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The Israeli Citizenship Model: The Role of Pluralism and Particularism in Drawing the Boundaries of the Israeli Polity

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INTRODUCTION

This article examines the Israeli citizenship discourse, emphasizing the influence of Israel's historical experience, societal composition and constitutive values. The first section provides the theoretical foundation of the essay, describing the Israeli citizenship model, stressing its complex nature, and explaining how three alternative models of citizenship—liberal, republican, and ethno-nationalist—co-exist and interact in the Israeli polity.

The existence of multiple, and at times divergent, notions of citizenship reflects the internal tensions between competing core values of the state, such as pluralism and democracy on the one hand and ethno-nationalism and particularism on the other. The second section analyzes the current normative framework concerning Israeli nationality law, highlighting the dynamics described in the introductory section. Finally, the article applies these theoretical and normative frameworks to a specific case study in which the notions of citizenship described above clash. This particular case study looks at the current family reunification policy vis-à-vis spouses of citizens coming from the West Bank and Gaza—emphasizing how positive political steps are needed to accommodate the disparate values and imperatives in Israeli citizenship discourse.

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WHICH CITIZENSHIP MODEL FOR ISRAEL?

The citizenship discourse in any given society is influenced by a plurality of factors, such as: a country's history, its juridical traditions, nation-building objectives, and societal composition.[1] Furthermore, the citizenship model and discourse adopted in a particular country are also intrinsically related to internal conceptions of collective identification. They embody a specific cultural self-representation, a sense of nationhood and community, and a particularistic ethnos.[2]

As Gershon Shafir[3] points out, because of this inherent complexity and given the multiple factors that shape a country's citizenship discourse, the final narrative is hardly ever monolithic. It often consists of alternative notions that co-exist and—at times—clash. This is particularly true in the Israeli case, where the tensions among alternative citizenship conceptions are modeled after the internal clashes between conflicting constitutive values, such as ethnic identity and particularism versus pluralism and democracy. As Shafir further explains, "the tension between the exclusionary impetus of frontier society and the inclusionary impetus of civil society (...) has expressed itself in a

hierarchical and fragmented citizenship structure.[4]" In other words, different core values connected with Israel's historical experience shape the state's view of citizenship—enabling three models to co-exist: liberal, republican, and ethno-nationalist.

The republican ideal of citizenship, focused on the notion of public good and common will, on active and direct participation in the public sphere as the key duty of citizens, on the praise of civic virtues, and on citizen mobilization,[5] was the predominant model in the *Yishuv*[6] period and in the early years of the State of Israel. Accordingly, the republican idea of citizenship served two main functions. First, during Israel's emergence as a "frontier society," when a zone of contact/conflict arose between different societal groups,[7] the concept of citizenship was used to draw community boundaries and create an internal and cohesive community vis-à-vis the "others." Secondly, the republican ethnos was used internally, in the nation-building process, to mobilize citizens around the ideal of common good and the moral purpose of Zionism. It also served to promote direct participation in the polity trough the national myth of the early *Chalutzim* (pioneers)—a narrative that emphasized values such as collective solidarity, patriotism, and labor as a means of individual/collective emancipation.

Even if it has lost prominence, due in part to the evolution of Israel from a frontier, state-dominated society in its formative liminal years to a more established, civil-society oriented democracy, the republican ideal of citizenship and its rhetoric is still present in contemporary Israeli society.[8] The major contribution of the republican citizenship model in contemporary Israel is the continuation of the ideal of citizenship as active participation and not just a 'bundle of rights.' This is best embodied, for instance, in the ethnos surrounding the military service:

> [T]he emphasis on military service for the nation as the proof of inclusion in the body politic echoes a republican conception of citizenship, in which a connection is made between the commitment to make sacrifices for the nation and the right to fair share in governing (…)[9]

However, the republican ethnos of the early period has been challenged by the growing impact of the liberal idea of citizenship. This second model of citizenship has been associated with the ongoing debate on the nature and character of the country as a Jewish and Democratic State.[10]

Since its formative years of the *Yishuv*, Israel conceived of and described itself as both a state for the Jewish people and as a democracy. This is clearly emphasized both in the rhetoric of Israel's early leaders and its constitutive documents, such as the Declaration of Independence,[11] which established—side-by-side—a state for the Jewish people and the principle of non-discrimination applicable to all citizens irrespective of "religion, race, or sex."[12] Therefore—at least at a theoretical level—there is little doubt that Israel's state-building process was indeed aimed at creating a Jewish, democratic state and that the liberal notion of citizenship flourished in this context.

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The liberal ideal stresses universal citizenship, grounded on the principles of generality, civic unity and cohesion, and equal treatment of all citizens under the law.[13] In this context, the basic conception of liberal citizenship as a bundle of rights, focused on individuals and on the private sphere, has been gaining increasing support in Israeli society—superimposing itself on the republican model. This has created internal tension between the universal character of citizenship rights under the liberal model–adopted in most liberal democracies—and the exclusivity and particularism of the republican

model, rooted in the early formative period of the state.

Finally, in addition to these two citizenship models, the Israeli polity also encompasses an ethno-nationalist discourse and citizenship model. In fact, Israel is often mentioned as an exception to the contemporary tendency of modern democracies to distance themselves from maintaining a strong ethno-nationalist affiliation in the elaboration of their citizenship discourse. Israel stands out in its continued insistence on a firm and explicit bond between ethnically-based nationality and statehood. In declaring that Israel is the state of the Jewish people, what is in effect being claimed is one of the basic tenets held by classical theorists of nationalism: that a state ought to represent a nation.[14]

Similarly, the country has been identified as an "ethnocracy," where a specific group attempts to assert and maintain disproportionate power, rights, and control, for the sake of cultural and religious homogeneity.

Numerous scholars, therefore, have identified Israel as an "ethnic democracy," where the dominant ethnic group enjoys special collective rights, while the non-Jewish citizens are limited to individual rights.[15] Similarly, the country has been identified as an "ethnocracy," where a specific group attempts to assert and maintain disproportionate power, rights, and control,[16] for the sake of cultural and religious homogeneity.[17] At the extreme of this spectrum, scholars have indicated that this strong affiliation with an ethnic group constitutes a structural impediment to the fulfillment of the premises of liberal democracy, calling the state an "imagined democracy."[18]

The citizenship discourse associated with this characteristic of Israeli democracy is ethno-nationalist, where a common religious-ethnic-historical culture becomes the defining feature of membership in the political community.[19] An example of how this ethno-nationalist conception of the polity has shaped Israeli political and societal life is manifest in certain aspects of its immigration policy. In fact, the core provision of the Israeli immigration law, the Law of Return, reflects a "perception of membership in the state which is not territorially bound or defined, but rather is based on a preexisting affiliation with the Jewish people, in its perception of that people as a 'nation'."[20] This premise leads to an unorthodox approach to immigration. The traditional hierarchical order that privileges native citizens over immigrants is nullified and a new immigrant is entitled to the very same status as a native citizen, in the name of cultural unity and shared nationhood. As a result, Israel became a country of immigrants[21] with a nationality law focused on emigration and on preserving strong ties with the larger ethnic community of reference.[22]

Together with an ethno-nationalist model of citizenship, Israel has also adopted a broader concept of group-differentiated citizenship, defined by Kymlicka as "the adoption of group-specific poly-ethnic, representation, or self-governing rights."[23] The idea of differentiated group rights and duties is in fact another important aspect of the Israeli conception of citizenship. In Israel, the concept of citizenship, which is associated with guarantees of basic rights and freedom in accordance with liberal principles, is also qualified by the concept of nationality as ethnic identification (Jewish, Arab, Bedouin, Druze; or Jewish, Christian, Muslim).[24] In other words, all citizens enjoy a degree of equal rights, but these generic protections are also associated with specific rights and duties that are derived by the combination of their citizenship and ethnic nationality. This creates myriad different conceptions and narratives of citizenship and membership status, as well as a group-based conception of rights and duties.

For instance, the membership in an ethnic-religious community defines the rules of personal status and family law that are applicable to that citizen.[25] This is because the religious courts of the three main religious communities (Jewish, Muslim, Christian) are empowered by the Ministry of Religion to deal with family and personal status matters[26] and have personal jurisdiction over all members of their community—a legacy of the Ottoman *millet* system. An additional example of group-

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differentiated duties is the obligation to serve in the army, which although mandatory for all Israeli citizens, is—according to an administrative practice— normally not enforced on Palestinian-Arab Israelis (while Druze and Bedouin men regularly serve in the army)[27].

In sum, defining a single citizenship model for the State of Israel is extremely complex, as radically different notions of this concept are all accommodated in the citizenship discourse. Therefore republican, liberal, ethno-national, and even multicultural/group-based models of membership and belonging coexist in the Israeli national political discourse. This coexistence reflects the internal struggle between the universalist and pluralist nature of the Israeli state and its particularistic and exclusive tendencies. As the article will further articulate, this multiplicity of models both echoes and explains the internal tension between "Jewish and Democratic."

NATIONALITY LAW IN ISRAEL: AN OVERVIEW

Israel's citizenship policy is based on two main legislative acts: the Law of Return-5710 (1950),[28] and the Nationality Law-5712 (1952).[29]

The Law of Return

The Law of Return is a core legislative act that enshrines the right of all Jews to immigrate to Israel. It represents a constitutive principle recognized since the establishment of the State and embodied in the 1948 Declaration of Independence: "The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles."[30] Accordingly, the Law of Return reflects an understanding of the State of Israel as a "trustee" in charge of administering a right that in fact pre-dates the birth of the state itself.[31] As eloquently put by former Israeli Prime Minister David Ben Gurion in his introduction of the Law of Return:

> This law does not provide for the State to bestow the right to settle in Israel upon the Jew living abroad; it affirms that this right is inherent in him from the very fact of being a Jew…This right preceded the State; this right built the State…[32]

The concept of a pre-existing right of all Jews to immigrate to Israel is also entrenched in the semantics of the Jewish immigration discourse. In fact, the act of immigrating to Israel is not defined as "immigration". The term used is *aliyah* or ascent; which, in connection with the idea of self-fulfillment, confers onto the act of immigration an additional layer of symbolic validation. This specific understanding of the State as a "trustee," together with the powerful evocative value of the concept of *aliyah*, lay at the core of the Law of Return, which codified "ethnic" *ius sanguinis* [33] as the preferred mechanism to acquire citizenship.

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Adopted in 1950, the Law of Return has an important place among Israel's legislative acts. The State of Israel lacks a formal written Constitution, and in its place, it has a series of "Basic Laws,[34]" which provide a constitutional basis for the state. Although the Law of Return *per se* is not a basic law, it is commonly deemed to possess "constitutional implications,"[35] both because the legislative branch has shown extreme reluctance in considering amendments to this Law, and also because it reflects the founding ideology of Israel. Thus, it is likely to be given a prominent role in the future constitution.[36]

The main provision of the 1950 Law of Return states: "Every Jew has the right to come to this country as an *oleh*,[37]" and the only legitimate reason to deny this right is if the applicant "is engaged in an activity directed against the Jewish people; or is likely to endanger public health or the security of the State." According to the provisions of the Law of Return, all *olim* immigrating to Israel will be granted an equal status to those who were born in the country.

This legislative act creates obvious problems under a liberal citizenship model and the Israeli legislative branch did not ignore this contrast. Haim Cohn, who was attorney general in 1950, explained to the Constitution, Law and Justice Committee in the Knesset: "we do not wish to introduce discrimination between Jews and non-Jews in any other law. This is the only law to lay down special rights for a Jew because he is a Jew (…)."[38] Since the very outset, there were clear internal tensions between the Law of Return and its ethno-national implications, and the equal rights principle that had shaped the Israeli democracy since the Declaration of Independence.[39] This tension, although not fully resolved, was lessened however by the more comprehensive Nationality Law, passed in 1952, providing alternative means to acquire Israeli citizenship outside the venues provided by the Law of Return.

In a historic verdict for the State of Israel, the court ruled that—for the purpose of the population registry and the Law of Return—the government did not have the authority to determine a person's national affiliation.

Additionally, the Law of Return was not only problematic vis-à-vis the regulation and recognition of non-Jewish immigration but it also left a wide degree of uncertainty around a number of problematic issues, such as: who is a Jew according to the Law of Return? And what would be the status of non-Jewish spouses of eligible Jews under the same law? The issue of establishing who is a Jew for the purpose of the Law of Return reached the Israeli Supreme Court in the *Shalit Case* (Benjamin Shalit v. Population Registry).[40] In 1967 Benjamin Shalit, married to a non-Jewish woman, attempted to register his two children (Israeli citizens by virtue of having born in Israel and having a Jewish father) in the Population Registry as Jewish nationals with no religion ('nationality' and 'religion' being two different categories in the population registry's records). The registry refused to recognize the children as Jewish nationals on the ground that the children's mother was not Jewish.[41] The petitioner disputed this notion of Jewish nationality connected to a religious interpretation of Judaism, he argued in favor of a secular definition of membership based on self-identification, and he grounded the complaint under his right to freedom of conscience as guaranteed by Israel's Declaration of Independence.

In a historic verdict for the State of Israel, the court ruled that—for the purpose of the population registry and the Law of Return—the government did not have the authority to determine a person's national affiliation. Additionally, the court ruled that a *bona fide* statement of affiliation should be considered as proof of nationality. The case created enormous distress within Israeli society, emphasizing the conflicts between secular and religious citizens. It led the Knesset to amend the Law of Return, which tried to balance the secular and religious views on nationality.

As a response to the religious community's plea to set the community boundaries according to religious Jewish law, the 1970 amendment provided more firm criteria, besides self-identification, to establish who qualified as Jewish under the Law of Return. But it also included new categories of people eligible to be granted the *oleh* status, in line with a more secular understanding of citizenship law.[42] The amendment, in fact, extends the Law of Return to:

> (…) a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who has been a Jew and has voluntarily changed his religion.[43]

Furthermore, the law specifies that "For the purposes of this Law, 'Jew' means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."[44]

However, even if this amendment put an end to many controversies arising previously under

the Law of Return, it still left room for debate regarding what constitutes a valid conversion for the purpose of the Law of Return. This question, a corollary of the wider dilemma of defining who qualifies as a Jew, was also the object of judicial review in the *Shas Movement v. Director of Population Registry* (1989), and *Pesarro (Goldstein) v. Minister of Interior* (1995) decisions.[45] In the 1989 case, the court determined that for the purpose of the Law of Return, and also for immigration purposes, any certified conversion performed outside of Israel would be considered valid and would automatically entitle that individual to *oleh* rights.

In the 1995 case, the court did not rule on the merits and declined to order the population registry to register as a Jew a woman who had gone through a non-orthodox conversion while in Israel. But it did indicate that the Law of Return seemed to allow her to do so. This spurred a controversy led by the Orthodox Chief Rabbinate in Israel, which eventually ended with the recognition of the Rabbinate's monopoly on conversions in the country.[46] More recently, in March 2005, the court addressed again the issue of non-orthodox conversions in Israel, and ruled that individuals residing in the country and who undergo the non-orthodox conversion process in Israel, but who are able to perform the actual conversion ceremony abroad, will be recognized as Jews for immigration purposes.[47]

The Nationality Law

Adopted in 1952, the Nationality Law regulates acquisition and loss of Israeli nationality. Israeli nationality is conferred through the Law of Return, analyzed above, and through birth, residence, and naturalization. These rules apply equally to Jewish and non-Jewish immigrants.[48] Nationality by birth is granted according to the *ius sanguinis* principle in three instances: first, to all children born in Israel to at least an Israeli parent; second, to children born outside of Israel—provided that at least one parent is a citizen by birth, naturalization, return, or residence and third, to people born in Israel without any nationality.

Nationality in the third instance, however, is granted only if the application is submitted when the candidate is between 18 and 25 years of age, and if he/she has resided in the country five years prior to submitting the application.[49] This provision is the result of a 1980 amendment to the 1952 law. It solves one of the anomalies of the preceding regime, under which children born in Israel by one Israeli parent were granted citizenship through the law of return, rather than according a more general *ius sanguinis* principle. The 1980 amendment achieved the important outcome of standardizing the citizenship-by-birth acquisition process, eliminating religiously-based differences.[50]

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Regarding citizenship by residence, in 1952 the nationality by residence provision was used to determine and regularize the status of Arab Israelis. In particular, the law gave Israeli citizenship to all Palestinians who were registered in the population registry, who had been residing in Israel since the establishment of the state, and who were still an inhabitant of Israel at the time the law was passed as well as to all children born in Israel after the establishment of the state by parents who complied with the above-mentioned requirements.[51] The formulation of citizenship by residence, in these terms, was highly problematic. It left a number of Arab inhabitants of Israel *de facto* stateless, since they could not meet the requirements for citizenship, and their Palestinian citizenship had been terminated with the end of the British Mandate.[52] The 1980 amendment to the Nationality Law solved this situation first by granting nationality via residence to this category of people and extending it to their children and second by standardizing the acquisition of nationality through the *ius sanguinis* principle.[53]

With respect to nationality by naturalization, this form of citizenship is granted at the discretion of the Ministry of the Interior upon the fulfillment of certain requirements. The requirements include: three out of five years of continuous

residency prior to submitting the naturalization application; permanent residency status; intention to settle in Israel; and renunciation of previous nationalities (as opposed to those who naturalize under the Law of Return, and who are not required to denounce previous affiliations).[54] The Minister, at his discretion, can exempt candidates from complying with some of these criteria;[55] and—as a matter of policy[56]—this was generally done to naturalize spouses of Israeli citizens who could not use the Law of Return provision to acquire Israeli citizenship (i.e. spouses of non-Jewish citizens) and who did not meet all the requirements to obtain citizenship by naturalization. However, since 1996, the Minister of Interior has adopted an "equalizer provision." This makes it harder, in practice, to obtain citizenship for all spouses. It requires them to leave the country for six weeks after the marriage, re-enter on a temporary visa, and only then apply for permanent residency within Israel, thereby substantially delaying the initiation of the naturalization process.[57]

Following the decision to grant citizenship status to Arab residents, the State was immediately confronted with the challenge of extending the same rights to the Arab minority that were available to all other citizens.

The second part of the Nationality Law discusses the conditions under which a citizen could lose Israeli nationality. In general, nationality is lost through a double procedure requiring both the formal renunciation of the individual and the acceptance of such renunciation by the Ministry of the Interior. In this sense, the right of expatriation is not absolute. Rather, it is a hybrid between the formulation of expatriation as an unconditional right of each individual and the older British doctrine of perpetual allegiance, which questioned the notion of voluntary expatriation/relinquishment of citizenship and stated that the allegiance between the citizen and state could not be severed unilaterally by the individual.[58] Naturalized citizens, however, can lose their citizenship for numerous reasons, ranging from acts of disloyalty, to having acquired it through false claims. Finally, all citizens could have their citizenship revoked for committing certain grave acts of disloyalty against the state.[59]

MINORITY RIGHTS AND THE NATIONALITY LAW: A CASE STUDY

This section discusses the nexus and interrelation between nationality law and minority rights through the lens of the Nationality and Entry into Israel Law, as this seems to be one of the main areas where the tensions between particularism and universalism, as well as the conflicts between different understandings of citizenship, manifest themselves. Accommodation of minority rights within Israel is also an important criterion by which to evaluate the Jewish and democratic nature of the state and to analyze the *de facto* enforcement of the *de jure* equality provision in the Israeli polity.

Israel does grant equal civil and political rights to all its citizens, at least at a formal level. However, the key challenge seems to be how to ensure that the *de jure* equality provision in the Israeli Basic Laws translates into *de facto* equality. Given the stratified nature of Israeli society, which seems to guarantee differential access to different ethnic groups within the Israeli polity and affirm ethno-national conceptions of citizenship, this question is all the more complex. The problem is compounded by the *de facto* exclusion of Arab minorities from both power-sharing arrangements and distribution of resources and wealth. In this sense, Jewish-Arab relations are the "acid test" in Israeli democracy.

Since the creation of the State of Israel itself, citizenship status of the Arab minority in Israel has been a prominent issue. At the end of the 1948 War, the new government immediately granted citizenship to the Arab inhabitants who found themselves in Israel after the war (about 160,000) and later established a mechanism to regularize other residents through the 1952 Nationality Law provision, as explained in the previous section.[60] Peled notes that the option of denying citizenship status on the basis of a strict ethno-nationalistic principle (which would have made Israel similar

to South Africa's *Herrenvolk)* was never perceived as a legitimate option and contradictory to Israel's early commitment to democracy and equality.[61] On the other hand, a strictly liberal understanding of citizenship, which would have prevented the development of a preferential immigration right for the Jewish people, was also to be perceived at odds with both Zionist ideology and the historical experience that led to the establishment of the State of Israel. Therefore, the adopted model was a compromise between these two views, an attempt to reconcile universalism and particularism.

Following the decision to grant citizenship status to Arab residents, the State was immediately confronted with the challenge of extending the same rights to the Arab minority that were available to all other citizens. In this sense, Ben Gurion first stressed the need to extend political rights to the "new citizens" in the first 1949 elections, declaring: "We must not begin with national discrimination.[62]"

However, until 1966, a major obstacle persisted for Arab citizens seeking to exercise their rights and freedoms as well as achieve *de facto* equality. Following the 1945 Defense Emergency Regulations[63]—a measure imposed by the security situation in the country and incompatible with a liberal understanding of citizenship—Arab citizens were subject to a separate military administration. In 1966, in a major equalizing step, the military government was dismantled and both Jewish and non-Jewish citizens became subject to the same administrative-civilian law. The following year, with the 1967 war and the subsequent inclusion of East Jerusalem and the Golan Heights under Israeli civilian law, Arab residents of those areas became eligible to apply for Israeli citizenship through naturalization. In practice this was often difficult to do, as it was perceived by the same Arab community as an act of "treason" and a repudiation of the Palestinian cause.[64]

At the same time, Arab Israelis began in the late 1960s to bring the first constitutional challenges to the ethno-national understanding of citizenship that had become so predominant in the country. In 1965, the petitioners in *Yeredor v. Chairman of the Central Elections Committee*[65], members of the Arab socialist group *al-Ard*, protested against the Central Election Committee's refusal to register them as candidates in the parliamentary elections. The Committee did so on the grounds that the Ministry of Defense had declared *al-Ard* an illegal group due to its non-acceptance of Israel's territorial integrity and its right to exist as a state.[66] On that occasion, the court held that the Committee had the authority to disqualify parties advocating for the dissolution of the state and that the disqualification of the list was valid "for the reason that this candidates list is an illegal association since its promoters negate the integrity and very existence of the State of Israel.[67]" This principle was upheld in 1985 in *Moshe Neiman et al. v. Chairman of the Central Elections Committee*, although in that case the court did not uphold the disqualification of a Jewish (Kach) and an Arab political group (Progressive List for Peace), arguing that such disqualifications are only valid when the existence of the list threatens the survival of the state or its democratic character.[68]

Several Arab Israeli groups have proposed alternative notions of the "Jewish and Democratic model," *de facto* articulating an alternative conceptualization of the notion of citizenship.

Currently, the laws on political participation are regulated in the Basic Law, by the regulation of the Knesset passed in 1950. Specifically, the 1985 7A Amendment to the law[69] forbids participation to those opposing the Jewish character of state, its democratic nature, or to those who openly incite racism. This appears to be a compromise to uphold both the liberal-democratic model of the state and its ethno-nationalist character. But the law has been criticized by Arab Israelis for reducing their political rights, including their right to challenge the Jewish character of the state. This debate is particularly relevant in the context of the ongoing debate on the future Israeli Constitution. Several Arab Israeli groups have proposed alternative notions of the "Jewish and Democratic model," *de*

facto articulating an alternative conceptualization of the notion of citizenship.

For instance, the main center for the protection of the rights of Arab citizens in Israel, the Adalah Center—the Legal Center for Rights of the Arab minority in Israel—has put forward a draft democratic constitution asking to redefine Israel as a "democratic bi-lingual and multi-cultural State," and to renounce the Jewish and Democratic paradigm.[70] Similarly, the National Committee for the Heads of the Arab Local Authorities in Israel has argued for the abolition of policies that grant privileges to the majority ethnic group and to recognize the Palestinian citizens as an indigenous minority with self-government rights.[71] Other sectors of the Arab Israeli population have not challenged the Jewish-Democratic existing model per se. For instance, an April 2007 poll by the Israel Democracy Institute revealed that 75 percent of the Arab minority would not oppose the Jewish and democratic model in the upcoming constitution, as long as it came together with an equal rights provision to protect minorities.[72]

This perspective is particularly significant. It recognizes that the proliferation of multiple notions of "citizen" and the Jewish character of the state are not per se obstacles towards achieving *de facto* equality. Yet it demonstrates a desire that the State provide a political answer to the problem by taking positive steps to reduce the equality gap that exists among its citizens.

In describing the citizenship status of minority groups within Israel, with all the *de facto* limitations and the *de jure* procedural differences discussed above, it is also worth mentioning that Arab citizens of Israel have a set of rights and duties derived from their minority status. They are enshrined in accommodation (poly-ethnic) and self-government rights.[73] Within the accommodation system for minority groups, rights include but are not limited to: linguistic rights, the right to preserve the minority language and culture through the maintenance of a separate educational system, and the rights to religious freedom and to maintain a separate court system for personal status matters.[74] Self-government rights—with the exception of the exercise of jurisdiction by religious courts—are not as well developed in the collective form and minorities have often criticized this as an obstacle to the achievement of a truly liberal and multi-cultural system.

However, this particular problem is not exclusive to the Israeli polity. Devising a framework under which minority and group rights are reconciled with the need to promote and preserve political unity and societal cohesion represents an immensely complicated challenge for any multi-ethnic state. In this sense, the assumption that only an 'identity neutral' state can provide effective minority and self-government rights and ensure adequate legal protection for its minorities is not thoroughly proven.

In this sense, the assumption that only an "identity neutral" state can provide effective minority and self-government rights and ensure adequate legal protection for its minorities is not thoroughly proven.

On the contrary, effective minority rights protection often stems from rejecting 'color-blind approaches' and by acknowledging, promoting, and protecting the different cultural, ethnic, and religious identities within a given society. Applying this framework to the State of Israel would suggest that, instead of 'weakening' the Jewish nature of the State, it would be more effective to strengthen the special rights and status of existing minority groups (which would not alter the predominantly Jewish identity of the overwhelming majority of its citizens) as well as improve the *de facto* equality of all of its citizens. Similarly, in the Israeli case, it could very well be that other factors—such as the existence of an armed conflict and the persistence of substantial security threats to the State—have impaired the concrete achievement of autonomy and minority rights far more than the Jewish identity of the state. That said, there are cases in which the democratic imperatives of the state and the liberal understanding of citizenship come under intense distress. One such example is the current family

reunification policy of Arab Israelis. This policy touches on that same intersection between minority rights and citizenship discourse, further testing the Israeli system's ability to uphold its liberal premises.

Between 1967 and 2002, the common practice regarding family reunifications of Arab Israelis with spouses residing in the areas of Gaza and the West Bank was to allow the Israeli spouse to file (and in most cases obtain) a permit to bring the non-Israeli spouse to live in Israel.[75] However, following the March 31, 2002 suicide attack in Haifa carried out by Hamas member Shadi Tubasim—who had succeeded in entering Israel through the family reunification program for Arab Israelis and residents—the Interior Ministry temporarily stopped all pending reunification requests.[76]

Although the law was dictated by legitimate security concerns and written in "color blind" terms, the practical effect of this provision was to impinge upon the family rights of one particular group of citizens and contradict the classic liberal understanding of citizenship rights.

The temporary freeze was then followed by the approval of the Nationality and Entry into Israel (Temporary Order) Law, (5763 – 2003),[77] which prohibited inhabitants of these areas from obtaining a residence permit to stay in Israel, thus preventing family reunification between Israeli citizens and their spouses. Although the law was dictated by legitimate security concerns and written in 'color blind' terms, the practical effect of this provision was to impinge upon the family rights of one particular group of citizens and contradict the classic liberal understanding of citizenship rights. The law did, however, allow exceptions. For instance, it allowed exceptional temporary residency permits for work or health reasons or to prevent the separation of a child under the age of twelve from his/her parents (provided that the parents were legally in Israel).

This legislative initiative was designed as a temporary measure to be valid for a one-year period. The government could renew these measures for security purposes provided it had reviewed the law and its effects. The Nationality and Entry into Israel Law was renewed in July 2004[78] and again in July 2005 when the Knesset reconfirmed the extension of the law for an additional period. The Knesset did, however, make a series of amendments. It allowed special permits for spouses of Israeli citizens (female spouses over 25 years of age and male spouses over 35 years of age),[79] and for children under 14 years of age,[80] and reiterated the possibility of obtaining special temporary permits for work and health reasons. Currently, the law—amended to extend the freeze to citizens of enemy states—has been reapproved and extended until July 2009.[81]

The Nationality and Entry into Israel Law has been at the center of an intense debate within Israeli society. It has been perceived as a discriminatory law that disproportionately affects Arab Israelis by limiting their citizenship rights as well as their basic civil liberties. This has been the argument of the Adalah Center. The Center has challenged the constitutionality of the Law, filing a complaint in August 2003 in which it argued that: the law violated basic international human rights standards as well as the constitutionally protected right to family and equality; it was discriminatory in its nature; and it was a disproportionate measure adopted in the name of security.[82]

The Supreme Court delivered its opinion in May 2006 and dismissed the petition (by a vote of 6-5). It did so on the grounds that the law does not violate a constitutional right (since citizens have no constitutional right for their spouses to immigrate to Israel), especially considering the state of war between the area and Israel and the security needs of the state (Vice-President Cheshin and Justices Grunis and Naor).[83] Justice Adiel and Justice Rivlin concurred in upholding the law, but added that the provision does violate the right to family, although "the violation of the constitutional right is proportionate," given the security circumstances.[84] Justice Levy also upheld the law, but added: "If changes are not made, the law will be unlikely to satisfy judicial scrutiny in the future."[85] The minority opinion, delivered by

Justice Barak, on the other hand, found that the law violated Article 2 and 4 of the Basic Law: Human Dignity and Liberty (right to family life and right to equality) and that although appropriate in its scope—based upon legitimate security concerns—the law failed to meet all the proportionality requirements.[86]

The debate over the Nationality and Entry into Israel Law did not however end with this judgment. Adalah filed another petition to the Supreme Court in June 2007, demanding the cancellation of the Citizenship and Entry into Israel Law, in its amended version.[87] Following the petition, the Supreme Court—in May 2008—issued an *order nisi* giving the State 60 days to explain why the law should not be struck down as unconstitutional.[88] The government submitted the reply in August 2008,[89] but the controversy over the freeze on family reunification has not yet been settled.

The internal disagreements over the scope of the Nationality and Entry into Israel Law reveal the difficulties that Israel faces vis-à-vis adhering to its constitutive equality provision and liberal citizenship principles in the face of ongoing political/security threats and the government's supreme responsibility to protect its citizens. In this sense, the Supreme Court’s judicial scrutiny could offer a venue by which the Court could push the State to modify the controversial law and restrike a balance in favor of all Israel's citizens.

CONCLUSION

The Israeli citizenship discourse is a fragmented one. It is composed of diverging notions of citizenship that maximize different values and imply radically different *Weltanschauungs*. On the one hand, the liberal citizenship model—with its universal, general, and egalitarian underpinnings—has been integrated into the Israeli citizenship discourse and the country’s normative framework via the equality clause of the Basic Law: Dignity and Freedom and by the state’s commitment to democracy and equal rights. On the other hand, the liberal discourse—although crucial—is not the only applicable citizenship model. The republican model of active participation and mobilization, rather than as a simple bundle of individual rights, is still an important component of the Israeli discourse on citizenship and political membership. Furthermore, the predominant ethno-nationalist ethos, as symbolized by laws such as the Law of Return, continues to shape the ideological and normative understanding of Israeli citizenship.

The analysis of the evolution of the Nationality Law in Israel and the case study on the status and rights of Arab Israelis demonstrate how the above-mentioned citizenship models continue to shape and influence the current legal framework, which continuously attempts to accommodate these diverging conceptions and needs. Often, this framework places pragmatic needs and flexibility above internal coherence and consistency.

The views and opinions expressed in articles are strictly the author’s own, and do not necessarily represent those of al Nakhlah*, its Advisory and Editorial Boards, or the Program for Southwest Asia and Islamic Civilization (SWAIC) at The Fletcher School.*

WORKS CITED

[1] Patrick Weil, "Access to Citizenship: A Comparison of Twenty-five Nationality Laws," in T. Alexander Aleinikoff, Douglas Klusmeyer, *Citizenship Today: Global Perspectives and Practices* (Carnegie Endowment for Democracy, 2001), 18.

[2] Daniel Levy, "Changing Configurations of German and Israeli Immigration Regimes—a Comparative Perspective," in Daniel Levy, Yfaat Weiss *Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration* (New York, Oxford: Berghahn Books, 2002), 1.

[3] Gershon Shafir, Yoav Peled, "The Dynamics of Citizenship in Israel and the Israeli-Palestinian Peace Process", Gershon Shafir, ed., *The Citizenship Debates* (Minneapolis, London: University of Minnesota Press, 1998), 251.

[4] Ibid, 56.

[5] Cass R. Sunstein, "Beyond the Republican Revival," *Yale Law Journal,* 98 (1988).

[6] *Yishuv* (Hebrew word meaning settlement) is the term used to define the Jewish communities in Palestine before the birth of Israel as a State.

[7] Yoav Peled, Gershon Shafir, "The Roots of Peacemaking: The Dynamics of Citizenship in Israel, 1948-93,"*International Journal of Middle East Studies*, 28 (3) (1996), 39-399.

[8] Ibid.

[9] Ayelet Shachar, "Whose Republic?: Citizenship And Membership In The Israeli Polity" *Georgetown Immigration Law Journal* (1999), 260.

[10] These are two of the core pillars of the State of Israel, and they have been integrated into the national ethnos since the Declaration of Independence of 1948 and later in the 1992 "Basic Law: Human Dignity and Liberty" <http://www.knesset.gov.il/laws/special/eng/basic3_eng.htm> (accessed April 29, 2007).

[11] In the former, one reads: "The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will *foster the development of the country for the benefit of all its inhabitants*; it will be based on *freedom, justice and peace* as envisaged by the prophets of Israel; it will ensure complete *equality of social and political rights* to all its *inhabitants irrespective of religion, race or sex;* it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the *Charter of the United Nations*."

[12] Ibid.

[13] See: Iris Marion Young, "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," in Gershon Shafir, ed., *The Citizenship Debate* (Minneapolis, MN: University of Minnesota Press, 1998); Will Kymlicka, "Multicultural Citizenship," in Gershon Shafir, ed., *The Citizenship Debate* (Minneapolis, MN: University of Minnesota Press, 1998).

[14] Bernard Susser, Eliezer Don Yehiya, "Israel and the Decline of the Nation-State in the West," *Modern Judaism*, Vol. 14, No. 2, (Oxford: Oxford University Press, 1994), 191.

[15] Baruch Kimmerling, "The Invention and Decline of Israeliness, State, Society, and the Military" (Berkeley, University of California Press, 2001), 180. See also: Yoav Peled, "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State" *The American Political Science Review*, 86 (2) (1992), 432-33.

[16] Kimmerling, 180.

[17] Weil, 19.

[18] Oren Yiftachel, "The Shrinking Space of Citizenship: Ethnocratic Politics in Israel," *Middle East Report*, 223 (2002), 39.

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[19] Jules Coleman and Sarah K. Harding, “Citizenship, the Demands of Justice, and the Moral Relevance of Political Borders,” in Warren F Schwartz, ed., *Justice in Immigration* (Cambridge, UK: Cambridge University Press, 1995), 44.

[20] Shachar, 235.

[21] Estimates relate that between 1948 and 1995, approximately 2.4 million people immigrated to Israel, with the two major immigration peaks in the early years of the State (1948 trough the late 1950s), and between 1990-95, when about 700,000 people arrived from the Soviet Union. See Gabriel Lipshitz, *Country on the Move: Migration to and within Israel, 1948-1995* (Dordrech, ND: Kluwer Academic Publisher, 1998), 2-3. To understand to what an extent Israel can be defined as a country of immigrants, one could look at the fact that in 1996 around 38 percent of the population of Israel was foreign-born. This means that one in every three citizens was an immigrant. This data is even more significant if we think that the United States Census Bureau indicated that in 1997 only one every ten US citizens was foreign-born. See Shachar.

[22] Weil, 33.

[23] Will Kymlicka, “Multicultural Citizenship,” in Gershon Shafir, ed., *The Citizenship Debate* (Minneapolis, MN: University of Minnesota Press, 1998), 167.

[24] Mark J. Altschul, “Israel's Law Of Return And The Debate Of Altering, Repealing, Or Maintaining Its Present Language,” *University of Illinois Law Review*, (2002).

[25] Orit Ichilov, *Political Learning and Citizenship Education under Conflict: the Political socialization of Israeli and Palestinian Youngsters* (London and New York: Routledge, 2004), 96.

[26] Family law matters become especially complex when members of different religious communities are involved. See: Moshe Chigier, *Husband and Wife in Israeli Law* (Jerusalem: Ariel United Israel Institutes, 1985).

[27] Israeli Defense Forces, “Druze and Circassian People,” <http://www.aka.idf.il/brothers/skira/default.asp?catId=57478&docId>; Israeli Defense Forces “Beduins and Arabs,” <http://www.aka.idf.il/brothers/skira/default.asp?catId=57479&docId> (accessed February 20, 2009).

[28] The Law of Return 5710 (1950) <http://www.knesset.gov.il/laws/special/eng/return.htm> (accessed April 30, 2007).

[29] Nationality Law, 5712-1952, <http://www.geocities.com/savepalestinenow/israellaws/fulltext/nationalitylaw.htm> (accessed April 30, 2007).

[30] “Declaration of Israel's Independence 1948” (Tel Aviv, May 14, 1948) <http://www.yale.edu/lawweb/avalon/mideast/israel.htm> (accessed April 30, 2007).

[31] Shachar, 241.

[32] David Ben Gurion, quoted in Jules Coleman and Sarah K. Harding, “Citizenship, the Demands of Justice, and the Moral Relevance of Political Borders,” in Warren F Schwartz, *Justice in Immigration* (Cambridge, UK, Cambridge University Press, 1995), 21.

[33] *Ius Sanguinis* policy determines that citizenship status is granted not in virtue of one’s place of birth (*ius solis)* but on the basis of the citizenship status of one’s parents.

[34] There is an ongoing debate on the status of these basic laws vis-à-vis other legislative acts; the laws, however, seem to lack a true “constitutional status” as they don’t automatically trump later in time legislation, and they can be repealed and/or amended by the Knesset.

[35] Mark J. Altschul, “Israel's Law Of Return And The Debate Of Altering, Repealing, Or Maintaining Its Present Language,” *University of Illinois Law Review*, 1345 (2002).

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[36] Ibid.

[37] *Oleh* is a Jewish Immigrant who has made *aliyah* to Israel.

[38] In Yfaat Weiss, "The Golem and its Creator, or How the Jewish Nation-State Became Multiethnic," in Daniel Levy, Yfaat Weiss *Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration* (New York, Oxford, Berghahn Books, 2002), 83.

[39] In the former, one reads: "The State of Israel will be open for Jewish immigration and for the \ Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."

[40] Pnina Lahav, "Judgment in Jerusalem, Chief Justice Simon Agranat and the Zionist Century," (Berkeley: University of California Press, 1997), 197-220 <http://content.cdlib.org/xtf/view?docId=ft1z09n7hr&brand=eschol> (accessed May 2, 2007).

[41] Judaism is matrilineal in its transmission of membership; hence the child of a Jewish father and a non-Jewish mother, according to the Orthodox interpretation of Judaism, is not considered Jewish according to the Jewish laws (*halakha*).

[42] Law of Return (Amendment No. 2) 5730-1970, <http://www.knesset.gov.il/laws/special/eng/return.htm> (accessed May 1, 2007).

[43] Ibid.

[44] Ibid.

[45] Shachar, 246-49.

[46] The authority of the three main branches of Judaism—reformed, conservative, and orthodox—to perform conversions is recognized *outside* of Israel. On the contrary, within the country, the Orthodox movement has the *de facto* supremacy on regulating all personal status matters, and, therefore, any conversion performed outside the mainstream orthodox system will not be recognized as valid.

[47] Israeli High Court Approves Conversions Done Abroad, *Jerusalem Post*, March 31, 2005, <http://www.jewishvirtuallibrary.org/jsource/Society_&_Culture/convert1.html> (accessed May 2, 2007).

[48] Ministry of Foreign Affairs, "Acquisition of Israeli Nationality," August 4, 1998, <http://www.mfa.gov.il/MFA/Facts%20About%20Israel/State/Acquisition%20of%20Israeli%20Nationality> (accessed May 2, 2007).

[49] Ibid.

[50] Shachar, 251.

[51] Nationality Law, 5712-1952, 3 (a)-3 (b).

[52] Shachar, 250.

[53] Ibid.

[54] Nationality Law, 5(a): (a) A person of full age, not being an Israel national, may obtain Israel nationality by naturalisation if: (1) he is in Israel; and (2) he has been in Israel for three years out of five years preceding the day of the submission of his application; and (3) he is entitled to reside in Israel permanently; and (4) he has settled, or intends to settle, in Israel, and (5) he has some knowledge of the Hebrew language, and (6) he has renounced his prior nationality or has proved that he will cease to be a foreign national upon becoming an Israel national.

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[55] Ministry of Foreign Affairs, "Acquisition of Israeli Nationality."

[56] This is however granted by article 6(d) of the Nationality Law:

> d) The Minister of the Interior may exempt an applicant from all or any of the requirements of section 5 (a) (1), (2), (5) and (6) if there exists in his opinion a special reason justifying such exemption.

[57] Shachar, 255-256.

[58] Office of Legal Counsel, "Survey of the Law of Expatriation", June 12, 2002, 748.

[59] Article 11 of the Nationality Law – 1952:

> (a) An Israeli citizen who unlawfully exited Israel to one of the countries listed in Article 2A of the Prevention of Infiltration Law, 1954, (Lebanon, Syria, Egypt, Trans-Jordan, Saudi Arabia, Iraq, Yemen or any part of "Eretz Yisrael" outside of Israel) or who acquired citizenship of any of these states, will be perceived as having relinquished their Israeli citizenship and it will be revoked as of the day of their exit; The revocation of the Israeli citizenship of a person in accordance with this article, revokes the Israeli citizenship of their minor child who is not a resident of Israel as well.
>
> (b) The Minister of Interior is authorized to revoke the Israeli citizenship of a person who has committed an act, which constitutes of breach of trust of the State of Israel.
>
> (c) The Minister of Interior is authorized to revoke the Israeli citizenship of a person if it has been proved to his satisfaction that the citizenship was granted based on false facts; the Minister of Interior is authorized to determine that the revocation of citizenship will apply to the minor child of that person.
>
> (d) Revoking Israeli citizenship in accordance with sub section (b) and (c) will be executed by a prior notice from the Minister of Interior as of the date determined by the Minister of Interior in the citizenship revocation notification.

[60] Yoav Peled, "Ethnic Democracy and the Legal Construction of Citizenship: Arab Citizens of the Jewish State," *The American Political Science Review*, 86 (2) (1992), 435.

[61] Ibid.

[62] Ibid, 436.

[63] Uri Davis, "Citizenship and the State: a Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria, and Lebanon," (Reading, Berkshire, UK, Ithaca Press, 1997), 49-50.

[64] Ibid, 50-51.

[65] E.A. 1/65, *Yeredor v. Chairman of the Central Elections Committee for the Sixth Knesset* 19P.D. (3) 365. (Quoted in *Moshe Neiman Et Al. v. Chairman Of The Central Elections Committee or The Eleventh Knesset*, Israeli Supreme Court Sitting as a Court of Election Appeals, May 15, 1985).

[66] Peled, 436.

[67] Yeredor v. Chairman of the Central Elections Committee for the Sixth Knesset.

[68] *Moshe Neiman et Al. V. Chairman Of The Central Elections Committee.*

[69] *Basic Law: the Knesset-1950*, Amendment of Section 7A, 1985,

> 7A.) A candidates' list shall not participate in elections to the Knesset if its objects or actions, expressly or by implication, 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 to racism. <http://www.knesset.gov.il/laws/special/eng/basic2_eng.htm> (accessed April 29, 2007).

[70] "Democratic Constitution of Adalah," *The Reut Institute,* <http://www.reut-

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institute.org/Publication.aspx?PublicationId=1626> (accessed May 2, 2007).

[71] "The Future Vision of the Palestinian Arabs in Israel," *The National Committee for the Heads of the Arab Local Authorities in Israel*, ed. Ghaida Rinawie-Zoabi, 2006.

[72] Yoav Stern, "Poll: 75% of Israeli Arabs support Jewish, democratic constitution," *HaAretz,* April 29, 2007, <http://www.haaretz.com/hasen/spages/853564.html> (accessed May 2, 2007).

[73] Ilan Saban, "Conference: The Legal And Socio-Economic Status Of Arab Citizens In Israel: Contribution: Minority Rights In Deeply Divided Societies: A Framework For Analysis And The Case Of The Arab-Palestinian Minority In Israel," *New York University Journal of International Law and Politics,* Summer 2004.

[74] Ibid.

[75] "Family unification and child registration in East Jerusalem," *B'Tselem* <http://www.btselem.org/English/Family_Separation/East_Jerusalem.asp> (accessed May 2, 2007)

[76] Bethany M. Nikfar, "Families Divided: An Analysis of Israel's Citizenship and Entry into Israel Law," *Northwestern University Journal of International Human Rights*, Spring 2005.

[77] Proposed Nationality and Entry into Israel (Temporary Order) Law, 5763 – 2003, June 4, 2003.

[78] "Family unification and child registration in East Jerusalem," *B'Tselem*.

[79] The Nationality and Entry Into Israel Law (Temporary Order) (Amendment) 2005, passed by the Knesset on 27 July 2005. 3. Permit for Spouses – Notwithstanding the provisions of Article 2, the Interior Minister may, at his discretion, approve an application of a resident of the region to receive a permit to stay in Israel from the regional commander - (1) regarding a [male] resident of the region who is over thirty-five years old – in order to prevent his separation from his [female] spouse who is lawfully staying in Israel; (2) regarding a [female] resident of the region who is over twenty-five years old – in order to prevent her separation from her [male] spouse who is lawfully staying in Israel;

[80] 3A. Permit for Children – Notwithstanding the provisions of Article 2, the Interior Minister may, at his discretion– (1) grant a resident of the region who is under fourteen years old a permit to reside in Israel in order to prevent his separation from a parent who has custody of him and who is lawfully staying in Israel; (2) approve an application for a permit to stay in Israel to be granted by the regional commander to a resident of the region who is a minor and who is over fourteen years old, in order to prevent his separation from a parent who has custody of him and who is lawfully staying in Israel and provided that such a permit shall not be renewed if the minor does not live in Israel on a regular basis.

[81] "Extension to Citizenship Law's Validity is Latest in a Series of Israeli Policies of Racial Separation Based on National Belonging," *Adalah Center,* July 7, 2008 <http://www.adalah.org/eng/pressreleases/pr.php?file=08_07_07> (accessed November 19, 2008).

[82] *Special Report: Ban on Family Reunification*, Adalah Center, <http://www.adalah.org/eng/famunif.php> (accessed May 2, 2007); See also "Briefing Article Challenging the Constitutionality of the Discriminatory Nationality and Entry into Israel Law", *Adalah Center,* March 2005.

[83] Court Ruling on Nationality Law – HCJ 7052/03, <http://elyon1.court.gov.il/files_eng/03/520/070/a47/03070520.a47.htm> (accessed May 2, 2007).

[84] Ibid.

[85] Ibid.

[86] Summary of Court Ruling on Nationality Law – HCJ 7052/03, Summary by *Adalah Center*

[87] Adalah Center, Press Release, June 6, 2007, "Adalah Petitions Supreme Court to Overturn New

Citizenship Law Banning Family Unification: Law Prevents Palestinian Citizens of Israel from Being Connected to the Palestinian People and Members of the Arab Nation" <http://www.adalah.org/eng/pressreleases/pr.php?file=07_06_06> (accessed July 2, 2007).

[88] Israeli Supreme Court, Order nisi, 5030/07, May 5, 2008 <http://elyon2.court.gov.il/Scripts9/mgrqispi93.dll?appname=eScourt&prgname=GetFileDetails&arguments=-N2007-000466-0> (accessed November 13, 2008).

[89] July 14, 2008 <http://elyon2.court.gov.il/files/07/660/004/N12/07004660.N12.htm> (accessed November 13, 2008).

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