BARE LIVES

Women without Status in

Haifa and the North of Israel

Research Report - Summary

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אשה לאשה אמן צמרה
מרכז פמיניסטי חיפה
المركز النسوي حيفا

The 'Women Without Status' Project

The 'Women Without Status' project assists women with temporary or no legal status, and advocates to change legislation and promote policies that advance their rights, safety and well-being. The project operates on several fronts: promoting access to medical care, welfare services and other services that provide protection; promoting workplace rights; promoting protection of women who are dependent on their spouses and are at high risk for domestic, physical, emotional, and/or financial violence; reducing the social isolation of women without status; facilitating Hebrew courses; and facilitating hands on workshops in areas such as employment rights, social rights and legal rights. In addition, the project promotes networking and the development of inter-organizational infrastructure which involves civil society organizations as well as health and welfare officials in the north of Israel.

Isha L'Isha — Haifa Feminist Center

Isha L'Isha — Haifa Feminist Center, established in 1983, is the oldest grassroots feminist organization in Israel. Based in Haifa and serving women in northern Israel, the organization nevertheless has national reach because of its focus on implementing system-wide solutions. As a result, Isha L'Isha has national influence, reaching target audiences throughout the country.

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Bare Lives: Women without Status in Haifa and Northern Israel is a research report based on a study conducted between November 2018 and June 2019 as part of a project on women without status at Isha L'Isha – Haifa Feminist Center. The study focused on three groups of women who do not have access to permanent status or residency in Israel. The first group is Palestinian women from the Occupied Palestinian Territories (OPT) who are married to citizens or permanent residents of Israel, who fled from persecution, or who arrived

with family members who entered Israel legally. The second group consists of asylum seekers from Africa, mainly from Eritrea, and the third group comprises non-Jewish women from the Former Soviet Union (FSU) who were either trafficked into Israel for the sex industry, or who separated from Israeli spouses (in some cases due to intimate violence) such that their naturalization process was interrupted. Each group has a distinctive arrival characteristic and story, and each story is treated and classified differently by the laws and procedures that regulate these women's stay. In other words, the day-to-day life of Women without Status (WWS) is affected by their ethno-national belonging, by the method by which they entered Israel, and by their legal situation.

WWS live at the periphery of Israeli society and do not benefit from the achievements of Israeli feminism (Kritzman-Amir et al., 2013). The Israeli asylum policy and the Citizenship and Entry into Israel Law put WWS at risk in the domestic, public, and employment arenas. They suffer from exclusion, discrimination and violence, which are perceived as pathological phenomena and a feminist concern with respect to Israeli citizens. They are not protected by employment laws, do not enjoy affirmative action, their vulnerable position is not acknowledged, and their exposure to sexual or intimate

violence is met with indifference by law enforcement authorities (ibid, p. 334). Most of them do not have access to education and they struggle to work while caring for their own children. Many are relegated to pink-collar positions, such as caring for elderly people and children, cleaning, housekeeping, and sex work, particularly trafficked women whose arrival in Israel is associated with the violent loss of freedom, autonomy, and control of their bodies. In many cases they are employed in poor working conditions and are deprived of the full rights and benefits granted under Israeli Labor Law (ibid, p. 338).

The Research

This report is based on fieldwork and data collection from diverse primary and secondary sources. Interviews were held with 10 WWS in Arabic, Russian, Tigrinya, English, or Hebrew, according to their preference. Interviews and conversations were held with three welfare and health service providers and frontline managers as well as with three civil society / humanitarian aid workers. The researchers utilized participant observation in events involving women (and people) without status and at the WWS Forum, which comprises representatives of civil society organizations

and state agencies. Additional sources were information published by humanitarian aid organizations; legal petitions; and the field notes of the researcher (Ruth Preser) and the project coordinator (Ayala Olier). The report offers a feminist perspective on the question of legal status and the means by which WWS, civil servants, and civil society agents cope with women's lack of such status.

The majority of writing on people without status in Israel has focused on those sharing the same ethnic or national background, or similar arrival stories (e.g. asylum seekers, work migrants, trafficked women, Palestinians from the OPT, or survivors of intimate violence). By contrast, the 'Bare Lives' report adopts a gendered perspective as the point of departure. During the fieldwork, it became clear that the category of status is hard to define because continuous amendments to regulations and procedures, on the one hand, and under-regulation on the other hand, interact to create ambiguity. Rather than exploring status as a mere legal standing, the report explores the way in which it materializes in everyday life and suggests that status and its lack thereof are the outcomes of recurring events, interactions and actions, instead of coherent, stable and oppositional categories. In addition, the report explores the

formal and informal tactics and infrastructures that emerge in response to institutional abandonment.[1]

The report has three chapters. The *first* chapter reviews the terminology that underlies Israeli entrance and residency policies as well as the arrival and stay characteristics of each group, from a gendered perspective. The *second* and *third* chapters present our findings. The *second* chapter answers the question: what is status? Presumably it is a legal standing, but in fact it is a complex and changing reality, not only because different women hold different stay permissions, according to their ethno-national affinity and the 'story' they embody, but also because status and its lack thereof are not a static or definitive concept. Rather, status, according to the testimonies of WWS as well as service providers and humanitarian workers, is an event that occurs and recurs daily, and in many cases established already in the homeland or place of origin. Since ambiguity surfaced time and again in our fieldwork, this part analyses bureaucratic frameworks and institutional procedures that deprive WWS of access to safety and dignity. The *third*

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[1] Institutional abandonment relates to institutional practices and policy making that discard unwanted populations (Biehl, 2005; Giroux, 2006).

and concluding chapter of the report examines the formal framework of emergency policies that extend services to WWS. It explores the moments in which WWS acquire visibility and recognition and the institutional norms and regulations that are leveraged by humanitarian activists and service providers in order to provide (limited) protection and (temporary) belonging. This part provides a basis for the future development of ideas and strategies for action.

Status in Israel

Israel is an ethnocracy, which means that ethnicity is the foundation for legal status and belonging (Yiftachel, 1998). Despite exhibiting several democratic features, fundamental democratic tenets, such as equal citizenship and protection against the tyranny of the majority are breached and the regime facilitates non-democratic seizure of the country and polity by one ethnic group. The hegemonic effort to Judaize Israel/Palestine maintains a deliberate pursuit of ethnic migration and settlements and determines the relations between various Jewish and non-Jewish ethno-classes (ibid., pp. 364-5). Hence, laws that regulate entry and residency are among the central mechanisms for maintaining a Jewish majority (Yiftachel, 1998). As legal status is the key to personal,

economic, and social security, it can be understood as a sorting device, which marks distinction between members and outsiders and, thus, bears an exclusionary aspect (Bauböck, 2006, pp. 16-17). Three complimentary laws underline ethnic classification and hierarchy in the Israeli state. The first is the *Law of Return 5710-1950* which grants automatic citizenship to all Jews, and which was soon followed by the *Entry into Israel Act 5712-1952*, which determines the requirements for obtaining a visa and governs entry into and expulsion from Israel for those who are not Israeli citizens or do not meet the requirements of the Law of Return. The third and most recent law is the *Citizenship and Entry into Israel Law (temporary provision) 5763 − 2003* which determines the procedures applying to the acquisition of citizenship by non-Jews and which aims to restrict marriage between Palestinian citizens of Israel and Palestinians from the OPT (the West Bank and Gaza Strip), so as to preserve Jewish demographic majority and supremacy. De facto, this law prevents family reunion for Palestinians (Dreispitz, 2010).

Findings

Three significant findings emerged from the analysis. *First*, status is anything but a stable category. In the case of

WWS, status relates to bodies that have been demonized in public discourse, a demonization that justifies institutional abandonment. We named the position occupied by WWS 'bare life', following Giorgio Agamben's conceptualization, which describes human life stripped of legal status and rendered an exception to the law. It is a suspension of the law that serves to outline the borders of a political community (Agamben 1998, 28, 18). Bare life may account for moments in which legal norms do not apply to WWS, for example: paying them less than minimum wage; a traffic accident that is not reported by police officers present in the arena; a pregnancy termination committee held without translation;[2] health procedures undertaken without informed consent; neglect during hospitalization; and deprivation of rights during arrest and detention. It is important to note that such cases in which the law or the norm is suspended and WWS are stripped of their rights concur with their exploitation in the sex industry,

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[2] In Israel, induced abortion is performed in accordance with the Penal Law and requires the consent of a Termination of Pregnancy Committee. It is also required that the woman receives explanations from the physician, that she signs an "informed consent form" for the performance of the induced abortion, and that she acknowledge receiving a detailed and understandable explanation prior to signing – as is accepted for any medical procedure of this type. See: State of Israel Ministry of Health, "Induced Abortion". https://www.health.gov.il/English/Topics/Pregnancy/Abortion/Pages/default.aspx

or as underpaid workers in cleaning, care and other service industries (Kritzman-Amir et al., 2013; Parvulescu, 2014).

Another feature of bare life is fear: WWS fear the approach of state authorities, accessing services, demanding their rights, or even maintaining boundaries in everyday interactions, lest, in turning the authorities' attention to themselves, they invoke abuse or retribution rather than welfare and justice. In other words, one of the predominant consequences of having no legal status is the renunciation of social agency and initiative. This becomes more extreme for mothers, as some of the interviewees asserted, as their learned helplessness damages their parental functioning and capacity to protect their children. They describe the paralyzing effect of threats hurled at them in everyday interactions, mostly threats to turn them in to social welfare or the police. For example: when WWS renounce child support out of fear that it might provoke the father of their children to sabotage their effort to acquire a stay permit or status; when WWS withdraw a sexual harassment complaint so as not to lose their job; when WWS complain that their children were sexually victimized and are then threatened by the authorities with psychiatric evaluation and with deprivation of custody. Therefore, status is not merely a biographical or legal fact, it is not simply determined

by formal rules and regulations, but rather is the outcome of social relations and interactions. In other words, status is the outcome of recurring practices mediated by bureaucratic frameworks and gate keepers, which are mobilized to actively situate WWS as less than human (Weheliye, 2014, p. 8). Status, accordingly, is the result of constant classification that determines who is entitled to be treated according to the law, and who might be deprived of human dignity, and be exposed to violence that does not count as a crime (Weheliye, 2014; Ziarek, 2008, p. 90).

This leads to our *second* assertion, that the constant threat of violence is, in itself, a form of violence. Conceptualized also as structural violence, this form of violence, which is mediated by bureaucratic formations, is understood as a normative and standard institutional mode of operation and, thus, is not perceived as violence, but rather as legitimate acts by state agencies (Herzog, 2004, p. 45). The use of structural violence involves inter-organizational cooperation between the police, the courts, the welfare and educational systems, as well as the capacity to allow arbitrary decisions, and thus to avoid the kind of debate, clarification, and renegotiation typical of more egalitarian social relations (Graeber, 2012, p. 115; Herzog, 2014, p. 46). In other words, the constant fear from potential

violence has violent effects, and the threat of violence plays a crucial, constitutive role (Graeber, 2012, p. 113). As a result, WWS occupy a liminal position: on the one hand, they are abandoned by state institutions, 'ghosts' or 'living under the radar' as one of the humanitarian workers defined it; on the other hand, as unwelcome foreigners, they are classified as a threat to the ethnocratic state, and thus acquire hyper visibility. This position requires a constant 'interpretative labor', namely, ongoing efforts by the subordinate WWS to imagine and understand the hegemonic standpoint as a means of prediction and survival (Graeber, 2012, p. 117–118).

Nonetheless, a parallel logic emerged in our analysis, an interpretative work performed by service providers and humanitarian workers, that is not congruent with the hegemonic standpoint, and which forms our *third* claim. Two formal classifications are leveraged by service providers in order to extend (limited) services and protection to WWS: the framework of intimate violence and the framework of children at risk. Both are articulated through institutional definitions of a state of emergency that require intervention. Both are leveraged by service providers in order to expand access to welfare, health, and economic aid. By interpreting emergency regulations that relate to women and children

at risk, a complementary infrastructure emerges that relies on human collaborations and alliances between WWS, civil society, and state agency actors. Termed also 'people as infrastructures' (Simone, 2004), this practice and interpretation evolves where formal policy fails, and as a response to pressing needs and harsh reality. Thus, the formal logic of a state of emergency becomes the platform for innovatively interpreting formal policies. This reveals a potential for reciprocal efforts and collaborative practices and emphasizes how ongoing interactions that were previously unimaginable or more constrained can occur among actors in multiple social positions and may design unpredictable infrastructures and create trajectories of participation and belonging (ibid, p. 407–409).

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