

The Jewish State of Anxiety: Between moral obligation and fearism in the treatment of African asylum seekers in Israel

Barak Kalir

Abstract

Since 2005 an estimated 60,000 asylum-seekers, mostly from Eritrea and Sudan, have entered Israel by crossing the border from Egypt. Notwithstanding the Jewish history of religious and ethnic persecution, and Israel being a signatory to the UN Convention for the protection of refugees, modern Israel systematically refuse to grant a refugee status to asylum-seekers. Since 2012, the tenacious hostile approach of Israeli policymakers and state-agents towards asylum-seekers has resulted in an outburst of racist verbal and physical attacks against them. This article analyses the legal and social location of asylum-seekers in Israel, by looking at the ways their position is articulated by different parties, deploying competing discourses of human rights, citizenship, security and sovereignty. The article advances that appeals – mostly made by critical NGOs, journalists and academics – to human rights, Jewish morals and historic sensitivities are counterproductive in face of attempts by the Israeli state to deport so-called 'African infiltrators'. A hegemonic ideology of 'fearism' – which brands the Israeli national narrative and informs the notion of citizenship among Jewish Israelis – lead to the construction of asylum-seekers as abject Others, who pose a threat to Jews' own right for secured citizenship that can only be guarded by an uncastrated Jewish state.

Keywords: Deportation, Israel, African Asylum Seekers, Human Rights Discourse, Jewish History

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Introduction

'Israel is a Wonderful Country for Refugees. In Theory.' This was the headline of a newspaper article in May 2006, discussing the recommendations of a special advisory committee, appointed by the government, for examining Israel's overall migration policy. One of the committee's recommendations was for Israel to expand the definition of refugee-ness and to establish an effective status determination procedure that privileges asylum seekers in case of doubt about the rigorousness of their situation. In 2006 the number of asylum seekers in Israel was estimated at a few hundreds and was not yet constituted as a major public issue. The chairman of the committee, Amnon Rubinstein, a distinguished professor of law and a former Minister of Education, told the journalist that 'Towards the refugees we hold a special obligation. We know how it was when Jews knocked on locked doors. We carry this luggage on our backs' (Wurgaft 2006). When asked about the possibility of lodging asylum seekers in residential camps 'like in Europe', professor Rubinstein replied: 'God forbid. This will be a black day for the state of Israel. What they have there [in Europe] is practically camps. We can never allow ourselves to have camps'. Notwithstanding the firm position taken by the committee on the issue of refugees, the journalist, Nurit Wurgaft, a longstanding advocate of human rights in Israel, expressed in the title of her article the scepticism she felt about the chances of the committee to change the exclusionary and rigid ethno-religious Israeli migration regime.

By 2012, the number of asylum seekers in Israel reached a total of around 60.000 and the issue of their treatment became the source of fierce political and public debates. Israel holds one of the world's worst records when it comes to the granting of a refugee status to those who escape religious and ethnic cleansing in Sudan or oppression under the authoritarian regime in Eritrea (Feldinger 2012).¹ In 2012, Israel invested around half a billion US dollar in fencing its border with Egypt to prevent asylum seekers from entering the country. It also constructed the biggest detention camp in the western world to accommodate 10.000 asylum seekers. The Israeli Prime Minister, Benjamin Netanyahu, unreservedly declared that 'This phenomenon is very serious and threatens the national security and our national identity (...) 60,000 infiltrators could become 600,000, and could bring about the elimination of Israel as a Jewish and democratic state' (Nesher 2012).² A few days later, the journalist Nurit Wurgaft (2012) called in an op-ed to stop the racist campaign against African asylum seekers: 'In our [Israeli] history classes, we learned that anti-Semitism flourished in countries where leaders preferred, instead of dealing with economic crisis, to scapegoat a distinctive minority: Jews. These days, when politicians and mayors feed a nasty wave of lies and racist defamations, I wonder whether we all attended the same school'.

Most striking in this rapid change of formulating Israel's approach towards asylum seekers – from openness and tolerance to exclusion and hostility – is the way in which the Jewishness of the Israeli state has been used for warranting both opposing stands. The Israeli political and public debate on the treatment of asylum seekers is saturated with references to a Jewish history of persecution, by the exponents of the exclusionary regime as well as by its critics (mostly NGOs). In this article I depict and analyse, on the one hand, the exclusionary Israeli institutional treatment and deportation regime of asylum seekers, and, on the other hand, the attempts by NGOs to promote more inclusive and human rights based policies. While the focus in studying modern regimes of deportation is often set on the fear they generate in an already highly vulnerable and marginalized population of illegalized subjects (De Genova 2002), my goal here is to analyse how the production of fear, in the

¹ There are multiple reasons for the increased number of African asylum seekers reaching Israel since 2006, among which are: an Egyptian crackdown on asylum seekers in 2006 pushed many of them to Israel; before the heavy fencing of the border in 2012, crossing from Egypt to Israel was relatively easy; a burgeoning smuggling network, mostly operated by Bedouins, rendered this route popular and initially also cheap in comparison to routes taking asylum seekers to Europe; Sudanese and Eritrean asylum seekers in Israel sent money and knowhow to their relative and friends, encouraging them to come to Israel.

² All translations from Hebrew to English are mine.

first place, permeates, permits and legitimises the construction of asylum seekers as deportable abject Others by the receiving nation-and-state.

The article aims to resolve two paradoxical dynamics evident in the treatment of asylum seekers in Israel. First, the need to reconcile the fact that a Jewish state—justified and founded against the backdrop of the historic exclusion and tragic persecution of Jews on an ethnic and religious grounds—is institutionally treating asylum seekers inhumanly, and is having mainstream politicians voicing extreme xenophobic statements and drafting draconian laws against the free movement and basic human rights of asylum seekers. Second, the fact that a human rights discourse and a direct appeal to the moral obligation of Jews towards persecuted Others, as promoted by different Israeli NGOs, appears not only to be largely ineffective in changing the government exclusionary approach, but there are signs that it exacerbates this very exclusionary tendency among many politicians and the public at large.

The article contends that the Israeli exclusionary institutional approach is intimately determined by an entrenched anxiety that underlies and informs the construction of the abject non-Jewish Other, whose presence in Israel poses a perceived existential threat to its existence as a Jewish state. The source of this anxiety is nourished precisely by the Jewish history of persecution that is believed to be remediated, in the aftermath of the holocaust, by the establishment of a Jewish state in the land of Israel. The Zionist-Israeli narrative makes explicit the idea that only a formidable Jewish state can secure the rights of Jews as equals in the world. It is for this historical truth, so goes the national narrative, that Israel is morally justified to guard its Jewishness; refusing to be swayed by a human rights discourse and UN Conventions that demand a more inclusive approach towards non-Jewish migrants and asylum seekers.

Several Israeli NGOs assist asylum seekers and lobby the government to promote their rights in Israel.³ As in many other countries worldwide, a human rights discourse predominantly underlies the motivation and ideological orientation of many NGOs working with asylum seekers. More specifically, in an attempt to generate humanitarian compassion among politicians and to mobilise public opinion, Israeli NGOs regularly evoke the Jewish moral obligation to combat all forms of ethnic and religious persecution ('Never Again'). While there have been some strategic gains in pressing the moral obligation of Jews, and by extension of the Jewish state, towards those who escape persecution, it is important to note the overall failure of a human rights discourse and a humanitarian compassion to resolve the crisis of asylum seekers in Israel. In fact, as I argue, references to the holocaust have unintentionally implied a comparison, even a competition, between the victimhood of Jews throughout history and that of contemporary asylum seekers from Africa. Such a comparison has been manipulated by shrewd Israeli politicians to debunk the plight of African asylum seekers and to supercharge the political and public debate with the fierce Zionist-Israeli narrative of the need to secure the rights of Jews at all costs.

The article continues with a theoretical section that is followed by a description of the Israeli policy towards asylum seekers and the attempts by NGOs to counter it. I then offer a short ethnographic vignette to illustrate the harsh daily realities that are experienced by refugees from Africa, before moving to depict the ways in which the Jewish history of persecution is being employed in Israel both in the discourses NGOs and in the militant approach of mainstream politicians.

³ Since 2008 some key Israeli NGOs have joined forces under the Refugees' Rights Forum. The participating NGOs are: ACRI - The Association for Civil Rights in Israel, Hotline for Migrant Workers, Physicians for Human Rights-Israel, The Refugee Rights Clinic at Tel Aviv University, Amnesty International Israel, ASSAF – Aid Organization for refugees and asylum seekers, ARDC - African Refugee Development Center, Kav LaOved (Worker's Hotline), IRAC - Israel Religious Action Center.

Compassion vs. Rights: how 'fearism' curtails political recognition of Others

The Israeli case study provides an extreme, but by no means unique, illustration of a larger failure of human-, universal-, fundamental-rights to form the basis for a post-national regime of citizenship (Jacobson 1996, Joppke 1998, Soysal 1994) for undocumented migrants and refugees in a world that is premised on territorial sovereign states and their corresponding national(ized) communities (Berezin 2009, Chavez 2008).

Human rights are not, as an utopian assertion will have us believe, foregoing or superimposed on citizenship rights; much to the contrary, it is a global regime of citizenship, anchored in territorial nation-states, that serves as the first grid for entitlements for individuals, who are always primarily seen as belonging to a particular nationality (Arendt 1951). It is by an appeal to humanitarian morals that a room is conditionally being created for the treatment of individuals on a different ground, that is, as humans rather than as nationals. Yet this room is always conditional because it is ratified and secured by each of the nation-states that have agreed, in principle, to the need for this exceptional legal room to exist. Nation-states are then left to strike a specific balance between what they consider to be their commitment to the exceptional room of human rights and their obligations within a regime of citizenship towards their own nationals.

Undocumented migrants and asylum seekers are bringing to a stark relief the inherent tension in striking this balance. As Agamben (1994) argues in 'We Refugees': 'If in the system of the nation-state the refugee represents such a disquieting element, it is above all because by breaking up the identity between man and citizen, between nativity and nationality, the refugee throws into crisis the original fiction of sovereignty'. For if a nation-state was easily acknowledging the claims of all asylum seekers, and including them within its regime of citizenship, then it would be blurring the distinction between its own nationals and, potentially, the rest of the world's population. This reveals the very logic of territorial sovereign nation-states as being based in the exclusivity of a national belonging to a regime of citizenship. We thus enter the realm of symbolic power, whereby states – which are able to fashion the dominant visions and divisions in society, through their control over categorization, education and policing – are forced to make the point that politically recognizing asylum seekers can only be done on exceptional humanitarian grounds (Ticktin 2006). This exceptionality reinforces the de facto moral geography in which regimes of citizenship are always located on a higher plain than that of human rights.

In the context of the *sans papiers* movement in France, Miriam Ticktin (2006) highlights an important distinction between human-rights discourse that is grounded in law and humanitarian discourse that appeals to ethical and moral obligations to help the powerless. As Ticktin shows, it is often because human-rights organizations achieve very little by trying to advance legal claims that fall on 'deaf state ears' that 'humanitarianism is forced to take on a primary role in government, largely subsuming a system based on rights' (2006:35). Ticktin rightly alerts us to the sinister logic of humanitarianism with its appeal for compassion on the basis of exceptional circumstances. This type of humanitarianism depoliticises migrants and their legal claims, falls short from questioning the existing logic of states' regime of rights, and reproduces and even augments the structural violence against marginalised subjects.

Fully sharing Ticktin's critique on a humanitarian discourse that fashions exceptionalism, I want to highlight an additional adverse effect of a humanitarianism that feeds an ideology of Othering. The implications of the inherent tension between a regime of citizenship and a global discourse of human rights is often manifested in the monstrous construction of the Other in the image of the bogus asylum seeker and 'failed' refugee. These abject Others (Kristieva 1993, Nyers 2003), like bare life of Agamben (1998), are excluded by the state by means of their very inclusion, as those who stand outside the political realm and whose presence threaten to undermine the very distinction and legal border between the inside/outside of the sovereign state. The anxiety that the threatening abject Other inflicts on those who find themselves on the inside of the national community, always arbitrarily defined (Balibar 2002), helps to produce and perpetuate the fiction of tangibility of 'us' and 'them' (Isin 2000).

The production of anxiety towards the non-national Other is therefore a crucial ingredient in the modern sense-making of national belonging. As Zembylas (2010: 32) contends, there is 'A new kind of global imaginary [that] is being shaped by the fear of the Other or what Fisher (2006) has termed fearism, that is, "a process and discourse hegemony [which] creates an experience of fear that is normalized...keeping the cultural matrix of 'fear' operative and relatively invisible"'. While fearism mostly feeds on powerful global processes – the retraction of the caring state under neoliberal ideologies (Wacquant 2010) and the widely experienced ontological insecurity that typifies a growing inability among many legal citizens to understand and plan their lives in a 'liquid modern age' (Bauman 2006) – we should empirically study the manner in which it ties in with the particular histories and national narratives of each state.

In Israel, the production of fearism is intimately intertwined with the compulsion to translate economic and political issues to their security implication for the nation-and-state. Zionism has entrenched the historic mission of Israel, in its capacity as a Jewish state and homeland, to protect all Jews in general and against the perceived imminent Palestinian/Arab threat in particular (Neuman 1998, Yiftachel 2006). When Israel began to import, since the mid-1990s non-Jewish labour migrants to replace its cheap Palestinian workforce, it adopted a harsh, exclusionary and exploitative institutional approach, predominately as an outcome of the deliberate categorisation of these workers as aligned with the threatening group of non-Jewish Others (Kemp 2004, Kalir 2012). This militant approach was manifested mostly in the operationalizing of the Israeli deportation regime that 'successfully' removed more than 100.000 non-Jewish migrants since the mid-2000s (Kalir 2010, Willen 2010a).

Although asylum seekers in Israel have never been involved in terrorism or any other activity that pertains to national security, it is not surprising that a global move towards the securitisation of migration (Bigo 2002) is very pronounced precisely in Israel; a country that experienced several wars and numerous terrorist attacks in recent decades, a society that has undergone a deep process of militarisation, and a governmental system that customarily translates most political issues into their security implications. The securitisation of migration legitimises states' increasing investment in fortifying physical borders, beefing up police units, constructing detention centres and taking other measures to perform and demonstrate their sovereignty at a time that brings it under increased pressure. Notwithstanding the Israeli political susceptibility to turn the issue of asylum se

ekers into a security one, it is still remarkable that the presence of around 60.000 asylum seekers is articulated as an 'existential threat' to the Jewish state. Such 'existential threat' is therefore only decipherable against the backdrop of the Jewish history and the 'founding trauma' (LaCapra 2001) of Israel as a homeland and a guarantor of rights for Jewish citizens (Willen 2010b).

Already by the late 1990s, there were signs in Israel, according to several scholars, that 'a decreasing number of its citizens identify with the single, socially constructed, national ethos of Zionism' (Neuman 1998: 5, see also Ram, 1998). While Zionism is certainly by now only one source for identity formation among Jewish-Israelis, it is nevertheless, I argue, that the cultural matrix of 'fear' that is at the core of the Zionism-cum-security mind-set has remained firmly operative and always ready to be re-enacted. It is this fertile potential to sway the Israeli public opinion against non-Jewish Others, under the pretext of security threats, that has been unleashed in the debate around asylum seekers from Africa, largely by the invocation of the holocaust and the notion of victimhood by politicians and NGOs alike.

The anti-Asylum Israeli Policy

In this article I refer categorically to those who reach Israel from Eritrea, Sudan and other sub-Saharan countries as asylum seekers. This is not a straightforward choice of terminology in the Israeli context. In fact, it is a major point of contention. The uncertainty surrounding the proper legal definition that applies to the status of most of those who crossed the border from Egypt into Israel results from Israel's decision to prevent individuals

from Eritrea and Sudan from submitting their asylum application. Instead, Israel opted to apply a 'temporary group protection' to all Eritreans and Sudanese. Obeying by the principle of non-refoulement, Israel recognizes the dire situation in Eritrea and Sudan, and thus refrains from repatriating citizens of these two countries back to their homelands, where they are expected to be imprisoned and tortured or face other life-threatening situations. It should, however, be noted, as it has been done by many Israeli NGOs on many occasions, that internationally the average recognition rate of asylum seekers from Eritrea and Sudan is 84.5% and 74.4%, respectively (UNHCR 2011). By imposing its 'temporary group protection' on Eritreans and Sudanese, who comprise around 80% of the total population of asylum seekers in Israel⁴, Israel not only avoids the very real eventuality of awarding many of them a refugee status, but, and more important to its institutional approach, Israel can maintain that the vast majority of them are not refugees but rather migrant workers.

Under the 'temporary group protection', around 35,000 Eritreans and 15,000 Sudanese (from Darfur, North Sudan and South Sudan) are not ensured of basic economic and social rights; they do not receive work permits, health insurance, social benefits or any provisions for shelter and food. After they cross the border from Egypt, most asylum seekers are stopped by the Israeli army and brought to the *Saharonim* detention camp in the Negev desert, where they undergo a procedure for verifying their country of origin, checking their medical state (mostly for detecting contagious diseases), and registering them in a database. Most are then released from detention and are dropped at the central bus station of a nearby city, *BeerSheva*, with a bus ticket voucher that can take them to south Tel Aviv.

The Interior Ministry issues those who fall under the 'group protection' a temporary renewable visa for three months that formally does not allow its holder to be employed. Following a petition by NGOs, the Israeli High Court ruled that those who fall under the 'temporary group protection' have the right to work in order to ensure their basic livelihood. Ironically, the validity of this ruling was limited up until the state would complete its plan to build a new detention centre, where the provision of basic livelihood can be guaranteed to imprisoned asylum seekers. However, many Israeli employers are still hesitant in providing work to Eritreans and Sudanese, not least because the Interior Ministry issued confusing statements about the legality of such employment. Many employers thus treat asylum seekers as undocumented migrants, leading to widespread exploitation and systematic violation of basic labour rights. As a result, poverty among Eritreans and Sudanese is widespread and drives most of them to reside in inhumane conditions in public parks or rundown apartments, mostly in south Tel Aviv, one of the poorest areas in Israel.

Having to endure dreadful experiences in their own countries and/or on their way to Israel under the hands of human smugglers, many Eritreans and Sudanese suffer physical and mental illnesses. Israeli and international NGOs have documented numerous cases in which Eritreans and Sudanese have been raped by their smugglers, turned into sex slaves, kidnapped for a high ransom, or even killed for their organs (HMW 2011, Lijnders 2012). In Israel, there are many families in which both parents and children suffer from severe trauma. Yet Israel does not grant those who fall under 'temporary group protection' access to public healthcare services. This means that Eritreans and Sudanese must either depend for medical care on the limited assistance offered by Israeli NGOs (especially the open clinic of Physicians for Human Rights-Israel), or do without any medical care until their situation deteriorates to an emergency state, and then be treated by emergency units in hospitals.

Amnesty International and two local Israeli NGOs have charged that 'the collective protection currently imposed on Eritreans and Sudanese is in its essence a deferred deportation order'.⁵ They cite the Israeli Parliament's Information Centre, stating that 'Israel is the only developed country that uses temporary collective protection as an alternative to

⁴ According to the Israeli records, out of 58,088 'infiltrators', 56.46% are from Eritrea and 25.91% from Sudan (Population Administration 2012). The word 'infiltrators' appears in the original government document. I elaborate on the term 'infiltrators' at the end of this section.

⁵ See 'Recommendations to the government of Israel', November 2012. Available at: http://www.asylumseekers.org/uploads/4/7/0/6/4706099/recommendations_to_the_goi.pdf

granting asylum on an individual basis'.⁶ Indeed, the legal instrument of 'temporary group protection' was devised for dealing with an abrupt and massive flow of people who flee their countries seeking shelter elsewhere. Under these circumstances, a receiving state might not have the manpower and material infrastructure to process the applications of individual asylum seekers and can thus apply a 'temporary group protection' as a first and interim step in providing refuge to large groups. In Israel, however, the inflow of asylum seekers from Africa was never massive nor abrupt. As noted by the UNHCR representative to Israel, William Tall, Israel could and should establish an orderly procedure for verifying the individual status of all asylum seekers (Efraim 2012b).

In 2009, days before Israel inaugurated its new Refugee Status Determination (RSD) unit, Yaakov Ganot, the head of the Population Administration in the Interior Ministry, voiced the official view: 'I would say that 99.9% of them [Eritrean and Sudanese] are here for work. They're not asylum seekers, they are not at any risk' (Wurgaft 2009). In the three years that followed, this sceptical institutional approach prescribed a reality in which the Israeli RSD unit processed around 14,000 asylum applications, but granted an asylum status only to 22 applicants (Nesher 2013).⁷ Many Israeli and international NGOs (including the UNHCR) have heavily criticized the unlawful and unprofessional ways in which the RSD unit deliberately worked to fail the application of asylum seekers (e.g. HMW 2012a).

The manufactured reality of there being hardly any refugees in Israel clearly results from institutional arrangements set forward by the state (temporary group protection, highly restrictive RSD unit, mighty detention/deportation regime, etc.). This reality, in turn, provides politicians with the legitimization, and for some also the vindication, for insisting that most asylum seekers are labour migrants. This circular logic is at the basis of the Israeli legal terminology and popular rhetoric that define asylum seekers as 'infiltrators'. The term 'infiltrators' comes from the Prevention of Infiltration Law that was passed in 1954, at a time when armed Palestinian groups entered Israel from Egypt and Jordan to attack Israeli targets. Palestinian infiltrators were criminalized and faced up to five years in prison for crossing the border illegally. The term 'infiltrators' not only carries highly negative meaning that is linked in the Israeli mind-set to national security and terrorism, and thus defames an entire population, but it also serves as the legal basis that informs politicians in passing new legislation. For example, in January 2012 the Israeli parliament passed an 'anti-infiltration bill' that allows authorities to detain all irregular border-crossers, including children, for three years prior to their eventual deportation. The new law has been heavily criticized by many in and outside Israel, but was nonetheless put into effect.

In 2012 the Israeli High Court rejected an appeal by lawyers from NGOs to cancel or at least postpone the government decision to deport asylum seekers to the new born state of South Sudan. Ignoring the fact that international independent studies have all indicated the life threatening situation in South Sudan, and that western countries refrain from repatriating South Sudanese, the Israeli High Court accepted the expert advice of an Israeli committee and approved the government deportation plan. On June 2012 a deportation campaign to South Sudan has been launched, and the Israeli Interior Minister celebrated it with the following statement to the press: 'In having to choose between being called "enlightened and liberal" but not having a Jewish and Zionist state, and being called "endarkened and racist" but being a proud citizen [of a Jewish and Zionist state], I choose the second option. The era of slogans has ended, now the era of actions has begun' (Weiler-Polak 2012b).

Putting aside here the multiple and evident ways in which racism is implicated in the othering and treatment of non-Jews in Israel (HMW 2012b, Willen 2007), it is clear that institutionally Israel is not busy with providing refuge to asylum seekers, but with detaining and deporting them back as soon as possible. It is also patent that in the Israeli dominant state discourse a global human rights regime is posed as being mutually exclusive with a national regime of citizenship rights.

⁶ *idem*.

⁷ While asylum applications of Eritreans and Sudanese are not processed by the RSD, in 2007 Israel decided, exceptionally, to grant temporary residency to 452 people from Darfur (HMW 2009).

Simon: The Story of an Eritrean ‘Infiltrator’

I met Simon for the first time outside the *Saharonim* detention camp in the Negev desert.⁸ Simon and three of his friends were escaping the blowing wind inside a sheltered bus station, eating from disposable silver trays the lunch they brought with them from Tel Aviv. The four men, all in their early twenties, came to *Saharonim* to visit their respective detained relatives, who were caught by the Israeli army after crossing the border from Egypt.

Simon’s wife and daughter are detained for a month now, but Simon has not yet been allowed to meet them. Detainees can receive visitors every Thursday, however, there are close to 2,000 detainees and only a few visitors are allowed in each week.⁹ Simon tried to call the *Saharonim* administration to arrange for a meeting with his family, but to no avail. Although he left Tel Aviv at 5 am this morning, to be there early on, he never made it inside the camp and after waiting six hours was told by a guard: ‘Too many visitors were allowed in; you should come again in two weeks’.

Simon has never seen his daughter Winta. He fled Eritrea when his wife Selam was 8-month pregnant. The Eritrean army called on Simon to join the ranks for what would have been a life-long military service under the internationally condemned authoritarian Eritrean regime. Refusing obligatory conscription usually leads to arrest and imprisonment. Simon first crossed the border to neighbouring Sudan where he had to pay US\$6,000 to human smugglers for transporting him across Egypt to the Sinai desert and then over the border to Israel.

After working in Israel 16 hours per day for three years, Simon saved enough money to pay smugglers to bring his wife and daughter to Israel. The price for such a smuggling operation has skyrocketed in recent years, and in 2012 it cost up to US\$20,000. Simon told me that he could find smugglers who offer their services for less money, but these smugglers were not trustworthy and the risk was higher that smuggled relatives would become victims to many of the potential abuses.

Since Selam and Winta were detained, Simon calls them every day on the phone. He speaks softly to his daughter whom he never met. ‘She is angry with me’ he tells me, ‘she doesn’t like it in *Saharonim*. There is nothing for her to do there. She is crying and shouting a lot and is asking all the time why they have to be there. She wants to go back to Eritrea’. Selam was diagnosed with ‘something in her stomach’, as it was explained to Simon, and she first needs to complete a medical treatment before she can be released. While Simon was told repeatedly by the *Saharonim* administration that his family would soon be released, Salem and Winta eventually remained in detention for ten months in which Simon regularly showed up in *Saharonim* every Thursday, but was never allowed in.

In the bus station outside *Saharonim*, Simon and his three friends are waiting for the bus to take them to *BeerSheva*, from where they will take another bus to south Tel Aviv. I approach them, asking in Hebrew whether they are heading to Tel Aviv, the four men look at me suspiciously and nod their heads faintly. Being a white-skin Israeli, I could easily be taken by them for being a state agent or an employer in search for workers. I tell them that I have been refused entry to the camp and am heading back to Tel Aviv in my car. I offer to give them a ride. After some whisperings among them, they finally thank me and we get into the car. In the car, they ask me how much I will charge them for the ride. I say that this ride is free and tell them about my work in the university and the interest I have in understanding the position of asylum seekers in Israel. The ride to Tel Aviv is long and after half an hour the

⁸ My research on the situation of asylum seekers from Africa is part of more than a decade long ethnographic research on the lives of non-Jewish migrants in Israel. For studying the situation of Eritrean and Sudanese asylum seekers, and the reactions of local NGOs, I conducted five short fieldwork stints, each of around 2 weeks, from February 2012 until June 2013.

⁹ Israel is holding more than 2,000 African nationals in detention, of which around 1,100 Eritreans and 600 Sudanese; about 1,750 are being held under the new law, which took effect in June 2012. Most detainees are being held in *Saharonim*: 1,630 altogether, of which 1,416 men, 203 women and 11 children (HRW 2013, Lior 2013).

four men ease a bit in their seats. They all speak Hebrew well and tell me that they were worried to accept my offer because they know of stories about Israeli or Palestinian people who give asylum seekers a ride and then drive to the border with Egypt, threatening to get them back to Egypt unless they pay a certain amount. Other stories are known to them about asylum seekers who accepted a ride and were robbed, kidnapped for ransom, or killed for their organs. 'Everything can happen to us, you see, and nobody will do anything about it. Nobody will even know about it' Kidane, at the back seat, summarizes the state of fear underlying their precarious existence in Israel.

After an hour of intense exchange two of the men at the back are falling asleep, while Kidane is fixing his eyes out of the window. Simon who sits in front is alert and talkative. He tells me about his dire life in Eritrea. Simon is very skinny and his eyes are deeply sunk behind pronounced cheekbones. His appearance communicates a combination of fragility and unmistakable determination. His father died in the war with Ethiopia when Simon was a small boy. His mother has taken care of Simon and his sister with much help from Simon's uncle, who fled to the USA and has ever since been sending money to the family. When it became clear that Simon could no longer escape military conscription, his mother, although old, unemployed and dependent on Simon, urged him to flee the country rather than to join the army. His uncle helped Simon to pay for the smuggling operation to Israel. The uncle first tried to get Simon to the USA but that proved to be impossible.

Simon speaks softly but with patent confidence. He is fluent in Hebrew, which he learned mostly at the different working places where he has been employed. For the past two years Simon works in the kitchen of a bohemian restaurant in Tel Aviv. Missing a day of work every week to visit *Saharonim* is very costly for Simon, who desperately needs money for his own subsistence as well as for supporting his mother in Eritrea and for paying US\$4.000 to an Israeli lawyer who promised him to get Salem and Winta out of detention.

Simon's boss 'is a good man', he tells me, 'he understands my situation and even wants to help me with clothes for my daughter'. Yet Simon is on the verge of quitting his job because an Israeli NGO, Hotline for Workers, informed many asylum seekers of their rights for a minimum wage and vacation/sickness paid days. Simon, who has always been paid under the minimum wage and never had a single day of paid leave in the two years that he works at the restaurant, asked his employer about it. He heard back that this was not applicable to people from Eritrea and Sudan. The NGO now offers Simon legal assistance in suing his employer at court. His employer already told Simon that if he chooses to insist on such rights, he can look for a new place to work. 'He got very angry with me' Simon tells me, 'he started to say that I don't appreciate everything he did for me. But I only asked what I deserve. Why shouldn't I ask it? I'm not a human being like Israelis?'

The Israeli 'Crystal Night': Racist Incitement and Attacks on 'infiltrators'

In April 2012, Molotov bottles were thrown into three different houses of asylum seekers in south Tel Aviv; one of the houses was functioning as a crèche for asylum seekers' children. The perpetrators of these racial attacks were not caught yet, but the police believed they were part of a small but growing number of residents who in previous weeks resorted to violent attacks against asylum seekers and their properties. Two weeks later, Simon and I went to visit the crèche. Simon was not sure about its exact location. 'I think it is here, wait a second, I'll check', he tells me as he goes into the backyard of a three-stories residential building. After a couple of minutes he reappears together with a lady who points us at the right direction. Two toddlers are hiding behind her, looking at me with their big eyes. Simon introduces me to Sari, an asylum seeker from Eritrea who lives in Israel for four years, running a makeshift crèche for 15 children from Sudan, Eritrea, Nigeria and Ghana. 'Did you also suffer from attacks on your crèche?' I ask Sari. 'No, no, we didn't. We never had any problem' she quickly replies and adds a rushed 'goodbye' before showing the children the way to the backyard.

From the outside it is difficult to see that the one story apartment in the middle of a quiet residential street hosts a bustling crèche with 12 Eritrean children. Signs for what happened here two weeks before can be easily detected from the burned walls in the small

front yard. Inside the crèche several baby beds are lined around the walls of a middle-sized room, while toddlers are crawling and playing on the floor. Blessing, who runs the crèche for the last two years, is a 30-year-old Nigerian asylum seeker. She lives in the back room of the crèche with her husband and two children. She tells us about the traumatic night, while serving the children lunch. 'I want to leave Israel, but I can't go anywhere. I can't go back to Nigeria and I can't get to Europe. I have to stay and work here, but I'm scared. The children are asking me "when are they going to kill us?" what should I say? I don't know what to say. We used to play in the front yard but they are now afraid to go out. I also try not to go out of my apartment. I do the shopping quickly and come back. I close the door of the crèche and then also the door of my room at the back. If someone rings the bell at night, I don't come to open it'. I ask Blessing whether the arson was preceded by threats from neighbours. 'Not at all. The neighbours were the ones who saw the fire first and came down to stop it and call the fire fighters and police. I always had a good relationship with them. There were never any problems'.

Indeed, since the arrival of thousands of asylum seekers in 2006 and up until early 2012, only a handful of violent incidents were recorded in south Tel Aviv. Importantly, south Tel Aviv hosts for decades the poor, underclass residents of the city. The area suffers from persistent neglect of its deteriorated public infrastructure, and is notorious for the presence of drug dealers and street prostitution. In the 1980s and 1990s Palestinian collaborators with the Israeli army have been relocated from the Occupied Territories to the neighbourhood. Since the mid-1990s the area became the 'capital' of undocumented migrants who reached Israel from countries worldwide in search of a better life (Kalir 2009, 2010). The inflow of asylum seekers from Eritrea and the Sudan is thus the most recent layer in this overpopulated and under-invested part of the city, where the Israeli inhabitants carry grim grievances against the municipal and national authorities. Given the dire circumstances in which different populations in south Tel Aviv are forced to live and make a living, one might actually point out the impressive calmness that characterizes public life in the neighbourhood.

The rise in violent attacks against asylum seekers cannot be seen separately from the rise in the militant and racist rhetoric employed by Israeli officials and politicians. An anti-'infiltrators' rhetoric characterised the approach of Israeli public figures since the issue first surfaced as a major 'problem' in Israel. In 2010, for example, Prime Minister Netanyahu stated that 'Infiltrators cause cultural, social and economic damage, and pull us towards the Third World...[they] threaten to wash away our achievements and damage our existence as a Jewish democratic state' (Goldstein 2010). A few weeks later, the Justice Minister, Yackov Ne'eman, voiced his concern: 'The state of Israel is facing an existential threat in light of infiltrators...we are hopeful that we will eventually implement legislation...to protect the residents of Israel from the grave phenomenon of infiltration' (Zitun 2010). And The Interior Minister, Eli Yishai, urging parliament to approve a budget for fencing the border with Egypt announced that 'The fact that only 0.01% of the infiltrators are refugees while the rest are migrant workers poses an existential threat to Israel' (Weiler-Polak 2010).

In May 2012 the rhetoric took on a marked warlike tone. After four Eritrean men were arrested on suspicion of sexually assaulting a 19-year-old Israeli woman, the Interior Minister told a radio station that: 'Most of the African infiltrators are criminals. I would put all of them, without exception, into a prison or other holding facility' (Weiler-Polak 2012a). Only days later, Prime Minister Netanyahu univocally framed the 'problem' in a cabinet meeting: 'This phenomenon of illegal infiltrators from Africa is extremely serious and threatens Israel's social fabric and national security' (Nesher 2012). On the day after Netanyahu's statement, an anti-'infiltrators' demonstration was organized in south Tel Aviv by national and local politicians in support of the 'unbearable situation'. Some of the speakers included politicians from non-coalition extreme right parties, like Michael Ben Ari (National Union) who exclaimed: 'For three years women have not been able to go to the market without having their purses stolen. Girls can't play. Young men can't find jobs'. He then led the crowd in chanting 'Sudanese to Sudan'. Yet it was MP Miri Regev from the ruling Likud party, a former Brigadier General and chief spokesperson of the Israeli army, who dangerously

inflamed the atmosphere, shouting from the podium at a tempestuous crowd: 'The Sudanese people are a cancer in our body'. Minutes later the crowd started collectively shouting slogans like 'Blacks out' and 'Sudanese to Sudan', and then many rushed in rage through the streets of south Tel Aviv beating up anyone who looked like an African 'infiltrator' (including some Jewish-Israeli citizens from an Ethiopian decent), setting on fire waste-bins and throwing bricks and bottles against shops and bars associated with asylum seekers.

Many in Israel were shocked by what some Israeli journalists and NGOs called the 'crystal night of refugees in Israel', drawing a provocative reference to the *kristallnacht*, the coordinated pogrom against Jews throughout Nazi Germany on the night of November 9, 1938. The outbreak of a racist pogrom was condemned by journalists, public intellectuals, NGOs and politicians. The Chairman of the Israeli social movement Peace Now, Yariv Oppenheimer, asked the Attorney General to launch an investigation against MP Regev and other politicians for racist calls and incitement to violence. In the aftermath of the 'crystal night', there were several anti-racism protests around Tel Aviv. Many activists and concerned citizens initiated all sorts of actions to support asylum seekers, for example, accompanying asylum seekers' children to schools, and playing with them in the afternoon.

Nevertheless, some politicians, who had exercised inflamed rhetoric, appeared unfettered by the events and continued their lashing at 'infiltrators'. One day after the pogrom, MP Danon from the ruling Likud party posted on his Facebook page: 'Israel is at war. An enemy state of infiltrators was established in Israel, and its capital is south Tel Aviv. The infiltrators are a blow to the state. We must stop, arrest and deport them from Israel before it will be too late' (The Telegraph 24 May 2012). A week after the pogrom, the Interior Minister was presented with police data, showing that crime rates among 'foreigners' in Israel stood at 2.04% compared with 4.99% among Israelis (and this without controlling statistically for the underclass position and dire situation of most asylum seekers in Israel). In response the Minister charged: 'Many women in Tel Aviv were raped by [African] foreigners but are afraid to complain [to the police] about it, so that they won't have to deal with the stigma of carrying AIDS' (Yerushalmi 2012). Since the 'crystal night' a few more houses of asylum seekers were attacked, and many asylum seekers have been beaten up for no reason by racist Israelis on the streets of south Tel Aviv, Jerusalem and other cities (HMMV 2012b).

The militant Israeli approach towards asylum seekers is constructed against a backdrop of a deeply rooted and ideologically nourished anxiety among many Jewish-Israeli politicians. Perceiving asylum seekers as posing an existential threat to Israel results in their further marginalization. It entrenches the fear that is experienced by asylum seekers like Simon, who are increasingly afraid of violence in their daily life, of an unfair treatment by employers and state agents, and of an eventual deportation that awaits them.

In the following section I demonstrate how an appeal by NGOs to the Jewish history in order to generate compassion towards asylum seekers, works counterproductively to compound militant views among many in Israel.

The Dual Jewish History: National anxiety and moral obligation

Since asylum seekers started reaching Israel, new NGOs have been established, and existing NGOs have reoriented their efforts, to assist asylum seekers in different ways.¹⁰ NGOs provide asylum seekers medical care, legal assistance, food and clothes, social care, linguistic and professional training, shelter and many more services that the state fails to secure for them. NGOs are also carrying the flag when it comes to fighting for an Israeli asylum policy that is in line with human rights standards and international conventions to which Israel is signatory. This is being done in multiple ways, including: legal appeals to the High Court against anti-'infiltrators' government legislations and police actions, drafting and publishing detailed reports and policy recommendation documents, collaborating with international NGOs and state organizations to pressure Israel to comply with international

¹⁰ For more on NGOs supporting asylum seekers in Israel and contesting state policies, see Yaron et al. 2013.

standards, and mobilizing a public campaign for the fair treatment of asylum seekers (street demonstrations, newspaper articles, cultural events, public dialogues and debates, etc.).

A discourse of human rights predominantly underlies the motivation and ideological orientation of Israeli NGOs working with asylum seekers. However, most NGOs base the rationale, if not the obligation, for their support of asylum seekers in the Jewish history of persecution and the Jewish legacy of morality and humanism. Thus, for example, the mission statement of the 'Hotline for Migrant Workers', a central NGO assisting and campaigning for asylum seekers, reads as follows: 'We see as vital the proper treatment of non-Jews amongst us (...) as part of the humanistic and universal values that Judaism teaches and on which the State was founded'. Moreover, the powerful biblical verse – 'You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt' (Exodus 22:20) – adorns almost every published report that the NGO produces. When the executive manager of another important NGO, 'African Refugee Development Centre', was selected as one of the 12 Young Israelis of the Year by the Jerusalem Post, a special announcement followed in the yearly report of the NGO, stating that the manager, Nic Schlagman, 'is very much connected to Jewish history and believes that our history obligates Israel to treat those who seek protection within our borders with dignity and respect'.

Many Israeli citizens who show solidarity with asylum seekers also ground their motivation in the tragic Jewish history. In an Op-Ed entitled 'Do not call them "infiltrators"', a private attorney Lea Miller, who volunteered as an advocate for the human rights of asylum seekers, calls on all Israelis to 'look back in the history books and remind ourselves of the treatment of Jews during the holocaust'.¹¹ In a newspaper report entitled 'Holding a Mirror to Israel: crackdown on migrants tests the core values of a nation built on refugees', one of the interviewees, Orly Feldheim, a daughter of holocaust survivors who volunteers to provide hot meals to asylum seekers in south Tel Aviv, is quoted: 'I feel I am in a movie in Germany, circa 1933 or 1936' (Kershner 2012).

This sense that the Jewish history commends a moral obligation especially on Jews when it comes to asylum seekers is also found outside Israel. 'Right Now' is a US based NGO that is comprised of Jewish Americans. In a petition that called on Israel to stop detaining asylum seekers, it was stated: 'As Jews we know that it is our duty, our obligation, to treat others as we would want to be treated in a foreign land, especially if they are people who have been oppressed, like we were so many times in our long history'.

Even within the militant Israeli political arena, the few politicians who seek to condemn the racial incitement against asylum seekers find themselves falling back on the Jewish history for making their case. After the 'crystal night of refugees in Israel', Yair Lapid, a leading politician from the new liberal, centre-right party *Yesh Atid*, posted on his Facebook page: 'I support the arrest and deportation of infiltrators...however, when I see a pogrom led by inciters like MPs Regev, Danon and Ben Ari, I wonder how they have the nerve to call themselves "Jews". They don't understand the meaning of "Jewish morals" or collective Jewish memory, nor do they understand the meaning of Jewish existence' (Somfalvi 2012). While Yair Lapid clearly shares the general government militant line against 'infiltrators' but disputes the rhetoric, other MPs, like Dov Hanin from the leftist party *Hadash* who calls for a completely different policy in favour of asylum seekers and against their demonization, also points to the Jewish history: 'The Jews were refugees themselves, how quickly we forgot our history' (Lior 2010).

The grounds for discussing the cause of asylum seekers in Israel are heedfully intertwined with a Jewish history that commands both a moral obligation towards the Other ('Never Again') and an uncompromising commitment to an ethno-religiously defined Jewish state that is believed to overcome the existential threat to the Jewish people. While many Jews resist a comparison between the holocaust and any other genocide, using the holocaust for calling attention to, and generating compassion for, the cause of asylum seekers in Israel has proven to be a successful, albeit partial and problematic, strategy (Willen 2010b). Yet the invocation of the Jewish history reactivates in a powerful manner the

¹¹ See www.news.walla.co.il/?w=/2952/2563371 (accessed 06.12.2012)

Israeli 'founding trauma' and feeds an entrenched sense of fearism among Jewish-Israeli citizens. A poll by the Israel Democracy Institute and Tel Aviv University discovered that more than half of the Jews in Israel (52%) agree with the statement made by MP Regev about 'unauthorized Africans' being a cancer in the body of Israel.

In the past two years many protests were held against asylum seekers, mostly in south Tel-Aviv. These protests are often organized by extreme nationalist politicians and activists and are mostly attended by the local Israeli residents of this poor part of the city. In these protests it is common to see people carrying posters with slogans that clearly communicate their sense of fear, or even anxiety, that is directly connected to notions of historic Jewish victimhood: 'We are scared', 'Israel is no longer our home', 'We became a persecuted minority in our own neighbourhoods', 'It is not racism, it is survival', 'If we won't act, we'll become the aliens'. Another common type of slogans shows much antagonism towards a human rights discourse: 'The UN and human rights tarnish the law in Israel', 'Human rights not on our account'.

Israeli NGOs, whose loyalty is perceived to be with the interest of asylum seekers rather than the Israeli state, are also being increasingly demonized by protesters and politicians. NGO activists and some 'leftist' journalists are being regularly scolded by politicians and citizens during demonstrations. Some activists receive hate letters and menacing phone calls, while others have been physically attacked during the 'crystal night' and on other occasions. The incitement against those who (dare) put human rights before the perceived good of the nation-state are condemned publicly, even in the Israeli parliament, as was the case when MP Yulia Shamalov-Berkovitch from the centre party Kadima, charged during a discussion on African asylum seekers that: 'All human rights activists should be imprisoned and transported to camps we are building' (Efraim 2012a). She further referred to Israelis who assist asylum seekers as 'hypocrites' that incite and pit Jews against Jews. What we see here is the expansion of fearism to engulf not only the figure of the abject Other, but also that of the messenger who delivers the 'bad news' to the sovereign.

Concluding remarks

The Israeli approach towards asylum seekers is not based on facts but is rooted in an ideology of fearism. Asylum seekers have never been involved in terrorism, nor did they pose a risk to the health and personal security of Israeli citizens more than any other sub-group in Israel. Nevertheless, their presence has been defamed and painted in dangerous colours by many in Israel. This pervasive Israeli fearism is rooted in a Zionist-Israeli narrative that, hinging significantly on the tragic history of Jewish persecution and an entrenched sense of historic victimhood, sacralised the need to protect the Jewish state at all costs from non-Jewish Others whose presence poses a perceived existential threat to the state. Under this specific Jewish-Israeli fearism, a legalistic discourse of human rights in support of asylum seekers is seen as operating in a zero-sum fashion with the entitlement of Jewish-Israeli citizens.

Israeli NGOs that attempt to raise awareness to the plight of African asylum seekers are caught discursively between a hammer and a hard place. To foster compassion and empathy for asylum seekers, they use the same historic sensitivities ('Never Again') which shrewd politicians employ for enhancing fearism. In interviews with me, some NGOs activists reflected on the 'strategic limits of using the holocaust in public debates' and the ways in which it inflames such discussions. Yet, as noted by Paz (2011:14), 'holocaust discourse, as a fundamental pillar of the Israeli society will continue to shape people's interpretive readings and the state's responses to asylum seekers'.

As I finish writing this article in December 2013, a massive manifestation of around 20.000 African asylum seekers was organized in the main square of Tel-Aviv to protest their inhumane treatment by the government. This demonstration of political consciousness is a powerful move, mostly out of despair and disillusion with the failure of human rights law to resolve their humanitarian crisis, to take 'speech and space' (Nyers 2003). Attempting to speak directly to the Israeli public and politicians, African protesters carried posters with little

mentioning of the holocaust or Jewish history, but with strong political claims, such as: 'we ask for refuge but receive jail', 'Stop colour discriminators' or 'What would Nelson Mandela have said?'. There are more reasons to believe that asylum seekers will lead their struggle for justice in the Jewish state in new powerful ways.

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