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To deport or to ‘adopt’? The Israeli dilemma in dealing with children of non-Jewish undocumented migrants¹

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journals.sagepub.com/home/eth**Barak Kalir** 

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Abstract

This article analyses the unprecedented decision taken by the Israeli state in 2005 to legalize the status of non-Jewish undocumented migrants’ children. In explaining how the plight of culturally assimilated non-Jewish children succeeded in penetrating the hermetic ethno-religious definition of citizenship in Israel, the article focuses on the subtle yet critical influence of kinship on modern state-making and the affective fashioning of national belonging. By insisting on treating culturally assimilated non-Jewish children as Others, Israel increasingly ran the risk of unveiling the feeble construction of the Jewish nation in terms of kinship as ‘one big family’. The Israeli media increasingly began to question the refusal of the state to recognize children who were evidently ‘Israelis in every way’. Such a development, as some Israeli politicians undoubtedly realized, could have potentially been more detrimental to the mythological foundations of the Jewish state than the ‘adoption’ of a few hundred non-Jewish children.

Keywords

children, national belonging, undocumented migrants, assimilation, Israel

‘I was deeply touched by a television program about the children of undocumented migrants who grew up here... I reached the conclusion that we must make an effort so that they can remain in Israel’.

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Ariel Sharon, Israeli Prime Minister, 2005

'We are dealing with an outrage that is comparable to a Trojan horse in the heart of the Jewish glow . . . a pipe bomb against the character of the Jewish nation'.

Eli Yishai, Interior Minister, 2005

Introduction

The two quotes with which I open this article provide a disconcerting glimpse into the impassioned framing of a question that rattled Israeli politics in the year 2005: Should Israel deport or 'adopt' the children of non-Jewish migrants who managed to settle down for years in the Jewish state? After a heated public and political debate around the presence of non-Jewish undocumented migrants, and the brutal deportation of tens of thousands of them, the Israeli government decided to legalize the status of undocumented migrants' children who were born and/or raised in Israel and thus considered 'culturally assimilated' into Israeli society. By extension, this decision, which was declared by many in Israel a 'revolution', provided a legal status also to the parents and siblings of undocumented migrants' children, thereby allowing entire families to become new official members of the Jewish state.

In 2013, Benjamin Netanyahu, the Israeli Prime Minister, ceremoniously delivered in Jerusalem the following message to delegates of the Jewish Federations of North America: 'You are our brothers and sisters, and we are one big Jewish family. And like all families, we have to face challenges together. That's what families do'.² The Prime Minister's message straddled the thin line between a metaphoric expression of unity among Jews in Israel and the diaspora, and an authentic depiction of the formal *raison d'être* behind the establishment of Israel as a home for Jews worldwide. In 2019 a survey among Israeli Jews, which included 1,000 interviewees with a 3.1 percent reported margin of error, revealed that 31 percent of Israeli Jews consider American Jews siblings, 11 percent consider them first cousins, and 36 percent extended family (American Jewish Committee, 2019). Although the majority of Israeli Jews never visited the U.S., their sense of family relation to American Jews is rooted in a pervasive perception of the Jewish people in kinship terms.

Adhering to the idea that the nation is a 'big family' carries many implications for state-making and, more concretely, for policy-making in Israel. Israeli politicians are always measured and judged, publicly and electorally, by the ways in which they succeed in advancing secular political goals while maintaining intact the perceived sacred integrity of the Jewish 'big family'. It is therefore evident that any decision on the inclusion of non-Jewish migrants as members of the Jewish state carries a tense political load.

To be clear, Israel has never referred to the legalization of non-Jewish migrant children as an act of 'adoption'. This is my own terminology in trying to capture a formal civic act that responded to a *de facto* situation that had been unfolding on the ground. Consecutive governments in Israel experienced mounting pressure

from different quarters in the society to legalize the status of socially integrated children of non-Jewish undocumented migrants. Several NGOs, journalists, academics, and activists, including migrants themselves, made recurring legal and public appeals demanding that the state formally recognize migrants' children on two major grounds: first, the state must respect the human rights of children, especially as signatory to the United Nations Convention on the Rights of the Child; second, not recognizing children, who 'have no other country to go to', runs contrary to the humanistic values of the Jewish nation that historically suffered extreme forms of rejection and exclusion at the hands of different states. Indeed, several scholars have recently highlighted the compassion that suffering children invoke in state and civil society actors who are charged with humanitarian assistance (Fassin, 2011; Ticktin, 2017)

While these two grounds obviously significantly influenced the unprecedented decision to include non-Jewish migrants in the Jewish state, we must still ask ourselves why this was the case. After all, Israel has consistently ignored UN resolutions and violated numerous human rights conventions whenever they seemed to interfere with what Israel perceived to be its national responsibility. Israel's immigration regime is closely tied to its aspiration to maintain a Jewish state, and it is therefore definitively considered an internal affair by the state. Furthermore, while the historical irony and ongoing tragedy of Jewish people brutally dispossessing and inhumanly subjugating Palestinians in Israel (and even more so in the Occupied Territories) has not gone unnoticed by many in Israel, it never swayed Israeli governments to allow humanistic values to trump what is considered to be Israel's national security interest.³ Tellingly, as Kemp (2007: 685) observes, the Israeli government passed its decision to afford a legal status on non-Jewish children only after having the legalistic assurance of the Israeli Attorney General that the decision would not apply to Palestinian children and their families.

Evidently, Israel's sense of commitment to human rights and its humanistic sensitivity to the suffering of (non-Jewish) children are important, but insufficient, factors in explaining its decision to legalize non-Jewish migrants' children in 2005. In trying to account for this particular responsiveness of the Israeli government, this article poses that we should consider a deep, possibly unconscious, layer of emotive persuasion that resulted – as an unintended consequence – from the Zionist dominant insistence on treating the Jewish nation as a 'big family'. The Jewish state was confronted with a *de facto* inclusion of non-Jewish children who, to paraphrase one newspaper headline, 'look like Israelis, talk like Israelis, behave like Israelis, and have the same feeling of belonging to Israel'. As such, the presence of children who have culturally assimilated beyond distinction could have undermined the prevailing biological understanding of the Jewish nation in terms of kinship. It thus led the government to deal with this upsetting normative challenge by 'adopting' these children, while also leaving intact the Israeli exclusionist migration policy and avowing to prevent any future formation of non-Jewish families with children in Israel.

Considering the deep emotive power invested in an understanding of the nation in terms of kinship, we can uncover the potentiality that affect might have on the definition of citizenship. Recent work on 'affective citizenship' has mostly focused on the ability of states to harness affect in order to enhance the governance of citizens by moulding political communities and controlling cohesive national identities (Ahmed, 2014; Fortier, 2010; Isin, 2004). However, as Di Gregorio and Merolli (2016: 938) elucidate: '[affect's] ephemeral, evolving, unpredictable character also renders it inherently flexible and open to deployment against the state'. Accordingly, by not contesting directly the notion of a Jewish 'big family', but instead insisting on a *de facto* 'adoption' of migrants' children by the nation, affect is used to amend the definition for inclusion without changing its fundamental ethno-religious organizing principle.

This article is an attempt to understand a specific and unusual decision to include non-Jewish people in the Jewish state. Although the government insisted that legalizing the status of non-Jewish culturally assimilated children was a one-time-only decision, it was repeated in 2006 and 2010, with moral and legal reference to the original decision in 2005. Nevertheless, the number of legalized children was never high. In total, the state approved only around one thousand applications (out of a few thousand cases), not least because much political and bureaucratic effort insistently went into setting the bar for children's inclusion high enough to ensure low numbers (Kfir and Kemp, 2016; Paz, 2016). Accordingly, the claim of this article is not that this unusual decision marks a breakthrough in the inclusion of non-Jewish people in Israel. It is rather that the analysis on offer sheds important light on the makeup of the Jewish-Israeli state and society in kinship terms.

In what follows, I firstly discuss, theoretically, the fusion of kinship theories, and particularly adoption, into civic understandings of inclusion and national belonging. I then review some of the economic and political developments that eventually confronted the Israeli state with a *de facto* 'adoption' of non-Jewish children. Finally, I argue that the decision to legalize the status of non-Jewish children should always be also understood as an attempt to keep the Zionist notion of the biological 'big family' unproblematicized in public debate. As many astute Israeli politicians have undoubtedly realized, risking an open and critical discussion about the makeup of the Jewish nation could have severed an otherwise taken for granted biological notion that coheres the nation and legitimizes the state.

Children of the nation?

The growing presence of undocumented migrants in countries around the world means, among other things, that governments must address questions and draft policies regarding the regularization or forced removal of people who *de facto* form part of the societies they govern (Anderson, 2013; Coutin, 2015; Kalir and Van Schendel, 2017). Several states have launched amnesties for the legal incorporation of undocumented migrants who had been living in their territory for a lengthy period of time.

The case of undocumented migrants' children is particularly a sensitive one. For example, in the U.S. the DREAM Act – an evocative acronym that stands for Development, Relief, and Education for Alien Minors – is a program that grants minors who were born and/or raised in the country temporal residency that can lead with time to a permanent one. In the Netherlands, a political upheaval was caused by the case of Mauro Manuel, an Angolan boy who came to the Netherlands on his own at age 10 and after years living with a Dutch family became deportable when he turned 18. Eventually, he was not only allowed to return back to the Netherlands but the entire Dutch policy has been revised by parliament under much public and media pressure. Heightened sensitivity to the case of children can also lead states to take unfavourable measures, as in the confinement of minors in 'hot spots' across the E.U. or the detention of children of unauthorized migrants crossing to the U.S. from Mexico. Insidiously, both these cases are legitimized on the ground of the state's fundamental responsibility to take care of children.

In the modern western notion of kinship, children are conceived of as belonging primarily to their biological parents. Yet, on another level, children are also always considered as belonging to the state and the national community. Examples of this overlapping sense of children's belongingness are abounding, especially in countries that practice *jus soli*, where birthright citizenship is given on the premise that a child born within a state will always also become part of the nation. Moreover, in cases where biological parents are unwilling or unable to care for their children, it is strictly the task of the state to place children in a foster family or an institution that can assume the task of parenting. Interestingly, in some Israeli kibbutz – a type of Jewish settlement that adhered to communist ideology – children customarily lived and slept together in a specially designated 'children's house' and not with their biological parents. This idea was partly motivated by a perceived primacy of children's belongingness to the collective community over a biological family. Indeed, reflecting on the place of children in the 'mutation of nationalism in the age of globalization', asserts that: '[children] are regarded more and more as future citizens and not just as the property of mum and dad'.⁴

In many respects, then, the dilemma that Israeli politicians faced in deciding on the formal inclusion of undocumented migrants' children was a rather widespread contemporary one. There is, however, one aspect that sets Israel at a clear extreme in contemplating adequate policies to resolve this dilemma. In its formal capacity as a Jewish state, Israel represents a particular case in which the dominant Jewish national group has managed formally to imprint its own ethno-religious identity onto the very logic of (membership in) the state (Ghanem, 1998; Yiftachel, 1997). To an extent, liberal trends influencing the redefinition of citizenship in many so-called democratic western states have also been at work in Israel (Shafir and Peled, 2002). A global restructuring of labour markets, massive displacement of refugees, and a growing neo-liberal view of citizenship in terms of economic contract between individuals and states, have all impinged on more romantic ethno-national conceptions of membership in nation-states (Aleinikoff and Klusmeyer,

2010; Kalir, 2015). In Israel, however, as Kemp (2007: 673) convincingly argues, ‘de-ethnicized definitions of membership may be increasingly playing a role in shaping the parameters and rationale of citizenship reforms, [but] they are nonetheless not replacing “ethnic” national definitions of membership’. We must therefore ask ourselves why and how did the plight of culturally assimilated non-Jewish children – and not of any other group of non-Jewish migrants or refugees⁵ – succeeded in repeatedly penetrating the ethno-religious shield of Israeli citizenship.

In attempting an explanation to this question, I follow a growing trend in the social sciences to acknowledge and analyse the influence of kinship on modern state-making, especially with respect to the incorporation (or rejection) of new migrant members (Carsten, 2004; Moret et al., 2019; Thelen and Alber, 2018). Tracing the way in which the Jewish state dealt with non-Jewish undocumented migrants’ children allows me to sharpen Janet Carsten’s (2004: 141) analytical upsetting of the ‘apparently universal distinction between kin relations that are “true” or “real,” that is, biologically based, and those that are “fictive,” that is, those that do not derive from ties of sexual procreation’. Carsten elaborates on the perceived realness of non-biological kinship, as for example between adopted children and foster families. Turning the discussion to the manner in which nationalism has potentially built on the appeal of kinship for fostering the nation (Anderson, 1983), Carsten asserts that ‘the power of the hackneyed metaphor of the nation as family rests partly with its very familiarity. As a “metaphor we live by,” it structures our experience of nationhood. But under extreme conditions, this metaphor can become a living actuality’ (2004: 162). Carsten here goes beyond Schneider’s ‘blurred boundaries’ in referring to the ability of Judaism to unite three alleged separate elements – kinship, religion, and nationality – under one ideological roof that proclaims ‘the historical fact that Judaism is indeed so clearly defined as one nation, one religion, and one family’ (Schneider, 1984: 70).

To be sure, most Israeli-Jewish politicians, and the public at large, entertain an image of the Jewish nation in terms of kinship as one ‘big family’. This non-metaphorical linking of nationalism to kinship is often seen as a move by states to forge coherence, exclusivity, and impermeability in the definition of the nation (Herzfeld, 1997; Smith, 1999) or its ‘purification’, as Das (1995) refers to it in the context of the tragic partition between India and Pakistan. The Israeli Declaration of Independence, dating from May 14, 1948, proclaimed that the right of the Jewish people to establish their state was ‘irrevocable’ and grounded in their ‘natural right to be masters of their own fate’. Importantly, Israel adheres to the principle of *ius sanguinis* (literally, law of the blood), qualifying the incorporation of citizens and immigrants by an ethnic belonging to what Zionism has redefined as the Jewish nation. This redefinition is first and foremost based on a matriarchal system, whereby one’s Jewishness is determined by the Jewishness of one’s mother. With a declared purpose to serve as a home for all Jews, and driven by a Zionist ideology that called for the ‘Ingathering of the Diaspora’, Israel actively encourages and financially facilitates the immigration of Jews worldwide. Both the Law of Return (1950) and the Nationality Law (1952) categorically refer to the term ‘Jew’;

while the first law ensures the ‘historic’ right of all Jews to ‘return’ from anywhere in the world to Israel, the latter stipulates the automatic inclusion of Jewish immigrants as full citizens in the state.

Conversion to Judaism, while theoretically available to non-Jews, is being strongly discouraged by the state of Israel. Orthodox conversion tribunals strictly maintain that being Jewish is a birthright, and they thus agree to convert Gentiles only in unique cases, usually when the Jewishness of an alleged Jewish migrant is doubtful or when the spouse of a Israeli-Jewish citizen expresses what is considered to be a genuine desire to become Jewish so that the couple can build a Jewish home and raise Jewish children. Notably, Israel grants citizenship to non-Jewish children and spouses of Jewish men. Under some circumstances, even non-Jewish grandchildren of Jewish men are legally allowed to immigrate to Israel. Yet, this exceptional openness, I contend, should be understood in the overall framework of the primacy and exclusivity of the family as the constitutive principle of the nation-and-state. It follows that if a Jewish person decided to marry a non-Jewish spouse and build a family together – an act that is socially and culturally heavily sanctioned in Israel and in most of the diaspora – the integrity of the family must prevail over any legalistic regulation of citizenship.

A literal consideration of the nation in kinship terms does not necessarily preclude the possibility of including and incorporating outsiders, under certain circumstances that maintain intact the notion of the national family. In the case of Israel, this inclusive ability of the state, as Schneider (1969: 124) asserts, relies on the fact that while ‘anyone who is by birth a Jew is also necessarily by nationality a Jew and correspondingly a Jew by religious definition. But [...] being a Jew is not simply being born a Jew. There is a code for conduct which is linked to the fact of birth’. Schneider therefore goes on to distinguish between ‘relationship as substance and relationship as code for conduct; the substance element is biogenetic, the code for conduct is one of diffused, enduring solidarity’ (ibid.). By ‘diffused, enduring solidarity’, Schneider alludes to the kind of eternal loyalty that kinspersons have for their family or, by metaphorical extension, citizens for their state. This approach advances a more dynamic view of kinship (Andrikopoulos and Duyvendak, 2020) where, as Carsten (2004: 162) contends, ‘The slippage between what is metaphorical and what is literal makes the processes of naturalization at work in these separations and combinations of substance and code particularly difficult to grasp’. In other words, when outsiders pledge their eternal loyalty to a state to which they do not belong by birth, and they integrate into the life of the nation in similar ways as natives of that state do, it becomes rather difficult to maintain a stark distinction between naturalized citizens and those who are citizens by nativity. Relationship as a ‘code for conduct’ seems to weigh in significantly on ‘substance’ (‘blood’) in the life of the modern nation-state.

Arguably, even more than in the case of foreign spouses (Andrikopoulos, 2019), the most powerful illustration of the manner by which nations incorporate outsiders into their midst is the adoption of children. Patently, children who have been adopted and raised in so-called native families are formally treated by the modern

state, and most often also socially by members in the community, as an integral part of the society. This is the case not least because adopted children will be, in most if not all respects, culturally assimilated into the nation. Here again, we can take our cue from Carsten's empirical research among fostered families and adopted children as she concludes that: 'Instead of being a vehicle for distinguishing the social from the biological, fostering appears to be a means of transforming the former into the latter, or of merging one into the other' (2004: 141).⁶ Yet in the case of migrants, there is another side to any such transformation in the belongingness of Others to the nation. Here I allude to the often-unacknowledged fragility of a conception of the nation as a homogenous family unit. For if Others can culturally assimilate into the nation beyond the point of distinction, this can easily throw into question the very validation of the nation as a biological family. This, I contend, is precisely what happened in Israel when non-Jewish undocumented migrants' children were increasingly seen as culturally assimilated beyond any distinction from Israeli-Jewish children. What such assimilation forced politicians to confront was not only a testing of Jewish morality in treating the Other, but also, crucially, the ability to sustain the biological notion of the Jewish 'big family' in face of de facto 'adoption' of non-Jewish migrant children by the nation.

A Jewish state dependent on non-Jewish labour

Due to the historical circumstances that led to the establishment of the Jewish state in Palestine, around 20 percent of Israel's citizens are members of the indigenous Palestinian population (Muslim and Christian). Israel is thus a de facto multi-ethnic and multi-religious society. Being frantically preoccupied with maintaining a vast Jewish majority in its national home, the Jewish state meticulously measures and strictly manages the demographic composition of the Israeli population. Fittingly, Jewish immigrants are called in Israel *Olim* (the biblical word for 'ascenders'), whereas Israeli-Jewish emigrants are called *Yordim*, a term that literally means 'descenders' and is adopted in Israel to slander those who choose to 'leave Israel behind' (see Lustick, 2004). Israel regularly produces statistics on the composition of the national population and the trends that influence the proportion of the Jewish majority in it. The high reproduction rate of Palestinian citizens in Israel has always been considered a grave problem for Israeli-Jewish politicians (Rouhana and Sultany, 2003; Soffer, 1988).

This demographic preoccupation has several striking implications. On the one hand, Israel diligently induces the growth of the Jewish 'big family'. As Remennick (2004: 178) asserts: 'sustaining high Jewish fertility is seen as a national priority . . . [and thus] there are more fertility clinics per capita in Israel than in any other country in the world, and Israel has the highest per-capita rate of in-vitro fertilization (IVF), egg donation, surrogacy, and other modern reproductive technologies' (see also Kahn, 2000). On the other hand, demographic concerns compelled Israel to utterly reject non-Jewish immigration, not least in order to prevent the return of thousands of Palestinians who fled the country when the Independence

War broke out in 1948. More recently, in 2003 it led Israel to amend its Entrance Law to prevent family reunifications of Palestinian citizens of Israel who marry Palestinians from outside Israel, so that this could not serve to further increase the population of Palestinian Israelis.⁷

Indeed, the major challenge to the definition of national belonging in Israel has been posed historically by Palestinian citizens of Israel. While appealing to a democratic model of a modern state, Israel has insisted, in practice, on a marked representation of its Jewish character on a symbolic level (e.g., a flag with the Star of David, a national hymn that praises the return of Jews to Israel, Hebrew as the official language of the state, etc.). Accordingly, the field of national belonging in Israel can rightly be conceptualized as the field of Jewishness, not Israeliness. The compatibility of a Jewish state and a democratic regime has been fiercely debated for many years in Israel and beyond. According to Peled (1992), restrictions on the ability of Palestinian citizens to run for political office have practically reduced their legal status to that of a 'nominal' citizenship. Recognizing the overall dominance of the Jewish citizenry, some academics have charged that Israel actually constitutes an 'ethnic republic' (Ghanem, 1998; Rabinowitz, 1997) or even an 'ethnocracy' (Yiftachel, 1997). These critics point to the legal framework that Israel put in place to safeguard the Jewish character of the state, at any cost.

One of the consequences resulting from the supremacy of Jews as citizens in Israel is that Palestinian citizens exclusively fill the less attractive jobs at the bottom of the labour market, in line with their low position and status within the field of national belonging. Israel has consistently used security issues in order to limit the opportunity structure of Palestinian citizens (Jamal, 2007; Rouhana, 1997). After the Six-Day War of 1967, Israel occupied territories in the West Bank and the Gaza strip that had been under the control of Jordan and Egypt, respectively. Besides the many political, legal, and international issues that arose from Israel's new position in the Middle East, the pacification of Palestinians, who lived in these territories, was seen by Israel as an important task. Israel thus decided to incorporate Palestinians into the Israeli labour market. It was believed that relative economic prosperity and livelihood would enhance domestic order and avert civil unrest (Grinberg, 1993).

Since 1969, then, tens of thousands of Palestinians from the Occupied Territories performed manual, low-paid jobs in Israel. They had no political rights and were also barred from organizing themselves or becoming members in Israeli trade unions. This lack of political capital prevented Palestinian workers from having any bargaining power in their relations with Israeli employers. The lack of occupational alternatives in the depressed Palestinian economy rendered them readily available under conditions that were the most favourable for Israeli employers (see Bartram, 1998).

In 1987, the first Palestinian intifada broke out. One of its many implications was that Israeli employers could no longer rely on Palestinians for a steady supply of cheap labour inside Israel. Pressure on employers to find an alternative workforce was exacerbated by the fact that seasonal agricultural work cannot be put on

hold, and the country faced a serious housing problem given the arrival of Jewish immigrants from the former Soviet Union (after the fall of the Iron Curtain in 1991). This last concern was politically charged as failing to provide housing solutions might have induced Jewish immigrants to shun Israel as their homeland destination and to look for other countries to settle down in.

Faced with the daunting implications of a labour shortage, the Israeli government began, since the early 1990s, to import non-Jewish temporary labour migrants (so-called 'guest workers') to replace the cheap Palestinian workforce. The government was, however, determined to rectify its commitment to the Jewish character of the state by denying non-Jewish labour migrants the possibility of settling down in the country. For example, guest workers could not be joined by their families. Fearing that it would promote their settlement, Israel strictly prohibited the partners, and particularly the children, of guest workers from joining them. This prohibition was explicitly mentioned in guest workers' contracts and firmly monitored by state officials. The Interior Ministry categorically rejected all allocations of work permits for married couples, and it was made clear to guest workers that if they were to form matrimonial or even romantic relationships while in Israel, they would be dismissed and sent back home (Pilovsky, 1999).

Opposition political parties publicly constructed importing non-Jewish workers as a betrayal of Zionist commitment to a Jewish state. Consequently, the government was forced to curb the number of guest workers reaching Israel, leaving many Israeli employers wanting. The demand for cheap low-skilled labour was thus gradually filled by undocumented migrants who entered Israel as tourists (Kalir, 2005, 2006). Among those were thousands who came from different countries in Latin America, Africa, and Asia. Paradoxically, undocumented migrants were freed from all kinds of restrictions that applied for guest workers (Kalir, 2012). Thus, many undocumented migrants increasingly settled down in Israel, establishing elaborate communities. Many migrant families were reunited in Israel after the initial immigration of one of the spouses, while numerous new households were formed when single migrants met and got married in Israel (Kalir, 2010; Kemp and Rajiman, 2004; Sabar, 2004).

In the early 2000s, what Israel feared most began to materialize; non-Jewish undocumented migrants showed increasing signs of permanent settlement in Israel, as next to accomplishing their initial economic goals, they had now also started establishing their own social, religious, and political organizations. In the next section I follow the events and discursive formulations that led to the legitimization of a massive deportation of non-Jewish migrants in Israel.

From othering to bothering

Officially, since the very first moment, Israel has persistently and unreservedly categorized non-Jewish undocumented migrants as deportable trespassers. In 1996, when the Israeli government first decided to formally address the phenomenon, it launched a campaign to deport undocumented migrants, whose presence

was called a 'social ticking time bomb' by some politicians. While deportation was repeatedly championed as the sole solution for dismantling the 'bomb', the earnestness of Israel's deportation policy varied in the years thereafter. In fact, it can be argued that in practice, until the year 2002, Israel largely turned a blind eye to the issue. Consecutive governments unofficially 'tolerated' the presence of undocumented migrants because, as explained in the previous section, these new sub-proletarians provided the Israeli economy with cheap, flexible, and disenfranchised labour that largely substituted Palestinian workers. Moreover, policymakers, who feared guest workers' permanent settlement, assumed that deportable undocumented migrants were less likely than ever to be able to claim, at any point, formal recognition from the state.

Yet the evident settlement of non-Jewish migrants rendered it unsustainable for the government to continue practicing a blind-eye policy. To politically survive the increase in the number of undocumented migrants, it was crucial for any government to publicly appear to be fighting this development. But while successive Israeli governments used inflamed rhetoric against undocumented migrants and vowed to deport most of them, in practice, only a tiny fraction was deported each year, as is the case in most countries worldwide where deportation is menace driven by a fantasy of White Supremacy (Kalir, 2019). Increasingly, the Israeli government came under political fire for allowing the situation to get out of hand, as many in Israel believed to be the case.

Not unrelated to this mounting political pressure, from around 2000 Israel needed fewer migrant workers. The strain in the construction sector eased, an economic recession kicked in, and unemployment among Israelis was on the rise. Thus, in 2002, the then-Minister of Finance, Benjamin Netanyahu, announced that 'the public in Israel must understand that foreign workers and Palestinians take the jobs of Israelis' (Maariv 23.07.2002). However misleading and economically false this assumption may have been, it was politically construed as being true, and the message resonated with the Israeli public. Deporting undocumented migrants thus became increasingly rewarding for an Israeli government that could portray itself as battling for the employment of Israeli workers.

And so, in 2002, the government moved vigorously to implement a decision to deport tens of thousands of undocumented migrants. A mighty and heavily funded Immigration Police was established, and its agents managed to arrest and deport thousands of undocumented migrants as well as to create a ripple effect of intimidation that induced tens of thousands more to exit the country. Just before the government launched its massive deportation campaign, many in Israel believed that a wholesale deportation of undocumented migrants who had settled down was not a realistic solution. For example, a university professor who advised the government on the issue asserted that 'there is no doubt that massive deportation is an action a government in Israel could hardly realize' (Schnell, 2001: 19); and a journalist who closely followed previous failures of Israel's deportation campaigns concluded, 'Nobody in the world believes in a policy of entire population transfer, unless [states were to] adopt brutal and exotic methods' (Haaretz 17.05.2001).

Yet adopting ‘brutal and exotic methods’ is precisely what the Israeli government resorted to in its attempt to eradicate settled undocumented migrants. To understand the efficiency of the deportation campaign we need to take into account the particular Israeli ‘governmentality’. According to Foucault (1991), governmentality comprises both the ‘art of governance’ as exercised by leaders who have access to the state apparatus and the saturation of society with a distinctive discourse that shapes the subjectivity of citizens and renders them governable in a particular way. The subjectivity in the case of Israeli Jews is conspicuously attuned to the need of the Jewish state to protect its territorial and ethno-religious borders from the perceived invasion of non-Jewish Others, who are seen as abject figures whose presence corrupts the integrity of a Jewish nation-and-state.

Undoubtedly, the development of a particular Israeli governmentality that is rooted in managing national security threats has much to do with the daunting history of the Jewish people. Massive deportations, forced religious conversions, pogroms, the Holocaust, and numerous other manifestations of anti-Semitism worldwide have all contributed to a profound, prevailing consciousness among Jews about their hunted and beleaguered position in the world. It is against this backdrop that Israel has been established as the Jewish state, with its *raison d’être* to constitute a secure home for Jews and to protect them from external threats to their existence as individuals and as a nation. Nachman Ben-Yehuda (1998), for example, shows how the Israeli collective memory has turned the ancient story of Masada – a fortress in the Judean desert where a group of around one thousand Jews were put under siege by the Roman army and eventually committed suicide instead of surrendering – into a mythological cornerstone in the process of nation-building and the formation of a resilient Jewish identity.

Accepting this alignment of non-Jewish Others as posing an immanent risk to the state should be, as I argue, evaluated in light of an entrenched existential anxiety for the survival of the Jewish family (Kalir, 2015). Shlomo Ben-Ami, the former Israeli foreign minister and a professor of history, neatly captured the duality in the Jewish perception between infinity and extinction, as he reflected on the charismatic former Israeli prime minister Menachem Begin: ‘He truly represented, but also knew how to exploit, the traditional Jewish paranoia and the structured pairing in the Jewish consciousness between the proven might of the eternal nation and the unceasing fear of disaster and annihilation’ (2001: 19). And as Newman (1998: 164) asserts: ‘focusing on the existential threat facing the country . . . is also an agenda around which the Israeli population (at least the 80 percent Jewish majority) are united in the social construction of the collective feelings of fear and threat emanating from the “other”’.

Such an existential threat, I believe, reverberates so powerfully in modern Israel not only because of the long Jewish history of persecution, but also, and perhaps primarily, because of the contemporary tacit conception of the Jewish state as a vehicle for the conservation of a Jewish ‘big family’. One is always afraid for the safety of one’s family, even at times of relative stability and security. Economically and militarily, Israel is a mighty country in the Middle East with powerful allies

like the U.S. and Russia. That under these conditions an existential fear is so strongly felt by most Israeli-Jewish citizens, and exploited politically by consecutive governments, is largely due to the emotive constellation that is ushered in by conceiving and experiencing the nation-and-state as an extension of one's family. Such an extension allows for the permanence of fear to be fixated in a deeper lair of emotionality that is arguably more powerful than any secular type of nationalism (which Zionism initially aspired to be) can achieve.

The 'traditional Jewish paranoia' to which Ben-Ami (2001) refers fuelled a vile rhetoric and action against non-Jewish undocumented migrants in Israel. Here is how Eli Yishai, Israel's interior minister during the massive deportation campaign in 2002, articulated his position:

I want everybody who is not Jewish out of this country. Non-Jewish migrants come here and build churches! They should stay in their own countries. We must reject all migrants who are not Jewish according to the Halacha [the Jewish law] . . . They cause acculturation and deterioration of the values of the Jewish state. (Maariv 25.11.2002)

Israeli agents in the Immigration Police, who were charged with executing the brutal deportation of settled undocumented migrants, hardly ever questioned the suitability of their methods; instead, they enacted a fully internalized emotional orientation that follows from Israeli governmentality. Here is how one agent justified the work of the Immigration Police:

What troubled conscience? What are you talking about? What we are doing is a holy work. Every foreigner who is displaced to an airplane, makes space for an unemployed Israeli who can, god forbid, commit suicide because of the situation. That's why I fully identify with what I'm doing, and I have no doubts as for the righteousness of our way. It is the right thing to do. (Haaretz 05.06.2003)

A reference to policing work as 'holy', and drawing a direct line between deportation and the potential (self) killing of an Israeli-Jewish citizen, can and should be seen as derivative of an intimate familial relation that is constructed between all Israeli-Jewish citizens under a state that is the embodiment of Jewish kinship.

From bothering to brothering

From the first day of the deportation campaign against undocumented migrants, there were many non-hegemonic voices in Israel calling for its immediate abolition. Israeli NGOs, numerous journalists, artists, social activists, and even some politicians adamantly demanded that the government must stop what they often called a 'manhunt'. All protests against the actions of the Immigration Police underscored the moral obligation of Jews, given their own suffering from persecution and discrimination on racial and ethno-religious grounds, to treat the Other with respect and dignity.

The Centre for Jewish Pluralism addressed an official letter to the government and the police chief of staff, calling for the abandonment of the campaign on the ground of alleged racial incitement. In an article published in a popular daily newspaper under the title, a prominent Israeli artist and opinion maker, the late Adam Baruch, wrote:

Foreign workers are presented as “the enemy of the nation”. Their humanity becomes transparent, nonexistent... The campaign pits the unemployed against the foreigner... Substitute in this campaign the word “Jew” in place of “foreign worker” and you get anti-Semitism. (Maariv 22.11.2002)

Commendable as these calls to stop the massive deportation campaign were, it should be noted that they mostly fell short of endorsing the desire of non-Jewish migrants for a regularization of their status in Israel. In many of the calls, the protesters used the word ‘foreigner’ to speak about long-term settled undocumented migrants. Ostensibly, many critics felt the need to condemn the brutal Israeli deportation policy, but they failed to question the very paradigmatic exclusionary matrix under which non-Jewish migrants were not considered as potential members of the Israeli state. It was only when the issue of the Israeli-born children of undocumented migrants was brought to the forefront of the public debate that a more comprehensive call emerged for the government to legalize the status of undocumented migrant families.

In 2003, the Association for Civil Rights in Israel (ACRI) appealed in court against the interior minister on behalf of four undocumented migrants’ children who had reached the age of eighteen. These children, who were born in Israel or raised there for most of their lives, had no official status in the country and were thus deportable. The appeal demanded that the four be given permanent resident status so that they could conduct normal lives and earn a living legally. Analysing the legal appeal of ACRI and the public campaign surrounding it, Paz (2016: 22) stresses that it ‘innovated public discourse by producing the arguments and evidentiary basis that figured the four petitioners as “Israeli in every way”.’ Among other things, advocates for the cause of these children did not simply highlight their fluency in Hebrew but the fact that they had no accent; the ultimate proof for someone’s complete ‘nativeness’.

The Israeli media also kept promoting the appeal of undocumented migrants’ children. For example, one extensive newspaper article depicted the desperation of these children and explicitly called for legalization of their status: ‘They look like Israelis, they act like Israelis, until at the age of 15 they get the first slap—no driving license. At 16 comes the second—no identity card, and at 18 the third—no army [recruitment]. From now on they are deportable. The children of undocumented migrants are waiting for Poraz [the Israeli interior minister at that time]’ (Haaretz 16.05.2003). In the same newspaper article, minister Poraz, who was working on a proposal to reform the treatment of undocumented migrants, condemned the current deportation policy: ‘It is cruel, vicious and inhumane to deport

children who were born and raised here'. He then went on to draw a mesmerising comparison with the situation of Jews under Nazi Germany: 'When Hitler came to power he wanted Jews to leave but no other country was willing to receive them. It is decidedly wrong for the Jewish nation to treat in this way other people.'

Some Israeli NGOs organized street demonstrations in support of undocumented migrants' children. In one case, hundreds of Israelis, including some prominent artists and politicians, gathered in south Tel Aviv. A popular actress, filmmaker, and national icon, Gila Almagor, publicly offered her view:

Every child needs to have a home, and I'm afraid for the fate of these children [of undocumented migrants]. These children have no other language, home or culture. Where do we want them to go? Can you imagine Israeli children being deported from Los Angeles? What an outcry there would be about anti-Semitism? I want to be able to look at myself straight in the mirror at the end of my life, and that is why I came to protest here today. (Yediot Aharonot 03.09.2003)

Astutely, civil society actors focused on children when they compared the Jewish history of ethnic persecution with the situation of non-Jewish undocumented migrants in Israel. This dreadful contrast touched upon the sensitivity of many Israeli politicians, some of them the sons and daughters of Holocaust survivors. It consequently led many politicians, including right-wing conservative ones, to consider empathetically the situation of undocumented migrants' children. The agonizing Jewish history of anti-Semitism has profoundly shaped the consciousness of Israeli-Jewish citizens and political leaders in a way that could reconcile, on the one hand, the need to use all means toward the massive deportation of non-Jewish migrants and, on the other hand, the moral obligation to legalize the status of the children of undocumented migrants on universal humane grounds. These universal humane grounds widely draw their civic construction and emotional appeal from a sense of responsibility that the state has towards children, precisely because the nation is experienced as a family. This is a vivid illustration for the way that the affect and emotionality that are built into the notion of the nation as a 'big family' become transposed into notions of caring and responsibility, which are invested in the state.

In 2005 a special parliamentary committee was convened with a mandate to modify Israel's immigration regime. The head of the committee publicly outlined its agenda: 'In line with the humanist Jewish approach, we are obliged to grant a legal status to children who were born here, speak the Hebrew language, and became part of us, of Israeli society' (Haaretz 20.03.2005). The committee eventually recommended to grant legal status, leading to full citizenship, to undocumented migrants' children who were born in Israel or arrived there in an early age, went to Israeli schools, spoke Hebrew, identified with the state, and expressed their will to serve in the Israeli army. The resolution passed in government by a majority vote, ruling that undocumented migrants' children 'became part of Israeli society

and its culture and their deportation from Israel would constitute a cultural expulsion' (Government Resolution 26.06.2005).

Although it was declared by the government to be 'a unique amendment not to be repeated in the future,' it was described in the media as nothing less than a 'revolution' that marked a break with the exclusionary ethno-religious logic that historically underlined Israel's immigration policies (Maariv 26.06.2005). The government decision was applauded by Israeli NGOs and several newspaper articles celebrated it by interviewing children who could now be legalized under the new criteria.

Those who opposed the new criteria, such as Nissan Slomiansky, MP from the Mafdal religious party, warned that 'the government adds more and more gentiles in a move that undoubtedly will hurt the Jewish character of the state'. Yet, Prime Minister Ehud Olmert dismissed these voices when he declared:

I wonder how fanatic and without compassion we can be. I managed the policy of expelling foreign workers from Israel, and it was not always done gently. But the question of children constitutes a highly humanist issue, and that is how we should consider it. I, too, am concerned for the Jewish character of Israel, but these [undocumented migrants' children and their families] pose no danger to it. (Maariv 18.06.2006)

While politicians self-congratulatorily preferred to tie their 'revolutionary' decision to humanist Jewish values, we should not take such statements at face value. That the inclusion of non-Jewish children as members in the Jewish state could be articulated publicly by an Israeli Prime Minister as 'posing no danger to it', should be read not only as a qualification of fully assimilated children but also, and perhaps more significantly, as a qualification of the capacity of the Jewish 'big family' to 'adopt' and assimilate loyal children beyond any biological distinction.

Conclusion

Non-Jewish undocumented migrants pierced the Jewish state's exclusionary ethno-religious logic roughly a decade after they first arrived in its territory in the mid-1990s. Such a move was inconceivable in Israel only a few years ago. Exceptional as this case may be, the move by the Israeli state is by no means unique. Several nation-states have launched amnesties and other programs for the legal incorporation of undocumented migrants who had been living in their territory for a lengthy period of time. The motivations for legal incorporation are a mixture of economic interests, fear of an increase in criminality or the spread of contagious diseases among undocumented migrants, and an external pressure to abide by an emerging global discourse of human rights. Israel has been partly influenced by similar considerations. The fact that undocumented migrants proved to be law-abiding and productive workers in Israel strengthened the secular idea that they merited inclusion. Yet, this type of reasoning never prevented Israel from

forcefully deporting tens of thousands of non-Jewish migrants. It is therefore clear that only the case of children managed to sway Israeli public opinion and politicians to consider their legalization as members in the Jewish state.

Today there is a widespread dissatisfaction in liberal states with the implementation of multiculturalism. In a backlash against perceived 'failing' multicultural regimes of incorporation, states increasingly move towards the 'culturalization of citizenship' and the re-ethnicization of the nation (Castles and Davidson, 2000; Duyvendak et al., 2016) demanding that migrants integrate culturally into their 'host society' (Joppke and Morawska, 2002; Koopmans and Statham, 2000). Membership in the state is thus determinedly coupled with (an expectation of) a developed sense of belonging and commitment to a normative project, a specific territory, and a distinctive national community.

The observable tilt toward 'new assimilation' (Brubaker, 2001) leads many states whose political regimes are allegedly predicated on universal liberal principles to define their national and cultural particularities with greater precision than before. Redrawing the boundaries for integration around cultural and emotional belonging is clearly meant to promote 'affective citizenship' (Fortier, 2010) and to tackle the nonconformist position of certain migrant and ethnic groups. Yet unlike a political definition of membership, which can follow pure bureaucratic criteria, one's belonging to the nation is not only a highly subjective matter, but also one that is difficult for the state to quantify and control. This notion of national belongingness is therefore a powerful, yet irredeemably ambiguous, one because it charges the institution of citizenship with emotions (Chavez, 2012; Gustafson, 2005; Hage, 2000). The case of children particularly reverberates through the logic of the modern nation-state because it strenuously lays bare this intricate duality of membership.

Thus, acknowledging the variety of factors that led Israeli politicians to legally incorporate non-Jewish children, this article highlighted another important element, usually left out of the analysis. By insisting on constructing culturally assimilated non-Jewish children as Others, Israel increasingly ran the risk of unveiling the feeble nature of its kinship makeup as a 'big family'. The Israeli media increasingly began to question the refusal of the state to recognize children who were evidently 'Israelis in every way'. Such a development, as some Israeli politicians undoubtedly realized, could have potentially been more detrimental to the foundations of the Jewish state than the 'adoption' of a few hundred non-Jewish children. Highlighting the counterintuitive outcome of passionate nationalism, Balibar (1991: 60) argues that: 'By seeking to circumscribe the common essence of nationals, racism thus inevitably becomes involved in the obsessional quest for a 'core' of authenticity that cannot be found, shrinks the category of nationality and destabilizes the historical nation'.

If the case of a Jewish nation that is literally taken to constitute a 'big family' tells us one thing about the relation between kinship and the modern nation-state, then it is that, to paraphrase Clifford Geertz (1966), kinship is a model for the nation rather than a model of the nation.

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Notes

1. Parts of this article first appeared in Barak Kalir's doctoral dissertation: '*Christian aliens in the Jewish state: Undocumented migrants from Latin America striving for practical national belonging in Israel*' (Kalir, 2006).
2. The New Republic, 10 Nov 2013.
3. See Willen (2006) for an important distinction in the Jewish-Israeli exclusionary logic between Palestinians as 'real' Others and non-Jewish migrant workers as 'other' Others.
4. See https://www.kreisky-forum.org/pdfs/2007/2007_06_25.pdf (accessed 3.12.2019)
5. Israel is notorious for having one of the lowest recognition rates of asylum applications in the world. As one recent report attests: 'Consideration of requests by Sudanese asylum-seekers began in 2013. Of the 3,165 requests for asylum submitted, only 45 were accepted and only a single Sudanese has been granted refugee status. While in Israel the percentage of Sudanese recognized as refugees stands at 0%, in Europe almost 70% of Sudanese asylum-seekers are recognized as refugees in accordance with the Convention Relating to the Status of Refugees or supplementary protections' (Assaf, 2016: 2).
6. It should be noted that racialized notions of Others might resist such transformation, not least because they can prevail in the society and can be easily detected phenotypically (see Paille and Kalir, 2014).
7. For similar concerns for controlling the marriages of 'native' citizens with migrants in European states, see Moret et al. 2019.

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