The Challenge of Ethnic Democracy

The State and Minority Groups in Israel, Poland and Northern Ireland

Yoav Peled

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Ethnic democracy is a form of democratic ethnic conflict regulation in deeply divided societies. In *The Challenge of Ethnic Democracy,* Yoav Peled argues that ethnic democracy is constituted by the combination of two contradictory constitutional principles – liberal democracy and ethno-nationalism – and that its stability depends on the existence of a third, mediating constitutional principle of some kind or other.

This central argument is supported by an analysis of the history of three ethnic democracies: Northern Ireland under Unionist rule, where ethnic democracy was stable for almost 50 years (1921–69) and then collapsed; the Second Polish Republic (1918–39), where ethnic democracy was written into the constitution but was never actualised; and Israel within its pre-1967 borders, where ethnic democracy was stable for 35 years (1966–2000) but may now be eroding. This book examines the different trajectories of the case studies, demonstrating that Poland lacked a third, mediating constitutional principle, while Israel and Northern Ireland did have such a principle – civic republicanism in Israel, and populism in Northern Ireland. The collapse of ethnic democracy in Northern Ireland resulted from the weakening of populism that depended on British monetary subsidies for its implementation, whilst the erosion of ethnic democracy in Israel resulted from the decline of civic republicanism since the onset of economic liberalization in 1985.

Dealing with ethnic democracy in a comparative framework, this book will appeal to students, scholars and researchers of Sociology, Political Science, and Middle East Studies.

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To Horit

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Acknowledgements

Chapter 4, much of the historical information and analysis pertaining to the period before 2001 draws largely on my joint book with Gershon Shafir, *Being Israeli* (Shafir and Peled 2002).

My greatest debt, as ever, is to Horit Herman Peled, who has been a constant source of intellectual challenge, stimulating insights, and emotional sustenance. I dedicate the book to her.

The views expressed in this book, and the errors left in it, are entirely my own.

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1 Introduction

The model of ethnic democracy

> Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist.
>
> (John Stuart Mill, *On Liberty*, 1859)

Since the end of the Cold War, the regulation of intra-state ethnic conflict has become the most pressing political issue in almost every corner of the world. The *democratic* regulation of ethnic conflict is of particular concern to multi-ethnic societies that are committed to maintaining democratic state structures, as well as to world powers interested in democratization, like the United States and the European Union. This concern was reflected, symbolically, in the adoption of the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* by the United Nations General Assembly on 18 December 1992.

As Samuel Issacharoff has noted,

> Among the most basic of challenges faced by emergent democracies is how to protect the fundamental liberties as political power coalesces around majoritarian preferences; particularly how to protect the vulnerable, who belong to … discrete and insular minorities … [S]uch minorities are not simply those who receive fewer votes in any particular election. They are instead the historically identifiable groups, such as racial minorities, who are unlikely to prevail through the political process and who are likely to be at the mercy of those who will emerge as the electoral victors. These minorities may ultimately turn to legally defined domestic rights protections, or appeal to broader international human rights protections, but the primary concern is whether there are political structures within the newly developed democratic framework that might reduce their vulnerability.
>
> (Issacharoff 2012:34–35)

My purpose in this book is to offer a critical reexamination of the conditions for the consolidation and stability of "ethnic democracy," a particular mode of ethnic conflict regulation in deeply divided societies that is designed to

reduce the vulnerability of ethnic minorities while maintaining the dominance of ethnic majorities. A society that is "deeply divided" ethnically is a multi-ethnic society where (at least some of) the different ethnic groups are viewed as inassimilable into the majority population, and where no overarching civil identity is available to all citizens (cf. Guelke 2012). "Ethnic democracy," which is a type of state identified by Israeli sociologist Sammy Smooha, combines majoritarian electoral procedures and respect for the rule of law and for individual citizenship rights, with the institutionalized dominance of a majority ethnic group over the society (Smooha 1990; 2002; 2005).

Smooha characterized ethnic democracy as a diminished type of democracy, primarily because it offers members of minority ethnic groups an inferior kind of citizenship:

> Non-members of the ethnic nation enjoy rights that are in some way inferior to the rights of the members and endure discrimination by the state. Rule of law and quality of democracy are reduced by state measures intended to avert the perceived threat attributed to non-members.
>   (Smooha, 2002:478; cf. Peled 1992; Collier and Levitsky 1997)

This differentiated citizenship distinguishes ethnic democracy from liberal democracy, where political equality is constitutive of citizenship, as well as from multicultural and consociational democracies, which recognize differentiated citizenship in order to grant ethnic groups collective rights, *in addition* to the equal individual rights enjoyed by all citizens. Moreover, "[w]hile in a democracy a minority can in principle become a political majority through persuasion, pressure, and voting, in an ethnic democracy this theoretical option is institutionally closed to the ethnic minority" (Smooha 2009:55; cf. Issacharoff 2012:35).

In liberal democracy, such as the United States, the state is officially neutral with respect to the ethnic identity of its citizens, so that members of all ethnic groups enjoy the same citizenship rights. The nationalism officially espoused by liberal-democratic states is civic nationalism, unencumbered by association with any ethnic identity. In liberal-republican (or "Jacobin") democracy, such as France, the state is not culturally neutral, but it assumes, formally, that all citizens, whatever their ethnic background, belong to the dominant cultural sphere. Both of these types of universalistic states, along with the strong integrationist pressures associated with them, have come under a great deal of criticism in recent decades, for denigrating minority cultures and serving as a subtle, or not so subtle, vehicle for promoting assimilation into the majority. As a result, several liberal democracies, of which Canada and New Zealand are probably the most salient examples, have recently launched themselves on a course of development leading from liberal to multicultural democracy (Kymlicka 1995; 1998; Peleg 2010:43–44; Yakobson 2013).

In multicultural democracy, group cultural rights, in addition to individual citizenship rights, are recognized and respected in the spheres of political

representation, language policy, education, land ownership and use, and so on.[1] In consociational democracy, such as Belgium and, arguably, present-day Northern Ireland, ethnic groups are constitutionally recognized as corporate entities and accorded equal status. While individual rights are respected in consociational democracies, individuals are incorporated in society through the ethnic groups they belong to, and every individual must, therefore, be officially inscribed in one ethnic group or another (Andeweg 2000; van den Berghe 2002).

Smooha developed the model of ethnic democracy when he concluded that the State of Israel, *within its pre-1967 borders*, while broadly considered a democracy (e.g., Schmitter and Karl 1991:87n4; Lijphart 1993; Birch 1993:46; Freedom House 2013), could not be fitted into any of these types of state. As the constitutionally-defined "state of the Jewish people," which nonetheless has a substantial minority (currently about 17 percent) of non-Jewish Palestinian citizens, Israel is not neutral with respect to the ethnic/religious identity of its citizens. Rather, it is what Rogers Brubaker has called a "nationalizing state," i.e., a state that is "ethnically heterogeneous yet conceived as [a] nation-state, whose dominant elites promote (to varying degrees) the language, culture, demographic position, economic flourishing, or political hegemony of the nominally state-bearing nation" (Brubaker 1996:57). Thus, the nationalism of the Israeli state is not "Israeli nationalism" (an inconceivable idea for most Israelis) but Zionism, that is, *Jewish* nationalism.[2] Israel is, therefore, clearly not a liberal democracy.

While Israel's Palestinian citizens have separate institutions in the spheres of local government, education, culture, mass media, and religion, most of these institutions are not autonomous, but are under the control of the state. Nor are Jews and Palestinians treated equally as collectivities in terms of political representation or resource allocation. Thus Israel cannot qualify as a consociational or multicultural democracy either. At the same time, within its pre-1967 borders, Israel is not a *Herrenvolk* democracy either; that is, it is not a state where democratic rights are limited to the dominant ethnic group only, as was the case in South Africa during apartheid and is still the case in the Palestinian territories occupied by Israel. The Israeli case required, then, that a new class of democracy be defined (Smooha 2002; 2005:42–53).

This new class of democracy, "ethnic democracy," of which Israel is the archetypal example, is likely to emerge if a number of conditions prevail: ethno-nationalism, as a movement and an ideology, preceded the establishment of the state or its democratization; the dominance of the majority ethnic group over the minority(ies) preceded the establishment of the state or its democratization; the dominant ethnic group faces real threats to its "physical, demographic, cultural or economic existence and well-being" from the minority or from the minority's "motherland," and the dominant ethnic group needs, therefore, to mobilize its members for continuous struggle; the dominant group is, in spite of all that, committed to democracy, whether for ideological or instrumental reasons (Smooha 2005:30).

Ethnic democracy is still a democracy, Smooha argues, insofar as it maintains democratic electoral procedures and respects, to one degree or another, the individual liberal rights of all citizens. It falls short of the ideal of liberal democracy primarily on the issue of *equality*: in ethnic democracy, the state is declared to be the national patrimony of a specific ethnic group, rather than of its citizenry, and the dominance of that group is institutionalized, legally and practically, and expressed, *inter alia*, in the different kinds of citizenship accorded members of the different ethnic groups. Thus, "the ethnic nation, not the citizenry, shapes the symbols, laws and policies of the state for the benefit of the majority. This ideology makes a crucial distinction between members and non-members of the ethnic nation" (Smooha 2002:477). At the same time, ethnic democracy provides some political space for the minority to "avail themselves of democratic means to negotiate better terms of coexistence. The crucial test is whether a reform can be affected through the use of democratic procedures" (Smooha 1990:410). Ethnic democracy may also accord its minority group(s) some collective rights, a feature that brings it closer to meeting the demands of multiculturalism than does liberal democracy.[3]

Since the model was first enunciated in 1990, Smooha and others have applied it to a number of countries, mostly in post-communist Eastern Europe and in South Asia (Smooha 2001a; Smooha and Järve 2005; Smooha 2009:57). Almost invariably, these countries have been found wanting, in terms of their democratic character, when compared to the model and to its archetype, Israel. However, Smooha has predicted that ethnic democracies would become increasingly common in both Eastern and Western Europe in the coming years. In Eastern Europe, former Soviet republics with large Russian minorities, primarily the Baltic states, are democratizing by granting citizenship to more and more of their Russian-speaking minorities. This takes place, under pressure from the European Union, through the partial introduction of *jus soli* requirements for citizenship and the relaxation of linguistic barriers to the naturalization of non-citizen permanent residents. At the same time, the Baltic states fiercely guard their identities as belonging to the majority ethnic nations. In Western Europe, the retreat from multiculturalism, identified by Christian Joppke among others, and, according to Smooha, the retreat from liberal immigration policies as well, may also point in the direction of emerging ethnic democracies (Pettai and Hallik 2002; Joppke 2004; 2008a; 2008b; 2010; Smooha 2005:58; 2008; Smooha and Järve 2005; Yakobson 2013:350). If Smooha's prediction about Western Europe is correct, future developments may contradict Joppke's conclusion that "the space for the re-nationalization of citizenship [in Western societies] is limited by norms of equality and non-discrimination, which allow only universalistic answers to the question of identity" (Joppke 2008a:38).

According to Smooha,

As a full-fledged model, ethnic democracy has three distinct functions: as a Weberian ideal type of a political system, as a theory about the

emergence and stability of such a system, and as a conceptual scheme for the study, analysis, and criticism of this kind of system as compared to other regimes.

(Smooha 2009:55)

The "challenge of ethnic democracy" alluded to in the title of the present volume has a dual meaning, relating to all three of these functions:

a. The model of ethnic democracy challenges our conventional understanding of democracy as essentially based on equal citizenship.
b. The model itself has been challenged by critics who have claimed that: (1) it is not really democratic; (2) if it existed anywhere in the real world it would be inherently unstable; (3) it is a one-case model that applies only to Israel, and it is therefore not a useful analytic or normative "ideal type" at all (Yiftachel 1992a; Danel 2009; Jamal 2002b).[4]

In this book I intend to address primarily point b(2) and argue that the model, in its present form, fails as a theory of the stability of ethnic democracy. I will substantiate my argument by comparing the historical trajectories of three ethnic democracies – Northern Ireland under Unionist rule (1921–72), inter-war Poland (1918–39), and Israel within its pre-1967 borders. In treating this question comparatively, I will implicitly challenge the claim made in point b(3) as well, showing that the model is applicable to more than one case and is, therefore, heuristically useful. I do not intend to engage the question of whether or not ethnic democracy qualifies as a democracy, since I believe this is, ultimately, a definitional matter. However, a brief survey of the key issues involved in this particular question is in order.

Democracy

A "democracy" that accords its citizens different kinds of citizenship based on their ethnic identity sounds like an oxymoron in all types of democratic theory. Equality before the law is the *sine qua non* of the liberal idea of democracy, while the republican idea recognizes differential citizenship based on civic virtue, not on ascriptive criteria (Peled 1992; Shafir and Peled 2002:4–11). Multicultural and consociational demcoracies do recognize ascription-based differential citizenship, but they do that in order to grant minority ethnic groups collective rights, *in addition* to equal individual citizenship rights, not in order to diminish those individual rights. As noted by Aleksander Yakobson, "a democratic state, in which political sovereignty lies with 'the people' as a civic community (regardless of any differences of national or cultural identity among citizens), cannot be regarded as 'belonging' to the majority nation exclusively" (Yakobson 2013:329–30).

Still, the application of the principle of undifferentiated citizenship has proved to be highly problematic in ethnically deeply divided societies. As

Yash Ghai has noted, "[t]he notion of equal undifferentiated rights did not quite fit [the post-colonial] state where the salient identity was not national, but communal, religious or ethnic" (Ghai 2012:55). John McGarry and Brandan O'Leary, in their famous taxonomy of the methods of ethnic conflict regulation, have also entertained the possibility of the confluence of demcoracy and ethnically-colored citizenship, in what they called, following Ian Lustick, "majority control over the minority in liberal democracies:"

> … hegemonic control can occur in states in which the majority or the entirety of the relevant adult population have formal access to citizenship. Democracy in its most primitive meaning is understood as "majority rule" … However, where there are two or more deeply established ethnic communities, and where the members of these communities do not agree on the basic institutions and policies the regime should pursue, or where the relevant ethnic communities are not internally fragmented on key policy preferences in ways which cross-cut each other, then "majority rule" can become an instrument of hegemonic control.
>
> (McGarry and O'Leary 1993:24–25; Lustick 1979; 1980)

Furthermore, referring to the American South between the Civil War and the Civil Rights Act of 1964 and to Northern Ireland under Unionist rule, McGarry and O'Leary discuss the possibility of "regions within liberal democratic states where formal majoritarianism co-existed with hegemonic control over the relevant minority." In these cases,

> The relevant majority monopolised the police and judicial systems, manipulated the franchise to consolidate their domination, practiced economic discrimination in employment and the allocation of public housing, and institutional discrimination against the minority's cultural and educational system(s), and ruthlessly repressed minority discontent.
>
> (McGarry and O'Leary 1993:25)

It may be questioned how states that employ, or at least condone, such practices against their ethnic minorities can still be called liberal democracies. McGarry and O'Leary could respond to this question by pointing out that, in the two cases they cited, those practices were confined to specific regions within the state. Thus McGarry titled one of his articles "'Democracy' in Northern Ireland" (McGarry 2002), not "'Democracy' in the United Kingdom." But is the character of the political system divisible in such a way that different regimes could prevail in different regions of the same country? Smooha has argued that a democracy that practices control is not a liberal democracy, whether the practices described by McGarry and O'Leary prevail only regionally or in the country as a whole. Thus the regime described by McGarry and O'Leary in the two passages quoted above should be characterized as an ethnic, rather than liberal democracy.[5]

As I have noted above, Smooha uses a thin, procedural definition of democracy in order to argue that ethnic democracy is still a democracy: a political system that features majoritarian electoral procedures and respect for (not necessarily equal) individual citizenship rights. This thin definition accords perfectly well, however, with Robert Dahl's famous definition of procedural democracy, as revised by Philippe Schmitter and Terry Lynn Karl:

1. Control over government decisions about policy is constitutionally vested in elected officials.
2. Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.
3. Practically all adults have the right to vote in the election of officials.
4. Practically all adults have the right to run for elective offices in the government …
5. Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined …
6. Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by law.
7. … Citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.
8. Popularly elected officials are able to exercise their constitutional powers without being subjected to overriding (albeit informal) opposition from unelected officials [such as military officers, for example].

<div align="right">(Schmitter and Karl 1991:81)</div>

To buttress his argument that ethnic democracy should be considered a special class of democracy, Smooha has also argued that distinction should be made between the *existence* of democracy and its *quality*. While the minimal, procedural features are sufficient for the existence of democracy, the quality of democracy is measured by the extent to which a political system displays the following features:

> [G]eneral consensus on democratic procedures, equality of civil and political rights, legitimacy of all votes, political tolerance, the exclusivity of parliamentary laws, reduction of class inequality, ease of mobility to political elites, political representation of all population groups and effective struggle of deprived groups.
>
> <div align="right">(Smooha 2005:10; cf. Campbell 2008)</div>

Ethnic democracy, while satisfying the minimum procedural requirements, clearly falls short on many of these features and is therefore an inferior kind of democracy.

Stability

My critique of the model of ethnic democracy as a theory of the stability of this type of state will be based on a comparison between the archetype of ethnic minority – Israel – and two other nationalizing states – Northern Ireland under Unionist rule (1921–72) and inter-war Poland (1918–39) – which, I argue, can also be considered ethnic democracies.[6] I chose these three cases because, with respect to the viability, or stability, of ethnic democracy they represent the whole range of possibilities: no stability at all in inter-war Poland, long-term stability followed by sudden collapse in Northern Ireland, and long-term stability with possible slow deterioration in Israel. As I will show in the remainder of this book, the model of ethnic democracy in its present form cannot account for the patterns of stability/instability in these three cases.

According to Smooha, ethnic democracy combines two incompatible constitutional principles: liberal democracy, that mandates equal protection of all citizens, and ethno-nationalism, that mandates preferred treatment for members of the core ethnic group. This combination "generates ambiguities, contradictions, tensions and conflicts, but not necessarily ethnic and political instability" (Smooha 2005:22). The stability of ethnic democracy was indeed one of the earliest points on which the model was criticized, both as a theoretical construct and as a characterization of the Israeli state. Thus Oren Yiftachel (1992a:130) argued that minority resistance to their inferior position in ethnic democracy will inevitably generate inter-ethnic violence and will cause the state to be transformed in the direction of either consociationalism (as currently seems to be the case in Northern Ireland. McGarry and O'Leary 2004; Smooha 2005:55; Taylor 2006; 2009; Guelke 2010), or outright majority domination (as, I will argue, may be happening in Israel).

Smooha responded to this criticism by stipulating a set of conditions that, he argued, could enhance the stability of ethnic democracy, although none of those conditions was by itself either necessary or sufficient:

1. The core ethnic group enjoys "clear and continued numerical and political majority" of no less than 75 per cent, while the minority constitutes between 10 and 25 per cent of the population. (Elsewhere Smooha stipulated a majority-minority ratio of 80:20, corresponding to the Jewish-Palestinian ratio in Israel; Smooha 2001a:37);
2. The non-core population is divided into several ethnic groups;
3. The core ethnic group is an indigenous group while the non-core groups are made up of immigrants;
4. The core ethnic group feels threatened by hostile powers without, and by the minority group(s) within, but is still committed to democracy;
5. Non-interference by the minority's "motherland" (or "kin state");
6. International legitimacy;
7. The core ethnic group has a sizable supportive Diaspora.

(Smooha 2005:31–32)

Later in the same book, when presenting the "mini model" of ethnic democracy, Smooha stated that conditions 1 and 4 through 6 *are* essential for maintaining the stability of ethnic democracy (Smooha 2005:33; see also 2002:479). Moreover, in an article published in 2009, in response to Adam Danel's (2009) criticism of the model, yet another list appears, from which the conditions referring to the indigenous vs. immigrant status of the two groups, and to the heterogeneous nature of the minority, are missing. In their stead, a new condition – the strength of the state as expressed in its monopoly on the use of violence, its control of the territory, its international legitimacy, and its ability to provide essential services – is stipulated (Smooha 2009:56).

Leaving aside international legitimacy, a condition that had already appeared in Smooha's earlier work, we are left with two new measures for the strength of the state: its ability to monopolize the use of legitimate violence within its own territory, and its economic capability. As far as the first measure is concerned, I would argue that the strength of an ethnic democratic state (like the strength of all states) is as much a *result* of its stability as it is a *condition* for it. As noted by Lake and Rothchild, "state capabilities … are at least partly affected by … the beliefs and behaviors of the groups themselves" (Lake and Rothchild 1996:48). If an ethnic minority (or, for that matter, a militant group within the majority) resorts to violence in order to achieve its ends, depriving the state of its monopoly on the legitimate use of force, this will indeed destabilize the state. But the outbreak of armed conflict is primarily a *symptom* of instability, rather than its cause.

As for the second measure, the economic capability of the state is indeed a *necessary* condition of stability, but it is not a *sufficient* one. For the stability of the state is not only a function of its ability to provide services, it is also a function of the particular way in which those services are provided to the majority and to the minority. The principle that governs the mode of provisioning services can enhance the stability of the state, but it can also undermine it. My argument in this book is that, in order to enhance stability, the relevant principle of distribution should be different from, and be able to mediate between, the two contradictory principles that structure ethnic democracy in the first place – liberal democracy and ethno-nationalism. To put it the other way around, the most important variable that can explain the in/stability of ethnic democracy is the existence or absence in the political culture of a third legitimational principle, or discourse of citizenship, that can mediate between the conflicting imperatives of liberal democracy and ethno-nationalism (Peled 1992).[7] However, to be able to operate effectively, the relevant principle must have a sound economic basis to rely on. Of the three cases discussed in this book, the Second Polish Republic did not have the economic capacity to sustain a third, mediating principle and therefore failed as an ethnic democracy; Northern Ireland under Unionist rule did have that capacity, based on British subsidies, so it was stable as long as those subsidies were assured; Israel did and still does have the economic capacity, but the

shift from a civic-republican principle of distribution to a neo-liberal one may have eroded its stability as an ethnic democracy.

On the whole, the conditions of stability stipulated by Smooha suffer from a number of difficulties. First, in formulating these conditions, he failed to make two important distinctions: between the stability of the *democratic* element of ethnic democracy and the stability of its *ethnic* element, and between the core group's *interest* in maintaining ethnic democracy and its *ability* to do so. Second, the minority group(s) play(s) a completely passive role in these conditions, as if the level of threat experienced by the majority is totally unrelated to the activities of the minority, and as if the minority itself could not feel threatened and react to that perceived threat in various ways that would destabilize the state. To quote Lake and Rothchild again, "it is the minority, fearful of future exploitation and violence, that ultimately determines the viability of any existing ethnic contract" (Lake and Rothchild 1996:50). Third, the notion of "threat" is rather opaque and unproblematic in Smooha's presentation, whereas in reality the nature of the feeling of threat and its potential sources could be complicated and not self-evident and require elaboration in each particular case. In some cases, the perception of threat may even be negatively related to the actual existence of threatening forces.

Most of the conditions of stability enumerated by Smooha could enhance either the ethnic element or the democratic element of the state, depending on numerous factors that determine the power relations between majority and minority, and between the majority and the minority's "motherland." For example, when the core community feels threatened by the minority and/or the minority's "motherland," it may resist demands for the liberalization of ethnic democracy. But if that feeling of threat becomes too intense, the core community may either give in and liberalize the state, or it may abandon democracy altogether and institute a majoritarian ethnic state (or "ethnocracy") instead. The latter move could encounter opposition, whether domestic or international or both, so that the core community's power relative to these potential sources of opposition could have a great deal to do with the outcome (cf. Brubaker 1996:58). However, in its original formulation, the model of ethnic democracy did not include any variable relating to the issue of power, aside from the numerical ratio between majority and minority. Later on, as we saw, Smooha added such a variable – the strength of the state – but, as I have indicated, this variable could be seen as dependent on the stability of ethnic democracy, as much as the other way around.

Smooha's theoretical problems in accounting for the stability of ethnic democracy can be attributed, at least in part, to his level of analysis. His approach is state-centered, in the sense that the main object of his analysis is the coercive institutional complex charged with maintaining and reproducing the social order (Jamal 2002b:412–18). The only social data included in the model are the attitudes of individuals within both the elite and the masses of the different ethnic groups, as expressed in attitude surveys. These attitudes

are sometimes accorded inordinate significance, as when Smooha substitutes, in the case of Israel, Israeli Jews' *belief* that they are indigenous to the country for the actual fact of indegeneity, which, of course, is absent in that case (Smooha 2000:607). Conspicuously absent from the model are the data that, it could be argued, shape these attitudes: data relating to the actual social relations between and within the ethnic groups, primarily their economic interactions and educational levels, and to the effects such relations may have on the state. These kinds of data could help explain the balance of power between majority and minority, which, unlike the strength of the state, is an independent variable with respect to the stability of ethnic democracy. (In his empirical work on Israel, Smooha does pay attention to these data.)

Empirically, the conditions stipulated by Smooha cannot provide a coherent explanation for the trajectories of ethnic democracy in the three cases at hand: endemic instability in Poland, long-term stability in Northern Ireland followed by sudden collapse, and relatively long-term stability in Israel, leading to the current period of uncertainty as to the fate of its ethnic democracy. To illustrate, Northern Ireland and Poland had more or less the same majority-minority ratio: 70:30. Yet, contrary to Smooha's expectation, Northern Ireland, with one solid indigenous minority, was a stable ethnic democracy for forty-seven years (1921–68), whereas Poland, which had several different minorities, failed to achieve any stability at all. By the same token, in the two relatively stable cases – Northern Ireland and Israel – the core groups are settler groups while the minorities are indigenous, whereas the core group was indigenous in unstable Poland. (The second largest minority in Poland, the Jewish minority, though historically seen as transient, was no less indigenous in reality.) Similar inconsistencies could be found in Smooha's other conditions of stability relating to these three cases, and these will be presented in the substantive chapters of the book.

The Archetype

As to Israel, the archetypical ethnic democracy, Yiftachel has argued that the Jewish state should not be characterized as a democracy at all. His argument rests on a thicker definition of democracy than Smooha's, that includes equal and inclusive citizenship, civil rights, protection of minorities, and periodic, universal, and free elections (Yiftachel 2006:91; Ghanem, Rouhana and Yiftachel 1998: 255). He persuasively argues that "despite the complex understanding of democracy, we must acknowledge that below a certain level, and with structural and repeated deviations from basic democratic principles … 'democracy' is no longer a credible classification" (Yiftachel 2006:91–92).

Moreover, Smooha's unit of analysis, Israel within its pre-1967 borders,

> simply does not exit, since it is impossible to define Israel as a spatial unit, and it is difficult to define the boundaries of its body-politic …

> Israel operates as a polity without borders. This undermines a basic requirement of democracy – the existence of a demos …
>
> (Yiftachel 2006:96–97; Ghanem, Rouhana and Yiftachel 1998:260–64)[8]

Yiftachel also emphasizes some of the socio-economic data missing in Smooha's model, especially "the dynamics of Israel's political geography, which have caused the state to radically change its demography, alter patterns of ethnic territorial control, rupture state borders, incorporate Jewish and block Palestinian diasporas and form strong links between religion, territory and ethnicity" (Yiftachel 2006:100). He concludes that it is the Jewish *ethnos*, rather than the Israeli *demos*, that rules the Jewish state, which therefore, should be defined as an *ethno*cracy, rather than a *demo*cracy.

Yiftachel's rejection of the distinction between the sovereign State of Israel within its pre-1967 borders, and what Baruch Kimmerling has dubbed the Israeli "control system" (Kimmerling 1989), which includes the occupied Palestinian territories as well, renders the debate about Israel's democratic character superfluous. The control system, with 40 percent of its residents not enjoying any citizenship rights at all, is clearly not a democracy, and rarely has any serious scholar argued differently. While Jews still enjoy a slight majority within the control system, the fact that all Jews enjoy full citizenship rights, while the vast majority of Palestinians do not, qualifies this as a *Herrenvolk* democracy. The debate over democracy is meaningful, therefore, only with regard to Israel within its pre-1967 borders.

While a great deal of evidence could be marshaled in support of Yiftachel's thesis concerning the non-existence of Israel within its pre-1967 borders as a distinct political unit, from a legal perspective that "old" Israel is a well-defined entity, in both Israeli and international law. The sovereign Israeli state holds most of the West Bank under belligerent occupation (not including East Jerusalem and its environs that had been annexed to Israel in 1967) and the Gaza Strip under tight siege, with no pretension to legitimacy in the eyes of the Palestinian residents of those territories.[9] That, however, does not necessarily impinge the democratic character of the state itself, within its pre-1967 borders. As Robert Dahl has noted, states can be "democratic with respect to [their] own demos, but not necessarily with respect to all persons subject to the collective decisions of the demos" (Dahl 1989:32–33).

As it has unfolded up to this point, then, the debate over whether Israel should be characterized as an ethnic democracy or an ethnocracy has been largely semantic, because it turned mostly on definitional issues: whether "democracy" should be defined thinly or thickly, and whether "Israel" itself should be defined broadly or narrowly. As I indicated above, I believe the debate can be meaningful only with respect to "Israel proper," within its pre-1967 borders, and as I argue in Chapter 4 below, the matter should not be viewed statically, but rather dynamically: at different points in its history, Israel resembled one model or the other.

Conclusion

The main thesis developed in this book is that the most important and most general condition for the viability of ethnic democracy is the existence, in the political culture, of a third constitutional principle, or discourse of citizenship, that can mediate between the demands of the two incompatible principles of liberal democracy and ethno-nationalism (cf. Shafir and Peled 2002). This third principle must be able to provide the core group with a *non-ethnic* basis of solidarity, in addition to its ethno-national solidarity. A non-ethnic basis of solidarity can be open to the inclusion of members of non-core ethnic groups, at least in principle, and can therefore mediate between liberal democracy and ethno-nationalism. Thus, the relative stability of ethnic democracy in Israel and Northern Ireland, as compared with the instability of inter-war Poland, stemmed from the fact that such a third, mediating, principle existed in each of the former societies while it was absent in the latter. In Israel that principle was civic republicanism, that endowed Israeli Jews with solidarity based on a common moral purpose – the fulfillment of Zionism – while in Northern Ireland it was "populism," a class alliance between the Protestant middle and working classes based on a common economic interest. In Israel, too, the civic republican principle of Jewish solidarity had a significant material base centered on an umbrella labor organization known as the *Histadrut* (Association), which was established in 1920 and controlled, at its height, 25 percent of the economy and distributed real economic and political benefits in accordance with the recepients' perceived contribution to the success of the Zionist settlement project. In both cases the mediating principle of solidarity allowed for the inclusion of Palestinian and Catholic citizens, respectively, thus mitigating – at least in principle, though some would say only in rhetoric – the exclusionary nature of the regime.

The existence or absence of the mediating principle, as well as the changes that may occur in the constellation of constitutional principles, can be explained, partially at least, by virtue of some of the material conditions that prevail, and change, in each society. Thus, the changes that have occurred in Israel and in Northern Ireland can be explained by the weakening of the mediating ability of the third principle due to changes in the society's political economy. In the former case this occurred due to the adoption of a neo-liberal economic policy in 1985; in the latter it occurred due to the wish of the British Labour government, installed in 1964, to achieve greater control over the use of the funds transferred to Northern Ireland so as to subsidize the populist economic arrangements that kept the Unionists in power.

The methodology employed in this study is that of comparative historical analysis. I will closely examine each one of the three cases in light of the main features of the analytic model of ethnic democracy, focusing on the following points:

Demographics – What is the numerical ratio of majority to minority?; Is there only one significant minority, or more?; What are the demographic trends in each community?

Constitutional arrangements – What are the constitutional arrangements that qualify the particular state as an ethnic democracy?; How did these arrangements come about (through legal action, armed rebellion, international agreement, etc.)?; What civil, political and social rights are accorded to minority groups under the constitution?; What duties are imposed on the majority and minority?; Have these constitutional arrangements changed over time?

Socio-economic conditions – What are the social and economic conditions in the society as a whole, and of the minority group specifically?; Are the social rights of the minority respected in practice?

Political conditions – What are the main political forces that operate in both the majority and minority communities, and what are their main political demands?; Are the civil and political rights of the minority respected in practice?; do/es the minority group/s have a protective "motherland"?

Periodization – What are the important turning points in the history of each society as an ethnic democracy, and how did they come about?

Political culture – What principles of incorporation, or legitimation, have been operating in each political culture?; How do the majority and minority view each other?

The international setting – What are the relations between the country under study and its minority's "motherland"?; Do that country's neighbors and the international community in general support or oppose its ethnic democracy?

I begin my analysis with Northern Ireland, the one case where ethnic democracy had been stable for a relatively long period of time and then collapsed. Understanding the reasons for both the stability and the collapse in this case will enable me to draw general principles that I will later apply to the analysis of the other two cases. I will next turn to Poland, where ethnic democracy, while written into the constitution, failed to take hold in real life. Lastly, the case of Israel will be analyzed, based on the insights gained from the analysis of the two historical cases. Since the Israeli case is the only one where ethnic democracy still exists, I will present it in much greater detail, trying to identify the trends that operate towards its continuity or decline.

Notes

 1 The relationship that should prevail between individual and group rights in multi-cultural democracies is still a thorny issue, both theoretically and practically (Peled and Brunner 2000).
 2 See <http://ani-israeli.org/site/index.php> (in Hebrew; accessed 12 December 2012) for an organization that seeks to establish – so far in vain – Israeli nationality as a legal category under Israeli law.

3 It is for this reason, Smooha has argued, that (at least at one time) Israel's Palestinian citizens preferred an "improved ethnic democracy" over liberal democracy by a ratio of 7:4 (Smooha 1998:35).

4 A further argument is that the model is meant to *justify* and thus stabilize Jewish hegemony in the State of Israel. Smooha has denied that claim, and assessing it is beyond the goals I set myself in this book (Jamal 2002b:413, 415, 430–31; Smooha 2005:38–41).

5 As I show in Chapter 2, Northern Ireland under Unionist rule had a much better claim to be regarded as a separate political unit than did the American South, at least since the Civil War.

6 Smooha has mentioned both of these cases as ethnic democracies, but has not analyzed them in any detail; Smooha 1980; 1997b; 2001b; 2005:54–55; 2009a:57.

7 Throughout this book I use the terms "constitutional principle," "legitimational principle," "principle of solidarity," "principle of incorporation," "citizenship discourse" and "principle of distribution" interchangeably.

8 Courtney Jung, Ellen Lust-Okar and Ian Shapiro have characterized both Israel and Northern Ireland as "imperfectly democratic because large populations under the government's control are disenfranchised or only partly enfranchised in ways that are widely seen as unjust. This reality gives the regimes inherent legitimacy problems because they must claim to be democratic when they obviously are not." However, with respect to Israel, they fail to ascertain unambiguously whether their reference is to Israel within its pre-1967 borders or to the Israeli "control system:" "Israel, too, was conceived of as a democratic state from the beginning. If the presence of Israeli Arabs as second-class citizens made this problematic from the start, it was nothing compared with the legitimacy problems that would pile up in the decades after the occupation of the West Bank and Gaza in 1967" (Jung et al. 2005:280–81, 285).

9 For the debate whether the current status of the Gaza strip qualifies as belligerent occupation, see Bashi and Mann, 2007.

2 Northern Ireland

The pitfalls of populism

Yoav Peled with Natalie Kosoi

Partition and its discontents

Like Israel and the Second Polish Republic, the two other states to be discussed in this book, Northern Ireland was established in the context of war and the breakup of an existing empire (Hennessey 2005:ix). Following the Irish War of Independence (1918–21), Northern Ireland came into being through the Government of Ireland Act of 1920 and the Anglo-Irish Treaty of 1921. "The treaty provided for the establishment of a self-governing dominion under the title of the Irish Free State for the whole island; however by presenting an Address to the Crown, Northern Ireland could retain its separate status under the 1920 Act; this option was exercised immediately" (Arthur 2000:74). Thus the island was partitioned into two states, Northern Ireland and Southern Ireland. However,

> [t]he British government did not envisage partition as a permanent settlement: a Council of Ireland, which never met but was to consist of representatives from the two Irish Parliaments established by the 1920 Act, was designed, by mutual consent, to create a united Ireland under one all-Ireland legislature if that was its wish.
>
> (Hennessey 2005:x)[1]

Nevertheless, "it was clear, even by 1921, that Northern Ireland would remain in the United Kingdom, more because of the immense difficulties involved in engineering a united Ireland than from any substantial British interest in maintaining partition" (Bew and Patterson 1985:5).

Northern Ireland was never a sovereign state, but it enjoyed wide-ranging autonomy in running its domestic affairs for half a century (1921–72), including a de-facto monopoly on the legitimate use of force within its own territory. A constitutional convention that prevailed in the British Parliament prevented issues that were under the jurisdiction of the Northern Ireland Parliament from even being discussed there. As British Prime Minister Harold Wilson complained in 1966, "There have been cases when a [Westminster] government could have fallen with a Northern Ireland [MPs'] vote on

Rachmanism [abusive slum lordism] in London, although nothing could be said about housing conditions in Belfast" (Purdie 1990:104; cf. P. Rose 2000:104; Guelke 2010:251). Hugh Pollock, Northern Ireland's first Minister of Finance, declared in his maiden speech at the Northern Ireland House of Commons that the region was "an autonomous state with a federal relationship to the United Kingdom" (cited in Bew et al. 2002:52). The 1949 Ireland Act, passed in response to Southern Ireland declaring itself a republic, gave the Northern Ireland Parliament the right to veto any attempt to move Northern Ireland out of the United Kingdom (Article 2). According to James Mitchell, "the consensus appears to be that London had, in important respects, simply seceded from Northern Ireland" (Mitchell 2002:10).

However, while the British government stayed aloof from the political, or "dignified," aspects of Northern Irish affairs, the autonomous region was heavily subsidized by the center, financially. Still, the relationship between the two justifies viewing Northern Ireland in this period as sufficiently independent to be considered a case of ethnic democracy (Rowthorn and Wayne 1988:27; O'Leary and McGarry 1993:110–11, 118; Smooha 1997b; P. Rose 2000:173–75; McGarry 2002; Bew et al. 2002:33, 152–53; Mitchell 2002; Collins 2010:98).

In 1922, Northern Ireland's population was about 1,250,000 (or 29 percent of the entire population of Ireland), of whom about one third were Catholics, while the population in the Irish Free State to the south was 93 percent Catholic. By 1972, when the autonomy of Northern Ireland was terminated, its population had grown to about 1,500,000, or 34 percent of the entire population of Ireland. The share of Catholics in the Northern Ireland population was by then 37 percent, and Catholics would constitute 45 percent of Northern Ireland's population of about 1.8 million by 2011 (NISRA 2012:19).

In the 1920s, the north and south of Ireland differed not only in terms of the religious composition of their populations, but also economically. The south was largely agricultural, with only 13 percent of its labor force engaged in industry, while the north was more industrial – 35 percent of its labor force was engaged in industry (Kennedy et al. 1988:8, 96–98; Rowthorn and Wayne 1988:203; cf. Hechter 1975:141, Table 5.1). According to Paul Bew and Henry Patterson,

> The clear divergence between the economic and social structures of north and south is sufficient to account for the emergence of two states and the fact that Protestants, especially in the working class, have always been militantly antinationalist [i.e., anti-Irish nationalism]. The role of sectarianism was less in founding the state than in influencing the form that it took. Whilst sectarianism should certainly be regarded as a factor affecting the politics of the Protestant community in any given period, its importance will always be determined by specific circumstances and it should therefore be accorded no predetermined significance.
>
> (Bew and Patterson 1985:4)[2]

For its entire history as an autonomous province within the United Kingdom, Northern Ireland was ruled by the Protestant Ulster Unionist Party (UUP). To quote Bew and Patterson again,

> The ideological basis for Unionism was provided by the representation of Ireland's uneven development, which was such a stark reality at the beginning of [the 20th] century. Unionism was built round the contrast between bustling progressive industrial Ulster and "backward", "stagnant" peasant Southern Ireland. The political argument was that rule from Dublin would be economically and socially retrogressive; this was of particular importance in integrating the Protestant working class into the Unionist movement.
>
> (Bew and Patterson 1985:3–4)

The crystallization of Northern Ireland in 1920–22 as a distinct polity ruled by the Unionists was accompanied by a great deal of inter-communal violence. Between December 1921 and May 1922, 236 people were killed in Belfast alone – 147 Catholics, 73 Protestants and 16 members of the security forces (Farrell 1976:25–47; Buckland 2001:212; Parkinson 2010). Attempts to bring an end to the violence, brokered by the British Colonial Secretary, Winston Churchill, led to two ill-fated pacts between the respective Prime Ministers of Northern and Southern Ireland, Sir James Craig and Michael Collins, in January and March of 1922. The first pact provided for the termination of the boycott of Northern goods by the south, in return for the restoration of Catholic workers expelled from the Belfast shipyards and the removal of political and religious tests as conditions of employment. The second pact emphasized the need to encourage Catholic participation in Northern Ireland's security forces, and set up a committee to look into ways of achieving that, as well as a committee to "investigate specific sectarian outrages" in Belfast. Both pacts failed to have any real impact (Parkinson 2010:78–79). Michael Collins, who had signed the Anglo-Irish treaty in 1921, was assassinated by anti-partition Irish republicans on 22 August 1922, in the context of the (Southern) Irish Civil War that lasted from May 1922 to June 1923.

Ethnic democracy

The state

The "traditional Unionist" view of the Northern Irish state held that it was

> the Protestant and British part of Ireland; that … [its] function was to preserve that heritage in opposition to internal and external threats … of the Roman Catholic Church; that Unionist governments had to show determination in resisting the imperial ambitions of the Republic of

Ireland to annex Northern Ireland; and that the state had to be prepared at all times to defeat any internal threat from a disloyal Catholic minority …

(Hennessey 2005:2)

As a self-governing region within the United Kingdom, Northern Ireland did not have a written constitution, although the Government of Ireland Act of 1920 functioned as a de-facto one (Fleming 2007:158). Its system of government was formally democratic, for the same reason, but, with the tacit acquiescence of the British government, the Unionist regime acted as a nationalizing state in the interests of the Protestant majority.

Britain bequeathed Northern Ireland a bicameral Parliament and an electoral system of proportional representation – a feature of ethnic democracy – in both Parliamentary (for the Northern Ireland Parliament) and local elections. The Parliament was made up of a fifty-two-seat House of Commons and a twenty-six-member Senate, with two ex-officio members, the mayors of Northern Ireland's two largest cities – Belfast and Derry – and twenty-four members elected by the Commons. In 1922, the Northern Ireland government replaced proportional representation with a winner-take-all constituency system in local elections, and in 1929, faced with rising support for the Northern Ireland Labour Party (NILP), "a non-sectarian but basically unionist" party, it did the same for the Northern Ireland Parliament (Murchú 2005:871). This resulted in the crystallization of an ethnicized two party system: Unionists (Protestants) vs. Nationalists (Catholics). Through gerrymandering (of both the borders of Northern Ireland itself, as well as of its electoral districts),[3] and the imposition of residential and rate-paying qualifications for voting in local elections, the Catholics' electoral power was reduced, ensuring the Unionists legislative majorities beyond their share of the population, particularly at the local level. "One man, one vote" thus became a major political demand of the largely Catholic civil rights movement that was to emerge in 1968 (Whyte 1983:3–7; Rowthorn and Wayne 1988:29–33, 39–40; Hennessey 1997:43–53; Ellison and Martin 2000; McGarry 2002:454–57).

At the level of the Northern Ireland government (conventionally referred to as "Stormont," for the area of Belfast where the main governmental institutions were located) the shift from proportional to district representation did not alter the balance between the Unionist and Nationalist parties to any significant degree and, in fact, benefited the Nationalists in terms of the ratio between the number of votes cast and the number of Parliamentary seats gained. Thus, while the Nationalists and the republican Sinn Féin together gained 12 seats in the House of Commons in the 1921 elections with about one-third of the vote (each party gained six seats, though none took their seats until 1925), and the Unionists, with two-thirds of the vote, gained 40 seats in that election, in the 1929 elections (after the electoral system had been changed), the Nationalists received only 12 percent of the vote, which

translated to 11 seats, and the Unionists, with two-thirds of the vote, again received 40 seats. Where the shift to a single-member constituency had a greater impact was on the electoral fortunes of smaller, independent parties, mostly labor-oriented ones. In 1925, these parties together received four seats with seven percent of the vote; in 1929, with about twenty-three percent of the vote, they received only one seat. At the peak of the left-wing parties' strength in 1945 and 1962, they gained about one-third of the vote at the expense of both major parties, but this translated to only five and seven Parliamentary seats, respectively, per election. Thus, the institution of a single-member constituency system worked to the detriment of class politics and to the advantage of sectarian politics: "By driving a wedge between the Nationalists and Labour, the abolishing of proportional representation had secured a straight Unionist/Nationalist or Protestant/Catholic confrontation" (Farrell 1976:115; O'Leary and McGarry 1993:119–25, 148; McGarry 2002:455).

On the local level, gerrymandering of ward boundaries, coupled with the franchise restrictions mentioned above, resulted in Nationalists being manipulated out of control in a number of local councils where they had a majority of electors. "[W]hereas Unionists represented at most 66 percent of the population in the late 1920s they controlled eighty-five percent of all local authorities" (O'Leary and McGarry 1993:120). Unionist control of local councils was especially harmful for Catholics, because it denied them their fair share of public housing and local government jobs. According to John Whyte, "[t]his is one of the clearest areas of discrimination in the whole field of controversy" over discrimination in Northern Ireland (Whyte 1983:7).

According to Bew et al., "[i]f there is one field which exemplifies the specific characteristics of state formation in Northern Ireland it is the constitution of the security forces" (Bew et al. 2002:27). The Northern Ireland police force, the Royal Ulster Constabulary (RUC), established in 1922, was almost entirely Protestant, although one-third of its positions were set aside for Catholics. The proportion of Catholics in the ranks of the RUC actually declined from 17 percent in 1936 to 11 percent in 1969. Apparently, the primary reason for the small number of Catholics was their reluctance to join that force (Whyte 1983:23–24; Hennessey 2005:xi). Moreover, the RUC was buttressed by a purely Protestant reserve force, the Ulster Special Constabulary (USC), that had been established in 1920, even before the government of Northern Ireland, in the context of the sectarian violence. The most notorious unit of the USC was the B Specials. Both the RUC and, especially, the B Specials were viewed by Catholics, with good reason, as Unionist militias, rather than impartial law enforcement bodies of the state. As Paul Bew has noted, probably understating the case, "running into 'B' Specials late at night could be a frustrating and unpleasant experience for ordinary Catholics" (Bew 2007:460; see also Ellison and Martin 2000:682).

In June 1922, Stephen Tallents, a British Colonial Office official commissioned to inquire into Northern Ireland's security policy, following the failure of the Craig-Collins pacts earlier that year, observed that

The present reputation of the "B" Specials in the six counties [of Northern Ireland] is disquieting … The Catholics regard them with a bitterness exceeding that which the Black and Tans inspired in the South and several prominent unionist public men told me privately that this purely partisan and insufficiently disciplined force was sowing feuds in the countryside that would not be eradicated for generations.[4]

(Cited in Whyte 1983:28)

Attempts by the British government to exert a measure of control over the B Specials in the early 1920s, while training and disciplining them into a more effective military force, were frustrated by Unionist opposition (Bew et al. 2002:27–33). This failure, according to Bew et al., "illustrates some basic tendencies in the new state [of Northern Ireland] which were to be of the utmost importance:"

1. "[t]he Unionist leadership regarded as its principal objective the retention of a military force responsible to it alone, and which the British could never use independently."
2. The Unionist leadership understood that the continued viability of the B Specials required the retaining of its populist character, i.e., "a propensity to sectarianism, to a kind of democracy in which unpopular officers were squeezed out of the force and to a voracious appetite for public funds."
3. " … [t]he acquisition of a large degree of autonomy from Westminster as far as law and order was concerned … Northern Ireland's viability required not 'good' government but its own government, with as much administrative discretion as possible."

(Bew et al. 2002:33)

In Whyte's estimation, however, over the entire period of 1921–68,

The police force could not be seen as consistently impartial, applying the law evenly to everyone, unionist and anti-unionist alike. On the other hand, they could not be seen as purely partisan, designed to perpetuate unionist ascendancy and batter into the ground all political opponents. The reality was somewhere in between, with the police forces teetering uncertainly between impartiality and partisanship. In so far as there was change over time, the trend seemed to be towards greater impartiality. In 1963 a nationalist senator … could describe the RUC as "a fine body of men who are doing a good job" … The increase in hostility towards the police after 1968 meant the reversal of a trend.

(Whyte 1983:29)

In 1922, the Northern Ireland Parliament adopted emergency legislation known as the Special Powers Act that "amounted to the civil equivalent of the statutory imposition of martial law" (Hennessey 2005:xii). The Act

enabled the government to utilize wide ranging measures in maintaining law and order without due process. Regulations issued under the Act gave the Minister of Home Affairs, and any RUC officer to whom he decided to delegate these powers, the authority to "ban meetings and publications, … intern suspects without trial; … arrest without warrant, … search persons and vehicles anywhere; and declare various organisations unlawful." Moreover, Section 2(4) of the Act, stated:

> If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of the peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations he shall be deemed guilty of an offence against the regulations.[5]
>
> (Whyte 1983:25)

The Act was originally a temporary order renewable every year, but in 1928, following the decision of the Nationalist MPs to take their seats in the Stormont Parliament, it was renewed for five years, and it was made permanent in 1933. The Act remained in force for the duration of Northern Ireland's autonomy. Two legal challenges mounted against the validity of actions taken under it were unsuccessful. Special powers were used primarily against republican Catholics. The first time that the power to ban was used against a non-republican body was in 1966, when the extremist Protestant organization, the Ulster Volunteer Force, was banned, following the murder of a Catholic (Whyte 1983:24–28).

Two additional repressive laws were enacted in the 1950s: the Public Order Act of 1951, and the Flags and Emblems Act of 1954. The Public Order Act required forty-eight hours' notice of all parades except the traditional (i.e. Protestant) ones, and it gave the government and the RUC power to ban or re-route parades if they thought they might lead to a breach of the peace (Farrell 1976:200). In 1970, in response to the beginning of the Troubles, the Act was amended and made even stricter. The Flags and Emblems Act made interfering with the Union Jack an offense and gave the police the power to "remove any other flag likely to lead to a breach of the peace" (Parkinson and Phoenix 2010:11; Patterson 1999).

The economy: splitting the labor market

At the time of partition, Northern Ireland had a large industrial sector which was based, however, on two main industries that were highly exposed to the world market and subject to its fluctuations: shipbuilding and textiles. In 1924 nearly 60 percent of the industrial labor force was employed in these declining industries, compared with just over 40 percent in Great Britain. After 1925 "an increasing disparity became evident" between the British and Northern Irish economies. "Ulster saw very little of the 'rationalisation' applied to [the shipbuilding and textile] industries in Britain and none of the growth of monopolistically shaped consumer industries which in the Midlands and

South-East came to dominate the industrial sector" (Bew et al. 2002:151). As a result, unemployment in Northern Ireland was always much higher than in the rest of the United Kingdom, reaching 20 percent of the insured labor force in the 1920s and 27 percent in the 1930s. In the 1950s, unemployment was 7.4 percent, four times as high as the British national average (Kennedy et al. 1988:98–100; Patterson 1996:121–22, 124).

Employment in shipbuilding reached a peak of 30,000 workers in the post-World War I boom, but had fallen to about 10,000 by the mid-1920s. It recovered during the Second World War and its immediate aftermath, but declined again in the 1960s and 70s. By 1980, Harland and Wolff, the major Belfast shipbuilding company, employed only 7,400 workers, less than one third of the number employed in 1950. According to Kennedy et al.,

> This decline has been attributed not only to competition from lower-cost countries and unstable demand, but also to poor management of the industry generally in the UK, which manifested itself in inability to adapt to changing market conditions and changing techniques of production.
>
> (Kennedy et al. 1988:107; cf. Bew et al. 2002:116–18)

Northern Ireland's other major industry, linen, reached a peak of 90,000 workers during World War I but declined rapidly afterwards due to changing world market conditions. Between 1960 and 1979 linen production fell by over 60 percent. Agriculture, which in 1926 employed 25 percent of the labor force, was based on small farms and its per capita output was only 46 percent of that in Great Britain. Amalgamation of holdings and mechanization of production in the 1950s resulted in a decrease of the agricultural labor force by one-third between 1950 and 1960. By 1970, agricultural employment constituted only about ten percent of the labor force (Rowthorn and Wayne 1988:73; Patterson 1996:122, 124).

The Northern Ireland labor market was segmented, both vertically and horizontally, along religious lines. Edmund Aunger's analysis of the 1971 Northern Ireland census (Aunger 1975; 1983) showed that:

1. " … the majority of Catholic men are either in semi-skilled or unskilled work or unemployed, while Protestants are most likely to be in skilled [manual] or non-manual work."
2. "Protestants are concentrated in the higher status industries [i.e., shipbuilding and engineering], while Catholics are disproportionately represented in the lower status industries," such as textiles.
3. Within the same class, and at the same workplace, "Protestants dominate the superior positions while Catholics are over-represented in the lower status positions," e.g., Protestants would tend to be the doctors and Catholics the nurses, within the same hospital.

(Aunger 1983:39–41; see also Rowthorn and Wayne 1988:108–9, Table 7.2)

Overall, as summarized by Nial Murchú, Aunger's analysis demonstrated that "the regional economy was segmented along ethnic and gender lines: Protestant men clustered in skilled industrial employment; Catholic (and some Protestant) women specialized in semi-skilled labour in textiles; and Catholic men predominated among the unemployed and in casual work" (Murchú 2005:862; Patterson 1996:122). According to John White,

> Aunger's findings were confirmed and amplified by the first research report of the Fair Employment Agency [in 1978] … This report brought out a further disadvantage, which was only implicit in Aunger's presentation – that the Catholic unemployment rate was two and a half times higher than the Protestant [14 and 6 percent, respectively, in 1971].[6]
>
> (Whyte 1983:15; Rowthorn and Wayne 1988:74, 111, Table 7.3)

This situation, which lasted throughout the period covered in this chapter, resulted, at least in part, from the concerted efforts of Protestant workers, Protestant employers and the Unionist state, that were financed, albeit unwillingly, by Great Britain.

The split-labor market model, developed by Edna Bonacich, posits a tripartite conflict among employers, high-priced workers who share the employers' ethnic background, and lower-priced workers of a different ethnic origin. According to the model, employers seek, for obvious economic reasons, to replace higher-priced with lower-priced workers. Higher-priced workers react by attempting either to exclude lower-priced workers from the labor market altogether or to turn them into a "caste" by confining them to lower-paying, less desirable jobs. The result, in both cases, is a labor market split along ethnic lines and intergroup antagonism couched in ethnic terms (Bonacich 1972; 1979).

The central tenets of the split-labor market model are as follows:

1. When ethnic groups, or fragments of ethnic groups, reside in the same society, one would expect the boundaries between them gradually to disappear. It is the persistence of their differences and conflicts that requires explanation (Bonacich 1979:19).
2. The fundamental social difference is that between higher- and lower-priced workers, but, in multiethnic societies, this difference may be couched in ethnic terms (Bonacich 1972:549; 1979:17–25).
3. Capital naturally gravitates toward the employment of cheaper labor, threatening higher-priced workers with displacement. In order to protect themselves, higher-priced workers will launch a struggle to prevent or restrict lower-priced workers' access to the labor market and will utilize ethnic or racial categories to justify their aims (Bonacich 1979:20, 25, 30–32).
4. Exclusion movements and caste systems, the two major manifestations of ethnic conflict in the labor market, appear antithetical: in the former,

members of one ethnic group are prevented from entering the labor market or are forced out of it; in the latter, they remain part of the labor market but are confined to the lower rungs of the occupational ladder. Both strategies, however, signal the success of higher-priced workers (Bonacich 1972:548, 554–57).

5. Equalization of pay through joint labor-union organizing may do away with both the threat of displacement and ethnic conflict. This solution, however, is rarely attempted by higher-paid workers, since it may contradict their short-term interests (Bonacich 1979:34).

Gerhson Shafir and the present author have added another element to the model – the role of the state. Ethnic solidarity, we argued, is not sufficient for employers to willingly incur higher labor costs by employing their more expensive co-ethnics over cheaper workers of a subordinate ethnic group. For the higher-priced workers' strategy of either caste or exclusion to succeed, they have to be able to enlist the help of the state, in the form of subsidizing their higher wages and/or imposing legal restrictions on the employment of cheaper workers (Peled and Shafir 1987). In the case of Northern Ireland, as will be shown below, the Unionist state undertook to subsidize both the Protestant workers' higher wages and their places of employment, for fear of inter-communal working class unity that could undermine the very existence of Northern Ireland as a distinct political entity. This enabled the Protestant workers to maintain a split labor market, as long as the British state was willing to underwrite its costs.

Analyzing the persistence of ethnic boundaries on the Celtic fringes of Great Britain, Michael Hechter (1975; 1978) has argued that labor market segmentation was the underlying cause of ethnic solidarity, rather than its outcome. The location of a particular group within what he called the "cultural division of labor" was not *determined* by its culture, Hechter argued, but by the timing and circumstances of its encounter with industrialization. Cultural markers were used only to *identify* particular groups as belonging to particular niches in the cultural division of labor. Thus, "the task of perpetuating the structure of inequality falls to ideas about cultural and racial differences" (Verdery 1979:378).

The more pronounced the cultural division of labor, the greater the tendency for ethnic solidarity to prevail over other forms of solidarity, for two reasons:

1. The rigidity of the cultural division of labor determines the extent to which members of culturally defined groups would interact with one another, rather than with members of other groups in society. Endogamous interaction leads to in-group solidarity and to the maintenance, or development, of distinctive cultural patterns.
2. The cultural division of labor is usually legitimated by an ideology of the cultural superiority of the dominant group in society. Thus, for the groups

at the bottom of the ladder, a reassertion of their own cultural identity may serve as a counter-ideology, a vehicle for "socialization, as well as political mobilization, contrary to state ends".

(Hechter 1975:37; 1978).

Turning to the case of Northern Ireland, according to Murchú, Protestant workers' key interests were "maintaining high levels of well-remunerated employment in manufacturing … and preserving an ethnic monopoly over the transmission of jobs. The management and owners … desired to maintain output and profitability, using that term loosely [because of substantial state subsidies] … " "The Unionist state sought to maintain the support of Protestant labour and pre-empt competition by the NILP [Northern Ireland Labour Party]," which had shown impressive gains in the 1925 elections (Murchú 2005:872, 864).

> The incentives to Protestant workers of monopolizing skilled employment were apparent. Skilled wages in Northern Ireland were close to those in Britain, because of Ulster workers' access to the British labour market and the power of the amalgamated craft unions to command British-level wages. By contrast, wages for semi-skilled and unskilled labour were on average 80 percent of British levels.[7] By effectively restricting the labour supply, skilled Protestant workers were able to maintain their bargaining strength vis-á-vis their employers.
>
> (Murchú 2005:873)

Therefore,

> EILMs [extended informal labor markets] developed and reproduced a male Protestant workforce in shipbuilding and engineering and a female, largely Catholic, workforce in textiles. The small size and large number of textile firms coupled with an erratic business cycle and frequent layoffs impeded the development of unions in the linen mills and the power of female workers to hoard skills and opportunities. Protestant male jobs in heavy industry were relatively well remunerated, but Catholic men were underemployed.[8]
>
> (Murchú 2005:869)

The predominance of Protestant workers in the primary labor market was achieved not only informally and through peaceful means, however. Political agitation against the employment of Catholic workers was carried out openly by Unionist leaders, especially in the early years. Thus, Northern Ireland's first prime minister, Sir James Craig, who had declared himself to be "an Orangeman first and a politician and Member of the Northern Irish Parliament afterwards … urged 'the public to employ only loyalists … I do not care what their religion may be … as long as they are loyal people … '"

(Hennessey 2005:xiii). According to a frequently cited report in the *Fermanagh Times* on remarks made in 1933 by Sir Basil Brooke, a former Commandant of the Ulster Special Constabulary who was to be Prime Minister of Northern Ireland from 1943 to 1963:

> There was a great number of Protestants and Orangemen who employed Roman Catholics. He felt he could speak freely on this subject as he had not a Roman Catholic about his own place (Cheers). He appreciated the great difficulty experienced by some of them in procuring suitable Protestant labour, but he would point out that the Roman Catholics were endeavouring to get in everywhere and were out with all their force and might to destroy the power and constitution of Ulster. ... He would appeal to loyalists, therefore, wherever possible to employ good Protestant lads and lassies.
>
> <div align="right">(Cited in Whyte 1983:18; Collins 2010:108)</div>

When all else failed, Catholic workers and left-wing Protestants who supported them were chased out of their shipbuilding jobs by violent means on a number of occasions, such as in 1912, 1920, and 1970 (Farrell 1976:28–29; Hennessey 1997:174; Murchú 2005:869).

Protestant "employers acceded to a segmented labour market[9] ... [because] much of the economic cost to business of having a restricted labour pool was picked up by the state," which was determined to maintain the loyalty of Protestant workers to Unionism (Murchú 2005:864):

> In return for Protestant workers' votes the Unionist government subsidized the shipbuilding industry to maintain high levels of employment. In effect, the local state absorbed the extra energy and transportation costs that Northern Ireland's industrialists faced so that they could afford to pay British level wages to skilled workers. The local regime was in turn subsidized from the UK treasury, but without political oversight it had a relatively free hand in regional policy.
>
> <div align="right">(Murchú 2005:871–72)</div>

In pursuit of this policy, the Loans Guarantee Act of 1922 authorized the government to guarantee loans made to the shipyards by banks and insurance companies. The government also tried to diversify the province's industrial base. Laws passed in 1932 and 1937 enabled it to provide financial incentives to companies that would relocate to Northern Ireland. The only major success of these efforts in the inter-war period was the establishment of the Short and Harland aircraft company in 1937, which was a partnership between Short Brothers Aviation, the first aviation company in the world, and Harland and Wolff. At its height, during the Second World War, the company employed over 30,000 workers (Kennedy et al. 1988:98–108; Patterson 1996:122).

In the post-war era, the government's efforts to attract outside investments were more successful. "With its roughly pound-for-pound investment grant policy, Stormont paid out over 200 million GBP between 1945 and 1972 for 'new projects'. Total investment in them therefore amounted to 400–450 million. American holdings made up 125 million GBP of this" (Bew et al. 2002:163–64). In the 1960s, manufacturing production grew by 60 percent, a higher growth rate than in the United Kingdom as a whole. However, these new investments did not have a marked effect on local industry and employment, positive or negative. By the end of the 1960s, total manufacturing employment was 180,000, compared with 185,000 at the post-war peak. Industrial production plummeted as the foreign companies began to withdraw as a result of the post-1968 violence and the post-1973 recession (Kennedy et al. 1988:98–108; Rowthorn and Wayne 1988:72; Patterson 1996:124).

Discrimination

Although Sections 5 and 8 of the Government of Ireland Act of 1920 prohibited the establishment of religion and discrimination on the basis of religious affiliation, "[u]nder the domination of the Ulster Unionist Party after 1921 equal citizenship was … not applied in Northern Ireland" (O'Leary 2008:4). Catholics were discriminated against not only electorally, but also in public and private employment, and in public housing. The Cameron Commission, appointed by the British Governor of Northern Ireland in March 1969 to investigate the causes of the violence that had erupted in 1968, concluded that

> … certain at least of the grievances fastened upon by the Northern Ireland Civil Rights Association and its supporters, in particular those which were concerned with the allocation of houses, discrimination in local authority appointments, limitations on local electoral franchise and deliberate manipulation of ward boundaries and electoral areas, were justified …
>
> (Cameron 1969, par. 147, cited in Bew 2007:497)

John Whyte, reviewing the literature on discrimination in Northern Ireland until 1968, has concluded that "[a]t manual labour levels, Catholics generally received their proportionate share of public employment. But at any level above that, they were seriously under-represented, and the higher one went, the greater the shortfall" (Whyte 1983:10). In the 1971 census, only 11 percent of senior government officials, elected or appointed, identified themselves as Catholics. By 1968, there had not been even one Catholic cabinet minister, and only one Catholic reached the highest civil service rank, that of Permanent Secretary (Whyte 1983:9–10; Bew et al., 2002:48–50; McGarry 2002:455). Discrimination was most pronounced, however, at the local government level, particularly in areas with precarious Unionist control. The Cameron

Commission examined employment practices in five Unionist-controlled areas and concluded: "We are satisfied that all these Unionist controlled councils have used and use their power to make appointments in a way which benefited Protestants" (cited in Whyte 1983:8). According to Whyte, "[i]n the publicly owned gas, electricity and water industries the imbalance against Catholics seems to have reached down through all levels." The 1971 census showed that only 15.4 percent of the employees in these industries recorded themselves as Catholics (Whyte 1983:10).

Discrimination in public housing was a volatile political issue in Northern Ireland. The civil rights movement of 1968 was ignited by the allocation of a house to an unmarried Protestant woman who could "by no stretch of the imagination … be regarded as a priority tenant," when there were Catholic families in the area badly in need of housing (Cameron 1969, par. 28, cited in Whyte 1983:20; P. Rose 2000:108). Public housing became a major factor in the Northern Ireland housing market only after the Second World War, with the institution of the British welfare state. "By 1961, 21 percent of all housing in the province was public-rented; by 1971 the proportion was 35 percent" (Whyte 1983:18). Housing was provided by two public authorities: the Northern Ireland Housing Trust (NIHT) and local government councils. NIHT catered to better-off applicants, with greater ability to pay, and in areas where housing would be most conducive to economic development. It thus provided housing to more Protestants than Catholics, without overt discrimination on the basis of religion. For purely economic reasons, presumably, "[t]he greatest concentration of Housing Trust property was concentrated in a ring round Belfast, in the area of the province most strongly Protestant." It is indicative of the political discourse prevailing in Northern Ireland at the time that such practices were not considered discriminatory, not even by Catholics (Whyte 1983:19).

Many more allegations of discrimination were voiced against local councils, but according to Whyte, discrimination was not widespread, but was limited, rather, to only a number of localities. A more common practice, however, was the allocation of houses, and housing permits, based on electoral considerations. Thus the Cameron Commission concluded that,

> There have been many cases where councils have withheld planning permission, or caused needless delays, where they believed a housing project would be to their electoral disadvantage. … We have no doubt also, in the light of the mass of evidence put before us, that in these Unionist-controlled areas it was fairly frequent for housing policy to be operated so that houses allocated to Catholics tended … to go to rehouse slum dwellers, whereas Protestant allocations tended to go more frequently to new families. Thus the total numbers allocated were in rough correspondence to the proportion of Protestants and Catholics in the community; the principal criterion however in such cases was not actual need

but maintenance of the current political preponderance in the local government area.

<div style="text-align: right">(Cameron 1969, par. 140, cited in Whyte 1983:20)</div>

Historically, education in Ireland, although nominally provided by a national school system, had been provided by the different churches, and was therefore religiously segregated. In 1921 Northern Ireland's first Minister of Education, Lord Londonderry, sought to reform the educational system Northern Ireland had inherited with partition, and to introduce secular state education. However, by 1925 his efforts faltered, in large measure because of "the sectarian hostility arising out of the violent beginnings of the new state, and the uncertainty surrounding its political and territorial viability." This uncertainty led Nationalists to adopt a policy of non-cooperation with the Stormont government and led Unionists to feel threatened and to resist any presumed encroachment on Protestant privileges. Londonderry's failure

> reflected and underscored a move from Unionist attempts to build an inclusive state, albeit on their terms, to a state that only responded to Unionist interests. This move towards the almost total use of the populist strategy was largely complete by 1925; the year the government made the 12 July an annual holiday after previously declining to do so.[10]

<div style="text-align: right">(Fleming 2007:155–56, 169)</div>

Londonderry's ministry established a three-tiered system of elementary schools, which was later extended to secondary schools as well:

- Controlled (later to be called State) schools – fully financed and controlled by the state through local education boards;
- Maintained schools – managed by committees comprised of four members of the school's former managers (i.e. the church) and two representatives of the local educational authority and substantially financed by the state;
- Voluntary schools – managed by the church independently of the local authority and only minimally financed by the state.

After the secular content of the reform was sufficiently diluted, the Protestant churches transferred their schools to the state, and the state schools became in effect Protestant schools by 1947. Catholic schools remained voluntary, and thus grossly underfinanced, although state financing of voluntary schools had gradually increased over the years. With time, the financial incentives for schools to become maintained schools were increased as well, to the point where, by the late 1970s, most Catholic schools became maintained schools. This had very positive results for the class sizes and physical facilities of the schools. Northern Ireland's schools, however, have remained segregated to this day, and only five percent of schoolchildren in Northern Ireland attended integrated schools in 2004 (Murray 1983; Rowthorn and Wayne 1988:74; Farren 2010).

Segregated schooling has enhanced the cultural division of labor in the labor market. An important issue in discussions of labor market inequality is the rate of return on "human capital" among different groups of workers. For occupational and income inequalities that correspond to differences in human capital cannot be attributed to discrimination in the labor market (although they can be attributed to discrimination in access to resources that create human capital, primarily education). Reanalyzing Richard Rose's data, Vincent Covello and Jacqueline Ashby showed that Catholics were less able to convert additional education into additional income: Protestants achieved an average of $254 in annual income for each additional year of schooling, compared to $159 for Catholics (Covello and Ashby 1980: 92, 94, cited in Whyte 1983:16; R. Rose, 1971: 500–501). Cormack et al. showed that, in a sample of Belfast secondary school graduates, Catholics were less likely to find jobs than Protestants, regardless of education: for Catholics, in contrast to Protestants, even three or four O-levels was no guarantee of a job (Cormack et al.1980: 52–55, 59, cited in White 1983:16).

Summarizing his survey of the literature on discrimination, Whyte approvingly cited John Darby's conclusion, to the effect that "some charges are unsubstantiated and others are exaggerated, but … proven cases are sufficiently numerous to constitute 'a consistent and irrefutable pattern of deliberate discrimination against Catholics' (Darby1976: 77–78)." This pattern, however, varied as between issue areas, with electoral practices faring the worst and regional development policy faring the best, and especially over geographical regions, with the rural Catholic west of Northern Ireland faring worse than the more urban Protestant east (Whyte 1983:30).

Unionist politics: the populist discourse

The Ulster Unionist Party (UUP) was dominated by Protestant industrialists, merchants, and landowners. Eighty-six percent of the 161 Unionists elected to the Northern Ireland Parliament between 1921 and 1969 could be classified as belonging to the middle and upper classes. The equivalent number for the Westminster Parliament was 94 percent (out of 65 Northern Ireland MP's). The vast majority of these representatives, as well as all members of the Northern Ireland cabinet in 1968, were members of the Orange Order at the time of their election. The Orange Order, dedicated to maintaining Protestant supremacy in Ireland and its link with Britain, was founded in 1795 in the context of clashes between Protestants and Catholics over land. One of its earliest actions was driving 700 Catholic families from their homes in Protestant areas, a form of action that would be repeated many times in the future. In 1866, Protestant businessmen and landed gentry combined with the Orange Order to form the Unionist party. The Order was directly represented on the Ulster Unionist Council, the governing body of the UUP (R. Rose 1971:81, 86; O'Dowd et al. 1981:13; O'Leary and McGarry 1994:114; Ellison and Martin 2000:686).

The key interest of the Unionist government was to maintain the partition of the island and Unionist rule over the Northern part of it. To achieve these goals, the Unionists had to balance between two forces: the Protestant working class and the British government. On the one hand, the Unionist leadership feared a union between Catholic and Protestant workers that would tilt the political balance towards some sort of labor-oriented political party, such as the Northern Ireland Labour Party: "Disunity between the different religious camps within the working class was Unionism's *sine qua non.*" On the other hand, displeasing the British Treasury, which subsidized the strategy required to maintain working class disunity, was "as dangerous as mass intercommunal riots" for the Unionist government (Bew et al. 2002:60, 62; Fleming 2007:149).

Potential unity between the two segments of the working class was not an unrealistic possibility. It was demonstrated, for example, in the 1907 Belfast dock strike (Gray 2010), the 1919 Belfast shipyards strike (Farrell 1976:27), and the 1932 Outdoor Relief riots, "that unique occasion when Catholic and Protestant workers rioted not against each other but against a particularly niggardly system of outdoor relief payment for the unemployed … " (Bew et al. 2002:61). The rates paid in Belfast for outdoor relief – the last resort of the unemployed after their meager unemployment benefits had run out, consisting of "task work" such as road-mending – were the lowest in the United Kingdom, and qualifying for relief required meeting humiliating conditions. Sixty percent of the applicants for outdoor relief were Catholics, but in 1932 Protestant and Catholic unemployed workers went on strike and marched together in protest. When their march was attacked by the RUC, "riots ensued in all of the working-class areas" of Belfast. The Government responded by improving the conditions of outdoor relief and launching a campaign of incitement against Catholic workers (Collins 2010:109–10).

To preempt the threat of working class unity, the Unionists had to adopt a policy that would privilege Protestant workers so as to make them feel they were better off than the Catholics and had something to lose by uniting with them. While Orangeism was a powerful instrument for maintaining the Protestant class alliance, like all ideological systems it needed a material base: Tying "the Protestant working class to the political leadership … required an approach that was in essence 'productivist', protectionist and, in a purely practical way, Keynesian." Splitting the labor market could be part of that approach, but

> the regional economy's profound handicaps meant that this sort of policy would have had to have been pursued to a degree incompatible with membership of the United Kingdom if a complete solution was to have been found. Nevertheless, it was followed as far as possible and was expressed most clearly in the [1922] Loans Guarantee Acts and expenditures on public works.
>
> (Bew et al. 2002:61)

Membership in the United Kingdom, and especially Northern Ireland's economic dependence on British subsidies, imposed two limiting conditions on the Unionists' ethno-nationalist strategy: favoring Protestants too openly could offend the liberal sensibilities of British public opinion, especially if it resulted in violence, and the Unionists needed to show the British government that they ran a fiscally responsible economic and social policy. "There was only one thing as dangerous for the local elite as a unified working class – a unified opposition of Catholics and the British state" (Bew et al. 2002:64). For alienating Britain too much could have led to the imposition of direct rule by Westminster or, worse, British support for reunification of the island, as foreseen in the Government of Ireland Act of 1920, and as offered in 1940 by Churchill to Ireland's Prime Minister, Éamon de Valera, in return for the Republic joining the war on the Allied side (O'Leary and McGarry 1993:155). The Unionists had therefore to create the impression, at least, of adhering to the standards of the British liberal discourse of citizenship as well as British social and economic policy. This balancing act, between the ethnonational discourse directed at the Protestant working class, and the liberal discourse directed at Great Britain, was sustained, until the late 1960s, through the use of a third, mediating discourse, that of *populism*.

According to Bew et al.,

> Populism was a strategy … [whose] "solution" to the danger of a unity between Protestants and Catholics was to weld ever more tightly the links between the Unionist elite and the Protestant working class.
>
> (Bew et al. 2002:60)

> Broadly speaking, [the populists] sought to generalise to the state as a whole the relation between Protestant classes epitomised in the B Specials. This relationship was characterised by a combination of sectarian and "democratic" practices, and by a high consumption of public funds …
>
> (Bew et al. 2002:48)

The consumption of public funds increasingly required reliance on the British Treasury. Already in 1930 it was estimated by a British official that Great Britain was subsidizing Northern Ireland to the tune of one million GBP a year (Bew et al. 2002:69, n. 44). In 1939, Richard Hopkins, Controller of the British Treasury, stated:

> When the Northern Irish government was set up it was expected that their revenues would be sufficient both to meet their expenses and to provide a substantial contribution to Imperial services (defence, debt, etc.). This expectation was realized at first fully and later in a diminishing degree. Since 1931 Northern Ireland has been in effect a depressed area. So far from receiving any large Imperial Contribution we have invented a

series of *dodges* and *devices* to give them *gifts* and *subventions* … so as to save Northern Ireland from coming openly on the dole …

> (cited in Bew et al. 2002:54; original emphasis)

These "dodges and devices" eventually led to the point where, according to Richard Crossman, a senior member of Harold Wilson's cabinet in 1968,

> Neither Jack Diamond [Chief Secretary to the Treasury] nor the Chancellor [of the Exchequer, Roy Jenkins] knew the formula according to which the Northern Ireland Government gets its money. In all these years it has never been revealed to the politicians and I am longing to see whether we shall get to the bottom of this very large, expensive secret.

> (Cited in P. Rose 2000:114)

To placate the Treasury and British liberal public opinion, populism included within itself its own antidote – anti-populism. Anti-populist Unionists, not surprisingly concentrated in the Northern Ireland Finance Ministry and the Northern Ireland Civil Service, the two institutions with closest working relations with Whitehall (see J. Mitchell 2002), were more attuned to the interests of British finance capital and the British Treasury, and they "felt that the political leadership cultivated unnecessarily close links with the [Protestant] working class" (Bew et al. 2002:34).

Andrew Gailey, referring to the anti-populists as "constructive unionists," identified them as unionists

> for whom Ireland was the first love but who saw Ireland's social and economic development as only feasible within the larger sphere of the British Empire. Within Ireland, they sought the reconciliation of all patriots around this goal and attempted to draw out a conservative middle ground within Irish politics.

> (Gailey 2001: 227)

Jennifer Todd described anti-populism as rooted in, and in turn reinforcing, what she identified as the Ulster British ideology, essentially a more liberal trend within Unionism (Todd 1987:15).

Instead of the leadership's anti-Catholic bias and expansive economic policy, the anti-populists advocated a more impartial attitude towards the minority and a fiscally responsible, pre-Keynsian economic policy that would enable Northern Ireland to live within its economic means: "The 'Protestant-ism' of [Sir James] Craig's 'Protestant state' – 'clientelism, 'responsiveness' ["to almost any non-Catholic pressure-group in the province"] and a practical 'Keynesianism' – was modified by liberal democratic practices resulting from the presence of the anti-populists within the state apparatus" (Bew et al. 2002:54–55).

Anti-populism, however, was not a citizenship discourse in its own right. While embedded in parts of the state apparatus, it did not reflect a constellation of real social forces, and was, therefore,

> not a strategy at all but a rhetoric located critically at the heart of another, real strategy [i.e., populism]. *Its aim was to save the populist position from its own excesses …* its coherence was entirely dependent on the populist position and it was therefore doomed to remain forever a minority position within the government.
>
> (Bew et al. 2002:60; emphasis added)

This asymmetry between populism and anti-populism, I would argue, indicates that they were really two aspects of the same citizenship discourse, rather than two competing discourses. Diverging from Bew et al.'s usage of this term, therefore, I would call the unified discourse "populism," because I believe this term captures the nature of the relatively open, interest-based principle of Protestant solidarity that was cultivated by the Unionist leadership as a supplement to the ascriptive, ethno-national solidarity that excluded Catholics by definition.

According to Slavoj Žižek, the concept of the "people" in populism is an empty concept and, therefore, it is potentially inclusive. As he noted in his essay on populism, the "'people' emerges as a unified agent through the very act of nomination – there is nothing in the heterogeneity of demands [of various social groups] that predisposes them to be unified in 'people'" (Žižek 2006:564). It was thus the populist discourse that enabled various Unionist leaders, such as Prime Minister Terence O'Neill, to invite Catholics to join the Unionist party, even as a purely rhetorical gesture, without sounding absurd (Gailey 2001).[11] By functioning as a less exclusionary principle of solidarity than Protestant ethno-nationalism, populism could mediate between the liberal and ethno-nationalist discourses and ensure the viability of ethnic democracy in Northern Ireland, for as long as economic conditions allowed the tension between its two constituent elements to be contained.

Paradoxically, the ethno-nationalist populists, who occupied the leadership positions for much of the period under discussion here, viewed Northern Ireland as an integral part of Britain and as deserving, therefore, of a British standard of social services (Bew et al. 2002:50–52). In their view, the financial relations between Britain and Northern Ireland should have been guided by two principles – "parity" and "leeway" – and the Ministry of Finance, the most important ministry in the Northern Ireland cabinet (the minister of finance was in effect the Deputy Prime Minister) should insist on these principles in its dealing with the British Exchequer:

> Parity meant that as Northern Ireland taxpayers paid the same taxes as citizens of the rest of the UK … Northern Ireland should enjoy the same level … of unemployment and sickness benefit and old-age pensions.

> Leeway meant that the citizens of the province … had a right to have their social standards brought up to the UK average.
>
> (Patterson 1996:123)

The principles of parity and leeway were not finally agreed to by the British government until after the Second World War, but in practice they guided Stormont-Whitehall financial relations all along (J. Mitchell 2002). Their benefits trickled down to the Catholic citizens as well, lending credence to the Unionist argument that even the Catholics were economically better off with partition than they would have been under the Republic of Ireland.

Since the ethno-nationalist populists viewed Northern Ireland as part of Britain, they could argue that only loyal citizens of Great Britain, i.e. those who supported partition, i.e., Protestants, should be employed by the Northern Ireland Civil Service, certainly in positions of authority. The more liberal populists ("anti-populists" in Bew et al.'s terms; "constructive unionists" in Gailey's terms), regarded Northern Ireland as more of an independent state that should treat all of its citizens more or less equally and try, at least, to live by its own means. They viewed the Finance Ministry, which was their institutional base, as charged with ensuring that the government pursue sound economic policies. Their contribution to the stability of ethnic democracy in Northern Ireland consisted in the fact that

> As long as the crucial people in the British state apparatus felt that strategic figures in the Northern Irish administration were attempting to implement British methods, they were unlikely to respond to [the] demand for strong British intervention to secure "normal conditions" in Ulster.
>
> (Bew et al.2002: 67)

Nationalist politics

> Before 1918 the favoured solution [of the Irish nationalists] was Home Rule; after World War I a minority of Northern nationalists went along with the majority of Southerners in supporting an independent republic. After 1921 hopes were pinned on a revision of the border which would eventually make the Northern state unviable and immediately deliver large numbers of nationalists from Belfast rule.[12] During the 1930s and 1940s, and reaching a crescendo in the 1950s, the demand was for the British government to transfer the six counties of Northern Ireland to the jurisdiction of the Dublin government. Attempts to pursue this objective through diplomatic and political channels failed, giving rise to the 1956–62 Irish Republican Army's border campaign, and when this failed it opened the way for a fresh approach.
>
> (Purdie 1990:2; endnote added)

This fresh approach was the civil rights movement that sprung up in 1968, to be discussed below.

"Prior to the formation of the National Democratic Party (NDP) in 1965 there was no structured or coherent party organization among Catholics in Northern Ireland" (Murray and Tonge 2005:7). Between 1945 and 1965, the Catholic population was divided mainly between town and country. Rural areas were dominated by the Nationalist Party, which

> until the 1960s … did not have a party apparatus to speak of. Most Parliamentary candidates were still selected by conventions dominated by the clergy and middle class of the small towns. Their only form of organisation was often the registration committee which doubled for the Republican candidates who by mutual agreement stood in place of Nationalists at Westminster elections.[13]
>
> (Bew et al. 2002:139–40)

In Belfast and some other large towns, most Catholics voted for the Northern Ireland Labour Party, until that party accepted partition, in 1949. "In its place appeared various versions of Catholic labourism." As a consequence, the numbers of Catholics "involved in any political organization, whether Nationalist, Catholic, labourist or Republican, were minimal. The bread and butter of Catholic politicians remained patronage and brokerage." The Nationalists began to develop a proper political machine only in 1965, due to the urging of the Republic of Ireland Prime Minister, Sean Lemass, that they become the official opposition party at Stormont (Bew et al. 2002:139–40; Murray and Tonge 2005:7).

The Catholic attitude towards the partition of Ireland was complex and was not characterized by an immediate and clear-cut rejection of the Northern Irish state. Rather, "the Belfast Catholic attitude … was a product of a specific conjuncture of events [and not] simply the expression of a deep-seated ideological attitude." This was evident, for example, in the

> history of the Belfast Catholic Recruiting Committee, set up to investigate the possibility of recruiting Catholics into the B Specials … [Although] two of its [Catholic] members were arrested, while three others were put on the "wanted" list … the committee continued to meet and to discuss the principle of Catholic involvement in the security forces. There was no question of outright Catholic rejection of the idea.
>
> (Bew et al. 2002:39)

But if full Catholic recognition of the Northern Irish regime was negotiable at the outset, later on it "receded into the distance" because of the expulsion of Catholics from their jobs and homes in 1920, the consequent development of the B Specials into a particularly repressive force, and the British government's passivity in the face of these developments (Bew et al. 2002:39).

The results of non-recognition were disastrous for the Catholics. They boycotted the work of the electoral commission that was set up to determine

the boundaries of local government electoral wards, and could thus be blamed by the Unionists for the resultant gerrymandering of these boundaries. As indicated above, gerrymandering caused the nationalists to lose control of a number of local councils with clear Catholic majorities, with predictable consequences for Catholic council employment and (later on) council housing (Bew et al. 2002:39–40).

After the violence of the early 1920s, Catholics turned to constitutional Nationalism. The Catholic business class and the Church were urging the Nationalists to take their seats at the Stormont Parliament, which they did in 1925. The bishops were particularly concerned about the educational reform that was being worked out on the initiative of Lord Londonderry (see above, p. 30), while the business and middle classes wanted the Nationalists to look after their business interests. Recognizing the partition became easier when Éamon de Valera, leader of the anti-partition party in Southern Ireland, entered the Dail (Irish Parliament) in 1927 and took the oath of allegiance that included a promise of fidelity to the British King. By 1928, Northern nationalists fully accepted the Northern Ireland state, although their Stormont MP's continued to occasionally walk out of the Parliament, caught on the horns of the dilemma of

> whether to go to Stormont at least to voice their grievance, remedy individual complains and secure minor concessions by day-to-day representations, but thereby run the risk of recognising and perhaps propping up a system they opposed; or whether to oppose the system outright but thereby forgo short term remedies and concessions with no guarantee of ultimate success. It is a dilemma they have never resolved.
>
> (Farrell 1976:170).

(The same dilemma plagued the minorities' representatives in the Polish *Sejm* and still plagues Palestinian Members of Knesset in Israel today; see below.)

Meanwhile, the Irish Republican Army (IRA) began to advocate physical force as a means of reuniting the island. In January 1939, it launched a campaign against basic infrastructures in England, such as electricity, water, and train services. The campaign failed and ended with the outbreak of the Second World War in September. In February 1940, the IRA shifted its campaign to the North, attacking the British army and the RUC. However, it received only passive support from local Catholics, who were looking for direction from the South, where de Valera, by now Prime Minister of Ireland, was himself interning IRA men without trial. By the end of the Second World War, the IRA was quiescent again, until the launch of its border campaign in 1956.

After the end of the war, the nationalists launched the Irish Anti-Partition League to propagate for Irish unity in Britain and the United States. In 1951, motions to condemn the partition of Ireland were introduced in both houses of the United States Congress, and a boycott of Northern Irish goods was

instituted as well. The southern government, without consulting the Nationalist Party in the north, established an anti-partition fund to support anti-partition candidates in Northern Ireland. The money was collected at church doors, which was the normal procedure, but the Unionists denounced the fund as an attempt by the Catholic Church to win control of the North. This issue lent the 1949 election, known as the "chapel-gate election," a particularly sectarian (and violent) bend, which won the Unionists and the Nationalists thousands of additional votes. The result of this election was the entrenchment of the Unionist and nationalist parties in sectarian issues. Labor and other socialist parties suffered a heavy blow, their combined representation in Parliament being reduced from four MPs to two: two anti-partition labor parties received one seat each, and the Northern Ireland Labour Party did not elect even one member (Farrell 1976:184–88).

> Sinn Fein's policy was based upon ethno-geographical determinism. The island of Ireland constituted a clearly defined territorial entity, within which lay a distinct Irish people. The people were the nation. There was a clear congruence between nation and state. In Republican eyes, unionists offered a distinctive *Irish* tradition, to be accommodated through the construction of a decentralized, federal Ireland.
>
> (Murray and Tonge 2005:37)

In a manifesto issued at the start of its border campaign in 1956, the IRA declared: "The whole of Ireland – its resources, wealth, culture, history and tradition – is the common inheritance of all our people regardless of religious belief" (cited by Barritt and Carter 1962: 130–31). In August 1971, as they were launching their military campaign against the British army, the Provisional IRA appealed "to all Irish people to unite for the defeat of British imperialists who have been in the past and even now exploiting irrelevant past dissensions to maintain their presence and influence in Ireland" (Hennessey 1997:177).

   Although Protestants in Northern Ireland coined the slogan "Home Rule is Rome Rule," expressing their fear of the Catholic Church, the Church and its representatives were actually a pacifying element in the North. Already in 1926,

> the robust nationalist and leader of Irish Catholicism, Cardinal Patrick O'Donnell, archbishop of Armagh, could declare that the "area of the six counties is now fixed as the area of Northern Ireland … and we must work for the general good of the community." This would seem to indicate an acceptance by the [church] hierarchy of the reality of the political facts of life in Northern Ireland, and it could be argued that this is how the church did in fact interact with the Northern state. There was simply no alternative, and, for the most part, the bishops taught Catholics to be

obedient to the civil powers no matter how fearsome those powers in practice were from the perspective of the Catholic community.

(Rafferty 2008:100–101)

Between the 1920s and the 1950s the Church cared not only for the spiritual needs of its members, but created its own educational, healthcare, and social services as well. It was blamed, therefore, for creating a "state within a state."

> It did so because of certain hesitations about the role of the state in the lives of individuals and a desire to uphold the principle of subsidiarity, but also because it distrusted the intentions of the Northern state with respect to the Catholic community … At the same time [however] it is also true that the church could only carry out many of its educational and social service functions because it had a large degree of support from the government. For the most part, it was free from any attempt by government to impede its spiritual or other functions …
>
> (Rafferty 2008:101–2)

The Catholic bishops condemned IRA violence even before the border campaign of 1956. In January of that year, they repudiated republican violence on the basis that "no private citizen or group of citizens has the right to bear arms or to use them against another state, its soldiers or citizens. … Sacred scripture gives the right to bear the sword and to use it against evil doers to the supreme authority [of the state] and to it alone". This statement demonstrated that the bishops saw Northern Ireland as a properly constituted state, and were willing to defend it against other members of the Catholic community, namely, the IRA and its supporters.

> This would become a consistent theme of the church's attitude to the state in Northern Ireland throughout the subsequent troubled history of the six counties … The church was about to embark on a trajectory that would bring the hierarchy into direct confrontation with a vociferous and dedicated group within the Catholic community.
>
> (Rafferty 2008:106–7)

The confrontation finally ensued from a dual development experienced by the Irish Catholic church in the 1960s. On the one hand, there were the theological changes instituted by the Second Vatican Council of 1962–65, and the ascension to positions of leadership of William Cardinal Conway of Armagh and Bishop William Philbin of Down and Connor, who had accepted the legitimacy of the Northern Ireland state and urged their flocks to do likewise. On the other hand, there was a more assertive attitude on the part of the Catholic laity as far as the role they were ready to play in the life of the community:

By the end of the 1960s and into the early 1970s the nationalist community had emerged as a significant power broker in Northern Ireland, not only in terms of its ability to bring about change but also in its willingness to confront established vested interests in both church and state. Its ability to do so was not simply attributable to dynamic leadership and formidable organizational skills but also [to] "its refusal to compromise and [a] willingness to risk (and to inflict) injury and death."

(Rafferty 2008:107, citing Ruane and Todd 1998:63).

The Bishops' concern, on the other hand, was for peace and stability, rather than the amelioration of perceived social wrongs (Rafferty 2008:109).

British – (southern) Irish relations

At the 1918 general elections Sinn Fein won 73 of [Ireland's] 105 Westminster seats. They took this as a mandate for independence, and those who were not in prison or on the run, twenty-seven in all, established Dail Eireann … charged with creating the Irish Republic that had been proclaimed in 1916. It was proscribed in … 1919; meanwhile an Anglo-Irish war raged until 1921 … [After] the general elections of May 1921 which was held under the electoral provisions of the Government of Ireland Act (1920) … [the] Sinn Fein deputies constituted themselves as the Second Dail, and it was this body that ratified the Articles of Agreement for a Treaty which was concluded with British representatives in December 1921 … In October 1922 Dail Eireann enacted the Constitution of the Irish Free State … [which] came into existence on 6 December 1922.

(Arthur 2000:73–74)

Following Éamon de Valera's election as Prime Minister in 1932, the Irish Free State, having renamed itself Ireland and declared the entire island as its national territory, adopted a new constitution in 1937, which further removed it from Britain. According to the new Constitution, the British monarch was no longer head of the Irish state, and Ireland no longer saw itself as a member of the British Commonwealth. In 1938, the Anglo-Irish agreement recognized these changes and, most importantly, returned to Irish control the "treaty ports" – ports that had remained under British rule in the treaty of 1921. The recovery of the ports enabled Ireland to remain neutral in the Second World War, to the chagrin of the Allies (although, in practice, Ireland did contribute to the Allied war effort). In 1949, Ireland declared itself to be a fully independent republic (Arthur 2000:90–92).

Political independence was not accompanied by economic independence, however. The Irish currency, introduced in 1927, was bound to the British Pound until 1979; 98 percent of Ireland's exports, and 81 percent of its imports, were to and from Britain. Between 1932 and 1938, a tariff war was waged between the two countries, as a result of the Free State having stopped payment of land annuities originating in the government loans granted under

the several Irish Land Acts to Irish tenant farmers that had enabled them to purchase lands from their landlords. Still, as late as 1950, the United Kingdom accounted for over 90 percent of Irish exports and almost 60 percent of Irish imports. This dependence on Britain began to decline only in the 1960s (Thom and Walsh 2002).

In 1952, a study of the Irish economy "concluded that the country's dependence on Britain was so strong as to be incompatible with the status of political sovereignty" (Arthur 2000:97). The almost catastrophic performance of the economy in the immediate post-war period was reflected in massive emigration that reduced Ireland's population by one-seventh in the 1950s (Powell 2003:432–33). In 1958, the government changed economic course from a protectionist policy to a liberalizing one aimed at integration into the world market. This change of direction was solidified with the elevation of de Valera to the presidency and his replacement with Sean Lemass as Prime Minister (*Taoiseach*), who declared in 1959 that "the historic task of this generation is to secure the economic foundation of independence" (rather than the reunification of the island) (Arthur 2000:97). The change of economic policy required political changes, too, as the traditional irredentist policy towards the North seemed to be bad for business. Thus, in parallel with O'Neilism in Northern Ireland (see below), the South embarked on a pragmatic course of diplomacy that may be termed "Lemassism," entailing efforts to improve relations with Northern Ireland and the United Kingdom and seeking entry into the European Economic Community (EEC). Ideologically, this new diplomatic strategy was justified with the argument that Irish unity could best be accomplished through economic development (O'Leary and McGarry 1993:155).

In 1956, the IRA launched its "border campaign," but the Republic cooperated with Stormont in fighting it, even to the point of introducing internment without trial of IRA volunteers. The campaign ended in failure in 1962, after the IRA famously admitted that it failed to enlist the support of Northern Catholics and disarmed. In 1965, under Lemass's influence, the Nationalist party for the first time assumed the role of official opposition at Stormont. The same year saw the historic meeting between Lemass and O'Neill in Northern Ireland, the first such meeting in forty years, and the Anglo-Irish free trade agreement, motivated by the desire of both countries to join the EEC. (President de Gaulle vetoed their entry in 1967, but both were admitted in 1973.) (O'Leary and McGarry 1993:156, 161).

Thus, closer economic ties with Britain necessarily entailed moderating the Irish stand on partition. Liberalization of the economy had to be accompanied by liberalization in politics. In Lemass's view, if the economy would ruin Ireland, the issue of partition would lose its significance anyway. Still, even *de-facto* recognition of partition meant abandoning the Irish ruling party Fianna Fail's long tradition of republicanism, running the risk both of opposition from within and of being accused of abandoning the Catholic population in the North. This duality of opposing demands

and interests was reflected in Lemass's actions at the time. According to Patterson:

> There was certainly much that was generous and conciliatory in Lemass's discourse which did provoke a positive response not only from O'Neill but also from important sections of the Northern business community and the British government. But it is just as true that Lemass periodically articulated an anti-partitionism which de Valera at his most militant would have been happy with.
>
> (Patterson 2006:146)

With this double message, Lemass succeeded in alienating the nationalists while failing to completely gain the confidence of the Northern Ireland government. After meeting with Lemass in 1959, Eddie McAteer, leader of the Northern Ireland Nationalist Party, commented: "I came away with the conviction that as far as Sean Lemass was concerned the Northern Irish were very much on their own" (Rafferty 2008:105). By the same token, Prime Minister O'Neill responded to one of Lemass's speeches in 1963 by saying: "as long as every gesture of friendship and every possible co-operation was subordinate to a long-term undermining of the constitutional position [of Northern Ireland], so long would they have to moderate with a good deal of caution their wish for co-operation with their neighbours" (Patterson 2006:156).

While the deployment of British troops to Northern Ireland in 1969 (see below) was viewed by Britain as an internal affair within the United Kingdom, the government of Ireland saw it as an Irish affair and as a matter of its own relations with Great Britain. Its official position was that it was seeking reunification of Ireland through peaceful means, but in private, and in pronouncements by prominent ministers other than the Prime Minister, it did not rule out the use of force if necessary, especially in view of Protestant attacks on Catholics in the North. The General Staff of the Irish Defence Forces advised against military operations in Northern Ireland, as these were militarily unfeasible, and also against supplying arms (or money to buy them) to politically unreliable groups, such as the IRA, which in the South was a staunch enemy of the ruling party, Fianna Fáil. The government ignored the first of these recommendations, formally at least, deciding in principle to intervene militarily in case of a "Doomsday situation" in the North, and deployed troops and field hospitals on the border. In 1970, a dissident faction within the government went further and supplied some money and arms to the IRA, leading to a crisis in the government and in the ruling party (Arthur 2000:96, 100–102; Hennessey 1997:184; 2005:337–55).

In 1971, after attending a meeting with the British and Irish Prime Ministers, Edward Heath and Jack Lynch, Northern Ireland's Prime Minister, Brian Faulkner, said that the attitude of the South towards Northern Ireland was

the very source of the poison itself – for it is in the South that the whole romantic, violent, blood-stained "physical force" tradition of Irish Republicanism has its home. Too many of their political leaders have been nurtured in that tradition to break fully free of it; too many have honoured the graves of yesterday's assassins to be wholly resistant to today's. They have shown no ability to understand or sympathise with a million of what they themselves claim to be their fellow Irishmen.

(Hennessey 1997:200)

Post-war welfarism and modernization

In Northern Ireland, the post-Second World War years were characterized by the introduction of the welfare state, in line with its development in Britain, and continuing industrial decline. This made Northern Ireland's economic dependence on Britain even more pronounced and heightened the tension inherent in the populist citizenship discourse.

The Unionist party was historically allied with the British Conservative party and viewed Labour, and socialism, with a great deal of suspicion. Labour's victory in 1945 was greeted with apprehension in Stormont, not only for historical and ideological reasons, but also because its social and economic policies, based on nationalization and central planning, required greater control from Britain over Northern Ireland's economic affairs. The problem, however, was that a government that Unionism had identified as a major enemy of Protestant interests was introducing, through the welfare state, a series of significant improvements in everyday life, and was willing to pay for them on the basis of parity and leeway. The problem was solved, in a manner of speaking, by the outbreak of intra-Unionist division, which enabled the Cabinet to present itself as the champion of popular interests (O'Leary and McGarry 1993:157; Bew et al. 2002:85–95).

In reaction to Labour's victory, in early 1946 the Northern Ireland cabinet seriously considered changing Northern Ireland's constitutional status to that of a dominion within the British Commonwealth, meaning an independent state like Canada or Australia. In 1947, as the introduction of Labour's policies progressed, this idea was aired publicly by Unionist backbenchers (Bew et al. 2002:91–94). However, dominion status would have meant that Northern Ireland would have had to live by its own resources and that, in the words of Brian Magines, Minister of Labour,

might mean that our present standards might have to be lowered, [which] would tend to lessen the difference to the worker between Northern Ireland and Eire and therefore by so much would weaken one of our most telling arguments against union with the country …

(Cited in Bew et al. 2002:91).

Prime Minister Brooke himself stated, in 1947, that

> To attempt a fundamental change in our constitutional position is to reopen the whole Irish question. The government is strongly supported by the votes of the [Protestant] working class who cherish their heritage in the Union and to whom any tendency towards separation from Britain is anathema. The backbone of Unionism is the Unionist Labour party. Are those men going to be satisfied *if* we reject the social services and other benefits we have had by going step by step [i.e., on the basis of parity] with Britain?
>
> (cited in Bew et al. 2002:96; original emphasis)

The acceptance of welfarism by the Unionist leadership did not entail, however, a weakening of its concern for the interests of the Protestant middle class or a liberalization of its attitude towards the Catholics. The introduction of the welfare state was beneficial for cementing the Protestant inter-class alliance, which had been strained during the war, and also helped improve the economic conditions of the Catholics and cool down their enthusiasm for uniting with the newly christened Republic of Ireland (O'Leary and McGarry 1993:157). Anti-Catholic measures, such as the Public Order Act of 1951, were introduced to appease the right-wing Unionists in the context of a reinvigorated (political) anti-partition campaign launched by the Republic. Furthermore, "Catholics [were] stigmatized as two-faced intransigents for accepting the benefits [of the British welfare state] while continuing to reject the legitimacy of the [Northern Irish] state" (Bew et al. 2002:98).

> The effects of the political, ideological and economic deinsularization of the province from 1940–45 had been weathered successfully by Brooke and his circle … The "solution" was a series of tactical modifications to populism, during which anti-populism briefly revived and then collapsed beyond recognition as a political force …
>
> [However], by committing itself to welfarism and "step-by-step" the Unionist elite was redefining its dependence on the Protestant working class and the British state in potentially dangerous ways.
>
> (Bew et al. 2002:98)

These potential dangers were to play themselves out dramatically by the end of the 1960s and bring an end to populism and to ethnic democracy in Northern Ireland.

Economically, once the force of the post-war boom had been spent, the 1950s and 60s were characterized by continuing industrial decline and high unemployment.

> In 1950 the dominant aspects of the North's economic structure were the continued preeminence of the two traditional staple industries and the

> high proportion of the workforce … engaged in agriculture. Of the total number of workers in manufacturing, 30 percent were in textiles and linen and 20 percent in shipbuilding, engineering and vehicle repair. Agriculture accounted for one-sixth of the gainfully employed and almost a quarter of gainfully employed males.
>
> (Bew et al. 2002:107)

However, both the linen industry and shipbuilding faced tough competition, raw material shortages, and technological changes that reduced their shares of the world market. Re-equipment and modernization efforts aided by the state resulted in further reduction in the number of people employed. The same happened in agriculture, due to consolidation of holdings and mechanization of production. As mentioned above, the new industries that were attracted by the government did not manage to compensate for the growing unemployment (Bew et al. 2002:107–16).

By the 1960s, the Unionist government was faced with three major problems: increasing unemployment due to industrial decline; industrial unrest and the beginning of a move by the Protestant working class towards the Northern Ireland Labour Party (NILP); and the British modernization program (Bulpitt 2008:150). While the local industries were propped up, temporarily at least, by increasing government grants, this had only a marginal effect on unemployment. In 1958, the unemployment rate was 10 percent, and in 1961, when the British unemployment rate was 1.2 percent, in Northern Ireland it was 7 percent. In the 1958 Stormont general elections, the Unionists lost four seats to the NILP, a party that had no representation in the Stormont Parliament since 1949. At the end of 1961, the NILP joined with a number of local trade union branches to form the Northern Ireland Joint Unemployment Committee, in order to pressure the government on the issue of unemployment. "The 1962 May Day march [historically a non-secterian event] was reckoned to have been one of the largest since the strike of 1919. While the NILP did not gain any extra seats in the Stormont election of 1962, its average share of the vote increased by 15 percent" (Bew et al. 2002:119–20; O'Leary and McGarry 1993:162).

The British government, wary of the economic decline that followed the post-war boom, and of the consequent decline in its international standing, decided on a policy of modernization, which included transforming its relations with its constituent regions. Practically abandoning what Jim Bulpitt has called the "dual polity" regime of center-periphery relations, both major British political parties agreed on "the need for planned economic growth, more efficient public administration and a more democratic political process. As a result, planning, efficiency and participation became the key symbols of the decade." On the external front, modernization meant seeking entry into the European Economic Community, a stand adopted by the Conservatives at the beginning of the decade and by Labour in 1967 (Bulpitt 2008:148; Bew et al. 2002:120–27).

Because the modernization plan was devised by the British bureaucracy with no concern for its political implications or the mobilization of political support, it had an unsettling effect on what Bulpitt has termed "territorial politics," in three ways:

1. It "was associated with a sustained attack on the existing institutions, procedures and personnel of territorial politics," arguing that they were "administratively inefficient, insufficiently democratic and over-centralised."
2. The center "became interested in many aspects of peripheral activity," such as "detailed information about, and encounter with local governments, employers and trade-unionists in the periphery," to the chagrin of regional elites, particularly in Northern Ireland.
3. In the process, elites at both the center and the periphery lost face for failing to properly manage the economy.

<div align="right">(Bulpitt 2008:148–49; Bew et al. 2002:94)</div>

In Northern Ireland, this process of "de-insularization" (Bew et al. 2002:86) led to a major political crisis. Between 1958 and 1962, discontent with government economic policies grew within the Ulster Unionist Party. Two factors were at work: fear of a further drift of the voters to the NILP, and pressure from local industries to either decrease taxes or increase direct subsidies. At the Ulster Unionist Council annual conference in 1961, complaints were heard about government "lack of energy" on unemployment, and the leader of the Ulster Unionist Labour Association delegation suggested the nationalization of Harland & Wolff (which was eventually done by the British government in 1974–75). In 1963, Basil Brooke (by then Lord Brookeborough) resigned as Prime Minister, following the publication of the Hall report, a joint British-Northern Irish study of the problem of unemployment in Northern Ireland. The study was initiated at an urgent meeting Brooke and his principal ministers had in 1961 with the British government (since 1951 again in Conservative hands) to request lower taxes or higher subsidies for Northern Ireland's industries. All his British interlocutors agreed to, however, was continuation of the present levels of support for the industries and undertaking the joint study.

The published report criticized as counter-productive Brooke's policy of propping up the local staple industries through subsidization in order to reduce unemployment (Harland and Wolff alone had received 70 million GBP from the state by 1973; Bew et al. 2002:165). Rather than artificially keeping the declining industries alive and wages artificially high, the report stated, the government should concentrate on attracting new industries. In the words of British Home Secretary Henry Brooke, subsidies would "have the opposite effect to that intended by impeding the flow of labour from contracting industries to those which are growing" (Purdie 1990:11). But keeping the contracting industries alive and wages artificially high were the keystones of populism. Caught between the British Treasury and the Unionists'

Protestant constituency, Brooke had no option but to resign (Bew et al. 2002:124–26).

The new Prime Minister, Captain Terence O'Neill, who had been Brooke's Finance Minister since 1956, launched a program for economic progress based on "planning, more efficient government and the suggestion that sectarian divisions should decline … [This] represented modernization in the context of Ulster politics" (Bulpitt 2008:150). O'Neill was also committed to the idea that

> in the long-term NI's [Northern Ireland's] position rested on *assimilating Catholics into Unionism* … [he] saw this as a long process to be achieved incrementally. This did not necessarily mean reform to alleviate Nationalist grievances … rather reaching out to Catholics and making them feel that NI could belong to them as much as to the Protestants. This would be secured through a general rise in the whole community's prosperity achieved through economic reform. Time would take care of the rest.
>
> (Hennessey 2005:1; emphasis added)

O'Neill made symbolic gestures to the Catholics, such as visiting a Catholic school and sending condolences on the death of Pope John XXIII, as well as more substantive ones, like recognizing the Dublin-based Irish Congress of Trade Unions for the first time in 1964, and meeting with the Republic's Prime Minister, Sean Lemass, in 1965 (O'Leary and McGarry 1993:163). However, he

> promised the minority community more than he was prepared or able to give; and the Nationalist Party, the official opposition since 1965, was an ineffective, even deferential, articulator of Catholic interests. The result was that elite politics at Stormont became increasingly isolated from grass-roots opinion in both communities.
>
> (Bulpitt 2008:150; see also Ellison and Martin 2000:687–88;
> Bew et al. 2002:145)

The success of O'Neilism – separating "culture" and "tradition" from "politics," and turning the latter into a technocratic affair – depended on "the capacity of the traditional political parties – Unionist and Nationalist – to maintain their control of the masses. The Nationalist party was the weak link here" (Bew and Patterson 1985:14).

O'Neill's view of the relation between economic development and Northern Ireland's ethnic conflict was expressed succinctly in a lamenting speech he gave after his resignation in 1969:

> It is frightfully hard to explain to a Protestant that if you give Roman Catholics a good job and a good house they will live like Protestants, because they will see neighbours with cars and TV sets. They will refuse to have eighteen children, but if the Roman Catholic is jobless and lives

in a most ghastly hovel he will rear eighteen children on national assistance. It is impossible to explain this to a militant Protestant … He cannot understand, in fact, that if you treat Roman Catholics with due consideration and kindness they will live like Protestants, in spite of the authoritarian nature of their church.

(Cited in O'Leary and McGarry 1993:163)

O'Neill, however, did not have the capacity to make the structural changes in the Northern Ireland economy necessary to bring this about. "The innovative aspect of [his] premiership was his 'style', which consisted of making liberal and modernist statements and gestures, while using extreme caution in nudging his party towards changes in its traditional outlook" (Purdie 1990:14). At the end, his idea of planning

represented an intensification of post-war dependence on subsidies from London. It meant working hard on the leeway argument to extract subsidies for a large-scale public works programme of housing, motorways, a new airport and improved port facilities. If subsidies were to be refused for traditional industry, then the new ideology could at least be used to extract resources providing employment in construction and services.

(Bew et al. 2002:128)

This strategy was successful in the short term. In 1969, Northern Ireland was to receive 10 million GBP in subsidies, out of 11.3 million GBP in total expenditure (Hennessey 2005:146). "An upsurge of hope for significant and rapid change in Northern Ireland" took place, and the Unionists' regained two Parliamentary seats from the NILP in the 1965 elections (Purdie 1990:14–15). But O'Neillism did not offer any long-term solution to Northern Ireland's economic or political problems, and it was under O'Neill's stewardship that ethnic democracy in Northern Ireland was destined to collapse.

The end of ethnic democracy

The collapse of the Northern Ireland state is commonly attributed to three factors:

1. The Rise of the Civil Rights Movement, the first country-wide comprehensive Catholic political movement.
2. Divisions within Unionism itself.
3. The policy of the British government.

(Bew et al. 2002:137–38; Ellison and Martin 2000)

According to Bew et al.,

In 1968–72 the politics of the Catholic population underwent a major sea change … Firstly, almost the entire Catholic population became a united

militant political force, at least for a short time in 1968–69 … Secondly, and somewhat paradoxically, there was the reappearance after 1969 of a strong republican undertow – especially in the most deprived Catholic urban areas – which was to find expression in the establishment of the Provisional IRA.

<div align="right">(Bew et al. 2002:138)</div>

The civil rights movement that embodied the first trend was launched in 1968 as a non-violent, hopefully non-sectarian movement, based on the model of the African-American movement of the same name. It originated in the frustration of Catholics with O'Neill's purported reformism, as Catholics continued to be excluded from high office and from government boards set up to implement the policy of modernization; as Nationalist-initiated bills continued to fail to be enacted in the Stormont Parliament; and as infrastructural investments continued to be directed at Protestant areas of the province (O'Leary and McGarry 1993:164–65; Ellison and Martin 2000:688).[14] Equally important was the Republic of Ireland's de-facto recognition of partition and reconciliation with Northern Ireland and with Great Britain, which made Northern Nationalists realize that partition was there to stay and they had to live with it.

As a non-violent mass movement the civil rights movements lasted only a short time. It began on 5 October 1968, at a march in Derry that was partially banned and violently dispersed by the RUC and the B Specials, culminating in sectarian riots, and it began to be superseded by violence in August 1969. According to Hennessey, 5 October 1968 marked the point from which "intervention by the British government was inevitable" (Hennessey 2005:145). By 1972, Northern Ireland was engulfed in a full-fledged armed conflict and its existence as an ethnic democracy came to an end (Purdie 1990:2; P. Rose 2000:108–9, 115; Johansen 2010:223).

Sociologically, the civil rights movement was based on a new stratum of educated, middle class Catholics that came into being largely as a result of the welfare state and began to demand their rights as *British* citizens (O'Leary and McGarry 1993:157–58, 164–65; Ellison and Martin 2000:685).[15] It replaced older forms of Irish nationalism, which had sought unification of the island either through physical force or through constitutional change, but had proven futile as far as improving the conditions of Northern Catholics was concerned. "The Catholic middle class, while not abandoning their nationalist sentiments, began to seek the reform of Northern Ireland as their first goal; and before long for many it became the overriding goal." The Catholic working class also began "shifting towards individuals, organizations, and parties prepared to put the reform of Northern Ireland ahead of a united Ireland" (O'Leary and McGarry 1993:160; Murray and Tonge 2005:7; Johansen 2010:224).

The new attitude towards Northern Ireland of the Northern Nationalists, as well as that of the Republic of Ireland government, posed a serious

problem for the Unionist leadership. Ethnic democracy ("hegemonic control" in O'Leary and McGarry's terms) had been legitimated by the claim that Catholics were nationalist rebels, disloyal to the state, who had to be controlled. If all they were demanding now was equal protection under British law, it was hard to justify their treatment as second-class citizens (O'Leary and McGarry 1993:160; Arthur 2000:109). However, the new, participatory mood of the Catholics, Lemass's de-facto recognition of partition and even the ecumenical spirit of the Catholic Church stemming from the Second Vatican Council, were seen by many grassroots Unionists, with memories of the 1956–62 IRA border campaign still fresh in their minds, as threats, rather than opportunities. The results of the 1964 elections in Britain, which brought Labour, the Unionists' traditional nemesis, back to power, also added to their concerns, particularly in view of the image of the new Prime Minister, Harold Wilson, as sympathetic to Irish nationalism.[16] These Unionists viewed O'Neill's liberalizing and modernizing measures, such as they were, as harmful to their interests and as caving in to the enemy. In some cases they reacted to these changes with violence against Catholics even before 1969 (Todd 1987:8; O'Leary and McGarry 1993:166; P. Rose 2000; Ellison and Martin 2000:687; Bew et al. 2002:167; Johansen 2010:224).

According to Bew and Patterson,

> O'Neill's policies could only have succeeded if the Protestant masses had remained passive. The confrontation between civil rights marchers and the police in Derry in October 1968, the RUC's brutal dispersal of the march, and the moving of the question of reform of the state's security apparatus to the centre of the civil rights movement's demands, changed popular Protestant conceptions of the issues at stake.
>
> (Bew and Patterson 1985:16)

Protestant reaction to the developments of the 1960s had a strong class dimension to it. The leadership of the Protestant churches and even of the Orange Order was "less openly hostile to the new direction taken by the Unionist Party under O'Neill" than the rank and file were (Purdie 1990:22–23). "For every example of a Protestant fundamentalist position taken one can find a more liberal one among Protestants … Those who opposed closer contacts with Catholics did not represent a majority but they did represent a powerful and vocal constituency" (Hennessey 2005:11). As long as the Catholic opposition "remained lobby-based rather than 'on the streets', the Prime Minister could hold his Unionist opponents in check." The creation in 1967 of the Northern Ireland Civil Rights Association (NICRA), which did take to the streets, and of more radical organizations that followed it, made O'Neill's situation within the Unionist party much more difficult (Bew and Patterson 1985:15–16; Ellison and Martin 2000:686–88).

The atmosphere that was conducive to the creation of NICRA was shaped by "the return of the Labour government, its modernizing ideology and the

existence from the middle of 1965 of a backbench pressure group – the Campaign for Democracy in Ulster" within the British Labour party (Bew and Patterson 1985:14–15). NICRA demanded precisely those things that O'Neill could not or would not provide, because they meant doing away with the core of Protestant privileges: "universal suffrage at the local government level, anti-discrimination legislation covering public employment [but not private employment], subsidized housing allocated according to need, repeal of the Special Powers Act, and the disbanding of the USC" (O'Leary and McGarry 1993:167; Bew et al. 2002:170–71; Johansen 2010:232–33).

NICRA used a form of action traditionally reserved for Protestants: marches. According to Bew et al.,

> To march in or through an area is to lay claim to it. When so many districts are invested with confessional significance by one block or another, undertaking a "secular" march creates the conditions for territorial transgressions and counter-transgressions … apart from any independent sectarian attraction such demonstrations may have had for a portion of the population, they inevitably had a further tendency to involve the unskilled working class. This tendency gave rise to feelings of local solidarity and thus to the creation of "militant areas" on behalf of civil rights.
>
> (Bew et al. 2002:147; see also 171; Todd 1987:9–10)

As mentioned above, the first march that resulted in violence took place in Derry on 5 October 1968. As authorized to do by the Public Order Act of 1951, the RUC rerouted the march and then dispersed it violently, which culminated in sectarian riots (Hennessey 2005:145; Purdie 1990:2; P. Rose 2000:108–9, 115; Johansen 2010:223). According to Bulpitt,

> The … marches and riots which took place between August and October 1968 spelt the end of the *Ancien Régime* in Northern Ireland: liberal opinion in Britain was not prepared, in the late 1960s, to accept the television scenes of violence at the Londonderry demonstration of 5 October [1968]. As a result Northern Ireland re-entered British Politics. The joint meeting of Northern Ireland and British government ministers at Downing Street in November 1968, called to discuss the problems of the Province, symbolically confirmed this. O'Neill was forced to accept the broad outlines of the reform programme, the details of which he later announced to Stormont. Thus, once again duality had been broken by an attempt to impose modernisation from above, without an appropriate political support structure.
>
> (Bulpitt 2008:150)[17]

Tellingly, the *Economist* reacted to the riots by stating that

> It should be made covertly plain to hard-line Unionists … that British public opinion will not stand for intransigence or gross incompetence, in

Ulster: that if there is a switch towards less democratic tendencies in policy … then the necessary millions for motorways and other, desirable luxuries will not go on flowing across from one Treasury to the other.

(P. Rose 2000:113)

Such reactions raised the specter of a Catholic-British alliance, the greatest fear of the Unionists.

The involvement of unskilled Catholic workers, with more acute grievances against the state than the Catholic middle class, radicalized the civil rights movement and caused the latter to lose control over it. "As popular participation in public demonstrations increased, so did the unsought involvement of entire areas in violence." As a result, in July-August 1969 "1,505 of Belfast's 28,616 Catholic households" had to be evacuated due to violent attacks (Bew et al. 2002:148). The new mood of the nationalists was demonstrated by the election of Bernadette Devlin, a young Trotskyite firebrand, to the Westminster Parliament in April 1969. In her maiden speech in the House of Commons she said, among other things, that "[i]f British troops are sent in [to Northern Ireland] I should not like to be either the mother or sister of an unfortunate soldier stationed there" (House of Commons 1969:287).

1969

The 1 January 1969 march from Belfast to Derry organized by People's Democracy, a radical student group, "marks the pivotal point at which the Troubles changed from being primarily about civil rights to being about the more traditional disputes concerning national and religious identities" (Bew 2007:493). The march was modeled on the Selma-Montgomery march in Alabama in 1966. Its purpose, according to Michael Farrell, a march organizer, was to

be the acid test of the government's intentions. Either the government would face up to the extreme right of its own Unionist Party and protect the march from the "harassing and hindering" immediately threatened by [Protestant Loyalists], or it would be exposed as impotent in the face of sectarian thuggery, and *Westminster would be forced to intervene*, re-opening the whole Irish question for the first time in 50 years.

(Farrell 1976:249; emphasis added)

The march was ambushed several times along the way by Protestant Loyalists, with the active or passive participation of the RUC and the B Specials, and ended with the RUC rioting in the Catholic Bogside area of Derry. Its residents reacted by setting up barricades, declaring the area "Free Derry," and keeping the RUC out of it for a week (Farrell 1976:249–52).

Prime Minister O'Neill called for general elections in February, in which the Ulster Unionist Party had its worst performance ever up to that point. In April, four days after a series of explosions in electricity and water

installations, wrongly attributed to the IRA, O'Neill resigned.[18] His successor, Major Chichester-Clark, "sought to introduce reforms that he hoped would reduce Catholic alienation from the state [but] his government … was faced with the prospect of alienating its own supporters with every reform introduced" (Hennessey 1997:185).

In August 1969, Chichester-Clark called in British troops and, in effect, gave up Stormont's monopoly on the legitimate use of force, heralding the end of ethnic democracy in Northern Ireland (Hennessey 1997:186; Bew et al. 2002:173). In October 1969, under British government pressure, the RUC was disarmed, and the B Specials, who "held a unique position within Unionist mythology as a personification of the Northern Ireland state's ability to protect itself from internal and external attack," were disbanded. For many Unionists this was a sign that Northern Ireland's status within the United Kingdom was being undermined (Hennessey 1997:186). However, the B Specials were replaced by the British army's "Ulster Defence Regiment (UDR), very often comprising the same men that had been in the B-Specials or even worse, they were also infiltrated by Loyalist paramilitaries" (Johansen 2010:233). Between October 1969 and October 1971, the Stormont government undertook a number of reforms that were intended to meet at least some of the Catholics' demands. It established a Ministry of Community Relations, "to advise other departments on community relations and to administer the financing of projects for improving amenities in urban areas suffering from social deprivation." An Ombudsman, independent of the executive and reporting to the Stormont Parliament, was appointed, to deal with complaints against local government bodies. Universal adult suffrage was introduced in local elections and the voting age was lowered to eighteen, and the whole system of local government was restructured. The responsibility of the RUC for public prosecution was ended, to be replaced by an independent prosecutorial system. In October 1971, the first and only Catholic was appointed to a ministerial position in the Stormont cabinet. The government even envisaged a return to proportional representation in both Stormont and local government elections (Hennessey 1997:186–88, 191).

The Unionist rank and file reacted with hostility to these government reforms (Ellison and Martin 2000:686). In 1970, Prime Minister Chichester-Clark was defeated by a bus driver in internal elections of his own party constituency. The victor explained that "our idea in opposing him was to let the Government see just how strongly the ordinary members of the Party feel at the present time." In Stormont by-elections in April 1970, the two leaders of the breakaway Protestant Unionist Party, Ian Paisley and William Beattie, were elected to Parliament for the first time, the former from Terence O'Neill's old constituency. The pressure on Chichester-Clark from his own party to resign increased with the escalation of sectarian violence, and in March 1971 he resigned, to be replaced by Brian Faulkner. Faulkner offered further reforms and called on Catholics to join the Unionist Party, but he insisted on Northern Ireland remaining part of the United Kingdom and

being run by strict majority rule. More importantly, in May 1971 he announced that soldiers were authorized to shoot to kill any person seen with a weapon or acting suspiciously, without having to wait for orders from above. In September 1971, the Ulster Defence Association (UDA) was established "by the merging of a wide range of Protestant vigilante and paramilitary groups." The UDA, which defined itself as "loyalist," engaged in an assassination campaign against Catholics, mostly after the imposition of direct rule in 1972 (Hennessey 1997:187–88, 191–92, 199–200).

On the nationalist side, British military intervention and the reforms that followed it were initially welcomed by Catholics and restored their political unity, at least for a while. This was expressed in the formation of the Social Democratic and Labour Party (SDLP) in 1970 (Bew et al. 2002:148). The SDLP was established by six Stormont MP's and one senator who had been elected in 1969. It was committed to broad socialist principles, such as a minimum wage, and to political changes advocated by the civil rights movement, such as proportional representation. The SDLP called for Irish re-unification, subject to the consent of the majority of the people of Northern Ireland. This constituted, in effect, "tacit nationalist recognition of what had in previous decades been seen as an illegitimate statelet." Austin Currie, one of the founders of SDLP, recalled: "There was recognition that we had to live within Northern Ireland for a considerable period of time … we had to make the best of that situation, but that we were entitled to an equal spot in the sun – that was our determination and commitment" (Murray and Tonge 2005:10–12).

At the same time, however,

> The violent clashes and Protestant attacks on the Catholic ghettos of August 1969 marked the end of the Civil Rights movement as a mass movement, prompting a change in the preoccupation of Catholics from … civil rights to … defence … Although NICRA kept on playing a significant role at least until after … Bloody Sunday – there was a slow descent into violent confrontation between the British army and Catholic youths, eventually between Republicans and British forces.
>
> (Johansen 2010:233)

Since the dumping of its arms at the end of the unsuccessful border campaign in 1962, "the IRA existed as an inactive formation" (Johansen 2010:233). Ideologically, it evolved in a socialist direction and enthusiastically involved itself in NICRA. Its leadership believed that O'Neill's policies were fracturing Unionism and reducing the appeal of Orangeism, and that a "civil rights campaign based on issues such as jobs and housing would help sweep away sectarian division and provide a basis for working-class, anti-imperialist unity. Catholics and Protestants would combine to sweep away the old regimes in North and South and establish Irish unity." In reality, however, NICRA was viewed by many working class Unionists as just another Republican

organization (not least because of the IRA's involvement in it), and many of them came to side with Ian Paisley's militant brand of Unionism (Ellison and Martin 2000:686; Murray and Tonge 2005:17–19).

The IRA's inability to defend Catholic areas against Protestant mobs in August 1969 (the slogan *IRA – I Ran Away* appeared on Belfast walls; Hennessey 1997:171) exacerbated the ideological tensions that had been building up within the organization over its new, political strategy, leading in December 1969 to a split between the "Official" and "Provisional" IRA. The Official Republicans,

> despite embarking on a limited armed campaign encouraged by popular sentiment … stuck to their gradualist strategy of gaining Civil Rights through a reform of the Northern state. They defended the existence of the Stormont Parliament during this period, in the face of other anti-Unionist forces and the Catholic community at large, who by this time favoured a suspension or abolition of Stormont.
>
> (Johansen 2010:236)

In 1972, following their killing of a British soldier on leave at home in Derry, the Officials declared a conditional ceasefire and continued to engage in defensive and retaliatory acts only.

The Provisionals (known as the "Provos"), who had opposed the IRA's turn to the left and had not been active in it in the 1960s, at least not in leadership positions, were determined to fight the Unionist state, "promoted Nationalism and came to lead the armed campaign." They considered participation in partitionist Parliaments, whether in Westminster, Stormont, or Dublin, a betrayal of Republican ideology. In 1971–72 they gained the upper hand among working-class Northern Catholics who, by then, became "strongly anti-British and anti-partitionist." As related by Paddy Devlin, one of the Northern Ireland Labour Party Stormont MP's who had founded the Social Democratic Labour Party, the result of the British army's search and seizure operations in the Falls Road area of Belfast in July 1970 was that

> Overnight the population turned from neutral or sympathetic support for the military to outright hatred of everything related to the security forces. As the self-styled generals and godfathers took over in the face of this regime … I witnessed voters and workers … turn against us to join the Provisionals.
>
> (Hennessey 1997:175)

In February 1971, following the killing of the first British soldier by the Provisionals, Prime Minister Chichester-Clark announced that "Northern Ireland is at war with the Irish Republican Army Provisionals" (Johansen 2010:235–36; Hennessey 1997:171–72; Murray and Tonge 2005:30, 39, 41).

As the crisis deepened, the SDLP withdrew its elected representatives from Stormont and from local councils in July 1971. This was a sharp reversal of the party's position of only a year earlier, "an outward manifestation of constitutional nationalism withdrawing consent from the system of government in Northern Ireland" (Murray and Tonge 2005:26). In August, in response to the escalating violence, the Northern Ireland government introduced internment without trial under the Special Powers Act, a move that caused the violence to escalate even further. "[O]f the 174 people who died violently in 1971 only 28 were killed before internment was introduced" (Arthur 2000:113). In addition, 2,000 Protestants and 7,000 Catholics were left homeless by forced evictions and/or fires in 1971.

Internment without trial was directed almost exclusively at Catholics. A survey of Northern Ireland men in 1973 and 1974 revealed that 34 percent of Catholics but only three percent of Protestants had a family member or close friend interned, and that 24 percent of Catholics, but only three percent of Protestants, had their homes searched. The SDLP responded to the introduction of internment with a call for the withdrawal of Catholics from all aspects of public life and for non-payment of rents and rates. To counter the payment strike the government enacted a law authorizing "government departments, private landlords and building societies to recoup debts from wages and state benefits" (Hennessey 1997: 193–96, 202). Internment and the events of Bloody Sunday, in which thirteen unarmed Catholic protesters were killed by a British army unit on 30 January 1972, made the slide towards a full-scale armed conflict inevitable.[19] In March 1972, Britain suspended Stormont, imposed direct rule, and brought an end to the autonomy of Northern Ireland. The Provisional IRA, whose immediate aim was the collapse of the Unionist government, hailed this as a victory (Hennessey 1997:206–7; Murray and Tonge 2005:42).

In assessing British policy throughout the period covered in this chapter, Bew et al. identified its core rationale as trying to minimize British involvement in Northern Ireland:

> Action was taken only where the alternative appeared ultimately to entail a greater degree of involvement. It was always designed as a short-term stop-gap unavoidable if the status quo ante in British-Ulster relations was to be restored. In reality there was no long-term commitment to integration [into Great Britain] or to unity [with Ireland], since either implied the probability of a temporary or permanent increase in engagement. The underlying continuity of British strategy was an absence of active desire to do anything at all, except to avoid getting further ensnared.
>
> (Bew et al. 2002:162; see also P. Rose 2000; Johansen 2010:237)

Thus, for at least two years before October 1968, the Labour government, which was nominally committed to reform in Northern Ireland, had been receiving intelligence reports warning of an impending burst of sectarian

violence unless serious reforms were undertaken. Yet, the government did nothing, leaving it to Prime Minister O'Neill to deal with the situation as best he could. Between Labour's coming to power in 1964 and August 1969, only one cabinet minister, Home Secretary Sir Frank Soskice, visited Northern Ireland, and that for only an afternoon (Bew and Patterson 1985:13; P. Rose 2000:116, 175–76).

   This British strategy had a number of implications once the ethnic conflict overran the capacity of the Stormont government to contain it. Firstly, Britain did not have a systematically thought-out policy regarding Northern Ireland and had to improvise its responses under the pressure of events. Secondly, Stormont did not have the means for realistically assessing British intentions regarding Northern Ireland. Thirdly, the British strategy of avoidance had "led to a common lack of cynicism about British politicians' intentions among both [ordinary] Catholics and Protestants … both communities believed their grievances would ultimately be remedied, one way or another [by the British state]," and welcomed British intervention, at least initially (Bew et al. 2002:148).

Conclusion

Like Israel and the Second Polish Republic, to be discussed in later chapters, Northern Ireland under Unionist rule was a nationalizing state by Rogers Brubaker's definition cited in the Introduction (Brubaker 1996:57; above, p. 3). But much more clearly than the two other cases discussed in this book, Northern Ireland was involved in the triadic interaction that, according to Brubaker, typifies the relations between nationalizing states and

> the substantial, self-conscious, and (to varying degrees) organized and politically alienated *national minorities* in those states, whose leaders demand cultural or territorial autonomy and resist actual or perceived policies or processes of assimilation or discrimination; and the *external national "homelands"* of the minorities, whose elites (again to varying degrees) closely monitor the situation of their co-ethnics in the new states, vigorously protest alleged violations of their rights, and assert the right, even the obligation, to defend their interests.
>
> (Brubaker 1996:57; original emphasis)

As Brubaker predicted (or actually concluded from the experience of new states in post-communist Eastern Europe), in such cases,

> The minority might mobilize against the perceived projects of nationalization and might seek autonomy or even threaten secession. The homeland, claiming the right to monitor and protect the interests of its ethnic co-nationals abroad, might provide material or moral support for these initiatives … This potent activity will react back on the nationalizing

state, although it will not necessarily dissuade it from its nationalizing projects, and it might even lead to their intensification. The minority might be accused of disloyalty, the homeland of illegitimate interference in the internal affairs of the nationalizing state.

(Brubaker 1996:58)

Where Northern Ireland differed from this triadic model was in the fact that both its majority *and* its minority had "homeland" states of their own. The relationship in this case was, therefore, not three- but four-fold, with Great Britain and the Republic of Ireland each looking after the interests of its own co-nationals.[20] It could be argued, however, in opposition to this characterization of the relationship, that Great Britain was not really an external "homeland" with respect to Northern Ireland, since both were constitutive parts of the same political formation, known as the United Kingdom. But as I indicated at the beginning of this chapter, under the rule of the Unionists, Northern Ireland was autonomous enough to be considered, for all practical purposes, a separate political entity, with Britain as its external benefactor. It may also be objected, however, that far from looking after Protestant interests in Northern Ireland, Britain, at least until the onset of IRA violence in 1971, was interested in maintaining peaceful and harmonious relations between Protestants and Catholics. This may be true as a matter of principle, but in effect Britain's hands-off attitude towards Northern Ireland, coupled with its heavy subsidization of the Stormont government, allowed the Unionists a free hand in pursuing their nationalizing project.

Within this four-fold relationship, populism was the (undeclared) principle of legitimation adopted by the Unionist government in order to forge an alliance between the Protestant middle- and working classes and to prevent inter-communal unity of the Northern Irish working class. The aim of the populist strategy was to forestall united political action by Catholic and Protestant workers (which was seen as a realistic possibility), and to sustain both the partition of the island and the dominance of the Protestant middle class in the North. Populism was able to mediate between liberalism and Protestant ethno-nationalism and thus sustain ethnic democracy, in that it provided the Protestants with a principle of solidarity based on common economic interests, rather than on ethno-national identity. It thus privileged Protestant over Catholic workers in the labor market and on the local level, while maintaining at least the appearance of an unbiased democratic system of government at the national (Northern Ireland) level. The Achilles' heel of populism was that it depended, financially, on British subsidies, while it had to resist British intervention in its discriminatory policies.

Until the Second World War, Britain maintained a hands-off policy with respect to Northern Ireland, subsidizing the Unionist regime without interfering too much in its internal affairs. The Republic of Ireland also stayed out of the affairs of the North, since it did not recognize the partition of the island in the first place, but was too weak to try to reverse it. Things changed,

however, after the war. Labour's victory in Britain in 1945, its introduction of the welfare state, and the economic downturn of the 1960s, undermined the hands-off policy. The British welfare state and its efforts to modernize and rationalize the British economy, led to much greater involvement by Westminster in the affairs of the different regions, including Northern Ireland. Stormont's policy of protecting the traditional Northern Irish industries – shipbuilding and textiles, the economic mainstays of populism – came increasingly under fire from Britain, most markedly with the Hall Committee Report of 1962. Pressure on the protectionist policy was further reinforced by the high levels of unemployment experienced by Northern Ireland after the 1950s.

The economic difficulties faced by both the United Kingdom and the Republic of Ireland in that period made them seek admission to the European Economic Community. However, this required that they shore up the economic relations between the two of them first, leading to the signing of a free trade zone agreement in 1965. Republic of Ireland Prime Minister Lemass's visit to Belfast in the same year signaled *de-facto* Irish recognition of partition for the first time and indicated that warmer relations with Britain would not be limited to the economic sphere alone.

At that historical junction, the essence of Northern Ireland's autonomy – its historical insulation from Great Britain – proved to be its fatal flaw. For it led the Unionist leadership to misinterpret the British government's policy and believe that British intervention in Northern Ireland was imminent. In order to forestall that intervention,

> A section of the Unionist Party actually began to dismantle the populist structure whose preservation was a large part of the regime's *raison d'être* … The state's autonomy was designed to preclude a united Ireland and reduce dependence on an unreliable ally [i.e. Great Britain]. Success depended on creating [a class] alliance which would perpetuate this autonomy. Yet autonomy failed to endow Unionists with a realistic perception of the prospects of securing external assurance that it would continue. In consequence they embarked on a strategy which not only removed its motive force but in so doing destroyed the state's autonomy itself.
>
> (Bew at al. 2002:176–77)

The new strategy consisted of enhancing the liberal aspect of populism at the expense of its ethno-nationalist aspect, in order to quiet down the Catholics and appease the British government. However, for Catholics, who initially welcomed the reforms, they proved to be too cosmetic and to come too late, while for many mainly working class Unionists, they seemed to threaten their privileged position in society (Ellison and Martin 2000:686–88). The rapprochement between Britain and the Republic of Ireland made both Catholics and Protestants in Northern Ireland conclude that they were on their own.

Northern Ireland nationalists responded by launching the civil rights move-
ment, the first country-wide comprehensive Catholic political movement, and
by demanding their rights as British citizens. Protestant workers responded by
flocking to Ian Paisley's brand of right-wing Unionism and, on the margin,
resorted to violence. As the British government failed to intervene in order to
accelerate and substantiate the reforms, and as Stormont failed to deal with
the escalating cycles of violence, the situation deteriorated to the point where
British military intervention became both inevitable and counter-productive,
leading to the end of ethnic democracy and to a bloody civil war that was to
last for almost thirty years.

In terms of the conditions of stability articulated by Smooha, the changes
that occurred in the second half of the 1960s could be said to have affected
both the strength of the Northern Irish state and the core community's per-
ception of threat. The strength of the Northern Irish state, in terms of its
ability to provide economic goods to the population, and primarily to Pro-
testant workers, actually increased with the introduction of the British welfare
state in the post-World War II period, but it was dependent, ultimately, on
decisions made in London, not Belfast. By the mid-1960s, the actual ability of
the state to continue to provide these goods did not decline, but the will-
ingness of the British government to continue to subsidize that ability at the
same rate, and with no strings attached, seemed to be eroding. Faced with the
threat of greater British intervention, and possible diminution of the subsidies,
the Unionist leadership decided to make overtures to the Catholic community
in order to placate British liberal public opinion. This change of direction,
such as it was, was seen as a threat by the Unionist rank and file, and they
reacted by turning away from the populist leadership of the Ulster Unionist
Party to the more radical, ethno-nationalist brand of Unionism preached by
Paisley.

As far as the Northern Ireland state's monopoly on the use of force was
concerned, that monopoly was eroded, first, by more militant elements within
the core community itself. Paradoxically, or maybe not, the period of growing
Protestant militancy corresponded to what could be considered a reduction in
the level of threat emanating from the Catholic minority and from its external
homeland. The civil rights movement that emerged in 1968 demanded not the
reunification of Ireland, but that the rights of Catholics as *British* citizens be
respected. By the same token, the Republic of Ireland sought to improve its
relations with Great Britain and in that context effectively recognized the
partition. For many Unionists, however, these overtures, rather than decreas-
ing their feeling of threat, actually enhanced it. This because the populist
formula that had sustained their privileges seemed to be losing ground. The
old threat of being overrun by Catholic Ireland, either militarily or politically,
was replaced therefore by a new threat emanating from the Protestants' own
external homeland and from the established Unionist leadership. Theoreti-
cally, then, the nature of the threat that Smooha emphasizes as a condition
for both the emergence and the stability of ethnic democracy cannot be taken

at face value, but needs to be problematized. In Northern Ireland, as in the two other cases discussed in this book, the perception of threat and its reality seemed on occasion to be moving in opposite directions.

Notes

1 The idea of a Council of Ireland was revived in the Sunningdale Agreement of December 1973, but it proved to be stillborn then, too (Guleke 2010:252).

2 For a critique of this argument, and of (the young) Bew's materialist analysis of Northern Ireland in general, see O'Leary 2008.

3 Of the nine counties that made up historic Ulster, only the six with a majority or near majority Protestant population were included in Northern Ireland (R. Rose 1971:89).

4 The Black and Tans, named after the colors of their uniforms, were a special militia deployed by Britain in Ireland in 1920–21 to fight the Irish Republican Army. They were notorious for their attacks on the civilian population.

5 "In 1963, the Justice Minister of South Africa, Hendrik Verwoerd, when introducing a new coercion bill, said 'he would be willing to exchange all legislation of this sort for one clause of the Northern Ireland Special Powers Act'" (Collins 2010:98–99). Similar regulations were enacted by the British Mandatory Government in Palestine in 1945. A revised version of these regulations is still in force in Israel today.

6 In 2001, the distributions of the Protestant and Catholic populations along the affluence-deprivation scale were still mirror images of each other (Taylor 2009:319, Figure17:1).

7 In 1907, "the pay differential between skilled and unskilled workers in Belfast was wider than that in any other centre in the British isles" (Gray 2010:17).

8 "In 1965, when new industry provided about 60,000 of 190,000 manufacturing jobs, the first Development Plan complained that only 10 per cent of new vacancies were being filled through [official] labour exchanges" (Bew et al. 2002:166).

9 I use "segmented" and "split" labor market interchangeably, although the theoretical bases of these two terms are very different; see Peled and Shafir 1987:1438–39.

10 On 12 July, Protestants commemorate the 1690 Battle of the Boyne, in which William of Orange defeated the Catholic James II.

11 Gailey calls O'Neill a "constructive unionist," to be distinguished from the populist unionists. In the terms I am proposing here, O'Neill was a liberal populist as distinguished from the ethno-nationalist populists.

12 A Boundary Commission, charged with settling border issues between north and south, was established under Article 12 of the Anglo-Irish Treaty. The Commission started and ended its work in 1924 without making any changes to the border (Bew 2007:447).

13 The term "republican" is a contested term, usually used to describe an Irish nationalist who is willing to resort to violence in order to achieve the unification of Ireland: "so all republicans are nationalists, but not all nationalist are republicans." Republicans tend to come disproportionately from the working class. Their main political organization is Sinn Fein, the political wing of the Irish Republican Army (Dixon 2008:6–7). The parallel distinction among Protestants is between Unionists and Loyalists.

14 As pointed out by many authors, during the entire period of Unionist rule, "the only legislation passed as a result of an opposition (Catholic/nationalist) motion was the Wild Birds Act of 1931" (McGarry 2002:455).

15 Bew et al, however, point to the fact that between 1911 and 1971 (the two census years with comparable relevant data) while the percentage of Catholics engaged in

professional and managerial occupations more than doubled from 5 to 12 percent, the percentage of unskilled workers also increased, from 20 to 25 percent. So what characterized Catholic social structure in the 1960s was polarization, rather than simply a growth of the middle class (Bew et al. 2002:143, Table 3). Resolution of this point is not necessary for my argument.

16 "In November 1971 Harold Wilson, now leader of the opposition, had produced a 'fifteen point plan' leading to a united Ireland" (Hennessey 1997:200).

17 Following the 5 Ocotber 1968 Derry riots, Mary Holland of *The Observer* wrote: "Westminster has interfered. The Prices and Incomes Act 1966 was extended to Ulster against the wishes of Stormont" (P. Rose 2000:112).

18 According to the Scarman report, "though the perpetrators of these outrages cannot, with one exception, be identified, they were the work of Protestant extremists who were anxious to undermine confidence in the government of Captain O'Neill" (Scarman 1972, Art. 1.13).

19 Coincidentally, thirteen was also the number of Palestinian protesters killed inside of Israel's 1967 borders in October 2000. Many Palestinian citizens of Israel consider the "October Events" to be their Bloody Sunday (see Chapter 4, below).

20 This view of the relationship between the four actors is reinforced by the four-sided consociational arrangement set up by the St. Andrew agreement of 2006 (Guelke 2010).

3 The Second Polish Republic
A failed ethnic democracy

> If one brick is damaged at the base of the edifice of legality and constitutionality, the whole structure of the state is placed in jeopardy.
>
> Moshe Kleinbaum (Sneh), *Writings*, 1938[1]

The Second Polish Republic emerged in 1918 out of the breakup of the three great empires that had partitioned the Commonwealth of Poland and Lithuania between them at the end of the 18th century: Russia, Prussia, and Austria. Point 13 of Woodrow Wilson's 14 Points read:

> An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.
>
> (Latawski 1992:199)

As it turned out, the meanings of both the word "inhabited" and the phrase "indisputably Polish populations" were very hotly disputed throughout the period of the existence of the Second Republic.

The heart of the new state was the Congress Kingdom, the central area of the country that had been granted autonomy within the Russian Empire by the Congress of Vienna in 1815. Although its autonomy was seriously curtailed after the Polish uprisings of 1831 and 1863, Congress Poland continued to be governed by the Romanov Empire as a distinct territorial-political unit (since 1874 under the name of Vistula Lands). Congress Poland encompassed close to one-third of the territory of the Second Republic and included about the same ratio of the Second Republic's population of nearly 30 million. In addition, the Second Republic incorporated territories that had been under Russian, Austrian, or German rule, where the laws, customs, religions, economic systems, currencies, and languages differed widely between themselves and from the Polish heartland of the country.

From the moment of its creation, the Second Republic had to face two daunting tasks: forging a state and a nation out of these disparate elements,

and solving the country's acute economic problems, which had been aggravated by war and by separation from Poland's historical markets in Russia and Germany (Landau 1992). According to the 1921 census, Poles – i.e., Polish-speaking Catholics – made up about 70 percent of the population of the newly emergent state, with Ukrainians comprising about 14 percent, Jews about 8 percent when counted by nationality and 10.5 percent when counted by religion, and smaller numbers of Belorussians and Germans making up the rest (Rothschild 1992:36, Tables 1, 2).[2] As a nation state, therefore, Poland had a drawback, in that ethnic minorities comprised nearly one-third of its population. In terms of its stability as an ethnic democracy, this problem was mitigated, however, by the fact that the state did not have to face one single minority, but a number of different ones, each with its own language, culture, religion, economic base, and political orientation (cf. Smooha 2005:31). Of these minority groups, the Slavic minorities – Ukrainians and Belorussians – had distinct territorial bases in the eastern borderlands (*Kresy*) and in Eastern Galicia, where they comprised the majority population; the Germans and the Jews were dispersed minorities, with the German presence more noticeable in the west and the Jewish in the center, east, and south of the country.

Ethnic democracy

The state

The new Polish state was conceived of as an ethnic democracy. The "March Constitution," adopted in 1921, declared Poland to be the state of the Polish nation, with Polish as the sole official language. But it also established a democratic republic with universal suffrage, a bicameral National Assembly, made up of a lower house (*Sejm*) and a Senate, elected through semi-proportional representation.[3] The constitution guaranteed freedom of religion, but assigned the Roman Catholic faith, being the majority religion, a status of first among equals. Ethnic minorities were to enjoy equal citizenship rights and the right to organize autonomous institutions, including their own school systems and political parties. The constitution was adopted by the constituent *Sejm*, elected in 1919 (Marcus 1983:262–63).[4]

Respect for the rights of ethnic minorities was not an obligation that the Polish state undertook voluntarily, however. It was forced upon it by the "Minorities Treaty" Poland was coerced into signing by the Allied Powers as part of the Versailles peace agreements. The Allies insisted on this treaty in view of the widespread anti-Jewish pogroms that accompanied the various battles to determine Poland's eastern borders in 1918–19[5] (and again during the Polish-Soviet war of 1919–20), and the treaty included two articles relating specifically to Jews: Article 10 guaranteed autonomous Jewish control over Jewish-language primary schools that were to be set up and paid for by the state,[6] and Article 11 guaranteed that Jews would not be forced to violate

their Sabbath, and that no elections would be held on that day (Polonsky 1972:45–52; 2012:45–54; Mendelsohn 1983:40–41).[7]

Poland's obligations under the treaty constituted a limitation on its sovereignty, since they were irrevocable by its own state institutions, and could be changed only by agreement of the Council of the League of Nations (Article 12). Complaints to the Council about the treatment of minorities could come from any source, but only individual member states of the Council could place a complaint on its agenda.[8] Between 1920 and 1931, 247 such complaints were indeed filed with the League: 104 by Germans, 85 by Ukrainians, 33 by Jews, 19 by Lithuanians, and six by Belorussians (Horak et al. 1985:38; Fink 2000:390). However,

> Minority complaints were rarely brought to the League Council, but they were also rarely dropped. In most instances, a minority petition led to private discussions between the League's Minorities Director and officials of the accused state which were aimed at eliciting a "minimum number of concessions or reforms" to resolve the question satisfactorily. These "benevolent negotiations" became the heart of the League's system, often producing small, meaningful, but always concealed, concessions on behalf of minority rights … [M]ost important, the Council *could not coerce* a minority state to adhere to its recommendations.
>
> (Fink 2000:391; original emphasis)

The limitation of Polish sovereignty by the Minorities Treaty, the role played by Jewish organizations in bringing it about, and the fact that the Allies themselves did not adhere to the principles of the treaty with respect to their own ethnic minorities, were sore points for Polish nationalists.[9] To add insult to injury, the treaty was signed, for Poland, by Roman Dmowski, the most prominent ideologue of Polish integral nationalism, who co-headed the Polish delegation to the Paris peace talks with Ignacy Jan Paderewski, the pianist who served as Poland's Prime Minister and Foreign Minister in 1919.[10] In response, as long as the Polish state apparatus was controlled by hard-core nationalists, it dragged its feet in regularizing the citizenship status of non-ethnic Poles, particularly Jews, who resided in the territories annexed to Congress Poland. This delaying tactic ended only after Piłsudski's *coup d'etat* of 1926 (see below). In 1934, a few months after signing a non-aggression pact with Nazi Germany, and after the Soviet Union was admitted to membership in the League of Nations, Poland unilaterally "refused further cooperation with the international bodies that monitored the treaty, pending the universalization of its obligations to all states" (Rothschild 1992:39; 1981–82:596; Korzec 1974:44*-7*; Mendelsohn 1983:34–36; Tomaszewski 1994; Cieplinski 2002; Michlik 2006:73).

Broadly speaking, the politics of ethnic Poles in the inter-war period can be seen as falling into three main tendencies: the Right, known as the *Endecja* (National Democracy), headed by Dmowski; the Center, known as *Sanacja*

(cleansing), headed by the founder of modern Poland, Marshal Joseph Piłsudski; and the Left, centered on the Polish Socialist Party (PPS, Piłsudski's old party from which he, in effect, split in 1907). In terms of their policies on Poland's national question, the Right can be characterized as espousing integral nationalism on the fascist model, the Center as strongly nationalist with subdued liberal inklings and a lukewarm commitment to democracy, and the Left as democratic and more or less liberal nationalist.

The Right's view of Poland's desirable borders was based on the principle of acquiring the largest territory possible with the least number of inassimilable non-Poles in it. It considered Germans to be highly developed, culturally and nationally, and therefore inassimilable, so in the west the Right demanded borders that would be based on the spread of the Polish language. Poland's neighbors to the east – Lithuanians, Ukrainians, and Belorussians – were considered primitive and nationally unformed and, consequently, assimilable into the Polish nation. It was in the east, therefore, that the Right demanded sufficiently extensive territory to guarantee Poland's ability to withstand potential Russian (in effect, Soviet) encroachment.

In a memorandum Dmowski submitted to the Commission on Polish Problems of the Supreme Council of the Paris Peace Conference, he demanded for Poland "Upper Silesia[11] and part of Breslau province, Western Prussia, the southern half of Eastern Prussia and most of Pomerania" in the west; in the east he demanded "Lithuania, two-thirds of Belorussia, and virtually all of Western Ukraine, including Galicia" (Horak et al. 1985:36). The only problem with this design, from the Right's point of view, was that it would include too many Jews who, like the Germans, were also considered to be inassimilable. The solution to that problem was to induce the Jews to emigrate through economic, political and, if necessary, violent pressure (Brock 1969:351–55, 361; Landau-Czajka 1989; Michlic 2006:103–8).

The center-left alternative to the Right's national program was the rather vague idea of "federalism," a legacy of the 1863 uprising associated most closely with Piłsudski. He envisioned a federation of independent nation states, led by Poland, as a barrier against Russian expansion in the east. This called for the independence of the Baltic states, Belorussia and the Ukraine, within ethnically determined borders, under the protection of a powerful Poland that would be ethnically much more homogeneous than the Poland envisioned by the Right (Dziewanowski 1969; Brock 1969:355–59). In an interview he gave in 1920 to the conservative French daily, *L'Echo de Paris*, Piłsudski stated:

> The will of the countries occupied by us [in the east] is the decisive factor for me. I do not wish, by any means, that Poland may have great spaces inhabited by a hostile population … It will be my pride as a statesman and soldier to bring freedom to neighbouring peoples. I keep in mind the historic links which united us with them, and I know also that these links

became ever closer after the partitions of Poland. By liberating these oppressed peoples I wish to delete the last traces of the partitions.

   To attach them by force to us – never. It would mean that we would retort by new acts of violence to those committed in the past.

(Cited in Komarnicki 1957:454)[12]

When the borders of Poland, established through war and diplomacy, were finally formalized in the Polish-Soviet Treaty of Riga in 1921 (and recognized by the Allies in 1923), they corresponded much more closely to Dmowski's vision than to Piłsudski's (Lord 1923; Polonsky 1972:98–99). This raised the question of how to treat the national minorities, which amounted to about one third of the population. Here also two schools of thought emerged. The Right advocated an aggressive nationalizing policy, meaning pressuring the Slavic minorities to assimilate and the Jews and the Germans to emigrate. The Left advocated a form of ethnic democracy that would respect Poland's obligations under the Minorities Treaty and allow the minorities to develop their own cultures and identities, within the context of a Polish nation state. However, while

> The PPS never lacked for liberal principles in its party programs, … it frequently lacked consistency and vigor in adhering to and implementing them. It never denied the ideal of equal rights for all Polish citizens, but on occasion, as between I923 and I925 and again after I931, its words and actions seemed to indicate a lack of genuine interest in the ideal.

(Groth 1968:579)

As for the Jews, the Right advocated exclusionary policies, up to and including physical expulsion from the country, while the Left advocated equal protection and uncoerced assimilation. Initially both camps were uncompromising in their opposition to any form of Jewish national autonomy in Poland, but in 1937 the PPS did come out in support of national minority rights for all minorities, including the Jews (Groth 1968:578; Marcus 1983:369; Netzer 1995:109–10; Steinlauf 1997:21–22).[13]

   Piłsudski and his successors (Piłsudski died in 1935), who held state power continuously from 1926 on, wavered between these two poles, but moved gradually towards the position of the Right. They followed aggressive assimilatory policies with respect to the Slavic groups, which proved to be counterproductive and led, especially in the Ukrainian case, to instances of armed rebellion (see below). As for the Jews and the Germans, instead of trying to Polonize them, either politically or culturally, the state sought to Polonize the territory and economic positions they occupied by replacing them with ethnic Poles and encouraging their emigration. As Alexander Groth has observed,

> The tragedy of Piłsudski's policy toward the minorities was basically that it failed to convince them that it was really different in any substantial

way from the policy of "Endecja" (i.e., Polish National Democrats); yet it at best divided but did not win over Roman Dmowski's following.

(Groth 1968:575)

In sum, whether under the *Endecia* or under the *Sanacia*, "the Poles were determined to make Poland a homogeneous state in the shortest time possible," rather than establishing it as a viable ethnic democracy in real life (Horak et al. 1985:46–47; Horak 1961:109; Brock 1969:360–64; Mendelsohn 1983:36–37, 39; Brubaker 1996:86, 89–90).

In the following sections of this chapter, after briefly discussing Poland's economic conditions in the inter-war period, I will address in some detail the conditions of life of, and government policies towards, the two largest minority groups – Ukrainians and Jews – which were almost mirror images of each other in many respects: territorial vs. non-territorial, rural vs. urban, assimilable vs. inassimilable (in Polish eyes), secessionist vs. non-secessionist, resorting to armed resistance vs. struggling through legal means only. In both cases, I will show, Poland did not live up to its constitutional definition as an ethnic democracy.

The Polish economy

In 1925, Dmowski stated that,

> The economic and financial crisis is the axis of our present-day politics. On it, above all, is concentrated the attention of the Government and of society. All those who have any understanding … are aware that our whole future depends on the way in which we deal with this crisis.
>
> (Cited in Polonsky 1972:97)

One clear indication of the crisis was hyper-inflation. The rate of exchange between the Polish mark (in effect until the introduction of the złoty in 1924) and the US dollar was 1:186 in July 1920, and 1:20,000,000 by the end of January 1924 (Zweig 1944:35, 39). In most areas of industrial and agricultural production, the levels of output reached by the end of the inter-war period were lower, in physical terms, than they had been in 1913 (Landau and Tomaszewski 1985:121).

The crux of Poland's economic problems lay in its agriculture. Independence cut the country off from its historical markets in Russia and Germany. The agricultural sector, that sustained two-thirds of the population, was affected by this either directly, in the case of Germany, or indirectly, through the effect separation had on Polish industry, in the case of Russia. This brought the surplus population in the countryside to the catastrophic magnitude of six million (or 20 percent of the entire population of Poland). The urban economy was not developing nearly fast enough to absorb this surplus population, and emigration became much more difficult with the imposition of immigration restrictions in the United States, the Great Depression, and with worsening political conditions in Europe (Kagan 1943:248; Polonsky 1972:11–12).

In 1921, close to 50 percent of Poland's arable land was held in large estates of 50 hectares or more.[14] These estates constituted a mere one percent of all land holdings, and 74 percent of them were owned by private landowners. Almost two-thirds of all farms, on the other hand, had less than the minimum required for subsistence – five hectares. About one-third of the holdings were of medium size – 5–20 hectares – and these were economically viable. About 15 percent of the rural population consisted of landless peasants, and another 15 percent were agricultural laborers. In spite of two land reform bills, passed in 1920 and 1925, only 15 percent of the farm land had been reparcelled by 1939 (Kagan 1943:247–48; Mahler 1968:11–13; Brock 1969:363; Polonsky 1972:12–13; Korzec 1974:13*-14*; Tartakower 1975:147–48).

Politically, the issue of land reform was closely tied to Poland's ethnic composition. Reform could be carried out mostly in the west, where many of the large estate owners were Germans,[15] and in a few cases in Galicia, where they were Jews (Fink 2000:392; Polonsky 2012:61). It could not be carried out in the vast number of cases, especially in the *Kresy*, where the estate owners were ethnic Poles (in many cases Polonized members of the local gentry) and the peasants were Ukrainian or Belorussian. When land was reparcelled, its distribution was often governed by political rather than economic considerations. Thus, reparcelled land in the Ukrainian territories (800,000 hectares) was distributed mainly among Poles, with priority given to Polish army veterans (known as *osadniks*), rather than among the Ukrainian peasants. As a result, "during eighteen years of Polish rule, 300,000 Poles were resettled in rural Ukrainian areas, and about 100,000 in towns" (Horak et al. 1985:43; Subtelny 2000:429 [citing somewhat smaller numbers]; see also Ludkiewicz 1929). According to Kenneth Farmer,

> Warsaw's decision to treat the whole agrarian issue as a political one and see in the Ukrainian peasants not a social class but a different non-Polish nationality, reverberated and contributed significantly to the rising anti-Polish sentiments among the Ukrainian masses, who otherwise might have been molded into loyal [Polish] citizens.
>
> (Horak et al. 1985:43)

Piłsudski's federalist plan for the incorporation of the Slavic minorities also depended, among other factors, on a resolution of the agrarian problem in the *Kresy*. Piłsudski was well aware of that, and "in his speech at the opening of the first session of the Diet [*Sejm*] … stressed that agrarian reform was vital" (Dziewanowski 1969:247). However, neither meaningful agrarian reform nor Piłsudski's federation were destined to come about.

Jews

While Jews constituted about ten percent of the population of Poland, in the major Polish cities they numbered between one-quarter and one-third,

reaching almost two-thirds of the population in some cities in the *Kresy*. Whereas two-thirds of the population of Poland drew its living, one way or another, directly from the soil, in 1921 less than six percent of the Jews were engaged in agriculture. On the other hand, over 40 percent of the Jews were engaged in commerce and 34 percent were engaged in industry, mostly as artisans and handicraft workers.[16] In that year Jews constituted over 60 percent of all those engaged in trade and commerce in Poland, 56 percent of the medical doctors in private practice, over 40 percent of the teachers, and one third of the lawyers. In class terms, the Jewish community was primarily a lower middle class community. It included a bourgeoisie that numbered 100,000 (including dependents), a petty bourgeoisie of 2,000,000, a working class of 700,000 and an intelligentsia and professional stratum numbering 300,000 (Mendelsohn 1983, pp. 23–29, based on figures drawn mainly from Mahler 1968; Porter 2011:292; Polonsky 2012:60–63, 99 Table 3.1).

On the face of it, of all of Poland's ethnic minorities, the Jews should have been viewed as the least threatening to the state and to the Polish majority. The Ukrainians and Belorussians had "mother countries" in their respective Soviet republics, with which they could potentially wish to unite. Thus, "the problem of the Slavic national minorities was inextricably connected with the threat of Soviet irredentism and the spread of Communism within the land." The German minority "was naturally suspected of hoping and working for the return of German rule." The Jews, on the other hand, could neither plan to establish their own state on Polish territory, nor wish to unite with any foreign country (Mendelsohn 1983:14). (Most of them, however, demanded national-cultural autonomy within the Polish state; see below.) Yet, the Jews were viewed by the state, and by all major political tendencies, except the Left, as the most threatening minority (Rothschild 1981–82:604; Steinlauf 1997:14–22; Stachura 1998b:74–77; Michlic-Coren 2000; Zimmerman 2004, esp. 267–70; Michlic 2006).[17]

When expressed in terms of assimilability, this feeling of threat placed the Jews, as noted above, together with the Germans in the category of inassimilable minorities. However, while assimilation of the Germans into Polish society was seen as unlikely, assimilation of the Jews was seen as both unlikely and *undesirable*. Even if Jews could and would assimilate, they were increasingly unwelcome. For the National Democrats, assimilated Jews presented a greater danger to Poland than the unassimilated ones, because their assimilation was only apparent, not real (Brock 1969:353–54; Brubaker 1996:86, 93–95; Porter 2000:427–28; Michlic 2006:98–99).

One obvious explanation for this attitude towards the Jews would be that Jews were the only non-Christian minority in Poland, and had been viewed historically as Poland's "threatening other" (Michlic 2006). Undoubtedly, religion was an important factor in traditional, popular anti-Semitism that the state and various political movements could mobilize for their own purposes, with much help from the Church (Porter 2011:272–327). However, popular anti-Semitism was also rooted, perhaps more fundamentally, in the

well-known hostility of traditional societies towards middleman minorities, of whatever religion, in their midst.[18] As Norman Davies has observed, "it is essential to identify the socio-economic interests which underlie many of the traditional attitudes of the various communities to each other" (Davies 1989:150). In the words of Keely Stauter-Halsted, speaking of the 1898 pogroms in Galicia,

> The gangs of angry young men rampaging through the towns and villages of western Galicia were not driven by anti-Jewish homilies in parish churches, nor were they preoccupied with the racist rhetoric of contemporary social Darwinists … Rather, the anti-Jewish animosity that burst forth during the summer of 1898 grew out of the rising economic tensions that characterized rural and small-town Poland.
>
> (Stauter-Halsted 2005:40)

Moreover, for the makers of state policy in the twentieth century, traditional anti-Semitism provided only one possible "tool kit" (Swidler 1986: 273, 280) among several; their decisions as to whether and how to use this particular tool kit were shaped by more powerful effective causes, and need to be explained (Korzec 1974:13*–14*; Tartakower 1975:145).

According to Joanna Michlic, post-1863 anti-Jewish sentiments in Poland were *not* a linear continuation of traditional, pre-modern anti-Semitism. The Polish national movement that emerged in the nineteenth century included two ideological undercurrents with regard to the Jews and their place in Polish society: an exclusionist, anti-Semitic undercurrent, and an integrationist undercurrent that considered the Jews to be part of the Polish nation. The latter view was captured in the slogan of the nineteenth century uprisings, "our freedom and yours" (Michlic 2006:45). According to Andrzej Walicki, Jews who participated in the 1863 uprising, several hundreds of whom were killed,

> were immediately recognized as "Poles of the Mosaic persuasion" and extolled … as heroic participants, or even organizers and leaders of the Polish struggle for independence … Writers of that time propagated the idea of incorporating the Jews in the Polish nation without changing their religion and renouncing their ancient historic heritage. It became popular to stress the essential identity of the Jewish and Polish messianic hopes, to present Jews and Poles as "the two Israels," the two chosen nations whose mysterious alliance had now been sealed by blood and established forever.
>
> (Walicki 1997:245; see also Porter 2000:68–77)

On 22 June 1863, the National Government of the uprising

> announced that the leaders of the revolt "recognize no differences between faiths. Henceforth in the Polish lands it will not be asked whe-ther one is a 'Jew' or a 'Christian' because the name 'Pole' alone will

suffice." These were not proposals for Polish–Jewish cooperation or understanding: these were assertions that there was only one nation, with a common teleological history, to which both groups belonged. More precisely, there was now only one nation within which Jews and Christians alike *participated*.

(Porter 2000:73–74; original emphasis)

By the same token, "Polish liberals and the leaders of the … PPS [founded in 1892] rejected and criticized anti-Jewish stereotyping. The most important post-1863 school of Polish social thought … the [liberal] Warsaw Positivists, condemned and rejected anti-Jewish beliefs, at least until the first decade of the twentieth century" (Michlic 2006:27, 43–46; Blejwas 1984a; 1984b; cf. Korzec 1974:19*-20*; Netzer 1995:112; Porter 2000:80–88).[19] According to Brian Porter,

Until the 1880s Polish patriots were constrained by the concept of "for our freedom and yours," or by the less lofty but no less universalistic vocabulary of liberalism, and to find anti-Semitism one had to look to the Church or to the peasantry. "Good patriots" considered it vulgar (or at least counterproductive) to reinforce anti-Jewish stereotypes or to encourage Polish–Jewish conflict. Populist, antimodernist anti-Semitism first appeared in the press in the 1880s … but even then most urban intellectuals and political activists—even most conservatives—remained aloof. A "respectable" Polish patriot was not supposed to be openly anti-Semitic, and a fundamental reconfiguration of nationalism was necessary in order to bring explicit hatreds to the public realm.

(Porter 2000:298)

In the nineteenth century, even the Catholic Church

did not seem to care much about the Jews one way or the other. We will not find many (if any) sympathetic portraits of Jews in the Catholic texts of that era, but neither will we find many examples of the virulent hatred that would become so prevalent in the interwar years. Moreover, the hierarchy of the nineteenth-century Polish Church was unambiguous and occasionally outspoken in its *opposition* to racial anti-Semitism. Only at the very end of the century would this start to change – although when that change came, it penetrated very deeply.

(Porter 2011:273, original emphasis; see also 279–82).

As a result, "[a]s late as the 1870s the Jewish press of the Kingdom could dismiss anti-Semitism as a German problem, with confidence that if such attitudes appeared in Poland they would be rejected as contrary to the patriotic tradition or dismissed as medieval outbursts" (Porter 2000:307–8).

The change in attitude came with increasing competition between the Jewish and Polish middle classes and with the great influx into Congress Poland of Jewish artisans and petty traders from Lithuania, Belorussia, and the Ukraine, in the wake of the 1881 pogroms in the Russian Empire.[20] (Their number is estimated at 100,000 in Warsaw alone, between 1893 and 1909; Guterman 1997:11) The Jewish newcomers, known as Litvaks (Lithuanians), and following them Jews in general, came to be seen not only as economic competitors and exploiters, but as agents of Russification as well (Korzec 1974:20*–2*; Stachura 1998b:64; Zimmerman 2004:268; Polonsky 2012:61). (After 1917 the latter accusation would be echoed in the claim that Jews were Communists and Soviet agents; see below.)

In the inter-war period, the anti-Jewish stance gradually gained the upper hand. One major reason for that, I would argue, was the stunted development of the Polish economy. As Alexander Groth has argued:

> The failure to achieve a rapid expansion of the Polish economy after independence, compounded by a disastrous depression in the 1930s, meant that Polish workers, craftsmen, intellectuals, and entrepreneurs found themselves competing with non-Poles for fewer jobs, fewer business and professional opportunities, and a decreasing share of wealth. The substantial presence of Jews and Germans in various branches of a stagnant or declining economy and in the professions made these minorities increasingly appealing targets for xenophobic nationalist propaganda.
>
> (Groth 1968:579; cf. Rothschild 1981–82:604–5; Netzer 1995:112)

The most prominent integral Polish nationalist and anti-Semite, Roman Dmowski, who set the tone for the public discussion of the national and Jewish questions, was a Hitler-style racist ideologue, not a religious crusader (Groth 1968:580, n. 62). A biologist of some note, he viewed all national collectivities "as organic personalities, exhibiting certain common enduring traits, 'good' and/or 'bad.'" In 1934 Dmowski wrote:

> Even if Jews were morally angels, mentally geniuses, even if they were people of a higher kind than we are, the very fact of their existence among us and their close participation in our life is for our society *lethal* and they have to be got rid of.
>
> (Cited in Groth 1969:76; original emphasis)

What was so lethal in the Jewish presence became apparent in Dmowski's analysis of Poland's decline in the eighteenth century. Somewhat anachronistically, he attributed that decline "substantially to Jewish economic influence which inhibited the growth of a strong, indigenously Polish middle class," the lack of which, "in turn, made Poland easy prey for her neighbors" (Groth 1969:74; see also Goldin 2010:438).[21] To counter this lethal danger, and already in the context of the acrimonious elections for the Fourth (Russian)

Duma in 1912 (in which the PPS and the Jewish Labor *Bund* had cooperated in an electoral bloc against the *Endecia*), Dmowski called for an economic boycott against the Jews. Throughout the period of the Second Republic, his political program was centered on the need to Polonize the urban economy and induce the Jews to emigrate (Brock 1969:345; Porter 2000:432; Zimmerman 2004:271; Goldin 2010:438).

As summarized by Porter,

> The Jews … symbolized for the National Democrats all that was threatening in their world. Portrayed by Dmowski, Popławski, and their colleagues as parasites and ethnic chameleons, the Jews were seen to be weakening the internal cohesiveness and organization of the nation. In the Endecja's vision, the Jews were the embodiment of disruption and disorder, so it was virtually inevitable that socialism would become, in the National Democratic imagination, a quintessentially Jewish phenomenon. But the Jews were not cast just as enemies from within: by supposedly sponsoring international conspiracies and by making deals with Poland's opponents, the Jews played a role in the struggle for survival, even though they were not autonomous national players in that great conflict.
>
> (Porter 2000:434)

The Jewish economy

In lieu of agrarian reform, and reflecting the political power of the big landowners, the Polish state pursued economic policies that favored agriculture over trade and industry and large farms over small ones. Since Jews held a prominent position in trade and (small) industry and, at least in the countryside, depended on the economic fortunes of the peasants, they suffered disproportionately from those policies. Accompanied by the anti-Semitic rhetoric of the Right, that was met by only weak protestations from the Center and Left, it was not hard to conclude that the state's economic policy was *designed* to dislodge the Jews from their positions in the urban economy, in order to make room for the surplus peasant population:

> Ethno-nationalist papers of various kinds frequently stressed that "eight million Poles are forced to live outside their homeland, while four million Jews occupy Poland," and that "Polish peasants, instead of emigrating to foreign countries in search of bread and work, should find such bread and work in towns and cities in their homeland" [in place of the Jews].
>
> (Michlik 2006:88; see also pp. 94, 106; Horak et al. 1985:39)

Thus, in 1929, the Catholic magazine *Życie i Praca* (Life and Labor) announced to its readers that

> Like it or not, the struggle for bread demands that those guests who are too numerous in Poland must go … The Jews, with their international connections and their wealth, must find for themselves a place where they can earn a slice of bread through hard work. Poland, on its own territory, must give bread to its own children above all.
>
> (Cited in Porter 2011:303)

Irrational as it was, this demand, which in the public sector had been heeded all along, came to be taken more and more seriously by the state as the economy deteriorated due to the Great Depression, and as Polish politics moved continuously to the right (Tartakower 1975:145–46; Marcus 1983:211–57; Brubaker 1996:96–97; Michlik 2006:107).

One of the first steps to be taken by independent Poland was the dismissal of Jews from their public sector jobs in the formerly Austrian territories, the only areas where Jews had been employed by the state. This included jobs in the railway system, schools, postal services, local government, and more. By 1929, only one percent of central and local government employees were Jews, most of them holdovers from pre-independence days. To illustrate, in 1928 there were only two Jews among the 4000 employees of the municipal tram system in Warsaw, a city that was 35 percent Jewish. In addition, Jews were excluded, as employees, suppliers, and distributors, from state enterprises, which enjoyed monopoly status in such traditional Jewish industries as tobacco, alcohol, matches, and salt. Moreover, because they were concentrated in the secondary labor market, few unemployed Jews (29 percent of Jewish breadwinners were unemployed in 1931) were covered by unemployment insurance, which was available only to those working in enterprises employing five workers or more (Horak 1961:121–24; Garntsarska-Kadari 1978; Marcus 1983:228, 231; Mendelsohn 1983:42; Netzer 1995:115; Schatz 1991:27; 2004:14).

Another major discriminatory measure taken early on, in 1919, was a law designating Sunday a mandatory day of rest for all businesses. This meant that Jews had to either violate their Sabbath or remain idle two days a week, contrary to the spirit, if not the letter, of the Minorities Treaty (Korzec 1974:55*; Polonsky 2012:51). In addition, small businesses, which were predominantly in Jewish hands, were discriminated against both by the government's tax policy (Jews paid between 35 and 40 percent of Poland's direct tax revenue) and by the credit policy of the state-owned banks. Many other measures, taken by the state, by local authorities, and by trade and professional organizations, resulted in limiting the economic opportunities open to Jews: licensing requirements, health and safety regulations, zoning laws, etc. (Tartakower 1975:151–53; Garntsarska-Kadari 1978:132–34; Rothschild 1981–82:602; Netzer 1995).

These fiscal and administrative measures were accompanied, in the 1930s, by an economic boycott instigated by the Right and by occasional bursts of violence against Jewish establishments, especially market stalls in open-air

markets. The harmful effects of state policy and the intensity of popular hostility varied over time, however. After an intense period during Poland's formative years, an easier time was inaugurated with Piłsudski's *coup d'etat* in 1926. Not only was the *Sanacja* regime less openly anti-Semitic, and more concerned with law and order, its first years corresponded to a period of economic recovery. That period ended, however, with the Great Depression. After that the economic and political campaigns against the Jews were intensified, especially after Piłsudski's death in 1935 (Korzec 1974:69*; Rothschild 1981–82:601–3; Marcus 1983:243–44).

A particularly virulent aspect of the anti-Jewish campaign were the efforts, first, to limit the ratio of Jewish students in the universities to their ratio in the general population by establishing a quota (*numerus clausus*), and then to prevent them from attending altogether (*numerus nullus*). These efforts were conducted by right-wing Polish student organizations with a great deal of violence, and included a provisional demand for "ghetto benches": limiting the Jewish students to sitting only in certain areas of laboratories and lecture halls. While this campaign never received official state sanction – a *numerus clausus* bill went successfully through two readings in the *Sejm* in 1923, but French intervention prevented it from ever reaching the third reading (Grünbaum 1963:221) – in the name of academic freedom the state allowed each institution to determine its own policy. With few notable exceptions, the university authorities tended to succumb to the right-wing students' demands, whether out of agreement with them or in order to maintain the peace. The result was that the ratio of Jewish students indeed declined from 24.6 percent in the academic year 1921/22, more than twice their ratio in the general population, to 8.2 percent in 1938/39. The decline in absolute numbers was by 50 percent, from 8,400 in 1921/22 to 4,100 in 1938/39. These numbers indicate, however, that the issue of higher education affected only a small fraction of the Jewish population (Horak 1961:118–19; Mahler 1968:172; Rudnicki 1987; Michlic 2006:112–14).

Overall, the effort to dislodge the Jews from the urban economy, whether by deliberate state policy or by popular pressure, must be judged a failure. Between 1921 and 1931, the two census years in the inter-war period, the share of Jews among those active in trade and commerce declined from 62.6 to 52.7 percent, in industry from 23.5 to 20 percent, and in public service and the professions from 14 to 13.4 percent (Mahler 1968: 109, 137, 157). In view of the fact that the share of Jews in the total population also declined in this period, from 10.5 to 9.8 percent (when counted by religious affiliation), their hold in the urban economy was largely preserved during that decade. Jewish petty traders managed to stay competitive throughout the Depression by lowering their prices, and "apart from a few fanatics, most Polish consumers ignored all other considerations, including pastoral letters instructing them to boycott Jewish traders," and continued to patronize them (Marcus 1983:245).

Evaluating the decade of 1929–38 in terms of the Jews' economic standing, Joseph Marcus concluded that, collectively, the Jews' share of Poland's

national wealth had not declined in the Second Republic's final decade, and, per capita, it had even improved. Moreover, "the proportion of income that accrued to the upper half of the Jewish population [in 1938] was larger than in 1929, and the prosperous minority of Jews also owned, in real terms, more wealth." Jewish impoverishment, which was all too real, resulted primarily from the general impoverishment of the society and from changes in the distribution of income within the Jewish community itself. If economic trends had been allowed to continue after 1939, Marcus argued, "the Jewish population might have been about to enjoy an economic recovery to higher standards than had prevailed at the onset of the Great Depression a decade earlier" (Marcus 1983:246–47).

Jewish politics

Jewish politics in the Second Republic were fragmented along both regional and ideological lines, but they can be seen, in general, as comprising three main tendencies: Zionism (secular nationalism, although it included a religious nationalist faction as well); the *Bund* (socialist and cultural-autonomist); and *Agudes yisroel* (ultra-Orthodox religious). Beyond their many differences, all three tendencies were united in demanding equal citizenship rights for the Jews, in practice as well as in law, *and* national-cultural or religious autonomy. They were divided in the tactics they pursued in order to achieve these goals, however: the Zionists, especially the ones in the former Russian territories, followed a confrontational line vis-à-vis the state, and sought to forge an alliance with Poland's other minorities; the *Bund* sought a close alliance with the Polish Left; while the *Agude* preferred, by and large, to continue the traditional Jewish policy of trying to reach accommodation with whoever was in power (Rothschild 1981–82; Mendelsohn 1983).

   The relative strength of each of the three tendencies in the Jewish population did not correspond necessarily to their significance for state politics. While most Polish Jews were still traditional and religious, and therefore the *Agude* represented the largest number of people, both its religious ideology and its quietist political style made it play a relatively minor role in state politics. The *Bund*, representing the Jewish working class, was, until the late 1930s, the smallest of the three tendencies, and its alliance with the Polish Left practically excluded it from interacting with the state. (The *Bund* did not elect even one representative to the *Sejm* during the entire inter-war period.) The Zionists, who were (mostly) liberal, secularists, and nationalists, fit best into the pattern of Polish politics, and the peculiarities of the electoral system helped them gain many more seats in the *Sejm* than their actual strength in the community (Steinlauf 1997:17–18; Jacobs 2009). Thus, paradoxically, the Zionists, whose declared aim was the establishment of a Jewish state in Palestine, were the dominant Jewish presence in Polish politics and the main carriers of the Jews' political demands.

The most visible Jewish political leader in the Second Republic was Yitshak Grünbaum, head of the Zionist Federation of (Congress) Poland.[22] In terms of the present study, Grünbaum's political program can be summarized as an effort to turn Poland, officially, from an ethnic to a multicultural democracy. He believed that the Poles would have to be coerced into accepting this redefinition of their state, and he and his colleagues tried to generate such coercion first by working through the Allies at the Paris peace conference and later on by uniting all of Poland's minorities in one electoral bloc (Mendelsohn 1981:221). In other words, Grünbaum pursued precisely the two kinds of tactics that constitute the greatest fears of nation-states with substantial ethnic minorities: internationalization of their domestic ethnic conflict and a united front of all minorities against the majority nation.

At the Paris peace conference, the Polish Zionists demanded

> proportional Jewish representation in the Polish parliament, a democratic *kehile* [local Jewish community] as the basic Jewish autonomous institution, and a national Jewish council elected by the Jewish population ... [that] would propose candidates [for a cabinet-level position] to deal with Jewish affairs within the Polish government.
>
> (Mendelsohn 1983:34–35, 53)

In Paris, the Polish Zionists negotiated over these demands with the Polish delegation, the other Jewish delegations, and the Allies. The memorandum that was submitted to the Conference by the Committee of Jewish Delegations served as the basis for the Minorities Treaties. It included both "negative" demands – equal protection for members of minority groups as individuals – as well as two "positive," or collective, demands: the establishment of autonomous minority educational and social institutions, at state expense, and proportional representation of the minorities in legislative bodies at all levels (Robinson et al. 1943:319–25). As mentioned above, the treaty with Poland incorporated the negative demands and the establishment at state expense of minority primary schools, but did not include special representation rights.

The occasion for the formation of the minorities' bloc was the 1922 electoral law, designed to enhance the representation of ethnic Poles at the expense of minorities, especially the Jews. On the Jewish side, only the General Zionists of the former Russian areas and, surprisingly, *Agudes yisroel*, participated in the bloc, whose main architect was Grünbaum. The Galician and left-wing Zionists, as well as the *Bund* and the Folkists,[23] stayed away from the bloc, because they considered it either too provocative or too bourgeois. Among the other minorities, too, not all political parties took part in the bloc, and, most significantly, the Ukrainians of Eastern Galicia boycotted the elections altogether.

In view of that, the electoral success of the bloc in general, and of its Jewish component in particular, was quite impressive. With 16 percent of the vote,

the minorities' bloc elected 66 deputies to the *Sejm*, of whom 17 were Jews. In addition, 18 Jewish deputies were elected on Jewish electoral lists outside the bloc, 17 of them Zionists. Together with the Jewish deputies elected on the PPS list, the total number of Jews in the *Sejm* was 46, equal to their share of the population, an electoral achievement never to be repeated in the Second Republic. The overall number of deputies elected on minority lists was 89, or 20 percent of the total (Polonsky 1972:103; Korzec 1974:72*; Landa 1978; Mendelsohn 1981:213–18).[24]

In the *Sejm* itself, however, the bloc did not prove to be a great success at all. In the elections for President of the Republic held in December 1922 the minorities' bloc helped elect the Left-Center candidate, Gabriel Narutowicz, who defeated the candidate of the Right, Count Maurycy Zamoyski, one of Poland's biggest landowners. Narutowicz was immediately castigated as the "Jewish President" and was assassinated within a week. In his stead, another candidate of the Left and Center, Stanisław Wojciechowski, was elected, again with the support of the bloc. The bloc disintegrated soon afterwards, however, when its Jewish members refused to support the new Prime Minister, General Władysław Sikorski (future Prime Minister of the Polish Government in Exile during World War II), whom they considered to be anti-Semitic, while the Ukrainians and Belorussians did support him. Sikorski proceeded to publicly cast doubt on the loyalty of the ethnic minorities, including those who supported him, in line with the position of the Right. In the 1928 elections, the minorities bloc received 18.7 percent of the vote (Groth 1968:569–70; Mendelsohn 1981:219; Stachura 1998b:75–76; Kopstein and Wittenberg 2012:180).

Żydokomuna – the Jews as communists

"There is a myth in Poland that, more than any other minority, the Jews were (and are) the bulwarks of communism at the mass level, and that even if not all Jews were communists, at least all communists were probably Jews" (Kopstein and Wittenberg 2003:104). This myth is expressed in the derogatory term, *Żydokomuna* (Jew communism).

In 1921, the rural Western Galicia paper, *Gwiazda Poranna* (Morning Star), published "A Bolshevik Cathechism" that read in part:

Q – "What is Bolshevism?"
A – "A conspiracy by international Jewry against Christian nations."
Q – "What have the Bolsheviks given the worker?"
A – "The rule of Jewry."
Q – "What do the communists want from Poland?"
A – "To turn her into a Russian province ruled by Jews appointed by Moscow."

(Cited in Kersten 1995:184)

In fact, in the 1922 elections only four percent of the Jews voted for the Communists, as against eight percent of the Greek Orthodox (mainly Belorussians). In the 1928 elections, the Communists received only seven percent of the Jewish vote, compared to a staggering 44 percent of the Greek Orthodox (Kopstein and Wittenberg 2003:102, Table 3; 2004:14–18). Looking at it from the other direction, roughly 14 percent of the Communist vote came from Jews in 1928, as against 18 percent that came from the Catholics. Between 40 and 50 percent of the Communist vote in the *Kresy* came from the Slavic minorities (figures are not available for the entire country). Thus, "Jews were no more communist than the Catholic Poles, and far less so than the Belarusans or Ukrainians. Even if Jews were prominent in the Communist Party leadership, this prominence did not translate into support at the mass level" (Kopstein and Wittenberg 2003:105).

Like many other racial myths, however, the association of Jews with socialism and communism did have a kernel of truth in it. Beginning with Karl Marx, Jews have been very prominent among socialist and communist theoreticians, leaders, and activists. As Lenin himself noted in 1913: "the percentage of Jews in the democratic and proletarian movements is everywhere higher than the percentage of Jews among the population" (Lenin 1964/1913:26). The Jewish Labor *Bund*, established in Vilna in 1897, was a founding member of the Russian Social Democratic Workers' Party (RSDWP) in 1898. Although the *Bund* split from the RSDWP in 1903 and was fiercely anti-Communist in inter-war Poland, both in Russia and in Poland large splinter groups, known as *Kombund*, split from the mother party and joined their respective Communist parties. In Poland the *Kombund* encompassed perhaps a quarter of the *Bund* membership and Jews counted for between one-quarter and one-third of the members of the Polish Communist Party (6,000 to 10,000 people), the only party that vigorously and consistently opposed anti-Semitism. In addition, Jews constituted no less than 90 percent of the membership of the largest communist front organization in Poland, the International Organization for Help to the Revolutionaries, which collected money for imprisoned communists (Schatz 1991:96–97; 2004; Jacobs 2005:369; Simoncini 1994).

In terms of the leadership, as is well known, many of the Russian Bolshevik leaders were Jews, as were many Communist leaders in other European countries. In Poland too, Jews constituted the majority among members of the central committees of both the Polish Communist Workers' Party (KPRP; 1918–25) and the Polish Communist Party (KPP; 1925–38). In the latter, Jews counted for 54 percent of the field leadership and 75 percent of the technical cadres (Schatz 1991:97; 2004:20–21).

This reality, however, "was tendentiously interpreted, malevolently generalized and falsely exploited" in order to forge an ideological weapon against both the Jews and communism (Gerrits 1995:172). A few years before the October Revolution, around the turn of the century, Jan Popławski, a co-founder, with Dmowski, of Polish National Democracy, identified Jews with socialism

and regarded both, naturally, as mortal enemies of the Polish nation. Common to Jews and socialism was their destructive tendency, which Popławski contrasted with the creative vitality that characterized all genuine nations struggling for survival. He even offered a sociological explanation for the attraction of Jews to socialism:

> Oppressed, derided, scorned over the course of so many centuries, it is no surprise that they have in their blood the desire for revenge, that they hate everything that reminds them of the degradation, the slavery, the wrongs done to them, that they would want to destroy everything.
>
> (Cited in Porter 2000:428)

If "everything" is taken to mean the capitalist social order, then Popławski was not so widely off the mark in accounting for the attraction of some Jews to revolutionary socialism.

Shkhite *as a wedge issue*

In 1931, the *Sejm* finally abolished all the remaining legal restrictions that still applied to Polish citizens who were formerly citizens of Russia and Austria. Coming at the height of the Depression, and given the way in which the Jews' citizenship rights had been respected in practice up to that point, this act was not greeted by the Jews with universal enthusiasm (Korzec 1974:75*-6*; Tomaszewski 1994:125).

In general, the 1930s saw a sharp increase in anti-Semitic rhetoric and practice and a marked deterioration in the status of Polish Jewry. In 1936 the *Sanacja* Prime Minister, Slawoj-Skladkowski, speaking in the *Sejm*, officially endorsed the economic boycott against the Jews, as long as it was carried out without violence (Schatz 1991:27).[25] In the same year, a bill was introduced in the *Sejm* to outlaw Jewish ritual slaughter (*shkhite*), without which meat products are not kosher and therefore cannot be consumed by Jews. The bill, modeled after a law initiated by the Nazis in Bavaria in 1930, was introduced by the right-wing opposition within the *Sanacja* itself in order to embarrass the "liberal" *Sanacja* government, among other reasons. Incredibly, the issue took up about half of Parliamentary time in the fateful years of 1936 to 1938, more than any other issue then on the agenda (Gitman 1963:110–59; Wynot 1971:1038; Korzec 1974:90*-91*; Melzer 1982:99; Marcus 1983:357–58).

The campaign against Jewish ritual slaughter was justified on the grounds that *shkhite* was cruel to the animals being slaughtered, unhygienic, and enabled the Jews to monopolize the meat trade through the sale of non-kosher parts of the animals at reduced prices. While the merits of these arguments could be, and were, debated (*shkhite* has been forbidden or challenged in such impeccably liberal countries as Great Britain, Holland, Norway, Sweden, and Switzerland, as well as in post-Communist Poland; Lavi 2007), in the context of mid-1930s Poland, raising the issue of *shkhite* by

the *Sanacja* right-wing cannot be interpreted other than as the use of a wedge issue in an atmosphere of moral panic, to breach the guarantees of the Jews' religious freedom and undermine their equal status as citizens. For unlike the Sunday rest law, which gave Jews the option to still observe their Sabbath at an economic cost, the *shkhite* law was intended to *forbid* them to perform one of the most basic and indispensable rituals of their religion.

The government was torn between its awareness of the international repercussions of such a move, as the clouds of war were gathering over Europe, and its fear of appearing, domestically, as too protective of the Jews. It tried to solve this quandary by passing a more modest law of its own, which limited *shkhite* to certain localities and certain quantities of meat. In 1937, the anti-Semites, not satisfied with that law, introduced a more restrictive law that passed the *Sejm* in March 1938, but failed to reach the floor of the Senate in time. In March 1939, the government introduced another bill, that would have prohibited *shkhite* altogether by 1942, but the legislative process was preempted by the German invasion. The German occupation authorities forbade the *shkhite* in October 1939 (Melzer 1982:97–110, 243–50; Marcus 1983:357–58; Sneh 1995).

In summarizing the record of the *Sanacja* government in this respect, Jerzy Tomaszewski has concluded that,

> The most important changes in the legal status of the Jewish population occurred after the May [1926] coup d'etat, when the authoritarian regimes were able to break the resistance of the nationalist right-wing of the opposition and purge the local administrative apparatus of its supporters and followers. This success, however, hid the seeds of future failures, since at the end of the 1930s the same authoritarian government was able to ignore the democratic opposition and adopt some elements of nationalist conceptions. Although, before September 1939, Poland avoided the establishment of any openly discriminatory laws, some initiatives born at the beginning of 1939 might well have led in this direction.
>
> (Tomaszewski 1994:127)

And in Alexander Groth's words,

> on the eve of World War II, the political movement identified with the name and legacy of the erstwhile socialist and radical democrat Piłsudski was publicly committed to the position that "the only solution [of the Jewish question] can be a substantial reduction in the number of Jews in Poland by way of mass and planned emigration."
>
> (Groth 1968:580)

Ukrainians

When the state borders were finally and formally settled in Eastern Europe, the Ukrainians, having lost their battles against both Poland and the Soviet

Union (established as such in 1922), found themselves living under four different jurisdictions by 1923: Poland, the Soviet Union, Romania, and Czechoslovakia (Wilson 2009:129).[26] In Poland they constituted the largest ethnic minority, numbering over 5 million in 1931 and concentrated mainly in Eastern Galicia (about three millions) and Vohlynia (about two millions). The two areas differed from each other in many respects, and the Polish government was at pains to emphasize these differences: Galicia had been an Austrian province, was more highly developed economically, and the dominant religion there was Greek Catholic (Uniate); Vohlynia had belonged to the Russian Empire, was economically less developed, and its dominant religion was Greek Orthodox. Each one of these areas was divided by the Polish government into three administrative regions.

Socio-economic conditions in the Ukrainian territories of Poland were a harsher version of the general socio-economic conditions of the country as a whole. Whereas about 50 percent of the entire population of Poland were peasants and 20 percent were industrial workers, the figures for the Ukrainian lands were 80 and 8 percent, respectively. The uneven distribution of land as between large estates and small, non-viable farmsteads was also much more acute in the Ukrainian areas. As a result, the conditions of unequal exchange typical of internal colonies, where the colonies supply cheap raw materials to the center and in return buy high-priced finished products, prevailed between the Ukrainian-inhabited areas and central Poland. To add insult to injury, the government's economic policy favored the Polish landowners and Polish settlers over the Ukrainian peasant population (Armstrong 1955:19; Subtelny 2000:433).

In accordance with the Polish government's commitment to the Allies, who recognized Poland's sovereignty over Eastern Galicia in 1923, a law passed in the *Sejm* on 29 September 1923 endowed the three Eastern Galician regions with self-governing status, but that law was never implemented in practice. Instead, the Polish government adopted policies meant to encourage the Ukrainians to assimilate. These included educational policy, restrictions imposed on the official use of the Ukrainian language, and discrimination against the Greek Orthodox Church (Horak et al. 1985:41; Magosci 1996: 595; Subtelny 2000:424–29).

When Eastern Galicia was annexed to Poland in 1923, it had nearly 2,500 Ukrainian-language elementary schools. By 1938, only 452 such schools survived, while Polish-language schools had increased from 1,590 to 2,100, and bilingual schools, established in 1924 on the initiative of the *Endecia* Education Minister, Stanisław Grabski, and in which Polish gradually became the main language of instruction, numbered nearly 2,500. Overall, however, the number of elementary schools in the Ukrainian areas, especially in Vohlynia, increased significantly in the inter-war period and, as a result, illiteracy among the Ukrainians in Poland decreased from 50 percent in 1921, to 35 percent in 1931 (Horak et al. 1985:42; Magosci 1996: 583–84, 595–97; Subtelny 2000:424–29).[27]

Additional measures of cultural repression undertaken by the Polish government were the banning of the use of the Ukrainian language in state institutions, changing Lwow University from a Ukrainian into a Polish university, and excluding most Ukrainian students from attending it. As a result, the only Ukrainian institution of higher learning in the inter-war period was the Greek Catholic Theological Academy established in Lwow in 1928. While the Greek Catholic church was favored by the government, the government took restrictive measures, including the physical destruction of churches, against the Greek Orthodox Church, historically associated with the Russian state. "Of the 389 Orthodox churches in Vohlynia in 1914, only 51 survived in 1939." This policy was paradoxical because, on the whole, Greek Orthodox Vohlynia was less nationalist than Greek Catholic Galicia, and the government at different times tried to favor it in its policies in order to highlight this difference (Subtelny 2000:432–34; Magosci 1996:595–97).

Ukrainian politics

Ukrainians politics in the Second Republic can be seen as forming two main tendencies: reluctant accommodation to Polish rule, and outright opposition to it, including armed resistance. Roughly speaking, the accommodationist approach prevailed in Volhynia, while the two approaches competed in Galicia, where the second approach became more prominent over time. Thus, the Ukrainians in Galicia boycotted the 1922 elections (as well as the 1921 census), but in Volhynia they participated in the Minorities Bloc and elected twenty representatives to the *Sejm* and five senators (Vytvytsky and Baran 1987:837). One of these representatives stated in January 1923 that "Ukrainians have not been brought up and prepared to be Polish patriots and this must be understandable … After all, we have been striving for Ukrainian independence. But it's happened [i.e., Polish statehood]. And we recognize it" (cited in Groth 1968:570–71).

In line with this approach, beginning in 1925 the major Ukrainian political parties in Galicia formed the Ukrainian National Democratic Union (UNDO), which "attempted to improve the status of the Ukrainian population through constructive political, social and economic action" and participated in parliamentary elections (Davies 1981:405–6; Magocsi 2002:29). "The second approach, that of revolutionary activity and armed resistance, was represented by the Ukrainian Military Organization (UVO)," made up primarily of Ukrainian war veterans. In 1929, UVO provided the initiative for the establishment, in Vienna, of the Organization of Ukrainian Nationalists (OUN), which operated as an underground organization inside Poland. OUN's chief ideologue was Dmytro Dontsov, who inspired the party's fascist, anti-Soviet, anti-Semitic, and anti-Polish political outlook (Subtelny 2000:434–35, 442–44; Wilson 2009:129–32).

In the 1920s and 30s, UVO and later on OUN conducted a terror campaign against Polish government installations and Polish landowners, as well as

against Ukrainians they accused of collaboration with the Polish authorities. The campaign included an assassination attempt in 1922 on Piłsudski himself, which was condemned by the Ukrainian Greek Catholic Church and by the significant Ukrainian cooperative movement (Subtelny 2000:437–38, 443–46). Between 1930 and 1934, the government reacted with "pacification" drives that consisted of "beatings and arrests leveled against Ukrainians, especially in villages, and the sacking and closing of Ukrainian reading rooms, cultural centers, newspaper offices, and cooperatives." Former Ukrainian members of the *Sejm* were also arrested and allegedly tortured, together with other opponents of the *Sanacia* regime. As a result of the pacification drive and the Great Depression, the moderate tactics of UNDO were superseded, by the mid-1930s, by those of the OUN, in spite of a "normalization" agreement concluded between the government and UNDO in 1935, which brought some relief in government repression (Armstrong 1955:20–23; Magocsi 2002:31; Groth 1968:577; Horak et al. 1985:42; Vytvytsky and Baran 1987:836, 842; Wilson 2009:132).

The decline of democracy

In evaluating the Second Republic's treatment of its ethnic minorities, Peter Brock concluded, that

> … after taking into consideration the real disabilities under which it had to act and the relatively short period of independence, interwar Poland's minority policies must still be accounted a failure. The promised autonomy in east Galicia and other measures of reconciliation that might have won the more moderate Ukrainians were never implemented. Communism, though illegal, made deep inroads among the Belorussian peasantry. The introduction of "ghetto" benches and the *numerus clausus* in the universities and the economic boycott … showed the bankruptcy of government policy towards the Jews in the thirties … For one reason or another (it must be emphasized that the minority nationalists sometimes bore part of the responsibility), and over the protests of many liberal-minded Polish patriots, by 1939 a third of Poland's citizens had been made to feel outsiders in the land of their birth.
> (Brock 1969:364; for a defense of the Polish state see Stachura 1998b)

As we saw, the failure to deal adequately with the ethnic minorities was tied to the failure to deal effectively with Poland's economic problems. The combination of the two failures put tremendous strain on the country's democratic institutions. Political stability eluded Polish democracy from the outset. Until Piłsudski's *coup d'etat* of May 1926, the average lifetime of a Polish government was six months, and even between 1926 and 1939 it was slightly less than a year (Polonsky 1972, Appendix B). The 1921 Constitution, modeled after that of the French Third Republic, was "in conformity with the best

European traditions of democratic legislation" (Horak 1961:73). It invested a great deal of power in the *Sejm* at the expense of the executive, and it created a weak presidency to curb Piłsudski's power. Piłsudski, who held the title of Head of State and was the country's highest ranking military officer (but not Supreme Commander of the military), refused the presidency under these conditions, and he withdrew from civilian public life in 1923.

The elections of 1922 returned a *Sejm* that was deeply divided between the different political camps. Of the 444 deputies, the Right had 125, the Center had 132, the Left had 98, and the minorities had 89. Arithmetically speaking, then, the Left-Center-minorities coalition that elected President Narutowicz could have been maintained, and Polish ethnic democracy could have been solidified. However, "the participation in some way of the country's national minorities [in the government coalition was] a clear taboo from the first [i.e. 1922] election until the May events [i.e. Piłsudski's *coup d'etat*]," and throughout the inter-war period there was not even one non-Polish minister in the cabinet (Kopstein and Wittenberg 2003:99; 2012:175–79; see also Groth 1968:569–72). In Grünbaum's words (written 40 years later),

> In the election of President Wojciechowski … the minorities bloc decided to vote together with the Polish majority. [However, t]he principle that a Polish minority [in the *Sejm*] will not turn into a [legislative] majority with the help of a national minority was accepted by the Polish public.
>
> This new principle, that was not included in the constitution and that even the National Democratic faction did not dare propose; a principle the opposite of which was enshrined with the blood of the President [Narutowicz] and his assassin, entered the oral constitution and was meticulously kept since then. Never again was there a Polish minority that turned into a majority with the help of non-Polish citizens.
>
> (Grünbaum 1963:216)

Clearly, including the minorities' representatives in a government coalition would have required a non-ethnic principle of legitimation that could incorporate non-ethnic Poles in some way into the civil definition of "Pole." Such a principle, which, as we saw, had been present in Polish political culture in the past, at least with respect to the Jews, was no longer available as a viable alternative in the inter-war period.

Not only was a coalition that included ethnic minority parties out of the question, each of the ethnically Polish political camps in the *Sejm* – Right, Center and Left – was further divided between different political parties representing sometimes conflicting interests, complicating the prospects for a stable coalition government of any kind. The ensuing instability resulted in policy paralysis and, in the context of an economic crisis, gave rise to widespread corruption in the government (Davies 1984:122).

In May 1926, in view of the instability, paralysis, and corruption, coupled with attempts by the government to bring the army under civilian control

(and wrest it away from Piłsudski's), and in the face of rumors of an impending *coup d'etat* by the newly constituted right-wing coalition government headed by Wincenty Witos, leader of the peasants party, *Piast*, Piłsudski launched a coup of his own. After three days of fighting, 12–15 May, he was in control of Warsaw and the state, aided by a strike of railway workers that prevented the government from bringing in reinforcements. The coup was generally greeted with enthusiasm by left-wing and liberal forces, including the minorities. Piłsudski, however, disappointed his progressive supporters by turning to the big landowners and other conservative forces, including the Church, and failing to institute any meaningful changes in policy or in the structure of the state (Rothschild 1966; Groth 1968:573; Landa 1975; Horak et al. 1985:38; Plach 2006:1–6). His regime was guided, according to Norman Davies, "by a forceful, but very imprecise ideology, akin to Moral Rearmament, and born in a barrack room of the contention that the sin in men's souls could be scrubbed clean by spit and polish" (Davies 1981:421–22).

   Piłsudski did not use his power to immediately rewrite Poland's Constitution or change its form of government, nor to assume any formal role in the state himself, outside the military. He preferred to focus on "imponderables – abstract invocations of morality, virtue, action, and civic courage" (Plach 2006:6–7). He did introduce, however, relatively minor amendments to the Constitution that weakened the *Sejm* somewhat relative to the Presidency, by authorizing "the president to issue decrees when the *Sejm* was not in session and [giving] the president, for the first time, the power to dissolve Parliament" (Cole 1998:43).

   With time, Piłsudski rule grew progressively more authoritarian. In the general elections of 1928, the "Non-Party Bloc for Cooperation with the Government" (BBWR) which he set up to mobilize electoral support, emerged as the largest party in the *Sejm*, but failed to gain more than a quarter of the vote.[28] In the 1930 elections, the Bloc therefore ensured its victory by "arresting its opponents or canceling their candidacies. Thereafter it could not be easily challenged by legal means … " (Davies 1981:422–23). In 1934, Poland abrogated its obligations under the Minorities Treaty, and in 1935 a new Constitution was introduced that greatly enhanced the powers of the President over the executive and the *Sejm*. The new Constitution retained only eleven articles of the 1921 Constitution, but preserved those that guaranteed equal citizenship rights to all Polish citizens (Korzec 1974:81, 84*n99; Davies 1981:423; Cieplinski 2002).

   Piłsudski died in May of 1935, and in July of that year his *Sanacia* heirs, known as the "colonels," issued new electoral regulations that were "blatantly designed to ensure that the regime would always win" in future elections by drastically reducing the proportional aspect of the electoral system and giving the executive control over the formation of the parties' lists of candidates (Rothschild 1992:69). As a result, the opposition parties boycotted the *Sejm* and Senate elections held in September 1935, reducing the voter turnout in the *Sejm* elections to below 50 percent (by the government's own figures) and

giving the ruling party, the BBWR, a solid majority in the legislature (Harley 1936:140; Rothschild 1992:69–70).

Observers differ over whether Poland's democracy ended in 1926 (Davies 1981:425), in 1930 (Korzec 1974:74*), or in 1935 (Smooha 2005:55), but the trajectory of its decline was unmistakable. For the minorities, however, the decline of Polish democracy was something of a blessing, up to a point. The *Sanacja* regime, especially during Piłsudski's life, was more tolerant of the minorities' interests, at least in principle. Thus, the remaining limitations on Jewish citizenship were removed in 1931, and a "normalization" agreement was reached with the more moderate Ukrainian nationalists in 1935. These overtures, however, could not change the overall bleak reality of Poland's failure as an ethnic democracy.

Conclusion

As an ethnic democracy, Poland failed to accommodate the conflicting pressures of liberal democracy and ethno-nationalism that emanated largely from the international system and from its own economic sphere, respectively. In terms of the conditions stipulated by Smooha for the stability of ethnic democracy, this outcome does not seem to have been pre-ordained. Poland enjoyed international legitimacy for its status as an ethnic democracy, with the democratic component of that status more-or-less imposed by international agreements. Poland's core ethnic group felt threatened by the minorities, as well as by outside forces, and suffered a serious military intrusion by some of the minorities' "motherland" (assuming the Soviet Union could be characterized as such for the Ukrainian and Belorussian minorities). Still, Poland's political leadership maintained its formal commitment to democracy and to the minorities' citizenship rights almost to the end of the inter-war period.

Moreover, Poland's ethnic minorities were divided between themselves. While the core Polish group constituted only 70 percent of the population, it could have achieved the 80:20 proportion needed, according to Smooha, for the stability of ethnic democracy, by heeding the call of its more liberal nationalists to include the Jews in the definition of "Poles," since the Jews did not have an affinity to any other nation. It could have also, with greater effort, adopted a more sensible policy towards the Ukrainians and Belorussians on the agrarian and cultural questions for example, so that at least some of them would have come to identify with the Polish state. However, such a policy would have come up against the resistance of very powerful interests among the ethnic Poles. Poland's decision to rely exclusively on ethno-national (in effect, religio-linguistic) criteria to determine membership in the Polish nation is therefore not a background condition, but rather an indication of its failure as an ethnic democracy.

Adopting a more inclusive criterion of belonging would have required the acceptance of a non-ethnic principle of solidarity, such as populism was in

Northern Ireland (and civic republicanism in Israel; see Chapter 4), by the ethnic Poles themselves. Such a principle of solidarity could not be accepted in the inter-war period, although it had existed in pre-independence Poland. As Porter explained:

> That it became impossible by the 1890s for Lithuanians, Ukrainians, or Jews to take seriously the idea of a truly inclusive Poland—that the culturally homogeneous nation-state seemed to be the only option—was [not preordained]. It is not so much that the ideal of a culturally inclusive Poland in its 1772 [i.e. pre-partitions] borders was theoretically impossible, or necessarily a violation of the cultural self-determination of the diverse communities of Eastern Europe. Rather, Poland *as defined by most Poles in the late nineteenth century*—as a sociological community marked by empirical features such as language and religion—was incompatible with Lithuanian, Belorussian, Jewish, and Ukrainian ambitions. But alternative definitions of the nation had once been available.
>
> (Porter 2000:443–44;original emphasis)

The primary reason why these alternative definitions were no longer workable in the Second Republic, I have argued, is that the Polish economy in the inter-war period could not provide a material basis for a non-ethnic principle of solidarity for the core ethnic group. Things might have taken a different course, and ethnic democracy might have taken hold in Poland, had the principle of incorporation proposed by the PPS and by other Polish liberals – civil membership based on state-oriented patriotism – been adopted by the state. Thus membership in the Polish nation could have been offered to the Jews, and possibly to some members of the Slavic minorities as well, and a center-left coalition against the *Endecja* could have been formed. But neither the PPS nor the Polish state possessed the economic infrastructure that could have served as material basis for this civil nation. Faced with an economic crisis it could not handle, the *Sanacja* leadership, committed as it may have been to democracy, had to rely on an exclusionary ethno-national principle and an increasingly authoritarian political regime in order to provide illusory solutions to this crisis. Under these circumstances, ethnic democracy could not be sustained.

The inability of the Second Republic to deal effectively with Poland's economic problems could substantiate Smooha's argument that an economically strong state is a precondition for the stability of ethnic democracy. However, as I have indicated, politically the economic capability of the state is mediated through the existence in the political culture of a non-ethnic principle of majority group solidarity that can reconcile the contradictory imperatives of liberal democracy and ethno-nationalism. Poland's economic hardships prevented it from sustaining such a principle and caused it to fail as an ethnic democracy.

Notes

1 Moshe Kleinbaum (Sneh), MD, was an important liberal Zionist leader in Poland until his immigration to Palestine in 1940. In 1941, he became Chief of Staff of the *Haganah*, the semi-clandestine military organization of the Jewish community in Palestine, but his politics drifted continuously leftwards. In 1954, he left with a group of followers of the left-wing Zionist political party Mapam, and joined the Israeli Communist Party (ICP) to become its leader. The ICP was the first, and so far only, genuinely Jewish-Arab political party in Israel.

2 These data are not considered to be completely reliable since, among other problems, group ratios differed when calculated on the basis of nationality, as opposed to religious affiliation; cf. Horak 1961:80 ff.; Horak et al. 1985:37, 39; Groth 1968:564; Garntsarska-Kadari 1978; Kopstein and Wittenbeg 2003:93.

3 A multi-seat constituency system to elect 372 of the lower-chamber [*Sejm*] deputies, and a state-wide list to elect the remaining 72.

4 The constituent *Sejm* was elected before Poland's boundaries were finally determined. Therefore, the only minority deputies in that *Sejm* were eleven Jewish deputies and two German ones (Korzec 1974:52*n20, 57*n54).

5 There is some dispute as to whether these pogroms, in which between 350 and 500 Jews were killed, were aimed specifically at Jews, or at the defeated civilian population (that probably harbored some ex-combatants) in general. See, e.g., the conflicting reports of the members of the United States mission to Poland sent to investigate the pogroms – Morgenthau 1919; Jadwin and Johnson 1919, cited in Polonsky 2012:48; Davies 1981:262–63. Arthur Goodhart, the American mission's counsel, published a detailed diary of its work (Goodhart 1920). Be that as it may, these events, notably the ones in Lwow in 1918 and in Pinsk and Vilna in 1919, served as an indication that Poland's ethnic minorities needed international protection (Horak 1961:61, 213–14n1; Mendelsohn 1986:135; Davies 1989; Stachura 1998b:69; Michlic 2006:111; Polonsky 2012:59).

6 Similar schools were to be set up for the other linguistic minorities, but there was no specific mention of autonomous control by any other minority. State-funded autonomous Jewish schools never came into being.

7 The treaty, consisting of the first 12 articles of the peace treaty between Poland and the Allies, is reproduced in Raitz von Frentz 1999:263–67 and in Robinson et al. 1943:313–17.

8 Like the UN Security Council, the Council of the League of Nations had permanent and non-permanent members. Their numbers and composition varied through the period of the League's existence, beginning with four permanent and four non-permanent members and ending with four permanent and eleven non-permanent members.

9 For the role played by Jewish organizations in the negotiations that led to the Minorities Treaty, see Janowsky 1966:323–41; Mendelsohn 1983:33–36; Levene 1994; Black 1992; Raitz von Frentz 1999:44–49; Polonsky 2012: 27–31.

10 For an example of the survival of this resentment to this day, see Stachura 1998a:53. Stachura, however, betrays his ignorance of Jewish politics in the Second Republic by characterizing the mass-based ultra-orthodox Jewish political party, *Agudes yisroel*, as a "small group of assimilationists" (ibid.).

11 "[A] district … with a production of about 23 per cent of the total German output of hard coal … " (Keynes 1971:84).

12 A somewhat different English translation of the interview appeared in *The Living Age*, No. 3951, March 27, 1920, p. 774. Online. Available HTTP. <*http://www.unz. org/Pub/LivingAge-1920mar27–00772*> (accessed 23 September 2012).

13 In 1902, while still in the PPS, Piłsudski had favored cultural autonomy for the Jews (Zimmerman 2004:256, 265).

14 1 hectare = 2.471 acres.

15 "68 per cent of the land held by German estate-owners in Poznania and Pomerania was 'reformed' between the wars, but only 11 per cent of the land held by the Polish" (Horak et al. 1985:47).

16 Historically, Jews in the Russian Empire had not been employed by non-Jews, and very few were employed by Jews who owned large, mechanized factories. In Poland in 1929, Jews constituted only 6 percent of the workers in Jewish-owned large factories (Marcus 1983:239; Peled 1989).

17 The Polish Left was quite lukewarm, however, in its defense of the Jews and other minorities; see Groth 1968:571–72.

18 On middleman minorities, see Bonacich 1973. On the place of Jews as a middleman minority in Eastern Europe and its implications, see Rothschild 1981–82:605–6; Peled 1989:21–24.

19 According to Porter (2000), however, by shifting the content of the concept of "the Polish nation" from the romantic, idealist, universalist meaning it had until 1863 to an empirical, "scientific," ethnographic meaning, the Positivists in effect laid the groundwork for the emergence of integral Polish nationalism at the close of the nineteenth century. The Positivists own inclusionary attitude towards the ethnic minorities was conditional on their (uncoerced) acculturation to enlightened Polish culture.

20 For the 1881 pogroms, see Klier 2011.

21 For another economic hypothesis for the decline of Poland in the 18th century, that puts the blame, more sensibly, on gentry privileges, see Marcus 1983:499n3.

22 Poland's General Zionists were organized in four regional bodies: Congress Poland and most of the *Kressy*, Western Galicia, Eastern Galicia, and Vilna-Lithuania. Politically, the important split was between the formerly Russian and formerly Austrian areas (Mendelsohn 1981:178).

23 An autonomist, non-socialist political party, whose spiritual guiding light was the historian, Simon Dubnow.

24 An estimated 65 percent of the Jews voted for minority parties, inside and outside the Minorities Bloc (Kopstein and Wittenbeg 1996:178, Table 1; 2003:98, Table 2).

25 For a somewhat different view of the Prime Minister's speech, see Marcus 1983:366.

26 This statement is an overgeneralization, because at the time there was no unified Ukrainian national entity or movement and no unified Ukrainian political program. The main division was between Western Ukraine (Galicia), formerly under Austrian rule, and Eastern Ukraine, under Russian rule (Garliński 1992; Szporluk 1992:47).

27 The numbers of schools vary somewhat as between the different sources, but these differences are immaterial as far as the general picture is concerned.

28 Almost 50 percent of the Jews voted for the BBWR, a higher ratio than among any other ethnic group. This was a clear indication of the Jews' hopeful attitude towards the Piłsudski regime. Only 16 percent of the Catholics voted for the BBWR, as against 45 percent who voted for the Left (not including the Communists) (Kopstein and Wittenbeg 2003:98, Table 2; 105).

4　Israel

The archetypal ethnic democracy

> There will not be a Jewish State, large or small, if [in] the Land of the Prophets [we] will not accomplish the great eternal moral goals which we have carried in our hearts and souls throughout the generations: one law for the alien and the citizen, just government, love of one's neighbor, true equality. The Jewish State will be a role model for the world in its treatment of minorities and foreign nationals.
>
> (David Ben-Gurion, speech in the 20th Zionist Congress, 1937)

Like the two other states discussed in this book, inter-war Poland and Northern Ireland, the State of Israel also emerged out of war, the breakup of empires, and international agreements. In Israel, however, this happened in two stages, over a period of thirty years: Zionist settlement in Palestine received its "charter," or imperial concession, with the Balfour Declaration of 1917 and the League of Nations Mandate of 1922, in the context of the breakup of the Ottoman Empire in the First World War; Israel achieved international legitimacy as a sovereign state with the UN Partition Plan for Palestine in 1947, in the context of the breakup of the British Empire in the wake of the Second World War.

The Balfour Declaration affirmed Great Britain's support for the establishment of a Jewish "national home" in Palestine. The indigenous Palestinian Arabs, who comprised 90 percent of the population of Palestine at the time, were referred to as the "existing non-Jewish communities," whose "civil and religious rights" were not to be "prejudiced" (Laqueur 1969:36). The Declaration was incorporated almost verbatim into the Mandate for Palestine that the League of Nations granted Great Britain in 1922. The Mandate further instructed that "the Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration … and shall encourage … close settlement by Jews on the land … " (Article 6, Laqueur 1969:56).[1]

The political institutions and political culture of the Jewish community in pre-statehood Palestine (the *yishuv*) were shaped by the Jewish-Palestinian frontier struggle. The colonial strategy of the Zionist settlement movement had to take into account the political, military, economic, and demographic

weakness of Zionism. Beyond international legitimacy, the success of the set-
tlement project required that significant numbers of Jews be attracted to
Palestine, and that a sound economic base be established in order to keep
them there. After a free-market strategy of establishing plantation colonies
was tried and failed because of the shortage of capital and because Jewish
agricultural workers could not compete with Palestinian ones, the
Labor Zionist strategy of cooperative settlement on nationally-owned land,
entailing ethnically segregated land and labor markets, was adopted in 1909
(Shafir 1989).

The political culture of the *yishuv*, commensurate with this colonial strat-
egy, combined three different discourses of citizenship: a Jewish ethno-
national discourse of historical rights and primordial solidarity; a civic
republican discourse of common moral purpose and "pioneering" civic
virtue; and an individualist liberal discourse that reflected the voluntary,
hence necessarily democratic, character of the Zionist movement. The civic
republican discourse was able to mediate between the two other, contra-
dictory, discourses, and it provided a non-ethnic principle of solidarity for the
yishuv, and thus established the groundwork for future ethnic democracy in
the State of Israel. Its dominance over the other two discourses of citizenship
resulted in a dynamic pattern of accommodation between the exclusionary
dimensions of colonization and nation-building practices, and the inclu-
sionary aspects of democratic state building (Peled 1992; Shafir and
Peled 2002).

The *yishuv* was an ethno-republican democratic community, open to Jews
only and devoted to the fulfillment of Zionism. Its civic virtue, *Chalutziyut*
(pioneering), was a composite of two virtuous qualities, corresponding to the
two bases of legitimation invoked by the Zionist settlers: Jewish historical
rights in Palestine and the "redemptive" activities of the pioneers: physical
labor, agricultural settlement, and military defense. Being a *chalutz* meant,
therefore, first and foremost being a Jew, and then engaging in these
redemptive activities. Thus, a non-dichotomous principle of incorporation
was established, distinguishing not only between Jews and Palestinians, but
also between different groupings within each community, based on their pre-
sumed contributions to the project of Zionist redemption (Peled 1992; Shafir
and Peled 2002).

The economy of the *yishuv* was based on two pillars: the Jewish National
Fund that purchased land from Palestinians and turned it into national
Jewish land, and the Jewish workers' *Histadrut* (Association), an umbrella
labor organization that owned the cooperative enterprises and represented
Jewish workers employed by private owners and by the Mandatory adminis-
tration (Shafir 1989; Shalev 1992). The *Histadrut* economy gradually
developed into a conglomerate, encompassing, at its height, agricultural,
manufacturing, construction, marketing, transportation, and financial con-
cerns, as well as a whole network of cultural and social service organizations.
By differentially distributing rights, privileges, and obligations to different

Jewish social groups, the *Histadrut* played a crucial role in enabling the Labor Zionist leadership to acquire and maintain "authority without sovereignty" over the *yishuv*, and in sustaining the primacy of its distinct, ethno-republican, discourse of citizenship (Shapiro 1976; Horowitz and Lissak 1978; Shafir and Peled 2002).

With time, Israel's rapid economic development generated pressures to liberalize the economy. These pressures first came from managers of *Histadrut* and state enterprises who sought to enshrine the profit motive as the sole principle of economic activity, to the exclusion of the national-colonial considerations that had mitigated the power of the profit motive during the *yishuv* period and early years of statehood, and that had sustained republican solidarity among the Jews. After a tug-of-war that lasted two decades, economic liberalization was finally inaugurated as official policy in 1985. With the demise of the *Histadrut*-based corporatist economy, the republican principle that had legitimated it began to lose its prominent place in the political culture (Shafir and Peled 2000; 2002).

As I show in detail below, economic liberalization also led to the Oslo peace process with the Palestine Liberation Organization (PLO) and to some liberalization of the citizenship status of Israel's own Palestinian citizens. Paradoxically, these processes *increased* the tension between the state and its Palestinian citizens, leading to a bloody eruption when the Oslo peace process collapsed in the summer of 2000. Since that time, I argue, various measures taken, tolerated, or avoided by the state have combined to narrow the scope of Palestinian citizenship in Israel and to undermine its character as an ethnic democracy.

Ethnic democracy

In the deliberations leading to the UN Partition Resolution of 1947, Moshe Shertok (Sharet), Israel's future Foreign Minister, declared:

> when we speak of a Jewish State we do not have in mind any racial state or any theocratic state, but one which will be based upon full equality and rights for all inhabitants without distinction of religion or race, and without domination or subjugation.
>
> (Cited in Robinson 1947:208)

The resolution itself required each state (Jewish and Arab) to adopt a democratic constitution, stipulating that elections be conducted on the basis of "universal suffrage and secret ballot" and guaranteeing all persons equal and non-discriminatory rights in civil, political, economic, and religious matters and in the enjoyment of human rights and fundamental freedoms (Laqueur 1969:148).

Israel's Declaration of Independence, adopted on 14 May 1948, proclaimed "the establishment of the Jewish state in the Land of Israel," but guaranteed

"the Arab inhabitants" of the country "full and equal citizenship and due representation in all [state] … institutions." The Declaration further stipulated that "a Constitution [would] be drawn up by a Constituent Assembly not later than the first day of October 1948" (Laqueur 1969:160–61). Instead of adopting a constitution, however, the Constituent Assembly, elected in January 1949, declared itself to be the First Knesset (parliament), decided to "postpone indefinitely the adoption of a formal written constitution," and allowed, instead, for the gradual creation of a constitution through the legislation of individual Basic Laws (the so-called *Harari* resolution) (Mahler 1990:83).

The decision not to adopt a liberal constitution (a non-liberal constitution was not an option, given both the history of the Zionist movement itself and the international situation), helped the Israeli state avoid the head-on confrontation between the liberal and ethno-national principles of incorporation that was so debilitating for inter-war Poland. What made this decision possible was the existence of an alternative, non-ethnic principle of incorporation and Jewish solidarity – civic-republicanism – that was embedded in the political culture and did not require expression in a formal document.

Institutionally, liberalism entails a preference for limited government, hence for a legislature and an executive constrained by the judiciary; the republican and ethno-nationalist principles entail greater freedom of action for the legislative and executive branches. Israel's founding father, David Ben-Gurion, who, in general, believed that "the rights of the State take precedence over the rights of the individual" (Kafkafi 1998:353), was the most formidable opponent of the move to adopt a liberal constitution, because he wanted to preserve the state's freedom of action. His arguments against a bill of rights were particularly telling, since they revealed his commitment to the republican conception of citizenship. In a free country, Ben-Gurion argued, where the people rule, there is no need for a bill of rights, because the citizens' rights would not be threatened by their own democratically elected government. What there was a need for, on the other hand, was a bill of *duties*. This was particularly true of Israel, a free and democratic country that

> will not be built, will not be defended and will not fulfill its mission in Israeli [i.e. Jewish] history – without intensified *chalutziyut*, and *chalutziyut* means accepting the burden of duties … The great and difficult tasks history has imposed on the generation of the founders, builders and defenders of the state will be impossible without a bill of duties we will impose on ourselves, out of our own free will.
>
> (Knesset 1950:819)

The war of 1947–49, which followed the UN Partition Resolution and Israel's Declaration of Independence, reduced the Palestinian population of Israel from a 2:1 majority (in the area of Mandatory Palestine) to a small minority of about 12.5 percent of the population of the State of Israel (Lustick

1980:48–4; Morris 2004; Kamen 1987/88; Pappe 1992, Ch. 3). Of the approximately 150,000 Palestinians who remained in the territory of the State of Israel at the conclusion of the war, about 60,000 were granted immediate Israeli citizenship, and the rest were entitled to it if they met certain conditions stipulated in the Citizenship Law of 1952. These conditions prevented many Palestinians from becoming citizens until the Citizenship Law was amended in 1980 (Kretzmer 1990:36–40). Currently Israel's Palestinian citizens number about 1.4 million, or about 17 percent of the country's citizen population of 8 million, and constitute 13 percent of its eligible voters (Smooha 2010:6; 2012:2).[2]

The grant of citizenship to the remaining Palestinian residents – as opposed to instituting a *Herrenvolk* democracy for Jews only – did not come about without a fierce debate. In the internal deliberations of Mapai, the ruling party, Ben-Gurion stated, "These Arabs should not be living here. Anyone who thinks that the Arabs have the right to citizenship in the Jewish State is saying [in fact] that we should pack our bags and leave." In line with his opposition to a formal written constitution and a bill of rights, Ben-Gurion also argued that "We have no need of a law of citizenship" because civil rights for Arabs "undermine our moral right to this country" (Cited in Kafkafi 1998:353).

Mapai's decision to overrule Ben-Gurion and grant the remaining Palestinians citizenship was in accord with the liberal discourse of citizenship, and mitigated somewhat the exclusionary dynamic of the republican and ethnonationalist ones. The liberal imperative was reinforced, however, by more practical considerations. Arab delegations at the United Nations had complained about the treatment of the Palestinians in Israel, and Israel's first application for membership in that body was denied in December 1948 (Lustick 1980:61). Furthermore, the government sought to avoid the possibility that the remaining Palestinians, concentrated in clearly demarcated geographical areas that had been assigned by the 1947 Partition Resolution to the Arab state, would demand secession from Israel on the basis of their right of national self determination (as has indeed happened in the territories that were occupied in 1967, whose residents have not been granted Israeli citizenship) (Lustick 1980:61–63).

1948–66: Ethnocracy

In the absence of a formal constitution and a bill of rights, Israel was able to suspend in practice most of the rights its Palestinian citizens had been granted in law and to subject them to a harsh system of control (Lustick 1980). Control was exercised through a Military Administration, "which imposed severe restrictions on their freedom of movement and economic opportunities, and placed them under surveillance and military law" (Medding 1990:25; Jiryis 1976:31–55; Hofnung 1991:150–72; Benziman and Mansour 1992:103–14; Shafir and Peled 2002:111–12). In the face of mounting criticism at home

and abroad, this breach of democracy was justified in republican terms, as an exceptional security measure aimed at a group that was still to prove its commitment to the common good of society. However, this claim has been disputed by Shmuel Toledano, who served in senior positions in several of Israel's security services, and was for ten years (1966–76) the Prime Minister's Adviser on Arab Affairs (the key official responsible for conducting government policy towards the Palestinian citizens): "After the first few years of the state the [Military] Administration's contribution to security was total zero" (Shalit 1996:48). Menachem Begin, leader of the opposition Herut party (precursor of present-day Likud) and a future Prime Minister, said the following in a 1962 debate in the Knesset about the extension of the Military Administration: "there is no connection between that institution [i.e. the Military Administration] and [our] external and internal security problems" (cited in HCJ 830/07, Justice Levy's opinion, par. 27).[3]

To emphasize their probationary status, most Palestinian citizens have been administratively barred from military service, which by law is mandatory for all Israeli citizens. (To add a divide-and-rule element to these measures, one small Palestinian religious community – the Druze, comprising nine percent of the Palestinian-citizen population – have been subjected to mandatory military service; Amrani 2010; Frisch 2011:38–42.) This exemption survived the abolition of the Military Administration, and it is only recently that an alternative program of voluntary civilian service has been established for the Palestinian citizens (see below).

The real task of the Military Administration had to do less with physical security than with securing the two economic resources that had always been central to the Zionist settlement project: land and labor. Under the mantle of the Military Administration, a major drive to "Judaize" the space – a hallmark of ethnocracy – was undertaken, involving massive expropriation of Palestinian-owned land. This Judaization effort belied the claim that Palestinians enjoyed, in practice, the most fundamental individual liberal right: the right to private property (Oded 1964; Zureik 1979:115–21; Lustick 1980:170–82; Kimmerling 1983:134–46; Kretzmer 1990:49–76; Hofnung 1991:159–72; Benziman and Mansour 1992:157–71; Haidar 1995; Yiftachel 1992b; 1996; Shafir and Peled 2002:112–15; Holzman-Gazit 2007). The exact amount of land that has been expropriated is hard to determine, due to the maze of legal instruments created and/or utilized for that purpose and due to the fact that the process has not ended yet. According to Aziz Haidar (1995), Palestinian localities that would become part of the State of Israel controlled 1,441,146 dunams (350,000 acres) of land in 1945, not including the land at the disposal of Bedouins in the Negev (the southern, semi-desert part of the country). In 1981, Palestinian citizens owned 397,080 dunams (100,000 acres), excluding the Negev. By these figures, leaving aside the Negev Bedouins, the Palestinians in Israel lost about one million dunam (250,000 acres) or 70 percent of the land they had owned, an estimate with which most knowledgeable observers would tend to agree (Kimmerling 1983:140; Sa'di 1996:395).[4] The Palestinian

losses per capita give an even clearer picture of the magnitude of the change: from 19 dunams per capita in 1945 to 0.84 in 1981 (while in the country as a whole the decline during the same period was from 19 dunams per capita to 3.8) (Haidar 1995:44). In 2001, Palestinian citizens owned only four percent of the land area of Israel (Abraham Fund 2009, Ch. 4:28). The bulk of the loss, two-thirds of the land originally held by Palestinians, occurred as a result of the flight and expulsion of the majority of Palestinians during the 1947–49 war and the declaration of their land to be state land (Morris 2004). Some of it, however, resulted from the fact that a certain amount of land owned by Palestinians who became Israeli residents was not included in the territory of the State of Israel.

Although the original owners were entitled to compensation in cash or in kind, under some of the laws enacted to facilitate the expropriation of land, adequate compensation would have defeated the purpose of expropriation. Anything like equitable compensation in alternative land, or the true value of the expropriated land in cash, would have enabled the Palestinians to maintain their land holdings or else invest significant amounts of capital in other productive enterprises. Neither of the two outcomes would have served the purposes of the state, whose aim was to transfer resources from Palestinians to Jews. So while some Palestinian landowners have been compensated over the years, "the government's compensation program has been of little consequence" (Lustick 1980:179; Oded 1964). As a result, "the mass expropriation of Arab land has been the heaviest single blow which government policy has dealt to the economic integrity of the Arab sector," turning it from a farming community to a commuting proletariat, dependent on the Jewish urban economy for its livelihood (Lustick 1980:182; Lewin-Epstein and Semyonov 1993; Shafir and Peled 2002:117–20).

The expropriation of Palestinian-owned land was equivalent, in terms of state-minority relations, to the Polish government's efforts to displace the Jews from their positions in the urban economy. Israel, however, was able to effect this dispossession much more successfully, because:

1. Land is much more easily transferable than trade or small industry;
2. Land was transferred from inefficient traditional cultivators to modern, efficient ones, entailing a net gain for the economy;
3. Without a formal liberal constitution or the equivalent of the Minorities Treaty, the Palestinians had no legal recourse against the expropriatory legislation;
4. In the wake of the Holocaust, Israel enjoyed a great deal of international legitimacy for its efforts to "redeem" the ancient land of the Jews.

Unlike Poland, however, where landless peasants could not find industrial employment, Israel's rapid economic growth enabled dispossessed Palestinians to integrate into the economy after a while, albeit in a subordinate role, and fulfill a real economic need. This reality both required and enabled the state

to respect their citizenship rights to a certain degree, and thus helped sustain ethnic democracy.

The integration of Palestinians into the economy occurred only after the Military Administration had been lifted, in 1966. (A preliminary step was the admission of Palestinian workers to membership in the *Histadrut* in 1959.) While the Military Administration was in force, it controlled the entry of Palestinian workers into the Jewish labor market, which was characterized, through the 1950s, by an over-supply of labor due to massive Jewish immigration (Shalev 1992:48). A further important function of the Military Administration was to secure the votes of Palestinian citizens for Mapai and its Palestinian affiliates in Knesset elections. And indeed, from the second Knesset elections in 1951 to the seventh elections in 1969 (inclusive), these parties received over 50 percent of the Palestinian vote (Rouhana 1986:136; Al-Haj 1995:32–33; Haklai 2011:92–94).

Socio-economic conditions

The transformation of the status of the Palestinian minority in this early period has established it to this day as

> a low-status minority … subordinate to Jews in every respect: class, power, prestige, and dominant culture. They are a primarily working-class community in a middle-class society. The average Arab commands fewer competitive resources than the average Jew. State and private discrimination further handicaps the Arabs, whose disadvantage is not counterbalanced by affirmative action policies and practices.
>
> (Smooha 2010:6)

Although large-scale expropriations of land, except in the Negev, have subsided since Land Day of 1976 (see below), the "Judaization" of the land has continued in more subtle forms. The most important of the new methods have been the exchange of land between Palestinian landowners and the state, at rates highly unfavorable to the former, and the inclusion of Palestinian-owned land under the jurisdiction of Jewish municipal and planning authorities, many of them created especially for this purpose. At present, Palestinian local government bodies have authority over only 2.5 percent of the country's local government area (Yiftachel 1992b; 1996:190; 1997:12).

In general, local and regional planning authorities have been very slow in approving outline plans for Palestinian localities, making all physical development impossible, or else illegal (Yiftachel 1992b; 1996; Haidar 1995:33). As a result, all kinds of ad-hoc legal arrangements were improvised, largely in response to unauthorized building by the inhabitants, who could not be issued building permits without an approved outline plan. The hardships described by Yiftachel characterize virtually every Palestinian locality in Israel:

> … quite often, demolition orders would be issued for unauthorized dwellings, fines for illegal construction imposed, and in some (rare) cases the houses would be demolished. Coupled with the associated hardship of living without basic infrastructure (which would not be provided by the state without a building permit), the constant existence of unauthorized dwellings in the village has allowed the district (mainly Jewish) planning authorities to exert a continuous level of control over the village's residents. The very basic function of constructing family homes on private land had become a risky and uncertain venture, due to the constant fear of demolition and lack of services.
>
> (Yiftachel 1992:504)

As far as non-residential land is concerned, over 90 percent of it is owned by the state or by the Jewish National Fund (JNF) and administered by the Israel Land Authority (ILA). The JNF-owned land, most of it acquired through the sale to the JNF of Palestinian land "abandoned" in 1947–48, amounts to about 20 percent of the total and is prohibited by law from being leased to non-Jews. State-owned land may be legally leased to non-Jews, but in practice such leases are rare outside the Negev, and are limited to short-term, one- to three-year leases. Long-term leases of 49 years are made exclusively to Jews, mostly to *kibbutzim* or *moshavim*, and sub-leasing them to non-Jews is prohibited by the terms of the lease, as well as by law (Kretzmer 1990:60–69; Haidar 1995:8, 45).

Palestinian farmers are discriminated against in the allocation of water for irrigation as well. Thus, while in 1988 they worked about 19 percent of the land in Israel, they received only 2.7 percent of the water. By the end of the 1990s, the figures were 16.7 and 2.3 percent, respectively. Correspondingly, "the average income per dunam in the Arab sector [in 1979–80] was only 27.7% of the average income per dunam in the Jewish sector" (Haidar 1995:48, 66; 2005:181). Under these conditions, agricultural employment among Palestinian citizens has declined rapidly: Whereas 28 percent of the jobs in the Palestinian sector were still in agriculture as late as 1972, by 2007 this ratio declined to only 1.7 percent (Lewin-Epstein and Semyonov 1993:50; Abraham Fund 2009, Ch. 1:18).[5] As Haidar has noted, "the persistence of farming in the Arab sector does not depend on economic viability as much as on the utilization of cheap [i.e. family] manpower [sic] in cultivating the labour-intensive crops that Israeli agriculture has left to the Arab farmers" (Haidar 1995:70).

According to Lustick, underlying the state's economic policy towards its Palestinian citizens is not only an economic logic, but a political logic as well: to contribute to the ability of the state to control its Palestinian citizens. Thus, while Palestinian agriculture in Israel has been all but decimated by the state's land and water policies, the Palestinians have had access neither to private capital nor to government aid and encouragement that would have been necessary for the development of alternative productive bases. As a result,

self-employment among the Palestinians has declined significantly, from almost one-half of all jobs in the Arab sector in 1972, to slightly more than one-quarter in 1983 (Lewin-Epstein and Semyonov 1993:33, 50–52). As summarized by Lewin-Epstein and Semyonov,

> The most striking feature of [the change in the Arab economy between 1972 and 1983] was the shift … from agriculture to an economy based on services, mostly public services. Although manufacturing expanded, it still played a small role in the Arab sector, and most blue-collar workers were employed in the Jewish sector. The change in the Arab economy entailed a substantial decline in self-employment and ownership of means of production. Most of those employed in the Arab sector were either paid by the national or local government, or by large firms, some of which were owned by Jewish companies.
>
> (Lewin-Epstein and Semyonov 1993:58–59)

Due to the dearth of economic opportunities in the Palestinian sector, almost two-thirds of the Palestinian-citizen employees are presently employed in the Jewish sector of the economy, mostly as commuters from their places of residence to Jewish localities (the remainder are residents of mixed-population cities or are employed by Jewish employers in their home towns) (Shavit 1992; Lewin-Epstein and Semyonov 1993:33, 48; Smooha 1999:66; Gharrah 2005:226–27). Needless to say, the position of Palestinian workers in the Jewish sector is a subordinate one:

> The integration of Arabs into the Israeli (Jewish) economy has entailed social and economic disadvantages in that Arab workers have generally been accepted into the lower level occupations only … They tend to be relegated to the end of the job queue and are viewed [by employers] primarily as a source of cheap unskilled and semi-skilled labor.
>
> (Lewin-Epstein and Semyonov 1993:59, 68)

This reality is reflected in the occupational distribution of Jewish and Palestinian workers. In 2007, nearly 40 percent of employed Jews, but only 21.5 percent of employed Palestinians, worked in the top three occupational categories of scientific/academic, professional, and managerial. In 1975, the figures were 24 and nine percent, respectively, indicating only a slight narrowing of the gap, due primarily to the expansion of academic and professional opportunities in the Palestinian sector of the economy, mostly in public service. At the other end of the scale, only 21.3 percent of employed Jews, but fully 53 percent of employed Palestinians, worked as skilled or unskilled workers in 2007. In 1975, the figures were 32 percent for Jews and 54.4 percent for Palestinians, indicating a significant decline in this type of employment among Jews, but not among Palestinians (Lewin-Epstein and Semyonov 1993:25, 55–56; Abraham Fund 2009, Ch. 4:9). It should be noted that the

wages of Palestinian blue-collar workers tend to be lower than those of their Jewish counterparts, even in the same occupation and when working for the same firm (Lewin-Epstein and Semyonov 1993:79). In the middle of the 2000s, Palestinian unemployment rates were higher by almost half than Jewish ones (about 11 and eight percent, respectively), but the ratio of the *not gainfully employed* (which include both the unemployed and those outside the labor force) was much higher in the first quarter of 2012: 18 percent among Palestinians and only 5.8 among Jews (Abraham Fund 2009, Ch. 4:16; Gharrah 2012:46; Yashiv 2012).

The occupational disparity between Jews and Palestinians is naturally reflected in the income levels of the two groups. The average gross income of a Palestinian family was 77 percent of that of a Jewish family in 1980, 70 percent in 1985, and 72 percent in 1993. The respective after-taxes figures were 86, 77, and 78 percent. Looking at income per standard adult, which takes into account the larger size of Palestinian families, we find that gross Palestinian income was 54 percent of Jewish income in 1980, and around 56 percent in both 1985 and 1990, while net income was 58 and 60 percent, respectively. In 2004, the average gross income gap between Jewish and Palestinian employees was 28 percent; it rose to 33 percent by 2008 (Ghanem 1996:12; Lustick 1980:6–7; Landau 1993:13; Abraham Fund 2009, Ch.1:23; Sikkuy 2010:57; Gharrah 2012:78–79).

In the words of Lewin-Epstein and Semyonov, "the economic disadvantage of Arabs is nowhere more evident than in the official figures on poverty" (Lewin-Epstein and Semyonov 1993:27–28). In 2001, "non-Jewish" families made up about one-quarter of all families who had no earned income at all, and their ratio rose to almost 40 percent in 2006. In 2009, 60 percent of Palestinian families reported economic income that was below the poverty line, compared to 53 percent in 1998. The disposable (or monetary) income (after taxes and transfer payments) of 53 percent of Palestinian families remained below the poverty line in 2009, as against 38 percent in 1998. The equivalent figure for the Israeli population as a whole was around 35 percent for economic income in both 1998 and 2009, while for disposable income it rose from 17 percent to 20 percent between 1998 and 2009. The shrinking difference between economic and disposable incomes from 1998 to 2009 reflects the retrenchment of the Israeli welfare state in this period, especially the cutbacks in child allowances (Peled 2004:64–67; Schueftan 2011:617; Ben-David 2011:106–7; NII 2012:61–90; cf. Gharrah 2012:78).

Among children, fully two-thirds of Palestinian children were below the poverty line in 2006 (based on disposable income), a sharp increase from 42.7 percent in 1998, while 24.3 percent of Jewish children were in that category in 2006, an increase from 16.3 percent in 1998 (Ghanem 1996:12; Sa'di 1997; Abraham Fund 2009, Ch. 1:29). This disparity in the poverty rates, and in the levels of social services (Haidar 1991; Rosenhek and Shalev 2000; Sikkuy 2010:67–71), is reflected in the different rates of infant mortality among Jews and Palestinians. Although the absolute numbers have declined significantly

over the years in both sectors, the ratio between them has held more or less steady at 2:1 since 1955 (Lewin-Epstein and Semyonov 1993:17–18; Ghanem 1996:3; Abraham Fund 2009, Ch. 1:14–15; Ben-David 2012:440).[6]

In terms of the returns they are able to achieve for increases in their human capital, the situation of Palestinian citizens in Israel has gone through a drastic change between the census years of 1972 and 1983:

> Whereas in 1972 there appears to have been no "market discrimination" against Arabs in that their occupational status, on average, was not lower than expected based on their human capital characteristics (age and education), by 1983 Arabs of all age groups experienced "labor market discrimination" and their actual occupational status was lower than what one would predict based on their market-relevant attributes.
>
> (Lewin-Epstein and Semyonov 1993:58)

This change reflected the combined effects of the proletarianization of the Palestinian population, on the one hand, and the educational advances they have made, on the other. In 1983, "nearly 40 percent of the income gap between [Jews and Arabs] can be attributed to differential returns on human resources and group membership." And the gap between the Palestinians' educational training and occupational attainment seems to be increasing (Lewin-Epstein and Semyonov 1993:119, 57, 24).

The rise in the Palestinians' educational levels has been one of the more pronounced changes that this community has gone through since its incorporation in the State of Israel. In 1948, 80 percent of the Palestinians in Israel were illiterate, in 1988 15 percent, and in 2006 only 6 percent. Median years of schooling for Palestinians aged 15 and over increased by a factor of 8 between 1961 and 1993, from 1.2 to 9.7, while for Jews it increased by only 50 percent, from 8.4 to 12, over the same period. By 2007, the figures were 11.3 for Palestinians and 12.8 for Jews. In 2002, 50 percent of Palestinians aged 15 and over had no high school education, compared to 20 percent of Jews. In 1961, only 1.5 percent of the Palestinians had any post-secondary education, compared with 10 percent of the Jews. By 2007, 19.3 percent of Palestinians and 47.3 percent of Jews had at least some post-secondary education (Al-Haj 1995:20–23; Lewin-Epstein and Semyonov 1994; Ghanem 1996:6; Rouhana 1997:85–90; Abu-Asbah 2005:203; Abraham Fund 2009, Ch. 1:3, 34).

But the two systems educating Jews and Palestinians in Israel have been, and remain, separate and unequal, except at the post-secondary level: "There is total separation in formal education between Jews and Arabs from kindergarten through secondary school, in all forms and grades" (Landau 1993:59; Swirski, 1990). This separation is manifested in the educational goals of the two systems, in their curricula, in their budgets and facilities, in the rates of success of their students, and in the occupational opportunities open to their graduates.

Educational policy is a major mechanism for dispensing social rights. As such, the evolution and internal contradictions of Israel's educational policy in the Palestinian-citizen sector is very revealing of the nature of its incorporation regime. The liberal aspect of this regime precluded the possibility of excluding non-Jews from the purview of the Mandatory Education Law of 1949, which prescribed free compulsory education until the eighth grade (extended later on to the twelfth grade). However, the way in which this law has been applied in the Palestinian sector points to the limited role that the liberal discourse has been allowed to play in the society.

In the early years of sovereignty, there was a debate between two schools of thought regarding the proper way to educate Palestinian children. The more liberal school advocated assimilating them into the same educational system as Jewish children, while the ethno-nationalist school advocated what Majid Al-Haj has termed "controlled segregation." Advocates of the liberal approach believed that blending Palestinian and Jewish children in the same institutions would de-nationalize the former and defuse their subversive potential. The advocates of segregation realized that such an approach would be futile unless it was part and parcel of a general liberal, integrationist policy towards Palestinian citizens. Given the nature of the society, it should come as no surprise that the segregationists won the day (Al-Haj 1995:121–24).

Controlled segregation meant that Palestinian children would be educated in their own separate system, where the language of instruction would be Arabic, and that this system would be tightly controlled by the state (for the exclusionary effects of this policy, see Kook 2000). So while the Palestinian educational system is separate, it can in no way be described as autonomous (Smooha 1999). Until 1987, it was headed by a Jewish official of the Ministry of Education, and the appointment of a Palestinian as its head coincided with a significant reduction in the authority of this position (Al-Haj 1995:71). Still, Al-Haj has discerned two different periods in the implementation of controlled segregation, before and since the mid-1970s. The primary difference between the two periods has had to do with the extent to which the liberal discourse has been allowed to mitigate the influence of (Jewish) ethno-nationalism on Arab education (Al-Haj 1995, Ch. 6).

In curricular terms, the segregation of Jewish and Palestinian education is reflected in an imbalance between the different requirements in the two systems relating to nationally-specific subjects such as language, culture, and history. In the words of Jacob Landau, a generally sympathetic observer of Israel's treatment of its Palestinian citizens,

> … while in Jewish schools a minimum of Arab history and literature is studied, and only a limited amount of Arabic is compulsory, pupils in Arab schools learn Hebrew, certain chapters of Hebrew literature (including chapters from the Bible), and Jewish history (including the basics of Zionist history) … [In sum] the Arab minority is supposed to

> learn more Hebrew and Judaism than the Jewish majority Arabic and Arab culture.
>
> (Landau 1993:64–65)

More specifically, as Al-Haj has pointed out, until the mid-1970s, Palestinian high schools devoted an equal amount of time to Arab and Jewish history (about 20 percent of instructional time), while Jewish schools devoted only 1.4 percent of their time to Arab history, and 38.8 percent to Jewish history. The reforms of the mid-1970s have not changed the Palestinian curriculum in any fundamental way, but have added the Arab-Israeli conflict as a subject of instruction in the Jewish schools, taking up 22.2 percent of the time (Al-Haj 1995:124–52).

The most important asymmetry between the two history programs after the reforms, according to Al-Haj, lies in their stated goals. The goal in the Jewish schools is the ethno-nationalist goal of fostering identification with the aims of Jewish nationalism, while in the Palestinian schools the aim is the liberal Zionist one of achieving a more "balanced" view of the Arab-Israeli conflict (Al-Haj 1995:146–47). Summarizing the general goals of the Palestinian educational system before and after the reforms, Al-Haj argues that, originally, Palestinian education was intended to create submissive human beings, ready to accept their inferiority vis-a-vis the Jews and deny their Palestinian identity. Since this policy was perceived with the passage of time to be counterproductive (cf. Landau 1993:65), a more liberal policy was adopted. The new policy, formulated in the mid-1970s, was designed to portray Zionism and the State of Israel in the best possible light, to minimize hostility towards the state, and to take note of Arab nationalism without, however, encouraging the nationalist tendencies of the Palestinian students themselves (Al-Haj 1995:127–28, 143; cf. Kaufman and Levy 2013).

In terms of both physical facilities and educational services, the Palestinian school system has been seriously under-funded compared to the Jewish one. In the first ten years of sovereignty, the state allocated only 5 percent of the funds required for the construction of classrooms in the Palestinian sector. In 1972, the Ministry of Education determined that the Palestinian school system was short 1200 classrooms, and that 900 of the existing classrooms were sub-standard. According to Al-Haj, the system was still short 1200 classrooms in 1989, which amounted to 20 percent of the total, while 100–115 new classrooms were needed each year to keep up with demand (Al-Haj 1995:103–8). In 2005, the shortfall in the number of classrooms was estimated at between 1500 and 2000 (Abraham Fund 2009, Ch. 1:38). In 1992, the State Comptroller determined that "funding for the Palestinian educational system per pupil did not exceed one third of the amount allocated to its Jewish counterpart" (Sa'di 1996:396).

The Palestinian school system lacks completely, or is seriously underprovided with, related educational services such as psychological counseling, truancy officers, health care services, computers, extra-curricular activities,

and so on. In 1985, an inter-ministerial committee estimated that Palestinian education was lagging behind Jewish education by twenty to twenty-five years. This reality is reflected in the dropout rates of Palestinian students, which in the 1990s were between 20 and 25 percent, as well as in their success in acquiring the matriculation certificate and in their rates of attendance at institutions of higher education (Al-Haj 1995, Ch. 5; Abu-Asbah 2005:203–13, 217).

In the 1993–94 school year, 93 percent of Jews aged 14 to 17, but only 70 percent of Palestinians of the same age group, were attending school. By 2010, the rate among Palestinians rose to 81.6 percent. In 1993–94, only 44 percent of the relevant age group among Palestinians reached the twelfth grade, and of those only 33 percent gained the matriculation certificate required for admission to institutions of higher education, which represents 40 percent of those who actually took the matriculation examinations. In 2007, 47.7 percent of Palestinian twelfth-grade students gained the certificate, a *decline* from 57.3 percent in 2002, while two-thirds of Jewish twelfth grade students gained the certificate. Of the total cohort of 17-year-olds, about 35 percent of Palestinian students, and 50 percent of Jewish students, gained the certificate. If *charedi* (ultra-Orthodox Jewish) youth, who do not take the matriculation examinations, are deducted from the Jewish group, the rate of success among Jews was over 60 percent. The equivalent rates for 2010 were 39 percent among Palestinians, 54.4 percent for all Jews, and over two-thirds for Jews if the *charedi* group is not counted. Among Palestinians, students in private Christian schools, which educate about ten percent of all Palestinian high-school students, have been over-represented among those who succeed in gaining matriculation certificates (Rinawi 1996:2–3; cf. Ghanem 1996:7; Al-Haj 1995:94–101; Landau 1993:70–71; Abraham Fund 2009, Ch. 1:38; Konnor-Atias and Gramsh 2012:8, 10).[7]

Many of the matriculating Palestinian students earn matriculation certificates that are not good enough to gain them entry into institutions of higher education. Thus in 1998, 90 percent of Jewish high-school graduates, but only 70 percent of Arab ones (not including Druze and Negev Bedouin graduates, whose rates were even lower), gained matriculation certificates that met the universities' admission requirements. In 2010, almost 80 percent of Palestinian matriculation certificate holders were eligible for admission to institutions of higher education. However, only 18 percent of those aged 17 in 2002 were attending such institutions in 2010, compared to 36 percent among Jews. In the 1994–95 academic year, Palestinian students constituted only 5.3 percent of the students in Israeli universities, rising to 8.3 percent ten years later, and to 9.6 percent in 2008. In 2009, 3.4 percent of Palestinians aged 20–34 were attending universities, compared to nine percent among the Jews. The gap between the numbers eligible for higher education and those actually pursuing it is due not to discriminatory admissions policies, but to the difficulties facing Palestinian university graduates in finding employment commensurate with their educational qualifications (Rinawi 1996:3; cf. Ghanem 1996:7; Al-Haj

1995:194–95; Abu-Asbah 2005:216; Abraham Fund 2009, Ch. 1:43; Sikkuy 2010:52; Jabarin 2010:20; Konnor-Atias and Gramsh 2012:12, 18; Gharrah 2005; 2012:112–15).

By far the largest group among Palestinian university graduates work as teachers: 38.7 percent in 1983, compared with 15.3 percent of Jewish university graduates. In 2001, 35 percent of Palestinians with at least 13 years of schooling worked as teachers, compared to 15 percent of Jews. The second largest group are medical doctors (13 percent in 1983), followed closely by blue-collar workers (11 percent). Among Jews, the three largest occupational categories among university graduates in 1983, aside from teachers, were professional and semi-professional employees (16 percent), managers and administrators in the public sector (15 percent), and architects and engineers (14.5 percent). Among Palestinians these three groups comprised 6.6, 0.5(!), and 5 percent of university graduates, respectively. Only 2.8 percent of Jewish university graduates worked as blue-collar workers in 1983. In 2001, the ratios of academically educated Palestinians to Jews in the different occupational categories were: elementary school teaching – 2.76; high school and university teaching – 1.98 (the number of Palestinian university teachers is negligible); professions (medicine, law, engineering, accounting) – 1.27; management (including self-employed) – 0.49; natural and life sciences – 0.10. These figures clearly illustrate the different labor market opportunities facing Jews and Palestinians possessing similar "human capital" (Al-Haj 1995:205, Ch. 8; Gharrah 2005:227–29; cf. Shavit 1990:124).

Almost invariably, high-status occupations are available to Palestinians only in their own labor market, especially in the public sector (Shavit 1992; Lewin-Epstein and Semyonov 1993). Already in 1983, however, "almost 50% more highly educated persons resided in Arab communities than there were high status jobs in the Arab labor market" (Lewin-Epstein and Semyonov 1993:56). Those educated persons who could not find employment in the Palestinian labor market had to settle for jobs for which they were overqualified in the Jewish market.

The "educational – occupational mismatch" suffered by highly educated Palestinians is a clear expression of some of the internal contradictions that beset the Israeli incorporation regime due to the multiple, partially contradictory, discourses of citizenship it embodies. While the liberal discourse mandates that Palestinian citizens be given the opportunity to be educated at the level and in the fields for which they may be personally qualified (although this opportunity is also mitigated by the ethno-national discourse), this principle works much less effectively in the labor market. Israel's Equal Employment Opportunity Law forbids discrimination in employment based on race, nationality, religion, etc., but allows such discrimination if it is required by the nature of the position concerned. Since every Palestinian is considered a security risk, and since much of Israel's sophisticated industries and public utilities are, by definition, security related, national discrimination is rampant in the higher segments of the labor market. Ironically, the security

argument is used not only against Muslim and Christian Palestinians, who normally do not serve in the military, but also against the Druze who do (Lewin-Epstein and Semyonov 1993:80–82; Atashe 1995:116–33; Yiftachel and Segal 1998; Amrani 2010:71–79). Moreover, anti-Palestinian discrimination is not limited to the private sector. In the public sector as well, including the state civil service and the higher education system, Palestinians are notoriously underrepresented, except as teachers in the Arab school system. In 2009, Palestinian citizens comprised only seven percent of state employees. Their exclusion is especially noticeable in positions of high status, authority, and income (Landau 1993:15–17; Abraham Fund 2009:11–14; Sikkuy 2010:64).

1966–92: Ethnic democracy

In 1966, the Military Administration was abolished as conditions in the Jewish labor market shifted from over-supply to over-demand, and as the expropriation of Palestinian-owned land had largely run its course. Only then did Israel become truly an ethnic democracy, as some political space was opened up for the Palestinian citizens. As soon as that happened, the Palestinians launched a political struggle against further land expropriations. The Communist-inspired National Committee for the Defense of Arab Lands declared 30 March 1976 to be Land Day, marked by a general strike and demonstrations against the expropriation of land.[8] The government, then headed by Yitzhak Rabin, responded with force and imposed a curfew on a number of villages, some of whose land was to be expropriated. In skirmishes that ensued between the security forces and demonstrators who defied the curfew, six Palestinians were killed in three villages, many more were wounded, and hundreds were arrested (Lustick 1980:246; Sa'di 1996:404; Rekhes 2007:9; Biletzki 2011:90–100). Since Land Day, however, large-scale expropriations of land have subsided, except in the Negev, where the Bedouins are still being pressured to give up their land claims and move into townships (Human Rights Watch 2008).

During the 1970s, following the abolition of the Military Administration and the war of 1967, which renewed contacts between Palestinians in Israel and in the occupied Palestinian territories, Palestinian citizens were becoming increasingly assertive of their rights and had shown growing willingness to use the political system for promoting those rights. A number of country-wide representative organizations had emerged in that period, such as the Committee of Heads of Arab Local Councils, the Supreme Follow-up Committee of Arabs in Israel, and the Committee to Defend the Lands. These organizations have gained the grudging *de facto*, if not *de jure*, recognition of state authorities (Lustick 1980:246–49; Smooha 1989:211–12; Al-Haj and Rosenfeld 1989; 1990).

In terms of electoral politics, the only Palestinian political parties that participated in national elections until 1965 were *hamula*-(extended family) based parties affiliated with Zionist parties, primarily with Mapai. The only

exception was the Israeli Communist Party, which had been taking on more and more the character of a Palestinian party. In 1965, the Arab Socialist List, organized by a Palestinian nationalist group, *al-Ard* (The Land), sought to participate in the Knesset elections held that year, but was disqualified for ideological reasons (Zureik 1979:172–75; Peled 1992; Haklai 2011:86). Its disqualification was the most revealing example of the restriction of the Palestinian citizens' political rights, by Israel's highest legal authority, during the twilight of the Military Administration.

Al-Ard was a small group of Palestinian-citizen intellectuals who sought to promote a pan-Arab political agenda and reconstitute Israel as a secular democratic state of its citizens, through lawful political means. In 1960, six members of the group were convicted in court for publishing a newspaper without a license.[9] In the same year, the registrar of corporations refused to register *al-Ard* as a corporation for national security considerations. The High Court of Justice overruled his decision, emphasizing that the absolute discretion that the law granted the registrar did not include the authority to consider national security interests.[10] But two years later, the High Court upheld the decision by the District Supervisor (an Interior Ministry official) of the Haifa district to refuse to register *al-Ard* as a not-for-profit corporation, for the reason that the corporation would have sought to undermine the regime (Jiryis 1976:187–96; Haris 2001:134; Rekhes 2007:6).[11] In 1964, *al-Ard* was declared an illegal association by the Minister of Defense. In 1965, the Central Elections Commission, headed by Supreme Court Justice Moshe Landau, disqualified *al-Ard*'s Arab Socialist List from participation in the elections for the 6th Knesset, on the grounds that it was "an unlawful association, because its promoters deny the [territorial] integrity of the state of Israel and its very existence" (Kretzmer 1990:24). This ruling had no basis in law. Until 1985, the Central Elections Commission did not have the authority to disqualify candidate lists on the basis of their platform or the ideology of their members or "promoters." Nevertheless, in its *Yardor* decision, the Supreme Court upheld, by a 2:1 majority, the Commission's ruling. The Court majority argued that the gravity of the issue placed before it – namely, *al-Ard*'s objection to the Jewish character of the State of Israel, which was tantamount, in the Court's eyes, to objecting to its very existence – justified the departure from the strict letter of the law, under the doctrine of "defensive democracy." This was despite the fact that *al-Ard* sought to bring about the change in the character of the state through lawful means only. In the words of the one dissenting justice, Hayim Cohn, which were not disputed by the two other justices on the bench, "in the material which was in front of the Central Elections Commission, and which was presented to us too, there was nothing to justify, let alone mandate, the finding that there is a real or clear or present danger" posed to the state or to any of its institutions by the Arab Socialist List (*Yardor* 1965:381; see also Sasar 1989:185–86).

Between 1965 and 1984, no independent Palestinian party had attempted to field a list of candidates in Knesset elections. (In 1980, a public meeting

called by Palestinian organizations to discuss the possibility of forming a unified Palestinian political party, was banned by the government; Smooha 1997a:217.) Instead, Palestinian voters had been shifting their votes from Mapai and the Labor Party, and their Palestinian affiliates, to the Communist Party, whose following has become overwhelmingly Palestinian. Thus, the Communist Party gained about 50 percent of the Palestinian vote in 1977 and 1981, about one-third of that vote in 1984 and 1988, and about 25 percent of the vote since then, with the exception of the 1996 elections, when it ran together with the Democratic National Assembly (NDA), and the two together received 37.4 percent of the vote (Ozacky-Lazar and Ghanem, 1996:38; Haklai 2011:133; Rodnitski 2013:16).

A major reason for the decline in the Communists' share of the vote after 1981 was the appearance of new Palestinian parties: the Progressive List for Peace (PLP; formally a joint Palestinian-Jewish party) and the Democratic Arab Party. The PLP, headed by a former member of *al-Ard*, was established in 1984. Its platform called, *inter alia*, for turning the State of Israel into a liberal democracy, where all citizens would be treated equally before the law. The Arab Democratic Party was established by a former Labor party MK after the outbreak of the first *intifada* in 1988, and it tried to hold on to a modernized version of the accommodationist politics of the earlier period (Rekhes 2007:10–11; Haklai 2011:127). Together, the Communists and the all-Palestinian parties received about half of the Palestinian vote between 1984 and 1992, and in 1996 they reached the two-thirds mark for the first time. In the 1996 elections, the Palestinian vote was divided almost equally between three blocks: the secular and moderately nationalist Democratic Front (Communists and their affiliates), the Muslim and nationalist United Arab List (made up primarily of the Arab Democratic Party and a section of the Islamic Movement), and liberal ("left" in Israeli political parlance) Zionist parties that espouse a relatively integrationist stance towards Palestinian citizens. In 1999, the Democratic National Assembly joined the fray as an independent actor, and since then the United Arab List has been receiving about one-third of the Palestinian vote, the two other Palestinian parties – the Democratic Front and the NDA – have been receiving about one-quarter each, and liberal Zionist parties have been receiving the remaining one-quarter. In the 14th Knesset, elected in 1996, the number of Palestinian deputies was proportionate, for the first time in Israel's history, to the share of Palestinian voters in the electorate: about 10 percent (Ozacky-Lazar and Ghanem 1996; Smooha 1997, 215; Haklai 2011:133; Rodnitski 2013:16).

Liberalization – 1992–2000

The demise of ethno-republicanism

Beginning in the mid-1960s, the most privileged sector of Israeli society – middle-class *Ashkenazi* Jews connected in various ways to the economic

empire of the *Histadrut* – began pressuring the state to liberalize the economy. This signified the transformation of this social sector from essentially a rentier bureaucratic class, living off its control of the largely unilateral capital transfers into the economy, to a business class in a truer sense, that was engaged in a relatively fast and successful process of capital accumulation (Shalev 1992). To facilitate this process, this new business class sought to rid itself of the political tutelage of both the state and the *Histadrut* and to "rationalize" its economic activity, i.e., conduct it solely on the basis of profit considerations. In 1977, a political party formed by this new middle class, the Democratic Movement for Change, brought Labor down and enabled the right-wing Likud to take power for the first time (Shafir and Peled 2002:219–21).

As soon as Likud assumed control of the government, it launched an economic liberalization program designed to dismantle the corporatist political-economic structure that was the mainstay of the republican discourse of citizenship and of Labor's power. However, since it did not control the *Histadrut*, which refused to cooperate with it in laying off workers and cutting wages, Likud's economic policy brought the economy to the brink of hyper-inflation (450 percent annually in 1985). As an unintended consequence, perhaps, the high inflation rates contributed to the weakening of Labor's economic institutions, many of which provided goods and services to the state and were dependent on timely payments from the state to maintain their cash flows. In a situation of very rapid monetary inflation, by delaying such payments even for short times, the state was able to erode their value, force its creditors to seek high-interest bank loans, and thus undermine their economic viability. This greatly hastened the downfall of the *Histadrut*.

After the general elections of 1984, which resulted in a tie between Labor and Likud, Labor made a strategic decision to rid itself of the crisis-ridden *Histadrut* enterprises, which it came to see more as a burden, than a benefit, for the party. In 1985, a national unity government, in which Labor and Likud shared power, instituted the Emergency Economic Stabilization Plan that halted monetary inflation and laid the groundwork for the successful liberalization of the economy (Shafir and Peled 2002:231–59).

When Labor returned to power on its own in 1992, a momentous struggle developed between its neo-liberal wing and its welfarist wing, based in the *Histadrut*. The aim of the neo-liberal Laborites was to dismantle the *Histadrut* and the public-sector economy in general, and to undermine the welfare state, in order to enable the economy to be thoroughly liberalized. Significantly, the major issue over which this clash between the two wings of the party took place was control over the *Histadrut*'s extensive healthcare system.

By the 1990s, the *Histadrut* had already been stripped of much of its productive resources through privatization. Its healthcare system, known as *Kupat Cholim* (sick fund, or HMO), which had always been its main vehicle for attracting membership, had by then become its only significant asset. *Kupat Cholim* predated the First World War and the *Histadrut* itself, and was one of the primary manifestations of Labor Zionism's republican

commitment to Jewish social solidarity and mutual aid. At its peak, this system provided healthcare services to 70 percent of the Israeli population, on the basis of voluntary membership in the *Histadrut*. Most of the rest of population was covered by similar, smaller organizations, generally associated with various political parties. By many experts' accounts, this was one of the most efficient systems of healthcare provision in existence throughout the world.

In 1995, a new State Health Insurance Law came into effect, authorizing the state to take over the healthcare system and shift its financial basis from voluntary subscription to a mandatory health tax. In a different social context, such as in the United States, this may have meant a major expansion of the welfare state. In Israel, however, in spite of the universalization of healthcare coverage entailed by this act, it signified a retreat of the welfare state and a major step towards the privatization of the healthcare system.

Historically, the healthcare system operated on a deficit financing basis, with the state covering its deficits at the end of each year. Since the reform, the sick funds, which continue to provide healthcare services, are required by law to operate within an authorized budget limit, made up of the proceeds of the health tax plus an unspecified contribution by the state. Since the state, in the form of the Treasury bureaucracy, tries to contribute as little as possible, this means an inevitable deterioration of services, with the shortfall being picked up by private health providers for those who can afford to pay (Shafir and Peled 2002:296–302; Filc 2009). Thus, between 1995 and 2010, the portion of the total social expenditure on healthcare paid for by households (beyond the health tax) grew from 26 to 43 percent (compared to 53 percent in the United States), while that of the state shrank from 70 to 35.5 percent (the remainder was paid for by not-for-profit organizations). The operational share of the public sector as a whole in providing healthcare services declined from 69 percent to 62 percent between 1985 and 2005, while that of the business sector increased from 19 to 25 percent. The share of healthcare expenditures out of all household expenditures grew from 3.8 percent in 1997 to 5.1 percent in 2005, while the weight of extra-insurance expenditures (beyond the health tax), out of total household expenditures on healthcare, grew from 10.5 percent in 1997 to 25.5 percent in 2005 (B. Swirski 2007; 2012; *The Marker*, 13 and 18 June 2012). In June 2012, the High Court of Justice determined that "the right to health of all of Israel's citizens … that was established by and anchored in the State Health Insurance Law, is being slowly emptied of content, in view of the systematic erosion of the sick funds' budgets … " (HCJ 8730/03, par. 37 of Justice Joubran's opinion).

In the interest of free competition, the new State Health Insurance Law also required the sick funds to accept all applicants, and forbade them to make their own membership conditional on membership in any other organization. This provision was introduced in order to sever the ties between the *Histadrut* and its *Kupat Cholim*, causing the *Histadrut* to lose most of its membership and to reconstitute itself as a fledgling labor union federation. As

a result, the unionization rate of Israeli workers (not including non-citizen Palestinian workers and labor migrants) declined from 80 percent in the 1970s to 49 percent in 1996, and continued to decline through the 2000s with the progression of the liberalization process. Still, the much-weakened *Histadrut* has been the only force trying to stand up to the juggernaut of economic liberalization, to the chagrin of businessmen, Treasury officials, academic economists, and economic journalists (Ram 2008).

In the first fifteen years of liberalization and globalization – 1985–2000 – the Israeli economy experienced relatively high growth rates and a parallel increase in the inequality of income distribution. Per capita GDP rose from $5612 in 1985 to $17,804 in 2000, as 83 state-owned (not including *Histadrut*-owned) corporations, worth $8.7 billion, had been privatized. By the same token, the economic income share of the top decile of income earners rose between 1990 and 2002 from 25 to 30 percent, that of the second highest decile remained unchanged, while the share of all other income earners declined. However, until Likud's return to power in 2001, following the outbreak of the *al-Aksa intifada,* the project of dismantling the Israeli welfare state was stymied by path dependency, lack of resolve on the part of political elites, and concern over the possibility of massive popular discontent. Thus, while the Gini coefficient for economic income rose from 0.498 in 1993 to 0.528 in 2002, with a particularly sharp increase between 2001 (0.509) and 2002, the first full year of Ariel Sharon's tenure as Prime Minister, inequality of disposable income was much more moderate, rising from 0.339 in 1993 to 0.350 in 2001 and 0.357 in 2002. The percentage of families whose economic income was lower than the poverty line (50 percent of the median income) remained stable throughout this period at around 34 percent, up from 28 percent in 1980 (Arian et al. 2003:83; Swirski and Konnor-Attias 2004:7, 13; Shalev 2007; Ram 2008; NII 2012:81).

The new economic policy was very beneficial, however, to the upper layers of the business class. It has granted them lower labor costs, greater labor market "flexibility," and lower taxes. As a result, the profits of the top 25 companies traded on the Tel Aviv Stock Exchange *tripled* between 2002 and 2003, and those of the major banks increased by 350 percent. In 2002, the average salary of senior executives of all companies traded on the Tel Aviv Stock Exchange was 17 times higher than the average income in the economy, and 36 times higher than the minimum wage. In 2006, nineteen families controlled 54 percent of the business sector GDP, with five of those families controlling 61 percent of the total income of the group. In 2010, the Gini coefficient for economic income was 0.5 and for disposable income it was 0.38. (The equivalent figures for OECD countries as a whole were 0.46 for economic income and 0.31 for disposable income.) In that year, about one-third of all families were below the poverty line in terms of their economic income, and one-fifth remained poor after taxes and transfer payments. In 2011, the top two deciles of families earned 39.3 percent of all net family income, while the two bottom deciles earned only 6.7 percent (Ram 2008; NII 2012:68–81; CBS 2012).

This transformation of Israeli society was duly recognized by the international agencies monitoring the global economy. Most indicative, perhaps, was the change in Israel's "index of economic freedom" calculated by the Heritage Foundation (the lower the index the greater the "economic freedom" in a country). In 1995, that index was 2.9 and by 2003 it declined to 2.45, placing Israel right at the center of the "fairly free" category, a category that ranges from Chile to Argentina (Arian et al. 2003:84–88). Similarly, in early 2004, Moody's rating service declared the economic policy of the current Israeli government to be the best in Israel's history. In May of 2010, Israel was admitted to membership in the OECD, the organization of the economically most developed countries.

Naturally, liberalization was not limited to the economic sphere alone. Important political changes were also introduced, that can be grouped under three headings: electoral reform, human rights legislation, and the strengthening of professional, non-elective institutions at the expense of democratically elected ones. In the electoral system, two important changes were instituted: intra-party primary elections and the personal election of the Prime Minister by the entire electorate (making the Prime Minister a semi-president, US style). Since the way the Knesset itself was elected was not changed, and remained the single-constituency proportional system typical of ethnic democracy, the effect of these changes was to weaken the major political parties and, paradoxically, the Prime Minister as well, and to increase the influence of small parties and of large donors who could help finance electoral campaigns.[12] By the end of the 1990s, these reforms were largely undone, as part of the anti-liberal reaction that had swept the country, politically and culturally (but not economically) (Shafir and Peled 2002:264–66; Peled 2004; Koenig 2012).

In the human rights field, two important Basic Laws (enjoying constitutional status) were enacted on the eve of the 1992 elections: *Human Dignity and Freedom*, and *Freedom of Occupation*. By some interpretations – most significantly, by that of then Chief Justice Aharon Barak – these two laws together amounted to no less than a "constitutional revolution," in that they allowed, for the first time, for judicial review of primary legislation. However, the rights guaranteed by these laws have to be interpreted in light of the country's values as a Jewish and democratic state. This has limited their applicability in the areas of religious freedom and the rights of Israel's Palestinian citizens, not to mention those of non-Palestinian citizens. No less significantly, the rights guaranteed by these two laws were civil and political rights only, including the right to property, but not social rights. Thus these laws could not be used to defend Israel's relatively progressive labor relations and social welfare legislation that have come under attack in the process of economic liberalization (Shafir and Peled 2002:266–75; Mundlak 2007; Navot and Peled 2009).

The introduction of judicial review of primary legislation, or, more accurately, the assumption by the Supreme Court of that right, signified a major

power shift from the elected legislative branch to the non-elected judiciary. This was one manifestation of the trend, in Israel as elsewhere, of political power shifting from majoritarian to elite institutions, as an aspect of liberalization. Another major institution that became much more powerful in that period was the Bank of Israel, whose authority to determine interest rates in the context of the evolution, for the first time, of a capital market, made it a powerful actor in the determination of economic policy (Hirschl 2004).

Economic and political liberalization was not sufficient, however, to ensure that the new business class benefited from the process of economic globalization. The international opportunities open to Israeli businesses, both in terms of their own operations abroad and in terms of foreign investments in Israel, had been limited because of the Arab-Israeli conflict. The secondary Arab boycott, targeting corporations that did business with Israel, as well as general considerations of economic and political expediency, made cooperation with Israeli firms risky for many foreign companies. For twenty years, from 1967 to 1987, the occupied Palestinian territories provided a partial substitute for the international market and a clandestine trade outlet to the Arab world. But the economic benefits of the occupation – a cheap and reliable labor force and a captive market – were sharply reduced already by the first *intifada*, which broke out in 1988. By the late 1980s the costs of the occupation to the Israeli economy had come to overshadow its benefits (Grinberg 2010).

For these reasons, settling the Israeli-Palestinian conflict – meaning, in effect, decolonizing parts of the occupied territories through accommodation with the Palestine Liberation Organization (PLO) – became an economic necessity for the Israeli business class. Indeed, after the 1993 Oslo Accords between Israel and the PLO, many foreign markets that had been closed to Israeli firms in the Middle East and beyond, had opened up. By the same token, foreign direct investment in the Israeli economy, which was practically non-existent before the mid-1990s, reached $4.3 billion in 2000 and, after declining for a few years due to the second *intifada,* rose again to an annual average of $9.63 billion in 2005–7. Investments declined to $5.5 billion in 2010, due the world financial crisis, then rose again to $11.37 billion in 2011 (*Globes* 2012). Together, these two processes resulted in unprecedented economic prosperity in the country that enabled it to emerge from the 2008 global financial crisis practically unscathed.

Reflecting the attrition of its material base – the corporatist political-economic system built around the *Histadrut* – the republican discourse of citizenship has also declined. Legal theorist Menachem Mautner has identified the following symptoms for the decline of civic-republican solidarity in Israel and the shift to interest-group liberalism as the governing principle of social interaction: the lack of a written constitution and constitutional court; the fragmentation of the educational system; the gaps between center and periphery; the treatment of Israel's Palestinian citizens; income inequality; the emergence of separate systems of civil adjudication; increasing identification with sub-national ascriptive groups; the legalization of social relations; and

the decline of respect for political institutions and for politics as a vocation (Mautner 2012:571–77; see also Shafir and Peled 2002; Mautner 2011). While I would differ with Mautner over some of these points, especially over his neglect of the ethno-national discourse in Israeli political (and legal) culture, I believe the general picture he portrays of the decline of republicanism is accurate.

One of the clearest manifestations of this decline, mentioned by Mautner but deserving of further elaboration, has been the decline of military virtue, the prime expression of civic virtue in the eyes of republican thinkers from Aristotle on. Overall, no more than 50 percent of each conscription-eligible cohort now actually join the military, for various reasons. More importantly, since the mid-1980s, scions of the *Ashkenazi* elite connected to the Labor movement, which until then had carried the main burden of military service, qualitatively speaking, have become much less motivated to serve, especially in the officer corps and in the elite military units of which they had been the backbone for the previous forty years. For the most part, this reluctance to serve does not stem from conscientious objection to the military's role in policing the occupied Palestinian territories or its actions in Lebanon. It stems, rather, from instrumental individualistic considerations. The nature of their relation to the military has also changed in the eyes of these formerly elite recruits, from selfless contribution motivated by communal solidarity, to contractual relations of *quid pro quo*. The most dramatic, or perhaps comical, expression of this general trend so far, was a strike called by the topmost elite military unit – reserve fighter pilots – in 1999, because they were unhappy with the insurance policies issued them by the air force (Levy 2007; Levy et al. 2007; Ram 2008; Amrani 2010:128–31).[13]

A politically prominent expression of the shift from viewing military service as a privilege to viewing it as a burden has been a campaign to end the arrangement whereby students in *charedi* (ultra-Orthodox) *yeshivot* are exempted from military service. That administrative arrangement dates back to 1948 and consists, formally, of a deferment granted to full-time *yeshiva* students until the end of their studies. However, the deferment becomes an exemption once its holder reaches the age of forty-one (thirty-five if he has four children or more), so most of these students continue to study, or at least be registered in *yeshivot*, and do not serve in the military or enter the labor force for many years, if at all. Thus while the average age of leaving a *charedi yeshiva* in Israel is forty-two, in the US, where no special privileges accrue to *yeshiva* students, the average leaving age is twenty-five (Ilan 2000:259–63; Gonen 2000:16).

In 2010, 13 percent of the draft-eligible cohort received such deferments, up from 4.2 percent in 1980, and the total number of deferment holders was 61,800, up from 10,462 in 1980 (Malach 2012:11). Resentment towards the inequality in fulfilling the duty of military service, and the resultant non-participation of able-bodied *charedi* men in the labor force, increased among secular Jews in the era of liberalization. This resentment manifested itself in a

number of appeals to the High Court of Justice against this arrangement. In 1999, the High Court ruled that the deferment arrangement lacked a basis in law, and as a result a law known as the Tal Law – named after Zvi Tal, the retired Supreme Court justice who headed the committee that formulated it – was enacted in 2002. The new law, in effect, turned the deferments into exemptions after a short time and a perfunctory military or civilian service, so that young *charedi* men could safely leave their *yeshivot* and join the labor force. The Tal Law was never implemented, however, due to the opposition of the *charedi* rabbinical establishment on the one hand, and liberal public opinion on the other, and the High Court of Justice struck it down as unconstitutional in 2012 (Malach 2012:8–10). In the 2013 general elections, a political party that campaigned for "equalizing the burden" of military service gained 19 seats in the Knesset and became the second largest party in the house. At the time of writing, the negotiations to form a government coalition are stalled because that political party, *Yesh Atid*, insists that the *charedi* political parties, Likud's traditional coalition partners, be kept out of the government so that the deferment of military service for *yeshiva* students could be done away with.

The tensions rising

As mentioned above, Palestinian politics in Israel have been organized in three tendencies since the mid-1990s: Muslim nationalist, secular Pan-Arab nationalist, and Communist. Through the 1990s, these three tendencies together were receiving about two-thirds of the Palestinian vote in national elections, more or less equally divided between them, with the remaining one-third going to liberal Zionist parties. Since 2006, Palestinian political parties have been receiving around three-quarters of the Palestinian vote, while the share of liberal Zionist parties declined to about one-quarter (Haklai 2011:133; Rodnitski 2013:16). Parallel to that, the turnout rates of Palestinian voters declined from 75 percent in 1999 to 53 percent in 2009, then rose slightly to 56.5 percent in 2013 (Rodnitski 2013:2). In the special elections for Prime Minister held in 2001, only 18 percent of eligible Palestinians voters actually cast a vote, in protest over the October Events (see below). In his 2009 survey of Palestinian attitudes, Smooha found that 40.6 percent of his respondents supported the boycott of Knesset elections. As mentioned earlier, since 1996, the number of Palestinian Members of Knesset, elected on both Palestinian and Zionist party lists, has matched the share of Palestinian voters in the electorate: about 10 percent (Ozacky-Lazar and Ghanem 1996; Smooha 1997a:215; 2010:13; Frisch 2004; Jamal 2002a; Haklai 2011:133; Peleg and Waxman 2011:99).

This historic shift in Palestinian voting behavior – from supporting the ruling party, Mapai, in the period of the Military Administration, to supporting mostly the Communists and nationalist Palestinian parties – and, as a result, the growth of the Palestinians' parliamentary power, paralleled the

growing political polarization among Jews, between the liberal Left and ethno-nationalist Right, over the future of the occupied Palestinian territories. These processes led Lustick to predict that if the political deadlock between the two Jewish camps continued, Palestinian parties may be included in governing coalitions in the not-too-distant future, since the liberal bloc could not govern without them. This, he argued, would be one more step towards making Israel a bi-national state *de jure*, not only *de facto* (Lustick 1989; 1990). And indeed, the (second) Rabin government had to rely in 1992 on six Knesset delegates representing two Palestinian political parties to maintain its Knesset majority. These two parties were not included in the governing coalition, nor were they given any ministerial posts. But in return for their support, which was crucial, among other things, for passing the Oslo Accords in the Knesset, the Palestinian citizens received much better treatment from that government (1992–96) than they had from any other government, before or since (Hareven and Ghanem 1996; Smooha 2012:5).

In evaluating this episode one could consider the glass half-full or half-empty. It could be argued that Palestinians had real influence at cabinet level for the first time, albeit from the outside, and that they used this influence to promote both the peace process and the material interests of their community. On the other hand, it could be pointed out that the Labor government was attacked viciously for its dependence on Arab votes, and that both Rabin and his immediate successor, Shimon Peres, made frantic efforts to enlarge their coalitions, so they would not have to depend on these votes. According to Smooha's findings, in 1995 "even among leftist [i.e. liberal] Jewish voters, there was no majority to unconditionally support the inclusion of Arab parties in government coalitions (only 38.8 percent agreed unconditionally)" (Smooha 1997a:226). Rabin's assassin, Yigal Amir, was reportedly motivated, at least in part, by the claim that Rabin ruled "undemocratically," because he did not have a Jewish majority (Kimmerling 1999:38–39).[14] Moreover, Benjamin Netanyahu's trump card, thrown in at the very last minutes of the 1996 election campaign, which he won, was the slogan, "Bibi is good for the Jews" (Shafir and Peled 2002:131).

Tensions between the state and its Palestinian-citizen minority were mounting in this period, the period marked by the Oslo peace process, because the two sides had conflicting expectations from the anticipated establishment of an independent Palestinian state in the West Bank and Gaza Strip. The state, or actually the more liberal elements within the Jewish elite, expected that once the Palestinian state became a reality, this would satisfy the national aspirations of all Palestinians throughout the world. Israel's Palestinian citizens would then settle for a modest liberalization of their citizenship status only, with the basic structure of the state as a Jewish state remaining intact (Smooha [1998] termed this "improved ethnic democracy"). The Palestinian citizens, on the other hand, felt excluded from the anticipated settlement between Israel and the Palestine Liberation Organization (PLO).

Historically, the PLO had not considered itself to represent the Palestinian citizens of Israel. On their part, the Palestinian citizens have also not seen the PLO, an enemy of Israel until 1993 (and again since 2001), as their political representative. Moreover, as the primary constituency of the PLO has always been in the West Bank and Gaza, in terms of Brubaker's triadic relations (Brubaker 1996), there was an interesting role reversal between the Palestinian national minority in Israel and its "external homeland" in the occupied Palestinian territories. Instead of the external homeland looking after the interests of the minority, it was the minority which was expected to help the interests of its "homeland." Thus, the PLO sought to guide the political activity of the Palestinian citizens of Israel, including their voting behavior, in ways that would serve its own interests, but not necessarily the interests of the Palestinian citizens themselves. This situation was not changed by the establishment of the Palestinian National Authority (PNA) in parts of the occupied territories in 1994, nor was it expected to change after the establishment of a full-fledged Palestinian state. Moreover, the non-democratic character of the PNA was perceived by many Palestinian citizens as a handicap in their own struggle to democratize the Israeli state (Rouhana and Ghanem 1998:334; Smooha 2010:9).

Caught between their nation and their state, as the famous cliché goes, the Palestinian citizens felt that their interests were likely to be sacrificed by both in the final settlement between them:

> A tacit agreement by all sides – the PLO, Israel, and the Palestinians in Israel – made [the latter] community an invisible part of the Palestinian people. It became abundantly clear to the Arab public [in Israel] that whatever problems they had with Israel were their own as a minority, and theirs alone.
>
> (Rouhana and Ghanem 1998:333)

In other words, many politically conscious Palestinian citizens were afraid that if they did not act immediately and resolutely before a final settlement was reached, they would have to pay the price for the settlement, in terms of both the perpetuation of their status as second-class citizens of Israel and in terms of the attrition of their national-cultural identity as Palestinians (Rekhes 2007:11; Jamal 2011:43–44).

Two main political stances were developed by Israel's Palestinian citizens in order to deal with this state of affairs: an Islamic stance, and a pan-Arab stance, associated with Azmi Bishara's Democratic National Assembly (Ghanem 2001:95–135). In both cases, the more or less conscious realization that the Palestinian national movement was too weak and too dependent on Israel to ground the collective identity of the Palestinian citizens, led to attempted reliance on larger cultural-political frameworks in order to ground that identity: the Muslim world in one case, the Arab world in the other.

The Islamic Movement has worked quite successfully to establish a system of *de facto* autonomous educational, cultural, and social service institutions without entering into an ideological or political debate with the state. (Its "northern," more radical wing, does not even participate in Knesset elections.) Bishara, on the other hand, sought a far-reaching liberalization of the Israeli state by redefining it as a liberal democracy, as well as re-defining the Palestinian citizen community itself as a national minority possessing of self-governing collective rights (Bishara 1993; Rouhana and Ghanem 1998:332; Jamal 2006; 2011:33–36). These demands were perceived by the state and by most Israeli Jews as a threat to the Jewish character not only of the state, but of the society as well, and even to its very existence as a Jewish society.

Perhaps as a result of their experience in the 1992–96 Knesset, all major Palestinian parties have called since the 1996 elections for a fundamental transformation in the formal definition of the Israeli state, from an ethno-national Jewish state to a liberal-democratic state of all of its citizens, and *only* of its citizens, where Palestinians will be recognized as a *national* minority. The Democratic National Assembly went so far as to demand non-territorial national-cultural autonomy for the Palestinian national minority. In June 1997, Bishara introduced a series of legislative proposals aimed at instituting several measures of national-cultural autonomy for Palestinian citizens. These proposals were unanimously supported by all Palestinian MKs. The demand that Palestinian citizens be recognized as a *national* minority possessing of collective rights was adopted ten years later, following the events to be related in the next section, by most of the important political and intellectual bodies of the Palestinian citizen community (Ozacky-Lazar and Ghanem 1996; Smooha 1997a:224; Rekhes 2007:13; Jamal 2008; 2011).

The issue of cultural autonomy for the Palestinian citizens became increasingly salient already in the period of liberalization. Smooha has summarized the positions of the two sides on the issue of autonomy:

> The Arabs demand non-territorial institutional autonomy: control over their educational system, state recognition of Arab national organizations … , the freedom to form nationalist Arab parties, the right to establish an Arab university, and a proportional share of the national resources. Israel rejects this drive for autonomous institutions because it appears as impinging on its Jewish-Zionist character and engendering secessionist sentiments. It grants Arabs an ethnic (religious, cultural, linguistic) minority status while they pursue a Palestinian national minority status.
>
> (Smooha 1992:266)

Since they lack Zionist civic virtue ("good citizenship" in Smooha's terms), and are therefore excluded from participating in the determination of the common good of society, it should come as no surprise that increasing numbers of Palestinian citizens have come to demand autonomous control over

their own communal affairs (Smooha 1999). This demand could be seen as asking that the ethno-republican principle be extended to the Palestinian citizens as well. Thus, rather than a core Jewish republican community surrounded by peripheral individual non-Jewish citizens, the State of Israel would be reconstituted as two republican communities – Jewish and Palestinian – each conducting its own affairs by itself, and cooperating in matters of common concern (cf. Mautner 2012).

In 1988, Smooha found that 47.5 percent of his Palestinian respondents supported the option he defined as "consociationalism" ("allowing Arabs to organize independently and become partners in state institutions" and "granting Arabs separate legal status, like the autonomy offered to the Arabs in the West Bank and Gaza Strip"). In 1976, only 36 percent of Palestinian respondents had supported that option. More significantly, perhaps, support for this option among *Jewish* respondents increased from 5 percent in 1980 to 17 percent in 1988. Among Palestinian respondents, about an equal number (48.3 percent) supported the liberal-democratic option ("achievement of equality and integration with Jews"), while among Jewish respondents this option was supported, for the first time, by fewer people (15.3 percent) than the consociational one (Smooha 1992:113).

Support for autonomy had increased significantly among Palestinians by 1995, when it was the arrangement favored by the largest number of respondents – 81.5 percent. The second largest number – 66 percent – supported what Smooha defined as "improved ethnic democracy" – a more limited version of autonomy, maintaining Israel's character as a Jewish-Zionist state (respondents, evidently, were not limited to one choice only). Of three possible "liberal democratic" arrangements, the most popular was supported by 40.5 percent. Unfortunately, the consociational option was not presented to Smooha's Jewish respondents in 1995, but by far the largest number among them – 71.5 percent – supported the "improved ethnic democracy" option. Only 4.5 percent supported the one "liberal democratic" option that Jewish respondents were asked about (Smooha 1997a:231). In 2009, 75 percent of Palestinian respondents, and 53.6 percent of Jewish ones, supported the more opaquely phrased notion of "Arabs will have national minority status with equal rights in Jewish and democratic state and will come to terms with it" (Smooha 2010:17).

The only arrangement on which majorities among both Palestinians and Jews could agree in 1995 was "improved ethnic democracy," which seemed to be Smooha's own preferred model as well (Smooha 1997a:230, 235–36). The improvement in this model over regular ethnic democracy was supposed to be a strengthening of the liberal element at the expense of the ethno-national one. This would have been manifested primarily in more genuine respect for the Palestinian citizens' individual rights and obligations and in making their separate educational, cultural, and religious institutions genuinely autonomous. The overall character of the state would have remained, however, "Jewish-Zionist" (Smooha 1997a:231).

The advantage of "improved ethnic democracy" is that it could be instituted gradually, through the normal political process, without incurring too much resistance from the Jewish majority. Under the best of circumstances – peace between Israel and an independent Palestinian state and regional economic prosperity – it may have also proved to be a stable political arrangement (Smooha 1994). But Palestinians would have continued to be second-class citizens in Israel, barred from the core republican community, and no recognition would be made of the grave injustices inflicted on them in the past. Given the balance of power between Jews and Palestinians, this may indeed have been the best practicable solution. Unfortunately, however, things have not turned out this way.

The elective branches of the state, attuned to Jewish public opinion, sought to forestall the Palestinian citizens' demands for enhanced individual and collective rights by, among other measures, curbing the citizenship rights already enjoyed by the Palestinian citizens under ethnic democracy. Thus, the looming danger of a Palestinian demographic preponderance was increasingly played up by mainstream Jewish politicians and academics, with the thinly disguised encouragement of the state, accompanied by demands to limit the Palestinian citizens' political rights, to prosecute Palestinian members of the Knesset for challenging the Jewish character of the state, and even to transfer Palestinian citizens out of the territory of the State of Israel altogether (Sofer 2000; Herzliya Forum 2001; Navot 2002; Arieli et al., 2006).

The Supreme Court, historically a bastion of the liberal discourse (Mautner 1993; Shafir and Peled 2002:266–69), responded to the growing tensions between the state and the Palestinian citizens in a way that put it at odds with the other two branches of government.[15] Rather than trying to forestall the Palestinian citizens' demand for collective rights by curbing their individual rights, it tried to forestall that demand by safeguarding, and at times even enhancing, the Palestinians' individual citizenship rights. The most significant manifestation of that policy was the court's celebrated *Qaadan* decision of March 2000.

The Qaadans, a Palestinian couple, petitioned the Court in 1995 to intercede on their behalf with the Israel Land Authority and five other governmental and quasi-governmental bodies that had refused to lease them land in Katzir, a "community settlement" being established by the Jewish Agency in the "Triangle" area, not far from the Green Line separating the sovereign State of Israel from the West Bank. In a path-breaking decision, Chief Justice Aharon Barak determined that it was illegal for the state to discriminate between its Jewish and Arab citizens in the allocation of land, even when that discrimination was affected indirectly, through non-governmental "national institutions" (the Jewish Agency, in this case). The ethno-national Zionist interest in "Judaizing" various regions of the country, Barak ruled, could not overcome the liberal principle of equality (HCJ 6698/95, reprinted in Mautner 2000:427–48; Shafir and Peled 2002:132; for the history of the case, see Ziv and Shamir 2000).

Furthermore, to counter the argument that the equality principle was compatible with a "separate but equal" allocation of land, Barak asserted that "a policy of 'separate but equal' is by its very nature unequal … [because] separation denigrates the excluded minority group, sharpens the difference between it and the others, and embeds feelings of social inferiority" (HCJ 6698/95, Barak opinion, par. 30). Significantly, Barak based this assertion on the U.S. Supreme Court's decision in *Brown vs. Board of Education*, and determined that "any differential treatment on the basis of religion or nationality is suspect and prima facie discriminatory" (Kedar 2000:6).[16]

Predictably, the Court wished to protect itself against the allegation that its decision undermined Israel's character as the state of the Jewish people. For, as many commentators were quick to point out, if the state cannot give preference to Jews in the allocation of land, what was the practical import of its being a Jewish state (Steinberg 2000)? In anticipation of this argument, Barak repeated his long-held position that the Jewish values of the state were not in contradiction with its liberal-democratic values, and that the equality principle was rooted equally in both sets of values. He also stressed that the decision applied to the particular case before the Court only, and that its implications were future-oriented and should not be seen as raising any question about past practices. Moreover, in certain cases, he conceded, discrimination on the basis of national affiliation could be warranted, so the Court did not decree that the state lease the Qaadans the property in question, only that it reconsider its previous decision not to lease it to them.[17] Yet, with all these caveats, Barak was cognizant of the fact that the Qaadan decision was "a first step in a difficult and sensitive road" (HCJ 6698/95, Barak opinion, par. 37; Shafir and Peled 2002:133). And, indeed, a difficult and sensitive road it was going to be.

Decline of ethnic democracy: 2000–present

Background: challenging ethnic democracy

The decline of the republican discourse of citizenship, the non-ethnic principle of Jewish solidarity mediating between the liberal and ethno-nationalist ones, resulted in a head-on confrontation between the latter two, to the detriment of ethnic democracy. Ethnic democracy had already been challenged by both Palestinian and Jewish political actors since the mid-1980s, the former espousing the liberal discourse of citizenship, and the latter espousing the ethno-nationalist one. In the face of these challenges, the state at first reaffirmed its commitment to ethnic democracy, but it has joined the ranks of those working to undermine ethnic democracy since 2000.

Affirming ethnic democracy

The first Palestinian political party to challenge ethnic democracy (or the "Jewish and democratic" constitutional formula that expresses it) was the

Progressive List for Peace (PLP), formally a joint Palestinian-Jewish party. Significantly, the PLP was formed in 1984, one year before the inauguration of neo-liberalism as the official economic policy of the state. The PLP platform called, *inter alia*, for turning the State of Israel into a liberal democracy, where all citizens would be treated equally before the law. The Central Elections Commission disqualified the PLP's list of Knesset candidates, on the grounds that the party "believes in principles that endanger the [territorial] integrity and existence of the State of Israel, and [the] preservation of its distinctiveness as a Jewish state." The Supreme Court, however, reinstated the PLP, on the grounds that no sufficient evidence was found to support the claim that it was negating the existence of the State of Israel. In the general elections of 1984, the PLP gained two seats in the Knesset (*Neiman* 1984:238; Kretzmer 1990:27; Peled 1992:437–38; Jamal 2011:31–32).[18]

The Jewish challenge to ethnic democracy came from Rabbi Meir Kahane's *Kach* party, an extreme right-wing nationalist party that called for turning Israel into a "Jewish democracy" and expelling all Palestinians, citizens and non-citizens alike, from the Land of Israel. *Kach* was also disqualified by the Central Elections Commission in 1984, and was also reinstated by the Court, on the grounds that the law did not give the Commission the authority to disqualify candidate lists on the basis of their ideology. The party leader, Meir Kahane, was elected to the Knesset in the general elections of that year (Peled 1990; 1992).

To rectify this situation, in which political parties whose platforms were deemed harmful to the basic values of the state could participate in Knesset elections, a number of the justices in the 1984 *Neiman* case recommended that the Knesset enact legislation that would give the Central Elections Commission the authority to disqualify candidate lists for purely ideological reasons. The Knesset complied in 1985, in the form of an amendment to *Basic Law: The Knesset*, which reads:

> A list of candidates shall not participate in elections to the Knesset if its goals, explicitly or implicitly, or its actions include one of the following:

(1) Negation of the existence of the State of Israel as the state of the Jewish people;
(2) Negation of the democratic character of the State;
(3) Incitement of racism.

<div align="right">(Knesset 1985:3951)</div>

After a series of administrative and legal maneuvers, *Kach* was indeed disqualified in the next general elections in 1988, and it was subsequently declared an unlawful association. The PLP was not disqualified, and it was able to elect one member to the Knesset (Peled 1992). (The PLP disintegrated, however, before the next general elections in 1992.)

The 1985 amendment to *Basic Law: The Knesset*, as interpreted by the Supreme Court, reinforced ethnic democracy in that it affirmed the basic

citizenship rights of the Palestinian citizens, while clearly limiting their ability to challenge the ethnic character of the state within the framework of the law. So far, only right-wing Jewish political parties challenging the citizenship status of the Palestinian citizens have been effectively disqualified on the basis of this amendment. However, in the deliberations leading to the Court's decision not to disqualify the PLP in 1988 (*Neiman* 1988), it became clear, according to legal scholar David Kretzmer, that participation in Knesset elections *could* now be legally denied to a list of candidates "that rejects the particularistic definition of Israel as the state of the Jewish people, even if the list is committed to achieving a change in this constitutional fundamental through the parliamentary process alone." Moreover, in Kretzmer's view, the decision also implied that

> on the decidedly fundamental level of identification and belonging there cannot be total equality between Arab and Jew in Israel. The state is the state of the Jews, both those presently resident in the country as well as those resident abroad. Even if the Arabs have equal rights on all other levels the implication is abundantly clear: Israel is not *their* state.
>
> (Kretzmer 1990:31; original emphasis)

This view was shared by Smooha: "From the Israeli-Arabs' viewpoint, the provision that Israel is the land of Jews all over the world, but not necessarily of its citizens, degrades them to a status of invisible outsiders, as if Israel were not their own state" (Smooha 1990:402).

The "October Events" and the Or Commission

According to Smooha, the first decade of the twenty-first century "was a lost decade for Arab-Jewish coexistence. The situation has worsened and bodes badly for the future of their relations" (Smooha 2010:10). The decade began ominously, with the breakdown of the Oslo peace process at Camp David in July 2000 and the outbreak of the *al-Aqsa intifada* in October of that year. For the Palestinian citizens, this came after a period of increasing frustration with Israeli government policies. The assassination of Prime Minister Yitzhak Rabin in November 1995 was a serious blow to their hopes for peace between their nation and their state and for more equal citizenship within Israel itself. Despite that, they were largely excluded from the rituals of national mourning and remembrance that followed the assassination (Al-Haj 2000).

Rabin's successor, Shimon Peres, decided on the eve of the 1996 elections to launch a military operation in Lebanon. During that operation, named by Israel "Grapes of Wrath," one hundred Lebanese civilians were killed in one village by Israeli artillery bombardment. Nevertheless, in the elections for Prime Minister held in the following month, 95 percent of Palestinian voters (who cast valid ballots) voted for Peres, compared to only 44 percent of Jewish voters (Ozacky-Lazar and Ghanem 1996).

Peres's loss to Benjamin Netanyahu in 1996 inaugurated a period of alienation between the government and its Palestinian citizens. Not only was the peace process stalled, but friction was renewed around the issues of budgetary allocations, land expropriation, and demolition of houses (Smooha 2002:493). In September 1998, this alienation broke out in violent clashes with police in the Palestinian town of Um-al-Fahem, during which police for the first time fired rubber-coated steel bullets at Israeli demonstrators, resulting in a number of them being seriously wounded (Yiftachel 2000:78; Or 2003:83–85; Frisch 2011:48–49).

In the next election for Prime Minister, in 1999, 95 percent of Palestinian voters again voted for the Labor party candidate, Ehud Barak, although he had practically ignored them during the election campaign (Ghanem and Ozacky-Lazar 1999). Barak's snubbing of the Palestinian citizens continued after his election victory, and was expressed both in his unwillingness to consider including their representatives in the government coalition, in any form, and in the policies pursued by his government after it was formed.

When the Oslo peace process failed and the *al-Aqsa intifada* broke out, Israel's Palestinian citizens came out in demonstrations of solidarity with their co-nationals in the occupied Palestinian territories, which demonstrations assumed a violent character and resulted in a number of major highways being temporarily blocked (Rabinowitz et al. 2000; Navot 2002; Or 2003). Throughout the northern police district, where the majority of Israel's Palestinian citizens lived, the police fired rubber-coated steel bullets and live ammunition at the protestors, killing thirteen of them (twelve Palestinian citizens and one non-citizen Palestinian) and wounding many more. One Jewish citizen was also killed by Palestinian protestors in the course of these disturbances. In some areas, Jewish demonstrators also attacked Palestinians, resulting in major property losses, injuries, and perhaps even deaths. The Jewish majority reacted to these events by instituting an economic boycott of the Palestinian citizens that resulted in a fifty percent decline in their business activity (Frisch 2004:130; Smooha 2010:11; Haklai 2011:121–25).

The death toll in this series of confrontations, which lasted for almost two weeks, was the heaviest since the *Kafr Kassem* massacre of 1956, when forty-nine citizen-Palestinian villagers were murdered by police for breaking a curfew of which they were unaware (Benziman and Mansour 1992:106; Rosental 2000; Khleif and Slyomovics 2008; Biletzki 2011:76–89). Still, it took six weeks of strong pressure from the Palestinian political leadership, and from some Jewish public figures, for the government to appoint a state commission of inquiry, headed by Supreme Court Justice Theodore Or, to investigate the clashes. The Commission submitted its report in September 2003 (Or 2003).

Without explicitly using this term, the Or Commission in effect called for the restoration of ethnic democracy, which had been seriously undermined in October 2000. This call was manifested through a dual move: on the one hand, the report catalogued in great detail and with surprising forthrightness

the history of discrimination against the Palestinian citizens, particularly in the area of land ownership and use. In addition, the report severely criticized the behavior of the police and of the government as a whole during the "October Events." At the same time, however, the Commission also accused the Palestinian citizens, and especially their political and religious leaders, of behaving improperly in airing their grievances, although this accusation fell short of pointing to any unlawful activity on the part of these leaders. In other words, while criticizing the continuous and incessant violation of the Palestinians' citizenship *rights* by the state, the report demanded that they adhere to their *obligation* to protest this violation within the narrow confines of the law.

The Commission determined that although discrimination on the basis of national, religious, or ethnic identity is strictly forbidden under Israeli law, Israel's "Arab citizens live in a reality in which they are discriminated against as Arabs" (Or 2003:33). The Commission cited a National Security Council report dated only two weeks before the "October Events," which proposed that Prime Minister Ehud Barak should apologize for this "continuing discrimination" and undertake concrete measures to correct it (Or 2003:38). Naturally, most (though by no means all) of the government documents cited by the Commission referred to the Palestinian citizens' *subjective* feelings, rather than to a reality of discrimination. But the Commission stated very clearly that "we believe these feelings had solid grounding in reality" (Or 2003:41). Summing up its review of the "profound" causes for the "October Events," the Commission stated that "the Arab community feels deprived in a number of areas. In several areas, the deprivation is a consequence, among other things, of discrimination practiced against the Arab community by government authorities" (Or 2003:60).

The Commission alluded to the fact that, because the state is defined as Jewish and democratic, the Palestinian citizens feel that "Israeli democracy is not democratic towards the Arabs to the same extent that it is democratic towards the Jews" (Or 2003:28).[19] It chose neither to confirm nor to challenge this perception, however, but rather chose to adhere to the view that, legally speaking, Israel's Palestinian citizens enjoy full and equal individual citizenship rights, just like its Jewish citizens (Or 2003:29). The Commission took this equality, that is, Israel's presumed character as a liberal democracy, as a basic assumption, and did not feel the need to argue that this was indeed the case. It could thus avoid a critical examination of the true nature of the Israeli state, describing the real-life situation of the Palestinian citizens as an aberration, rather than as a manifestation of Israeli democracy.

Both Prime Minister Barak and his Public Security Minister, Shlomo Ben-Ami, as well as high-echelon police officers, were criticized by the Commission for failing to act decisively in order to halt the killing of demonstrators, especially after the first day of protest ended with three fatalities. Clearly, the cavalier attitude with which these higher officials treated the news of the fatalities stemmed solely from the fact that they were Palestinians. Moreover, the Commission stated, for some of the decision-makers in the cabinet and in the

top ranks of the police force, the events of the first day of protest meant that the Green Line, the 1949 armistice line that separates Israel from the West Bank and thus Palestinian citizens from non-citizens, had been erased (Or 2003:219, 582).

Where this erasure of the Green Line was most obvious, according to the Commission, was in the use of rubber-coated steel bullets as the primary means of crowd control in the confrontations between police and the protestors. Rubber-coated bullets are widely used by the Israeli military in the occupied Palestinian territories as a non-lethal substitute, supposedly, for live ammunition. The Commission, however, concluded, after painstakingly studying the matter, that rubber bullets are both deadly and highly inaccurate. In other words, they are not only extremely dangerous to the targeted individuals, but also to innocent bystanders in their vicinity. But the Commission did not find it necessary to criticize, let alone prohibit, the use of rubber bullets in general. What it stressed, rather, was that what may be allowed in dealing with non-citizen protestors in territories that are under belligerent occupation is not allowed in dealing with *citizens* inside the sovereign territory of the state. Similarly, the Commission invested a great deal of effort in investigating whether snipers, commonly deployed in the occupied Palestinian territories, had ever before been utilized against unarmed demonstrators inside the state of Israel. It concluded that their utilization in three instances during the "October Events" were unprecedented and constituted a dangerous threshold in the relations between the state and its Palestinian citizens (Or 2003:458–59, 475, 495, 497).

Against this background of continuous structural discrimination, the Commission turned to analyzing the "radicalization" of the Palestinian-citizen community in the 1990s. However, in moving from its narrative of structural discrimination and deprivation, to discussing "radicalization," the Commission used a simple rhetorical device that severed the connection between the two. It stated that the events of October 2000 must be seen "also" in the context of the processes of political escalation that had taken place among Palestinian citizens in the years leading up to 2000 (Or 2003:60). This "also" created the impression that these processes of "radicalization" were not a *consequence* of the history of discrimination and deprivation, but rather a separate, additional factor that combined with that history to produce the "October Events."

The disassociation of what it termed the "profound causes" of the October Events from their effective causes is evident as well in the Or Commission's recommendations. These recommendations were largely concerned with the fate of individuals and the reform of institutions, rather than with restructuring the discriminatory system itself. The Commission's recommendations for improving conditions for Palestinian citizens occupied only one page of its report, and did not go beyond the solemn articulation of principles that should guide government policy towards the Palestinian citizens, chief among them the liberal principle of equality. This created the impression that, in the

Commission's view, the main problem for Israel's Palestinian citizens was that the government had so far been ignorant of these principles. Moreover, the Commission balanced its recommendations with an exhortation directed at the Palestinian citizens themselves, calling upon them to internalize the rules of legitimate civil protest. Since the Commission did not offer the Palestinian citizens any advice on how to make their civil protest more effective than it had been in the past, this part of its recommendations also sounded like pious preaching devoid of any substance (Or 2003:766–70; Peled 2005; Peled and Navot 2005; cf. Shenhav and Gabay 2001). The main reason for this choice, I would argue, was the Commission's commitment to ethnic democracy and its realization that a radical transformation of the situation of the Palestinian citizens could be achieved only if they were truly integrated into the society. This would have required that the state itself be transformed into a liberal democracy, a transformation that would defy the most basic goal of Zionism: the establishment of a Jewish state.

Two weeks after the Or Commission had submitted its report, the cabinet decided to accept its personal recommendations (most of which had been rendered irrelevant in the three years it took the Commission to write its report), and to establish an inter-ministerial committee, headed by then Justice Minister Yosef Lapid, to study its policy recommendations. In addition to Lapid, the committee included three of the most extreme right-wing ministers in the cabinet, and one moderately liberal minister. The composition of the Lapid Committee caused the organizations representing the Palestinian citizens to refuse to cooperate with it.

The Lapid committee submitted its report in June 2004 (Lapid 2004). This report made clear that, as could be expected, the Or Commission's heroic effort to restore ethnic democracy had been in vain. The report begins with the misleading assertion that the Or Commission had assigned equal responsibility for the October Events to the state and to the Palestinian citizens and their leadership. The report also ignores the very clear statement of the Or Commission that the feelings of deprivation and discrimination amongst the Palestinian citizens were well rooted in government policy, stating, instead, that "the [Or] Commission held the view that it is not possible to ignore the fact that, ever since the establishment of the state, Arab citizens are gnawed by a feeling of deprivation and discrimination." In another typical paragraph, the report declares that "there should be no obstacle to the Arab citizens expressing their culture and identity," as if expressing their culture and identity was what the October Events were all about, and as if the ability to express one's culture and identity can even be an issue in a country that has any pretension of being democratic.

The Lapid Committee recommended that a new government authority be established with the goal of promoting the "non-Jewish sectors," and ensuring that government decisions regarding these sectors are implemented. This is tantamount to a revival of the old office of the Prime Minister's Adviser on Arab Affairs, a hallmark of discriminatory policy that was done away with in

the period of liberalization. The Committee also recommended that the idea of national service "for citizens who are not called up for military service" be promoted, and made the implementation of the Or Commission's cardinal (and unconditional) recommendation – equality between Jewish and Palestinian citizens – conditional on the establishment of such a service. (A mechanism for the voluntary enlistment of Palestinian youth for "civil," rather than "national," service has indeed been set up and will be discussed below).

The Committee also recommended drawing up a master plan for urban renewal in all of Israel's Arab villages and towns, but refrained from referring to any of the recommendations of the Or Commission (not to mention the High Court's *Qaadan* decision) regarding the principle of just allocation of land resources to the Palestinian citizens. A master plan that would be drawn up without addressing the issue of land allocation would result in the perpetuation of the discriminatory land policy of the state.

The committee called upon the Palestinian-citizen leadership to refrain from incitement against the state and its institutions; to disapprove of any incitement that might lead to violence; to denounce any violent act; to stop any attempt to promote any interest illegally; to beware of blurring the distinction between sympathy for the Palestinians in Judea, Samaria, and Gaza (i.e. the occupied Palestinian territories), and disloyalty to the state; to develop "civil consciousness" among Arab citizens, emphasizing the enforcement of local ordinances, especially those that relate to planning and construction; to be strict in presenting state symbols on state buildings and institutions; to encourage participation of the Arab youth in national service, including volunteering for institutions such as the Civil Guard (auxiliary police); and to contribute to the improvement of the atmosphere between Arabs and Jews by social, educational, and cultural cooperation, specifically amongst the youth. The committee further recommended that the government call on the Arab leadership to extend a hand to help promote equality. "Jews and Arabs, as one, must take part in rehabilitating the relations between the sectors," the report stated (Peled and Navot 2005:20–21).

Regarding the police and the Ministry of Public Security, the Committee concluded that the law enforcement agencies had internalized the findings of the Or report and had implemented its various recommendations. The reality, however, was quite different. One of the Or Commissions' recommendations was that the police conduct criminal investigations of various events in which police officers fired on demonstrators, especially those cases which resulted in fatalities (Or 2004:28). The Justice Ministry department charged with investigating police misconduct indeed undertook such investigations and issued its report in September 2005, five years after the events (Mahash 2005). The report concluded that in none of the cases investigated were criminal charges warranted against the police officers involved. The argumentation supporting this conclusion was both technical and ideological in nature. What is significant for the issue of ethnic democracy, however, is one line of reasoning, in which the report drew an analogy between the situation of police officers

facing Palestinian-citizen demonstrators inside the sovereign territory of the state, and that of Israeli soldiers facing Palestinian non-citizens in the occupied Palestinian territories during "operational activity." Citing from two cases in which Israel Defense Forces soldiers had been exonerated from criminal liability for shooting Palestinians civilians in the West Bank, because they operated "under conditions of war" in which every Palestinian can legitimately be presumed to be an enemy, the report concluded that the same should hold true for police officers accused of killing Palestinian *citizens* in October 2000. These conclusions were endorsed by the State Attorney and by the Attorney General, the two highest law enforcement officials in the Ministry of Justice (Mahash 2005:34–35; Adalah 2007; 2011). Evidently, then, the Or Commissions' exhortation against blurring the distinction between Palestinian citizens and non-citizens, a distinction that is crucial for maintaining ethnic democracy, continued to be ignored by Israel's law enforcement system (Rekehs 2007:18).[20]

In the wake of the October Events

> A significant shift in Arab political behavior was apparent. Arab participation in national elections declined. For the first time, a consensus was formed to boycott national elections, and the Arab public stayed away from the prime ministerial elections in 2001 in response to Barak's tenure (the turnout of eligible Arab voters was only 18 percent) … [F]rom 1999 to 2009 … the Arab voting rate [declined] from 75.0 percent to 53.0 percent, and … voting for Arab parties [increased] from 68.7 percent to 81.9 percent. Although the decline in Arab voting in Knesset elections paralleled the decline in Jewish voting, it was sharper and had a boycott component not to be found among the Jewish public. The Arab desertion of the Jewish parties marked a deep dissatisfaction with the Jewish political establishment.
>
> (Smooha 2010:12; cf. Jamal 2002a; Haklai 2011:133)

Shifting the border

The idea of "transferring" the Palestinian population out of the Land of Israel had a long pedigree in Zionist thinking before 1948, and a massive transfer of Palestinians took place during the 1947–49 war (Kafkafi 1998:350; Morris 2000; 2004; Pappe 2006).[21] After 1948, the idea first came up as a concrete political program in 1984, when, as mentioned above, Rabbi Meir Kahane was elected to the Knesset on a platform advocating ethnic cleansing of all Palestinians, citizens and non-citizens alike. At that time his election caused a political shock, resulting in the amendment to *Basic Law: The Knesset* that reaffirmed the state's commitment to ethnic democracy.

The failure of the Oslo process, the "October Events," and the beginning of the second *intifada* revived the idea of "transfer" under a more sophisticated and respectable guise: instead of moving the Palestinians, the idea was to

move Israel's eastern border westward, so that the Palestinian residents of the border area would find themselves in the West Bank, deprived of Israeli citizenship. On the face of it, the idea is couched in benign terms: since Israel would like to annex the "settlement blocs" in the West Bank that are populated with Jews, the future Palestinian state would be compensated with a stretch of land along its border with Israel that is populated with Palestinians. Through this "territory and population exchange," Israel would become demographically more Jewish and the Palestinian state would gain some territory.

In reality, however, the idea of this territorial exchange came up *after* the demise of the Oslo process and, hence, of the two-state solution to the Israeli-Palestinian conflict. It came up in the context of devising unilateral territorial arrangements to be imposed by Israel, such as the separation wall and the disengagement from Gaza and parts of the West Bank (Alpher 2006). In this context, the idea of shifting the border westward simply means depriving the Palestinian residents of the border area of their citizenship. In the 2009 elections, *Yisrael Beytenu* – a political party advocating such action as the main plank of its platform and running under the slogan, "No Loyalty, No Citizenship" – received fifteen seats in the Knesset (over 10 percent of the total) and its leader, Yvette Lieberman, became Israel's Foreign Minister.[22] Between 2003 and 2011, the idea of shifting the border was supported by around 40 percent of the Jewish Israeli public (Arieli et al. 2006; Smooha 2012:18). Before the general elections of 2013, *Yisrael Beytenu* formed a unified list of Knesset candidates with the main ruling party, Likud. The combined list elected only 31 of its members to the 19th Knesset, down from combined 42 which the two separate parties had won in the 18th Knesset.

The demographic effects of the "territory and population exchange" plan as currently presented would not be very significant – at most, 200,000 Palestinian citizens, less than 20 percent of the total, would be deprived of their citizenship. Legally, carrying out this plan would require a major transformation of Israel's legal culture. The right to citizenship is considered a fundamental human right in Israeli law, and depriving even people who have committed major offenses against the state of that right is exceedingly difficult. (The Supreme Court turned down a petition to strip Prime Minister Rabin's assassin, Yigal Amir, of his citizenship.)[23] Depriving a group of citizens of their citizenship just because they are Palestinians who happen to reside in a particular region of the country would be impossible under current Israeli law (Saban 2010).

This legal obstacle may actually pose an advantage for the proponents of this "transfer" plan, however, because *Yisrael Beytenu* is advocating a major transformation of Israel's system of government as well, in order to make the executive branch much stronger than it already is (*Yisrael Beytenu* 2013). At any rate, the success of the plan does not depend necessarily on its implementation in the near future. Its success lies in the fact that, unlike in the 1980s, depriving Palestinian citizens of their citizenship has become a

legitimate topic of discussion in the political discourse and has won significant electoral backing.

The wedge issue: family unification

In July 2003, the Knesset enacted the Nationality and Entry into Israel Law (Temporary Order) that categorically *prohibited* the Minister of the Interior from granting any kind of residency in, or citizenship of, Israel to residents of a "region" (an official euphemism for the occupied Palestinian territories), even those who are married to Israeli citizens or have Israeli children or parents. Only a few esoteric categories of people were exempted from this prohibition, most significantly, collaborators with the Israeli security services. This law retained the main elements of an executive order that had already been in effect since May 2002. The duration of the new law was to be for one year, but it has been extended repeatedly since then. In July 2005, in response to criticism by the High Court of Justice, the law was amended, so that now the Minister *may* grant temporary residence (but not permanent residence or citizenship) to men aged 35 or older and to women aged 25 or older whose spouses are legal residents of Israel, and to children aged 14 or younger whose parents are legal residents of Israel. The state claimed that this amendment reduced the number of Palestinians barred from receiving temporary resident status in Israel by 30 percent (Sultany 2004; B'tselem and the Center for the Defence of the Individual, 2006; Peled 2007).

Prior to the enactment of this law, "foreign" (i.e. non-Jewish, non-Israeli) spouses of Israeli citizens had to go through a graduated process of naturalization lasting a minimum of four-and-a-half years, from the time the Israeli spouse applied for family unification to the time the foreign spouse could be granted Israeli citizenship. During this time the foreign spouse was examined on a yearly basis to ensure that he or she did not pose a criminal or security risk to the country (and, of course, that the marriage was a legitimate one). This arrangement is still in force for non-Palestinian foreign spouses of Israeli citizens.[24]

The new citizenship law established, for the first time, an explicit, if only consequential, distinction between the citizenship rights of Jewish and Palestinian citizens, because only Palestinian citizens are likely to marry Palestinian non-citizens (HCJ 830/07, Justice Levy's opinion, par. 29; Justice Arbel's opinion, par. 29). The state did not deny that the new law infringed the rights of Palestinian citizens, but justified this infringement as a security measure, designed to prevent Palestinian terrorists from entering the country through family unification. Still, ever since it was enacted in 2003, the new law has been subject to intense debate and tested by a number of appeals to the High Court of Justice. The debate has revolved around three issues: (a) Does every Israeli citizen have a constitutionally guaranteed, fundamental right to family life *in Israel* (as opposed to the occupied Palestinian territories, for example)? (b) If such a right does exist, can it be legally breached with

respect to a *specific* group of citizens on grounds of national security? And (c) can that right be legally breached, with respect to a specific group of citizens, for the national-demographic reason of maintaining a Jewish majority in Israel?

Proponents of the new law have argued that, while every Israeli citizen has a fundamental right to establish a family with whomever he or she chooses, he or she does not have a fundamental right to do so *in Israel*. The right to do so in Israel can be legitimately breached for both security and demographic considerations. However, only security considerations can justify breaching that right collectively, for a *specific* sub-group of the citizenry, i.e., Palestinian citizens who choose to marry Palestinian residents of the occupied territories. Because of the ongoing conflict between Israel and the Palestinian National Authority, Palestinian residents of the occupied territories can be legitimately presumed to be a security risk to Israel, with no need to demonstrate that such a risk actually exists in any particular case. Demographic considerations can be applied as well, but only universally, without discriminating between different ethnic or national groups (Rubinstein and Orgad 2006).

Opponents of the law have argued that every Israeli citizen has a fundamental right to establish a family with whomever he or she chooses *in Israel*. Furthermore, they argue, under Israeli constitutional law that right can be breached for security considerations only, and only if it is demonstrated that the particular individual(s) involved, not a whole sub-group of the population, poses a security risk to the state. This task, they claim, had been accomplished very effectively by the graduated process of acquiring Israeli citizenship that had prevailed until the enactment of the amended citizenship law. The right to establish a family in Israel cannot be breached at all for demographic considerations, which the opponents of the law suspect to be its real aim. But whatever its aim, they contend, the new law is unconstitutional (Davidov et al. 2005; Medina and Saban 2009).

The High Court of Justice turned down two petitions to declare the new law unconstitutional, both by a 6:5 majority – on 14 May 2006 and on 11 January 2012 (HCJ 7052/03; HCJ 830/07). In the earlier case, five Justices accepted Chief Justice Barak's view of the law as unconstitutional, while five others rejected this view. The eleventh Justice, Edmond Levy, accepted Barak's view in principle, but since the law was about to expire in a few months, he decided to vote to uphold it, expecting the state to revise it so that the blanket prohibition on the entry of Palestinians residents of the occupied territories is replaced with a specific examination of the security risk posed by each individual applicant. If these changes were not made, Justice Levy stated, the law would not be upheld the next time it came before the Court.

The two main opinions in the earlier case, *Adalah vs. Minister of the Interior* (HCJ 7052/03), were written by Barak and by retired Deputy Chief Justice Mishael Cheshin. They both agreed that the sole purpose of the law was to enhance the security of Israel and that some infringement of the rights of Israel's Palestinian citizens could be justified in order to achieve that goal.

Their disagreements, spelled out at great length in their opinions, can be narrowed down to two key points: (a) Did the renewal of armed conflict between Israel and the Palestinians in September 2000 affect the *scope* of Palestinian *citizens*' equal right to family life in Israel, or did that right, grounded in *Basic Law: Human Dignity and Freedom*, remain intact, so that its infringement by the new law must pass the tests of the "limitation clause" of the Basic Law? And (b), assuming that the right remained unaffected, can the margin of security achieved by denying all Palestinian residents of the occupied territories the ability to enter Israel for the purpose of family unification, as opposed to checking the security risks posed by each individual on a case-by-case basis, justify the infringement of that right?

According to Barak, the rights guaranteed by *Basic Law: Human Dignity and Freedom*, whether explicitly or implicitly, are not context-sensitive. Israel's constitutional law, he argued, does not distinguish between different sets of rights, one for times of peace and another one for wartime. Thus, the Palestinian citizens' rights to equality and to family life in Israel remained intact during the second *intifada*, and were clearly infringed by the new citizenship law. That infringement could be justified, but only if the law passed the three tests of the "limitation clause": that it serve a worthy purpose, that it be compatible with Israel's values as a Jewish and democratic state, and that it meet the test of proportionality. Barak determined that the law easily passed the first two tests, but failed the test of proportionality: the enhanced security gained by the shift from the examination of applicants on a case-by-case basis to a blanket prohibition of the entry of all Palestinian residents of the occupied territories could not justify the infringement of the Palestinian citizens' rights to equality and to family life in Israel. Therefore, Barak concluded, the new citizenship law was unconstitutional.

Justice Cheshin argued that a distinction must be made between the *core* rights guaranteed by *Basic Law: Human Dignity and Freedom* and peripheral rights that can be derived from them. Extending the same protections to the core and to the peripheral rights would violate the separation of powers, because it would infringe on the legislative powers of the Knesset. According to Cheshin, whereas the right to family life is indeed a core right guaranteed by the Basic Law, the right to "import" a foreign spouse, parent, or child into the country is a peripheral right and is, therefore, context-sensitive. If the spouse, parent, or child in question is an "enemy alien," especially when the country is at war, the citizen's right to bring them into the country under certain conditions is not guaranteed, and it can be infringed upon in order to protect the *right to life* of all Israeli citizens. Moreover, Cheshin argued, *even* if the right to bring in a foreign spouse, parent, or child were a core constitutional right, its infringement by the state at the present time would easily pass the proportionality test of the "limitation clause," for the enhanced security of the right to life of all citizens easily trumps the infringement of the right of some to bring in their enemy alien family members. This conclusion is reinforced by the fact that the law is only a temporary measure, and that it

exempts certain age categories of applicants from its blanket prohibition (Peled 2007; Medina and Saban 2009).

Enemy aliens?

A major theme that runs through the arguments of the proponents of the law is that the Palestinian residents of the occupied territories are "enemy aliens," and that Israel is accordingly under no obligation to allow them to immigrate to Israel, even for family unification. This argument is based on the legal fiction that the Palestinian National Authority (PNA) is a state-in-the-making that effectively rules the occupied Palestinian Territories (or now, at least, the West Bank) and is engaged in war with Israel. The reality of the situation is very different, however. Israel is the effective sovereign in the entire area of Mandatory Palestine, and it has incorporated the indigenous Palestinian population of this area into its control system in three different ways: some as second-class citizens of Israel; some, i.e., those who live in East Jerusalem, as permanent residents; and most as rightless subjects living under military rule. True, between 1995 and 2000, the PNA received some measure of autonomy in the cities of the West Bank (designated Area A in the Oslo agreements), but that autonomy was derivative of Israel's sovereign authority over these areas. Moreover, the evolution of the PNA towards a state-in-the-making was halted by the breakdown of the Oslo process in 2000, and Israeli forces reoccupied Area A in 2002, leaving the PNA with no autonomous territorial base. Under this situation, the movement of people from the occupied territories to Israel, through family unification or otherwise, and their change of status from non-citizens to Israeli residents or citizens, cannot be considered "immigration" in any real sense. These Palestinians are no more "immigrants" than the African American slaves who escaped from the slave states to the non-slave states of the US prior to the American Civil War. One indication that this kind of movement was never considered to be immigration, is the state's lack of reliable information about its magnitude (see below).

Moreover, the Palestinian population on both sides of the Green Line constitutes one national group, whose two parts were forcefully separated for twenty years (1948–67), but which were able to enjoy practically free interaction for 35 years following that (1967–2002). There are very strong cultural, economic, and family ties between these two parts of the Palestinian population, and for many years the Palestinian non-citizens were integrated, albeit as a subordinate group, into Israeli society as a whole. Therefore, the establishment of marriage ties between Palestinian citizens and non-citizens is not at all similar to a third-world immigrant to Europe or the United States marrying a partner in his/her home country and bringing her/him to his/her country of residence, as Justice Cheshin and the Rubinstein committee (Rubinstein 2006) purported it to be. Nor can Palestinian residents of the occupied territories be considered enemy aliens, because they are not citizens of any independent political entity that can be at war with Israel.

Following the decision of the High Court of Justice in the earlier case, the citizenship law was extended, in an amended form, in 2007. Contrary to Justice Levy's expectations, however, the amendment made the law even more restrictive, adding a number of enemy countries to the list of domiciles whose residents are to be excluded from entering Israel. But the law also established a committee that could recommend granting temporary or permanent residence status in exceptional humanitarian cases, as long as the applicants did not reside in areas where activity detrimental to Israel's security was taking place. The effects of that committee's work have been negligible, however: by March 2010, the committee had approved only one percent of the applications it had received (HCJ 830/07, Justice Levy's opinion, par. 6–7, 43).

Security or demography?

Eight of the eleven justices in *Adalah vs. Minister of the Interior* unquestioningly accepted the state's argument that the new law was a security measure, designed to prevent Palestinian terrorists from entering the country through family unification. However, the state was able to produce only twenty-six cases (only one of them involving a woman) where persons who had acquired residency in Israel through marriage were even *suspected* of being involved in terrorist activities. Only two of these cases occurred in the two-year period 2004–5, that is, after the second *intifada* had been suppressed by the reoccupation of the entire West Bank by Israel. Of the twenty-six suspects, one killed himself in a suicide bombing, but none of the others was ever charged with involvement in terrorist activities. In forty-two additional cases, intelligence reports alleging some kind of involvement with terrorism led to the suspension of the graduated naturalization process that had prevailed under the old system. All in all, then, and giving the state full benefit of the doubt, a total of 68 Palestinians who entered Israel through family unification were alleged to be involved with hostile activities of some kind, out of thousands of people in that category (how many thousands is unclear, as I will point out in a minute) (Peled 2007:613; cf. HCJ 830/07, Justice Levy's opinion, par. 4; Justice Arbel's opinion, par. 4). These figures led one of the three skeptical justices in the earlier case, Justice Esther Hayut, to observe that "it emerges from the data presented by the state that the scope of the involvement in hostile activities of Palestinian spouses of Arab citizens of Israel who had gained permission for family unification was minuscule, *if at all*" (HCJ 7052/03, Justice Hayut's opinion, par. 2; emphasis added).

Two other justices, Salim Joubran and Ayala Procaccia, referred explicitly to a possible demographic motive for the enactment of the law, as alleged by its opponents. In the words of Justice Procaccia:

> In assessing the credibility of the security argument, we cannot ignore the fact that … [as] emerges from the Knesset proceedings … the demographic issue hovered over the legislative processes at all times, and was a

central topic of discussion in the Knesset Committee on the Interior and in the plenary. Several Members of Knesset, from different factions [both supporters and opponents of the law], believed that the demographic aspect was the main justification for the legislative arrangement that was adopted.

(HCJ 7052/03, Justice Procaccia's opinion, par. 28)

Moreover, while Justice Cheshin vehemently denied that the enactment of the law had any motivation other than to save Israeli lives, his own opinion is rife with demographic allusions. For example:

Massive entry of foreign residents and citizens [into a country] may significantly change its complexion. Granting the individual the right to bring his foreign spouse with him to Israel can amount to changing the face of the society, and the question should be asked, is it right and proper that we should give each and every one of the country's citizens and residents a constitutional key that opens the doors of the country to strangers? …

The strong and decisive interest of the state in maintaining the *identity* of Israeli society overrides … the right to family life as far as the immigration of a foreign spouse to Israel is concerned.

(HCJ 7052/03, Justice Cheshin's opinion, pars. 54, 62; emphasis added)

One of the respondents in the case, added to it by the Court, was an organization called "The Jewish Majority for Israel," whose goal is clearly evident from its name. This organization did indeed argue the demographic case for the law. Lastly, in the cabinet decision that established the Rubinstein Committee – the academic committee entrusted with preparing the permanent version of the citizenship law – the committee was charged with designing "an immigration policy for the State of Israel – that will be based not only on security considerations, but that will also guarantee the existence of Israel as a Jewish and democratic state," the standard code formulation for maintaining a Jewish majority in the country (Rubinstein 2006).

To assess the argument that demographic considerations stood in the background of the amended citizenship law, and, indeed, to assess the severity of the security threat posed by Palestinian "marriage migrants" (the term used by the Rubinstein Committee), it is crucially important to ascertain how many such "migrants" there were over the years. Amazingly, no clear answer to this question is presented in the documents I perused for writing this chapter.

The Rubinstein Committee, operating under the auspices of the National Security Council, noted that it could not obtain reliable information on this issue and estimated the number to be between 5,400 and 21,300 for the period 1993–2003 (Rubinstein 2006). According to Chief Justice Barak, from 1993 until 2001 (inclusive), 16,000 applications for family unifications with

Palestinian residents of the occupied territories *had been granted*. According to Justice Cheshin, 16,000 was the number of *applications* for family unification that were still pending on 12 May 2002, when the executive order that preceded the citizenship law came into effect. Justice Procaccia, citing the Attorney General and the Director of the Population Administration of the Interior Ministry, quoted 130,000 as the number of Palestinian residents of the occupied Palestinian territories who had received some status permitting them to reside in Israel since 1994. (For further discussion of these numbers see Davidov et al. 2005.)

Obviously, the question whether the 68 Palestinian "marriage migrants" or their children who were alleged to have been involved in hostile activities were a sub-group of a larger whole numbering 5,400 or 130,000 is crucial to determining the seriousness of the security threat they pose (although even 68 out of 5,400 is still a minuscule number). The lack of reliable information on this issue casts serious doubt on the validity of the security argument, but it also weakens the demographic interpretation the law. If the number of Palestinian marriage immigrants was about 2,000 a year, as claimed by Barak, it is demographically insignificant in relation to the over one million Palestinians who are already citizens of Israel; but if the number is over 15,000 a year, as claimed by Procaccia, then it does constitute a significant supplement to their ranks. If the exact figure is not known even to the most authoritative government organs, then it is hard to argue that they were motivated solely by demographic considerations, at least in the simple sense of being concerned about pure numerical ratios between Jews and Palestinians in Israel.

Democracy, not demography

The primary justification for curbing the Palestinian citizens' right to family unification has been the security of the state. That justification was based on the utilitarian argument that the right to life takes precedence over any other human right, and if some rights of the Palestinian citizens have to be sacrificed in order to safeguard everybody's right to life, this sacrifice is justified both legally and morally. However, the empirical evidence marshaled in support of this argument was quite weak. Israel's Palestinian citizens have been surprisingly law-abiding in their political behavior, and the number of those among them who have threatened the security of the state, including "immigrants" from the occupied territories, has been negligible.

Given the weakness of the empirical evidence supporting the security argument, opponents of the new citizenship law, including three justices of the HCJ, have argued that behind that argument lurk the demographic interests of the Jews. This suspicion was buttressed not only by internal evidence, as indicated above, but also by the prominence achieved by the demographic discourse in Israel's political life since the demise of the Oslo process in 2000. Whether or not it played a major role in the legislation of the new citizenship

law, the demographic argument has become an established feature of Israeli political discourse since 2000. Thus, in 2011, 63.4 percent of Israeli Jews indicated they believed the Palestinians' higher birthrates posed a threat to the State of Israel (Smooha 2012:14). That argument, however, rests on very dubious theoretical, moral, and empirical grounds.

Between one-quarter and one-third of the one million immigrants from the former Soviet Union who have arrived in Israel since the end of the 1980s, and a *majority* among those arriving since the late 1990s, are not Jewish according to the definition of "Jew" used in the Law of Return: whoever was born to a Jewish mother and is not a member of any other religion.[25] The immigration of non-Jews was made possible by an amendment to the Law of Return adopted in 1970, at the same time as the definition of "Jew" cited above. The amendment extended the privileges of the law to non-Jewish family members of Jews down to the third generation, including their spouses and minor children (the so-called "grandfather clause"). Without saying so, this amendment actually turned the Law of Return into an immigration law, albeit of a very restrictive kind (Shafir and Peled 2002:311–12).

If these non-Jewish immigrants were to be counted as part of the non-Jewish population of Israel, they would weaken the demographic and political position of the Jews. Still, aside from ultra-Orthodox Jews, no one objects to their immigration and naturalization, and the Jewish Agency is making frantic efforts to find such "*Aliyah*-entitled" non-Jews in the farthest reaches of the former Soviet Union. As Lustick has argued, this policy reveals that the real aim of the state is to safeguard not a *Jewish* majority in the country, but rather a *non-Arab* one (Lustick 1999). What lies at issue, then, is not so much the affirmation of the Jews' right of national self-determination as the denial of that right to the Palestinians.

Moreover, the demographic threat posed by the Palestinians is a serious threat only insofar as they are citizens in a democratic state, possessing the right to vote. If they were not citizens, or if the state were not democratic, even a large Palestinian majority could be controlled by military means (as the African majority was controlled for many generations in South Africa). This is the reason why, with all the talk of the demographic danger, Israel has done nothing of substance, except during the failed Oslo process, to emancipate its Palestinian subjects in the occupied territories. As we saw, the tendency to blur the difference between Palestinian citizens and non-citizens within Israel's "control system," and thus, in effect, to deprive the Palestinian citizens of their citizenship rights and undermine ethnic democracy, was pointed out as a major problem by the Or Commission.

The argument that at the bottom of the exclusion of non-Palestinian citizens from family unification lies a concern with their voting rights, not their sheer numbers, received interesting support from an unexpected quarter. Justice Elyakim Rubinstein, who wrote the main opinion *upholding* the law in the second citizenship law case before the High Court of Justice (see below), expressed his puzzlement at the provisions that allow certain categories of

Palestinian non-citizens (mainly men aged 35 and over and women aged 25 and over) to reside in Israel, but only as temporary or permanent residents, not as citizens:

> If the spouse who is a resident of the area [i.e. the occupied Palestinian territories] is allowed to establish his home in Israel, why would *security considerations* mandate that he does that as a resident and not a citizen? After all … security is the basic purpose of the law.
>
> (HCJ 830/07, Justice Rubinstein's opinion, par. 44, original emphasis)

Clearly, the main difference between a permanent resident and a citizen is the latter's right to vote.

The new citizenship law came before the Court for the second time in 2007, in front of a somewhat different bench, and was again upheld by a 6:5 majority (HCJ 830/07). This time the main opinion in favor of *overturning* the law was written by Justice Levy.[26] His point of departure was that the majority on the court had found the law to be unconstitutional in the earlier case already, and therefore it was incumbent upon the state to amend it in ways that would alleviate its excessive infringement of the constitutional rights of Israel's Palestinian *citizens*. Since this was not done, the law should be overturned, because "it is incompatible with Israel's constitutive narrative as a Jewish and democratic state" as it "legitimizes an idea that is strange to our fundamental concepts – deprivation of the members of the minority just because they are such" (HCJ 830/07, Justice Levy's opinion, pars. 26, 29).

The Palestinians' "future vision"

The three developments discussed in this section so far – the "events" of October 2000 and the Or Commission report, the new Nationality and Entry into Israel Law, and the plan to deprive some Palestinian citizens of their citizenship by shifting the border – form an ascending order of threats to Palestinian citizenship in Israel and to the stability of its ethnic democracy. In October 2000, it was the police who ignored the Palestinian citizens' right to demonstrate and used lethal weapons to prevent them from exercising that right, and the Or Commission's recommendations, intended to ameliorate that behavior, were ignored by the government. The new citizenship law deprived the Palestinian citizens of two fundamental human rights – the right to equality and the right to family unification. And the Lieberman plan to shift the border westward (originally proposed by certain academics and Labor Party politicians) aims at depriving some Palestinian citizens of their citizenship altogether.

Other than these three major developments threatening the citizenship status of the Palestinian citizens, there were numerous less momentous indications pointing in the same direction. In June 2000, following Israel's

unilateral and hasty retreat from southern Lebanon, and then again in June 2001, Azmi Bishara, the most prominent Palestinian-citizen intellectual and politician, praised the ability of Hezbollah to successfully exploit "the enlarged sphere that Syria has continuously fostered between accepting Israeli dictates regarding a so-called comprehensive and enduring peace, and the military option [of an all-out war]." The latter occasion for this statement was a memorial service for the late Syrian president, Hafiz al-Asad, held in Syria, and it resulted in Bishara being indicted for violating the Prevention of Terrorism Ordinance. The indictment was annulled, however, by the High Court of Justice (Sultany 2003: 36; HCJ 11225/03). Following the Lebanon war of 2006, Bishara was accused, informally, of collaborating with Hezbollah during the war. Rather than facing a long stay in prison while the allegations against him were being examined in court, Bishara opted to leave the country and resign from the Knesset, depriving Israel's Palestinian citizens of their most eloquent secular nationalist leader. The fact that he was not prevented from leaving the country by the security forces may be an indication of what the real purpose of those allegations was.

In May 2002, the Knesset again amended *Basic Law: The Knesset*, as well as the penal code and two other, more minor statutes. The amendment to *Basic Law: The Knesset* added "support for the struggle of an enemy state or the armed struggle of a terrorist organization against the state of Israel" to the grounds on which the Central Elections Commission could disqualify a political party or an individual candidate from participating in Knesset elections. Previously, only denial of Israel's character as a Jewish or as a democratic state and incitement of racism could serve as grounds for disqualification, and the Commission could disqualify only whole electoral lists, not individual candidates. The amendment to the penal code made incitement of racism, violence, or terror a criminal offense (Sultany 2003: 25–26, 31). Since practically all Palestinian citizens support the Palestinians' struggle against the Israeli occupation of the occupied territories, and since that struggle is defined by the state in the current political climate as a terrorist struggle (Benvenisti 2004), this opened the way for the wholesale disqualification of Palestinian-citizen political parties and indictment of Palestinian-citizen leaders for violation of these two laws. And indeed, in 2003, the Central Elections Commission disqualified two Palestinian citizen candidates – Azmi Bishara and Ahmad Tibi – and one Palestinian political party – Bishara's National Democratic Assembly – from participating in the general elections. All three were reinstated, however, by the Supreme Court and were elected to the Knesset. In 2012, the Central Elections Commission disqualified only one candidate, Hanin Zuabi of the NDA, but the Court again reinstituted her to the race, and she was reelected to the Knesset.

As summarized by Smooha:

Motions were tabled in the Knesset to criminalize participation in the Naqba Memorial Day, to impose restrictions on human rights

organizations that monitor Israel's actions in the occupied territories, and to require the pledge of allegiance to the Jewish state by Knesset members and Israeli citizens. Although none of these motions were adopted by the Knesset, the Arab leadership and the Arab public see political persecution and assault on their basic rights in them. Furthermore, the incidence of destruction of buildings without permit in Arab localities increased, especially among the Negev Bedouin, without providing adequate alternative housing to the affected population, a policy that stirred much agitation and in some instances gave rise to violent confrontation with the police.

(Smooha 2010:12; see also Jabareen 2013)

The attempt to restrict the scope of Palestinian citizenship was not limited to civil and political rights only. Their social rights came under attack as well. An amendment to the National Insurance Law, passed in June 2002 as part of the Sharon government's retrenchment of the welfare state, applied a four percent cut to all child allowance payments, and an additional 20 percent cut in the amounts paid to parents of children without a relative who served in the Israeli military. The vast majority of Palestinian citizens do not serve in the military, of course, and the amendment restored the discrimination that had existed until 1993 in the amount of child allowances paid to Jewish and to Palestinian citizens (Rouhana and Ghanem 1998:330). (While the discrimination was officially based on service in the military, ways were always found to pay Jews who do not serve, primarily the *charedim*, the full amount.) An appeal to the Supreme Court by several MKs and public advocacy organizations has so far halted the implementation of this amendment.

The Palestinian citizens' most articulate response to these measures came in the form of four documents known collectively as "The Future Vision Documents," which were written by several (sometimes overlapping) groups of intellectuals, lawyers, and political leaders and published between December 2006 and May 2007 (Rekhes 2007: 17–21; Jamal 2008; Ram 2011; Abulof 2008; Haklai 2011:114–21; Peleg and Waxman 2011:68–76; Kaufman 2012; Agbaria and Mustafa 2012).[27] With some variation between them, the documents all called for the transformation of the State of Israel from its current constitutional form, described in the documents as "ethnocracy," to a consociational democracy, or bi-national Jewish-Palestinian state, with institutionalized power sharing and veto rights for the minority. This is an elaboration of the demand first raised by Bishara in 1996, and it goes one step further than the demand for turning Israel into a state of its citizens, that is, a liberal democracy.

The "vision documents" mark the first time that mainstream Palestinian spokespeople in Israel shifted the level of their political demands from that of distribution – of rights, resources, etc. – to that of recognition (Ram 2011). In accordance with the recently developed discourse of "transitional justice" (Teitel 2002; Peled and Rouhana 2004), the documents call upon Israel to

recognize its Palestinian citizens as a "homeland minority," acknowledge its responsibility for the *nakbah* – the catastrophe that befell the Palestinians in 1948 – and undertake proper measures of restitution. In 2007, these demands were supported by Palestinian citizens at rates ranging from 88.8 to 95.5 percent. In 2011, 47 percent of Palestinian citizens stated that the Palestinian political parties should endorse the vision documents (which they have not done so far) even at the risk of being outlawed, down from 61 percent in 2009 (Smooha 2012:24, 26).

As noted by Uri Ram, contrary to the logic of transitional justice,

> the documents do not express in direct and positive terms a recognition of the state of Israel. The state is mentioned as the culprit responsible for the offenses done to Arabs and as an addressee for the demands of the documents. But these practical references to the state are never accompanied by a note of consent or complacency with the fact the state of Israel had been established and does exist. This absence of recognition may contribute towards the suspicion with which the Israeli public relates to the supposedly hidden intentions of the documents.
>
> (Ram 2011:183)

In terms of the present analysis, the "vision documents" are the most serious challenge posed to ethnic democracy by the Palestinian citizens so far. This challenge was triggered, I argue, by the erosion of the democratic element in Israel's ethnic democracy, as outlined in this chapter. Still, naively or not, the authors of the vision documents believed they were opening up a dialogue with the state and with Jewish public opinion about the possibilities of restructuring the state on a more just and equitable basis (Jamal 2008). But, predictably, the state and mainstream Jewish public opinion reacted to the documents in a "militant and defensive" manner, with some commentators going as far as labeling them a declaration of war on the state (Rekhes 2007:20–21; Smooha 2010:21). "The director of Israel's secret service, the SABAC, declared that the agency would monitor organizations that endorsed the deprecation of Israel's Jewish character even if they complied with the law and avoided violence" (Smooha 2010:12). Quite clearly, then, ethnic democracy is losing ground with both the Jews and the Palestinians in Israel, with each side, or at least its most outspoken representatives, trying to enhance the position of its own ethnic group and neither side caring too much about the civil element common to the two groups (Ram 2011).[28]

A lone experiment that seems to run counter to this trend, however, is the introduction, in 2007, of *voluntary* civil service for Palestinian youth in Israel. The decision to offer this option, in lieu of military service, was part of a more general government policy of offering national civil service to individuals and social groups not required by law to perform military service, or exempted from it by administrative decision (but not to those who *refuse* to

perform that service). Palestinian young men and women aged 18–22 can now choose to perform civil service of one or two years, in their own communities, and receive, proportionally, all the benefits that accrue to those who perform regular military service. In 2011–12, 2400 young Palestinians volunteered for civil service (up from 1256 in 2009), the vast majority of them women (Smooha and Lachtman 2011:1; Smooha 2012:21), out of a cohort of about 20,000 18-year-olds. The number of volunteers is limited not only by individual preferences, but also by the number of positions available to Palestinians. It has been argued that the state is not too eager to find positions for Palestinian volunteers, an argument that is reinforced by the lackadaisical effort on the part of the state to promote the civil service in the Palestinian sector of society (Biletzki 2011:59–61; Smooha and Lachtman 2011:8).

The introduction of this optional civil service has been fiercely opposed by practically the entire Palestinian intellectual, religious, and political leadership, which offers alternative, non-state avenues for young Palestinians to volunteer in (Smooha and Lachtman 2011:2). Thus, the Haifa Declaration, one of the "vision documents," stated:

> We believe that the policies that require [sic] us to perform "civil service" and the steps that could lead to our involvement in Israeli militarism and the distribution of the spoils of war are incompatible in our case with the principle of equality, because they disfigure our identity and disregard historical injustices.
>
> (Mada al-Carmel 2007:14)

On the other hand, according to an extensive attitude survey conducted by Smooha in 2007, nearly 80 percent of Palestinian citizens, including young people eligible for the civil service, expressed support for that service. Among Palestinian leaders "not tied to the Jewish establishment" (i.e. Palestinian leaders), less than 10 percent supported the idea of the civil service (Smooha 2008b:19; 2012:21).[29]

According to Smooha, support for the civil service is motivated firstly by "individualist-utilitarian" considerations, and secondly by "collectivist-public" ones: integration and contribution to the equality of Palestinians and Jews in Israel. Opposition to the service is motivated by nationalist considerations: fear of "Israelization," or the volunteers' loss of their Palestinian identity; aversion to contributing to the Jewish state which discriminates against its Palestinian citizens and oppresses its non-citizen Palestinian subjects; and fear that voluntary service is only a prelude to mandatory one. Among supporters of the service, 90 percent believe it would enhance equality between Jews and Arabs in Israel, while among its opponents the ratios are precisely reversed (Smooha 2008b:26–29; Gal 2008).

It is too early to tell, at the time of writing, whether the idea of civil service for Palestinians will take hold and become a stable feature of Palestinian life in Israel. The mistrust between the two national communities is very deep and

getting deeper, and the erosion of ethnic democracy has exacerbated it to the point that very little common political ground exists between the two sides anymore. The experiment in civil service runs against the grain of this mistrust, so in spite of the support it currently seems to enjoy among large segments of the Palestinian population, it is a little hard to believe that it would be able to reverse the trends that otherwise prevail in Jewish-Palestinian relations in Israel.

Conclusion

Constitutionally, the State of Israel was founded in 1948 as an ethnic democracy: the state of the Jewish people that, nevertheless, promised equal citizenship rights to its Palestinian citizens. In fact, however, the Israeli state can be unambiguously characterized as an ethnic democracy for only 35 of its 65 years of existence: 1966–2000. Before 1966, Israel could not be considered a democracy of any kind, as the Palestinians' citizenship rights were suspended by the military regime imposed on them, and ethnic democracy in Israel seems to be eroding since 2000.

Between 1966 and 2000, Israel was able to successfully accommodate the conflicting pressures of liberal democracy and ethno-nationalism and function as a relatively stable ethnic democracy. In terms of the conditions stipulated by Smooha for the stability of ethnic democracy, this outcome does not seem to have been pre-ordained. Indeed, Israel, a very strong state, enjoyed international legitimacy for its status as an ethnic democracy; its core ethnic group, constituting over 80 percent of the population, felt threatened by the minority, as well as by outside forces; and its political leadership maintained its formal commitment to the minority's citizenship rights through most of the relevant period. Israel's core ethnic group could also rely on a large, powerful, and supportive Jewish Diaspora. On the other hand, the country suffered serious military intrusions by its minority's "motherlands," and the Palestinian minority could also rely for support, in principle at least, on the Arab world and on the much larger Muslim world beyond it. Furthermore, Israel's core ethnic group is made up of immigrant-settlers, whose rootedness in the country is weaker than the indigenous Palestinian minority's.[30]

In terms of Smooha's conditions of stability, the calculus of advantages and disadvantages could not provide, therefore, a decisive conclusion as to Israel's chances of being a stable ethnic democracy in the period 1966–2000; it certainly could not explain the erosion of ethnic democracy in Israel since 2000. The developments surveyed in this chapter, taken as a whole, create a strong impression that the impairment of the Palestinian citizens' rights by the Israeli state is not really a (justified or unjustified) price to be paid for achieving other goals – security, Jewish demographic preponderance, or whatever – it is the *very goal* of the measures taken since October 2000. Blurring the line that separates Palestinian citizens from non-citizens, as was done during the "October Events," denying the Palestinian citizens' right to family unification,

as was done by the citizenship law of 2003, and the plan to deprive some of the Palestinian citizens of their Israeli citizenship altogether by shifting the border between Israel and the West Bank westwards, all seem to be partial measures contributing to the gradual achievement of this goal.

My argument in this chapter has been that the reason for the stability of ethnic democracy in Israel, like in Northern Ireland, lay in the existence in Israeli political culture of a third principle of incorporation – civic republicanism – that succeeded in mediating between the two conflicting principles of ethno-nationalism and democratic liberalism. On this argument, the erosion of ethnic democracy since 2000 is a consequence of the weakening of civic republicanism as a result of the transformation of the Israeli economy from a corporatist to a neo-liberal one.

Members of the *yishuv*, and many Jewish citizens of Israel during its first five decades of statehood, did not think of themselves merely as Jews, but rather as Jews engaged in a process of national and personal redemption. The social "other" they had in mind was not simply the non-Jew, but all those who did not contribute, or did not contribute equally, to the project of national redemption. On this conception, not all Jews contributed equally to the project, and therefore not all Jews enjoyed the same rights and privileges. By the same token, the Palestinian citizens, once it was proved that they did not pose a real threat to the state, could enjoy the limited citizenship rights that were commensurate with their non- or actually unwilling contribution to the Zionist project.

Israel's civic republicanism was not only a cultural artifact, moreover. It evolved over several decades of pre-statehood colonization and was grounded in a highly developed socio-economic structure. The differential membership it conveyed as a principle of incorporation had significant material aspects to it, having to do with such basic necessities as employment, housing, health-care, education, etc., and with privileged access to positions of political power. The liberalization since the mid-1980s of the economy, and of other aspects of social life, weakened the republican element in Israel's political culture and undermined its ability to mediate between liberalism and ethno-nationalism. At first liberalization seemed to affect positively the citizenship status of Israel's Palestinian citizens, but when the Palestinians used their newly opened political space to challenge the Jewish character of the state, they were rebuked harshly in the name of the ethno-national principle. Like Yiftachel had predicted, a violent confrontation ensued in October 2000, and the state began to move away from ethnic democracy.

The erosion of ethnic democracy did not result from any fundamental change in the conditions of stability as stipulated by Smooha. Although I would argue that the erosion resulted from fundamental changes in the country's political economy, those changes did not constitute a weakening of the state's *ability* to provide social and economic services to its citizens, quite the contrary – the changes occurred as the society became a great deal richer than before. What did change was the state's *willingness* to provide

those services on the same basis and to the same extent as before, resulting from an ideological shift from corporatism to neo-liberalism as the guiding principle of economic organization. That ideological shift, in turn, was a consequence of the emergence of new powerful interests that emerged as a result of the country's rapid economic development. Moving away from the principle of pioneering Jewish solidarity as a limitation on the profit motive in the economy, left the republican principle of incorporation devoid of a material basis and weakened it vis-à-vis the other two principles, or discourses of citizenship – liberal democracy and ethno-nationalism. The consequent head-on collision between the latter two has led to the erosion of ethnic democracy.

If Israel is indeed the archetype of ethnic democracy, then the theoretical lesson to be learned from its experience is that ethnic democracy requires for its stability that its two constitutive principles of incorporation, liberal democracy and ethno-nationalism, be mediated by a third principle. This mediating principle should be able to offer the core ethnic group a non-ethnic basis of solidarity, and be grounded in favorable economic conditions.

Notes

1 The British Parliament never formally adopted the language that went into the League of Nations' Mandate for Palestine, so, technically, Britain was never legally committed to that language (Ian Lustick, personal communication on file with the author). I am grateful to Prof. Lustick for this information.
2 The figure of 20 percent, conventionally referred to, includes about 200,000 Palestinian residents of East Jerusalem and 15,000 Druze residents of the Golan Heights, who are permanent residents, but not citizens, of Israel.
3 For recent statements of the view that the Palestinian citizens do threaten Israel's security, see Frisch 2011, Schueftan 2011.
4 Other sources cite the figure of 2.3 million dunams (Kafkafi 1998:352). The difference stems from the nature of the Ottoman land regime which still prevailed in Palestine, under which the notion of "ownership" of land could take different meanings (Fishbach 2003; Forman and Kedar 2004; Forman 2010; see also Frisch 2011:44–49).
5 Haidar 2005, Abraham Fund 2009, and Gharrah 2012 are comprehensive sources of information on the citizen-Palestinian minority in Israel. *Sikkuy*, an NGO, publishes annual reports about (in)equality between Jewish and Palestinian citizens of Israel. For the 2009 report online, see <http://www.sikkuy.org.il/docs/madad2010/sikkuymadad_2010.pdf > (accessed 14 March 2012).
6 It has been argued that the higher rates of genetic diseases and infant mortality among the Palestinian citizens stem from a higher rate of endogamous marriages within families (Chayot 1998; Nir 2001).
7 Educational attainment figures should be taken as illustrative only, because different institutions use different data sets for different years. On the whole, the Education Ministry, which publishes these figures, aims to show constant improvement in students' achievements (Konnor-Atias and Gramsh 2012:11).
8 In 1965, the Israeli Communist Party split between, essentially, a Jewish and a Palestinian faction. The Jewish faction disintegrated shortly afterwards, so all

references to the Communist Party after 1965 are to the Palestinian faction, variously known as the New Communist List and the Democratic Front for Peace and Equality (Haklai 2011:74–76).

9 Cr.a. 228/60 *Kahuji v. Israel attorney general* 14 P.D. 1929.

10 HCJ 241/60 *Cardosh v. registrar of firms* 15 P.D. 1151.

11 HCJ 253/64 *Jyris v. Supervisor of Haifa district*, 18(4) P.D. 673.

12 All three Prime Ministers elected under that system – Benjamin Netanyahu, Ehud Barak, and Ariel Sharon – became involved in campaign contribution scandals.

13 In Israel, military reservists are people who have completed their regular mandatory service of several years, seven years in the case of pilots, and continue to do reserve duty, very intensively in the case of fighter pilots, until late middle age (for men).

14 It may be worth noting that, in Poland, President Gabriel Narutowicz, elected with the help of the ethnic minorities, was assassinated for being "the Jewish president" (see p. 80, above).

15 A the time of writing, there is a major move afoot to reduce the power of the Supreme Court in favor of the legislative and executive branches of the government. The conflict described here is a major reason behind this move, but a detailed analysis lies beyond the scope of this book (see Navot and Peled 2009).

16 This decision was criticized, however, by Palestinian intellectuals for recognizing only the rights of Palestinians as individuals, thus undermining their quest for collective rights (Dakwar 2000; Jabarin 2001; Jamal 2011:57–66).

17 In 2004, the Qaadans were finally allowed to lease a plot in Katzir (*www.haaretz. co.il*, May 10, 2004).

18 In the interest of full disclosure, my father, Mattityahu Peled, held one of these seats.

19 A popular saying among the Palestinian citizens, attributed to Azmi Bishara, is that Israel is a democratic state for the Jews and a Jewish state for Arabs.

20 Cf. Smooha 2010: "All Israeli governments, left and right, have maintained a clear-cut distinction between citizen and noncitizen Palestinians."

21 For a critique of this claim, see Karsh 1997.

22 Lieberman was not the author of the idea, however. It originated with liberal Zionist circles connected to the Labor party; see Haklai 2011:125.

23 HCJ 2757/96 Elrai v. Minister of the Interior [1996] IsrSC 50(2) 18. Unlike some states in the US, convicted criminals in Israel have the right to vote, even while still in prison.

24 Curiously, while Israeli citizens do not have an explicitly stated right to bring their "foreign" spouse, child, or parent into the country, non-citizens immigrating under the Law of Return, as amended in 1970, do have that right, down to the third generation.

25 The tautological nature of this definition has escaped the notice of the legislators and of all commentators on this law that I am aware of.

26 Justice Levy, who has since retired, recently gained fame, or notoriety, when a committee he chaired determined that the occupied Palestinian territories are not under Israel's belligerent occupation and therefore Jewish settlement activity in these territories is not subject to the rules of international law (Levy 2012).

27 The documents are "The Future Vision of the Palestinian Arabs in Israel" issued by the National Committee of the Heads of Arab Local Authorities in Israel; "An Equal Constitution for All: On a Constitution and the Collective Rights of Arab Citizens of Israel," written by Yousef Taysir Jabareen and issued by the Mossawa Center; "The Democratic Constitution," published by Adalah, the Legal Center for Arab Minority Rights in Israel; the "Haifa Document" put out by Mada al-Carmel, the Arab Center for Applied Social Research.

28 On the level of mass action, rather than elite articulation, this mode of thought manifested itself in communal riots in the mixed city of Acre during the Jewish High Holidays of 2008.

29 It was reported that a 2012 study conducted by the Palestinian research center Mada al Carmel found that 70 percent of citizen Palestinians aged 16–22 opposed the civil service (*Haaretz*, 12 February 2013). The study itself was not available to me at the time of writing.

30 It is estimated that half a million of Israel's 6.5 million Jewish citizens have applied for citizenship of another country, mostly in eastern Europe.

5   Conclusion

My purpose in this book was to examine the conditions for the stability, or viability, of ethnic democracy and identify potential causes for its decline. I sought to do so by analyzing the trajectories of ethnic democracy in three nationalizing states with significant ethnic minorities: Northern Ireland under Unionist rule, which was a stable ethnic democracy for 50 years and then collapsed; inter-war Poland, where ethnic democracy existed in law, but never took hold in real life; and Israel within its pre-1967 borders, where ethnic democracy, I argued, was stable for 35 years but may be eroding since the beginning of the twenty-first century.

Starting with an examination of the conditions of stability stipulated by Smooha, the originator of the model of ethnic democracy, my main argument was that the most crucial condition for the stability of ethnic democracy is the existence in the political culture of a third constitutional principle that can mediate between the two principles whose combination constructs ethnic democracy – liberal democracy and ethno-nationalism. To enhance the stability of ethnic democracy, that mediating principle should be able to provide the core ethnic group with a non-ethnic basis of solidarity, in addition to the solidarity sustained by ethno-nationalism. A non-ethnic basis of solidarity can be potentially inclusive of at least some members of the minority ethnic group(s), thus mitigating the exclusionary effects of the ethno-national principle and reducing the tension between it and the liberal democratic principle.

I have further argued that the third, mediating principle cannot exist merely as a cultural construct; it must have a material basis. The non-ethnic solidarity it embodies must find an expression in real material benefits to the core community and, to some extent, to the minority community as well. Thus, changes that occur in the third, mediating principle, and that affect the stability of ethnic democracy, can often be accounted for by changes in the material conditions prevailing in the society.

In Northern Ireland the third mediating principle I identified was "populism," a class alliance between the Protestant middle and working classes designed to split the labor market and ensure high profits for the former and steady employment and decent wages for the latter. Politically, the purpose of

populism was to maintain the partition of the island of Ireland and rule by the Protestant middle class over its northern part. The populist discourse was more inclusive than the Protestant ethno-national one (known in Northern Ireland as Orangeism), with respect to the Catholic minority, in that its economic benefits did trickle down to the Catholics to a certain extent and overt discrimination was not a necessary element of its ideological tool kit. Thus, several Northern Irish Prime Ministers could call on Catholics to join the Unionist party without sounding absurd, although they did pay a political price for their openness with the more radical elements of the Protestant working class.

The Achilles' heel of populism was its dependence on British monetary subsidies for its implementation. As long as these subsidies were forthcoming with no political strings attached, the populist strategy could operate successfully and the stability of ethnic democracy was maintained. The inauguration of the British government's policy of modernization in the mid-1960s, in an effort to reverse Britain's economic and political decline, made the Unionist leadership in Northern Ireland fear for the continuation of the subsidies at the same level and for Britain's traditional policy of non-intervention in the internal affairs of the province. The Unionist leadership responded by beginning to make some overtures to the Catholics, in an effort to placate liberal British public opinion. The Catholics, for their part, launched the Civil Rights Movement and began to demand equal rights for Catholics as *British* citizens.

The combination of potential economic hardships as a result of the reduction of British subsidies, the leadership's overtures towards the Catholics, and the Catholics' own demand for equal citizenship rights, rather than the reunification of Ireland, was seen as a looming threat by major elements within the Protestant working class. They responded with violent attacks on Catholics and by shifting their political support to more extremely ethno-nationalist elements within the Protestant elite, such as the Reverend Ian Paisley. When the Provisional IRA responded with force to the Protestant attacks on Catholic neighborhoods, the Unionist government was unable to control the violence and British troops were called in. This led to a full-fledged civil war between the two communities, with the British military siding openly with the Protestants. Having lost its monopoly on the legitimate use of force in 1969, the Northern Irish state also lost its formal autonomy in 1972, and ethnic democracy in Northern Ireland came to an end.

The collapse of ethnic democracy in Northern Ireland occurred, paradoxically, just as the "motherlands" of the two sides – Great Britain and the Republic of Ireland – were shoring up their relations, in a joint effort to join the European Economic Community, and as northern Catholics in effect accepted the partition of the island and set out to demand equal treatment under British law. These developments, coupled with the apparent reluctance of the British government to continue to subsidize the Unionists' populist strategy with no questions asked, led to the decline of populism to the point

where it could no longer contain the tension between Protestant ethno-nationalism and the liberal imperatives stemming from the region's membership in the United Kingdom. The failure of populism ignited the Troubles, a violent conflict that was to last for thirty years and which ended, hopefully, with the 1998 constitution of consociational democracy in Northern Ireland.

As a constitutionally-defined ethnic democracy, inter-war Poland experienced great difficulties in accommodating the conflicting pressures of liberal democracy and ethno-nationalism, which emanated largely from the international system and from its own economy, respectively. The two major tasks facing the reconstituted state were agrarian reform, essential for solving the crisis of Polish agriculture, and creating a cohesive Polish nation out of an amalgam of different ethnic groups. The two tasks were closely interconnected in that establishing a sound economic basis for the country was a prerequisite for gaining a measure of loyalty from the Slavic minorities and for tempering the ethno-nationalist fervor of the ethnic Poles themselves. By the same token, ethno-nationalism stood in the way of potentially constructive solutions to both the economic and the political problems that the Second Republic had to contend with.

The power of the Polish landowners prevented agrarian reform from taking place in vast areas of the country, and where it did take place, in the western and eastern borderlands, land was taken from German or Jewish landowners and distributed to Polish settlers, thus alienating the indigenous peasants, primarily Ukrainians in eastern Galicia. Since limited land reform could not solve the problem of the surplus population in the countryside, an economically irrational but politically useful rhetoric, preaching the dislodging of the Jews from their economic positions in trade, small industry, and the professions and replacing them with landless Polish peasants, spread from the integral nationalist *Endecia* to the moderately liberal *Sanacia*. This process was exacerbated by the Great Depression and by the death of Marshal Piłsudski in 1935.

The anti-Jewish rhetoric and economic measures designed to limit their opportunities closed the door on the option of including the Jews in the definition of "Poles," improving the majority-minority ratio from 70:30 to 80:20, and enhancing the chances that ethnic democracy would actually take root. Jews, after all, had been living in Poland for the previous 800 years and had no affiliation to any other nation or state. A conception of the Polish nation as including the Jews had existed in Polish political culture in the 19th century, but it subsided in the 20th century and disappeared almost completely in the inter-war period. Similarly, the failure to institute meaningful agrarian reform closed the door on the possibility of accommodating the Ukrainian and Belorussian peasants in a scheme resembling Piłsudski's idea of "federalism," and substituted for it the efforts to assimilate them coercively into the Polish nation.

In terms of the present study, the political culture of the Second Polish Republic lacked a mediating principle between the liberal-democratic

discourse of the 1921 Constitution and the Minorities Treaty, on the one hand, and Polish ethno-nationalism on the other. Such a principle had been available historically, and was still upheld to some extent by the Polish Socialist Party and by some Polish liberals in the inter-war period as well. But the economic difficulties of the country made its acceptance by the major political forces unrealistic, so that ethnic democracy in inter-war Poland remained a dead letter.

Israel, the archetype of ethnic democracy, has gone through a number of stages in terms of its relations with its minority Palestinian citizens. Until 1966, the minority was subjected to a military regime that suspended in practice the citizenship rights they enjoyed in law. During that period the Israeli state can be appropriately described as an ethnocracy, that is, a state ruled undemocratically by its ethnic majority. Ethnic democracy was instituted in reality only once the military regime had been lifted, in 1966, and went through two stages: standard ethnic democracy until 1992, and a tendency towards improved ethnic democracy between 1992 and 2000.

What enabled Israel to maintain itself as a relatively stable ethnic democracy was the existence in its political culture of civic-republicanism as a third constitutional principle, or discourse of citizenship, that was able to mediate between liberal democracy and Jewish ethno-nationalism, and to serve as a non-ethnic principle of solidarity for the Jewish majority. Civic republicanism was sustained by a corporatist political-economic regime led by the Zionist labor movement and centered on an umbrella labor organization – the *Histadrut* – that was established in 1920 and played a major role in dispensing rights, privileges, and obligations in accordance with Zionist civic virtue for 75 years.

Israel's rapid economic development in the 1950s and 60 (with a pause in the form of a deep recession in 1965–67) led to liberalizing pressures in its economy. These pressures came from the most privileged sector of society, the managers of state and *Histadrut* enterprises, who sought to eliminate "political" constraints on the economically "rational" management of their enterprises. "Political" constraints, such as a full-employment policy, had been placed on public sector enterprises precisely in order to maintain the civic-republican discourse as an instrument of social mobilization and a basis for non-ethnic Jewish solidarity. Their successful removal, in a process that lasted twenty years, led to the decline of civic republicanism and a head-on collision between democratic liberalism and Jewish ethno-nationalism beginning in the mid-1980s.

Liberalization of the economy and other spheres of social relations led initially to improved ethnic democracy, in that it opened a wider space for Palestinian political activity in pursuit of enhancing their citizenship rights. However, a parallel process of (sincere or otherwise) attempted accommodation with the Palestine Liberation Organization (PLO), representing the Palestinian non-citizen residents of the territories occupied by Israel in 1967, led to an escalation of the Palestinian citizens' demands: From a demand for

turning Israel into a liberal democracy ("a state of all its citizens") to a demand for turning it into a multicultural and later on a consociational democracy. The challenge posed by these demands to Israel's character as the state of the Jewish people (both resident in the country and resident abroad) brought about a fierce ethno-nationalist reaction on the part of the state and major elements within the Jewish majority. The tensions that were building up in the 1990s exploded in October 2000, as the process of attempted accommodation with the PLO came to a halt and the second *intifada* broke out in the occupied Palestinian territories. Since then, the democratic element in Israel's ethnic democracy has been on the decline. The high (or low) points of the process so far were the enactment, in 2003, of a revised citizenship law that denies Palestinian citizens the right of family unification with their Palestinian non-citizen family members, and the upholding of that law by the High Court of Justice on two separate occasions, in 2006 and 2012. Just like the attempts to outlaw *shkhite* in inter-war Poland, the ban on Palestinian family unification in Israel constitutes the use of a wedge issue in an atmosphere of moral panic in order to undermine the citizenship status of the minority.

The explanation offered in this book for the viability, or stability, of ethnic democracy is the only explanation, I contend, that can consistently account for the trajectories of ethnic democracy in the three cases under study. All three states enjoyed international legitimacy as ethnic democracies throughout the periods of their existence as such, so international legitimacy is not a variable that can account for their different trajectories. All three states felt threatened by their minority groups and suffered, to one degree or another, intrusions by the minorities' kin states. But their responses to those threats did not form a consistent pattern in terms of the fortunes of ethnic democracy in each case.

Inter-war Poland felt threatened by both the Soviet Union and Germany, but neither country supported the most serious challenge that faced the Polish state in terms of its monopoly on the use of force: the armed resistance by the Ukrainian military organization, OUN, which was anti-Soviet as much as it was anti-Polish. In Northern Ireland, ethnic democracy began to unravel just as the threat from the Republic of Ireland and from the north's Catholic minority had subsided significantly in real terms. As a matter of fact, the very decline of the real threat was perceived as a threat by important elements within the Protestant community, fearful of losing their privileged place in society. In Israel, too, the tension between the state and its Palestinian minority was building up as the apparent accommodation between Israel and the PLO progressed, although the major explosion occurred when the latter process broke down.

While the explanation I offered has an important economic dimension to it, the different trajectories of the three states cannot be accounted for simply by comparing the economic capacity of each one of them to provide the necessary services to its citizenry. In Poland, ethnic democracy indeed did not take

hold, I argued, primarily because of the state's inability to handle the country's economic problems. Northern Ireland, however, did not experience any real decline in the state's economic ability prior to the collapse of ethnic democracy, only an anticipation of greater control by Great Britain over the subsidies it conveyed to the Stormont government. In Israel, the decline of ethnic democracy can be clearly associated with a significant *increase* in the state's economic ability, as measured by the gross national product.

The factor that can explain this variance, I argued, is a combination of the objective economic capacity of the state and the principle of distribution governing its provision of services. As long as this principle of distribution can provide the majority community with a non-ethnic basis of solidarity and mediate between the liberal democratic and ethno-national principles, the economic capacity of the state can enhance the stability of ethnic democracy. As demonstrated by the cases of Israel and Northern Ireland, without a viable mediating principle, the economic capacity of the state cannot by itself guarantee that ethnic democracy will be maintained.

The model of ethnic democracy challenges our common understanding of what democracy means, and should mean. As expressed by the American philosopher, Joseph Levine, "the very idea of a Jewish state is undemocratic, a violation of the self-determination rights of its non-Jewish citizens, and therefore morally problematic" (Levine 2013). However, in a world with steadily increasing ethnic diversity within nation states, resulting from both the breakdown of multi-national political formations such as the Soviet Union and Yugoslavia, as well as from massive waves of migration, ethnic democracy may be a relatively benign form of ethnic conflict regulation in deeply divided societies. The question of the stability of this form of state may therefore be of great concern in the years to come.

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