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Article:

Procedural Liberalism in the service of Ethnocracy and as a space for resistance: the case of Dahmash[i]

In the heart of Israel, on a very attractive piece of real-estate, live hundreds of people in an informal settlement named Dahmash. Although they own the land, they are not allowed to live on it – it is designated for agricultural use. The residents' attempts to legalize their settlement have been rejected time and again for years, while all around them farm land has been rezoned for building. The residents believe that the reason for this discrimination is their national identity – unlike their Jewish neighbours, they are all Palestinians. This paper looks into the tension between the Liberal and Ethnocratic forces in Israel which maintain Dahmash in its informal state.

With about 800 residents and 55 acres, Dahmash is located in the centre of Israel between the cities Lod and Ramla and the co-operative village (Moshav) Nir Zvi (figure 1). Dahmash consists of 130 buildings, including homes and "many agricultural and industrial constructions such as sheds, garages and metal collection compounds" (The building and planning enforcement unit, 2012). The land is almost entirely privately owned by Palestinian families who were internally displaced and given the land by the state as a compensation for the lands they lost during the Nakba in 1948 (the Palestinian dispossession during the establishment of Israel. On this common practice, see: Falah, 1996); some bought their land from its previous owners. Although the residents own most of the land, since 1984 it has been designated for agricultural use only, rendering the buildings illegal (Ministry of interior, 2013). As a consequence, Dahmash has no amenities such as water and sewage, street lights, electricity, roads and waste collection (ibid). The residents have no residential address but some are registered in the neighbouring city Ramla, where they receive welfare services and the children attend school. These services are presented

as a matter of fact by the state (High Court 5435/14:4, section 16), although they are also contested and in some cases the local authorities refused to provide transportation for pupils or education for an infant with special needs until the matters were settled in court (Minor vs The State [2009], AN 2399/08). The settlement is therefore informal in the sense that it is not recognised as an entity by the authorities, is not connected to basic amenities, and is illegal (Roy, 2005).

Figure 1.

Since 1996 the state has issued 13 demolition orders on constructions in the village, but most of them were held back by numerous court appeals (Subcommittee of appeals, 24.5.2012). The residents applied for a change in the land zoning and asked to be formalised as an agricultural village, but their request was turned down over and over and again; not only has the state refused on legal grounds, the regional council also rejected the residents' demand because they "are not farmers and they do not have a land that is suitable for agriculture" (Quoted in Paz, 2005). In spite of this surprising comment, the state was adamant that the land will not be rezoned for construction and will remain agricultural. The residents view this as discrimination, considering that since the mid-2000s the Lod Valley area is undergoing rapid development, with massive re-zoning of agricultural lands to residential use just across the borders of Dahmash - in Lod, Nir Zvi and Ramla (Tables 1.4.1-1.4.2 in Ayalon Highway, 2010:18-21). However, but the majority of these developments are aimed for Jewish residents.

In 2006, four houses were demolished but other orders were suspended by the Ministry of Interior, on the condition that a new master-plan is presented. The residents, with the aid of the

Arab Center for Alternative Planning[1], presented a master-plan for the village but it was not

discussed until 2009, when it was eventually turned down by the District and National Planning

Committees. In 2011 a Committee of inquiry for jurisdictional boundaries and income

distribution[2] was appointed to consider the annexation of Dahmash to Lod, and decided that

Dahmash will remain informal. In 2015, home demolition still continued.

Dahmash's encounters with the law are framed here in the context of an ethnocratic regime and

an understanding of informality as an integral part of the Israeli policy for its Palestinian citizens[3]

(Roy, 2005; Yacobi, 2007). Ethnocracy is a regime type in which a dominant ethnic group

"appropriates the state apparatus and control over capital flows, and marginalizes peripheral

ethnic and national minorities" (Yiftachel and Yacobi, 2003, 689). Such regimes, while

maintaining a degree of democratic representation, are characterised by high levels of uneven

ethnic segregation and policies that ensure the domination of the ethno-nation over contested

territory. In the case of Dahmash, various forms of injustice are on display. To look more closely

at the mechanisms of injustice, I employ Nancy Fraser's three-dimensional model of distribution,

recognition and representation (Fraser, 2009), by way of dispossession and discriminatory

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[1] The Arab Center for Alternative Planning (ACAP) is a non-profit NGO that represents Palestinian citizens of Israel on issues of planning and development. It was recognised by the Ministry of Interior as a public organisation with a legal right to intervene in official planning procedures and file objections to plans.

[2] Committees of inquiry for jurisdictional boundaries and income distribution play an important part in Israel's planning process: the committee conducts an independent inquiry into changes to local authorities, such as establishment of new settlements, mergers of two authorities or granting city status to a local authority. The committee then submits its recommendations to the minister of interior, who is obliged to explain why they might be declined, if they are.

[3] I use the term "the Palestinian citizens of Israel" rather than "Israeli Arabs", although it is used by some scholars interchangeably (e.g. Yiftachel, 1999, 286). The former term emphasises the national identity of the residents and therefore explains better the source of tension between them and the ethnocratic state (see Rabinovitz, 1993). However, it should be noted that the residents of Dahmash themselves often use the term 'Israeli Arabs' in the legal documents, in what can be seen as an attempt to fit in with the dominant discourse but also to argue for a stake in the Israeli state as citizens seeking equality.

planning policies; political exclusion; othering and spatial segregation; and denial of collective rights and identity.

Fraser (2009) identifies three distinct types of injustice: cultural-symbolic, socioeconomic, and political. Cultural-symbolic injustices are associated with domination, non-recognition and disrespect. In the case of Dahmash, planning documents ignore the existence of the village, the residents are criminalised and presented as a threat and their collective rights as a minority in a Jewish state are denied. Socioeconomic injustice concerns the unequal distribution of material resources between groups, which Fraser (2009, 58) terms "maldistribution". In Dahmash, the main issue is land allocations, but also services and development plans. These issues are prevalent not only in Dahmash but in many Palestinian settlements in Israel (Jamal, 2005; 2011; Barzilai, 2003). The third type of injustice is a later addition to Fraser's original model, which relates to political voice - or its absence: Dahmash is not recognised as a political entity and the Palestinian citizens of Israel are underrepresented in planning committees and other decision making bodies (Bimkom, 2011; Jamal, 2011; Jabareen, 2014). Fraser's analytic distinction between these three dimensions of injustice is a useful framework for a rich analysis of Dahmash's complex story.

This paper is in three parts: it begins with a discussion of the way procedural liberalism discourse is used in the legal proceedings, and then moves beyond the legal claims to a critical discussion of the way the Liberal forces - the court and the market - are working simultaneously to limit and enhance the ethnocratic agenda that impacts the village and its people. Finally, the discussion demonstrates how the special position of the court as impartial plays a role in the ongoing "attrition warfare" between the residents and different agents of the state.

The Letter of the law: Procedural Liberalism

This section demonstrates the gap between Israel's self-representation as a liberal-democracy concerned with the rule of law, and the ethnocratic conduct of many state authorities. Fraser's model (economy, culture and politics) is useful to uncover the aspects which are absent from the state replies in the legal proceeding.

When the residents turn to the courts they encounter a discourse of law-and-order, rational planning and impartiality. In political philosophy terms, the state adopts "procedural liberalism": fairness is guaranteed by applying the same procedures to all citizens, regardless of their identity (Thompson, 2006, 46). This Universalist view must be "difference-blind" and is not set to recognise differences. When the residents ask the state and courts for justice, they claim recognition of their marginalisation and discrimination, but the establishment's representatives insist on sticking to the letter of the law and shift the discourse from justice to order and procedures. Barzilai (2003) articulates this tension well – in contrast to the Rawlsian (2009) assumption of state impartiality and Israel's claims to be a liberal democracy, Judaism and Zionism are the state's main "historical and ideological tenets in law. Yet democracies are obligated to assert the concept of egalitarian 'rule of law' in order to be perceived and legitimized as fair regimes that allocate public goods based on equitable public policies. The rule of law, therefore, should not be conceived as directly discriminating against minorities" (Barzilai, 2003, 106). Interestingly, it is this normalizing pretence that creates a 'crack' through which the residents can argue their case: the special limitations of the legal system prevent the state from voicing the discriminatory nationalist considerations that are openly discussed in the political sphere outside the courtroom, both in the executive and the legislature branches. The following explores one example of the opportunities this tension holds for Dahmash.

An analysis of the legal text reveals two different narratives: the residents' and the state authorities'. These differ in terms of scope, time frame, context, identity of the protagonists, and the meaning of the story. The residents tell a story of the distress and suffering of Israeli Palestinians who are discriminated against by a national policy, and their rights denied. The words distress, suffering and rights appear 15 times in the 2014 High Court appeal – but are absent from the state authorities' replies altogether. Moreover, the residents stress that their story begins in 1948, when the land was given to them by the state to compensate for the loss of their old lands. This provides the story with a wider context of dispossession and injustice.

A very different narrative is offered by the state: this story begins in the 1990s, when rapidly growing illegal building was taking place on agricultural lands. The criminals, acting in bad faith, defied the law and manipulated the legal system to further extend their illegal building, which is against the judgement of planning professionals. Indeed, the term "bad faith" dominates the local authority's legal reply to the 2014 High Court appeal, as well as "illegal building" and "delinquency" (24 and 17 times, respectively). This choice of words, "when used by government authorities, reveals a clearly repressive intention, or hints at a menace" (Durand-Lasserve, 2006:1). The state narrative identifies the residents as criminals but hardly acknowledges their national identity, as if this is not relevant. Instead Dahmash is discussed as a planning issue: professional planning is mentioned 20 times as the key consideration. This narrative dominates a large number of formal documents; in one case the residents are criticised for presenting themselves as victims:

> "The petition in question is not racist but 'just' a property petition. The
> petitioners are 'just' offenders of the building code and not 'race' [sic]
> offenders. The respondents are not 'heartless', 'jealous', 'racist' etc. but 'just' a

planning and building committee that rejects a plan for mere planning reasons"

(section 6 in Lod Valley Regional Council response to the court, 2012).

While this response is particularly blunt, the vast majority of court rulings on the matter (e.g. 2005, 2006; Regavim v The State, 2012; Subcommittee of Appeals, 2012; High Court 2014, 5435/14) represent the same view: the calls of discrimination silenced by calls to defend the rule of law and equality. Various judges presented a consistent position that the court must prevent the creation of "facts on the ground" and may not delay the execution of administrative orders (e.g. Al-wakili v the state, 12.11.06). Several judges criticised the residents for persistently delaying the legal proceedings in efforts to stop the demolition orders, and asserted that the constructions must be demolished prior to any discussion in the formalisation of the village.

An exception to the state's and courts' general approach is a district court ruling by Judge Dotan from 2008, who noted that "the fact that (…) the petitioners' land is designated as agricultural land is not predestined. The Planning and Construction Law recognises the possibility of land rezoning" (Neve Atid-Dahmash association v The State of Israel, 30.1.2008). Interestingly, this ruling is one of very few formal texts in which Dahmash is referred to as a named village and not in vague or negative terms such as 'building in the Lod Regional Council" (High Court, 2005) or 'land invaders next to Nir Zvi' (Lod Valley Regional Council, 27/9/05). It therefore represents a different political philosophy – a politics of recognition. While the authorities deny that a village named Dahmash even exists, the residents' most urgent claim is to resolve this tension by legal recognition. But will it suffice? Scholars of informality are sceptical about it.

Steps of "affirmative justice", as suggested by Judge Dotan and the residents, are legal acts with limited distributive implications: they only promise that the residents will legally own their

houses. Mere legal recognition, argues Roy (2005, 152), is only a starting point – affirmative but not transformative. In other words, a legalist solution that secures ownership can only be just if it is enhanced by structural redistribution, political representation and cultural recognition.

While the residents of Dahmash are certainly aware of the more delicate issues of recognition, they have more burning issues to address first: saving their homes from the bulldozers. Legal recognition may be the first step on the road to parity of participation, but it is nonetheless an important step. At the moment, the residents lack basic needs and suffer from severely deprived sanitary conditions and a constant threat of home demolition. This threat is a typical dynamic of informality: "every-day politics of resistance punctuated by the threat of systematic yet episodic expulsion and displacement" (Kudva, 2009, 1618). In such conditions, the residents cannot fully secure the most basic needs of safety and security and therefore focus on survival (Merrifield, 1996). Even if this is its only merit, legal recognition will remove the threat of home demolition and this achievement should not be undermined.

Moreover, the legalisation model can be dangerously arbitrary. Roy argues that calls to allow exceptions to the law position the state as a graceful sovereign "outside the law" (Roy, 2005, 149) and therefore extends the state's power to determine what is legal and what is not: "legalisation of informal property systems is not simply a bureaucratic or technical problem but rather a complex political struggle" (ibid, 150). This leads to the political dimension of Fraser's model, which "furnishes the stage on which struggles over distribution and recognition are played out" (2007, 21).

The law and Ethnocracy

The following two sections focus on the tension between two sets of power in Israel: the ethnocratic political system on the one hand and the (potentially) Liberal forces of the judiciary and the market on the other; while the Liberal camp is allegedly 'difference blind' and driven mainly by material interest (the market) or its role in a system of checks and balances (the judiciary), the following demonstrates how the two camps are not strictly oppositional but rather interact in complex ways. Let us begin with the impact of Israel's ethnocratic regime on Dahmash.

The plights of the people of Dahmash started with a political-distributive issue when their parents lost their lands in 1948, and continued with discriminatory planning policies and land allocations. How was the law used to justify and promote ethnocracy? To answer this we start with a quote from Arafat Ismail, chair of the Dahmash residents' committee:

> "We've been living in limbo for 40 years… and it all happens in 2014 in a state that is allegedly a state of equality but in reality it's just a dead letter. You want us out of here? Cancel the deal you did with our parents and give us back the lands you took from us" (Quoted in Elbling, 2014).

Ismail refers to a pivotal point in the dispossession of Palestinians in 1948. The law played an important role in imposing and legitimising Jewish political and territorial domination in Israel (Forman and Kedar, 2004). A main tool for this project was the "Land Acquisition Bill" (1952), which implicitly meant that land could not be returned to its owners due to "needs of security and essential development". The bill had two goals: "to establish a legal basis for the acquisition of this land and to provide its owners with the right to compensation" (State of Israel, 1952, 234 In: Forman and Kedar, 2004, 820). In the case of Dahmash, this legislation sowed the seed for

further injustice, because the families were resettled on agricultural lands without houses or building permission. Jamal (2011, 122) notes that indeed by the mid-1990s – the time the building in Dahmash was expanding – third generation displaced Palestinians were struggling "to buy or build a house due to land shortage, thus bringing the displacement and land loss issue to the fore".

Dahmash is not the only Palestinian settlement facing building limitations: between 1948 and 1995, only 0.25% of the state's land was appropriated for its Palestinian citizens (Jamal, 2005:157), a phenomenon which Yacobi terms a "no-planning-policy" (Yacobi, 2007:34). Moreover, existing Palestinian settlements suffer from significantly smaller jurisdiction areas than Jewish settlements: only 2.5% of the state's territory, while the Palestinian population constitutes over 18% of the entire population (Bimkom, 2011). According to records on the Israel Land Authority website, many agricultural lands around Dahmash were rezoned for residential building since 1995 – for example, just across the railway to the south of Dahmash, 35 acres were rezoned for a new neighbourhood in Ramla. Most of these developments are, in practice, for Jews only (Ayalon Highways, 2011, 18-21; Tzfadia, 2008). It is therefore not surprising that when the people of Dahmash submitted their master-plan for a new Arab village, the national planning committee declined it with the argument that "there is no justification to establish a new settlement" (Ministry of Interior, 2013, 21).

The matter of establishing a new settlement is central to the legal debate over the fate of Dahmash, although the state's legal replies never address the problems of urban development for the Palestinian citizens of Israel, nor Israel's Judaization agenda. One of the state's main legal and planning arguments regarding Dahmash is that recognising it will not only valorise illegal building in retrospect, but will go against the national planning policy: "a guiding principle for

this policy is significant preference of expanding and strengthening existing settlements and avoidance, except from special exceptional cases, from developing new settlements" (2014, 5435/14:19, section 17). The residents argue that the plan is not neutral and the state discriminates against them as Palestinians, for while the state refuses to recognise Dahmash as a new settlement, the Israeli government has approved the establishment of other settlements (5435/14, 12, section 60). The state sharply dismissed this claim as "not sufficiently founded. The petitioners use the names of several settlements that were recently established following a government decision in recent years but do not clarify what these settlements have in common with Dahmash, which may necessitate similar treatment" (High Court, 5435/14:22, section 81). However, a closer look hints that these settlements are treated differently exactly because of what they did not share in common with Dahmash: all these new settlements are for Jewish people only, and are part of Israel's Judaization agenda: Kasif, Hiran and Mitzpe Ilan are specifically planned as Jewish religious communities in the frontiers of Israel, where Israel is aiming to increase the Jewish presence (Evans, 2006), and Zur Yitzhak is part of the "stars plan" to develop a line of Jewish settlements along the Green Line.

These distributive injustices resulted from political injustice in the procedures that structure public processes of contestation (Fraser, 2007, 20). The planning mechanism in Israel discriminates against Palestinians in several ways: Palestinian citizens are severely under-represented in planning bodies, which arguably explains the low budgeting for Palestinian settlements and the limits on master plans for Palestinian settlements in Israel (Bimkom, 2007). Such policies limit the agricultural land reserves as well as the reserves for construction, therefore leading to illegal building in the absence of legal options (Jamal, 2005).

Political representation and distribution are tightly linked. Any attempt to establish land appropriation policies on principles of distributive justice will clash with Israel's ethnocratic politics. This is demonstrated in a straightforward interview of Eran Razin, who chaired the jurisdictional boundaries committee for Lod Valley which discussed the suggestion to annex Dahmash to Lod:

> "Many MKs [Members of Knesset] talk in the Knesset about distributive justice, but if an objective formula for distributive justice was really in place, where would the money go? To the Arabs (…). Unless we want to lead the state down a self-destructive path, I do not recommend opening to discussions the borders of all the local authorities in Israel" (Efrati, 2013).

Razin's words resonate with Fraser's (2009) analysis: redistribution without recognition is limited because it does not lead to equal participation; likewise, symbolic recognition which does not translate into material benefits remains unjust.

Following the distributive and representational dimensions, the third dimension of Fraser's scheme is cultural recognition. As Yiftachel shows, informality is maintained by a contradictory discourse: "on the one hand, professional and political denial (of its very existence, as well as the denial of services, status or legitimacy), while on the other a persistent discourse of 'othering', and an occasional 'performance' of punitive threat" (Yiftachel, 2009, 91). The state's denial of the existence of Dahmash was discussed above, as well as the denial of services and legitimacy. The following are examples of othering and criminalisation.

The state recognises Dahmash mostly in a manner Yiftachel et al. (2009, 126) term "hostile recognition" – constructing the group as a threat. The authorities' attempts to criminalise the

residents encompass a range of offences, from a direct consequence of the village's unrecognised status like burning waste in the absence of waste collection services (Ministry of Justice, 2011) to complaints that "the residents do not cooperate with enforcement officials" (Ministry of Interior, 2012). The Regional Council even argued that "in a police activity in the place over 100 illegal workers were found. Bigamy is the norm in the place. Severe damage to the environment; centre for metal thieves and metal dealers" (letter to the state attorney's office, 30.5.2010). This grim picture, however, is not supported by the police reports that "there is no exceptional criminal activity in the neighbourhood" (Ministry of Interior, 2013, 16).

Othering is used both to discredit Dahmash's claims and to maintain a Jewish majority in mixed-cities such as Lod and Ramla. "Mixed-cities" are Palestinian cities prior to 1948 that became dominated by a Jewish majority and subject to a persistent policy of Judaization and segregation (Yiftachel and Yacobi, 2003, 673; Yacobi, 2007). When the Committee of inquiry for jurisdictional boundaries and income distribution discussed the proposal to annex Dahmash to Lod, most parties objected. The villagers wanted to be recognised as a village, and the Jewish residents resented more Arabs in Lod: one Jewish Lod resident said it will "establish the negative image of the city" (Ministry of Interior, 2013, 16), while another was concerned about living with "hundreds of people who don't take responsibility on their lives and their children's life", adding that "Lod has just embarked on a new way of development and strengthening the Jewish majority, and have a lot to lose from including an Arab population that might fail the new leadership in democratic elections" (ibid, 17). Below I discuss segregation again as it reappears in an economic guise.

Alongside disrespect towards Palestinians in Israel, the major issue of recognition is Israel's refusal to recognise the Palestinian Nakba – which brings us back to our starting point and shows

how inseparable distribution, recognition and representation are. When Ismail offered to strike a new deal with the state he was seeking recognition of the injustice done to his family and to Palestinians as a whole. But the Nakba and displacement of Palestinians – like other marginalised groups – are "totally absent from the planning discourse" (Yiftachel et al., 2009, 121). In this political climate, Ismail's claim is more defiant than realistic and should be taken as a call for symbolic recognition rather than a plan for redistribution.

Economic: The rule of the market

This section now turns to look at another Liberal force in Israeli society – the market economy. Can the market be indifferent to national identities in its quest for capitalist accumulation? Residents and activists are concerned that development plans trigger demolitions to make way for profit (Tarabut, 2010b; Knesset Interior and Environment Committee, 2005a). The main issues involved here are plans to construct a road on parts of whose land and a neighbourhood across the railway, involving land expropriation, home demolition and cutting the access road to Dahmash. The argument here is not that the whole Zionist project is a form of accumulation by dispossession (as Torres (2013) suggests), but rather part of a larger picture which cannot be reduced to economics; using Fraser's model, economic injustice is analysed in what follows on the axes of distribution, recognition and representation.

Dahmash is standing in the way of development. The land is situated near Lod and Ramla, which have enjoyed a real-estate boom in recent years as a result of a housing crisis and increasing demands for housing in Israel's central district, and is only a short drive from Tel-Aviv, where housing prices are rocketing. The Regional Council told the press that the settlement in Dahmash "prevents the construction of Road 200 (…) and prevents economic development for thousands

of people each morning. The council's stance is that all illegal structures should be demolished"
(Quoted in Persman, 2010). This stance was repeated in 2014 when the state claimed that Road
200 is "of essential importance for the development of the city of Lod and is supposed to enable,
among other things, the development of Lod's northern industrial area" (High Court 5435/14, 3
section 13).

In planning documents and the local authority's website, the road is also presented as a necessary
step for the development of Lod, and especially the new industrial area. The road, promise the
developers, is essential to developing more jobs and housing (Ayalon Highways, 2010, 74). In
the review reports for the road (Ayalon Highways, 2010; 2013), Dahmash is mentioned several
times, either directly – as a scenic hazard for drivers on the road (Ayalon Highways, 2010, 69) –
or as a nameless "land use conflict", colour-coded as green agricultural land (Ayalon Highways,
2010, 11, figure 2). Thus Dahmash's informal status is used to justify the development and
explains why all three proposed routes cut through parts of the village (Ayalon Highways, 2010,
72). By establishing the space as informal and criminal it is marked as "other", allowing
exploitation (Harvey, 2003, 151).

Figure 2

On the other side of Dahmash, another development is threatening to cut through the village: a
plan to construct a large bypass linking to Road 200, with a series of ramps and a long pedestrian
bridge, that according to the residents will require the demolition of 17 houses, while denying
them the possibility to link to the road and get through to Ramla (The Knesset Internal Affairs
and Environment Committee, 2005a). The residents are convinced that the motivation for this
plan is the development of "Mitham Maccabi", a new neighbourhood where 888 housing units,

commerce and business is planned (Ramla website). Here, on top of the danger to their homes, the land that they own will be expropriated to make way for the ambitious bypass. The plans for the new developments have been awaiting approval for over a decade now, but Dahmash residents are frustrated at the local authority's enthusiasm to rezone this land. According to the Town Plan, the development will include rezoning of agricultural and nature areas to dwelling and commerce, public building and roads. The residents see this plan as proof that the local authority and the regional planning committee are acting in bad faith when it comes to rezoning Dahmash.

Figure 3

While the state authorities present development as essential, these developments raise two matters of recognition: ethnic segregation and recognition in collective rights. "The activity in the place [i.e. the existence of Dahmash] prevents the development of Ramla due to contractors' unwillingness to build next to the place" – so the Regional Council is quoted in a legal response to the court in 2012 (section 17). The assumption that Arab neighbours will lower the value of the houses and reduce the attraction of the development is well recorded in research (Tzfadia, 2004; Yacobi, 2003). Other housing developments in Ramla were marketed to army veterans, therefore excluding the Palestinian citizens who do not serve in the Israeli army (Knesset Economics committee meeting, 27 June 2005). This ethnic mechanism not only increases misrecognition and disrespect, but at the same time also enables privileged communities to maintain and increase the value of their property (see Ghertner, 2012).

Jamal (2005) raises the second issue around recognition and development. The policy of constructing bypass roads around Arab villages and cutting them off from major transportation

routes falls under the dimension of (mis)recognition: "the very definition of Arab expropriated lands as a Jewish national resource is a grave insult to the Arab citizens' identity and their historic and spiritual connection with the land" (Jamal, 2005, 158). This policy returns to questions of ethnocratic politics that fall under the dimension of (mis)recognition. Here distributive justice is not enough, argues Jamal: what is required is restorative justice.

Conclusion

In February 2013, a jurisdictional boundaries committee submitted its recommendations for the informal village of Dahmash to the Israeli Ministry of Interior. The committee discussed a proposal to annex the village to the nearby city Lod, but following wide objections, it was rejected. Three options remained: formalise the settlement as a recognised village; demolish the illegal buildings altogether; or maintain the status quo. The committee chose the third option, leaving the village in its informal status (Ministry of Interior, 2013, 21).

The committee's conclusion is a striking example of the way informality is maintained. The story of Dahmash is part of a systemic discrimination against the Palestinian citizens of Israel, in terms of land allocations, cultural recognition and political representation. More importantly, though, the case of Dahmash is particularly well-positioned to allow a close look into the complex complementary and contested relations between ethnocratic and liberal forces in Israel. Beyond the two competing discourses presented to the court of an oppressive state or delinquent residents stretch complex contradictions that maintain informality in the tension between these forces.

The legal struggle of Dahmash rarely yields success for the residents; the countless legal petitions they have submitted raises the question of whether indeed the law functions not only as

"a force for status quo and domination which must be contested" but also as a "space for resistance" (Rajagopal, 2005, 183). There is room to argue that it is, to some extent: the residents have little power to overturn decisions, but they effectively delay their execution and voice their experience of discrimination. In the tension between the Liberal and Ethnocratic forces, the informal space holds back home demolition but never achieves legitimation or security.

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