysis of various scholars and analysts to be in many aspects structurally and empirically more acute than the one lived in the Bantustans of apartheid.¹⁵⁶ After all, the image of two states and two national movements having "control" over "discrete" national territories obscures a reality that is both separated and connected by and through Israeli sovereignty. The Palestinians within those territories are thought to lie "outside" the polity called Israel in the first place. The two-state discourse hinders a perception of them as being part of Israel's politics though excluded from it. For most Palestinians, separation itself, in the form of national self-determination, is still a fundamental demand. Thus, the apartheid imaginary does not surface naturally. It seems that sometimes the articulation of a solution—the one-state solution—precedes the way we conceive of the problem, as one of apartheid.

Before closing, it is imperative that we make the following qualifying remark regarding the possible modes of resistance that have evolved with the awareness that apartheid has crept over Palestine/Israel (the Jewish Nation State Basic Law being a recent obnoxious nudge). This awareness has begun to shift—albeit not uniformly—the political consciousness among all Palestinians in Palestine/Israel towards being apartheid-mindful, in spite of the intensified segregation of their already separate geo-political units. Moreover, increas-

ingly cognizant, albeit tacitly, of their inability to radically roll back the Zionist settler-colonial project and its physical and psychic consequences through revolutionary militant resistance, Palestinians have been increasingly adopting the apartheid analogy to reframe their liberation struggle, as the analogy marks the extent of “possible radicalism” that the international political climate will allow – equal rights for all political subjects and collective subjectivities within a single polity from the Jordan River to the Mediterranean Sea.¹⁵⁷

If the Israeli regime persists in assuming a certain “oneness” then a single overarching state apparatus might, in the long run, be the most appropriate solution for the conflict. But if this is the form of the solution then certain modes of resistance might be more adequate than others. The issue of correspondence between the *form* of proposed solution and the *means* of struggle selected is crucial here. If Palestine/Israel is juridically and politically turning into one geo-political unit where Israeli Jews and Palestinians have to live together under the same institutions, then this imagined future, the “we,” can put certain restraints on the modes of violence that could be deployed. The “enemy” in such a forward-looking vision is a future fellow citizen and a partner of sorts in shaping the nature and future of a common state apparatus and institutions. Still it is misleading to think unidirectionally – that is, to move from the political goal (one state) to the political mode of struggle and deduce the means accordingly.

In closing, the article did not intend to deny that the apartheid analogy captures a kernel of truth concerning the nature of the practices deployed by both compared regimes, or to disqualify that it also could yield significant political gains and muster international solidarity with the Palestinian people. These objectives, however, have neither been the focus of this article nor its aim throughout.

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Notes

1. This essay was conceived, written, submitted and accepted for publication well before the US President Donald J. Trump unveiled his "Peace to Prosperity" plan for "comprehensive peace agreement" between Israel and the Palestinians (also known as or "Deal of the Century"). The plan signifies a major shift in US policy towards the conflict and sidesteps prior US commitments to international resolutions and to the "terms of reference" for the so-called "Oslo Peace Process" and the two-state solution. On the legal consequences of the plan see François Dubuisson, "Trump 'Plan' would create a fictitious Palestinian state devoid of rights under international law," *Mondoweiss*, January 31, 2020. <https://mondoweiss.net/2020/01/trump-plan-would-create-a-fictitious-palestinian-state-devoid-of-rights-under-international-law/> (Accessed May 26, 2020). On the plan in a historical perspective see Rashid Khalidi, "No deal: why Trump's plan for Palestine will only create more conflict," *The Guardian*, January 30, 2020. <https://www.theguardian.com/world/2020/jan/30/no-deal-why-trumps-plan-for-palestine-will-only-create-more-conflict> (Accessed May 26, 2020).
2. Quoted in David Welsh, *The Rise and Fall of Apartheid: Reconsiderations in Southern African History* (Charlottesville, VA: University of Virginia Press, 2009), 24.
3. Amos Harel, "Ya'alon Vows to Revive Plan to Segregate Israelis, Palestinians on West Bank Buses," *Haaretz*, May 20, 2015. <https://www.haaretz.com/premium-ya-alon-vows-to-revive-west-bank-bus-segregation-plan-1.5364420> (Accessed April 10, 2018); Michael Schaeffer Omer-Man, "Segregation in Israel does not begin or end on buses," *+972 Magazine*, May 20, 2015. <https://972mag.com/segregation-in-israel-does-not-begin-or-end-on-buses/106927> (Accessed April 10, 2018).
4. "Declaration of the Establishment of the State of Israel." May 14, 1948. <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx> (Accessed March 20, 2018).
5. For a succinct overview of Israel's own brand of segregation and separation policy known as "Hafrada," see Seraj Assi, "Just Ask Israel," *Jacobin*, January 10, 2019. <https://www.jacobinmag.com/2019/01/trump-israel-separation-wall-apartheid> (Accessed February 25, 2019). For an elaborate exposition of the status of the Palestinian citizens in Israel, see sections 4 and 5 of this article.
6. The article uses the term "Israel proper" to denote Israel within the Armistice Agreements lines of 1949 despite the instabilities inherent in its spatial and political referentiality. Ariella Azoulay and Adi Ophir, *The One-State Condition: Occupation and Democracy in Israel-Palestine*, Tal Haran trans. (Stanford, CA: Stanford University Press, 2013), 17–21.
7. For the text of "Basic Law: Israel – The Nation State of the Jewish People," and analysis of the antecedents and the constitutional implications thereof, see Hassan Jabareen and Suhad Bishara, "The Jewish Nation State Law," *Journal of Palestine Studies* 48, no. 2 (2019): 43–57. For analysis that highlights the ideological underpinnings of the Basic Law and interprets its realization as a "logical" course of action without novelty, see Ahmad

- H. Sa'di, "The Nation State of the Jewish People's Basic Law: A Threshold for Elimination?", *Journal of Holy Land and Palestine Studies* 18, no. 2 (2019): 162-77. For a take that combines that views the actual legislation of the law as both habitual and novel at the same time, see Raef Zreik, "The day the 'Jewish State Bill' would take effect," *Tarabut-Hithabrut*, March 1, 2018. <http://www.tarabut.info/en/articles/article/israel-nationality-law-2018/> (Accessed October 15, 2019).
8. Ran Greenstein argues persuasively that valuable comparisons with the apartheid regime require an examination of the historical background and the social and political conditions that made and undid this regime. See Ran Greenstein, *Genealogies of Conflict: Class, Identity and State in Palestine/Israel and South Africa* (Middletown, CT: Wesleyan University Press, 1995); and Ran Greenstein, "On Citizenship and Political Integration: Can We Learn Lessons from the Rise and Fall of the Apartheid Regime?" *Law and Government (Mishpat Umimshal)* 10, no. 1 (2006): 117-50 [Hebrew].
 9. The late Patrick Wolfe, comparative settler colonialism's foremost scholar in the last two decades, views "structure" as dynamic, contestatory process, constituted by and constitutive of emanating practices. Patrick Wolfe, *Traces of History: Elementary Structures of Race* (London and Brooklyn: Verso, 2016), 2, 18. Oren Yiftachel's description of Israel's expansionary ethnocratic regime as "creeping Apartheid" embodies a similar sensibility. Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (Philadelphia: University of Pennsylvania Press, 2006), 82-85. Our working notion of structure/regime takes up and elaborates these understandings.
 10. Such is the working social ontology of the settler-colonial paradigm in its latest dominant incarnation/elaboration. The analysis we offer is informed by the settler-colonial lead, though not exclusively or comprehensively.
 11. Wolfe, *Traces of History*, 5, 18.
 12. John Dugard, and John Reynolds, "Apartheid, International Law, and the Occupied Territory," *The European Journal of International Law*, 24, no. 3 (2013): 867-913; Yaffa Zilbershats, "Apartheid, International Law, and the Occupied Palestinian Territory: A Reply to John Dugard and John Reynolds," *European Journal of International Law*, 24, no. 3 (2013): 915-928; ESCWA, *Israeli Practices towards the Palestinian People and the Question of Apartheid* (Beirut: United Nations, 2017); Robert Wintemute, "Israel-Palestine Through the Lens of Racial Discrimination Law: Is the South African Apartheid Analogy Accurate, and What if the European Convention Applied?," *King's Law Journal*, 28, no. 1 (2017): 89-129.
 13. Adi Ophir, Michal Givoni and Sari Hanafi, "Introduction," in *The Power of Inclusive Exclusion: Anatomy of Israeli Rule in the Occupied Territories*, Adi Ophir, Michal Givoni and Sari Hanafi eds. (New York: Zone Books, 2009), 17.
 14. Yiftachel, *Ethnocracy*; Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation* (London and New York: Verso, 2007).
 15. Jimmy Carter, *Palestine: Peace Not Apartheid* (New York: Simon & Schuster, 2006). An exception to the belatedness of the apartheid analogy in the

- academic sphere is Uri Davis's *Apartheid Israel: Possibilities for the Struggle Within* (London and New York: Zed Books, 2003 [1987]). For an outright rejection of the apartheid analogy, see the op-ed of Richard Goldstone (2011), a former justice of the South African Constitutional Court who led the United Nations fact-finding mission on the Gaza war of 2008–09 ("Operation Cast Lead"). For a qualified justification of the analogy, see the op-ed of Yossi Sarid (2008), a former Israeli minister and chairman of the left Zionist party Meretz. Yossi Sarid, "Yes, It Is Apartheid," *Haaretz*, April 25, 2008, <https://www.haaretz.com/1.4973854> (Accessed December 17, 2017).
16. See for example Barak Ravid et al., "Olmert to Haaretz: Two-state Solution, or Israel is Done For," *Haaretz*, November 29, 2017, <https://www.haaretz.com/1.4961269> (Accessed October 15, 2019); Raphael Ahren, "A settler himself, FM Avigdor Liberman drops the A-bomb," *The Times of Israel*, January 15, 2015, <https://www.timesofisrael.com/a-settler-himself-fm-avigdor-liberman-drops-the-a-bomb/> (Accessed December 17, 2017); and Ido Ben Porat, "Bennet: No Palestinian state as long as we're around," *Arutz Sheva*, June 3, 2016, <http://www.israelnationalnews.com/News/News.aspx/213210> (Accessed December 17, 2017).
 17. HSRC, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law* (Cape Town: Human Sciences Research Council, 2009); ESCWA, *Israeli Practices towards the Palestinian People and the Question of Apartheid*.
 18. Heribert Adam and Kogila Moodley, *Seeking Mandela: Peacemaking between Israelis and Palestinians* (Philadelphia: Temple University Press, 2005); Benjamin Pogrund, *Drawing Fire: Investigating the Accusations of Apartheid in Israel* (Lanham and London: Rowman & Littlefield, 2014).
 19. Uri Davis, *Apartheid Israel*; Marwan Bishara, *Palestine/Israel: Peace or Apartheid – Occupation, Terrorism, and the Future* (London: Zed Books, 2002); Abigail Bakan and Yasmeen Abu-Laban, "Israel/Palestine, South Africa and the 'One-State Solution': The Case for an Apartheid Analysis," *Politikon*, 37, no. 2–3 (2010); Amneh Daoud Badran, *Zionist Israel and Apartheid South Africa: Civil society and peace building in ethnic-national states* (London and New York: Routledge, 2010); Sean Jacobs and Jon Soske, eds., *Apartheid Israel: The politics of an Analogy* (Chicago: Haymarket Books, 2015); Ilan Pappé, ed., *Israel and South Africa: The Many Faces of Apartheid* (London: Zed Books, 2015); Honaida Ghanim, "Not Exactly Apartheid: The Dynamics of Settler Colonialism and Military Occupation," in *Israel and Palestine: Alternative Perspectives on Statehood*, John Ehrenberg and Yoav Peled, eds., (Lanham and London: Rowman & Littlefield, 2016); Julie Peteet, "The Work of Comparison: Israel/Palestine and Apartheid," *Anthropological Quarterly*, 89, no. 1 (2016).
 20. This phenomenological component of our methodology emulates sensibilities outlined in the work of Azoulay and Ophir, *The One-State Condition*, 15–16, 193.
 21. Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (Boston: Northeastern University Press, 1986 [1974]), 2, 13. Goffman's concept of structure of experience could entail that long-standing axial

historical structures such as settler colonialism and/or apartheid rule are of practical concern to society insofar members of society make of them generative of their structure of experience. Though deeming them necessary, Goffman cautions that structures of experience are not sufficient as stand-alone historical accounts and should be supplemented by an account of what the “structuring” event in question “makes society make of it, and how it conditions social life in ways not appreciated as such by participants.” *Ibid.*, 197, n. 62.

22. *Ibid.*, 21.

23. *Ibid.*, 563.

24. Segregation in early twentieth-century South Africa represented an attempt to control and systematize relations of authority and domination based on white supremacy. See Saul Dubow, *Racial Segregation and the Origins of Apartheid in South Africa, 1919–36* (New York: St. Martin’s Press, 1989), 1.

25. The notion of category, and any attempt to establish its validity, is obviously not self-standing but relational. Exemplars could be claimed to bear a determinative affinity in one comparative instance to a certain category and in another to a different category. Lemons would belong to different category when compared to olives, only if the baseline category is citrus. But olives and lemons might be encompassed within the same category if the organizing category is, for example, trees.

26. Jean-François Lyotard, *The Differend: Phrases in Dispute*, Georges Van den Abbeele trans. (Minneapolis: University of Minnesota Press, 1991), xi.

27. Welsh, *The Rise and Fall of Apartheid*, 58–63.

28. While the scholarly discourse on the apartheid analogy has been traditionally primarily driven by international parties and analysts and focused on objective features of the respective political regimes, in the last years Palestinian scholars have increasingly reflected on apartheid as a structure of experience of Palestinians regardless of their administrative categorization and geo-political localization. See, for example, Honaida Ghanim, Azar Dakwar, eds., *Israel and the Apartheid: Comparative Studies* (Ramallah: Madar, 2018) [Arabic].

29. For a concise account of the history of the concept of population transfer in twentieth century Zionist thought, see Israel Shahak, “A History of the Concept of ‘Transfer’ in Zionism,” *Journal of Palestine Studies* 18, no. 3 (1989): 22–37. For an example of recent instantiation of transferist ideas and rhetoric in contemporary Israeli politics see Jonathan Ofir, “Israeli rightist Smotrich lays out the vision for apartheid,” *Mondoweiss*, September 14, 2017, <https://mondoweiss.net/2017/09/rightist-smotrich-apartheid/> (Accessed October 15, 2019). For the political ramifications of the transferist politics, see recent op-ed by Hagai El-Ad, “Transfer of Palestinians has always been the Israeli consensus,” *Ynetnews*, August 27, 2019, <https://www.ynet-news.com/articles/0,7340,L-5573633,00.html> (Accessed October 15, 2019).

30. Settler colonialism is a form of colonization differentiated by ongoing efforts to displace and dispossess native populations in order to establish, maintain and/or expand a society dominated by settlers. As a field of

- studies, settler colonialism was common in the 1960s and 1970s but less so in the 1980s and 1990s. It has, however, undergone a revival in last decade, especially within the domain of indigenous studies and Palestine and Israel studies. For early studies of Zionism/Israel as a settler colonial state, see Fayez A. Sayegh, *Zionist Colonialism in Palestine* (Beirut: PLO Research Center, 1965); George Jabbour, *Settler Colonialism in Southern Africa and the Middle East* (Beirut and Khartoum: PLO Research Center & University of Khartoum, 1970); Maxime Rodinson, *Israel: A Colonial-Settler State?* (New York: Pathfinder Books); Samih Farsoun, "Settler Colonialism and herren-volk Democracy," in *Israel and South Africa: The Progression of a Relationship*, Richard P. Stevens and Abdelwahab M. Elmessiri, eds. (New York: New World Press, 1976); Jamil Hilal, "Imperialism and Settler-Colonialism in West Asia: Israel and the Arab Palestinian Struggle," *Utafiti: Journal of the Arts and Social Sciences* 1, no. 1: 51–70; Elia Zureik, *The Palestinians in Israel: A Study in Internal Colonialism* (London: Routledge and Kegan Paul, 1979). Of the handful of studies employing a settler colonial paradigm for the study of Palestine/Israel in the 1980s and 1990s are Gershon Shafir, *Land, Labour and the Origins of the Israeli-Palestinian Conflict 1883–1914*, (Berkeley and Los Angeles, CA: University of California Press, [1989] 1996); Nahla Abdo and Nira Yuval-Davis, "Palestine, Israel and the Zionist Settler Project," in *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class*, Nahla Abdo and Nira Yuval-Davis, eds. (London: Sage, 1995), 291–318; Mona N. Younis, *Liberation and Democratization: The South African and Palestinian National Movements* (Minneapolis and London: University of Minnesota Press, 2000).
31. Omar Jabary Salamanca, Meza Qato, Kareem Rabie, and Sobhi Samour, "Past Is Present: Settler Colonialism in Palestine," *Settler Colonial Studies* 2, no. 1 (2012): 1–8; Mahmood Mamdani, "Settler Colonialism: Then and Now," *Critical Inquiry* 41, no. 3 (2015): 596–614; Honaida Ghanim, "Not Exactly Apartheid"; Brenna Bhandar and Rafeef Ziadah, "Acts and Omissions: Framing Settler Colonialism in Palestine Studies," *Jadaliyya*, January 14, 2016, <https://www.jadaliyya.com/Details/32857/Acts-and-Omissions-Framing-Settler-Colonialism-in-Palestine-Studies> (Accessed October 15, 2019); Rachel Busbridge, "Israel-Palestine and the Settler Colonial 'Turn': From Interpretation to Decolonization," *Theory, Culture and Society* 35, no. 1 (2018): 91–115; Rana Barakat, "Writing/Righting Palestine Studies: Settler Colonialism, Indigenous Sovereignty and Resisting the Ghost(s) of History," *Settler Colonial Studies* 8, no. 3 (2018): 349–363; Lorenzo Veracini, "Israel-Palestine Through a Settler-colonial Studies Lens," *Interventions* 21, no. 4 (2019): 568–581.
 32. See Raef Zreik, "Not Just a Matter of Self-Determination," in *On the Recognition of the 'Jewish State'*, Honaida Ghanim, ed. (Ramallah: Madar, 2014); and especially Raef Zreik, "When Does a Settler Become a Native? (With Apologies to Mamdani)," *Constellations* 23, no. 3 (2016): 351–64.
 33. Ran Greenstein, "Colonialism, Apartheid and The Native Question: The Case of Israel/Palestine," in *Racism After Apartheid: Challenges for Marxism and Anti-Racism*, Vishwas Satgar, ed. (Johannesburg: Wits University Press, 2019), 75–95.

34. The apartheid framework/imaginary implies a different treatment of the settler colonial past and present as it purports to provide redress for its wrongdoings in concrete future political configurations according to principles of historical, restorative justice and inclusive citizenship. By contrast, the settler colonial framework is less explicit on the political parameters of any future redress.
35. "Makes more sense," but this does not make it a logical matter, for the problem is ultimately political and not logical, and any solution must attend to power relations, coalitions, urgency and feasibility.
36. Anthony W. Marx, *Making Race and Nation: A Comparison of the United States, South Africa and Brazil* (Cambridge, UK: Cambridge University Press, 1998), 86, 95; Saul Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'," *The Journal of African History* 33, no. 2 (1992): 211–15.
37. Marx, *Making Race and Nation* 195–96. For detailed overview of the racial legislation in pre-apartheid South Africa between 1806–1947, see Padraig O'Malley, "Racial Legislation 1806–1947," Nelson Mandela Centre for Memory, <https://www.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01646.html> (Accessed December 14, 2017). For issues of land see Dubow, *Racial Segregation* 39–40, 134–35; and David Theo Goldberg, *The Threat of Race: Reflections on Racial Neoliberalism*, 284–86.
38. Welsh, *The Rise and Fall of Apartheid*.
39. Newell Maynard Stultz, *Afrikaner Politics in South Africa 1934–1948* (Berkeley, CA: University of California Press, 1974), 136.
40. Quoted in *Ibid.*, 136.
41. Welsh, *The Rise and Fall of Apartheid*, 34.
42. *Ibid.*, 11; Dubow, *Racial Segregation*, 127; Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'," 215.
43. Goldberg, *The Threat of Race*, 245–308.
44. Gershon Shafir, *Land, Labour and the Origins of the Israeli-Palestinian Conflict 1883–1914* 14; Baruch Kimmerling, *Zionism and Territory: The Socio-territorial Dimensions of Zionist Politics* (Berkeley, CA: Institute of International Studies, 1983).
45. George M. Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York and Oxford: Oxford University Press, 1981), 68–70, 190–94.
46. Goldberg, *The Threat of Race*, 302.
47. Edward A. Tiryakian, "Apartheid and Religion," *Theology Today* 14, no. 4 (1957): 387.
48. Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'," 210.
49. In later stages, however, the dominant attitude would change as the racial-supremacist dimension would overtake and ordain the entire vision and practice of dominant Afrikaner nationalist thought. In effect, previous "rational" utilitarian motives were rendered obsolete. Shafir, *Land, Labour*, 15; Goldberg, *The Threat of Race*, 301.

50. Welsh, *The Rise and Fall of Apartheid*, 91–95, 251–54. In 1970, for example, 69 percent of the total labor force in South Africa was black, and the demand for cheap labor was only growing.
51. Tiryakian, "Apartheid and Religion," 388–90.
52. *Ibid.*, 390; Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'," 212.
53. Robert Buis, *Religious Beliefs and White Prejudice* (Johannesburg: Ravan Press, 1975); Dubow, "Afrikaner Nationalism, Apartheid and the Conceptualization of 'Race'."
54. Buis, *Religious Beliefs*, 12–13.
55. Quoted in Gampi Matheba, "Religion and Political Violence in South Africa," *Journal of Cultural Studies* 3, no. 1 (2001): 114.
56. Matheba, "Religion and Political Violence in South Africa," 117.
57. Richard Elphick, "The Benevolent Empire and the Social Gospel: Missionaries and South African Christians in the Age of Segregation," in *Christianity in South Africa: A Political, Social, and Cultural History*, Richard Elphick ed. (Berkeley and Los Angeles, CA: University of California Press, 1997), 347, 350.
58. One member of the Xhosa people made the following plaintive comment: "at first we had the land and the white man had the Bible, now we have the Bible and the white man has the land." Quoted in Welsh, *The Rise and Fall of Apartheid*, 30.
59. Elphick, "The Benevolent Empire and the Social Gospel," 357.
60. James Kiernan, "African and Christian: From opposition to Mutual Accommodation," in *Christianity amidst Apartheid: Selected Perspectives on the Church in South Africa*, ed. M. Prozesky (New York: St. Martin's Press, 1990), 13.
61. Richard Elphick, *The Equality of Believers: Protestant Missionaries and the Racial Politics of South Africa* (Charlottesville, NC and London: University of Virginia Press, 2012), 325–26.
62. Heribert Adam and Kogila Moodley, *South Africa Without Apartheid: Dismantling Racial Domination* (Berkeley, CA: University of California Press, 1986), 198.
63. John S. Saul and Patrick Bond, *South Africa – The Present as History: From Mrs Ples to Mandela & Marikana* (Johannesburg: James Currey, 2014), 19–20.
64. Jon Orman, *Language Policy and Nation-Building in Post Apartheid South Africa* (New York: Springer, 2008), 81.
65. Saul and Bond, *Africa – The Present as History*, 19.
66. Clark and Worger, *South Africa*, 28.
67. Orman, *Language Policy*, 87.
68. Welsh, *The Rise and Fall of Apartheid*, 66.
69. *Ibid.*, 67.
70. Neville Alexander, "After Apartheid: The Language Question," in *After Apartheid: Reinventing South Africa?*, Ian Shapiro and Kahreen Tebeau eds. (Charlottesville and London: University of Virginia Press, 2011), 312.

71. Vivian de Klerk, "Black South African English: Where to from Here?," *World Englishes* 18, no. 3 (1999): 311–324.
72. Nancy Clark and William H. Worger, *South Africa: The Rise and Fall of Apartheid*, Second Edition (London and New York: Routledge, 2013), 17–18. David Welsh writes: "if Union in 1910 unified white politics, it also drew into existence a country-wide African organisation for the protection of their interests." Welsh, *The Rise and Fall of Apartheid*, 36.
73. John Dugard, "South Africa's 'Independent' Homelands: An Exercise in Denationalization," *Denver Journal of International Law and Policy* 10, no. 1 (1980): 22–23.
74. Archbishop Desmond Tutu opposed this in these words: "Overnight they [blacks of Transkei] will become foreigners ... They have contributed in their various ways to the prosperity of this beloved South Africa and now it seems at the stroke of a pen they will forfeit a cherished birthright." Quoted in Dugard (1980), 25.
75. James Leatt, Theo Kneifel, and Klaus Nurnberger, *Contending Ideologies in South Africa* (Cape Town & Johannesburg: David Philip, 1986), 90–92.
76. Goldberg, *The Threat of Race*, 303–05.
77. Raef Zreik, "The Palestinian Question: Themes of Justice and Power. Part II: The Palestinians in Israel," *Journal of Palestine Studies* 33 no. 1 (2003); Raef Zreik, "Palestine, Apartheid and the Rights Discourse," *Journal of Palestine Studies* 34, no.1 (2004).
78. Wolfe, *Traces of History*, 213–15.
79. Shafir, *Land, Labour*, 155.
80. *Ibid.*, 60–63. The principle of redemption of labor acquired a lexical priority over that of the redemption of land. As a result, structural constraints were put on Zionist demands for territorial expansion. *Ibid.*, 161.
81. There were some rare exceptions. See for example Anita Shapira, *Land and Power: The Zionist Resort to Force, 1881–1948*, William Templer trans. (Stanford, CA: Stanford University Press, 1999 [1992]), 57–59.
82. Shafir, *Land, Labour*, 214.
83. *Ibid.* 215; Leila Farsakh, "Independence, Cantons, or Bantustans: Whither the Palestinian State?," *Middle East Journal* 59, no. 2 (2005): 234; Leila Farsakh, *Palestinian Labour Migration to Israel: Labour, Land and Occupation* (London and New York: Routledge, 2005).
84. Ahmad H. Sa'di, "Incorporation Without Integration: Palestinian Citizens in Israel's Labour Market," *Sociology* 29, no. 3 (1995): 432–33; Farsakh, *Palestinian Labour Migration to Israel*, 58. Movement restrictions on Palestinian citizens were tightened during the 1950s and 1960s partly because the state wanted to facilitate the entry of immigrant Mizrahi Jews into the workforce. See Sa'di, "Incorporation Without Integration," 446.
85. Shira Robinson, *Citizen Strangers: Palestinians and the Birth of Israel's Liberal Settler State* (Stanford, CA: Stanford University Press, 2013), 8–9, 25, 40, 44.
86. Kimmerling, *Zionism and Territory* 60–61; Sa'di, "Incorporation Without Integration: Palestinian Citizens in Israel's Labour Market," 433–34.

87. All workers in Israel are legally entitled to minimum wage, social security (including health insurance) and other workplace safeguards; however, when it comes to asylum-seekers, migrants and non-citizen Palestinian workers these protections are rarely enforced and often violated. For detailed information on this issue, see the website of Workers' Hotline, www.kaolaoved.org.il (Accessed October 15, 2019).
88. Farsakh, *Palestinian Labour Migration to Israel*, 121–22.
89. Yael Berda, *Living Emergency: Israel's Permit Regime in the Occupied West Bank*. (Stanford, CA: Stanford University Press, 2017).
90. Farsakh, "Independence, Cantons, or Bantustans," 234; and Matan Kaminer, "By the Sweat of Other Brows: Thai Migrant Labor and the Transformation of Israeli Settler Agriculture" (PhD diss., University of Michigan, 2019), <https://deepblue.lib.umich.edu/handle/2027.42/151478>.
91. Tali Larom and Osnat Lifshitz, "The labor market in Israel, 2000–2016," *IZA World of Labor* 415 (2018): 3–4, doi: 10.15185/izawol.415.
92. Geneviève Zubrzycki, *The Crosses of Auschwitz: Nationalism and Religion in Post-communist Poland* (Chicago and London: The University of Chicago Press, 2006), 18–23.
93. Ernst Gellner, *Nations and Nationalism* (Ithaca, NY: Cornell University Press, 1983).
94. Carlton J. H. Hayes, *Nationalism: A Religion* (New York: The Macmillan Company, 1960).
95. Leah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge and London: Harvard University Press, 1992).
96. Anthony D. Smith, "The Sacred Dimensions of Nationalism," *Millennium – Journal of International Studies* 29, no. 3 (2000): 791–814.
97. Roger Brubaker, "Religion and Nationalism: Four Approaches," *Nations and Nationalism* 18, no. 1 (2012): 3, 12.
98. For the justificatory role and legitimation that religious nationalism produces in the Israeli/Zionist nation-state, see Uriel Abulof, "The Roles of Religion in National Legitimation: Judaism and Zionism Elusive Quest for Legitimacy," *Journal for the Scientific Study of Religion* 53, no. 3 (2014): 515–533.
99. Shlomo Avineri, "Zionism and Jewish Religious Tradition: The Dialectics of Redemption and Secularization," in *Zionism and Religion*, S. Almog, Jehuda Reinharz and Anita Shapira eds. (Hanover and London: Brandeis University Press, 1998).
100. Aviezer Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism*, Michael Swirsky and Jonathan Chipman trans. (Chicago and London: The University of Chicago Press, 1996), 64–78.
101. Ravitzky, *Messianism, Zionism*; Amnon Raz-Krakotzkin, "A National Colonial Theology—Religion, Orientalism and the Construction of the Secular in Zionist Discourse," in *Tel Aviver Jahrbuch fuer deutsche Geschichte* 30 (2002).

102. Raef Zreik, "Theodor Herzl (1860–1904): Sovereignty and the Two Palestines," in *Makers of Jewish Modernity: Thinkers, Artists, Leaders, and the World They Made*, Jacques Picard, Jacques Revel, Michael P. Steinberg and Idith Zertal eds. (Princeton, NJ and Woodstock, OX: Princeton University Press, 2016), 56–58.
103. Irish people, however, have their own ancient language. Brubaker, "Religion and Nationalism," 9.
104. For a defense of the moral-political validity of the Law of Return see Ruth E. Gavison, *The Law of Return at Sixty Years: History, Ideology, Justification* (Jerusalem: The Metzilah Center, 2010). For arguments questioning its validity from a liberal point of view see Raef Zreik, "Notes on the Value of Theory: Readings in the Law of Return-A Polemic," *Law & Ethics of Human Rights* 2, no. 1 (2008): 1–44.
105. David Ohana, *Nationalizing Judaism: Zionism as a Theological Ideology* (Maryland: Lexington Books, 2017).
106. Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society and the Military* (Berkeley and Los Angeles, CA: University of California Press, 2001), 199–202.
107. Mark. Juergensmeyer, *The New Cold War? Religious Nationalism Confronts the Secular State* (Berkeley and Los Angeles, CA: University of California Press, 1993).
108. Eliezer Don-Yehiya, "The Negation of Galut in Religious Zionism," *Modern Judaism* 12, no. 2 (1992); Ravitzky, *Messianism, Zionism* (1996).
109. Raz-Krakotzkin, "A National Colonial Theology," 315.
110. Rabbi Zvi Yehuda ha-Cohen Kook, a most influential spiritual leader and mentor of the "redemptionist" religious-Zionist camp in the twentieth century, deemed Zionism as "the movement for concrete redemption in our time." Quoted in Ravitzky, *Messianism, Zionism*, 79.
111. Amnon Raz-Krakotzkin, "Exile, History, and the Nationalization of Jewish Memory: Some Reflections on the Zionist Notion of History and Return," *Journal of Levantine Studies* 3, no. 2 (2013): 49.
112. A.D. Gordon wrote: "With this [the fact of the Bible and its promise], we gained our right to the land, a right that will never be abrogated as long as the Bible and all that follows from it is not abrogated." Quoted in Zeev Sternhell, *The Founding Myths of Israel: Nationalism, Socialism, and the Making of the Jewish State*, David Maisel trans. (Princeton, NJ: Princeton University Press, 1997), 57.
113. For a critique of the essentializing character of the Eastern European nationalism model, see Maria Todorova, "The Trap of Backwardness: Modernity, Temporality, and the Study of Eastern European Nationalism," *Slavic Review* 64, no. 1 (2005): 140–164.
114. Sternhell, *The Founding Myths of Israel*, 10–11; Kimmerling, *The Invention and Decline of Israeliness*, 68–69.
115. Wolfe, *Traces of History*, 106–08.
116. Ophir, Givoni and Hanafi, *The Power of Inclusive Exclusion*.

117. Palestine Order in Council (1922) amounts effectively to the constitution of the country.
118. English was never enforced on the Arab and Jewish populations. For background regarding the situation during the mandate period see Mala Tabory, "Language Rights in Israel," *Israel Yearbook on Human Rights* 11 (1981): 272–306.
119. Yonatan Mendel, *The Creation of Israeli Arabic: Political and Security Considerations in the Making of Arabic Language Studies in Israel* (London: Palgrave Macmillan, 2014), 27, 46, 54.
120. Dan Horowitz and Moshe Lissak, *The Origins of the Israeli Polity: Palestine Under the Mandate*, Charles Hoffman trans. (Chicago: University of Chicago Press, 1978).
121. See Section 11 of the Law and Administration Ordinance: Law and Administration Ordinance, No. 1 of 5708. (1948). Retrieved from <http://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/49-Emergency-Orders-derived-from-Law-and-Administration-Ordinance-1948.pdf>. (Accessed February 25, 2018).
122. See as well Abraham Frank, "Teaching Arabic in the Schools—A Waste of 100 Million Shekels Annually," *The Marker*, September 24, 2017, <https://www.themarker.com/opinion/1.2125528> [Hebrew] (Accessed March 17, 2018). On Arabic teaching in the Israeli Jewish schools. Yousef T. Jabareen, "Critical Perspectives on Arab Palestinian Education in Israel," *American Behavioral Scientist* 49, no. 8 (2006): 1052–1074.
123. See HCJ4112/99, *Adalah et al. v. The Municipalities of Tel Aviv-Jaffa et al.* (2002). For a general review of the status of the Arabic language in Israel, see Ilan Saban and Muhammad Amara, "The Status of Arabic Language in Israel: Reflections on the Power of Law to Produce Social Change," *Israel Law Review* 36, no. 2 (2002): 5–39.
124. There have been recent bills brought to the Knesset that take aim at the status of Arabic as an official language. See *Jonathan Lis, "'Arabic Out' Right-wing MKs Aim to Make Hebrew Israel's Only Official Language," Haaretz*, August 25, 2014, <http://www.haaretz.com/israel-news/.premium-1.612357> (Accessed February 25, 2018); *Jonathan Lis, "Israel's Contentious 'Nation-state Bill' Passes First of Three Knesset Votes," Haaretz*, May 1, 2018, <https://www.haaretz.com/israel-news/israel-s-nation-state-bill-wins-backing-in-first-of-three-knesset-votes-1.6045824> (Accessed April 25, 2018); and Aviad Bakshi, "Is It True that Arabic is an official Language in Israel?" Jerusalem: the Institute for Zionist Strategies (2011), available at <http://izs.org.il/papers/arabic.pdf> [Hebrew] (Accessed April 25, 2018).
125. Greenstein, "On Citizenship and Political Integration."
126. Four weeks short of the UN vote on the Partition Plan of Palestine (29 November 1947), David Ben Gurion (then Chairman of the executive committee Jewish Agency) claimed "[i]t is better to expel [the Palestinians] than imprison them." Quoted in Robinson, *Citizen Strangers*, 25.
127. Zreik, "Palestine, Apartheid and the Rights Discourse," 69.

128. Virginia Tilley, "Redefining the Conflict in Israel-Palestine: The Tricky Question of Sovereignty," in *Israel and South Africa*, 295–324.
129. Zreik, "Palestine, Apartheid and the Rights Discourse," 76.
130. Raphael Ahren, "The newly confident Israeli proponents of a one-state solution," *The Times of Israel*, July 16, 2012, <https://www.timesofisrael.com/at-hebron-conference-proponents-of-the-one-state-solution-show-their-growing-confidence/> (Accessed October 15, 2019); Oliver Holmes, "One-state solution gains ground as Palestinians battle for equal rights," *The Guardian*, March 13, 2019, <https://www.theguardian.com/world/2019/mar/13/one-state-solution-gains-ground-as-palestinians-battle-for-equal-rights> (Accessed October 15, 2019). Azoulay and Ophir, *The One-State Condition*; Caroline B. Glick, *The Israeli Solution: A One-State Plan for Peace in the Middle East* (New York: Crown Forum, 2014); Meron Benvenisti, "The Case for Shared Sovereignty," *The Nation*, May 31, 2007, <https://www.thenation.com/article/case-shared-sovereignty/> (Accessed October 15, 2019); Yehouda Shenhav, *Beyond the Two-State Solution: A Jewish Political Essay*, Dimi Reider trans. (London: Polity, 2012); Ali Abunimah, *One Country: A Bold Proposal to End the Israeli Palestinian Impasse* (New York: Henry Holt, 2006); Leila Farsakh, "The One-State Solution and the Israeli-Palestinian Conflict: Palestinian Challenges and Prospects," *The Middle East Journal* 65, no. 1 (2011): 55–71; Raef Zreik, "A One-State Solution? From a 'Struggle unto Death' to 'Master-Slave' Dialectics," *Social Identities* 17, no. 6 (2011): 793–810; Bashir Bashir and Azar Dakwar, eds., *Rethinking the Politics of Israel/Palestine: Partition and Its Alternatives* (Brussels & Vienna: Socialists and Democrats Group at the European Parliament & Bruno Kreisky Forum for International Dialogue, 2014); Honaida Ghanim, "Between Two 'One-State' Solutions: The Dialectics of Liberation and Defeat in the Palestinian National Enterprise," *Constellations* 23, no. 3 (2016): 340–50.
131. For more on the effects of the separation wall and how it further splits Palestinians from Palestinians while entrenching sophisticated mechanisms of segregating Israeli Jews from West Bank Palestinians, see Karam Dana, "The West Bank Apartheid/Separation Wall: Space, Punishment and the Disruption of Social Continuity," *Geopolitics* 22, no. 4 (2017): 887–910.
132. On the logic of this seemingly contradictory modality of rule, see Azoulay and Ophir, *The One-State Condition*, 18–20. On how it is actualized with regard, for instance, to Israeli civil law and land management, see Azar Dakwar, "Is there Palestinian (state) sovereignty?," *DisparaMag*, March 21, 2016. <https://disparamag.com/extramuros/existe-la-soberania-estatal-palestina> [Spanish and English] (Accessed October 15, 2019).
133. Azar Dakwar, "Engaging with Sovereignty in Israel/Palestine," in *Rethinking the Politics of Israel/Palestine* (2014), 30–31.
134. Raef Zreik, "'Two States' as Apology," in *Rethinking the Politics of Israel/Palestine* (2014), 18–19.
135. Ophir, Givoni and Hanafi, *The Power of Inclusive Exclusion*.
136. ACRI, "One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank" (Jerusalem: The Association for Civil Rights in Israel, 2014),

- <http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf> (Accessed September 17, 2017); Visualizing Palestine, "Segregated Roads," available at <http://visualizingpalestine.org/visuals/segregated-roads-west-bank> (Accessed September 17, 2017). See as well the recent 'brand of separated roads in the West Bank, Edo Konrad, "Israel's new 'apartheid road' is about more than just segregation," +972mag, January 16, 2019, <https://972mag.com/israels-new-apartheid-road-is-about-more-than-segregation/139682/> (Accessed February 25, 2019). For detailed exposition of Israel's guiding logics of spatial separation and colonial control in the occupied Palestinian territories see Weizman, *Hollow Land*, 139–182.
137. For the colonial dimensions that undergird discriminatory basis of the citizenship of the Palestinians in Israel, see Hassan Jabareen, "Hobbesian Citizenship: How the Palestinians Became a Minority in Israel," in *Multiculturalism and Minority Rights in the Arab World*, Will Kymlicka and Eva Pförtl eds. (Oxford: Oxford University Press, 2014), 189–218.
 138. Horowitz and Lissak, *The Origins of the Israeli Polity*, 16–103.
 139. David Kretzmer, *The Legal Status of the Arabs in Israel* (Boulder, CO: Westview Press, 1990), 94–98.
 140. Lately, however, justification of discrimination based biological racism has been picking up, even by members of Knesset. See Stuart Winer, "Israeli lawmaker proclaims supremacy of 'Jewish race'," *Times of Israel*, June 13, 2018, <https://www.timesofisrael.com/israeli-lawmaker-lauds-supremacy-of-jewish-race> (Accessed September 24, 2018). A case in a point is Lehava, an increasingly powerful anti-miscegnationist Jewish supremacist group whose activity has not been restricted despite repeated violent incidents perpetrated by its activists. Jonathan Cooke, "Israel's Lehava stirs 'anarchy' in Jerusalem," *Al Jazeera News*, December 4, 2016, <https://www.aljazeera.com/news/2016/10/israel-lehava-stirs-anarchy-jerusalem-161025100901588.html> (Accessed September 24, 2018).
 141. Wolfe, *Traces of History*, 260–68.
 142. See *Qa'dan v. The Israel Land Administration*. Despite this landmark ruling, attempts to bypass it have been largely successful. See Adalah, *The Inequality Report: The Palestinian Arab Minority in Israel* (Haifa: Adalah—The Legal Center for Arab Minority Rights in Israel, 2011), 32.
 143. Israel's Palestinian citizens were segregated and excluded in many ways from these rights, and were subjugated under military rule from 1948 until 1966. See Robinson, *Citizen Strangers*.
 144. Zreik, "The Palestinian Question. Part II," 45–48.
 145. For the impact of the Jewish nature of the state and its influence see: Kretzmer, *The Legal Status*; Adalah, "Adalah's Report to the UN CERD in Response to the List of Issues Presented to Israel," February 1, 2007, <http://www.adalah.org/uploads/oldfiles/eng/intl07/adalah-cerd-feb07.pdf> (Accessed November 24, 2017).
 146. Yiftachel, *Ethnocracy*, 136–143. Land, housing and planning issues are clearly the most severe domains of institutional discrimination and separation. The recent case for the evacuation of Umm al-Hiran, a Bedouin

- village in the Naqab/Negev, is another fresh reminder. See P.C.A 3094/11, *Abu al-Qi'an et al. v. The State of Israel* (2015). For a comprehensive overview on discrimination in land allocation and planning, see Rassem Khamaisi, "Territorial dispossession and population control of the Palestinians," in *Surveillance and control in Israel/Palestine: Population, Territory and Power*, E. Zureik, D. Lyon and Y. Abu-Laban eds. (London and New York: Routledge, 2011), 335–352.
147. Adalah, "Discriminatory Laws in Israel Database," <http://www.adalah.org/en/law/index> (Accessed September 25, 2017).
 148. See endnote no. 7 for the Jewish Nation State Basic Law legislation. See also ACRI, "One Rule," and Aeyal Gross, "Israel's Nation-state Bill Is Undemocratic," *Haaretz*, May 11, 2017, <https://www.haaretz.com/opinion/premium-israel-s-nation-state-bill-is-undemocratic-1.5470824> (Accessed April 25, 2018).
 149. Though the right to be elected is restricted. The law bans any party from running for the Israeli Parliament (Knesset) if its platform contradicts the nature of the state as "Jewish and democratic." See Ron Harris, "A Case Study in the Banning of Political Parties: The Pan-Arab Movement El-Ard and the Israeli Supreme Court," *Bepress Legal Series* 349 (2004). Retrieved from <http://law.bepress.com/cgi/viewcontent.cgi?article=1855&context=expresso>.
 150. That is not to say that they enjoy the same right of free speech as their fellow Jewish citizens. See the recent case of Sheikh Ra'ed Salah and the dissenting opinion of High Court Judge Salim Joubran in H CJ 7669/15 *Mahajneh v. The State of Israel* (2016), 23–25. Retrieved from <https://www.dok.co.il/files.php?force&file=doc/15076690.t04.pdf> [Hebrew].
 151. Practices of separation in hospitals, and public demand for their enforcement, are on the rise. See Revital Hovel and Ido Efrati, "In Israeli Maternity Wards, Jewish and Arab Segregation Is the Default," *Haaretz*, May 18, 2018, <https://www.haaretz.com/israel-news/in-israeli-maternity-wards-jewish-and-arab-segregation-is-the-default-1.6097402> (Accessed September 25, 2018).
 152. On the role of Israeli courts in the perpetuation of socio-economic discrimination and subordination of the Palestinian citizens as racialized individuals and community see Sawsan Zaher, "The Segregation and Separation of Jewish and Arab Citizens through Social and Economic Rights," in *Israel and the Apartheid: A View From Within*, Honaida Ghanim ed. (Ramallah: Madar, 2018), 129–143.
 153. Alexander Kedar and Oren Yiftachel, "Land Regime and Social Relations in Israel," in *Realizing Property Rights*, Hernando de Soto and Francis Cheneval eds. (Zurich: Ruffer & Rub, 2006), 130–33.
 154. Jabareen, "Hobbesian Citizenship."
 155. Yiftachel, *Ethnocracy*; Hassan Jabareen, "Israel's High Court Doesn't Defend Minorities," *Haaretz*, May 15, 2018, <https://www.haaretz.com/opinion/premium-israel-s-high-court-doesn-t-defend-minorities-1.6091813> (Accessed September 28, 2018).

156. See for instance Weizman, *Hollow Land*, 9–16, 161–218; Sayres Rudy, “Apartheid between Belonging and Expulsion,” *UPJP: Notes on Palestine/Israel* 2 (April 2011): 23–29; and Achille Mbembe, “The Society of Enmity,” *Radical Philosophy* 200, no. 6 (2016): 23–35.
157. Tilley, “Redefining the Conflict in Israel-Palestine,” 314–315; Majd Kayyal, “The Analogy to Apartheid: A Possible Radicalism,” in *Israel and the Apartheid*, 346–347, 349 [Arabic].