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SPECIALTY SECTION

This article was submitted to
Peace and Democracy,
a section of the journal
Frontiers in Political Science

RECEIVED 15 July 2022

ACCEPTED 05 October 2022

PUBLISHED 09 November 2022

CITATION

Jamal A (2022) Jewish sovereignty and
the inclusive exclusion of Palestinians:
Shifting the conceptual understanding
of politics in Israel/Palestine.
Front. Polit. Sci. 4:995371.
doi: 10.3389/fpos.2022.995371

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Jewish sovereignty and the inclusive exclusion of Palestinians: Shifting the conceptual understanding of politics in Israel/Palestine

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This article explores the dynamics of Jewish sovereignty when dealing with the massive presence of millions of Palestinians in its sphere of power. It does so by looking at foundational Israeli documents. Two of the best to serve our goal are the Israeli Declaration of Independence (IDI), adopted in 1948, and the Basic Law—Israel: The Nation State of the Jewish People (Nation-State law) enacted in 2018. The aim is not to compare and contrast the two documents as much as to deduce the deep meaning of Jewish sovereignty embedded in them, and its ramifications on the Palestinian presence in the land this sovereignty dominates. It is argued that the two foundational documents establish an underlying differentiation between dissimilar realms of existence. Whereas they construct Jewish presence as dynamically sovereign, they render Palestinians as threatening strangers who should be subordinated or silenced to be tolerated. This means that the documents explicate the main characteristics of Jewish sovereignty. They also implicitly relate to the treatment of the Palestinians, whether considering the periods before or after 1967. To achieve its goal, the article utilizes Jacques Derrida's concept of *differance*, demonstrating that the Israeli strategy is best understood as the discursive and practical effort to establish differences between different groups of Palestinians and exploit the gaps between these differences to sustain its control over the millions of them who live in the realm of Jewish sovereignty. It shows that *differance* is about enforcing gaps between forms of being in the world. These forms are best articulated through the differentiation introduced by Martin Heidegger between the "worldless," "the poor in world," and the "world forming."

KEYWORDS

Israel, Palestine, sovereignty, exclusion, inclusion, hospitality, Declaration of Independence, Nation-State Law

In a talk with students at the Derech Avot High School in Efrat, former Deputy Religious Affairs Minister Matan Kahana said that "[if] there was a button that could be pressed, that would remove all the Arabs from here, send them on an express train to Switzerland—where they would live an amazing life, I wish them all the best in Switzerland—I would press that button (Sokol, 2022). Kahana added that "[t]here is no such button.

We were probably meant to [co]exist here on this land in some form.” From his point of view, “The Arabs tell themselves a different story; we know it’s not true and that it’s nonsense. They tell themselves that they are the ones who have always lived here and we came and deported them.” According to Kahana, the Palestinians will “never give up” claims to lands within the 1967 lines. Kahana, who had been a high-ranking officer in the Israeli air force and a prominent representative of the national-religious elite, was speaking while serving as a deputy minister in a governmental coalition, which, for the first time in the history of the state of Israel included an Arab-Islamic party. His statements would not have been very telling, not even surprising, if not for four main reasons. First, they mirror aspirations that are deeply embedded in the Israeli official discourse and public consciousness. Second, they reiterate the same line of thought that has been dominant in the two main political movements that have led and are now running the state, namely, Mapai in the 1950s–1970s and the Likud, from the 1980s until today. Third, they shed light on the gap between the aspirations and reality on the ground, especially when it comes to dealing with the Arab–Palestinian inhabitants of what most of Jewish society in Israel view as their homeland. Fourth, they are significant regarding the true weight of incorporating an Arab party in the government, especially relating to the question of who the sovereign people in the land may be.

Therefore, Kahana’s statements are a good access point to look at a serious Israeli dilemma, namely, the gap between the deep conviction that exclusive Jewish sovereignty is justified in the land they consider to be that of their forefathers, on the one hand, and the presence of millions of Palestinians in the same, on the other. Given that there is no button to press and no trains to shift Palestinians to Switzerland, one wonders how the dilemma of having to deal with the massive Palestinian presence, without compromising Jewish sovereignty is dealt with.

The best way to address this question is by looking at foundational Israeli documents. Two of the best to serve our goal are the Israeli Declaration of Independence (IDI), adopted in 1948, and the Basic Law—Israel: The Nation State of the Jewish People (Nation-State law) enacted in 2018. The aim is to partially deconstruct these texts, seeking to deduce the meaning of Jewish sovereignty embedded in them, and its ramifications on the Palestinian presence in the land this sovereignty dominates. The deconstruction we follow has a political rather than metaphysical flavor, as Derrida (1992) defined it. This means genealogically recalling the history of a concept or a theme and examining its a-historical paradoxes or aporias (Lawlor, 2022). The aim is to trace the “undecidability” to point out the violence embedded in its final formulation. Such tracing, without writing the history of the text, allows us to grasp the main characteristics of Israeli sovereignty, as manifested in the tension between its decisive and its dynamic dimensions.

As we shall demonstrate, the two foundational documents allow us to trace the decisive act of establishing an underlying

differentiation between dissimilar realms of existence. Whereas they construct Jewish presence as decisively and dynamically sovereign, they render Palestinians as threatening strangers who should be subordinated or silenced in order to be tolerated. This means that, through genealogically recalling the history of the decision to formulate the document as it appears, it is possible to explicate the main characteristics of Jewish sovereignty, while pinpointing the way it repudiates Palestinian presence, whether before or after 1967.

Accordingly, we argue that it is theoretically and practically beneficial to utilize the combination of several conceptual tools that allow us to develop a new analytical framework that can best capture the main trends taking place in the sphere of control of the Israeli state between the Jordan River and the Mediterranean Sea. We start with Jacques Derrida’s concept of *differance*, meaning “the systematic game of differences, of the traces of differences, of the *spacing* by means of which elements are related to each other” (Derrida, 1981; p. 27). Despite the fact that Derrida’s concept relates to language, it is a theory of power manifested through structuring differences. This understanding conveys that the Israeli strategy is best understood as the discursive and practical effort to establish differences between different groups of Palestinians and exploit the gaps between these differences to sustain its control over the millions of them who live in the realm of Jewish sovereignty. In more concrete terms, *differance* is about enforcing gaps between forms of being in the world. These forms are best articulated through the differentiation introduced by Heidegger (1995) between the “worldless”, “the poor in world”, and the “world forming.”

Although the Derridean and Heideggerian frameworks have not been sufficiently explicated as political strategies, their combination allows us to introduce a comprehensive understanding of how colonial power constitutes reality and its predominant conceptualization in terms that mirror its perceptions. Thus, the perception of reality and its conceptualizations become central components of the hegemonic colonial strategy, leading not only to differentiations but also to the silencing of the subordinated colonized subject. This is best conceptualized by referring to Hannah Arendt’s differentiation between three modes of human conditions, namely work, labor, and *vita activa* that allow us to demonstrate how this differentiation is turned into a political strategy to empty citizenship of its substantial meaning (Arendt, 1998; Jamal and Kensicki, 2020). Arendt’s framework is supplemented by what Lyotard has coined as *differend*, which is about “a case of conflict, between (at least) two parties, that cannot be resolved for lack of rule of judgment applicable to both of the arguments” (1988, p. xi). Lyotard’s application of this meaning to the relationship between colonizer and colonized could assist in explicating how, when Palestinians are given the possibility to speak, they are only able to do so with and by the perceptions and conceptualizations introduced by the Israelis, for otherwise they are deemed illegitimate and, as a result, silenced.

To enhance our endeavor, we first introduce the meaning of Jewish sovereignty by focusing on a combination of two different, but in our view interrelated traditions of sovereignty and sovereign power, namely, those introduced by Bodin (1955), Schmitt (1985), Agamben (2005), and Hobbes (2010), on the one hand, and those represented by Rousseau (1997) and Derrida (2005), on the other hand. Despite the differences between each member of these two camps, we argue that, whereas the first view is focused on a decisionist and exceptionalist meaning of sovereignty, the second view is in more dynamic terms. The combination of these two dimensions allows us to mirror the Israeli determination to differentiate between Palestinians, as part of their strategy of erasing Palestinian world-forming capabilities and preventing them from politicizing their national aspirations, and to reflect on the continuously expansive colonization of territorial spaces in which Palestinians could live, while simultaneously silencing their ability to bear witness to the injuries they endure.

Before moving on to make these points clear, it is important to note that the analysis of Israeli foundational documents in this article contributes to the epistemological shift taking place regarding the study of Israel/Palestine. An increasing number of scholars have been speaking about the necessity for a paradigm shift in the analysis of the complex reality in Israel/Palestine (Zureik, 2016; Lustick, 2019; Yiftachel, 2021). The following analysis shows that this paradigm shift adapts the epistemological and ontological assumptions to what has already been embedded in the Israeli foundational documents and becomes more apparent as a result of the increasing cross-fertilization and constructive dialectics between the decisionist and the dynamic aspects of the exclusivist Jewish sovereignty. The indispensability of the paradigmatic shift is also related to the need to deconstruct the predominant Israeli self-perception embedded in the Nation-State Law and how it shifts the way the Palestinians have been transformed from conditional guests in the IDI to alien others. The Palestinian response to the Israeli invitation to be guests or to comply with their status as alien others has become a fundamental source of dispute within Palestinian society. Since it is not possible to address this topic in this article, suffice it to show that, while part of Palestinians comply with the Israeli conditional invitation and accept being circumvented by the sphere of work and labor, other Palestinian voices face a *differend*, through which their attempt to bear witness to wrongdoings conducted against them must either submit to the discourse determined by the Israeli sovereign or be depicted as anti-Semitic and therefore illegitimate.

Sovereignty and inclusive exclusion in a settler colonial context

This section seeks to demonstrate the shifting and dynamic nature of Jewish sovereignty. It argues that this sovereignty

has been historically conceptualized in the founding document of the Israeli state, namely, the IDI, and has recently been reconceptualized in the Nation-State Law. It is contended that, although these two conceptualizations are different, they are not mutually exclusive. It is through their combination that we best understand the expansive and dynamic nature of Israeli sovereignty. This has allowed the Israeli state to keep the expansion of its sphere of territorial domination open, without compromising its exclusive ethno-national character. Despite the gap of 70 years between the two documents, the enactment of the Nation-State Law in 2018 has finally revealed the success of the expansive settler colonial nature of Israeli sovereignty in normalizing itself as the formal constitutional identity of the Israeli state. Therefore, conceptualizing Israeli sovereignty as combining dynamic and decisive dimensions allows us a better understanding of the deep motivations behind the legislation of the Nation-State Law and the affinity between its various components and the discursive formation of the IDI. This affinity does not mean identity, for the recent legislation, highlights the growing decisiveness of the Jewish sovereign to determine the exclusive power structure and institutionalize the differentiation between Palestinians and the land on which they live. Accordingly, the land is exclusively Jewish, based on religious, spiritual, and historical grounding, and the presence of Palestinians is a demographic burden to be dealt with through discursive-symbolic and material-military means.

To make these points clear, we first address the IDI, limiting ourselves to two concrete dimensions. The first relates to the dialectical relationship between stability and dynamism embedded in sovereignty. The second refers to the concept of hospitality in the IDI and its meaning for sovereignty. After addressing these two topics, we will move on to the next section and address the meaning of sovereignty in Nation-State Law.

Sovereignty—between stability and movement

To promote this discussion, as mentioned above, we note an important debate between two forms of sovereignty, as manifested in the political philosophy of the people mentioned above. Despite some commonalities in the theorization of sovereignty among the protagonists of the two camps and despite explicit differences between different philosophers within each camp, there is a basic difference regarding the fundamental character of sovereignty. When Bodin (1955) speaks of sovereignty, he emphasizes the legislative dimension, arguing that the sovereign is the one who sets the rules. But from the start, three important characteristics are set forth. First, the sovereign sets the rules by himself, without commitment to any external entity. The sovereign, unlike the average population, who is committed to following the law, is above the law and is not bound by it. Second, sovereignty is inherently related to the

exception. The sovereign is able to establish an exception by not abiding by the rules and by determining who may be exempted by granting amnesty. The third characteristic is manifested in the permanent nature of the sovereign, despite its relationship to the exception. This means that Bodin's sovereign is eternal, unconditional, and indivisible. Accordingly, the sovereign can violate his own promises and rules. This is exactly how Carl Schmitt reads Bodin, emphasizing that all of the sovereign's characteristics are deduced from his ability to transgress the law. That is how Schmitt establishes the dichotomy between chaos or lawlessness and sovereignty. Chaos stands as a central defining situation in Hobbes discussion of the sovereignty of the state as well. Although Hobbes speaks of the constitution of the sovereign formed by individuals coming together while living in a state of nature, the moment the sovereign exists, he is absolute and his power cannot be divisible. The sovereign can assign representatives to enact his rules and policies, but they are not the sovereign.

Although Rousseau (1997) speaks of the stability and permanent character of the sovereign, in *The Social Contract*, he argues that the people remain sovereign even when their representatives are granted the authority to enact laws and policies. Thereby, Rousseau actually speaks of the need to maintain a dynamic aspect of the sovereign considered an individual to avoid his death. Although he raises the importance of devolution, he clarifies that it is limited in nature, since the sovereign remains the only permanent entity or authority. This means that the balance between the permanent and dynamic nature of sovereignty seems to be what Rousseau sought to emphasize. This understanding has drawn the attention of Derrida (2005), who points out the tension between the dynamic nature of the sovereign and its permanency as embedded in Rousseau's discussion. Derrida actually demonstrates that these characteristics are not necessarily mutually exclusive. The permanent/decisive and dynamic/changing nature of the sovereign run on different levels and are manifested in various realms that make it possible to maintain both without reconciling any of them.

As Derrida argues, for the sovereign to be sovereign, he must retain the ability to not only determine the exception but also to be able not to limit his/her power by limiting the space in which her/his power is practiced. He argues in *Rogues* (2005), "pure sovereignty is indivisible...and that is what links it to the decisionist exceptionality spoken of by Schmitt. This indivisibility excludes it in principle from being shared, from time and from language." (p. 101). That is why sovereignty is infinite and ahistorical. In his view, "it is the contract contracted with a history that retracts in the instantaneous event of the deciding exception, an event that is without a temporal or historical thickness." (p. 101) Consequently, sovereignty withdraws from language since language always introduces a sharing that universalizes. Speaking to another means submitting to "the law of giving reason(s)" and sharing "universalizable

medium", thereby dividing my authority. According to Derrida, sovereignty is incompatible with universality, and there is "no sovereignty without force of the strongest, whose reason...is to win out over...everything." (p. 101) Notwithstanding this claim, Derrida argues that "[t]o confer sense or meaning on sovereignty, to justify it, to find a reason for it, is already to compromise its deciding exceptionality, to subject it to rules, to a code of law, to some general law, to concepts. It is thus to divide it, to subject it to partitioning, to participation, to being shared. It is to take into account the part played by sovereignty. And to take that part or share into account is to run sovereignty against itself, to compromise its immunity" (p. 101). Therefore, speaking of sovereignty and trying to find a meaning for it, which happens all the time, means that pure sovereignty does not exist. As a result, sovereignty is "always in the process of positioning itself by refuting itself, by denying or disavowing itself; it is always in the process of autoimmunizing itself, of betraying itself by betraying the democracy that nonetheless can never do without it" (p. 101).

In his analysis of the American Declaration of Independence (ADI), Derrida poses the central question: "Who signs, and with what so-called proper name, the declarative act that founds an institution" (p. 47)? The question is posed this way since, in his view, this "act does not come back to a constative or descriptive discourse" (47). It rather "performs, it accomplishes, it does what it says it does: this at least would be its intentional structure." The discussion that Derrida sets forth is important since it enables him to point out the unique relationship between the text and its presumed signer. The questions of who actually is the subject that signs the declaration and whether he exists before signing it or is constituted by it are very central to Derrida, allowing us to follow his lead when analyzing the IDI.

Derrida's treatment of sovereignty and its application to the ADI assist us in pointing out that, when analyzing the two Israeli foundational documents chosen in this context, it is important to pay attention to the dynamic nature of sovereignty, which leads to its division, not as weakness, but rather as a manifestation of its strength. Moving between different points means manifesting itself differently *via-à-vis* different people or groups within it and different organizations outside it. Since a large number of scholarly texts have been written about the IDI (Shachar, 2009), and given our limited goal in this article, I will limit myself to two aspects of Derrida's analysis. The first is the signer and his temporal and spatial connotations. The second is the call made by the signer to his others, and its meaning.

The signer of the Israeli IDI is the representative of the Jewish people. Unlike the ADI, in the Israeli case, Derrida's question regarding the identity of the signer and his temporality is irrelevant. Nonetheless, one should wonder with Derrida whether the identity of the people in whose name the signatories sign is fixed or constituted by this act. It is clear that the Jewish people, represented by the signatories, are not exactly constituted by the IDI. The IDI proclaims the foundation of a state as an institution, but since the nation in whose name it speaks has

existed before it was adopted, the relationship between the state and the people is blurred. It seems that the people and the state have become one organic entity and the best evidence for that is the clear effort to establish the relationship between ancient Jewish sovereignty and the present. The IDI opens with the history of the Jewish people and the deportation from its homeland, and the traumas have endured as a result. This past experience not only provides the justifications for return but also the restoration of sovereignty, as an indispensable and existential component of the normal existence of the people. This means that the creation of the new state of Israel is only the restorative act of an ancient experience of sovereignty that, despite being terminated by force, has never vanished. Jewish sovereignty is transhistorical, since it is based on the eschatological bond between the people and the land of their forefathers. Therefore, the IDI is about return and restoration rather than mere creation. Nevertheless, it is a new creation through the preservation of the eternal right of the Jewish people over the land.

Following Derrida's interpretation of Benjamin's differentiation between lawmaking violence (*rechtsetzend Gewalt*) and law-preserving violence (*rechserhaltende Gewalt*), it may be argued that the IDI is an act of power that aims to preserve, and therefore creates, and it creates to preserve (Derrida, 1990). This means that the differentiation between the two dimensions of preservation and creation is blurred, and the interrelationship between the two enables understanding the deep meaning of the IDI as a sovereign act and as an act of sovereignty. This means that the act of declaration is necessary and important for it propagates these two acts to the people and the world, bridging the temporal and territorial gap between the people, the land, and the sovereign state. In Heideggerian terms, the IDI is a rejection of the long-standing depiction of Jews as "poor in world" and a conscious assertion that they have always been "world forming," even when their ability to manifest this character has been hijacked. The authentic fundamental character of world forming is embedded in what the Jewish people "gave to the world," namely the eternal Book of Books, as clearly stated in the IDI. This contribution is evidence not only of the proprietary relationship between the Jewish people and the land of Israel but also of the fact that the negation of this right does not empty the creative potential of meaning and does not make the eschatological bond obsolete (Gans, 2016). The statement "Jews strove in every successive generation to re-establish themselves in their ancient homeland," keeping "faith with it throughout their Dispersion" and "never [ceasing] to pray and hope for their return to it for the restoration in it of their political freedom," provides the evidence that the Jewish people have always been world forming, even when lacking sovereignty, especially since they were "forcibly exiled from their land" and were constantly "[i]mpelled by...historic and traditional attachment" to it.

Further, it is important to note that the returning Jewish nation is much broader and larger than those in whose name the declaration is declared (Schachar, 2022). Given that the IDI speaks of the Jewish people as "masters of their own fate, like all other nations, in their own sovereign State," not only are all Jews potentially included in sovereignty but also the timing of their translation of the potential into an actual act remains open, thereby marking the dynamic nature of this sovereignty. The dynamism of sovereignty is also manifested in making clear that since the Jewish people existed before the IDI was issued, the entire Jewish people express its sovereignty in the text. Furthermore, the IDI reveals the exclusive ethno-national identity of the sovereign by completely ignoring the Palestinians, who had remained within the realm of sovereignty, but are not part of it. This point is reiterated in the name of the thirty-seven representatives of the People's Council who signed the declaration. They clearly state that, although the entity being instituted is Jewish, they are only "representatives of the Jewish community of Eretz-Israel and of the Zionist Movement." The lack of overlap between the Jewish people, as narrated in the first part of the IDI, and the identity of those issuing the declaration is bridged by leaving the door open, or more accurately, inviting the entire Jewish people to join, something that is stated in the IDI at a later stage.

This lack of identity between the representatives of the Jewish people and the signatory of the IDI is repeated when speaking of the "Land of Israel" in which the state of Israel is being founded. The land of Israel, which is the birthplace of the Jewish people and in which "their spiritual, religious and political identity was shaped" and where "they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books" is geographically not defined. Its borders are left open and the established state is being founded in it rather than on it.

The formulations chosen from the IDI are sufficient to make clear that we are speaking of an open-ended sovereign, whose ethnic identity is purposefully left undefined. Although the absence of a clear definition of who is a Jew has become one of the most controversial issues in the Jewish state and still is, it has made it possible to turn this identity into a dynamic construction that allows the state to absorb members of the sovereign who are not officially Jewish, as long as they are not Palestinian Arab (Lustick, 1999).

This dynamic and open characteristic of the sovereign's ethnic identity is also true for its territorial dimension. The land of the sovereign is left undefined. The lack of clear territorial boundaries in the IDI is not without meaning (Chowers, 2013). These should be determined by the sovereign who, as a result of the disputed ethnic boundaries, keeps this dimension open for the future, as the dynamic nature of sovereignty explicated by Derrida demonstrates (2005). This openness is embedded in the dynamic nature of identity, allowing its territorial expansion

based on developments taking place in the ethnic identity of the sovereign.

This point becomes crucial after 1967 and the occupation of areas considered as a part of the ancient homeland of the sovereign nation. As a result of the internal disputes between different political camps and to determine the lack of fundamental difference between the identity of the sovereign and the geographical sphere of sovereignty in the land, the Nation-State Law was enacted (Jamal and Kensicki, 2020). This law, which was preceded by the no less-important Basic Law: Referendum, which made any territorial compromise with the Palestinians almost impossible, has diminished the Palestinians as a legitimate voice and subordinated them to a lower realm of human existence, as we shall demonstrate later.

In summary, the IDI signatory represents a sovereign in movement, who poses his unlimited ethno-national, temporal, and spatial identity as an integral and eternal part of his core sovereignty. The overlap between the national sovereign and the state is set as an aspiration to be realized by the sovereign in the future, thereby leaving the movement as a kernel part of its identity, as we shall demonstrate later *via* the Judaization of time and space and the constitution of spheres of normality and continuity for Jews and abnormality and fragmentation for Palestinians.

Sovereignty and hospitality

The second point worth addressing in this context is the invitation issued to the Arabs who remained within the undefined borders of sovereignty to “join” the Jewish people in building the newly established state. To that end, we offer the conceptualization of hospitality introduced by Dufourmantelle and Derrida (2000) and only briefly that of the *differend* introduced by Lyotard (1988). Although it is not our intention to delve deeply into these concepts, they provide us with the necessary framework to promote the following discussion. We address hospitality in this section and pose the question of the *differend*, which we address in the last section of this article.

The IDI states “We appeal—in the very midst of the onslaught launched against us now for months—to the Arab inhabitants of the State to preserve peace and participate in upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.” This part of the IDI is a formal invitation made by the representatives of the new sovereign, who are the owners of the house, to the Arab inhabitants to be their guests. The invitation begs several points that cannot all be addressed in this context, and therefore, I limit myself to a few of them.

The first point that comes to mind is the formulation used to refer to the indigenous Palestinians, who formed the majority in their homeland and were invaded by an external colonial movement under the auspices of a strong empire.

They are called Arab inhabitants and thereby stripped of their Palestinian identity and turned into Xenos (strangers or foreigners) (Dufourmantelle and Derrida, 2000). The invitation, which is presented as a generous step made by a triumphant power after a war, begs the dual meaning or imperative of hospitality, as introduced by Derrida. In his treatment, Derrida emphasizes the conditionality and unconditionality of hospitality to point out the tensions embodied in it. While it has absolute, unconditional, pure, and hyperbolic dimensions, which are unrelated to the identity of the guest and where he comes from, it also has terms, ordaining that this right should be granted, if ever, under clear conditions. The introduction of the two dimensions, which are, according to Derrida, simultaneously embedded in the concept, enables us to explore the nature of the invitation made in the IDI.

When thinking about the timing and the formulation of the invitation, one cannot but see how “the Arab inhabitants of the State,” are addressed as aliens in their homeland and are placed in the state. Their presence is conditioned by the existence of the state, thereby turning them into strangers in the place, in which a new host has been constituted. The invitation is not only conditioned by the *a priori* agentic power of the state but also by the fixed hierarchy between the host and the guest. This theory of power is fully rooted in the complete seclusion of the fact that the Arab inhabitants are the indigenous people of the land. The invitation ignores the fact that the society of the potential guests has been just destroyed, dispersed, and pushed into exile, leading to much grief and agony, making it almost impossible to make a rational decision about whether to accept or even contemplate the invitation at the time. The invitation ignores the absence of alternatives given to the “guests,” but to submit to being such, for otherwise, they could face the tragic fate of their brethren. Therefore, although the call seems to be generous and to reflect good faith, it actually entails the imposition of a new conditional reality, according to which either loyalty or exit is the only options the guests have. This type of hospitality is not necessarily the one spoken about by Derrida, who demonstrates that there must be an ethical dimension in hospitality in order for it to be hospitable (Dufourmantelle and Derrida, 2000). Given the lack of alternatives, but to be guests, the host is turned into the sovereign, just as it is only through the submission of the slave to the master that the master becomes “the master” (Hegel, 2018). Although one could still relate to the possibility that the guest is able to impose his own rules on the master, as Derrida clarifies and will be addressed later, it is hard to ignore the exact formulation of the invitation when seeking to deeply understand its real meaning.

The call to the Arab inhabitants is conditional. They are no longer owners of the land, but inhabitants of the newly established state, whose identity is not only alien to them but views them as enemies, whose presence in their land is guaranteed by its own will. Furthermore, these inhabitants, who

are accused of launching an onslaught against the state, are generously invited to take part in building the same state that has destroyed their society. Therefore, they are invited only if they prove to be peaceful, which can become evident only after they have already submitted to the conditions set by the host. Only after having provided evidence of being peaceful, can they be granted the status of the guest. This means that this status comes after some experience, during which the sovereignty of the sovereign is asserted. This may sound as though they are given the power to grant the sovereign its power, but it does not actually seem to be so, if we take into consideration that, first they have no choice but to choose either loyalty or exit, and second, that their loyalty can never guarantee them becoming part of the host. The boundaries between being a guest and being a host may seem blurred to a point, but they are not, since the act of sovereignty can have meaning only if boundaries are maintained, as we shall see in our later analysis of the invitation of an Arab party to join the coalition. In other words, the host determines his sovereignty through a combination of preserving the boundaries between him and the guest as a hierarchy of power, embedded in the ownership of the land, as explicated by Gans (2008), on the one hand, and in the ethno-religious nature of the sovereign people, on the other hand. As a result, the Arabs invited to take part in the upbuilding of the state are determined always to be aliens to its nature, although they may become legal citizens. They are part of the citizenry, but not an integral part of sovereignty, for this contradicts their own identity, which poses an immediate and constant threat to the sovereign host. Therefore, the invited guests are termed to be Arabs rather than Palestinians and are invited to take part in the physical building of the state rather than becoming equal partners in defining its spiritual and cultural identity, for these have been already ethnically predetermined and limited to the old-new nation, in whose name the state is being established.

This means that the movement embedded in the sovereign nation is different than that determined in the guest-hood of the Arab inhabitants. Although they are promised full and equal citizenship and due representation in all [state] provisional and permanent institutions, they can never ascend to the status of the host sovereign, since the latter is regenerating an ancient identity that is only returning to take its original place in the land that has been promised to it by divine authority. The liberal rights promised, as part of the constitutional identity of the state relate differently to Jews and Arabs. Whereas for Jews, they are accumulative to the collective national rights, for the Arab inhabitants they are exclusive to their collective rights (Peled, 1992). These individual rights are not only behaviorally conditional but are also subordinated to the will of the sovereign nation and its exclusive right to determine when and how its collective rights relate to and are reconciled with individual rights for those who are not part of the sovereign nation.

The sovereign that manifests itself in the IDI is omnipotent and exceptional. It is such since it cannot be contained within

language, time, and space, and therefore, it does not declare the state of exception, but is rather, as Derrida (2005) argues, the exception itself. Its sovereignty is unconditional and, as a result of its dynamic nature, it cannot be manipulated. Therefore, its dynamism shows that it does not reach its full course and cannot be contained within a specific territory, temporality, or discourse. This means that the sovereignty of the Jewish sovereign cannot be defined in relationship to a demarcated political community. It is absorptive, but to be so means that it has to determine boundaries that it is able to change. Changing the boundaries enables sovereignty to manifest itself as such. This embodiment of sovereignty is arbitrary and its dynamic nature means that it does not leave a substantive ethical, ethnic, or national identity that can justify its embeddedness. This open character of sovereignty allows for examining the rules that it has set, but as dynamic rules rather than as rules that are able to set limits on it. This type of sovereignty involves the tension between the stability that is aspired for by the state, as Agamben (2005) has pointed out, and the destabilizing nature of the sovereign, as an agency, acting arbitrarily on the one hand, but constantly destabilizing itself to incorporate its defining openness and unlimited movement in language, spatiality, and temporality, as Derrida insisted (2005). The dynamic nature of sovereignty is manifested in the historical, cultural, territorial, and identitarian sense, which will become crucial when speaking about the tension between Arab citizenship and the majoritarian procedural power of the Jewish sovereign, on the one hand, and about the status of the Palestinian inhabitants and territory occupied in 1967, on the other hand.

In summary, the analysis of the two dimensions we have related to when reading the Israeli IDI demonstrates the essentiality of the dynamic nature of sovereignty. Its openness is the lack of sovereignty within sovereignty that enables it to keep constantly reconstructing itself anew and thereby, to appropriate new territorial realms, temporal movement, and sociopolitical differentiations. Thus, the Jewish sovereign is not the one who determines the state of exception but the exception itself. This sovereign does not appropriate the state of exception to itself but seeks to turn itself into undefinable, as is the state of exception. Whereas the sovereign has been defined as the attempt to overcome chaos in the Bodinian—Hobbesian—Schmittian tradition, the Jewish sovereignty, as deduced from the IDI, is congruent to Derrida's understanding, which embodies the chaos within itself. It is the political realm that is unclear and has not been closed to allow liquidity. Sovereignty seems to be marked by its openness. But while it is marked as open by Derrida for hospitality and adaptation to democratization, in the Israeli case, this openness is limited by clear ethno-national differentiations. It is open for hospitality and adaptation for Jews in the entire territory considered the "land of Israel" and controlled and defended by the Israeli army and, in contrast, it is open for expansion, occupation, and subjugation for Palestinians. In other words, the Jewish sovereign is dynamic and open to maintain the potential for expansion and occupation

as defining characteristics vis-à-vis Palestinian geography and demography, enabling the dynamic nature of Jewish sovereignty in open lebensraum.

Sovereignty in movement and the determining power of *differance*

Seventy years after the signing of the IDI, the Israeli Knesset passed the Nation-State Law. It is not our aim to explicate the entire background and disputes surrounding the law. The reference to the law is limited to shedding light on the act of sovereign banning, as emerging from it, arguing that although this has been implanted in the IDI, it remained formulated in ambivalent terms until the Nation-State Law was enacted. In other words, we aim to utilize the formulation of the law in order to contemplate the identity of the Israeli sovereign and whether this identity has been transformed to accommodate the realities created in its sphere of sovereignty almost 70 years after the IDI and more than five decades after millions of Palestinians were added to the sphere of the hospitality of the Israeli sovereign.

The main theoretical thread of the following analysis is the Heideggerian differentiation between three forms of existence—worldless, poor in world, and world forming (1995). In his treatment of the *Fundamental Concepts of Metaphysics* (1995), Heidegger establishes his ontological differentiations between inanimate objects, animals, and humans. This differentiation has instigated heavy debate, which cannot be addressed in this context. Nonetheless, several points are of great importance for our analysis. The first is Derrida's questioning of the purity and presence of assumed uncontaminated privileged realms of accessibility to the world (Lawlor, 2007). Accessibility to the world of *Dasein* is inherently contaminated and its captivity is conditioned and determined by different forms of deprivation in the everyday. The second is that Heideggerian ontology is not only metaphysical but also phenomenological (Suhürmann, 1978). This means that deprivation is not only purely ontological but also political. Therefore, when exploring the forms of being in the world, one cannot ignore the particularities of being and their causes. The third is that a thorough understanding of Heidegger's differentiations has to downsize his anthropocentrism and pinpoint his treatment of man's poverty in world (Winkler, 2007).

These points make it necessary to look at the differences between being poor in the world and being world forming as a matter of degree rather than kind. Furthermore, they make it possible to view the shift between these two forms as phenomenologically contingent and deeply embedded in power structures. Man's poverty in the world is not only ontological but also constructed. Humans living under slavery, colonial occupation, or totalitarian regimes can hardly escape the role of improvization as a central aspect of being in the world (Maldonado-Torres, 2007). Colonization entails pushing the

colonized into animalistic poverty by their mere dehumanization and subordination (Arendt, 1951).

Notwithstanding Heidegger's contribution to our analysis, limitations pointed out by critiques of the coloniality of encouraging us to draw upon followers of Heidegger, who have devoted more attention to the political aspects of being in the world. Two are particularly important for our case. The first is Arendt, who, in *The Human Condition*, differentiates between three realms of being, labor, work, and action (1998). Arendt locates humans in an earthly context in relation to others. She describes their relationship with the earth around them as reciprocally conditioned. Arendt starts with the basic modes of being, which are *labor* and *work*. According to Arendt, *labor* is comprised of all activities, which support life or sustenance. She characterizes *labor* as closest to nature—the primary mode of being. It is comprised of the metabolic cycles of life, such as consumption or reproduction, which support human survival. In other words, *Labor* most closely relates to being in its biological form. Similarly, *work* corresponds to the “unnaturalness” or artificiality of human existence and relates to the production of artifacts such as shelter or tools, which outlive the worker and thereby create a feeling of permanence and stability. As a result, these two modes of being are deemed the lesser of the third and although they are described as unhuman or unconditional, they remain important, since they are preconditions of life in the third mode of being, namely, *vita activa*. Since humans and the environment shape one another through continuous interaction, the former becomes “conditioned.” This higher mode of human action constitutes its environment, and therefore, it is political and, as a result, sovereign.

This Arendtian differentiation echoes two others, made by the second theorist we relate to in this context, namely, Giorgio Agamben. Agamben differentiates between real life, which is political and mere existential life, which is apolitical, on the one hand, and between humans and non-human beings, on the other. He utilizes the Schmittian decisionist method in his seminal book *Homo Sacer* (Agamben, 1998) to differentiate between the realm of life, good life, and bare life. These differentiations are made by the political action of the sovereign. The political is about the fundamental distinction between mere living and being engaged in determining the good life. This means that sovereignty is the politics that “entails the constant negotiation of the threshold between itself and the bare life that is both included within and excluded from its body” (Norris, 2000; p. 45). The threshold in this regard “signifies a passage that cannot be completed” and “a distinction that can be neither maintained nor eliminated” (Norris, 2000; p. 41). According to Agamben “[e]xteriority...is truly the innermost center of the political system, and the political system lives off it” (36). This statement echoes Arendt's argument in *The Origins of Totalitarianism* (1951) that “a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a man” (p. 300). This

means that the sovereign “has the legal authority to decide who shall be removed from the preview of law” and that “Sovereignty is the law’s threshold with the nonlegal” (Norris, 2000, p. 46). In other words, the sovereign determines who is included and who is excluded, and thereby it acquires its meaning.

When looking at the Nation-State Law, we can speak of two types of differentiation based on the nature of banning and the rendered type of death it entails (Kane, 2009; Toyer, 2019). When it comes to banning, the new law reiterates what has potentially been implanted in the IDI, namely, that all Palestinians are banned from the realm of the sovereign. Albeit by different means, which will become clearer when we address the types of death the law determines, all Palestinians are rendered subject to the exclusive power of the Jewish sovereign to determine the nature of the good life. Accordingly, one could argue that the law renders the Jewish people “world-forming,” Palestinian citizens of the state as “poor in world” and Palestinians under 1967 occupation “worldless.” This differentiation is rooted in banning since the mere classification of Palestinians as different in relation to the Jewish state comes to serve the similarity in relation to Jewish sovereignty (Monterescu, 2015; Raz, 2018). Far beyond what has been embedded in the IDI, the new law conceptualizes Palestinians as alien to others. This is best manifested in the way their cultural and spiritual bond to their homeland is constructed. No matter where they live, their presence in the “land of Israel” is empty of spiritual meaning since their bond with it is limited to the mere being. As such, they are a human collectivity that could be at home in any Arab country, on the one hand, and must be tamed as long as they stick to their place of habitation on the other. They are therefore ontologically securitized as an enemy of the Jewish spiritual bond to the land before they are physically oppressed (Jamal, 2020; Matza, 2021). The combination of the two demonstrates that they are physically fragmented but ontologically united, as part of a strategy of domination and control.

This point is made more than clear in the three basic principles of the Nation-State Law which state: “(a) The Land of Israel is the historical homeland of the Jewish People, in which the State of Israel was established. (b) The State of Israel is the nation-state of the Jewish People in which it realizes its natural, cultural, religious, and historical right to self-determination. (c) The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People.” Based on this formulation, Palestinians, all of them, including those with Israeli citizenship, are banned from the realm of the sovereign. If sovereignty is exclusively Jewish in the nation-state of the Jewish people, since the latter “realizes its natural, cultural, religious and historical right to self-determination,” and since this state is located in the historical homeland of the Jewish people, the other inhabitants of the land, namely, Palestinians, have no place in the sovereignty. The lack of congruence between the land of Israel and the state of Israel leaves the door open for the movement of the sovereign, as we have witnessed, through the territorial

expansion of Jewish hegemony not only in the areas within the 1949 armistice ceasefire boundaries but also in the Palestinian territories occupied in 1967. As a result, the Palestinians are rendered politically external to *vita activa*. The law closes the door to the self-determination of others. This exclusive and singular right of the Jewish people makes the Palestinians also existentially invisible. Although formally Palestinian citizens are not banned from acting in their own interests in the political arena, they are not considered legitimate participants in it and are re-positioned beyond the sovereign political community, which has the legitimate right to determine the policies and priorities of the state.

The exclusion of Palestinian citizens from sovereignty is manifested in the debate on the legitimacy of their participation in the governmental coalition and the preconditions set on any of their representatives. These preconditions stipulate that Palestinian representatives limit their political activism to civic issues, mainly allocation of resources, and leave national grievances outside the political realm. In other words, for Palestinians to be part of the *vita activa*, they have to submit to the will of the sovereign, who has conditioned their participation by becoming not what they are. And since becoming other than what they have to be guaranteed before they participate, they can never be part of the *vita activa*. Therefore, their participation in the political realm is limited to negotiating the main characteristics of the realm of *labor* and *work*. This means that any attempt by the Palestinians to enter the realm of *vita activa* means not only not being able to be part of the sovereign but also ceasing to be Palestinians.

In Agambian terms, it is possible to claim that the inclusion of Ra’am in the coalition is a sovereign act of inclusive exclusion. Ra’am guaranteed the number of hands necessary to form a coalition. Nonetheless, its inclusion was conditional. It granted practical and symbolic legitimacy to the policies of the Israeli state toward Palestinians. This understanding is best substantiated by the discourse of the leading figures of the government, especially from the right-wing Zionist parties, who consistently argued that the participation of Ra’am in the coalition neither compromised the identity of the state nor its national interests and security.

Notwithstanding, Ra’am had sought to turn work and labor into a political strategy. In contrast to the sovereign’s power in seeking to limit Arab participation in the coalition to the civic realm and in response to its critics in Palestinian society, Ra’am asserted that acting to gain rights related to what Arendt had affiliated with the realms of work and labor are not only civic but are also activation of national interests. The ambivalent movement between subordination to the sovereign differentiation between work and labor, on the one hand, and *vita activa*, on the other hand, could be illustrated through the statement made by the head of Ra’am, Manour Abbas in an interview with David Makovsky and Robert Satloff from the Washington Institute on 10 February 2022. Given the debate on

extending the provisional order concerning the Citizenship Law, Abbas commented on the way differences between the coalition partners are solved:

Take, for example, the Israeli citizenship law. We think it is a very difficult law that hurts the basic rights enjoyed by Arab society. It means that I, as an Israeli citizen but also a Palestinian Arab, cannot marry an Arab Palestinian from the West Bank. That is very difficult. As soon as we addressed this inside our partnership, almost every side got what it wanted. We made sure that the rights of these families would be addressed. On the other side, the parties that support the law, passed it (Makovsky and Satloff, 2022).

This argument by Abbas demonstrates his perception of being a partner in determining the boundaries of Israeli citizenship. Acting upon solving issues of family unification is presented as a success in being a partner in discussing the problematic terms of the national differentiation embedded in the Israeli citizenship law. Political discourse and debate in partnership with Zionist parties are praised as a strategy of entering the realm of the *vita activa* by asserting the centrality of the realms of work and labor.

However, Abbas's statement alludes to an admission that the substantial racial differentiation between the basic right of Jewish citizens to marry whomever they choose, including settlers living in the West Bank and the sanction imposed on Palestinian couples from the same areas, is a legitimate rule. The need to exceptionally discuss the basic rights of the Palestinian to marry not only normalize the discriminatory law but accepts the superiority of the Jewish sovereign to determine the number and timing of the humanitarian act to facilitate family unification. The basic individual right is rendered a humanistic issue to be addressed by the merciful sovereign, who manages to assert his humanism by sidelining the racial underpinnings of his sovereignty. The fact that family unification of Palestinians has to be scrutinized and reduced to a minimum by the Interior Minister, while the law grants Jewish citizens the right to marry their heart's desire, without any consideration of their background, is not reflected upon or viewed as structural violence.

Accordingly, Palestinian citizens are constructed as partners only when they are needed to promote an exclusionary settler colonial sovereignty that turns their nationality, whether absent or present, into a threat. This means that Palestinian citizens are not part of the metaphysics of national life that is communal, as essence, or as common being (Nancy, 1991). They are the present-absentees of the Israeli political system, facilitating the dynamic nature of Jewish sovereignty, as "the radical crisis of every possibility of clearly distinguishing between membership and inclusion, between what is outside and what is inside, between exception and rule" (Agamben, 2005, p. 25). While this sovereignty leaves the Jewish demographic and

geographic boundaries open, to enable their expansive and dynamic meaning, it excludes Palestinians, even when they are members of the governing coalition, from determining their fate within it.

This point brings us back to the discussion of Nation-State law, especially regarding the identitarian boundaries of the sovereign. Stating "The State of Israel is the nation state of the Jewish People in which it realizes its natural, cultural, religious and historical right to self-determination" and "The realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People" clearly mean that the sovereign in Israel is the entire Jewish people, a large part of whom do not live in the state of Israel. Sovereignty is inclusive when it comes to the Jewish people, despite the fact that only the citizens of the state, the majority of who are Jews, make decisions in the name of the people. This formulation of the provision is exclusive toward those who are not part of the Jewish people, even when they live within "its" exclusive state. Accordingly, Palestinians are not only excluded but are also unequal to Jews since their citizenship is limited to being individualistic and is validated only if it is enacted within the boundaries and according to the rules of the Jewish collective sovereign (Shafir and Peled, 2002). As a result, they are not invited to take part in defining the common good, which is, according to Arendt (1998), an *institutional* arrangement that enables humans to live among one another without limiting individual freedoms. Being excluded from taking part in determining the public good means they are not genuine members of the *vita activa* and its institutions. This ban posits that Palestinians are downgraded to the *labor* and *work* realms and thereby linked to animals. Here, they merely exist, reacting to or surviving within their surroundings, rather than conditioning the world as would humans. Although they may exercise *self*-reflection, they neither impact others nor shape their own environments. Their existence in the state of Israel is limited to making themselves at home in the world in the existential realm.

While Arendt primarily focuses on how humans employ institutions to shape political communities in the *vita activa*, her discussion of the "spaces of appearance" reveals an interdependency between the political and existential (Arendt, 1998). For individuals' actions to be real and consequential—i.e., conditional—they must *exist* and at least be *visible* to others. These latter qualities are what comprise the existential dimension and are intrinsic to the political. This means that the first provision of the Nation-State Law is unique in that it closes political institutions to Palestinian citizens' effective participation, let alone non-citizens, and reduces Palestinian spaces of appearance—the capacity to merely exist or be seen—and to shape their own environment. Whereas, prior to the passage of the law, these spaces were *de jure* potentially available to Palestinian citizens, although they were not available *de facto*, the law's first provision formally excludes

them and renders them invisible by identifying Jews as the only legitimate members of the political and, by extension, human. In other words, the new law marks the return of the repressed other as a threat and thereby makes it present, but only to show that it has to be excluded as such. This inclusive exclusion means that the capacity of non-Jewish citizens to condition their environment is rendered empty and they are left merely to react to the environment made for them by Israel's Jewish citizens.

The impact of this legislation on our understanding of Arendt's *labor* and *work* realms reveals that, just as Palestinian citizens can be only and conditionally partial members of the political, their membership in the existential realm is conditional. Such an understanding challenges Arendt's assertion that *labor* and *work* are apolitical. It seems that the mere existence or presence of Palestinian citizens who have already been cast out of the political realm appears to have shaped the trajectory of political action in Israel and ultimately led to the legislation's passage. These spaces of appearance, as defined by Arendt, are therefore not as singularly faceted as she theorizes. The exchange and reception of ideas exist in an environment in which the mere presence of an Other has as much shaped the political, as the political has shaped the experience of the Other. That said, one may argue that as long as the mere existence of Palestinians in the realm of Jewish sovereignty threatens to challenge it, this existence as such becomes political.

Being aware of this counter-conditionality, the Jewish sovereign seems to insist on the differentiation between spheres of being, in the spatio-temporal sense. It is best manifested in the provision which states: "The State views the development of Jewish settlements as a national value and will act to encourage and promote its establishment and consolidation." Two important points are worth noting in this regard. First, the provision does not provide any hint as to the place of the settlements; it does not differentiate between areas within the Green Line and beyond it. It collapses all Palestinians into one pool by their mere exclusion from being entitled to the prioritization of the law on an equal basis. Citizens and non-citizens are equally politically and existentially impacted. Palestinians are rendered only humans in regard to territory, either by downgrading the value of their territorial needs or by the exponential narrowing of their territorial spaces or by blocking the access of Palestinian citizens to Jewish settlements by setting impossible conditions they have to meet. As such, Palestinian citizens' basic security of being at home is constantly threatened (Jamal, 2020; Eitan and Frinkel, 2021). Therefore, by relegating the State's Palestinian citizens to a secondary status, their ability to naturally "be" in the *labor* and *work* realms is greatly impacted, revealing the conditional relationship between the political and existential modes of being.

Having said that, it is important to note that, by marking the exclusive Jewish right to settle, without any spatial or temporal limitations, and by turning the state into the agency to enhance

this goal, Palestinians are simultaneously rendered invisible and present. They are not only invisible in the sphere of sovereignty but also their natural need and right to settle are totally ignored. However, their absence of the right to settle turns the existence of their places of habitation into a threat to the ability of the state to promote the Jewish right to settle. When looking at various spatial areas within the sphere of Jewish sovereignty, whether in the West Bank or the Galilee, one notices the efforts made to limit the Palestinian physical presence, utilizing various means, to leave as many spaces unsettled as possible.

One severe method that mirrors the way Palestinian existence is treated is house demolition. This inhuman method of punishment is one of the best exemplifiers not only of the brutality of Israeli sovereign power, which is manifested in the declaration of the state of exception, as suspension of the law in the name of the law, but also the lack of any human respect for the Palestinian memory of destruction resulting from the establishment of the Jewish state. To that, one should add the centrality of the home in Palestinian existential experience, let alone the individual and collective right to shelter. Flattening one's home, which is the destruction of life in the deepest sense possible, entails what Mbembe (2003) has defined as *necropolitics*, which is "the capacity to define who matters and who does not, who is disposable and who is not." It is about the sovereign's exclusive capability to assign differential value to human life.

In other words, the other side of the coin of Jewish settlement, which is made implicitly and explicitly present through the provision on settlement in the Nation-State Law is the potential destruction of the Palestinian natural bond with the land. The only legitimate bond with the land (of Israel), which is established in the opening sentence of the IDI and the Nation-State Law, is that of the Jewish people. Therefore, this exclusive bond positions the land as purely reserved for Jewish settlement. If Palestinians are present on the same land, their presence is inherent as foreigners, forming a threat that should be eliminated. Many followers of Israeli settlement policies have demonstrated that it is not only about building but also about destruction, that is, making the spaces necessary for Jewish life makes the death of Palestinian collective life indispensable (Weizman, 2007; Gordon, 2008).

The second point is the deterritorialization of Jewish sovereignty. This provision of the Nation-State Law also directly conditions the territories *beyond* state borders. Since 1949, Israel's official boundaries have shifted repeatedly through the state's development, protracted conflict, and international treaties. Given the law's support for Jewish settlement, which principally has taken place beyond state borders, the Nation-State Law does not only limit the rights of Palestinian citizens but also conditions the environment of Palestinians residing outside Israel, who have never been invited to participate in Israel's political realm. This means that Israel's constitutional identity, as manifested in the Nation-State Law, echoes the technologies of control, surveillance, and settlement utilized in the areas occupied in 1967

and those used in the Galilee, the Triangle, and Negev inside the Green Line. These policies seek the Judaization of areas densely populated by Palestinians between the Jordan River and the Mediterranean Sea. The land confiscation policies, the population deportation, the settlement and planning, and zoning policies belong to the same family of colonization that we have witnessed taking place since 1948 and up to the present (Zureik, 1979). Despite the different legal and judicial mechanisms applied, the intentions and end results of these policies are the same, namely, the de-Palestinization of the land, on the one hand, to Judaize on the other hand. The victims of such policies are Palestinians and the separation between citizens and noncitizens is part and parcel of the fragmentation and control technologies that facilitate Jewish superiority and Palestinian inferiority (Zureik, 2016).

Conclusion

As made clear at the beginning of this article, the two foundational documents, which differ on many levels, still allow us to reveal the identity of the Israeli sovereign and explicate one of the most crucial trends taking place in Israeli politics, namely the triumph of narrow ethno-nationalistic identity over the civic underpinnings that were laid down in the early years of the state. This trend is manifested through the way the Jewish sovereign conceives itself and treats the Palestinian Arab citizens who remained within the state of Israel after the 1948 war. Whereas the IDI treated them as tolerated guests, the Nation-State Law transforms them into alien others. It may be argued that this latter step was implanted in the IDI on which the exclusive sovereignty of the Jewish people was founded, based on the biblical bond between the Jewish people and the holy land. This bond rendered all Palestinian Arabs not only aliens and provisionary but also an obstacle in the realization of Jewish sovereignty in the territory it considered its own property. Whereas the decisionist dimension of sovereignty has been crucial in determining the exclusive control of the Jewish people over the state and land, its dynamic dimension encompassed the constant expansion of the territory and the people. This expansive trend, achieved through procedural majoritarian mechanisms, enabled the sovereign to include Arab Palestinians to exclude them from sovereignty. In other words, inclusive exclusion has become a sovereign mechanism that allows the constant expansion of ethno-national sovereignty. The other side of expansionism is *differance*, as depicted by Derrida (2009). For Jewish sovereignty to be cohesive, differentiations have to be imposed on Palestinians. In the beginning, their conditional invitation to take part in building the country, as the IDI demonstrates, enabled them to hope for open horizons that could lead to equal civic status in exchange for loyalty. Although they had no choice but submit to the will of the Jewish sovereign after being defeated in 1948, the promise to respect their liberal

rights had been the most rational choice at the time. However, when looking at the Nation-State Law of 2018, especially given the fact that it was enacted after over 50 years of military rule in the Palestinian areas occupied in 1967, one notices that the dialectics between the decisive and dynamic dimensions of Jewish sovereignty have become more sophisticated and the politics of *differance* has become fragmentary. In Heideggerian terms, the world-forming character of the Jewish sovereign has been turning different Palestinian groups into different levels of being poor in world. In Arendtian terms, the Nation-State Law closed the horizons of the possibility that Palestinian citizens might enter the sphere of *vita activa*. The conditional invitation granted in the IDI has been narrowed down and, as a result, Palestinian citizens have not only been pushed outside the realm of sovereignty, although they have never been there, but have also been submitted to limit their sphere of political action to the realm of work and labor. Their ability to voice their grievances has been limited to the civic sphere, which is determined by the sovereign, resulting in a *differend*, as explicated by Lyotard (1988). This is true for all Palestinians, especially those living under the brutal Israeli military occupation and siege, whose ability to bear witness to the wrongdoings conducted against them is delegitimized and silenced.

The expansive character of Israeli sovereignty, thereby blurring its territorial boundaries, the changing terms of hospitality, and the downgrading and silencing of critical voices, make it necessary to rethink the best conceptual framework to capture the political trends embedded in the shift from the IDI in 1948 to the Nation-State Law in 2018. As we have demonstrated, an epistemological shift that enhances a better understanding of the dialectics of Israeli sovereignty is needed. The hegemonic epistemology embedded in most studies of Israel/Palestine, which has been based on a vertical ontology must be shifted into a horizontal one. The vertical ontology admits the hegemonic Israeli narrative, which differentiates between two assumed spheres of political and physical realities; the one inside the Green Line and the one related to the Palestinian areas occupied in 1967, especially the West Bank. This ontological reality, which has not been in existence since 1967, and its epistemological conceptualization are part of the power relations, masking the one-state reality that has been created in the last few decades (Lustick, 2019). It is only by shifting to an alternative horizontal epistemological perspective that we are able to better understand the way two ontological spheres of existence are being formed in the entire area between the Jordan River and the Mediterranean Sea. When looking horizontally, one sees that two hierarchical layers of human existence have been constructed; one normal and continuous for Jews, in which the world forming character of the *vita activa* takes place, and one fragmented and abnormal for Palestinians, in which *differance* is the *raison d'être* and *differend* is the mechanism which enforces banning of Palestinians to the realms of work and labor.

Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

Author contributions

The author confirms being the sole contributor of this work and has approved it for publication.

Funding

This research has been supported by the Walter Lebach Center for the Study of Jewish-Arab Coexistence at Tel Aviv University.

References

- Agamben, G. (1998). *Homo Sacer*. Transl. by D. Heller-Roazen. Stanford, CA: Stanford University Press.
- Agamben, G. (2005). *State of Exception*. Transl. by K. Attell. Chicago, IL: The University of Chicago Press. doi: 10.7208/chicago/9780226009261.001.0001
- Arendt, H. (1951). *The Origins of Totalitarianism*. New York, NY: Harcourt, Brace and Co.
- Arendt, H. (1998). *The Human Condition*. Chicago, IL: The University of Chicago Press.
- Bodin, J. (1955). *Six Books of the Commonwealth*. Transl. by M. J. Tooley. Oxford: Alden Press.
- Chowers, E. (2013). *What is Bad in the Formulation of the Declaration of Independence*. Haaretz Daily. Available online at: <https://www.haaretz.co.il/magazine/the-edge/2013-04-10/ty-article/premium/0000017f-f3f8-d47e-a37f-fbfc16b50000> (accessed October 30, 2022).
- Derrida, J. (1981). *Positions*. Transl. by A. Bass. Chicago, IL: The University of Chicago Press.
- Derrida, J. (1990). Force of law: the mystical foundation of authority. *Cardozo Law Rev.* 11, 919–1045.
- Derrida, J. (1992). "Force of law. Transl. by M. Quaintance," in *Deconstruction and the Possibility of Justice*, eds D. Cornell, M. Rosenfeld, and D. G. Carlson (New York, NY: Routledge), 3–67.
- Derrida, J. (2005). *Rogues*. Transl. by P.-A. Brault, and M. Naas. Stanford, CA: Stanford University Press.
- Derrida, J. (2009). *The Beast and the Sovereign, Vol. 1*. Transl. by G. Bennington. Chicago, IL: The University of Chicago Press. doi: 10.7208/chicago/9780226144399.001.0001
- Dufourmantelle, A., and Derrida, J. (2000). *Of Hospitality*. Stanford, CA: Stanford University Press.
- Eitan, N., and Frinkel, I. (2021). *Self-Fulfilling Prophecy: The Gari'en Torani Will Explode Lud, Siha Mikomit*. Tel Aviv. Available online at: <https://www.mekomit.co.il/7-את-7-יפוצץ-את-7-ההתגשמה-הגרעין-הטורני-יפוצץ-את-7-> (accessed June 23, 2021).
- Gans, C. (2008). *A Just Zionism: On the Morality of the Jewish State*. Oxford: Oxford University Press. doi: 10.1093/acprof:oso/9780195340686.001.0001
- Gans, C. (2016). *A Political Theory for the Jewish People*. New York, NY: Oxford University Press. doi: 10.1093/acprof:oso/9780190237547.001.0001
- Gordon, N. (2008). *Israel's Occupation*. Berkeley, CA: University of California Press.
- Hegel, G. W. F. (1981). *The Phenomenology of Spirit*. Transl. by T. Pinkard. Cambridge, MA: Cambridge University Press.
- Heidegger, M. (1995). *The Fundamental Concepts of Metaphysics, World, Finitude, Solitude*. Bloomington, IN: Indiana University Press.
- Hobbes, T. (2010). *Leviathan: Or the Matter, Forme, and Power of a Commonwealth Ecclesiasticall and Civill*, ed I. Shapiro. New Heaven, CT: Yale University Press.
- Jamal, A. (2020). Ontological counter-securitization in asymmetric power relations: lessons from Israel. *Int. Stud. Rev.* 22:932–965. doi: 10.1093/isr/viz057
- Jamal, A., and Kensicki, A. (2020). Theorizing half-statelessness: a case study of the nation-state law in Israel. *Citizenship Stud.* 24, 769–785. doi: 10.1080/13621025.2020.1745152
- Kane, J. (2009). "Life after political death: the fate of leaders after leaving high office," in *Dispersed Democratic Leadership: Origins, Dynamics, and Implications*, eds J. Kane, H. Patapan, and P. Hart (Oxford: Oxford University Press). doi: 10.1093/acprof:oso/9780199562992.003.0015
- Lawlor, L. (2007). *This is Not Sufficient: An Essay on Animality and Human Nature in Derrida*. New York, NY: Columbia University Press. doi: 10.7312/lawl14312
- Lawlor, L. (2022). "Jacques derrida," in *Stanford Encyclopedia of Philosophy* (Stanford, CA: Stanford University). Available online at: <https://plato.stanford.edu/archives/fall2022/entries/derrida/> (accessed August 10, 2022).
- Lustick, I. (1999). Israel as a non-Arab state: the political implications of mass immigration of non-Jews. *Middle East J.* 53, 417–433.
- Lustick, I. (2019). *Paradigm Lost: From Two-State Solution to One State Reality*. Philadelphia, PA: State University of Pennsylvania Press.
- Lyotard, J. F. (1988). *The Differend: Phrases in Dispute*. Minneapolis, MN: Minnesota University Press.
- Makovsky, D., and Satloff, R. (2022). *An Arab Leader in Israel: A Conversation with Mansour Abbas*. Washington, DC: The Washington Institute for Near East Policy. Available online at: <https://www.washingtoninstitute.org/policy-analysis/arab-leader-israel-conversation-mansour-abbas> (accessed February 10, 2022).
- Maldonado-Torres, N. (2007). On the coloniality of being: contributions to the development of a concept. *Cult. Stud.* 21, 240–270. doi: 10.1080/09502380601162548
- Matza, D. (2021). *The May 2021 Riots and their Consequence*. BESA Center Perspective Paper No. 2067. Available online at: <https://besacenter.org/israel-may-2021-riots/> (accessed June 8, 2021).
- Mbembe, A. (2003). Necropolitics. *Public Cult.* 15, 11–40. doi: 10.1215/08992363-15-1-11
- Monterescu, D. (2015). *Jaffa: Shared and Shattered*. Bloomington, IN: Indiana University Press.
- Nancy, J.-L. (1991). *The Inoperative Community*. Minneapolis, MN: Minnesota University Press.

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- Norris, A. (2000). Agamben and the politics of the living dead. *Diacritics* 30, 38–58. doi: 10.1353/dia.2000.0032
- Peled, Y. (1992). Ethnic democracy and the legal construction of citizenship: Arab citizens of the Jewish state. *Am. Polit. Sci. Rev.* 86, 432–443.
- Raz, A. (2018). *Kafr Qasim Massacre: A Political Biography*. Jerusalem: Carmel Publishing, 34–79.
- Rousseau, J.-J. (1997). *The Social Contract*. Cambridge: Cambridge University Press.
- Schachar, Y. (2022). *Dignity, Liberty and Honest Toil: Drafting the Israeli Declaration of Independence*. Sdeh Boker: The Ben-Gurion Institute for the Study of Israel and Zionism.
- Schmitt, C. (1985). *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago, IL: University of Chicago Press.
- Shachar, Y. (2009). Jefferson goes east: the American origins of the Israeli declaration of independence. *Theor. Inquiries Law* 10, 6–10. doi: 10.2202/1565-3404.1227
- Shafir, G., and Peled, Y. (2002). *Being Israeli: The Dynamic of Multipole Citizenship*. Cambridge: Cambridge University Press. doi: 10.1017/CBO9781139164641
- Sokol, S. (2022). *Israeli Cabinet Member Apologizes for Wishing 'All Arabs Would Go on a Train to Switzerland*. Tel Aviv: Haaretz. Available online at: <https://www.haaretz.com/israel-news/2022-06-14/ty-article/.premium/cabinet-member-says-would-send-all-arabs-on-a-train-to-switzerland/0000181-6169-d525-af97-f1fdad3d0000> (accessed 14 June,2022).
- Suhürmann, R. (1978). Political thinking in Heidegger. *Soc. Res.* 45, 191–221.
- Toyer, J. (2019) *Technologies of the Human Corpse*. Cambridge, MA: MIT Press.
- Weizman, E. (2007). *Hollow Land: Israel's Architecture of Occupation*. London: Verso.
- Winkler, R. (2007). Heidegger and the question of man's poverty in world. *Int. J. Philos. Stud.* 15, 521–539. doi: 10.1080/09672550701654933
- Yiftachel, O. (2021). *Land and Power: Israel/Palestine from Ethnocracy to Creeping Apartheid*. Tel Aviv: Resling.
- Zureik, E. (1979). *The Palestinians in Israel: A Study in Internal Colonialism*. London: Routledge and Kegan Paul.
- Zureik, E. (2016). *Israel's Colonial Project in Palestine: A Brutal Pursuit*. New York, NY: Routledge. doi: 10.4324/9781315661551