

# ARTICLES

## Liberalism in Israel

### • • • *Between the ‘Good Person’ and the ‘Bad Citizen’*

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**ABSTRACT:** In the 1950s, hundreds of thousands of immigrants from Muslim countries arrived in Israel. These Mizrahi immigrants were resented by the Ashkenazi ‘veteran public’, whose desire for normalcy outweighed the state’s call for sacrifice. A geographical separation between Ashkenazim and Mizrahim was created, and more recent processes of integration between the two have only partially succeeded, as is attested by much socio-economic data. The failure to integrate the Mizrahim has had an effect on the basis of support for liberalism in Israel. Israeli liberalism is backed mainly by the veteran public, while lower-class Mizrahim appear to offer little support for it.

**KEYWORDS:** Ashkenazim, ethnic inequality, hegemony, immigration absorption, liberalism, Mizrahim, neo-liberalism

In the third book of his *Politics*, Aristotle asks whether there is any correspondence between the good person and the good citizen. He replies in the negative: the good person is not necessarily a good citizen, for each of these functions demands different qualities. The good person may be a bad citizen, and a good citizen may be a bad person (Barker 1946). Alexis de Tocqueville (1960) is interested in a similar question. He argues that individualism—the choice of an individual to deal with his own affairs and the affairs of those close to him—undermines the “virtues of public life” (ibid.: 367) and even has the power to destroy the state’s institutions. Zygmunt Bauman (2000) is also aware of the problem. Individualization can lead to



“corrosion and slow disintegration of citizenship,” claims Bauman (ibid.: 21), implying “trouble for citizenship and citizenship-based politics” (ibid.: 22). The good person leads a ‘normal’ life—one that is devoted to advancing her personal affairs and the affairs of those close to her. But the good citizen may be asked to make sacrifices, to be willing to accept significant harm to her own affairs so that collective goals may be realized.

In this article I shall focus on the sacrifice that the Israeli state demanded of its citizens in the early 1950s in the field of immigration absorption. I will make two central arguments. The first is that the state’s call for sacrifice from its citizens was in tension with its citizens’ desire as individuals to lead a normal life. Sacrifice, as opposed to normality, is also a problematic concept for liberal political theory. In his important book, *Putting Liberalism in Its Place*, Paul Kahn (2005) claims that a major weakness of liberal political theory is its inability to accommodate a central component of the relations between the liberal state and its citizens, that is, the fact that liberal politics may give rise to a demand by the state for its citizens to sacrifice their lives in war. Just as the source of sacrifice in the family is love, argues Kahn, so too a citizen’s sacrifice of his life for the state can take place only where a bond of love exists among the citizens (ibid.: 116). In other words, liberal theory, which assumes a contractual relation among the citizens of a state, misunderstands the nature of the bond that exists between them and therefore is unable to explain why they are willing to sacrifice their lives for one another, over and over again (ibid.: 202).

My second argument is that in the 1950s the Israeli state demanded that the Ashkenazi ‘veteran public’ make sacrifices to help absorb the Mizrahi immigrants from Islamic states. However, the veteran public’s desire for normality triumphed over the state’s call for sacrifice. As a result, the processes of integration between Ashkenazim and Mizrahim in Israel have only partially succeeded, as is evidenced by socio-economic data. This has had an impact on the basis of support for liberalism in Israel, with lower-class Mizrahim seeming to offer little support for it.

### **Normality, Selfishness, Sacrifice**

An accepted meaning of the concept of ‘normality’ is ‘being like everyone else’. This is the meaning behind Zionism’s efforts to turn the Jewish people into “a nation like all others” (Eisenstadt and Lissak 1999: 21; see also Elam 2012). I would like to use a different meaning of normality, consisting mainly of the human desire to lead a life in which a person is involved in promoting her own personal good and that of those close to her. This includes striving to improve one’s material situation while cultivating convivial relations with

parents, family members, and friends. For those who are parents, normality means, above all, being able to dedicate oneself to raising one's children, providing them with a good education, and ensuring them a good future.

Charles Taylor (1989: chaps. 13, 17) writes about a concept close to the notion of normality that I am dealing with here. He defines the 'ordinary life' as the dimensions of life, identified with the bourgeoisie, that concern work, trade, and the production of the necessities of life, as well as marriage, family life, sexuality, reproduction, and child rearing. Taylor argues that whereas in earlier times a life devoted to activities of this kind was considered inferior in comparison to other ways of living—such as a life of philosophical inquiry or one of religious abstinence—in the culture of modernity this way of living has won full legitimacy as a life that has value and meaning.

Normality lies in between the two poles of selfishness and sacrifice. The first pole, selfishness, means that the individual is focused on his personal affairs—those from which he may derive satisfaction and pleasure—and nothing else. Tocqueville (1960) offers a distinction similar to the one I am proposing between normality and selfishness. He defines individualism as "a mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows and to draw apart with his family and his friends," and "selfishness" as "a passionate and exaggerated love of self, which leads a man to connect everything with himself and prefer himself to everything in the world" (ibid.: 537). The second pole, sacrifice, involves an individual's willingness to accept significant harm to himself and his affairs for the sake of realizing collective goals. It is possible, then, to speak of a continuum that begins at one end with selfishness, passes through normality (which also includes participation, volunteering, and contribution), continues with altruism, and ends with sacrifice.

### **Absorption of Immigration, Normality, and Sacrifice: Ashkenazim, Mizrahim, and Israel's Liberal Project**

The Supreme Court doesn't decide here. Everything that the Supreme Court says, even if it is the highest legal institution in Israel and makes the decisions for most of the state, it doesn't apply here.<sup>1</sup>

In this section I shall discuss the relations between the group known in the historical literature as the 'veteran public'—the secular Ashkenazi veteran group, which in the final decades of the twentieth century turned into what I call the 'liberal former hegemons' (LFH)—and the Mizrahi group. In previous writings, I have extensively discussed the struggle that erupted in the closing decades of the twentieth century between the LFH, on the one

hand, and religious Zionists and Haredi (ultra-Orthodox) Mizrahim and Ashkenazim, on the other, over the shaping of Israel's political culture, law, and general culture. I have argued that this struggle reveals the limited social support for the liberal project in Israel (see Mautner 2011). In the present article, I would like to illuminate this problem from another angle—the relatively meager support of lower-class Mizrahim for Israeli liberalism.

### *Before Starting*

In the main, despite Israel's not inconsiderable successes, its present situation at the midpoint of the twenty-first century's second decade is the story of European Zionism's greatest weakness—a weakness that stems from the desire for normality of the millions of Jews who lived in Europe prior to World War II and their unwillingness to make sacrifices. Only a small number of these Jews answered the Zionist call for immigrating to Palestine. After the emergence of Zionism in the late nineteenth century, millions of Jews did migrate, but to other places, not Palestine (Tsur 1997: 57, 59). Less than 3 percent of the over two million Jews who emigrated from Eastern Europe during the years 1882–1914 chose to come to Palestine. The overwhelming majority selected other destinations—the United States, South Africa, Latin America, and Western Europe (Shafir and Peled 2002). As for the Jews who stayed in Europe, the majority were exterminated in the Holocaust. For lack of choice, in the mid-1940s Zionism discovered the Jews of the Islamic countries (ibid.: 100; see also Smooha 1984: 188; S. Swirski 1995; Tsur 1997: 58). Even the State of Israel's Declaration of Independence does not explicitly refer to the Jews of the Islamic countries. They are mentioned under the residual category “Jews from other parts of the world,” alongside “survivors of the Nazi holocaust in Europe,” as those who have “continued to migrate to Eretz Israel.” From the viewpoint of those who wrote the declaration, the Jews of the Islamic countries actually do not exist.

### *The 1950s: The Failure of the Demand for Sacrifice*

Already in the British Mandate period there was an appreciable gap between the ideology that celebrated the contribution and sacrifice of pioneering and the way in which most of the population of the Yishuv (the pre-statehood Jewish community) lived—a life that focused on fulfilling the desire for normality (Sternhell 1998). The capital of the Yishuv was Tel Aviv, a city that had always sustained a middle class and in which, due to the inflow of capital into Palestine during World War II and the years immediately following, there were more than a few nouveau riche

(Horowitz 1960: 415). Dan Miron (1987: 233) describes Tel Aviv as “a soft and conceding city, a waterfront city of almost a Riviera,” a place of “constant struggle over property, status, success, benefit.”

In the 1950s, “[c]ollectivism, the subordination of the individual to the public need and the public will, was the predominant ideology within which self-sacrifice was justified and encouraged,” writes Pnina Lahav (1997: 91). “People were implored to ask what they could do for their country, not what rights they had against the government” (ibid.: 117). Many agree with these assessments (Mautner 2011: 87–90).

However, beneath the level of ideology, the desire for normality in day-to-day life gathered strength among the veteran public (Horowitz 1960: 423; Rozin 2011). During the 1950s, writes Dan Horowitz (1960: 423), there arose “a broad stratum of men of means who had accumulated capital—some through ‘black market’ activities and evading regulation, some by obtaining long-term credit from development budgets and benefiting from the decline in the money’s value, and some by buying imported equipment at a cost calculated according to a fictitious exchange rate.” Some members of this stratum “exhibited a prominent propensity for conspicuous consumption, and this propensity gradually penetrated other social strata as well. Money, property, and consumption levels were becoming the standard for evaluating a person’s social status” (ibid.: 423–424; see also Ben-Porat 1999).

During those years, the unionized and professional workers also took actions to improve their standard of living. They frequently demanded pay raises, and their demands were met, even though this was plainly contrary to the general economic interest. Mapai, the party in power, was afraid of losing its traditional constituency if it did not accede to the unions’ demands (Rozin 2011: 189–190, 194–195).

Thus, during the 1950s, even as the collectivist ideology remained strong, its demand for sacrifice was being consistently undermined by the desire for normality.<sup>2</sup> Even military service aroused opposition. Yagil Levy (2003: 60) writes that in its early years the Israel Defense Forces (IDF) found it hard to conscript to its fighting units “high school graduates, for instance, the members of the Western middle class,” who “were opposed and even publicly protested, claiming that their skills (intellectual, of course) were not coming to expression in these units.”

### *The Election Campaign for the Second Knesset and Its Outcomes*

In November 1950, elections were held for the local authorities. The General Zionists, the bourgeois party supporting economic liberalization, significantly increased its strength throughout the country, parallel to a sharp

drop in Mapai's strength. In July 1951, elections were held for the Second Knesset. The General Zionists ran a campaign centering on the demand to liberate Israeli citizens from the burden of the state. Their central campaign slogan was "Let us have a life in this country" (Rozin 2011: 103). This may seem to be a summary expression of the desire for normality, but in view of the harsh conditions obtaining at the time in Israel in the wake of large waves of immigration (see below), it is impossible not to see this slogan as an expression of selfishness. Mapai was gripped with fear of another electoral defeat, which, had it taken place, would have had far-reaching historical consequences (ibid.: 133).

The weeks prior to the Knesset elections brought the leaders of Mapai to the realization that the veteran public sought to set itself apart from public affairs and to lead normal lives, engaged in its own private affairs (Rozin 2011: 179). To win the elections, Mapai was forced to adapt itself to the demands of its traditional constituency, the workers, and of its new constituency, the middle class (ibid.: 188). The needs of the time required sacrifice, yet government policy was placed in the service of the desire for normality.

### *The Problems of Absorption*

In the years between 1948 and 1951, Israel absorbed almost 700,000 immigrants. About half of them were Holocaust survivors. The other half were immigrants from the Islamic countries of Asia and Africa. As a result, the Jewish population of Israel doubled in size over a period of four years (Tsur 1997: 76).

The young state was on the brink of collapse. Yigal Elam (2012: 27) explains that Israel "suffered from a chronic shortage of raw materials and basic products. It was on the verge of economic bankruptcy." Toward the end of 1951, the state's foreign currency reserves ran out, and suppliers and banks showed growing reluctance to extend credit to the government (Rozin 2011: 175). In May 1952, the state had enough fuel for only 10 days, which threatened the continued supply of electricity and water (ibid.: 186). With regard to the supply of food and vital products, a rationing regime was put in place. In a lecture delivered at Hadassah Hospital in 1952, an expert physician from the UN said: "In all my many travels around the world, I have not seen as many cases of malnutrition as in Israel" (Maruoma-Marom 2010: 117). In the absence of apartments, the hordes of immigrants were sheltered in *ma'abarot* (transit camps). Among them were large numbers of the ill, elderly, and handicapped (Rozin 2011: 173–174, 180).

The press coverage of what was happening in the *ma'abarot* was extensive. The descriptions included the use of words such as 'stink', 'dirt', 'filth', 'stench', 'contamination', 'disgust', 'rotting piles of rubbish', 'sewer',

and 'sewage', leading the veteran public to view the immigrants as a source of disease and epidemics. The press coverage included especially unflattering portrayals of the immigrants from the Islamic countries, who were described as being unwilling to work, wasting their money on alcohol, being addicted to drugs, and engaging in prostitution. The Yemenite immigrants were depicted as tyrannizing their wives and as practicing bigamy, as well as selling underage girls into marriage for profit, often to older (even elderly) men. Mizrahi fathers were characterized as selfish, as not taking an interest in their children's education, and as wanting their children to work and give them money to spend on alcohol. Mizrahi mothers were described as lacking parental capacity (Rozin 2011: chaps. 8–10).

These portrayals prompted the veteran public to develop toward the immigrants, especially the Mizrahim, an attitude of "aversion" and feelings of "revulsion" and "anxiety," writes Orit Rozin (2011: 139–147). The veterans adopted an approach of "insularity" and "raising high the walls" (ibid.: 189). An atmosphere of "alienation, hostility and separation" (ibid.: 188) developed between them and the immigrants, which came to expression in the fact that, among other things, relations between the inhabitants of the *ma'abarot* and those of nearby veteran settlements usually were not neighborly (ibid.: 245–247).

Nor did the education system create encounters between members of the two groups. "At the same time that the new immigrants were isolated in the schools in their distinct localities, the veterans began insulating themselves around the schools in their neighborhoods," writes Shlomo Swirski (1995: 83). Instead of the veteran schools being "an arena of meeting and merger," they became "a demarcated and fenced territory, an attributive neighborhood-class-ethnic institution" (ibid.). Furthermore, even when the new immigrants resided next to the veterans, in many cases their children, especially those who came from the Islamic countries, were placed in separate classrooms in the veteran schools (S. Swirski 1990). Many of the veteran Israelis "felt that they had a self-evident right to defend themselves, their children, and their physical and social achievements," writes Rozin (2011: 187). Society in the kibbutzim was not immune to these processes (Elam 2012: 71).

### *Ben-Gurion's Failure in the Face of the Desire for Normality*

Israeli Prime Minister David Ben-Gurion well understood the enormity of the task—building a new society—that confronted the young state in view of the large waves of immigrants who were due to arrive. In April 1949, Ben-Gurion (1949: 7) published an article in which he discussed this undertaking: "Now, when a small community of 700,000, surrounded by

enemies, must bring and absorb within a short time hundreds of thousands of devastated people, lacking education, lacking training, lacking a profession, lacking capital, we cannot expect days of welfare in this state, but a hard life like no other.”

Ben-Gurion, then, expected widespread manifestations of sacrifice. Indeed, during the 1950s, he incessantly preached the doctrine of pioneering, both the kind that originated in civil society and the kind that was organized by the state’s institutions (Bareli 2007: 434, 436, 492; Kedar 2009: 138, 190–196, 296, 324, 326). However, his call fell on “deaf ears” (Elam 2012: 28), and he received little cooperation from the veteran, absorbing group (Kedar 2009: 225). In the end, even a leader as outstanding as Ben-Gurion, a proven reality changer, was powerless in the face of the desire for normality, being unable to convert it into a willingness to sacrifice. Avi Bareli (2007: 479) labels Ben-Gurion’s attempts to organize state-run pioneering as “pathetic.” Ben-Gurion (1969: 413) was aware of his failure, and it caused him great frustration. In December 1953, he resigned as prime minister and “went to Sde Boker in the Negev, alone, tired, and disappointed” (Elam 2012: 70). “It was a protest, going to the radical core of pioneering as conquest,” says Ze’ev Tsachor. “Five years after the state’s establishment, Ben-Gurion looked back and saw what we see today—the state of Tel Aviv” (quoted in Misgav 2012).

## **Creating the Geographic-Social Differentiation**

Oren Yiftachel (1998) identifies three waves of settlement in the history of the State of Israel. During the first wave, in the years 1949–1952, 85 kibbutzim and 158 moshavim were established, mainly along the borders. During the second wave, from the mid-1950s to the mid-1960s, 27 development towns and 56 moshavim, populated mainly by immigrants from Islamic countries, were established. In the third wave, between the late 1970s and early 1980s, 167 ‘extra-urban’ settlements (community and private settlements) were established. Populated by members of the middle class, they provide high standards of community services and physical environment (ibid.: 649–650).

However, when the state, in the framework of the first wave of settlement, launched a series of campaigns that called upon members of the veteran public to establish settlements along the new borders, little interest was shown (Gonen 2010: 220; Kemp 2000: 21). The state’s leadership then decided that the new immigrants, primarily those who had arrived from the Islamic countries, would serve as the main source of inhabitants for the border areas. Not infrequently, the immigrants were sent to their



destinations directly from the port of entry, sometimes even in the dead of night (Gardos 2006: 77; Kemp 2000: 22).

Unlike the new immigrants, members of the veteran public were not under any such state control, and their behavior was driven by “the aspiration to normality” (Elam 2012: 28). Although many Ashkenazi immigrants were also settled in the development towns during the 1950s, they were “the first to leave” (Lissak 1999: 39). Most of them exploited “the social connections that Mizrahim lacked in that period” and “found their way relatively quickly to the population centers in Israel’s central district” (Yiftachel 1998: 662). Within a few years, then, those who remained in the new settlements in the periphery were mainly immigrants of Mizrahi origin (Sharon 2006: 31–32). Most of the development towns and the immigrants’ moshavim came to be populated disproportionately by immigrants from Asia and Africa (Blank 2004: 365). Indeed, until the arrival of immigrants from the former Soviet Union in the early 1990s, immigrants from the Islamic countries constituted over three-fourths of the development towns’ population (Shafir and Peled 2002: 102–111).

In this way, the goal of ‘dispersal of the population’ by settling the new areas conquered in the War of Independence might have been accomplished (Sharon 2006). However, the second great development policy of the 1950s, the ‘intermixing of Diasporas’, which was intended to create a homogeneous and egalitarian society, was thwarted (Gardos 2006: 77; Tsur 1997: 75).

Thus, an unequal spatial division of Israel’s population was created, corresponding to an ethnic division (Gonen 2010: 229). The people remaining in the development towns and in the immigrants’ moshavim in the periphery are generally Mizrahi, a population “whose professional and demographic attributes, cultural assets, and social connections have harmed its chances of social and occupational mobility” (Horowitz and Lissak 1989: 115). The strong and veteran Ashkenazi population, in contrast, resides mainly in the central region, where it “engages in prestigious, highly paid professions and is well-connected to the global economy” (Gardos 2006: 78) and where it enjoys a higher level of services and access to health care, culture, and education than do residents of the periphery (*ibid.*).

Indeed, “it is possible to show dozens of social, economic, cultural, and political variables that express the large gaps between the center and the periphery in Israel” (Gardos 2006: 78). This has an impact on the real estate market: “[I]lands and structures in the center become valuable ... while the value of assets in the periphery declines” (*ibid.*: 79). A similar correspondence has emerged in the big cities: “‘Neighborhoods’ (*shikunim*) has become a common expression, referring to the inner-urban periphery in which the poor, mostly Mizrahi population lives” (Jerby and Levy 2000: 34–35).

Furthermore, the separation between members of the veteran public and the immigrants was maintained not only between the center and the periphery and, in the cities, between members of the veteran public and inhabitants of the neighborhoods. It was even maintained in the periphery itself. "The demarcation of space by means of municipal borders created segregation in the peripheral areas between Ashkenazi local councils (which included the kibbutzim and veteran moshavim) and local councils (development towns) with a Mizrahi majority," writes Smadar Sharon (2006: 39). This separation led to the creation of separate and unequal tracks of economic development and provision of government services, thereby reproducing the social and ethnic inequality.

Especially grave was the separation in the field of education. Although most of the development towns and Mizrahi immigrants' moshavim were established in the jurisdictions of the veteran local councils, the children of the development towns and immigrants' moshavim did not attend the schools of the veteran kibbutzim and moshavim (Blank 2004: 381). Likewise, in the absence of employment opportunities in the development towns, and since residents of the agricultural settlements continued to use the Histadrut marketing networks (such as Tnuva and Hamashbir), the relations that developed between the development towns and the veteran agricultural settlements in their vicinity were the opposite of what the towns' planners had hoped for. "Instead of the village people coming to the city to receive services, the city provided cheap working hands to the veteran kibbutzim and moshavim, who enjoyed an abundance of new lands and cheap workers lacking basic rights," writes Sharon (2006: 39).

The socio-economic data also point clearly to the inferior education of the development towns' residents in comparison to residents of the central district throughout the years of the state's existence and, to a large extent, up to this very day (Adler et al. 2003). Thus, according to data of the Adva Center, there is a high correspondence between the rate of eligibility for matriculation in a locality and the average income level in that locality. In localities where the average income level is low, the rate of eligibility for matriculation among 17-year-olds is low, and in localities where the average income level is high, the rate of eligibility for matriculation is high (Adva Center 2010). Indeed, a glance at the table displaying the percentages of 17-year-olds in different localities eligible for matriculation in 2007 reveals that the development towns are in the lower half of the table, while the established localities in the central district fill the upper half (Adva Center 2009). Likewise, a glance at the table displaying the percentages of those aged 20–29 studying in universities and academic colleges in 2005–2006 by locality clearly shows the advantage of residents

of the established localities in the central district over the residents of the development towns (Adva Center 2007).

It turns out that in the very same years that the members of the veteran public constantly and with no little success strove to establish normality in their personal lives, members of the Mizrahi group found that many sacrifices were being demanded of them. Sacrifice was demanded of the Mizrahim in that they were denied the right to determine where they would live. Sacrifice was demanded of them in that they were sent to lead their lives in places that were far from the state's economic, educational, and cultural centers. Sacrifice was demanded of them in that the way of life imposed on them significantly reduced their ability to take actions to improve their material situation, to consume high culture, and, above all, to provide their children with a good education and thus ensure them a better future.

More than anything else, however, the pushing aside of the Mizrahim to the geographic margins of the state corresponded with their being driven into its cultural margins as well. For decades, the dominant culture in Israel was that of the Labor movement, which largely avoided assimilating the Mizrahim, whom it perceived as inferior. The movement refrained from recognizing Mizrahi cultural products and life practices and from awarding them a place in Israel's dominant culture (Hever 2000; Hever et al. 2002). Only decades later did concepts such as 'identity' and 'multiculturalism' emerge, pointing to the great importance of the ways in which a dominant culture perceives people who do not belong to it and to the great need to make room for a variety of cultural materials in the framework of a state's culture.

Had these concepts been current in the 1950s, the Mizrahim no doubt would have enjoyed a much better fate, and Israeli culture in general would already have become more variegated in the early stages of its development. However, once the Mizrahim were sentenced to geographic marginality, inferiority of identity, and cultural denial, they were sentenced also to a life of continuing humiliation and grave detriment to their ability to fulfill their personal goals and potential. Not a few of these Mizrahim, who were not Haredim but rather traditional or even secular, found relief several decades later in the Shas movement and thus were lost forever to Israeli secularism, becoming its bitter ideological adversaries.

### **Ashkenazim and Mizrahim: The Socio-economic Differences**

Many studies have documented the social and economic gaps between Ashkenazim and Mizrahim. Essentially, "in Israel, ethnicity constitutes a

central axis of social inequality (alongside class, gender, and nationality)" (Sasson-Levy 1998: 105). As a group, "the immigrants from Europe and their descendants occupy the high positions in the social hierarchy, and their advantaged position comes to expression in educational levels, occupational prestige, and economic welfare, which are higher in comparison to the other groups. The immigrants from North Africa tend to be concentrated at the bottom of the occupational ladder, while those from the Asian countries are situated between the two extremities" (Adler et al. 2003: 365).

It is important to emphasize that the data I present not only tell the history extending over three generations of the status of the Mizrahim in Israel, which is important in itself. They also describe the situation of the Mizrahim that obtains at this very moment, notwithstanding clear processes of improvement in their situation according to a number of socio-economic indicators and despite their association with some of the Israeli elites and their integration into Israel's middle class (Cohen and Leon 2008). In other words, I argue that the Ashkenazim in Israel still enjoy, at this moment, an advantage over Mizrahim according to the following socio-economic indicators.

### *Education*

In Israel, "ethnic inequality" (Jerby and Levy 2000: 43) has developed at all stages of education, and "the quality of education that Mizrahim enjoy is lower than that of Ashkenazim" (ibid.: 45). This inequality is expressed by the prominent presence of Mizrahi pupils, both male and female, in the professional education tracks, as opposed to the prominence of Ashkenazim in theoretical education (G. Levy 2006). Inequality is also expressed by the appreciable disparity between the number of Ashkenazi and Mizrahi pupils, respectively, who study scientific subjects, which also has an impact on the quality of the matriculation certificates (Jerby and Levy 2000: 43; Mizrahi et al. 2009).

### *Higher Education*

There are glaring disparities in the respective rates of participation in higher education for Ashkenazim and Mizrahim (Ayalon 2006). Especially problematic and worrying is the fact that these differences remain not only among the second generation, but among the third generation of Israelis as well, with Israelis of mixed origin becoming similar in their educational status to Ashkenazi Israelis (Cohen et al. 2007). In data pertaining to the mid-1990s, it was found that out of every four Israeli-born BA graduates of the second and third generations, three were Ashkenazi and one was

Mizrahi, and that if the narrowing of this gap were to continue at that pace, it would be closed only after almost a century (Shenhav 2006b). In recent years, many more Mizrahim have been acquiring a higher education, but most still attend institutions that do not enjoy the highest reputation. In the coming years, then, it may be expected that a differentiation will arise in the value of academic degrees and that this will correspond to an ethnic differentiation between Ashkenazim and Mizrahim (Ayalon 2006).

Inequality in higher education translates as well into the relative representation of Ashkenazim and Mizrahim in the academic faculties of the research universities. According to data for 2005, the representation of Mizrahim is only 8.93 percent, and 80 percent of them are men (Blechman 2008). The ratio of professors of Mizrahi origin among all professors at research universities is 3 percent. As ascertained by Yifat Bitton (2011), the ratio of Mizrahim in the academic faculties of the law schools in the universities is only 6 percent.

### *Compensation*

In Israel, as in other developed countries, acquiring higher education is the central track by which workers attain high-paying jobs, and a matriculation certificate or non-academic post-secondary education no longer suffices. The disparities in higher education between Ashkenazim and Mizrahim therefore translate into pay gaps between members of the two groups. This is the case not only among the first generation, but also and primarily among the second and third generations (Cohen et al. 2007). It is nonetheless important to note that in recent years many Mizrahim have joined the middle class, not as wage earners but as self-employed individuals. Their representation rate at the bottom of the socio-economic ladder is still much higher than their share of the population.

### *Military Service*

The educational disparities between Ashkenazim and Mizrahim also translate into different patterns of military service. The military's selection and promotion mechanisms are significantly more suited "to the fundamental education, values, and basic skills of the Western conscripts rather than those of the Mizrahi conscripts" (Y. Levy 2003: 16). In this way, the military relies on and reinforces the work of the selection mechanisms that exist in the education system (*ibid.*: 22, 58). This is perhaps even more so in the era of "the small and smart army" (S. Swirski 1995: 110–111). These disparities have consequences for the economic, social, and symbolic rewards that servicemen and -women will enjoy later in their lives (Y. Levy 2003: 105, 107).

### *Home Ownership*

The gaps between Ashkenazim and Mizrahim are also expressed in the residential conditions of members of the two groups, in their home ownership rates, and in the value of their apartments, which is influenced by, among other things, their locations. Since an apartment is the major component of familial wealth in Israel, this leads to reproduction of the inequality between the groups in the intergenerational transition (Jerby and Levy 2000: 35–36).

### *Health*

Ashkenazim as a group enjoy a higher level of health than do the Mizrahim. This stems from a combination of the supply of improved health-care services in the central region and the ability to buy better health care in the market (B. Swirski 2006).

### *Symbolic Capital*

Mizrahim suffer from inferiority with regard to the symbolic capital at their disposal as expressed in Israeli culture. Their place in Zionist mythology is marginal (Shafir and Peled 2002: 99). Since most of them arrived in Israel after the state's establishment, they were unable to find themselves a niche in the tales of heroism relating to the War of Independence. The centrality of the Holocaust to the Israeli collective memory also worked to set them apart (Kimmerling 2004: 298–301). The identification of Mizrahim in Israeli culture with backwardness, coarse behavior, and low cultural tastes is well-known (Herzog 1984: 346).

### *Elites*

All of the above-mentioned gaps are expressed as well in the composition of the Israeli elites (Maman 2006). Naturally, some Mizrahim can nowadays be found among the political elite, especially in view of the demographic changes that have taken place. In the wake of the decline in their political power in recent decades, the veteran Ashkenazi group has consistently taken action to diminish the prestige and power of the political system and to augment the prestige and power of institutions that are free of the political logic of elections—the Supreme Court, the Office of the State Comptroller, the Bank of Israel, the media, and, of course, the market corporations.

Similarly, not a few Mizrahim can now be found in the military elite. Yet the prestige of this institution has also suffered devaluation in recent

decades, due, among other reasons, to the change in the veteran Ashkenazi group's attitude toward it. Once seen as a source of symbolic, social, and economic capital, it has been increasingly perceived as an obstacle on the road to self-realization (Y. Levy 2003: 23; 2010: 101–103). Mizrahim can be found at the middle and even high levels of successful corporations. However, when it comes to the elite business executives and the legal, media, academic, and artistic elites, their representation rate is significantly lower than their share of the population.

### *Two Separate Civil Societies*

The meaning of all the above-mentioned gaps is that too many Mizrahim—those living in poverty-stricken neighborhoods, in development towns, and in the immigrants' moshavim of the 1950s—are still living to no small extent in a separate and exclusive civil society. They reside in separate neighborhoods and localities, attend separate educational institutions, serve in separate army units, are employed in separate workplaces, and go to separate cultural activities and recreational sites.

## **The LFH in the Last Four Decades: Widening the Gap**

In the last four decades, the group I refer to as the 'liberal former hegemons' (LFH) has removed itself even further from the lower-class Mizrahim and widened the gap between itself and them. It has done so through the dissemination and implementation of neo-liberal ideology and by transforming the Israeli economy into a knowledge-slanted economy. Generally speaking, both of these processes can be said to have benefited the LFH and to have worsened the situation of lower-class Mizrahim, thus widening the distance between them. In the terms of this article, the widespread dissemination and realization of neo-liberalism in the last four decades have coincided with the shift of the Ashkenazi group from normality into selfishness.

### *Challenges Faced by the LFH*

In previous writings (Mautner 2011), I have argued that due to the decline of the Labor movement's electoral hegemony, the LFH has lost considerable power in the political system since the late 1970s. I have also maintained that in the wake of the renewed struggle over the character of Israeli culture in recent decades—especially the strengthening of its Jewish-religious aspect—the LFH has found itself challenged from a cultural perspective. I have suggested that in response to these processes, the LFH has

diverted some of its political activity to the Israeli Supreme Court, which has cooperated extensively with it, since from the very beginning the Court has served as the primary agent of liberalism in Israel's political culture. I have also argued that in view of its diminution in political power, the LFH began to excoriate politics and the state's institutions that are subject to politics and to aggrandize the power of non-political bodies at the expense of the political system's power (ibid.). A key strategy employed by the LFH to counter its loss of power was to turn neo-liberalism into the central political-economic-social ideology in the state.

### *The Rise of Neo-liberalism in Israel*

Over the last four decades, the LFH has extensively adopted a neo-liberal worldview<sup>3</sup> and has succeeded in turning it into part of the 'common sense' of many Israelis, for whom it has become so deeply ingrained that it is impossible to entertain the notion of challenging it. Furthermore, the LFH members' control of the economics departments in the universities, the Ministry of Finance, the Bank of Israel, and the media has enabled them not only to widely disseminate the neo-liberal worldview, but also to successfully implement it. Crucial to the successful implantation of neo-liberalism in Israel were the bureaucrats of the Finance Ministry, who in this context acted in cooperation with their counterparts at the Bank of Israel and with the backing of the economic academe and the economic press. It is important to emphasize, however, that the scope of the changes fostered by neo-liberalism in Israel—both in the thinking on the distribution of labor between the state and society and in the state institutions' modes of operation—is so tremendous (see Nir 2012) that it is impossible not to conclude that a large number of citizens actively participated in establishing neo-liberalism in Israel.

Neo-liberalism is the most refined expression of the General Zionists' campaign slogan, "Let live in this country." When the slogan was aired in the 1952 elections, it was divorced from reality and, in my opinion, just as appalling from a moral aspect in view of the gigantic problems then confronting Israel. But several decades later, that slogan has achieved a historic triumph, culminating in neo-liberalism's emergence as the central political-economic-social ideology in Israel.

Nonetheless, this is a Pyrrhic victory: the more that Israel continues to adhere to neo-liberalism, the more that it undermines the standing of liberal democracy in the state, inevitably leading to the ultimate victory of popular religious groups. In advocating a 'small' state and 'large' market—resulting in, for instance, a reduction of social services provided to the poor—neo-liberalism breeds material insecurity as well as existential insecurity in the lives of many people. As shown by the experience of



other countries, such as Egypt (Shehata 2011), religious movements, which are able to provide both kinds of security, come rushing in to fill the void. Somewhat paradoxically, only a 'large' state can serve to guarantee the continued existence of a liberal democracy in Israel (see Walzer 2015).

The case can also be made as follows. When American institutions or institutions dominated by the United States, such as the International Monetary Fund and the World Bank, disseminate neo-liberalism around the world, they act without regard for the unique social and cultural circumstances of different states. They come from a long-standing American background that has successfully integrated wide-ranging religiosity, a liberal-democratic political culture and constitutional tradition, and far-reaching capitalism. But in other countries, for example, Israel, a completely different balance obtains between religion and liberal democracy. What is deeply rooted in the United States is not only a matter of intense controversy in Israel, but is also quite fragile. It follows that when the agents of neo-liberalism in Israel extensively inculcate its principles according to American thinking and experience, they act with social and cultural insensitivity and, in effect, undermine the continued existence of the Israeli state's liberal-democratic regime to which they are committed.

### *The Transition to a Knowledge-Slanted Economy*

In addition to the extensive dissemination and adoption of neo-liberal ideology, in the last four decades the Israeli economy has turned into a knowledge-slanted economy, led by the high-tech industry and the financing market. In this type of economy, workers are constantly required to demonstrate knowledge, as well as creativity and innovation. In other words, the corporate culture expects workers to see themselves as entrepreneurs, as if each and every one of them were an independent market player. The workers are employed through personal contracts and are not protected by a trade union.

The market's logic of action lies at the very heart of the high-tech and financing corporations. A small group of workers garners most of the fruits of economic activity, while the rest of the workforce serves the members of that group at low pay and without participating in the core of the production processes. Such an economy will inevitably give rise to large income gaps between those at the center of economic activity and everyone else. In an economy based on industry, much smaller gaps in income are likely to arise. In the 1950s, a thousand dollars paid for a car made in Detroit was distributed among a large number of people who had participated in its fabrication. Today, the lion's share of a thousand dollars paid

for financial services or for a high-tech product reaches the pockets of only a small number of experts.

According to Marx, there are relations of production between those who own the means of production and those who do not. In a high-tech and finance economy, the primary means of production are in the minds of those who have this knowledge, and they rule over the workers who lack it. In such an economy, then, anyone who has knowledge can say to herself and to others that her material achievements are the product of having invested in herself to acquire and improve her knowledge and that her achievements are not at all dependent on 'exploiting' the labor of others. And if such an economy operates in the framework of the neo-liberal worldview, as in the Israeli case, anyone who has knowledge can say to herself that the problem of the poor is that, unlike her, they did not properly cultivate their 'human capital' and therefore have only themselves to blame.

Here, however, the strong ideological component that accompanies a knowledge-slanted economy comes into play. Those who are successful in the framework of such an economy take advantage of the existing social order of the society in which they live. Accordingly, members of some Israeli social groups (mainly the LFH) are able to acquire the knowledge required for material success later in their lives (and all that goes along with such success), while members of other social groups (mainly Mizrahim living in the geographical peripheries) are prevented from acquiring this kind of knowledge and everything it can bring with it.

In Israel, the distinction between being Ashkenazim and belonging to the core activities of the knowledge-slanted economy's corporations, on the one hand, and being Mizrahim and existing outside the core activities of this economy's corporations, on the other, is clear. This distinction is apparent in that, among other things, the knowledge-slanted economy operates almost entirely in the country's central region. The strong ideological component accompanying the operation of such an economy dictates that Mizrahim cannot be perceived as a product of social arrangements that are as old as the state itself. They are viewed only as a product of the different ways in which different people, as individuals, conduct their lives, that is, invest in themselves—or avoid doing so.

## **The Mizrahi Connection to Israel's Liberal Project**

Against the background of the above discussion, I now look into the question of the connection between the Mizrahi group and Israel's liberal project, which is manifested mainly, I argue, in Israel's law. I will make four arguments, as presented below.

*First Argument: Different Worlds of Meaning*

My first argument is based on the fact that the LFH and the lower-class Mizrahim have a different habitus and different worlds of meaning. The absorption process of the immigrants from Islamic countries during the 1950s created a situation in which not a few Mizrahim—those who belong to the lower classes—live in a civil society that is separate from that in which the LFH lives. In the course of their lives, these Mizrahim go through very different daily experiences—in the schools, in the army, in institutions of higher education, in the workplace, at sites of cultural and recreational consumption, and also when they watch the electronic media and the state's elites. Thus, these Mizrahim develop a culture separate from that of the LFH, notwithstanding a cultural layer that is common to members of both groups due to the activities of the state's education system and the media. This separateness exists despite the fact that the Mizrahim belong to the same 'semiotic community' to which the LFH belongs and are in command of the same cultural materials, although they do not necessarily develop identical positions regarding them. To use the terminology of Pierre Bourdieu's 'sociology of culture', in the course of their lives the LFH and those Mizrahim of the lower classes develop different types of 'habitus' that differently program how they perceive the social situations they are in and the ways in which they act in those situations in their daily lives.

It is, then, no wonder that the LFH and lower-class Mizrahim have different attitudes toward Israel's liberal rights project. To the former, this project is a powerful instrument that serves its members' desire for normality and the legal manifestation of that desire. To the latter, it is an instrument and manifestation of normality in which they have not been invited to participate. On the contrary, from the viewpoint of the lower-class Mizrahim, this normality comes to a large degree at the expense of the sacrifices they have made.

Furthermore, because of their different life experiences, few of the matters that the LFH has placed at the center of its liberal project have anything at all to do with the lives of the Mizrahim discussed here. Thus, what might be considered the violation of a right that requires protection by the Supreme Court from the viewpoint of the LFH, such as suppression of freedom of expression or the exclusion of a woman from participating in a training course for fighter pilots,<sup>4</sup> would be considered unimportant by a poor and uneducated Mizrahi. Such a Mizrahi would consider completely different things to be situations that would require intervention and relief, for example, her inferiority in the labor market, the continuing erosion of the welfare state, and continuing harm to her identity through cultural stereotypes and by cultural institutions that ignore the creative legacy of members of her group.<sup>5</sup>

Starkly expressive of the fact that the LFH and lower-class Mizrahim live in separate worlds of meaning is the fact that in all of the state's history, even Ashkenazi intellectuals, who are committed to critical, independent, and sensitive thinking and philosophizing, have given scant expression to the injury and injustice that has been the lot of the Mizrahim. In a classic article in *Ha'aretz*, Yehuda Shenhav (1996) condemned this phenomenon, pointing out that Ashkenazi intellectuals have shown great sensitivity toward the suffering of Palestinian residents in the Occupied Territories, but very little toward that of Mizrahi Jews in Israel. The explanation offered by Shenhav is that condemning the injustices experienced by Palestinians does not endanger the Ashkenazi intellectuals as a hegemonic group in Israel's society and economy. On the contrary, it awards them "the laurels of humanism." However, "[i]f the leftists acknowledge the injustice done to the Mizrahim and aspire to repair it, they will have to ... renounce their hegemonic status, divide the national pie differently, and become integrated in the region as equals and not patrons" (ibid.).

### *Second Argument: Personal Identification with Public Institutions*

My second argument reflects the fact that Mizrahim are unable to find people like themselves in the Supreme Court and the state's other legal institutions. A leading Canadian sociologist, Raymond Breton (1984), argues that the citizens of each state expect to recognize themselves in the public institutions of their state, that is, they expect to find a correspondence between their personal identity and the symbolic materials projected by these institutions. In the absence of such correspondence, citizens will feel like "social aliens" (ibid.: 125). For these individuals, the society in which they live is not theirs.

Only in 1962, after a stubborn, decade-long struggle on the part of David Ben-Gurion, who was backed by Mizrahi public figures and a few Ashkenazi politicians, did the justices of the Supreme Court agree to appoint a Mizrahi judge to the Court for the first time. Justice Eliyahu Mani was not a Mizrahi immigrant of the 1950s but came from a long-established Hebron family (Kedar 2003; Rubinstein 1980: 148–154). At the risk of being accused of relying on the wisdom of hindsight, I nevertheless cannot help but ask, among all the immigrants from Iraq, Egypt, and the other Islamic countries, was there in the 1950s not even a single Mizrahi lawyer who could have been appointed to the Supreme Court? If one reads what has been written about Baghdad, for example, it is impossible not to gain the impression that this city maintained a much higher level of culture than did most of the places from which the Eastern European immigrants came to Israel (Somekh 2007). Apparently, the justices of the

Supreme Court subscribed to the same biases that were so widespread at the time among the social group to which they belonged. In the 50 years since Mani's appointment, the customary practice has been to reserve just one—and only one—'Sephardi seat' on the Supreme Court.

In the summer of 2009, the list of 20 candidates for the Supreme Court was published. The list had been compiled over several years by various actors: justice ministers, the president of the Supreme Court, and members of the Committee for Judges' Appointments. Those listed included not even a single Mizrahi (nor a single Arab). There was no 'conspiracy' here, of course, or bad intentions on anyone's part, but simply a procedure in one particular context that points to much more deeply ingrained, long-standing, and comprehensive processes.

Similarly, when Mizrahim encounter—via television, radio, or newspapers—the deans of the law faculties and law professors pontificating on matters in their fields of expertise, only in exceptional cases will they encounter people whose appearance, name, vocabulary, diction, and biography are similar to their own. The same can be said, of course, when officials of the state's prosecutorial apparatus appear in the media.

It is important to clarify what exclusion means and how harmful it is. Discrimination occurs when resources are divided unequally among individuals or groups without justification. Exclusion is a particular instance of discrimination that occurs when a person is interested in participating in a social activity that is open to others, but is denied the right to do so without justification. In cases of exclusion, then, a certain individual (or group) is singled out and marked as being not worthy of 'joining the congregation'. The experience of being perceived as less worthy than others—which the doctrine of equality seeks to eliminate—is especially hurtful in situations of exclusion (Mautner 2014).

In its decisions, the Supreme Court has developed a thick doctrine of equality, awarding the value of equality an exalted standing in Israeli law. But when we examine the degree to which this value is upheld in the Court insofar as Mizrahim are concerned, a grim picture of continuing exclusion emerges. This picture highlights the failure to integrate the Mizrahim in some of the state's elites and the feeling of injury that the Mizrahim experience daily when they look upon those elites, among whom they are not numbered. Clearly, then, when Mizrahim view the Supreme Court, they cannot 'find' themselves in it. The Supreme Court consists almost exclusively of people whose names, life stories, vocabulary, diction, and skin color are all different from those of Mizrahim. Under these circumstances, it is clear why Mizrahim are able to develop only scant identification with the Court and with the liberal values it manifests and promotes.

### *Third Argument: Negative Rights Favored over Positive Rights*

My third argument is that Mizrahim needed social rights, but instead the Supreme Court developed a jurisprudence of negative rights. In all its years of operation, including since the passage of the Basic Laws of 1992, the Supreme Court has developed a rich jurisprudence for the protection of negative rights—those that require the state to refrain from intervening in the citizen’s affairs. Yet the Court has hardly developed any jurisprudence for the protection of positive rights, including social rights—those that require the state to provide its citizens with services that ensure minimum standards of welfare in their lives in areas such as health care, education, and housing (Hirschl 2000: 1060). Since the state’s establishment, the Court has taken action to protect those groups capable of handling their affairs by themselves, through the mechanism of the market, but not to protect groups that find themselves harmed by the operation of the market (Mautner 2011: 209–216). The Supreme Court’s liberal project has served the lower-class Mizrahim to only the slightest extent. What these Mizrahim needed was the development of a thick doctrine of positive rights, but that, as explained above, was not what the Supreme Court did as it went about developing Israeli liberalism. The protection of positive rights was left to the Knesset to ensure, mainly in a series of laws passed in the 1950s.

The only decision in the Supreme Court’s entire history that can be said to have served the interests of the Mizrahi group was HCJ *New Discourse* NGO, in which the decisions of the Israel Land Authority’s board of directors, which had awarded profligate financial benefits to agricultural lease holders, especially in the veteran settlements, were overturned.<sup>6</sup> However, as shown by Claris Harbon (quoted in Bitton 2011), even in this decision the Mizrahi aspect of the petition was watered down. Likewise, in a series of decisions concerning requests by residents of public housing—mainly descendants of North African immigrants, who had arrived after 1953 and had been accommodated in apartments in the periphery belonging to the government-owned housing corporation, Amidar—to be recognized as enjoying property rights to their parents’ apartments, the courts denied the petitions. The decisions held that analysis of their parents’ contracts with the housing companies revealed that the parents’ rights to the apartments were rental rights only, as opposed to the rights attached to long-term leasing or ownership, and these rights were due to expire with the death of the parents (Ziv 2006).<sup>7</sup>

### *Fourth Argument: The Need for a Politics of Identity and of Multiculturalism*

My fourth and final argument contends that the Mizrahim need the help of the law with regard to a politics of identity and a politics of multiculturalism,

both of which have emerged in recent decades in the United States and in other countries. The politics of identity assumes that (1) cultural categories often come in pairs, (2) these pairs create hierarchies between members of social groups (e.g., men are superior to women, whites are superior to blacks, Ashkenazim are superior to Mizrahim), (3) these hierarchies are being internalized by social actors, and (4) members of the groups represented as inferior are therefore inhibited from realizing their full human potential in their lifetimes. Likewise, the politics of multiculturalism assumes that when civil society and state institutions (museums, universities, etc.) systematically fail to present the cultural products of certain groups, these groups are being viewed as inferior, and their members are similarly inhibited from realizing their full human potential in their lifetimes.

Some identity groups—for example, women, gays and lesbians, and to some extent people with disabilities—have in recent decades successfully conducted a politics of identity in Israel. Prominent against this background is the paucity of the Mizrahi struggle, regarding both the politics of identity and the politics of multiculturalism.<sup>8</sup>

Not infrequently, groups that have conducted a politics of identity in Israel, such as women and gays and lesbians, have done so in combination with a strategy of legal action.<sup>9</sup> Consequently, the Supreme Court has acknowledged that in certain contexts special arrangements are necessary to protect the interests of women and gays. However, this has not happened insofar as Mizrahim are concerned. As Yifat Bitton (2011) writes, there is not a single ground-breaking ruling by the Israeli Supreme Court in which Mizrahiness is recognized as a separate category, worthy of special protection by the law.

In one case in which Mizrahim nonetheless sought to enlist the Supreme Court's help in promoting a politics of identity, they were chided for their efforts. In H CJ 1/81 *Shiran v. Israel Broadcasting Authority*, a petition was submitted to the Supreme Court requesting it to order the Israel Broadcasting Authority not to broadcast the documentary series *Pillar of Fire*, which deals with the history of Zionism, due to its focus on the Jews of Eastern and Central Europe, without giving adequate expression to the contribution of the Jews of Asia, Africa, and the Balkans to the Zionism project. Specifically, the petitioners argued that since the series' starting point was the 1890s, it ignored the fact that Mizrahi Jews had persevered in immigrating to Palestine over many generations and had maintained the continuity of Jewish habitation there. The petitioners also contended that since the series concluded with the establishment of the State of Israel, it contained no reference at all to the mass Mizrahi immigration of the 1950s and 1960s, ignoring this aspect of Mizrahi history as well. The Supreme Court held that under the principles of freedom of expression,

there was no justification for its intervention. Justice Ben-Porat wrote, *inter alia*:<sup>10</sup>

The argument in the petition, that the injured group is 'Mizrahi Jewry', is somewhat of an affront. Jews can live in the East or in the West, but Jewry is a single all-embracing concept, reaching the ends of the Earth. Both Mizrahi Jewry and likewise Ashkenazi Jewry are naught but limbs of the same body, which needs be protected from damaging division that reeks of hard-heartedness. On this line of thought, I doubt whether the petitioners can have recourse to the argument that the series broadcast on television constitutes a grave harm to the image of Mizrahi Jewry, in its own eyes as in those of others, as if it were a separate, self-sustaining body, in regard to which the remaining parts of the nation are, clearly, those 'others' in whose eyes its honor has been dashed.<sup>11</sup>

## Summary and Conclusions

Israeli liberalism is classical liberalism, the liberalism that provides the state's citizens with a list of negative rights to protect them from interference in their affairs by the state's institutions. In analyzing this matter, the aim of this article is twofold. The first is to point to the circular connection between the desire for normality and the liberalism of negative rights. The desire for normality is what underlies the political support for this liberalism and creates the legal conditions for the realization of normality. However, both the desire for normality and the liberalism of negative rights are contrary to a potential demand by the state for sacrifice from its citizens, and both are liable to slip into selfishness. This is what has happened with the rise of neo-liberalism in Israel. The bearers of this doctrine have in recent decades promoted their own affairs as if no Israeli society exists beyond them, and they have not hesitated to warn that any harm done to their interests would result in relocating their lives and businesses abroad. The fact that such statements have been made again and again—and have been accepted without protest—attests to the moral turpitude to which neo-liberalism has accustomed Israel.

These matters are of particular importance with regard to a state such as Israel, which exists under conditions of abnormality (with normality equated to 'being like everyone else'). In such a state there will constantly be a tension between the ethos manifest in the liberal regime of negative rights and the possible sacrifice from its citizens that the state may demand from time to time—in the security field, in the economic field, and perhaps in other fields as well.

The second aim of this article is to demonstrate these arguments by examining the relations between the veteran public—since the 1970s, the



group I have termed the LFH—and the Mizrahi group. I have shown that because of the veteran public's desire for normality, its members were unwilling to make the sacrifices demanded of them in the years following the state's establishment with regard to everything concerning the absorption of the Mizrahi immigrants. In the conflict between what was demanded by the state's abnormal conditions—sacrifice—and the individual desire for normality, the latter was triumphant. The 'good person' was a 'bad citizen'. I have shown that those choices have had implications regarding the basis of support for Israeli liberalism: lower-class Mizrahi support for the liberal project is low. The outcome of these processes is not only harm to the overall cohesion of Israeli society, but also harm to the society's ability to cohere around support for the state's liberal regime.

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## NOTES

1. These remarks were spoken by 14-year-old Moshe Bitan, a resident of Netivot, on 22 November 1996, during a program, *Yoman Ha-shavua* (Weekly Journal), on Israeli television's Channel One in the wake of a Supreme Court ruling that rabbinical courts are not authorized to order the boycotting and excommunication of those who are not willing to bow to their authority. HCJ 3269/95 *Katz v. Regional Rabbinical Court in Jerusalem* (1996) IsrSC 50(4) 590.
2. In discussing how personal and family interests trumped solidarity, Orit Rozin (2011: 134) uses the term 'egoism'.
3. On neo-liberalism, see Ben-Porat (2011), Bourdieu and Wacquant (2001), Gagnier (1997), Harvey (2005), Lemke (2001), and Shamir (2008).
4. HCJ 4541/94 *Miller v. Minister of Defense* (1995) IsrSC 49(4) 94.
5. For a closely related discussion on these topics, see Mizrahi (2012).
6. HCJ 244/00 *New Discourse NGO v. Minister of National Infrastructures* (2002) IsrSC 56(6) 25.
7. The Public Housing Law (Purchase Rights) of 1998 was supposed to rectify this injustice, but, as is well known, it has been frozen for years by the Arrangements Law, a government bill that is presented annually in the Knesset, along with the Budget Law.

8. However, concerning the politics of multiculturalism, see the following Knesset legislation: Council for the Commemoration of the Heritage of Sephardi and Mizrahi Jewry Law, 2002; National Authority for Ladino Culture Law, 1996; National Authority for the Heritage of Libyan Jewry Law, 2007; Authority for the Preservation of the Heritage of Israel's Congregations Draft Bill, 2010.
9. See HCJ 4541/94 *Miller v. Defense Minister* (1995) IsrSC 59(4) 94; HCJ 453/94 *Women's Lobby in Israel v. Government of Israel* (1994) IsrSC 48(5) 501; HCJ 721/94 *El-Al Israel Airlines Ltd. v. Danilovich* (1994) IsrSC 48(5) 749; HCJ 4112/99 *Adala Legal Center for the Rights of the Arab Minority in Israel v. Tel Aviv-Yafo Municipality* (2002) IsrSC 56(5) 393; HCJ 105/92 *Re'em Contracting Engineers Ltd. v. Nazareth Ilit Municipality* (1993) IsrSC 47(5) 189.
10. HCJ 1/81 *Shiran v. Israel Broadcasting Authority* (1981) IsrSC 35(3) 365, 388.
11. The argument made here is close in spirit to the 'post-colonial approach' in the Israeli sociological literature dealing with Mizrahim. See, for example, Chetrit (2004), Khazzoum (1999), and Shenhav (2006a).

## REFERENCES

- Adler, Irit, Noah Lewin-Epstein, and Yossi Shavit. 2003. "Social Stratification and Development Towns in Israel." [In Hebrew.] *Israeli Sociology* 5, no. 2: 365–394.
- Adva Center. 2007. *BA Students in the Universities and Academic Colleges as a Percentage of the 20- to 29-Year-Olds by Locality, 2005–2006*. [In Hebrew.] Tel Aviv: Adva Center.
- Adva Center. 2009. *Those Eligible for Matriculation as a Percentage of the 17-Year-Olds in a Locality, 2007*. [In Hebrew.] Tel Aviv: Adva Center.
- Adva Center. 2010. *Eligibility for Matriculation by Locality, 2008–2009*. [In Hebrew.] Tel Aviv: Adva Center.
- Ayalon, Hanna. 2006. "Inequality in Higher Education." [In Hebrew.] Pp. 148–155 in Ram and Berkovitch 2006.
- Bareli, Avi. 2007. *Mapai in Israel's Early Independence: 1948–1953*. [In Hebrew.] Jerusalem: Yad Ben-Zvi Press.
- Barker, Ernest, trans. and ed. 1946. *The Politics of Aristotle*. Oxford: Oxford University Press.
- Bauman, Zygmunt. 2000. *Liquid Modernity*. Cambridge: Polity Press.
- Ben-Gurion, David. 1949. "The State's Burden and Its Carriers." [In Hebrew.] *Molad* 13, no. 3: 7–8.
- Ben-Gurion, David. 1969. *The Renewed State of Israel*. [In Hebrew.] Tel Aviv: Am Oved.
- Ben-Porat, Amir. 1999. *The Bourgeois: The History of the Israeli Bourgeoisie*. [In Hebrew.] Jerusalem: Magnes Press.
- Ben-Porat, Amir. 2011. *How Israel Became a Capitalist Society*. [In Hebrew.] Haifa: Pardes Press.

- Bitton, Yifat. 2011. "Mizrahim and the Law: Absence as Existence." [In Hebrew.] *Mishpatim Law Review* 455, no. 41: 474–485.
- Blank, Yishai. 2004. "Decentralized National Education: Local Government, Segregation and Inequality in Public Education System." [In Hebrew.] *Tel Aviv University Law Review* 28, no. 2: 347–416.
- Blechman, Israel. 2008. "Research Report." [In Hebrew.] *Theory and Criticism* 33: 191–197.
- Bourdieu, Pierre, and Loïc Wacquant. 2001. "New Liberal Speak." *Radical Philosophy* 105: 2–5.
- Breton, Raymond. 1984. "The Production and Allocation of Symbolic Resources: An Analysis of the Linguistic and Ethnocultural Field in Canada." *Canadian Review of Sociology* 21, no. 2: 123–144.
- Chetrit, Sami Shalom. 2004. *The Mizrahi Struggle in Israel between Oppression and Liberation, Identification and Alternative: 1948–2003*. [In Hebrew.] Tel Aviv: Am Oved.
- Cohen, Uri, and Nissim Leon. 2008. "The Mizrahi Middle Class in Israel." [In Hebrew.] *Alpayim* 32: 83–101.
- Cohen, Yinon, Yitchak Haberfeld, and Tali Kristal. 2007. "Ethnicity and Mixed Ethnicity: Educational Gaps among Israeli-Born Jews." *Ethnic and Racial Studies* 30, no. 5: 896–917.
- Eisenstadt, Shmuel N., and Moshe Lissak, eds. 1999. *Zionism and the Return to History: A Reassessment*. [In Hebrew.] Jerusalem: Yad Ben-Zvi Press.
- Elam, Yigal. 2012. *What Happened Here*. [In Hebrew.] Tel Aviv: Am Oved.
- Gagnier, Regenia. 1997. "Neoliberalism and the Political Theory of the Market." *Political Theory* 25, no. 3: 434–454.
- Gardos, Yehuda. 2006. "Geography of Center and Periphery." [In Hebrew.] Pp. 77–81 in Ram and Berkovitch 2006.
- Gonen, Amiram. 2010. "From Pioneers to Immigrants in Settling the Frontier." [In Hebrew.] Pp. 215–237 in *Crossroads of Decisions in Israel*, ed. Dvora Hacohen and Moshe Lissak. Be'ersheva: Ben-Gurion University of the Negev Press.
- Harvey, David. 2005. *A Brief History of Neoliberalism*. Oxford: Oxford University Press.
- Herzog, Hanna. 1984. "Political Ethnicity in Israel." [In Hebrew.] *Megamot* 28: 332–352.
- Hever, Hannan. 2000. "We Have Not Arrived from the Sea: Toward Literary Mizrahi Geography." [In Hebrew.] *Theory and Criticism* 16: 181–196.
- Hever, Hannan, and Yehouda Shenhav, and Shimon Balas. 2002. "Colonialism and Mizrahiyut in Israel." [In Hebrew.] *Theory and Criticism* 20: 289–304.
- Hirschl, Ran. 2000. "'Negative' Rights vs. 'Positive' Entitlements: A Comparative Study of Judicial Interpretations of Rights in an Emerging Neo-Liberal Economic Order." *Human Rights Quarterly* 22, no. 4: 1060–1098.
- Horowitz, Dan. 1960. "Between Pioneer Society and 'Like All Other Nations.'" [In Hebrew.] *Molad* 18: 413–431.
- Horowitz, Dan, and Moshe Lissak. 1989. *Trouble in Utopia: The Overburdened Polity of Israel*. Albany: SUNY Press.

- Jerby, Iris, and Gal Levy. 2000. *Israel: The Socio-economic Gap*. [In Hebrew.] Jerusalem: Israel Democracy Institute.
- Kahn, Paul W. 2005. *Putting Liberalism in Its Place*. Princeton, NJ: Princeton University Press.
- Kedar, Nir. 2003. "Ben-Gurion and the Struggle to Appoint a Sephardi Justice to the Israeli Supreme Court." [In Hebrew.] *Bar-Ilan Law Studies* 19, no. 2: 515–539.
- Kedar, Nir. 2009. *Mamlakhtiyut: David Ben-Gurion's Civic Thought*. [In Hebrew.] Be'erSheva: Ben-Gurion University of the Negev Press.
- Kemp, Adriana. 2000. "Borders, Space, and National Identity in Israel." [In Hebrew.] *Theory and Criticism* 16: 13–43.
- Khazzoum, Aziza. 1999. "Western Culture, Stigma, and Social Closure: The Origins of Ethnic Inequality among Jews in Israel." [In Hebrew.] *Israeli Sociology* 1, no. 2: 385–428.
- Kimmerling, Baruch. 2004. *Immigrants, Settlers, Natives: Israel between Plurality of Cultures and Cultural Wars*. [In Hebrew.] Tel Aviv: Am Oved.
- Lahav, Pnina. 1997. *Judgment in Jerusalem: Chief Justice Simon Agranat and the Zionist Century*. Berkeley: University of California Press.
- Lemke, Thomas. 2001. "'The Birth of Bio-Politics': Michel Foucault's Lecture at the Collège de France on Neo-liberal Governmentality." *Economy and Society* 30, no. 2: 190–207.
- Levy, Gal. 2006. "Education." [In Hebrew.] Pp. 181–188 in Ram and Berkovitch 2006.
- Levy, Yagil. 2003. *The Other Army of Israel: Militarism in Israel*. [In Hebrew.] Tel Aviv: Yedioth Ahronot.
- Levy, Yagil. 2010. "The Hierarchy of Military Death." [In Hebrew.] Pp. 101–119 in *Abandoning State/Surveillance State: Social Policy in Israel 1985–2008*, ed. Chana Katz and Erez Tzfadia. Tel Aviv: Resling.
- Lissak Moshe. 1999. *The Mass Immigration in the Fifties: The Failure of the Melting Pot Policy*. [In Hebrew.] Jerusalem: Bialik Institute.
- Maman, Daniel. 2006. "Elites." [In Hebrew.] Pp. 38–46 in Ram and Berkovitch 2006.
- Maruoma-Marom, Shoshana. 2010. "Shaping the Israeli Welfare Policy in the 1950s and 1960s and the Emergence of Underprivileged Classes of 'Mizrahi' Immigrants." [In Hebrew.] *Theory and Criticism* 36: 113–136.
- Mautner, Menachem. 2011. *Law and the Culture of Israel*. Oxford: Oxford University Press.
- Mautner, Menachem. 2014. "A Dialogue between a Liberal and an Ultra-Orthodox on the Exclusion of Women from Torah Study." Pp. 155–191 in *Mapping the Legal Boundaries of Belonging*, ed. René Provost. Oxford: Oxford University Press.
- Miron, Dan. 1987. "If There Is No Jerusalem." [In Hebrew.] Pp. 227–235 in *If There Is No Jerusalem*. Tel Aviv: Ha-kibbutz Ha-me'ukhad Press.
- Misgav, Uri. 2012. "Ben-Gurion: The Decline." [In Hebrew.] *Ha'arets*, 6 April.
- Mizrahi, Nissim. 2011. "Beyond the Garden and the Jungle: On the Social Limits of the Human Rights Discourse in Israel." [In Hebrew.] *Ma'asei Mishpat* 4: 51–74.

- Mizrachi, Nissim, Yehuda C. Goodman, and Yariv Feniger. 2009. "I Don't Want to See It': Decoupling Ethnicity and Class from Social Structure in Jewish Israeli High Schools." *Ethnic and Racial Studies* 32, no. 7: 1203–1225.
- Nir, Tali. 2012. *Between Realization and Dehydration: Israeli Governments' Methods for Draining Social Services*. [In Hebrew.] Tel Aviv: Association for Civil Rights in Israel.
- Ram, Uri, and Nitza Berkovitch, eds. 2006. *In/Equality*. [In Hebrew.] Be'ersheva: Ben-Gurion University of the Negev Press.
- Rozin, Orit. 2011. *The Rise of the Individual in 1950s Israel: A Challenge to Collectivism*. Trans. Haim Watzman. Waltham, MA: Brandeis University Press.
- Rubinstein, Elyakim. 1980. *Judges of the Land*. [In Hebrew.] Tel Aviv: Schocken.
- Sasson-Levy, Orna. 1998. "I Don't Want an Ethnic Identity': The Making and Unmaking of Social Boundaries in Contemporary Ashkenazi Narratives." [In Hebrew.] *Theory and Criticism* 33: 101–129.
- Shafir, Gershon, and Yoav Peled. 2002. *Being Israeli: The Dynamics of Multiple Citizenship*. Cambridge: Cambridge University Press.
- Shamir, Ronen. 2008. "The Age of Responsibilization: On Market-Embedded Morality." *Economy and Society* 37, no. 1: 1–19.
- Sharon, Smadar. 2006. "Planners, the State, and the Shaping of National Space in the 1950s." [In Hebrew.] *Theory and Criticism* 29: 31–57.
- Shehata, Dina. 2011. "The Fall of the Pharaoh." *Foreign Affairs* 90, no. 3: 26–32.
- Shenhav, Yehouda. 1996. "The Bonds of Silence." [In Hebrew.] *Ha'aretz*, 27 December.
- Shenhav, Yehouda. 2006a. *The Arab Jews: A Postcolonial Reading of Nationalism, Religion and Ethnicity*. Stanford, CA: Stanford University Press.
- Shenhav, Yehouda. 2006b. "Ethnicity." [In Hebrew.] Pp. 55–63 in Ram and Berkovitch 2006.
- Smootha, Sammy. 1984. "Three Perspectives in the Sociology of Ethnic Relations in Israel." [In Hebrew.] *Megamot* 28: 169–206.
- Somekh, Sasson. 2007. *Baghdad, Yesterday: The Making of an Arab Jew*. [In Hebrew.] Tel Aviv: Ha-kibbutz Ha-me'ukhad Press.
- Sternhell, Zeev. 1998. *The Founding Myths of Israel: Nationalism, Socialism, and the Making of the Jewish State*. Trans. David Maisel. Princeton, NJ: Princeton University Press.
- Swirski, Barbara. 2006. "Health Care." [In Hebrew.] Pp. 64–72 in Ram and Berkovitch 2006.
- Swirski, Shlomo. 1990. *Education in Israel: Schooling for Inequality*. [In Hebrew.] Tel Aviv: Breirot.
- Swirski, Shlomo. 1995. *Seeds of Inequality*. [In Hebrew.] Tel Aviv: Breirot.
- Taylor, Charles. 1989. *Sources of the Self: The Making of the Modern Identity*. Cambridge, MA: Harvard University Press.
- Tocqueville, Alexis de. 1960. *Democracy in America*. Trans. Henry Reeve. Oxford: Oxford University Press.
- Tsur, Yaron. 1997. "The Immigration from Islamic Countries." [In Hebrew.] Pp. 57–82 in *The First Decade, 1948–1958*, ed. Zvi Zameret and Hanna Yablonka. Jerusalem: Yad Ben-Zvi Press.

- Walzer, Michael. 2015. *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions*. New Haven, CT: Yale University Press.
- Yiftachel, Oren. 1998. "Nation-Building and the Division of Space in the Israeli 'Ethnocracy': Settlement, Land, and Ethnic Disparities." [In Hebrew.] *Tel Aviv University Law Review* 21, no. 3: 637–663.
- Ziv, Neta. 2006. "Housing Law and Social Exclusion: The Case of Public Housing in Israel." *Law and Government in Israel* 9, no. 2: 411–460.